



NOBBY'S BEACH SURF LIFE SAVING CLUB INCORPORATED

Constitution

This version of the Nobby's Beach Surf Life Saving Club Constitution replaces any previous version.

Adopted 29 June 2019

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ASSOCIATIONS INCORPORATION ACT 1981 (QLD)

CONSTITUTION

of

NOBBY'S BEACH SURF LIFE SAVING CLUB INCORPORATED

1. NAME OF ASSOCIATION

The name of the association is Nobby's Beach Surf Life Saving Club Incorporated ("Association").

2. DEFINITIONS AND INTERPRETATION

2.1. Definitions

In this Constitution unless the contrary intention appears:

- (a) **Act** means the Associations Incorporation Act 1981 (QLD).
- (b) **Association** means Nobby's Beach Surf Life Saving Club Incorporated.
- (c) **Board** means the body managing the Association consisting of the Directors under **clause 21**.
- (d) **Branch** means the Surf Life Saving Queensland South Coast Branch Inc. which includes the affiliated Surf Life Saving Clubs and their members within the boundaries of that Branch as defined by SLSQ and the Branch.
- (e) **By-Laws** means any By-Laws made by the Board under **clause 27**.
- (f) **Club** means Nobby's Beach Surf Life Saving Club.
- (g) **Constitution** means this Constitution of the Association as amended from time to time.
- (h) **Delegate** means the person appointed from time to time to act for and on behalf of the Association.
- (i) **Director** means a member of the Board appointed in accordance with this Constitution.
- (j) **Executive Committee** means the Directors listed under **clause 19.3**.
- (k) **Financial year** means the year ending 30 April in each year.
- (l) **General Meeting** means the annual or any special general meeting of the Association.
- (m) **Intellectual Property** means all rights subsisting in copyright, business names, names, trademarks (or signs), logos, designs, equipment, images (including photographs, television, videos or films) or service marks (whether registered or registrable) relating to the Association or any championship, competition, series or event or lifesaving activity of or conducted, promoted or administered by the Association.
- (n) **Life Member** means an individual appointed as a Life Member of the Association under **clause 8.2**.
- (o) **Member** means a registered member of the Association recognised under **clause 8** from time to time in such categories as may be defined in this Constitution or the By-Laws.
- (p) **Membership Year** means the period between 1 October and 30 September the following year.

- (q) **Objects** means the objects of the Association under **clause 3**.
- (r) **President** means the President for the time being of the Association.
- (s) **Registrar** means the officer appointed (if any) to assist the Secretary in fulfilling the Association's obligations as to the Register of members in **clause 10**.
- (t) **Regulations** means the SLSA regulations as set from time to time.
- (u) **Seal** means the common seal of the Association and includes any official seal of the Association.
- (v) **SLSA** means Surf Life Saving Australia Limited.
- (w) **SLSQ** means the body recognised by SLSA as the body administering surf lifesaving in Queensland.
- (x) **Special Resolution** means a resolution passed in accordance with the Act.
- (y) **State** means and includes a State or Territory of Australia.
- (z) **Surf Life Saving Club** means a surf lifesaving club which is a member of or otherwise affiliated with SLSQ or SLSA.

2.2. Interpretation

In this Constitution:

- (a) a reference to a function includes a reference to a power, authority and duty;
- (b) a reference to the exercise of a function includes (where the function is a power, authority or duty) a reference to the exercise of the power, or authority of the performance of the duty;
- (c) words importing the singular include the plural and vice versa;
- (d) words importing any gender include the other genders;
- (e) references to persons include corporations and bodies politic and any legal personal representatives, successors and permitted assigns of that person;
- (f) a reference to a statute, ordinance, code or other law includes regulations and other statutory instruments under it and consolidations, amendments, re-enactments or replacements of any of them (whether of the same or any legislative authority having jurisdiction);
- (g) a reference to "writing" shall unless the contrary intention appears, be construed as including references to printing, lithography, photography and other modes of representing or reproducing words in a visible form, including messages sent by electronic mail;
- (h) a reference to "address" shall include a mailing or postal address or electronic mail address; and

2.3. Severance

If any provision of this Constitution or any phrase contained in it is invalid or unenforceable, the phrase or provision is to be read down if possible, so as to be valid and enforceable, and otherwise shall be severed to the extent of the invalidity or unenforceability, without affecting the remaining provisions of this Constitution.

2.4. Expressions in the Act

Except where the contrary intention appears, in this Constitution, an expression that deals with a matter under the Act has the same meaning as that provision of the Act.

2.5. Sole Purpose

The Association is established solely for the Objects.

2.6. Model Rules

The model rules under the Act are expressly displaced by this Constitution.

3. OBJECTS OF THE ASSOCIATION

The Association is a charitable community service-based institution. The objects for which the Association is established are to:

3.1. Benevolent Institution Services

As a Public Benevolent Institution:

- (a) provide rescue services to people in peril in Queensland public waters including but not limited to:
 - i. bathers who are at risk of serious injury or loss of life through drowning or other related injuries through the providing of surveillance in an organised and regulated manner;
 - ii. first aid, resuscitation and basic emergency care;
 - iii. contracted water safety services to surf and other public water aquatic users;
 - iv. facilitate rescue of persons on or near water through a range of mechanisms that may include personnel, unmanned aerial vehicles, personal water craft, boats and helicopter services;
- (b) provide public water users with education and awareness of the risks of drowning or serious injury through campaigns to reach those at high risk especially children, tourists and visitors to Australia;

3.2. As a member of Surf Life Saving in Australia

As an affiliate of SLSA:

- (a) participate as a member of the Branch, SLSQ and SLSA so surf lifesaving and the preservation of life in the aquatic environment can be conducted, encouraged, promoted, advanced and administered;
- (b) at all times act on behalf of and in the interest of the Members and Surf Lifesaving
- (c) promulgate, and secure uniformity in, such rules as may be necessary for the management and control of surf lifesaving and related activities and the preservation of life in the aquatic environment;
- (d) use and protect the intellectual property of the Association, Branch, SLSQ and SLSA;
- (e) conduct, encourage, promote, advance and control surf lifesaving in Nobby Beach, Queensland, its many aspects devoted to aquatic safety and management and the preservation of life in the aquatic environment;
- (f) have regard to the public interest in its lifesaving operations;

- (g) promote the involvement and influence of surf lifesaving standards, techniques, awards and education with bodies involved in surf lifesaving;
- (h) give, and seek where appropriate, recognition for Members to obtain awards or public recognition in fields of endeavour;
- (i) adopt and implement appropriate policies, including child and young person's management strategy, equal opportunity, equity, sexual harassment, drugs in sport, health, safety, junior and senior programs, and such other matters as arise from time to time as issues to be addressed in surf lifesaving; and
- (j) encourage Members to realise their surf lifesaving potential and athletic abilities by extending to them opportunities to participate in educational activities and surf lifesaving competition, in order to develop their skills and abilities to undertake surf lifesaving and preserve life in the aquatic environment.

3.3. Community and Other

As a community organisation:

- (a) promote uniformity of laws for the control and regulation of the aquatic environment in Nobby Beach and to assist authorities in enforcing these laws;
- (b) ensure that environmental considerations are taken into account in all surf lifesaving and related activities conducted by the Association;
- (c) effect such Objects as may be necessary in the interests of the public, Members, surf lifesaving and the aquatic environment in Nobby Beach;
- (d) pursue through itself or other such commercial arrangements (which are not in conflict with SLSQ or any other surf lifesaving entity), including sponsorship and marketing opportunities as are appropriate to further the interests of surf lifesaving;
- (e) apply the property and capacity of the Association towards the fulfilment and achievement of these Objects;
- (f) allow Auxiliary organisations to affiliate with the Association, providing such organisations have similar aims and objects as the Club and are subject to the overall control of the Club; and
- (g) undertake and or do all such things or activities which are necessary, incidental or conducive to the advancement of these Objects.

4. POWERS OF THE ASSOCIATION

Solely for furthering the Objects, the Association has in, addition to the powers and functions under the Act, the legal capacity and powers of a company limited by guarantee as set out under section 124 of the *Corporations Act (Cth)*.

5. NOT FOR PROFIT NATURE OF THE ASSOCIATION

5.1. Not-for-Profit Status

Except as prescribed in this Constitution:

- (a) no portion of the income or property of the Association shall be paid or transferred, directly or indirectly by way of dividend, bonus or otherwise to any Member; and
- (b) no remuneration or other benefit in money or money's worth shall be paid or given by the Association to any Member who holds any office of the Association.

5.2. Application of Income

The income and property of the Association shall be applied solely towards the promotion of the Objects of the Association as set out in this Constitution.

5.3. Compensation for Goods, Services or Expenses

Nothing contained in **clause 5.1** or **clause 5.2** shall prevent payment in good faith of or to any Member for:

- (a) any services actually rendered to the Association whether as an employee or otherwise;
- (b) goods supplied to the Association in the ordinary and usual course of operation;
- (c) interest on money borrowed from any Member;
- (d) rent for premises demised or let by any Member to the Association; or
- (e) any out-of-pocket expenses incurred by the Member on behalf of the Association;

provided that any such payment shall not exceed the amount ordinarily payable between ordinary commercial parties dealing at arm's length in a similar transaction.

5.4. Liability of Members

The liability of the Members of the Association is limited.

5.5. Members' Contributions

Every Member of the Association undertakes to contribute to the assets of the Association if it is wound up while the Member is a Member, or within one year after ceasing to be a Member, for payment of the debts and liabilities of the Association contracted before the time at which it ceases to be a Member and the costs, charges and expenses of winding up the Association, such an amount not exceeding one dollar (\$1.00).

5.6. Distribution of DGR Property on Revocation of DGR or Winding Up

If the organisation is wound up or its endorsement as a deductible gift recipient (DGR) is revoked (whichever occurs first), any surplus of the following assets shall be transferred to SLSQ or if SLSQ is no longer a DGR or has ceased to exist, to another surf lifesaving entity to which:

- income tax deductible gifts can be made;
- gifts of money or property are made for the principal purpose of the organisation;
- contributions are made in relation to an eligible fundraising event held for the principal purpose of the organisation;
- money is received by the organisation because of such gifts and contributions.

Such DGR charity will be determined by the Members at or before the time of dissolution.

5.7. Distribution of Property on Winding Up

- (a) This clause will apply if the association -
 - i. is wound up under part 10 of the Act; and
 - ii. has surplus assets after satisfying **clause 5.6**.
- (b) The surplus assets must not be distributed among the Members of the Association.
- (c) The surplus assets must be given or transferred to SLSQ or if SLSQ has ceased to exist to another surf lifesaving entity:

- i. having objects similar to the Association's objects; and
 - ii. the rules of which, prohibit the distribution of the entity's income and assets to its members.
- (d) In this clause "surplus assets" has the same meaning as in section 92(3) of the Act.

6. STATUS AND COMPLIANCE OF ASSOCIATION

6.1. Recognition of Association

The Association shall be affiliated with the Branch, SLSQ and SLSA. Through these affiliations the Association will abide by the articles, rules, constitutions, regulations, by-laws and awards of SLSA, SLSQ and the Branch. Subject to compliance with this Constitution, the Branch constitution, the SLSQ constitution, and the SLSA constitution, the Association shall continue to be recognised as a member of SLSQ and shall administer surf lifesaving activities at **Nobby Beach** in accordance with the Objects.

6.2. Compliance of Association

The Members acknowledge and agree the Association shall:

- (a) be or remain incorporated in Queensland;
- (b) appoint a Delegate annually to represent the Association at meetings of the Branch;
- (c) nominate such other persons as may be required to be appointed to Branch committees from time to time under this Constitution or the Branch constitution or otherwise;
- (d) forward to SLSQ a copy of its constituent documents and details of its Directors;
- (e) adopt the objects of SLSQ (in whole or in part as are applicable to the Association) and adopt rules which reflect, and which are, to the extent permitted or required by the Act, generally in conformity with the SLSQ constitution;
- (f) apply its property and capacity solely in pursuit of the Objects and lifesaving;
- (g) do all that is reasonably necessary to enable the Objects to be achieved;
- (h) act in good faith and loyalty to ensure the maintenance and enhancement of lifesaving, its standards, quality and reputation for benefit of the Members and surf lifesaving;
- (i) at all times act on behalf of and in the interests of the Members and surf lifesaving; and
- (j) by adopting the objects of SLSQ, abide by the SLSQ Constitution.

7. ASSOCIATION'S CONSTITUTION

7.1. Constitution of the Association

The Constitution will clearly reflect the objects of SLSQ and shall generally conform with the Branch and SLSQ constitutions, subject to any requirements in the Act, and at least to the extent of:

- (a) the objects of SLSQ;
- (b) the structure and membership categories of SLSQ (if any);
- (c) recognising SLSA as the peak body for surf lifesaving in Australia;
- (d) recognising SLSQ as the peak body for surf lifesaving in Queensland;
- (e) recognising the Branch as the peak body for surf lifesaving in South Coast Branch;

7.2. Operation of the Constitution

The Association and the Members acknowledge and agree:

- (a) that they are bound by this Constitution and that this Constitution and the By-Laws, operate to create uniformity in the way in which the Objects and surf lifesaving are to be conducted, promoted, encouraged, advanced and administered;
- (b) to ensure the maintenance and enhancement of surf lifesaving, its standards, quality and reputation for the benefit of the Members and surf lifesaving;
- (c) not to do or permit to be done any act or thing which might adversely affect or derogate from the standards, quality and reputation of surf lifesaving and its maintenance and enhancement;
- (d) to promote the economic and community services success, strength and stability of each other and to act interdependently with each other in pursuit of their respective objects;
- (e) to act in the interests of surf lifesaving and the Members;
- (f) where the Association considers or is advised that a Member has allegedly:
 - i. breached, failed, refused or neglected to comply with a provision of this Constitution, the By-Laws, or any resolution or determination of the Association; or
 - ii. acted in a manner prejudicial to the Objects and interests of the Association and/or surf lifesaving; or
 - iii. brought themselves, the Association, any Surf Life Saving Club, the Branch, SLSQ or surf lifesaving into disrepute;

the Association may after allowing the Member a reasonable opportunity to explain, adjudicate and if necessary, penalise the Member with such penalty as it thinks appropriate.

7.3. Operation of the SLSQ Constitution

- (a) The Association will take all steps to ensure its Constitution is in conformity with the SLSQ constitution at least to the extent set out in **clause 7.1** and in respect of those matters set out in **clause 7.1** shall ensure this Constitution is amended in conformity with future amendments made to the SLSQ constitution, subject to any prohibition or inconsistency in the Act.
- (b) The Association shall provide to SLSQ a copy of its Constitution and all amendments to this document. The Association acknowledges and agrees that SLSQ has power to veto any provision in this Constitution which, in SLSQ's opinion, is contrary to the objects of SLSQ.

7.4. Alteration of the Association's Constitution

The Constitution of the Association shall not be altered except by Special Resolution in accordance with the Act, and in compliance with all other procedures under the Act (if any).

8. MEMBERSHIP

8.1. Classes of Membership

Subject always to the SLSA Membership directives in Part 6 of the SLSA Regulations, the Association is authorised to establish such categories of members as it requires and considers

necessary in the context of the Association and the requirements of SLSQ. The Association should provide membership in the following general categories of membership:

- (a) Junior membership (non-voting);
- (b) Active membership;
- (c) Community membership (non-patrolling and non-voting);
- (d) Associate membership (non-voting); or
- (e) Honorary and Service membership(s) including Life Membership.

The Association shall determine the rights of each category of membership and set these out in the By-Laws.

8.2. Life Membership

Life Membership may be granted to Members who have rendered a minimum of ten (10) years of conspicuous, distinguished, outstanding or special service to; or on behalf of the Club, within a period of fifteen (15) years, as provided for in this Constitution and is relevant to the Club only.

8.3. Life Members

- (a) Nominations for Life Membership of the Club shall be submitted in writing to the Secretary on the required form as prescribed by the Board from time to time, no less than 42 days prior to the AGM and must be moved and seconded by any combination of two (2) current and financial
 - i. active members over the age of 18 years; or
 - ii. life members;
- (b) Any natural person who has rendered a minimum of ten (10) years of conspicuous, distinguished, outstanding or special service to; or on behalf of the Club, within a period of fifteen (15) years may be eligible to be considered for Life Membership as provided for in this Constitution and in accordance with the By-Laws and policies of the Club.
- (c) Prospective nominees' names shall be submitted by the Secretary to:
 - i. the Life Membership Committee (if such exists); or
 - ii. if such committee ceases to exist, a minimum of four (4) active and financial Life Members;

who shall research and assess the nominees' history and service to the Club, meet to discuss the nominees' and compile a formal application with detailed member history.

- (d) A formal application shall then be submitted to the Secretary for consideration at a Special Meeting comprising of the life members submitting the formal application and any two (2) members of the Executive Committee. The purpose of said meeting is to discuss the nominees' formal application, and make a recommendation to endorse (or not endorse) the application. All endorsed applications shall be submitted as a recommendation to the Board for final consideration.
- (e) There shall be no restriction on the number of Life Memberships to be considered and election at the Council Annual General Meeting.
- (f) The Board may recommend to the Annual General Meeting that any natural person who has rendered conspicuous, distinguished, outstanding or special service to; or on behalf

of the Club, where such service is deemed to have assisted the advancement of the Association and surf lifesaving be appointed as a Life Member.

- (g) A resolution of the Annual General Meeting to confer life membership on the recommendation of the Board must be a Special Resolution.
- (h) Upon life membership being conferred the person's details shall be entered in the register, and from the time of entry on the register the person shall be a Life Member.

8.4. Application for Membership

An application for membership by an individual ("applicant") must be:

- (a) in writing on the form prescribed from time to time by SLSQ and/or SLSA from the applicant and lodged with the Association; or
- (b) submitted online via an authorised online membership portal and/or in accordance with the process (if any) as prescribed by the Board from time to time; and
- (c) accompanied by the appropriate fee, if any.

8.5. Public Liability Insurance

The Board must ensure that as soon as possible after the person applies to become a Member of the Association, and before the Board considers the application, advise the person of the amount of public liability insurance held by the association.

8.6. Discretion to Accept or Reject Application

- (a) The Board must consider an application for membership at the next meeting of the Board held after it receives:
 - i. the application; and
 - ii. the appropriate membership fee for the application.
- (b) The Board must decide at the meeting whether to accept or reject the application.
- (c) If a majority of the Board members present at the meeting vote to accept the applicant as a Member, the applicant must be accepted as a Member of the Association.
- (d) The Board may, acting reasonably and in good faith, accept or reject an application whether the applicant has complied with the requirements in **clause 8.4** or not, and shall not be required or compelled to provide any reason for such acceptance or rejection.
- (e) Where the Association accepts an application the applicant shall, subject to notification to SLSQ, become a Member.
- (f) Unless otherwise determined by SLSQ, membership of the Association shall be deemed to commence upon acceptance of the application by the Association. The Register shall be updated accordingly as soon as practicable.
- (g) If the Association rejects an application, it shall refund any fees forwarded with the application, and the application shall be deemed rejected by the Association. No reasons for rejection need be given and there is no right of appeal.

8.7. Re-Application

- (a) Members must re-apply annually for renewal of membership of the Association in accordance with the procedures set down by the Association from time to time. **clause 8.6** applies to applications for renewal of membership.

- (b) Upon re-application, a Member must provide details of any change in their personal details, and any other information reasonably required by the Association.

8.8. Deemed Membership

- (a) All individuals who are prior to the approval of this Constitution, Members of the Association, shall be deemed Members of the Association from the time of approval of this Constitution under the Act.
- (b) The Member(s) shall provide the Association with such details as may be required by the Association under this Constitution within one month of the approval of this Constitution under the Act.
- (c) Any Member(s) of the Association prior to approval of this Constitution under the Act, who are not deemed Members under **clause 8.8(a)**, shall be entitled to carry on such functions analogous to their previous functions as are provided for under this Constitution.

8.9. Effect of Membership

Members acknowledge and agree that:

- (a) this Constitution constitutes a contract between each of them and the Association and that they are bound by this Constitution and By-Laws, the Branch constitution and by-laws, the SLSQ constitution and by-laws and the SLSA constitution and regulations;
- (b) they shall comply with and observe this Constitution and the By-Laws, and any determination, resolution or policy which may be made or passed by the Board or any other entity with delegated authority;
- (c) by submitting to this Constitution and the By-Laws they are subject to the jurisdiction of the Association, the Branch, SLSQ and SLSA;
- (d) the Constitution and By-Laws are necessary and reasonable for promoting the Objects and particularly the provision of emergency services rescuing people in peril in Queensland public waters, and the advancement and protection of surf lifesaving as a community service;
- (e) neither membership of the Association nor this Constitution gives rise to:
 - i. any proprietary right of Members in, to or over the Association or its property or assets;
 - ii. any automatic right of a Member to renewal of their membership of the Association;
 - iii. subject to the Act and the Association acting in good faith, the right of Members to natural justice, unless expressly provided for in this Constitution;
- (f) they are entitled to all benefits, advantages, privileges and services of Association membership.
- (g) a right, privilege or obligation of a person by reason of their membership of the Association:
 - i. is not capable of being transferred or transmitted to another person; and
 - ii. terminates upon the cessation of membership whether by death, refusal, resignation or otherwise.

9. SUBSCRIPTIONS AND FEES

- (a) The annual membership subscription (if any) and any other fees or levies payable by Members or categories of Members to the Association, the time for and manner of payment, shall be as determined by the Board from time to time.
- (b) The Board is empowered to prevent any Member who has any fee owing to the Association in arrears from exercising the whole or any of the rights or privileges of membership of the Association, including but not limited to the right to vote at General Meetings.

10. REGISTER OF MEMBERS

10.1. Register

The Association shall keep and maintain a Register in which shall be entered (as a minimum):

- (a) the full name, address, category of membership and date of entry of the name of each Member and the current status of that Member, the awards they possess and whether or not they are proficient in each of those awards;
- (b) the full name, address and date of entry of the name of each Director and Delegate.

SLSA's database "SurfGuard" may be used as the Register of Members.

10.2. Changes to Member Details

Members shall provide notice of any change and required details to the Association within one (1) month of such change.

10.3. Inspection of Register

- (a) Having regard to confidentiality considerations and privacy laws, an extract of the Register, excluding the address or other direct contact details of any Member, Director or Delegate, shall be available for inspection (but not copying) by Members, upon reasonable request.
- (b) Inspection of Association records will only be made available to Members where the purpose of the inspection is for a proper purpose and is in good faith. This will be determined by the Board in its sole discretion taking into consideration confidentiality and privacy considerations.

10.4. Use of Register

Subject to confidentiality considerations and privacy laws, the Register may be used by the Association to further the Objects, as the Board considers appropriate.

10.5. Right of SLSQ to Register

The Association shall provide a copy of the Register at a time and in a form acceptable to SLSQ and shall provide regular updates of the Register to SLSQ. The Association agrees that SLSQ may utilise the information contained in the Register and the Register itself to further the objects of SLSQ, subject always to reasonable confidentiality considerations and privacy laws.

11. DISCONTINUANCE OF MEMBERSHIP

11.1. Discontinuance by Notice of Resignation

A Member having paid all arrears of fees payable to the Association may resign or withdraw from membership of the Association by giving notice in writing to the Association of resignation or withdrawal.

11.2. Discontinuance by Breach

- (a) Membership of the Association may be discontinued by the Board if the member:
- i. is convicted of a Serious Offence (as defined in relevant SLSA policies);
 - ii. is in breach of any clause of this Constitution, including but not limited to the failure to pay any monies owed to the Association, failure to comply with the By-Laws or any resolution or determination made or passed by the Board or any duly authorised committee; or
 - iii. conducts him or herself in a way considered to be injurious or prejudicial to the Objects, character or interests of the Association.
- (b) Subject to this Constitution, membership shall not be discontinued by the Board under **clause 11.2(a)** without the Board first giving the accused Member the opportunity to explain the breach and/or remedy the breach. The accused Member shall be granted seven (7) days notice of their right to appear and be heard by the Board to explain the breach and/or remedy the breach.;
- (c) Where a Member fails, in the Board's view to adequately explain or remedy the breach, that Member's membership shall be discontinued under **clause 11.2(a)** by the Association giving written notice of the discontinuance.
- (d) Any Member's membership that is discontinued under **clause 11.2(a)** shall have the right to appeal the discontinuation under the SLSA Regulations as amended from time to time.

11.3. Failure to Re-Apply

If a Member has not:

- (a) re-applied for membership of the Association; and/or
- (b) paid their annual subscription owing the Association;

within one month of reapplication falling due, that Member's membership will be deemed to have ceased from that time. The Register shall be amended to reflect any lapse of membership under this **clause 11.3** as soon as practicable.

11.4. Member to Re-Apply

A Member whose membership has been discontinued under **clause 11.2** or has ceased under **clause 11.3**:

- (a) must seek renewal or re-apply for membership in accordance with this Constitution; and
- (b) may be re-admitted at the discretion of the Board.

11.5. Forfeiture of Rights

A Member who ceases to be a Member, for whatever reason, shall forfeit all rights in and claims upon the Association and its property and shall not use any surf lifesaving equipment or other property of the Association including Intellectual Property. Any Association documents,

records or other property in the possession, custody or control of that Member shall be returned to the Association immediately. The member's access to club facilities will be removed by terminating their access via any access control system the club is utilising at the time.

11.6. Membership may be Reinstated

Membership which has been discontinued under this **clause 11** may be reinstated at the discretion of the Board, upon such conditions as it deems appropriate.

11.7. Refund of Membership Fees

Membership fees or subscriptions paid by the discontinued Member may be refunded on a pro-rata basis to the Member upon discontinuance at the discretion of the Board.

12. GRIEVANCES, JUDICIAL AND DISCIPLINE

- (a) The Association adopts the grievances, judicial and discipline processes and principles in the SLSA Member Protection Policy and SLSA Regulations as amended from time to time.
- (b) Should the Club decide the alleged offence is beyond the responsibility of the Club, the matter may be referred to the Branch for determination.

13. GENERAL MEETINGS OF THE ASSOCIATION

13.1. Notice of General Meeting

- (a) Notice of every General Meeting shall be given to every Member entitled to receive notice, at the address appearing in the Register kept by the Association. The auditor and Directors shall also be entitled to notice of every General Meeting, which shall be sent to their last notified address. No other person shall be entitled as of right to receive notices of General Meetings.
- (b) Preliminary notice of a General Meeting should be issued at least twenty-eight (28) days prior to the date of the meeting calling for notices of motion and any other business to be conducted at that meeting.
- (c) A notice of a General Meeting shall specify the place and day and hour of meeting and shall state the business to be transacted at the meeting.
- (d) At least fourteen (14) days' notice of a General Meeting shall be given to those Members entitled to receive notice, together with:
 - i. the agenda for the meeting; and
 - ii. any notice of motion received from Members if applicable
 - iii. any other business to be transacted at the meeting, which shall be determined by the Board in its absolute and unfettered discretion.
- (e) The accidental omission to give any notice of any General Meeting to any Member shall not invalidate the meeting or any resolution passed at any such meeting.

13.2. Notices of Motion

Members may submit notices of motion for inclusion as special business at a General Meeting provided such each notice(s) of motion are:

- (a) submitted in writing to the Secretary not less than twenty-one (21) days (excluding receiving date and meeting date) prior to the General Meeting; and

- (b) signed by a mover and seconder.

13.3. Business of Meeting

- (a) All business that is transacted at a General Meeting, and also all that is transacted at an Annual General Meeting, with the exception of those matters set down in **clause 14.2** shall be special business.
- (b) No business other than that provided on the notice shall be transacted at that meeting.

14. ANNUAL GENERAL MEETING

14.1. Annual General Meeting to be Held

An Annual General Meeting of the Association shall be held in accordance with the provisions of the Act and on a date and at a venue to be determined by the Board, provided such date shall be a minimum of one (1) week prior to that of the Branch Annual General Meeting

14.2. Business to be Conducted

The business to be conducted at the Annual General Meeting must include:

- (a) presentation of the reports of the Board;
- (b) consideration of the financial statements and audit report for the last financial year;
- (c) the election of Directors under this Constitution;
- (d) the appointment of the auditors for the present financial year;
- (e) the motion for affiliation with the Branch, SLSQ and SLSA;
- (f) any motion recognising the affiliation of the Association's supporters club or any other auxiliary organisation affiliated with the Club; and
- (g) any other business which notice has been given in accordance with this Constitution

15. SPECIAL GENERAL MEETINGS

15.1. Convention of Special General Meeting

The Board may, whenever it thinks fit, convene a Special General Meeting of the Association. When, but for this clause, more than fifteen (15) months would elapse between Annual General Meetings, shall convene a Special General Meeting before the expiration of that period.

15.2. Requisition of Special General Meetings

- (a) The Secretary shall convene a Special General Meeting of the Association on the written requisition signed by:
 - i. at least 33% of the Members on the Board when the requisition is signed; or
 - ii. not less than the number of voting members of the Association which equals double the number of Members presently on the Board plus one (1).
- (b) The requisition for a Special General Meeting shall:
 - i. state the object(s) of the meeting;
 - ii. be signed by the Members making the requisition; and
 - iii. be sent to the Association.

The requisition may consist of several documents in a like form, each signed by one or more of the Members making the requisition.

- (c) If the Secretary does not cause a Special General Meeting to be held within twenty-eight (28) after the date on which the requisition is sent to the Association, the Members making the requisition, or any of them, may convene a Special General Meeting to be held not later than three months after that date.
- (d) A Special General Meeting convened by Members under this Constitution shall be convened in the same manner, or as nearly as possible as that, in which meetings are convened by the Board.

16. PROCEEDINGS AT GENERAL MEETINGS

16.1. Quorum

No business shall be transacted at any General Meeting unless a quorum is present at the time when the meeting proceeds to business. A quorum for General Meetings shall be such number of voting Members over the age of 15 years of age that equate to twice the number of current Directors plus one (1) Member.

16.2. President to Preside

The President shall, subject to this Constitution, preside as chairman at every General Meeting except:

- (a) in relation to any election for which the President is a nominee; or
- (b) where a conflict of interest exists.

If the President is not present, or is unwilling or unable to preside the Members shall appoint one of the Directors to preside as chairman for that meeting only.

16.3. Adjournment of Meeting

A General Meeting may be adjourned in the following circumstances:

- (a) Where within half an hour from the time appointed for the meeting, a quorum is not present:
 - i. the meeting shall be adjourned until the same day in the next week at the same time and place, or to such other day and at such other time and place as the chairman may determine.
 - ii. if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting under **clause 16.3(a)(i)**, those Members present and entitled to vote will constitute a quorum for that meeting only.
- (b) The chairman may, with the consent of any meeting at which a quorum is present, and shall, if so directed by the meeting, adjourn the meeting from time to time and from place to place but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.
- (c) When a meeting is adjourned for 30 days or more, notice of the adjourned meeting shall be given as in the case of an original meeting.
- (d) Except as provided in **clause 16.3(c)** it shall not be necessary to give any notice of an adjournment or the business to be transacted at any adjourned meeting.

16.4. Voting Procedure

At any meeting a resolution put to the vote of the meeting shall be decided on a show of hands unless a poll is (before or on the declaration of the result of the show of hands) demanded by:

- (a) the chairman; or
- (b) a simple majority of Members.

16.5. Recording of Determinations

Unless a poll is demanded under **clause 16.4**, a declaration by the chairman that a resolution has on a show of hands been carried unanimously or by a particular majority; or lost, an entry to that effect in the book containing the minutes of the proceedings of the Association shall be conclusive evidence of the fact without proof of the number of the votes recorded in favour of or against the resolution.

16.6. Where Poll Demanded

If a poll is duly demanded under **clause 16.4**, it shall be taken in such manner and either at once or after an interval or adjournment or otherwise as the chairman directs and the result of the poll shall be the resolution of the meeting at which the poll was demanded.

16.7. Use of Technology

- (a) A Member not physically present at a General Meeting may participate in the meeting by the use of technology that allows that Member and the Members present at the meeting to clearly and simultaneously communicate with each other.
- (b) A Member participating in a General Meeting as permitted under **clause 16.7(a)** is taken to be present at the meeting and, if the Member votes at the meeting, is taken to have voted in person.
- (c) It is the responsibility of a Voting Member wishing to participate in a General Meeting by way of the use of technology for the provision of such technology and any associated costs with the use of such technology.
- (d) The use of technology shall be at the discretion of the chairperson.

17. VOTING AT GENERAL MEETINGS

17.1. Members Entitled to Vote

Each Member over the age of 15 years and entitled to vote as set out in the By-Laws shall have one vote at General Meetings which, subject to this Constitution, shall be exercised by that Member.

17.2. Casting Vote

The chairperson shall not have a casting vote at General Meetings. Where voting at General Meetings is equal, the motion will be lost.

18. PROXY AND DIRECT VOTING AT GENERAL MEETINGS

- (a) Proxy voting shall not be permitted at any General Meeting.
- (b) Unless otherwise determined by the Board there shall be no direct voting. If the Board determines that a matter be decided by direct vote it shall also determine the process by which such vote is undertaken - e.g. postal vote.

19. MANAGEMENT OF THE ASSOCIATION

The management of the Association shall be provided in the following manner:

19.1. The Club Council

- (a) The overall responsibility for the affairs of the Association shall be vested in the Club Council which shall consist of the Club President (Chairperson), Directors and voting Members as specified in **clause 8.1**.
- (b) The primary functions of the Club Council are to govern and provide leadership to the Association and its auxiliary organisations in accordance with the aims and objects of the Association, the law and this Constitution.
- (c) The Club Council shall also set strategic direction through the endorsement of strategic and business plans, approval of budgets, endorse all major capital expenditure, and approve constitutional changes.

19.2. The Board

The Board shall manage the affairs of the Association in accordance with **clause 21**.

19.3. The Executive Committee

- (a) The Executive Committee of the Club shall be the President, Deputy President, Director of Administration (Secretary), Director of Finance (Treasurer) and Club Captain.
- (b) The Executive Committee may, with approval of the Board, deal with items requiring prompt or urgent attention between the meetings of the Board.

19.4. Board and Committees

Boards, Special Committees and Sub-Committees may be established to assist in the management of specific portfolios and responsibilities of the Association, and shall regularly meet, report to and make recommendations to the Board.

19.5. Staff

Shall be as provided for in the By-Laws.

19.6. Order of Authority

Whilst it is accepted that the foregoing represent and act for and on behalf of the Association, the order of priority in relation to authority is:

The Council, the Board, the Executive Committee, the President and the Secretary.

20. EXISTING DIRECTORS

The members of the governing or managing body (by whatever name called) of the Association in place immediately prior to approval of this Constitution under the Act shall continue in those positions until the next Annual General Meeting following such approval, and thereafter the positions of the President and other Directors shall be filled, vacated and otherwise dealt with in accordance with this Constitution.

21. THE BOARD

21.1. Powers of the Board

Subject to the Act and this Constitution, the business of the Association shall be managed, and the powers of the Association shall be exercised, by the Board.

21.2. Composition of the Board

The Board shall comprise:

- (a) the President;
- (b) the Deputy President;
- (c) the Director of Finance (Treasurer);
- (d) the Director of Administration (Secretary);
- (e) the Club Captain; and
- (f) four (4) other Directors; who must all be Individual Members and who shall be elected under **clause 22**.

21.3. Portfolios

If the Board considers it appropriate, in order to further the Objects, it may allocate Directors to specific portfolios, with specific responsibilities, as determined at the discretion of the Board.

21.4. Right to Co-Opt

The Board may co-opt any person with appropriate experience or expertise to assist the Board in respect of such matters and on such terms as the Board thinks fit. Any person so co-opted shall not be a Director, and shall not exercise the rights of a Director, but shall act in an advisory role only.

21.5. Appointment of Delegate

- (a) The Board shall, from amongst its members, appoint a Delegate to attend general meetings of the Branch for such term as the Board determines, and otherwise in accordance with the Branch and SLSQ Constitution.
- (b) The Association must advise the Branch in writing of its Delegate.

22. ELECTION OF DIRECTORS

22.1. Nominations of Candidates

- (a) Nominations for candidates to be elected to the Board shall be called for by the Association at twenty-eight (28) prior to the Annual General Meeting.
- (b) When calling for nominations the Association shall also provide details of the necessary qualifications including the requirements under the Act and job description for the positions (if any). Qualifications and job descriptions shall be as determined by the Board from time to time.
- (c) Nominations of candidates for election as Directors (including the President) shall be:
 - i. made in writing, signed by two Members and accompanied by the written consent of the nominee (which may be endorsed on the form of nomination); and
 - ii. delivered to the Association not less than twenty-one (21) days before the date fixed for the holding of the Annual General Meeting
- (d) The Association shall send the nominations to the Members entitled to receive notice under this Constitution together with the agenda for that General Meeting.
- (e) Where there are no written nominations or insufficient nominations received as per **clause 22.1(c)**, nominations may be called for from the floor by the Chair. Such

nominees must be present or have provided written consent addressed to the Secretary;

- (f) The voting Members have the right to reject any nomination regardless of its validity.

22.2. Voting Procedures

Elections shall be conducted by secret ballot and otherwise by such means as is prescribed by the Board.

22.3. Term of Office of Directors

- (a) The President, Deputy President, Director of Administration (Secretary), Director of Finance (Treasurer), Club Captain and Directors shall be elected by the Members from amongst nominations submitted as set out in **clause 22.1** for terms of two (2) years. Subject to provisions in this Constitution relating to vacancies or removals, elected Directors shall commence from the conclusion of the Annual General Meeting at which the election occurred until the conclusion of the second Annual General Meeting following.
- (b) The President, Director of Administration (Secretary), Club Captain and half of the Directors shall be elected in each year of even number and the Deputy President, Director of Finance (Treasurer) and the other half of the Directors shall be elected in each year of odd number.
- (c) Should any adjustment to the term of Directors elected under this Constitution be necessary to ensure rotational terms in accordance with the Constitution, this shall be determined by the Board. If the Board cannot agree, it will be determined by lot. Elections to subsequent Boards shall then proceed in accordance with the procedures in these Rules with approximately half the elected Board members retiring each year.

23. VACANCIES OF DIRECTORS

23.1. Grounds for Termination of Office of Director

In addition to the circumstances in which the office of a Director becomes vacant by virtue of the Act, the office of a Director becomes vacant if the Director:

- (a) dies;
- (b) becomes bankrupt or makes any arrangement or composition with his creditors generally;
- (c) becomes of unsound mind or a person whose person or estate is liable to be dealt with in anyway under the law relating to mental health;
- (d) resigns his office in writing to the Association;
- (e) is absent without the consent of the Board from meetings of the Board held during a period of six (6) months;
- (f) without the prior consent or later ratification of the Members in General Meeting holds any office of profit under the Association;
- (g) is directly or indirectly interested in any contract or proposed contract with the Association and fails to declare the nature of his interest;
- (h) is removed by Special Resolution;
- (i) has been found to have breached the *Directors Agreement* attached in **Annexure A**.

- (j) has been expelled or suspended from membership (without further recourse under this Constitution or the SLSQ Constitution);
- (k) would otherwise be prohibited from being a director of a corporation under the *Corporations Act 2001 (Cth)*; or
- (l) would otherwise be prohibited from being a Responsible Person of a charity under the *Australian Charities and Not-for-profit Commission Regulation Act 2013 (Cth)*.

23.2. Remaining Directors May Act

In the event of a casual vacancy or vacancies in the office of a Director or Directors, the remaining Directors may act but, if the number of remaining Directors is not sufficient to constitute a quorum at a meeting of Directors, they may act only for the purpose of increasing the number of Directors to a number sufficient to constitute such a quorum.

23.3. Casual Vacancy

In the event of a casual vacancy in the office of any Director, the Board may appoint an eligible Member to the vacant office and the person so appointed may continue in office up to the conclusion of the Annual General Meeting at which the term of the previous appointee would have expired.

23.4. No Right of Appeal

A director has no right of appeal against their removal from office under this **clause 23**.

24. MEETINGS OF THE BOARD

24.1. Board to Meet

The Board shall meet as often as is deemed necessary and is required by the Act in every calendar year for the dispatch of business and subject to this Constitution may adjourn and otherwise regulate its meetings as it thinks fit. A Director may at any time convene a meeting of the Board within a reasonable time.

24.2. Decisions of Board

Subject to this Constitution, questions arising at any meeting of the Board shall be decided by a majority of votes and a determination of a majority of Directors shall be deemed a determination of the Board. All Directors including the chair shall have one vote on any question. The chairman may exercise a casting vote where voting is equal.

24.3. Directors may appoint an Alternate

- (a) Directors with voting powers may appoint an Alternate to act in their place at a Board meeting by formally advising the Secretary before the commencement of the meeting. The Alternate will have the rights and responsibilities of the appointor for the meeting only and for any adjournment that directly arises out of the said specified meeting.
- (b) The Alternate may only:
 - i. be selected from Members who either:
 - hold the deputy role to the appointor of the Alternate; or
 - where there is no deputy, are a Member with voting rights.
 - ii. act in regards to a physical meeting of the Board, that is an Alternate cannot participate in the provisions of **clause 24.4**.

24.4. Resolutions not in Meeting

- (a) A resolution in writing, signed or assented to by any form of visible or other electronic communication by all the Directors for the time being present in Australia shall be as valid and effectual as if it had been passed at a meeting of Directors duly convened and held. Any such resolution may consist of several documents in like form each signed by one or more of the Directors.
- (b) Without limiting the power of the Board to regulate its meetings as it thinks fit, a meeting of Board may be held where one or more of the Directors is not physically present at the meeting, provided that:
 - i. all persons participating in the meeting are able to communicate with each other effectively simultaneously and instantaneously whether by means of telephone or other form of communication;
 - ii. notice of the meeting is given to all the Directors entitled to notice in accordance with the usual procedures agreed upon or laid down from time to time by the Board or this Constitution and such notice specifies that Directors are not required to be present in person;
 - iii. in the event that a failure in communications prevents **clause 24.4(b)(i)** from being satisfied by that number of Directors which constitutes a quorum, and none of such Directors are present at the place where the meeting is deemed by virtue of the further provisions of this Clause to be held then the meeting shall be suspended until **clause 24.4(b)(i)** is satisfied again. If such condition is not satisfied within 15 minutes from the interruption the meeting shall be deemed to have terminated or adjourned; and
 - iv. any meeting held where one or more of the Directors is not physically present shall be deemed to be held at the place specified in the notice of meeting provided a Director is there present and if no Director is there present the meeting shall be deemed to be held at the place where the Chairman of the meeting is located.

24.5. Quorum

At meetings of the Board the number of Directors whose presence is required to constitute a quorum is a majority of the Directors.

24.6. Notice of Board Meetings

Unless all Directors agree to hold a meeting at shorter notice (which agreement shall be sufficiently evidenced by their presence) not less than seven (7) days oral or written notice of the meeting of the Board must be given to each Director.

24.7. Board Code of Conduct

The Board has adopted a *Code of Conduct*. Under the leadership of the Chairman, the Board is to be proactive in implementing the Association's Objects having regard to the requirements outlined in the Constitution and powers vested to determine and articulate the Club's values, vision and strategic direction.

The *Board Code of Conduct* is attached at **Annexure A**.

(a) Expectations of Directors

Directors are expected to:

- i. Meet fiduciary responsibilities as required under all relevant Commonwealth and state legislation and under common law.
- ii. Comply with the Club's, Branch, SLSQ and SLSA's constitution, by-laws, rules, regulations and policies.
- iii. Act honestly in the best interests of the Club as a whole, and not of those individual constituents.
- iv. Avoid conflicts of interest and to disclose immediately any actual or potential conflict.
- v. Develop strategic planning and direction of the Club including approving the business plan and budget, monitoring organisational performance and evaluating strategic results, and approving expenditure outside the approved budget and delegations.
- vi. Devote the necessary time to the performance of their duties including to review board papers prior to board meetings.
- vii. Interact with key stakeholders and members to inform them of achievements and to ensure that they have input into determination of strategic goals and direction.
- viii. Report back to the stakeholders at relevant forums through the Chair.
- ix. Monitor staff and organisational compliance with the relevant Commonwealth and state legislation and with the Club's own policies.
- x. Maintain the confidentiality of information they receive by virtue of being a Director of the Club.
- xi. Evaluate their collective effectiveness as a Board.
- xii. Not improperly use his/her position or misuse information of the Club.
- xiii. Commit the time necessary to discharge effectively his/her role as a Director.
- xiv. Understand the complexities of the sectors in which the Club operates together with those sectors' structure, operations, controls, regulatory obligations, current technology, types of transactions and political/economic environment in order to adequately assess the risks faced by the Club.

(b) Directors Limitations:

- i. The Directors report to the President (Chair) and are accountable for the performance of their duties as a Director.
- ii. The Directors are to work cooperatively with staff.
- iii. No Director is authorised to incur expenses or debts on behalf of the Club.
- iv. All Directors are expected to abide by the Club's policies, by-laws, regulations and directives.

(c) Vacation of Office

The reasons for the office of Director being automatically vacated are set out in **clause 23**. In addition, Directors are required to sign the *Directors Agreement* attached in **Annexure A**. Directors agree to resign from their position in the circumstances set out in the *Directors Agreement*.

24.8. Conflict of Interest

- (a) A Director who has a material personal interest in a matter being considered at a Board meeting must disclose the nature and extent of that interest to the Board.
- (b) A Director with such a material personal interest must not:
 - i. be present while the matter is being considered at the meeting; and
 - ii. vote on the matter.
- (c) A general notice that a Director is to be regarded as having a material personal interest in a matter being considered is sufficient declaration for such Director and the said matter. After such general notice it is not necessary for such Director to give a special notice relating to the said matter.
- (d) Any declaration made or any general notice as aforesaid given by a Director under this **clause 24.8** must be recorded in the minutes of the relevant meeting.
- (e) A Director is disqualified from:
 - i. holding any place of profit or position of employment in the Association, or in any company or incorporated association in which the Association is a shareholder or otherwise interested; or
 - ii. contracting with the Association either as vendor, purchaser or otherwise; except with express resolution of approval of the Board.
- (f) Any contract or arrangement in which any Director is in any way interested which is entered into by or on behalf of the Association without the approval of the Board, will be voided for such reason.
- (g) The nature of the financial interest of such Director must be declared by the Director at the meeting of the Board at which the contract or arrangement is first taken into consideration if the interest then exists, or in any other case at the first meeting of the Board after the acquisition of the interest.
- (h) A general notice that a Director is a Member of any specified firm or company and is to be regarded as interested in all transactions with that firm or company is sufficient declaration under **clause 24.8(g)** for such Director and the said transactions. After such general notice it is not necessary for such Director to give a special notice relating to any particular transaction with that firm or company.
- (i) Any declaration made or any general notice as aforesaid given by a Director in accordance with this rule must be recorded in the minutes of the relevant meeting.
- (j) A Director, notwithstanding the interest, may be counted in the quorum present at any meeting but cannot vote in respect of any contract or arrangement in which the Director is interested. If the Director votes, the vote shall not be counted.

25. BOARD GRIEVANCE AND DISPUTE RESOLUTION PROCEDURES

25.1. Responsibilities

- (a) It is the responsibility of the Chair to ensure that:
 - i. Board members are aware of this requirement; and
 - ii. Disputes are handled respectfully, confidentially, and in accordance with natural justice.

- (b) It is the responsibility of all Board Members that:
 - i. their usage of electronic media conforms to SLSQ Social Media policy; and
 - ii. they act in good faith and with diligence when a party to a Board dispute.

25.2. Processes

Subject to anything to the contrary contained within this Constitution and or By-Laws:

- (a) The parties to the Board dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.
- (b) If the parties are unable to resolve the dispute at such a meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
- (c) The mediator must be:
 - i. a person chosen by agreement between the parties; or
 - ii. in the absence of agreement, a person appointed by the Board.
- (d) A Member can be a mediator, but may not be a Member who is a party to the dispute.
- (e) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (f) The mediator, in conducting the mediation, must:
 - i. give the parties to the mediation process every opportunity to be heard; and
 - ii. allow due consideration by all parties of any written statement submitted by any party; and
 - iii. ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- (g) The mediator must not determine the dispute.
- (h) The mediation must be confidential and without prejudice.

25.3. Concluding Unresolved Grievances

- (a) If the mediation process does not result in the dispute being resolved, the directors involved are deemed to have resigned as directors. This concludes the dispute with no further recourse available through the Association's Grievance Policy provisions or within its By-Laws.
- (b) Any Director who has been deemed to have resigned due to an unresolved dispute is also deemed ineligible to continue in any role as an Officer that they held at the time of their deemed resignation as a director; and
- (c) Any Director who has been deemed to have resigned due to an unresolved dispute is eligible to be re-nominated for a director role at the next Annual General Meeting.

26. DELEGATIONS

26.1. Board may Delegate Functions

The Board may by instrument in writing create or establish or appoint from amongst its own members, or otherwise, special committees, sub-committees, individual officers and

consultants to carry out such duties and functions, and with such powers, as the Board determines.

26.2. Delegation by Instrument

The Board may in the establishing instrument delegate such functions as are specified in the instrument, other than:

- (a) this power of delegation; and
- (b) a function imposed on the Board by the Act or any other law, or this Constitution or by resolution of the Association in General Meeting.

26.3. Delegated Function Exercised in Accordance with Terms

A function, the exercise of which has been delegated under this clause, may whilst the delegation remains unrevoked, be exercised from time to time in accordance with the terms of the delegation.

26.4. Procedure of Delegated Entity

- (a) The procedures for any entity exercising delegated power shall, subject to this Constitution and with any necessary or incidental amendment, be the same as that applicable to meetings of the Board under **clause 24**.
- (b) The entity exercising delegated powers shall make decisions in accordance with the Objects, and shall promptly provide the Association with details of all material decisions and shall provide any other reports, minutes and information as the Association may require from time to time.

26.5. Delegation may be Conditional

A delegation under this clause may be made subject to such conditions or limitations as to the exercise of any function or at the time or circumstances as may be specified in the delegation.

26.6. Revocation of Delegation

The Board may by instrument in writing, revoke wholly or in part any delegation made under this clause, and may amend or repeal any decision made by such body or person under this clause.

27. BY-LAWS

27.1. Board to Formulate By-Laws

- (a) The Board may formulate, issue, adopt, interpret and amend such By-Laws for the proper advancement, management and administration of the Association, the advancement of the Objects and surf lifesaving in Nobby's Beach as it thinks necessary or desirable.
- (b) Such By-Laws must be consistent with the Constitution, the Branch constitution, the SLSQ constitution, the SLSA constitution and any regulations or by-laws made by the Branch, SLSQ or SLSA. If any By-Laws are inconsistent with the SLSQ or SLSA constitution and regulations the By-Laws shall be null and void and will be inapplicable.

27.2. By-Laws Binding

All By-Laws made under this clause shall be binding on the Association and Members of the Association.

27.3. By-Laws Deemed Applicable

All clauses, rules, by-laws and regulations of the Association in force at the date of the approval of this Constitution insofar as such clauses, rules, by-laws and regulations are not inconsistent with, or have been replaced by this Constitution, shall be deemed to be By-Laws under this clause.

27.4. Notices Binding on Members

Amendments, alterations, interpretations or other changes to By-Laws shall be advised to Members of the Association by means of Notices approved and issued by the Board.

28. FUNDS, RECORDS AND ACCOUNTS

28.1. Source of Funds

The Board will determine the sources from which the funds of the Association are to be or maybe derived and the manner in which such funds are to be managed.

28.2. Capital and Borrowings

Where the Board proposes to:

- (a) expend Association funds on capital expenditure over the sum of \$50,000.00; and/or
- (b) seek borrowings by the Association over the sum of \$50,000.00;

the Board must seek the approval of the Members in General Meeting to such expenditure and/or borrowings.

28.3. Association Records

- (a) The Association shall establish and maintain proper records and minutes concerning all transactions, business, meetings and dealings of the Association and the Board and shall produce these for verification at each Board or General Meeting.
- (b) Proper accounting and other records shall be kept in accordance with the Act. The books of account shall be kept in the care and control of the Board.
- (c) The Association shall retain such records for seven (7) years after the completion of the transactions or operations to which they relate.

28.4. Board to Submit Accounts

The Board shall submit to the Members at the Annual General Meeting the Statements of Account of the Association in accordance with this Constitution and the Act.

28.5. Accounts Conclusive

The Statements of Account when approved or adopted by an Annual General Meeting shall be conclusive except as regards any error discovered in them within three (3) months after such approval or adoption.

28.6. Accounts to be sent to Members

The Board shall cause to be sent to all persons entitled to receive notice of Annual General Meetings in accordance with this Constitution, a copy of the Statements of Account, the Board's report, the auditor's report (if any) and every other document required under the Act (if any) or shall give notice to such persons of the availability of such material through other sources (such as on the Club's website and/or noticeboard).

28.7. Negotiable Instruments

- (a) All monies shall be banked as soon as practicable after receipt thereof.
- (b) All amounts of one hundred dollars or over shall be paid by electronic transfer or by cheque signed or authorized by any two of the President, Director of Administration (Secretary), Director of Finance (Treasurer) or other Board member authorised from time to time by the Board.
- (c) Cheques shall be crossed "Not Negotiable" except those in payment of wages, allowances or petty cash recoupment which may be open.
- (d) The Board shall determine the amount of petty cash, which shall be kept on hand.
- (e) All the expenditure shall be approved or ratified at a Board meeting.
- (f) For probity reasons, payments shall not be authorised by any two Board Members who are currently involved in a personal relationship.

28.8. Members' Access to Books, Minutes and other Documents

- (a) Members may apply in good faith and for a proper purpose to the Board to access the financial records, books, securities and other relevant documents of the Association. Upon receiving such a request, the Board may, at its absolute discretion, decide to permit or refuse the request. If the Board permits the request, it may impose conditions upon the Member's access.
- (b) Members have no entitlement to access the minutes of Board meetings but may request access to such minutes of Board Meetings. Upon receiving such a request, (which must be made in good faith and for a proper purpose) the Board may, at its absolute discretion, permit or refuse the request.

29. AUDITOR

- (a) A properly qualified auditor or auditors shall be appointed by the Association at the Annual General Meeting. The auditor's duties shall be regulated in accordance with the Act, and in accordance with the *Australian Charities and Non-for-Profit Commission Act 2012* and the *Australian Charities and Non-for-Profit Commission Regulation 2013 (Cth)* for charities endorsed as Deductible Gift Recipients, and/or any applicable charity regulation. Whichever has the higher standard shall apply. The auditor may be removed by the Association at a Special General Meeting.
- (b) The accounts of the Association shall be examined and the correctness of the three key financial statements, being the statement of profit or loss and other income, the statement of financial position and the statement of cash flows, ascertained by an auditor or auditors at the conclusion of each Financial Year.

30. NOTICE

30.1. Manner of Notice

Notices may be given to any person entitled under this Constitution to receive any notice by sending the notice by pre-paid post or facsimile transmission or where available, by electronic mail, to the Member's registered address or facsimile number or electronic mail address.

- (a) Where a notice is sent by post, service of the notice shall be deemed to be effected by properly addressing, prepaying and posting the notice. Service of the notice is deemed to have been effected three (3) days after posting.

- (b) Where a notice is sent by facsimile transmission, service of the notice shall be deemed to be effected upon receipt of a confirmation report confirming the facsimile was sent to/or received at the facsimile number to which it was sent.
- (c) Where a notice is sent by electronic mail, service of the notice shall be deemed to be effected upon receipt of a confirmation report confirming the electronic mail message was received at the electronic mail address to which it was sent.

30.2. Notice of General Meeting

Notice of every General Meeting shall be given in the manner authorised in this Constitution.

31. SEAL

31.1. Safe Custody of Seal

The Board shall provide for safe custody of the Seal.

31.2. Affixing Seal

The Seal shall only be used by authority of the Board and every document to which the seal is affixed shall be signed by two (2) Directors.

32. INDEMNITY

32.1. Directors to be Indemnified

Every Director, officer, auditor, manager, employee or agent of the Association shall be indemnified out of the property or assets of the Association against any liability incurred by him in his capacity as Director, officer, auditor or agent in defending any proceedings, whether civil or criminal, in which judgement is given in his favour or in which he is acquitted or in connection with any application in relation to any such proceedings in which relief is, under the Act, granted to him by the Court.

32.2. Association to Indemnify Directors

The Association shall indemnify its Directors, officers, managers and employees against all damages and costs (including legal costs) for which any such Director, officer, manager or employee may be or become liable to any third party in consequence of any act or omission except wilful misconduct:

- (a) in the case of a Director or officer, performed or made whilst acting on behalf of and with the authority, express or implied of the Association; and
- (b) in the case of an employee, performed or made in the course of, and within the scope of his employment by the Association.

33. DISSOLUTION

Subject to **clause 5.6** and **clause 5.7**, the Association may be wound up in accordance with the provisions of the Act.

ANNEXURE A

DIRECTORS DECLARATION AND BOARD CODE OF CONDUCT

Under the leadership of the President (Chair), the Board is to be proactive in implementing the Club's Objects having regard to the requirements outlined in the Constitution and powers vested in the Board to determine and articulate Surf Lifesaving's values, vision and strategic direction.

1. The Club's Directors are expected to:

- Meet fiduciary responsibilities as required under all relevant Commonwealth and state legislation and under common law.
- Comply with the Club's, Branch, SLSQ and SLSA's constitution, by-laws, rules, regulations and policies.
- Act honestly in the best interests of the Club as a whole, and not of those individual constituents.
- Avoid conflicts of interest and to disclose immediately any actual or potential conflict.
- Develop strategic planning and direction of the Club including approving the business plan and budget, monitoring organisational performance and evaluating strategic results, and approving expenditure outside the approved budget and delegations.
- Devote the necessary time to the performance of their duties including to review board papers prior to board meetings.
- Interact with key stakeholders and members to inform them of achievements and to ensure that they have input into determination of strategic goals and direction.
- Report back to the stakeholders at relevant forums through the Chair.
- Monitor staff and organisational compliance with the relevant Commonwealth and state legislation and with the Club's own policies.
- Maintain the confidentiality of information they receive by virtue of being a Director of the Club.
- Evaluate their collective effectiveness as a Board.
- Not improperly use his/her position or misuse information of the Club.
- Commit the time necessary to discharge effectively his/her role as a Director.
- Understand the complexities of the sectors in which the Club operates together with those sectors' structure, operations, controls, regulatory obligations, current technology, types of transactions and political/economic environment in order to adequately assess the risks faced by the Club.

2. Directors Limitations

- The Directors report to the President (Chair) and are accountable for the performance of their duties as a Director.
- The Directors are to work cooperatively with staff.
- No Director is authorised to incur expenses or debts on behalf of the Club.
- All Directors are expected to abide by the Club's policies, by-laws, regulations and directives.

3. Deed of Indemnity and Access

The Club's Constitution indemnifies each Director to the fullest extent permitted by law. Each Director is entitled to a deed of indemnity, which shall include provisions relating to:

- access to Board papers;
- confidentiality;
- indemnity by the organisation; and
- the provision of Directors and Officers insurance.

4. Director's Declaration

If I am found by my fellow Directors acting reasonably and in good faith that:

- I have not upheld my duties and legal responsibilities as a Director.
- I have not acted in the best interests of the Club or of Surf Lifesaving.
- I have failed to follow a Board directive.
- I have breached the Constitution or other rules, by-laws, regulations or policies of the Club.
- I have at any time committed an anti-doping rule violation or otherwise contravened any anti-doping policy whether SLSA's or any other sporting body.
- I have been charged with or convicted of a crime.
- I have breached confidentiality.
- I have brought myself, Surf Lifesaving or the Club into disrepute as a result of my action or omission including any statement I may make.
- I have failed to enter into mediation of Board dispute in good faith, and subsequently failed to faithfully settle the dispute by mediation in the best interests of the Club and the Board.
- I have made disparaging comments about other Directors, the Board or the Club.
- I have acted in a manner prejudicial to the interests of the Club or Surf Lifesaving or unbecoming a Director of the Club.

I hereby agree that my position on the Board is no longer tenable and that I will submit my written resignation immediately.

Signed: _____

Print Director Name: _____

Witness: _____

Print Witness Name: _____

Date: _____



BY-LAWS [REGULATIONS]

NOBBYS BEACH SURF LIFE SAVING CLUB INCORPORATED

BY-LAWS

[November 2019]

PLEASE NOTE:

Where the matter is sufficiently covered in the Club's constitution, it is not mentioned in the By-Laws. Where the constitution is referenced in the By-Laws, it is specified by the term, **Clause**. Where the By-Laws reference themselves, the term used is **By-Law**.

These By-Laws do not include all SLSA or SLSQ policies, rules or regulations as these are available in Association Manuals and other published forms (hard copy and electronic on SLSA and SLSQ platforms).

Such policies, rules and regulations are created, reviewed and amended from time to time.

New or revised policies, rules and regulations are communicated by Bulletin or Circular, and published on SLSA or SLSQ platforms.

Companion

The Club must make available to the members its Constitution and By-Laws it should also provide them with all of its position statements, policies, procedures, guidelines, templates etc. either via the club's website, portal or a Member's Handbook. Club colours *(maybe best in the constitution so they can only be changed by special resolution)*

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NOBBY'S BEACH SURF LIFE SAVING CLUB INC.

PART 2

THE BY-LAWS

SECTION 1

The Constituents

BY-LAW 1.1 - EXECUTIVE OFFICERS

The Executive Officers shall be the President, Deputy President, Director of Administration (Secretary), Director of Finance (Treasurer), Club Captain.

BY-LAW 1.2 - BOARD OFFICER

The Board Officers shall be the President, Deputy President, Director of Administration (Secretary), Director of Finance (Treasurer), Club Captain, Director of Surf Sports (Surf Sports Officer), Director of Junior Development (Junior Activities Officer), Chief Training Officer and Director of Communication & Partnerships

- a) The above Executive and Board Officers shall be elected at the Annual General Meeting as provided for in the constitution and shall be elected for terms of 2 years.
- b) The President, Director of Administration (Secretary), Director of Surf Sport, Director of Communication & Partnerships, will be elected in each even numbered year
- c) The Deputy President, Director of Finance (Treasurer), Club Captain, Director of Junior Development and Chief Training officer will be elected in each odd numbered year.

BY-LAW 1.3 - OTHER OFFICERS

- a) All or any of the following officers, may be elected annually at the Annual General Meeting viz.: IRB Officer, Surf Boat Officer, Board & Ski Officer, Gear & Equipment Officer, First Aid Officer, Clubhouse Director, Sponsorship & Marketing Officer, Membership & Recognition Officer, Communications Officer, Team Manager, Vice-Captain. All or any of the following officers may be appointed by the Council or Management Committee from a submitted recommendation detailing relevant qualifications to fulfil the requirements of the role viz.: Safety Officer, Member Protection & Welfare Officer, Digital Marketing & Media Coordinator.

Nominations for Junior Activities Officer shall be subject to endorsement by the Junior Activities Committee, refer to By-Law 4.18.

The Grievance Officer shall be appointed by the Club Council from a recommendation submitted by the Management Committee, refer to By-Law 4.22.

- b) Officers, may be appointed as deputies to Executive and Management Officers (with the exception of the President & Deputy President, Junior Activities Officer & Deputy Junior Activities Officer) by the respective subordinate committees that they chair (refer section 6 of By-Laws) and may attend Management Committee meetings without voting rights for specific agenda items on approval of the meeting Chairman. These Officers may attend and act as proxies in Management Committee meetings in the absence of the Officer for whom they act as deputy. Officers appointed as deputies to Executive or Management Officers must be approved by the Management Committee.
- c) The Club shall appoint (by invitation) at its Annual General Meeting, the Club Auditor, Club Legal Advisor and such other Technical Advisors and consultants considered necessary by the Club.
- d) The Club shall appoint Patron(s) (by invitation) at its Annual General Meeting
- e) The Management Committee shall define and appoint from members of the Club various Assistants to assist the Officers of the Club to fulfil their responsibilities and perform tasks required for the operations of the Club. Club Assistants may attend and vote at the respective

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subordinate committee meetings as defined in section 6 of these By-Laws if approved by the respective committee and Management Committee. The appointment of all Assistants shall be ratified by the Management Committee.

BY-LAW 1.4 - LIFE MEMBERS

Life Members of the Club shall be entitled to attend Council Meetings and hold Office if elected 1/C/2. Life Members shall receive special recognition, for example, a Life Members' badge (Appendix G) and/or certificate and be afforded special privileges to acknowledged Life Member status.

BY-LAW 1.5 - MEMBERS

- a) Membership may be granted to any applicant in any category, subject to the Constitution and By-Laws of the Club and the Association and having completed the prescribed Association Form and submitted the required fee.
- b) Membership shall be limited by category qualifications 1/B/1.1 and/or the adequacy of Clubhouse facilities to cope with the existing situation.

BY-LAW 1.6 - BRANCH COUNCILLOR

The Club President shall be the Branch Councillor and a member of the Branch Council, and an Alternate shall be appointed from the Executive Officers of the Club to act as proxy should the need arise.

BY-LAW 1.7 - AUXILIARY ORGANISATIONS

Auxiliary Organisations may be formed as Authorised in 1/A/2.2 provided that the Constitution and activities of such organisations are subject to the approval of the Club and further provided that delegate representation to and from such organisation shall be as determined by the Club from time to time.

SECTION 2

Conditions Pertaining to Officers and Members

BY-LAW 2.1 - OFFICERS

- a) Officers of the Club shall be elected from the members of the Club.
- b) The Executive Officers of the Club shall be the President, Deputy President, Director of Administration (Secretary), Director of Finance (Treasurer), Club Captain, and nominees for these positions may first require an interview by a small panel of Life Members and or selected Club Officers with respect to the applicable work role, the applicants ability and availability to carry out duties of the office for which the nomination is received.
- c) The Board Officers of the Club shall be the President, Deputy President, Director of Administration (Secretary), Director of Finance (Treasurer), Club Captain, Surf Sports Officer, Junior Activities Officer, Chief Training Officer and Cadet/Youth Officer.
- d) Only current proficient Surf Bronze Medallion awardees shall be eligible for election to the following positions; Club Captain, Chief Training Officer, Surf Boat Officer, Board & Ski Officer, IRB Officer, Cadet/Youth Officer and deputies to these positions.
- e) Officers of the Club shall be required to understand the needs of the Club and their legal responsibilities as Officers. Club Officers owe a fiduciary duty to the Club and shall exercise their rights and powers in good faith and for the benefit of the Club.
- f) Officers shall comply with the following principle statutory and common law duties:
- (i) to act honestly and in good faith in the interests of the Club;
 - (ii) to exercise a degree of care, skill and diligence that a reasonable person in a like position would exercise in the Club's circumstances;
 - (iii) to exercise powers honestly and for the purposes for which they were conferred and not for collateral purposes;
 - (iv) to avoid any actual or potential conflict between their obligations owed to the Club and their personal interests and other duties;
 - (v) to keep confidential information obtained, and not to disclose advantage or business opportunities acquired, in the course of that office;
 - (vi) to prevent insolvent trading by the Club.
- g) Interests:
An Officer shall not hold any place of profit or position of employment within the Club, or in any company or incorporated association in which the Club is a shareholder or otherwise interested, or from contracting with the Club either as a vendor, purchaser or otherwise except with the express resolution or approval of the Club Council. Any such contract or arrangement entered into by or on behalf of the Club in which an Officer is in any way interested will be voided for such reason.
- h) Disclosure of interests:
The nature and interest of an Officer must be declared by such person at the meeting at which the contract or arrangement is first taken into consideration if the interest exists or in any other case at the first meeting of the Council after the acquisition of the interest. If an Officer becomes interested in a contract or arrangement after it is made or entered into, the declaration of the interest must be made at the first meeting of the Council or Management Committee held after the Officer becomes so interested.
- i) General Disclosure:
A general notice that an Officer is a member of any specified firm or company and is to be regarded as interested in all transactions with that firm or company is sufficient declaration.

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After such general notice it is not necessary for such Officers to give a special notice relating to any particular transaction with that firm or company.

j) Recording Disclosures:

It is the duty of the Director of Administration (Secretary) to record in the Minutes any declarations made.

k) Conflicts:

An Officer notwithstanding an interest, may be counted in the quorum present at any meeting, but cannot vote in respect of any contract or arrangement in which the Officer is interested.

An Officer shall not sign a document where the Officer is interested in the contract or arrangement to which the document relates.

BY-LAW 2.2 - DUTIES AND PRIVILEGES OF MEMBERSHIP

- a) All financial members shall have access to all Club facilities.
- b) All financial Active, Long Service, Active Reserve, Life Members and Officers shall have the right to attend and vote at the Annual General Meeting, General Meetings and Special General Meetings of the Council. Award and Past Active members may be given voting rights if approved and minuted by the Club. All other members may attend such meetings but have no voting rights.
- c) All Active and Cadet Members may apply in writing for leave of absence from their duties, stating the reasons and time for such leave.
- d) All members shall abide by the Constitution, By-Laws and Rules of the Club and the Association.

BY-LAW 2.3 - RENEWAL OF MEMEBERSHIP

- a) Members shall apply annually for renewal of membership by submission of the prescribed Association Form and payment of the prescribed fee.
- b) Should the application for renewal of membership be refused the member shall have the right of appeal, in writing through the Director of Administration (Secretary).
- c) For a member to be eligible to vote at the Annual General Meeting he shall be required to be a current financial member.
- d) Any member who fails to renew his subscription by the required date shall lose all rights and privileges in the Club and shall cease to be a member. In these circumstances application for membership reacceptance is permitted, provided the prescribed form is submitted, accompanied by the current fees, and further provided that the relevant Committee shall have the sole right to grant or refuse such application.

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SECTION 3

Meetings

(Refer to Appendix 'B')

BY-LAW 3.1 - ANNUAL GENERAL MEETING

- a) The Annual General Meeting of the Club shall be held prior to the Annual General Meeting of the Branch on a date determined by the Council. The purpose of such a meeting shall be the presentation and adoption of the Annual Report and Financial Statement, the Election of Officers for the ensuing year, to deal with Notices of Motion correctly moved and to transact general business. The Annual General Meeting shall be held at least one (1) week before the Branch Annual General Meeting.
- b) Written notice of the meeting shall be forwarded to each member at least 30 days prior to the meeting and the posting of such notice shall be deemed as notice received.

The order of Business shall be:-

- Recording of attendance and apologies
 - Confirmation of the previous Annual General Meeting Minutes
 - Presentation and adoption of the Annual Report and Financial Statements
 - Election of Officers
 - Endorsement of Branch Councillor (Club President)
 - Endorse Junior Activities Committee
 - Endorse Finance, Building, House, Social or any other Committees
 - Election of Life Members (if any)
 - Notices of Motion
 - General Business
- c) All members may attend and participate as determined by the Chairman but voting rights are as General Meetings of the Club or Council are to be held as required for the benefit of the Club and the Members. The meeting shall follow the Management Committee meeting format provided that all Members, may ask questions and expect competent answers.

BY-LAW 3.2 - GENERAL MEETINGS

General Meetings of the Club or Council are to be held as required for the benefit of the Club and the Members. The meeting shall follow the Management Committee meeting format provided that all Members, may ask questions and expect competent answers.

BY-LAW 3.3 - SPECIAL GENERAL MEETINGS

- a) A Special General Meeting of the Club or Council may be summoned by resolution carried at a Council or Management Committee Meeting, or by direction of the President, or a written requisition of not less than 1/3 of the members of the Council.
- b) Special General Meetings of the Club or Council shall be called as directed in 1/E/2.6 to deal with Special Business only as detailed in the Notice of the Meeting.
- c) Such meeting shall be held within 21 days of receipt of such request or directive and at least 9 clear days notice on the Club notice board shall be given stating the business to be discussed. The quorum and time limit for such a meeting shall be as detailed 1/E/2/3/4/5.

BY-LAW 3.4 - MANAGEMENT COMMITTEE MEETINGS

- a) The Management Committee shall comprise those Officers and members as listed in 1/B/10.2.
- b) The Committee shall meet at least once in every two calendar months and the Meeting dates shall be determined at the first Meeting of the Committee and placed on the notice board at least 9 days prior to each meeting.

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- c) Should any member of the Committee absent himself without satisfactory reason for two (2) consecutive meetings, his office shall be declared vacant and the position filled in accordance with 1/C/1. Any appeal by the member against the Committees decision shall be in accordance with 1/C/1.7.

The order of Business shall be:-

- Apologies and Proxies
 - Confirmation of Previous Minutes
 - Business arising out of Minutes
 - Correspondence
 - Finance
 - Membership
 - Delegates' Sub-Committee's and other Reports
 - Notices of Motion
 - General Business
- d) The responsibility of the Management Committee shall be managing the day to day business of the Club, and the allotment of items to Boards, Committees and/or staff.
- e) Issues relating to major policies, constitutional change, incorporation responsibilities and authority, or major financial borrowings and strategic issues shall be referred to the Club Council.

BY-LAW 3.5 - OTHER COMMITTEE MEETINGS

Other Committees shall meet and operate in the area for which they are specifically created at times and places as required or as decided by the Executive or Committee Chairman.

SECTION 4

Duties of Officers and Others

BY-LAW 4.1 - THE PRESIDENT shall –

- a) be the nominal head of the Club and shall be a member ex-officio of all Committees;
- b) be chairperson of the Council, Management and Executive Committee meetings;
- c) preside at all meetings of the Club and shall exercise his authority by generally supervising the affairs of the Club in conjunction with the Executive and Management Committees;
- d) when presiding at a meeting, have a deliberative and a casting vote;
- e) have unlimited authority on every question of order, only to what is equitable and just in the circumstances;
- f) be the Club representative on the Branch.

BY-LAW 4.2 - THE DEPUTY PRESIDENT shall –

- a) assist the President and shall deputise for him in his absence and shall carry out special assignments as directed by the President or the Executive Committee.
- b) be chairperson of the building committee

BY-LAW 4.3 - THE CAPTAIN shall –

- a) be chairperson of the Lifesaving Committee;
- b) be responsible for the conduct and discipline of all Active Members in all Club matters, and the general education of Members in Surf Life Saving;
- c) arrange patrols and conferences with Patrol Captains during the season to discuss suggestions and observations made by him or them regarding the general efficiency of the Club in Surf Life Saving, refer to Appendix C;
- d) have the power to refuse the use of Club gear or property to any person;
- e) call upon any members to perform such duties as he deems necessary in the interests of the Club;
- f) be an ex-officio member of Sub-Committees associated with his or her duties.

BY-LAW 4.4 - THE DIRECTOR OF ADMINISTRATION (SECRETARY) shall –

- a) be chairperson of the Planning & Administration Committee;
- b) keep a register of all Members and an up-to-date record of their addresses, and shall file all Application Forms whether or not the nominees have been accepted;
- c) forward notices of all meetings and the business to be transacted thereat to Members in accordance with the By-Laws;
- d) record and keep Minutes of all Annual General, General, Special General, Management Committee, and Executive Committee Meetings;
- e) conduct the correspondence of the Club and be responsible for the custody of all documents and instruments of Incorporation belonging to the Club and for the disposition thereof;
- f) be responsible for the drafting of the Annual report to be submitted to the Management Committee for approval before printing and circulation to all Members at least seven (7) days prior to the Annual General Meeting;
- g) carry out all duties arising from decisions of Annual, Special, General and/or Committee Meetings

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BY-LAW 4.5 - THE DIRECTOR OF FINANCE (TREASURER) shall –

- a) be the chairperson of the Finance & Property Committee;
- b) receive all monies on behalf of the Club and shall issue receipts for same and shall be responsible to the Management Committee for such monies. All monies received on behalf of the Club shall be banked within four (4) days of receipt thereof and all payments over \$100 shall be made by cheque;
- c) keep the necessary records as required by the relevant Government Act, viz., a receipt book to acknowledge collections, a cheque book issued by the Club's bankers for the purposes of payments, and a Ledger to record income and expenditure. Details of cheque payments are to be recorded by the Director of Finance (Treasurer), and duly presented to a meeting as set out in 1/0/2/5. The Director of Finance (Treasurer) shall ensure that the annual audited statement, applicable statements and returns are submitted to SLSQ and/or the relevant Government Department, as and when required.
- d) at each Management Committee Meeting, present a report relating to the Club's finances, showing details of receipts and expenditure since the presentation of the previous report and shall produce the Bank statement together with a reconciliation statement, showing the balance as the debit or credit of the Club's finances.

BY-LAW 4.6 - THE SURF SPORTS OFFICER shall –

- a) be the Chairperson of the Surf Sports Committee;
- b) be responsible for overseeing and co-ordinating all programs and activities relating to surf sports.

BY-LAW 4.7 - THE CHIEF TRAINING OFFICER shall –

- a) arrange classes of Instruction and prepare all Probationary Members for award examinations;
- b) arrange a drill roster and deputise other qualified and trainee-Training Officers to assist in the preparation of such Probationary Members;
- c) arrange for the training and preparation of all Members for inter and intra Club competition as per the Competition Manual;
- d) maintain an up-to-date knowledge of the latest methods of Surf Life Saving and the Training Manuals and impart such knowledge to all qualified Club Training Officers.
- e) Chief Training Officer shall hold a current Training Officer's Certificate.
- f) at all times be subject to the direction of the Club Captain
- g) be the Chairperson of the Education Committee.

BY-LAW 4.8 - THE CADET/YOUTH OFFICER shall –

- a) be chairperson of the Youth & Cadet Development Committee;
- b) be responsible for promoting and delivering developmental programs, mentoring programs and other activities for youth members (generally 14 years to 18 years including Cadet members);
- c) oversee youth and Cadet recruitment and retention programs/ activities within the club;
- d) be responsible for the supervision of and liaising with members making the transition from Junior Activities Membership and/or for those new members joining the Club under the Cadet or Junior Active Membership category
- e) provide educational and other worthwhile experiences in a wide range of subjects and skills for cadet and youth members;
- f) promote cadet and youth members' participation in development camps and leadership programs and camps;

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- g) pursue any issues of benefit to the safety and enjoyment of cadet and youth members;
- h) foster the recognition of the important role cadet and youth members play within the Club.
- i) assist with the enhancement of membership recruitment and retention through the youth and cadet age levels;
- j) be a member of the Club Management Committee;

BY-LAW 4.9 - THE JUNIOR ACTIVITIES OFFICER shall -

- a) be chairperson of the Junior Activities Committee;
- b) be responsible for the conduct and co-ordination of all matters relating to Junior Activities, refer to Appendix F;
- c) in conjunction with the Club Captain and Chief Training Officer provide for Junior Members, an education experience in a wide range of subjects and skills within the aquatic/marine environment;
- d) prepare junior members (Nippers) for their eventual transition to the marine and patrol environment of Surf Life Saving;
- e) participate in all such activities;
- f) be a member of the Club Management Committee;

Note: Where the Club appoints a Committee to manage Junior Activities act as its Chairman and shall be responsible for the conduct of that Committee and its activities refer to Appendix F.

BY-LAW 4.10 - THE SPONSORSHIP & MARKETING OFFICER shall –

- a) be instrumental in obtaining sponsorship & exploring the possibilities of same for the club.
- b) at all times work with the Management Committee and all the other members of the club in promoting the club, it's achievements and objectives to SLSQ, SLSA and the general public.
- c) at all times stay in contact with our current sponsors and benefactors, with the intention of ensuring their continuing sponsorship.
- d) at all times be accountable to the Management Committee and prepare a monthly report to be submitted to the monthly Management Committee meetings outlining past and planned actions, including results obtained and planned results

BY-LAW 4.11 - THE SURF BOAT OFFICER shall –

- a) be responsible for the care, maintenance and housing of the surf boat(s) and all gear appertaining thereto, refer to Appendix E/2;
- b) at all times be subject to the direction of the Surf Sports Officer;
- c) be responsible for the training and supervision of all surf boat crews in consultation with the Surf Sports Officer.

BY-LAW 4.12 - THE IRB OFFICER shall –

- a) be a qualified IRB Driver;
- b) at all times be subject to the direction of the Club Captain;
- c) be responsible for the care, maintenance and housing of Club IRB refer to Appendix E/3;
- d) be responsible for the training, rostering and supervision of all IRB Drivers and Crew in consultation with the Club Captain.

BY-LAW 4.13 - THE BOARD & SKI OFFICER shall –

- a) be responsible for all the Club's boards & skis and its orderly housing;

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- b) be responsible for the housing of boards & skis belonging to members, refer to Appendix E/1;
- c) in consultation with the Captain and Surf Sports Officer permit or prohibit the use of any Club craft or Association gear;
- d) assist in the selection and the supervision of the training of individuals and or teams board & ski competitors;
- e) in consultation with the relevant Team Manager, be responsible for the transport to and from carnivals of Club boards & skis;
- f) maintain Club boards & skis in a serviceable condition.
- g) at all times be subject to the directions of the Surf Sports Officer in the first instance, then at the directions of the Club Captain.

BY-LAW 4.14 - THE COMMUNICATIONS OFFICER shall –

- a) be a qualified Radio Officer;
- b) at all times be subject to the directions of the Club Captain;
- c) be responsible for the care, maintenance and availability of serviceable radio equipment;
- d) be responsible for training and rostering of members and the radio communications requirements of the Club.

BY-LAW 4.15 - THE GEAR & EQUIPMENT OFFICER shall -

- a) be responsible for all the lifesaving gear (with the exception of boards & skis, surf boat or its gear) belonging to the Club, refer to Appendix E;
- b) keep all such gear in good repair and condition, and report to the Club Captain any damage which he is unable to repair. Any expense shall require the approval of the Management Committee;
- c) at the request of the Captain, prepare gear, other than Boats and Craft, required for carnivals and competitions of all kinds and be responsible for its transport to and from such carnival or competitions;
- d) for the purpose of implementation of such duties and with the approval of the Captain, have power to call on the services of any member.
- e) at all times be subject to the directions of the Club Captain.

BY-LAW 4.16 - THE FIRST AID OFFICER shall –

- a) possess a current SLSA First Aid Award and be responsible for fostering high standards for first aid treatment and liaise with other accredited First Aid organisations eg. St. John and Red Cross.
- b) maintain adequate stocks of approved first aid material and equipment provided that he or she must first obtain the approval of the Committee for the purchase of materials;
- c) maintain the first aid room in a clean and orderly condition and for the purpose, may, with the approval of the Captain, call on the services of any member;
- d) organise and arrange instruction for First Aid Awards in conjunction with the Association;
- e) keep a record of names and addresses of patients treated for major first aid and also a record of the number of patients treated for minor first aid;
- f) at all times be subject to the directions of the Club Captain.

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BY-LAW 4.17 - THE SAFETY OFFICER shall –

- a) ensure the Surf Club health and safety and rehabilitation systems are up to date, implemented and monitored in all areas within the Club;
- b) implement and oversee risk management procedures;
- c) set up, implement and monitor injury reporting system;
- d) carry out investigations of Surf Club workplace incidents;
- e) set up, implement and monitor OHS education and training systems;
- f) implement systems to review workplace stress and critical incidents;
- g) implement rehabilitation and 'return to life saving' procedures;
- h) attend a Safety Officers training course where directed by the Management Committee;
- i) liaise with Clubhouse Director on safety matters concerning the Clubhouse;
- j) be accountable to and appointed by the Management Committee;
- k) be a member of the Building Committee

BY-LAW 4.18 - THE CLUBHOUSE DIRECTOR shall –

- a) be responsible for the general conduct of Members in accordance with the Clubhouse Rules, the Club By-Laws and Appendix D;
- b) liaise with the Management Committee when necessary to review the overall position of the Clubhouse, catering and accommodation.

BY-LAW 4.19 - THE MEMBERSHIP & RECOGNITION OFFICER shall –

- a) keep a register of all Members, and make any necessary notation thereon from time to time in consultation with administration staff;
- b) keep a register of all examinations and inter and intra-club competition results, together with a register of all patrol activities, including rescues effected and patients treated for first-aid in consultation with administration staff and club captain;
- c) coordinate with the management committee on matters of member recognition and meritorious awards, at all levels of the association;
- d) in consultation with the Director of Administration (Secretary), conduct exit surveys of club members who have discontinued their membership
- e) assist the Member Protection and Welfare officer in member relations matters.
- f) in consultation with the Youth/Cadet Officer, assist in the coordination of events, functions, programs and other member development initiatives for all members.
- g) coordinate recruitment and retention programs for members across the whole club.
- h) be a member of the Club Recognition & Awards Committee

BY-LAW 4.20 - THE CLUB TEAM MANAGER shall –

- a) prepare and present to the Surf Sports Committee, a budget for each competition attended and the associated team being managed;
- b) be responsible for any outfitting and funding in excess of provision made by the Club Management Committee;
- c) submit reports regularly to the Surf Sports Committee including competition results;
- d) be responsible for the assembly (after selection), transport, accommodation and general behaviour of the team;

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- e) in the case of large financial commitment submit a statement with receipts and invoices within thirty (30) days after the completion of the events;
- f) maintain an up-to-date knowledge of the SLSA Competition Manual and associated bulletins or circulars;
- g) represent the Club at all official briefings at competitions and events (or nominated proxy);
- h) coordinate other club sectional or discipline team managers (and where necessary manage and/or provide guidance to them and/or other associated team personnel – e.g. logistics, officials, water safety personnel);
- i) report to the Surf Sport Officer, liaise with safety officer on matters pertaining to safety and liaise with members of the surf sports committee on matters pertaining to team management and competitions;
- j) be a member of the surf sports committee;

BY-LAW 4.21 - VICE-CAPTAIN

- a) assist the Club Captain and shall deputise for him in his absence and shall carry out special assignments as directed by the Club Captain or the Executive Committee.
- b) Be responsible for patrol rostering in consultation with the Club Captain and Chief Training Officer

BY-LAW 4.22 - THE BRANCH COUNCILLOR (OR ALTERNATE)

- a) The Branch Councillor shall be the Club President and shall:
 - (i) attend all Branch Council Meetings as the elected Club representative on that body,
 - (ii) act as liaison between the Branch and the Club and fully and regularly report to the Club in writing or in person on the Branch activities.
 - (iii) Appoint an Executive Officer as proxy as and when required.

BY-LAW 4.23 - THE GRIEVANCE OFFICER shall:

- a) be appointed by the Club Council from a recommendation submitted by the Management Committee;
- b) attend to all matters referred to him/her by the Club President;
- c) determine (in consultation with State Centre CEO or Appointee) matters relating to grievances, harassment, equity and the like;
- d) as soon as practicable after receiving a reference, meet with, or discuss the issue with the aggrieved party/parties, and take whatever steps and conduct whatever investigations as necessary to determine if the grievance is legitimate, include a requirement of members to provide a statement or report;
- e) refer it to the Club/Branch President who must then action the grievance within a reasonable time but no longer than three (3) months;
- f) if the grievance is determined to be not legitimate, advise the aggrieved party/parties accordingly;
- g) if unable to resolve a grievance or the grievance is considered to be of a very serious nature, he/she shall report the grievance to the Club President/Judiciary for action;
- h) keep all information surrounding the circumstances of a grievance confidential, and communicate such information only to the Club President/Judiciary and/or an appropriate enforcement body following written authority from the Club President/Judiciary.

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BY-LAW 4.24 - THE MEMBER PROTECTION & WELFARE OFFICER shall:

- a) be appointed by the Club Council from a recommendation submitted by the Management Committee;
- b) be responsible for reporting on and dealing with all member issues within the Club in consultation with the President and Club Captain;
- c) report to the Membership Committee and as required to the Board of Management;
- d) attend to all member related matters referred by the Club President, Club Captain or other senior officers in a confidential manner;
- e) maintain current information on Local, State and Federal policies relating to discrimination, harassment, equity and other member related matters;
- f) implement Club Policy and monitor that all members are complying with Surf Life Saving Australia's Membership Protection Policy;
- g) shall have/obtain relevant qualifications suitable to the role (such as ASC MPIO and/or ASC Complaints Handling);
- h) develop and implement approved Club Policy for Member welfare which incorporates process for managing grievances, harassment, equity, discrimination and other member welfare matters; and
- i) provide counselling and support services to members as required and in consultation with the Branch, SLSQ or SLSA where appropriate;
- j) work in close liaison with the club executive officers, staff, the safety officer and the grievance officer in matters relating to the role.

BY-LAW 4.25 - THE DIGITAL MEDIA & MARKETING COORDINATOR shall -

- a) be appointed by the Club Council from a recommendation submitted by the Management Committee;
- b) oversee and promote the management of content on the club's website, social media and publicity sector in consultation with the Media & Public Affairs Coordinator, staff, and Management Committee;
- c) work with various club operations committees and officers in promoting content and marketing campaigns that are relevant to that committee's progression within the club;
- d) ensure all club committees are provided the equivalent amount of promotion unless directed otherwise by the management committee;
- e) assist the Management Committee and staff in digital promotion of the Surf Lifesaving Club, Club Sponsors, Stakeholders, Local Government and Lifesaving pathway programs;
- f) ensure publications of any matter have the approval of the necessary officers as provided by club policy, matters of a contentious nature, must have the approval of at least the Executive Committee;
- g) have a high level of competency in relevant technology platforms/tools utilised by the Club including but not limited to UX & graphic design, full stack web development (inc. programming knowledge), social media platform administration (including page & group/channel management, advertising), online marketing & advertising.
- h) be responsible for Club publicity releases through the press, radio, television, digital platforms and other means in consultation with staff, and the Director of Administration (Secretary);
- i) liaise with any Club Office Bearer pertaining to articles of public interest*;
- j) promote and enhance the profile of the Club, through media releases and internal member notices as directed by the Management Committee;

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- k) ensure no press or media statement of any type is to be released to the public media domain, before it is approved by the President, the Director of Administration (Secretary) or Management Committee taking into account that it will not be in conflict with the SLSA and SLSQ media policies or Code of Conduct;
- l) ensure publications of any matter must have the approval of the necessary officers as provided by club policy, matters of a contentious nature, must have the approval of at least the Executive Committee;
- m) provide advice to club operations committees on ways to ensure volunteers are being communicated to and satisfied within the Clubs different areas of operations and activities;
- n) direct questions and queries from the public to the relevant club officer/s and respond on their behalf when permissible and in consultation with administration;
- o) functional reporting to the Director of Administration (Secretary);
- p) have a high level of competency in relevant technology platforms/tools utilised by the Club including but not limited to UX & graphic design, full stack web development (inc. programming knowledge), social media platform administration (including page & group/channel management, advertising), online marketing & advertising;
- q) be accountable to the Management Committee.

SECTION 5

Staff & Employees

BY-LAW 5.1 - STAFF APPOINTMENTS

The Management Committee, pursuant to 1/D/4 may appoint an Administrator and/or other paid employees for specific assignments.

BY-LAW 5.2 - THE ADMINISTRATOR

The Administrator is a paid Officer position and subject to the provisions of the Constitution 1/B/3.6(a) and to the directions from time to time of the Council, Management Committee and Executive, he/she shall:

- a) carry out and implement all decisions of the Council Meetings, the Management Committee and the Executive and within the scope of such decisions use his/her best endeavours to further the policies of the Club and the advancement of Surf Life Saving;
- b) co-ordinate the activities of the Club Officers and assist wherever possible or as directed;
- c) attend meetings and act as Minute Secretary for all Council General or Special Meetings as well as the Executive and Management Committee Meetings;
- d) be responsible to the President on matters of day to day routine business;
- e) be available at all reasonable times for consultation with and assistance in matters which are within the jurisdiction of the Club to the Officers and members;
- f) maintain close contact with Branch and the State levels of the Association including regular visits provided that he/she shall inform the Committee of proposed visits;
- g) approach and develop Club donors and sponsors with the assistance of the Executive Officers, and oversee all fund raising activities as directed by the Management Committee;
- h) in all aspects of his/her activities observe and comply with existing procedures of the Club as regards correspondence and communications;
- i) prepare and issue notices and agendas for General Meetings of the Council, the Management Committee and the Executive;
- j) attend to the preparation and presentation of the Annual Report, or any other prepared matter for Club distribution.

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SECTION 6

Committees

BY-LAW 6.1 - GENERAL

- a) Composition and membership shall be as prescribed in the respective By-Laws.
- b) Membership may be drawn from members of the Club.
- c) A member appointed to a Committee shall retain his appointment only whilst he retains his membership of the Club: provided that the Council may, at its discretion, remove any member from membership of a Committee.
- d) In the event of the absence of the Chairman from any meeting the meeting shall appoint one of its members to act during such absence.
- e) It shall be the duty of the Club Director of Administration (Secretary) to refer for consideration and recommendation all matters as properly relate to the jurisdiction of each Committee.
- f) In the event of any matter coming within the jurisdiction of two or more Committees, the President may direct such Committees to jointly consider and report and/or recommend to the Management Committee thereon.
- g) Unless specified otherwise in these By-laws, a quorum for a meeting of a Committee shall be a simple majority of the members thereof.
- h) A Committee may, at its discretion, co-opt the services of any member of the Club or other person to assist in its deliberations, but such co-opted member or person shall have no voting rights, except as may be determined by the Committee.
- i) Reports and recommendations of the Committees shall be presented in writing to the Director of Administration (Secretary) or appointing body.

BY-LAW 6.2 - LIFESAVING COMMITTEE

- a) The Lifesaving Committee shall comprise the Club Captain (Chairman), Vice-Captain, Chief Training Officer, Patrol Captains, IRB Officer, First Aid Officer, Communications Officer, Gear & Equipment Officer and other Officers or Assistants as determined by the Management Committee or Lifesaving Committee.
- b) It shall be responsible for –
 - (i) planning and operating lifesaving services to meet Club objectives;
 - (ii) maintaining and improving lifesaving patrols and services;
 - (iii) in conjunction with the Education Committee conduct training, instructional and proficiency programs for members;
 - (iv) disseminating lifesaving information;
 - (v) dealing with matter referred to it from the Management Committee or Council;
 - (vi) making recommendations relating to lifesaving the Management Committee;
- c) The Lifesaving Committee shall be represented on the Management Committee by the Club Captain.
- d) Where determined by the Management Committee, the Education Committee may be a sub-committee of the Lifesaving Committee.

BY-LAW 6.3 - SURF SPORTS COMMITTEE

- a) The Surf Sports Committee shall comprise of the Surf Sports Officer (Chairperson), Club Coaches, Team Manager(s), Surf Boat Officer, Board & Ski Officers and other Officers or Assistants as determined by the Management Committee or Surf Sports Committee.

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- b) It shall be responsible for –
 - (i) promoting involvement in surf sports activities;
 - (ii) conducting training and coaching programs for members;
 - (iii) dealing with matter referred to it from the Management Committee or Council;
 - (iv) selecting individual/s and or teams for surf sports competitions;
 - (v) making recommendation related to surf sports to the Management Committee;
 - (vi) planning the achievement of Club surf sport objectives.
- c) The Surf Sports committee shall be represented on the Management Committee by the Surf Sports Officer

BY-LAW 6.4 - JUNIOR ACTIVITIES COMMITTEE

- a) Comprise those members interested in:-
 - (i) The conduct and coordination of all matters relating to Junior Activities.
 - (ii) Providing for Junior members an educational experience in a wide range of subject and skills within the aquatic/marine environment.
 - (iii) Preparing Junior members for their eventual transition to the marine and patrol environment of the Senior movement.
 - (iv) Participating in such activities
- b) Be represented on the Club Management Committee by the Director Junior Activities.
- c) Operate as provided for in Appendix F.

BY-LAW 6.5 - YOUTH & CADET DEVELOPMENT COMMITTEE

- a) The Youth & Cadet Development Committee shall comprise the Cadet/Youth Officer (Chairperson), and other Officers or Assistants as determined by the Management Committee or Youth & Cadet Development Committee.
- b) The Youth & Cadet Development Committee shall be responsible for:
 - (i) promoting and delivering developmental programs, mentoring programs and other activities for youth members (generally 14 years to 18 years including Cadet members) to meet Club objectives;
 - (ii) planning youth and Cadet recruitment and retention programs/ activities within the club;
 - (iii) promotion of the enhancement of membership recruitment and retention through the youth & cadet age levels;
 - (iv) liaison with the Lifesaving Committee, Education Committee and Surf Sports Committee for the coordination of activities for youth and Cadet members.
- c) The Youth Development Committee shall be represented on the Management Committee by the Cadet/Youth Officer.

BY-LAW 6.6 - FINANCE & PROPERTY COMMITTEE

The Finance & Property Committee shall comprise the President, Director of Finance (Treasurer), Director of Administration (Secretary) and two other elected members appointed by the Management Committee. This committee shall be responsible for the financial well-being of the Club its assets and property.

BY-LAW 6.7 - BUILDING COMMITTEE

The Building Committee shall comprise the Deputy President as Chairperson, Safety Officer and four other members appointed by the Management Committee who shall act on and investigate matters relative to the Club's buildings and surrounds when so directed by the Club Management Committee.

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BY-LAW 6.8 - EDUCATION COMMITTEE

- a) The Education Committee shall comprise the Chief Training Officer (chairperson), Assistant Training Officer and Club instructors and assessors.
- b) The Education Committee shall be responsible for:
 - (i) conducting training, instructional and proficiency programs for members to meet Club objectives;
 - (ii) in conjunction with the Lifesaving Committee disseminating lifesaving information.
- c) The Education Committee shall be represented on the Management Committee by the Chief Training Officer.
- d) Where determined by the Management Committee the Education Committee may be a sub-committee of the Lifesaving Committee.

BY-LAW 6.9 - MEMBERSHIP COMMITTEE

The Membership Committee shall comprise of the Membership & Recognition Officer (chairperson), Deputy President, Vice-Captain, up to two (2) other members appointed by the Management Committee. The committee shall meet as required and review all membership applications and transfers in and out of the Club as required and shall select prospective members (as a recommendation to the Management Committee) for development camps and other programs as deemed relevant by the Management Committee.

BY-LAW 6.10 - RECOGNITION & AWARDS COMMITTEE

- a) consists of a Life Members Representative (chairperson), Membership & Recognition Officer and 3 other members appointed by the Management Committee (1 of which shall be a life member).
- b) meet at the completion of the season to select and recommend recipients of the Club awards and trophies to the Management Committee
- c) select members for any recognition or meritorious awards

The committee shall follow any club policy or awards procedures or manual.

BY-LAW 6.11 - LIFE MEMBERSHIP COMMITTEE

- a) consist of a Life Members Representative (chairperson), two (2) appointed club executive committee members, and up to three (3) Members (whom shall not be members of the Executive Committee) elected at the AGM.
- b) meet annually to review nominations for Life Membership and liaise with Life Members known to the nominee/s
- c) investigate, and report its findings and recommendation to the Management Committee for endorsement

- Note:
- i) The Management Committee will present the endorsed nominee to the Annual General Meeting for members' consideration.
 - ii) The Director of Administration (Secretary) shall provide a copy of the successful nomination to all Life Members of the Club prior to the AGM

BY-LAW 6.12 - JUDICIARY COMMITTEE

The Judiciary Committee Chairman and Secretary (who shall keep records of findings and decisions) shall be appointed by the Council at a General Meeting following a recommendation of persons submitted by the Management Committee. The remainder of the committee, three Association members, shall be appointed by the management committee on a case by case basis as the need arises. The committee shall function in accordance with the Rules of Procedure attached to the By-Laws as Appendix "A" and act on matters referred to it under By-Law 11.

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Note: Executive Officers cannot be members of the Judiciary Committee.

BY-LAW 6.13 - OTHER COMMITTEES

- a) The Club Management Committee may appoint other Committees, Sub-Committees, panels or groups to deal with particular items or projects from time to time;
- b) In such circumstances, the Management Committee shall clearly define the composition, responsibilities, and terms of reference of such Committees, panels, groups etc.

SECTION 7

Procedures and Rules

BY-LAW 7.1 - ASSOCIATION POLICIES, RULES, REGULATIONS

- a) Association policies, rules and regulations, as issued from time-to-time by SLSA, SLSQ and/or the Branch are accepted as By-Laws of the Club.
- b) Without limiting the current and future scope of SLSA and SLSQ Policies, Rules and Regulations, the Club acknowledges and accepts the following SLSA and/or SLSQ Policies, Rules and Regulations:
 - (i) Surf Life Saving Training Manual
 - (ii) Competition Manual
 - (iii) Capital Expenditure
 - (iv) Business Development/Venture
 - (v) Member Protection
 - (vi) Competitive Rights, Obligations and Qualifications
 - (vii) Trophies, Prizes and Eligibility
 - (viii) Team Management
 - (ix) Membership Categories and Restrictions
 - (x) Membership Clearances
 - (xi) Competitive Rights and Transfers
 - (xii) Intellectual Property
 - (xiii) Sponsorship
 - (xiv) Visits and Tours

BY-LAW 7.2 - AUXILIARY ORGANISATIONS

- a) The Club may authorise the formation and/or affiliation of auxiliary organisations, e.g. -Old Boys Club, Supporters Club, etc with the approval of the State Centre.
- b) Each organisation's formation and function shall be reviewed annually and shall be compatible with the provisions contained in 1/A/3 of the Constitution.
- c) The Constitution of any such organisation and any amendments thereto shall at all times be subject to the endorsement of the Council.
- d) The Club may be represented on any such organisation by an Officer or member of the Club appointed annually for the purpose; and such organisation may by special invitation likewise be represented on the Club.
- e) Such organisations shall be registered incorporated bodies subject to 1/A/2.2.

BY-LAW 7.3 - CORRESPONDANCE

- a) All correspondence from the State Centre to the Club, or from the Club to the State Centre, shall in the first place be transmitted through the Branch and no such correspondence shall be considered and/or attended to by the State Centre unless and until it has been so transmitted; provided that the provisions of this By-Law shall not apply to correspondence which has been copied by the State Centre to the Branch and Club for attention and/or action on the following subject matters:-
 - (i) Government subsidy and/or subsidy returns;
 - (ii) State or Local Government matters;
 - (iii) Workcover, Public Risk and general Insurance matters;
 - (iv) Large financial investments or borrowings;
 - (v) Clubhouse buildings, extensions or alterations;
 - (vi) Cancellation or suspension of membership;
 - (vii) Purchasing orders;
 - (viii) Hire of State Centre/Branch gear, equipment or premises;
 - (ix) Constitutional matters;

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- (x) Response to Circulars;
 - (xi) Any other matter which the State Centre or Branch may, from time to time, direct be exempted from this By-Law as a matter of expediency.
- b) Upon receipt of any correspondence from a Club, which is required to be transmitted through a Branch, the State Chief Executive Officer shall, at his discretion, either forward such letter to the Branch concerned for appropriate action or return it to the Club concerned for transmission through the Branch.

BY-LAW 7.4 - AUDITS

- a) The books and accounts of the Club and any affiliated auxiliary organisations shall be audited at such intervals as may be required by law and/or the appropriate State Government Department or SLSQ.
Such audits shall be carried out by an auditor approved to operate in the State of Queensland.
- b) Auditors shall be appointed annually.
- c) To ensure the independence of the audit and therefore the integrity of the accounts, the following rules govern the appointment of an individual as an auditor:

The Auditor-

- (i) must be formally qualified;
- (ii) must be a member of a recognised professional accounting body; must not be a past or present employee of the entity being audited;
- (iii) must not be related to the Club Director of Finance (Treasurer) or President of the entity being audited;
- (iv) must not be related to any person employed as the Administrator or Accountant of the entity being audited;
- (v) must declare if they are a past or present member of the entity being audited, and such declaration must be included in the minutes of the meeting at which the auditor was appointed.

BY-LAW 7.5 - COLLECTION SANCTION

- a) The Club or Auxiliary Organisation shall comply with the provisions of the relevant Government Acts and any subsequent amendments gazetted from time to time.
- b) The Club shall make application to the relevant Government Department for entitlement under the "Collection Sanction". When Registration is approved and a "number" issued, all relevant requirements to maintain Registration shall be complied with in every detail.

BY-LAW 7.6 - FUND RAISING

- a) The Club and any affiliated auxiliary organisation shall comply with the law with respect to fundraising.
- b) Fundraising authority is vested in the Management Committee which may/ shall allocate portions of its responsibilities pertaining to specific projects to the Finance, Social, and/or other special Committees to maintain, direct and/or develop these projects.
- c) The Club is authorised to solicit monetary donation, sell art union ticket by door to door, canvass to any company, firm, newspaper or other business operation or trading or any person within the area of the Club as defined. Similar fund raising shall be permitted outside these areas after prior negotiation and with approval of the State Centre.
- d) The area of the Club referred to in (c) above is all that area designated by the Branch.
- e) The Branch shall determine, from time to time, areas from within the area prescribed in (b) above, which shall be referred to as "Club" Fund Raising Areas" and it shall be incumbent upon the Club to adhere to this area in relation to fund raising activities within the Branch area.
- f) In the event of any breach of the foregoing provisions of this By-Law, it shall be a condition of continuance of affiliation and/or membership that the Club, member or group of members

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concerned shall forthwith surrender to the Branch all such monies, and their right thereto, obtained as a result of such breach and the Branch shall thereupon, at its discretion, determine how, and in what proportions (if any) such monies shall be applied. A right of appeal against any decision shall lie with the Branch.

BY-LAW 7.7 - INSURANCE

a) **General**

It is mandatory that the Club and auxiliary organisations hold insurances approved by the State Centre. In cases where State Centre has appointed one or more Insurance Brokers and the Club does not insure through such Brokers, the Club shall submit such policies to State Centre for approval.

b) **Personal Accident Insurance**

(i) **Paid Staff and Employees –**

A Workcover policy shall be effected by the Club. With Workcover Queensland to cover all paid staff of the Club.

(ii) **Members -**

Personal Accident Insurance is granted under the State Centre's Workcover policy for all registered members of Surf Life Saving Queensland (except Junior Activity (Nipper) members aged 7 to 14 years – ie non-BM holders) whilst engaged in Surf Life Saving activities.

(iii) **Cover/benefits -**

The benefits and conditions applying under the policy are described in the relevant Government Act and/or contracts of insurance.

An application for compensation is valid and enforceable only if the application is lodged in accordance with policy requirements.

(iv) **Junior Activity Members (7-14 years)**

A Personal Accident Policy shall be effected by State Centre to cover all financial Junior Activity members (non-BM holders). The benefits cover exceptional items (refer Insurance Manual), e.g. Death, Liability, Medical (restricted), Dental, Ambulance.

(v) **Volunteer Workers**

A Personal Accident Policy shall be arranged by SLSQ to cover all persons engaged in voluntary work for the Club, and/or who are not eligible for workers' compensation. The benefits cover exceptional items (refer Insurance Manual), e.g. death, liability, medical (restricted), dental, ambulance. A register of workers shall be established for each relevant activity which should be signed by all volunteer workers prior to commencement of work.

c) **Public Liability Insurance**

(i) Public Liability policy shall be negotiated by the State Centre to cover the Club and Auxiliary Organisations against legal action instigated by a member of the public during activities approved by the State Centre.

(ii) Whilst the cover can apply to normal Surf Life Saving Association activities, a separate cover may need to be taken out by the Club or Auxiliary Organisations entering into some activity away from the Club facilities or beach, such as a display or fundraising activity where the public are involved. The Insurance Brokers should be consulted in these situations.

d) **Insurance on Property**

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- (i) State Centre shall negotiate on behalf of the Club insurance policies to cover loss or damage to its own property, or upon goods in transit destined for one of its affiliated bodies.
- (ii) It is mandatory for the Club to hold property insurances to be held with a reputable Insurance Company approved by the State Centre, and it is a requirement that such policies, if not managed by State Centre's brokers, be submitted to the State Centre for its endorsement to ensure that the protection provided is adequate and serves the interest of the Association.
- (iii) Branches, Clubs and Auxiliary Organisations shall be responsible for the cost of their own insurance and shall be well advised to reassess values at least every second year.

e) Directors and Officers Insurance

- (i) A Directors & Officers policy shall be negotiated by the State Centre to cover officers of the State Centre and its affiliated Branches and Clubs and auxiliary organisations against claims made against an officer during the policy period for a wrongful act.
- (ii) It is noted that this is a "claims made" policy, e.g. no claim can be made against the policy once it has expired or has been cancelled. Also, if a case exists where a claim may be possible, immediate notification must be given to the State Centre's Insurance broker.

f) Professional Indemnity Insurance

- (i) A Professional Indemnity policy shall be negotiated by the State Centre to cover members whilst engaged in authorised Association activities.
- (ii) The indemnity covers claims the insured is legally liable to pay for, e.g. breach of professional duty or by reason of any negligent act, error or omission.

BY-LAW 7.8 - FEES AND CHARGES

Fees may be payable annually for affiliation, examination, registration, carnival entry and other general lifesaving costs for the Club, and shall be determined by the Branch from time to time.

BY-LAW 7.9 - AFFILIATION

The Club and its affiliates agree –

- a) that they are bound by this Constitution and By-Laws and that this Constitution and By-Laws operate to create a single, uniform entity through and by which the objects of the Club and surf life saving are to be conducted, promoted and administered;
- b) in all other respects the provisions of the Club Constitution, Part A, Section B/9 shall apply.

BY-LAW 7.10 - HONORARIUMS

An Honorarium may be granted to an Officer on the decision of the Management Committee. Any such Honorarium paid would be subject to Income Tax.

BY-LAW 7.11 - DISSOLUTION OF AFFILIATED BODIES

- a) The Constitution of every affiliated body shall contain a dissolution clause similar to that set out in 1/E/15 and should any affiliated body fail to make any such specific provision 1/E/15 of this Constitution is deemed to be included in the Constitution of such affiliated body.
- b) In the event of any affiliated body becoming inactive, going into recess or having its affiliation terminated, the Club is empowered to require such body to implement the requirements of 1/E/15 regarding dissolution. Should there be no remaining responsible Officers of such affiliated body capable of carrying out the required procedures for dissolution, the Club is empowered by its Constitution to take any necessary action in this regard.

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- c) Upon the dissolution of an affiliated body in terms of the preceding Clauses, the books, accounts and assets of the affiliated body shall be handed over to or taken possession of by the Club to deal with as it may, in its absolute discretion, see fit.

BY-LAW 7.12 - CAPITAL EXPENDITURE –

- a) The Club shall notify the State Centre of any proposed capital expenditure over \$50 000.00.
- b) Capital expenditure includes alterations, additions or improvements to existing facilities, acquisition of any land, buildings or other property, the building of any new facilities, the building or refurbishment of any other facilities either singularly or in partnership.
- c) Capital expenditure also includes capital expenditure to purchase or invest in any business venture, community project, or other project using Club (including affiliated Supporters Club) funds or borrowings.
- d) Such notification is to include –
- (i) a brief outline of the proposed expenditure clearly stating the intended purpose;
 - (ii) details of architectural plans (where necessary)
 - (iii) cost estimates with recommendation and justification (3 quotes);
 - (iv) details of recommendation of the above proposal in General Meeting Minutes;
 - (v) latest financial information (Profit & Loss & Balance Sheet) prepared in accordance with accrual accounting requirements; and
 - (vi) any other information considered relevant.
- e) Where financing is required to support the capital expenditure, the Club must provide details of the proposed financing arrangements, and appropriate financial data supporting the capacity to service the proposed debt.
- f) In the situation where future anticipated income (eg. future distributions from Supporters Clubs including gaming, meals and bar revenue) is being relied upon to service the debt, an independent professionally prepared financial analysis will also be required, including the following –
- (i) a detailed business plan;
 - (ii) cash flow projections for at least five (5) years;
 - (iii) market survey/sensitivity analysis confirming the feasibility of the proposal;
 - (iv) funding arrangements.
- g) Such proposals shall be dealt with in the following manner-
- (i) proposals shall be assessed by the State Centre Board of Finance and Property upon receipt of all relevant information. The Board may seek external advice. Any such approval (which may be granted or withheld conditionally or unconditionally at the State Centre discretion) forms part of the State Centre Policy of encouraging responsible financial and asset management, but should not be construed as express or implied advice, or any guarantee, that the proposal is technically, financially or otherwise feasible or responsible.
 - (ii) If the State Centre declines to issue and Approval to Proceed it may give reasons for doing so. However, in determining whether to take further action which might result in a subsequent approval by the State Centre (for example following State Centre's recommendation or conditions of approval), if the applicant must undertake any professional advice. Should the applicant proceed with the expenditure based on any recommendations or conditions made by the State Centre, the risk that this might not be appropriate for your circumstances is accepted by the applicant.

BY-LAW 7.13 - BUSINESS DEVELOPMENT/VENTURE –

- a) In order to protect and enhance the Association's objective, Clubs (including Supporters Clubs and related entities) shall inform and consult with State Centre about any developments or redevelopments, or any developments or commercial or non-commercial venture - on existing property or elsewhere - which involve expenditures over \$50 000.00.

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- b) Examples of such developments or ventures where the State Centre needs to be consulted include:
 - (i) major development or re-development of a clubhouse;
 - (ii) development or re-development of any property;
 - (iii) land and/or property acquisition (Freehold or lease);
 - (iv) negotiation and/or renewal of leases;
 - (v) a commercial or non-commercial venture on either side (eg at the Clubhouse) or off-site, either singularly or in partnership.
- c) The Club shall notify the State Centre immediately when considering any development or venture outside the existing scope of operations of a Surf Life Saving Club.
- d) State Centre may request further information such as plans, contractual arrangements, financial and feasibility studies (as per the Capital Expenditure Policy) etc to ensure the project/venture is in keeping with the aims and objects of the Association, and is financially sound.
- e) State Centre shall review all such information (with external expert advice if necessary) and if considered appropriate issue an Approval to Proceed (as per the existing Capital Expenditure Policy).
- f) No development or venture shall proceed until the State Centre has issued an Authority to proceed.
- g) State Centre shall be kept informed on a regular basis where such developments/ventures have been given approval to proceed.
- h) State Centre shall respect and comply with any commercial in confidence issues.

BY-LAW 7.14 - INTELLECTUAL PROPERTY-

- a) The Policy and Procedures for the use of "red and yellow" Surf Life Saving imagery and property shall be as determined by SLSA.
- b) No one shall be permitted to inappropriately exploit Surf Life Saving imagery such as the red and yellow cap, flags, patrol uniforms, logos/trademarks etc.
- c) The following procedures shall apply where a Club wishes to use red and yellow imagery/property –
 - (i) The Club shall obtain the State Centre's approval to use, or allow someone else to use images or pictures of lifesavers wearing red and yellow patrol caps, or patrol uniforms, or patrol flags:
 - (ii) The State Centre has the authority to approve the use of such red and yellow imagery if the promotion is restricted to the Clubs/Branch's local area;
 - (iii) State Centre has the authority to approve the use of the red and yellow imagery in advertisements/promotions that go beyond a club/Branch area if the use of the imagery is in good taste, not conflicting with a State or National sponsor. There may be a license fee attached.
 - (iv) The Club has every right to use its own Club caps, uniforms and imagery in Queensland.

SECTION 8

Membership

BY-LAW 8.1 - MEMBER PROTECTION

- a) The Club is committed to the health, safety and well being of all members, and shall use its best endeavours to ensure a safe environment exists for all members participating in surf lifesaving activities.
- b) The Club shall not condone any form of discrimination, harassment or abuse of, or by, members.
- c) All members shall abide by the relevant SLSA policies with respect to Member Protection, Equity and Harassment, and the Codes of Conduct as determined from time to time.
- d) All members involved, either directly or indirectly in leading, chaperoning, coaching, instructing, examining, or supervising (or the like) youth members shall be screened in accordance with legislative and Association requirements as determined from time to time.
- e) All members shall immediately report any suspected breaches of the SLSA Membership Protection or Equity Policies or Codes of Conduct to the appropriate authority with their Club or Branch, or to the State Centre Chief Executive Officer. The Chief Executive Officer shall, in accordance with Association policies and procedures, determine the most appropriate method of dealing with such reports.

BY-LAW 8.2 - CODES OF CONDUCT -

All members, Officers and staff shall comply with the current Codes of Conduct as per Branch, State Centre and Association policies.

SECTION 9

Club Colours/Badges, Competitive Conditions

BY-LAW 9.1 - COLOURS AND BADGES

- a) The existing Club's colours, badges and competition cap design shall not be altered without re-endorsement of the State Centre and the approval of the Association.

BY-LAW 9.2 - COMPETITIONS

- a) The SLSQ shall have power to regulate all competitions between Club, Branches and/or directly affiliated Clubs within its boundaries.
- b) The Branch shall have power to regulate competitions between Clubs affiliated with the Branch.
- c) The Club shall only participate in competitions endorsed by the Branch, State Centre or SLSA
- d) No Inter-Club competition within the Branch shall be held without the approval of the Branch.
- e) Wagering and/or gambling by persons competing or participating (eg as a competitor, coach, official, manager, organiser etc) in events conducted by the Association is not permitted. Such members proven to have gambled on an Association competition event in which they are involved, will be liable to appropriate disciplinary action.

BY-LAW 9.3 - COMPETITIVE RIGHTS, OBLIGATIONS AND QUALIFICATIONS

Members and competitors acknowledge and agree that competing in lifesaving events, contests, carnivals and competitions attracts certain rights and obligations, and requires certain qualifications. In relation to rights, obligations and qualifications the following shall apply:

- a) Inherent in membership of SLSA, but subject always to gaining the appropriate qualification as prescribed by SLSA and complying with the competition rules issued by SLSA, is the right to enter, participate in events, contests, carnivals and competitions conducted by SLSA.
- b) Members are obliged to ensure they obtain and maintain the appropriate qualifications, including but not limited to, awards, age limits, patrols, proficiency tests, equipment and limiting disabilities, to enable them to enter and participate in Association events, contests, carnivals and competitions.
- c) Members acknowledge and agree that should they participate in, and/or use any SLSA equipment in any event, contest, carnival and competition, which has not been licensed, sanctioned or otherwise authorised by SLSA that they will attract disciplinary action under the Regulations which may result in forfeiture of their competitive rights set out in By-Law 9.3 (a) above.

BY-LAW 9.4 - CLUB CHAMPIONSHIPS

- a) The Club Championships shall be conducted annually (circumstances permitting) on dates as determined by the Management Committee.
- b) The list of events to be conducted at the Championships shall also be decided by the Management Committee upon recommendation from the Surf Sports Committee.
- c) The Management Committee shall make available to members, the scheduled Club Championship dates at least a month prior to commencement.
- d) Eligibility to compete and place shall be determined by any relevant club policy (or policies) specifically pertaining thereto (if such exists).
 - (i) Should such a policy exist, seasonal eligibility shall be determined by the current version of the policy on the first day of competition.

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BY-LAW 9.5 - TROPHIES, PRIZES AND ELIGIBILITY

In relation to trophies, prizes whether cash or kind and the eligibility of Individual Member/s representing a section of the Association to compete for or accept such trophies or prizes the following shall apply:

- a) The Association shall reserve unto itself the authority to determine, from time to time, conditions relative to the acceptability of trophies or prizes, reimbursement of accommodation, travel and other expenses, and eligibility to compete for trophies or prizes.
- b) wagering or gambling on any competition conducted by the Association, State, Branch or Club is not permitted.
- c) The Association shall be the authority to approve competitions involving "cash prizes" and therefore any Affiliated Club or other section of the Association wishing to allocate any "cash prizes" for competition events shall seek the approval of their respective Branch, State Centre or in the case of events involving international or interstate competitors, the Association.
- d) "Cash prizes" shall not be awarded for any event at an Association, State or Branch championship carnival.
- e) "Cash prizes" shall not be made available from Affiliate Club general funds, however, sponsor income may be distributed utilising the club banking account.
- f) Notwithstanding the foregoing, sponsors should be strongly encouraged to provide items of lifesaving gear as prizes rather than cash but where "cash prizes" are presented they shall be portrayed as coming direct from the sponsors.

BY-LAW 9.6 - TEAM MANAGEMENT

- a) The Club when participating in any carnival or similar function shall appoint a Manager of its competitors and other members of the Club selected to represent and/or assist the Club at such carnival.
- b) Every Manager so appointed shall be responsible for the proper conduct of himself and of the members under his control, and attend all briefings.
- c) A Manager shall, as far as practicable, remain with the party under his control during the entire period of his managership. In the event of the party under his control separating into sections the Manager shall be responsible for appointing a member of each and every section to act as his Manager of the section.
- d) In the case of mixed gender teams including minors, a chaperone or chaperones shall also be appointed.
- e) In the case of a carnival or similar function conducted under the control of the Branch, the name of the Manager so appointed shall be notified to the Branch with the Carnival entries, or, at the latest, before the commencement of the carnival.
- f) The Manager shall remain in attendance with his team during the course of such carnival or similar function and shall take action to ensure that competitors under his control report to the Check Marshal immediately they are called upon to do so.
- g) The Manager shall report to the Carnival Referee or other nominated official whenever called upon to do so by the Carnival Announcer or other authorised official and shall comply with the directions then given him.

SECTION 10

Visits and Tours

In relation to visits and tours by Club members or teams who shall include all persons who travel with or under the arrangements made by the Club, the following directions shall be mandatory requirements.

BY-LAW 10.1 - INTER-CLUB/INTERSTATE VISITS

In relation to the Club or member or members of the Club wishing to visit other Clubs within Australia, the following shall apply:

- a) Visits within a State, Territory or Branch shall be subject to the control of that Centre or Branch providing any such control provides for the appointment of a Manager in all circumstances.
- b) With the exception of national surf carnivals, interstate visits shall be subject to advice to SLSQ and Branch by the intending touring party at least twenty-one (21) days prior to such visits.
- c) Such advice shall detail the proposed destination and dates of the visit, method of travel, the number intending to travel and the name and address and contact details of the Team Manager's who shall be deemed responsible in the event of necessity for future reference.
- d) Providing there are no grounds for objection, the State Centre of the intending touring party shall forthwith advise the relevant State Centre/s of the proposed visit to their region.

BY-LAW 10.2 - INTERNATIONAL TOURS POLICY

When individuals or teams are identifiable as Club or Association members by uniform or insignia or the purpose of the tour is to compete in events using Association type equipment or attend Association conferences or matters identifiable with Association activities, then the following policies and conditions apply:

- a) At least six months notice of the proposed departure date shall be given by the Club before permission to tour shall be granted, unless under special circumstances as approved by SLSA.
- b) SLSQ shall not, in any way, be responsible financially for any part of the expenses attributable to any tour by the Club.
- c) Appointment of officials, size and composition of the team and selection policies shall be a matter for the Club, however, the Association strongly recommends the inclusion of Educational Officers in any team to tour overseas.
- d) The Club shall not knowingly select in an overseas touring team any member who is under any form of suspension or is financially indebted to any Club, Branch or SLSQ.
- e) The Association shall reserve the right to set special conditions under which permission will be granted to the Club to tour overseas countries in the same season that an Australian Representative Team shall be visiting those same countries.
- f) At least one month prior to the departure of the Club team, SLSQ and Australian Council shall be supplied with a copy of the final itinerary, points of contact, full details of the composition of the team, names and addresses of team members and the team manager.
- g) The Club team to tour overseas shall have an appointed Team Manager who will be responsible for all matters concerning the team. In the event of any incident, complaint or otherwise adverse reaction to the team as a whole, or members individually, the manager shall be automatically responsible to the Association and may be called before the Branch, State or Australian Council to face judiciary inquiry and possible disciplinary action.
- h) Comprehensive reports and recommendations(any) on any tour (together with a team photograph wherever possible) must be supplied to SLSQ within ten (10) weeks of the completion of the tour.

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- i) Adequate insurance policies shall be negotiated in respect of personal accident to and/or sickness of every member of the touring team, loss or damage to the personal effects of team members and to such special life saving and/or display equipment as shall be provided for use on the tour.

BY-LAW 10.3 - INTERNATIONAL TOURS - WITHOUT INVITATION

The Club seeking to tour overseas without having received a specific invitation shall -

- a) make application to the Branch for permission to conduct a tour which shall include the following;
 - (i) proposed itinerary;
 - (ii) proposed composition of the team (a detailed composition of team members, names, capacities, etc., should be supplied as soon as it is completed);
 - (iii) details of how the tour will be financed including any proposals of sponsorship; aims and objectives of the tour, having regard to surf life saving;
 - (iv) an undertaking that the Branch, SLSQ or Association will not in any way be financially responsible for the tour;
 - (v) the method of selection to be used.
- b) If the application by the Club is endorsed at Branch level, the Branch shall then forward the application to SLSQ requesting endorsement of same and onforwarding to Australian Council, and in the case of an application to tour by a Club affiliated directly to SLSQ, SLSQ shall, if it endorses the application, forward same to Australian Council.
- c) The Australian Council upon receipt of the application, and if satisfied all conditions have been met, may then seek from the overseas country, district or Club concerned, permission for the tour to take place and give the Club, Branch or SLSQ permission to correspond direct with the overseas body.

BY-LAW 10.4 - INTERNATIONAL TOURS - WITH INVITATION

The Club seeking to tour overseas after having received a specific invitation shall -

- a) if the invitation is accepted, make application for permission to conduct the tour, to its Branch, SLSQ and the Australian Council setting out all details as required by the Association's Regulations 7.10.1(c) and 7.10.3(a) accompanied by full details and a copy of the invitation received;
- b) if the Branch and SLSQ endorse the application, it shall be forwarded to the Australian Council seeking final approval for the tour to be conducted;
- c) the Australian Council, upon receipt of the application and having satisfied itself all conditions have been met, may grant permission for the tour to take place and give the Club, Branch or SLSQ permission to correspond direct with the overseas body. Before granting this permission, the Australian Council will ascertain from the national overseas body that the invitation has been endorsed by them;

BY-LAW 10.5 - TOURS TO AUSTRALIA

In relation to tours by overseas Life Saving organisations to the Club the following conditions shall apply:

- a) If the Club wishes to issue an invitation to any overseas lifesaving body to tour in Australia, it must firstly make an application to the Australian Council through its Branch/SLSQ. Such application shall include all details of the proposed tour including accommodation, financial obligations of the host body, proposed itinerary and details of any appointed Liaison Officer/s.
- b) Branches and/or State Centres receiving such applications shall, before endorsing the application, consider the following –
 - (i) the ability of the Club and/or Branch to host such a tour having in mind the membership and financial situation of the hosting Club and/or Branch;

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- (ii) that the proposed visit will not seriously disrupt any programming of the Club, Branch or SLSQ;
 - (iii) that qualifications of the host body's liaison officer/s are satisfactory to properly carry out the required duties;
 - (iv) such tours may be referred to as "domestic tours" and once authority has been given by the applicable Branch, SLSQ and Australian Council these authorities shall not bear any responsibility, financial or otherwise, in connection with the tour.
- c) The Australian Council upon receipt of the endorsed application, and provided that all the necessary conditions have been met, will consider the application, and if approved, the Australian Council shall notify the overseas Association concerned. However, the tour should not be considered confirmed until the overseas Association has advised the Australian Council of the invitation's acceptance.
- d) Within eight (8) weeks of the completion of any tour by an overseas body, the Club shall supply the Australian Council with a comprehensive report detailing the activities and achievements of the tour.
- e) Despite a tour being classified as a "domestic tour" it is anticipated that the Club will take such opportunities to invite the Branch, SLSQ and the Australian Council representatives to be present at receptions and to be given the opportunity of having discussions with overseas visitors.

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SECTION 11

Discipline, Penalties and Appeals

(Refer Appendix A)

BY-LAW 11.1 - JURISDICTION

- a) The penalising authority for the Club shall be vested in the following –
- The Council
 - The Management Committee
 - The Judiciary Committee
 - The President
 - The Captain
- b) Should the Club decide the alleged offence is beyond the responsibility of the Club, the matter may be referred to the Branch for determination.

BY-LAW 11.2 - DISCIPLINE

- a) **General**
- (i) The Club may penalise or refer to the Judiciary Committee, a member of any Auxiliary Organisation within its jurisdiction or any member of such who, in the opinion of the Club has practised or counselled any unbecoming conduct or conduct which reflects upon the good name of the Club, the Association or any or all of its Officers, whether at any competition, meeting, function or other activity, or at any other time.
 - (ii) Penalty decisions shall be promptly conveyed in writing to the body or member concerned and it shall be incumbent on the Club to give immediate effect to such decision, and to notify the Branch and the State Centre.

BY-LAW 11.3 - PENALTIES

- a) Without limiting the scope of penalties that may be imposed, the form a penalty may take includes –
- (i) **Reprimand** - with the offence being recorded in the books of the penalising body;
 - (ii) **Suspension** - may be applied as a complete or partial suspension of a member's privilege for a definite period of time or until a definite pre-set goal is reached, and partial suspension could well require the member to carry out all or part of his duties in the Club without being able to avail himself of the normal facilities and privileges of a member. The extent or limit of the penalty must be set by the penalising authority imposing the said penalty, provided that a period of suspension shall not be longer than 3 calendar years from the date of the order.
 - (iii) **Termination** - Club membership may be terminated because of the prevailing circumstances, and when the extreme action of expulsion is not warranted. A member whose membership is terminated may re-apply for membership of the Association at some later time.
 - (iv) **Expulsion** - from "Club Membership" would be applied only as a response to a very serious offence against the Club, the Association or their principles or ideals.
 - (v) **Fines** - imposed in such amounts as the penalising authority thinks fit.
 - (vi) **Such combination of any of the above as the penalising authority thinks fit.**
 - (vii) **Such other penalty or penalties as the penalising body thinks fit.**
- b) Where an individual Club member is suspended by the Club, he shall forfeit either completely or partially, as may be decided, all privileges as a member of an affiliated Club during the period of his suspension. In the case of complete suspension, a member shall forfeit all rights

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during the currency of his suspension. Partial suspension shall limit such member's participation in inter-Club or Association activities but shall not interfere with his rights as a Club member.

BY-LAW 11.4 - APPEALS

- a) Any member penalised by a penalising authority for the Club shall have the right to lodge an appeal against such penalty to the next highest penalising authority within the Club provided that the appeal shall be lodged in writing to the Club within fourteen (14) days of the notification of the penalty and shall set out clearly the grounds of the appeal. The appeal shall be placed before the next highest penalising authority within the Club, and shall be dealt with in the following manner - dismissed and the penalty upheld; dismissed and a heavier penalty imposed; upheld and a lighter penalty imposed; upheld and the appellant exonerated;
- b) Any member penalised by the Club shall have the right to appeal to the Branch against the penalty, provided that –
 - (i) Such an appeal shall be allowed only after the party concerned has properly availed himself of the rights of appeal to the Club as contained in the Constitution and By-Laws of the Club;
 - (ii) the appeal shall be made within fourteen (14) days of the imposition of the penalty, or if the party concerned has exercised its right of appeal to the Club within fourteen (14) days of the notification of the decision of such appeal;
 - (iii) the appeal shall be made through the Club who shall forthwith refer the appeal to the Branch, provided that the Club may at the same time submit any representations on the appeal which it may wish to make;
 - (iv) upon the setting of an appeal hearing, the Branch shall either itself or by its Judiciary Committee or by a Committee appointed for the purpose, hear the appeal and communicate its decision in writing to the appellant.
 - (v) pending an appeal hearing by the Branch or by the Branch Judiciary Committee or by a Branch Committee appointed for the purpose, the President of the Branch, after written application by the appellant and only after good cause is shown, may suspend the operation of the penalty until the appeal is heard by the Branch.

BY-LAW 11.5 - REFERENCES

- a) In addition to the matters set out in By-Law 11.1- 11.4 which are of a disciplinary nature, any interested party may submit a Reference or Grievance to the Club upon any matter touching the affairs of the Club, the Association and its members.
- b) Every Reference or Grievance shall be in writing setting out clearly the matters sought to be investigated by the Club, and the Executive shall then decide where such Reference shall be directed.
- c) The hearing of a Reference or Grievance shall proceed in accordance with Appendix "A" to these By- Laws.
- d) The hearing of any appeal from a decision on a Reference or Grievance shall proceed in accordance with Appendix "A" to these By-Laws. (Refer to Clause 6 - Appendix "A").

APPENDIX "A"
JUDICIARY COMMITTEE

Rules of Procedure

1. DEFINITIONS

In these Rules –

- 1.1 "The Committee" means the Judiciary Committee.
- 1.2 "Secretary" means the Secretary for the time being of the Judiciary Committee.
- 1.3 "Member" for the purposes of these rules of procedure means a member of the Association, and includes a Club, subject to the jurisdiction of State Centre or Branch by which the Committee shall have been appointed.
- 1.4 "Reference" includes any complaint against a member of the Club brought by any person, and any dispute under the Club's Constitution and/or rules. The term also includes Grievances brought by a member of the Association against another member.

2. JURISDICTION

- 2.1 The Committee primarily has jurisdiction to hear a Reference of a disciplinary nature referred to it pursuant to By-Law 11.2.
- 2.2 The Committee may also hear References directed to it by the Club Executive or Management Committees pursuant to By-Law 11.5.
- 2.3 Every reference directed to the Judiciary Committee shall be dealt with by that Committee or it may refer the conduct of the Reference to the Branch or State Centre-
 - a) in whose area the matter for Reference arises, or
 - b) having the most direct interest in the matters raised by the reference

If the Reference is referred to a Branch or State Centre, that Branch or State Centre shall appoint its Judiciary Committee to hear the Reference and proceed in the terms of Rule 3 set out hereunder.

- 2.4 Every person bringing a reference shall have a right to be heard by the Committee provided that-
 - a) he has an interest in the subject matter of the reference;
 - b) his reference is in clear and unambiguous terms.
- 2.5 In every case the committee is required to proceed in accordance with the rules of natural justice.

3. PROCEDURE

The following procedures shall be followed by the Judiciary Committee:

- 3.1 Upon receipt of a reference, the Chairman of the Committee or his Delegate may appoint an independent person to act as investigator upon the reference. Such appointment shall be in writing, enclosing a copy of the reference and instructing the investigator to make all relevant inquiries and prepare to assist the Committee within fourteen (14) days.
- 3.2 The investigator, if appointed, shall make all relevant inquiries and shall appear at the time and place appointed for the hearing by the Secretary of the Committee.
- 3.3 Upon receipt of a reference the Secretary shall forthwith appoint the time and place for the hearing suitable to the members of the Committee. He shall give at least seven (7) days notice of the hearing to all interested parties and such notice shall be in or to the effect of the following form

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NOBBY'S BEACH SURF LIFE SAVING CLUB

To:

Dear Sir,

You are hereby notified that a meeting of the Judiciary Committee of this Club will be held at on 19.. ata.m./p.m. to enquire into the following matter, referred to the Committee by the Club.
.....

You are required to be (present) (represented) at that time and place together with such witnesses as you may desire to call.

(Mr/Ms has been appointed pursuant to the Club Constitution as an independent investigator to make all relevant enquiries and to appear to assist the Committee at the hearing.) -
Optional

The Secretary will, upon receipt of your request in writing, at least five (5) days before the day appointed for the investigation setting out the names and addresses of members of the Association who you desire to call as witnesses, require such members to be present at the investigation. If the time and place appointed are not suitable to you, you may apply for an adjournment by application in writing, to be in my hands at least three (3) days before the time appointed.

In any event, you are required to advise the committee of your intention to attend or not to attend as the case may be, 3 days before the hearing is due to commence.

You are not entitled to legal representation as of right but you may apply at the commencement of the enquiry for such representation, and the Committee may grant or refuse such application as it thinks fit. The same provisions shall apply where representation other than legal representation is required.

Yours faithfully,

Secretary
Judiciary Committee

- 3.4 The Committee shall have power to require the attendance of any member at any hearing by the Committee. The Secretary shall give reasonable notice to a member informing him of the time and place of the hearing, and that he is required to attend.
- 3.5 In the case of a complaint against a member of the Club who has been suspended, he shall remain under suspension until the decision of the Committee, unless the Chairman of the Committee decides otherwise.
- 3.6 The independent investigator if appointed by the Chairman of the Committee shall make enquiries within a reasonable time.
- 3.7 The Committee shall likewise conduct the enquiry within a reasonable time, subject to any reasonable application for an adjournment in writing and received by the Secretary at least three days before the time fixed for the enquiry.
- 3.8 No interested party shall be entitled to legal representation as of right at the Committee hearing provided always that an application may be made at the commencement of the hearing for such representation. The Committee may grant or refuse such an application as it sees fit. The same provisions shall apply where an application is made for representation other than legal representation, provided that where a minor (U18) member is charged it shall be mandatory for a parent/s or guardian, or an adult approved by the parent(s) or guardian to be invited to attend at all material times, and every effort should be made to encourage these persons to be in attendance in the interests of the minor (U18) member.

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- 3.9 Any notice required by the Rules to be given by the Secretary shall be given in writing delivered personally or sent by prepaid post addressed to the member concerned. A notice given by post shall be deemed to have been given on the day following that on which it shall be posted.
- 3.10 Any member who fails without reasonable excuse to comply with the requirements of any notice addressed to him by the Secretary shall be subject to such action as the Executive of the Club, shall, on the report of the Committee think fit.

4. AT THE HEARING

- 4.1 All interested parties shall be present at the hearing, provided that a hearing may proceed in the absence of an interested party only where the committee is satisfied by evidence that the party had due notice of the meeting and has chosen to be absent from the hearing, or the Committee agrees that it is in the best interest of the party not to be present.
- 4.2 A quorum of the Committee shall be three (3) members.
- 4.3 In the case of a complaint against a member, all witnesses other than the member concerned must remain out of the hearing until called upon to give evidence.
- 4.4 The independent investigator, if appointed, shall be present to assist the Committee.
- 4.5 The reference to the Committee shall be read by the Chairman.
- 4.6 The independent investigator, if appointed, shall present relevant evidence, including the calling of witnesses. Any submissions by the investigator, or documentary evidence submitted by him, shall be given whatever weight the Committee thinks fit, subject always to the consideration that oral evidence from a witness may be of more weight than other forms of evidence.
If the independent investigator is not appointed, the Committee itself shall receive the evidence relevant to the reference.
- 4.7 The person who is the subject of the reference shall then present relevant evidence on his own behalf.
- 4.8 In all cases where witnesses are called they shall be examined by the party (if any) on whose behalf they have been called, and then cross-examined by the t;>ther interested parties to the reference. The party calling the witness shall have the right to re-examine the witness. The Committee members may ask questions of the witness, but no other examination or cross-examination of that witness shall be allowed except by leave of the Chairman.
Such cross-examination may be conducted through the Chairman and/or by telephone or other multi-media as determined by the Committee.
- 4.9 The Committee may, in its discretion, refuse to admit evidence which is irrelevant or of so little weight as to be properly excluded.
- 4.10 At the conclusion of all the evidence, each interested party and the investigator, if appointed, may make submissions to the Committee in such speaking order as the Chairman may direct. Right of reply by any party shall be at the discretion of the Chairman.

5. AT THE CONCLUSION OF THE HEARING

- 5.1 The Committee shall meet in camera after the hearing has been completed and formulate its findings.
- 5.2 The findings of the Committee and the order or penalty agreed upon may be by the majority, with the Chairman having a casting vote in the event of a tied decision. The

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minority may furnish separate findings, but the majority findings and order or penalty shall be deemed to be the decision of the Committee.

6. DETERMINATION OF ANY PENALTY

- 6.1 The Chairperson or other member of the Committee shall deliver the Committee's findings in the presence of such interested parties who wish to attend.
- 6.2 If an adverse finding is delivered, the party against whom the finding has been made, shall be invited to make submissions on penalty.
- 6.3 The Committee shall make any determinations of penalty as may be required and it sees fit. If necessary, the Committee may meet again in camera to consider a penalty.

7. NOTIFICATION

- 7.1 The Secretary of the Committee shall forthwith give notice of the decision of the Committee to all interested parties, together with notice of any made order or penalty imposed, which upon being confirmed by the appointing authority shall become effective forthwith.
- 7.2 The Committee shall furnish its report at the first meeting of the appointing authority after the hearing is completed. That authority shall either confirm the decision of the Committee or proceed according to the next succeeding paragraph.
- 7.3 The decision of the Committee cannot be altered by the appointing authority, but a two-thirds majority of those present and voting at the meeting may return the reference to the Committee for further consideration or the hearing of additional evidence. The grounds of such return of the reference shall be clearly stated.
- 7.4 A person exonerated by the Committee may start under protest at any Carnival or Association event held before the meeting of the appointing authority at which the Committee's decision is presented for confirmation or return as the case may be.

8. APPEALS

- 8.1 Any person aggrieved by a decision of the Committee upon a Reference has a right for appeal to the next highest authority from that which appointed the committee which conducted the hearing within twenty-eight (28) days of being notified of a decision in writing.

APPENDIX "B"

RULES OF DEBATE

1. GENERAL

- 1.1 The under mentioned Rules shall apply to the conduct of all meetings of the Council, and Committees.
- 1.2 For the purpose of these Rules, the word "member" shall refer to members of the Club.

2. CHAIRMAN'S AUTHORITY

- 2.1 Whenever the Chairman rises during debate, the member then speaking shall be silent and resume his seat.
- 2.2 In the case of any remark considered by the Chairman to be offensive or imputing improper motives, the Chairman may call upon a speaker to withdraw and apologise.
- 2.3 The Chairman may call a member to order. If such member persists in being disorderly, he may call upon such member to withdraw from the meeting.
- 2.4 It shall not be permissible to dispute the Chairman's rulings, or move a motion of dissent from his ruling, on matters of procedure and points of order.

3. DEBATE

- 3.1 Any member desiring to speak shall stand up and address the Chairman.
- 3.2 If two or more members rise to speak at the one time, the Chairman shall decide which is entitled to priority.
- 3.3 The meeting may decide that a particular person shall or shall not be heard, provided that a motion of this nature shall not be debated.
- 3.4 No member shall interrupt another while speaking except to raise to a point of order.
- 3.5 No speaker shall digress from the subject under discussion.
- 3.6 No member shall use offensive or unbecoming words.
- 3.7 During the debate, a member may raise a point of order whereupon the member then speaking shall resume his seat until the point of order has been decided.
- 3.8 It shall be competent for any member to move a motion of dissent from the Chairman's ruling other than on matters of procedure and points of order. The mover of a motion of dissent shall concisely state his point. The seconder and Chairman only may than speak to the motion;
 - a) At any time during the debate, a member may move "that the question be now put" provided the Chairman is satisfied that reasonable time for debate of the original motion has been allowed. The motion shall be put without debate - it need not be seconded. This motion may be applied to an amendment, in which case it is the amendment which is immediately put to the vote. It shall not be competent for the mover, seconder or any person who has spoken to the original motion or amendment to move "that the question be now put".
 - b) If carried, the original motion shall be put to the vote without further debate except that the mover thereof shall have the right of reply; if lost, the debate may proceed.
 - c) A member may move the adjournment of the debate to a subsequent meeting. If the motion for adjournment is lost, the mover thereof shall not be allowed to speak again on the question under debate. If carried, the mover shall have the right of resuming the debate at the ensuing meeting and the mover of the original motion shall have the right of reply.

4. MOTIONS AND AMENDMENTS

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- 4.1 Any member proposing a motion or an amendment shall state its nature before addressing the meeting thereon.
- 4.2 The mover of a motion shall not occupy more than ten minutes nor any other speaker more than five minutes; provided that the meeting may, by resolution, without debate, grant an extension of time to any speaker.
- 4.3 No member may speak more than once to a motion except with the Chairman's permission, in explanation or reply, or to ask a question provided that he may speak again on any amendment to the motion.
- 4.4 The mover of a motion's right of reply shall be exercisable at the end of the debate.
- 4.5 The mover of an original motion must get the consent of his seconder, and the approval of the meeting, before making any alteration to the wording of his motion.
- 4.6 Any member (other than as provided in Rule 4.7 herein) may move an amendment to a motion, provided it is not a direct negative of the motion proposed.
- 4.7 The mover or seconder of a motion may not move or second an amendment to it but may speak on any such amendment and vote in favour of it.
- 4.8 A particular member may move or second one amendment only to each motion, but may speak on amendments moved by others.
- 4.9 An amendment having been moved, it shall not be competent to move any further amendment, provided that notice may be given of intention to move a further amendment when the previous amendment has been determined. Only one amendment can be considered at the one time.
- 4.10 If there is an indication of more than one amendment to be brought forward, the mover of the original motion may elect to reply at the end of the debate on the first amendment.
- 4.11 The mover of an amendment has no right of reply.
- 4.12 A member who formally seconds a motion or amendment without speaking may speak in support at a subsequent stage of the debate.
- 4.13 Amendments shall be put to the meeting before the motion is put, and shall be committed to the meeting in the order in which they are received.
- 4.14 When an amendment is carried the motion as amended becomes the motion before the meeting.
- 4.15 Motions and amendments can be withdrawn only when a majority of those present at the meeting consent. A motion for withdrawal is open to debate, which however must be confined to the matter of withdrawal.
- 4.16 If, after a motion has been determined, it is considered in the general interest that the matter should be re-opened for discussion before the termination of the same meeting, the meeting may, by unanimous vote, order its recommittal.

5. VOTING

- 5.1 Voting shall be by the voices, or at the discretion of the Chairman or at the request of any member, by show of hands or by secret ballot.
- 5.2 Any member, supported by not less than three others, may call for a division, in which case members shall move to the right or left of the Chairman, as directed by him.
- 5.3 In the event of a division any member declining to vote shall elect to retire behind the Chairman or have his vote counted in the negative.
- 5.4 The Chairman may appoint tellers to assist him in counting a vote.

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APPENDIX "C"

PATROL RULES

The patrol season shall be as decided by the Branch, annually. The method of patrol duties shall be determined by the Management Committee prior to the commencement of each Season.

1. Active Members shall attend patrols as rostered or appointed provided that:-
 - a) Active Cadet Member shall be eligible for duties only commensurate with their qualifications;
 - b) A member desirous of transferring from one Patrol to another shall do so only with the consent of the Captain of the Club;
 - c) It shall be permissible to appoint a substitute, when unable to attend, the member appointing such substitute to be responsible in the event of the substitute not attending;
 - d) Representation at any Carnival as a Selected Competitor or Carnival Official or at any demonstration or meeting of the Association does not constitute attendance and it shall be the responsibility of the individual to arrange substitution in these instances;
 - e) Exemption for patrol duty may be granted by the Captain in special circumstances but for extended periods of exemption written application shall be made to the Committee who shall decide the issue;
 - f) At each Meeting of the Management Committee a report, taken from the Patrol Register, shall be tabled by the Club Captain or his deputy indicating any breaches that require investigation as provided for in By-Law 6/6.8.
2. The first Patrol on duty shall see that all lifesaving gear including operational IRB is placed in position on the beach and the last Patrol on duty shall return such gear to the clubhouse or gear room.
3. The Patrol shall assemble in the Club Room five (5) minutes before the appointed hour to commence duty unless it is the first patrol of the day, in which case it shall assemble 15 minutes before the appointed hour.
4. A member who is late for Patrol duty or who misses a Patrol without notifying his Patrol Captain or the Club Captain may be allotted a Penalty Patrol or other duties at the discretion of the Club Captain. Failure to attend penalty patrol incurs automatic suspension until the next Club Meeting.
5. Patrol members shall wear Association Caps and other dress as directed by the Association.
6. Before the Patrol commences duty, the Patrol Captain shall detail the position each man is to take in the event of rescues, allocate qualified IRB personnel to the IRB, and shall detail a member to tower or lookout duty.
7. In the absence of the Patrol Captain the Patrol Vice-Captain shall have like power and authority.
8. Members of Patrol and activities of the patrol are under the control and direction of the Patrol Captain, and members are not allowed to leave the patrolled area unless extenuating circumstances arise and then must first obtain permission from their Patrol Captain.
9. In the event of the Patrol having finished its term of duty, and the succeeding Patrol failing to relieve it, the Patrol Captain shall ensure that an adequate Patrol is maintained, whilst he reports to the Club Captain.
10. Patrol Captains are held responsible for the efficiency of their Patrols, and are required to record in the Patrol Register the names of absentees from their Patrols, and any irregularity such as being late, leaving early or not being in the regulation dress.

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11. Patrol Captains shall regularly test their Patrol on their ability and knowledge of the resuscitation methods and rescue procedures utilising the gear on patrol.
12. A member shall obey his Patrol Captains, either in the actual work of lifesaving, or any other duty associated with the activities of the Patrol within the Club.
13. Clubs are reminded of requirements as per the Association's Memorandum of Association, Articles of Association and Rules & Regulations -

Patrol Exemption Policy

In relation to patrol duties the following shall apply:-

- a) Members, Clubs and the Association generally, must recognise the obligation of all members to perform patrol duties and/or other duties within the Surf Life Saving structure.
 - b) Exemptions from patrol, or other duties, may only be granted in the most exceptional of circumstances.
 - c) Clubs may provide exemptions for senior Club Officers and persons whose Club duties are such that exemption is provided in the Club Constitution and By-Laws or, by special resolution of a General Meeting of the Club.
 - d) The Association may provide exemption from all - or part - of Club patrol duties for members of the Board of Surf Life Saving, senior Association Officers or, members of Association patrols or rescue services.
 - e) Under no circumstances shall competitors be granted patrol, or Club duty exemptions, solely upon competition reasons.
 - f) Any patrol, or duty exemption, granted by a Club - unless those provided for in (c) and (d) above must be immediately submitted for ratification to the Association (Branch or State) stating names and reasons for exemption.
14. Patrol Captains are required to ensure that the Patrol, Radio and IRB logs are completed.
 15. Patrol Captains are to ensure that motorised equipment is driven only by members with the appropriate licences.

NOTE: Providing the spirit of these Rules are not minimised in any manner, The Club may see fit to provide for it's own problems in relation to patrols.

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APPENDIX "D"

Clubhouse Rules

GENERAL

1. The benefits of Club privileges shall be permitted only to members of the Club and such Association visitors as are approved by the Captain and Clubhouse committee with written approval by the Director of Administration (Secretary).
2. Preference in allocation of accommodation shall be determined on the following basis: - Active Members, Active Reserve Members, Cadet Members, Qualified Associates, and visiting Association Members.
3. Junior Active members shall be permitted to stay in the clubhouse on weekends during the season providing, there are two or more and a Senior Active Member or Senior Committee member who fully understands, and agrees to comply with the SLSA membership protection Policy and all relevant codes of conduct & has a working with children suitability card.
Junior Active Members shall not be permitted to stay in the clubhouse on weekends during the winter season unless a Senior Active Member or Senior Committee Member who has a working with children suitability card is present.
4. Any member who desires to stay at the clubhouse other than weekends and Public Holidays shall make written application to the Director of Administration (Secretary) providing at least ten (10) days notice is given and providing that any such privilege shall not be extended beyond three (3) consecutive weeks. All clubhouse and bunkroom rules must be followed.
5. Unseemly conduct likely to interfere with the comfort of other members of the Club shall not be tolerated and members are requested to assist in preventing such conduct.
6. Damage occasioned to clubhouse facilities shall be subject to investigation and decision of liability by the Membership Committee.
7. Members shall use their individual efforts in preserving the cleanliness of the Club's quarters.
8. A roster of weekend duties shall be placed on the Notice Board by the Clubhouse Director.
9. Any refusal of clubhouse duties shall be dealt with by the Membership Committee.
10. Bad language shall not be tolerated in the clubhouse.
11. Pets shall not be allowed in the clubhouse.
12. Clubhouse keys shall be in the control of the Club Captain, Clubhouse Director, President and Surf Club Administrator.
13. Wet costumes shall not be permitted into the sleeping quarters or kitchen nor allowed to remain in the dressing room.
14. Foodstuffs shall not be brought onto Club premises or stored or consumed therein except in the kitchen or such other areas as may be designated from time to time by the Clubhouse Committee and relevant chaperones.
15. All kitchen and cleaning duties shall be completed as soon as possible after completion of meals and shall be done to the satisfaction of the Clubhouse Committee and relevant chaperones.
16. Liquor may only be consumed in the clubhouse at an organised function arranged by the Committee and in accordance with the Liquor Act 1992.
17. The First Aid Officer, his assistants and patients are the only persons permitted in the First Aid Room. First Aid equipment shall be used for first aid purposes only.
18. Junior (Nippers) members shall be permitted. the use of the "Club Room" whilst under the supervision of a Club Official.

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BUNK ROOMS

1. The use of clean sheets or sleeping bag and clean pillowcase shall be compulsory and members who do not provide themselves with a pillowcase, sheets or sleeping bag shall be denied the use of the clubhouse premises.
2. Noise, likely to interfere with the sleeping members will not be tolerated and members may be brought before membership committee.
3. Main lights in sleeping quarters must be extinguished by 12 midnight. Members 16 years and under in bunkroom by 10pm, everyone else must be in bunkrooms by midnight.
4. All members shall vacate their bunks one hour before commencement of patrol or by 7am (when there no patrols).
5. Quarters shall be swept, beds made, private clothing and belongings left in an orderly manner by 9am.
6. All lockers shall be cleared of clothing each weekend. Locker inspections shall be carried out by the Clubhouse Director and/or Club Captain.
7. Members cannot sleep/hang out in bunk rooms through the day. They will be able to use the "Club Room".
8. Members may not enter the wrong bunk rooms. If they do, they will be suspended from clubhouse pending an investigation.
9. That members staying must help set up and/or pack up patrols.
10. Members must email Club Administrator by Thursday before 5pm re staying.
11. Members under 18yrs will need written permission. These members must fill in the "Bunkroom" form that includes parent permission, medical information and dietary information.
12. Members 18yrs and over must complete the "Bunkroom" form that states that they have read the clubhouse and bunkroom rules and will abide by them at all times. Failure to do so may result in disciplinary action.

APPENDIX "E"

Gear Rules

1. BOARD & SKI

- 1.1 Board & Ski owned by the Club or its members shall be stored under the control of the Board & Ski Officer.
- 1.2 Members shall not use other members' Board & Ski without prior approval of the owner.
- 1.3 Members shall not use Club gear without the prior approval of the Board & Ski Officer, Gear & Equipment Officer, Club Captain, Surf Sports Officer or Chief Training Officer;
- 1.4 The Skis and Boards shall never be launched or brought in near the marked surf bathing area or buffer area, nor where bathers are likely to be encountered.
- 1.5 Members shall follow any additional procedures pertaining to Board & Ski as specified in club policies, procedures and guidelines.

2. SURF BOAT

- 2.1 The Surf Boat shall not be used for any other purpose than Surf Life Saving and the practice thereof, and the instruction in rowing, except with the permission of the Executive committee.
- 2.2 No members of the Club shall use the boat unless it is in charge of the Surf Boat Officer or Club Captain or Surf Sports Officer, except that if these Officer are unavailable, one of them may grant permission to a member of the Club (who in his opinion is qualified to do so) to take charge of a Boat and such member shall be responsible to the Committee for the conduct of the crew and the manner in which the boat is used while it is under his control and for each breach of the Surf Boat By-Laws.
- 2.3 Only those proficient and appropriately qualified members (per SLSA policy) shall be allowed in the surf boat.
- 2.4 The surf boat and gear shall be housed in the Boat shed provided for that purpose and securely locked up, or a designated storage place approved by the Management Committee. The Officer last in charge of the surf boat each day shall be responsible for its return to the shed/storage place and shall report the Committee in writing any damage to or loss of gear that may have occurred.
- 2.5 Members, except those on patrol, may be called upon to assist in getting the surf boat in and out of the water, and a refusal to do so will be a matter for report to the Committee for action thereon.
- 2.6 No more than a boat crew of five (5) or less than that number shall be taken in a Boat.
- 2.7 The Boat shall never be launched or brought in near the marked surf bathing area or buffer area, nor where bathers are likely to be encountered or in areas that may cause damage to the equipment.

3. POWER BOAT RESCUE CRAFT

The IRB Officer shall:-

- 3.1 be responsible for the general maintenance and up-keep of all powered surf rescue craft and equipment.
- 3.2 at all times ensure that the IRB is ready for patrols and adequate fuel is on hand.
- 3.3 in consultation with Club Captain, be in charge of all powered surf rescue craft operations.
- 3.4 have an IRB in attendance at all examinations where directed by the Club Captain.
- 3.5 have an IRB in attendance at the buoys on all occasions that surf events or tests are being held.

APPENDIX "F"

Junior (Nipper) Activities Committee Rules

1. APPOINTMENT, OBJECTS, COMPETITION, MEETINGS AND PROCEDURES.

1.1 Appointment

The Club, at its Annual General Meeting shall endorse the appointment of a Junior Activities Committee (hereinafter referred to as the JAC), as provided for in By-Law 6.2 of current financial members of the Club who are interested in the objects and duties of the JAC.

1.2 The Objects and Duties of the JAC shall be:

- a) The responsibility for the conduct and co-ordination of all matters relating to Junior Activities.
- b) To provide for Junior (Nipper) members an educational experience in a wide range of subjects and skills within the aquatic/marine environment.
- c) To prepare Junior (Nipper) members for their eventual transition to the marine and patrol environment of the Senior section of the Movement
- d) To provide for the instruction and the conduct of examinations of Junior (Nipper) members willing to gain the Junior Age Awards.
- e) To organise, in conjunction with the Club, the instruction and/or examination of Junior (Nipper) members willing to gain the Resuscitation Certificate, and/or the Surf Life Saving Certificate of the SLSA of A.
- f) To provide rules and regulations for the conduct of Junior Activities for Junior (Nipper) members who have attained the age of seven (7) but who have not attained the age of fourteen (14) years. (Constitution clause B.3.2)
- g) To endeavour to raise finance to provide for the foregoing objects.

1.3 Management and Composition

- a) The JAC shall be responsible for the management of Junior Activities and shall be comprised of current financial members who have applied to the Executive Committee for membership of the JAC and been endorsed. Group applications are also acceptable.
- b) The Chairman of the JAC shall be an Executive Officer of the Club and shall be elected at the AGM of the Club following an endorsed nomination from the Annual Meeting of the JAC.
- c) The JAC shall elect all or any of the following officers to conduct the activities of the JAC - Deputy Chairman, Secretary, Treasurer, Registrar, Education Officer, Carnival Nomination Officer, Clothing Co-ordinator, Awards Officer, Team Manager, Gear Steward, Chief Water Safety Officer, Publicity Officer, Canteen Co-ordinator, Beach Captain, Recorder and Age Group Managers.
- d) The JAC decisions shall be subject to ratification of the club and the general rules of Committee control as provided for in By-Law 6.1.
- e) An Executive shall be responsible for JAC decisions between JAC meetings, and shall be comprised of the Chairman, the Deputy Chairman, Secretary, Treasurer, the Registrar, the Awards Officer and the Team Manager.

1.4 Meetings of the JAC

- a) The Annual Meeting of the JAC shall be held prior to the Club Annual General Meeting with the following agenda:
 - Attendances

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- Apologies
 - Annual Report of Activities
 - Endorsement of Junior Activities Officer Nomination(s)
 - Election of Officers
 - Meeting dates
- b) JAC meetings which shall be held at the discretion of the Chairman of the JAC with the following agenda-
- Attendances
 - Apologies
 - Confirmation of Minutes of previous Meeting
 - Business Arising
 - Correspondence
 - Reports
 - General Business
- c) Executive Meetings may be held as required to deal with urgent matters providing decisions are subject to ratification by a JAC meeting, and if necessary the Club.
- d) Special Meetings with a specific agenda may be held at the discretion of the Chairman or the JAC.
- e) A quorum shall be as provided for in the Club Constitution.
- f) Voting at meetings of the JAC shall be limited to currently endorsed members of the JAC

1.5 Elections

- a) Nominations for the Election of Officers shall be in writing and signed by the nominee signifying his willingness to stand for election, and lodged with the JA Secretary three (3) weeks prior to the Annual Meeting of the JAC.
- b) If the number of candidates for any one office exceeds one, a decision shall be determined by secret ballot of the members present, and voting at the meeting.

1.6 Finance

- a) The Club Director of Finance (Treasurer), and where convenient assisted by the JA Treasurer, shall receive all monies, issue receipts and bank such monies to the account of the Club to be used for Club endorsed Junior Activities.
- b) Payment of accounts shall be effected by the Club Director of Finance (Treasurer), following checking of the accounts by the JA treasurer.
- c) Credit and Debit ledgers shall be established and maintained by the JAC to determine the financial standing of the JAC in relation to the Club.
- d) The finance of the JAC shall be supported by means approved by the Club which shall include a Club budget allowance, donations, capitation levies, carnivals, socials and other functions.

1.7 Competition

- a) The JAC shall have power to regulate all Intra-Club competitions providing such competition has been approved by the Club.
- b) No Inter-Club contest or competition shall be held without the approval of the Club and the Branch.
- c) All Junior competitors shall wear protective clothing approved by the Association in all water activities as directed by the Branch.

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- d) A Sub-Committee comprised of the Age Managers and the Team Manager shall select the competitors and teams for all inter/intra Club competitions and carnivals and may alter such selections at its discretion, and its decision shall be final.

1.8 Discipline

The conduct of members who participate in Junior Activities shall be subject to the control of the JAC in the first instance, provided that any disciplinary actions are subject to review by the Club.

2. OFFICERS AND THEIR DUTIES

- 2.1 The Junior Activities Officer: Shall chair all meetings of the Committee at which he is present and shall exercise a general supervision over the affairs of the JAC. He shall be an Executive Officer of the Club and shall represent the JAC on the Branch JAC. The Chairman shall, when presiding at a meeting, have a deliberative and a casting vote. He shall submit an Annual Report of the JAC to the Club and submit regular reports to Club management.
- 2.2 The Junior Activities Deputy Chairman: In the absence of the Chairman, the Deputy Chairman shall perform all the duties usually undertaken by the Chairman.
- 2.3 The Junior Activities Secretary: Shall attend to all the correspondence, attend all meetings, record the minutes of the meetings in a Minute Book and assist in the preparation of the Reports. He shall issue notices of meetings and any circulars of matters of interest to the JAC in conjunction with the Club Director of Administration (Secretary).
- 2.4 The Junior Activities Treasurer: Shall be responsible for the overall supervision of any financial commitments of the JAC and shall submit reports to the JAC. He shall submit budget of income and expenditure and shall maintain Credit and Debit ledger of the JAC financial dealings with a view to establishing the standing of the JAC. He shall provide and seek co-operation of the Club Director of Finance (Treasurer).
- 2.5 The Junior Activities Registrar: Shall be responsible for keeping a true and correct record of the birth dates of all Juniors (nippers), compiling the registration of all competitors for annual submission to the Registrar of the Branch, and provide other relevant information as required.
- 2.6 The Junior Activities Awards Officer: Shall be responsible for the administrative side of proficiencies and the Junior awards and liaise with the JA Education Officer.
- 2.7 The Junior Activities Team Manager: Shall be responsible for the control and conduct of the competitors and shall submit a team report following each major carnival. He or the Age Managers shall record the attendance of the competitors at Carnivals. He shall be responsible for preparing the age competitors and teams as selected by the Selection Committee for their respective events and ensure the competitors are at the marshalling area at the prescribed time for such events. He shall be responsible for lodging all protests as per the Association Handbook. He shall be assisted by an assistant JA Team Manager and the JA Age Group Managers.
- 2.8 The Junior Activities Gear Steward: Shall be responsible for all the JAC equipment, making sure such equipment is in good condition and repair and properly housed and co-ordinate beach setup for training.
- 2.9 The Junior Activities Chief Water Safety Officer: Shall be responsible for water safety at JAC training days.
- 2.10 The Junior Activities Education Officer: Shall be responsible for organising specific educational programs and events to further the education of the JAC membership. He shall also work in conjunction with the Club Chief Training Officer.
- 2.11 The Junior Activities Carnival Nomination Officer: Shall be responsible for Carnival nominations in conjunction with the JA Age Managers and JA Team Manager.

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- 2.12 The Junior Activities Clothing Co-ordinator: Shall be responsible for obtaining and marketing costumes and clothing following decisions by the JAC.
- 2.13 The Junior Activities Publicity Officer: Shall be responsible for the publicity of the Committee, to publish the results of the Committee Activities and Carnivals from time to time as well as points of interest from the Committee Meetings. He shall also work in conjunction with the Club's Publicity Officer.
- 2.14 The Junior Activities Canteen Co-ordinator (or Committee): Shall be responsible for provisioning the canteen and subsequent marketing activities.
- 2.15 The Junior Activities Beach Captain: Shall prepare programs and work in conjunction with the JA Education Officer in his duties. Shall be responsible for setting up the beach on normal Nipper days in conjunction with the Patrol Captain.
- 2.16 The Junior Activities Recorder: Shall be responsible for keeping a true and correct record of all intra-club competition results and attendance records of all members.
- 2.17 The Junior Activities Age Managers: Shall prepare programs and work in conjunction with the JA Education Officer in his duties and act as an assistant to the JA Team Manager during the performance of his duties.

3. MEMBERSHIP

- 2.18 To participate in Junior Activities at NOBBY'S BEACH SLSC all shall be members of the NOBBY'S BEACH SLSC.
- 2.19 All applicants for membership of NOBBY'S BEACH SLSC shall be required to complete the prescribed SLSA form and pay the required fee as determined by the Management Committee.
- 2.20 Any Nipper applicant for membership shall be accompanied by a Parent or Guardian applicant for membership of some type depending on their qualifications ie. Associate, Award, Active Reserve, etc., provided that one parent or guardian is acceptable for more than one Nipper in the same family.

APPENDIX "G"

THE COMMON SEAL

CLUB BADGE



LIFE MEMBERSHIP BADGE