



BY-LAWS

Approved March 2024

Rules and definitions

Reference to 'Rules' in these By-laws is to the Rules and Constitution of Masters Swimming Victoria and defined terms in these By-laws have the meaning set out in the Rules, or otherwise as generally defined in relevant MSA rules and policies.

Swim Central is the membership and event entry administration system used by MSA (or any such system that replaces Swim Central).

Swim Meet Committee is a subcommittee established by the Board for the purposes of developing and managing a competition program for MSV.

Meet Director, Meet Recorder and **National Recorder** are positions generally defined in relevant MSA rules and policies.

Officials are people who are members of Clubs who apply the rules and support the running and recording of swimming events.

These By-laws are the current By-laws of MSV under Rule 7.

By-Laws

1) Board Role Descriptions and Selection Criteria

a) President:

Duties of the President shall include but not be restricted to:

- i) Preside at all Board Meetings and General Meetings at which he/she is present, as set out in Rule 47 of the Rules.
- ii) Guide the other Board members in the commission of their duties.
- iii) Represent MSV at official functions when available.
- iv) Represent MSV at the MSA General Meetings and other national meetings as required. The President may delegate this role to another Board member, from time to time, as required.
- v) Produce a written report prior to Board meetings and the AGM.
- vi) Liaise with Masters Swimming Australia (MSA) and Swimming Victoria (SV), to support and promote the activities and future direction of MSV.
- vii) Be responsible for the strategic direction and planning. Oversee a regular review of the Strategic Plan
- viii) Negotiate any relevant contracts as required.
- ix) Coordinate (or delegate) a regular risk review.
- x) Take line management responsibility for any employees of MSV, including leading the

recruitment, supervision, goal-setting and performance reviews.

- xi) Provide a written report to the AGM.

Selection criteria shall include but not be restricted to

- i) Show evidence of having held an executive position with an MSV Club.
- ii) Be familiar with the purpose and objectives of MSV
- iii) Show evidence of having worked successfully with groups or teams of people.
- iv) Show evidence of management skills that will be suitable to MSV
- v) Ability to work to deadlines.
- vi) Ability to lead and support personnel in the execution of their duties.
- vii) Show evidence of good communication, leadership, and decision-making skills.

b) Vice-President (VP):

Duties of the Vice-President shall include but not be restricted to:

- i) Preside at all meetings at which the President is not present, or as delegated by the President.
- ii) Represent MSV at official functions when the President is not available, or as delegated by the President.
- iii) Assist the President to fulfil his/her other responsibilities.
- iv) Foster connections with Branch Clubs, Club-Members, and organizations within the state to uphold MSV's ideals.
- v) Promote membership initiatives and encourage pool venues in the state to establish MSV clubs.
- vi) Collaborate with, counsel, and support potential new Clubs.
- vii) Provide support for clinics and coaching courses conducted within the state.
- viii) Foster collaboration among clubs within the state to ensure seamless cooperation and coordination of activities.
- ix) Generally contribute to the decision-making process.
- x) Produce a written report prior to Board meetings and the AGM.
- xi) Take the lead with initiatives and tasks as delegated by the Board from time-to-time.

Selection criteria shall include but not be restricted to

- i) demonstrate a detailed knowledge of MSV
- ii) Possess recognition and familiarity within the Clubs and location(s) they represent.
- iii) Be familiar with and known by the Clubs and region they will represent.
- iv) The ability to work to deadlines.
- v) Show evidence of good communication and decision-making skills.

c) Finance Director

Duties of the Finance Director shall include but not be restricted to:

- i) In addition to the guidance provided by Rule 49 of the Rules:
- ii) Ensure that an up-to-date financial statement, showing the financial position as recorded in the accounts, is submitted to the Board at its regular meetings.
- iii) Produce all accounts and supporting documentation whenever required by the Board.
- iv) Oversee bookkeeping activities carried out by MSV management.
- v) Ensure all unbudgeted amounts greater than \$2,000 are approved by the Board prior to payment.
- vi) Ensure MSV complies with its statutory requirements for financial matters such as Compulsory Superannuation, Goods and Services Tax, Pay As You Go tax and the timely submission of Business Activity Statements.
- vii) Cause proper financial records to be kept of all receipts and payments on behalf of MSV and of the matters in respect of which the same are received or expended, and also of the assets and liabilities of MSV.
- viii) Coordinate financial design, internal control procedures, and financial planning for MSV, and act as Chairman of any financial sub-committee.
- ix) Produce a budget for the coming financial year and make recommendations on fees, investments and other financial matters as required.
- x) At the expiration of his/her term of office, surrender all monies, books, records and other such property of MSV in his/her custody to his/her successor in office, or to such person as shall be designated by the Board.
- xi) Produce for all meetings:
 - (1) a written report.
 - (2) statement of income and expenditure.
 - (3) statement of assets and liabilities.
 - (4) statement of actual operations against budget
- xii) Produce for the AGM for the preceding financial year:
 - (1) a written report.
 - (2) statement of income and expenditure
 - (3) statement of assets and liabilities.
 - (4) financial statements as required by the Rules.

Selection criteria shall include but not be restricted to:

- i) CPA qualifications are desirable, but experience in finance, banking and accounting for an organisation of size equivalent to the Branch is required.
- ii) The ability to lead a support team.
- iii) The ability to work to deadlines.
- iv) Show evidence of good communication and decision-making skills.

d) Technical Director

Duties of the Technical Director shall include but not be restricted to:

- i) Is the primary contact and coordinator for officials in Victoria.
- ii) Is the Chief Referee for MSV and therefore the reference point for any technical queries or issues.
- iii) Represents officials on MSV Board and Swim Meet Committee.
- iv) Produces reports for each Board meeting and written report for the AGM.
- v) Sends out roster calls and collates responses for State meets and for those inter-club meets where the organising club has requested the State to provide officials. Roster calls need to be sent out at least one month in advance of a meet and the list of officials to be sent to the relevant Meet Director at least 10 days in advance of the meet for organizational purposes (parking, catering, etc.)
- vi) May act as Meet Referee for State or interclub meets, but that role can be delegated to a qualified referee.
- vii) Receives Meet Reports from the Meet Referee for each meet, tracks the officials who worked at each meet, and follows up any issues from the report which need attention.
- viii) Manages the re-accreditation of officials to ensure that all active officials are appropriately accredited.
- ix) Encourages MSV members to become officials.
- x) Produces articles on technical matters.
- xi) Organises training seminars for officials.
- xii) Either is the Victorian representative on the National Technical Committee or works closely with the individual representing Victoria on the National Technical Committee.
- xiii) Ensures that the MSA swimming rules are followed at all MSV meets.

Selection criteria shall include but not be restricted to:

- i) Demonstrate a detailed technical understanding of Masters Swimming events.
- ii) Sound knowledge of the functions and roles of the various officials within MSV.
- iii) Ability to lead a support team.
- iv) Ability to work to deadlines.
- v) Show evidence of good communication and decision-making skills.

e) Recording Director

Duties of the Recording Director shall include but not be restricted to:

- i) Responsible for the reliability, accuracy and consistency of records achieved by MSV registered swimmers, who compete at MSV/MSA sanctioned meets or competitions.
- ii) Ensure that those records achieved, are done so in accordance with the By-Laws, Rules and Guidelines dictated within the MSA Swimming Rules and World Aquatics Masters rules, where appropriate.

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- iii) Train and support Meet Directors and Meet Recorders at MSV sanctioned meets. Alternatively hold the Meet Director and/or Meet Recorder roles at MSV sanctioned meets.
 - iv) Uploads the results from meets at which MSV swimmers are participants to the MSA portal and Swim Central.
 - v) Sends copies of signed National Record forms to the National Recorder.

Selection criteria shall include but not be restricted to:

- i) A Sound knowledge of MSA swimming rules and World Aquatic Masters rules
- ii) A sound knowledge of MSV computer programs.
- iii) A sound knowledge of word processing and spreadsheet software, with preference to MS Office.
- iv) Ability to work to deadlines.
- v) Evidence of good communication and decision-making skills.

f) Coaching Director

Duties of the Coaching Director shall include but not be restricted to:

- i) Promotes the importance and recognition of swimmer coaching and stroke improvement at MSV Clubs.
- ii) Encourages the objective that all MSV coaches to attain MSA accreditation.
- iii) Encourages experienced coaches to present at or conduct seminars/workshops for Club coaches.
- iv) Organises professional development seminars/workshops for coaches. Target a minimum of two per year
- v) Sources and produces articles on coaching matters for the MSV newsletter.
- vi) Co-ordinates MSV Coach of the Year program and recommends selection to the MSV Board.
- vii) Provides appropriate information, support and assistance to coaches at MSV Clubs.
- viii) Is the MSV Branch nominated representative on the MSA National Coaching Committee. If the Coaching Director chooses not to take this role, the MSV Board may wish to nominate another representative.
- ix) Represents Coaches at the MSV Board. Provides written Coaching Director reports as requested by the MSV Board.
- x) Attends MSV Board meeting and the Annual General Meeting.

Selection criteria shall include but not be restricted to:

- i) Relevant Coaching accreditation.
- ii) The ability to work to deadlines.
- iii) The ability to lead a support team.
- iv) Show evidence of good communication and decision-making skill

g) Club Board Members

The duties of Club Board Members include, but are not limited to:

- i) attending MSV Board meetings.
- ii) representing the interests of Clubs and Club-Members as a whole.
- iii) voting in the best interests of the organisation, as they see fit.
- iv) ensure, to the best of their ability, that the Purposes of MSV are met.
- v) Take the lead with initiatives and tasks as delegated by the Board from time-to-time.

2) Position Description of the Administrator**a) Principal Duties & Tasks**

The Administrator undertakes the Secretary role as set out under rule 48 of the Rules.

b) Key Responsibilities

- i) Support the Board in the governance and administration of the association.
- ii) Provide administration support for board and general meetings including circulating the notice of meetings, agenda, reports and distribution of minutes.
- iii) Take minutes of all board, general and sub-committees
- iv) Maintain list of action items and follow up regularly.
- v) Provide administration and registrar reports to each board meeting.
- vi) Provide administrative support and assistance to any approved sub-committee(s).
- vii) Coordinate an annual review and where appropriate update each form in the appendices to these By-laws, for ratification by the Board by the October Board meeting each year.

c) Key contact point

- i) Contact point for all external correspondence.

d) Registrar

- i) Help clubs manage the member registration process.
- ii) Advise and support club Registrars on registering members.
- iii) Maintain databases(s).

e) Finance

- i) Assist Finance Director in the production of an annual budget.
- ii) Send accounts payable to the Finance Director for approval and payment.
- iii) Enter all payments into the Xero software.
- iv) File supporting documentation of all payments made in a systematic manner.
- v) Reconcile all monies received with details provided to the Finance Director.
- vi) Prepare and submit annual statements to Consumer Affairs Victoria (with assistance of the Finance Director).

- vii) Administer payroll and work cover for part time employees (when applicable).
- viii) Undertake an annual stocktake of medals and ribbons to coincide with the end of the financial year for inventory valuation purposes.

f) Member Correspondence

- i) Provide regular email communication to Clubs as requested by MSA, the MSV Board and/or MSV committees.
- ii) Prepare, compile and distribute via email any e-Newsletters to all MSV Club-members.

g) Meet Administration

- i) Liaise with the Swim Meet Committee Chair and advise clubs of annual swim meet program and particulars of individual events.
- ii) Load onto the online event entry system as directed by the MSV Recorder.
- iii) General administration for the meet as directed by the MSV Meet Director.
- iv) Organise and order ribbons/medals/trophies for MSV Swim Meets, Official of the Year and Coach of the Year awards.

h) Online presence

- i) Maintain the MSV website, ensuring content is up to date, particularly for events and competitions.
- ii) Manage social media sites and posts as advised by the Board/committees.
- iii) Liaise with the MSA office to ensure coordination of marketing efforts of events and competitions.

i) Administrative Support

- i) Provide administration support for MSV courses provided.
- ii) Support the administration of programs provided by MSA for MSV (inc. Vorgee Million Metres, Swim Series, Top 10).
- iii) Coordinate the sourcing of volunteers to support Officials with the running of swim meets. Provide certificates to recognise volunteers efforts when requested.

j) Office Administration

- i) Order and maintain office stationery requirements.
- ii) Maintain all MSV files and manage storage/archives of files.
- iii) Coordinate the external IT provider to safeguard MSV's information and communication systems.

3) Life Membership

Life Membership may be conferred upon a Club-Member who complies with the following principles.

- a) The nomination must come from at least two Clubs, both of which will submit the application to the Board.

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- b) If endorsed by the Board, the nomination will be submitted as a Motion on Notice at the AGM.
 - c) Any such nomination, with a full history of service, must be circulated to Clubs prior to the AGM in accordance with the Rules.
 - d) Life Members of MSV shall be presented with a plaque of service.
 - e) No more than two Life Members can be elected in any one financial year.

Life Members' benefits include, but are limited to:

- i) paid membership fees at a State and National level.
- ii) invitation to all functions and events.

To continue to receive Life Membership benefits Life Members must maintain their own membership of a Club.

4) Coach of the Year award

- a) The aim of the award is to recognise the valuable contribution that Coaches make to MSV.
- b) Clubs may only nominate one candidate for the Coach of the Year Award.
- c) Only achievements for the calendar year of the award will be considered as part of the application.
- d) The Coach of the Year should be an individual who has achieved excellence as a Masters Swimming Coach. Innovation, leadership, accreditation and professionalism will also be considered.
- e) To be eligible for consideration:
 - i) all sections of the nomination form must be completed.
 - ii) candidates must meet all of the minimum criteria and provide all the requested evidence set out in Appendix 4.
 - iii) Nominations must be endorsed by their respective Clubs.
- f) Candidate eligibility criteria, include:
 - i) be an accredited Masters Swimming Coach or equivalent.
 - ii) be a current Masters Swimming Australia member.
 - iii) demonstrate a proven capacity to improve the level of performance of Masters Swimmers.
 - iv) practice and espouse a philosophy of fair play.
 - v) present a positive image of coaching and the role of the coach.
 - vi) demonstrate concern for the development of master's swimmers in and out of the sporting arena.
 - vii) demonstrate the application of relevant coaching theory.
 - viii) have made an outstanding contribution in coaching and/or towards the development of coaching at Club, Branch and/or National level.

5) Official of the Year award

- a) The aim of the award is to recognise the valuable contribution that Officials make to

MSV.

- b) Clubs may nominate only one candidate for the Official of the Year Award.
- c) Only achievements for the calendar year of the award will be considered as part of the application.
- d) The Official of the Year should be an individual who has achieved excellence as a technical official. Innovation, leadership, accreditation and professionalism will also be considered.
- e) To be eligible for consideration:
 - i) all sections of the nomination form must be completed.
 - ii) candidates must meet all of the minimum criteria and provide all the requested evidence set out in Appendix 5.
 - iii) nominations must be endorsed by their respective Clubs.
- f) Candidate eligibility criteria, include:
 - i) be an accredited Masters Swimming Official.
 - ii) practice and espouse a philosophy of fair play.
 - iii) present a positive image of officiating and the role of the official.
 - iv) have made an outstanding contribution in officiating and/or towards the development of officiating at Club, Branch and/or National level.
- g) The winner of the Victorian Official of the Year becomes the Masters Swimming Victorian Branch candidate for the National award.

6) Service awards

- a) Meritorious Service Award: a Club-Member may be nominated by a Club or the Board to receive a Meritorious Service Award after completion of five years voluntary service to MSV at state level. The Club Representatives will consider and, if appropriate, approve such Award at the next general meeting.
- b) Conspicuous Service Award: a Club-Member may be nominated by a Branch or the Board to receive a Conspicuous Service Award after completion of ten years voluntary service to MSV at a state level. The Club Representatives will consider and, if appropriate, approve such Award at the next General Meeting.
- c) These awards shall be a plaque and a certificate.

7) Ambassador

- a) The Board may at any time appoint an ambassador of MSV.
- b) The length of term of the Ambassador to be two years, with further options of 2x2 year terms
- c) The role of the Ambassador includes, but is not limited to:
 - i) promoting the MSV within the wider community.
 - ii) representing the MSV at official functions where appropriate.
 - iii) presenting awards at State level competitions or functions.
- d) The benefits of the Ambassador role includes, but is not limited to:
 - i) paid membership at a State and National level.
 - ii) paid entry to all Masters level State competitions.

- iii) paid entry to the Masters National competition, but not travel or accommodation expenses.
- iv) paid entry to Masters State level functions.

8) Administrator Debit Card

- a) The Administrator is issued a Debit Card for the payment of expenses requiring the use of a Debit or Credit Card.
- b) The Debit Card is issued subject to the following internal controls:
 - i) Debit Card be linked to a separate bank account (BSB: 003100 Account: 10275730) for the sole use of the Debit Card.
 - ii) The account balance of the separate bank account be limited to \$2,000, which is reimbursed when the Administrator expense reports are authorised by either the President or the Finance Director.
 - iii) The Debit Card is only to be used for routine expenses (e.g., computer system subscriptions)
 - iv) The Administrator is not to pay any individual expense of more than \$200 on the Debit Card without the prior written approval of either the President or Finance Director.
 - v) The administrator is to submit a monthly expense report with supporting documentation for each expense line (including GST invoice where applicable)
- c) The use of Administrators Debit Card does not require authorisation by two Board Directors, as per Rule 49 (1) (d) of the Rules, as the use of the Debit Card is not considered an electronic banking transaction for the purposes of the Rules.

9) Interclub Sanction form

Refer to Appendix 6 for the Interclub Sanction form which Clubs are required to submit to the MSV Board for approval to run a swim meet recognised by MSV.

10) Expenses policy for Directors and Officials

Directors, technical officials and Club-Members supporting MSV activities, including representing Victoria on national committees all act on a volunteer basis. The Administrator is MSV's only paid role.

Generally, Directors, technical officials and Club-members supporting MSV activities will not have costs they incur incidentally to undertaking these roles reimbursed by MSV. For example, MSV will not reimburse costs incurred in undertaking tasks at home, travelling to meetings in Victoria or through using their own phones or computers. The exceptions to these rules are:

- a) Expenses incurred in line with the MSV policy on Officials expenses at Swimming Meets
- b) Direct out-of-pocket expenses incurred in attending formal MSV meetings or representing MSV interstate. Examples, of acceptable expenses are modest catering for Board meetings, carparking and printing costs incurred for a MSV function.

No direct out-of-pocket expense will be reimbursed over \$200 without the written approval of either the President or Finance Director prior to committing to the expense. Any out-of-pocket expense greater than \$2,000 needs to be sanctioned by the Board prior to committing to the expense.

11) MSV Policy on Officials Expenses at Swimming Meets

- a) Officials not participating in the swim meet as a competitor can submit expense claims to MSV for:
 - i) Travel to and from swimming meets.
 - (1) For private transport, the claim should be no more than the mileage rate (as provided by the Australian Tax Office) per kilometre travelled to and from the meet.
 - (2) For public transport, the claim should be no more than the transport fare required to get to and from the meet.
 - ii) Parking at swimming meets.
- b) MSV will provide lunch to officials.
- c) MSV will book and pay for accommodation and dinner for officials who are staying away overnight for a meet.

12) Policy on employment of salaried staff

Any salaried staff positions need to be ratified by the Board, including remuneration, hours of work, location of work and position description. The Board will also agree the process for recruitment and which members of the Board need to ratify the successful candidate.

Salaried staff will report to the President.

Salaried staff remuneration will be reviewed annually. Remunerations adjustments within budget need to be approved by the President and Finance Director. Any remuneration adjustments outside budget are to be approved by the Board.

Salaried staff will have an annual documented performance review with the President, after the President has sought feedback from Board Members. It is expected that the President will hold regular informal discussions with salaried staff throughout the year, such that the annual Performance review should not include any major surprises, particularly negative ones.

Salaried staff should seek the written approval of the President before taking any annual leave.

In the event of salaried staff needing to take sick leave or other unscheduled leave, the salaried staff member should inform the President as soon as practical.

When any leave is taken the salaried staff member should, where practical, leave out of office messages on key forms of communication (for example, email and phone).

13) Cash Reserves

MSV should aim to maintain cash reserves covering a years' worth of fixed costs. If cash reserves are reduced below that threshold, MSV should review Discretionary Expenses. If a reduction of Discretionary Expenses is unlikely to put MSV on a sustainable financial footing, then the Board will need to review where Fixed Costs can be reduced over time.

For the purpose of this policy Fixed Costs are expenses incurred in running the branch, such as the Administrators remuneration, office costs and computer subscriptions. Examples of Discretionary Expenses are marketing and coach's training.

This policy assumes fees for swim meets entries are set at a level that swim meets breakeven over a financial year.

14) Club Names

- a) When a new club is to be formed or an existing club proposes to change its name, the proposed name (or names) shall be submitted to the MSV Board for approval. The submission shall include evidence that the proposed name (or names) has been approved by the membership of the club (e.g. the minutes of a general meeting). The Board shall base their consideration of the proposed name (or names) on the criteria listed in d).
- b) When the Board fails to approve a proposed name, the reasons for the rejection of the proposed name (or names) shall be stated. If applicable, the Board shall advise what names, based on the club's submission, would be acceptable. The Club may choose to adopt one of the names suggested by the Board without further reference to the Board. Adoption of a name suggested by the Board shall require the approval of the Club's membership and advice to the Administrator of the chosen name. If none of the names suggested by the Board are acceptable to the Club membership, the Club may choose to submit further names for approval or appeal to the Board.
- c) An existing Club must make application for incorporation using its approved name with either Inc. or Incorporated appended only without submitting the name to the Board for approval. When a new Club is formed and it is proposed to incorporate the Club immediately, only names approved by the Board may be included in the application for incorporation. On receipt of the Certificate of Incorporation, the Club shall advise the Administrator of the Club name by forwarding a copy of the Certificate of Incorporation.
- d) Names, categorised as follows shall be rejected by the Board:
 - i) Names similar to the name of another Club.
 - ii) Names linked to products perceived as not being conducive to good health.
 - iii) Names perceived to be discriminatory or derogatory in nature.
 - iv) Names incompatible with the image, aims or objectives of MSV.

15) Information Management Standards

Each member of the Board and appointed members are responsible for their own internet account. However, all internet access and distribution of email originating from their account for MSV related purposes must comply with the following:

- a) A current anti-virus security software package.

- b) Attempted forgery of electronic mail is prohibited.
- c) Attempts to read, delete, copy or modify electronic mail belonging to others is prohibited.
- d) Attempts to send harassing, obscene, threatening or defamatory email to another user is prohibited.
- e) Attempts to send unsolicited mail, "for profit" mail, chain letters or frivolous mail is prohibited.
- f) Providing unlawful or unauthorised mail to outside organisations is prohibited.

Email is subject to the regulations covering libel, defamation, breach of confidence, copyright, obscenity, fraudulent misrepresentation, data protection and wrongful discrimination. Email is easily (and accidentally) broadcast, you are required to choose your distributions actions carefully and ethically.

All Board members, and those personnel holding appointed positions must comply with the current (Commonwealth) copyright act when using computer software.

All software must be used only in accordance with both the licensing agreement. Illegal or unauthorised software is not to be used for MSV purposes or on MSV owned computer equipment.

Unauthorised copying or distribution of software, including proprietary software, shareware and software developed or distributed by the National body is prohibited

Where there is a breach of any part of this clause, the individual's membership of MSV shall be subject to review by the Board in compliance with Part 2 Division 3 of the MSV Constitution.