

**FRESHWATER SURF LIFE SAVING CLUB  
INCORPORATED**

**CLUB CONSTITUTION**

**As at 18 December 2016**

# FRESHWATER SURF LIFE SAVING CLUB INCORPORATED

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# FRESHWATER SURF LIFE SAVING CLUB INCORPORATED

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## **Name of club**

1. The Club shall be called Freshwater Surf Life Saving Club Incorporated and shall be affiliated to Surf Life Saving Australia Limited (hereinafter called "SLSA") and such other bodies as the Executive Committee may determine.

## **Notification of rules**

2. A copy of this Constitution is to be made available on the club website and may be displayed on the Club noticeboard or made available to members by such other means as the Executive Committee determines.

## **Mission Statement**

3. To ensure no lives are lost while on patrol, assist members to achieve their full potential and support the community.

## **Objectives**

4. The objectives of the Club shall be:
  - (a) Participate as a member of SLSA;
  - (b) Provide rescue services and assistance to the public who use Freshwater Beach and its immediate environs in conjunction with, if appointed, Council lifeguards
  - (c) Study and train in the methods of life saving and first aid including the training and education of members in elements of surf safety and awareness to facilitate the provision of high level lifesaving services at Freshwater Beach;
  - (d) Provide efficient life saving and first aid equipment to support the club's objectives, including equipment and facilities to support members involvement in club activities;
  - (e) Assist the local council in improving the facilities for members and the community;
  - (f) Provide members of the Club with opportunities to improve their ability to engage in SLSA competition;

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- (g) Have a Youth Program designed to encourage junior activity members and their families to remain actively involved with the Club;
- (h) Adopt best practice in the administration, financial and general operations of the club;
- (i) Provide a safe and healthy environment for all club members and users of the club facilities
- (j) Operate in an environment where at all times the safety of children is paramount
- (k) As far as practicable have a one club approach to all activities in an environment which encourages social interaction and mutual support between all members.

### **Club Costume, Club Blazer, Colours and Emblem**

- 5. (a) The Club colours shall be maroon and white.
- (b) The Club cap shall be a maroon and white quartered cap with a maroon quarter over the right eye.
- (c) The club costume shall be maroon and white or maroon.
- (d) The Club emblem shall be as follows -



- (e) The colour of the Club emblem shall be maroon and white with the colour dependent on the colour of the background upon which the components are inscribed.
- (f) The Club emblem shall be worn only by members of the Club.
- (g) The Club blazer shall be maroon with the Club emblem on the left breast pocket.

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- (h) Details about who will be entitled to wear the blazer and variations in its appearance shall be determined by the Executive Committee.

### Definitions

6. For the purposes of this Constitution –

“the Act” means the Associations Incorporation Act 2009 or any similar legislation regulating the operations of incorporated associations.

“By-law” means a by-law issued by the Executive Committee in the exercise of its authority to manage the affairs of the Club

“Club” means Freshwater Surf Life Saving Club Incorporated

“Executive Committee” means the committee referred to in Clause 12(a) of these Rules

“Formal dispute” means

- a dispute lodged in writing by a member accompanied by a request the dispute be referred to the club Disputes Panel, or
- a dispute received from a member which the President considers should be referred to the club Disputes Panel,

but does **not** include any grievance about any decision of the Executive Committee, a decision of the members made at any Special, General or Annual General meeting or the provisions of any By-law that may be issued.

“Junior Activities Committee” means the committee referred to in Clause 25(a) of these Rules

“Meetings” means for the purposes of clauses 18, 19, 20 & 21 the Annual General Meeting, A general Meeting or a Special Meeting

“NSW ” means Surf Life Saving New South Wales Incorporated or as it may be constituted from time to time

“public officer” means the person undertaking the duties of public officer as defined by the Associations Incorporation Act 2009.

“Rules” means the provisions of the Constitution

“SLSA” means Surf Life Saving Australia Limited or as it may be constituted from time to time

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“SNB” means Surf Life Saving Sydney Northern Beaches Incorporated or as it may be constituted from time to time

“supervisory association” means the SNB and/or NSW and/or SLSA.

### Membership

7. Any individual can apply to be a member of the Club. The Executive Committee in its absolute discretion can reject an application for membership if the application is not one lodged by a renewing member.
8. Membership categories (including relevant qualifications and requirements) shall be in accordance with the requirements of SLSA and include the following:
  - (a) Probationary member  
Probationary membership is the designation of any person for the time period between applying for membership and gaining an award.
  - (b) Junior Activity (“Nipper”) member
    - (i) A Junior Activity (“Nipper”) member shall be a person who is a minimum age of five (5) years up to a maximum of thirteen (13) years as at the 30 September in the year of membership.
    - (ii) Junior Activity members shall be required to gain the relevant qualifications for their particular age group as determined by SLSA.
    - (iii) The key focus for the five and six year old junior activity members will be in accordance with the requirements stipulated from time to time by SLSA.
  - (c) Cadet member  
A Cadet member shall be a person of the age qualification as defined by SLSA and who has obtained the relevant SLSA award in that season or has passed an annual proficiency test.
  - (d) Active member  
An Active member shall:
    - (i) Be a Bronze Medallion holder, and
    - (ii) Fulfil patrol and club obligations, and
    - (iii) Qualify in an annual proficiency test each season, unless the member has obtained the Bronze Medallion in that season.

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- (e) Reserve Active member
  - (i) Reserve Active membership may be granted to an active member who has satisfactorily completed (from the gaining of the Bronze Medallion) at least eight (8) years of patrol and club obligations.
  - (ii) Reserve Active membership shall not be automatic, but shall be granted at the discretion of the Club Captain.
  - (iii) Reserve Active members shall perform a minimum number of patrols in accordance with the requirements of SLSA and further duties at the discretion of the Club Captain.
  - (iv) Reserve Active members shall complete the annual proficiency test.
  - (v) Reserve Active membership may be granted under exceptional circumstances irrespective of years of service by resolution of the Executive Committee following recommendation by the Club Captain.
  
- (f) Past Active member
  - (i) Members who have held the Bronze Medallion and been active patrol members for a minimum of three (3) years may be granted Past Active membership.
  - (ii) Past Active members may have club voting rights at the discretion of the Executive Committee.
  
- (g) Long Service member
  - (i) Members who have completed ten (10) years active service or eight (8) years active service plus four (4) years reserve active service may be granted Long Service membership and or exemption from all patrol obligations by the Club Captain.
  - (ii) Long Service members may also be granted other special privileges as may be determined by the Executive Committee.
  
- (h) Award member
  - (i) Persons who hold one of or more of the following Association awards – Radio award, Resuscitation Certificate, Advanced Resuscitation Certificate, Surf Rescue Certificate, First Aid Certificate or such other award as may be determined from time to time by SLSA may be granted Award membership.
  - (ii) Award members may be called upon to perform patrol duties and/or such other club obligations as maybe within the ability of their qualifications.

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- (i) General member
  - (i) A person can be accepted as a General member of the Club irrespective of whether they hold an SLSA award.
  
- (j) Associate member
  - (i) A person can be accepted as an Associate member of the Club irrespective of whether they hold a SLSA award.
  - (ii) An Associate member shall have a joining and/or annual membership fee substantially greater than fees for other categories of membership.
  
- (k) Honorary member
  - (i) A person can be accepted as a Honorary member irrespective of whether they hold a SLSA award.
  - (ii) The Mayor of the local council (during such time as he or she holds office) and such other persons as may be determined by the Executive Committee shall be granted honorary membership.
  - (iii) Honorary members shall not be required to pay membership fees.
  
- (l) Life Member
  - (i) Members who have rendered distinguished or special service to the Club may be granted Life Membership. Life Members shall be honorary and without obligation to perform active duties, shall be considered financial members of the Club and will retain all the privileges of Active membership.
  - (ii) Nominations for Life Membership shall be determined in accordance with the provisions of these Rules.
  
- (m) Other categories

The Executive Committee may determine other categories of membership, including relevant qualifications and requirements, provided such categories are not inconsistent with the requirements of SLSA.

### Membership fees

- 9. (a) Active, Reserve Active, Past Active, Cadet, Junior Activities, Long Service, Award, General and Associate members may renew their membership by payment of the fees (including any penalty fees) for the new year.
  
- (b) On the recommendation of the Executive Committee, the amount for membership fees (not including fees for Junior Activity members or penalty fees for late payment) shall be as determined by a two



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thirds (2/3) majority vote of members eligible to vote at any General Meeting or the Annual General Meeting.

- (c) The amount payable for Junior Activity membership shall be determined by the Executive Committee upon the recommendation of the Junior Activities Committee. The Executive Committee shall not be bound to accept any such recommendation and may determine an alternate fee regime.
- (d) Fees for membership renewal (not including Junior Activity Members) become due and payable from 1 July in each year and must be paid in full before 1 October in that year.
- (e) The Executive Committee may determine that –
  - (i) membership fees paid within a prescribed time after 1 July may be subject to a reduction in the amount to be paid, and/or
  - (ii) membership fees paid after 1 October may be subject to a penalty fee.
- (f) Details of the amount payable for membership fees shall be made known to members and prospective members of the club by such means as may be determined by the Executive Committee.
- (g) Fees for Junior Activity member renewals must be paid in full on the day or days stipulated by the SNB to be registration days for Junior Activity members or at such other time as may be determined by the Junior Activities Committee.
- (g) If the fee for membership renewal is not paid within any period of time stipulated by the SLSA, the membership will lapse.
- (i) Membership fees for new members must be paid at the time when application for membership is made.
- (j) A person who is known to be unfinancial with, or excluded in any way by, any other club affiliated with any body with which the Club is affiliated cannot be accepted as a member of the Club.

### **Effect of Membership**

- 10. On becoming a member of the Club, members –
  - (a) are bound by and must comply with these Rules, Club By-laws that may be in force from time to time and, where applicable, the SNB Constitution and Regulations, the NSW Constitution and

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- Regulations, the SLSA Constitution and Regulations and the Act,
- (b) are subject to the jurisdiction of SNB, NSW and SLSA,
  - (c) are subject to a limited liability in respect of the Club;
  - (d) undertake to contribute to the assets of the Club in the event of it being wound up, including the costs, charges and expenses incurred in winding up the Club, such contribution not to exceed the amount of any outstanding membership fees owed by the individual member
  - (e) are entitled to all benefits, advantages, privileges and services of Club membership.

### **Register of members**

- 11. (a) The public officer of the Club must establish and maintain a register of members of the Club specifying the name and address of each person who is a member of the Club together with the date on which the person became a member.
- (b) The register of members is to be maintained in accordance with any requirements that may be stipulated by the SLSA.
- (c) The register of members must be kept at the club house and must be available for inspection (or a copy of it), free of charge, by any member of the Club at any reasonable hour.
- (d) A member of the Club may obtain a copy of any part of the register on payment of a fee as may be determined by the Executive Committee.
- (e) Details of the register of members must not be provided to any person for use for commercial purposes.

### **Officers**

- 12. The Officers of the Club shall be honorary and include the members of the Executive Committee, and other positions that may be determined from time to time by the Executive Committee.

### **Election of Officers**

- 13. (a) The officers of the Club shall be elected at the Annual General Meeting.

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- (b) Nominations for officers' positions can be received –
  - (i) in person on the day of the meeting, or
  - (ii) in writing prior to the meetingand must be duly seconded.
- (c) Prior to accepting the nomination of a person who is not present at the meeting, the person being nominated must provide confirmation in writing to the meeting that he or she is willing to be nominated for the relevant position or positions.
- (d) If any officer's position cannot be filled, the voting members present at the Annual General Meeting may authorise the incoming Executive Committee to take any necessary action to fill such positions.
- (e) It will be permissible for two or more people to be jointly appointed (either by election at the Annual General Meeting in accordance with 11(a) or by the Executive Committee in accordance with 11(d)) to any officer's position.
- (f) Any officer who is not a member of the Executive Committee may be requested to attend any committee meeting as required by the Executive Committee.

### **Executive Committee**

- 14. (a) The Executive Committee shall be responsible for the management of the Club and shall consist of –
  - (i) President/Chairperson of the Board
  - (ii) Club Captain/Director Lifesaving
  - (iii) Executive Officer
  - (iv) Treasurer/Finance Director
  - (v) Chief Instructor/Education Director
  - (vi) Director Sport
  - (vii) Facilities Director
  - (viii) Sponsorship & Marketing Director
  - (ix) Chairperson Junior Activities
  - (x) Director Member Services
  - (xi) One general committee member/Director
- (b) The Executive Officer shall also be the public officer of the Club.
- (c) All members of the Executive Committee shall undertake their duties on a voluntary basis and shall not be paid any salary, wage or other remuneration other than out of pocket expenses.

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### **Responsibilities of Executive Committee Members and officers**

15. The responsibilities and duties of the Executive Committee Members and other officers shall be determined by the Executive Committee.

### **Procedures for Meetings of Executive Committee**

16. (a) The in-coming Executive Committee shall convene within thirty (30) days of the Annual General Meeting to resolve any official position not filled at that meeting.
- (b) The members of the Executive Committee shall endeavour to meet at least once per month but no less than 10 times per year at a time to be determined by the Executive Committee..
- (c) Unless otherwise determined by the Executive Committee, monthly meetings will be held in the clubhouse.
- (d) Members with a designated area of responsibility must use their best endeavours to provide a report to the other Executive Committee members for their consideration prior to the meeting being held.
- (e) The means for distribution of the reports shall be as determined by the Executive Committee.
- (f) Members of the Executive Committee must use their best endeavours to be properly briefed prior to any meeting so as to ensure a smooth flow of business at the meeting.
- (g) At least six (6) Executive Committee members will represent a quorum.
- (h) A meeting of the Executive Committee may be held where one or more of the Executive Committee members is not physically present at the meeting, provided that 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.
- (i) If a quorum is not present thirty (30) minutes after the time for which the Executive Committee meeting was called, the meeting shall stand adjourned for one (1) week.

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- (j) Any six (6) members of the Executive Committee may exercise any of the functions of the Executive Committee on urgent matters at any time and must report their action at the next meeting of the Executive Committee.
- (k) If a member of the Executive Committee is -
  - (i) absent from three (3) Committee meetings during his or her year in office, and
  - (ii) after being asked to do so, fails to satisfy the Executive Committee there is an acceptable reason for the absence, his or her position may be declared a casual vacancy by a majority vote of the Executive Committee.
- (l) A casual vacancy on the Executive Committee will also arise if the member –
  - (i) dies,
  - (ii) ceases to be a member of the Club,
  - (iii) resigns office by notice in writing given to the Executive Officer,
  - (iv) is removed from office pursuant to clause 24(k),
  - (v) becomes a mentally incapacitated person, or
  - (vi) becomes an insolvent under administration within the meaning of the Commonwealth Corporations Act 2001.
- (l) If a casual vacancy occurs, the Executive Committee is to take any necessary action to fill the vacancy as quickly as possible, and any person appointed to fill the vacancy shall, subject these Rules, remain in the position until the next Annual General Meeting.
- (m) The President shall be the Chairperson of Executive Committee meetings unless he or she delegates the role to another member of that Committee. In the absence of the President, the Chairperson shall be as determined by the members present at the meeting.
- (n) In the event of a tied vote on any matter determined by the Executive Committee, the Chairperson shall have a second and casting vote.
- (o) Each Executive Committee member must declare his or her interest in any matter in which a conflict of interest arises (actual or perceived) and must absent him or herself from discussions about, and shall not be entitled to vote in respect of, such matter.
- (p) In the event of an uncertainty as to whether it is necessary for an Executive Committee Member to absent him or herself from discussion or refrain from voting, the issue should be immediately

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determined by vote of the Committee.

- (q) Minutes of Executive Committee meetings (including any associated reports) must be displayed on the Club noticeboard. Copies of the minutes (with or without associated reports) may also be made available to club members by such means as may be determined by the Executive Committee.
- (r) Any member of the club may to attend a meeting of the Executive Committee as an observer with the approval of the Committee.

### **Powers of the Executive Committee**

17. The Executive Committee shall have the power to –

- (a) Manage and conduct the affairs of the Club in accordance with these Rules, By-laws and any relevant legislation.
- (b) Negotiate and enter into contracts, agreements, leases and other legally binding documents which it believes to be in the interests of the Club
- (c) Expend the funds of the Club as it deems expedient in the interests of the Club.
- (d) Approve of the amount and nature of any sponsorship obtained for the benefit of the Club and its members.
- (e) Determine which bank, credit union or building society account any monies received shall be deposited into on behalf of the Club.
- (g) In relation to persons engaged to undertake paid work on behalf of the Club, approve of their appointment, dismissal, rates of pay and duties.
- (h) Establish or appoint special committees, sub-committees, boards, panels, individual officers and consultants not otherwise provided for by these Rules to carry out such duties and functions, and with such powers, as the Executive Committee determines. The Committee may also seek the advice or assistance of individual members on any matter it deems appropriate.
- (i) Determine the eligibility criteria or guidelines for admission as a general member or associate member of the Club and the criteria or guidelines for distinguished or special service applicable for Life

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### Membership.

- (j) To issue, amend or rescind By-laws not inconsistent with these Rules for the management and conduct of the Club.
- (k) To take any action not otherwise inconsistent with these Rules that may be approved of by a majority vote of those members present at a general meeting.
- (l) To determine the protocols to be followed in relation to the conduct of any Annual General Meeting, General Meeting or Special Meeting.
- (m) To exercise such powers, functions and duties that may be provided for by these Rules.
- (n) Suspend, expel or otherwise deal with any member in accordance with any policy or requirement of a supervising authority, including taking such action pending the completion of any disciplinary process under Clause 26.

### Management of the Club

- 18. (a) Subject to provisions elsewhere within these Rules which provide otherwise, responsibility for all management, lifesaving, procedural, financial, competition and training operations of the Club shall vest in the Executive Committee.
- (b) In exercising their responsibilities members of Executive Committee must have regard to the objects of the Club as outlined in Clause 4 of these Rules.

### Meetings of the Members

- 19. (a) Members may be notified to attend an Annual General Meeting, a General Meeting or a Special General Meeting of the Club.
- (b) The Annual General Meeting of the Club shall –
  - (i) occur once each calendar year at a time to be determined by the Executive Committee in accordance with any relevant legislative requirements, and
  - (ii) be held to allow the members to receive the Annual Club Report and Financial Statement for the past year, to elect officers for the ensuing year and transact general business of an urgent nature.

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- (c) A General Meeting of the Club shall be held 6 months after the Annual General Meeting.
- (d) A Special General Meeting can be called by the Executive Committee in the following circumstances –
  - (i) if the Executive Committee determines that such a meeting should be held because of the need to deal with urgent business which cannot await the holding of the Annual General Meeting or a General Meeting, or
  - (ii) if a request in writing signed by at least fifteen (15) financial members stating the business to be discussed is received by the Executive Officer.

### Notice of Meetings

- 20. (a) At least twenty one (21) days written notice must be given to the members of the Club for the Annual, General Meeting and any Special Meeting.
- (b) Notice of any meeting must be displayed on the Club noticeboard. In addition, the Executive Committee may provide written notice of any meeting to the members by such electronic or other means as deemed appropriate.
- (d) Any notice of motion relating to a special resolution must set out the proposed resolution to be considered by the members.

### Quorum

- 21. (a) The quorum for any meeting of the members shall be twenty (20) financial members entitled to vote.
- (b) If a quorum for a meeting of the members is not present thirty (30) minutes after the time for which the meeting was called, then –
  - (i) in the case of the Annual General Meeting, a General Meeting or a Special General Meeting called under clause 19(d)(i), the meeting shall stand adjourned to a date to be determined at the same place and time, or
  - (ii) in the case of a Special General Meeting called under clause 19(d)(ii), the meeting shall lapse.

### Voting Rights at Meetings

- 22. (a) Voting rights at meetings of the Club are limited to financial Active, Reserve Active, Long Service, Life Members and any Past Active



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Members who have been given approval to vote by the Executive Committee and any Associate member holding a position on the Executive Committee.

- (b) Voting by proxy or postal ballot is not allowed at any meeting of the club.

### Procedures at Meetings

- 23. (a) The President shall preside as Chairperson at every meeting of the club except -
  - (i) in relation to any election for which the President is a nominee, or
  - (ii) where a conflict of interest exists, or
  - (iii) when the President delegates the role to another member of the Executive Committee.
- (b) If the President is unable to act as Chairperson, the members shall appoint one of their number or such other person the members may approve of to preside as Chairman for that or any part of that meeting only.
- (c) All members present at a meeting are entitled to engage in any debate but shall not be allowed to vote unless authorised by virtue of clause 20.
- (d) Members shall be entitled to submit notices of motion for inclusion as special business at a general meeting. All notices of motion proposed by members must be submitted in writing to the Executive Officer who must ensure they are then made available to the members not less than twenty eight (28) days prior to the meeting.
- (e) At any meeting a resolution put to the vote of the meeting shall be decided by a majority vote and on a show of hands unless -
  - (i) a poll is (before or on the declaration of the result of the show of hands) demanded by the Chairperson or a majority of the members present, or
  - (ii) these Rules provide otherwise.
- (f) Where the result of a vote is equal the Chairperson may exercise a second and casting vote.
- (g) A motion of which due notice has been given, if unsuccessful, cannot be resubmitted, nor may any other motion having a similar effect be moved at a subsequent general meeting for a period of twelve (12) months.

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- (h) The Chairperson may, with the consent of any meeting at which a quorum is present, and must, if so directed by the meeting, adjourn the meeting to another time and place and –
  - (i) no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place,
  - (ii) if a meeting is adjourned for 30 days or more, notice of the adjourned meeting must be given as in the case of an original meeting.

### **Life Membership Panel and process for conferral of Life Membership**

- 24. (a) Nominations for life membership must be submitted to the President in writing, duly proposed and seconded by financial members of the Club by the end of February. Nominations received after that date will be held over for consideration until the following season.
- (b) The President shall refer any nomination to the Chairperson of the Life Membership Panel. The Chairperson shall be a Life Member elected to the position each year at the Annual General Meeting. The Chairperson shall be an officer of the Club.
- (c) The Life Membership Panel will be responsible for reviewing nominations for life membership.
- (d) The Chairperson in consultation with the President shall select the Life Membership Panel to conduct a review of the nomination. The Chairperson shall be a member of the Life Membership Panel which will also include at least 2 other Life Members. The number of Life Members selected for the Panel shall be as agreed by the President and Chairperson. Failing agreement the decision shall be at the discretion of the Chairperson.
- (e) The Chairperson in consultation with the President shall nominate a Life Member to act as the Chairperson in the event the elected Chairperson is unavailable to participate as a member of the Life Membership Panel.
- (f) All Life Members of the club are eligible for selection on the Life Membership Panel unless already a member of the Executive Committee. In deciding who will be selected on the Life Membership Panel, the Chairperson and President will have regard to the circumstances of the member nominated and any conflicts of

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interest (actual or perceived) that may arise if particular Life Members are selected.

- (g) In undertaking its review, the Life Membership Panel can seek further information from the Executive Officer and the members proposing and seconding the nomination in order to assist with its consideration of the matter. The Life Membership Panel must also take into account the provisions of any Club By-law relating to the determination of life membership nominations.
- (h) The Life Membership Panel must provide its recommendation to the President as soon as possible but no later than a week before the May meeting of the Executive Committee. Any recommendation of the Life Membership Panel must be in writing and must include a majority decision and reasons for the decision. The President shall arrange for the recommendation to be provided to members of the Executive Committee prior to the next scheduled Executive Committee meeting.
- (i) The Executive Committee shall consider the recommendation made and determine if it supports the recommendation. All members of the Executive Committee must vote on the recommendation unless unable to do so by reason of incapacity or other exceptional circumstances. A member of the Life Member Panel may be present at the Executive Committee meeting to answer any questions the Executive Committee may have prior to its consideration and voting on the recommendation.
- (j) If all members of the Executive Committee are voting, any final decision on the recommendation must be supported by at least 7 members. In any other case support must be on the following basis - 7 out of 10, 6 out of 9, 5 out of 8 or less. The Executive Committee may reach its determination by secret ballot if considered appropriate.
- (k) If the Executive Committee supports referring the nomination for life membership to the general membership for consideration, the Executive Officer must arrange for the nomination to be submitted at the next Annual General Meeting of the members.
- (l) The President shall advise the nominator and seconder of the outcome of the nomination.
- (m) At the Annual General Meeting, the nomination must be duly proposed and seconded and be approved by a two-thirds (2/3) majority vote of the members present and entitled to vote. Voting

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for life membership at the Annual General Meeting shall be by secret ballot. A copy of the nomination & details of the nominee's service history shall be made available to the membership prior to the meeting.

- (n) For the purposes of this clause, in the event a conflict of interest arises, the powers and responsibilities of the President shall be exercised by the Executive Officer or other member of the Executive Committee as determined by the President. In the event of a conflict of interest in respect of the Chairperson of the Life Membership Panel, the powers and responsibilities of the Chairperson shall be exercised by a Life Member as determined by the President.

### **Disputes Panel and Resolution of Formal Disputes Raised by Members**

- 25. (a) There shall be a Disputes Panel formed for the purpose of investigating and resolving formal disputes raised by members of the Club.
- (b) The Disputes Panel shall comprise three (3) current members of the Club, the Chairperson of which shall be approved by the Executive Committee.
- (c) If a person becomes permanently unable to fulfil his or her duties as Chairperson of the Disputes Panel, the position will become vacant and the Executive Committee shall take any action necessary to appoint another qualified person to fill the vacancy.
- (d) Any person wishing to lodge a formal dispute must do in writing to the President.
- (e) The President shall refer the dispute to the Chairperson of the Disputes Panel and in consultation with the Chairperson, arrange for 2 members of the Club to make up the Panel, together with the Chairperson, for the purpose of investigating and resolving the dispute. In deciding which members will join the Chairperson in undertaking the investigation, the President will have regard to the circumstances of the dispute and any conflicts of interest (actual or perceived) that may arise if particular members are selected.
- (f) The Disputes Panel shall undertake its investigation of the dispute in such manner as it deems appropriate. In doing so, the Panel shall be entitled to speak with and seek information from any other person it considers may assist in its investigation of the dispute.

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- (g) If the dispute involves allegations that any member has acted in an inappropriate fashion, the Disputes Panel must ensure that the member is given the details of the allegations and an opportunity to respond to them.
- (h) As part of its investigation, the Disputes Panel shall use its best endeavours where appropriate to have the parties to the dispute engage in negotiation and conciliation with a view to coming to an agreed resolution.
- (i) If at any stage the dispute is resolved to the satisfaction of the person lodging the complaint, the investigation will be terminated and the Disputes Panel shall provide a report to the Executive Committee outlining the details of the resolution reached between the parties. If the dispute was lodged by or on behalf of a Junior Activities Member, the report is to be provided to the Junior Activities Committee.
- (j) If following investigation the dispute cannot be resolved, the Disputes Panel must provide a report to the Executive Committee indicating the outcome of its investigation, its recommendations for further action in respect of the matter and, if applicable whether any member should be referred to the Judiciary Panel for disciplinary action. If the dispute was lodged by or on behalf of a Junior Activities member and involves a junior activities issue, the report is to be provided to the Junior Activities Committee.
- (k) On receiving notice of the dispute, the Disputes Panel must use its best endeavours to provide its report to the Executive Committee (or Junior Activities Committee) within twenty one (21) days or the next scheduled Executive Committee (or Junior Activities Committee) meeting, whichever is the later.
- (l) The Executive Committee (or Junior Activities Committee) must consider any recommendations made to it by the Disputes Panel and may adopt, reject or amend the recommendations and/or approve of alternative action being taken.
- (m) Any decision made by the Executive Committee (or Junior Activities Committee) following consideration of report from the Disputes Panel shall be final.
- (n) Any person dissatisfied with a decision made by the Executive Committee (or Junior Activities Committee) is entitled to exercise his or her rights to have the matter reviewed by a supervising association.

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- (o) In the event of a conflict of interest, the powers and responsibilities of the President under this clause and clause 6 shall be exercised by the Executive Officer

### **Judiciary Panel and Breach of Discipline Process**

- 26. (a) There shall be a Judiciary Panel formed for the purpose of determining alleged breaches of discipline by members of the Club.
- (b) The Judiciary Panel shall comprise three (3) current members of the Club, the Chairperson of which shall be approved by the Executive Committee.
- (c) If a person becomes permanently unable to fulfil his or her duties as Chairperson of the Judiciary Panel, the position will become vacant and the Executive Committee shall take any action necessary to appoint another qualified person to fill the vacancy.
- (d) Any person who alleges that a member of the Club has committed a breach of discipline shall provide details of the alleged breach in writing to the President.
- (e) The President shall refer the allegation to the Chairperson of the Judiciary Panel and in consultation with the Chairperson, arrange for 2 members of the Club to make up the Panel, together with the Chairperson, for the purpose of investigating the allegation. In deciding which members will join the Chairperson in undertaking the investigation, the President will have regard to the circumstances of the matter and any conflicts of interest (actual or perceived) that may arise if particular members are selected.
- (f) The Chairperson of the Judiciary Panel must notify the member that the Panel has received details of the alleged breach of discipline and indicate a time, date and place at which it will convene to determine the alleged breach. In determining a date, at least 7 days notice must be given to the member.
- (g) The Judiciary Panel shall be entitled to determine its own rules and procedures for dealing with the matter subject only to ensuring that the member subject to the allegation is afforded procedural fairness. In this regard, procedural fairness includes but is not limited to being aware of the details of the allegation and having an opportunity to respond to the allegation.

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- (h) A member electing to appear in person before the Judiciary Panel shall not be entitled to be represented by an advocate. The member may have a support person with them.
- (i) The Judiciary Panel must use its best endeavours to provide its decision to the Executive Committee within twenty one (21) days of receiving notice of the alleged breach or by the next scheduled Executive Committee meeting, whichever is the later.
- (j) If the Judiciary Panel finds that a breach of discipline has been found proven, it shall also recommend to the Executive Committee an appropriate penalty, which can include but not be limited to reprimand, penalty patrol(s), undertaking voluntary work relating to Club activities, payment of restitution for property damaged, destroyed or stolen, removal from office, suspension or expulsion.
- (k) The Executive Committee may either endorse the recommendation on penalty made by the Judiciary Panel or impose its own penalty in lieu. Any penalty endorsed or imposed by the Executive Committee is final.
- (l) Any person dissatisfied by a decision of either the Judiciary Committee or the Executive Committee is entitled to exercise his or her rights to have the decision reviewed by a supervising association.
- (m) In the event of a conflict of interest, the powers and responsibilities of the President under this clause and clause 6 shall be exercised by the Executive Officer.

### **Junior Activities Committee**

- 27. (a) There shall be a Junior Activities Committee which will be responsible through its Chairperson for the management and conduct of activities relevant to Junior Activities members.
- (b) The Junior Activities Committee shall consist of –
  - (i) the Junior Activities Chairperson, and
  - (ii) such other positions as may be identified by the Chairperson from time to time, and subsequently endorsed by the Executive Committee, as necessary for the proper management and conduct of junior activities.
- (c) The Junior Activities Chairperson shall -
  - (i) be elected by the members at the Annual General Meeting of the club,
  - (ii) be a member of the Executive Committee, and

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- (iii) be responsible for ensuring other junior activities committee positions are filled by suitably qualified people.
- (d) The Junior Activities Committee will conduct itself by, and be subject to, these Rules where applicable and any relevant By-laws.
- (e) Unless otherwise a member, all members of the Junior Activities Committee shall be general members of the Club.
- (f) The in-coming Junior Activities Committee shall convene within thirty (30) days of the Annual General Meeting to resolve any official position not filled at that meeting. The members of the Committee shall endeavour to meet at least once per month but no less than 7 times per year at a time to be determined by the Chairperson.
- (g) The Chairperson shall ensure that minutes are kept of all junior activities committee meetings.

### Finance

28. (a) The revenue of the Club will be derived from –
- (i) membership subscriptions,
  - (ii) donations and sponsorships,
  - (iii) facilities hire or rental,
  - (iv) the annual Freshwater surf carnival and other surf lifesaving, special events and associated activities organised and managed by the Club,
  - (v) fund raising activities approved by the Executive Committee,
  - (vi) fund raising activities approved by the Junior Activities Committee and endorsed by the Executive Committee, and
  - (vii) by any other means as may be approved by the members at a general meeting following a recommendation made by the Executive Committee.
- (b) All funds received by the Club are to be deposited or processed at the bank as soon as practicable and without the deduction of any amounts to the Club's bank account. .
- (c) All funds received by the Club must be deposited into a bank that is regulated by the Australian Prudential Regulation Authority in accordance with the Banking Act 1959 or any other relevant legislation that may be in force from time to time.
- (d) Any Club bank accounts or investment accounts must be with a bank that is regulated by the Australian Prudential Regulation



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- Authority in accordance with the Banking Act 1959 or any other relevant legislation that may be in force from time to time.
- (e) The Club must, as soon as practicable after receiving any cash, cheques or credit card remittances, issue an appropriate receipt or tax invoice.
  - (f) The Club funds are to be used in pursuance of the objectives of the Club in such manner as the Executive Committee may authorise.
  - (g) All cheques, electronic funds transfers and other negotiable financial instruments must only be signed by authorised members of the Executive Committee.
  - (h) The Executive Committee is to ensure that appropriate levels of internal controls are implemented and documented to facilitate the safe and appropriate management of Club funds..
  - (i) The Junior Activities Committee may be authorised to operate a separate bank account for the receipt and expenditure of funds for the purposes of junior activities.
  - (j) Any bank account operated by the Junior Activities Committee is to be at the same bank used by the Club and be in accordance with clause 26(d).
  - (k) All funds received for or as a result of junior activities shall at all times be regarded as funds of the Club and shall not be expended, allocated or otherwise committed without the prior consent of the Executive Committee.
  - (l) The Chairperson of the Junior Activities Committee is to ensure that prior to September each year a budget is provided to the Executive Committee for its approval.
  - (m) If the Junior Activities Committee wishes to expend, allocate or otherwise commit funds in excess of the budget approved by the Executive Committee under clause 26(l), prior approval must be sought from the Executive Committee.
  - (n) Any sponsorship, marketing or other commercial arrangements entered into or agreed to by the Junior Activities Committee must not in any material way conflict or potentially conflict with any sponsorship, marketing or commercial arrangements entered into or agreed to by the Club unless otherwise authorised by the Executive Committee.

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- (o) A financial report is to be prepared annually for inclusion in the Club's annual report and is to provide details of –
  - (i) The Club's income and expenditure for the past year,
  - (ii) Comparative figures of the income and expenditure for the previous year, and
  - (iii) The assets and liabilities of the Club as may apply at the end of the Club's financial year.
- (p) The Club's financial year shall be from 1 May to 30 April each year.

### **By-laws and Rules**

- 29. (a) The Executive Committee is able to issue By-laws in respect of any matter authorised by the Rules or not otherwise dealt by the Rules.
- (b) A By-law issued by the Executive Committee shall not be inconsistent with the Rules and in the event of any inconsistency, the Rules shall prevail.
- (c) After the Annual General Meeting and before the commencement of the patrol season the Executive Committee shall review all By-laws then in force to determine whether they shall remain in effect or be rescinded or amended.
- (d) The Executive Officer shall keep a record of all By-laws issued.
- (e) The details of By-laws shall be made known to the members of the Club by such means as the Executive Committee may determine.
- (f) The Executive Committee shall ensure the Rules are reviewed at least once every 10 years to ensure they remain appropriate for the operation and objectives of the Club

### **Common seal**

- 30. (a) If the Club adopts a common seal, it must be kept in the custody of the public officer.
- (b) The common seal must not be affixed to any instrument except by the authority of the Executive Committee.
- (c) The affixing of the common seal must be attested by the signatures of two members of the Executive Committee.

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### **Custody and Inspection of books**

31. (a) Except as otherwise provided by these rules, the public officer must keep in his or her custody or under his or her control all records, books and other documents relating to the Club.
- (b) The records, books and other documents of the Club must be open to inspection, free of charge, by a member of the Club at any reasonable hour.

### **Amendment of the Rules**

32. The Rules may be amended by a special resolution passed by a three quarters (3/4) majority of members present and entitled to vote at a General Meeting or at a Special General Meeting called for that purpose.

### **Service of notices**

33. (a) For the purpose of these Rules, a notice may be served on or given to a person by -
- (i) delivering it to the person personally, or
  - (ii) sending it by pre-paid post to the last known address of the person, or
  - (iii) sending it by facsimile transmission or some other form of electronic transmission to an address provided by the person.
- (b) Any notice, report or other document required to be provided to the Executive Committee can be given to the Executive Officer. The Executive Officer must then ensure any such notice, report or document is made available to the Executive Committee on or before the next Executive Committee meeting.

### **Dissolution**

34. (a) The Club shall only be dissolved with the consent of three quarters (3/4) of the financial members present and eligible to vote at a Special General Meeting called for that purpose.
- (b) In addition to notice of the Special General Meeting being given in accordance with this constitution, details of the proposal to dissolve the club must be advertised in a local and Sydney wide newspaper at least once in each of the two (2) consecutive weeks immediately preceding the meeting.

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- (c) If the resolution to dissolve the Club is passed, all assets and funds of the Club available after the payment of all expenses and liabilities must be given or transferred to a registered or exempt charity which has objects similar to those of the Club.
- (d) The charity to which the assets and funds are to be given or transferred is to be decided by the members at or before the Special General Meeting called for the purpose of dissolving the Club.

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### HISTORY OF AMENDMENTS

Special Meeting 23 Aug 2009 – Constitution approved

Sept 2010 – Reference to Directives amended to By-laws on commencement of Associations Incorporation Act 2009 per resolution passed at Special meeting held 23 Aug 2009

General Meeting 13 Dec 2015 –

- Clause 2 – minor amendment
- Clause 3 - Inclusion of Mission statement
- Clause 4 - New objectives
- Clause 5 – Definition of formal dispute added, other minor amendments
- Clause 7 – Power of Executive Committee to reject new membership applications
- Clause 9 - Minor amendment to sub-clause (b) & (c)
- Clause 14 – Removal of reference to delegate from sub-clause (ix) as alternate member of Executive Committee
- Clause 16 – Monthly meetings held min.10 times per year, quorum reduced from 7 to 6, position may be declared vacant after 3 missed meetings, minor amendment sub-clause (d)
- Clause 17- Inclusion of suspension powers of Executive Committee
- Clause 18 – Inclusion of lifesaving, minor amendment to sub-clause (b)
- Clause 20 – Notice requirement 21 days
- Clause 21 – Minor amendment sub-clause (b)(i)
- Clause 22 – Inclusion of Association members on Executive Committee
- Clause 25 – Chairperson selected by Executive Committee, inclusion of sub-clause (o)
- Clause 26 – Chairperson selected by Executive Committee, inclusion of sub-clause (m)
- Clause 27 – Members of Committee to be general members, minor amendments to sub-clauses (f) & (g)
- Clause 28 – Financial year, minor amendments to sub-clauses (a)(iv), (i) & (l)
- Clause 29 – Inclusion of provisions regarding review of Constitution.

General Meeting 18 December 2016 –

- Clause 24 – New provisions relating to constitution of panel (from 5 to all life members), voting numbers by Executive Committee, arrangements if panel Chairperson not available, attendance at Executive Committee meeting by Chairperson, timeframe for lodging nominations, role of Executive Officer in providing information, process for dealing with conflicts of interest

**NOTE: Constitution to be reviewed no later than 13 December 2025**