

Proposals to change ASA Laws, in principle and intention, for ASA Council 2006

- 1 ASA Committee proposes that Law 4 be changed in order to:**
 - 1.1 delete the provision that Sub-Regions and organisations, associations or bodies affiliated to the ASA shall follow a standard constitution and replace it by a provision that they shall issue rules and operate on a basis which follows model rules appropriate to their status and constraints.
 - 1.2 specify that both standard constitutions and model rules shall embody the principles of:
 - 1.2.1 transparent financial accounting;
 - 1.2.2 a democratic system with clear roles and responsibilities and accountability;
 - 1.2.3 A fair and open disciplinary system for internal club or organisational disciplinary matters operating in conformity with the ASA guidelines on the handling of internal disputes.

- 2 ASA Committee proposes that Law 8.1.1 and 8.1.2 be changed in order to:**
 - 2.1 endorse and extend the decision of Council in 2005 by making the definitions of counties and local associations permanent.

- 3 ASA Committee proposes that Law 8.2 be changed in order to:**
 - 3.1 define and differentiate between commercial swim schools operated for profit, teaching clubs and/or schemes operated by clubs.

- 4 ASA Committee proposes that Law 11 be changed in order to:**
 - 4.1 specify that the rules of a body applying for direct affiliation to the ASA shall contain provisions to confirm that the body shall be subject to the required sections of the Code of Ethics, the Child Protection Laws and the Judicial Laws;
 - 4.2 relax the requirement that all changes thereafter must be approved by the ASA to the requirement that all changes thereafter must be notified to the ASA.

- 5 ASA Committee proposes that Laws 11.4 and 16.1.6 be deleted and a new Law 16.2 be added in order to:**
 - 5.1 entitle each body affiliated under Law 11 to send a representative to attend meetings of the Council of the ASA with the power to speak but not to vote.

- 6 ASA Committee proposes that Law 28 be changed in order to:**
 - 6.1 change the provision that a resolution emanating from a sub-committee for the consideration of Council shall be proposed by the secretary of that committee to the requirement that it shall be dealt with by a member of that committee.

- 7 ASA Committee proposes that Law 36 be changed in order to:**
 - 7.1 permit the members of the ASA Committee to be remunerated for their services to that Committee.

- 8 ASA Committee proposes that Law 36 and all other necessary Laws be changed in order to:**
- 8.1 change the title of the ASA Committee to the 'ASA Management Board', to be referred to generally throughout the Laws and elsewhere, as the 'Board'.
- 9 ASA Committee proposes that Law 38 and all other necessary Laws be changed in order to:**
- 9.1 remove all reference to the Education Development Committee.
- 10 ASA Committee proposes that Law 52.1 be changed in order to:**
- 10.1 increase the number of Vice Chairmen of the Disciplinary Panel from four to seven.
- 11 The Technical Water Polo Committee proposes that Laws 101, 104, 110, 414, 415 be changed and a new 416 be added in order to:**
- 11.1 permit the promoters of water polo events, restricted initially to ASA Water Polo Championships and competitions including the Women's National Water Polo League together with the National Water Polo League which consist of groups of matches at the same venue and on the same day(s), to appoint a Water Polo Delegate to those events;
- 11.2 specify that the Delegates may only be appointed from a list of suitably qualified and experienced persons, compiled and issued by the ASA from time to time in consultation with the other promoters.
- 11.3 specify that the duties of the Delegate, should include, but not be limited to, to
- 11.3.1 have full control and authority over all officials;
- 11.3.2 ensure that ASA Laws, Technical Rules and the promoter's conditions are complied with;
- 11.3.3 appoint substitutes for officials who are absent, incapable or inefficient and appoint additional officials if necessary;
- 11.3.4 receive and decide protests;
- 11.3.5 summarily impose the minimum sanctions set out under Law 110 and the regulations made thereunder and lodge a complaint if, in his opinion, the minimum sanction is insufficient for the offence.
- 12 ASA Committee proposes that Law 104 be changed in order to:**
- 12.1 permit a protest to be made out of time provided that:
- 12.1.1 material facts, which had they been known before or during the competition would have been likely to have been the ground for a protest in due time, are subsequently brought to the notice of a competitor, club, body or official taking part in the competition;
- 12.1.2 the competitor, club, body or official making the protest does so as soon as was reasonably practicable after acquiring knowledge of those material facts;
- 12.1.3 the referee to whom the protest is submitted is satisfied that it would be in the best interests of the sport for the protest to be considered.
- 12.2 specify that any such protest shall be dealt with, as far as practicable, as if it had been made in due time.
- 13 ASA Committee proposes that Law 104 be changed in order to:**
- 13.1 specify that the promoter of an event at which a protest has been made shall take possession of and store any documents relating to the protest and its resolution or otherwise, for a period of not less than 12 months after the event.

- 14 ASA Committee proposes that Law 105.6 be changed in order to:**
- 14.1 specify that, in addition to complaints alleging serious misconduct liable to bring the sport into disrepute, complaints alleging misconduct may also be dealt with under the disciplinary procedures;
- 14.2 specify that a complaint alleging misconduct shall be prosecuted by the complainant and not by the Judicial Commissioner.
- 15 ASA Committee proposes that Law 304.1.1 be changed in order to:**
- 15.1 add any employees, consultants to and agents of the eight Regions to the list of Affected Persons.
- 16 ASA Committee proposes that Law 304 be changed in order to:**
- 16.1 add a provision to specify that each Region shall maintain a Regional Conflicts of Interest Register and shall pass on the data to update the ASA Conflicts of Interest Register.
- 17 ASA Committee proposes that Law 311 be changed in order to:**
- 17.1 specify that:
- 17.1.1 the ASA membership year shall run from April 1st to March 31st;
- 17.1.2 the date, after which the fee for initiating or upgrading membership changes shall be free of charge, shall be 30th September.
- 18 ASA Committee proposes that existing Laws 312.1.2 be changed in order to:**
- 18.1 add those bodies affiliated under Law 11 to those which may hold open competitions for their own members and be exempt from the requirement that the swimmers be registered.
- 19 ASA Committee proposes that Law 313 be changed in order to:**
- 19.1 extend the application of the restrictions on unauthorised relations to all members of the ASA.
- 19.2 specify that the restrictions on unauthorised relations by individuals shall refer to competition only.
- 19.3 permit members of the ASA to compete against non-members of the ASA in events promoted by and confined to the members of bodies directly affiliated under Law 11 or Regional Organisations affiliated under Law 8.2
- 20 The Technical Swimming Committee proposes that Laws 414, 415 and 111.1 be changed in order to:**
- 20.1 specify that
- 20.1.1 all protests [except where a water polo delegate has been appointed] shall be dealt with by the referee in the first instance;
- 20.1.2 an appeal against a referee's decision on a protest shall be dealt with by a Jury of Appeal if one has been appointed and
- at events promoted by the ASA the decision of a Jury of Appeal shall be final;
 - at any other event a protest appeal under Law 111.1 may be made against the decision of a Jury of Appeal;
- 20.1.3 an appeal against a referee's decision on a protest, if no Jury of Appeal has been appointed, may be made as a protest appeal under Law 111.1.