

**AKUATIK MALAYSIA**  
**(MALAYSIA AQUATICS)**

**CONSTITUTION**



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## 1 NAME AND ADDRESS

The Federation shall be called “**A k u a t i k Malaysia**” or “**Malaysia Aquatics**” or in abbreviation “**MAS**”.

- 1.1 The Federation shall be registered with the Sports Commissioner of Malaysia under the Sports Development Act, 1997.
- 1.2 The Federation shall be registered as a member with the World Aquatics, formerly the Federation Internationale De Natation (FINA), hereinafter referred to as ‘World Aquatics’, as the only recognized national governing body for Aquatics in Malaysia.
- 1.3 The registered address shall be Level 3, National Aquatic Centre, Kuala Lumpur Sports City, Bukit Jalil, 57000 Kuala Lumpur.
- 1.4 The registered address shall not be changed without the prior approval of a General Meeting & the Sports Commissioner of Malaysia.
- 1.5 The name of the Federation shall not be changed without the prior approval of the World Aquatics Bureau.

## 2 OBJECTS

The aims and objects of the Federation shall be :-

- 2.1 To promote and encourage the sport of Swimming, Water Polo, Diving, Artistic Swimming, Open Water Swimming, High Diving, Masters Swimming and any other discipline that may be governed by Malaysia Aquatics from time to time in Malaysia.
- 2.2 To be the national governing body for Swimming, Open Water Swimming, Diving, High Diving, Water polo, Artistic Swimming, and Masters Swimming with special reference to rules, championships, international matches, disputes and all other matters relating to the respective disciplines.
- 2.3 To fully comply at all times with World Aquatics Constitution and the World Aquatics Rules, the WADA Code, the decisions and directives of the World Aquatics Bodies, as well as the decisions of CAS.
- 2.4 To affiliate, establish, promote and maintain a healthy relationship and position with World Aquatics, the world governing body for the sport of Aquatics.
- 2.5 To uphold the Rules of Swimming, Open Water Swimming, Diving, High Diving, Water Polo, Artistic Swimming, High Diving and Masters Swimming as approved by the World Aquatics.
- 2.6 To affiliate and cooperate with organisations or individuals interested in the aims and objectives of the Federation.
- 2.7 To obtain and maintain facilities with amateur swimming bodies and other sporting bodies in Malaysia as may be considered necessary by the Federation.

- 2.8 To promote the development of the aquatic sports in association with its member affiliates and associations. All member affiliates shall acknowledge that World Aquatics is the only recognised body in the world that governs Aquatics internationally and shall support World Aquatics in its effort to achieve its objectives.
- 2.9 To participate in international competitions recognized and/or approved by World Aquatics.
- 2.10 To organize, host and manage local and international competitions.
- 2.11 To organize, host and manage technical & coaching courses and development schools.
- 2.12 To raise or to solicit and administer any funds from the public or government for the furtherance of the above aims and objectives.
- 2.13 To engage the services of persons in a lawful manner and to pay them in return for services rendered to the Federation, salaries and wages.
- 2.14 To purchase, take on lease or license or hire or otherwise acquire movable and immovable property or assets of any kind for the furtherance of the objects of the Federation and sell, exchange, surrender or otherwise dispose of any movable and immovable property or assets on such terms as may be considered expedient.
- 2.15 To do all such other lawful things as are incidental or conducive to the attainment of the above objects.
- 2.16 To conduct and manage its affairs independently and not be influenced by third parties or government including holding democratic and free elections at its General Meetings.

### 3 DEFINITIONS

- 3.1 **FEDERATION** shall mean the “Akuatik Malaysia” or “Malaysia Aquatics”.
- 3.2 **CONSTITUTION** shall mean the Constitution of the Federation as set out herein.
- 3.3 **DELEGATES** shall mean the persons referred to in Article 23
- 3.4 **MEMBERS** and **MEMBERSHIP** shall be defined under Articles 6 and 7.
- 3.5 **SPORTS COMMISSIONER** shall mean the Sports Commissioner of Malaysia as appointed under Section 10 of the Sports Development Act 1997.
- 3.6 **STATE ASSOCIATION** shall mean all registered Swimming Association of the States in Malaysia and registered with the Sports Commissioner of Malaysia.
- 3.7 **COUNCIL** shall mean the committee of the Federation and shall have the executive power in outlining the policies of the Federation as described in Article 13 of this Constitution.
- 5 3.8 **EXECUTIVE COMMITTEE** shall mean the committee elected in a General Meeting

and shall be responsible for the management and running of the Federation and shall have the executive power in executing policies of the Federation.

3.9 **DISCIPLINARY BOARD** shall mean a board or committee responsible for all matters of discipline and disciplinary proceedings as described in Article 11 of this Constitution.

3.10 **BY POST** shall mean by posted letter or by email or by WhatsApp Message or by Short Message Service (SMS).

3.11 **WADA** shall mean the World Anti-Doping Agency.

#### 4 EMBLEM

The Emblem of the Akuatik Malaysia or Malaysia Aquatics shall consist of:-

4.1 The national colors of Malaysia's flag – Red, Blue, Yellow & White, the colors of the Jalur Gemilang symbolizing the proud representation of the country to the highest level of sports competition and achievement.

4.2 The star & crescent representing the member affiliates of Malaysia Aquatics and its unity.

4.3 The broad yellow stripe representing the bold and strong athlete and gold.

4.4 The wavy blue line representing the element of water in the aquatic sports.

4.5 The acronym MAS representing Malaysia Aquatics in bold red & capitals symbolizing a dynamic, strong and stable National Federation.

4.6 The Emblem of the Federation is as depicted below:



## **5 PATRON**

The Federation, at its General Meeting, shall have the power to invite and to elect as Patron any person who, in its opinion, is eligible and beneficial to the Federation or who has done outstanding work for the Federation. The Patron shall be re-appointed every 2 years.

## **6 MEMBERSHIP AND TYPES OF MEMBERS**

### **6.1 STATE AFFILIATE**

Shall be a properly constituted State Swimming / Aquatic Association in Malaysia and are lawfully registered with the Sports Commissioner of Malaysia within the Sports Development Act, 1997. Each State shall be allowed only 1 (one) State Affiliate.

### **6.2 ASSOCIATE MEMBERS**

Shall be properly constituted clubs or associations and schools in non-member States in Malaysia (Ref 6.1).

## **7 APPLICATION FOR MEMBERSHIP**

7.1 All application for membership shall be in writing to the Secretary General for consideration by the Council whose decision shall be final. The application for Associate Membership must be accompanied with the payment of the entrance fee (ref. 9.5.1).

7.2 The approval of membership shall be by the Council who shall have the discretion as to the number of applicants to be admitted to the membership of the Federation. The Secretary General shall as soon as possible after the decision of the Council inform each applicant whether or not they have been accepted. No reasons for any rejections shall be given. Application with entrance fee if rejected shall be refunded in full free of interest.

7.3 Every applicant whose application has been approved as aforesaid shall, upon payment of all subscription, be admitted as a member of the Federation.

## **8 MEMBERSHIP PRIVILEGES**

All members are entitled to participate in the activities of the Federation and to enjoy all facilities provided by the Federation.

### **8.1 STATE AFFILIATE**

8.1.1 Be entitled to attend all General Meetings and to hold office in the Committee or any other office in the Federation unless otherwise stipulated in this Constitution.

8.1.2 The President of each State Affiliate shall automatically hold the post of Vice- President in the Council of the Federation. He shall have the right to attend, to vote and to be a candidate for election at any General Meeting

of the Federation.

- 8.1.3 Each State Affiliate are entitled to nominate three (3) persons (in writing to the Secretary General) who shall be known as delegates to attend and to vote at any General Meeting of the Federation.

## 8.2 ASSOCIATE MEMBERS

Be entitled to all privileges of the Federation except the right to vote or move any resolution at General Meetings. Its representative however shall be allowed to be candidate for election in General Meetings. (ref. 23.2.1). With the permission of the Chairman of the meeting, be allowed to address the meeting.

## 9 FEE AND SUBSCRIPTION

- 9.1 All annual subscription is to be paid to the Federation not later than 28th February of each calendar year. No invoice shall be issued by the Federation.
- 9.2 Any member failing to pay the relevant subscription for two consecutive years shall automatically be suspended as a member of the Federation.
- 9.3 All arrears of subscription must be settled before any member can resume all rights and privileges as a member of the Federation, subject to the approval of the Council Meeting to reinstate the member's status as an active affiliate.

### 9.4 STATE AFFILIATE

1. No Entrance fee payable.
2. Annual Subscription RM 100.00

### 9.5 ASSOCIATE MEMBERS

1. Entrance Fee RM 250.00
2. Annual Subscription RM 100.00

- 9.6 The onus shall always be on the members to ensure that their subscriptions are paid promptly.

## 10 CONDUCT OF MEMBERS

- 10.1 To abide by the Constitution and all the other rules and bye-laws of the Federation, and resolutions which may be passed, from time to time, by the Council.
- 10.2 Uphold the good name of the Federation and to refrain from conducting activities deemed prejudicial to the interests of the Federation;
- 10.3 To abide by and implement at all times the rules and regulations, decisions and directives of the World Aquatics, the WADA Code, the World Aquatics bodies as well as the Court of



Arbitration for Sport.

- 10.4 To ensure that the Federation and/or World Aquatics are not brought into disrepute in any way whatsoever as a result of actions or omissions of the member or of any of its representatives, athletes, officials or any other person affiliated to the member.
- 10.5 To comply with the laws of Malaysia and its regulatory authorities such as the Ministry of Youth & Sports and the Sports Commissioner Office of Malaysia.

## **11 DISCIPLINE OF MEMBERS AND OFFICE BEARERS**

- 11.1 All matters of discipline and disciplinary proceedings thereof shall be vested in the Disciplinary Board appointed by the Executive Committee. Such board shall act independently on all matters brought before it and shall consist of not more than seven (7) members appointed by the Executive Committee when the need arises. The Chairman of the Board shall be appointed by the Executive Committee.
- 11.2 For a hearing of a disciplinary matter, the Disciplinary Board shall have a panel of not less than three (3) members from the Disciplinary Board, who shall at the end of the hearing, reports its finding and recommendation in writing to the Executive Committee. Disciplinary Board hearings must comply with the rules of natural justice
- 11.3 The Secretary General shall be an ex-officio member of the Disciplinary Board and shall act as Secretary to take minutes or notes of all proceedings but shall not participate in any of the proceedings.
- 11.4 If at any time the Executive Committee shall be of the opinion that a member has disobeyed any Rule or Bye-Law of the Federation or acted in a manner prejudicial to the good order or to the best interest of the Federation or knowingly permitted any person for whom he is responsible to disobey the same or act in the same manner, the Executive Committee may refer him to the Disciplinary Board.
- 11.5 Within fourteen (14) days where a matter has been referred to the Disciplinary Board, the Secretary General shall provide a show cause letter by post or e-mail setting out particulars of such misconduct, why the Committee should not take action as it deems fit
- 11.6 Such member on receiving the show cause letter shall explain in writing addressed to the Secretary General either by post or e-mail within ten (10) days form the date of the show cause notice.
- 11.7 If the Disciplinary Board is not satisfied with the explanation given by such member, the Disciplinary Board may give such member a further notice by post or e-mail of not less than 7 days duration calling upon him to appear before the Disciplinary Board to answer the complaint or complaints made against him.
- 11.8 If after the member has been given a full opportunity of being heard in his own defense, the Disciplinary Board is of the opinion that the complaints made against the member are true, the Executive Committee may :
  - 11.8.1 Issue to such Member a censure or warning in writing in such case as the Executive Committee deems fit, and / or

- 11.8.2 Impose a fine not exceeding RM 500.00 and / or
- 11.8.3 Suspend the member for such length of time as the Executive Committee deems fit  
or
- 11.8.4 Expel the member from the Federation.
- 11.9 Where a member or office bearer wishes to appeal against any decision of the Disciplinary Board, he must do so in writing by post or e-mail to the Executive Committee setting out the grounds of appeal. The appeal shall be lodged with the Secretary General within fourteen (14) days of the date of the Disciplinary Board's decision, with a payment of RM100.00 (RM : One Hundred only) which is not refundable.
- 11.10 All appeal shall be done personally before the Disciplinary Board and he shall not be entitled to have legal representation, save with the leave of the Disciplinary Board, to be assisted by non-legal representative only in exceptional circumstances.

## **12 RESIGNATION AND CESSATION OF MEMBERSHIP**

- 12.1 Any member may resign his membership on giving two (2) weeks notice by post or e-mail to the Secretary General. On resignation all dues are to be paid;
- 12.2 If any member is declared a bankrupt, or make a composition or arrangement with his creditors under the provisions of any statute, he shall thereupon cease to be a member;
- 12.3 If any member is deregistered by the Sports Commissioner of Malaysia and the state association no longer exists, the membership shall terminate automatically;
- 12.4 Associate membership shall automatically cease with the formation of the State Association and its affiliation with the Federation.

## **13 COUNCIL**

- 13.1 The Council of the Federation shall compose the following:
- 13.1.1 The President
- 13.1.2 The Deputy President
- 13.1.3 All Members of the Executive Committee
- 13.1.4 The Presidents of all State Affiliates who shall hold the post of Vice President and 1 representative from each State Affiliates.
- 13.1.5 The President or Chairman and the Secretary of the Athletes Commission (Ref: #35)
- 13.1.6 World Aquatics Bureau Members affiliated to the Federation or is a Malaysian citizen shall be an ex-officio member in the Council with voting rights.

## **14 COUNCIL MEETINGS**

- 14.1 The Council shall meet at least once in a calendar year, and seven (7) days notice of each meeting shall be given to the members. The President acting alone or not less than three of its members acting together may call for a meeting of the Council to be held at any time, with advance notice of the agenda to be discussed. The time and place of meeting shall be decided by the President or the members who call for the meeting. At least half of the Council members must be present to form a quorum for its proceedings to be valid.
- 14.2 The Council may consider the views of its members submitted in writing if they are unable to be present at the meeting.
- 14.3 The Council meeting shall develop the missions, strategic directions and outline the policies of the Federation in regards to organization and development of aquatics sports in Malaysia at the national and international levels.
- 14.4 The Council shall have the right to invite any World Aquatics Bureau Members and/or organisation and/or person to its Council Meetings to give their views and advice
- 14.5 Meetings of the Council can take place in person, by phone, by videoconference or any other appropriate means.

## **15 EXECUTIVE COMMITTEE**

- 15.1 The Executive Committee of the Federation shall compose the following:
  - 15.1.1 The President
  - 15.1.2 The Deputy President
  - 15.1.3 The Vice President
  - 15.1.4 The Secretary General
  - 15.1.5 An Honorary Assistant Secretary
  - 15.1.6 An Honorary Treasurer
  - 15.1.7 Five (5) Committee Members
  - 15.1.8 Three (3) Appointed Members
- 15.2 The members from 15.1.1 to 15.1.3 and 15.1.5 and 15.1.7 shall be elected at General Meetings.
- 15.3 The post of Secretary General (15.1.4) and the post of Honorary Treasurer (15.1.6) shall be appointed by the President subject to the approval of the Council or the approval at a General Meeting.
- 15.4 The Executive Committee may appoint not more than three (3) members to the committee and the appointed members shall have equal rights.
- 15.5 The tenure of office of the Executive Committee shall be for a period of two (2) years.

- 15.6 All members of the Committee performing executive functions in the Federation shall :
- 15.6.1 Be Malaysian Citizens
  - 15.6.2 Be above the age of 21 years
  - 15.6.3 Not be an undischarged bankrupt
  - 15.6.4 Not have any disciplinary proceedings from other sports bodies in the last five(5) years
  - 15.6.5 Not have been convicted of any offence under the laws of Malaysia and sentenced to a fine amounting to RM2,000.00 (RM: Two Thousand Only) and above in the last five (5) years.
- 15.7 The Executive Committee shall meet at least three (3) times in a calendar year, and seven (7) days' notice of such meeting shall be given to its members. The quorum shall be half the number of the members including the appointed members.
- 15.7.1 The President and the Secretary General shall have the rights to invite any organisation or person to attend the Executive Meeting.
  - 15.7.2 Meetings of the Executive Committee can take place in person, by phone, by video conference or any other appropriate means.

## **16 FUNCTION OF EXECUTIVE COMMITTEE**

- 16.1 The function of the Executive Committee is to organize and supervise the activities of the Federation and to make decisions on matters affecting the running within the general policy laid down at any General or Council Meetings. The Executive Committee may not act contrary to the expressed wishes of any General or Council Meetings without prior reference to it and shall always remain subordinate to all General and Council Meeting. It shall furnish a report at each Annual General Meeting on its activities during the previous year.
- 16.2 Where any urgent matter requiring the approval of the Executive Committee arises and it is not possible to convene a meeting, the Secretary General may obtain such approval by means of a circular letter or e-mail or short messages services via WhatsApp application or any mobile applications. Any decision obtained by circular letter shall be reported by the Secretary General to the next Executive Committee meeting and recorded in the minutes thereof.
- 16.3 The following conditions must be fulfilled before a decision of the Executive Committee is deemed to have been obtained;
- 16.3.1 The issue must be clearly set out in the circular and forwarded to all members of the Executive Committee;
  - 16.3.2 More than one-half of the members of the Executive Committee must indicate whether they are in favour or against the proposal; and

- 16.3.3 The decision will be by a simple majority vote.
- 16.4 The Executive Committee shall give instructions to the Secretary General and other officers for the conduct of the affairs of the Federation. It may appoint such organizer and such staff as it deems necessary. It may suspend or dismiss any organizer or members of the staff for neglect of duty, dishonesty, incompetence, refusal to carry out the decisions of the Executive Committee, or for any other reason which it deems good and sufficient in the interest of the Federation.
- 16.5 To make Bye-Laws not inconsistent with the Constitution or any amendment thereof and to alter or rescind the same. All Bye-Laws, alterations, and rescissions, shall be posted by mail or e-mail to the members of the Federation, and shall then become binding on all members of the Federation.
- 16.6 Except where there are contrary to or inconsistent with the policy previously laid down by the General or Council Meeting the decisions of the Executive Committee shall be binding on all members of the Federation unless and until countermanded by a resolution of a General or Council Meeting.
- 16.7 The Executive Committee shall hear appeal from a decision given by the Sub-committees or other bodies of the Federation. The decision of the Executive Committee shall be final and binding upon the parties.
- 16.8 The Executive Committee shall appoint a Chairperson to head the respective disciplines; Swimming, Diving, High Diving, Water Polo, Artistic Swimming, Open Water Swimming and Masters Swimming or any other portfolio as the Committee deemed necessary.

## **17 SUB-COMMITTEE(S)**

- 17.1 The Executive Committee shall have the authority to form sub-committee(s) and shall have the power to appoint members to the sub-committee when necessary.
- 17.2 The President and the Secretary General and/or the Deputy President and/or the elected Vice President and/or the Honorary Treasurer shall be ex-officio members of all sub-committee. Sub-committee shall not sit except with at least one member of the ex-officio present.
- 17.3 The Secretary General shall always be informed of any sub-committee meetings.
- 17.4 The findings, recommendations and decisions of the sub-committees are to be made known and shall be tabled at the Executive Committee's meeting for endorsement and ratification.

## **18 DUTIES OF OFFICE BEARERS**

- 18.1 The President shall preside over all General, Council and Executive Meetings and shall be responsible for the proper conduct of all such meetings. He shall have the casting vote and shall sign the minutes of each meeting at the time they are approved.

- 18.2 The President shall appoint a Secretary General and an Honorary Treasurer within two (2) weeks on taking office. If the President fails to appoint the Secretary General and or the Honorary Treasurer within the stated time frame, the appointment shall then be vested to the Council.
- 18.3 The Deputy President shall deputize for the President in his absence, and shall succeed the President in the event of the latter's office falling vacant before a General Meeting is called.
- 18.4 The elected Vice President shall deputize for the President and the Deputy President in their absence.
- 18.5 The Secretary General shall conduct the business of the Federation in accordance with its Constitution and by-laws, and shall carry out the instructions of the General or Council meeting and of the Executive Committee. He shall be responsible for conducting all correspondences and keeping all records, documents and papers of the Federation except the accounts and financial records. He shall attend all meetings, and record the proceedings.
- 18.6 The Honorary Assistant Secretary shall take the minutes at the Annual General Meeting where election is held and assist the Secretary General as required.
- 18.7 The Honorary Treasurer shall be responsible for the financial affairs of the Federation including the preparation of the annual financial statements for audit. He shall keep accounts of all financial transactions and shall be responsible for the correctness.
- 18.8 Every elected and appointed members of the Executive Committee shall undertake to act faithfully, loyally and independently, in the best interests of the Federation and World Aquatics. They shall also respect the principles of loyalty, integrity, sportsmanship for the good of aquatics sports.

## **19 RELINQUISHMENT OF OFFICE**

The office of a member of the Executive Committee and Sub-Committee shall ipso facto be vacated:

- 19.1 If he is an undischarged bankrupt;
- 19.2 If he be found to be a mentally disordered person;
- 19.3 If he be convicted of any offence under the laws of Malaysia and sentenced to a fine of not less than RM2,000.00 (RM: Two Thousand Only) only or to an imprisonment for a term of not less than one (1) year;
- 19.4 Any member of the Committee who fails to attend three consecutive meetings of the Committee he is serving in without satisfactory explanation shall be deemed to have resigned from the Committee
- 19.5 If he resigns from his office;

- 19.6 If he is requested by a majority of two-thirds of the members of the committee he is serving in.
- 19.7 Any vacancies in the Committees which may occur during the year due to death, removal and resignation, the Committee shall have the power to appoint another member except in the Executive Committee, the vacancies of the President, the Deputy President and the elected Vice President has to be referred to a General Meeting.
- 19.8 The appointment of the Secretary General and or the Honorary Treasurer can be rescinded by the President or by a two-third (2/3) majority vote in a Council Meeting or a General Meeting.

## **20 ANNUAL GENERAL MEETINGS**

The Annual General Meeting shall be held once in every year within six (6) months after the end of the financial year of the Federation at a place, time and date to be determined by the Executive Committee for the following purposes:

- a) Call to order and Chairman's Address
  - b) To confirm the minutes of the previous Annual General Meeting and any other General Meetings held during the year.
  - c) To receive the Report of the Committee for the preceding year on the affairs and activities of the Federation;
  - d) To receive and, if approved, accept the audited accounts for the year ending 31st December last preceding;
  - e) To elect a President, Deputy President, Vice President and Members of the Executive Committee.
  - f) To elect Auditors for the year;
  - g) To transact any other business of which at least seven (7) clear days notice in writing has been given.
- 20.1 The Chairman of the meeting shall be the President and in his absence the Deputy President, and if both are absent, the elected Vice-President shall be the chairman. In the event where all three are absent, any other Vice-President of the Council present shall be the chairman and if none are present the meeting shall elect a Chairman from the floor.
- 20.2 All motions submitted to the Meeting shall be decided by a show of hands, provided that if a ballot be demanded by more than three members present the Chairman shall order the same.
- 20.3 If half an hour after the time appointed for the meeting a quorum is not present, the meeting shall be postponed to a date (not exceeding 30 days) to be decided by the Executive Committee; and if a quorum is not present half an hour after the time appointed for the postponed meeting, the members present shall have power to proceed with the business of the day but they shall not have the power to alter the Constitution.

- 20.4 All outgoing Executive Committee Members shall have the right to attend the meeting but shall not be entitled to vote unless they are appointed delegates to the meeting.
- 20.5 The minutes of the Annual General Meeting shall be provided to the World Aquatics within sixty (60) days of the meeting.

## **21 EXTRAORDINARY GENERAL MEETINGS**

An Extraordinary General Meeting of the Federation shall be convened:-

- 21.1 Whenever the Executive Committee deems it necessary, or
- 21.2 At the joint request in writing of not less than two-thirds of the State Affiliates stating the objects and reasons for such meeting. Such meeting shall be convened for a date within sixty (60) days of the receipt of such requisition.
- 21.3 The Chairman of a Meeting called by State Affiliates (refer to 21.2) shall be elected from the floor. The Chairman shall have a casting vote.
- 21.4 All motions submitted to the Meeting shall be decided by a show of hands, provided that if a ballot be demanded by more than seven (7) members present, the Chairman shall order the same.
- 21.5 If the meeting is called by the Executive Committee and If half an hour after the time appointed for the meeting a quorum is not present, the meeting shall be postponed to a date (not exceeding 30 days) to be decided by the Executive Committee; and if a quorum is not present half an hour after the time appointed for the postponed meeting, the members present shall have power to proceed with the business of the day but they shall not have the power to alter the Constitution.
- 21.6 If the meeting is called by State Affiliates and if half an hour after the time appointed for the meeting a quorum is not present, the meeting shall be cancelled. In such a case the objects, reasons and any resolutions shall be null and void.
- 21.7 The minutes of the Extraordinary General Meeting shall be provided to the World Aquatics within sixty (60) days of the meeting.

## **22 NOTICE OF GENERAL MEETINGS**

- 22.1 A sixty (60) days notice shall be given for General Meetings. The notice shall be sent to the Secretaries of all State Affiliates and Associate Members by post or by e-mail and shall specify the business to be transacted at such meetings.
- 22.2 The World Aquatics shall be notified of the dates and the location of the General Meeting sixty (60) days before the general meeting. The minutes shall be provided to World Aquatics within sixty (60) Days of the general meeting.
- 22.3 The Notice of such Meetings shall specify the matters to be decided and decisions shall be confined to the matters specified.



- 22.4 Any notice for General Meetings short of sixty (60) days may be given for urgent matters to be carried out, if consented by two-thirds of the members of State Affiliates, provided always the written consent for the short notice is notified to the World Aquatics prior to the general meeting.

## **23 ELIGIBILITY TO ATTEND AND VOTE AT GENERAL MEETINGS**

### **23.1 STATE AFFILIATE**

- 23.1.1 State affiliates which have settled its annual subscription for the relevant year(s) by 28th February shall have the rights to attend the General Meeting of the Federation.
- 23.1.2 Each Affiliate will be entitled to be represented by its authorised delegates only, to be submitted in writing to the Secretary General at least seven (7) days prior to the General Meetings. Each State Affiliate is entitled to three (3) delegates who are each entitled to one (1) vote only. Should an affiliate wish to replace a delegate, the name of the new delegate has to be submitted to the Secretary General at least three (3) days prior to the General Meeting.

### **23.2 ASSOCIATE MEMBER**

- 23.2.1 Associate member who has settled its annual subscription shall be entitled to attend and take part in the business of the meeting but shall not be entitled to vote, to propose or second any motion.
- 23.2.2 Each Associate member may appoint one (1) representative in writing addressed to the Secretary General to attend the meeting
- 23.3 The authorized delegates of the State Affiliates shall only be able to exercise their voting rights at the general meetings if the State Affiliates comply with the following conditions:
- 23.3.1 they shall have a minimum of ten (10) affiliated athletes from their club memberships;
- 23.3.2 they shall participate in national championships and other national Aquatics competitions recognised and/or organised by the Federation;
- 23.3.3 they shall pay their annual membership and/or registration fee set by the Federation and comply with all other financial obligations; and
- 23.3.4 they shall fully comply with the rules enshrined in the Constitution of the Federation and World Aquatics, notably complying with and implementing decisions taken by the Court of Arbitration for Sport, by World Aquatics (notably taken by the Congress, the Bureau, the Executive or/and judicial panels) and the Federation, as well as supporting World Aquatics and the Federation in their efforts to achieve their objectives.

### **23.4 WORLD AQUATICS BUREAU MEMBER**

World Aquatics Bureau Members affiliated to the Federation or is a Malaysian citizen shall

be an ex- officio member with voting rights at the General Meeting of the Federation.

## **24 QUORUM FOR GENERAL MEETINGS**

- 24.1 The quorum at the Annual General Meeting and the Extraordinary General Meeting called by the Executive Committee shall be one half the number of State Delegates allowed (ref: 23.1.2) to be present excluding the number of members in the Executive Committee
- 24.2 For Extraordinary General Meeting called by State Affiliates the quorum shall be two thirds of the number of State Delegates allowed to be present including the number of members in the Executive Committee.

## **25 NOMINATION AND ELECTION OF EXECUTIVE COMMITTEE**

- 25.1 The election of the members of the Executive Committee shall be done every two (2) years during the even number edition of the Federation's Annual General Meeting. The positions to be elected are:
  - 25.1.1 A President
  - 25.1.2 A Deputy President
  - 25.1.3 A Vice President
  - 25.1.4 An Honorary Assistant Secretary
  - 25.1.5 Five (5) Committee Members
- 25.2 The nomination of all candidates for all the Executive Committee positions shall be in writing duly proposed and seconded.
  - 25.2.1 The proposer and the seconder shall be members of any Affiliates who are eligible to vote at the General Meeting
  - 25.2.2 The nomination form and the consent of the nominee shall be received by the Secretary General at least fourteen (14) days before the date of such General Meeting.
  - 25.2.3 The names of the nominees shall be displayed at the office of the Federation for at least seven (7) days prior to the General Meeting.
- 25.3 All out-going Executive Committee members shall be eligible for re-election (subject to 25.2)
- 25.4 Duly nominated candidates not present at the Annual General Meeting and Associate Members shall be eligible for election into the Executive Committee if nominated by State Affiliates. (subject to clause 25.2)
- 25.5 Voting for election of the Executive Committee shall be by secret ballot and confined to those eligible to vote (Ref: 23)

- 25.6 There shall be no voting by proxy.
- 25.7 The result of an election is by simple majority.
- 25.8 The result for the position of the President shall be announced first and he shall have the casting vote; in the event of equity of votes for the President Post, a second ballot shall be called, and if the result is still the same, the casting vote shall be given to the Deputy President elect.
- 25.9 The Chairman and the scrutineers for the election process shall be independent and appointed by the Executive Committee at least two (2) weeks before the election. The Election Chairman shall not have any casting vote.

## **26 LIABILITY AND CLAIMS ON THE FEDERATION**

The office bearers serving in the various Committees and Staff of the Federation shall not be liable personally in respect of the death or personal injury or any losses and damages suffered by the members of the Federation arising in any way out of his membership of the Federation or through his participation of the Federation's activities and functions and use of the Federation's amenities, privileges or other facilities howsoever arising.

## **27 FINANCIAL PROVISIONS**

- 27.1 To achieve its objects, the Federation may source funds from public fundings, government grants, private donations, contributions from World Aquatics, financial assistance from corporate bodies or sport councils. Other revenues of the Federation include affiliation fees from members, registration fees from athletes & coaches and entry fees from participants of aquatic events organised by the Federation, the list of which is non-exhaustive.
- 27.2 The financial year of the Federation shall begin on January 1st and end on December 31st.
- 27.3 A statement of accounts for the year shall be prepared, audited and submitted for approval at the Annual General Meeting to be held before the 30th of June of the year following.
- 27.4 The funds of the Federation shall be deposited with approved Bank(s) and withdrawals of the funds shall only be allowed over the signature of any two of the followings:-  
  
the Honorary Treasurer, the President, the Deputy President, or Secretary General.
- 27.5 The Honorary Treasurer may hold a petty cash advance not exceeding RM2,000.00 (RM: Two Thousand Only) at any one time, and in addition, any foreign currencies in any denominations not exceeding the equivalent of RM100,000 (RM : One Hundred Thousand only) for the purpose of aquatic activities. Any monies in excess of the above shall be deposited into the bank account(s) of the Federation.
- 27.6 As soon as possible after the end of each financial year, a statement of income and expenditure and a balance sheet for the year shall be prepared by the Honorary Treasurer and audited by the Auditor/Auditors appointed. The audited accounts shall be submitted for the approval of the next annual general meeting, and copies shall be made available

at the registered office or place of meeting of the Federation for the perusal of members.

- 27.7 Expenses exceeding RM50,000.00 (RM : Fifty Thousand only) at any one time in one payment will require the approval from the Executive Committee, except where a pre-approved budget has been obtained earlier for the expenditure or project concerned.
- 27.8 Expenses exceeding RM200,000 (RM : Two Hundred Thousand only) at any one time in one payment will require the approval from the Council except where a pre-approved budget has been obtained earlier for the expenditure or project concerned.
- 27.9 The Federation shall pay the annual membership fee to World Aquatics and comply with all other financial obligations to World Aquatics.

## **28 AUDIT**

- 28.1 A registered external Auditor shall be appointed at the Annual General Meeting to undertake auditing works of the Federation.
- 28.2 In the event of the external Auditor appointed at the Annual General Meeting resigns, the Executive Committee shall have the power to appoint any other external Auditor as it deems fit.
- 28.3 Internal Auditor/s may be appointed by the Executive Committee when the need arises.

## **29 USES OF FEDERATION PREMISES & EMBLEM**

- 29.1 The premises of the Federation shall not to be used for gambling, illegal business in any form other than the lawful activities as are incidental or conducive to the attainment of all the aims and objects of the Federation.
- 29.2 No member shall give the address of the Federation or its emblem in any advertisement or use the Federation address or its emblem for business purposes without the prior approval of the Executive Committee.

## **30 INTEGRITY AND TRANSPARENCY**

- 30.1 The Federation emphasizes the importance of upholding integrity, transparency, accountability and fairness in all decision-making processes involving aquatics issues to avoid any conflict of interest.
- 30.2 No member shall, except for services rendered at the request of the Committee, on any pretense or in any manner receive any profit, salary, or emoluments from the funds or transactions of the Federation.
- 30.3 It shall be mandatory for affiliated members, committee members, officials, coaches and employees of the Federation to disclose any related-party transactions, actual or potential conflicts of interest in writing. This should include financial or beneficial interests, relationships, positions in other organizations, or any other factors that may create or

deemed to create a conflict of interest.

- 30.4 Should any situation of conflict of arises, the party involved shall recuse from discussions and/or abstain from voting on matters to avoid a prejudicial outcome.
- 30.5 Any person who fails to declare their interest or found to be in violation of the conflict of interest policy, shall be sanctioned, reprimanded, fined, suspended or removed from positions within the Federation.
- 30.6 The Federation shall periodically review the preventative measures to assess their effectiveness and relevance to promote transparency, accountability, and ethical conduct among its members and stakeholders.30.7 The Federation acknowledges and adopt the terms and conditions of the World Aquatics Integrity Code to govern the conduct of persons involved in Aquatics under its jurisdiction, and those persons participating in activities organised, convened, authorised or recognised by it or any of its clubs, member organisations or licensees, such code to take effect within the limits of its jurisdiction.
- 30.8 In the event of any material cases against any person(s) by the Federation, the World Aquatics shall be notified and kept informed of any provisional measures and enforcement proceedings (including observer rights at any hearings) as well as of any decision thereof.

### **31 DISQUALIFICATIONS**

- 31.1 The Federation recognizes all sentences of disqualifications or suspension passed by all State Affiliates except in the event where an elected member of the Executive Committee is disqualified or suspended or expelled by his State Association, the Executive Committee shall review the circumstances of his disqualification and may override his disqualification with respect to his position in the Executive Committee. No reason need be given to the State Affiliate.
- 31.2 Notice of disqualification/s to be submitted by the State Affiliate to the Secretary General within fourteen (14) days after the disqualification. In the event the State Affiliate fails to do so, the Federation shall take the stand that there is no disqualification with respect to the Federation activities and programs.

### **32 COMPETITIONS**

- 32.1 Any Affiliate wishing to hold any competitions or championships shall notify the Secretary General of such events. Failure to do so shall render any records set at such competitions or championships being not recognized by the Federation.
- 32.2 All competitors taking part in competitions or championships organized by the Federation shall be members of an Affiliate or an Associate Member, unless otherwise exempted by the Federation.
- 32.3 There shall be no unattached competitors in any of the competition or championship organize by the Federation or its Affiliates.

### **33 COMPETITIONS RULES GOVERNING THE FEDERATION**

The Federation adopts and implements the Technical Rules & Bye-Laws of the World Aquatics with regard to: General Rules, Rules for Swimming, Rules for Diving, Rules for Water Polo, Rules for Artistic Swimming, Rules for Open Water Swimming, Rules for Masters and Rules for High Diving for the control and regulation of competitions and the establishments of records.

### **34 RECORDS**

The following are the classes of records:-

- 34.1 All swimmers' records may only be set at meets organized or sanctioned or recognized by the Federation and may be held by anyone subject to conditions governed by rules of the World Aquatics.
- 34.2 Malaysian records may only be held by a member of an Affiliate or an Associate Member, and the member shall be a Malaysian citizen.
- 34.3 The procedure for application for recognition of records in meets organized by Affiliates shall be done within twenty one (21) days from the date of the record being achieved. A Record form obtainable from the Secretary General has to be signed by the referee concern and the Chairman of the Organizing Committee together with the proof has to be submitted within the stipulated time allowed.

### **35 ATHLETES COMMISSION (REF: #12.2)**

- 35.1 The Federation shall recognize one (1) Athletes Commission.
- 35.2 The President or Chairman and the Secretary of the Athletes Commission shall be a member of the Council having equal rights.

### **36 INSURANCE AND MEDICAL**

Delegates of the Federation and/or athletes selected by the Federation to participate in any championship either within or outside the country shall be covered by insurance, managed and funded by the Federation. All events and competitions or championships organized and managed by the Federation shall provide first aid medical assistance, public liability insurance and abide to other conditions, if any, set by the Sports Commissioner of Malaysia.

### **37 PROHIBITION**

The Federation and its members who shall include individuals, officers, office-bearers and coaches but not limited to it shall be responsible in ensuring safety, equality to gender and races, no exploitation, discrimination nor harassment physically, emotionally and sexually on women, underprivileged groups and children.

### **38 ANTI-DOPING**

- 38.1 The Federation shall adopt and comply with the Anti-Doping Rules under Article 18 of the World Aquatics Doping Control Rules, and at all times cooperate with and support World Aquatics towards that end.
- 38.2 The Federation may enforce the Anti-Doping rules directly in respect of Athletes (including National-Level Athletes) and other persons under their anti-doping authority (Article 18.2 of the World Aquatics Anti-Doping Rules).
- 38.3 The Federation and its members shall also recognize, abide by and implement the decisions made pursuant to the Anti-Doping Rules, including the decisions imposing sanctions on persons under their authority (Article 18.3 of the World Aquatics Anti-Doping Rules).
- 38.4 All athletes preparing for or participating in a competition or activity authorized or organized by the Federation or World Aquatics and all athlete support personnel associated with such athletes, shall agree to be bound by the Anti-Doping Rules. They shall submit to the results management authority of anti-doping organisations in conformity with the Code as a condition of such participation (Article 18.5 of the World Aquatics Anti-Doping Rules).
- 38.5 The Federation shall conduct anti-doping education in coordination with the Anti-Doping Agency of Malaysia (ADAMAS), to educate and prevent athletes and support personnel from using prohibited substances or prohibited methods without valid justification from providing support to athletes under the authority of World Aquatics or their authority (Article 18.7 of the World Aquatics Anti-Doping Rules).

### **39 INTERPRETATION OF RULES AND BYE-LAWS**

- 39.1 The Executive Committee shall have power to decide all questions relating to the interpretation of the Constitution and Bye-Laws of the Federation and its decision upon any question of interpretation or upon any matter affecting the Federation and not provided for by these Constitution or by the Bye- Laws and regulations made there under shall be final and binding on members.
- 39.2 The Malaysia Aquatics is obliged to ensure that its constitution and rules comply with World Aquatics Constitution and World Aquatics Rules at all times.
- 39.3 In any areas of the Rules & Regulations not covered or mentioned in the Federation's Constitution, or is in conflict with World Aquatics Rules or the World Aquatics Constitution the latter shall prevail.

### **40 AMENDMENTS OF CONSTITUTION**

- 40.2 The provisions set out in this Constitution may be added to, repealed or amended by resolution at any Annual or Extraordinary General Meeting and not otherwise.
- 40.3 Notice of any proposed alteration, amendment or rescission proposed by the Executive

- Committee shall be posted or e-mailed to each member of the Federation at least fourteen (14) clear days before such General Meeting.
- 40.4 Notice of any proposed alteration, amendment or rescission proposed by the State Affiliates shall be posted or e-mailed by the Secretary General to each member of the Federation at least seven (7) clear days before such General Meeting.
- 40.5 Any alterations or potential amendments to the Federation's Constitution shall require the prior approval of the World Aquatics.
- 40.6 Such alterations or amendments if approved by simple majority in a General Meeting shall take effect from the date of the approval by the Sports Commissioner of Malaysia.

#### **41 ADDRESSES**

Every member shall register his address with the Secretary General and shall immediately notify the Secretary General of any change of address. Any correspondence forwarded to the last registered address of a member shall be considered as correctly addressed.

#### **42 NOTICES**

All notices required by this Constitution and / or by the Bye-Laws to be given to the members of the Federation may be given by post or e-mail addressed to a member at the last address which he has furnished to the Secretary General and shall be deemed to have been given on the day when such notice is sent.

#### **43 DISSOLUTION OF FEDERATION**

- 43.1 The Federation may be dissolved only by a resolution of a General Meeting convened in accordance with the provisions of this Constitution provided always that notwithstanding in this Constitution contained :
- 43.1.1 The quorum for such a meeting shall be three-fifths (3/5) of the total delegates of the State Affiliates including the number of members of the Executive Committee, and
- 43.1.2 The resolution for dissolution is supported by not less than two-thirds (2/3) of those present and voting at the meeting.
- 43.1.3 In the event of the Federation being dissolved as provided above, all debts and liabilities legally incurred on behalf of the Association shall be fully discharged, and the remaining funds & assets shall be surrendered to the Director General, Malaysia Department of Insolvency.
- 43.1.4 Notice of dissolution shall be given within fourteen (14) days to the Sports Commissioner of Malaysia.



Note: This Constitution is Gender Neutral.

-END-

CERTIFIED AS CORRECT

DATO' SERI DR. SHAHIDAN BIN KASSIM  
PRESIDENT

LOW SIAK SAN  
SECRETARY GENERAL

KUALA LUMPUR

DATE : 9<sup>TH</sup> JULY, 2024