

ROWING NEW SOUTH WALES BY-LAWS

DEFINITIONS AND INTERPRETATION

For the purposes of these By-Laws, unless a contrary intention appears from the context:

- (a) all references to “the Association” are references to Rowing New South Wales, Inc;
- (b) all references to “NSW Maritime” are references to the state government authority from time to time responsible for the regulation of maritime activity in New South Wales;
- (c) words and expressions used in these By-Laws which are used in the Association’s Constitution will have the same meanings as in that document; and
- (d) references to “clauses” are references to clauses in the Constitution

SECTION 1 BY-LAWS REQUIRED BY SPECIFIC CLAUSES IN THE CONSTITUTION:

1.1 Classes of Membership other than those specified in the Constitution (clause 14)

Nil

1.2 Applications for Membership (clause 15)

Persons, clubs, associations and entities wishing to apply for membership of the Association (other than Life Membership or Honorary Membership) must lodge an application in the form attached to these By-Laws as **Annexure 1.2**, or in such other form as the Board may approve.

1.3 Affiliation Fees, Subscriptions and Levies (clause 20)

Affiliation fees, subscriptions, levies and other amounts payable in respect of membership (and the dates upon which such payments are due) are set out in **Annexure 1.3** to these By-Laws.

1.4 Renewal of Membership (clause 21)

1.4.1 [DELETED]

1.4.2 Registered Members wishing to renew their memberships may do so by completing and returning (by mail, facsimile or email) a renewal application in the form attached to these By-Laws as **Annexure 1.4B** and by paying the membership renewal fee as prescribed in the form.

- 1.4.3 Without limiting any other actions the Board may be entitled to take in accordance with clause 21 of the Constitution, if a Constituent Member fails to renew its membership or fails to pay the prescribed fee within 1 month after the due date, the Board may suspend the Constituent Member's membership rights, including its right to attend and vote at general meetings of the Association and its right to nominate office bearers.
- 1.4.4 Without limiting any other actions the Board may be entitled to take in accordance with clause 21 of the Constitution, a Registered Member who has failed to renew his or her membership or failed to pay the prescribed fee on or before the due date may not exercise any membership rights until such time the member has renewed his or her membership and paid the prescribed fee.

1.5 Ballots for the Election of Office Bearers (clause 32)

In any election of Directors or other officer bearers of the Association conducted at any annual or other general meeting of the Association where there are more candidates than the number of vacancies to be filled, such election shall be conducted by exhaustive secret ballot, eliminating the candidate polling the least number of votes in each successive ballot until the number of candidates remaining is reduced to the number required to fill the vacancy or vacancies. The candidates so remaining shall be declared elected. In the event of equality of votes in any ballot the Chairman of the meeting for the time being shall have a casting vote.

SECTION 2 OTHER BY-LAWS MADE UNDER CLAUSE 42 OF THE CONSTITUTION

2.1 State Selection Panel

- 2.1.1 The State Selection Panel and its Chairman (comprising not less than 3 members) shall be appointed by the Board for a period of two years and shall:
- (a) select such representative rowers, scullers, coxswains and coaches for such interstate and/or international races as they shall be directed by the Board of Directors from time to time, and shall make such recommendations to the Board as they deem to be in the interest of the sport and its promotion; and
 - (b) at the conclusion of each season, nominate to the Board their recommendations for Oarsman and Oarswoman of the Year and Coaches of the Year in accordance with By-Law 2.9.1.
- 2.1.2 The State Selection Panel may conduct its proceedings and make its determinations in such manner it deems appropriate to properly carry out its functions.
- 2.1.3 The Board may at any time remove or replace any member of the State Selection Panel.

2.2 Boat Race Officials Examination Panel

- 2.2.1 The Boat Race Officials Examination Panel and its Chairman (comprising not less than 3 members) shall be appointed by the Board for a period of two years and shall be responsible for examining and accrediting boat race officials.
- 2.2.2 The Boat Race Officials Examination Panel may conduct its proceedings and make its determinations in such manner it deems appropriate to properly carry out its functions.
- 2.2.3 The Board may at any time remove or replace any member of the Boat Race Officials Examination Panel.

2.3 Application to Conduct a Regatta

- 2.3.1 A Constituent Member, Club or School wishing to host or conduct a regatta during a rowing season must submit an application to the Chief Executive Officer of the Association not later than 28 February in the preceding rowing season.
- 2.3.2 Any such application must be in a form, and accompanied by such information regarding the host and the regatta, as the Chief Executive Officer may reasonably require.

2.4 Sponsorship

- 2.4.1 Subject to the restrictions set out in By-Law 2.4.2 and 2.4.3, and to any restrictions which may from time to time be imposed by Rowing Australia as contemplated in By-Law 2.4.4, members may seek and obtain commercial sponsorship, and may display sponsors' names, logos and signage in any manner they see fit.
- 2.4.2 Except with the written approval of the Board of the Association (which may be granted or withheld in the Board's absolute discretion), a member may not:
 - (a) seek or accept sponsorship relating to its rowing program from any entity which seeks to promote the sale of tobacco products;
 - (b) display on or in any rowing facility or on any rowing equipment or on any club apparel any logo or signage which promotes the sale of tobacco products;
 - (c) subject to By-Law 2.4.3, display on or in any rowing facility or on any rowing equipment or on any club apparel any logo or signage which seeks to promote the sale of alcohol or alcoholic products; or

- (d) allow any competitor or crew representing the member, while racing at any regatta conducted by the Association, to display any logo or signage on any racing uniform or on the back of the oars or sculling blades being used by the competitor or crew if in the reasonable opinion of the Chief Executive Officer of the Association such logo or signage renders it difficult for boat race officials or spectators to identify the member's racing colours.

2.4.3 The Board may prohibit a member from displaying sponsorship signage or logos at any rowing facility or on any rowing equipment or on any club apparel or at any regatta conducted by the Association if the Board, acting reasonably, forms the view:

- (a) that the display of such signage or logo in the manner contemplated by the member would cause the Association to be in breach of any sponsorship agreement or arrangement previously entered into between the Association and a sponsor of the Association; or
- (b) that the identity or nature of the member's sponsor, or the nature of the signage or logos to be displayed are likely to cause embarrassment or be offensive to other members or persons.

2.4.4 (a) To the extent that Rowing Australia imposes restrictions on the ability of members to obtain commercial sponsorship, or to display sponsors' names, logos and signage, at regattas or rowing events conducted by Rowing Australia, those restrictions will apply to members participating at such regattas or events.

- (b) Nothing in By-Law 2.4.2 will prevent a member which carries on a business which involves the sale of tobacco or alcoholic products from promoting the sale of those products in the normal course of its business activities.

- (c) For the avoidance of doubt, sponsorship by a club or a hotel, and the display of logos and signage promoting the club or hotel as a venue will not of itself contravene By-Laws 2.4.2(a), (b) or (c) or By-Law 2.4.3.

2.5 Representative Teams

2.5.1 Unless the Board of the Association otherwise determines, the Colours and Uniform of any crew or sculler representing this State shall be as follows:

- (a) oar spoons painted sky blue; and
- (b) a one piece rowing suit with sleeveless singlet of sky blue with an embroidered Waratah and crossed oars on the left breast and navy blue rowing trunks.

2.5.2 The Board may approve other clothing (blazer, track suit, polo shirt, training singlet, cap) or an event specific racing suit which may form part of the team budget or may be at the athlete, coach or team manager's personal cost.

- 2.5.3 Members of crews or scullers representing the Association in any race shall only be selected from Competing Members.
- 2.5.4 Every person selected to represent the Association in Interstate Events conducted by Rowing Australia shall comply with eligibility requirements determined by Rowing Australia.
- 2.5.5 Competing Members wishing to be considered for selection to represent the Association in any event may be required to complete a nomination form as prescribed by the Association from time to time and lodge it at the Association's office by the date from time to time as indicated by the Chief Executive Officer of the Association.
- 2.5.6 Every person selected to represent the Association in any race may be required to pay towards the expenses of such representation a sum from time to time determined by the Board.
- 2.5.7 If any such sum be not paid by any person within the stipulated time such person may be debarred from competing.

2.6 Awards and Prizes at Regattas

- 2.6.1 Any Constituent Member conducting a regatta under the auspices of the Association shall present to the winners of each event or, in the case of events conducted in Divisions, each Division held at such regatta (except as hereinafter provided) a prize of suitable style and quality which should be presented at the regatta at which it was won. The Board may upon application by any such Constituent Member approve a prize comprising cash or cash equivalent provided that any such prize be awarded to the Club(s) whose members comprise the winners of such event or division and not to the individual members thereof.
- 2.6.2 For State Championship races held over 2000 metres the Association (or regatta host should the regatta be held on behalf of the Association) shall award Championship Medallions to the winners of each event. Second and third place medallions will be awarded to the competitors who finished as place getters provided that the event involved more than three starters.
- 2.6.3 For Sprint Championship races held over 500 metres the Association (or regatta host should the regatta be held on behalf of the Association) shall award Sprint Championship Medallions to the winners of each event. Second and third place medallions will be awarded to the competitors who finished as place getters provided that the event involved more than three starters.

2.6.4 For Masters Championship races held over 1000 metres the Association (or regatta host should the regatta be held on behalf of the Association) shall award Masters Championship Medallions to the winners of each event. Second and third place medallions will be awarded to the competitors who finished as place getters provided that the event involved more than three starters.

2.7 Premiership Points

2.7.1 Points shall be awarded for all events (which, for the purposes of this By-Law 2.7 will include events conducted in Divisions) in both male and female categories in regattas designated as pointscore regattas by the Association.

2.7.2 Double points shall be awarded in regattas which are:

- (a) designated by the Association as country pointscore regattas; or
- (b) designated by the Association as double pointscore regattas.

2.7.3 Triple points shall be awarded for Championship Events and for events at the Trickett Regatta.

2.7.4 The provisions of By-Laws 2.7.2 shall not apply to events in the Masters Category.

2.7.5 Points shall be awarded in accordance with the following provisions:

- (a) Points shall only be awarded to scullers or crews judged to have finished in first, second, and third positions in any event.
- (b) Unless otherwise provided, 4 points shall be awarded to the crew or sculler finishing in first place in any event, 2 points shall be awarded to the crew or sculler finishing in second place and 1 point shall be awarded to the crew or sculler finishing in third place.
- (c) When two or more scullers or crews from the same club or school finish in any of these positions in an event, then points shall only be awarded to the first of such scullers or crews. Where this rule is applied, an adjustment will be made to the points awarded (or not awarded) to the subsequently placed scullers or crews in the race but so that no club or school is awarded points more than once in the event.
- (d) In the event of crews from Member Clubs or clubs associated with an Affiliated Rowing Association or Approved School Organisation competing with other crews (i.e. crews not of Member Clubs) in any event for which points are awarded then the points shall be awarded in accordance with the order in which the crews from such clubs finish.

- (e) In the event of a composite crew gaining points then the points shall be divided between the Clubs concerned in proportion to the number of rowers or scullers from each Club in the competing crew.
- (f) No points will be awarded for events involving mixed crews.

2.7.6 If any Constituent Member is found by the Association to have entered and/or raced any competitor in breach of the requirements of Law of Boat Racing 10, the Constituent Member shall forfeit the number of points which would have been awarded to it had such competitor won the event for which such competitor was entered in the classification in which such competitor was entered and/or raced.

2.8 Annual Shields

2.8.1 Shields in the following categories may be presented annually by the Association to the Clubs which score the highest number of points in such category in events during the preceding season.

- Premiership
- Men's Elite (Elite and Under 23)
- Women's Elite (Elite and Under 23)
- Men's Senior
- Women's Senior
- Combined Under 21
- Combined Junior
- Schoolboy
- Schoolgirl
- Combined Masters
- Para Rowing

2.8.2 Points scored in each category shall be determined as follows:

- (a) Premiership - the total of points gained in all categories except Novice, Schoolboy and Schoolgirl.
- (b) Men's Elite (Elite and Under 23) - the total of points gained in all Men's Elite and Under 23 events.
- (c) Women's Elite (Elite and Under 23) - the total of points gained in all Women's Elite and Under 23 events.
- (d) Men's Senior - the total of points gained in all Men's Open events.
- (e) Women's Senior - the total of points gained in all Women's Open events.

- (f) Combined Under 21 - the total of points gained in all Men's and Women's Under 21 and Under 19 events.
- (g) Combined Junior - the total of points gained in all Men's and Women's Novice and Under 16 and Under 17 events.
- (h) Combined Masters - the total of points gained in all Men's and Women's Masters events.
- (i) Schoolboy - the total of points gained in all Schoolboy events conducted at Association pointscore regattas and such other regattas which may be approved by the Board.
- (j) Schoolgirl - the total of points gained in all Schoolgirl events conducted at Association pointscore regattas and such other regattas which may be approved by the Board.
- (k) Para Rowing - the total of points gained in all Men's and Women's Para Rowing events.

2.8.3 In the event of two or more Clubs or schools scoring an equal number of points in any category, the relevant shield shall be awarded to the Club or school scoring the greatest number of points in Championship events.

2.8.4 A Club or school winning any shield shall be entitled to hold and display such shield for the ensuing season provided it can provide adequate security for such shield. At the expiration of the ensuing season such Club or school shall return such shield to the Association for presentation to the next winning Club or school.

2.9 Annual Awards

2.9.1 Oarsman, Oarswoman and Coach of the Year

- (a) At the end of each racing season, the Association shall award a suitable prize to the oarsman and oarswoman considered by the Board to be the most outstanding oarsman and oarswoman to have competed in that season, and to the person or persons they consider to be the most outstanding coach or coaches during that season. These awards will be known as the "Oarsman of the Year", "Oarswoman of the Year" and "Coach of the Year" awards.
- (b) No later than 31 May each year, the State Selection Panel shall recommend to the Board the names of the competitors and coaches they consider should be awarded the "Oarsman of the Year", "Oarswoman of the Year" and "Coach of the Year" awards.

- (c) The “Oarsman of the Year” and “Oarswoman of the Year” awards may be made to a rower or sculler but not to a coxswain or a coach.
- (d) The nominees for “Oarsman of the Year” and “Oarswoman of the Year” need not have represented the State nor be Elite competitors but will be either rowers or scullers who appear to the State Selection Panel to have been outstanding in their rowing or sculling in the season immediately preceding the presentation of such award. The criteria of selection for the award will be criteria connected with the rowing ability and achievements of the nominees only.
- (e) The nominee(s) for “Coach of the Year” need not have coached representative crews or elite competitors but will be coach(es) who appear to the State Selection Panel to have had an outstanding record of achievement during the season and to have contributed to the development of the sport and the wellbeing and success of its competitors.
- (f) The Board shall only reject a recommendations of the State Selection Panel for “Oarsman of the Year”, “Oarswoman of the Year” or “Coach of the Year” if, for reasons unconnected with the rowing ability or coaching achievements of the nominee concerned, the Board considers such nominee not to be a person to whom the award should be made.
- (g) The “Oarsman of the Year”, “Oarswoman of the Year” and “Coach of the Year” awards shall be presented at the Association’s Annual Presentation Dinner or, if such a function is not conducted, then at such other suitable function as the Board may deem fit.

2.9.2 Novice of the Year

The Association may at its discretion make an award “Novice of the Year” to one or more competitors in his or her first season of competition in Novice classification with the most outstanding record of performance. Clubs wishing to nominate a competitor for such an award must do so in writing listing details of the competitor’s record of wins by 30 April each year.

2.9.3 Coxswain of the Year

The Association shall award a suitable prize to the coxswain recording the most wins in each racing season. Only races carrying competition points will count towards this award.

2.9.4 The Rusty Robertson MBE Award for Services to Rowing

The Association may from time to time at its discretion confer an award to be known as the "Rusty Robertson MBE Award" to an individual who has, or group of individuals who have, in the opinion of the Board, made a significant and sustained contribution to the endeavours and objects of the Association.

2.9.5 The Kevyn Webb OAM Achievers Award

The Association may, at its discretion, award a suitable award from time to time known as the "The Kevyn Webb OAM Achievers Award" to an individual who, or club which in the opinion of the Board has accomplished major advances in the sport.

2.9.6 Volunteers of the Year

The Association may, at its discretion, award a suitable award from time to time known as the "The Rowing New South Wales Volunteer(s) of the Year Award" to an individual or individuals who, or club which in the opinion of the Board has given outstanding service to the sport as a volunteer

2.9.7 The Governor's Cup for Para Rowing

The Association may from time to time at its discretion confer an award to be known as the "Governor's Cup" to an individual who has, in the opinion of the Board, made a significant and sustained contribution to the sport of Para Rowing in New South Wales.

2.9.8 The President's Award for Para Rowing

The Association may from time to time at its discretion confer an award to be known as the "President's Award" to an individual athlete who has, in the opinion of the Board, made an outstanding and inspirational contribution to the sport of Para Rowing in New South Wales in the past year.

2.9.9 Other Awards

The Association may at its discretion create and present other awards to persons the Board considers to have made significant contributions to the sport of rowing or to the aims and objectives of the Association over a period of time or in any year.

2.10 Insurance of Participants

- 2.10.1 The Association will use reasonable endeavours to ensure that all members and other persons participating in any rowing related activity conducted or sanctioned by Rowing Australia, the Association or any Constituent Member are insured under the Rowing Australia National Insurance Policy or equivalent Policy as determined by the association from time to time.

- 2.10.2 In the event that Rowing Australia fails to maintain a National Insurance Policy or a similar policy is available to the Associate on equivalent or better terms, the Association will use reasonable endeavours to arrange appropriate insurance for its members and other persons participating in rowing related activities in New South Wales.
- 2.10.3 A summary of the Rowing Australia National Insurance Policy and any replacement insurance policy arranged by the Association under By-Law 2.10.2 (including conditions of eligibility (if any), risks insured and benefits available) will be advised to members on the Association's official website. In addition, upon the request of any member, the Association will provide that member with full details of all such policies.
- 2.10.4 Except as provided above, the Association will not be responsible for insuring any members or other persons participating in any rowing related activity. All members must satisfy themselves that the insurance coverage provided by Rowing Australia or the Association is adequate for their own activities and, if they are not satisfied that it is, they should arrange their own supplementary insurance.
- 2.10.5 The Association will use reasonable endeavours to provide Certificates of Currency for Constituent Members which require evidence of insurance and will where possible make such Certificates of Currency available on the Association's website.

2.11 Designated Training Areas

The Board shall have the power to declare any area of water a Designated Training Area, and shall cause maps of all Designated Training Areas to be published on the Association's website.

2.12 Compliance with Maritime Regulations

- 2.12.1 All members must comply with New South Wales laws and regulations relating to the use and navigation of waterways in New South Wales and must also comply with the NSW Maritime Code of Conduct for Rowing and Sculling Shells.

2.12.2 Without limiting the generality of By-Law 2.12.1:

- (a) Constituent Members are required to report to the Board and to NSW Maritime any serious accident or injury in which their members are involved whilst participating in rowing or sculling or any incident of dangerous navigation which comes to their attention involving any of their members whilst so doing;
- (b) following any accident, injury or incident referred to in paragraph (a), the Constituent Member involved will at the request of the Association provide to the Association a copy of any report or recommendations arising from any investigation or review of the accident, injury or incident conducted by NSW Maritime or the Constituent Member; and
- (c) all Constituent Members shall ensure that any rowing or sculling boat which is on the water at night (ie. between sunset and sunrise) carries a light or lights which are clearly visible from all directions and which comply with the NSW Maritime Code of Conduct for Rowing and Sculling Shells.

SECTION 3 BY-LAWS ADOPTING NATIONAL OR STATE POLICIES OR CODES OF CONDUCT

3.1 Policies made by Rowing Australia

The Association and each member of the Association will be bound by, and must comply with, each policy made by Rowing Australia:

- (a) if it is a policy binding on the Association under clause 5A(d) of the Association's Constitution; and
- (b) to the extent that the policy purports to apply to the member.

3.2 Policies and Codes made by the Association

The Association and each member of the Association will be bound by, and must comply with, each of the policies and codes made by the Association to the extent that they purport to apply to the Association or the member.

3.3 Current Policies

The policies and codes of conduct made by the Association under By-Law 3.2 are as follows:

- (a) **Code of Conduct**, a copy of which is set out in **Annexure 3.3A**;
- (b) **Privacy Policy**, a copy of which is set out in **Annexure 3.3B**;
- (c) **Child Protection Policy**, a copy of which is set out in **Annexure 3.3C**;

- (d) **Sexual Harassment Policy**, a copy of which is set out in **Annexure 3.3D**;
- (e) **Selection Policy**, a copy of which is set out in **Annexure 3.3E**;

SECTION 4 POWERS OF THE BOARD TO ENSURE COMPLIANCE

4.1 Complaint and Determination Process

4.1.1 If the Board receives a written notification (a “**Complaint**”) from any person (the “**Complainant**”) alleging that a member (the “**Relevant Member**”) has failed to comply with, or has acted in contravention of:

- (a) the Constitution;
- (b) any of these By-Laws; or
- (c) any Policy made or adopted under these By-Laws,

the Board may, if it is satisfied the matter complained of warrants action under this Section 4, serve a notice (a “**Show Cause Notice**”) on the Relevant Member in accordance with By-Law 4.1.2 inviting the Relevant Member to show cause why the Board should not deal with the Complaint in accordance with this Section 4.

4.1.2 A Show Cause Notice served on the Relevant Member must:

- (a) attach a copy of the Complaint (including the identity of the Complainant);
- (b) attach copies of any relevant documents provided to the Board by the Complainant in support of the complaint; and
- (c) attach a copy of the procedures to be followed in accordance with this Section 4.

4.1.3 A Relevant Member receiving a Show Cause Notice from the Board under By-Law 4.1.2 may, within 14 days after receiving such notice (or such longer time as the Board may allow), make a written submission to the Board in response to the matters referred to in the Breach Notice.

4.1.4 Following receipt of any submission from the Relevant Member or, in the absence of any such submission, not less than 21 days after the date upon which it served the Show Cause Notice on the Relevant Member, the Board may:

- (a) request additional information from the Complainant or the Relevant Member;
- (b) after consultation with the Complainant, notify the Relevant Member that it has decided not to take any further action;
- (c) attempt to mediate between the Complainant and the Relevant Member to achieve an outcome satisfactory to both of them and to the Board;

- (d) invite the Relevant Member (and, if thought appropriate, the Complainant) to attend a meeting of the Board at which the Complaint is considered.

4.1.5 After affording the Relevant Member a reasonable opportunity to attend and make representations to the Board as contemplated in By-Law 4.1.4 (d), and after having considered all of the information provided to it in relation to the Complaint, the Board may:

- (a) dismiss the Complaint or decide to take no further action;
- (b) require the Relevant Member to make an apology or take some other reasonable remedial action;
- (c) suspend all or some of the Relevant Member's rights as a member of the Association for a specified period of time or until any required remedial action has been completed;
- (d) deduct premiership or competition points from the Relevant Member;
- (e) any combination of (a) to (d) above; or
- (f) terminate the Relevant Member's membership of the Association.

4.1.6 For the avoidance of doubt, and without limiting the generality of By-Law 4.1.1, the Chief Executive Officer of the Association may lodge a complaint relating to any matter which comes to his or her attention, including (again without limitation) the failure of any member to pay levies, fees or fines and the conduct of a member at regattas.

4.2 Members' Right of Appeal

4.2.1 The Relevant Member shall have the right to appeal against any sanction or penalty imposed by the Board under By-Law 4.1 provided the member involved lodges a notice of such appeal in writing with the Association within 14 days of the penalty being imposed.

4.2.2 Promptly after receiving a notice of appeal, the Board will convene a general meeting of the Association to consider the appeal. The notice of meeting will attach such information as the Board considers necessary to inform Constituent Members of the nature of the Complaint and the reasons for the determination from which the appeal is being made.

4.2.3 The Relevant Member and the Board shall be entitled to make representation to Constituent Members prior to, and at, such general meeting.

- 4.2.4 After hearing any representations made at the meeting, the general meeting shall have the power, by ordinary resolution, to set aside the determination of the Board or to reduce (but not increase) any sanction imposed. Unless the resolution of the general meeting resolves otherwise, the decision of the general meeting will be final, and no further appeal may be made.