

CONSTITUTION OF

WHALE BEACH S. L. S. C. INCORPORATED.

In accordance with the Associations Incorporation Act 2009

The name of the Association is

"WHALE BEACH S. L. S. C. INCORPORATED".

Registration number INC9884184

Affiliated with Surf Life Saving Australia Inc

ABN 89 110 310 102

RULES

DEFINITIONS

1. (a) The Association" shall be the Whale Beach S. L. S. C. Inc.

"The Branch" shall be the Surf Life Saving Sydney Northern Beaches Incorporated
- (b) "Rules" are the rules of the Constitution of the Association,
- (c) "The By-Laws" are the by-laws from time to time adopted by the Management Committee of the Association.
- (d) "The Act" is the Association's Incorporation Act 2009
- (e) "The Secretary" means the person holding office under these rules as Honorary Secretary of the Association or if no such person holds that office the Public Officer of the Association.
- (f) "The National Association" shall be Surf Life Saving Australia Incorporated.

OBJECTS

2. The objects of the Association are:
 - (a) The study, practice and teaching of the methods of surf life saving as promulgated by the National Association.
 - (b) To minimise the loss of life from drowning by providing efficient life saving personnel and apparatus.
 - (c) To promote demonstrations, and arrange classes of instruction, and to further the best interests of surf bathing and surf life saving.
 - (d) To appoint patrols to render all possible aid to those in distress.

- (e) To organise and conduct carnivals and social functions for the benefit and assistance of the Association in the attainment of the above objectives.
- (f) To carry on any other activity whatsoever calculated directly or indirectly to enhance or further the interests of the Association.

MEMBERSHIP

3. Membership is open to all persons who accept the Constitution, Objects, Rules, By-Laws and Regulations of the Association and of the National Association.

The Association shall consist of members of the following classes:-

- (a) Probationary
 - (b) Cadet
 - (c) Active-Junior and Senior
 - (d) Reserve Active, and Long Service
 - (e) Associate
 - (f) Life
 - (g) Honorary
 - (h) Past Active
 - (i) Junior Activity ("Nipper")
4. **Probationary Members** shall be those persons who have made application for and been accepted for active membership as either Cadet, Active or Reserve Active members and who have not previously been members of any other class of membership. Such persons shall remain Probationary members for a period of at least six (6) months or such reasonable time as may be determined by the Management Committee. No Probationary member shall be admitted to active membership until he/she has:
 - (a) passed such proficiency test as may be required by the Life Saving Committee.
 - (b) passed the bronze medallion examination of the National Association.
 - (c) been endorsed by the Life Saving Committee.
 - (d) been accepted by the Management Committee.

All persons who applied for active membership and who have not attained the bronze medallion shall be listed as Probationary in the Annual General Report or other membership list of the Association.

Probationary Members do not have voting, or nomination rights.

5. **Cadet Members** shall, subject to the provisions of Rule 4, be any person who has attained the age of 13 years and who has not attained the age of 15 years on the 1st day of October in the year of membership.
Cadet Members do not have voting or nomination rights.
6. **Active Members** shall, subject to the provisions of Rule 4, be divided into two classes, namely:

- (a) junior active members who shall be those persons who have attained the age of 15 years and who have not attained the age of 18 years on the first day of October in the year of membership.
Junior active members do not have any voting or nomination rights.
- (b) senior active members who shall be those persons who have attained the age of 18 years before the first day of October in the year of membership.

7. Reserve Active Members shall be active members who

- (a) have completed eight (8) continuous years of service as an Active Member of the Association after gaining the Bronze Medallion or
- (b) who on transfer from another affiliated Surf Life Saving Club has completed two (2) years active membership with the Association and has then previously completed at least eight (8) years of active membership with the Association and with another or other clubs affiliated with the National Association; and
- (c) complete the annual proficiency test; and
- (d) are on application to and in the discretion of the Management Committee elected to active reserve.

Reserve Active Members shall be relieved of patrol duty unless the Life Saving Committee shall at any time otherwise determine, but otherwise shall have the same rights, duties and privileges as has an active member of the Association.

- 8. Long Service** are members who complete the requirements of sub-rules (a) (b) (c) & (d) of rule 7 Reserve Active membership and who do not perform patrol duties.
- 9. Associate Members** shall be those persons who have attained the age of 30 years, pay an annual membership subscription and have been nominated by a member of and elected to membership as a Associate Member by the Management Committee. These members shall have access to the Association's facilities, but shall not be entitled to vote on any matter at any meeting of the Association.
- 11. Life Members** shall be a member of at least 15 years' consecutive membership who has performed outstanding and responsible services for the Association and who is nominated as hereinafter provided and elected a life member by a resolution at an Annual General Meeting of the Association carried by secret ballot by the votes of not less than eighty per centum (80%) of those present and entitled to vote. The nomination of such person shall be in writing, signed by any two (2) of the President, Secretary and Captain of the Association and by not less than five (5) other members of the Association (other than Probationary and Associate members). The nomination shall be delivered to the Secretary on or before the third Monday in June prior to the Annual General Meeting and shall be placed on the agenda of the said Annual General Meeting. Any person elected to Life Membership shall retain the privilege or privileges attached to the class of membership which the person had at the time of being so elected (if any) and shall be entitled to the privilege or privileges attached to any class of membership for which the person may apply subsequent to election as a Life Member without payment of any fee whatsoever.

12. Honorary Members shall be such persons who are either:

- (a) visiting members of affiliated Surf Life Saving Clubs
- (b) visiting members of other sporting clubs
- (c) distinguished visitors
- (d) such other persons who in the discretion of the Management Committee should have honorary membership conferred upon them.
- (e) and be nominated by 2 Life or Senior/Reserve Active members and approved by the Management Committee

Honorary membership shall not exceed a term of the balance of the Association's financial year or such other period as the Management Committee in its discretion decides.

13. Past Active Members shall be an active or reserve active member who is residing outside the area of 150 kilometres from the clubhouse of the Association or through medical or other debilitating reasons need to defer Active Service for a period of time. Application for and cancellation of Past Active membership must be approved by the management Committee. Time as a Past Active member shall not count toward Reserve Active or Long Service Membership

13(a) (i) Junior Activity ("Nipper") Member will be a person who is a minimum of five (5) years up to a maximum of thirteen (13) years as at the 30 September in the year of membership.

(ii) Junior Activity ("Nipper") members shall be required to gain the relevant qualifications for their particular age group as determined by SLSA.

(iii) The key focus for the five and six year old Junior Activity ("Nipper") members will be in accordance with the requirements stipulated from time to time by SLSA

NOMINATION AND ELECTION, OF MEMBERS

- 14. (a)** All persons seeking admission as members must be nominated by at least two Active, Reserve Active or Life member or applications can in the first instance be considered by the Management Committee(s) in writing in such form as the Management Committee shall from time to time prescribe and the nomination must be accompanied by the prescribed fee or subscription and be lodged with the Secretary of the Association.
- (b) The Election Sub-Committee of the Association shall first consider all applications for membership and shall then report and make such recommendations as it thinks fit to the Management Committee in respect of the same.
- (c) Acceptance of new members shall be in the discretion of the Management Committee and by resolution of that Committee.

- (d) No person whose nomination has been twice rejected by the Management Committee shall be eligible for election as a member.
- (e) Upon acceptance of a nomination of a new member by the Management Committee the Secretary shall within 28 days enter the nominee's name in the register of members of the Association and on the name being so entered the nominee becomes a member of the Association.

TERMINATION OF MEMBERSHIP

- 15.** Membership of the Association shall subject to rule 16 be terminated in the following circumstances:-
- (a) where any member shall remain in arrears for any subscription as set out in the by-laws or payment of any late fee or other money due and owing to the Association for a period of sixty (60) days after a written demand by the Secretary or Honorary Treasurer.
 - (b) where any member has tendered his/her resignation in writing to the Secretary.
 - (c) by expulsion in accordance with rule 72 hereof.
 - (d) the member dies.
 - (e) the Management Committee in its absolute discretion refusing the renewal subscription of any Member.
- 16.** Termination of membership in accordance with sub-paragraphs (a) and (e) of rule 15 shall be resolved by the Management Committee and its resolution notified to the member in writing. The Management Committee may, where circumstances warrant, resolve not to enforce rule 15 (a) or (b).

OFFICERS OF THE ASSOCIATION

- 17.** (a) The Officers of the Club shall consist of three (3) Patrons, President, Immediate Past President, Vice President, Captain, two (2) Vice Captains, Secretary, Occupational Health and Safety Officer, Treasurer/Public Officer, Chief Instructor, Boat Captain, Board and Ski Captain, Marketing Officer, Handicapper, Gear Officer, Property Officer, Social Secretary, House Captain, First Aid Officer, Competition Secretary, IRB/Power Equipment Captain, Radio Officer, Junior Activities Captain, Ocean Swim Director, Communications Officer, Digital Officer, Membership Officer, Auditor, Honorary Solicitor, Honorary Architect, Honorary Medical Officers, Honorary Photographer and Honorary Engineer
- (b) A Patron shall be such person who is nominated and so elected at an Annual General Meeting of the Association.

- (c) The Vice President is a person the Association seeks to recognise for services rendered to the Association.
 - (d) With the exception of the Auditor, all officers of the Association shall be Honorary.
18. The Officers, with the exception of the Immediate Past President, Honorary Solicitor, Honorary Architect, Honorary Medical Officer, Honorary Photographer and Honorary Engineer shall be elected annually at the Annual General Meeting of the Association provided that in the event of any office not being filled at the Annual General Meeting or becomes vacant thereafter the Management Committee may fill the same under rule 23 (c)(iii).
 19. Nominations for the position of officers of the Association shall be given in writing to the Secretary signed by the Proposer, Seconder and Nominee at least two (2) weeks before the date of the Annual General Meeting, provided however if there are no nominations for any office, then the office bearer may be elected by the members at the Annual General Meeting.
 20. Should any member of the Executive Committee decide not to stand for office that involves membership of the Executive Committee then he/she shall give notice of this decision in writing to the Secretary before the last monthly meeting of the Management Committee held before nominations for the position of officer of the Association for the following year are closed.
 21. The Patrons, Honorary Solicitor, Honorary Architect, Honorary Medical Officer, Honorary Photographer, Auditor and Honorary Engineer need not be a member of the Association.
The Marketing Officer, Vice President, Membership Officer, Ocean Swim Director, Digital Officer, Marketing Officer, Honorary Handicapper, Social Secretary, Property Officer and First Aid Officer, shall be a member of the Association.
All other officers of the Association shall be a senior active, reserve active, long service or life member of the Association

MANAGEMENT

22. (a) The Management of the Association shall be vested in the following Committees:-
 - (i) Management Committee
 - (ii) Executive Committee
 - (iii) Life Saving Committee
 - a. Education Sub-Committee
 - (iv) Competition Committee
 - a. Ocean Swim Sub-Committee
 - (v) Finance Committee
 - (vi) Administration Committee
 - a. Entertainment Sub-Committee
 - b. Election Sub-Committee
 - (vii) Property Committee
 - (viii) Junior Activities Committee

- (ix) Governance Committee
 - a. Life Membership Sub-Committee
 - b. Constitution Sub-Committee
 - c. Judiciary Sub-Committee
- (b) Each Committee shall keep Minutes of its proceedings and submit same to the Management Committee at its next monthly meeting. Each Sub-Committee shall keep Minutes of its proceedings and submit same to its reporting Committee at its next meeting.

23. The Management Committee shall consist of the President, Vice President, Immediate Past President, Club Captain, Competition Secretary, Chief Instructor, Treasurer, Secretary, Property Officer, Junior Activities Captain, Marketing Officer, Gear Officer, Membership Officer, Ocean Swim Director, and Social Secretary. Should any officer of the Management Committee not be in attendance and should that person nominate in writing another member of the Association his/her deputy officer, then such deputy officer may attend meetings of the Management Committee and speak and vote in lieu of the absent member of the Management Committee. Any member at the invitation of the Chairman may attend and speak at a Meeting of the Management Committee but may not vote. The Management Committee shall subject to any specific powers or duties conferred or imposed upon it by these Rules have the following powers:

- (a) To determine all matters relating to the Association policy, finance, expulsion and suspension of members, the employment of servants and workmen and generally to manage and conduct the affairs of the Association in accordance with these rules.
- (b) To elect from time to time the Honorary Solicitor, the Honorary Architect, the Honorary Medical Officer the Honorary Photographer, and the Honorary Engineer, and to dismiss such Officers.
- (c) In addition, but without limiting to the generality of the foregoing:-
 - (i) To expend the funds of the Association as it shall deem expedient and vote to the other Committees of the Association such respective sums as the Management Committee shall in its discretion deem necessary to cover the normal requirements of each Committee.
 - (ii) To borrow money either by way or mortgage, charge or pledge with or without security and to execute any necessary documents for this purpose.
 - (iii) To fill any extraordinary vacancies which may occur amongst the Officers of the Association or Members of the Committees.
 - (iv) To make by-laws for the satisfactory administration of the Association, the conduct and responsibility of members and the carrying out of the rules of the Association, and from time to time amend or rescind such by-laws. Such by-laws and any amendment or rescission thereof shall be of full force and effect unless rescinded or

amended by the next or any subsequent General Meeting of the Association.

- (v) From time to time to appoint members of Committees and Sub-Committees where that is required by this constitution, and form and appoint members of other Committees and Sub-Committees as it may deem necessary.
- (vi) To give such directions to Committees and Sub-Committees and Officers of the Association as it thinks fit.
- (vii) To grant or take leases on such conditions and for such periods as the Management Committee thinks fit and to accept or give any surrender of such leases.
- (viii) To elect members.
- (ix) To expel members or dismiss from office officers of the Association subject to the right of appeal contained in rule 83.
- (x) To determine any matter or matters for which this constitution does not provide and in the event of any doubt or difficulty arising as to the interpretation of the constitution or rules, or by-laws to pronounce a decision thereon, such decision to be subject to confirmation at the next General Meeting of the Association and until such confirmation shall be final and binding on all members.
- (xi) To invite by letter any member to resign from the Association within a time specified in such letter if at any time it shall be of opinion that the interests of the Association so require. In default of such resignation being received the question of the member's expulsion shall be submitted to the next Meeting of the Management Committee. It shall be in the power of the Management Committee to exclude such member from the Association's premises until such Meeting shall be held.
- (xi) In its absolute discretion to suspend any member for any period not exceeding twelve months If it considers such suspension necessary in the interests of the Association
- (xii) The Management Committee shall meet at least once each calendar month. Five (5) members present shall form a quorum.
- (xiii) The President shall occupy the Chair of each meeting and at the first meeting of the Management Committee, a permanent Deputy Chairperson shall be elected. Should both the President and Deputy Chairperson be absent from any meeting then the Management Committee present may elect a Chairperson.

- (xiv) Should any member of the Management Committee (not being the Immediate Past President or an ex officio member) be absent from any three (3) consecutive committee meetings without leave of the Management Committee that persons office in the Association and position as a member of the Management Committee may be declared vacant by the Management Committee. The Management Committee may elect another member to hold office and fill the vacant place on the Management Committee until the next Annual General Meeting.

- 24. The Executive Committee** shall consist of the President (who shall be the Chairperson), the Captain, Secretary and Treasurer. Three (3) members present shall form a quorum. The Executive Committee shall subject to any specific powers or duties conferred or imposed upon them by these rules have powers to determine all matters requiring immediate action which cannot wait until the next meeting of the Management Committee. Any action decided or matter determined by the Executive Committee shall be reported to the next Meeting of the Management Committee.
- 25. The Life Saving Committee** shall consist of the Captain (who shall be the Chairperson), Vice Captains, Chief Instructor, Gear Officer, IRB/Power Equipment Captain, Radio Officer, Board and Ski Captain and First Aid Officer. The Life Saving Committee shall keep records of all business transacted at meetings and report the same to the next meeting of the Management Committee. Meetings shall be held regularly. Four (4) members present shall form a quorum. The Life Saving Committee shall subject to any specific powers or duties conferred or imposed upon them by these rules have power to determine all matters relating to the organisation and maintenance of patrols, the appointment of Patrol Captains, the preservation of safety on the beach, the maintenance of all life saving equipment, the maintenance of the First Aid Room and its equipment, and to oversee the Education Sub-Committee. All decisions of the Life Saving Committee shall be subject to ratification by the Management Committee.
- 25 (a) The Education Sub-Committee** shall consist of the Chief Instructor (who shall be the Chairperson), IRB/Power Equipment Captain and two (2) other members appointed. The Sub-Committee shall have power to determine all matters relating to surf lifesaving training and education of members and potential members of the association. All decisions of the Sub-Committee shall be subject to ratification by the Life Saving Committee.
- 26 The Competition Committee** shall consist of the Competition Secretary (who shall be the Chairperson), the Captain, the Board and Ski Captain, the Boat Captain, the Ocean Swim Director, and the Handicapper. The Competition Committee shall keep records of all business transacted at meetings and report the same to the next meeting of the Management Committee. Meetings shall be held regularly. Three (3) members present shall form a quorum. The Life Saving Committee shall subject to any specific powers or duties conferred or imposed upon them by these rules have power to determine all matters relating to participation in surf lifesaving carnivals and competitions both internal and external to the Association, and to oversee the

Ocean Swim Sub-Committee. All decisions of the Competition Committee shall be subject to ratification by the Management Committee.

- 26(a) Ocean Swim Sub-Committee** shall consist of the Ocean Swim Director appointed, and up to four (4) members appointed. The Sub-Committee shall have power to determine all matters relating to Ocean Swims organised by the Association. All decisions of the Sub-Committee shall be subject to ratification by the Competition Committee.
- 27. The Finance Committee** shall consist of the Honorary Treasurer, who shall be the Chairperson and three (3), other members with financial expertise who shall be elected at the Annual General Meeting. The Sub-Committee shall advise the Management Committee on all matters appertaining to finance and investment.
- 28 Administration Committee** shall consist of the Secretary (who shall be the Chairperson), the Social Secretary, the Marketing Officer, and one other member appointed. The Administration Committee shall keep records of all business transacted at meetings and report the same to the next meeting of the Management Committee. Meetings shall be held regularly. Two (2) members present shall form a quorum. The Administration Committee shall oversee the Entertainment Sub-Committee and the Election Sub-Committee. All decisions of the Administration Committee shall be subject to ratification by the Management Committee.
- 28 (a). The Entertainment Sub-Committee** shall consist of the Social Secretary (who shall be the Chairperson of the Committee) and three (3) persons appointed annually, as required by the Management Committee. The Sub-Committee shall recommend programs of entertainment and social events which, if approved, the Sub-Committee shall proceed to arrange and conduct. All recommendations and decisions of the Sub-Committee shall be subject to ratification by the Administration Committee.
- 28 (b). The Election Sub-Committee** shall consist of the Secretary (who shall be the Chairperson) the Membership Officer, and two (2) members appointed by the Management Committee. The Sub-Committee shall first consider all applications for membership of the Association and shall report on suitability for membership of each applicant to the Administration Committee.
- 29. The Property Committee** shall consist of a the Property Officer (who shall be the Chairperson), the House Captain, The Occupational Health and Safety Officer, and one (1) other member appointed from time to time by the Management Committee. The Property Committee shall act as advisors to the Management Committee on all matters referred to it appertaining to the Association's premises or proposed refurbishing, building works, alterations or demolitions.
- 30 The Junior Activities ("Nippers"), Committee (JAC)** will be responsible to the Club Management Committee who will ensure that all aspects of the JAC including Administration and Duties of Officers are in accordance with the Rules of SLSA, SLS Northern Beaches, the Club Constitution its By-laws and Regulations.
- (b) The Junior Activities Committee** will be subject to the following terms of reference:-

- (i) Responsible for the conduct and coordination of all matters relating to Junior Activities;
- (ii) To provide Junior Activity members with an educational and teaching experience in a wide range of subjects and skills within the aquatic and marine environment;
- (iii) Prepare Junior Activity Members for their transition to Active Patrol involvement with the WBSLSC

(c) The JAC will consist of the Junior Activities Captain (who will be the Chairperson) and a minimum of three (3) other persons who are Members of WBSLSC as recommended by the Junior Activities Captain from time to time and ratified by the Management Committee.

(d) The JAC may consist of but not limited to the following officers – J A Secretary, J A Instructor, J A Competition Officer, J A Safety Officer and J A Gear Officer. J A Social Secretary. The same person may undertake more than one position

(e) The JAC shall meet within two months of the Club's Annual General Meeting and thereafter at least once a month until the conclusion of the Junior Activities season or such other time as may be determined by the Chairperson and ratified by the Management Committee. Three (3) Members present shall form a quorum. The JAC shall keep records of all business transacted at meetings and report the same to the next meeting of the Management Committee. The JAC shall be subject to any specific powers or duties conferred or imposed upon it and with these rules have the responsibility for the management and conduct of activities relevant to Junior Activity ("Nipper") members. All decisions of the JAC shall be subject to ratification by the Management Committee

31 **The Governance Committee** shall consist of five (5) members (who are senior active members, reserve active members, long service members or life members) elected at the Annual General Meeting. The President and Secretary shall be ex-officio members. The Governance Committee shall appoint from its five (5) members the Life Membership Sub-Committee, the Judiciary Sub-Committee, and the Constitution Sub-Committee

.31(a) The Life Membership Sub-Committee shall consist of five (5) members, all being the members of the Governance Committee. The President and Secretary shall be ex-officio members. All nominations for Life Membership shall be presented in such form and with such information as shall be required by the Sub-Committee which shall verify the qualifications and information relating to the nominee and forward such nomination together with its recommendation to the Management Committee. Any nomination approved by the Management Committee shall be presented for election at the next Annual General Meeting.

31(b). The Judiciary Sub-Committee shall consist of the Secretary (who shall be the Chairperson) and two members, being members of the Governance Committee and appointed by the Governance Committee. Two (2) members present shall form a quorum.

(a) The Judiciary Sub-Committee shall:

- (i) Subject to any specific powers or duties conferred or imposed upon it by these rules have power to hear and determine all matters referred to it by the Management Committee relating to the breach by any member of any of the rules or by-laws of the Association and all other matters so referred relating to the conduct and discipline of members.
 - (ii) Conduct within twenty one (21) days an inquiry into matters referred to it by the Management Committee.
 - (iii) Report its findings and decisions to the Management Committee at the next meeting of that Committee following the conclusion of its inquiry.
- (b) Written notice of the time, date and place of a Judiciary Sub-Committee inquiry shall be given to the offending member by the Secretary. The member may apply in writing to the Secretary for an adjournment no later than at least three (3) days before the day fixed for the inquiry. The offending member shall have the right to appear and be heard and to call witnesses at the inquiry. The names and addresses of witnesses shall be notified in writing by the offending member to the Secretary at least four (4) days before the day fixed for the inquiry.
- (c) The offending member shall not be entitled to legal or other representation as of right, provided always that the member may apply at the commencement of the inquiry for such representation and the Judiciary Sub-Committee may grant or refuse such application as it thinks fit. The same provisions shall apply where representation other than legal representation is requested.
- (d)
 - (i) The Judiciary Sub-Committee after hearing the evidence may find the offence not proven or proven and may exonerate the member or impose such penalty as it sees fit but in no case shall it have power to expel a member. The decision of the Judiciary Sub-Committee on any matter determined by it shall be final unless varied or amended by it after reference back pursuant to rule 31(e).
 - (ii) If in the opinion of the Judiciary Sub-Committee the appropriate penalty is expulsion then such opinion shall be notified to the Management Committee for further action.
 - (e) The finding of the Judiciary Sub-Committee cannot be altered by the Management Committee but a seventy five per centum (75%) majority of those present and voting at the Management Committee meeting at which such finding is presented may refer the matter back to the Judiciary Sub-Committee for further consideration or the hearing of additional evidence. The grounds for such reference shall be clearly stated by the Management Committee.

31(c) The Constitution Sub-Committee shall consist of a Chairperson and four (4) other members, all being members of the Governance Committee. The President and

Secretary shall be ex-officio members. It shall be subject to any specific powers or duties conferred or imposed upon it by the Management Committee. It shall advise the Management Committee on such matters relating to the constitution, rules and by-laws of the Association and such other matters as may be referred to it.

32. Meetings of the Finance, Property and Governance Committees and the Education, Ocean Swim, Entertainment, Election, Life Membership, Judiciary, and Constitution Sub-Committees, may be called at any time by the Management Committee or any two (2) members of each of these Committees or Sub-Committees. The Chairperson of the meeting shall have a deliberative as well as a casting vote. The members required for a quorum for any such meeting shall be two (2) except for the Governance Committee, the Life Membership Sub-Committee and the Constitution Sub-Committee for which the quorum is three (3).
33. Except as otherwise allowed by these rules, no un-financial member shall be entitled to hold any position as a member of any Committee or Sub-Committee of the Association.
34. Should any member of a Committee or Sub-Committee be absent from three (3) consecutive meetings of such Committee or Sub-Committee without good cause or without leave of the Management Committee, his/her membership of the Committee or Sub-Committee may be declared vacant by the Management Committee and a substitute member may then be appointed by it.
35. Where these rules require members of Committees and Sub-Committees to be appointed by the Management Committee (as opposed to elected at the Annual General Meeting), such appointment may or may not be made, at the discretion of the Management Committee.
36. Where these rules require Committees and Sub-Committees to have regular meetings, such meetings may be held, or reach consensus by, physical meeting, telephone, email, or social media. This clause does not apply to the the Management Committee which is bound by rule 23 (xii).

37 to 40 Not used

FINANCIAL

41. The Association's financial year shall be from the first day of May in each year to the thirtieth day of April in the year next succeeding.
42. A member of the Association other than Life Members must pay to the Association an annual membership fee as determined by the Management Committee for the then current financial year or if some other amount is determined by the Management Committee that other amount.
43. (a) All annual subscriptions shall be payable on or after the first day of the Association's financial year. If the subscription of any member is still unpaid at the expiration of six (6) months after the due date the Management Committee may in accordance with rule 15 (a) resolve that the membership is terminated. Upon such resolution of the Management Committee the

member's name shall be removed from the roll of members and his/her membership shall cease on that date and he/she shall not be eligible for re-election except:-

- (i) on payment of all arrears of subscriptions, and
 - (ii) by resolution of the Management Committee
 - (b) The Honorary Treasurer shall, within three (3) months of the commencement of the Association's financial year, send to each member by whom a subscription is payable, a notice to the effect that such subscription is due.
- 44.** The funds of the Association are to be derived from entrance fees and annual subscriptions of members, donations, sponsorships, appeals, promotion and conduct of surf carnivals, swims and tournaments, sales, leasing, hire or rentals and such other sources as the Management Committee determines or approves.
- 45.** The collection of the funds of the Association shall be under the absolute and direct control of the Management Committee and all moneys received by or for on behalf of the Association shall be paid to the credit of the Association at the bank determined from time to time by the Management Committee.
- 46.** (a) The Management Committee shall ensure that proper books of account are kept recording the Association's funds and its liabilities and that all entries are regularly and correctly made therein, and that all moneys owing to the Association are duly collected and deposited in the Association's bank account and that all proper accounts owing by the Association are duly paid.
- (b) The Honorary Treasurer shall as soon as practicable after receiving such money issue an appropriate receipt.
- (c) The Honorary Treasurer shall report on the Association's financial position to the monthly meetings of the Management Committee and shall submit a statement of accounts to be passed, together with the accounts themselves to such Meeting.
- (d) If so resolved by the Management Committee, all or any accounts for payment shall first be submitted to and be approved by the Finance and Investments Sub-Committee.
- (e) All payments on behalf of the Association shall be made by cheque or electronic funds transfer signed by any two (2) of the President, Honorary Treasurer and Secretary and another Member of the Management Committee appointed by such Committee.
- (f) Subject to any resolution passed by the Association in general meeting the funds of the Association are to be used in pursuance of the objects of the Association in such manner as the Management Committee determines.

DUTIES OF OFFICERS

47. **The President** shall be the Chief Executive Officer of the Association and shall be an ex-officio member of all Committees of the Association and the Officers and members will be subject to his or her direction except as follows:-
48. **The Captain** shall have full control of members in all matters relating to surf life saving, conduct in the Club House and generally and shall have the power to refuse the use of the Club House or any Club property to any member or person as he/she shall think fit, subject always to any right of appeal to the Management Committee.
49. **The Vice Captains** shall assist the Captain in the discharge of his or her duties and in the absence of the Captain shall have the like powers and authority. In the absence of both the Captain and Vice Captains the Patrol Captain on duty shall have the like powers and authority as the Captain. Subject to the authority of the Captain and Vice Captains the House Captain shall have the care and control and management of the Club House and have full control of members in relation to the use of the Club House.
50. **The Secretary** shall (inter alia) carry out the following duties:-
- (a) Keep carefully all correspondence, books, vouchers, and other papers belonging or relating to the business and affairs of the Association.
 - (b) Attend all meetings, as far as possible, of the Management Committee and take minutes of the proceedings in a book kept for the purpose.
 - (c) Upon receipt of moneys paid to the Association hand all moneys to the Treasurer.
 - (d) Keep at the principal place of administration of the Association correct lists of the office bearers, members of Committees and Sub-Committees, a register of all members including the date on which the person became a member and copies of all rules and by-laws of the Association. Lists of members of the Association shall be made available to members upon payment of a fee as prescribed by the Management Committee.
 - (e) The Secretary shall be an ex-officio member of all Committees of the Association.
51. **The Occupational Health and Safety Officer** shall be responsible to advise the Management Committee on matters relating to the health and safety of the Association, including the preparation, for Management Committee approval of policies and procedures relating to occupational health and safety.
52. **The Honorary Treasurer** shall keep appropriate books of account, which will be required to show the financial position of the Association as well as the financial status of all members. The Treasurer shall in the absence of the appointment of also fulfil the responsibility of Public Officer. It shall be his/her duty to collect the subscriptions of members and to report to the Management Committee any member whose subscription is in arrears. The Treasurer shall be empowered to receive such subscriptions and all other moneys on behalf of the Association and shall be responsible for the same being paid into the Association's bank account.

The Treasurer shall receive and enter all accounts to be paid by the Association and draw and forward remittances required for any such payments.

- 53. **The Public Officer** except as otherwise provided by these rules he/she must keep in his or her custody or under his or her control all records, books and other documents relating to the Association.
- 54. **The Boat Captain** shall arrange for the care of all surfboats, surf boat training and surf boat transport. He/she shall be responsible for the safe return of the surf boats and their gear to the boat sheds. Primarily, the Boat Captain shall be responsible for teaching and training members in the use of the Association's surf boat or boats
- 55. **The Gear Officer** shall be responsible for the maintenance of the Association's gear, life saving equipment, boats and craft and shall see that the same are kept in good order and a state of efficiency. Shall recommend to the Management Committee the purchase of all necessary gear and equipment and shall also have charge of the purchase and distribution to members of costumes, badges, caps and other items of club clothing and equipment.
- 56. **The Competition Secretary shall be responsible for** all matters relating to the Association's participation in surf lifesaving carnivals and competitions both internal and external to the Association
- 57. **The IRB/Power Equipment Captain** shall arrange for the care of all powerboats, crew proficiency, competition, and transport. He/she shall be responsible for the safe return of the IRB craft and its gear to the boat shed or the Club House.
- 58. **The Junior Activities Captain** shall be responsible for initiating and controlling activities relevant to Junior Activity ("Nipper") members and the Junior Activities Committee
- 59. **The Membership Officer** shall be responsible for member recruitment and retention: member soft skills development including mentoring, communications, leadership and project management: schools liaison: new member induction and orientation.
- 60. Not used

GENERAL MEETINGS

- 61 The Annual General Meeting** of the Association shall be held on the second Sunday in August in each year commencing at 2:00pm to receive the Annual Report and Financial Statement for the past year, determine Notices of Motion elect officers for the ensuing year, and transact general business.
- 62.** The Secretary shall cause to be prepared prior to the Annual General Meeting, a report of the activities of the Association during the preceding season. A copy of this report together with the Balance Sheet and Income and Expenditure Account of the Association in respect of the preceding financial year (each duly certified by the Auditors, signed by the Treasurer and ratified by the Management Committee) shall be submitted to members at or prior to the Annual General Meeting.
- 63.** All reports, balance sheets, accounts and statements required to be published and circulated prior to the Annual General Meeting and all Notices of Motion signed by the proposer and seconder shall be delivered by hand or posted to the Secretary on or before the third Monday of June in each year.
- 64.** The Agenda for the Annual General Meeting shall be in the following order:-
- (i) Confirmation of Minutes
 - (ii) Adoption of Annual Report
 - (iii) Adoption of Balance Sheet and Financial Statement
 - (iv) Notices of Motion
 - (v) Election of Officers and Committees
 - (vi) General Business
 - (vii) Presentation of Association Awards and Trophies
- 65.** All Officers of the Association (apart from those officers appointed pursuant to rule 23 (b) hereof) shall vacate their positions at the time election of office bearers takes place at the Annual General Meeting.
- 66.** In the event of no quorum being present at the Annual General Meeting of the Association such meeting at the discretion of the Chairperson shall stand adjourned to be held within one (1) month. If at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting the members present (being not less than fifteen [15]) shall be a quorum.
- 67.** The President shall be the Chairperson of any General Meeting or if the President is not present then the Immediate Past President, and in the absence of both the President and the Immediate Past President then the members present shall elect a Chairperson to preside at the meeting.
- 68** Subject to rules 69 and 75 at an Annual General Meeting:
- (a) Active, Reserve Active, Long Service, Past Active and Life Members shall be entitled to vote on all matters.
 - (b) Associate Members shall not be entitled to vote on any matters

69. Voting at an Annual General Meeting or other General Meeting shall be restricted to members who have attained the age of eighteen (18) years at the day of any such meeting.
70. **A Special General Meeting** may be called at any time by:-
- (a) The President
 - (b) Five (5) members of the Management Committee
 - (c) Any member expelled in accordance with rule 83 hereof, or
 - (f) Fifteen (15) members of the Association entitled to vote, provided such request shall be in writing addressed to the Secretary and shall state the business to be discussed.
71. **A special resolution** is a resolution of the Association passed by a majority which comprises at least seventy five per centum (75%) of such members of the Association as, being entitled under the constitution so do so, vote in person at a General Meeting of which at least 14 days' written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these rules.
72. The Notice convening any General Meeting shall state the business to be discussed and shall be sent at least twenty-one (21) days prior to such meeting, by prepaid post to all members entitled to vote thereat.
73. Twenty-five (25) members entitled to vote shall form a quorum at any General Meeting and no item of business shall be transacted unless a quorum of such members is present during the time the meeting is considering that item.
74. In the event of no quorum being present at a Special General or General Meeting other than an Annual General Meeting then that meeting shall lapse.
75. No un-financial member shall be entitled to vote at any Annual General Meeting or other General Meeting of the Association..
76. On any question arising at a General Meeting of the Association a member has one vote only.
77. In the case of an equality of votes on a question at a General Meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
78. Any notice of motion that alters or amends the constitution of this Association shall require to be carried or passed by a vote of seventy five per centum (75%) of the members present at such meeting and entitling to vote.
79. The Statement of objects and these rules may be altered rescinded or added to only by a special resolution of the Association which shall be required to be carried or passed by a vote of seventy five per centum (75%) of the members present at such meeting and entitled to vote.
80. The accidental omission to give any notice of any General Meeting abovementioned to any member shall not invalidate any resolution passed at any such meeting.

- 81.** The Rules of Debate as set out in the By-Laws shall govern all procedures at meetings.

EXPULSION OF MEMBERS AND DISMISSAL OF OFFICERS

- 82.** (a) Where in the opinion of the Management Committee any member has violated the rules of the Association or any by-law thereunder or otherwise been guilty of any conduct prejudicial to the interests of the Association or unbecoming a member of the Association that member may by resolution of the Management Committee be expelled from the Association or if an Officer of the Association, may in the discretion of the Management Committee be dismissed from such office only.
- (b) The offending member shall be notified in writing by the Secretary at least fourteen days prior to the Meeting of the date, time and place of the meeting of the Management Committee to consider the proposed resolution and be given notice of what is alleged against the Member.
- (c) The offending member shall have the right to appear and be heard at the meeting of the Management Committee or may give in writing to the Management Committee any explanation or defence to the complaint. The offending members shall not be entitled to legal or other representation as of right but may apply at the commencement of the Meeting for such representation and the Management Committee may grant or refuse such application as it thinks fit.
- (d) At least seven (7) days notice of the proposed resolution must be given by the Secretary to each member of the Management Committee of the Agenda of such Meeting.
- (e) A resolution of expulsion or dismissal from office shall be passed on the affirmative vote of not less than seventy five per centum (75%) of the Management Committee members present at the meeting.
- 83.** (a) Any member expelled or dismissed from office in accordance with rule 82 or whose renewal of membership is refused by the Management Committee shall have the right to appeal to a Special General Meeting of the Association.
- (b) Such Special General Meeting shall be called by the Secretary on receipt of a notice of appeal signed by the appellant member and by ten (10) financial Active, Reserve Active or Life members of the Association each of who are over the age of eighteen (18) years.
- (c) Not less than ten (10) days' notice of such Meeting shall be given to all members of the Association and such meeting shall be held within 21 days from the date of the Secretary having received notice of the appeal.
- (d) If such expulsion is not confirmed by a Resolution of at least two-thirds of members present at the meeting and entitled to vote, the appellant member shall be deemed to have been reinstated to membership ab initio.

- (e) If the expulsion resolution is confirmed at the meeting the Secretary shall notify the National Association of the name and address of the member and the resolution of his/her expulsion from the Association.

GENERAL

- 84. Members shall communicate their address to the Secretary and all notices delivered to or posted by pre-paid post to such address shall be considered as fully served and service shall be deemed to have been effected on the day on which such notice is delivered if delivered personally or on the day on which such notice would ordinarily be received in the ordinary course of post if posted.
- 85.
 - (a) No member shall use or allow to use the name of the Association in any advertisement, prospectus or business announcement, nor shall give the name and address of the Association as an address or otherwise for the purpose of identification in connection with legal proceedings. No member shall appoint the Association's premises as a meeting place for the transaction of any business.
 - (b) The Association shall be strictly non-political and non-sectarian and shall not directly or indirectly allow the subject of politics or religion to be introduced or discussed at any meeting under its control or publicly by members or other persons in any premises or place under its control.
 - (c) No member of the Association shall as a member:
 - (i) Publicly participate in any political gathering or meeting.
 - (ii) In any publication or on television, film, internet or radio or like media or in any other manner express an opinion or belief which supports or tends to support or discredits or tends to discredit any political party or religious group, activity or belief.
 - (iii) Draw a comparison or compare the discipline, procedures or activities of the Association or of any part thereof with that of any political or religious group or organisation.
 - (iv) At any time publicly profess or claim to represent the view or belief of the Association or of members thereof without the prior consent and approval of the Management Committee.
 - (d) No member of the Association shall offer any gratuity to any servant or officer of the Association.
 - (e) No member shall take away from the place of possession of the Association any of its property and any member destroying or injuring the property of the Association may by resolution of the Management Committee be held liable to compensate or restore the same.

86. Every member of the Management Committee, officer or servant of the Association shall be indemnified by the Association against loss suffered or incurred or which he/her may become liable by reason of any contract entered into, any act or deed done as such member, officer or servant in the proper discharge of his/her duties provided the same shall have been or be authorised by the Management Committee. It shall be the duty of the Management Committee out of the funds of the Association to pay all costs, losses and expenses which any such member of the Management Committee, officer or servant may incur or so become liable. The amount for which such indemnity is provided shall immediately attach as a lien on the property of the Association and have priority as between the members over all other claims.
87. No member of the Management Committee or other officer of the Association shall be liable for the acts, receipts, neglects or defaults of any other member of the Management Committee or officer or for joining in any receipt or other act for the sake of conformity or for any loss or expense happening to the Association through the insufficiency or deficiency of title to any property acquired by order of the Management Committee for or on behalf of the Association or for the insufficiency or deficiency of any security in or upon which any of the moneys of the Association shall be invested or for any loss or damage arising from bankruptcy, insolvency or tortuous act of any person with whom any moneys, securities or effects shall be deposited or for any other loss, damage or misfortune whatever, which shall happen in the execution of the duties of each respective office or in relation thereto unless the same shall happen through the member's or officer's own wilful act or default.
88. **Insurance** - The Association must effect and maintain insurance suitable to provide in the event of claim or loss, in accordance with the Act and the insurance requirements of the National Association.
89. **Common Seal**
- (a) The common seal of the Association must be kept in the custody of the Honorary Treasurer or Public Officer.
 - (b) The common seal must not be affixed to any instrument except by the authority of the Management Committee, and the affixing of the common seal must be attested by the signatures of two persons being the President, or a person authorised to sign on behalf of the President, the Secretary and the Treasurer or Public Officer.
90. **Inspection of Books** - The records, books and other documents of the Association must be open to inspection, free of charge by a member of the Association at any reasonable hour.

DISSOLUTION

91. The members of the Association shall have no liability to contribute toward the payment of debts and liabilities of the Association or the costs, charges and expenses of the winding up of the Association except to the amount, if any, of unpaid membership fees.

- 92.** The Association may be dissolved at any time at a Special General Meeting convened for the purpose by a resolution of at least seventy five per centum (75%) of the members present and being entitled, pursuant to this constitution to vote in favour of dissolution of the Association.
- 93** If upon the winding up or dissolution of the Association there remains, after satisfaction of all debts and liabilities, any property whatsoever, the same shall not be paid to or distributed amongst the members of the Association but shall be given or transferred to some other institution or Association or institutions having objects similar to the Association, and which shall prohibit the distribution of its or their income and property amongst its or their members to the extent at least as great as is imposed on the Association, such institution or institutions to be determined by Special Resolution of the members of the Association at or before the time of dissolution and if and so far as effect cannot be given to the aforesaid provisions, then to some charitable institution.

SERVICE OF NOTICES

- 94.** For the purpose of this constitution, a notice may be served on or given to a person:
- (a) By email.
 - (b) by delivering it to the person personally, or
 - (c) by sending it by pre-paid post to the last known address of the person, or
 - (d) by sending it by facsimile transmission or some other form of electronic transmission to an address specified for receiving or serving notices or other correspondence or
 - (e) By posting on an authorised web site of the association.
- 95.** For the purpose of this constitution a notice is taken, unless the contrary is proved, to have been given or served:
- (a) in the case of a notice given or served personally, on the date on which it is received by the person, and
 - (b) in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
 - (c) in the case of a notice sent by facsimile transmission, email or some other form of electronic transmission, on the date it was sent, or if the machine from which the transmission was sent produces a report indicating that the notice was sent, on that date.

ACCEPTANCE

- 96** Each member of the Association shall be deemed to have accepted and agreed to be bound by the foregoing constitution and all by-laws made thereunder upon his/her election as a member of the Association by the Management Committee.