



# By Laws

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Rowing South Australia Incorporated

Adopted October 2020

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# ROWING SOUTH AUSTRALIA INCORPORATED

## By Laws

### 1. Terms and Definitions

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In these By Laws, unless the context otherwise requires:

- (a) "**Association**" means Rowing South Australia Incorporated.
- (b) "**Affiliate Member**" has the meaning set out in the Constitution.
- (c) "**Board**" has the meaning set out in the Constitution.
- (d) "**Boat Race Official (BRO)**" means a person appointed by the Association pursuant to the provisions of clause 10.
- (e) "**CEO**" means the Chief Executive Officer of the Association.
- (f) "**Competitive Member**" (or, interchangeably, "Competitive Membership") has the meaning set out in the Constitution.
- (g) "**Constitution**" means the Constitution of the Association.
- (h) "**Financial Year**" means that twelve (12) month period commencing on 1 July and ending 30 June.
- (i) "**Member**" has the meaning set out in the Constitution.
- (j) "**NCAS**" means the Rowing Australia National Coaching Accreditation Scheme.
- (k) "**NOAS**" means the Rowing Australia National Officiating Accreditation Scheme.
- (l) "**Notice of Appeal**" has the meaning set out in clause 14.2.
- (m) "**Prescribed Position**" has the meaning set out in the *Children's Protection Act (SA) 1993*.
- (n) "**Premiership Points**" has the meaning set out in the Regulations for Boat Racing.
- (o) "**Premiership Season**" means that period in which the Association conducts rowing regattas for which the Board has determined Premiership Points shall be awarded.
- (p) "**RA**" means Rowing Australia Incorporated.
- (q) "**Regatta Referee**" means that person responsible for ensuring a regatta is run in accordance with the Association's Regulations for Boat Racing, these By Laws, and any other conditions stipulated by the Board from time to time.
- (r) "**Rowing SA Safety Policy**" means that safety policy adopted by the Board and published from time to time.

- (s) **"State Selection Panel (SSP)"** means persons appointed by the Board pursuant to the provisions of clause 11.
- (t) **"State Team"** means each State representative team selected by an SSP.
- (u) **"State Team Selection Policy (STSP)"** means that policy regulating the selection of State representative teams adopted by the Board from time to time.
- (v) **"Umpires and Volunteers Sub-Committee"** means that committee constituted by the Board from time to time.

## **2. Affiliate Member Annual Fees and Other Requirements**

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- (a) The Affiliate Member Annual Fee for member clubs of the Association shall be that fee or those fees prescribed and published by the Association from time to time.
- (b) Affiliate Members shall ensure that all people holding Prescribed Positions and working or volunteering with children and other vulnerable people in their club, must have an appropriate screening check clearance with the relevant State Government Department (currently the Department of Human Services).
- (c) Affiliate Members shall ensure and be responsible for the procurement of a minimum of NCAS Level 1 Accreditation for all persons holding a coaching position for that Affiliate Member.
- (d) Affiliate Members shall ensure and be responsible for compliance with all requirements for continued affiliated membership as prescribed and published by the Association from time to time.

## **3. Competitor Member Fees**

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- (a) The Competitor Member Fees shall be those fees prescribed and published by the Association from time to time and in any event before the commencement of each Premiership Season.
- (b) Competitive Membership entitles a person to compete in eligible events during the Premiership Season and other regattas or competitions endorsed by the Association.

## **4. Visiting Club and Crew Fees**

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The Visiting Club and Crew fees shall be those fees prescribed and published by the Association from time to time.

## **5. Training / Racing Rules**

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### **5.1 Rules**

- (a) The Rowing SA Safety & Training Policy and Regulations for Boat Racing shall govern the conduct of all persons associated with rowing training and competition.
- (b) The Rowing SA Safety & Training Policy covers athletes and coaches on and off water.

- (c) All crews must follow published traffic flow patterns. It is the Affiliate Clubs' responsibility to ensure all club crews/coaches are familiar with and follow the training rules.
- (d) All coaches must abide by the Rowing SA Safety Policy whilst cycling/coaching crews. Helmets must be worn, appropriate lighting and warning bells must be attached to the bicycle.
- (e) Any Crew/Coach/Club infringing the Rowing SA Safety Policy may be liable to a fine not exceeding \$500, loss of premiership points or disqualification from competition at the discretion of the Board.

## **6. Competition**

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- (a) No Members of the Association will be allowed to compete at any regatta or race held in South Australia, unless the same be held by the Association or by an Affiliate Member with the approval of the Association.
- (b) Only persons who are financial and have been registered as Competitor Members of the Association will be allowed to compete at any regatta or race held by, or under the auspices of the Association.
- (c) The Board or its nominee may permit crews from Clubs of other States to compete in any regatta or race as aforesaid, although their members are not members of the Association.

## **7. Transfers**

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- (a) A Member will compete for only one Affiliate Club in a Premiership Season except as provided in the following:
  - (i) Members who have changed their place of residence and have permission from the Board to transfer Competitor Membership from a country club to a metropolitan club or another country club or vice-versa.
  - (ii) Full time secondary students who may represent the club of the school at which they are a student in addition to one non-school club.
  - (iii) If two clubs apply to the Board in writing to transfer Members between themselves, the Board may approve such a transfer.
- (b) An interstate rower who has completed a Rowing Australia Application Form for Interstate Transfer must notify the Association of the date when such application was made to the other State.

## **8. Transfer Clearance**

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Any Member desiring to transfer Competitor Membership from one club to another club must produce to the committee of the last mentioned club, before admission thereto, written confirmation from the Secretary of the first mentioned club stating that the Member is not indebted financially to the first mentioned club. In all cases of disputes as to whether a Member is or is not indebted financially to a club, the Board may decide the issue.

## **9. Infractions**

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Any Member of the Association infringing any of the Rowing SA Safety Policy rules, By-Laws or Regulations for Boat Racing will be liable to a fine not exceeding \$500.00 and/or disqualification from competition at the discretion of the Board.

## **10. Boat Race Officials**

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The Association's Umpires and Volunteers Sub-Committee requires that in order for a person to be a Boat Race Official they must hold one of the following:

- (a) A Level 1 (Introductory Level) Licence issued to a person in accordance with NOAS who has been assessed as being competent at basic Control Commission, Marshalling, Judging and Umpiring duties under the control of a Level 2 BRO or independently if directed by the Regatta Referee of the day.
- (b) A Level 2 (State – Member Association BRO) Licence issued to a person in accordance with NOAS who has been assessed as being competent at the Introductory Level, has passed a theory examination on the Rowing Australia Racing Code and the Association's Regulations for Boat Racing. To maintain a valid Level 2 Licence, which may be renewed without further assessment, the holder must participate in a Seminar at least every four (4) years, attend regattas on a regular basis, and perform BRO duties in a competent manner.
- (c) Where necessary an RA NOAS assessor shall have the power to re-classify a licence holder.

## **11. Selection of State Teams**

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- (a) The Board shall annually appoint a State Selection Panel (SSP) to select coaches and crews for each State representative team and shall advise the Board prior to the closure of entry for competition, such representative teams, crews and coaches chosen to represent the Association.
- (b) The SSP shall consist of appointed selectors and the SASI Head Coach.
- (c) Selectors are appointed each year by the Board under the following conditions:
  - (i) Submission of a nominations in the form prescribed by the Association from time to time.
  - (ii) If a nomination is not received in the prescribed time, then the Board may accept a late nomination at its discretion provided that it is in the prescribed form.
- (d) The Board shall approve a State Team Selection Policy (STSP) for the selection of each team as required each year. Each policy shall give due consideration for the athletes' and coaches' preparation for selection and competition including an appeal process.
- (e) In selecting coaches and crews to represent the Association in the various State representative teams the SSP will select teams pursuant to the STSP and inform the Board of its selections and decisions for endorsement or non-endorsement at the Board's discretion.

- (f) The Rowing SA Office will provide administration and communication support to the SSP as required.
- (g) The Board may appoint a State Team Manager, who, together with the Rowing SA Office, will make arrangements and coordinate the activities of each State Team including:
  - (i) The preparation of a budget for each State Team.
  - (ii) Whilst the State Team is in training and on tour to take such action or actions to maintain discipline among members of the team as deemed necessary, provided always that such action or actions shall be subject to review by the Board.
  - (iii) After the return of the State Team from interstate competition, the submission of written reports to the Board.

## **12. State Team Uniform**

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The State Team uniform of the Association shall be that registered by the South Australian Olympic Council, which is as follows:

- (a) The colours of the Association shall be Red, Gold and Navy Blue.
- (b) The competition badge of the Association shall be that registered by the South Australian Olympic Council, which is as follows:

*The piping shrike on a gold shield the sides which extend as ears of wheat, the shield surmounted by wattle and surrounded by a smaller shield featuring the Southern Cross; on a scroll beneath are the words "Rowing SA" in white; the whole of the insignia on a Navy Blue background.*

- (c) The competition uniform of the Association shall be a Red, Gold and Navy Blue rowing suit with white undergarments if required.
- (d) The ceremonial blazer of the Association shall be a Navy Blue with the competition badge on the breast pocket.
- (e) All other uniforms will be determined by the Board from time to time.

## **13. Dispute Resolution Procedure**

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- (a) The dispute resolution procedure set out in this clause applies to disputes between a Member and:
  - (i) another Member; or
  - (ii) the Association.
- (b) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within fourteen (14) days after the dispute comes to the attention of all parties.
- (c) If the parties are unable to resolve the dispute at the meeting or if a party fails to attend that meeting, then the parties may, within ten (10) days after the scheduled meeting, refer the dispute to the State Sport Dispute Centre for resolution.

- (d) With the consent of the parties a mediator may be appointed to assist in the settlement of the matter.
- (e) In this clause 'Member' includes any former Member who was a Member not more than six (6) months before the dispute occurred.

## **14. Appeals**

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### **14.1 Grievances or causes for complaint**

If any person has a grievance or cause for complaint in respect of:

- (a) A personal matter;
- (b) A matter affecting the Association;
- (c) Any decision of the Board, or a person appointed by the Board, or an employee of the Association; or
- (d) Any decision of the Board or any person appointed by the Board in connection with the conduct of an Association regatta,

they should endeavour to resolve it in the first instance by consulting with the Board (in the cases of the circumstances set out in clauses 14.1(a) or 14.1(b)) or the decision maker concerned (in the cases of the circumstances set out in clauses 14.1(c) or 14.1(d)).

The Board or the decision maker may if it considers appropriate in the circumstances, and with the consent of the interested parties, refer the matter to a mediator to assist in the settlement of the matter.

### **14.2 Appeals to the Board**

- (a) If any person is unable to dispose of a grievance or complaint, they may submit an appeal to the Board.
- (b) An appeal must:
  - (i) Be in writing;
  - (ii) Be lodged with the Association CEO or the Board Chair no later than forty-eight (48) hours after being notified of the decision against which the appeal is brought or within such further time as the Board may allow;
  - (iii) State the name and address of the appellant;
  - (iv) State the name of the Affiliated Club of which the appellant is a member if applicable;
  - (v) Identify the maker of the decision, grievance or cause for complaint from which the appeal is brought;
  - (vi) Set out details of why the grievance or complaint was not able to be disposed of pursuant to the provisions of clause 14.1;
  - (vii) Set out the substance of the decision from which the appeal is brought;
  - (viii) Set out the grounds on which the appeal is brought;



- (ix) Be accompanied by a copy of any documentary evidence relied on in support of the appeal; and
  - (x) State whether the appellant wishes to rely on the oral evidence of any person (including the appellant) and set out the name and address of any person other than the appellant on whose evidence the appellant wishes to rely.
- (c) In the case of a further appeal against any decision of a SSP following an initial appeal made under the STSP an athlete or coach may submit that further appeal to the Board, and the ground of that further appeal must:
- (i) State the particular area of grievance and give the basis for the view;
  - (ii) Be specific to results achieved in specified selection events and be relevant to the SSP's interpretation of the STSP; and
  - (iii) Specify the grounds relied upon to allege that the STSP has not been adhered to.
- (d) An appeal submitted to the Board pursuant to the provisions of clause 14.2(b) or 14.2(c) shall constitute a Notice of Appeal.
- (e) Upon receipt of a Notice of Appeal pursuant only to the provisions of clause 14.2(c), the Board will convene an Appeal Tribunal on the terms as set out in clause 15 and:
- (i) The Appeal Tribunal will conduct a hearing within 24 hours of receipt of a Notice of Appeal; and
  - (ii) Deliver its decision within a further 24 hours.

## **15. Appeal Tribunal**

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- (a) An Appeal Tribunal shall be convened by the Board on receipt of a Notice of Appeal and will meet at the most convenient place and time as determined by the Board.
- (b) An Appeal Tribunal shall consist of a Chair and two other individuals all of whom, in the view of the Board, are unbiased in the dispute.
- (c) Hearings convened by the Appeal Tribunal are to be conducted with as little formality and technicality, and with as much expedition, as proper consideration of the matter before the Appeals Tribunal permits.
- (d) The CEO, or individual appointed by the Board, shall prepare a notice stating the place, date and time of the Appeal Tribunal and its terms of reference as set by the Board, and shall forward a copy of the notice and the terms of reference to:
  - (i) The Chair and members of the Appeal Tribunal;
  - (ii) The person whose appeal the Appeals Tribunal shall inquire;
  - (iii) Any person whose assistance the Board or the Chair of the Appeals Tribunal may require;
  - (iv) Any person who has submitted the Notice of Appeal.
- (e) The Appeal Tribunal may do any one or more of the following in relation to the Appeal:

- (i) Consult with the appellant and other interested parties and negotiate a mutually satisfactory outcome to the appeal;
  - (ii) Reject the appeal if it fails to comply with any provision of By Law 14.2;
  - (iii) Give the appellant such opportunity as it thinks fit to amend or supplement the appeal;
  - (iv) With the consent of the interested parties refer the matter to a neutral mediator to assist in the settlement of the matter, or hear such oral evidence as it thinks fit, including hearing such evidence by telephone conference;
  - (v) Adjourn the hearing of the appeal or matter being investigated from time to time;
  - (vi) Delegate one or more members of the Appeals Tribunal to inquire into the appeal or matter being investigated and report;
  - (vii) Receive and act upon in whole or in part a report from a member or members of the Appeal Tribunal in relation to the appeal or the matter being investigated;
  - (viii) Examine and cross examine witnesses and may appoint a legal representative or other person to assist it.
- (f) The Chair of the Appeal Tribunal shall ensure that a person into whose appeal the Tribunal shall inquire shall have:
- (i) Every reasonable opportunity of being fully heard, and of being assisted if necessary by not more than one representative;
  - (ii) Every opportunity of calling witnesses and producing documents; and
  - (iii) Every opportunity of putting questions to any witnesses called.
- (g) Within forty-eight (48) hours of the close of the hearing the Chair shall forward to the Board the report of the Appeal Tribunal, which shall consist of its findings, signed by the Chair of the Appeals Tribunal and one other member

The Appeal Tribunal may:

- (i) Uphold an appeal in whole or in part;
- (ii) Dismiss an appeal in whole or in part;
- (iii) Set aside a decision from which an appeal is brought in whole or in part;
- (iv) Substitute a decision from which an appeal is brought or any part of a decision;
- (v) Amend the decision from which an appeal is brought;
- (vi) Refer the decision from which an appeal is brought back to the Board, or individual who made it, with or without a recommendation of the Board;
- (vii) Take such other action as it thinks fit.

And in each case, shall give written reasons for its decision.

- (h) The discussions of all Appeal Tribunals shall remain confidential.

- (i) Public statements concerning allegations must only be made with the authority of the Board.

## **16. Service Jackets and Plaques**

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- (a) The Association may award Service Plaques to persons who have provided distinguished service to the Association, either directly or through an Affiliate Member.
- (b) The Association may award Service Jackets to persons who have provided a minimum of ten (10) years distinguished service to the Association, either directly or through an Affiliate Member.
- (c) The awards will be made at the Annual General Meeting of the Association on the recommendation of the Board.
- (d) To be awarded a Service Jacket or Service Plaque, a person must first be nominated by an Affiliate Member or the Board. Such nominations must be lodged with the CEO two (2) months before the date of the Annual General Meeting. The nomination must be in writing and include a citation, setting out the reasons for the nomination. Nominations will be considered by the Board at a meeting prior to the Annual General Meeting and their recommendations will then go the Annual General Meeting for final consideration.

## **17. Association Trophies**

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All Association trophies shall be retained by the Association and kept in such place or places as the Board decide. The Board may allow the Club winning any such trophies at any time during the Association year following such a win, to have the custody of the trophy so won by such Club for a period (11 months), upon receiving from such Club or approved persons proper and sufficient undertakings and security for the safe-keeping and return thereof one month prior to the event, in good order and condition.

### **17.1 City of Adelaide Henley-on-Torrens**

Open M8+	City of Adelaide Perpetual Trophy
Open W8+	WaterCare Clean Water Perpetual Trophy
Open M4+	Westpac Perpetual Trophy
Open W4+	Zurich Robyn-Grey Gardiner Perpetual Trophy
SB 1st 8+	Mutual Community Perpetual Trophy
SG 1st 8+	Mutual Community Perpetual Trophy
SB 1st 4+	Perpetual Trophy
SG 1st 4+	Perpetual Trophy
SB Yr 8/9 4x+	International Oar Trophy
SG Yr 8/9 4x+	International Oar Trophy
SB Yr 9/10 4x+	Olympic Oar Trophy

SG Yr 9/10 4x+	Olympic Oar Trophy
Masters M8+	Perpetual Trophy
Masters W8+	Perpetual Trophy
Masters Mixed 8+	Lord-Mayor's Perpetual Trophy
Family 4+	Perpetual Trophy

### **17.2 State Championship Trophies**

1st Grade M8+	Adelaide Bank Trophy
1st Grade W8+	Morrison Perpetual Trophy
1st Grade W1x	Amy Gillett Perpetual Trophy
1st Grade M1x	Simon Gillett Perpetual Trophy
1st Grade M2-	Tim Willoughby Memorial Trophy
1st Grade W2-	Perpetual Memorial Trophy
Youth M4+	Hendon Hotel Perpetual Trophy
Youth W4+	Charles Amiel Perpetual Trophy
U17 M1x	Charles Amiel Perpetual Trophy
U17 W1x	Charles Amiel Perpetual Trophy
2nd Grade M8+	Perpetual Trophy
2nd Grade W8+	Perpetual Trophy
SB 1st 8+	The Advertiser Shield
SG 1st 8+	Perpetual Trophy
3rd Grade M8+	Perpetual Trophy
3rd Grade W8+	Perpetual Trophy

### **17.3 Premiership Trophies**

Senior Men	West End Trophy
Senior Women	Florence Eaton Trophy
Masters Men	Keith Le Page Trophy
Masters Women	Elaine Guterres Trophy
Champion Masters Female	
Champion Masters Male	

#### **17.4 Other Association Trophies**

Round the Island Fastest Crew (on Prognostic)

Round the Island Fastest Masters Crew (on Prognostic)

#### **18. Other Policies**

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The following policies have been adopted and form attachments to these By-Laws:

- (a) Rowing SA Code of Conduct, reviewed October 2017;
- (b) Rowing Australia Member Protection Policy approved 2015, plus all subsequent revisions;
- (c) Rowing SA Alcohol Management Policy; reviewed August 2011;
- (d) Smoke Free Policy adopted March 2004; reviewed August 2011;
- (e) Rowing Australia Anti-doping Policy effective 1/1/2009, plus all subsequent revisions;
- (f) Rowing SA Weather and Condition Management Recommendations and Competition Day Policy; introduced November 2018;
- (g) Rowing SA Safety and Training Policy; reviewed September 2020;

The Board may adopt and publish new policies from time to time.