

**SWIMMING NEW SOUTH WALES LTD.  
SINCE 1896**



**MINUTES**

**STATE FORUM**

**SATURDAY 21 JULY 2012**

**LIDCOMBE CATHOLIC WORKMEN'S CLUB  
24 JOHN STREET, LIDCOMBE**

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SATURDAY 21 JULY 2012  
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**PRESENT**

**BOARD OF DIRECTORS**

Pat Troy (President)	Graham Towle	Suzanne Bergersen	Bill Ford
Mark Payne	Gloria Wiegmann	Mark Heathcote (CEO)	

**LIFE MEMBERS & PATRONS**

Clifford Harris OAM

**AREA DELEGATES**

<b>AREA</b>	<b>DELGATE</b>	<b>AREA</b>	<b>DELEGATE</b>
Coast & Valley	David Hinds	North Coast	Ann Pilkie
Metro South East	David Kennedy	Metro North West	Graham Taylor
Mountains & Plains	Walter Hitchell OAM	Metro South West	Leonardo Repeti
Southern Inland	Michael Donnelly	Metro North East	Judy Tier

**CLUB DELEGATES**

<b>CLUB</b>	<b>DELEGATE</b>	<b>CLUB</b>	<b>DELEGATE</b>
Aquablitz Toongabbie	Shane Todd	Bankstown Sports	Neil Rogers
BSC Rockdale	John Aitken	Canberra	John Skene OAM
Central Newcastle	Norman Roberts & Patricia Roberts	Cherrybrook Carlile	Andrew Brackin
East Maitland	Judith Duma	Engadine	Deirdre de Plater
Freshwater	Sunny Bidner	Glenbrook	Margaret Spurway
Gunnedah	Karla Abbs	Kempsey	Margaret Jopling
Laurieton	Faye Rowles	Lismore Workers	Anthony Gallpen
Menai	Maree Pavlovec	NC Aquatic	Mark Nott
Nepean Aquatic	Richard Galea	Nowra	Clive Hepburn
Parkes	Barbara Weaver	Peakhurst	David Goff
Revesby Workers	Bronwyn Hatzis & Gail Cauchi & Phil Wilkie	Ripples St Marys	Karen Hope
Ryde Carlile	Dianne Seary	Shellharbour-Warrigal	Jackie Moulton
Sladem	Ken Howard & Christine Williams	University of NSW	Christine Etter
Wollongong	Rob Newell	Woodenbong	Jennie Riley
Young	Lorna Donnelly		

## **VISITORS**

Patricia Downie	Michael Birmingham	Pia Farmilo	Pam Weste
Darren Howard	Narelle Duggan	Cherry Smith	Belinda Fraser
Kevin Coleman	Slade Anlezark	Peter Lozan	

## **APOLOGIES**

Chris Myers	Alan Thompson	Lynn Elliott	Barry O'Farrell
Helen Wood	Ron Jordan OAM	John Devitt AM	

## **PRESENTATION No. 1**

The CEO announced, and the President presented the banners to recognise the Top Ten point scoring clubs through Swimming NSW Championships conducted between 1<sup>st</sup> April 2011 and 31<sup>st</sup> March 2012.

The top ten clubs were:-

1. Carlile
2. SOPAC Swim Club
3. Hunter
4. Cherrybrook Carlile
5. Woden
6. NC Aquatic
7. Wests Illawarra Aquatic
8. Ripples St Marys
9. Mingara Aquatic
10. Cranbrook Eastern Edge

## **PRESENTATION No. 2**

Barry Sutcliffe from WorkCover NSW, made a presentation on the new Work Health and Safety legislation which had been introduced in January 2012. Barry prefaced his presentation by highlighting the key aspects that he would cover including the definitions of PCBU's and Officers, the classification of Volunteers & Workers, the management of Operational risks and Consultation procedures.

Barry firstly outlined that under the new legislation a PCBU was essentially an employer but that this definition now included, corporations, associations, partnerships, labour hire businesses, franchisees & contractors. The definition of employees had also been broadened to include independent contractors, apprentices, outworkers, trainees, work experience students and volunteers.

The other key changes to the legislation included the confirmation of due diligence requirements, the inclusion of what was reasonably practicable, the importance of consultation and the inclusion of volunteers into the legislation.

Barry then expanded on the Health & Safety duties of each of the key parties involved in the workplace; the PCBU, Officers, Workers and others and to what standard they needed to demonstrate that they had fulfilled these duties. The PCBU needed to demonstrate that they had completed their duties to a reasonably practicable level and the Officers need to demonstrate that they had exercised due diligence in their duties. Workers and others present at the workplace needed to exercise reasonable care.

Barry then highlighted that one of the key pieces of the new legislation was the duty to consult. This part of the legislation ensured that PCBU's and workers would work collectively to ensure workplace health and safety. It is also the PCBU's responsibility to consult with any other duty holders. Barry outlined the various forms that consultation could take and the best way's in a club swimming environment to ensure that it occurred to a satisfactory level.

Barry then took questions from the floor on a number of areas of the new legislation, specifically around the definition of a volunteer organisation as compared with a PCBU and also what the consultation requirements of a volunteer organisation would be.

Barry then thanked everyone for their attendance and questions and re-iterated that if any Club or Area wanted specific information about their particular organisation, pool hire or coach employment arrangements then they should contact WorkCover directly to seek advice or to visit the WorkCover website. A link would be also provided to the WorkCover website from the Swimming NSW website.

### **PRESENTATION No. 3**

Swimming NSW Development Officer, Pia Farmilo and Events Coordinator, Cherry Smith made a presentation on the Swimming NSW Meet Approval Process.

Firstly Pia outlined the procedure that her Area (South Eastern Swimming Association) had adopted to manage the Meet Approval process. Pia reported on how her Area sets the Summer and Winter season calendars, firstly allocating SNSW & SAL meets then Area Championships and Speedo Heats. Development activity weekends are then allocated and then the Area calls for nominations from Clubs to host meets on the vacant weekends. Pia noted that from time to time, the Area also specifies particular criteria for certain dates, to ensure that an appropriate meet is being held on that day. For example the Area will stipulate that on the weekend before the entries close for the Country LC Championships that any meet that is held must be a Long Course meet to allow the swimmers to gain long course qualifying times for Country Championships.

Pia then outlined the process that Club's must undertake when applying for a meet, including the specific information that must be provided to the Area Competitions Committee for their meet to be given approval. There are also additional criteria if the Club wishes to host an Area meet, such as Area Championships.

Once all of the nominations have been received, the Area Competitions Committee then reviews the applications and places them in SESA Meet Calendar. This Calendar is then provided to the SESA Executive for approval and once approved the Calendar is released to all Clubs. Finally, Pia noted the process the Club must follow once their meet has been approved to ensure the results are correctly uploaded to the Clubs Online results database. Pia reiterated that it is the responsibility of the Area, Club and Meet Referee to ensure that the meet is conducted under the rules of Swimming NSW.

Pia then answered some questions from the floor on her presentation and then handed over to Cherry Smith who would present on the Meet Approval Process from a Swimming NSW perspective.

Cherry reported that the first stage for an Area, once they had finalised their calendar for the upcoming season, was to forward to Swimming NSW an Area Meet List in a spreadsheet or similar document. This would allow Swimming NSW to know what meets they could expect to be sent to them for approval. Cherry noted that there were no problems with sending in an updated or amended Area Meet List if changes were required or new meets needed to be added to the Calendar.

Cherry then outlined that once the Meet had been completed the Club Race Secretary would load the results into the Clubs Online database. The Club would then submit the results to the Area Competitions Committee/Secretary in MM and TM format along with the names of the currently accredited and qualified Referee and Starter who officiated at the event. The Area would then check the submitted information and if everything was correct then they would simply forward the information through to Swimming NSW for final approval. Cherry noted that to ensure that all Areas were aware of the meets that were taking place in their Area; Swimming NSW would no longer approve any meets or results that were submitted directly by a Club. They must be submitted through the Area.

In closing, Cherry answered some questions from the audience and noted that all the information that had been presented by both herself and Pia would be available from either the Office or the Swimming NSW website within a week of the Forum.

## **PRESENTATION No. 4**

Swimming NSW CEO, Mark Heathcote made a presentation on the new Swimming NSW Strategic Plan.

Firstly Mark outlined the new Vision for the Company for the next quadrennium, which is 'to be the premier swimming state in Australia'. Mark then outlined that this Vision had been the theme for the new Plan which sets the goals and objectives for the Company over the next four years. The Plan aims to build on the successes of the previous Plan whilst continuing to strive for excellence across all areas of the sport. Mark then highlighted the importance of cooperation and support from Swimming NSW's stakeholders to ensure the successful implementation of the Plan.

Mark then outlined to the meeting how the Plan had been developed over the preceding nine months. Swimming NSW had utilised the new Swimming Australia Plan as a framework on which to build their own Plan and like Swimming Australia had adopted three key strategic priorities in Participation, Performance and Partnerships.

The first draft of the Plan had been developed from a workshop with all the Area Presidents at the 2011 Area President's Meeting and from there it had been further developed by Board and Staff working groups and was adopted by the Board earlier this year.

Mark then led the meeting through the actual Plan itself outlining each of the outcomes that Swimming NSW wished to achieve under each of the three strategic priorities and what action they would undertake to bring about the desired outcomes. Questions were invited from the audience throughout Mark's presentation.

Mark reported on the review process of the Plan, noting that the Board would review the Plan at least once a year and it would be a standing item at the Area President's meetings. Feedback on the Plan was also invited from any of the Company's affiliated clubs at any time.

In closing, Mark reported that Swimming NSW would be developing an Area and Club Strategic Plan template for Clubs and Areas to use in the development of their own Strategic Plans and that these templates would be available on the Swimming NSW website in the coming months.

At the conclusion of Mark's presentation a hard copy of the Strategic Plan was provided to each of the attendees at the meeting.

## **PRESENTATION No. 5**

Swimming NSW CEO, Mark Heathcote then made a presentation to assist Clubs and Areas to better understand their Constitution & By Laws and how to run their Annual General Meetings in line with these governing documents.

Firstly, Mark provided some background information on Constitutions, emphasising that they were there to assist Clubs and Area's not hinder. Mark noted that subtly all Constitutions were different and so his presentation would be based on the Model Constitutions that had been prepared in accordance with the *Associations Incorporation Act of 2009* and that the Clubs and Areas present at the meeting should consult their own Constitution for clarification on any matters.

Mark then outlined the importance of keeping your Constitution current and that it should be reviewed every couple of years to ensure that it was still relevant to the needs of the Club or Area. Mark then demonstrated the process that Clubs and Areas must generally follow if they wish to make changes to their Constitution, by way of Special Resolution.

Mark then highlighted the relevant parts of the Constitution that dealt with disciplining members as this was an area where a lot of Clubs and Areas did not follow the correct procedures when going through this process and this then caused the whole process to be more difficult and frustrating for all those involved. Mark stressed the importance of reading the Club or Area's Constitution, By Laws and Member Welfare documents before taking any action against a member. This would greatly reduce the likelihood of any problems arising.

Mark then discussed the definition and process for conducting General Meetings. Mark reported that most Clubs and Areas would hold only one General Meeting each year and that this would be their Annual General Meeting. It was noted that these meetings should not be confused with normal meetings of the Area or Club Committee and most importantly, if you are conducting a General Meeting there are certain timelines that must be met. Mark then outlined how these timelines operated and what sort of information must be distributed at each stage of the process. To assist Clubs and Areas with the timeline process, Mark said it would be helpful to set up a calendar so the Club or Area Secretary knew exactly what documents they must send out and when.

Next Mark outlined what matters should be placed on the Agenda at a General Meeting. There were specific items that must be included and anything else that the Club, Area or their members wished to be included must be submitted as a Notice of Motion. Mark then briefly outlined the requirements for a Notice of Motion. It was also noted that there should be no General Business at a General Meeting.

There was also no need to hold another General Meeting right after the Annual General Meeting, rather if there is a need to discuss an item(s) more broadly, then the Club or Area could host a Forum afterwards where there can be opportunity to get input from members in a less formal setting. The ideas and outcomes from such a Forum can then be put to the Area/Club Committee at their next meeting for further discussion and/or adoption (if required).

Mark then outlined the purpose of By Laws and the process for changing By Laws and also discussed the auditing of the Area/Club's financial statements. Mark noted that most Clubs & Areas didn't need to get their accounts audited, but if they did wish to, then they needed to ensure that they left enough time prior to the Annual General Meeting for this to occur.

In closing, Mark thanked everyone and noted that Swimming NSW had a number of resources that could assist Areas or Clubs with updating their governing documents or templates they could use when preparing for their AGM. If anyone wanted access to these resources they should visit the Swimming NSW website or contact the Office directly.

## **FORUM CLOSURE**

Swimming NSW CEO, Mark Heathcote thanked everyone for their attendance and contributions and then closed the Forum at 3.02pm.

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