

# MEREWETHER SURF LIFE SAVING CLUB INC.

## CONSTITUTION



### Document Control

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# SECTION 1 CONSTITUTION

## PART 1 - PRELIMINARY

### 1.1 CLUB NAME

The Club shall be called Merewether Surf Life Saving Club Incorporated (“MSLSC”) and shall consist of all persons duly elected as members and shall be affiliated with Hunter Branch Surf Life Saving, New South Wales Surf Life Saving and Surf Life Saving Australia.

### 1.2 OBJECTS OF MEREWETHER SURF LIFE SAVING CLUB INC.

MSLSC is an Association incorporated under the Associations Incorporation Act 2009.

The objects for which the Club is established are to:

- (a) create an entity by which surf lifesaving promotes the preservation of life on and in the aquatic environment.
- (b) ensure the maintenance and enhancement of the Club and surf lifesaving, its standards, quality and reputation for the benefit of the members and surf lifesaving;
- (c) promote the economic and community service success, strength and stability of MSLSC;
- (d) conduct or commission research and development for improvements in methods of surf lifesaving and surf lifesaving equipment and in all ways to improve and safeguard the use of the aquatic environment;
- (e) use and protect the Intellectual Property;
- (f) apply the property and capacity of MSLSC solely towards the fulfilment and achievement of these objects;
- (g) promote the involvement and influence of surf lifesaving standards, techniques, awards and education with bodies involved in aquatic life saving;
- (h) strive for governmental, commercial and public recognition of MSLSC as the authority on aquatic safety and management on Merewether Beach and the adjacent aquatic environment;
- (i) propagate, and secure uniformity in, such rules as may be necessary for the management and control of surf lifesaving and related activities and the preservation of life in the aquatic environment;
- (j) foster, regulate, organise and manage examinations, competitions, displays and other activities and to issue badges, medallions, certificates and award trophies to successful Members;
- (k) review and/or determine any matters relating to surf lifesaving which may arise, or which are referred to it, by any member;
- (l) act as arbiter on all matters pertaining to the conduct of surf lifesaving in MSLSC, including disciplinary matters and recognise any penalty imposed by any MSLSC judiciary committee;

- (m) pursue through itself or other such commercial arrangements, including sponsorship and marketing opportunities as are appropriate to further the interests of surf lifesaving;
- (n) formulate or adopt and implement appropriate policies, including in relation to sexual harassment, equal opportunity, equity, drugs in sport, health, safety, junior and senior programs, infectious diseases and such other matters as arise from time to time as issues to be addressed in surf lifesaving;
- (o) have regard to the public interest in its operations;
- (p) ensure that environmental considerations are taken into account in all surf lifesaving and related activities conducted by MSLSC;
- (q) encourage Members to realise their potential and athletic abilities by extending to them the opportunity of education and participation in surf lifesaving competition and to award trophies and rewards to successful competitors;
- (r) recommend and support awards to Members and others, in honourable public recognition of hard and meritorious rescues from the sea, deeds of exceptional bravery from time to time performed in the course of lifesaving and other distinguished services and acts;
- (s) seek and obtain improved facilities for the enjoyment of the aquatic environment;
- (t) promote uniformity of laws for the control and regulation of the aquatic environment and to assist authorities in enforcing these laws;
- (u) confer Life Membership of MSLSC, recommend the conferring of Life Membership of Hunter Surf Life Saving, Surf Life Saving New South Wales and /or Surf Life Saving Australia, on any Member of MSLSC, subject to the requirements of Surf Life Saving New South Wales By-Laws and the requirements of the respective higher authority;
- (v) to assist in preserving good order and decorum on the beach under the control of the above Club;
- (w) to organise and conduct surf lifesaving competitions, social functions and other Club activities for the benefit and assistance of the Club;
- (x) conduct and co-ordinate all matters relating to Junior Activities;
- (y) provide Junior Activities members with an educational and teaching experience in a wide range of subjects and skills within the aquatic marine environment;
- (z) to prepare Junior Activities members for their eventual transition to the marine and patrol environment of MSLSC;
- (aa) to appoint patrols to render all possible aid to those in distress; and
- (bb) undertake and or do all such things or activities which are necessary, incidental or conducive to the advancement of these objects.

### 1.3 POWERS OF MEREWETHER SURF LIFE SAVING CLUB INC.

Solely for furthering the objects set out in clause 1.2, MSLSC has power to:

- (a) acquire by purchase, exchange or otherwise, whether for an estate in fee simple or for any less estate, lands, tenements or hereditaments of any tenure whether subject or not to any charges or encumbrances and to erect, replace, maintain, reconstruct, adapt and furnish any offices or other buildings thereon and to sell, let, alienate, mortgage, charge or deal with all or any such lands, tenements or hereditaments or any part of them;
- (b) purchase, take on lease or in exchange or otherwise acquire any real or personal estate which may be deemed necessary or convenient for any of the purposes of MSLSC and to sell, manage, lease, mortgage, give in exchange, dispose of or otherwise deal with the same or any part thereof;
- (c) construct, maintain and alter any houses, buildings or works necessary or convenient for the purposes of MSLSC;
- (d) borrow and raise money in such manner, as MSLSC may think fit;
- (e) raise or borrow money on bonds or mortgage or other security of any property held for or on behalf of MSLSC or without any such security and upon such terms as MSLSC shall think fit;
- (f) give a guarantee or provide surety of any property upon such terms as MSLSC shall think fit;
- (g) receive money on deposit with or without allowance of interest thereon;
- (h) invest any monies of MSLSC, not immediately required for the objects of MSLSC, in such manner as may from time to time be determined by MSLSC Management Committee;
- (i) do all or any of the matters authorised either alone or in conjunction with any person, company or unincorporated body or by or through any factors, trustees or agents;
- (j) take any gift of property whether subject to any special trust or not for any one or more of the objects of MSLSC;
- (k) 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 MSLSC in the shape of donations, annual subscriptions or otherwise;
- (l) subscribe to, become a member of or co-operate with any other organisation whether incorporated or not whose objects are similar, in whole or in part, to those of MSLSC, so long as that other organisation prohibits the distribution of its income and property amongst its Members at least to the extent provided under this Constitution;
- (m) print and publish any newspapers, periodicals, books or leaflets that MSLSC may think desirable for the promotion of its objects;
- (n) appoint, hire, employ, remove, replace or reinstate secretaries, managers, servants, employees and other persons in and for the carrying out of the objects of MSLSC and to pay them in return for services rendered to MSLSC, salaries, wages and gratuities;
- (o) subscribe to any charities and to grant donations for any public purpose;
- (p) produce, develop, create, licence and otherwise exploit, use and protect the Intellectual Property;

- (q) establish and maintain corporate entities to carry on and conduct the business affairs and undertakings, or any aspect thereof, of MSLSC and for that purpose, utilise any of the assets of or held on behalf of MSLSC;
- (r) promote any other person or company for any purpose calculated to benefit MSLSC;
- (s) 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 MSLSC or generally for any purpose calculated to benefit MSLSC;
- (t) take and effect insurance or seek, obtain and in its discretion, act on, any professional advice necessary or appropriate; and
- (u) do all such acts and things as are incidental, conducive or subsidiary to all or any of the objects of MSLSC.

#### **1.4 INTERPRETATION**

In this Constitution unless the contrary intention appears:

“Act” means the Associations Incorporation Act 2009 (NSW).

“Active Members” means Active, Reserve Active and Long Service Members.

“Annual General Meeting” means the annual meeting of the Members of MSLSC.

“Auditor” means the person or organisation appointed by MSLSC under this Constitution to audit the books of accounts and provide a report to the Members of MSLSC on an annual basis.

“Associations Act” means the Associations Incorporation Act 2009 and any legislation which replaces or amends this Act.

“Branch” means a surf lifesaving organisation which is a member of SLSNSW and formed to further the objects of surf lifesaving in a particular geographic area.

“Club” shall mean MSLSC

“Committee meeting” means a meeting of the management committee and executive committee convened in accordance with this Constitution and includes Annual General Meetings and Special General Meetings.

“Committee”, unless otherwise qualified, wherever used in the Rules, Regulations or By-Laws of the MSLSC, shall mean the Management Committee.

“Constitution” means these Rules, By Laws and Regulations of MSLSC.

“HSL” shall mean Hunter Surf Life Saving Inc.

“Management Committee” means the Committee established under clause 5.3.

“MSLSC” shall mean Merewether Surf Life Saving Club Inc.



“Public Officer” shall be the Secretary of MSLSC

“RSA” shall mean Responsible Service of Alcohol

“SLSNSW” shall mean Surf Life Saving New South Wales Inc.

“SLSA” shall mean Surf Life Saving Australia Limited

“Special Resolution” means a resolution passed at any committee meeting, at which a quorum is present, and passed by at least three quarters of those members present and entitled to vote and of which not less than 21 days’ notice specifying the intention to propose the resolution as a special resolution was given in accordance with this Constitution.

“WH&S” shall mean Work Health and Safety

Words importing the singular include the plural and vice versa.

Words importing any gender shall include the other gender.

References to persons include corporations and bodies politic.

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 shall be severed to the extent of the invalidity or unenforceability, without affecting the remaining provisions of the Constitution or affecting the validity or enforceability of that provision in any other jurisdiction.

## **1.5 CLUB COLOURS**

The Club colours shall be royal blue, yellow and white.

## **1.6 CLUB HONOUR BLAZER**

The Club Honour blazer shall be royal blue with the club embroidered monogram, as described in the By-Laws, on the left-hand pocket.

- (a) Permission to wear an honour blazer must first be obtained from the Club Executive Committee, which will forward its recommendations to the Management Committee for ratification or otherwise.
- (b) Conditions for obtaining a club honour blazer are outlined in the By-Laws
- (c) The conditions, with dates where applicable, will be for which the honour blazer has been granted shall be indicated on the pocket below the monogram. The lettering shall not be greater than 12mm letters, and no unauthorised lettering shall appear.
- (d) Unauthorised wearing of Honours will render the member liable to be dealt with under Rule 2.4.
- (e) Duly elected life members shall be eligible to wear an Honour Blazer, suitably worded ‘Life Member’.
- (f) Provided permission is granted, Australian, State or Hunter Branch Titles may be worn on the Club Blazer.

## **1.7 CLUB APPAREL**

- (a) The club competition cap shall be a yellow stripe sided by blue stripes and remainder in white.
- (b) The club swimming costumes shall be in club colours of a design as deemed appropriate at the time.
- (c) Other Club clothing shall be approved by the Management Committee as required.

## **1.8 PATROL HOURS**

The patrol season will extend from late September to late April in the following year with the dates to be prescribed by HSLs.

## **1.9 PATROLS**

- (a) Members of MSLSC as directed by HSLs, SLNSW and SLSA shall patrol Merewether Beach.

Patrols shall be appointed by the Club Captain and shall be under the direction of the Patrol Captains selected by the Club Captain.

# **PART 2 – MEMBERSHIP AND AFFILIATIONS**

## **2.1 MEMBERSHIP**

The membership of MSLSC shall consist of:

- (a) The Executive who shall have the right to be present, debate and vote at committee meetings;
- (b) The Officers who shall have the right to be present, debate and vote at committee meetings;
- (c) Life Members, who shall have the right to be present at MSLSC Meetings, and who shall have debating rights;
- (d) All Active Members who have obtained relevant SLSA awards;
- (e) All other Individual Members of MSLSC shall have the right to be present at meetings, but shall have no voting or debating rights;
- (f) All applications for membership shall be made on an approved Association Form either paper copy or digital and all members shall be bound by this Constitution and the rules and regulations; and
- (g) Members of MSLSC must renew their membership annually in accordance with the provisions of the Constitution of MSLSC. Members who are not financial by 1st of November in the year of the forthcoming season, shall be deemed non-members and shall therefore default all rights and privileges afforded to financial members.

Should any member find that payment of the subscription cannot be made on its due date, application in writing, to the Committee, may grant an extension of time to pay. Each case will be treated on its merits.

## **2.2 EFFECT OF MEMBERSHIP**

Members acknowledge and agree that:

- (a) This Constitution constitutes a contract between each of them and MSLSC and that they are bound by this Constitution, MSLSC Rules and Regulations, the HSLC constitution and the HSLC Rules and Regulations; the SLSNSW Constitution and the SLSNSW Regulations the SLSA Constitution and the SLSA Regulations; and
- (b) They are entitled to all benefits, advantages, privileges and services of MSLSC.

## **2.3 NEW MEMBERSHIP**

- (a) Each application must be accompanied by the relevant Subscription. The application will be considered at the first available Management Committee meeting.
- (b) No person financially indebted to any other affiliated Club under Surf Life Saving Australia shall knowingly be admitted to Membership unless clearance is obtained from the other Club.
- (c) No person who has been expelled as a member from an affiliated Club or banned from being a member of Surf Lifesaving Australia shall knowingly be admitted to membership without the approval of the Executive.
- (d) No new Member shall be allowed to vote at any Meeting of the Club until one (1) month after the acceptance of their application.
- (e) The Management Committee shall determine a joining fee, applicable to Probationary Members in training for their respective awards. The joining fee shall cover the current costs of the award, literature and training aids required during the course of that training period, and the Membership fees applicable to the category of Membership to be attained on the gaining of the award.
- (f) The Committee may accept or reject the application and will give notice of the decision to the nominee.
- (g) Each applicant for Active Membership (or under 15 memberships) who is not the holder of a Surf Bronze Medallion (or Surf Life Saving Certificate for under 15s) must gain the award during the season of application.

## **2.4 DISCIPLINE OF MEMBERS**

- (a) Where MSLSC is advised or considers that a Member has allegedly:
  - i. breached, failed, refused or neglected to comply with a provision of this Constitution, MSLSC By-Laws, HSLC Constitution, HSLC rules and regulations, SLSNSW Constitution, the SLSNSW regulations, the SLSA Constitution or SLSA Regulations or any resolution or determination of HSLC or any duly authorised Committee or Board; or

- ii. acted in a manner unbecoming of a Member, or prejudicial to the objects and interests of MSLSC and/or surf lifesaving; or
- iii. brought MSLSC or surf lifesaving into disrepute, including:
  - a) publicly participated in any political gathering or meeting as a representative of MSLSC;
  - b) appeared in any publication or on television, film or radio or like production or in any other manner express an opinion or belief which supports or tend to support or discredits or tends to discredit any political or religious party, activity or belief, as a representative of MSLSC;
  - c) at any time publicly profess or claim to represent the view of the Club or any part thereof or of members without authorisation thereof; or
  - d) draw a comparison or compare the discipline, procedures or activities of the Club or of any part thereof with any political or religious activity, body or organisation.
- (b) MSLSC may commence or cause to be commenced, disciplinary proceedings against that Member. That Member will be subject to, and submits unreservedly to, the jurisdiction, disciplinary procedures and penalties and the appeal mechanisms of MSLSC as set out in the SLSA Regulations.
- (c) MSLSC may appoint a Judiciary Committee to deal with any disciplinary matter referred to it. The Judiciary Committee shall operate under the principles expressed and in accordance with the SLSA Regulations.
- (d) Any Member alleged to be in breach of this clause shall be given notice by the Committee to attend a meeting of the Judiciary Committee at which the alleged breach will be dealt with. The notice shall set out clearly the allegations against the Member and advise the Member that the Member may call witnesses in their defence at the meeting.
- (e) Upon investigating the alleged breach and hearing any defence, or if no defence is presented, the Judiciary Committee shall have the powers set out in sub-rule (f) hereof.
- (f) The Committee shall have the power to:
  - i. Suspend for a specified period or expel any Member proved, to its satisfaction, to have been guilty of misconduct on the Club premises or elsewhere, and who, in the opinion of the Committee acted prejudicially to the interests of the Club.
  - ii. Suspend for a specified period or expel any Members, who in its opinion are unfit to be Members of the Club, and may return any subscription or portion thereof to any such Members, or refuse to receive any subscription without assigning any reason therefore.
  - iii. Suspend for a specified period any of its officers or Members or officer or Member of any Committee or sub-Committee who, in its opinion, have been guilty of neglect of duty, breach of confidence or other misconduct.
  - iv. Suspend for a specified period or expel any Member who shall knowingly introduce any person who has been expelled from or been refused admission to any kindred Club.
- (g) Any Member dealt with in clause (e) of this rule shall be notified in writing by the Secretary as soon as practical:

- i. Setting out the resolution and the grounds on which it is based.
- ii. Informing the Member of a Member's rights of appeal which, in the first instance, shall be only to a General Meeting of MSLSC.

## **2.5 REGISTER OF MEMBERS**

The Registrar shall establish and maintain a Register in which shall be entered (as a minimum):

- (a) The full name, address, contact details, class of membership and date of entry of the name of each Member.
- (b) The full name, address, contact details, class of membership and date of entry of the name of each committee member and their position of office held.

## **2.6 MEMBER LIABILITIES**

The liability of a Member of MSLSC to contribute towards the payment of the debts and liabilities of MSLSC or the costs, charges and expenses of the winding up of MSLSC, is limited to the amounts, if any, unpaid by the Member in respect of membership.

## **2.7 MEMBERSHIP CATEGORIES**

- a) Life (2.8.1)
- b) Active Senior (2.8.2)
- c) Active Junior (2.8.3)
- d) Active Reserve (2.8.4)
- e) Active Long Service (2.8.5)
- f) Cadet (2.8.6)
- g) Probationary (Cadet, Junior, Senior) (2.8.7)
- h) Junior Activities (2.8.8)
- i) Associate (2.8.9)
- j) Associate - Award (2.8.10)
- k) Associate - Junior Activities (2.8.11)
- l) Honorary (2.8.12)
- m) Community 2.8.13

## **2.8 DEFINITIONS OF MEMBERSHIP**

### **2.8.1 LIFE MEMBERSHIP**

Life membership may be conferred on any member of the club who has:

- (a) rendered distinguished, extraordinary and/or outstanding service to the club as defined in the By-Laws.

Life Members shall be elected by a two thirds majority in a secret ballot at the Annual General Meeting providing there has been a recommendation in favour of the award of Life Membership by the Life Membership Subcommittee.

#### **2.8.1.1 NOMINATIONS FOR LIFE MEMBERSHIP**

Nominations for Life Membership of the Club must be submitted in writing and duly proposed and seconded by financial members who are holders of the Surf Bronze Medallion.

Nominations shall be placed before the Life Membership Committee (refer By-Laws) prior to 31<sup>st</sup> May, who shall then make a recommendation to the Management Committee. The following conditions must be met for conferral of the life membership nomination:

- (i) Two-thirds majority of the Management Committee and
- (ii) Two thirds of the present and entitled to vote at any Annual General Meeting of the Club of which due notice has been given.

### **2.8.2 ACTIVE SENIOR MEMBERSHIP**

- (a) Active Senior Members shall be over the age of eighteen (18) years at the commencement of the season.
- (b) They shall hold the Bronze Medallion of Australia, shall be obliged to do rostered patrol duty throughout the season and shall pass the SLSA Proficiency examination at the commencement of each season unless the member has obtained the Bronze Medallion in the season current.

### **2.8.3 ACTIVE JUNIOR MEMBERSHIP**

- (a) Active Junior Members shall be between the ages of fifteen (15) and eighteen (18) years at the commencement of the season or as otherwise defined in SLSA manuals.
- (b) They shall hold the Bronze Medallion of the SLSA, shall be obliged to do patrol duty throughout the season and shall pass the SLSA Proficiency examination at the commencement of each season unless the member has obtained the Bronze Medallion in the season current.

### **2.8.4 ACTIVE RESERVE MEMBERSHIP**

- (a) Active Reserve Membership may be granted by the Management Committee to Active members who have satisfactorily completed (from the gaining of the Surf Bronze Medallion) at least ten (10) years of patrol and/or Club obligations and/or have commitments that make regular patrolling difficult which are approved by the management committee. Such membership will not be automatic and will be reviewed annually by the Management Committee.

- (b) Active Reserve members shall pass the SLSA Proficiency examination at the commencement of each season.
- (c) Notwithstanding, Active Reserve Membership may be granted by the Management Committee to an Active Member who has satisfactorily completed (3) years of active membership immediately prior to reaching the age of thirty five (35) years; and to members who have earned Active Reserve Membership in other Clubs affiliated with the SLSA.
- (d) Active Reserve Members shall be required to carry out some form of duty such as Radio Officer, Mobile Beach Vehicle Driver or Club Duty Officer or rostered patrols on a proportional basis.
- (e) Reserve active members shall be subject to the same rules of discipline as Active membership.

#### **2.8.5 ACTIVE LONG SERVICE MEMBERSHIP**

- (a) Long Service Membership may be granted by the Management Committee to Active or Reserve Active members who have completed a minimum of twelve (12) years of satisfactory patrol and/or Club obligations. Such membership will not be automatic and will be reviewed annually by the Management Committee.
- (b) Long Service members may be required to carry out some form of duty such as Radio Officer or Duty Officer; or may elect to do rostered patrols on a proportional basis if qualified to do so.
- (c) Long Service members shall be subject to all rules and regulations of the club.

#### **2.8.6 CADET MEMBERSHIP**

- (a) Cadet members shall be between the ages of thirteen (13) and sixteen (16) at the commencement of the season or as otherwise defined in SLSA manuals.
- (b) They shall hold the Surf Rescue Certificate of the SLSA.
- (c) They shall be rostered for patrol duties in a trainee capacity and shall pass the SLSA Proficiency examination at the commencement of each season unless the member has obtained the Surf Rescue Certificate in the season current.

#### **2.8.7 PROBATIONARY MEMBERSHIP (CADET, JUNIOR, SENIOR)**

- (a) Probationary membership shall be the designation of any person for the time period between applying for active membership and the gaining of an award and/or the granting of a formal category membership by the Management Committee.
- (b) Probationary Membership shall be limited to six (6) months from the date of acceptance, at which time they will be transferred to another membership category or removed from the database. This time period may be extended by the Management Committee in extenuating circumstances.
- (c) Probationary member applying to join the Club shall be required to pay the Club fee and the SLSA examination fee for the relevant award. Neither fee shall be refundable should the Probationary member fail to gain the award.

### **2.8.8 JUNIOR ACTIVITIES MEMBERSHIP**

- (a) A junior activities member shall be a member that who shall be a minimum age of five (5) years up to a maximum age of thirteen (13) years prior to midnight on the 30th day of September, and such a person shall be required to gain the relevant Surf Education Certificate for that person's age group.
- (b) A Junior Activities member who has reached the age of 13 years may, if they wish, elect to gain the Lifesaving Certificate and attain dual status as both a Junior Activities and a Cadet member.
- (c) A Junior Activities member shall have limited use of the Club premises and facilities as determined from time to time by the Management Committee.

### **2.8.9 ASSOCIATE MEMBERSHIP**

Associate Membership may be granted by the Management Committee in the following cases:

- a) The applicant is over the age of thirty-five (35) years; or
- b) The applicant is of a lesser age and is suffering from a physical disability which precludes their active duties; or
- c) The applicant is residing more than one hundred (100) kilometres from Merewether Beach.
- d) Associate members may be called upon to assist in fundraising or with other activities as decided by the Management Committee from time to time.
- e) Any associate member may be eligible for election to any Committee position, with the exception of Club Captain of the Club, or any position requiring a Surf Lifesaving Award.
- f) The Management Committee retains the right to limit the number of Associate members admitted to membership in any one season.

### **2.8.10 ASSOCIATE AWARD MEMBERSHIP**

Associate Award Membership may be granted to persons who hold one or more of the following Association Awards:

- (a) Radio Award/s, Resuscitation Certificate, Advanced Resuscitation Certificate, First Aid Certificate, Coaching Accreditation Certificate.
- (b) Such members may be called upon to perform patrol and/or other Club obligations within the scope of their qualifications.

### **2.8.11 ASSOCIATE - JUNIOR ACTIVITIES**

- (a) Any adult person who is involved in the operation and conduct of the Junior Activities Committee and who does not qualify for any other category of membership, or who does not wish to join the Club in a category of membership for which they are qualified, are required to become an Associate - Junior Activities member.



- (b) Any parent or guardian of a registered Junior Activities member is eligible to join the Club as an Associate - Junior Activities.
- (c) An Associate - Junior Activities member shall have limited use of the Club premises and facilities as determined from time to time by the Management Committee.
- (d) An Associate – Junior Activities member is not entitled to obtain a gym key.

#### **2.8.12 HONORARY**

- (a) A General Meeting may, at its discretion, appoint Honorary Members of the Club. Honorary Members shall be limited to a total of twelve (12) persons in any one season whose nominations must be voted upon at a General Meeting. Honorary Members shall be entitled to the use of the Club premises and facilities only.
- (b) A General Meeting may, at its discretion, appoint Honorary Advisors of the Club. Honorary Advisors may be requested to assist the Committee within the scope allowed by their professional codes and the committee shall, with a resolution by the Executive or Management committee, request such advisors to act on its behalf.

#### **2.8.13 COMMUNITY**

- (a) Any adult person who is involved in the bar and function room operation and conduct of the fundraising activities for the Club and who does not qualify for any other category of membership, or who does not wish to join the Club in a category of membership for which they are qualified, are required to become a Community Member.
- (b) a Community Member shall have limited use of the Club premises and facilities as determined from time to time by the Management Committee.
- (c) a Community Member is not entitled to obtain a gym key.
- (d) a Community Member will not be eligible for a role on the committee.
- (e) a Community Member will not have voting rights of members at the Annual General Meeting and all Special General Meetings on all matters including the election of officers, ballots, motions, and any other matters where voting is required.
- (f) The yearly fee for this category of membership will be set at the Club's AGM and/or after initial membership, waived by the Executive Committee upon the amount of voluntary hours completed.

### **2.9 VOTING RIGHTS OF MEMBERS**

The voting rights of members at the Annual General Meeting and all Special General Meetings on all matters including the election of officers, ballots, motions, and any other matters where voting is required, shall be as follows:

- (a) Life Members, Active Seniors, Active Juniors (15-18), Active Reserves and Active Long Service members, provided that they are currently financial and present at the meeting shall have one vote on all matters;

- (b) Associate, Associate (award) and Honorary members, provided that they are currently financial and present at the meeting, shall have one vote on any matter which is not specifically related to lifesaving, competition, or the election of officers to the Management Committee with the exception of those positions which may be filled by an Associate or an Associate - Award member, as prescribed in section 2.8.9 and 2.8.10. The Chairperson shall have the right to rule on whether an Associate or Associate Award member has the right to vote on any matter. Notwithstanding, a motion of dissent from the Chairman's ruling, carried by a two-thirds majority shall overrule the Chairman's decision.
- (c) The following categories of membership shall have no voting rights: Cadet, Probationary, Junior Activities, and Associate (Junior Activities).
- (d) Notwithstanding sub-rule (a), (b) and (c) above, any Associate or Associate (Award) member who is elected to a position on the Club's Management Committee shall have the same voting rights as an Active member at all meetings of the Management Committee and at all General Meetings.
- (e) Any Associate (Junior Activities) member, who holds office as a member of the Junior Activities Committee, shall have the same voting rights as an Associate member.

## **2.10 APPLICATION FOR MEMBERSHIP**

- (a) Applications for new membership must be proposed in writing by two financial members of the Club and the relevant membership fee must be lodged with the nomination.
- (b) Each application must be approved by the Management Committee before membership is granted.
- (c) New members may use the Club premises prior to being notified of their acceptance.
- (d) Any member of another Surf Lifesaving Club (or a past member) shall first obtain from her present Club or Clubs or from the Club of which she was last a member a clearance indicating:
  - i. that the member is not financially indebted to the Club
  - ii. that the member is not expelled or under suspension from the Club
  - iii. the Club in which their competitive rights will lie

## **2.11 RESIGNATIONS AND TRANSFERS**

- (a) A member who has paid all amounts payable in respect of their membership subscriptions may resign from membership of the Club by first giving notice (being not less than 1 month or such other period as the Committee may determine) in writing and referred by the Secretary to the Management Committee for their consideration. Upon expiration of the period of notice the member ceases to be a member.
- (b) Transfers must be submitted on the appropriate SLSA form and referred to the Management Committee for their consideration.
- (c) Applications for competitive transfers shall not be approved by the Management Committee after the official closing date for entry in the Branch Championships unless:

- i. the applicant is moving interstate for reasons other than Surf Lifesaving involvement and/or
  - ii. The applicant was not previously entered in the Branch or other Championship carnival.
- (d) Any member deprived of approval under the above rule has the right to appeal to a special General Meeting or to the Hunter Branch of SLS.

## **2.12 SUBSCRIPTIONS**

- (a) Membership subscriptions shall be fixed by the membership at the Annual General Meeting and will consider current costs including awards, literature, training aids and insurances applicable to each membership class.
- (b) A member will be deemed to be unfinancial if their fee has not been paid by the 31st of October.
- (c) Only financial members shall be permitted to vote at the Annual General Meeting.
- (d) The Management Committee shall have the power to set a discounted subscription fee for members who are from the same immediate family.
- (e) Only financial members can use the club equipment and facilities, the use of which may be determined from time to time by the Management Committee.

## **2.13 CESSATION OF MEMBERSHIP**

A person ceases to be a member of the Club if the person:

- (a) Dies;
- (b) Resigns that membership;
- (c) Is expelled from the club; or
- (d) Fails to fulfil patrol obligations

Where a member of the Club ceases to be a member, the Registrar shall make appropriate entry in the Register of Members recording the date on which the member ceased to be a member.

## **2.14 AFFILIATIONS PREVAIL**

The provisions of the Constitutions of the SLSNSW, SLSA and HSLs prevail if there is any inconsistency with the provisions of the Constitution of the MSLSC.

## **PART 3 – MEETINGS**

### **4.1 ANNUAL GENERAL MEETING**

The Annual General Meeting shall be held no later than the August following the end of the season and shall include the presentation of the Annual Report and Financial Statement, the election of officers and transaction of general business.

- (a) Twenty members eligible to vote personally or by proxy shall form a quorum.
- (b) All annual meetings must be advertised seven (7) days prior to the meeting and all members shall receive notification via some form of communication
- (c) Failure of any member to receive his notice shall not invalidate the meeting.
- (d) Voting shall be by a show of hands unless the majority of members present and who are entitled to vote demand a ballot.
- (e) Voting shall be by simple majority except as elsewhere herein provided.
- (f) Each member shall be entitled to appoint another member as a proxy by notice given to the Secretary no later than twenty four (24) hours before the time of the meeting in respect of which the proxy is appointed.

### **4.2 SPECIAL GENERAL MEETING**

Special General Meetings of the Club members may be called for specific purposes by the Management Committee or by the Secretary at the written request of twelve financial members.

- (a) Twenty (20) members shall form a quorum.
- (b) Only business for which the meeting was called may be discussed.
- (c) Twenty One (21) days' notice shall be given to members.
- (d) Voting shall be the same as rule 3.1.

### **4.3 LACK OF QUORUM**

In the event of no quorum being present at a General Meeting, such meeting shall stand adjourned and reconvened at a time and place designated by a majority of members present at the Special Meeting, and if at such an adjourned meeting a quorum is not present it shall be adjourned indefinitely without any data being appointed unless those present resolve to transact the business for which the meeting was called and in such case those persons present shall be a quorum.

#### **4.4 MANAGEMENT COMMITTEE MEETINGS**

Meetings of the Management Committee shall be held monthly unless otherwise decided by the Management Committee.

- (a) Five (5) members shall form a quorum.

#### **4.5 EXECUTIVE MEETINGS**

- a) The Executive Officers may meet at any time to discuss urgent matters of the Club business.
- b) The duties of the Executive Committee shall be to deal with all matters requiring immediate actions, which cannot wait until the subsequent meeting of the Management Committee.
- c) Three (3) shall form a quorum.
- d) Such action decided upon at an Executive Meeting shall be reported to the following meeting of the Management Committee.

#### **4.6 RULES OF DEBATE**

- (a) Any Member desiring to speak shall stand and shall address the Chairman respectfully.
- (b) No Member may speak more than once to a question, except in explanation, reply or to ask a question.
- (c) A Member who formally seconds a motion or amendment may address the meeting in support at a subsequent state of the debate.
- (d) A reply shall be allowed only to a member who has moved a substantive motion.
- (e) No Member shall use offensive or unbecoming words.
- (f) No speaker shall digress from the subject under discussion, and impure or improper motives and all personal reflections on Members shall be deemed disorderly.
- (g) Whenever the Chairman rises during debate, the Member then speaking shall sit down.
- (h) No Member shall interrupt another while speaking except on a point of order.
- (i) Any member during the debate may raise the point of order, when the member then speaking shall then sit down until the point of order has been decided. The Member rising to the point of order shall state concisely the point, and the Chairman without further discussion shall give his ruling.
- (j) It shall be competent for any member to move a motion of dissent from the Chairman's ruling. The mover of the motion of dissent shall state concisely the point. The seconder and the Chairman may speak to the motion.
- (k) A Member may move the adjournment of the debate. If the motion be resolved in the negative, the mover shall not be allowed to speak again on the question under debate. If the motion be resolved in the affirmative, the mover shall have the right of resuming the debate at the ensuing meeting. No Member shall move the adjournment at the end of his speech.

- (l) At any time during a debate a Member may move “that the question be now put” and such motion being duly seconded shall be put without debate. If carried, the question shall be put to vote, if lost the debate shall continue. It shall not be in order to move “that the question be now put” until at least two (2) Members shall have had an opportunity of speaking against the motion. When the motion is carried, “that the question now be put” the mover of the original motion shall have the right to reply, but it shall not be competent for the mover of the original motion to move “that the question be now put” unless he forfeits his right of reply.
- (m) An amendment may be moved on any original motion. The Chairman shall first put the amendment to the meeting and if carried it shall be declared to embody the decision of the meeting superseding the motion. When an amendment has been decided, a further amendment may be moved, which, if carried, shall in turn supersede the motion. If there be no amendment the original motion shall be put after the mover has replied.
- (n) The Chairman shall refuse to receive any amendment which is a direct negative.
- (o) The Chairman shall have a casting vote at any meeting.
- (p) In the event of any matter being brought before any meeting which affects the Chairman of the meeting, or in which he may be interested, he shall vacate the Chair and the meeting shall elect Chairman pro tem until such matter is dealt with.
- (q) If a secret ballot is demanded at any meeting by two (2) Members, who are present thereat, it shall be taken upon such conditions as the Chairman of such meeting directs.
- (r) The Chairman may appoint tellers to assist him in counting a vote by show of hands or division, or at a secret ballot.
- (s) The mover of an original motion must obtain the consent of his seconder and the approval of the meeting before making any alteration to the wording of his motion.
- (t) Any amendment having been moved, it shall not be competent to move any further amendment but notice may be given of intention to move such further amendment when the previous amendment has been disposed of. Only one amendment can be considered at the same time.
- (u) In the absence of the President, the Chairman of all meetings shall be elected by vote of the Members in attendance thereat.

## **PART 4 - EXECUTIVE**

### **5.1 THE EXECUTIVE OFFICERS AND EXECUTIVE COMMITTEE**

- (a) The Executive Officers shall be the President, Secretary, Treasurer, Captain and Junior Activities Chairperson, who together shall comprise the Executive Committee.
- (b) The Executive Committee shall have the power to address any urgent matter of Club management which may arise, and to expend up to five thousand dollars (\$5,000) of Club funds on any one item. They shall keep proper minutes of their meetings for presentation to subsequent meetings of the Management Committee.

- (c) In order to expedite the Club's management, the Executive may meet prior to the monthly Management Committee meetings to deal with routine business. Three (3) members of the Executive shall form a quorum.
- (d) The Executive Committee shall have authority to employ or contract full time, part time or casual labour as appropriate and to exercise power of dismissal, and shall comply with all relevant taxation requirements

## **5.2 SUB-COMMITTEES**

The Standing Sub Committees of MSLSC shall be:

- (a) Constitution Sub Committee;
- (b) Life Membership Sub Committee;
- (c) Fundraising and Sponsorship Sub Committee;
- (d) Junior Sub Committee;
- (e) Surf Sports Sub Committee; and
- (f) Education Sub Committee.

The roles and responsibilities of the Standing Sub Committees are detailed in the MSLSC By-Laws.

# **PART 5 – MANAGEMENT**

## **6.1 CLUB OFFICERS QUALIFICATIONS FOR ELECTION**

The following officers shall be elected at the Annual General Meeting. The Surf Bronze Medallion shall be the basic qualification for all positions with the exception of Patrons, Vice Patrons, Radio Officer and the Junior Liaison Officers. Where other specialist awards are required to hold office they are listed in brackets after the position.

- (a) Patrons
- (b) Vice Patrons
- (c) President
- (d) Secretary
- (e) Treasurer
- (f) Registrar
- (g) Club Captain
- (h) Vice Club Captain
- (i) Director of Surf Sports
- (j) Youth Development Officer
- (k) Chief Instructor (Training Officer Certificate)
- (l) Assistant Instructors (Training Officer Certificate)
- (m) IRB Captain (current IRB driver qualification)
- (n) Radio Officer (Radio Officer Certificate)
- (o) Member Protection Information Officer
- (p) Work Health and Safety Officer
- (q) Information Technology Coordinator
- (r) Gear and Equipment Officer
- (s) Boat Captain
- (t) Ski and Board Captain

- (u) Records Officer
- (v) Publicity Officer

Other Honorary Officers:

- (a) Sectional Coaches (Level 1 Coaching)
- (b) Team Managers
- (c) First Aid Officer (First Aid Certificate)

## 6.2 METHOD OF ELECTION

The method of election shall be as follows:

- (a) Nominations of candidates for election as Office Bearers of the Club –
  - I. shall be made in writing, signed by two financial Members of the Club and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination); and
  - II. shall be delivered to the Secretary of the Club not less than seven (7) days before the date fixed for the holding of the Annual General Meeting at which the election is to take place.
- (b) The retiring President shall nominate a suitable person to chair the election of officers who will in turn appoint scrutineers, conduct the election of all Club officers and at its completion announce the result and return the position of chairperson to the Club President.
- (c) If one nomination is received for a vacancy on the Committee then that nominee will deem to be elected.
- (d) In the event of there being no nominations for a position, the Chairperson shall call for nominations from the floor of the meeting. Only persons eligible for election and who are present to accept nomination shall be accepted, unless they have provided a signed statement accepting nomination for the office.
- (e) If the number of nominations received exceeds the number of vacancies to be filled, a ballot shall be held.
- (f) The ballot for the election of Office Bearers and ordinary Members of the Committee shall be conducted at the Annual General Meeting in such usual and proper manner as required by this Constitution.
- (g) Any member standing for a position requiring a ballot, may seek and be granted a scrutineer of their own choosing.
- (h) Election will be by secret ballot the winners being declared by outright majority.
- (i) In the event of a position becoming vacant during the course of the year the Management Committee shall have the power to fill such vacancy by majority vote of the Management Committee until such a time as a Special General Meeting can be called.



### 6.3 MANAGEMENT COMMITTEE STRUCTURE

The following Officers shall comprise the Management Committee:

- President
- Secretary
- Treasurer
- Club Captain
- Chief Instructor
- Vice Club Captain/s
- Director of Surf Sports
- Registrar
- Sectional Captains (IRB, Boats, Board and Ski etc.)
- JAC Chairperson (by appointment)
- Function Room Manager (if club member) or Club Liaison to Function Room Manager

- (a) The Management Committee may appoint assistant officers to any of the above positions as deemed necessary. Persons so appointed may attend Management Committee Meetings, but are ineligible to vote.

The Management Committee, at its first monthly meeting following the Annual General Meeting shall appoint members to the following positions:

- Licensee/Manager
- Publicity Officer
- Delegate to the Branch (Proxy)
- Delegate to the Junior Activities Sub-Committee

- (b) Life Members may attend Management Committee meetings in order to raise specific matters and move relevant motions on such matters, provided that seven days' notice in writing is given. Life Members do not have voting rights at Management Committee meetings.
- (c) The Junior Activities Committee shall appoint two of its officers as delegates to the Management Committee one of whom shall be its Chairperson or proxy. They shall be eligible to vote only on matters pertaining to the Junior Activities.

### 6.4 DUTIES AND POWERS OF THE MANAGEMENT COMMITTEE

- (a) To expend the funds of the Club as is in the best interests and objectives of the Club and its Members.
- (b) To make decisions which are in the best interests and in line with the objectives of the Club and its Members.
- (c) To make By-Laws for the satisfactory working of the Club, the maintenance of order and the carrying out of the rules and to amend or rescind such By-Laws when necessary. Such actions are binding until altered, amended or revoked by a General Meeting.
- (d) To suspend or expel from the Club any member proven to its satisfaction to have been guilty of misconduct or breach of the Club's rules or who in its opinion has acted in a manner prejudicial to the interests of the Club.

## **6.5 ATTENDANCE OF MANAGEMENT COMMITTEE MEMBERS**

Any member of the Management Committee who is absent from three (3) Committee Meetings without adequate explanation or otherwise neglects their duties without reasonable excuse may have their position declared vacant by the Management Committee and the Committee may appoint a casual vacancy in their stead.

## **6.6 PATRON AND VICE PATRONS**

Patron and Vice-Patrons (unlimited in number) who need not be members of Branch or Club shall be elected at the Annual General Meeting.

## **6.7 DUTIES OF OFFICERS**

The Officers of the Club shall consist of those members on all Club Committees and Sub Committees as determined by the Management Committee from time to time. Details of the roles and responsibilities of such Officers are shown in the Club By-Laws.

## **6.8 DELEGATE TO HSL, SLSNSW, SLSA AND PROXY**

- (a) The delegate to HSL, SLSNSW and SLSA and Proxy Delegate shall represent the interests of the Club at Branch Council meetings and report on decisions made at such meetings to the Management Committee.
- (b) The delegate shall, if the case arises, be bound to vote on matters at Branch Council Meetings as directed by the Management Committee or a Club General Meeting.
- (c) Should the delegate be unable to attend a Branch Council Meeting it will be his responsibility to arrange for the Proxy Delegate to attend in their place.

### **6.8.1 DELEGATE TO BOARD OF JUNIOR ACTIVITIES**

The delegate shall be the President or an assigned proxy.

## **6.9 CASUAL VACANCIES**

For the purposes of these rules, a casual vacancy in the office of a Member of the Management Committee occurs if the Member:

- (a) Dies;
- (b) Ceases to be a Member of MSLSC;
- (c) Becomes an insolvent under administration within the meaning of the Companies (New South Wales) code;
- (d) Resigns office by notice in writing given to the Secretary.

- (e) Becomes of unsound mind or a person or estate liable to be dealt with in any way under the law relating to mental health;
- (f) Is absent without the consent of the committee from three (3) consecutive meetings; or
- (g) Is removed under section 2.4.

All officers and committee position holders shall continue in office subject to resignation, removal or disqualification from office until their successor/s are appointed. In the event of a vacancy occurring during the year, such vacancy may be filled by the Management Committee until such a time as a Special General Meeting can be held to fill the vacancy.

## **6.10 REMOVAL OF OFFICERS AND ADVISERS**

In addition to the circumstances in which the office of an Officer becomes vacant by virtue of the Law, the office of an Officer becomes vacant if the Officer:

- (a) dies;
- (b) becomes bankrupt or makes any arrangement or composition with his creditors generally
- (c) becomes of unsound mind or a person whose person or estate is liable to be dealt with in anyway under the law relating to mental health;
- (d) resigns his office in writing to MSLSC;
- (e) is absent without the consent of the Executive from three consecutive meetings without valid excuse;
- (f) without the prior consent or later ratification of the Members in General Meeting holds any office of profit under MSLSC;
- (g) is directly or indirectly interested in any contract or proposed contract with MSLSC and fails to declare the nature of his interest;
- (h) is removed by Special Resolution;
- (i) has been expelled or suspended from membership;
- (j) would otherwise be prohibited from being a director of a corporation under the Corporations Act;
- (k) on the recommendation of a MSLSC Judiciary Committee.

## **6.11 DISPUTE RESOLUTION**

The Club adopts the Grievances, Judicial and Discipline Regulations of SLSA as amended from time to time. These shall be replicated in the By-Laws.

## PART 6 - FINANCE AND PROPERTY

### 7.1 FINANCE

- (a) The funds of MSLSC shall be used in pursuance of the objects and powers of MSLSC
- (b) The income and property of MSLSC shall be applied solely towards the promotion of MSLSC and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit to members of MSLSC provided that nothing herein shall prevent the payment in good faith of remuneration to any servant or officer of MSLSC.
- (c) The funds of the Club shall be derived from entrance fees and annual subscriptions of members, donations and / or sponsorship.
- (d) The general financial operating principles of the MSLSC shall be structured as defined in figure 1.

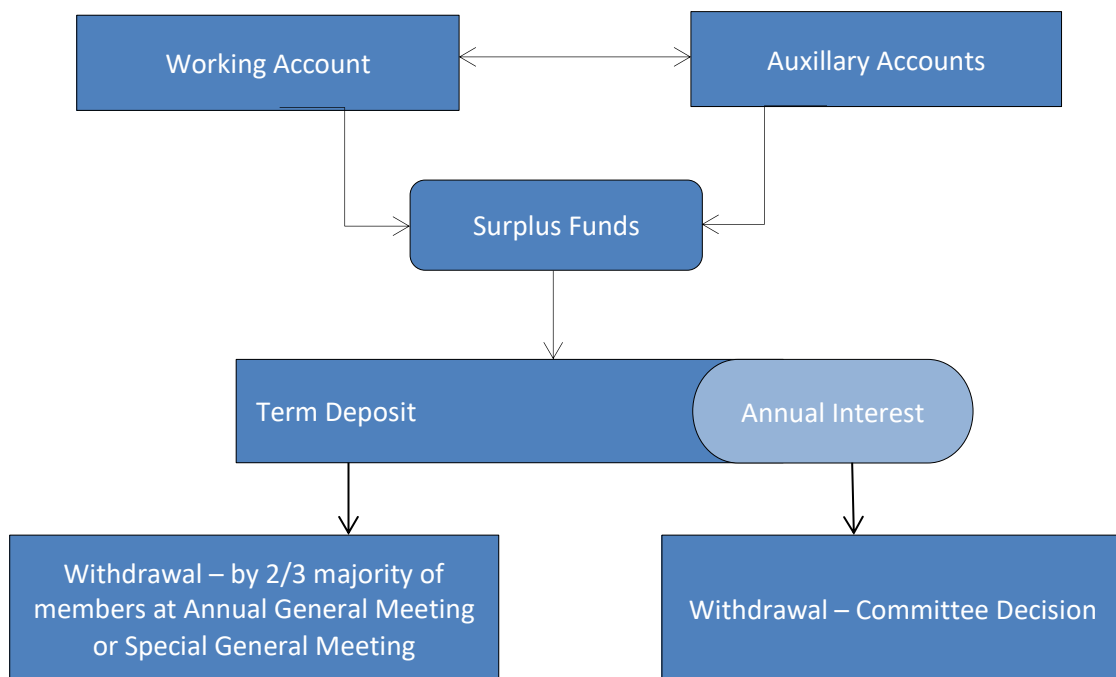


Figure 1 Financial structure of Merewether SLSC funds

### 7.2 FINANCIAL MANAGEMENT

- (a) The financial year shall be from **1 April to 31 March** in the following year.

- (b) All payments received shall be banked in the name of the MSLSC, and any payments made by cheque must be authorised by any two of the President, Secretary and Hon Treasurer or any other person duly appointed for that purpose by the Management Committee. Other methods of payment may be authorised by the Management Committee after accounts have been passed for payment.
- (c) The Treasurer shall submit a financial statement to each Management Committee meeting and the Annual General Meeting.
- (d) The funds and all property of the Club shall be under the absolute control of the Management Committee and shall be invested, applied, disposed of or used as directed by the Management Committee.
- (e) The Treasurer shall present the books of the Club to the Auditor for examination prior to the publication of the Annual Report and Financial Statement.
- (f) The Treasurer shall provide the Management Committee with a twelve month budget plan for all working and auxiliary accounts no later than the Committee Meeting in September.
- (g) A copy of the Annual Report and Financial Statement shall be forwarded each year to the Newcastle City Council Library, SLSA, Hunter Branch and the Department of Fair Trading.

### **7.3 FUNDS MANAGEMENT**

- (a) Subject to any resolution passed by MSLSC in general meeting, the funds of MSLSC, excluding the term deposit, shall be used in pursuance of the objects of MSLSC in such manner as the committee determines;
- (b) Withdrawal of the principle of the Term Deposit (figure 1) must be authorised by a 2/3rds majority of members at the Annual General Meeting or a Special General Meeting.
- (c) All payments must be authorised by any two (2) members of the Executive Committee or employees of MSLSC, being members or employees authorised to do so by the Management Committee.

### **7.4 HONORARIUMS**

Honorariums may be paid to the President, Honorary Secretary, Honorary Treasurer, Registrar and Chief Instructor and such honorariums shall be determined at the Annual General Meeting.

### **7.5 AUDITOR AND INSPECTION OF BOOKS**

- (a) The Auditor shall be appointed at the Annual General Meeting of MSLSC to hold office until the next Annual General Meeting. In the event of the position of Auditor becoming vacant between the AGM and not being filled at the AGM, MSLSC may appoint an Auditor to fill such vacancy until the next AGM of MSLSC.
- (b) The Auditor shall conduct an audit of the books of accounts of MSLSC at the end of each financial year;
- (c) He shall also certify to the correctness of the Income and Expenditure Account and to the correctness of the Balance Sheet for submission to the Annual General Meeting and shall verify the existence of all MSLSC monies and securities;

- (d) The Auditor shall have right of access at all reasonable times to the books, accounts and vouchers of MSLSC and shall be entitled to acquire from the Officers, members and employees of MSLSC all such information and explanation as may be necessary for the performance of his duties;
- (e) The Auditor shall submit a report to the Annual General Meeting of MSLSC on the accounts examined by him and shall state:
  - i. Whether in his opinion the accounts presented to the meeting have been properly drawn up so as to exhibit a true and correct view of the state of MSLSC affairs according to the best of his information and explanations given to him and as shown by the books of MSLSC;
  - ii. Whether or not he has obtained all the information and explanations he has required;
- (f) The records, books and other documents of MSLSC shall be open for inspection, free of charge, by a member of MSLSC at any reasonable hour and upon reasonable notice;
- (g) Except as otherwise provided for in these regulations, the Public Officer shall keep in his or her custody or under his or her control all records, books or documents relating to MSLSC.

## **7.6 ANNUAL REPORT AND AUDITED FINANCIAL STATEMENT**

The Secretary shall prepare the following prior to the Annual General Meeting:

- a. A report of the activities of MSLSC during the previous season;
- b. Audited, financial statements for the financial year last ended, duly certified by the Auditor or Auditors and signed by the Hon. Treasurer;
- c. All relevant members shall submit to the Secretary at the close of each season and not later than 4 weeks prior to the AGM, statistics and a report of their respective sections for the compilation of the MSLSC annual report. The date of submission of this report can be varied if required by the Management Committee in writing.

## **7.7 FUNCTION ROOM**

The object of the Club's Function Room is that it be run as a source of income for MSLSC.

### **7.7.1 LICENSEE AND LICENSE MANAGER**

- (a) The Liquor Licence which is issued by the NSW Office of Liquor, Gaming & Racing is to be held in the name of Merewether Surf Life Saving Club Incorporated. The License Manager will be a Member of the Club who holds Responsible Service of Alcohol qualifications. The License Manager will be as elected by the Executive Committee.
- (b) The License Manager is governed by the rules and regulations of the NSW Office of Liquor, Gaming & Racing.

- (c) The License Manager will be required to apply on behalf of the Club for relevant licence/s which are required to be obtained for the purposes of the sale of alcohol at approved Club functions, during social occasions held by the Club and for the sale or supply of alcohol when the Function Room is hired out.
- (d) In the event of the change of License Manager the Club will ensure that the appropriate transfer documentation as required by the NSW Office of Liquor, Gaming & Racing (or the relevant Government body at the time of the transfer) will be lodged within two (2) weeks of being endorsed by the Club's Executive Committee to the position of Licensee or within the time required by the NSW Office of Liquor, Gaming & Racing or whichever is the shorter time period.
- (e) Hiring of the Function Room will be managed by the Function Room Manager, in consultation with the License Manager.

### **7.7.2 PURPOSE**

The Club's Function Centre is to be used for the purpose of, but not limited to:

- (a) Approved club functions
- (b) Sunday Social functions which are open to all Club Members their family and friends and which are also open to the general Members of the Community.
- (c) Hiring/Leasing to Club Members, members of the public, businesses and organisations for social engagements for monetary value
- (d) Hiring/Leasing to Club Members, members of the public, businesses and organisations for meetings on a regular basis or from time to time.
- (e) Club training, as required and if the Function Room is available
- (f) Club Meetings, as required and if the Function Room is available

The Function Room can from time to time be used for activities other than those referred to above upon obtaining approval from the Function Room Manager or the Executive Committee.

### **7.7.3 FUNDS**

The Function Room's funds may be utilised for the following:

- (a) Maintenance and repair of the Function Room;
- (b) Weekly cleaning of the Function Room and it surrounds, stairs, balcony, kitchen, bathrooms etc., or on a more regular basis as required, to ensure that the Function Room is at all times in a proper state of cleanliness for the purposes of ongoing Functions and the inspection of the Function Room by prospective hirers;
- (c) Purchase of furniture and equipment for the Function Room;
- (d) General club business

## **PART 7 – MISCELLANEOUS**

### **8.1 RIGHT OF APPEAL**

- (a) Any Member dealt with under section 2.4 of this Constitution may, within seven (7) days of being notified thereof, appeal to the Club by lodging with the Secretary a written notice to that effect, whereupon the Secretary shall convene a General Meeting of MSLSC.
- (b) The Secretary shall then notify the Member of the time, date place and not less than seven (7) days' notice of such meeting.
- (c) A Member shall not be entitled to legal representation either at a Committee meeting or a General Meeting.

### **8.2 INSURANCE**

- (a) MSLSC shall effect and maintain insurances on major assets and effect and maintain other insurances as required.

### **8.3 ADDITION, ALTERATION OR AMENDMENT TO THE CONSTITUTION**

- (a) No addition, alteration or amendment shall be made to this Constitution unless the same has been approved by a Special Resolution at a MSLSC Special General Meeting of which twenty-one (21) days' notice shall be given by the Secretary to members. Such notice shall state the exact nature of the proposed addition, alteration or amendment and shall be lodged with the Secretary at least forty-two (42) days before the meeting.
- (b) The Public Officer shall within one month after the passing of a special resolution relating to the addition, alteration or amendment of this Constitution, lodge with the Relevant regulatory Body notice of the change in the prescribed form.

### **8.4 SAVING PROVISIO**

- (a) In the event of any question arising which is not specifically provided for in the SLSA Constitution, the SLSA Regulations and the SLSA Manuals, the Rules and Regulations of SLSNSW or the Rules and Regulations of HSL it shall be competent for MSLSC to temporarily legislate thereon, pending due alterations to the constitution by Special Resolution.

### **8.5 INDEMNITY**

- (a) Every Officer, Adviser, auditor, manager, employee or agent of MSLSC shall be indemnified out of the property or assets of MSLSC against any liability incurred by them in their capacity as an Officer, adviser, auditor, manager, employee or agent in defending any proceedings, whether civil or criminal, in which judgement is given in their favour or in which they are acquitted or in connection with any application in relation to any such proceedings in which relief is, under the Law, granted to them by the court.



- (b) MSLSC shall indemnify its Officers, Advisers, managers and employees against all damages and costs (including legal costs) for which any such Officer, Adviser, manager or employee may be or become liable to any third party in consequence of any act or omission except wilful misconduct:
  - i. in the case of an Officer or Adviser, performed or made whilst acting on behalf of and with the authority, express or implied of MSLSC;
  - ii. in the case of an employee, performed or made in the course of, and within the scope of his employment by MSLSC.

## **8.6 MSLSC RULES AND BY-LAWS**

- (a) The Executive may formulate, issue, adopt, interpret and amend such By-Laws for the proper advancement, encouragement, management and administration of MSLSC, the advancement of the objects of MSLSC and surf lifesaving, as it thinks necessary or desirable. Such MSLSC By-Laws must be consistent with the Constitution and any policy directives of the MSLSC.
- (b) All Rules and By-Laws made under this clause shall be binding on all Members of MSLSC.
- (c) Amendments, alterations, interpretations or other changes to rules and by-laws shall be advised to members by MSLSC letters, mail, email or any other media available and deemed necessary.

# **PART 8 – RULES AND REGULATIONS**

## **9.1 DELEGATION OF AUTHORITY**

The Executive may by instrument in writing, create or establish or appoint from among its own Members or from other selected personnel as occasion may require, special committees, sub-committees, boards or individual officers and consultants to carry out such duties and functions and with such powers as the Executive determines.

## **9.2 GYMNASIUM**

- (a) No member under the age of 15 years shall train in or utilise the gymnasium and its facilities.
- (b) Only current financial members of MSLSC are permitted to access and use the gymnasium facilities, and only when they have purchased a gymnasium key and paid any relevant fees.
- (c) An annual fee shall be paid by members to MSLSC to utilise the gymnasium as set down at the Management Committee of MSLSC. This fee shall include a deposit for a key, which may be issued for access. The deposit shall at all times cover the cost of a replacement key.
- (d) Access to the gymnasium shall be twenty four (24) hours a day, unless directed otherwise by the Management Committee.

Members shall only be excluded from paying gymnasium fees and utilising the gymnasium facilities when;

- i. Under direct supervision of a Club coach or trainer during specialist and one (1) off training sessions.
- ii. Special or specific team training sessions.
- iii. When extreme weather conditions restrict team-training sessions.

### **9.3 SALARIED STAFF**

The Executive Committee representing MSLSC, shall have the power to appoint, dismiss, define the duties of, and fix the rate of pay of, any salaried employees of MSLSC, subject to ratification by the Management Committee.

### **9.4 EXAMINATIONS**

- (a) Member Skills Maintenance (Proficiency) dates are to be set prior to the Season start in consultation with the Club captain, and should be notified to Hunter Surf Lifesaving as soon as practicable after dates set.
- (b) Any requests for Skills Maintenance outside the designated Club dates must be approved by the Club Captain.
- (c) Documentation as required for all assessments is to be provided for the assessment as per SLSNSW SOP's.
- (d) Additional requirements are located within the By-Laws

### **9.5 REGISTRATION DAYS**

- (a) Registration days are to be held annually prior to the commencement of the forthcoming season and after the Annual General Meeting.
- (b) The number of registration days and dates are to be set by the Management Committee.
- (c) The dates and timing for the registration days shall allow satisfactory timing for the manufacture and delivery of patrol rosters.

### **9.6 AUTHORITY TO APPOINT ADMINISTRATOR**

- (a) Should the Executive Committee consider that a situation has developed within MSLSC which gives them extreme concern and is detrimental to the image of surf life saving, it shall have the authority to initiate discussion and investigate the operations of such MSLSC and then if considered necessary the authority to appoint person/s to take over control and re-establish a sound and satisfactory administration within MSLSC and for such time as considered necessary.
- (b) In such situation, HSLC shall be notified forthwith of the action taken by MSLSC.

### **9.7 WINDING-UP PROVISIO**

- (a) The action of winding up and distribution of surplus property shall be subject to decision by Special Resolution.

- (b) If on winding up or dissolution of MSLSC there remains after the satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid or distributed amongst the members of MSLSC but shall be given or transferred to some other body that is a registered or exempt charity having objects similar to the objects of MSLSC and which shall prohibit the distribution of its or their income and property amongst its or their members.
- (c) Notwithstanding anything contained in these rules the “finance” and “winding up or dissolution” Rule 23 and Rule 9.7 will not be amended or removed from these rules.
- (d) If the organisation is wound up or its endorsement as a deductible gift recipient is revoked (whichever occurs first), any surplus of the following assets shall be transferred to another organisation with similar objects, which is charitable at law, to which income tax deductible gifts can be made:
  - 1. Gifts of money or property for the principal purpose of the organisation.
  - 2. Contributions made in relation to an eligible fundraising event held for the principal purpose of the organisation.
  - 3. Money received by the organisation because of such gifts and contributions.

## **9.8 FUNCTION ROOM HIRE**

The function room may be hired under the rules and conditions of the Hall Hire Agreement and in accordance with clause 7.7.2.

## **9.9 PUBLIC OFFICER**

- (a) As per section 34 of the Associations Incorporated Act 2009, the Club must have a Public Officer position appointed.
- (b) The management committee will determine from time to time who will act as the Club's Public Officer under the Act. Such person shall be appointed by the Board for such term and upon such conditions as the Board thinks fit.
- (c) The Public Officer must give the registrar notice of their appointment within 28 days after the appointment.
- (d) If the position of Public Officer becomes vacant, the Board must appoint a person to the position within 28 days after the vacancy arises.

## **9.10 OFFICIAL CORRESPONDENCE**

All official correspondence to and from MSLSC must be forwarded through the Secretary

## **9.11 COPY OF THE CONSTITUTION**

Each member shall have access to the MSLSC constitution. A copy shall be available in the office of MSLSC and shall always be made available for perusal at any reasonable time by MSLSC members.

## **9.12 NON-POLITICAL AND NON-SECTARIAN**

MSLSC shall be strictly non-political and non-sectarian and shall not directly or indirectly allow any subject bearing on politics or religion to be introduced or discussed at any meeting under its control or in any premises or place under its control either permanently or temporarily.

## **9.13 CONFLICT OF INTEREST**

A member shall declare his interest in any contractual, selection, disciplinary or other matter in which a conflict of interest arises or may arise, and shall absent him/her from discussions of such matter and shall not be entitled to vote in respect of such matter. In the event of an uncertainty as to whether it is necessary for an Officer to absent himself from discussion or refrain from voting, the issue should be immediately determined by vote of the Executive Committee or the relevant Committee.

## **9.14 LIFESAVING**

### **9.14.1 MEMBERS PATROL OBLIGATIONS**

- (a) Senior and Junior Active members shall be rostered for patrol duty by the Club Captain prior to the commencement of the season.
- (b) The Club Captain will appoint a Captain for each patrol who will be responsible for the efficiency of that patrol.
- (c) Cadet members will be rostered for patrol duty in a trainee capacity only.
- (d) Other members may elect to do patrols providing they have the necessary qualifications.

### **9.14.2 QUALIFICATIONS OF PATROL MEMBERS**

In addition to the Surf Bronze Medallion (Active Members) and the Surf Rescue Certificate (Cadets), all patrol members must pass the SLSA Proficiency Examination at the commencement of each season, unless they have obtained the Surf Bronze Medallion or Surf Rescue Certificate for that season.

### **9.14.3 QUALIFICATIONS OF PATROL CAPTAINS**

Each Patrol Captain is required to hold the Silver Medallion Basic Beach management Award on appointment.

### **9.14.4 EXEMPTION OF CLUB OFFICERS FROM PATROL DUTIES**

The Management Committee shall have the power to exempt the following members from patrol duties:

- Executive Officers
- Vice Club Captains
- Chief Instructor
- Life Members
- Long Service Members

#### **9.14.5 EXEMPTION OF ACTIVE AND CADET MEMBERS FROM PATROL DUTIES**

- (a) Exemption may only be granted in the most exceptional circumstances.
- (b) Application for exemption must be in writing for consideration by the Management Committee.
- (c) The Management Committee may grant leave of absence from patrol duties to members who are unable to attend their rostered patrols because of sickness, transfer of their place of work or for other legitimate reasons.
- (d) The Management Committee may permit a limited number of members to perform their patrol obligations without being rostered to a set patrol. In such cases the members total patrol hours for the season must not be less than for rostered members. The Club Captain will have the power to require an unrostered member to complete a certain number of patrol hours in a set period.

#### **9.14.6 PATROL HOURS**

The minimum patrol times will be as per the lifesaving service agreement and club requirements:

- (a) Saturdays 9.00am to 5.00pm
- (b) Sundays 9:00am to 5.00pm
- (c) Public Holidays 9.00am to 5.00pm

These times may be varied by the Management Committee should the need arise.

#### **9.14.7 PATROL LOG**

A Patrol Log is to be completed by the Patrol Captain at the end of each patrol and he will ensure that each patrol members name is recorded thereon and that all details relevant to the operation of the patrol are included.

#### **9.14.8 DRESS**

Patrol cap tied under the chin and swimmers are to be worn by patrol members whilst on duty. Red and yellow patrol apparel under SLSA regulations consisting of long sleeved collared patrol shirt and patrol shorts. Peaked cap or broad brimmed hat may also be worn. The Club shall encourage the use of sunscreen and sunglasses as well as shade shelter under the Club's Sun Protection Policy.

Protective clothing may be worn if warranted by weather conditions.

#### **9.14.9 NON-ARRIVAL OF THE AFTERNOON PATROL**

In the event of non-arrival of the afternoon patrol it is the duty of the morning patrol to ensure complete protection for surfers until relief arrives. Such cases must be reported in the log book.

#### **9.14.10 PATROL PUNCTUALITY AND ABSENCES**

- (a) It is the responsibility of patrol members to attend each rostered patrol for the full period of such patrol.
- (b) No member on duty may leave the patrol area without the approval of the Patrol Captain and only then in exceptional circumstances.

- (c) Any member who absents himself from a patrol or who is late for patrol will be required to make up the patrol or the period of lateness at the direction of the Club Captain. If the member fails to make up the patrol or the period of lateness as directed by and to the satisfaction of the Club Captain the member will be automatically suspended until such times as he/she appears before a meeting of the Management Committee.
- (d) The member must be advised in writing of the patrol breach and the date and time of the next Management Committee Meeting.
- (e) On appearing before the Management Committee the suspended member will be given the opportunity to explain his/her actions following the Club Captain's report. The Management Committee will then decide on any penalty which may be imposed with the proviso that such member will have the right of appeal to a General Meeting against the severity of the penalty.

## **9.15 RULES GENERAL**

### **9.15.1 SEX DISCRIMINATION**

There will be no restriction on the admittance to any class of membership of this Club on the basis of a person's sex. All rules as set out in this Constitution apply equally to both males and females regardless of the gender used.

Alcohol shall not at any time be brought onto the Club premises by any individual or group of members without the consent of the License Manager. When alcohol is consumed on the premises it shall be with the consent of the License Manager.

### **9.15.2 PAYMENT, ETC, OF OFFICE BEARERS AND MEMBERS**

A member of the committee shall not be appointed to any salaried office of the Club or any office of the Club paid by fees, and no remuneration or other benefit in money or monies worth shall be given by the Club to any member of the committee except:

- (a) Repayment of out-of-pocket expenses;
- (b) Interest at a rate not exceeding interest at the rate for the time being which is or would be charged by the Club's bankers for money lent to the Club;
- (c) Reasonable and proper rent for premises let to the Club; or
- (d) Where the member is employed under the jurisdiction of the License Manager

### **9.15.3 VACATION OF OFFICE**

With the exception of rule 9.15.2(d), the office of a member of the Management Committee shall become vacant if:

- (a) The member holds an office of profit in the Club, or
- (b) The member is directly or indirectly interested in any contract or proposed contract with the Club.

#### **9.15.4 SURPLUS PROPERTY**

At the first general meeting of the Club, after the adoption of this document by the members of MSLSC the Club shall, pass a special resolution nominating a charity registered under the Charitable Collections Act, 1934, or exempted from registration by or under that Act in which it is vest its surplus property pursuant to section 53(2) of the Act in the event of the winding up or the cancellation of the incorporation of the Club.

- (a) The charity so nominated shall be one which fulfils the requirements specified in section 53(2) (a) - (c) of the Act.
- (b) A proposed alteration of the rules or of the statement of objects of the Club shall be notified to the Minister administering the Charitable Collections Act, 1934 in the manner required by the regulations under that Act.

#### **9.15.5 INCOME AND PROFIT**

The Club shall apply all profits and income to promoting its objects or to the purposes provided for by the law.