BUNDABERG

SURF LIFE SAVING CLUB

AUSTRALIA

CLUB CONSTITUTION

Version
1st August 2004

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BUNDABERG SURF LIFE SAVING CLUB INC.

PART 1
THE CONSTITUTION

SECTION A
Name, Control, Objects, Badges

##

1 - NAME, INTERPRETATION AND DEFINITION

1.1 **NAME**

The name shall be" Bundaberg Surf Life Saving Club Inc.," hereinafter referred to as "The Club".

a) **ASSOCIATION** - shall mean "Surf Life Saving Australia Limited" or SLSA.

b) **AUSTRALIAN COUNCIL** - shall mean the body consisting of the SLSA (Association) Directors.

c) **STATE CENTRE** - shall mean "Surf Life Saving Queensland" (SLSQ), which includes Branches, Clubs and their members.

d) **BRANCH** - shall mean the Wide Bay Capricorn Branch, which includes the affiliated Clubs and their members within the boundaries of that Branch as defined by SLSQ, and representatives of Auxiliary Organisations.

e) **CLUB -** shall mean all the registered, financial members as defined in B/1.1, and the affiliated Auxiliary Organisations.

f) **COUNCIL** - shall mean the body consisting of the President and elected officers and voting members.

1.2 **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;

f) references to a person include the legal personal representatives, successors and permitted assigns of that person,

g) 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).

h) The specification of the objects and powers of the Club in A/3 of this Constitution are not in any particular order and are not to be construed so as to lead to the construction that any object or power is more important than any other object or power, nor that any object or power which is specified in detail is more important than any object or power which has not been specified in detail, and no particular object or power will be limited by reference to any other and the rule of construction known as the "ejusdem generis" (of the same kind) rule shall not apply.

i) If any provision of this Constitution or any phrase contained in it is invalid or unenforceable in any jurisdiction, the phrase or provision is to be read down for the purpose of that jurisdiction. If possible so as to be valid and enforceable and otherwise it shall be severed to the extent of the invalidity or unforceablility, without affecting the remaining provisions of this Constitution or affecting the validity or enforceability of that provision in any other jurisdiction.

1.3 **DEFINITIONS**

a) Where the word "Administrator" appears in this document it shall be acknowledged to refer to a Secretary as defined in the relevant Government legislation.

b) Where the words "Finance & Property Officer" appear in this document they shall be acknowledged to refer to a Treasurer as defined in the relevant Government legislation.

c) Year - In respect to "Membership" and "Competition", shall mean, in the case of a Club, Branch and State Centre, the period between 1st October in any one year and 30th September in the year following.

2 - CONTROL

2.1 The Club shall be subject to the control of State Centre and the Branch to the extent of the power of the State Centre and the Branch and shall have full control over all surf life saving services within that part of the Branch area designated as the Club's Bathing Reserve or as directed by the State Centre or the Branch from time to time. It shall be charged with the fulfillment of the objects of the Association within the boundaries of its jurisdiction.

2.2 Auxiliary organisations may be formed and affiliated to the Club providing such organisations have similar aims and objects as the Club and are subject to the overall control of the Club.

2.3 Topics - Religion and politics and matters such as this shall not be part of the Association business and are banned from discussion at any official meetings held within the Association. These items shall remain as an individual commitment only, without reference to the Association in any way.

3 - OBJECTS AND POWERS

The club is a charitable community organisation with the following objects and powers:

3.1 Promote, advance and control the work of Surf Life Saving, the resuscitation of the apparently drowned, the treatment and resuscitation of any person stung by any marine stinger, and the application of first aid on surfing beaches and elsewhere.

3.2 Assist in research and experiments for the improvement of methods of Surf Life Saving, the resuscitation of the apparently drowned and the treatment of the seriously stung, and to provide efficient life saving equipment of standard design, and oversee the training of members of the Club in the efficient use of such equipment to minimise loss of life in surf bathing and elsewhere.

3.3 Co-operate with any organisation in improving methods of life saving (whether in still or rough water or elsewhere) and the securing of public recognition and financial support for Life Saving.

3.4 Promulgate rules issued by the Branch, from time to time, for the management and control of surf life saving and resuscitation work so far as local conditions permit, and within the Club's area of authority.

3.5 Promote, demonstrate and instruct the methods of Surf Life Saving.

3.6 Enforce the observance of the Policies, Rules and Regulations of the Association, and written directions from time to time, deal with any infringement thereof, and adjudicate upon all disputes and difficulties between members of the Club.

3.7 Obtain improved facilities for surf bathing.

3.8 Effect such purposes as may be necessary in the interest of surf bathing.

3.9 Acquire by purchase, exchange or otherwise, whether for an estate in fee simple or for any less estate in lands, tenements or hereditaments or any tenure whether subject or not to any changes or encumbrances and erect, replace, maintain, reconstruct, adapt and furnish any offices or other buildings thereon and sell, let, alienate, mortgage, charge or otherwise deal with all or any of such lands, tenements or hereditaments or any part thereof.

3.10 Raise or borrow money on bonds, or mortgage, or other security of any property, held for or on behalf of the Club, or without any such security and upon such terms as the Club shall think fit.

3.11 Receive money on deposit with or without allowance of interest thereon.

3.12 Invest the monies of the Club, not immediately required, in such manner as may from time to time be determined by the Club Management Committee.

3.13 Ensure that environmental considerations are taken into account in all surf life saving and related activities conducted by the Club.

3.14 Encourage members to realise their potential and athletic abilities by extending to them the opportunity of education and participation in surf life saving competition and to award trophies and rewards to successful competitors.

3.15 Encourage and promote performance-enhancing drug free competition.

3.16 Recommend Meritorious Awards for members and others, in honourable public recognition of difficult and meritorious rescues from the sea and elsewhere, and of deeds of exceptional bravery, from time to time performed in the course of life saving in the surf and elsewhere, and to recommend for civil honours, and support wherever requested and considered appropriate, nominations.

3.17 Promote the health and safety of members and all other users of the aquatic environment, and seek and obtain improved facilities for their enjoyment.

3.18 Effect such purposes as may be necessary in the interests of surf life saving and the aquatic environment.

3.19 Promote uniformity of rules and regulations for the control and regulation of surf bathing, and assist the authorities in enforcing these rules and regulations.

3.20 Produce, develop, create, licence and otherwise exploit, use and protect the Intellectual Property, including but not limited to logos, trademarks, copyright and names in any publication produced by the Club.

3.21 Construct, maintain and alter any houses, buildings or works necessary or convenient for the purposes of the Club.

3.22 Take such steps by personal or written appeals, public meetings or otherwise as may from time to time be deemed expedient for the purposes of procuring contributions to the funds of the Club in the shape of donations, annual subscriptions or otherwise.

3.23 Print and publish any newspapers, periodicals, books or leaflets that the Club may think desirable for the promotion of its objects.

3.24 Promote any other person or company for any purpose calculated to benefit the Club.

3.25 Purchase or otherwise acquire and undertake all or any part of the property, assets, liabilities and engagements of any one or more of the companies, institutions, societies or associations whose activities or purposes are similar to those of the Club or generally for any purpose calculated to benefit the Club.

3.26 Do all or any of the matters hereby authorised, either alone or in conjunction with any person, company or unincorporated body, or by or through any factors, trustees or agents.

3.27 Generally do all such other things as may appear to the Club to be incidental or conducive to the attainment of the foregoing objects or any of them.

4 - BADGES AND COLOURS

4.1 The Club emblem shall be worn only by accredited representatives and members of teams who are selected or approved by the Club Selection Committee and shall be to the design appearing in Appendix "G". Such emblem shall be obtained only on the written order of the Club Secretary and such written order shall detail the lettering to be embroidered beneath the emblem.

4.2 The Club Life Membership Badge shall be presented by the Club to each duly elected Life Member and shall be to the design appearing in Appendix "G".

4.3 The Club Membership Badge shall be available to members and shall be to the design appearing in Appendix "G".

4.4 The Club Colours shall be Black and White.

5 - THE COMMON SEAL

5.1 The form of the Common Seal shall be as set out in the first part of Appendix "G" of this Constitution together with the words Bundaberg Surf Life Saving Club Inc." around its perimeter and the words "The Common Seal of" in its centre.

5.2 The Management Committee shall provide for the safe custody of the Seal.

5.3 The Seal shall only be used by the Authority of the Management Committee, and every document to which the Seal is affixed shall be signed by two (2) members of the Management Committee one of whom shall be the President.

SECTION B

Composition, Membership, Affiliation, Management

1 - COMPOSITION / MEMBERSHIP

1.1 The composition of the Club shall consist of the following members - its Officers, Active, Reserve Active, Long Service, Life, Associate, Award, Past Active, Honorary, Cadet, Junior Activity (Nipper) and Probationary Members, and membership shall be unlimited.

1.2 A Register of these members shall be prepared at the commencement of each year, and shall be updated from time to time as required.

1.3 All applications for membership shall be made on the approved Association Form and all members shall be bound by this Constitution, the By-Laws, the Appendices Resolutions and the Manuals of the Association and the Constitution and regulations of the Association, and a prescribed fee for each category of membership shall be such sum, payable at such time and in such manner as the Management Committee shall from time to time at any General Meeting so determine. Members must renew their membership annually.

1.4 A financial member at any material time is a member who is not then indebted to the Club in respect of any annual subscription or levy or other payment whatsoever.

1.5 Only those members who are financial members at the time shall be entitled, subject to the lawful procedure of the meeting, to speak or vote upon any motion at any general meeting of the Club.

2 - RESTRICTION

2.1 All applications for membership of the Club shall be made annually on the approved Association Form, and shall be available to males and females provided that active membership shall be limited to proficient SLSA Bronze Medallion holders.

2.2 A member of a Life Saving Organisation affiliated with International Life Saving may be accepted as a member of the Club provided that the member complies with all the conditions for membership of this Association and its Manuals.

2.3 Separate accommodation and amenities for male and female members, which are satisfactory to the Branch and the State Centre may be provided.

2.4 An unfinancial, suspended or expelled member of the Club shall not knowingly apply to join another Club, nor shall a Club knowingly admit to membership nor retain in membership any past or present member of the Club who is indebted in any way to or has been suspended or expelled.

2.5 The Club shall immediately provide their respective Branch and State Centre with the names and addresses of members who have had their membership cancelled or suspended and such information, including the period of suspension/cancellation of membership shall be set out in a register provided for that purpose.

2.6 Should a bona fide member of more than one Club be completely suspended or expelled by the Club he shall not be allowed to compete in any competitions conducted by any Club of which he is a member or by the Association.

2.7 In cases in dispute, an appeal may be lodged with the Branch or SLSQ as the case may be.

2.8 All members and elected officers of Club, Branch and State Centre, shall have reciprocal rights within the facilities of clubs throughout Queensland, and the conditions of entry upon and use of any club facilities are at the discretion of the host club.

3 - CATEGORIES OF MEMBERSHIP

In relation to membership categories, each Club shall provide for the following types of membership and the following minimum qualifications shall be adhered to –

a) Probationary Member shall be the designation of any person for the time period between applying for membership and the gaining of an award and/or the granting of a formal category membership by the appropriate Club committee.

Note: Probationary members are not Individual Members for the purposes of the Articles of Association of SLSA.

b) Junior Activity Member (Nipper) shall be a minimum age of 7 years up to a maximum age of 14 years on a seasonal basis (age for a season is determined as at midnight on the 30 September at the commencement of that season), and such person shall be required to gain the relevant Junior Activity Certificate for that person's age group.

c) Cadet Member shall be subject to the age qualification as defined in the Association's Manuals and has obtained the Surf Rescue Certificate in that season or passed an annual proficiency test.

d) Active Members shall be Bronze Medallion holders and shall fulfil the full patrol and Club obligations, as provided by the Association and the Club Constitution and By-Laws, and shall qualify in an annual proficiency test each season, unless the member has obtained his Bronze Medallion in that Season.

e) Reserve Active Membership -

i) may be granted by a Club to Active Members who have satisfactorily completed (from the gaining of the Bronze Medallion) at least eight (8) years of patrol and Club obligations as provided by the Association and Club Constitution and By-Laws. Reserve Active Membership shall not be automatic, but shall be granted by resolution of the appropriate Club body;

ii) members shall perform a minimum of patrols in each club where they hold Reserve Active membership, as required by SLSA, and further patrol duties at the discretion of the Club management;

iii) members shall complete the Annual Proficiency Test.

Note: Notwithstanding (i) above Reserve Active Membership may be granted under exceptional circumstances to Active Members irrespective of years of service.

f) Long Service Membership -

i) may be granted by a Club to members who have completed ten (10) years active service or to members who have completed eight (8) years active service plus four (4) years reserve active service;

ii) members shall be exempted from all patrol obligations and may be granted other special privileges of membership as provided in the Club Constitutions and By-Laws;

iii) should such members join another affiliated club the receiving club shall determine if such member's Long Service shall be recognised by that club.

g) Award Membership -

i) may be granted by a Club to persons who are proficient holders of an SLSA Award of one or more of the following qualifications - Surf Rescue Certificate (over 15 years of age), Radio Award(s), Resuscitation Certificate, Advanced Resuscitation Certificate or First Aid Award(s) (or equivalent);

ii) members may be called upon to perform patrols and/or other Club obligations commensurate with their qualifications, and provided they so do, shall then be eligible for voting rights as approved and minuted by the Club.

h) Associate Membership -

i) may be granted by a Club to a person who may or may not be the holder of an Association award;

ii) does not entitle such member to voting rights unless elected to office or a position which is provided with voting rights by the Club Constitution or By-Laws;

iii) shall have a joining and/or annual membership fee as set by members at the Annual General Meeting.

i) Honorary Membership may be granted annually by a club to persons who may or may not hold an SLSA award. and is not entitled to voting rights.

j) Life Membership may be granted by Clubs and/or Branches to members who have rendered distinguished or special service as provided for in the Club/Branch Constitution or By-Laws, and is relevant to that Club/Branch only. Refer By-Law 1.3

k) Past Active Membership -

i) may be granted by a Club to persons who hold an SLSA Bronze Medallion, and been an active patrol member for a minimum of 3 years.

ii) may have voting rights at the discretion of the Club.

4. - DUAL MEMBERSHIP

In relation to dual or multi-Club membership the following shall apply:

a) Any member of a Club may be admitted as a member of another Club or Clubs, providing such member has a “clearance” as provided for in “Clearances” (Refer to the By-Laws).

b) Any competing member shall not participate in any Inter-Club competition as a representative of more than one Club during any one competition season unless and until their “competitive rights” have been transferred as provided for in “Competitive Rights Transfer” (Refer to the By-Laws).

c) Any competing member who is a member of more than one club shall be entitled to compete in Club events of all such Clubs.

5 - ADMISSION AND REJECTION OF MEMBERS

5.1 At the next meeting of the Management Committee after the receipt of any application and the fee applicable for any class of membership, such application shall be considered by the Management Committee, who shall thereupon determine upon the admission or rejection of the applicant.

5.2 Any applicant who receives a majority of the votes of the members of the Management Committee present at the meeting at which such application is being considered shall be accepted as a member to the class of membership applied for.

5.3 Upon the acceptance or rejection of an application for any class of membership the Secretary shall forthwith give the applicant notice in writing of such acceptance or rejection.

6 - TERMINATION OF MEMBERSHIP

6.1 A member may resign from the Club at any time by giving notice in writing to the Secretary. Such resignation shall take effect at the time such notice is received by the Secretary unless a later date is specified in the notice when it shall take effect on that later date.

6.2 If a member -

a) is convicted of an indictable offence; or
b) fails to comply with any of the provisions of the Rules; or
c) has membership fees in arrears for a period of thirty (30) days or more; or
d) conducts himself in a manner considered to be injurious or prejudicial to the character or interests of the Club,

the Management Committee shall consider, within a reasonable time, whether his membership shall be terminated.

6.3 The member concerned shall be given a full and fair opportunity of presenting his case and if the Management Committee resolves to terminate his membership it shall instruct the Secretary to advise the member in writing accordingly.

7 -APPEAL AGAINST REJECTION OR TERMINATION OF MEMBERSHIP

7.1 A person whose application for membership has been rejected or whose membership has been terminated may within one month of receiving written notification thereof, lodge with the Secretary written notice of his intention to appeal against the decision of the Management Committee.

7.2 Upon receipt of a notification of intention to appeal against rejection or termination of membership the Secretary shall convene, within a month of the date of receipt by him of such notice, a Judiciary Committee meeting to determine the appeal. At any such meeting the applicant shall be given the reason(s) for the rejection or termination of his membership, and be given the opportunity to fully present his case and the Management Committee subsequently shall likewise have the opportunity of presenting its case. The appeal shall be determined by the vote of the members present.

7.3 Any member whose membership is rejected or terminated, and appeal dismissed by the Judiciary Committee shall have the right to lodge an appeal (within 14 days) to the Club Council. Such appeal shall be dealt with by the Council within 3 months of lodgement. (Refer By-Laws).

7.4 Where a person whose application is rejected or terminated, does not appeal against the decision of the Judiciary Committee within the time prescribed by these Rules or so appeals but the appeal is unsuccessful, the Secretary shall forthwith refund the amount of any fee paid.

7.5 If the appeal is unsuccessful the person shall have the right to appeal to the next highest authority. (Refer By-Laws).

8 - DISCIPLINARY MEASURES

8.1 Disciplinary action may result should a member assert pressure on any other member to obtain any form of grace or favour on the grounds of any difference or otherwise in gender.

8.2 Disciplinary action may result should a member place any other member under any moral obligation or infringe any other member's moral standing for whatever purpose.

8.3 Any member suspected of any breaches of club rules may be required to attend a Management Committee meeting to show cause as to why disciplinary action should not be taken as provided in the Constitution and By-Laws, or of a moral or criminal nature is to be referred to the Police for their investigation.

8.4 Notwithstanding the foregoing, members may be required to attend Judiciary Committee meetings should they be the subject of an alleged breach of conduct.

8.5 Any member suspected of any breaches of Club rules may, in the appropriate case, be suspended forthwith by the President or Club Captain, pending a hearing of the matter pursuant to Clauses 8.3 and 8.4.

8.6 Where any member is suspected of any breaches of Club rules, whether or not he is placed under immediate suspension pursuant to Clause 8.5, the Management Committee or the Judiciary Committee, as the case may be, shall convene within a reasonable time, not being more that 28 days from the date of the alleged incident, in order to hear the matter pursuant to Clauses 8.3 and 8.4

8.7 Failure of the Management Committee or Judiciary Committee, as the case may be, to convene within 28 days pursuant to Clause 8.6, shall mean that any suspension of the suspected member shall be lifted until such time as a hearing of the matter is convened.

8.8 Judiciary and appeal procedures to be followed are set out in the By-Laws and Appendix A.

9 - AFFILIATIONS

9.1 The Club shall apply annually for affiliation to the Branch, and such application shall be made prior to the Branch Annual General Meeting.

9.2 The Club may authorise the formation of Auxiliary Organisations to function for such purposes and for such periods as may be determined from time to time by the Club.

9.3 Auxiliary Organisations shall subscribe to the Constitution, Rules, etc., of the Association and the Club, and shall be registered under the relevant Government Act.

9.4 Changes or amendments to the Constitution, Rules, etc., of affiliated and/or auxiliary organisations must not conflict with the Constitution, By-Laws, policies or rules of the Branch or the State Centre.

9.5 The Club:

(a) is bound by this Constitution and By-laws and submits to the authority of the Branch or State Centre in relation to the conduct, promotion and administration of surf life saving within the boundary of the Club;
(b) must not do or permit any act or thing which, in the opinion of the Branch or State Centre, might adversely affect or derogate from the standards, quality and reputation of surf life saving;
(c) may request the appointment of an administrator from the Branch or State Centre if experiencing difficulties.

9.6 The Club accepts the Branch or State Centre may at any time appoint one or more people to administer the Club or its assets if, in the Branch's and State Centre's reasonable opinion:

(a) the Club is experiencing, or might experience, serious administrative, operational or financial difficulties, such as:

- unable to, or not, upholding the reputation or objects of the Association,
- having difficulty, or not, fulfilling its lifesaving or administrative obligations and/or responsibilities,
- experiencing financial difficulties,
- has an unfavourable Auditor's report,
- being subject to an investigation by a Government agency eg Police, Australian Tax Office, etc,
- having unsatisfactory (non-approved) insurances,
- being unable or unwilling to satisfy its debts to the State Centre,
- failing to comply with SLSA and/or State Centre and/or Branch polices, rules etc; and,
- experiencing internal management conflicts eg factional problems.

(b) it is in the best interests of surf life saving, the Club or its members that all or some of the operations, affairs, conduct or management of the Club be investigated, reviewed or externally administered or assisted, or
(c) the Club has acted or proposes to act contrary to law.

9.7 The Club must:
(a) promptly provide to administrators all documents, records and assistance (including the execution of documents or instruments) reasonably requested by the administrator from time to time; and
(b) indemnify the administrator, the appointing body against all liabilities incurred by the Administrator in the exercise or purported exercise of his or her powers.

9.8 An administrator appointed to the Club or its assets:-
(a) is an agent of the Club which alone shall be responsible for the administrator's acts and defaults;
(b) notwithstanding this, must act in the interests of the Branch or the State Centre and surf life saving;
(c) subject to the terms of the administrator's appointment, may exercise all of the powers of the Club and has power to do all things necessary or convenient to be done for or in connection with, or incidental to, the attainment of the objectives for which the administrator was appointed.
(d) must report to the appointing body about the affairs of the Club and the administrator's activities when required by the appointing body to do so;
(e) may make recommendations to the Club or the appointing body about the affairs of the Club or the matters subject of the administrator's appointment;
(f) may be removed from office at any time by the appointing body;

9.9 Where the Branch or State Centre consider or is advised that a Club has allegedly:
(a) breached, failed, refused or neglected to comply with a provision of the Constitution or By-laws or any resolution of the Branch or State Centre;
(b) acted in a manner prejudicial to the objects and interests of the Branch or State Centre or surf life saving;
(c) brought the Branch or State Centre or surf life saving into disrepute;
(d) refused without lawful excuse to implement any or all directions or recommendations made by an administrator appointed by the Branch or State Centre.

The appointing body may, in addition to its other rights or powers at law or under the Constitution and By-Laws after allowing the Club the reasonable opportunity to explain, adjudicate and if necessary impose upon the Club such penalty as the Branch or State Centre considers appropriate.

10 - MANAGEMENT

The Management of the Club shall be provided in the following manner:

10.1 The Club Council

(a) The overall responsibility for the affairs of the Club shall be vested in the Council which shall consist of the Club President (Chairperson),the Deputy President, elected Officers and voting members. (E/3/3.1 and B/1/1.2)

(b) The primary functions of the Council are to govern and provide leadership to the Club and its auxiliary organisations in accordance with the aims and objects of the Club, the law and this Constitution.

(c) The Council shall also set strategic direction through the endorsement of strategic and business plans, adopt an annual budget, set major policies, approve constitutional changes, ensure that internal control systems are in place, monitor the performance, progress and results associated with these functions.

10.2 The Management Committee

The business and operations of the Club shall be the responsibility of the Management Committee with the exception of matters relating to Policy, Constitutional Change, Incorporation Responsibilities and Authority, and major financial borrowings and strategic issues. Recommendations only shall be provided on such issues to the Council. The Management Committee shall consist of the elected Officers of the Club all of whom must be adults, namely:

President, Deputy President, Vice President (2), Captain, Secretary, Treasurer, Surf Sports Officer, Chief Training Officer, Cadet/Youth Officer, Junior Activities Officer and Clubhouse Director

10.3 The Executive Committee

The Executive Committee of the Club shall be the President, Deputy President, Secretary, Treasurer, Captain, Surf Sports Officer and Junior Activities Officer.

The Executive Committee may, with the approval of the Management Committee, deal with items requiring prompt or urgent attention between the meetings of the Management Committee.

10.4 Boards and Committees

Boards, Special Committees and Sub-Committees may be established to assist in the management of the Club, as provided for in the By-Laws, and shall report and make recommendations to the Management Committee and/or the Club Council.

10.5 Staff

Shall be as provided for in D/4 and may include:

a) An Administrator/Office Manager whose duties shall be as provided for under the By-Laws and shall operate in close liaison with the Club Officers, and shall attend and act as Minute Secretary for Council, Management and Executive Committee Meetings.

b) Other personnel as determined from time to time by the Management Committee.

10.6 Order of Authority

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

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

10.7 Branch Councillor

a) The Councillor to the Branch shall be the Club President

b) The Councillor shall hold office until the appointment of his successor, provided that he may resign or may be removed from the office by the Club Council, in which case the Club shall submit to the Branch the name of a replacement.

c) An Alternate Councillor (proxy) shall be permitted.

SECTION C

Election of Officers & Life Members

1 - ELECTION OF OFFICERS

1.1 Officers shall be elected annually at the Annual General Meeting by secret ballot.

1.2 Nominations for Officers to be elected or appointed at the Annual General Meeting of the Council shall be in writing on the appropriate form, signed by the nominator and seconder, who shall be members of the Club, and bearing a certificate signed by the nominee expressing his willingness to accept the position for which he is nominated. Such nominations shall be in the hands of the Secretary at least fourteen (14) days prior to the date of the Annual General Meeting and shall be promulgated to the members at least seven (7) days before that date.

1.3 If there are no nominations received as aforesaid, nominations may be accepted at the Annual General Meeting provided the person nominated is present or has given a written consent to accept office. The election of Officers shall be by secret ballot, and if in the final ballot, should there be an equality of votes the following shall apply -

a) If one of such nominees occupies the office, which is the subject of the ballot, such nominee shall be declared re-elected.

b) If none of the nominees occupies the office which is the subject of the ballot, the presiding Chairperson at the time of the ballot shall have a casting vote.

1.4 All Officers shall continue in office, subject to resignation or requirement, removal from office, illness, incapability or some other reason, until their successors are appointed. In the event of a vacancy occurring during the year, such vacancy may be filled at a Management Committee or Council Meeting, subject to the normal conditions of nomination. If the Management Committee appoints the person, then it shall require endorsement by the Council.

1.5 Any Officer who is absent from two (2) consecutive meetings of the Committee he is a member of without submitting a satisfactory reason in writing may be removed from office by the Council, and in such event, shall not be eligible for re-election during the current year.

1.6 Any Officer who is not satisfactorily carrying out his duties may be removed from office by the Council, and in such event, shall not be eligible for re-election during the current year; provided that no such action shall be taken unless notice of intention to move a motion to give effect hereto has been given in accordance with the provisions of E/6.

1.7 Appeal against removal from Office
An Officer removed from Office in accordance with 1.5 and 1.6 above shall have the right to lodge an appeal against such removal to the Club provided that the appeal shall be lodged in writing to the Club within fourteen (14) days of the notification of the removal and shall set out clearly the grounds of the appeal. The appeal shall be placed before the Club Judiciary Committee, and shall be dealt with as per the By-Laws.

2 - ELECTION OF LIFE MEMBERS

2.1 Life Members of the Club may be elected from the members who have rendered ten (10) years special service to the Club within the area of, or on behalf of, the Club within a period of fifteen (15) years.

2.2 Prospective nominees' names shall be considered by the President, Captain and the Secretary at a special meeting of these Officers, and from such meeting the selected nominees shall be submitted to the Management Committee. There shall be no restriction on numbers for consideration and election at the Council Annual General Meeting, and a two-thirds (2/3) majority of those voting is required to confirm the award.

SECTION D

Property, Finance, Budget, Staff & Gift Fund

1 - PROPERTY

1.1 The property of the Club shall be vested in the name of the Bundaberg Surf Life Saving Club Inc.

2 - FINANCE

2.1 An official receipt, in the form prescribed by the State Government, shall be issued for all monies received, and which shall be banked/deposited promptly after receipt thereof, in the name of the Club in such Bank as the Management Committee directs.

2.2 Payments shall be made only by government approved methods. Payments of $100.00 or more must be made by cheque or electronic funds transfer. A negotiable instrument issued by the Club must be signed by any two (2) of the following Club members – (a) President; (b) Secretary; (c) Treasurer; (d) another member approved by the Club Management Committee.

2.3 The assets and income of the Club shall be applied solely in furtherance of its abovementioned objectives and no portion shall be distributed directly or indirectly to the members of the Club except as bona fide compensation for services rendered or expenses incurred on behalf of the Club.

2.4 Where any affiliated Branch or Club of the Association, as the case may be, is unable to make any lawful appeal for support for that affiliated Branch or Club or for its objects, as distinct from an appeal for support for SLSQ or the objects of SLSQ, no moneys or property whatsoever shall be paid or transferred to the affiliated Branch or Club by SLSQ or any affiliated Branch or Club of the Association, as the case may be, or used for the purposes of the affiliated Branch or Club first mentioned.

2.5 Before payment, all accounts shall be ratified by the Treasurer and/or the Secretary, and later confirmed by a properly constituted meeting of the Council or the Management Committee and a record made in the Minutes.

2.6 The Treasurer shall ensure that the statement of receipts and expenditure are presented to the appropriate meeting for confirmation on a monthly basis.

2.7 The Treasurer shall maintain a record of the investments of the Club in a book to be kept for that purpose.

2.8 The books and accounts of the Club shall be kept and an annual audit conducted in the manner required under the legislation and to Australian accounting standards. Such audited report to be presented to the Annual General Meeting of the Club. (Refer to By-Laws).

2.9 As soon as practicable after the end of each financial year, the Treasurer shall cause to be prepared, a statement containing the particulars of:

a) the income and expenditure for the financial year just ended; and
b) the assets and liabilities and of all mortgages, charges and securities affecting the property of the Club at the close of that year.

2.10 Government Subsidies/Grants:

a) The Club shall submit returns as and when required in the form provided to the relevant Government Department or agency.

b) As soon as possible after the receipt of any Government subsidy a receipt for the monies received shall be forwarded to the Department.

2.11 The financial year of the Club shall be from the first day of May in any one year to the thirtieth day of April in the year next following.

2.12 Financial activities of all Committees of the Club shall be under the control of the Treasurer, who shall, in conjunction with the Club President and Chairperson of the Committee concerned, determine the method of financial operation most suited to that particular Committee, providing that at all times, the government and Australian Accounting Standards requirements are maintained.

2.13 Any member being in default of payment of liabilities to the Club for in excess of two (2) months from date of notification of default may have his membership deferred or may be penalised by the Management Committee, subject to endorsement of the Council; such penalty shall remain in force until the liability has been negotiated to the satisfaction of the Club.

2.14 The Council, through the Management Committee, shall provide for the safe custody all financial records of the Club.

3 - BUDGETS

3.1 The Treasurer shall prepare a budget by 1st May for the ensuing year, after consultation with all Officers of the Club, provided that the budget may be subjected to further consideration after the election of Officers at the Annual General Meeting.

3.2 The budget shall be endorsed and submitted by the Management Committee to the Council for consideration of the budget allocations, and once approved it shall be competent for each Officer and Committee to utilise the Club finances to the limit of its allocation, unless directed otherwise by the Management Committee.

3.3 Any unforeseen items in relation to finance that may arise shall first be considered by the Management Committee, which shall if it is considered important or necessary, recommend that the matter be considered by the Council.

4 - STAFF

4.1 The Club may provide for the appointment of an Administrator and other employees as may be required from time to time in the conduct of its affairs.

4.2 Paid staff, except those receiving honorarium only, of the Club are not permitted to hold the position of "Officer" in the Club, provided that such paid staff may seek election as an Officer with the proviso that if elected they shall forthwith forfeit their paid position.

4.3 Salaries and employment conditions of staff members as provided for in B/10.5 shall be determined by the Management Committee.

4.4 The Management Committee shall endorse or reject the employment of other paid assistance as may be considered from time to time.

4.5 Pay structures of other paid assistance shall be determined by the President and Treasurer, following a recommendation submitted by the Secretary.

5 - GIFT FUND

5.1 The Club shall maintain a fund (Gift Fund) for the 'principal purpose' of the Club, and:

a) to which gifts of money or property for that purpose are to be made;
b) to which any money received by the Club because of those gifts is to be credited; and
c) that does not receive any other money or property.

5.2 The Club shall maintain a separate bank account for the Gift Fund.

5.3 The Club shall only use the Gift Fund (ie, gifts made to the Gift Fund and any money credited because of those gifts) for the 'principal purposes' of the Club.

5.4 Should the Gift Fund be wound up, or the endorsement of the Club as a 'Deductible Gift Recipient' is revoked, any surplus assets of the Gift Fund remaining after the payment of all liabilities attributable to it shall be transferred to Surf Life Saving Queensland or, should SLSQ not exist, another Surf Life Saving body to which income tax deductible gifts can be made.

SECTION E

Requirements and Procedures

1 - BRANCH REPRESENTATION

1.1 The Club shall be represented on the Branch Council by the Club President who shall be a Branch Councillor.

1.2 The Club shall be represented on the Branch Board of Junior Activities by the Club Junior Activities Officer.

1.3 The Club shall be represented on the Branch Board of Youth and Membership Development by the Club Cadet/Youth Development Officer.

2 - MEETINGS

2.1 The business of the Club shall be transacted at the following classes of meetings -

a) The Annual General Meeting;
b) General Meetings;
c) Meetings of the Management Committee;
d) Special Meetings of the Club, the Management and/or the Executive;
e) Meetings of the Committees;
f) Special Meetings of Committees.

2.2 Management Committee Meetings shall be held at least once every two (2) calendar months or as directed by the Council and as required by the Chairperson of the Committee, having regard to business requirements and circumstances prevailing at that time.

2.3 In relation to Minutes of the aforementioned meetings, the following procedures shall apply:

The Secretary shall cause full and accurate minutes of all questions, matters, resolutions and other proceedings of every Council, Management Committee and Executive Committee meeting to be entered in a book to be open for inspection at all reasonable times by any financial member who previously applies to the Secretary for that inspection. For the purposes of ensuring the accuracy of the recording of such minutes, the minutes of every meeting shall be signed by the Chairperson of that meeting or the Chairperson of the next succeeding meeting verifying their accuracy. Similarly, the minutes of every Annual General Meeting shall be signed by the Chairperson of that meeting or the Chairperson of the next succeeding General meeting or Annual General Meeting.

2.4 Detailed requirements and procedures relative to the conduct of the aforementioned meetings are as provided for in the By-Laws.

2.5 Nothing contained in the Constitution shall prevent a meeting of a group of Officers or members of the Club, provided that any reports or recommendations resulting from such meeting shall be ineligible for consideration by any higher authority unless they are submitted to the Management Committee within a period of seven (7) days of that meeting.

2.6 Fourteen (14) clear days notice, in writing, shall be given for the Council Annual General Meeting and General Meetings, nine (9) clear days for any other Special Meetings.

2.7 Special Meetings shall be convened when directed by the President or the Management Committee, or not less than the number of voting members of the Club which equals double the number of members presently on the Management Committee, plus one. Such requisition shall clearly state the reasons why such Special Meeting is being convened and the nature of the business to be transacted thereat. Notice of meetings of Committees shall be at the discretion of the respective Chairperson.

2.8 Special Meetings of the Management Committee shall be convened by request of the President or by not less than one-third of the members of the Management Committee. Nine (9) clear days notice, in writing, shall be given for Special Council Meetings.

2.9 That Council (General Meetings) be convened at least four (4) dates throughout each financial year.

3 - VOTING

3.1 Only financial Active, Reserve Active, Long Service, Life Members, and Officers shall be eligible to vote at Council Meetings, and shall be entitled to one vote each and in the case of an equality of votes the Chairperson shall have a second or casting vote, provided that no member shall be entitled to vote at any general meeting if his annual subscription is in arrears at the date of the meeting. Award & Past Active members may be given voting rights as approved and minuted by the Club.

3.2 All voting members of the Council (E/3.1) shall be entitled to one vote only at all meetings of the Council at which they are present, provided that the Chairperson shall have both a deliberative and casting vote excepting as provided for in C/1.3.

3.3 Members elected to a Committee are the only persons eligible to vote at meetings of their respective Committees, and the Committee Chairperson shall have both a deliberative and casting vote.

3.4 There shall be no allowance for proxies, with the exception of Officers of the Club as defined in the By-Laws.

3.5 Postal **/**Electronic Voting shall be subject to the following conditions:

a) Any matter which may be dealt with by the Council other than a Notice of Motion to alter the Constitution, shall be eligible to be resolved by a Postal Ballot.

b) A Postal**/**electronic Ballot may be authorised by the Council or the Management Committee.

c) Procedural arrangement shall be:

(i) The Secretary shall deliver or send by post or facsimile or by other electronic means to each member who is entitled to vote, a clear statement of both sides of the question to be voted upon with a request that he return his vote thereon to the designated Returning Officer. (Such request shall state the date upon which voting shall close).

(ii) Eligible voters shall, upon receipt of the ballot paper and specified information, complete the ballot paper and shall forward it in the envelope provided or transmit by facsimile or by other electronic means to reach a designated Returning Officer by the closing date of the Postal Ballot.

(iii) All votes cast in the Ballot shall be delivered (where possible in an unopened condition) to the Returning Officer as soon as practicable.

(iv) As soon as practicable following the closing date for voting, the Returning Officer shall, in the presence of at least two (2) Executive Officers open the votes received by the closing date and shall tally the votes cast.

(v) The President's right of a casting as well as a deliberative vote shall apply in the case of a Postal/electronic Ballot.

(vi) Within seven (7) days of the closing date of the Ballot, the Secretary shall advise all eligible voters of the result.

(vii) All votes cast in the Ballot, including any which are for any reason considered by the Returning Officer to be informal, shall be retained for presentation, if necessary, to the next succeeding meeting of the authorising body.

(viii) The result of the Postal Ballot shall take effect forthwith.

4 - CHAIRPERSON

Except where otherwise provided the President or Deputy President shall be Chairperson of all meetings of the Council and the Management Committee, and in the absence of the President or Deputy President the meeting shall elect a Chairperson.

5 - QUORUM

5.1 At the Annual General Meeting, General Meetings and Special General Meetings of the Club, the number necessary to form a quorum shall be double the number on the Management Committee plus one (1).

5.2 At Management Committee Meetings, the number of Officers to form a quorum shall be a simple majority of voting members.

5.3 At other Committee Meetings a simple majority of members shall form a quorum.

5.4 If a quorum as prescribed above is not present within one half hour after the advised commencement time, the following shall apply:

a) Annual General Meeting

(i) The meeting as advertised shall be deferred for one week to the same time and place, provided that a notice signifying the deferment shall be forwarded to each voting member, and a similar notice shall be placed in a prominent position at the Club.

(ii) Should a quorum not be present at the advertised commencement time of the deferred meeting the Chairperson may declare those present to be a quorum and the meeting shall be deemed to be properly constituted.

b) Council General Meeting
The meeting shall lapse.

c) Special General Meeting
The meeting shall lapse and the business to be transacted at that meeting shall be dealt with by the Management Committee.

d) Committee Meetings
The meeting Chairperson shall decide future action on matters before the Board or Committee.

6 - NOTICE OF MOTION

6.1 Notices of any motion intended to be moved at an Annual General, General or Special Meeting of the Council, shall be given in writing signed by the mover and seconder thereof (who must be members of the meeting to which the Notice of Motion will be referred) to the Secretary at least twenty-eight (28) clear days prior to the date of such meeting and shall be included in the business paper on the notice calling such meeting.

6.2 A notice of motion desired to be moved or seconded by a Branch Councillor must be accompanied by the written endorsement of the Club.

6.3 The meeting may, by ordinary resolution, grant the mover and seconder leave to alter their motion, in a minor way without altering the intention of the motion. No amendment to the intention of the motion will be accepted.

6.4 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 the next meeting of Council or within six (6) months from the date of its rejection, unless approved by the Management Committee.

7 - MOTIONS TO RESCIND

7.1 A motion to rescind any motion carried at a meeting of the Council, Management Committee or other Committee may be considered only at a subsequent meeting of those bodies.

7.2 Notice of Motion to rescind a resolution carried at a previous meeting shall be accepted only on the written resolution of not less than two (2) voting members of the Council or the Committee to which the rescission motion refers. In all other respects, the provisions of E/6 shall apply.

8 - ALTERATIONS TO THE CONSTITUTION

8.1 The Club may alter its Constitution as regards local and domestic matters which do not conflict with the provisions of the Association's (SLSA's), and/or the State or Branch Constitutions, Regulations, By-laws or Policies as the case may be.

8.2 Subject to the provisions of the relevant Government legislation, the Club Constitution may be amended, rescinded or added to, from time to time by a special resolution carried at an Annual General Meeting or a Special General Meeting of the Council, called for that purpose, provided that no such amendment, rescission or addition shall be valid unless the same is submitted to and registered by the relevant Government Department following the meeting's endorsement.

8.3 Notice of the proposed alteration shall be given in the manner provided for Notices of Motion but shall specifically state that it is a notice of proposal to alter the Constitution, either by amending or repealing an existing provision thereof or by adding a new provision.

8.4 The notice of the proposed alteration shall be included in the Notice calling the Meeting (whether Annual, General or Special), in writing, at which it is to be submitted as a "Notice of Motion to alter the Constitution".

8.5 Provided that the aforesaid Notice be duly given, it shall be competent for the alteration of the Constitution to be considered and dealt with at the meeting of the Club Council.

8.6 A copy of the notices issued in accordance with E/8.3 shall be sent to the Branch and SLSQ, at the time of issue**,** for endorsement.

8.7 The Club shall lodge with the Branch and SLSQ, copies of its Constitutions and of all amendments and/or alterations thereto which have been adopted, from time to time.

9 - MEMBERSHIP FEES

Member fees shall be:

a) As decided from time to time by a General, Special General or Annual General Meeting of the Council.

b) Paid by 30th September each year for the ensuing year.

10 - DOMESTIC RULES AND STANDING ORDERS

10.1 Provided that they do not conflict with the letter or the spirit of the rules incorporated in the Association Constitution and Manuals, the Club may create, alter and repeal Domestic Rules and Standing Orders for the conduct of its local and domestic affairs.

10.2 A bound book shall be provided to record such domestic rules and standing orders which shall be laid down from time to time by a Council Meeting. Such Rules or Standing Orders shall remain in force until revoked or altered by a further Council Meeting.

11 - MAKING AND ALTERATION OF BY-LAWS AND APPENDICES

11.1 Subject to the provisions of the relevant Government legislation, the Club By-Laws and Appendices may be amended, rescinded or added to from time to time by a special resolution carried at a General Meeting of the Council. Copies of any amendments shall be forwarded to the Branch and SLSQ for record purposes.

11.2 When By-Laws are made, altered or repealed, each affiliated body shall be informed promptly.

12 - LEGAL ACTION

No Officer, or group of Officers or Members, whether in Committee or alone, may institute legal action which purports to be upon behalf of the Club and if it carries legal and financial implications against the Club or against a Branch, SLSQ, the Australian Council or another Club affiliated to Surf Life Saving Australia Limited, unless by the following procedures:

(i) The constitutional convening of a General Meeting of members of the Club, and a vote affirmative of such action by a two-thirds majority of members present and eligible to vote.

(ii) Further, an invitation to such a General Meeting must be given to the higher authorities of that body, i.e. Branch, State Centre and SLSA .

13 - UNIQUE ITEMS

In the event of any question or item arising which is not specifically provided for in the Constitution, Regulations or Manuals of the Association or in the Constitution or By-Laws of the Club, it shall be competent for the Club to legislate thereon temporarily by resolution at any meeting of the Council or Management pending due alteration of the Constitution.

14 - DISSOLUTION

The Club shall be dissolved only with the consent of at least three-fourths of the Officers and voting members present at a Special Meeting called for that purpose, notice of which must be posted to Officers and members at least twenty-eight (28) days prior thereto, and advertised in the major regional newspaper in each centre under the control of the Branch, at least once in each of the two (2) consecutive weeks immediately preceding such meeting.

15 - DISTRIBUTION OF SURPLUS ASSETS

In the event of the Club being dissolved in accordance with the provisions of the relevant Government Act, and there remains, after satisfaction of all its debts and liabilities and property whatsoever, the same shall not be paid to or distributed among the members of the Club but shall be given or transferred to Surf Life Saving Queensland or if that Association has ceased to exist to another surf life saving body which has similar objects and which is approved by the Commissioner of Taxation as a public benevolent institution for the purposes of any Commonwealth Taxation Act, and which shall prohibit the distribution of its or their income and property among its or their members to the extent at least as great as is imposed on the Club under or by virtue of D/2.3 such body to be determined by the members of the Club.

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Verified as a true and correct copy

…….
Paul Wessel
President

…….
John McGregor
Treasurer