

# Constitution

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LORNE SURF LIFE SAVING CLUB INCORPORATED  
REGISTRATION NUMBER A0007451U  
ABN: 38 826 799 374



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# Constitution of the Lorne Surf Life Saving Club

*This constitution is based on a template constitution developed for Victorian Surf Life Saving Clubs. The document complies with the Associations Incorporation Reform Act 2013 (Vic) (**Act**) and the Constitutions of Life Saving Victoria (LSV) and Surf Life Saving Australia (**SLSA**). The document has been also developed between April – July 2013 to take into account the Australian Sports Commission's Best Practice Corporate Governance Principles for Sporting Organisations. It demonstrates that the Lorne Surf Life Saving Club is a key part of the overall national structure for Surf Lifesaving and thus there are references to LSV and SLSA. The template has been tailored to the requirements of the Lorne Surf Life Saving Club.*

## 1 PART I – OBJECTS, POWERS AND INTERPRETATION

### 1.1 NAME

The name of the incorporated Association is the Lorne Surf Life Saving Club Incorporated (the **Club**).

### 1.2 INCORPORATION

Associations shall incorporate under the Act and shall remain incorporated.

### 1.3 AFFILIATION

The Association shall be affiliated to Life Saving Victoria Ltd (ACN 102 927 364) and Surf Life Saving Australia Ltd (ACN 003 147 180) and such other organisations as may be determined from time to time by the Committee.

### 1.4 OBJECTS OF THE CLUB

The Club is established solely for these Objects. The Objects of the Club are to:

- a. participate as a member of Life Saving Victoria (**LSV**) and Surf Life Saving Australia Limited (**SLSA**) and The Royal Life Saving Society Australia (**RLSSA**) through and by which lifesaving and the preservation of life in the aquatic environment can be conducted, encouraged, promoted, advanced and administered;
- b. conduct, encourage, promote, advance and control lifesaving in Lorne, its many aspects devoted to aquatic safety and management and the preservation of life in the aquatic environment;
- c. ensure the maintenance and enhancement of the Club, LSV, Life Saving Clubs, SLSA, RLSSA and lifesaving, its standards, quality and reputation for the benefit of the Members and lifesaving;
- d. at all times promote mutual trust and confidence between the Club, LSV, Life Saving Clubs, SLSA, RLSSA and the Members in pursuit of these objects;
- e. at all times act on behalf of and in the interest of the Members and lifesaving;
- f. promote the economic and community service success, strength and stability of the Club, LSV, Life Saving Clubs, SLSA, RLSSA and lifesaving;
- g. affiliate and otherwise liaise with LSV, SLSA and RLSSA, in the pursuit of these objects and the objects of lifesaving;
- h. conduct or commission research and development for improvements in methods of lifesaving and life saving equipment and in all ways to improve and safeguard the use of the aquatic environment;
- i. develop, use and protect the Intellectual Property of the Club, LSV and SLSA;
- j. apply the property and capacity of the Club towards the fulfilment and achievement of these Objects;
- k. promote the involvement and influence of lifesaving standards, techniques, awards and education with bodies involved in lifesaving;
- l. strive for Governmental, commercial and public recognition of the Club as the authority on aquatic safety and management in Lorne;
- m. promulgate, and secure uniformity in, such rules as may be necessary for the management and control of lifesaving and related activities and the preservation of life in the aquatic environment;
- n. further extend the operations and teachings of the Club throughout Lorne;

- o. further develop lifesaving into an organised institution and with these objects in view, to foster, regulate, organise and manage assessments, competitions, displays and other activities and to issue badges, medallions and certificates and award trophies to successful Members;
- p. encourage Members to realise their potential by extending to them the opportunity of training, and leadership in education, organisation and participation in lifesaving competition;
- q. review and/or determine any matters relating to lifesaving which may arise, or be referred to it, by any Member;
- r. pursue through itself or other such commercial arrangements, including sponsorship and marketing opportunities as are appropriate to further the interests of lifesaving in Lorne;
- s. support the community of Lorne through promotion of its facilities, fundraising and economic opportunities, and promotion of the Club, its members and special events;
- t. 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 lifesaving;
- u. defer to, and comply with, LSV and SLSA policies;
- v. represent the interests of its Members and of lifesaving generally in any appropriate forum in Lorne;
- w. have regard for and manage the public interest in the Club's operations;
- x. do all that is reasonably necessary to enable these objects to be achieved and to enable the Members to receive the benefits which these objects are intended to achieve;
- y. ensure that environmental considerations are taken into account in all lifesaving and related activities conducted by the Club;
- z. promote the health and safety of Members and all other users of the aquatic environment;
- aa. encourage and promote performance-enhancing drug free competition;
- bb. establish, grant 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;
- cc. give, and seek where appropriate, recognition for Members to obtain awards or public recognition in fields of endeavour other than lifesaving;
- dd. seek and obtain improved facilities for the enjoyment of the aquatic environment in Lorne;
- ee. promote uniformity of laws for the control and regulation of the aquatic environment in Lorne and to assist authorities in enforcing these laws;
- ff. effect such objects as may be necessary in the interests of lifesaving and the aquatic environment in Lorne;
- gg. undertake and or do all such things or activities which are necessary, incidental or conducive to the advancement of these objects;
- hh. promote health, fitness and wellbeing of Club members and the broader Lorne community; and
- ii. support and promote a family friendly environment, which is inclusive and encourages people of all abilities.

## 1.5 POWERS OF CLUB

Solely for furthering the Objects set out above, the Club has in addition to the powers and functions under the Act, the legal capacity and powers of a company as set out under section 124 of the *Corporations Act*.

## 1.6 INTERPRETATION AND DEFINITIONS

### 1.6.1 Definitions

*The definitions are the same terms as in the LSV Constitution.*

In this Constitution, unless the contrary intention appears:

- ♦ **Act** - means the Clubs Incorporation Reform Act 2012 (Vic).
- ♦ **Active Member** – must hold the Award of the Surf Bronze Medallion of Surf Life Saving Australia and are designated as patrolling members who shall comprise:-
- ♦ Senior Active Members – aged not less than eighteen years.

- ♦ Junior Active Members – aged no less than fifteen years nor more than eighteen years on the 1<sup>st</sup> day of October in each current season.
- ♦ **Annual General Meeting** - means a meeting of Members convened in accordance with rules outlined in Part III commencing at page .
- ♦ **Annual Subscriptions** - means the annual fees payable by each category of Member as determined by the Committee under Section 2.2 SUBSCRIPTIONS AND FEES on page .
- ♦ **By Laws** - mean any by laws made by the Committee under Section 5.1 BY LAWS on page . The Committee may formulate, issue, adopt, interpret and amend such By Laws for the proper advancement, management and administration of the Club. Such By Laws must be consistent with the Constitution, the LSV constitution, the SLSA constitution and any regulations or By Laws made by LSV or SLSA. Such by-laws shall take effect immediately, and shall be displayed on the Club Notice Board for one calendar month and shall be ratified at the next General Meeting.
- ♦ **Club** - means Lorne Surf Life Saving Club Incorporated.
- ♦ **Constitution** - means this constitution of the Club as amended from time to time.
- ♦ **Delegate** - means the person appointed from time to time to act for and on behalf of the Club at various LSV meetings including at general meetings of LSV.
- ♦ **Executive Committee** - the governing body of the Lorne SLSC. The Executive Committee includes 8 – 10 defined roles, which are listed in By Law 2, and can be amended or added to by the Committee for the proper advancement, management and administration of the Club. Another commonly used term to describe the body managing the Club is 'Board', however throughout this document, the terms 'Executive Committee' and Committee are used.
- ♦ **Executive Committee member** – a member of the Committee governing the Lorne Surf Life Saving Club, as appointed in accordance with Part IV Executive Committee commencing on page . Another commonly used term is 'Director'; however this document will use the term Executive Committee member.
- ♦ **Financial Year** - means the year ending 30 April in each year.
- ♦ **General Committee** – the General Committee includes the Executive Committee members and delegates elected for various operational responsibilities. The roles included in the General Committee are listed in By Law 4, and can be amended or added to by the Committee for the proper advancement, management and administration of the Club.
- ♦ **General Meeting** - means the annual or any special general meeting of the Club convened in accordance with PART III- GENERAL MEETINGS on page .
- ♦ **Intellectual Property** means all rights subsisting in copyright, business names, names, trade marks (or signs), logos, designs, equipment, images (including photographs, television, videos or films) or service marks (whether registered or registrable) relating to the Club or any championship, competition, series or special event or lifesaving activity of or conducted, promoted or administered by the Club.
- ♦ **Life Member** means an individual appointed as a Life Member of the Club under section 2.1.7 Life Members on page .
- ♦ **Life Saving Club** means a Lifesaving Club, which is a member of or otherwise affiliated with LSV or SLSA.
- ♦ **LSV** means the body recognised by SLSA as the body administering lifesaving in Victoria.
- ♦ **Member** - A registered and financial member of the Club and can only include junior (Nipper) members; cadet members; junior active member, senior active members; reserve active members; long service members; award members; associate members; honorary members; honorary life associates members; and honorary life members of the Club which are defined in the By Laws. Refer to section 2.1 MEMBERSHIP OF CLUB on page .
- ♦ **Objects** means the objects, aims and goals of the Club under Section 1.4 OBJECTS OF THE CLUB on page .
- ♦ **President** means the President for the time being of the Club appointed in accordance with 4.3 ELECTION OF COMMITTEE MEMBERS on page , and whose role and responsibilities are outlined in By Law 3.
- ♦ **Register** means the register of Members kept in accordance with 2.3.1 Club to Keep Register of Members on page .

- ♦ **Relevant Documents** means the records and other documents, however recorded compiled or stored, that relate to the Club and management of the Club and includes membership records, financial statements, financial records, and records and documents relating to transactions, dealings, business or property of the Club.
- ♦ **RLSSA** means The Royal Life Saving Society Australia.
- ♦ **Seal** means the common seal of the Club and includes any official seal of the Club.
- ♦ **SLSA** means Surf Life Saving Australia Limited.
- ♦ **Special Resolution** means a resolution passed in accordance with the Act.
- ♦ **State** means and includes a State or Territory of Australia.
- ♦ **Sub-Committee** - means any special committee of the Committee created under Section 4.6.4 Special Committees and Sub-Committees on page from time to time.
- ♦ **Written notice** –Includes sending it in writing, by facsimile, email or other means of electronic communication (subject to receiving appropriate confirmation that the notice has been effectively dispatched); in accordance with the Committee Member's last notified contact details.

### 1.6.2 Interpretation

In this Constitution:

- a. a reference to a rule, regulation, schedule or annexure is to a rule, regulation, schedule or annexure of, or made under, this Constitution;
- b. words importing the singular include the plural and vice versa;
- c. words importing any gender include the other genders;
- d. headings are for convenience only and shall not be used for interpretation;
- e. words or expressions shall be interpreted in accordance with the provisions of the Act as they vary from time to time;
- f. references to persons include natural persons, corporations and bodies politic, and any legal personal representatives, successors and permitted assigns of that person;
- g. except where the contrary intention appears, in this Constitution, an expression that deals with a matter under the Act has the same meaning as that provision of the Act;
- h. 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); and
- i. expressions referring to "writing" shall unless the contrary intention appears, be construed as including references to printing, photography and other modes of representing or reproducing words in a visible form, including messages sent by electronic mail.

### 1.6.3 Enforceability

If any provision of this Constitution or any phrase contained in it is invalid or unenforceable in any jurisdiction, the phrase or provision shall be read down for the purpose of that jurisdiction, if possible, so as to be valid and enforceable. If it cannot be so read down the provision shall be severed to the extent of the invalidity or unenforceability. The remaining provisions of this Constitution and its validity or enforceability shall not be affected by the severance in any other jurisdiction.

## 1.7 STATUS AND COMPLIANCE OF THE CLUB

### 1.7.1 Recognition of Club

Subject to compliance with this Constitution, the LSV constitution, and the SLSA constitution the Club shall continue to be recognised as a Member of LSV and shall administer lifesaving activities in Lorne in accordance with the Objects of the Club.

### 1.7.2 Compliance of Club

The Members acknowledge and agree the Club shall:

- a. be or remain incorporated in Victoria;



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

### 1.7.3 Operation of Constitution

The Club and the Members acknowledge and agree:

- a. that they are bound by this Constitution and that this Constitution, operates to create uniformity in the way in which the Objects and lifesaving are to be conducted, promoted, encouraged, advanced and administered throughout Lorne;
- b. to ensure the maintenance and enhancement of lifesaving, its standards, quality and reputation for the benefit of the Members and lifesaving;
- c. not to do or permit to be done any act or thing which might adversely affect or derogate from the standards, quality and reputation of lifesaving and its maintenance and enhancement;
- d. to promote the economic and community services success, strength and stability of each other and to act interdependently with each other in pursuit of their respective objects;
- e. to act in the interests of lifesaving and the Members;
- f. where the Club considers or is advised that a Member has allegedly:
  - i. breached, failed, refused or neglected to comply with a provision of this Constitution, the By Laws, or any resolution or determination of the Club; or
  - ii. acted in a manner prejudicial to the Objects and interests of the Club and/or lifesaving; or
  - iii. brought the Club, any Life Saving Club or lifesaving into disrepute;
 the Club may after allowing the Member a reasonable opportunity to explain, adjudicate and if necessary penalise the Member with such penalty as it thinks appropriate.

## 1.8 CLUB'S CONSTITUTION

### 1.8.1 Constitution of the Club

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

- a. the objects of LSV
- b. the structure and membership categories of By Law 1
- c. recognising SLISA as the national peak body for lifesaving in Australia, in accordance with the SLISA Constitution
- d. recognising LSV as the peak body for lifesaving in Victoria
- e. recognising SLISA as the final arbiter on matters pertaining to lifesaving in Australia, including disciplinary proceedings
- f. such other matters as are required to give full effect to the LSV constitution; with such incidental variations as are necessary having regard to the Act.

### 1.8.2 Operation of the LSV Constitution

- a. The Club will take all steps to ensure its Constitution is in conformity with the LSV constitution at least to the extent set out in section 1.8.1 Constitution of the Club and in respect of those matters set out in Section

1.8.1 shall ensure this Constitution is amended in conformity with future amendments made to the LSV constitution, subject to any prohibition or inconsistency in the Act.

b. The Club shall provide to LSV a copy of its Constitution and all amendments to this document.

## 2 PART II – MEMBERSHIP

### 2.1 MEMBERSHIP OF CLUB

#### 2.1.1 Minimum number of Members

The Club must have at least twenty (20) Members who are eligible to vote at a general meeting.

#### 2.1.2 Categories of Member

The Members of the Club shall consist of:

- a. Life Members, who subject to this Constitution, shall have the right to be present, debate and vote at General Meetings;
- b. Active Members 15 years or older who shall have the right to be present, to debate and to vote at General Meetings and are patrolling members of the Club;
- c. Reserve-Active and Long Service Members as detailed in By Law 1 shall have the right to be present debate and vote at General Meetings;
- d. other classes of Membership as detailed in By Law 1 who are 15 years or older, who have the right to be present and debate and vote on anything except active member elections at General Meetings.

#### 2.1.3 Application for Membership

An application for membership by an individual must be:

- a. in Writing (including electronic as per definition in Section 1.6.1) on the form prescribed from time to time by LSV and/or SLSA, from the applicant or its nominated representative and lodged with the Club;
- b. accompanied by the appropriate fee, if any.

#### 2.1.4 Discretion to Accept or Reject Application

- a. The Club may accept or reject an application whether the applicant has complied with the requirements in Section 2.1.3 Application for Membership or not, and shall not be required or compelled to provide any reason for such acceptance or rejection.
- b. Where the Club accepts an application the applicant shall, subject to notification to LSV, become a Member.
- c. Membership of the Club shall be deemed to commence upon acceptance of the application by the Club. The Register shall be updated accordingly as soon as practicable.
- d. If the Club rejects an application, it shall refund any fees forwarded with the application, and the application shall be deemed rejected by the Club. No reasons for rejection need be given.

#### 2.1.5 Renewal of membership

- a. Members must re-apply for membership of the Club in accordance with the procedures set down by the Club from time to time.
- b. Upon re-application a Member must provide details of any change in their personal details, and any other information reasonably required by the Club.

#### 2.1.6 Membership Transitional Arrangements

Transitional arrangements refer to the period of time between the end of the season and the Annual General Meeting.

Notwithstanding any other rule of this Constitution, the transitional arrangements set out at in Section 5.2 TRANSITIONAL ARRANGEMENTS on page shall apply to the continuation of membership from the date of adoption of this Constitution.

#### 2.1.7 Life Members

##### Life membership Registrar

There shall be elected at an Annual General Meeting an officer of the Club to be known as the Life Membership Registrar whose duties shall include compiling, maintaining and keeping up to date, records and service of all

persons described in By Law 1 paragraph 5(a), who could qualify for nomination for Life Honorary Membership of the Club.

### Nominations for Life Membership

Nominations for Life Membership may be submitted in writing by 1st May each year by any Member of the Club to the Life Membership Registrar and shall be delivered to him unopened and shall provide sufficient details in support of the nomination.

No nominations shall carry forward to a subsequent year.

### Life Members Meeting

A meeting of the Life Members of the Club shall be held on or before 15th June of each year to consider and recommend on the eligible nominations. This meeting shall be convened by the Life Membership Registrar who shall give no less than 21 days' notice to the Life Members.

### Report

The Life Membership Registrar shall examine the nominations and report thereon to the meeting of Life Members, referring for consideration of the meeting only those nominations considered in his/her opinion to satisfy the threshold provisions of this rule.

### Meeting Procedure

Life Members shall consider all nominations referred by the Life Membership Registrar and the nominations determined to constitute special and distinguished service (as defined in the by-laws) shall be recommended for Life Honorary Membership to the next Annual General Meeting of the Club. The determination of the Life Members shall be decided by secret ballot and shall require two-thirds majority of those present and eligible and voting. If two-thirds of those voting is not a whole number, the figure required shall be next highest whole number.

### Election

The names of the nominations recommended by the Life Members shall be circulated by the Secretary to all those receiving notice of the Annual General Meeting of the Club and shall be voted upon at that meeting. Voting shall only be by Members holding the bronze medallion of SLSA and to be elected the nominee must receive the votes of two-thirds of those present eligible and voting. If two-thirds of those present eligible and voting is not a whole number the figure required for election shall be the next highest whole number. Nominees receiving the required majority of votes shall be elected as Life Members of the Club.

A person must accept or reject the Club's resolution to confer life membership in writing. Upon written acceptance, the person's details shall be entered upon the register, and from the time of entry on the register the person shall be a Life Member.

#### 2.1.8 Effect of Membership

a. Members acknowledge and agree that:

- i. this Constitution constitutes a contract between each of them and the Club and that they are bound by this Constitution and the Regulations;
- ii. they shall comply with and observe this Constitution and the Regulations;
- iii. by submitting to this Constitution and the Regulations they are subject to the jurisdiction of the Club;
- iv. this Constitution and Regulations are necessary and reasonable for promoting the Objects of the Club; and
- v. they are entitled to all benefits, advantages, privileges and services of their membership as determined by the Committee.

b. Members may by virtue of membership of the Club and subject to this Constitution:

- i. express in writing or otherwise their views and opinions in any meeting in respect of which they are entitled to participate in accordance with this Constitution;
- ii. make proposals or submissions to the Committee;
- iii. engage and participate in any activity approved, sponsored or recognised by the Club; and
- iv. conduct any activity approved by the Club.

c. A right, privilege or obligation of a person by reason of their membership of the Club:

- i. is not capable of being transferred or transmitted to another person; and

ii. terminates upon the cessation of membership whether by death, resignation or otherwise.

### 2.1.9 Liability of Members

The liability of the Members of the Club is limited.

## 2.2 SUBSCRIPTIONS AND FEES

a. Each application for Election to the Club shall be accompanied by the appropriate Subscription Fee as determined by the Committee and confirmed by the Annual General Meeting from time to time. Notice of confirmation must be given in the Agenda on the circular notifying the Members of such Meeting.

b. All rental fees for use of Club Lockers and/or Board or Ski Racks or other items as determined by the committee shall be as determined and promulgated by the Committee from time to time.

i. Rental Equipment - Use of all such rental equipment shall be restricted solely to Active Members who have paid the appropriate Fees in advance.

ii. Rental Equipment - Each such rental equipment shall be separately numbered and the name of the renting Member recorded.

iii. Lockers - Use of lockers shall be restricted for all Members who have paid the appropriate fees in advance. Members place their belongings in these lockers at their own risk.

iv. Lockers - Each locker shall be separately numbered and the name of the renting Member recorded.

v. The Committee will from time to time issue procedures regarding the use of rental equipment and lockers

vi. The unauthorised use of any such locker or equipment by any other person shall be reported to and dealt with by the Committee.

c. Storage of approved equipment the property of a Member may be permitted at the discretion of the Committee, which shall impose such charge and/or conditions as it may deem fit from time to time. No other private property except personal clothing shall be introduced, deposited or allowed to remain on, in or upon Club boat, board or hired transport at any time.

### 2.2.1 Renewals

a. Renewal of any subscription may be made by payment of the appropriate Annual Subscription Fee to the Treasurer on or before the date of the Annual General Meeting. Each and every such renewal payment however made and accepted shall be subject to approval or rejection by the Committee at its absolute discretion provided always any Member so dealt with shall be treated as a Member under suspension and shall be treated in accord with the provisions of 4.5 QUORUM AND PROCEDURE AT COMMITTEE MEETINGS on page hereinafter contained.

b. Any Member who fails to renew his/her Annual Subscription Fee on or before the date of the Annual General Meeting shall not thereafter be entitled to the continued use of any Club premises or precincts and if desiring to be re-admitted may be required to submit a completed Nomination Form as in the case of a new applicant and the Committee shall have in all such cases the sole right to determine what if any conditions and/or qualifications it may deem necessary in connection with such application.

### 2.2.2 Arrears

a. any Member who may be in arrears in any respect shall not be able to renew his/her subscription unless and until all such arrears shall have been paid and any monies received, however accepted, shall first be used and applied in payment of any such arrears and the balance, if any, then credited as a partial payment of his/her appropriate annual subscription;

b. no Member who may be in arrears in any respect shall be permitted to speak or vote at any General Meeting of the Club or to continue to use the Club premises and precincts;

c. no Active Member who may be in arrears in any respect shall be entered as a competitor or allowed to take part in any Club or inter-team or competition whatsoever under penalty of immediate suspension, and shall not be permitted to use the Club premises or precincts;

d. any Member who shall ignore a written memo in respect of any fees or monies in arrears or who shall fail to make payment of same within the period stated thereon shall be reported to the Executive Committee who shall thereupon take such action as they may deem fit; and

e. no person financially indebted to or under suspension by or expelled from any organisation affiliated with the Surf Life Saving Club of Australia shall knowingly be nominated, seconded, elected or permitted to

remain as a Member of the Club; nor shall any such person be admitted to or allowed to remain in or upon any Club premises or precincts or property whatsoever.

## 2.3 REGISTERS

### 2.3.1 Club to Keep Register of Members

The Club shall keep and maintain a Register (such as the electronic database in Surfguard) of Members in which shall be entered:

- a. the full name and address of the Member;
- b. the category of membership of the Member;
- c. the date on which the Member became a Member;
- d. whether the Member has been granted voting rights;
- e. any other information determined by the Committee;
- f. for each former Member, the date of ceasing to be a Member; and
- g. Working with Children Check number and expiry date, or other such government checks that could be required from time to time.

### 2.3.2 Changes to Member details

Members shall provide notice of any change and required details to the Club within one month of such change.

### 2.3.3 Inspection of Register

Inspection of the Register will only be available as required by the Act and in accordance with Section 5.14 CUSTODY OF BOOKS AND OTHER DOCUMENTS on page .

### 2.3.4 Use of Register

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

### 2.3.5 Right of LSV to Register

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

## 2.4 DISCONTINUANCE OF MEMBERSHIP

### 2.4.1 Discontinuance by Notice of Resignation

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

### 2.4.2 Discontinuance by Breach

- a. Membership of the Club, including Life Membership, may be discontinued by the Committee upon breach of any clause of this Constitution, including but not limited to the failure to pay any monies owed to the Club, failure to comply with the By Laws or any resolution or determination made or passed by the Committee or any duly authorised sub-committee.
- b. Membership shall not be discontinued by the Committee under Section 2.4.1 (a) without the Committee first giving the accused Member the opportunity to explain the breach and/or remedy the breach.
- c. Where a Member fails, in the Committee's view to adequately explain or remedy the breach, that Member's membership shall be discontinued under Section 2.4.1 (a) by the Club giving written notice of the discontinuance.

### 2.4.3 Discontinuance by Failure to Pay Subscription

- a. a Member is taken to have resigned if:

- i. the Member's annual subscription is outstanding more than one month after the date on which subscription fees fall due and payable; or
- ii. if no annual subscription is payable:
- the secretary has made a written request to the Member to confirm that he or she wishes to remain a Member; and
  - the Member has not, within three months after receiving that request, confirmed in writing that he or she wishes to remain a Member, or
- b. should a sufficient explanation be made to the Committee for the failure to pay subscription or reason for not responding to a request, the Committee shall have the power to restore the Membership upon payment of the amount due (if any).

#### **2.4.4 Resignation by failure to re-apply**

If a Member has not re-applied for Membership with the Club after one month of re-application falling due on 31 October, that Member's membership will be deemed to have lapsed from that time.

#### **2.4.5 Amendment to the Register**

Where a Member resigns in accordance with Section 2.4.4 Resignation by failure to re-apply on page an entry, recording the date on which the Member ceased to be a Member, shall be recorded in the Register as soon as practicable in accordance with Section 2.3 REGISTERS on page .

#### **2.4.6 Forfeiture of Rights**

A Member who ceases to be a Member, for whatever reason, shall forfeit all rights in and claims upon the Club and its property and shall not use any lifesaving equipment or other property of the Club including Intellectual Property. Any Club documents, records or other property in the possession, custody or control of that Member shall be returned to the Club immediately.

#### **2.4.7 Membership may be Reinstated**

Membership which has been discontinued under Section 2.4.4 Resignation by failure to re-apply on page may be reinstated at the discretion of the Committee, upon such conditions as it deems appropriate.

#### **2.4.8 Refund of Membership Fees**

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

### **2.5 GRIEVANCES, DISCIPLINE AND JUDICIAL COMMITTEE**

The Club adopts the Grievances, Judicial and Discipline Regulations of SLSA as amended from time to time. The processes for making and responding to formal complaints and incidents of breaking the Club's Rules shall be detailed in By Law 7. These processes will be compliant with the LSV and SLSA Regulations.

#### **2.5.1 Grievance and Discipline Process**

In the event that a written formal complaint against a Club member is received by the Executive Committee, or an incident which involves breaking one or more of the Club's rules is reported to a committee member, the Executive Committee will follow the processes outlined in By Law 7.

#### **2.5.2 Judicial Committee**

The circumstances and steps for establishing a Judicial Committee, as well as the processes that a Judicial Committee must follow are outlined in By Law 7.

### 3 PART III- GENERAL MEETINGS

#### 3.1 ANNUAL GENERAL MEETINGS

##### 3.1.1 Annual General Meeting to be Held

- a. The Annual General Meeting of the Club shall be held in June or July of each successive financial year.
- b. The Annual General Meeting of the Club shall, subject to the Act and to Section 3.1.1 (a), be convened at a time, date and venue to be determined by the Committee.
- c. Twenty (20) financial Members present shall form a quorum. Refer to 3.3.3 Quorum for further detail.
- d. Nomination Forms for Committee Members to be elected at each Annual General Meeting shall be sent to all Members with the Notice of such Meeting; all completed Nomination Forms shall then be returned to the Secretary on or before the date and time fixed for such Meeting and no further nominations shall be included in the voting at that Annual General Meeting.
- e. No non-financial Member shall be eligible to attend, speak or vote at any annual or other General Meeting of the Club.

##### 3.1.2 Business

In addition to any business required to be transacted at the Annual General Meeting under the Act, the business of the Annual General Meeting shall include the following:

- a. confirmation of minutes from previous Annual General Meeting and of any special general meeting held since then;
- b. receive and consider:
  - i. reports of the Committee;
  - ii. reports of auditors (if any);
  - iii. financial statements of the Club; and
  - iv. any other reports as determined by the Committee
- c. election of office bearers;
- d. confirmation of annual subscription fees;
- e. confirmation of the appointment and fixing of the remuneration of auditors (if an audit is required under the Act); and
- f. to transact any other Business of which due notice shall have been given; not less than three (3) weeks' notice of the date of such Meeting shall be given and any Special Business proposed to be transacted thereat shall also be briefly stated in each such Notice of Meeting.

##### 3.1.3 Additional Meetings

The Annual General Meeting shall be in addition to any other General Meetings that may be held in the same year. Any General Meeting other than an Annual General meeting is a special general meeting.

#### 3.2 SPECIAL GENERAL MEETINGS

##### 3.2.1 Special General Meetings May be Held

- a. The Committee may, whenever it thinks fit, convene a Special General Meeting of the Club and, where, but for this clause more than 15 months would elapse between Annual General Meetings, shall convene a Special General Meeting before the expiration of that period.

##### 3.2.2 Request for Special General Meetings

- a. The Secretary shall on the requisition in writing of 10% of financial Members convene a Special General Meeting.
- b. The requisition for a Special General Meeting shall state the object(s) of the meeting, shall be signed by the Members making the requisition and be sent to the Club. The requisition may consist of several documents in a like form, each signed by one or more of the Members making the requisitions.



- c. Thirty (30) financial Members (15 years and over) present shall form a quorum and no business other than that stated shall be discussed at the Meeting; if after a lapse of half an hour no quorum be present the Meeting if called on request of 10% of voting members shall be abandoned and the request shall lapse.
- d. If the Committee does not cause a Special General Meeting to be held within one month after the date on which the requisition is sent to the Club, the Members making the requisition, or any of them, may convene a Special General Meeting to be held not later than three months after that date.
- e. A Special General Meeting convened by Members under this Constitution shall be convened in the same manner, or as nearly as possible as that, in which meetings are convened by the Committee.

### 3.3 GENERAL MEETINGS

#### 3.3.1 Notice to be given for General Meetings

- a. Written Notice of every General Meeting shall be given to every Member entitled to vote, at the address appearing in the Register kept by the Club. The auditor (if any) and Executive Committee shall also be entitled to Written Notice of every General Meeting. No other person shall be entitled as of right to receive Written Notice of General Meetings.
- b. Written Notice of a General Meeting shall be given and shall specify the time, date and place of the meeting and shall state the business to be transacted at the meeting. Notice may be given in any form permitted under Section 5.7 SERVICE OF NOTICES on page .
- c. At least 21 days notice of a General Meeting shall be given to those Members entitled to vote, together with:
- i. the agenda for the meeting;
  - ii. any nominations for candidates to be elected to the Committee received in accordance with Section Nominations of Candidates on page ; and
  - iii. any notice of motion received from Members in accordance with Section 3.3.2 b) Business of Meeting on page .

#### 3.3.2 Business of Meeting

- a. no business other than that set out in the notice convening the meeting shall be transacted at the General Meeting; and
- b. a Member desiring to bring any business before a meeting shall give at least 40 days notice in writing of that business to the Club which shall include that business in a notice calling the next General Meeting after the receipt of the notice.

#### 3.3.3 Quorum

- a. no business shall be transacted at any general meeting unless a quorum is present at the time when the meeting proceeds to business. A quorum for General Meetings of the Club shall be 20 Members present (excluding Junior Members / Nippers);
- b. no proxy votes will be permitted;
- c. Individuals need to be financial to attend the Annual General Meeting.
- d. if within half an hour after the appointed time for the commencement of a General Meeting, a quorum is not present, the meeting:
- i. if convened upon the requisition of Members, shall be dissolved; and
  - ii. in any other case, shall stand adjourned to:
    - the same day in the next week at the same time and (unless Members are notified of an alternate venue) at the same place; or
    - any date, time and place determined by the chairperson;
- and if at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the meeting shall lapse.

#### 3.3.4 President to Chair

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

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

If the President is not present, or is unwilling or unable to preside the Members shall appoint one of the Executive Committee members to preside as chairperson for that meeting only.

### 3.3.5 Chairperson May Adjourn Meeting

- a. the chairperson may, with the consent of any meeting at which a quorum is present, and shall, if so directed by the meeting, adjourn the meeting from time to time and from place to place but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place;
- b. when a meeting is adjourned for 30 days or more, a notice of the adjourned meeting shall be given as in the case of the original meeting; and
- c. except as provided in Section 3.3.5 (b), it shall not be necessary to give any notice of an adjournment or the business to be transacted at any adjourned meeting.

## 3.4 VOTING AT GENERAL MEETINGS

### 3.4.1 Members entitled to Vote

- a. each Member entitled to vote as set out in PART II – MEMBERSHIP shall have one vote at General Meetings which must be exercised by him or her in person. No proxy votes will be permitted;
- b. President and Vice President roles as defined in By Law 2 shall be nominated each year by four financial Members and elected at the Annual General Meeting by vote of financial Members present; and
- c. remaining Executive Committee roles as defined in By Law 2 shall be nominated each year by two financial Members and elected at the Annual General Meeting by vote of financial members present.
- d. General Committee members as defined in By Law 4 with a role relating to life saving operations or competition shall be nominated each year by two financial Active Members, Reserve Active Members or Long Service Members, and elected at the Annual General Meeting by the vote of Active Members, Reserve Active Members and Long Service Members who are present and financial; and
- e. remaining General Committee members as defined in By Law 4 shall be nominated each year by two financial members and elected at the Annual General Meeting by vote of financial members present.

### 3.4.2 Voting Procedure

- a. subject to 3.4 VOTING AT GENERAL MEETINGS on page , votes at a General Meeting shall be given in person by those present and entitled to vote; and
- b. subject to Section 3.4.4 Where Poll Demanded on page , all questions arising at a General Meeting shall be determined on a show of hands.

### 3.4.3 Recording of Determinations

Unless a poll is demanded under Section 3.4.4, a declaration by the chairperson that a resolution has on a show of hands been carried or carried unanimously or by a particular majority or lost and an entry to that effect in the book containing the minutes of the proceedings of the Club shall be conclusive evidence of the fact without proof of the number of the votes recorded in favour of or against the resolution.

### 3.4.4 Where Poll Demanded

A poll may be demanded for any resolution put to the vote of the meeting (before or on the declaration of the result of the show of hands) by:

- a. the chairperson; or
- b. a simple majority of Members present.

If a poll is duly demanded under Section 3.4.4, it shall be taken in such manner and either at once, or after an adjournment on the same day unless otherwise as the Chairperson directs for a particular reason. The result of the poll shall be the resolution of the meeting at which the poll was demanded.

### 3.4.5 Casting Vote

Where voting at General Meetings is equal the chairperson may exercise both a casting vote and a deliberative vote if required.

**3.5 MINUTES OF GENERAL MEETINGS**

- a. the Committee must ensure that minutes are taken and kept of each General Meeting;
- b. the minutes must record:
  - i. the business considered at the meeting;
  - ii. any resolution on which a vote is taken and the result of the vote; and
  - iii. the names of persons present at all meetings.
- c. in addition, the minutes of each Annual General Meeting must include:
  - i. any reports or financial statements submitted to the members at the Annual General Meeting; and
  - ii. any audited accounts and auditor's report or report of a review accompanying the financial statements that are required under the Act.

## 4 PART IV – EXECUTIVE COMMITTEE

### 4.1 Powers of the Executive Committee

- a. the affairs of the Club shall be managed by the Executive Committee constituted under Section 4.2 Composition of Executive Committee on page ; and
- b. subject to this Constitution and the Act, the Executive Committee:
  - i. shall control and manage the business and affairs of the Club;
  - ii. may exercise all such powers and functions as may be exercised by the Club other than those powers and functions that are required by this Constitution to be exercised by the Members in General Meeting; and
  - iii. has power to perform all such acts and things as appear to the Executive Committee to be essential for the proper management of the business and affairs of the Club.

### 4.2 Composition of Executive Committee

- a. the Executive Committee includes 8 – 10 defined roles, which are listed in By Law 2, and can be amended or added to by the Committee for the proper advancement, management and administration of the Club;
- b. all Executive Committee members shall be elected under Section 4.3 ELECTION OF COMMITTEE MEMBERS on page ; and
- c. the Annual General Meeting shall have a discretion whether or not to fill any position as provided in By Law 2.

#### 4.2.1 Right to Co-Opt – General Committee Members

- a. General Committee Members as set out in By Law 4, are elected to assist the Executive Committee;
- d. the Executive Committee has the right to fill General Committee vacancies as required; and
- e. it is expressly acknowledged that the Executive Committee may co-opt any person with appropriate experience or expertise to assist the Executive Committee in respect of such matters and on such terms as the Executive Committee thinks fit. Any person so co-opted shall not exercise the governing rights of an Executive Committee Member, but shall act in an advisory role.

#### 4.2.2 Appointment of Delegate

- a. the Executive Committee shall, from amongst its members, appoint Delegates to attend general meetings of LSV for such term as the Executive Committee determines, and otherwise in accordance with the LSV Constitution. For example, Council of Clubs, Aquatic Sport, Life Saving and Youth; and
- b. the Club must advise the LSV Chief Executive Officer in writing of its Delegate.

#### 4.2.3 Transitional Arrangements

- a. transitional arrangements refers to the period between the end of the season and the Annual General Meeting; and
- b. notwithstanding any other rule of this Constitution, the transitional arrangements set out in Section 5.2 TRANSITIONAL ARRANGEMENTS on page shall apply from the date of adoption of this Constitution.

#### 4.2.4 Term of Office of Committee Members

- a. Committee Members shall be elected in accordance with this Constitution annually, and subject to this Constitution, shall hold office from the conclusion of the Annual General Meeting at which they were elected until the conclusion of the next following Annual General Meeting; and
- b. Committee Members may be re-elected. Unless otherwise vacating office each shall remain in his/her office until presentation of Report and Balance Sheet at the Annual General Meeting.

## 4.3 ELECTION OF COMMITTEE MEMBERS

### 4.3.1 Nominations of Candidates

- a. the Club shall call for nominations for candidates to be elected to the Committee not less than 21 days prior to the Annual General Meeting. When calling for nominations the Club shall also provide details of the necessary qualifications and job description for the positions (if any);
- b. qualifications and job descriptions shall be as determined by the Committee from time to time;
- c. Executive Committee candidates must:
  - i. be aged 18 years or over; and
  - ii. reside in Australia.
- c. General Committee candidates must reside in Australia;
- d. nominations of candidates for election as Executive Committee Members shall be:
  - i. submitted 14 days prior to the Annual General Meeting (so that these nominations can be communicated to all Members prior to the AGM; and
  - ii. made in writing and signed by four Members (Executive Committee roles) and two Members (General Committee roles) and accompanied by the written consent of the nominee (which may be endorsed on the form of nomination.
- e. the Club shall send the nominations to the Members entitled to receive notice in accordance with Section 3.1 ANNUAL GENERAL MEETINGS on page .
- f. if insufficient nominations are received to fill all available vacancies on the Committee:
  - i. the candidates nominated shall, subject to declaration by the chairperson, be deemed to be elected; and
  - ii. the remaining positions will be deemed casual vacancies.
- g. if the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall, subject to declaration by the chairperson, be deemed to be elected; and
- h. if the number of nominations exceeds the number of vacancies to be filled, voting papers shall be prepared containing the names of the candidates in alphabetical order, for each vacancy on the Committee.

### 4.3.2 Election of Office Bearers

The mode of Election or appointment of Office-bearers shall be as under:-

- (a) President role as outlined in By Law 2 shall be elected at the Annual General Meeting by vote of all voters present.
- (b) Vice President roles that relate to life saving operations or competition shall be elected at the Annual General Meeting by vote of Active Members, Reserve Active Members or Long Service Members who are present.
- (c) remaining Executive Committee roles as defined in By Law 2 shall be elected at the Annual General Meeting by vote of financial members present.
- (d) General Committee members as defined in By Law 4 with a role relating to life saving operations or competition shall be elected at the Annual General Meeting by vote of Active Members, Reserve Active Members or Long Service Members who are present.
- (e) remaining General Committee members as defined in By Law 4 shall be elected at the Annual General Meeting by vote of financial members present.
- (f) Casual vacancies, occurring in Office Bearers of the Club shall be filled by the Committee at their next subsequent meeting; all office bearers so appointed shall hold office only until the following Annual General Meeting.
- (g) Honorary Officers shall be appointed by the Committee as may be deemed necessary from time to time and may be so re-appointed from year to year.

### 4.3.3 Voting for the election of committee members

- a. voting at all general meetings of the Club shall be by financial Members present (excluding Junior Members / Nippers);
- b. voting on the roles relating to life saving operations and competition shall only be by financial Active Members, Reserve Active Members or Long Service Members who are present.

- c. decisions shall in all cases be by a simple majority on a show of hands unless otherwise provided for in these rules or unless a division or a ballot is called for by not less than one fourth of those present;
- d. voting at all meetings of the Committee shall be by all elected Committee Members present at such Meeting on all matters brought before it; and
- e. where more than two alternatives are to be decided simultaneously by vote as in an election such voting shall be by ballot conducted as follows:
  - i. each person present and entitled under this rule to vote shall receive a Ballot paper bearing the names of candidates (or other alternative) in alphabetical order;
  - ii. each voter shall write successive numerals, 1, 2, etc; against all names (or items) on his/her Ballot paper in the order of his/her own preference;
  - iii. scrutineers appointed by the President shall collect one folder Ballot paper from each voter and check the total number;
  - iv. the Scrutineers shall write on a Tally sheet all names (or items) to be voted on in the same order as they appear on the Ballot papers;
  - v. the Scrutineers shall write against each name (or item) on the Tally Sheet the same number as shall appear on each Ballot paper;
  - vi. the Scrutineers shall then add the respective totals of numbers appearing against each such name (or item) and recheck everything;
  - vii. the Scrutineers shall then re-list the names (or items) in inverse order of respective totals (i.e. lowest next, and so on) check and sign this new list and hand it to the President;
  - viii. the Chairman shall then, reading from the top of this new list, announce the names of the necessary number of successful candidates and declare them to be duly elected in that order as given to him by the Scrutineers after being checked and signed by them;
  - ix. any Ballot paper on which all preferences are not allotted as in subparagraph (ii) shall be declared informal and set aside by the Scrutineers as being null and of no effect; and
  - x. any Ballot paper accidentally spoiled by a voter may be returned and another issued in its place before the papers are collected by no Ballot paper once collected shall then be replaced.

## 4.4 VACANCY ON THE COMMITTEE

### 4.4.1 Grounds for Termination of a Committee Member

For the purposes of this Constitution, the office of a Committee Member becomes vacant if the Committee Member:

- a. ceases to be a Member;
- b. dies;
- c. becomes bankrupt or makes any arrangement or composition with their creditors generally;
- d. 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;
- e. resigns their office in writing to the Club;
- f. is absent from meetings of the Committee held during a period of three months without having previously obtained leave of absence in accordance with Section 4.5.5 Leave of absence on page or provided reasonable excuse for such absence;
- g. without the prior consent or later ratification of the Members in General Meeting holds any office of profit under the Club;
- h. is directly or indirectly interested in any contract or proposed contract with the Club and fails to declare the nature of his interest;
- i. is removed from office in accordance with this Constitution;
- j. has been expelled or suspended from membership (without further recourse under these rules or the LSV rules); or
- k. would otherwise be prohibited from being a director of a corporation under the Corporations Act.

#### 4.4.2 Removal of Committee Member

- a. the Club in a General Meeting may by Special Resolution remove any Committee Member, before the expiration of their term of office and appoint another Member in their place to hold office until the expiration of the term of the first mentioned Committee Member; and
- b. where the Committee Member to whom a proposed resolution referred to in Section 4.4.2 (a) makes representations in writing to the President and requests that such representations be notified to the Members, the President may send a copy of the representations to each Member or, if they are not so sent, the Committee Member may require that they be read out at the meeting, and the representations shall be so read.

#### 4.4.3 Casual Vacancy

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

### 4.5 QUORUM AND PROCEDURE AT COMMITTEE MEETINGS

#### 4.5.1 Convening a Committee Meeting

- a. the Executive Committee shall meet:
  - i. as often as deemed necessary by the Executive Committee; and
  - ii. on the request of the majority of the Executive Committee Members.
- b. the General Committee shall meet as often as is deemed necessary for the dispatch of business. Subject to this Constitution, the committee may adjourn and otherwise regulate its meetings as it thinks fit;
- c. Written Notice of each Committee meeting, specifying the general nature of the time, date and place of the meeting and the business to be transacted, shall be served on each Committee Member by:
  - i. sending it in writing, by facsimile or other means of electronic communication (subject to receiving appropriate confirmation that the notice has been effectively dispatched); in accordance with the Committee Member's last notified contact details; and
- d. Written Notice may be given of more than one Committee meeting at the same time.

#### 4.5.2 Urgent Committee Meetings

- a. in cases of urgency, a meeting can be held without notice being given in accordance with Section 4.5.1 Convening a Committee Meeting on page provided that as much notice as practicable is given to each Committee Member by the quickest means practicable; and
- b. any resolution made at an urgent Committee meeting must be passed by an absolute majority of the committee present at the meeting.

#### 4.5.3 Quorum

- a. at meetings of the Committee the number of Committee Members whose presence is required to constitute a quorum is a majority of the Committee Members;
- b. no business shall be transacted unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present, the meeting shall stand adjourned to the same place and at the same hour of the same day in the following week, or any date, time and place determined by the President; and
- c. the Committee may act notwithstanding any casual vacancy. However, if there are casual vacancies in the office of an Executive Committee Member such that the number of remaining Executive Committee Members is not sufficient to constitute a quorum at a meeting of the Executive Committee, those Executive Committee Members may act only for the purpose of increasing the number of Executive Committee Members to a number sufficient to constitute such a quorum.

#### 4.5.4 Procedures at Committee meetings

- a. at meetings of the Committee, the President shall chair the meeting. If the President is absent, unable or unwilling to act, a Vice President will be appointed to chair the meeting;



- b. if no President or Vice President are present the Committee shall elect a Chairman for that meeting only;
- c. questions arising at any meeting of the Committee shall be determined on a show of hands, or if demanded by a Committee Member, by a poll taken in such manner as the person presiding at the meeting may determine;
- d. questions arising at any meeting of the Committee shall be decided by a majority of votes and a determination of a majority of Committee Members shall be deemed a determination of the Committee. All Committee Members present at the meeting shall have one vote on any question;
- e. the Chairperson will also have a deliberative vote if required;
- f. voting by proxy is not permitted;
- g. Honorary Officers and others may be invited to attend and speak at any meeting of the Committee but shall have no vote thereat; and
- h. without limiting the power of the Committee to regulate its meetings as it thinks fit, a meeting of the Committee Members may be held where one or more of the Committee Members is not physically present at the meeting, provided that:
  - i. all persons participating in the meeting are able to communicate with each other effectively, simultaneously and instantaneously whether by means of telephone or other form of communication;
  - ii. notice of the meeting is given to all the Committee Members entitled to notice in accordance with the usual procedures agreed upon or laid down from time to time by the Committee;
  - iii. in the event that a failure in communications prevents Section 4.5.4 Procedures at Committee meetings on page from being satisfied by that number of Committee Members which constitutes a quorum, and none of such Committee Members are present at the place where the meeting is deemed by virtue of the further provisions of this Section to be held then the meeting shall be suspended until the Section is satisfied again. If such condition is not satisfied within fifteen minutes from the interruption the meeting shall be deemed to have terminated; and
  - iv. any meeting held where one or more of the Committee Members is not physically present shall be deemed to be held at the place specified in the notice of meeting provided a Committee Member is there present and if no Committee Member is there present the meeting shall be deemed to be held at the place where the chairperson of the meeting is located.

#### 4.5.5 Leave of absence

- a. the Committee may grant a Committee Member leave of absence from Committee meetings for a period not exceeding three months; and
- b. the Committee must not grant leave of absence retrospectively unless it is satisfied that it was not feasible for the Committee Member to seek the leave in advance.

#### 4.5.6 Material Personal Interests

- a. a Committee Member who has a material personal interest in a matter being considered at a Committee meeting must disclose the nature and extent of that interest to the Committee;
- b. a Committee Member with such a material personal interest must not:
  - i. be present while the matter is being considered at the meeting;
  - ii. must not vote on the matter.
- c. this section 4.5.6 Material Personal Interests does not apply to a material personal interest that:
  - i. exists only because the Committee Member belongs to a class of persons for whose benefit the Club is established; or
  - ii. that the Committee Member has in common with all, or a substantial proportion of the Members; and
- d. a general notice that a Committee Member is to be regarded as having a material personal interest in a matter being considered is sufficient declaration for such Committee Member and the said matter. After such general notice it is not necessary for such Committee Member to give a special notice relating to the said matter.

#### 4.5.7 Financial Interest

- a. a Committee Member is disqualified from:
  - i. holding any place of profit or position of employment in the Club, or in any company or incorporated Club in which the Club is a shareholder or otherwise interested; or



- ii. contracting with the Club either as vendor, purchaser or otherwise, except with express resolution of approval of the Committee.
  - b. any contract or arrangement in which any Committee Member is in any way interested which is entered into by or on behalf of the Club without the approval of the Committee, will be voided for such reason;
  - c. the nature of the financial interest of such Committee Member must be declared by the Committee Member at the meeting of the Committee at which the contract or arrangement is first taken into consideration if the interest then exists, or in any other case at the first meeting of the Committee after the acquisition of the interest;
  - d. a general notice that a Committee Member is a member of any specified firm or company and is to be regarded as interested in all transactions with that firm or company is sufficient declaration under this Section 4.5.7 (c), for such Committee Member and the said transactions. After such general notice it is not necessary for such Committee Member to give a special notice relating to any particular transaction with that firm or company; and
  - e. it is the duty of the Administration Officer (Secretary) to record in the minutes any declaration made or any general notice as aforesaid given by a Committee Member in accordance with this rule.

#### 4.5.8 Conflicts

A Committee Member, notwithstanding the interest, may be counted in the quorum present at any meeting but cannot vote in respect of any contract or arrangement in which the Committee Member is interested. If the Committee Member votes, the vote shall not be counted.

### 4.6 DELEGATED POWERS

#### 4.6.1 Committee May Delegate Functions

- a. the Committee may, by instrument in writing, create, establish or appoint from amongst its own members, or otherwise, special committees, subcommittees, individual officers and consultants to carry out such duties and functions, and with such powers, as the Committee determines;
- b. the Committee may in the establishing instrument delegate such functions as are specified in the instrument, other than:
  - i. this power of delegation; and
  - ii. a function imposed on the Committee by the Act or any other law, or this Constitution or by resolution of the Club in General Meeting.
- c. at any time the Committee may by instrument in writing, revoke wholly or in part any delegation made under this clause, and may amend or repeal any decision made by such body or person under this clause.

#### 4.6.2 Exercise of Delegated Functions

- a. a function, the exercise of which has been delegated under this clause, may whilst the delegation remains unrevoked, be exercised from time to time in accordance with the terms of the delegation; and
- b. a delegation under this clause may be made subject to such conditions or limitations as to the exercise of any function or at the time or circumstances as may be specified in the delegation.

#### 4.6.3 Procedure of Delegated Entity

- a. the procedures for any entity exercising delegated power shall, subject to this Constitution and with any necessary or incidental amendment, be the same as that applicable to meetings of the Committee under 4.5 QUORUM AND PROCEDURE AT COMMITTEE MEETINGS on page ;
- b. the entity exercising delegated powers shall make decisions in accordance with the Objects, and it shall promptly provide the Committee with details of all material decisions; and
- c. the entity shall also provide any other reports, minutes and information required by the Committee.

#### 4.6.4 Special Committees and Sub-Committees

- a. as set out in Section 4.6.1 Committee May Delegate Functions on page , the Committee may establish and delegate any of its functions, powers or duties (except this power to delegate) to such committees as it thinks fit. The Committee may recall or revoke any such delegation or appointment and may amend or repeal any decision made by such sub-committee;
- b. the Committee may establish an unrestricted number of Special Committees or Sub-Committees;

- c. the Committee shall determine in writing the duties and powers afforded to any special committee or sub-committee and they shall, in the exercise of such delegated powers, conform to any directions or By Laws that may be prescribed by the Committee; and
- d. a Committee Member shall be an ex-officio member of any special committee or sub-committee so appointed.

## 4.7 DUTIES

### 4.7.1 General Duties

- a. as soon as practicable after being elected or appointed to the Committee, each Committee Member must become familiar with this Constitution and the Act;
- b. the Committee is collectively responsible for ensuring that the Club complies with the Act and that individual Committee Members comply with this Constitution;
- c. in addition to any duties imposed by this Constitution, a Committee Member must perform any other duties imposed from time to time by resolution at a General Meeting; and
- d. the Committee must ensure that the Club complies with all requirements in the Act regarding financial statements.

### 4.7.2 Public Officer (also known as secretary under the Act)

- a. the Executive Committee will determine from time to time whether the President or another person acts as the Club's Public Officer under the Act. Such person shall be appointed by the Executive Committee for such term and upon such conditions as the Executive Committee thinks fit;
- b. the Public Officer must give the Club Administrator notice of their appointment within 14 days after the appointment; and
- c. if the position of Public Officer becomes vacant, the Executive Committee must appoint a person to the position within 14 days after the vacancy arises.

### 4.7.3 Duties of Executive Committee Members

Duties of Executive Committee Members are outlined in By Law 3.

### 4.7.4 Bank Accounts

- a. bank accounts of the Association shall be operated with such bank as the Committee may from time to time determine. All cheques, bills of exchange, promissory notes and other negotiable instruments shall be signed by two members of the Committee.

### 4.7.5 MINUTES OF COMMITTEE MEETINGS

- a. the Committee must ensure that minutes are taken and kept of each Committee meeting and
- b. as a minimum, the minutes must record:
  - i. the business considered at the meeting;
  - ii. any resolution on which a vote is taken and the result of the vote; and
  - iii. any interest declared under Sections 4.5.6 Material Personal Interests or 4.5.7 Financial Interest.

## 5 PART V – MISCELLANEOUS

### 5.1 BY LAWS

#### 5.1.1 Committee to Formulate By Laws

The Committee may formulate, issue, adopt, interpret and amend such By Laws for the proper advancement, management and administration of the Club, the advancement of the Objects and lifesaving in Lorne as it thinks necessary or desirable. Such By Laws must be consistent with the Constitution, the LSV constitution, the SLSA constitution and any regulations or By Laws made by LSV or SLSA. If any By Laws are inconsistent with the LSV or SLSA constitution and regulations the By Laws shall be null and void and will be inapplicable.

Such by-laws shall take effect immediately, and shall be displayed on the Club Notice Board and / or circulated electronically for one calendar month and shall be ratified at the next General Meeting.

#### 5.1.2 By Laws Binding

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

#### 5.1.3 By Law Transitional Arrangements

Notwithstanding any other rule of this Constitution, the transitional arrangements set out at Section 5.2 TRANSITIONAL ARRANGEMENTS on page shall apply from the date of adoption of this Constitution.

#### 5.1.4 Notices Binding on Members

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

### 5.2 TRANSITIONAL ARRANGEMENTS

- a. notwithstanding any other rule of this Constitution, the transitional arrangements set out in this Section 5.2 shall apply from the date of adoption of this Constitution;
- b. the members of the Committee of the Club in place immediately prior to approval of this Constitution under the Act shall continue in those positions until the next Annual General Meeting following such approval, and thereafter the positions of the President and other Committee Members shall be filled, vacated and otherwise dealt with in accordance with this Constitution;
- c. all clauses, rules, By Laws and regulations of the Club in force at the date of the approval of this Constitution insofar as such clauses, rules, By Laws and regulations are not inconsistent with, or have been replaced by this Constitution, shall be deemed to be By Laws under this Section 5.2 TRANSITIONAL ARRANGEMENTS on page ; and
- d. all individuals who are, prior to the approval of this Constitution, Members of the Club shall be deemed Members of the Club from the time of approval of this Constitution under the Act. All such Members shall provide the Club with such details as may be required by the Club under this Constitution within one month of the approval of this Constitution under the Act.

### 5.3 FUNDS, RECORDS AND ACCOUNTS

#### 5.3.1 Sources of Funds

The funds of the Association shall be derived from Entrance Fees, Subscription Fees, rental fees, donations, special events, sponsorship and such other sources as the Committee determines from time to time.

#### 5.3.2 Management of funds

- a. the Club must open account(s) with a financial institution from which all expenditure of the Club is made and into which all of the Club's revenue is deposited; and
- b. all funds of the Club must be deposited into the financial account of the Club no later than five working days after the receipt.

### 5.3.3 Club to Keep Records

- a. the Club shall establish and maintain, in accordance with the Act and this Constitution, proper accounting and other records and minutes concerning all transactions, business, meetings and dealings of the Club and the Committee. These records and minutes shall be produce as appropriate at each Committee or General Meeting; and
- b. all records and minutes kept in accordance with a), shall be kept in the care and control of the Committee in accordance with 5.3.3 (a).

### 5.3.4 Executive Committee to Submit Accounts

The Executive Committee shall submit to the Members at the Annual General Meeting the statements of account of the Club in accordance with this Constitution and the Act.

### 5.3.5 Accounts Conclusive

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

### 5.3.6 Accounts to be Sent to Members

The Executive Committee shall cause to be sent to all persons entitled to receive and request notice of Annual General Meetings in accordance with this Constitution, a copy of the statements of account, the Executive Committee's report, the auditor's report (if any) and every other document required under the Act (if any) if requested.

## 5.4 APPLICATION OF INCOME

- a. The income and property of the Club shall be applied solely towards the promotion of the purposes of the Club as set out in this Constitution;
- b. No portion of the income or property of the Club shall be paid or transferred, directly or indirectly by way of dividend, bonus or otherwise to any Member;
- c. Nothing in this Section 5.4 shall preclude payment to a Member in good faith for expenses incurred or services rendered, including, but not limited to:
  - i.any services actually rendered to the Club whether as an employee or otherwise;
  - ii.goods supplied to the Club in the ordinary and usual course of operation;
  - iii.interest on money borrowed from any Member;
  - iv.rent for premises demised or let by any Member to the Club; or
  - v.any out-of-pocket expenses incurred by the Member on behalf of the Club,
  - vi.provided that any such payment shall not exceed the amount ordinarily payable between ordinary commercial parties dealing at arm's length in a similar transaction.

## 5.5 NEGOTIABLE INSTRUMENTS

All cheques, promissory notes, bankers drafts, bills of exchange and other negotiable instruments, shall be signed, drawn, accepted, endorsed or otherwise executed, as the case may be, by any two duly authorised Committee Members or in such other manner as the Committee determines.

## 5.6 AUDITOR

- a. a properly qualified auditor or auditors shall be appointed, and the remuneration of such auditor or auditors fixed by the Club in General Meeting. The auditor's duties shall be regulated in accordance with the Act, and generally accepted principles, and/or any applicable code of conduct. The auditor may be removed by the Club in General Meeting; and
- b. the accounts of the Club shall be examined and the correctness of the profit and loss accounts and balance sheets ascertained by an auditor or auditors at the conclusion of each Financial Year.

## 5.7 SERVICE OF NOTICES

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

- b. where a notice is sent by post, service of the notice shall be deemed to be effected at the time the letter would have been delivered in the ordinary course of post;
- c. where a notice is sent by facsimile transmission, service of the notice shall be deemed to be effected upon receipt of a confirmation report confirming the facsimile was sent to/or received at the facsimile number to which it was sent; and
- d. where a notice is sent by electronic mail, service of the notice shall be deemed to be effected upon receipt of a confirmation report confirming the electronic mail message was received at the electronic mail address to which it was sent, or if such a receipt is not available, upon reply email.

## 5.8 COMMON SEAL

- a. the Club may have a Seal upon which its corporate name shall appear in legible characters; and
- b. the Seal shall not be used without the express authorisation of the Committee. Every use of the Seal shall be recorded in the Club's minute book. Two Committee Members must witness every use of the Seal, unless the Committee determines otherwise.

## 5.9 REGISTERED ADDRESS

The registered address of the Club is:

- a. the address determined from time to time by resolution of the Committee; or
- b. if the Committee has not determined an address to be the registered address, the postal address of the Club Administrator.

## 5.10 ALTERATION OF CONSTITUTION

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

## 5.11 PATRONS

The Club at its Annual General Meeting may appoint annually on the recommendation of the Executive Committee one or more Patrons as it considers necessary.

## 5.12 INDEMNITY

- a. every Committee Member, officer, auditor, manager, employee or agent of the Club shall be indemnified out of the property or assets of the Club against any liability incurred by him/her in his/her capacity as Committee Member, officer, auditor, manager, employee or agent in defending any proceedings, whether civil or criminal, in which judgement is given in his favour or in which he is acquitted or in connection with any application in relation to any such proceedings in which relief is, under the Act, granted to him by the Court;
- b. the Club shall indemnify its Committee Members, officers, managers and employees against all damages and costs (including legal costs) for which any such Committee Member, officer, 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 a Committee Member of officer, performed or made whilst acting on behalf of and with the authority, express or implied of the Club; and
  - ii. in the case of an employee, performed or made in the course of, and within the scope of his / her employment by the Club.

## 5.13 DISSOLUTION

- a. the Club may be wound up voluntarily by Special Resolution;
- b. in the event of the Club being wound up, the liability of the Member shall be limited to any outstanding monies due and payable to the Club, including the amount of the Annual Subscription payable in respect of the current Financial Year. No other amount shall be payable by the Member;
- c. if upon winding up or dissolution of the Club there remains after satisfaction of all its debts and liabilities any assets or property, the same shall not be paid to or distributed amongst the Members but shall be given or transferred to some registered or exempt charity, having objects similar to the Objects and which prohibits the distribution of its or their income and property among its or their Members to an extent at least as great as is imposed on the Club by this Constitution; and

d. such registered or exempt charity will be determined by the Members at or before the time of dissolution, and in default thereof by such judge of the Supreme Court of Victoria or other Court as may have or acquire jurisdiction in the matter.

## 5.14 CUSTODY OF BOOKS AND OTHER DOCUMENTS

- a. except as otherwise provided in this Constitution, the Committee shall designate a Committee Member to keep in his or her custody or control all books, minutes, documents and securities of the Club;
- b. if requested by a Member, the Committee must permit such Member to inspect:
  - i. the rules of the Club;
  - ii. the minutes of each General Meeting.
- c. upon written request and payment of a fee determined by the Committee from time to time, a Member may obtain a copy of the documents listed at Section 5.14 (b);
- d. if requested by a Member and subject to the Act, the Committee must permit such Member to inspect the register of members; and
- e. subject to the Act and Sections 5.14 (b) and 5.14 (d), no Member is entitled to inspect the financial records, accounts, books, securities, minutes of Committee meetings or other Relevant Documents of the Club, unless authorised in writing by the Committee.

## 5.15 LIQUOR LICENCE OBLIGATIONS

### 5.15.1 No payments

No officer or servant of the Club can be paid by way of commission or allowance from the receipts of the Club from the sale and disposal of liquor.

### 5.15.2 Guests

A visitor to the Club's premises must not be supplied with liquor in those premises unless the visitor is:

- a. a guest in the company of an adult Member; or
- b. an authorised visitor admitted in accordance with any relevant rules of the Club.

### 5.15.3 Records

- a. the Club must maintain records of guests to the Club's premises.

## 6 BY LAWS

*By Laws are the key “delegated legislation” of the Club. These are key rule and policy documents which can address a whole range of issues for a Club. The By Laws must be consistent with the LSV and SLSA Constitutions and Regulations.*

*By Law 1 – Categories of Membership*

*By Law 2 – Executive Committee Member Roles*

*By Law 3 – Executive Committee Member Duties*

*By Law 4 – General Committee Member Roles*

*By Law 5 – General Committee Member Duties*

*By Law 6 – Bunk House Rules*

*By Law 7 – Grievances, Discipline and Judicial Committee*

*By Law 8 – Supply and Consumption of Liquor*

## By Law 1 – Categories of Membership

Members of the Club may comprise, Active Members, Reserve-Active Members, Active Service, Long Service Members, Honorary Members, Honorary Life Members, Patrons, Reserve Ex-Active, Associates, Honorary Associates, Honorary Life Associates and Life Fellows as set out hereunder:-

1. ACTIVE MEMBERS must hold the Award of the Surf Bronze Medallion of the Surf Life Saving Club of Australia and are designated as patrolling members who shall comprise:-
  - a) Senior Active Members – are not less than EIGHTEEN (18) years (on 1<sup>st</sup> October)
  - b) Junior Active Members – are 15 years or older and less than 18 years (on 1<sup>st</sup> October).
2. JUNIOR MEMBERS (also referred to as NIPPERS) – are 6 years or older and less than 13 years (on 1<sup>st</sup> October).
3. CADET MEMBERS – are 13 years or older and less than 15 years (on 1<sup>st</sup> October) who hold the Award of the Surf Rescue Certificate.
4. RESERVE-ACTIVE MEMBERS may be appointed annually by the Committee from such Active Members as shall have completed not less than SEVEN (7) years Senior Active continuous membership and satisfactory service as Members. Reserve-Actives may be exempt from Patrol duties except in emergencies.
5. ACTIVE SERVICE – Any Member who may join one of the Australian Armed Forces and serve in or outside of the Commonwealth of Australia on active service, may have this period counted as years' of service with the Club, provided that such Member:
  - a) Is a financial Member immediately upon entry into the Armed Forces.
  - b) Renews his/her Membership within SIX (6) MONTHS of his/her Honourable Discharge from the Armed Forces.
6. HONORARY MEMBERS may be appointed by the Committee from time to time from such qualified persons as distinguished visitors or visiting Members of affiliated organisations or Members who shall have rendered special services to the Club. All appointments of Honorary members shall be for such periods as the Committee may in each case determine and may be extended or terminated at the sole pleasure of the Committee.
7. LIFE HONORARY MEMBERS may be elected from Members of the club who qualify under the following criteria:-
  - (i) *Threshold Provisions (Objective)*

Who have rendered distinguished service to Lorne Surf Life Saving Club over a period of fifteen years (which need not be continuous), which must include:

    - a) service on patrol to the Club's Active Membership requirements for at least ten years; and either
    - b) service as an elected officer for at least five years; or
    - c) an outstanding competition record for at least five years; or
    - d) acting as a dedicated club competition official or assessor for at least five years; or
    - e) been an Active Member (including Reserve Active and/or Long Service Membership) of the Club for a minimum of forty (40) years (which need not be continuous); and
    - f) in circumstances where a SLSA member has transferred to the Club from another SLSA organisation and the member has given outstanding service to the Club, such Member's total SLSA patrolling record can be taken into consideration for the patrol threshold requirement detailed in this paragraph 7(i)(a) and (e).
  - (ii) *Qualitative Provisions (Subjective)*

Subject to having service qualify under subparagraph (i), that service being judged by the Life Honorary Members of the Club to be special and distinguished service. The standard of what is special and distinguished service shall be at the absolute discretion of the Life Members from time to time, and shall not be the subject of any appeal whatsoever.
8. ASSOCIATES shall be aged not less than THIRTY (30) years unless under special circumstances or for special reasons deemed satisfactory by the Committee at its sole discretion in each such case.



9. HONORARY ASSOCIATES may be appointed by the Committee from time to time from such persons as have rendered or may be able to render some special services to the Club and/or its activities. All appointments of Honorary Associates shall be for such periods as the Committee may determine in each case and may be extended or terminated at the sole discretion of the Committee without assigning any reason therefore.

10. LIFE HONORARY ASSOCIATES may be appointed by the Committee from among such persons as shall have rendered most distinguished and long continued services to the Club. No such appointment shall be effective until confirmed at the next subsequent Annual General Meeting of the Club by approval of not less than two-thirds of Members and Associated present and voting as such meeting.

11. LONG SERVICE MEMBERSHIP of the Club may be granted to Members who have completed ten (10) years' active service or Members who have completed eight (8) years' active service

12.

Long Service Members may be exempted from all patrol obligations and may be granted other special privileges as provided by the Club Constitution Rules and By-Laws.

The names of Members granted Long Service Membership shall be included in the Annual Report.

Members transferring from another Surf Life Saving Club and who have been granted Long Service Membership status of that Club shall qualify as Long Service Members of the Lorne Surf Life Saving Club.

If a Member transfers to Lorne without Long Service Membership being granted at another Club, but then applies for Long Service Membership upon arrival at Lorne, it will be expected that they will complete two years of Active service at Lorne prior to Long Service Membership being granted.

13. LONG SERVICE MEMBERS shall be appointed at the Annual General Meeting by approval of not less than two-thirds of the Active Members present and voting at such meeting and will be ratified at the Annual General Meeting from year to year.

14. FAMILY MEMBERSHIPS – must include a maximum of two Associate Members or Active Adults and all dependent children. Dependent children aged 13 and above must be “active” ie hold appropriate LSV awards.

## By Law 2 – Executive Committee Roles

The Executive Committee is the governing body of the Lorne SLSC. The Executive Committee includes 8 – 10 defined roles, in addition to the Club Administrator, which are listed below, and can be amended or added to by the Committee for the proper advancement, management and administration of the Club.

### Composition of Executive Committee

- 1) Club President
- 2) Vice President – Training and Assessment
- 3) Vice President – Major Events
- 4) Vice President – Junior Development
- 5) Vice President – Competition
- 6) Vice President – House
- 7) Vice President - Membership & Leadership Development
- 8) Treasurer
- 9) Secretary
- 10) Club Captain

The Club Administrator (non-voting member). The Club Administrator is non-voting as appointed by the Executive Committee, although they can put forward recommendations. If this role were to become voluntary, the position would become a voting role.

## By Law 3 –Executive Committee Members Duties

### President

- ♦ the President will drive strategic and operational leadership in the Club;
- ♦ the President shall be elected annually by the members at the Annual General Meeting;
- ♦ the President shall liaise with all Executive Committee Members on any or all matters concerning the Club;
- ♦ the President shall chair all Committee, Annual General, or Special General Meetings, or they may nominate another member of the Executive Committee to do so; and
- ♦ the President shall be the Delegate to State Centre – for the Council of Club, or may nominate an alternative representative.

### Treasurer

- ♦ the Treasurer shall be elected annually by all members at the Annual General Meeting;
- ♦ the Treasurer must:
  - i.receive all moneys paid to or received by the Club;
  - ii.ensure that all moneys received are paid into the account of the Club within 5 working days after receipt;
  - iii.make any payments authorised by the Club or by a General Meeting of the Club from the Club's funds;
  - iv.ensure that the financial records of the Club are kept in accordance with the Act;
  - v.coordinate the preparation of the financial statements of the Club and their submission to the Annual General Meeting of the Club;
  - vi.ensure that at least two Committee Members have access to the accounts and financial records of the Club;
  - vii.provide regular updates on the Club's financial position to the Executive Committee; and
  - viii.keep in their custody or under their control:
    - the financial records for the current financial year; and
    - any other financial records as authorised by the Committee.

### Vice President – Training and Assessment

- ♦ the Vice President shall be elected annually by Active members, Reserve Active and Long Service Members only at the Annual General Meeting;
- ♦ the Vice President will oversee all award training and assessment held by Lorne SLSC; including but not limited to, Bronze Camp, Silver Camp, SRC Training and ongoing upskilling and award offering during the Lifesaving Season;
- ♦ the Vice President will be responsible for selecting his/her own sub-committee that will support and assist in the running of Lorne SLSC's award training and assessment. Members of this sub-committee must be Active Members of Lorne SLSC. the Vice President shall be elected annually by all members at the Annual General Meeting;
- ♦ the Vice President may also liaise with the Treasurer, President, Club Captain, as the need arises.

### Vice President – Junior Development

- ♦ the Vice President shall be elected annually by all members at the Annual General meeting;
- ♦ the Vice President shall be the Club's delegate or his/her nominated representative for the council of Youth, Leadership and Development for Life Saving Victoria; and
- ♦ the Vice President, or their nominated representative, shall chair the sub-committee responsible for the club development, junior competition, and other issues of junior development.

### Vice President – Competition

- ♦ the Vice President shall be elected annually by Active members, Reserve active and Long Service members only at the Annual General Meeting;
- ♦ the Vice President, or his/her nominated representative, shall be the Club's delegate on the Aquatic Sport Council and vote on all matters that may arise (at the Club's direction); and

♦ the Vice President, or his/her nominated representative, shall be chair on the Competition sub-committee. Members of the competition sub-committee could be the Team Manager (Senior and Junior), Boat Captain, Beach Captain, Board & Ski Captain, IRB Captain (Powercraft Captain). These members will have the right to vote at these sub-committee meetings.

### Vice President – House

- ♦ the Vice President shall be elected annually by all member at the Annual General Meetings;
- ♦ the Vice President, or his/her nominated representative, shall chair meetings pertaining to the Club House. Members of this committee shall be the President the Treasurer; and other committee members considered appropriate, and
- ♦ areas to be covered in this sub-committee to include and not only Business Operations acting on behalf of the Club and involving use of the Club House facilities, including hire, any business partnerships, maintenance of building and features, alterations to the Club House all service contracts including but not exclusive Fire Services, Gas Supplies and all sub-contractors.

### Vice President – Major Events

- ♦ the Vice President shall be elected annually by all members at the Annual General Meetings;
- ♦ the Vice President will be a pivotal position in the effective delivery of annual major events for the club, specifically the Pier to Pub, and the Mountain to Surf;
- ♦ the Vice President will work directly with the event organising sub-committee to ensure all aspects of the events are planned and executed to deliver a safe and successful event.

### Vice President – Club Operations

- ♦ the Vice President shall be elected annually by all members at the Annual General Meetings;
- ♦ This position will be responsible for the management and oversight of the merchandise and hospitality income streams. This may require the creation of a subcommittee or working group.
- ♦ Management of income activities for Toms Bar including liaising with the Hospitality Manager regarding suppliers, staff and general business
- ♦ Management of income activities for general merchandise sales including liaison/oversight of liaising with merchandise suppliers and building a preferred supplier relationship
- ♦ Responsible for liaising with Vice Presidents requiring merchandise and coordinating requirements as such.

### Club Captain

- ♦ shall be elected annually by Active members, Reserve Active and Long Service Members only at the Annual General Meeting;
- ♦ the Club Captain shall be the delegate (or his/her nominated representative) at Life Saving Operations – Council for Life Saving-Victoria;
- ♦ prior to the commencement of each season, shall submit to the Committee for approval a schedule of patrols and their Captains, together with a roster of patrol duties for the ensuring season;
- ♦ shall agree with LSV on the minimum patrolling commitments and sign off on these on behalf of the Club;
- ♦ shall be responsible for the efficiency of the patrols, keep a record of attendance thereat and of all life saving work performed by Members;
- ♦ shall oversee the roles on the Lifesaving sub-committee with responsibilities for Lifesaving Operations, patrols and patrol equipment including, Gear Steward, Powercraft Captain, First Aid Officer, Mental Health and Wellbeing Officer, Patrol Officer and Call-Out Coordinator ;
- ♦ shall oversee active members for special events such as the Mountain to Surf, Pier to Pub, Door Knock and working parties for carnivals; and
- ♦ report for the preceding month must be submitted in writing at each meeting of the Committee.

## Vice President - Membership & Leadership Development (M&LD)

- ♦ - The Vice President will be elected annually by Active Members, Reserve Active Members, Long Service Members at the Annual General Meeting;
- ♦ - The Vice President will be responsible for managing all membership and leadership development activities at Lorne SLSC;
- ♦ - the Vice President shall be the delegate (or their nominated representative) at the M&LD Council for Life Saving Victoria;
- ♦ -The Vice President will oversee club activities that enhance member engagement, promote personal development, develop member confidence, communication and self awareness, broaden interpersonal skills and networking across members of all ages;
- ♦ - The Vice President will support members of all ages in making positive contributions to the club;
- ♦ - The Vice President will oversee current M&LD activities including Pink Patrol, Rainbow Patrol, Mental Health Patrol, Sustainability Patrol and Leadership Patrol, Young Members Drinks, Surf Sisters and the Lorne SLSC Presentation Night as well as any future M&LD activities;
- ♦ - The Vice President will promote LSV M&LD activities;
- ♦ - The Vice President will oversee the roles on the M&LD sub-committee including LSVj Representative/s, Junior Club M&LD Officer/s and Senior Club M&LD Officer/s.

## Club Secretary

- ♦ the Secretary shall be elected annually by all members at the Annual General Meetings;
- ♦ he/she shall keep all minutes and conduct the correspondences of the Club;
- ♦ he/she shall be responsible for all communications in the way correspondence and notices to the Members;
- ♦ maintain and support correspondence and relevant information between the Club and Life Saving Victoria;
- ♦ support other Committee positions as relevant in regard to communications and support of members; and
- ♦ the Secretary or his/her assistants shall be ex-officio members of all sub-committees appointed by the Committee.

## Club Administrator

- ♦ The Club Administrator is a paid employee of the Club;
- ♦ Whilst the role is an employee of the Club, they do not have voting rights, although they can put forward recommendations. If the position was voluntary it would have voting rights;
- ♦ The role includes the duties that were previously conducted by the Registrar; and
- ♦ He/she is responsible for the safe custody of Club records. Members may inspect these records upon stating sufficient reason.

## By Law 4 - General Committee Roles

In addition to the Executive Committee, whose membership is detailed within the Constitution, the General Committee will also include the following office bearers:

- ♦ Vice Club Captain
- ♦ Gear Steward
- ♦ IRB Captain
- ♦ First Aid Officer
- ♦ Patrol Officer
- ♦ Mental Health and Wellbeing Officer
- ♦ Chief Assessor
- ♦ Chief Instructor
- ♦ Boat Captain
- ♦ Board & Ski Captain
- ♦ Life Member Registrar
- ♦ Team Manager (Senior Competition Team)
- ♦ Team Manager (Junior Competition Team)
- ♦ Communications Manager
- ♦ IT Officer
- ♦ Grants Officer
- ♦ Honorary Officers –
  - Honorary Solicitor

All of whom (except the Honorary Solicitor) shall be elected at the Annual General Meeting, provided that those offices not filled at that Meeting shall be filled by the Committee as soon thereafter as possible.

The Honorary Solicitor shall be appointed by the Committee as may be deemed necessary from time to time and may be so re-appointed from year to year.

## By Law 5 – General Committee Member's Duties

### 1) VICE CLUB CAPTAIN

- shall act under the instructions of the Club Captain;
- support the Club Captain in the delivery of their duties, including when relevant acting in their role if they are not able to deliver all required tasks.
- be the Club Captain representative at LSV meetings and events as required if the Club Captain, or their representative is unable to attend.

### 2) GEAR STEWARD

- shall act under the instructions of the Club Captain and Club Vice-Captain;
- the Gear Steward shall furnish a written report each month to the Committee on the condition of all life saving and carnival gear (except the IRB); and
- shall organise surf lifesaving equipment to be in good working order for the annual LSV Gear inspection in October / November.

### 3) IRB CAPTAIN

- shall be responsible for the maintenance and care of the Club's surf life saving power craft and necessary equipment and at all times act under the direction of the Club Captain;
- he/she shall coach and arrange instruction in conjunction with the Chief Instructor for Members to obtain their Power Craft Awards;
- he/she shall familiarise all Members with the procedures of the power craft;
- he/she shall make a report in writing to each Committee Meeting upon the condition of the surf life saving power craft and associated gear;
- he/she will act under the direction of the Club Captain; and
- this role will also be responsible for nominating water-safety personnel at LSV and SLISA competitions.

### 4) FIRST AID OFFICER

- Shall be responsible for the maintenance, care and replacement of all first aid equipment and materials; and
- shall act under the direction of the Club Captain.

### 5) PATROL OFFICER

- shall assist the Club Captain with the efficiency of the patrols, keep a record of attendance thereat and of all life saving work performed by Members; and
- shall act under the direction of the Club Captain.

### 6) BOAT CAPTAIN

- shall be responsible for the maintenance and care of the Club's surf boats;
- he/she shall coach and arrange instruction for suitable members for boat crews;
- he/she shall make a report in writing to each Committee Meeting upon the condition of the Surf Life Saving Boat and Gear;
- he/she shall arrange for the transport of gear to and from carnivals and the care thereof while on Club premises or elsewhere; and
- shall act under the direction of the Vice President, Competition

### 7) BOARD AND SKI CAPTAIN

- shall be responsible for the general administration and conduct of competition and all matters appertaining to Surf Boards and Surf Skis activity;
- he/she shall submit a report in writing to the Committee of the previous month's activities;
- he/she shall arrange for the transport of board and ski gear to and from carnivals and the care thereof while on Club premises or elsewhere; and

- shall act under the direction of the Vice President, Competition.

8) TEAM MANAGER (JUNIOR COMPETITION TEAM)

- will liaise with the Club Administrator regarding competition hours each November to ensure that all competitors are eligible to compete; and
- he/she will be responsible for organising and submitting the names of each Lorne's SLSC junior competition team member prior to each carnival; and
- shall act under the direction of the Vice President, Competition.

9) GRANTS OFFICER

- will be responsible for the application of funding grants for the benefit of Lorne SLSC; and
- shall act under the direction of the Club President.

9) COMMUNICATIONS MANAGER

- under direction from the Executive Committee and relevant sub-committee members, will be responsible for managing general marketing and publicity for Lorne SLSC
- as required assist the various areas of the club and events teams with relevant event promotions;
- responsible for the ongoing management and upkeep of Lorne SLSC social media and for preparation and distribution of editions of the Club's newsletter, the 'Lorne Mower'.



## By Law 6 – Bunkhouse Rules

Anyone wishing to stay in the Lorne SLSC Bunkhouse accommodation must adhere to the following guidelines:

**Anyone wishing to stay in the bunkhouse must:**

- be a financial member of the club with a valid Working with Children Check.
- advise the Club Administrator of their intended stay dates. On confirmation of the stay dates, the member's key tag will be activated.

Members should send the relevant details to [admin@lornesurfclub.com.au](mailto:admin@lornesurfclub.com.au)

- be 18 years or over. Anyone under 18 years must have approval from their parents/authorised guardians and be actively supervised by a responsible adult at all times.

Applications from those under 18 yrs will only be considered if they have a rostered patrol.

- have at least their Bronze Medallion qualification.
- respect each other's space and keep noise levels low when people are trying to sleep
- keep noise levels low after 10pm
- keep sleeping and bathroom areas clean and tidy

**Other Bunkhouse guidelines**

- Current weekend's patrolling members get first preference for beds on that particular weekend.
- Bunkrooms are segregated to Males and Females and no persons of the opposite sex are to enter their respective area.
- Visitors from other Clubs must seek permission from the Club Captain/Administration officer to use the bunkhouse, and only if space is available. These members must adhere to all of the above criteria as relevant for Lorne SLSC members.
- Outside patrol weekends, active members can apply to use the bunkrooms. They must still follow all guidelines and apply via the Club Administrator.
- The consumption and storage of alcohol is strictly prohibited in the bunkhouse area.
- Theft or vandalism of Club or others property will result in Club disciplinary action and possible criminal charges.
- External doors must not be propped open. This is to ensure the safety of Club facilities and all members staying in the bunkhouse.
- Members staying in the bunkhouse may use the kitchen area in the downstairs Members' Room. The area must be left clean and tidy, all dishes washed and put away after use.
- Personal possessions are the responsibility of the owner.
- Each person is restricted to the use of one bunk.
- Assault, discrimination or bullying will not be tolerated.

Breaking any of these rules may result in member(s) banned from future use of the bunk rooms

These rules are for the safety and enjoyment of all members and the community.

Any issues or concerns are to be brought to the attention of the Club Captain or a member of the Executive Committee.

## By Law 7 – Grievances, Discipline and Judicial Committee

### Grievance and Discipline Process

In the event that a written formal complaint against a Club member is received by the committee, or an incident which involves breaking one or more of the Club's rules is reported to a committee member, the Executive Committee can:

- reprimand or penalise; or
- if suspension or expulsion is being considered, the Executive Committee may issue a letter to the member requesting a meeting to consider matters; or
- elect to have the matter considered by a Judicial Committee.

### Judicial Committee

(a) The Judiciary Committee shall comprise the President and four Vice-Presidents or Life Members, to be elected by the Committee and the Chairman shall be elected by the Judiciary Committee and is to be at each Meeting

(b) Three Members of the Judiciary Committee shall form a quorum at any meeting of the Judiciary Committee.

(c) Any matter of contentious nature may be referred by the Committee to the Judiciary Committee for adjudication.

(d) The Judiciary Committee shall report at once in writing as to its finding to the next ensuing meeting of the Committee.

(e) On the reference of any inquiry to the Judiciary Committee, the Chairman of the Judiciary Committee shall forthwith appoint a time and place suitable to the Members of the Judiciary Committee for the Inquiry. The Inquiry shall be made as soon as possible after reference to the Judiciary Committee.

(f) The Secretary shall give to the Member the subject of the inquiry at least 14 days' notice in writing of the time and place appointed by the Judiciary Committee for the investigation.

Such notice shall clearly set out:

- (i) The matter to be investigated.
- (ii) The time, date and place of the Meeting
- (iii) That the Member or Members may call upon such relevant witnesses as they may desire
- (ii) That the Member or Members may by seven days' notice in writing apply for an adjournment not exceeding 21 days.
- (iii) That the Member or Members may by seven days' notice in writing to the Secretary request to have available at the inquiry the Members whose names and addresses are therein furnished.
- (iv) That the Member or Members are not entitled to legal representation.
- (v) The Judiciary Committee shall have the power to require the attendance of any Member at any investigation by the Judiciary Committee. The Secretary shall give at least 14 days' notice in writing to a Member informing him / her of the time and place of the investigation and that he/she is requested to attend and shall give such notice to any Member whom the subject of the inquiry requests him / her in writing at least 7 days before the date appointed for the investigation to call as a witness.
- (vi) Any notice required to be given by the Secretary shall be given in writing, delivered personally or sent by pre-paid post addressed to the Member or Members for whom the notice is intended. A notice given by post shall be deemed to have been given on the day following that on which it shall be posted.
- (vii) Any Member of Members who fail without reasonable excuse to comply with the requirements of such notice addressed to him by the Club Hon. Secretary and who fails without reasonable excuse to comply with such subparagraph (viii) hereof, shall be subject to such action as the Committee deems fit.
- (viii) Pending investigation, the Member the subject of such inquiry shall remain under suspension unless the Committee directs to the contrary.
- (ix) The Judiciary Committee may adjourn the inquiry.

(x) The findings of the Judiciary Committee cannot be altered by the Committee but a two-thirds majority of those present and voting at the meeting at which such finding is presented may refer the matter back to the Judiciary for further consideration or the hearing of additional evidence. The grounds for such reference shall be clearly stated.

(xi) A Member against which a Judiciary Committee has given an adverse finding or decision may within 28 days after the decision is conveyed to such member appeal to the Committee for leave to appeal to the next highest authority, LSV or SLISA, as the case may be. Leave to voting at the meeting of the Committee to which the application for leave to appeal is made. Fourteen days' notice shall be given of intention for leave to appeal and notice calling the meeting.

### REPRIMAND

The Committee may reprimand or penalise any Member for any conduct that in their opinion is such as may bring discredit upon the Club. A Member so penalised or reprimanded on more than one occasion may be called upon by the Committee to show cause why his/her membership should not be suspended or cancelled.

### SUSPENSION AND EXPULSION

(a) The Committee may discipline a Member by suspension for a period up to 12 calendar months. At the end of that 12 month period the matter can be reviewed and a further 12 month suspension can be issued.

(b) A Member whose services are no longer required by the Club may have his/her Membership terminated by the Committee.

(c) Should the Committee consider that a Member's misdemeanour warrant expulsion they may so expel him/her in which case he/she shall have a right of appeal to the Judiciary Committee of LSV. Any such appeal must be in writing and be lodged with the Secretary of Victorian State Centre within one month of the Member being notified of his/her expulsion from the Club.

### SUSPENSION OF MEMBERSHIP

(a) Before the Committee takes any Suspension action, except in matters involving failure to attend patrols, default in arrears or failing to pay dues, the Committee shall give the offending Member seven (7) days written notice, which shall clearly set out:

- (i) Details of the matters giving rise to the proposed action.
- (ii) The time and place for consideration of such matters.
- (iii) An invitation to the Member concerned to be present when such matters are being considered.

(b) When the Committee has dealt with a Member as outlined in 'Suspension', they shall inform the Member that he/she has a right of appeal to a Special General Meeting of the Club. If the Member wishes to exercise this right, the Committee shall call a Special General Meeting for that purpose.

By Law 8 - Supply and consumption of liquor

- ◆ Liquor shall not be supplied by the Club to Members or their guest for consumption on or off the Association premises except in accordance with this By Law and the terms and conditions specified in any licence granted to the Association under the Liquor Control Act 1987.
- ◆ A visitor to the Association must not be supplied with liquor by the Association unless that visitor is accompanied by a Member of the Association.
- ◆ When a Member brings a guest onto the Association premises or to an Association function where the Association is supplying liquor the Member must ensure that the name of the guest is first entered into the guest record book.
- ◆ No officer or servant of the Association shall be entitled to payment of any amount by way of commission or allowance from the Association for the sale and disposal of liquor by the Association.