

Shoalhaven Rowing Club Inc

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 Shoalhaven Rowing Club Inc;
- (b) 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
- (c) references to “clauses” are references to clauses in the Constitution

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

1.1 Categories of Membership other than those specified in the Constitution (clause 5)

Nil

1.2 Applications for Membership (clause 6.1)

Persons 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 Committee may approve from time to time.

1.3 Affiliation Fees, Subscriptions and Levies (clause 7)

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 Clause 7.4 of the Constitution.

1.4 Renewal of Membership

- 1.4.1 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 1.2** and by paying the membership renewal fee as prescribed in the form.
- 1.4.2 Without limiting any other actions the Committee may be entitled to take in accordance with clause 7 of the Constitution, if a Member fails to renew its membership or fails to pay the prescribed fee within 1 month after the due date, the Committee may suspend the Member's membership rights, including its right to attend and vote at general meetings of the Association and its right to nominate office bearers.
- 1.4.3 Without limiting any other actions the Committee may be entitled to take in accordance with clause 7 of the Constitution, a 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 or privileges 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 10)

In any election of the office 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 CLAUSES 10.46 and 10.47 OF THE CONSTITUTION

2.1 DUTIES OF THE OFFICE BEARERS

2.2 Captain

- 2.2.1 Subject to the control of the Committee as hereinafter provided the Captain shall be the chief executive officer of the Association.
- 2.2.2 The Captain shall:

- (a) have charge of the Association Equipment and Association Facilities and other property of the Association;
- (b) have the management of all Association races;
- (c) undertake supervision of the maintenance and repair of the Association Equipment and Association Facilities with the exception of the boats and oars, which shall be the responsibility of the Captain of the Boats;
- (d) have the power to refuse the use of any Association Equipment or Association Facilities to anyone as s/he shall see fit;
- (e) in the absence of the President or Vice President, preside at General and Committee meetings of the Association; and
- (f) in the absence of a Captain of the Boats, shall be responsible for the supervision of the maintenance and repair of the Association's boats and oars.

2.3 Captain of Boats

2.3.1 The duty of the Captain of the Boats shall include:

- (a) supervision of the maintenance and repair of the Association's boats and oars; and
- (b) in the absence of the Captain, the duties of the Captain referred to in Rule 2.2.2 above.

2.4 Secretary

2.4.1 The duties of the Secretary include:

- (a) the preparation and issue of notices of meetings;
- (b) attendance at meetings;
- (c) the taking of minutes;
- (d) attending to all correspondence;
- (e) taking charge of all papers

- (f) informing candidates of their election and members of the acceptance of their resignations, attend to all correspondence, to take charge of all papers, post notices in the Club House of all matters connected with the Association and prepare an Annual Report.
- (g) S/he shall generally carry out the instructions of the Committee.

2.5 Treasurer

2.5.1 The Treasurer's duty shall be to:

- (a) keep a proper record of all receipts and disbursements;
- (b) furnish a complete statement of the financial affairs to the Committee at each Ordinary Meeting;
- (c) to produce the books and accounts of the Association when called upon to do so by the Committee;
- (d) post in the Club House a list showing each member's financial position;
- (e) prepare for each AGM, statements showing the receipt and disbursements for the proceeding financial year and liabilities and assets at the end thereof.

2.6 Registrar

2.6.1 The Registrar's duties shall be to:

- (a) Coordinate and conduct the annual membership renewal process.
- (b) Act as external contact for all membership matters.
- (c) Keep a proper record of all members
- (d) Lodge Club entries for Regattas
- (e) Coordinate the recovery of regatta expenses from participants

2.7 CLUB UNIFORM

2.7.1 The colours of the Club shall be:

- (a) for racing:
 - above waist: bottle green/2 gold hoops; and

- below waist: be left to the discretion of committee, preferably black
- (b) for practice: as directed by the Club Captain.

2.8 Annual Shields/Awards

The Association may at its discretion create and present other awards to persons the Committee 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 Compliance with Maritime Regulations

2.10.1 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.

2.10.2 Without limiting the generality of By-Law 2.10.1:

- (a) Members are required to report to the Committee 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 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 Member; and
- (c) all 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

- 3.1.1 The Association and each member of the Association will be bound by, and must comply with, each policy made by Rowing NSW and Rowing Australia:
- (a) if it is a policy binding on the Association; and
 - (b) to the extent that the policy purports to apply to the member.

3.2 Policies and Codes made by the Association

- 3.2.1 The Association may make policies and codes from time to time.
- 3.2.2 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.

SECTION 4 POWERS OF THE COMMITTEE TO ENSURE COMPLIANCE

4.1 Complaint and Determination Process

- 4.1.1 If the Committee 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 Committee 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 Committee should not deal with the Complaint in accordance with this Section 4.

- 4.12 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 Committee 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.
- 4.13 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.
- 4.14 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 Committee;
 - (d) invite the Relevant Member (and, if thought appropriate, the Complainant) to attend a meeting of the Committee at which the Complaint is considered.
- 4.15 After affording the Relevant Member a reasonable opportunity to attend and make representations to the Committee 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

Committee 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 Committee 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 Committee will convene a general meeting of the Association to consider the appeal. The notice of meeting will attach such information as the Committee considers necessary to inform 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 Committee 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 Committee 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.

SECTION 5 – ASSOCIATION MONIES

5.1 Bank Accounts

- 5.1.1 The Association must hold at least one bank account with a reputable banking institution in the name of the Association.
- 5.1.2 The Association may, by resolution of the Committee, hold additional bank accounts with reputable banking institutions as deemed appropriate by the Committee.
- 5.1.3 The Treasurer and at least one other office-bearer is to have access to the bank account(s). The position of the additional office-bearer and any other office-bearer is to be determined by the Committee.

5.2 Receipt of monies

- 5.2.1 The Secretary and the Treasurer shall be the only two officers empowered to receive monies on behalf of the Association.
- 5.2.2 Provided that in the case of special efforts to raise funds to assist with the finances of the Association, a sub-committee appointed for the purpose of organising such efforts may be empowered to receive the monies and such monies shall be paid to the Treasurer as directed by the Committee.

5.3 Payments and disbursements

- 5.3.1 All disbursements will be approved by the Committee and be paid with the authorisation of the Treasurer and at least one other office-bearer or as may be determined by the Committee as follows:
- (a) BPay, electronic funds transfer or any other such electronic means;
 - (b) cheque; or
 - (c) any other means available.

5.4 Annual financial statement

5.4.1 The accounts of the Association will be submitted to the AGM.

5.4.2 The Committee will decide upon the form in which the accounts will be submitted at the Monthly Committee Meeting two months prior to the AGM.

SECTION 6 – DAMAGE TO ASSOCIATION PROPERTY

- 6.1 Any member damaging any boat, oar or property of the club shall immediately report same to the Captain or some member of the Committee and log in the boat maintenance book.
- 6.2 Any member that wilfully or by gross negligence, damages any boat or other Association Property will immediately have the same repaired at his/her expense.
- 6.3 All accidental damage or loss will be borne by the Association.
- 6.4 The question of the damage or loss being or not being accidental shall be decided by the Committee.

SECTION 7 - DISSOLUTION

- 7.1 The Association may not be dissolved without the consent of 75% of the members present and voting at a Special General Meeting called for that purpose, written notice of which shall be sent to each member of the Association and also posted on the Notice Board in the Club House at least 28 clear days prior to the date of such meeting; and be advertised in at least two of the local papers, one in each of two consecutive weeks immediately preceding such meeting.
- 7.2 On a resolution for dissolution being carried as aforesaid the Committee shall proceed to realise the Association Property and after discharge of all liabilities, shall hand the residue to NSW Rowing Association for disbursement at their discretion, or if they not be in existence, the City of Shoalhaven Lord Mayor's Fund or similar charitable fund.

ANNEXURE 1.2

Application for Membership

