

SWIMMING WA

BY-LAWS AND BOARD POLICIES

1st October 2018

Prepared By

| Document Owner | Organisation Role |
|-----------------------|--------------------------|
| Board of Directors | Swimming WA Leadership |
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Document Location

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| Version | Date | Author | Change Description |
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| 4.0 | 28 Aug 14 | J Williams | Separation on policies to reflect Board and Executive post adoption of new Constitution. |
| 4.1 | 18 Dec 14 | J Williams | Inclusion of new Membership Category at By- Law 5.5 as resolved at Board Meeting of 16 Oct 2014. |
| 4.2 | 17 Sep 15 | J Williams | Inclusion of new Membership Category at By- Law 5.5 as resolved at Board Meeting of 20 Aug 2015, Item 14.5. |
| 4.3 | 29 Sept 16 | D Beazley on behalf of the Swimming WA Board | Complete overhaul to ensure By-Laws are contemporary and relevant including amendments to By-Law 5.1 By-Laws, 5.2 Member Clubs, 5.3 Compliance of Affiliates, 5.4 Compliance of Regions, 5.5 Register of Associate Members, 5.10 Member Club Fees. |
| 4.4 | 1 Oct 18 | D Beazley on behalf of the Swimming WA Board | Updates to ensure By-Laws are relevant and current. |

Approvals

Approved by:



L. van Aardt
President
 Swimming WA

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I. PREAMBLE

- 1.1.** These By-Laws have been designed by the Board of Swimming WA (SWA) under Rule 21 of the Swimming WA Constitution (May 2016). They are binding on Swimming WA and all Members of Swimming WA. They are to be interpreted in accordance with the Swimming WA Constitution, in particular Rule 4 (Interpretation) and Rule 21.1 (Authority to Act). In the event of a conflict between these By-Laws and the Swimming WA Constitution, the Swimming WA Constitution shall prevail.

The Swimming WA By-Laws support the direction of the Association in accordance with the Strategic Plan.

2. SWIMMING WA BY-LAW AND POLICY SUMMARY

- 2.1.** This document strives to provide the Swimming WA community with a succinct set of By-Laws (the Rules of the Association) and Policies (the Position of the Association) that can be used by all Swimming WA Members, Swimming WA Management and staff to implement the components of the Strategic Plan and achieve outcomes providing sustainable long-term goals and growth of the sport across the State.
- 2.2.** Policies may be outlined in this document or in separate documents appropriate to the Association's requirements. Swimming WA will endeavour to work within the operating pathway identified at Appendix A.
- 2.3.** The principle of these By-Laws and Policies will be achieved through:
- a) All Swimming WA Club Members being Members of the Association.
 - b) Swimming WA acknowledging that many Members and supporters give of their time in a voluntary capacity.
 - c) All volunteers are valued as integral contributors to the success of Swimming WA.
 - d) Swimming WA By-Laws and Policies are designed to establish a collegiate environment within the Membership that will enable all involved with the sport to work toward achieving the Strategic Plan.
 - e) The Board has the right and will update the By-Laws in response to changes within the sport and the WA community, from time to time.

3. AUTHORITY

Document Prominence

- 3.1.** The By-Laws and Policies issued within this document are authored and released with the prominence of a State Sporting Association. Accordingly, the document shall be directed as a succinct set of By-Laws and Policies utilised by Swimming WA and the Executive to implement the Swimming WA Strategic Plan and its objectives designed to ensure the efficient and effective operations of a State Sporting Association.

Hierarchy of Precedence

3.2. The following shall represent the hierarchy of precedence for By-Laws and Policies within Swimming WA:

- Laws and Legislation of the Commonwealth of Australia.
- Laws and Legislation of the State of Western Australia.
- Western Australian Swimming Association Constitution.
- Swimming WA Board By-Laws and Policies.
- Swimming WA Practices, Procedures and Guidelines.

3.3. Without limiting the application of the precedence of hierarchy or By-Laws and Policies outlined hereafter, any amendment to By-Law or Policy statements does not include provision for these to be applied retrospectively, unless specifically endorsed as part of the By-Law or Policy amendment.

Effect

3.4. Unless otherwise specified, amendments to these By-Laws and Policies will come into effect on the day following the amendments endorsement by the Board of Swimming WA.

References

3.5. The following documentation may be required to fully complement these Policies and guidance provided:

- A. Western Australian Swimming Association (Inc.) Constitution (May 2016).
- B. Australian / New Zealand Standard ISO 31000:2018 "Risk Management Principles and Guidelines".
- C. Handbook 246:2010 "Guidelines for Managing Risk in Sport and Recreation".
- D. Swimming Australia – Junior Sport Policy, September 2008.
- E. Swimming Australia Limited – Anti-Doping Policy, January 2015.
- F. Swimming Australia Limited – Illicit Drug Policy, 10th May 2010.
- G. Swimming Australia Limited - Gambling, Betting and Match Fixing Policy, January 2014.
- H. Swimming Australia Limited By-Laws for the Conduct of Australian Championships, October 2011.
- I. Swimming Australia Limited – Classification Policy – July 2013;
- J. FINA By-Laws, 22 February 2013, By-Law 8 – Swimwear;
- K. Royal Life Saving Society of Australia – Facility and Equipment Standards for Pool Lifesaving, August 2010.
- L. Swimming Australia Limited – Australian Open Water Swimming Championship By-Laws – December 2013.
- M. Swimming Australia Safe Sport Framework – Codes of Conduct – 29th July 2016.
- N. Fair Work Act 2009 – No. 28, 2009.
- O. Swimming WA Technical Performance Swimsuit Policy – December 2017.

Accessibility

- 3.6.** These By-Laws and Policies will be readily accessible to all Member Clubs, Regions, Affiliates or Associate Members and shall be uploaded and displayed on the Swimming WA website in a format that makes the content of the By-Laws and Policies easily accessible.

Definitions

- 3.7.** The terms and acronyms appearing in this document are contained in the Glossary of Terms at Appendix E.

4. GOVERNANCE

- 4.1.** The Swimming WA Board has a fiduciary obligation to the Association in respect of the financial and governance areas, with these areas posing the greatest immediate risk to the Association, and requires regular and continual oversight to mitigate risk. In addressing these risks, the Board has sought to engage a diverse group of people to provide the oversight and guidance to the Board.
- 4.2.** As part of good governance, Swimming WA shall have in place a relevant and current Governance Policy Manual that outlines the responsibility and accountability relationship between the Board and the CEO. The Governance Policy Manual shall be reviewed on a regular basis, but at an interval not exceeding twelve (12) months.
- 4.3.** As part of good Governance, Members will be consulted on matters affecting them and will have an opportunity to have their views considered on changes that impact directly or indirectly on the Membership of Swimming WA.
- 4.4.** Swimming WA is committed to communicating and consulting with Members on matters that affect them in the swimming community.
- 4.5.** The Board and Executive must ensure that Members not only receive information on swimming issues, but also have an opportunity to contribute and have their views considered before major changes in strategy are finalised and the change is implemented.
- 4.6.** The Board and Executive are encouraged to involve Members as early as is practicable in the consultative process so that swimming and Membership issues are addressed as strategies are developed. Consultation can take many forms, but regular Club and Member meetings (i.e. quarterly) will be encouraged as they provide an avenue for sharing information, receiving feedback, generating ideas and resolving swimming issues in a spirit of cooperation.
- 4.7.** The Executive is responsible for the organisation and administration of arrangements for consultation on matters specific to Clubs and Members. A consultative mechanism may be implemented on an "as required" basis or take the form of regularly convened General and Annual General Meetings chaired by the Board or Chief Executive Officer, with Membership drawn from Clubs or Members.
- 4.8.** Complimentary to Board's obligation to good governance, the Board will appoint a Finance and Governance (F&G) Committee reporting to the Board for independent advice and the deliverables set out in the Committee Charter.

- 4.9.** The Committee Membership, Terms of Reference and Roles and Responsibilities are contained in the Finance and Governance Committee Charter.

5. BY-LAWS

- 5.1.** The following Swimming WA By-Laws are ratified pursuant to the Constitution of the Western Australian Swimming Association Inc. (Swimming WA) as amended in May 2016. For the avoidance of doubt, all Members of Swimming WA Regions, Affiliates and Clubs must be financial Members of Swimming WA. Under no circumstances may Swimming WA Regions, Affiliates and Clubs register Members to their organisations that are not Members of Swimming WA.

Swimming WA reserves the right to audit Swimming WA Regions, Affiliates and Club Membership records to ensure compliance with this By-Law.

- 5.1.1.** No Club shall allow a competitor who is, or has been registered as a Member with another affiliate of FINA to join and be registered unless a full clearance of that competitor has been approved through Swimming Australia Limited (SAL).
- 5.1.2.** Life Members of Swimming WA need not be Members of an affiliated Club, and no Swimming WA registration fee is charged.
- 5.1.3.** No person shall be considered registered with Swimming WA until the Swimming WA Board has ratified the Membership.
- 5.1.4.** Any Club, which fails to register all of its eligible Members with Swimming WA in any year, may be fined and/or charged a double registration fee for each Member not registered at the discretion of the Swimming WA CEO.

Member Clubs

- 5.2.** Pursuant to Clause 5.1.1(b) of the Swimming WA Constitution (May 2016), prior to an Affiliated Member being accepted as a new Member of Swimming WA, the Board has set the following mandatory minimum Membership requirements:

- a) New Member
- Metropolitan – Associate Members comprising 40 Annual Members and 12 non-competitive Members (e.g. Parent / Guardian, Coach, Individual, Club Committee Member, Technical Official, etc.).
 - Regional – Associate Members comprising 15 competitive swimmers and eight (8) non-competitive, and
 - Who are not current Members of an existing swimming Club(s).
- b) Renewed Member
- Metropolitan - Associate Members comprising 25 Annual Members and 12 non-competitive Members (e.g. Parent / Guardian, Coach, Individual, Club Committee Member, etc.).

- Regional - Associate Members comprising twelve (12) Annual Members and eight (8) non-competitive Members (e.g. Parent / Guardian, Coach, Individual, Club Committee Member, etc.), and
- Who are not current Members of another swimming Club(s).

Compliance of Swimming WA Members

- 5.3.** Should Swimming WA (at its absolute discretion), determine that a Member Club has breached By-Law 5.1, it may elect to impose a fine or in accordance with By-Law 5.1.4, suspend the Club's Membership and those of the Individuals of that Club (Associate Members) until such time as the Club complies with the By-Law. In that eventuality, such time as the Club complies, no Member from the Club may compete, officiate or coach at Swimming WA, State Association or Swimming Australia Limited (SAL) meets anywhere in Australia or internationally.

Compliance of Affiliates

- 5.4.** Pursuant to Clause 5.1.2.1 of the Swimming WA Constitution (May 2016), prior to an Affiliate being accepted as a new Member of Swimming WA, the Board has set the following mandatory minimum requirements:

- a) Metropolitan – Associate Members comprising 40 Annual Members and 12 non-competitive Members (e.g. Parent / Guardian, Coach, Individual, Club Committee Member, etc.).
- b) Regional – Associate Members comprising 15 Annual Members and eight (8) non-competitive Members (e.g. Parent / Guardian, Coach, Individual, Club Committee Member, etc.).
- c) Who are not current Associates of an existing Affiliate Member.
- d) Should Swimming WA (at its absolute discretion), determine that a Member Club has breached By-Law 5.1, it may elect to impose a fine or in accordance with By-Law 5.1.4, suspend the Club's Membership and those of the Individuals of that Club (Associate Members) until such time as the Club complies with the By-Law. In that eventuality, such time as the Club complies, no Member from the Club may compete, officiate or coach at Swimming WA, State Association or Swimming Australia Limited (SAL) Meets anywhere in Australia or internationally.

Compliance of Regions

- 5.5.** Per Clause 5.1.3.1(b) of the Swimming WA Constitution, prior to a Region being accepted as a new Member of Swimming WA, the Board has set the following mandatory minimum requirements:

- a) Registered Members – Three (3) Member Clubs (including Affiliates) of Swimming WA.
- b) Should Swimming WA (at its absolute discretion), determine that a Member Region has breached By-Law 5.1, it may elect to impose a fine or in accordance with By-Law 5.1.4, suspend the Region's Membership and those of the individuals of that Region (Associate Members) until such time as the Region complies with the By-Law. In that eventuality, such time as the Region complies, no Member from the Region may compete, officiate or coach at Swimming WA, State Association or Swimming Australia Limited (SAL) meets anywhere in Australia or internationally.

Regional Committees

- 5.6.** Regional Committee Aims – the objects of each Region shall include:
- 5.6.1.** Administer, promote and encourage swimming for competitive and recreational purposes within its boundaries.
 - 5.6.2.** In conjunction with Swimming WA, promote the provision of suitable aquatic facilities.
 - 5.6.3.** Together, each Region shall appoint annually a Chief Referee, who shall, in conjunction with the Swimming WA Technical Education Committee, aid in the development and training of technical officials.
 - 5.6.4.** All affiliated Clubs are allocated to the Region in which their 'home pool' is located, and are required to affiliate with the Region in which they are located.
 - 5.6.5.** Each Regional Committee shall prepare its own Constitution and By-Laws, which shall reflect the Swimming WA Regional Constitution template.
 - 5.6.6.** Each Region may impose financial levies on its constituent Clubs.
 - 5.6.7.** Where there is a reallocation of district boundaries, the division of assets of the Region must be submitted to the Swimming WA Board for approval prior to distribution. No assets of a Region may be distributed to any individual Members.
 - 5.6.8.** Regions must forward one (1) copy of Annual General Meeting (AGM) Minutes, approved Financial Statements and a List of Office Bearers to Swimming WA within 30 days of completion of their Annual General Meeting.
 - 5.6.9.** Failure to comply with any of these requirements may incur a penalty at the discretion of the Swimming WA Board.

Membership Categories

- 5.7.** Pursuant to Clause 5.1.1 of the Swimming WA Constitution (May 2016), the following registration categories are promulgated to enable Member Clubs and Affiliates to register their Associate Members:
- a) Annual Member: Any swimmer, substantively seven (7) years and over, who swims at competitive swimming meets, be they Inter-Club, Swimming WA, State, National or International meets.
 - b) Seasonal Member: This category is open to any Swimmer who swims at a Club where the facility is only open between October to April including any swimmer, substantively seven (7) years and over, who swims at competitive swimming meets, be they Inter-Club, Swimming WA, State, National or International meets.
 - c) New Annual Member – Discounted: In accordance with By-Law 5.18, this Membership category is designed as part of the Swimming WA Membership recruitment strategy. The category applies to any NEW swimmer, (substantively nine (9) years and over), who takes advantage of the Association Annual Membership drive campaign and joining Swimming WA for the first time. Members may only access this category once. They may

swim at competitive swimming meets, be they Inter-Club, Swimming WA, State, National or International meets, after a nominated registration date set by Swimming WA.

- d) Non-Competitive Member: This category applies to Coaches, Technical Officials, Club Administrators, Parent / Guardians, Swimming WA Staff, or Life Members.
- e) Leisure Swim Member: This is an introductory category that enables any Swimmer to participate in the Swimming WA OWS Series, Swimming WA's learn to swim programmes and other selected Swimming WA development programmes i.e. Junior Dolphins, and
- f) Individual: Any "natural person" aspiring to become a Member of the Association such as Swimming WA Directors.

5.8. In relation to Non-Competitive and Leisure Swim Members, these categories may be further sub-categorised to permit diversity within the Membership.

Application for Membership

5.9. Pursuant to Clause 6.1a and 6.1b of the Swimming WA Constitution (May 2016), the prescribed hard copy Swimming WA Membership Application forms are promulgated as follows:

Member Clubs and Affiliates - Per Clause 6.1a, the use of the Swimming WA Membership Application form as provided in the Swimming WA Club Affiliation pack or at:

<https://wa.swimming.org.au/> under Club Resources Tab.

This form is relative to Member Clubs and Affiliates. The form must be completed in either handwritten or typed form and shall be lodged with the CEO in hard copy or electronic format provided all required fields are completed and the form contains the prerequisite signatures of the Member Clubs and Affiliates authorised representative/s.

Individual Member or Unattached Swimmer

5.10. Pursuant to Clause 6.1b, the use of the Swimming WA Membership Application form as provided in the Swimming WA Club Affiliation pack or at:

<https://wa.swimming.org.au/>

This form is relative to an Associate Member or Unattached Swimmer. The form must be filled-out in either handwritten or typed form and shall be lodged with the CEO in hard copy or electronic format provided all required fields are completed and the form contains the prerequisite signatures of the Individual Member or Unattached Swimmer.

5.11. Any electronic Membership application form hosted on either the Swimming WA or Swimming Australia Limited website that enables the application for an Individual Member or Unattached Swimmer shall contain the required information as determined by the Swimming WA CEO to induct the Member or swimmer and assess the risk of Swimming WA accepting the Membership.

Member Club Fees

5.12. Pursuant to Clause 7.1b of the Swimming WA Constitution (May 2016), the following affiliation subscriptions to Swimming WA are established and payable at time of application:

- Metropolitan Club - \$600.00; and
- Regional Club - \$450.00.

* Please note that the fees are exclusive of GST and the commission payable for electronic lodgement, in accordance with By-Law 5.14.

5.13. The manner of payment to Swimming WA for Membership subscriptions shall be via one of the following methods:

- Electronic Funds Transfer (EFT – Direct Bank Deposit), or
- Electronic Funds Transfer Point of Sale (EFTPOS – Savings or Cheque), or
- Credit Card, or
- Cheque, or
- Cash.

5.14. Where Membership subscription/s are paid via Credit Card, Swimming WA shall claim from the Member Club or Associate Member, any Credit Card transaction fee or commission fee for handling the payment, in addition to the Membership subscription fee, provided the application of the Credit Card transaction fee or the commission is made known to the Member at the time of the transaction.

5.15. Pursuant to Clause 7.1d of the Swimming WA Constitution (May 2016), a Member Club shall be deemed to be in arrears if Membership subscription, fees, or any levies have not been paid at the expiry of 45 days following application for Annual Membership or provision of a service (i.e. meet entry) provided by Swimming WA. Any rights under the Swimming WA Constitution (May 2016) shall be suspended until such time as the monies are fully paid or otherwise at the Board's discretion.

Associate Fees

5.16. The following annual individual Associate Member registration fee is established and payable by Associate Members of Swimming WA Member Clubs:

- Annual Membership: \$125.00.
- Seasonal Membership: \$100.00 (Cold Water Pools in Regional WA as determined by Swimming WA).
- Junior Membership: \$65.00 (Substantively eight (8) years old).
- Junior Dolphin Membership: \$0.00 (Substantively five (5) – eight (8) years old).
- Leisure Swim Membership:
 - 3 Meet Pass - \$55.00.
 - OWS Member - \$43.00.
 - WestSwim - \$20.00.

* Please note that the fees are inclusive of GST and the commission payable for electronic lodgement, in accordance with By-Law 5.14. In 2018/19 a \$5.00 levy was applied to some categories for digital Almanacs for the year.

The Junior Dolphin Membership category only permits swimmers substantively seven (7) years old to swim competitively in accordance with Clause 5.5a, 5.5b and Australian Sports Commission (ASC) Junior Sports Policy. The intent for swimmers substantively five (5) years and six (6) years of age as a Junior Dolphin Membership is an introduction to competitive swimming and that of participation.

5.17. It shall be noted that a Member Club must have paid its Membership fee prior to be able to register its Associate Members.

5.18. The CEO shall have the ability to provide a discount of up to 50% against selected Membership categories as warranted to promote and encourage the sport of competitive swimming. Any such discount cannot be to the financial detriment of Swimming WA in relation to any Swimming Australia Limited capitation, operational or insurance fees. This discount shall only apply on only one (1) occasion for new Membership applications.

Affiliates Fees

5.19. Pursuant to Clause 7.2 of the Swimming WA Constitution (May 2016), the annual affiliation subscription fee payable to Swimming WA referred to in By-Law 5.16. is established and payable at time of application.

5.20. Each Affiliate shall in each Financial Year pay to Swimming WA an affiliation fee, prescribed in the By-Laws from time to time:

- Affiliate: \$110.00.

* Please note that the fees are inclusive of GST and the commission payable for electronic lodgement, in accordance with By-Law 5.14.

Regional Fees

5.21. Pursuant to Clause 7.3 of the Swimming WA Constitution (May 2016), the following annual affiliation subscription to Swimming WA is established and payable at time of application:

- Regional Fee - \$275.00.

* Please note that the fees are inclusive of GST and the commission payable for electronic lodgement, in accordance with By-Law 5.14.

Other Registered Member Fees

5.22. Pursuant to Clauses 7.4a and 7.4b of the Swimming WA Constitution (May 2016), the following annual Swimming WA Membership is established and payable at time of application:

- Individual Membership - \$35.00 (i.e. other than those identified in Clause 5.16).
- Life Membership - \$0.00.
- Honorary Membership - \$0.00.
- Coach - \$17.00.
- Technical Official - \$6.00.

* Please note that the fees are inclusive of GST and the commission payable for electronic lodgement, in accordance with By-Law 5.14. The fees include the Swimming Australia Limited capitation fee.

Termination of Membership

5.23. Pursuant to Clause 10.3(b) of the Swimming WA Constitution (May 2016), the following By-Laws or Policies will form the basis for non-compliance with the conditions for Membership renewal and by which Swimming WA Membership may not be renewed:

- By-Law 5.2b.
- By-Law 5.3.
- By-Law 5.9.
- By-Law 5.14.
- By-Law 5.16.
- By-Law 5.18.
- By-Law 6.3.10 through 6.3.19.

Election of Elected Swimming WA Directors

5.24. Pursuant to Clause 23.2(f) of the Swimming WA Constitution (May 2016), if the number of nominations exceeds the number of Swimming WA Board vacancies to be filled, a secret ballot shall be conducted. The method by which Swimming WA will undertake the secret ballot process shall be via internet hosted electronic voting conducted by an external and independent service provider (online voting system). The engagement of the service provider to manage and report voting results will be determined by the CEO and approved by the Board.

The CEO shall act as the Association's Returning Officer for any such elections.

Construct of Board Committees

5.25. Pursuant to Reference A Rule 20.2 (b) iv (2), and in accordance with Rule 23.2 (h), the method of Preferential Voting utilised by Swimming WA when conducting elections of Elected Directors shall be that votes are required to indicate the order of their preference for all the candidates by using the numbers one (1), two (2), three (3) and so on. A preference must be shown for all the candidates or the vote will be informal. The preferences polled for each candidate are added to arrive at a "Preference Tally". The candidates (equal to the number of positions to be filled) polling the lowest preference tallies, shall be elected. If candidates poll the same preference tally and it is necessary to break that tie, the candidate with the greatest number of 1st preference votes is elected. If the candidates are still tied, the candidate with the greatest number of 2nd preference votes is elected. This process continues until the tie is broken.

5.26. Pursuant to Clause 31.2 of Reference A, the construct of a Board Committee shall be (as is reasonably practicable), structured such that there is a broad assembly of skills and experience ensuring impartial and genuine debate, deliberation and advice for the purpose for which the Committee was formed.

5.27. Within the construct of the Committee, there shall be at least one (1) Swimming WA Board Member coopted, but no more than two (2). A Board Committee shall comprise as many Members as necessary to provide advice to the Board, but should have regard to Committee protocol, which suggests a maximum of seven (7) Members as being reasonable to deliver good debate and consensus. The Board will set the maximum number of Board Committee Members at its absolute discretion.

- 5.28.** Swimming WA Board Members shall not comprise more than one third of the Board Committee Member composition. Any Board Member forming part of a Board Committee has no claim to the Chair, unless mandated in the formation of the Board Committee by the Board.
- 5.29.** A Board Committee shall have a Charter with appropriate Terms of Reference as set by the Board. A Board Committee shall be invalid without an authorised Charter and Terms of Reference.

Construct of Operational Committees

- 5.30.** Pursuant to Clause 32.2 of Reference A, the construct of an Operational Committee shall be (as is reasonably practicable), structured such that there is a broad assembly of skills and experience ensuring impartial and genuine debate, deliberation and advice for the purpose for which the Committee was formed.
- 5.31.** An Operational Committee may have as many Members as necessary to provide advice to the CEO, but should have regard to Committee protocol, which suggests a maximum of seven (7) Members as being reasonable to deliver good debate and consensus. The number of Members should be considered against the workload and contribution to deliver the Committee's objectives. Swimming WA staff, inclusive of the CEO, shall not comprise more than one third of the Operational Committee Member composition.
- 5.32.** The CEO may set the maximum number of Operational Committee Members at his absolute discretion.
- 5.33.** The Swimming WA CEO (or his nominee), shall be Chair of any Operational Committees. The CEO shall have the authority to mandate the Chair of an Operational Committee if specific and deliberate skills are required in guiding and leading the Operational Committee.
- 5.34.** An Operational Committee shall have a Charter with appropriate Terms of Reference as established by the CEO. An Operational Committee shall be invalid without an authorised Charter and Terms of Reference.

6. BOARD POLICIES

6.1. EXECUTIVE

Communication and Consultation

- 6.1.1.** Members will be consulted on matters affecting them and will have an opportunity to have their views considered on changes that impact directly or indirectly on the Membership of Swimming WA.
- 6.1.2.** The Board will ensure that Members not only receive information on swimming issues, but also have an opportunity to contribute and have their views considered before any major strategic plan is finalised and the associated changes implemented.

- 6.1.3.** The Board will involve Members in the consultative process (as early as is practicable) when contemplating major “whole of sport” and/or major Membership matters as strategies are developed. Consultation may take many forms, but regular Club and Member meetings will be encouraged as they provide an avenue for sharing information, receiving feedback, generating ideas and resolving “whole of sport” issues in a spirit of cooperation and trust.
- 6.1.4.** The Executive is responsible for the organisation and administration of arrangements for consultation on matters specific to Clubs and Members. A consultative mechanism may be implemented on an “as required” basis or take the form of regularly convened General and Annual General Meetings chaired by the Board or CEO, with attendees drawn from Members.

Official Emblem and Colours

- 6.1.5.** Swimming WA has two (2) emblems. The two emblems have distinct status within the Association as follows:
- a) Association Emblem: Shall be a stylised Gold Swimming Swan riding over three black lines representing water; and
 - b) Trading Emblem: In conjunction with Swimming Australia Limited (SAL), Swimming WA has adopted a corporate emblem that supports a collective strategy to demonstrate and promote a consistent recognition of swimming throughout Australia. This trading emblem is an abstract design (Trade Marked TM by Swimming Australia Limited) that depicts an orange swimmer moving through a blue water swirl. The abstract design with the approval of Swimming Australia Limited has had the words “Swimming WA” incorporated into the design in lieu of Swimming Australia. The incorporation of the words “Swimming WA” with the Swimming Australia Limited abstract design and either the orange swimmer moving through a blue water swirl or other colour combinations is Trade Marked TM by Swimming WA. The use of either logo, either individually or together, by any entity without the expressed permission of Swimming Australia Limited or Swimming WA represents a breach of TM.
 - c) Other Brand / Logos: Brands, logos or similar intellectual property designed by Swimming WA as part of a Master Brand Strategy to promote and project programmes developed or instigated may be Trade Marked TM or Registered ® to protect existing and or future Swimming WA business dealings.
- 6.1.6.** Examples of the emblems and logos described at paragraph 6.1.5(a), 6.1.5(b) and 6.1.5(c) appear in Appendix B.
- 6.1.7.** From 1st October 2018, all affiliated Clubs must have their Club shirt co-branded with the Swimming WA logo. The Swimming WA logo must be placed in accordance with the Swimming WA Brand Guidelines, available on the Swimming WA website. Requests for special consideration outside these guidelines must be submitted in writing to the CEO and considered by the Swimming WA Board at their absolute discretion.

6.2. OPERATIONS

- 6.2.1.** Swimming WA will be maintained by a professionally staffed administration office to oversee the daily operation of swimming development and competition in the State of Western Australia. The CEO will strive to provide a level of service in a professional and businesslike manner that promotes a positive experience for Members with access to support from the Association office and staff.
- 6.2.2.** The Swimming WA office should be operated as a professional business operation and staff should be available during normal working hours for Membership enquiries. With the support of the Board and the CEO, the staff of Swimming WA shall have the right to reasonably refuse service.
- 6.2.3.** As required, the CEO should have other such documents that ensure Swimming WA delivers professional and consistent administration, services, functions and events to Members, and that such documents are enduring for the benefit of Swimming WA operations.

Media Exposure

- 6.2.4.** The CEO or his delegate will be responsible for the negotiation, timing and release of any media article that promotes the corporate image or brand of Swimming WA.

Internet / Website / Social Media

- 6.2.5.** Swimming WA will maintain a contemporary World Wide Web (website) that prominently projects the objectives of Swimming WA and disseminates up-to-date information to Swimming WA Members, and the wider community, who may have an interest in the operations, achievements and promotion of Swimming WA.
- 6.2.6.** The website shall be professionally designed and may, subject to good governance, be hosted in conjunction with other websites. Should the website be designed by a service provider, any service agreement shall include the requirement to provide to Swimming WA all access password / keys, source code and website directory / data structure and files in both hard and soft copy. The website shall be designed using contemporary software and programming language for the design of websites.
- 6.2.7.** The website will be structured and hosted on a reputable Internet Service Provider (ISP) such that the website is available on a continual basis to persons who may wish to access the website, yet with provisions that ensure security of Swimming WA data.
- 6.2.8. Regular audit, verification and validation of the website will be undertaken at three (3) month intervals for the purging of expired / legacy data and to ensure that the website continues to meet the information requirements of Swimming WA. The CEO shall have the right of veto for all data that is 'uploaded' to the website if the CEO believes that the uploading of the data is contrary to law, objectives of Swimming WA, etc.
- 6.2.9.** Social media postings can be against the law if they discriminate against, harass, bully or racially vilify a person. Swimming WA will maintain the highest standards when posting material, and Swimming WA Social Media posts shall not contain material as previously mentioned above.

Board / CEO Induction

6.2.10. A Board induction will be undertaken in accordance with the Swimming WA Board Charter.

6.2.11. Upon appointment of a new CEO, the Association President will provide an induction similar in structure to that outlined in the Board Charter. This will be in addition to the operational handover provided by the outgoing CEO.

Finance Protocol

6.2.12. The following minimum financial constraints shall apply, in addition to those limits found within the Swimming WA Governance Policy Manual (June 2012):

- a) Countersigning of Swimming WA cheques and electronic funds transfers: Persons approved to countersign Swimming WA cheques and electronic funds transfers shall only be any two (2) of the following:
 - i. President.
 - ii. Chief Executive Officer, and
 - iii. Nominated Director.
- b) No other person, Member or staff shall be permitted to countersign Swimming WA cheques or electronic funds transfers.
- c) Transfer of Funds: Transfer of large monetary funds, over and above that permitted by the Governance Policy Manual in respect of the CEO, from or between financial institutions or accounts, shall not be permitted without the approval of the same countersigning protocols listed in sub clause 6.2.12(a).
- d) Credit Card/s: The CEO shall implement protocols and procedures by which Swimming WA Credit Cards are managed in terms of authority to use, credit limits, transaction limits and acquittal of any purchase. The CEO shall also set the purchase limit above which documented purchase order authority is required.

Infectious Illness or Disease

6.2.13. The dangers of rapid spread of infectious disease are inherent in the environments under which our Members train and compete. Where there is an identified, reportable or known instance of an infectious illness or disease (i.e. Glandular fever, Avian or Swine Influenza) being contracted by a Member of Swimming WA, there is an obligation on the Member and the Associate Member (or their guardian) to notify Swimming WA at the first opportunity of the instance of the infectious illness or any additional infections. Due to the seriousness of this matter in relation to the health and welfare of Members and the general public, failure to comply with this By-Law may result in the Member or Associate Member having their Membership suspended (whilst an investigation is conducted) or terminated if in the opinion of the Board, the public good is served by such action.

6.2.14. Swimming WA's obligation, in such an event, is the overall risk reduction and mitigation to its Members, volunteers and the WA community in general.

Cigarettes and Smoking

6.2.15. Swimming WA's position is that succeeding in a sport such as swimming and smoking are not compatible. Swimming WA believes strongly that all Members of the swimming fraternity have the right to work and compete in a smoke free environment.

6.2.16. The Swimming WA Smoking Policy clearly states that smoking is not permitted at any Swimming WA venue, swim meet or function under its control. Members, Clubs and Associate Members shall be fully aware that all venues at which Swimming WA conducts its activities are non-smoking venues.

6.2.17. Swimming WA does not promote nor condone the sale of tobacco products at any Swimming WA venue, swim meet or function.

Sun Protection

6.2.18. The dangers of exposure to extreme UV levels are well recognised within the community. Swimming WA has established a Policy and set of Procedures to provide information, guidance, facilities (where possible) and advice to Members, parents and guardians in relation to sun safe practices. Whilst Swimming WA has developed and implemented a Policy in order to act in the best interests of its staff, Members and volunteers etc., Swimming WA Members accept that ultimate responsibility rests with Members, parents and guardians.

Photographic Images and Video

6.2.19. Swimming WA will promote awareness and vigilance for Member protection issues regarding the unauthorised capture or use of photographic images and video at its events. The underpinning Policy seeks a balance between the competing interests of privacy versus freedom to take photographs in public places without causing over-reaction or distress to those involved. The Policy establishes a governance procedure for:

- a) Photographic images and videos used on the Swimming WA website, and
- b) Accreditation of the official photographers at Swimming WA events and the limit to the use of those images.

Grievances

6.2.20. Swimming WA adopts the Swimming Australia Limited Safe Sport Framework (Reference M). Swimming WA is committed to a prompt, fair, equitable and non-discriminatory outcome for all Parties in the event of a grievance being raised by a Member of Swimming WA.

Underpinning the grievance procedures will be the principles of natural justice, impartiality and confidentiality in resolving a grievance. As far as is reasonably practical, Swimming WA's emphasis throughout the process will be on conciliation and mediation between the Parties, reflecting the value Swimming WA places on maintaining positive relationships with and between Members. Swimming WA Members will adopt a similar approach.

Swimming WA Members agree to submit to the process outlined in Reference M undertaken by the Association and abide by any decisions arrived at.

Swimming WA will follow its Constitution and By-Laws and Members submit and adhere to the process fully. Swimming WA Members understand and accept that a condition of Membership is submitting to the relevant process. The engagement of the services of external legal advice in an attempt to usurp the process is a breach of the conditions of Swimming WA Membership. Members that attempt to usurp the process by engaging Swimming Australia Limited, the Department of Local Government, Sport and Cultural Industries and/or the Minister for Sport and Recreation prior to completing the Swimming WA process, are in breach of the conditions of their Membership and may have their Membership suspended pending the outcome of the dispute resolution process outlined in Reference M.

At the conclusion of the process, Swimming WA Members have the right of Appeal (should they wish to pursue that option), which is outlined in Reference M.

Complaints and Criticism

- 6.2.21.** If a Member believes and asserts they have a level of dissatisfaction with an event, Policy, Procedure or process relating to the Association, which in their opinion has placed them at a disadvantage in the sport of competitive swimming, they have the opportunity for the dissatisfaction to be heard. The Member will seek the appropriate Policy or Procedure for that particular complaint via the Association website and comply with the Procedure for lodging the complaint.
- 6.2.22.** Swimming WA Members understand that complaints should never be personal. The Member's conduct must be of a standard required when dealing with the conduct toward the staff and State Association and as objective as possible. The Association has a duty to provide a safe and nurturing work environment for its personnel and volunteers. When interacting with the Association's staff, Members will respect the rights of the staff under the Fair Work Act (Reference N), cognisant of the rights of the Association staff under the Act.

Request for Release of Information

- 6.2.23.** Any request for information that is the property of Swimming WA and/or its Members shall be submitted in writing to the CEO.
- 6.2.24.** The Member requesting information must fully outline the scope and detail of the information sought in writing. In relation to Board Meeting Minutes, as per Reference A Clause 33.3, the Minutes of Swimming WA Board Meetings shall be available for inspection by a Member of Swimming WA in hard copy. The intent of Clause 33.3 of Reference A, is that a Member may access a singular copy of a singular Board Meeting and the CEO shall provide such Minutes in this context. Should the amount of information be such that it causes the staff of Swimming WA to dedicate excessive task activity to the request, then the Member making the request may be required to pay a fee for the CEO to determine, having regard to the level of Swimming WA staff tasking required satisfying the request.

- 6.2.25.** The Chair of Swimming WA Committees and Sub-Committees shall be bound by this Policy and refer any request for Committee information to the CEO. The CEO will work with the Committee to compile the requested information and shall reply on behalf of the Committee.
- 6.2.26.** Except to the extent provided in Reference A, the CEO has the right to decline to provide the information requested, if in the opinion of the CEO the information being requested has the potential to be used for a purpose that is contrary to the objectives of Swimming WA, may be intended to cause malicious or vexatious harm to another Member of Swimming WA, or contravene privacy provisions of the State or Commonwealth jurisdictions.
- 6.2.27.** On provision of the information, the Member making the request shall sign a document that acknowledges the provision of the information and the associated caveats in respect of intended use, unauthorised disclosure to other persons and that the information will not be copied, duplicated or otherwise reproduce any documents containing the information except as is necessary in fulfilling the need for which the information was requested.
- 6.2.28.** The CEO shall include the release of the information as an agenda item at the next Swimming WA Board Meeting.

Proprietary Knowledge

- 6.2.29.** Proprietary Knowledge (know-how) can be innovation, practical application of a good idea or the data that is gathered by a business that keeps them competitive.
- 6.2.30.** The following tangible knowledge shall be considered the proprietary knowledge and the intellectual property of Swimming WA:
- a) All programmes generated and or resulting from swim meets operated or sanctioned by Swimming WA, either in hard copy paper or electronic format.
 - b) All swimming results (both competitive and non-competitive) and performance data generated and or resulting from swim meets operated or sanctioned by Swimming WA, either in hard copy paper or electronic format.
 - c) All uploaded content of the Swimming WA website: www.wa.swimming.org.au, www.openwaterswimming.com.au, www.westswim.com.au or any other domain name that Swimming WA may have registered.
 - d) All swim meets and development programmes developed by Swimming WA staff.
 - e) All documentation created, dispatched or received by Swimming WA in the course of its operations as a State Association, and
 - f) All data contained on or backed-up from the Swimming WA office computer network server and stored on magnetic or electronic media.
- 6.2.31.** During normal daily operations, the CEO shall be responsible for the capture of proprietary knowledge.
- 6.2.32.** Proprietary knowledge will not be released without the permission of the Board, or as delegated to the CEO.

Information Management

6.2.33. Swimming WA is committed to maintaining communication strategies to benefit all its Members and Associate Members. The Association is cognisant of the reliance on information management to maintain two-way accessibility to its key stakeholders and the need to ensure appropriate business continuity plans to minimise impact to the Association's business.

Information Communication Technology (ICT) System

6.2.34. Any ICT system selected by Swimming WA should aim to have commonality and interoperability with Swimming Australia Limited and other State stakeholders. However, such ICT systems should not be reliant or subservient on any other ICT system for the performance of Swimming WA business.

6.2.35. Any aspiration to adopt a new or improved ICT system that has the potential to impact Swimming WA business and operations, will require a detailed business case and supporting information to be presented to the Board by the CEO, such that the Board can become informed on potential risks and costs to Swimming WA.

6.2.36. Accordingly, Swimming WA will maintain a contemporary ICT system appropriate to the business and governance of Swimming WA. Acknowledging the state-wide delivery of services and the need for staff to access organisational information, the information technology system will facilitate remote access along with appropriate access control security protocols.

6.2.37. Noting the key role that ICT plays in the delivery of Swimming WA business and operation to its Members and stakeholders, it is critical that Swimming WA acknowledges and prepares for any risk in the loss of ICT and the impact to our service delivery.

Travel Assistance

6.2.38. Athletes travelling from Western Australia incur disproportionate travel and accommodation costs compared to their peer athletes when competing interstate. It is recognised that assisted relief to offset some costs is in the best interest of Swimming WA for the pursuit of national representation and swimmer development. Athlete swim meet results used in achieving Travel Assistance Grant (TAG) target times, can only be established within 12 months from the targeted swim meet closing date for meet entries.

6.2.39. The purpose of a Travel Assistance Grant (TAG) is to provide assistance for swimmers, based in Western Australia, to travel to a competition venue (i.e. Australian Open L/C, Australian Open S/C, Australian Age L/C and OWS Open and Age) outside Western Australia, but within Australia. Allocation of TAG is at the sole discretion of Swimming WA, who reserves the right to alter the conditions pertaining to the Grant Scheme without notice. Swimming WA reserves the right to request travel cost receipts in acquittal of TAG funding.

6.2.40. Subject to the state of the Association's financial position, and within the parameters of responsible financial management, Swimming WA will endeavour to allocate a portion of

the annual budget to assist qualified Western Australian athletes to offset costs of travel and accommodation for interstate competition. TAG will be paid by Swimming WA to enable athletes to budget appropriately for their overall costs.

6.2.41. TAG funded athletes who qualify for WAIS funding will have their TAG funding discounted by any WAIS funding for travel.

6.2.42. Athletes who have qualified for funding and then fail to compete / finish in a TAG funded event at the identified meet, will be required to refund any funding either on a total or pro-rata basis. Should the reason that the athlete failed to compete in or finish in a funded event in an identified meet due to medical reasons, at its absolute discretion, Swimming WA may waive this requirement upon the receipt of a valid medical certificate from a registered medical practitioner which satisfactorily specifies that the swimmer withdrew or failed to swim for medical considerations.

Swimming WA Equipment

6.2.43. Swimming WA shall purchase and maintain 'fit for purpose' equipment in order to conduct the operations and the business of the Association at the highest possible level. Such equipment shall be managed on a register by the CEO and staff, and continually maintained in good condition and secured at all times.

6.2.44. The Swimming WA CEO shall develop an annual Asset Management Schedule that proactively plans for asset management and replacement in line with improvements in technology and the sport.

6.2.45. The CEO will furnish the Finance and Governance Committee an Asset Management Report annually, listing and describing the material condition of all assets owned and maintained by Swimming WA. The Finance and Governance Committee Chair will provide the Report to the Board for noting annually.

Annual Recognition of Performance Contribution

6.2.46. In recognition of swimming performance and non-swimming contribution, Swimming WA shall implement Awards on an annual basis. In order to facilitate the Annual Awards, the CEO shall have in place a procedure that outlines the:

- a) The timing of the awards within the Membership year.
- b) The method of nomination.
- c) Category criteria, along with methodology as to how the criteria was derived.
- d) Establishment of a suitable, independent, qualified Committee to evaluate nominations and make recommendations to the Swimming WA Board on award winner/s.

6.2.47. The Honours and Awards Committee shall work with the CEO to consider the nominations for the various Award categories at least 45 days prior to the Awards Ceremony. The Committee shall submit recommendations for Awards winners in each category with a clearly articulated rationale for the recommendation against the previously established criteria, to the Swimming WA Board at least 30 days prior to the Awards Ceremony. The Board reserves the right, to accept or reject a recommendation from the Honours and Awards Committee at its absolute discretion.

6.2.48. Once the Swimming WA Board has ratified the recommendation of Awards recipients in each Award category by the Honours and Awards Committee, the CEO shall extend invitations to all finalists in each Award category or a particular Award category.

6.2.49. Swimming WA shall stage a high-quality function to ensure that Award winners are presented to the swimming and wider community to celebrate their achievement annually.

Note: Any Award that is the prerogative of the President to award, will be at the sole discretion of the Swimming WA President and shall not be subject to any criteria, other than the criteria established by the Swimming WA President.

Training Venues

6.2.50. Swimming WA recognises and accepts that securing water space for training purposes is a primary obstacle which can determine the success, growth and sustainment of a Member Club.

6.2.51. The intent of Swimming WA affiliation is that a Club will have sole use of water space for the purposes of competitive swimming training, and as agreed, associated facilities that provide a basis for Club operation and sustainment.

6.2.52. Under these By-Laws, there shall be one (1) resident Swimming WA Member Club per pool. For the avoidance of doubt, NO Swimming WA Member Club shall be permitted to share a pool and associated facilities, with the exception of arrangements formally negotiated between Swimming WA Clubs subsequently approved in writing by Swimming WA.

6.2.53. Within the construct of Membership, Swimming WA will recognise as a basis of claim, the Club, which can demonstrate long term historical, and community assertion to the original / earliest user of the water space at the venue. The authentication of this assertion will be accepted as that Club being the long-term user of the venue and the rightful claimant to be known as the 'Resident' Swimming WA Club. There shall be only one (1) Resident Swimming WA Club in a training venue and the Association shall uphold the rights of the Resident Swimming WA Club, giving priority to the Resident Swimming WA Club, provided that the swimming programme of the Swimming WA Club is viable.

6.2.54. The Resident Swimming WA Club shall be recognised as the priority user of the facility with respect to times and lane space, subject to the venue's management requirements. Other users granted access to the venue should work and train in harmony with the Resident Swimming WA Club, respecting the incontrovertible status of the Resident Swimming WA Club.

6.2.55. Should there be a conflict between co-users of a training venue, any resolution of that conflict resides between the relevant parties. Swimming WA Members shall attempt to resolve the matter amicably prior to involving aquatic facility management. However, Swimming WA shall monitor such resolution to ensure that the reputation of Swimming WA is maintained and upheld. The Swimming WA CEO may intervene as required.

Non-Member Club Training Venue

6.2.56. Where a swimmer is an Associate Member of a Member Club or Swimming WA and elects to undertake training outside the Member Club facility, High Performance Training Centre (HPTC) or Swimming WA environment, the swimmer/s may be advised by Swimming WA that:

- a) They may be at risk with regards any indemnity provided by Swimming WA as part of Membership of Swimming WA with regards insurance coverage outside a Club, HPTC or Swimming WA training environment.
- b) They should seek evidence that the training provider or venue has sufficient insurance coverage for potential personal or public liability.
- c) They should seek evidence that the training provider or venue is a Member of a recognised professional organisation, such as ASCTA or Austswim.
- d) Subject to the Swimming WA Risk Assessment Policy and process, Swimming WA may seek to terminate the swimmer/s Membership; and
- e) The swimmer/s Member Club may seek to have the swimmer's Membership reclassified to 'Unattached'.

6.3. MEMBERSHIP

Membership Domains

6.3.1. Swimming WA is a State Association comprised of Members from metropolitan and regional areas within the State of Western Australia. Swimming WA will determine the status of a Member Club, Region or Affiliate as being Metropolitan or Regional utilising the following criterion:

- a) **Metropolitan Area:** The Perth Metropolitan boundary for the purposes of Swimming WA Membership domains shall be the map area covered by the West Australian Planning Commission (WAPC) - Metropolitan Region Scheme (MRS) Index to Maps – 10 July 2018 (as subsequently amended) and generally extends from Singleton in the south, to Two Rocks in the north and to The Lakes in the east. Member Clubs, Regions or Affiliates that fall within these boundaries shall be deemed Swimming WA Metropolitan Members. A copy of this Index to Maps appears in Appendix C.
- b) **Regional Area:** Includes those areas in the State of Western Australia outside the Perth Metropolitan Area. Member Clubs, Regions or Affiliates that fall within these boundaries shall be deemed Swimming WA Regional Members.

6.3.2. Where a Member Club, Region or Affiliate status changes from Regional to Metropolitan as a result of MRS changes at Clause 6.3.1, and the Member Club, Region or Affiliate suffers financially due to possible loss of funding apportioned to their Member Club, Region or Affiliate for the sport of swimming from State Government initiatives, Swimming WA (at its absolute discretion) may consider some pro-rata financial compensation for the loss of Regional funding for a period of two (2) years.

- 6.3.3.** The Board reserves the right from time to time to deviate from the MRS boundaries and the method in which the boundaries are determined, acting in the best interests of the sport as a whole.

Membership Age

- 6.3.4.** To mitigate any adverse effect on athletes by subjecting a swimmer to premature excessive swimming competition, the following age limitations will apply:

- a) A minimum substantive age of five (5) years shall apply for an Associate Member of a Member Club to register with Swimming WA, and
- b) A minimum substantive age as set in By-Law 5.7(a).

- 6.3.5.** The minimum competitive age restriction shall apply at all levels of competition at State or inter-club swim meets where competitive swimming results would be lodged and recorded with Swimming WA. The minimum competitive age restriction shall not apply at intra-club level.

New Membership

- 6.3.6.** Prior to a Member Club being accepted as a new Member of Swimming WA, the Board has set the following mandatory requirements. The Club shall:

- a) Be an Incorporated entity in accordance with the requirements of the State jurisdiction.
- b) Provide a certified Club Constitution, which within its content, states the objective/s of the Club in relation to the sport of swimming.
- c) Provide details of Club colours and a copy of the Club emblem.
- d) Register such number of new Members as required by By-Law 5.2.
- e) Supply the names and proof of Membership of competitive, non-competitive and/or recreational Members forming the requirement of new Swimming WA affiliation.
- f) Identify the Club's Management Committee by position, name and contact details.
- g) Provide a current 'Working with Children Check', National Police Clearance and Declaration for all Club Management Committee persons and those Club persons within a Club environment who have control or influence over Members. These clearances shall be provided 'confidentially' to the Chief Executive Officer for secure retention.
- h) Identify the home venue (pool/s) for training and Club competition.

- 6.3.7.** Should the affiliation application be from an educational institution or a new Club associated to an education or tertiary entity, the affiliation application must additionally include a statement from the controlling education or tertiary institution that:

- a) Clearly indicates the holder of the Incorporated institution.
- b) Supports the application and outlines the role and level of influence that the education or tertiary entity may have with or over the Club.
- c) Clearly articulates the rationale and objective/s under which the Club is being formed.
- d) States and outlines any accountability or liability linkages to education entity, and

- e) Outlines any time or other constraints under which the swimming Club may operate and which it is authorised to function under the patronage of the education or tertiary entity.

6.3.8. In order to demonstrate a new Club is able to sustain their Club and grow Club Membership, growth shall be demonstrated within the first two (2) years of Swimming WA affiliation. The Membership growth indicators required are 10% increase in Annual Membership over and above the initial Annual Membership required for affiliation. The required growth figures will be monitored and recorded by Swimming WA.

6.3.9. Presentation of all required affiliation documentation (inclusive of additional information if an educational entity) shall be provided to Swimming WA, and after processing by the Executive, will be submitted to the Board for consideration.

6.3.10. Any application for Membership to Swimming WA is discretionary and is subject to Board approval, with the Board having the sole discretion to accept or reject an application for new Membership as per Reference A, Clause 6.2(a).

New Individual Membership (Associate)

6.3.11. A new individual Member to Swimming WA shall be a person who has never been a Member of Swimming WA previously, or a person who has been absent from Swimming WA Membership in any Membership category for a period of two (2) years or more. A person absent from Swimming WA Membership, but who is a Member in another Australian State or overseas Nation, shall not fall within this By-Law.

6.3.12. A new individual Member (Associate) may be granted a discount to a Membership fee after a defined date each year. This discount does not include upgrading from Annual discount to Annual status. Such discount in Membership fees will be determined by the Executive and ratified by the Board annually.

Renewal of Membership

6.3.13. The Membership period for Swimming WA is from the 1st October to the 30th September the following year. Renewal of Membership is a renewal of Membership as per Reference A Clause 6.3 and the Board may accept or reject an application for Membership as per Reference A, Clause 6.2(a).

6.3.14. When renewing Swimming WA affiliation, Clubs that held affiliation for the immediate past Swimming WA Membership year, shall complete the required application as promulgated by the CEO.

6.3.15. Entities seeking re-affiliation to Swimming WA, shall forward a written declaration by a competent and independent person presenting an independent opinion on the Club's financial position for the preceeding financial year. This financial statement shall be provided in writing to the CEO at the time of affiliation or within three (3) months of the close of the financial year of the entity seeking re-affiliation of Swimming WA.

6.3.16. Failure to forward this financial statement within the defined period shall result in the bodies and its Associate Members' re-affiliation not being renewed, thereby negating rights

and benefits to which it and its Associate Members are entitled to under the Swimming WA Constitution.

New or Renewed Membership Acceptance

6.3.17. Swimming WA shall provisionally accept all new Membership applications or those seeking renewal, subject to the application satisfying Swimming WA Membership requirements and conditions. The application shall be pending ratification at the next scheduled Board Meeting. Although a person may join a Member Club, it shall not be inferred that Swimming WA has accepted the person's or Member Club's Membership application for Swimming WA, until the Membership application is ratified by the Board.

6.3.18. The CEO shall present to the Board (either as part of the monthly meeting or electronically via Circular Resolution in accordance with Clause 27.3 of Reference A), a list of Membership applications (new or those seeking renewal) for ratification. The Board shall advise the CEO of the concurrence or rejection with regard to the Membership applications. The Executive will inform the applicant within three (3) working days of the Board's decision i.e. the success or failure of the application for Swimming WA Membership.

6.3.19. As empowered in the Swimming WA Constitution, Clause 6.2a, confirms the right of the Association to reject an application for Membership from any Swimming WA Member Club, Affiliated Region or Associate Member without the requirement to justify or explain the decision. Those applying for Swimming Membership accede to the Association's right to determine the composition of its Membership, for the good of the sport.

First and Second Claim Membership

- 6.3.20.** a) Criteria for Claim: To be eligible for First or Second Claim swimmer's must fulfil the following;
- i. swimmer's may belong to a maximum of two (2) swimmer Clubs in one (1) season (October to September);
 - ii. the swimmer must nominate his or her "First Claim Club" when completing his or her Annual Registration with Swimming WA;
 - iii. the swimmer shall pay Swimming WA a capitation fee for the First Claim and a Second Claim Membership fee as determined by the Board of Directors;
 - iv. prior to the "receiving" Club sending in the application for First Claim or Second Claim Membership, Swimming WA shall approve the Membership.
- b) Aim of Policy: The aim of the First Claim or Second Claim Membership is;
- i. for Country and Metropolitan swimmer's being educated at Schools, Colleges, Universities, School of Mines, Agricultural Colleges or similar, who are temporarily away from their principal place of residence;
 - ii. if a Parent leaves the principal place of residence to live in the place to which the swimmer has gone for education purposes and the swimmer resides with that Parent, he or she would be eligible for First or Second Claim status and the next section would apply.

- c) Swimmer's First Claim;
 - i. a swimmer's First Claim Club must be in the place (town or Metropolitan area), which is the principal place of residence;
 - ii. should a swimmer leave his or her principal place of residence to reside in the Country or Metropolitan area for work commitments, then the place in which his or her employment is, shall become his or her principal place of residence and would therefore be ineligible under the First or Second Claim Policy;
 - iii. nominated meets to be swum as Second Claim Membership, must be authorised by the First Claim Club prior to Membership being granted;
 - iv. a cooperative arrangement between the First and Second Claim Clubs must exist for this Membership to operate to assist swimmers effectively.
- d) Approval;
 - i. approval for swimmers applying for First or Second Claim status must meet the intent and spirit for which this Policy is provided. Cases of unusual circumstances will be assessed by the Swimming WA CEO, should the need arise.

Member Benefit

6.3.21. Only those Swimming WA Members registered and financial in accordance with Part II of Reference A shall be eligible for benefits from Swimming WA. These benefits may include, but are not limited, to financial support and assistance, skill development and advice to Club officials, coaching education and support, assistance and advice to Technical Officials, the provision of elite and developmental competition, accreditation and compliance assistance, and the ability for Members to pursue representation at State and National levels.

Member Club, Region or Affiliate in Recess

6.3.22. The determination and decision as to whether a Swimming WA Member Club, Region or Affiliate proceeds into recess (short or long term) is that of the Management Committee of the relevant Swimming WA Member Club, Region or Affiliate.

6.3.23. Should a Swimming WA Member Club, Region or Affiliate decide to make application to Swimming WA to move into recess (short or long term), and seek the assistance of Swimming WA with the process, the Association shall render assistance and advice. The Association shall retain in safe keeping any Swimming WA Member Club, Region or Affiliate funds or assets on behalf of the Swimming WA Member Club, Region or Affiliate. In that eventuality, Swimming WA requires:

- a) Minutes of the Swimming WA Member Club, Region or Affiliate General Meeting that resolved to move the Entity into recess and the length of the recess envisaged by the Entity.
- b) Details of Trustee (if appointed) who has the authority to act for the Swimming WA Member Club, Region or Affiliate during the period in recess (this may be Swimming WA).
- c) A detailed inventory of all asset/s, and
- d) The necessary financial document with formal approval for any funds and assets that are to be lodged with Swimming WA.

- 6.3.24.** Any funds or assets lodged with Swimming WA shall be treated as though they were the funds or assets of Swimming WA for the purposes of investment and surety. As Member Clubs, Regions or Affiliates of Swimming WA must be incorporated entities, Swimming WA shall not compel a Swimming WA Member Club, Region or Affiliate to lodge any Member Club funds or assets with Swimming WA should they choose to enter recess. Any interest earned on the lodged funds shall remain with Swimming WA in lieu of Membership subscriptions or administration fees.
- 6.3.25.** A period of three (3) years shall be considered reasonable for a Member Club, Region or Affiliate to be in recess before Swimming WA shall consider the Member Club, Region or Affiliate “wound up” and no longer in existence. Should the Swimming WA Member Club, Region or Affiliate be wound up as advised by the Trustee/s of the Member Club, Region or Affiliate or by virtue of expiration of three (3) years in recess, Swimming WA shall disperse the funds and/or assets as per the Swimming WA Member Club, Region or Affiliate’s Constitution and/or the advice of the Trustees. Where there is no such direction as to disbursement of the funds and/or assets, such funds and/or assets shall revert to Swimming WA.
- 6.3.26.** Once the Swimming WA Member Club, Region or Affiliate has been “wound up” or no longer in existence, the Member Club, Region or Affiliate name and operating details will be removed from Swimming WA records from that time. Any future Club seeking affiliation to Swimming WA, that may choose to use the name of any previous “wound up” Member Club, Region or Affiliate, shall have no claim or access, to the absorbed funds or assets of the defunct Member Club, Region or Affiliate.
- 6.3.27.** The Swimming WA Annual Financial Report shall clearly indicate that the funds and/or assets are being held in Trust on behalf of the Swimming WA Member Club, Region or Affiliate. If at any time an Entity, with formal links to the Member Club, Region or Affiliate placed in recess, wishes to assist in the re-emergence of the Swimming WA Member Club, Region or Affiliate from recess (prior to the three (3) years in recess expiration) and makes formal application to Swimming WA (via the Trustee/s appointed at the time of entering recess) seeks to regain its lodged funds, the Entity shall first apply for Membership of Swimming WA.

Should the Membership application be granted, the Entity with formal links to the previous Swimming WA Member Club, Region or Affiliate must furnish Swimming WA with a letter from the former Club’s Management Committee requesting that the principal of the lodged fund be redeemed. Any Member Club, Region or Affiliate emerging from a period of recess shall be considered a new affiliation and be required to meet all the conditions of a new Member Club, Region or Affiliate.

Member Protection

- 6.3.28.** Swimming WA is committed to providing an environment where every person involved with the sport of swimming is treated with respect and dignity. The Association shall ensure that all Members provide a safe environment upholding the legal and ethical rights of the Membership. All Swimming WA Members are bound by the Association Code of Conduct (Reference M) and shall not be subject to bullying, harassment or discrimination.

- 6.3.29.** Swimming WA has adopted the Swimming Australia Limited (SAL) Policies at Reference D through I and L and M, in full and the procedures that accompany those Policies. The manner in which Swimming WA enacts the Swimming Australia Limited Safe Sport Framework appears in Reference M.
- 6.3.30.** Any type of behaviour of a sexual type, shall be referred directly to the Western Australian Police.
- 6.3.31.** It is a condition of affiliation that all Swimming WA Clubs must have a Member Protection Information Officer (MPIO). The name of the Club MPIO will be provided to Swimming staff in the Club re-affiliation package annually.

Vulnerable Club

- 6.3.32.** The Association shall provide guidance, assistance and advice to a Swimming WA Member Club, Region or Affiliate categorised as 'vulnerable'. A 'vulnerable' Member Club, Region or Affiliate is one whose Membership base falls below the mandatory Membership numbers as prescribed in By-Law 5.2. Swimming WA Member Club, Region or Affiliates may become 'vulnerable' due to factors that result in declining Membership rates at the time for Membership renewal (1st October each year). Vulnerability is often associated with the capacity of the Member Club, Region or Affiliate Administration and their ability to ensure that the Entity is financially viable and able to sustain its Membership and continue to operate as a Swimming WA Member Club, Region or Affiliate upholding the ideals of the sport of swimming in Western Australia.
- 6.3.33.** The CEO shall define the criteria for assessing and determining a 'vulnerable' Member Club, Region or Affiliate assistance via its Membership service and development staff to mitigate identified issues afflicting the Member Club, Region or Affiliate.
- 6.3.34.** Should a Member Club, Region or Affiliate Membership base be unable to be "revived" or continue to decline after intervention and assistance by Swimming WA, or the capability to sustain Member Club, Region or Affiliate via its management committee or Membership is clearly at risk, the Member Club, Region or Affiliate may be disaffiliated or advised to proceed into Recess.

Membership Subscription Fees

- 6.3.35.** Swimming WA Membership subscription fees shall be determined annually by the Executive and ratified by the Board and updated in the By-Laws. The objective is to notify the Member Club, Region or Affiliate of these subscription fees by no later than 30th April in accordance with Clause 7 of Reference A.
- 6.3.36.** The determination of Annual Membership fees shall be considered in conjunction with escalation of any or all of the following:
- a) Provision of services.
 - b) Increases in Consumer Price Index (CPI) in Western Australia.
 - c) Operational costs of the Association. Swimming Australia Limited affiliation and capitation fee increases, and

- d) Insurance coverage requirements that mitigate risk for the Association and its Members.

6.3.37. Recommendations for any increase in Membership and/or Affiliation fees will be determined by the CEO for submission to the Board for consideration and/or ratification.

Association Awards

6.3.38. Persons eligible to be nominated for Life Membership shall have complied with the guidelines outlined in the Swimming WA Life Membership criterion.

6.3.39. Nominations on the prescribed form shall be submitted to the CEO by the closing date in each year.

6.3.40. The Honours and Awards Committee shall consider the nomination and may recommend the award to the Board for consideration. If the Board does not ratify the recommendation from the Honours and Awards Committee, the reasons shall be conveyed to the proposer.

6.3.41. The AGM may approve a Board nomination of any person as a Life Member.

6.3.42. Any Member so appointed shall be issued with a Swimming WA Life Members medallion. Production of this medallion shall admit him/her to all Swimming WA competitions.

6.3.43. Swimming WA Life Members shall not be required to pay Membership fees to Swimming WA in recognition of their contribution to the sport of swimming.

Acceptance of New or Renewed Membership

6.3.44. As empowered in Reference A, Clause 6.2(a), confirms the right of the Association to reject an application Membership from any Swimming WA Member Club, Affiliated Region or Associate Member without the requirement to justify or explain the decision.

Termination of Membership or Affiliation

6.3.45. A Member, Affiliated Club or Region may have their Swimming WA Membership or Affiliation terminated for:

- a) In accordance with Clause 10.3 of the Swimming WA Constitution.
- b) Breaches that contravene Swimming WA Code of Conduct (Reference Q).
- c) Breaches that contravene Swimming Australia Limited Member Welfare or Child Welfare Policies.
- d) Such disciplinary action as may be an outcome of the Swimming WA Grievance / Complaint procedure or Disciplinary Committee.
- e) Breaches that contravene Swimming Australia Limited (SAL) Anti-Doping Policy; and
- f) Competing in swimming events against non-registered athletes, with the exception of Open Water Swimming in WA and Swimming WA learn to swim and development programmes.

6.3.46. Should the Disciplinary Committee or the Board suspend a Member's Swimming WA Membership, such Member shall not participate in any Swimming WA or Affiliated Club swimming meet / time trials in any capacity during the period of suspension.

6.3.47. Where a Member, Affiliated Club or Region is subject to allegations that fall within the criminal code of WA, said Member, Affiliated Club or Region might have their Membership suspended immediately, pending the outcome of the allegation process.

Transfers

6.3.48. A financial Member of a Club whose name has been recorded by the Membership system shall be deemed a registered Member of his or her Club until the Swimming WA specified Membership year expires.

6.3.49. Any Member may transfer to another Club at the end of a Season provided all obligations, financial and otherwise have been discharged to his or her prior Club. Any Annual Member desiring to transfer to another Club during the currency of his/her registration may do so with the consent of the current Club, and at the specific request of the Club to which he/she wishes to transfer. Swimming WA will invoice the appropriate transfer fee to the individual requesting the transfer.

6.3.50. The Secretary of the Club must submit the request to transfer via the Swimming WA Transfer Form. The current Club must respond to the request for transfer within 14 days of the request being lodged. Should the current Club wish to reject the transfer they must submit reasons in writing to the CEO, who shall be the arbiter. Should this Clause not be complied with, the CEO on appeal from the competitor has the power to grant the transfer.

6.3.51. A competitor having been granted one (1) transfer during any Season shall not be eligible for another transfer until the following Season without the explicit approval of the CEO.

6.3.52. Any refusal of a transfer by a Club shall be subject to acceptance by the CEO. The CEO shall bear in mind the following points in consideration to the refusal:

- a) Any financial Member of a Swimming WA Club is considered to have contracted with his or her Club until the completion of the current Season.
- b) Where a Club refuses a financial Member a transfer, the CEO will grant the transfer;
 - i. if the refusal involves the Member in hardship;
 - ii. if adequate evidence of personality issues adverse to the Member is produced;
 - iii. movement of the Member to an address remote from his or her current Club would normally be considered hardship.

Where a Club can prove that a previous Member has undischarged obligations, financial and / or otherwise, the CEO will suspend that Member's registration. The CEO shall immediately notify the Clubs involved, and the Board, of such Member's suspension.

6.3.53. No Club shall offer or knowingly permit any person to offer either directly or indirectly any inducement, financial and/or otherwise, to a competitor to transfer from one Club to another.

6.3.54. Acknowledging the intent of Reference H, CBL16.7, Swimming WA shall adopt a similar Policy and procedure that restricts transfers during a period of 30 days. Accordingly, athletes shall be aware and consider the ramification of a transfer that may fall within the 90 day provision of Reference H CBL16.7 in relation to National level competition and/or the 30 day provision of this Clause in relation to Swimming WA competition.

6.4. RISK MANAGEMENT

6.4.1. In order for Swimming WA to fully consider the effect of risk and mitigate risk as far as is possible, the Swimming WA Executive will reference the Australian/New Zealand Standard ISO 31000:2018 “Risk Management Principles and Guidelines” and Handbook 246:2010 “Guidelines for Managing Risk in Sport and Recreation” (Reference B).

6.4.2. Based on these two (2) documents, Swimming WA will design and implement a Risk Management Policy and provide a Risk Management Protocol that captures the expectations, commitment and responsibilities throughout the Association. The following minimum measures and practices will be enacted by the Association:

- a) Such Insurance Certificates (e.g.: Public Liability, Directors and Officers Liability, Personal Accident, Property, and Travel, etc.) as required to adequately protect the Association and its Members, the Board and Executive, volunteers, etc.
- b) Policies, Procedures and Codes of Practice for Board Committees.

6.4.3. An Annual audit by an external and independent person / organisation shall be undertaken as part of the Swimming WA Risk Management Policy and Protocol and in line with sound governance practices, implemented by the CEO.

Working with Children Check

6.4.4. The Board, CEO and Swimming WA staff shall present a current Working with Children Check and National Police Clearance, and sign a Swimming WA Declaration (as required by the State jurisdiction) prior to commencing their duties. Failure to present any of these documents disqualifies an individual from operating in a position of trust on behalf of the Members of Swimming WA. Following ongoing renewal of Working with Children Check will be borne by the individual Board, CEO and Swimming WA staff Member.

6.4.5. The requirement for a current Working with Children Check and National Police Clearance, and signed Declaration is a mandatory requirement of affiliation for all Member Club Management Committees who do not have a child within the Club environment and those Club persons (similarly without a child within the Club) within a Club environment who have control or influence over Members.

6.4.6. All Swimming WA Technical Officials must be Swimming WA Members and shall hold and maintain a valid Working with Children Check.

- 6.4.7.** The CEO shall have in place a procedure that outlines the processes required in gaining Working with Children Checks and the means by which the Working with Children Checks may be conveyed into his/her custody for review and secure retention. Working with Children Check cards may be photocopied for submission to the CEO, noting the requirements of the Swimming WA Privacy Policy.
- 6.4.8.** Swimming WA shall maintain an appropriate software application database that permits Swimming WA to record, retain, search and secure the competitive swimming results of athletes. The database application will have suitable record capacity to maintain competitive records of individual athletes and teams for a minimum period of 15 years.
- 6.4.9.** The software application will be sourced taking into consideration the swimming environment and compatibility with other swimming stakeholders (State, National and International). The software application will include the functionality to be upgraded to meet the requirements of contemporary computing hardware, computer operating systems and competitive swimming protocols, and be portable across computer systems.
- 6.4.10.** The database (and its successor) will be the primary repository for all competitive swimming results collected by Swimming WA. Swimming WA shall not place itself in a position at any time that causes a loss of control or ownership of the records or data. Any competitive swimming results dispatched to other entities shall be copies.
- 6.4.11.** The Swimming WA computer server and its file directories shall be structured such that the swimmer competitive result record path is apparent and accessible to such persons authorised to access the database. No person shall have sole access and or discretion to the data, nor shall the record path or database be password protected, unless such security provisions are adopted that maintains secure retention and control of any access password.

Coaching by Non-ASCTA Coaches

- 6.4.12.** Swimming WA has a strong preference for competitive Members of Swimming WA to be coached by coaches who are accredited by and Members of the Australian Swimming Coaches and Teachers Association (ASCTA). ASCTA coaches bring a strong pathway of training, mentoring, assessment, accreditation and experience through a national Association.
- 6.4.13.** The benefit that an ASCTA coach brings to Swimming WA's endeavour to mitigate risk to its competitive swimming Members is that an ASCTA coach is professional and normally provides indemnity for their operations and risk events.
- 6.4.14.** Swimming WA's position is that Swimming WA competitive swimming Members being coached by non-ASCTA coaches imposes an unacceptable level of risk to Swimming WA in terms of Swimming WA being able to disclose risk relevant to insurance coverage provided by insurance underwriters.
- 6.4.15.** The Swimming WA Policy will be to notify any competitive swimming Member that chooses to be coached by a non-ASCTA coach (either within or outside a Member Club), that Swimming WA may terminate his/her Membership due to this level of unacceptable

risk. The Member's respective Club shall also be advised in relation to potential corresponding Club risk.

6.4.16. This Policy is not designed to impinge on volunteers who coach within the Club environment pending ASCTA training and accreditation. Where a volunteer elects not to undertake ASCTA training and accreditation, and continues coaching within the Club environment, Swimming WA shall expect that the relevant Club indemnify Swimming WA by holding current and valid Personal and Public Liability insurances for the Club's volunteer coaching operations. The Coach must be working toward ASCTA accreditation within two (2) years.

6.5. COMPETITION

Anti-Doping

6.5.1. Swimming WA condemns the use of Prohibited Substances and Methods within the sport of swimming in WA and supports Swimming Australia Limited in its Policy at References G and H. All Members of Swimming WA shall be aware that Swimming Australia Limited Anti- Doping policy applies to:

- a) Members.
- b) Athletes.
- c) Athlete support personnel and support persons, and
- d) Any other person who has agreed to be bound by Reference E.

Swimming WA Members are bound by this Anti-Doping Policy as a condition of their Membership of organised swimming in WA. The CEO shall disseminate appropriate anti-doping information as warranted to all athletes and Member Clubs at time of Affiliation to adequately convey Swimming WA's Policy on anti-doping.

6.5.2. Swimming WA advises all athletes who attain International or National Level qualifying times and or compete at International or National Level meets shall be subject to Articles 5 and 8 of Reference E.

6.5.3. Affected athletes at By-Law 6.5.1 and their support personnel must be cognisant of and comply with all anti-doping Policies and rules applicable to them. This includes, but is not being limited to: Swimming Australia Limited Anti-Doping Policy; the FINA Anti-Doping Rules; and the National Anti-Doping (NAD) scheme.

6.5.4. Those affected athletes in By-Law 6.5.1 must:

- a) Read and understand the Prohibited Substance Policy as it relates to them.
- b) Make themselves available for Sample collection and provide accurate and up-to-date whereabouts information for this purpose when identified for inclusion in a Registered Testing Pool.
- c) Assume full responsibility, in the context of anti-doping, for what they ingest;
- d) Inform the Swimming WA Medical Officer in the first instance and if none, the Swimming WA Chief Executive Officer in accordance with their obligations, of any potential deviation or breach of approved Use Prohibited Substances and Prohibited Methods and ensure that any medical treatment received does not

violate anti-doping policies and rules applicable to them. The Swimming WA Chief Executive Officer will refer the matter to the appropriate authority.

- e) Immediately refer information about possible Anti-Doping Rule Violations to the Swimming WA Chief Executive Officer or ASADA.
- f) Cooperate, assist and liaise with ASADA and other Anti-Doping Organisations in relation to the conduct of any investigation or hearing into an alleged Anti-Doping Rule Violation.
- g) Must act in a discreet and confidential manner in discharging their obligations under this Policy.
- h) Immediately notify the Chief Executive Officer any Adverse Analytical Finding or notification of other Anti-Doping Rule Violation received by that athlete and give a copy of documents relating to that Adverse Analytical Finding or other Anti-Doping Rule Violation to the Chief Executive Officer.

6.5.5. Swimming WA Members accept that if they attain International or National level competition status and become subject to Doping Control that, as per Reference E Article 8, their Membership of the Association binds them to In-Competition Testing and Out-of-Competition Testing (at any time or place, with or without advanced notice) by an Anti-Doping Organisation. This may require the swimmer to provide accurate and up-to-date whereabouts information for a Registered Testing Pool. The Swimming WA Anti-Doping policy applies equally to Multi Class Swimmers as to able-bodied competitors. Any competitor who refuses to undertake anti-doping testing may be subject to Reference E, Article 5.

6.5.6. Many medications contain banned and restricted substances as outlined in the Swimming Australia Limited Anti- Doping Policy. Athletes must take great care in choosing medications, particularly when they compete in events where drug testing may occur. Multi Class swimmers who use drugs such as Ritalin and most asthma puffers must have the approval of ASADA before they can compete. To ensure that the medication chosen is permitted, an athlete should check if the medication is listed on the ASADA website <https://www.asada.gov.au/anti-doping-programmes> under “Check your substances”.

Officiating

6.5.7. All Officials at a Swimming WA sanctioned swim meet shall be a financial Member of Swimming WA.

6.5.8. Acknowledging the accountability that Swimming WA has to its Members and Officials, the Meet Director and the Referee, possess the right to decline the assistance of Club provided volunteers where they consider that the use of a co-opted volunteer/s may be contrary to the conditions of good risk management in conducting the meet.

6.5.9. Should there be a dispute between the Meet Director and the Referee as to the appropriateness of using a co-opted volunteer who is not a Member of Swimming WA, the Referee shall have the final determination.

Suspended or Terminated Officials

6.5.10. Should the Disciplinary Committee or the Board suspend an Official's Swimming WA Membership, such Official shall not officiate at any Swimming WA or Affiliated Club swimming meet / time trials in any capacity during the period of suspension. This Policy

shall not negate a person's right to act as a timekeeper at Club time trials in their capacity as a parent of a swimmer within the Club.

6.5.11. Should an Official's Membership be terminated, such Official shall not officiate at any Swimming WA or Affiliated Club swimming meet in any capacity within Western Australia, unless as his/her Swimming WA Membership is renewed.

6.5.12. The CEO shall advise the Swimming WA Technical Committee and Swimming Australia Limited of such suspended or terminated Official and the period of suspension.

Visiting Technical Officials

6.5.13. Where an Official who is not a resident of Western Australia is seconded, assigned or volunteers to officiate at a Swimming WA meet, such Official must be affiliated with Swimming Australia Limited or a FINA recognised international swimming Federation. Swimming WA reserves the right to accept or reject the offer of services (paid or voluntary) of the Official at the Swimming WA meet at its absolute discretion. Any visiting Technical Official shall advise Swimming WA of their desire to officiate at a Swimming WA meet a minimum of seven (7) days prior to the commencement of the meet. The CEO shall remind the Swimming WA Technical Education Committee of this Policy requirement to ensure that all Swimming WA Referees comply with this Policy.

WA Registered Athletes

6.5.14. Athletes registered with Swimming WA may only compete in swimming events against other registered Swimming WA Members; Swimming Australia Members or FINA recognised international swimming Federation Members.

6.5.15. Competing in swimming events against non-registered athletes may lead to termination of Swimming WA Membership.

Competitive Age Structure

6.5.16. As a contributor to the approval of Reference D, Swimming WA seeks to ensure that the spirit and intent of Swimming Australia's Junior Sport Policy is conveyed and implemented throughout the swimming season. Swimming WA shall implement a nurturing and supportive competitive environment that encourages swimming development, provides a challenge for competitors of all ages and abilities, a clear pathway for swimmer improvement and has the objectives to retain the swimmer in the sport for as long as possible. While some swimmers may wish to fulfill their potential at a more aggressive pace, Swimming WA's obligation is to ensure that swimming in WA caters for all levels of swimmers in an appropriate structure. As such, the following Age Competition Structure shall be adopted for all Swimming WA competitive meets:

- a) Junior: Competitive swimmers from the substantive age of nine (9) years through to 12 years of age.
- b) Age: Competitive swimmers from the substantive age of 13 years through to 18 years of age, and
- c) Open: Competitive swimmers from the substantive age of 12 years of age and above.

- 6.5.17.** For the purposes of competition transition, Junior competitive swimmers who are substantively 12 years of age and meet event entry qualifying requirements, may enter Swimming WA competitive meets in the 13 years age group. In addition, a substantively 12 years of age competitive swimmer whose entry has met the administrative criteria for the Age meet and holds the event entry qualifying requirement/s, may also swim up in Open age events only.
- 6.5.18.** The CEO shall ensure that all literature / programmes relevant to a Swimming WA meet outline / publish the Competition Age Structure. An error or omission in any of the literature / programmes relevant to Swimming WA meets shall not negate or override this Policy.

Exceptions (Club Novice, Promotional, Developmental and School Meets)

- 6.5.19.** The CEO may approve exceptions to By-Law 6.5.14, where the deviation from By-Law 6.5.14, objectively supports the Swimming WA Strategic Plan. Such swimming events may be novice, school, developmental or promotional meets whereby both Registered and Non-Registered Members may compete, provided that the swimmer meets the age requirement for a Swimming WA competitive Membership.
- 6.5.20.** Swimming WA will not oppose Members conducting Club novice, school, developmental or promotional meets to highlight the benefits and camaraderie of the sport of swimming. However, Swimming WA shall hold the position that times recorded at such meets will only be accepted where the required officiating structure is in place.

Visitors

- 6.5.21.** For the purposes of Swimming WA State Championships, all athletes registered with Swimming WA who do not hold residency status in Australia shall be considered visitors.
- 6.5.22.** Persons domiciled in Western Australia and who do not have residency status and are Associate Members of a Swimming WA Member Club, Region or Affiliate shall, (for the purpose of this Policy), be eligible to compete in Swimming WA State Championships as a "Visitor", provided they meet the entry qualifying time and sign the Swimming WA Code of Conduct.
- 6.5.23.** "Visitors" not domiciled in Western Australia that are Members of other FINA recognised international swimming Federations, shall be eligible to compete in Swimming WA State Championships, provided they meet the entry qualifying time, sign the Swimming WA Code of Conduct and hold a valid clearance from their Federation. Such athletes shall compete as a "Visitor".
- 6.5.24.** "Visitors" who are Associate Members of a Swimming WA Member Club, Region or Affiliate may compete in relays and score points at Swimming WA State Championships provided that a maximum of one (1) "Visitor" may compete for one (1) Swimming WA Club relay team.
- 6.5.25.** The CEO will ensure that Membership applications have provision for annotating the citizenship and or residency status of an athlete at time of application. The CEO shall advise all Swimming WA Member Clubs, Regions or Affiliates of this Policy and that it is

the responsibility of the Swimming WA Member Club, Region or Affiliate Registrar to ensure that non-residency status is shown as a “Visitor” on State Championship entries.

Competition Swimwear

6.5.26. Swimming WA will adopt Swimming Australia Limited Competition By-Law (CBL) 15.1 - General Swimsuit Guidelines, CBL 15.2 - Additional Swimsuit Guidelines for Age Group Events and Open Water By-Law (OWBL) 7 for all swimwear worn by competitive swimmers at meets conducted in Western Australia by Swimming WA.

6.5.27. Acknowledging the FINA Approved list, Swimming WA will allow competitors to wear swimsuits that have not been approved by FINA provided they meet the guidelines relating to textile material, fastening devices and coverage in adopting Swimming Australia Limited CBL 15.2.

6.5.28. Swimming WA will adopt Swimming Australia Limited definition of an Age Group event.

6.5.29. An excerpt of Swimming Australia Limited's CBL 15.2 is outlined below and applies to all Swimming WA Members:

- a) All swimwear worn by competitors in Age Group Events (18 and under) conducted in Australia by Swimming Australia Limited shall be commercially available products.
- b) Swimwear worn by competitors in Age Group Events shall conform to the following design:
 - i. Men's swimwear is limited to one (1) swimsuit that covers at most the body surface from navel to knee. Swimwear may not extend above the navel or below the knees.
 - ii. Women's swimwear is limited to one (1) swimsuit that is of “open back” and “open shoulder” designs that may extend down to the knee. Swimwear must not extend below the knees. Swimwear must not have a zipper or any type of fastening devices except for a waist tie on traditional swimsuits.
 - iii. Suits must be of textile material and must not contain any non-textile material such as polyurethane or neoprene.
- c) The use of logo's and advertising on competition swimwear must comply with the FINA guidelines and Swimming Australia Limited CBL 31.1.
- d) Swimmers under the age of 12 will not be permitted to wear technical / performance racing suits at Swimming WA Sanctioned Competition as outlined in the Swimming WA Technical / Performance Suit Policy, December 2017 (Reference R). Exception is made for 12-year old's competing in 13-year-old or Open age groups.

Swimming WA State Championships and Meets

6.5.30. Should a swimmer not achieve the qualifying time in a heat or semi-final leading to a final of a State Championship event, they shall be ineligible to compete in the final of that State Championship event.

6.5.31. The winner, second, and third place-getters in each State Championship or Swimming WA meet shall receive a medallion of special design. The first medallion shall be of gold

colour, the second medallion shall be of silver colour and the third of bronze colour. Medals shall be presented in the order of Bronze, Silver and Gold.

- 6.5.32.** The first swimmer to finish in each State Championships who is eligible to represent Australia and is a Swimming WA Member, shall receive the title of “State Champion”. In the event of a swimmer who is not eligible to represent Australia gaining 1st, 2nd or 3rd place, a medallion shall be awarded similar to that given by Swimming WA to any eligible swimmer gaining such a place. No medal or points shall be awarded if the place-getter fails to achieve the qualifying time set for the event.
- 6.5.33.** Only swimmers eligible to represent Australia may compete in a semi-final or final of the State Championship. If such an event is not a qualifying event then up to two (2) lanes will be available to non-eligible swimmers who qualify for an ‘A final’. This Rule also applies to the fastest seeded heat of a timed final. This change shall apply to non-Australian citizens where an event is not a selection event.
- 6.5.34.** In all events except for the 1500m, 800m and 400IM, B-Finals will only occur at a Swimming WA Open State Championship where there is a minimum of 24 participants during the heats of that event.

Open Water Swimming (OWS)

- 6.5.35.** All competitive elements within a Swimming WA Open Water Swimming event will be officiated in accordance with FINA guidelines, with the operation of the event adhering to such guidelines. Recreational elements within a Swimming WA Open Water Swimming event are not subject to such scrutiny by Technical Officials, so long as they have complied with safety guidelines and the objects of a fair and equitable event.
- a) Minimum age of swimmers eligible to enter Swimming WA Open Water 2.5km and 5km events is 12 years of age, as at the date of the meet. The minimum age of swimmers eligible to enter Swimming WA Open Water 7.5km and 10km events is 14 years of age, as at the day of the meet.
 - b) All age competitors for WA Open Water Swimming Series Awards and Round Awards shall have their age determined as at 1st May in the season of competition. The OpenWater Swimming Season is from 1st November to 31st March.
- 6.5.36.** Swimming WA Open Water Swimming development programmes will include distances of 500m and 1.25km and will allow swimmer’s nine (9) to 11 years of age respectively to participate. Other open water swimming distances shorter than the above subscribed may be made available for swimmer development from time to time and age limits will be determined by the Swimming WA CEO cognisant of development objectives and assessed risks.
- * Note: All swimmers aged under 11 must be accompanied by a suitably experienced chaperone swimmer who is a minimum of 18 years of age as at the day of the Round.
- 6.5.37.** OWS swimmers shall be aware that Swimming Australia Limited OWS 6.10 does not apply to Swimming WA Open Water events in relation to buoyancy (e.g. wetsuits are permissible) outside of the Swimming WA OWS State Championships. Swimmers

wearing wetsuits may not win competitive medals, but are eligible for prizes at Swimming WA's absolute discretion.

6.5.38. OWS swimmers shall be aware that Swimming Australia Limited OWS 6.18 (Finish timing limit) shall not apply to Swimming WA Open Water Events. Cut off times for competitors shall be set by the Swimming WA Event Director at their absolute discretion.

6.5.39. OWS swimmers shall be aware that Swimming Australia Limited OWS 7.2 (Finish apparatus) shall not apply to all Swimming WA Open Water events, other than the Swimming WA OWS State Championships.

Overseas / Interstate Based Swimmers

6.5.40. Swimmers based overseas on academic or sporting scholarships shall not be considered for Swimming WA Travel Assistance Grants (TAG) where the TAG funding will be used to cover the costs of travel from the overseas country location to the State of Western Australia. This prohibition shall also apply for costs of travel for swimmers based interstate for academic scholarships or training purposes.

6.5.41. Where a Western Australian resident swimmer returns to the State as part of a semester break or holiday period, and that break / holiday period covers the anticipated TAG competition period, the swimmer will be eligible for TAG. The travel origin of any TAG funding shall always be deemed to be Western Australia.

Jury of Appeal

6.5.42. The Jury of Appeal for all Swimming WA Championships or meets will be the Referees present as listed in the Swimming WA Almanac (from time to time) and not involved in the protest. In the event of three (3) referees not being available, then the Meet Director shall fill any vacancy. The Jury shall operate under Swimming Australia CBL 29. The protest deposit for Swimming WA shall be \$150.00 including GST.

6.5.43. For Guidelines of a Jury of Appeal, please refer to Reference H.

6.6. COMMITTEES

Board Committees

6.6.1. As enacted by Clause 31.1 and 31.2 of Reference A, the following Committees are Committees of the Board:

- a) Finance and Governance Committee.
- b) Judicial Committee, constituted as and when required. The Judicial Committee shall be delegated such specific power required to make decisions independent of the Board with regard to disciplinary matters.
- c) Honours and Awards Committee, constituted as and when required but not less than six (6) weeks before the date of the Annual General Meeting and the Swimmer of the Year Awards.
- d) Investment Committee, and

- e) Such other Committees approved by the Board for the purposes of the investment of Swimming WA reserves, governance and strategic planning.

6.6.2. Each Committee shall have a Terms of Reference that outlines the Roles and Responsibilities.

Operational Committees

6.6.3. As required, the CEO may establish Operational Committees in accordance with Reference A 32.1 to conduct such business and function that may assist and support the Chief Executive Officer in delivery of services or products by Swimming WA.

6.6.4. The role of an Operational Committee will be to make recommendations for determination by the CEO, except where specific powers of determination have been delegated in writing.

6.6.5. The Operational Committees as listed in 32.3 of Reference A include:

- a) Technical Education and Officials Committee.
- b) Competition and Planning Committee.
- c) Open Water Swimming Committee.
- d) High Performance Committee.
- e) Country Swimming Committee, and
- f) Other Committees as and when required, at the CEO's absolute discretion.

6.7. MEET RECORDS

6.7.1. Swimming WA will establish such swim meet competition pool and OWS Records as it sees fit commensurate with the level of competition, to acknowledge the effort and performance of swimmers. The CEO will make recommendation for the establishment of a Swimming WA Record category, however, the scope of any Record established shall be at the discretion of the Board.

6.7.2. Such meet Records shall be maintained in a register that upholds a historical and traceable testimony of the Records achieved across those levels of competition for which Records have been established.

6.7.3. Whoever so breaks an established Record shall be presented with an appropriate Swimming WA certificate of recognition that outlines such information, which portrays the individual or team Members achieving the Record.

6.7.4. Where a Record reflects the efforts by a Western Australian, the definition of a Western Australian is outlined in the Glossary of Terms at Appendix E. Clauses 6.5.22 – 6.5.27 are applicable to the definition of “Western Australian”.

6.7.5. The CEO will be responsible for the establishment of and management of appropriate Records in liaison with any Sub-Committee/s or appointed / elected Officials. The establishment of a new or variation to an existing record shall be submitted to the Board for ratification.

Category of Records

6.7.6. Records maintained and awarded by Swimming WA are as follows:

- a) All Comers WA Open State Record (Individual, State and Club relay) Long Course and Short Course – for the best times recorded in Western Australia by a swimmer or team registered with a FINA recognised international swimming Federation and as defined in Table One.
- b) All Comers WA Age State Record (Individual, State and Club relay) Long Course and Short Course – for the best times recorded anywhere in Western Australia by a swimmer or team registered with a FINA recognised international swimming Federation and as defined in Table One.
- c) All Time WA Open State Record (Individual, State and Club relay) Long Course and Short Course – for the best times recorded anywhere in the world by a registered swimmer or team having Australian citizenship or permanent residential status, currently registered with Swimming WA and as defined in Table One.
- d) All Time WA Age State Record (Individual, State and Club relay) Long Course and Short Course – for the best times recorded anywhere in the world by a registered swimmer or team having Australian citizenship or permanent residential status, currently registered with Swimming WA and as defined in Table One.
- e) Residential WA Open State Record (Individual, State and Club relay) Long Course and Short Course – for the best times recorded in Western Australia by a WA registered swimmer where the All Comers WA Open State Record is held by a non-Western Australian (6.7.6a). Where a Residential WA Open State Record is established equal to or better than the existing All Time WA Open State Record (6.7.6c), the swimmer or team becomes the holder of both records provided that the conditions applicable to (6.7.6c) apply.
- f) Residential WA Age State Record (Individual, State and Club relay) Long Course and Short Course – for the best times recorded in Western Australia by a WA registered swimmer or team where the All Comers WA Age State Record is held by a non-Western Australian (6.7.6b). Where a Residential Record is established equal to or better than the existing All Time WA State Age Record (6.7.6d), the swimmer or team becomes the holder of both records provided that the conditions applicable to (6.7.6d) apply.
- g) All Time WA Country Open Record (Individual or Club relay) Long Course and Short Course – for the best times recorded anywhere in the world by a registered swimmer or Club team representing their country Club having Australian citizenship or permanent residential status, and currently registered with Swimming WA.
- h) All Time WA Country Age Record (Individual or Club relay) Long Course and Short Course – for the best times recorded anywhere in the world by a registered swimmer or club team representing their country club having Australian citizenship or permanent residential status, and currently registered with Swimming WA.
- i) Residential WA Country Open Record (Individual or Club relay) Long Course and Short Course – for the best times recorded in Western Australia by a registered swimmer or club team representing their country club having Australian citizenship or permanent residential status, and currently registered with Swimming WA.
- j) Residential WA Country Age Record (Individual or Club relay) Long Course and Short Course – for the best times recorded in Western Australia by a registered swimmer or club team representing their country club having Australian citizenship or permanent residential status, and currently registered with Swimming WA.

- k) Country Pennants meet Records (Individual or Club relay) – for the best times recorded during the contesting of the Country Pennant. These records are meet Records only and can only be set during the course of the running of the Country Pennants. Records can only be broken in the event number that they or the team are competing in. There shall be separate Records for each of the grades competing and an overall Record, whereby the overall Record is equal to or faster than the grade they are competing and is faster than the other grades for the said gender, age, stroke and distance.

Amendment Categories, Distance Strokes

- 6.7.7.** The table of Western Australian State and Country Records are listed in Table One. Record categories may be amended when events are changed. When an old record for an event is re-instated the time required to achieve that record may be a Standard set by the Swimming WA Records Officer which relates to the current standard of performance and possibly the previous record holder's name and time.

Application for Records

- 6.7.8.** All Time WA Open (Individual, State and Club relay) LC/SC, All Time WA Age (Individual, State and Club relay) LC/SC, All Time Country Open (Individual or Club relay) LC/SC and All Time Country Age (Individual or Club relay) LC/SC – application for recognition to be made on appropriate form unless event was conducted by Swimming WA, Swimming Australia Limited or FINA. After being duly completed, processed and recommended by the meet organisers and the Team Manager, the application shall be forwarded within seven (7) days of the performance, to the Swimming WA Records Officer.
- 6.7.9.** All Comers WA Open (Individual, State and Club relay) LC/SC, All Comers WA Age (Individual, State and Club relay) LC/SC, Residential WA Open (Individual, State and Club relay) LC/SC, Residential WA Age (Individual, State and Club relay) LC/SC, Residential WA Country Open (Individual or Club relay) LC/SC, Residential WA Country Age (Individual or Club relay) LC/SC – If a swimmer or team wishes to ensure that a record attempt is noted, a Record Application Form must be completed. This is essential in meets where no age categories apply and is advisable where a swimmer competing outside his/her own age group.
- 6.7.10.** Records at intermediate events may be claimed (e.g. first 100m in a 200m event, 800m in a 1500m event, etc.) providing approved Automatic Officiating Equipment records the intermediate distance. Such swimmer must complete the scheduled distance of the event and achieve the qualifying time, if any, for the event and is not subsequently disqualified.
- 6.7.11.** Records may be awarded to the first swimmer in a Relay, providing that the said swimmer completes the distance in accordance with the rules, such a performance shall not be nullified by any subsequent disqualification of the relay team or team Members for a violation occurring after the first swimmers distance is completed.
- 6.7.12.** Automatic Records are recognised:
- a) Where a record is set in the swimmer's own age group.
 - b) Where a record is set for an age group and is better than any age group.

- c) Where a swimmer breaks the record in an event above his/her age, they shall be entitled to the record for each subsequent age group above where the recorded time is faster than the current Record.
- d) A swimmer shall be granted the record of their own age, if in an event above their own age; they break the said age group Record.

6.7.13. Equal Records: In the event of two (2) or more swimmers being credited with equal times, each shall be credited with the Record.

6.7.14. Inaugural Records: Granted to the fastest time of the event, whether it be heat or final. Where a new age group record is instituted between two (2) existing age records, the inaugural record shall be an improved time over that of the younger age group. At the decision of the Board, standards may be set for inaugural Records for events reintroduced. The inaugural holder of an age Record shall be the same age at the date of the swim unless the time is equal to or faster than that of the age group above or the standard set for the older age group.

6.7.15. Solo Attempts: Will be allowed for Australian Age and Australian Open Records only, provided that application has been made in writing to the CEO at least five (5) days prior to the date on which such record attempt is to be made.

6.7.16. Record Certificates: To be issued to swimmers registered with Swimming WA automatically. One (1) certificate only to be issued to an individual or team (plus one each per team Member) establishing a new Record in a heat and again in the final. Visitors claiming All Comers WA Open State or All Comers WA Age State LC/SC Records will be issued only upon request.

6.7.17. For all long course-swimming Records the length of the pool shall be 50 metres in compliance.

6.7.18. For all short course-swimming Records the length of the pool shall be 25 metres in compliance.

6.7.19. State records can only be set in pools using Automatic Officiating Equipment (AOE) and accredited Swimming WA Technical Officials.

6.7.20. Country records may be set in pools using three (3) manual stopwatches operated by Swimming WA accredited timekeepers and accredited Swimming WA Technical Officials.

6.7.21. Each entrant for limited age competition must be the stipulated age on the first day of the meet.

6.7.22. School meets such as the Pacific School Games and Australian Secondary School Sports Championships are the only school meets where Swimming WA will consider times for records.

6.7.23. Swimming WA will send record certificates directly to the swimmer's Club, following ratification of the swim.

6.7.24. State Records may only be set in Sanctioned Swimming WA swim meets.

- 6.7.25.** Records may be set in mixed gender events, providing the qualifying time of the event is met during the completion of the swim.
- 6.7.26.** Club relay records are only awarded to Clubs whose competing relay team Members all belong to the same Swimming WA Club.
- 6.7.27.** Competitors whose recorded times may be faster than the current Swimming Australia Limited Open (LC/SC) and All Comers (LC/SC) and Swimming Australia Limited Age (LC) and All Comers Age (LC) Records, for their times to be ratified as potential Records are required to be familiar with the policies of Swimming Australia Limited Swimming Rules SW12 Records. Such Record applications are covered under Swimming Australia Limited Swimming Rules SW12.4.3.

Swimming WA Multi Class Records

6.7.28. Categories of Records available to Multi Class swimmers are as follows:

- a) All Comers WA Open State SWD Record (Individual) Long Course and Short Course – for the best times recorded in Western Australia by a swimmer registered with a FINA recognised international swimming Federation holding a current classification recognised by Swimming Australia Limited, and as defined in Table Two.
- b) All Comers WA Age State SWD Record (Individual) Long Course and Short Course – for the best times recorded anywhere in Western Australia by a swimmer registered with a FINA recognised international swimming Federation holding a current classification recognised by Swimming Australia Limited, and as defined in Table Two.
- c) All Time WA Open State SWD Record (Individual) Long Course and Short Course – for the best times recorded anywhere in the world by a registered swimmer having Australian citizenship or permanent residential status, currently registered with Swimming WA and holding a current classification recognised by Swimming Australia Limited, and as defined in Table Two.
- d) All Time WA Age State SWD Record (Individual) Long Course and Short Course – for the best times recorded anywhere in the world by a registered swimmer having Australian citizenship or permanent residential status, currently registered with Swimming WA and holding a current classification recognised by Swimming Australia Limited, and as defined in Table Two.
- e) Residential WA Open State SWD Record (Individual) Long Course and Short Course – for the best times recorded in Western Australia by a WA registered swimmer holding a current classification recognised by Swimming Australia Limited where the All Comers WA Open State SWD Record is held by a non-Western Australian (6.7.29a). Where a Residential WA Open State SWD Record is established equal to or better than the existing All Time WA Open State SWD Record (6.7.29c), the swimmer or team becomes the holder of both Records provided that the conditions applicable to (6.7.29c) apply.
- f) Residential WA Age State SWD Record (Individual) Long Course and Short Course – for the best times recorded in Western Australia by a WA registered swimmer holding a current classification recognised by Swimming Australia Limited where the All Comers WA Age State SWD Record is held by a non-Western Australian (6.7.29b). Where a Residential Record is established equal to or better

than the existing All Time WA State Age SWD Record (6.7.29d), the swimmer or team becomes the holder of both records provided that the conditions applicable to (6.7.6d) apply.

- 6.7.29.** The recognised distances, strokes and disabilities for both Male and Female Long Course and Short Course for Swimmers with a Disability are included in Table Two.
- 6.7.30.** Swimming WA shall maintain a database of Records for Multi Class competitors and history of their classifications.
- 6.7.31.** Records for Age group swimmers are limited to establishing a Record within their own age group only and they may hold the Open Record if their time is faster than the current listed Open Record.
- 6.7.32.** In the case of a swimmer having a change in classification the following shall apply:
- a) Visually impaired swimmers shall retain records held in their previous classification.
 - b) Functional Class System: If the reclassification is due to changes in the degree of disability of the swimmer, then record/s will be retained in the swimmer's previous classification.
 - c) If the reclassification is due to any reason other than described in 6.7.33b, a swimmer is ineligible to hold record/s in their previous classification. The swimmer's historical times shall be considered for record/s in their new classification.
- 6.7.33.** If a swimmer considers that they have attained a record for which there is not a MDST time to enable ratification of the recorded swim time, then the matter should be referred to Swimming WA for advice and guidance.
- 6.7.34.** Should a Multi Class swimmer consider that they have achieved a World or Australian Record, the Referee must sign a relevant application form. In addition, World Records require AOE and the event print out including the lane number and the name of the swimmer to be attached to the application.
- 6.7.35.** Times recorded by Multi Class swimmers in Able Bodied events shall be recorded as an Able-Bodied time. No MC World, Australian, Australian Age or Swimming WA records shall be recognised in Able Body events.
- 6.7.36.** Policies listed under Swimming WA Records 6.7.1, 6.7.3, 6.7.7, 6.7.9, 6.7.10a, and 6.7.11 thru 6.7.18 and 6.7.20 thru 6.7.24, also apply to Multi Class competitors.
- 6.7.37.** Multi Class competitors whose recorded times may be faster than the current SWD Australian Records, for their times to be ratified as potential Records are required to be familiar with the policies of Swimming Australia Limited Swimming Rules SWD I 2 Records.

6.8. Swimming WA Trophies

- 6.8.1.** Trophies, in particular Perpetual Trophies, represent the achievement and history of Swimming WA. The safe keeping, knowledge and whereabouts of Swimming WA

Trophies contributes to the management of Swimming WA assets and in particular the legacy of why, who and when the Trophies were donated or purchased.

- 6.8.2.** To achieve the intent of Clause 6.8.1, Swimming WA shall maintain a Trophy Register that upholds a historical and testimony of the Trophies across those levels of competition for which Trophies are or have been awarded. This Trophy register shall be enduring and as such should be in hard copy format, with electronic back up.
- 6.8.3.** The Swimming WA Trophy Register shall at all times be able to readily provide the status and location of any Trophy.
- 6.8.4.** The Swimming WA Trophy Register shall also outline any history or rationale for the creation of the Trophy's purpose, the individual who may have donated the Trophy and the individual's requirements for the trophy's ongoing legacy of presentation.
- 6.8.5.** Medals awarded as part of a competition placing do not have to be recorded or tracked.

TABLE ONE

| SWIMMING WA: MALE & FEMALE LONG COURSE & SHORT COURSE STATE ALL COMER, STATE ALL TIME, STATE RESIDENTIAL, COUNTRY ALL TIME & COUNTRY RESIDENTIAL RECORDS MATRIX | | | | | | | | | | | | | | | | | | | | | | | |
|--|-----------|-------|-------|-------|-------|-------|------------|-------|-------|--------------|-------|-------|-----------|-------|-------|--------------------|-------|-------|------------------|--------|-------|---------------|--------|
| | Freestyle | | | | | | Backstroke | | | Breaststroke | | | Butterfly | | | Individual Medley* | | | Freestyle Relay# | | | Medley Relay# | |
| | 50m | 100m | 200m | 400m | 800m | 1500m | 50m | 100m | 200m | 50m | 100m | 200m | 50m | 100m | 200m | 100m* | 200m | 400m | 200m# | 400m# | 800m | 200m# | 400m# |
| Open | Open | Open | Open | Open | Open | Open | Open | Open | Open | Open | Open | Open | Open | Open | Open | Open* | Open | Open | Open# | Open# | Open | Open# | Open# |
| 18yrs/Un | 18/Un | 18/Un | 18/Un | 18/Un | 18/Un | 18/Un | 18/Un | 18/Un | 18/Un | 18/Un | 18/Un | 18/Un | 18/Un | 18/Un | 18/Un | 18/Un* | 18/Un | 18/Un | 18/Un# | 18/Un# | 18/Un | 18/Un# | 18/Un# |
| 17yrs/Un | 17/Un | 17/Un | 17/Un | 17/Un | 17/Un | 17/Un | 17/Un | 17/Un | 17/Un | 17/Un | 17/Un | 17/Un | 17/Un | 17/Un | 17/Un | 17/Un* | 17/Un | 17/Un | 17/Un# | 17/Un# | 17/Un | 17/Un# | 17/Un# |
| 16yrs/Un | 16/Un | 16/Un | 16/Un | 16/Un | 16/Un | 16/Un | 16/Un | 16/Un | 16/Un | 16/Un | 16/Un | 16/Un | 16/Un | 16/Un | 16/Un | 16/Un* | 16/Un | 16/Un | 16/Un# | 16/Un# | 16/Un | 16/Un# | 16/Un# |
| 15yrs/Un | 15/Un | 15/Un | 15/Un | 15/Un | 15/Un | 15/Un | 15/Un | 15/Un | 15/Un | 15/Un | 15/Un | 15/Un | 15/Un | 15/Un | 15/Un | 15/Un* | 15/Un | 15/Un | 15/Un# | 15/Un# | 15/Un | 15/Un# | 15/Un# |
| 14yrs/Un | 14/Un | 14/Un | 14/Un | 14/Un | 14/Un | 14/Un | 14/Un | 14/Un | 14/Un | 14/Un | 14/Un | 14/Un | 14/Un | 14/Un | 14/Un | 14/Un* | 14/Un | 14/Un | 14/Un# | 14/Un# | | 14/Un# | 14/Un# |
| 13yrs/Un | 13/Un | 13/Un | 13/Un | 13/Un | 13/Un | 13/Un | 13/Un | 13/Un | 13/Un | 13/Un | 13/Un | 13/Un | 13/Un | 13/Un | 13/Un | 13/Un* | 13/Un | 13/Un | 13/Un# | | | 13/Un# | |
| 12yrs/Un | 12/Un | 12/Un | 12/Un | 12/Un | 12/Un | 12/Un | 12/Un | 12/Un | 12/Un | 12/Un | 12/Un | 12/Un | 12/Un | 12/Un | 12/Un | 12/Un* | 12/Un | 12/Un | 12/Un# | | | 12/Un# | |
| 11yrs/Un | 11/Un | 11/Un | 11/Un | 11/Un | 11/Un | 11/Un | 11/Un | 11/Un | 11/Un | 11/Un | 11/Un | 11/Un | 11/Un | 11/Un | 11/Un | 11/Un* | 11/Un | | 11/Un# | | | 11/Un# | |
| 10yrs/Un | 10/Un | 10/Un | 10/Un | | | | 10/Un | 10/Un | 10/Un | 10/Un | 10/Un | 10/Un | 10/Un | 10/Un | | 10/Un* | 10/Un | | 10/Un# | | | 10/Un# | |
| 9yrs/Un | 9/Un | 9/Un | 9/Un | | | | 9/Un | 9/Un | | 9/Un | 9/Un | | 9/Un | 9/Un | | 9/Un* | 9/Un | | 9/Un# | | | 9/Un# | |

Note: (*) 100m Individual Medley records relate to Short Course only
Note: (#) Mixed Relay Records also available (must compose of 2 males + 2 females)

TABLE TWO

| | | | | | | | | | | |
|--|-------------------|---------|--|---------|---------|---------|---------|---------|---------|----------|
| Matrix for Multi Class Records for Swimming WA. | | | | | | | | | | |
| Please note: | | | | | | | | | | |
| 3 Record Categories to be catered for, 1. All Comers WA State, 2. All Time WA State and 3. Residential WA State. | | | | | | | | | | |
| Competitors can only break records within their own Age Group only and Open. | | | | | | | | | | |
| All records available to both Male and Female, and Long Course and Short Course with exception of 100m Ind Medley, SC only | | | | | | | | | | |
| | | Open | | 18yrs | 17yrs | 16yrs | 15yrs | 14yrs | 13yrs | 12yrs/Un |
| 50m Freestyle | S1-S10 Functional | S1-S10 | | S1-S10 |
| | S11-S13 Blind | S11-S13 | | S11-S13 |
| | S14 Intellectual | S14 | | S14 |
| | S15 Deaf | S15 | | S15 |
| | S16 Transplant | S16 | | S16 |
| 100m Freestyle | S1-S10 Functional | S1-S10 | | S1-S10 |
| | S11-S13 Blind | S11-S13 | | S11-S13 |
| | S14 Intellectual | S14 | | S14 |
| | S15 Deaf | S15 | | S15 |
| | S16 Transplant | S16 | | S16 |
| 200m Freestyle | S1-S10 Functional | S1-S10 | | S1-S10 |
| | S11-S13 Blind | S11-S13 | | S11-S13 |
| | S14 Intellectual | S14 | | S14 |
| | S15 Deaf | S15 | | S15 |
| | S16 Transplant | S16 | | S16 |
| 400m Freestyle | S1-S10 Functional | S6-S10 | | S6-S10 |
| | S11-S13 Blind | S11-S13 | | S11-S13 |
| | S14 Intellectual | S14 | | S14 |
| | S15 Deaf | S15 | | S15 |
| | S16 Transplant | S16 | | S16 |

| | | | | | | | | | | |
|----------------|-------------------|---------|--|--|--|--|--|--|--|--|
| 800m Freestyle | S1-S10 Functional | S6-S10 | | | | | | | | |
| | S11-S13 Blind | S11-S13 | | | | | | | | |
| | S14 Intellectual | S14 | | | | | | | | |

| | | | | | | | | | | |
|-----------------|-------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| | S15 Deaf | S15 | | | | | | | | |
| | S16 Transplant | | | | | | | | | |
| 1500m Freestyle | S1-S10 Functional | S7-S10 | | | | | | | | |
| | S11-S13 Blind | S11-S13 | | | | | | | | |
| | S14 Intellectual | S14 | | | | | | | | |
| | S15 Deaf | S15 | | | | | | | | |
| | S16 Transplant | | | | | | | | | |
| 50m Backstroke | S1-S10 Functional | S1-S10 |
| | S11-S13 Blind | S11-S13 |
| | S14 Intellectual | S14 |
| | S15 Deaf | S15 |
| | S16 Transplant | S16 |
| 100m Backstroke | S1-S10 Functional | S1-S10 |
| | S11-S13 Blind | S11-S13 |
| | S14 Intellectual | S14 |
| | S15 Deaf | S15 |
| | S16 Transplant | S16 |
| 200m Backstroke | S1-S10 Functional | S6-S10 | | | | | | | | |
| | S11-S13 Blind | S11-S13 | | | | | | | | |
| | S14 Intellectual | S14 | | |
| | S15 Deaf | S15 |
| | S16 Transplant | | | | | | | | | |
| 50m Butterfly | S1-S10 Functional | S1-S10 |
| | S11-S13 Blind | S11-S13 |

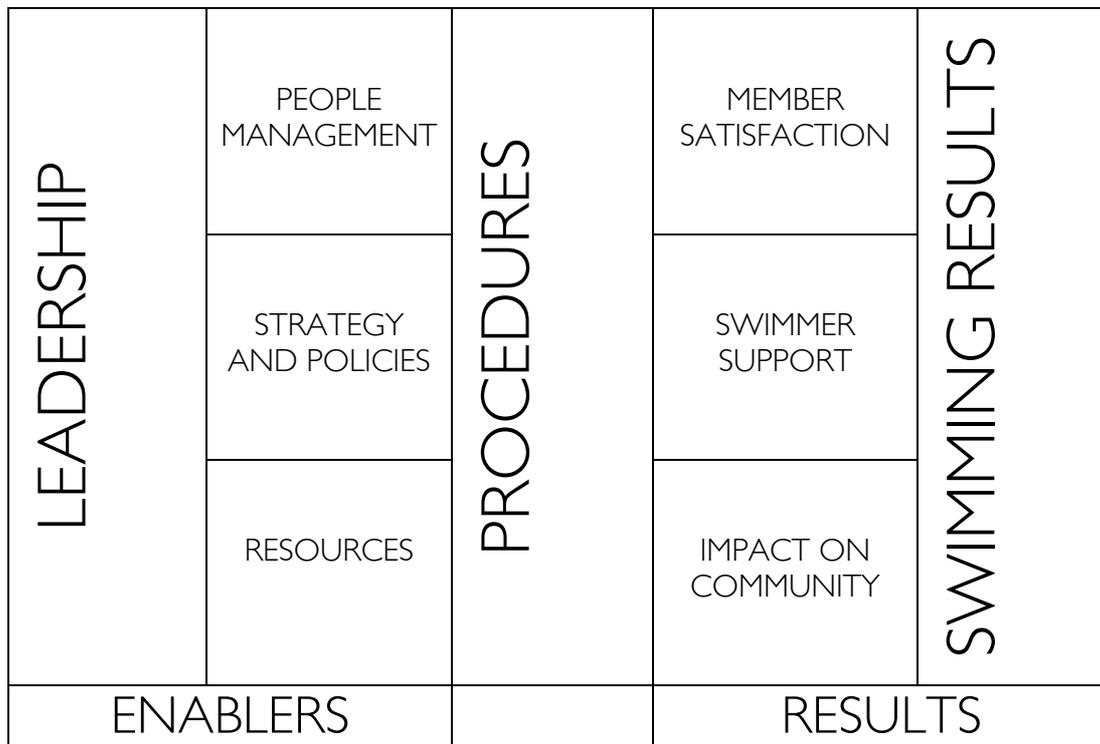
| | | | | | | | | | | |
|----------------|-------------------|---------|--|---------|---------|---------|---------|---------|---------|---------|
| | S14 Intellectual | S14 | | S14 |
| | S15 Deaf | S15 | | S15 |
| | S16 Transplant | S16 | | S16 |
| | | | | | | | | | | |
| 100m Butterfly | S1-S10 Functional | S5-S10 | | S5-S10 |
| | S11-S13 Blind | S11-S13 | | S11-S13 |
| | S14 Intellectual | S14 | | S14 |
| | S15 Deaf | S15 | | S15 |

| | | | | | | | | | | |
|-------------------|--------------------|-----------|--|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| | S16 Transplant | S16 | | S16 | S16 | S16 | S16 | S16 | | |
| | | | | | | | | | | |
| 200m Butterfly | S1-S10 Functional | S8-S10 | | | | | | | | |
| | S11-S13 Blind | S11-S13 | | | | | | | | |
| | S14 Intellectual | S14 | | S14 | S14 | S14 | S14 | | | |
| | S15 Deaf | S15 | | S15 |
| | S16 Transplant | | | | | | | | | |
| | | | | | | | | | | |
| 50m Breaststroke | SBI-SB9 Functional | SBI-SB9 | | SBI-SB9 |
| | SBI1-SBI3 Blind | SBI1-SBI3 | | SBI1-SBI3 |
| | SBI4 Intellectual | SBI4 | | SBI4 |
| | SBI5 Deaf | SBI5 | | SBI5 |
| | SBI6 Transplant | SBI6 | | SBI6 |
| | | | | | | | | | | |
| 100m Breaststroke | SBI-SB9 Functional | SBI-SB9 | | SBI-SB9 |
| | SBI1-SBI3 Blind | SBI1-SBI3 | | SBI1-SBI3 |
| | SBI4 Intellectual | SBI4 | | SBI4 |
| | SBI5 Deaf | SBI5 | | SBI5 |
| | SBI6 Transplant | SBI6 | | SBI6 |
| | | | | | | | | | | |
| 200m Breaststroke | SBI-SB9 Functional | SBI-SB9 | | | | | | | | |
| | SBI1-SBI3 Blind | SBI1-SBI3 | | SBI1-SBI3 |
| | SBI4 Intellectual | SBI4 | | SBI4 | SBI4 | SBI4 | SBI4 | SBI4 | | |
| | SBI5 Deaf | SBI5 | | SBI5 | SBI5 | SBI5 | SBI5 | SBI5 | | |

| | | | | | | | | | | |
|------------------------|---------------------|-----------|--|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| | SBI6 Transplant | | | | | | | | | |
| 100m Individual Medley | SM1-SM10 Functional | SM1-SM10 | | SM1-SM10 |
| Short Course Only | SM11-SM13 Blind | SM11-SM13 | | SM11-SM13 |
| | SM14 Intellectual | SM14 | | SM14 |
| | SM15 Deaf | SM15 | | SM15 |
| | SM16 Transplant | SM16 | | SM16 |
| 200m Individual Medley | SM1-SM10 Functional | SM3-SM10 | | SM3-SM10 |
| | SM11-SM13 Blind | SM11-SM13 | | SM11-SM13 |
| | SM14 Intellectual | SM14 | | SM14 |
| | SM15 Deaf | SM15 | | SM15 |
| | SM16 Transplant | SM16 | | SM16 |

| | | | | | | | | | | |
|------------------------|---------------------|-----------|--|------|------|------|------|--|--|--|
| | | | | | | | | | | |
| 400m Individual Medley | SM1-SM10 Functional | SM8-SM10 | | | | | | | | |
| | SM11-SM13 Blind | SM11-SM13 | | | | | | | | |
| | SM14 Intellectual | SM14 | | SM14 | SM14 | SM14 | SM14 | | | |
| | SM15 Deaf | SM15 | | SM15 | SM15 | SM15 | SM15 | | | |
| | SM16 Transplant | | | | | | | | | |

SWIMMING WA OPERATING PATHWAY



ASSOCIATION EMBLEM



TRADING EMBLEM



OPEN WATER SWIMMING LOGO



WESTSWIM LOGO



SUMMER LEAGUE LOGO



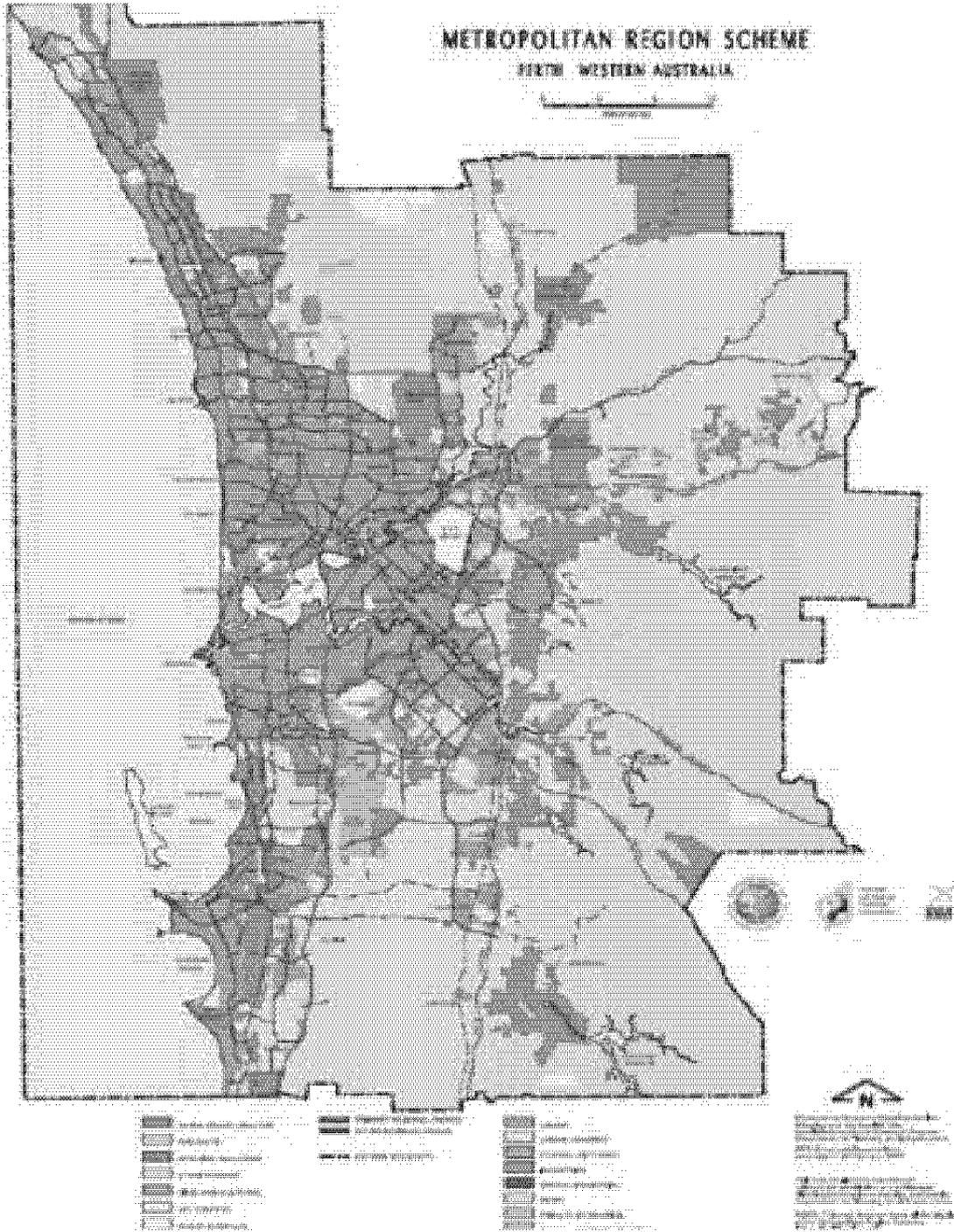
SCHOOL SPORT LOGO



SPLASH AND DASH LOGO



SWIMMING WA METROPOLITAN BOUNDARY



SWIMMING WA RISK MANAGEMENT POLICY

Our Policy is to use the appropriate practice in risk management to support and enhance activities in all areas of our Association, and to ensure that risk management is an integral component of our decision-making process.

The Executive will use a structured risk management program to minimise reasonable foreseeable disruption to Swimming WA, harm to athletes, Members, volunteers or damage to the swimming community and property. The Executive will identify and take advantage of opportunities as well as minimising adverse effects. The Executive will endeavour to train Swimming WA Members and volunteers to implement risk management effectively. The Executive will strive to continually improve the Association's risk management practices and as such Swimming WA's risk management programme is a dynamic and evolving process.

Process

A Risk Management protocol has been established, based on Australian/New Zealand Standard ISO 31000:2018 "Risk Management Principles and Guidelines" and Handbook 246:2010 "Guidelines for Managing Risk in Sport and Recreation". Swimming WA will refer to these documents for guidance by in the application of risk management strategies. The Board will facilitate the development of a common risk management approach across areas of our Association by:

- a) Implementing the Risk Management Protocol.
- b) Sharing information with broad application across all areas; and
- c) Reporting on the progress of implementing the Risk Management Protocol.

Monitoring and Reviewing

The CEO will monitor and review the implementation of the Risk Management Protocol.

Responsibilities

The Chief Executive Officer is accountable to the Board for the implementation of the Risk Management Protocol and ultimately responsible for the management of risks of the Association. All persons are responsible for managing risks in their areas. Administrators will have different views of risk to that of an athlete, Member, official, parent or volunteer, but each has an important personal responsibility to ensure that risks within their control are managed according to the rules of the game and the standards expected. All athletes, Members, officials, parents or volunteers have a responsibility for risk management



Signature
Louis van Aardt
Swimming WA President



Signature
Darren Beazley
Chief Executive Officer

For further information on this Policy and the Risk Management Procedures
Contact: Chief Executive Officer

(08) 9328 4599

Appendix E

GLOSSARY OF TERMS

The Glossary of Terms sets out the meaning of words used in the By-Laws without limiting the ordinary and natural meaning of the words. Where a Term is not defined, it should be given its ordinary and natural meaning.

Abuse: means any form of harassment and includes physical abuse, emotional abuse (including psychological abuse), sexual abuse, and abuse of power that has caused, is causing or is likely to cause harm to a person's wellbeing or development. Examples of abusive behaviour include but are not limited to bullying, humiliation, verbal abuse and insults.

Athlete: means a swimmer, whether recreational or competitive, who is an individual Member of Swimming WA, a Member Association or Affiliate.

Affiliate: means an organisation that has been recognised by the Board of Swimming WA pursuant to Rule 5 in Reference A.

Affiliate Member: means a natural person who is a registered and financial Member of a Member Club or Affiliate.

Appeals Tribunal: means the panel created in accordance with the "Member Welfare Policy General Information and Complaints Procedures" to handle an appeal under this Policy.

Bullying: is an ongoing misuse of power in relationships through repeated verbal, physical and/or social behaviour that causes physical and/or psychological harm. It can involve an individual or a group misusing their power over one or more persons. Bullying can happen in person or online, and it can be obvious (overt) or hidden (covert).

Business Continuance: the ability of Swimming WA to manage and mitigate risk events to its business operations and continue to provide the specific service/s to its Members or Stakeholders with minimal impact or downtime in the longer term, measured in days, weeks or months.

Business Continuity: the ability of Swimming WA to manage and mitigate risk events to its business operations and continue to provide the level of specific service/s to its Members or Stakeholders with minimal impact or downtime.

CEO: means the Chief Executive Officer of Swimming WA.

Child/Children: means an athlete who is under 18 years of age.

Club: has the same meaning given to the term under the Swimming WA Constitution, which means any swimming Club of Swimming WA or an Affiliate.

Codes of Conduct: means the general and role specific Codes of Conduct available on Swimming WA's website (Reference Q), which outlines the expected behaviour. Breaches of the Codes of Conduct will be dealt with under this Policy.

Complaint: is an expression of dissatisfaction made to or about an organisation, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.

Complainant: means the person making a complaint.

Complaints Procedure: means the Complaints Procedure set out in the "SWIMMING AUSTRALIA LIMITED Member Welfare Policy General Information and Procedures".

Current Club: The Swimming WA Affiliated Club that the individual held Membership of and under which the individual was registered as a Member of Swimming WA during the immediate past Swimming WA Membership year.

Discrimination: means treating, proposing to treat or requesting, assisting, instructing or encouraging another person to treat a person less favourably than someone else on the basis of an attribute or personal characteristic they have. The relevant attributes or characteristics include but are not limited to the following:

- a) Age.
- b) Disability.
- c) Marital status.
- d) Parental or carer status.
- e) Physical features.
- f) Irrelevant medical record.
- g) Irrelevant criminal record.
- h) Political belief or activity.
- i) Pregnancy.
- j) Breastfeeding.
- k) Race.
- l) Religious belief or activity.
- m) Sex or gender.
- n) Sexual orientation.
- o) Trade union Membership or activity; and
- p) Transgender orientation.

Discrimination also includes any other behaviour recognised by Commonwealth, State or Territory law as discrimination.

Examples of discrimination are available on the Play by the Rules website: www.playbytherules.net.au/legal-stuff/discrimination

Some exceptions to State and Federal anti-discrimination law apply, such as:

- a) Holding a competitive sporting activity for girls and boys who are under the age of 12, or of any age where strength, stamina or physique is relevant, or
- b) Not selecting a participant if the person's disability means he or she is not reasonably capable of performing the actions reasonably required for that particular activity.

FINA: means The Federation Internationale de Natation.

Grievance: means an official statement of a complaint over something believed to be wrong or unfair.

Harassment: means any type of behaviour that the other person does not want and that is offensive, abusive, belittling or threatening. The behaviour is unwelcome and of a type that a reasonable person would recognise as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated. Harassment includes bullying.

Unlawful harassment includes the above but is either sexual or targets a person because of their race, sex, pregnancy, marital status, sexual orientation or other characteristic (see characteristic list under Discrimination).

It does not matter whether the harassment was intended, the focus is on the impact of the behaviour. The basic rule is if someone else finds it harassing then it could be harassment. Harassment may be a single incident or repeated. It may be explicit or implicit, verbal or non-verbal and includes public acts of hatred.

Hearing Tribunal: means the panel created in accordance with the SWIMMING AUSTRALIA LIMITED Member Welfare Policy General Information Procedures to hear a complaint under this Policy.

High Performance Training Centre: means a programme conducted collaboratively by WAIS and Swimming WA, which caters for elite athlete identification and development.

Individual Member: means a natural person who is registered and a financial Member of Swimming WA pursuant to the other Registered Members provisions in Rule 5 of Reference A.

Involved Organisation: means the relevant organisation to receive a complaint and may be Swimming WA, a Club, Member Association or Affiliate.

Life Member: means an individual upon whom Life Membership of Swimming WA has been conferred in accordance with Rule 5 of Reference A.

Mediator: means a person, preferably with relevant skills, qualifications or training in mediation, appointed to mediate a Complaint made under this Policy.

Member: means an individual Member of Swimming WA.

Member Association: means an organisation that is a Member of Swimming WA.

Member Club: means a swimming Club that has been recognised by the Board of Swimming WA pursuant to Rule 5 of Reference A.

Member Protection Information Officer (MPIO): means a person appointed as the contact for a person seeking assistance with a complaint under, or a breach of, this Policy. The MPIO provides impartial, confidential information and moral support to the person with the concern or who is alleging a breach of this Policy.

Member Welfare Policy General Information and Procedures: means the supporting information and Procedures for the implementation of the Policy, which is contained in a separate document.

Memorandum of Understanding: means a document outlining the vision, objectives, scope and deliverables of the group. It shall also outline roles and responsibilities of the group and confirm the common understanding between Members on how they will make decisions and work together.

Natural Justice (or procedural fairness): requires that:

- a) Both the Complainant and the Respondent must know the full details of what is being said against them.
- b) Both the Complainant and the Respondent must be given full opportunity to respond to the allegations and raise any matters in their own defence.
- c) All parties need to be heard and all relevant submissions considered.
- d) Irrelevant matters should not be taken into account.
- e) No person may judge their own case.
- f) The decision maker(s) must be unbiased, fair and just, and
- g) The penalties imposed must not outweigh the breach of this Policy or offending behaviour.

Panel Members: means Members of an Appeals Tribunal or Hearing Tribunal convened under the By-Laws.

Policy: means a course of principle of action adopted or proposed by an organisation or individual.

Principal Club: the swimmer's chosen Club at which he or she holds Membership within the principal place of residence locale immediately prior to the request for First or Second Claim Membership.

Record: means any records of information however recorded and includes:

- a) Anything on which there is writing.
- b) Anything on which information has been stored or recorded, either mechanically, magnetically or electronically.
- c) Anything from which images, sounds or writings can be reproduced with or without the aid of anything else.

Region: means an Association that has been recognised by the Board of Swimming WA pursuant to Rule 5 of the Reference A.

Resident Club: means the Swimming WA Member and priority user of the aquatic facility who is able to prove long term association of the facility and its status as the "home facility" for the Club (e.g. training, InterClub meets, IntraClub meets, clubrooms etc.)

Respondent: means the person who is being complained about.

Returning Officer: means the Swimming WA CEO who oversees the electoral process of the Association on behalf of the Board of Directors, annually or as when required.

Safe Sport Framework: means Swimming Australia's document that defines the principles and procedures that are implemented to ensure that children or young people who access a Swimming Australia or Club program, activity, event, service or facility are protected.

Sexual Harassment: means unwanted, unwelcome or uninvited behaviour of a sexual nature, which could reasonably be anticipated to make a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, and displays of pornographic or offensive material or other behaviour that creates a sexually hostile environment.

Sexual Harassment is not behaviour based on mutual attraction, friendship and respect. If the interaction is between consenting adults, it is not sexual harassment.

Sexual Offence: means a criminal offence involving sexual activity or acts of indecency. Because of differences under state and territory laws, this can include but is not limited to:

- a) Rape.
- b) Indecent assault.
- c) Sexual assault.
- d) Assault with intent to have sexual intercourse.
- e) Incest.
- f) Sexual penetration of child under the age of 16.
- g) Indecent act with child under the age of 16.
- h) Sexual relationship with child under the age of 16.
- i) Sexual offences against people with impaired mental functioning.
- j) Abduction and detention.
- k) Procuring sexual penetration by threats or fraud.
- l) Procuring sexual penetration of a child under the age of 16.
- m) Bestiality.
- n) Soliciting acts of sexual penetration or indecent acts.
- o) Promoting or engaging in acts of child prostitution.
- p) Obtaining benefits from child prostitution possession of child pornography; and
- q) Publishing child pornography and indecent articles.

Swimming WA Constitution: means the Constitution of Swimming WA as in force and amended from time to time.

Transitional Period: a period of 60 days from the time of approval of the First or Second Claim application by Swimming WA.

Visitor: a visitor is a person who does not hold residency status in Australia and is not a Member of Swimming WA.

Western Australian: a current registered competitive swimming Member of Swimming WA who holds residency status in Australia and is a present-day inhabitant of Western Australia.