

AUSTRALIAN CANOEING INC (“AC”)**BYLAW 19****CANOEING COMPETITIONS BYLAW****1. APPLICATION**

In accordance with Rule 34.1 of the Australian Canoeing Constitution, the following By-Law is adopted by the Australian Canoeing Board.

This Canoeing Competitions Bylaw sets out the rules that apply to the conduct of all canoeing events under the auspices of AC and provide direction for the administration of competition within the sport.

2. DEFINITIONS

In this Bylaw, the following words have the following respective meanings:

“AOC”	means the Australian Olympic Committee Inc.
“ASC”	means the Australian Sports Commission established under the Australian Sports Commission Act 1989.
“Athlete”	means a person who has notified AC in accordance with this Bylaw that he/she wishes to be considered to participate in a National Canoeing Competition..
“Board”	means the AC Board of Directors.
“CAS”	means the Court of Arbitration for Sport established by the IOC in 1983 and subsequently administered by the International Council of Arbitration for Sport in Lausanne, Switzerland.
“Class”	means the category of events within a Discipline in each gender. For example within the Discipline of Slalom the classes include Men’s C1, Women’s K1.
“Competition Rules”	means the rules and regulations applicable to a Competition in accordance with Rule 3.1 of this Bylaw and includes this Bylaw, the AC Anti-Doping Bylaw and the AC Member Protection Bylaw.
“Discipline”	means the canoeing disciplines of Slalom Racing, Flatwater (Sprint) Racing, Marathon Racing, Canoe Polo, Freestyle and Wildwater Racing.
“General Manager “	means the General Manager of AC or their nominee from time to time.
“ICF”	means the International Canoe Federation.
“IFC”	means the International Freestyle Committee.
“Individual Member”	means a registered financial individual member of a State Association or Affiliated Club.
“International Competition”	Means a competition designated as such in accordance with the ICF Competition Rules.
“Selection Event “	means an event conducted for the purpose of assisting in the selection process for an Australian Team and designated as such in accordance with the AC Selection Procedures Bylaw

Words not defined in this By-Law have the meaning ascribed to them in the Constitution of the AC unless a contrary meaning appears from the context.

3. COMPETITION RULES & REGULATIONS

3.1. Competition Rules

- (a) Subject to Rule 3.1 (c), in the Disciplines of Slalom Racing, Flatwater (Sprint) Racing, Marathon Racing, Canoe Polo and Wildwater Racing, AC Competitions will be conducted in accordance with the applicable ICF Competition Rules as published by the ICF from time-to-time.
- (b) Subject to Rule 3.1 (c), in the Discipline of Freestyle, AC Competitions will be conducted in accordance with the applicable International Freestyle Committee Competition Rules as published by the IFC from time-to-time.
- (c) AC may from time to time issue AC Competition Rules that amend or vary the applicable ICF or IFC Competition Rules. Such Rules must be read in conjunction with those rules. AC Competition Rules may also cover situations not covered by the ICF or IFC rules (for example touring boat specifications in the Marathon discipline).

3.2. Changes to AC Competition Rules

- (a) It is the role of the AC Technical Committees to make recommendations to the Board on rules, regulations and guidelines for the conduct of canoeing competitions in Australia for their respective Disciplines.
- (b) The Board of AC may change this Bylaw or AC Competition Rules from time to time, provided that any amendments, alterations, interpretations or other changes shall be advised to State Associations by means of notices approved by the Board and prepared and issued by the General Manager. State Associations will be obliged to draw such notices to the attention of their respective Members.

3.3. Other Rules and regulations

- (a) Athletes participating in AC Competitions must:
 - (i) comply with the AC Member Protection Bylaw, including the Athletes Codes of Behaviour as set out in the Member Protection Bylaw;
 - (ii) irrevocably submit themselves to the authority of Australian Canoeing's Disciplinary Tribunal, and abide by any decision of the Disciplinary Tribunal properly reached in accordance with the provisions of AC Disciplinary Bylaw and/or Member Protection Bylaw;
 - (iii) observe and comply with Australian Canoeing's Anti-doping Bylaw, the ICF, ASC and AOC Anti-Doping Policies (however named) including submitting to the penalties ordered by either or all.

4. TYPES OF AC COMPETITION

Australian Canoeing conducts four categories of "AC Competitions." In addition to AC Competitions, AC may organise or sanction International Competitions, which will be conducted in accordance with ICF Competition Rules.

4.1. Australian Championships

- (a) The Board grants Australian Championship status to recognised canoeing Disciplines. The following Australian Championships are conducted annually at such locations determined by the Board:
 - (i) Australian Flatwater Canoe/Kayak Championships
 - (ii) Australian Freestyle Canoeing Championships
 - (iii) Australian Interclub Canoe Polo Championships
 - (iv) Australian Interstate Canoe Polo Championships
 - (v) Australian Marathon Canoe/Kayak Championships

- (vi) Australian Slalom Canoe/Kayak Championships
- (vii) Australian Wildwater Championships (Classic)
- (viii) Australian Wildwater Championships (Rapid Sprint)
- (b) Where Classes to be contested at Australian Championships are different from the Classes specified in ICF or IFC Competition Rules, they must be detailed in AC Competition Rules in accordance with Rule 3.1 (c) of this Bylaw.
- (c) Australian Championships are designated as "Open" competitions and as such participants are permitted from any recognised National Canoeing Federation. Such competitors compete on an equal footing with Australian residents.

4.2. Australian Schools Championships

- (a) The Board grants Australian Schools Championship status to recognised canoeing Disciplines. The following Australian Schools Championships are conducted annually at such locations determined by the Board:
 - (i) Australian Schools Canoe/Kayak Slalom Championships
 - (ii) Australian Schools Marathon Canoe/Kayak Championships
 - (iii) Australian Schools Wildwater Championships
- (b) To participate in Australian Schools Canoeing Championships Athletes must be attending school either full or part time during the year of competition, and must have been enrolled to attend on the last day of the normal school year.

4.3. Australian Team Selection Events

- (a) Australian Team Selection Events are events designated as such by the Board in accordance with the AC Selection Procedures Bylaw for the purpose of assisting in the selection process for an Australian Team.
- (b) Such events may be held as part of an Australian Championship in which case rules and regulations applicable to Australian Championships have precedence.
- (c) Selection Events may also be held in conjunction with Australian Schools Championships or "Other AC Competitions" in which case the rules and regulations applicable to Selection Events have precedence.

4.4. Other AC Competitions

Any competition conducted under the auspices of AC, other than an Australian Championship, and Australian Schools Championship or a Selection Event (eg AC Flatwater Grand Prix) will be deemed an "Other AC Competition."

5. COMPETITORS

5.1. To be eligible to participate in AC Competitions, all Athletes must first:

- (a) Satisfy AC's General Manager that they meet or will meet the competition eligibility requirements (if any) as specified in the applicable competition rules; and
- (b) satisfy AC's General Manager that, in the case of an Australian Resident, they are:
 - (i) an Individual Member of AC; or
 - (ii) be an approved trialist; and
- (c) satisfy AC's General Manager that, in the case of a non-Australian Resident, they meet the membership requirements of their respective National Federation and have permission to compete from that National Federation (such permission should be in writing); and
- (d) not have any outstanding accounts with AC; and

- (e) not be under suspension by any Canoe Club or State Association;
- (f) complete and sign the applicable entry form, including the Event Declaration; and
- (g) pay the applicable entry fee; and

return all of the items above to the applicable Competition Secretary by no later than the applicable closing date as specified on the entry form. The Competition Secretary may in their sole discretion accept the above after this time depending upon the circumstances as considered on a case-by-case basis.

6. APPOINTMENT OF JURIES FOR AUSTRALIAN CHAMPIONSHIPS AND SELECTION EVENTS.

- 6.1. There will be a Jury for each Australian Championships and Selection Event.
- 6.2. Each Jury will be appointed by the Board of AC and comprise three persons. The Board shall appoint the members of each of the Juries after considering any recommendations made by the AC Technical Committee responsible for the relevant Discipline. The Board shall appoint one of the three members in each Jury to be the Chair of that Jury.
- 6.3. The Board may at any time, remove a member from the Jury.
- 6.4. Where any member of the Jury advises the General Manager that they consider they are unable to meet their responsibilities under this Bylaw, or the Board makes a direction under clause 6.3, the Board will appoint a replacement to assume that member's role on each of the Juries.

7. APPEALS AGAINST DECISIONS OF THE COMPETITION COMMITTEE

- 7.1. An Athlete may appeal against a decision of the Competition Committee of any Australian Championship or Selection event in accordance with these rules on the grounds that a decision of the Competition Committee was not made in accordance with the applicable Competition Rules. Such appeals must be made to, and determined by, the Jury. The Jury may permit an appeal to be made by two or more Athletes jointly where in the Jury's opinion their grievance arises out of the same Competition Committee decision.
- 7.2. Decisions of the Competition Committee at Other AC Competitions and Australian Schools Championships are final and binding on the parties and it is agreed that neither party will institute or maintain proceedings in any court or tribunal including the CAS. In particular, and without restricting the generality of the foregoing and for further and better assurance, notwithstanding that such provisions have no applicability, there will be no right of appeal under section 38 of the Commercial Arbitration Act, 1984 (NSW) or equivalent in any of the Australian states or to apply for the determination of a question of law under section 39(1)(a) of such Act or equivalent in any of the Australian states.
- 7.3. Any appeal against a decision of the Competition Committee must be made within sixty (60) minutes of the receipt of notification by the Competition Committee of their decision to dismiss a protest, and be accompanied by an appeal fee of \$50.00 which will be refunded where the Jury refers the matter back to the Competition Committee.
- 7.4. The Athlete must make the notice of appeal to the Chief Official in writing setting out the:
 - (a) decision of the Competition Committee in question;
 - (b) grounds upon which the appeal is made; and
 - (c) reasons or circumstances supporting the alleged grounds of appeal.
- 7.5. Nothing in the rules prevents the withdrawal of an appeal by an Athlete at any time by writing to the Chairman of the Jury.
- 7.6. Australian Canoeing and the Athlete shall not be entitled to legal representation at the hearing of the Disciplinary Tribunal.

- 7.7. On receipt of a notice of appeal in accordance with the Rules, the Chief Official must immediately forward the notice of appeal and any accompanying documents to the Jury.
- 7.8. The Jury shall, as soon as practical after receiving a notice of appeal, investigate and consider the appeal and shall within ten (10) minutes of receiving such notice determine whether:
- (a) the appeal should be dismissed, because in its determination, the appeal is trifling in nature or has no merit; or
 - (b) the appeal warrants further review and determination in accordance with these rules.
- 7.9. If the Jury determines the matter warrants further review in accordance with these rules, it shall meet for this purpose as soon as practicable, having regard to the proximity of relevant events.
- 7.10. The Jury may conduct a meeting (or any adjournment it permits) in such manner as it sees fit, but shall:
- (a) give to the appealing Athlete and the Competition Committee the opportunity to be heard;
 - (b) give due consideration to any statement given by the appealing Athlete and the Competition Committee;
 - (c) allow the appealing Athlete and the Competition Committee to be present along with their representative; and
 - (d) may request or require the appealing Athlete, the Competition Committee or any other witness to attend the meeting or provide such evidence as is available.
- 7.11. Following consideration of all relevant and available information, the Jury shall arrive at a finding. A decision of the Jury shall be by a majority decision. The Jury shall notify the Chief Official of its finding as soon as practicable. The Chief Official shall then immediately notify the appealing Athlete and all other relevant people of the Jury's decision in writing.
- 7.12. If the Jury considers the ground alleged by the appealing Athlete to be satisfied, it shall direct the Competition Committee to reconsider the matter.
- 7.13. The Jury has no power to substitute its decision for that of the Competition Committee. They must either refer the matter back to the Competition Committee for reconsideration, or dismiss the appeal.
- 7.14. The Competition Committee shall comply with any direction of the Jury given a protest back for reconsideration.
- 7.15. Decisions of the Jury are final and binding on the parties and it is agreed that neither party will institute or maintain proceedings in any court or tribunal including the CAS. In particular, and without restricting the generality of the foregoing and for further and better assurance, notwithstanding that such provisions have no applicability, there will be no right of appeal under section 38 of the Commercial Arbitration Act, 1984 (NSW) or equivalent in any of the Australian states or to apply for the determination of a question of law under section 39(1)(a) of such Act or equivalent in any of the Australian states.

8. AWARDS

- 8.1. For a class to be contested in any AC Competition there must be a minimum of three entries and two starters.
- 8.2. Official Australian Championship Medals are presented based on result regardless of nationality in recognised classes at all Australian Championships and Australian Schools Championships as follows:
- (a) to receive a gold medal there are to be a minimum of two (2) Athletes, crews or teams starting in the class;

- (b) to receive a silver medal there are to be a minimum of three (3) Athletes, crews or teams starting in the class;
- (c) to receive a bronze medal there are to be a minimum of four (4) Athletes, crews or teams starting in the class.

8.3. An Australian Champion certificate will be presented to the highest placed Individual Member of Australian Canoeing where the gold medal is awarded to a non-Australian Resident.

9. COMMERCIAL ACTIVITIES.

- 9.1. AC holds all commercial and intellectual property rights in relation to Australian Canoeing Competitions, including but without limitation, AC Logos and designations, AC concepts, sponsorship, ticketing, publications, licensing and telecasting rights.
- 9.2. Unless the General Manager has given his prior written consent, a member must not, and must not authorise or permit any third party to:
 - (a) use the words "Australian," "National," "Oceania", "Continental," "World" or "International" to denote any Canoeing Competition; or
 - (b) schedule any Canoeing Competitions less than five (5) days before or after an Australian Championships or an International Competition in that discipline;
 - (c) conduct or organise any advertising, marketing or fundraising activities or programs in which reference is made to AC or Australian Canoeing Competitions.

10. AC SANCTIONED EVENTS

- 10.1. Events conducted and/or sanctioned by State Associations
 - (a) State Associations are authorised to conduct and sanction canoeing events in their State providing such events are conducted in accordance with the Rules and Regulations of AC, in particular this Bylaw and any AC sanctioned event procedures.
 - (b) The prior written consent of the General Manager must be obtained if participants from other states or from overseas are invited to participate.
- 10.2. Events Conducted by Canoe Clubs
 - (a) Affiliated Canoe Clubs are authorised to conduct canoeing events providing such events are for members of their Canoe Club only. A club's State Association must sanction interclub events or any event where non-members are invited to participate. Such events must be conducted in accordance with the Rules and Regulations of AC, in particular this Bylaw and any AC sanctioned event procedures.
- 10.3. To be eligible to participate in AC sanctioned events, all Athletes must first:
 - (a) be an Individual Member of AC; or
 - (b) be an approved trialist; or
 - (c) in the case of a non-Australian Resident, meet the membership requirements of their respective National Federation and have permission to compete from that National Federation (such permission should be in writing).
- 10.4. State Associations and Affiliated Clubs must use any forms, contracts and clauses prescribed by Australian Canoeing in order to give effect to this By-Law and any other AC By-Law in such documents as contracts, entry forms and player registration forms, as directed by Australian Canoeing.

Adopted by the Australian Canoeing Board on 17th February 2003.
