

# CYCLING VICTORIA

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# BY-LAWS

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## 1.0 DEFINITIONS

In these By-Laws unless inconsistent with the context or subject-matter;

**“Act”** means Associations **Incorporation Act 1981**;

**“Annual General Meeting”** or **“AGM”** means the Annual General Meeting of the Council as convened under Clause 12 of the constitution.

**“Board”** means the Board of Cycling Victoria;

**“Association”** means Cycling Victoria (i.e. CV) as incorporated under the Act;

**“CA”** means **Cycling Australia**;

**“CA Member”** means an individual holder of a current CA membership.

**“Club”** means a cycling club with at least ten financial members, the rules of which require each of its officers and members to be licensed individual or Life Member of Cycling Victoria;

**“Commissaire”** means a person who has passed the accreditation process as set by the Australian Sports Commission National Officiating Scheme or is a UCI accredited Commissaire.

**“Commissaire Panel”** means the Chief Commissaire and two other Commissaires at the event.

**“CV”** and **“Cycling Victoria”** means Cycling Victoria Incorporated;

**“Delegate”** means: an individual member appointed from time to time by a Member Club to represent that Club at the Annual General Meeting of CV or at the State Council; and a member of the CV executive who attends the Cycling Australia Council meetings or AGM.

**“Disqualification”** means a rider who is disqualified for a breach of the Technical Regulations during competition.

**“Event”** means a road, track or cyclo-cross race or recreational cycling event.

**“Life Member”** means a Life member of CV;

**“Member”** the term member is intended to refer to an individual member of a Member Club unless the context implies otherwise;

**“Member Club”** means a CV affiliated Cycling Club;

**“Misconduct”**: Without limiting the generality thereof, misconduct shall include:

1. Offences against the law of the Commonwealth of Australia or a State or Territory thereof.
2. Offences against the law of a Country, State, Territory, Province, Town or Village beyond the shores of the Commonwealth of Australia.
3. Conduct which, when committed beyond the shores of the Commonwealth of Australia (including conduct in aircraft or ships at sea) would, had it been committed within the Commonwealth of Australia, fall within paragraph 1 above.
4. Conduct, which is detrimental to CV and/or contrary to the Code of Conduct of CV.
5. Conduct, which is detrimental to the sport of cycling.
6. Licensed member who at any time disobeys the reasonable directions of an official and where such disobedience may lead to a breach of the Code of Conduct; or impede the conduct of the sport; or compromise the safety of members or other persons.

**“Officials”** The following persons shall be deemed to be officials:

1. Board members;
2. Commissaires when performing their allotted duties at an event;
3. Handicapper, Assistant Handicapper/s and selectors.
4. Other members appointed by CV or a Club to assist in the conduct of an event;
5. State: Team Manager, Coach and their assistants.

**“Promoter”** means an individual who holds a Cycling Australia promoters license.

**“Race Jury”** means three Commissaires or experienced officials at the event and not directly involved in the incident under appeal.

**“Rules”** means the Constitution, By-Laws, Technical Regulations and Annexure;

**“Special Meeting”** means an unscheduled State Council meeting.

**“State Council”** means the State Council established by clause 46 of the Constitution of Cycling Victoria Inc;

**“Suspension”** is a term applied to a member (or a club) who breaches a rule of CV and relates to a period of time where all membership privileges are suspended.

**“Technical Regulations”** means the Technical Regulations published each year by Cycling Australia and amendments / additions published by Cycling Victoria.

**“The State Federation” means Cycling Victoria;**

**“UCI” means Union Cycliste Internationale;**

## **2.00 PATRONS**

The Annual Council Meeting or Special Meeting may appoint patrons to CV. A person appointed to this position shall be a prominent citizen of Victoria whose appointment is likely to foster cycling in Victoria and advance the interest of the sport.

## **2.01 REPRESENTATIVE DELEGATES**

- 2.01.01 The President and / or a Vice-President or other person appointed by the Board of CV may act as delegates to any meeting of the Victorian Olympic Committee and Victorian Commonwealth Games Association and such other organizations, as required.
- 2.01.02 The Board may appoint delegates to represent the State Federation from time to time as required.
- 2.01.03 The delegates shall within 14 days after attending the meeting, forward to the Board a written report of the business transacted.

## **2.02 APPOINTMENT TO LIFE MEMBERSHIP**

- 2.02.01 Any nomination for Life membership must reach the Chief Executive Officer 45 days prior to the Annual General Meeting or as discretion of the CV Board. A resume of the nominee's cycling activity should accompany the nomination. The Board may then recommend such nomination at the AGM.
- 2.02.02 A nominee must have rendered distinguished service to CV for a minimum of ten years, or given outstanding service to cycling in Victoria for at least twenty years unless the Board determines there is exceptional circumstances.
- 2.02.03 When a nomination is made in the name of a member club, such nomination shall be the result of a resolution taken at a properly convened meeting and must be signed by two elected officers of that club.
- 2.02.04 In all cases, the nomination must be signed by at least two club officials or nominated and passed by the Board.

## **2.03 LIFE MEMBER ENTITLEMENTS**

- 2.03.01 Entry to all Victorian Championships and events conducted by CV.
- 2.03.02 A copy of current state council minutes upon request.
- 2.03.03 Life Members may attend the AGM and express their views but shall not be entitled to vote unless that person is a nominated delegate of a Member Club.
- 2.03.04 Any other entitlements that the Board may decide on from time to time.

## **2.04 MERITORIOUS SERVICE MEDAL**

2.04.01 The Association may award the Meritorious Service Medal to any person who has served for 12 years or more, in aggregate, as an official of the Association or to other persons in special circumstances. The recommendation for the award shall be made by the Board and submitted to the Annual General Meeting for approval.

A 'Sport' division of the Meritorious Service Medal may also be awarded to members who have achieved an Elite World Championship, Olympic Gold Medal or Paralympic or Para World Championship Gold Medals.

2.04.02 Nominations will be received as per 2.02.03 and 2.02.04 above.

## **2.05 ANNUAL AWARDS**

2.05.01 The CV Board may award annual awards to members of CV.

2.05.02 The criteria for these awards must be approved by the CV Board.

## **2.06 CONDUCT OF CYCLING ACTIVITIES**

2.06.01 The conduct of cycling activities in Victoria shall be governed by CV except such events that are conducted under the patronage of CA or the UCI (e.g. National Championships and Series events).

2.06.02 All Officials and volunteers (unless exempt) who work at or assist in the running of any event, where persons under the age of 18 years compete, must have a current Working with Children Card.

## **2.07 CONDUCT OF AGM**

2.07.01 The Board shall convene Annual / General Meetings in accord with Rules 35 to 45 inclusive of the CV Constitution.

2.07.02 One of the General Meetings of the Council conducted each year in accord with Rule 35 of the CV Constitution shall be known as the Annual General Meeting (AGM).

2.07.03 The CEO shall ensure that accurate minutes are recorded for all General Meetings and that these minutes are distributed to the Board Members and Member Clubs within one (1) month after each respective meeting.

## **2.08 CODE OF CONDUCT**

2.08.01 The Code of Conduct shall be applicable to all individual members (refer Annexure C 'Code of Conduct').

2.08.02 Any breach of the Code of Conduct by a member club or member may be dealt with; in competition by the Chief Commissaire, or if not in competition referred for disciplinary action as per clause 22 to 29 of the CV Constitution.

## **2.09 ANTI DOPING POLICY**

2.09.01 Any breach of the Anti Doping Policy by a member shall be dealt with in accordance with the provisions of the Anti Doping Policy (Annexure D)

## **2.10 SOCIAL MEDIA POLICY**

2.10.01 Any member in breach of the Social media policy shall be dealt with in accordance with clauses 22 to 29 of the CV Constitution.

## **2.11 COMMISSIONS**

2.11.01 In accordance with Rules 50(c)(ii) and 50(c)(xv) of the CV Constitution, the Board has the power in pursuit of its objects, to install Commissions.

2.11.02 Commissions are sub-committees of the Board of CV. The roles and function of each Commission shall be determined by the Board from time to time and shall act with autonomy, provided that:

1. The Commission provide the Board with regular reports on its decisions and activities.
2. These decisions must be endorsed by the Board before any correspondence or information is conveyed to Member Clubs, press or any other relevant bodies.
3. The Chairperson of each Commission will be appointed by the Board.
4. The Commissions operate within the scope of approved by the Board.
5. Minutes of a meeting are to be circulated by the Commission to the Board within one month.

2.11.03 The Board reserves the right to overrule a decision or directive of a Commission when it determines that the commission has operated contrary to objectives of CV, in particular the:

- Constitution;
- By-Laws, or
- the strategic plan of CV from time to time.

2.11.05 Commissions must have at least 33% of their total membership from each gender.

## **2.12 FEES**

2.12.01 The Board shall determine and advise Member Clubs fees before the 1st September of the year preceding that to which the fees apply. Such fees may include:

1. Affiliation fees.
2. Club Membership Fees
3. Temporary permit fees for non-members.
4. Entry fees for championships, Classic and other special events, where applicable.
5. Recommended fine/s.
6. Protest and appeal fees.



7. Race patronage / calendar / bond fees.
8. Commissaires expenses.
9. Any other fee as may be required from time to time.

## **2.13 MEMBERSHIP & LICENSING**

- 2.13.01 Persons who wish to join an affiliate club or renew membership must complete a registration form (issued by Cycling Australia). Any hard copy registration forms are to be administered by the member club and must be signed and dated by a club official.
- 2.13.02 All competitors, officials, coaches, motor pacers, mechanics or non-racing members must be current CA Members.
- 2.13.03 CV restricted competition / participation permits may be issued for specific events as approved by CV. Such fees as determined by the Board shall be charged for restricted permits.
- 2.13.04 Holders of a restricted membership shall not be eligible to compete in Victorian Championships events.
- 2.13.05 Members must ensure that proof of their current CA membership is carried with them when attending any CV sanctioned event.
- 2.13.06 A competitor or an official may be requested by the Chief Commissaire at any event to produce their proof of CA membership for the purpose of identification and eligibility to compete or take part in the event, receive a racing number or attend a meeting; and may be asked to produce it as proof of registration.
- 2.13.07 A competitor who fails to produce proof of a current CA membership when requested, may not be permitted to start in the event for which the rider had entered. Any entry fee previously paid for the event will be forfeited.
- 2.13.08 A member attending any meeting may be required by the chairperson to produce proof of their current CA membership.
- 2.13.09 A birth certificate or Statutory Declaration pending the production of a birth certificate as evidence of age of a competitor in an age category event must be produced upon demand to CV.
- 2.13.10 International riders must have a valid UCI license from their country and be in good standing with their National Cycling Association.
- 2.13.11 Membership Age Categories: (refer to Technical Regulations annexure A). **The age category of a participant will commence on October 1 for Track and January 1 for all other disciplines.**
- 2.13.12 No individual may be licensed to two clubs at the same time.

## **2.15. DERNY RIDERS**

- 2.15.01 Members who compete in Derny events on a Derny bikes must hold an adult competitor CA membership (Derny riders are considered as competitors).
- 2.15.02 To qualify as a pacer/competitor in a Derny event that person must be competent to ride a Derny machine and have undergone a Derny training session, which has been endorsed by CV.

2.15.03 Before competing in a Derny event that person must produce proof of their CA membership and a written document endorsed by CV that he has attended and passed the training session before he may participate.

2.15.04 A Derny rider must wear an approved cycling helmet.

## **2.16 TRACK MOTOR PACER**

2.16.01 A Motor Pacer may be a person who:

2.16.02 Paces a keirin or any motor paced event on the track (other than Derny events).

2.16.03 Rides a motorbike or Derny for training on the track.

2.16.04 Rides a motorbike or Derny for warming up competitors prior to competition.

2.16.05 A motor pacer must wear an approved cycling helmet when participating in all events and warm up periods prior to competition.

2.16.06 A Motor Pacer must hold at least a CA Non Racing Membership.

2.16.07 A Motor Pacer must hold a current motorcycle licence.

## **2.17 EVENT ORGANISERS**

2.17.01 Organisers of events, which are sanctioned by CV, must be members of CA if they are not already a licenced promoter. Event organisers are also bound by and must comply with the CV Agreement.

## **2.18 RESPONSIBILITY OF EVENT ORGANISERS**

2.18.01 Organisers must comply with VicRoads / Police and Council permits and the CV event agreement issued in relation to an event. Failure to do so may cause the event to be deemed an 'Illegal event' by CV.

2.18.02 As it is an offence to allow unlicensed competitors or non-permit holders to participate in an event which is sanctioned by CV, all parties under CV jurisdiction including but not limited to Promoters and Officials which allow non CA members or non-permit holders to participate or compete in an event shall be liable to disciplinary action under CV rules.

2.18.03 Prize money won by a competitor in any event shall be paid to the competitor on the day of the event, unless by agreement with CV.

## **2.19 ILLEGAL EVENTS**

2.19.01 An illegal event shall be defined as an event that has not been registered with and sanctioned by CV.

2.19.02 An event may be retrospectively declared illegal by CV if it becomes known that competing riders or attending officials did not hold a current CA membership or permit or that Race Permit conditions were not met.

2.19.03 The sanctioning of an event by CV may be withdrawn (even after the event has concluded) if the promoter, organiser or official at the event has knowingly allowed, the participation of riders who do not hold a CA membership.

- 2.19.04 Member Clubs, promoter/s and officials that conduct illegal events may be liable to disciplinary action.
- 2.19.05 A CA Member must not participate in a competitive cycling event in Victoria that has not been sanctioned by CV or a Member Club. CV may grant special exceptions for races or particular events.
- 2.19.06 Breaches of any of these By-Laws may render the promoter, organiser or official liable to suspension and or a fine.

## **2.20 CYCLING VICTORIA EVENTS**

### **2.20.01 VICTORIAN CHAMPIONSHIPS**

- 2.20.02 Track, Road and Cyclo-Cross Championships events in all age categories are the property of CV.
- 2.20.03 The promoter / venue of all Victorian Championships events shall be allocated by CV in advance from applications or bids received.
- 2.20.04 Bid documents must be forwarded to CV accompanied by general details of the proposed courses, facilities and other information sought by CV.
- 2.20.05 The venue, promoter, promoting body / organisation shall be endorsed by the Board, which will consider each proposal submitted along with any recommendations by the respective Commission/s.
- 2.20.06 The appointed promoter will be responsible for the general organisation of the championships in accordance with the provisions of the Hosting Agreement.

### **2.21 EVENT AGREEMENT**

- 2.21.01 Where CV has granted the right to a promoter or affiliate body to host a Victorian event CV will negotiate and execute a Hosting Agreement with that party setting out all operational, commercial and technical details for the conduct of the event. Such an agreement will set out the respective roles and obligations of all parties concerned.

### **2.22 CHAMPIONSHIP OFFICIALS**

- 2.22.01 The Commissaires at all Victorian Championships shall be determined in consultation with the Technical Commission giving consideration to the requirements of the Technical Regulations and the minimum appropriate appointments required to ensure the safe and efficient conduct of the Championships.
- 2.22.02 All Commissaires (including UCI qualified) who are CA members and have current Level 2 or Level 3 officiating accreditation will be eligible to officiate at Victorian Championship events and may apply for these positions.
- 2.22.03 Level 1 Commissaires may apply for a 'Mentored' position at these events.

## **2.23 OPEN EVENTS**

- 2.23.01 Applications to conduct new or annual Victorian 'Open' events must be received by the Chief Executive Officer of CV at the start of the season preceding the event, or when expressions of interest are published / requested to ensure placement on the calendar of State events for the next year.
- 2.23.02 Applications must state the type of event, date/s, venue and value of prizes.
- 2.23.03 When a promoter does not charge an entry fee or such entry fee is less than the normal fee for such an event, any expenses incurred by CV in relation to the safe running of the event shall be payable by the promoter. In all other cases, a percentage of all entry fees may be deducted to cover the officials and other legitimate expenses incurred by CV.
- 2.23.04 No 'Open' race shall be advertised or described as a "Championship" or 'International' event without sanction of the Board.
- 2.23.05 Where more than one event is listed on any given date, a member may only enter for one event. However, when the time difference between such meetings is sufficient to allow the member reasonable opportunity to safely attend the second meeting, the rider may then be permitted to enter for the additional event.
- 2.23.06 Each discipline Commission shall be responsible for the proper conduct of their state / 'Open' events. Any specific regulations relating to these events must be addressed and endorsed by the relevant Commission.

## **2.24 CLUB CHAMPIONSHIPS**

- 2.24.01 No member shall be permitted to compete at more than one club Championship per discipline (Time Trial, Road Race, Track, Hill Climb, Criterium, Cyclo-cross) in any one year, November 1 – October 31.

## **2.25 COMBINED CLUB EVENTS**

- 2.25.01 The maximum number of Clubs permitted to combine for the purpose of conducting a cycling race shall be ten affiliated Clubs. A club may apply to the Board for exemptions to this rule.
- 2.25.02 Affiliated Clubs shall not hold a combined race on a day set out for any Open event for which patronage has been granted, without first obtaining approval of CV.
- 2.25.03 Clubs seeking permission to promote such combined events must make written application on the approved CV application form.
- 2.25.04 A list of all entrants, results and Chief Commissaires report of the meeting shall be forwarded within seven days by the promoting club to CV. Clubs failing to comply with this rule may be fined by the Board.
- 2.25.05 Should any combined meeting be cancelled or postponed, the promoting Club Secretary shall advise CV of the action taken within three days.
- 2.25.06 Fines imposed at combined events becomes the property of the combine. CV shall be notified by the Chief Commissaire of the circumstances and imposition of such penalty.
- 2.25.07 A promoting Club may invite Clubs belonging to another State Association. However in all cases, the total number of Clubs invited, shall not exceed the limit as stated in clause 2.25.01 of this Rule.

## **2.26 CLUB TEAMS EVENTS / CHAMPIONSHIPS (Refer to Annexe H)**

### **2.27 INVITATION RACE**

2.25.01 An invitation race is an event for which selected members have been invited by a promoter to compete.

### **2.28 INVITATION EVENTS**

2.28.01 A member of another State Association or International Federation who desires to compete in club or open events must notify CV stating the CA membership number held, the venue and date. If approval is granted the person concerned must produce proof of their current CA racing membership to the Chief Commissaire as evidence of their registration.

2.28.02 A member who desires to ride with another club, may do so, provided that approval to do so has been granted by both clubs concerned. When one club allows a member of another Club to ride with its members, it shall be regarded as a single club for the purpose of combined club events.

### **2.29 CLUB COLOURS**

2.28.01 All affiliated clubs must register their club colours and designs with CV. No member of any club shall be permitted to compete in the registered colours of another club.

### **2.30 ASSOCIATION COLOURS**

2.30.01 CV racing kit shall be white and blue of such design as approved by the Board.

2.30.02 CV uniform shall be blue and white. The uniform may only be worn by members representing CV at official functions or in State teams, or by officials appointed by CV.

### **2.31 MEDICAL EXAMINATIONS**

2.31.01 CV may appoint a qualified medical practitioner to act as its Medical Adviser.

2.31.02 A competitor may be requested to submit to a medical examination either prior to or at the conclusion of an event.

### **2.32 EXTREME WEATHER POLICY (Refer to Annexe I)**

### **2.33 STATE TEAMS**

2.33.01 The CV Board shall approve a selection criteria for all State Teams.

2.33.02 All State Teams shall consist of selected riders, Team Manager, Team Coach, team mechanic/s and assistants as may be deemed necessary by the Board.

- 2.33.03 Members who are selected to represent Victoria in Australian Championships or Test Races or other events for which CV is officially represented, shall pay to CV a levy, as determined by the Board.
- 2.33.04 To be eligible for selection to represent Victoria at an Australian Championship, members must be affiliated with CV for a minimum period of two months before the Championships.

## **2.35 TEAM MEMBERS – ELIGIBILITY AND RESPONSIBILITY**

- 2.35.01 To be eligible for selection in State Teams, cyclists must have:
- 2.35.02 Australian citizenship; and
- 2.35.03 A current membership issued by the CA listing the rider as a member of a Victorian Club; and
- 2.35.04 Complied with all obligations as set out in the Team Agreement and its appendices, including but not limited to the Selection Policy and Criteria.
- 2.35.05 All members of State teams and all persons who accept their nomination to the State team shall be subject to the jurisdiction of CV. They shall conduct themselves at all times and in all places as befits worthy representatives of their State
- 2.35.06 All CV state members must wear CV approved clothing whilst representing Victoria.
- 2.35.07 Competitors shall be under the strict supervision of the State team managers and coaches. By accepting membership of the State team, athletes agree:
1. To sign a Team Agreement document accepting the conditions therein.
  2. Conform to the State Team Agreement, Selection Policy and Criteria, Anti-Doping Policy, Code of Conduct, Social Media Policy, Discipline Policy, Member Protection Policy and other such policies as issued by CV.
  3. Take part in all training sessions, camps and courses established for the team unless excused.
  4. Compete in designated events to the best of their ability and follow directions of Team Managers / Coaches in those events.
  5. Abide by team regulations as issued from time to time including but not limited to any special curfew or rules of conduct established at training camps and competitive programs.
- 2.35.08 Where a state team includes female athletes, the official management of that team must include at least one adult female member.

## **2.35.09 TEAM MEMBERSHIP - DISMISSAL**

CV State squad/team personnel, including managers, riders, trainers, coaches and mechanics, who do not adhere to the provisions as outlined in the Team Agreement as mentioned in 2.36.04 and 2.36.07 above, may be disciplined by the squad/team manager or the Board. Such disciplinary action may include but not be limited to:

- a. Admonishment; and or
- b. Dismissal from the team; and or
- c. A monetary fine up to a maximum as determined by the Board; and or

d. Suspension of CA membership

**2.36 SPONSORSHIPS OF CLUBS / MEMBERS**

- 2.36.01 A club or individual member may be sponsored commercially.
- 2.36.02 Clubs and members which obtain sponsorship shall be required to pay a fee for any sponsorship, payable annual at a fee determined by the Board.
- 2.36.03 An individual member who seeks sponsorship must first obtain approval of their club.
- 2.36.04 Sponsorship fees shall be determined by the Board.
- 2.36.05 CV reserves the right to refuse any sponsorship which breaches CV sponsorship guidelines.
- 2.36.06 The sponsorship agreement must provide for some benefits to the club or competitor in either cash or in-kind.
- 2.36.07 No limit shall apply to the number of sponsorship agreements a club or member may enter into.
- 2.36.08 A coloured photograph or drawing of the proposed clothing together with the required approvals in writing must accompany any sponsorship application.

**2.37 DISCIPLINARY AND APPEAL MATTERS – GENERAL PRINCIPLES**

- 2.37.01 Matters of discipline or complaint (broadly referred to as *misconduct*) and appeals will, subject to 2.39 (below), be dealt with as per Division 2, sections 22 to 29 of the Constitution.

The procedural guidelines of the Disciplinary and Appeals Committee can be found in Annexure K.

**2.38 THE COMMISSAIRE PANEL**

- 2.38.01 The Commissaire panel may deal with an offence during competition (i.e. one hour before commencement until one hour after the presentations conclude) if;
  - An Official observes conduct which in the opinion of the Official constitutes a breach of the Technical Regulations.
  - A complaint is made either orally or in writing to an official by a third party alleging a breach of the Technical Regulations.
- 2.38.02 On observing misbehavior or on receipt of a complaint being made by a third party, the Official may as soon as possible relay the allegations to the Commissaire Panel who will then inform the member of the allegations and the alleged facts constituting the offence. The member shall then be permitted to answer the allegation/s;
- 2.38.03 The Commissaire Panel, via the Chief Commissaire, may then deal with the offence in any manner allowed by these By-Laws.
- 2.38.04 At the conclusion of the hearing the Commissaire Panel, via the Chief Commissaire, shall:-
  - Dismiss the charge, or

- Find the charges proven, impose a penalty and advise the parties of the reasons for the finding and penalty; and advise the person penalized of their right to an appeal to the race jury.

## **2.39 DISCIPLINARY MATTERS – IN COMPETITION**

- 2.39.01 The Commissaire Panel may, after due deliberation, issue a penalty to a member for an offence against the Technical Regulations or in determining a protest in accord with Technical Regulations.
- 2.39.02 At all events, a member who has incurred a penalty during competition, shall have the right of appeal to the Chairman of the Race Jury; such Jury will be appointed by the Commissaire Panel from experienced officials / members present at the event.
- 2.39.03 Any appeal to the Race Jury and the potential result/s shall be in the terms as described in the Technical Regulations (Annexure A).
- 2.39.04 A member who has incurred an in competition penalty (imposed by the Commissaire Panel or Race Appeal Jury) with an amount greater than \$250 and/ or suspension of CA or CV membership or from events for greater than 4 weeks or expulsion as a member from CA or CV may appeal to the Disciplinary and Appeal Committee as per Section 27 of the Constitution.
- 2.39.05 Any lesser penalty than that described in 2.39.04 above is not subject to any further appeal process over and above the Race Jury determination.
- 3.39.06 Any member of the Commissaire Panel or Race Jury with a conflict of interest must excuse themselves for the purposes of considering a disciplinary matter.

## **2.40 PENALTIES**

- 2.40.01 As a result any of disciplinary procedure in accordance with these By-Laws penalties may be imposed upon members found guilty of misconduct or breach of Technical Regulations. Such penalty shall be in accordance with guidelines contained within the Technical Regulations, Annexure A.
- 2.40.02 Each case shall be determined on its merit and circumstances and penalties shall be imposed giving consideration to the degree of intent or malice or any extenuating circumstances associated with the act of misconduct or breach or any previous offence.
- 2.40.03 Penalties imposed on a member by CV will also be applicable to Cycling Australia, Mountain Bike Australia and CA affiliated state sanctioned activities.
- 2.40.04 Any penalties that are imposed by Cycling Australia or one of the affiliated state members will observed by CV.

## **2.41 FINES**

- 2.41.01 A fine may be imposed as per the guidelines contained within the Technical Regulations, Annexure A.
- 2.41.02 The payment of fines shall be forwarded to the CV office by the date stipulated by an official, race jury or committee within 14 days.



- 2.41.03 A member who fails to pay a fine or penalty shall be ineligible to compete and will have their membership suspended for such period until the fine is paid.

## **2.42 TERMINATION/SUSPENSION OF MEMBERSHIP**

- 2.42.01 The start of a period of termination or suspension of membership shall commence from the date and time of the decision unless otherwise stipulated in accord with sub clause 2 below.
- 2.42.02 The period of termination or suspension shall be enforced during a period of normal activity for the party concerned. For that purpose the period of termination or suspension may be spread over a period or periods of the year as determined.
- 2.42.03 A member upon receiving advice of a penalty including a termination or suspension of membership shall surrender their CA membership to CV if the period exceeds 4 weeks.
- 2.42.04 During the period of termination or suspension all membership rights are forfeited and the person concerned is not permitted to enter the field of play of a competition venue during competition periods, or attend any CV meetings.
- 2.42.05 The period of termination or suspension of membership must expire before the person concerned is permitted to compete, attend or officiate again at any level.
- 2.42.06 A suspended member may enter a race for which entries close during the term of suspension and the date of the event post dates the end of the suspension period.
- 2.42.07 If a further act of misconduct is alleged to have been committed during a period of termination of membership, the period of termination may be extended until the new allegations are dealt with.

## **2.43 SUSPENDED PENALTIES**

- 2.43.01 Where an official or a tribunal deem an offence to be as a result of or influenced by extenuating circumstances, all or part of the penalty imposed may be suspended and the person may be required to enter into a stipulated period of good behavior. Any further act of misconduct committed during such a period will automatically invoke the original penalty in addition to any further penalty imposed as a result of the subsequent act of misconduct.
- 2.43.02 CV will advise the Member Club or Constituent Association of the respective member and any penalty imposed against that member as a result of a disciplinary process implemented in accord with these By-Laws.
- 2.43.03 When a Member Club fails to enforce a penalty, which the club or promoter was notified of, imposed upon a CA member that Member Club or promoter shall be subject to such penalty as the CV Disciplinary and Appeal Committee shall decide.

## **2.44 DISCIPLINARY MATTERS – NON MEMBERS**

- 2.44.01 Any misconduct by non- members will be dealt with in accordance with clause 29 of the CV Constitution.

**2.44 LOGO**

2.44.01 The Logo for Cycling Victoria is shown on the front cover.

**2.45 REGISTERED TRADING NAME - TRADEMARK**

2.45.01 The Registered Trading Name of CV shall be:  
"CYCLING VICTORIA"

2.45.02 The registered Trademark for CYCLING VICTORIA is shown below.



2.45.03 Both the Trading Name and Trademark of the Federation shall not be used without written authority of CV.

**2.46 INTERPRETATION**

In the case where the by-laws are inconsistent the constitution will overrule the by-laws.

**ANNEXURES TO THE BY-LAWS:**

A. TECHNICAL REGULATIONS

B. VICTORIAN TECHNICAL REGULATIONS

C. CODE OF CONDUCT

D. ANTI-DOPING POLICY

E. MEMBER PROTECTION POLICY

F. STATE SELECTION POLICY AND CRITERIA

G. GUIDELINES FOR IMPOSING PENALTIES FOR DISCIPLINARY MISCONDUCT

H. CLUBS TEAMS COMPOSITION

I. CV EXTREME WEATHER

J. ANNUAL AWARDS SELECTION CRITERIA

K. PROCEDURAL GUIDELINES FOR THE DISCIPLINARY AND APPEALS  
COMMITTEE

L. SOCIAL MEDIA POLICY