



PACIFIC SURF LIFE SAVING CLUB INCORPORATED

CONSTITUTION

Version 1.1 - 21 June 2020

Original version - 26 June 2016

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ASSOCIATIONS INCORPORATION ACT 1981 (QLD)

CONSTITUTION

of

PACIFIC SURF LIFE SAVING CLUB INCORPORATED

1. NAME OF ASSOCIATION

The name of the association is Pacific Surf Life Saving Club Incorporated (“Association”).

2. DEFINITIONS AND INTERPRETATION

2.1 Definitions

In this Constitution unless the contrary intention appears:

Act means the *Associations Incorporation Act 1981* (Qld).

Branch means Point Danger Branch which includes the affiliated Surf Life Saving Clubs and their members within the boundaries of that Branch as defined by SLSQ and the Branch.

By Laws means any By-Laws made by the BOARD OF MANAGEMENT under Clause 33.

Board Member means a member of the BOARD OF MANAGEMENT appointed in accordance with this Constitution.

Constitution means this Constitution of the Association.

Council means all Members of the Association who are eligible to vote under Clause 11.

Delegate means the person appointed from time to time to act for and on behalf of the Association.

Financial year means the year ending 30 April in each year.

General Meeting means the annual or any special general meeting of the Association.

Intellectual Property means all rights subsisting in copyright, business names, names, trademarks (or signs), logos, designs, equipment, images (including photographs, television, videos or films) or service marks (whether registered or registrable) relating to the Association or any championship, competition, series or event or lifesaving activity of or conducted, promoted or administered by the Association.

Life Member means an individual appointed as a Life Member of the Association under Clause 11.2.

BOARD OF MANAGEMENT means the body managing the Association and consisting of the Board Members under Clause 28.

Member means a registered and financial member of the Association which only includes junior ("*Nipper*") members; cadet members; active members; reserve active members; long service members; award members; associate members; honorary members; and life members of the Association all of which categories are defined in this Constitution or the By-Laws.

Membership Year means the period between 1 October and 30 September the following year.

Objects means the objects of the Association under Clause 3.

President means the President for the time being of the Association.

Seal means the common seal of the Association and includes any official seal of the Association.

SLSA means Surf Life Saving Australia Limited.

SLSQ means the body recognised by SLSA as the body administering surf lifesaving in Queensland.

Special Resolution means a resolution passed in accordance with the Act.

State means and includes a State or Territory of Australia.

Surf Life Saving Club means a surf lifesaving club which is a member of or otherwise affiliated with SLSQ or SLSA.

2.2 Interpretation

In this Constitution:

- (a) a reference to a function includes a reference to a power, authority and duty;
- (b) a reference to the exercise of a function includes, where the function is a power, authority or duty, a reference to the exercise of the power or authority of the performance of the duty;
- (c) words importing the singular include the plural and vice versa;
- (d) words importing any gender include the other genders;
- (e) references to persons include corporations and bodies politic;
- (f) references to a person include the legal personal representatives, successors and permitted assigns of that person;
- (g) a reference to a statute, ordinance, code or other law includes regulations and other statutory instruments under it and consolidations, amendments, re-enactments or replacements of any of them (whether of the same or any legislative authority having jurisdiction); and

- (h) a reference to "writing" shall unless the contrary intention appears, be construed as including references to printing, lithography, photography and other modes of representing or reproducing words in a visible form, including messages sent by electronic mail.

2.3 Severance

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

2.4 Expressions in the Act

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

2.5 Sole Purpose

The Association is established solely for the Objects.

2.6 Model Rules

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

3. OBJECTS OF ASSOCIATION

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

- (a) provide for the conduct, encouragement, promotion and administration of surf lifesaving in the locality of Pacific;
- (b) participate as a member of the Branch, SLSQ and SLSA through and by which lifesaving and the preservation of life in the aquatic environment can be conducted, encouraged, promoted, advanced and administered;
- (c) ensure the maintenance and enhancement of the Association, Branch, SLSQ, Surf Life Saving Clubs, SLSA, and surf lifesaving, its standards, quality and reputation for the benefit of the Members and surf lifesaving;
- (d) at all times promote mutual trust and confidence between the Association, Branch, SLSQ, Surf Life Saving Clubs, SLSA, and the Members in pursuit of these objects;
- (e) at all times act on behalf of and in the interest of the Members and surf lifesaving;
- (f) promote the economic and community service success, strength and stability of the Association, Branch, SLSQ, Surf Life Saving Clubs, SLSA, and surf lifesaving;
- (g) affiliate and otherwise liaise with Branch, SLSQ and SLSA, in the pursuit of these objects and the objects of surf lifesaving;

- (h) conduct, encourage, promote, advance and control surf lifesaving in the locality of Pacific, its many aspects devoted to aquatic safety and management and the preservation of life in the aquatic environment;
- (i) conduct or commission research and development for improvements in methods of surf lifesaving and surf lifesaving equipment and in all ways to improve and safeguard the use of the aquatic environment;
- (j) use and protect the Intellectual Property of the Association, Branch, SLSQ and SLISA;
- (k) apply the property and capacity of the Association towards the fulfilment and achievement of these Objects;
- (l) promote the involvement and influence of surf lifesaving standards, techniques, awards and education with bodies involved in surf lifesaving;
- (m) strive for Governmental, commercial and public recognition of the Association as the authority on aquatic safety and management in the locality of Pacific;
- (n) promulgate, and secure uniformity in, such rules as may be necessary for the management and control of surf lifesaving and related activities and the preservation of life in the aquatic environment;
- (o) further extend the operations and teachings of the Association throughout the locality of Pacific;
- (p) further develop surf 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;
- (q) review and/or determine any matters relating to surf 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 surf lifesaving;
- (s) adopt and implement appropriate policies, including in relation to sexual harassment, equal opportunity, equity, drugs in sport, health, safety, junior and senior programs, infectious diseases and such other matters as arise from time to time as issues to be addressed in surf lifesaving;
- (t) represent the interests of its Members and of surf lifesaving generally in any appropriate forum;
- (u) have regard to the public interest in its operations;
- (v) 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;
- (w) ensure that environmental considerations are taken into account in all surf lifesaving and related activities conducted by the Association;
- (x) promote the health and safety of Members and all other users of the aquatic environment;

- (y) encourage Members to realise their potential and athletic abilities by extending to them the opportunity of education and participation in surf lifesaving competition and to award trophies and rewards to successful competitors;
- (z) encourage and promote performance-enhancing drug free competition;
- (aa) 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;
- (bb) give, and seek where appropriate, recognition for Members to obtain awards or public recognition in fields of endeavour other than surf lifesaving;
- (cc) seek and obtain improved facilities for the enjoyment of the aquatic environment in the locality of Pacific;
- (dd) promote uniformity of laws for the control and regulation of the aquatic environment throughout the Gold Coast and to assist authorities in enforcing these laws;
- (ee) effect such objects as may be necessary in the interests of surf lifesaving and the aquatic environment; and
- (ff) undertake and or do all such things or activities which are necessary, incidental or conducive to the advancement of these objects.

4. POWERS OF THE ASSOCIATION

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

5. APPLICATION OF INCOME

5.1 The income and property of the Association shall be applied solely towards the promotion of the Objects.

5.2 Except as prescribed in this Constitution:

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

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

- (a) any services actually rendered to the Association whether as an employee or otherwise;
- (b) goods supplied to the Association in the ordinary and usual course of operation;

- (c) interest on money borrowed from any Member;
- (d) rent for premises demised or let by any Member to the Association; or
- (e) any out-of-pocket expenses incurred by the Member on behalf of the Association; provided that any such payment shall not exceed the amount ordinarily payable between ordinary commercial parties dealing at arm's length in a similar transaction.

6. LIABILITY OF MEMBERS

The liability of the Members of the Association is limited in accordance with section 27 of the Act.

7. MEMBERS' CONTRIBUTIONS

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

8. DISTRIBUTION OF PROPERTY ON WINDING UP

If upon winding up or dissolution of the Association 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 Association by this Constitution. 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 Queensland or other Court as may have or acquire jurisdiction in the matter.

9. STATUS AND COMPLIANCE OF ASSOCIATION

9.1 Recognition of Association

Subject to compliance with this Constitution, the Branch Constitution, the SLSQ constitution, and the SLSA constitution the Association shall continue to be recognised as a Member of SLSQ and shall administer surf lifesaving activities in the locality of Pacific (North Palm Beach) in accordance with the Objects.

9.2 Compliance of Association

The Members acknowledge and agree the Association shall:

- (a) be or remain incorporated in Queensland;
- (b) appoint a Delegate annually to represent the Association at meetings of the Branch;

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

9.3 Operation of Constitution

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

- (iii) brought themselves, the Association, any Surf Life Saving Club or surf lifesaving into disrepute;

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

10. ASSOCIATION'S CONSTITUTION

10.1 Constitution of the Association

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

- (a) the objects of SLSQ;
- (b) the structure and membership categories of SLSQ;
- (c) recognising SLSA as the peak body for surf lifesaving in Australia, in accordance with the SLSA Constitution;
- (d) recognising SLSQ as the peak body for surf lifesaving in Queensland;
- (e) recognising SLSA as the final arbiter on matters pertaining to surf lifesaving in Australia, including disciplinary proceedings; and
- (f) such other matters as are required to give full effect to the SLSQ constitution.

10.2 Operation of the SLSQ Constitution

- (a) The Association will take all steps to ensure its Constitution is in conformity with the SLSQ constitution at least to the extent set out in Clause 10.1 and in respect of those matters set out in Clause 10.1 shall ensure this Constitution is amended in conformity with future amendments made to the SLSQ constitution, subject to any prohibition or inconsistency in the Act.
- (b) The Association shall provide to SLSQ a copy of its Constitution and all amendments to this document. The Association acknowledges and agrees that SLSQ has power to veto any provision in this Constitution which, in SLSQ's reasonable opinion, is contrary to the objects of SLSQ.

11. MEMBERS

11.1 Membership

The membership of the Association shall consist of the following classes of individual membership:

(a) Probationary Members

Probationary membership may be granted by the BOARD OF MANAGEMENT to any person for the time period between applying for membership and the gaining of an award and/or the granting of a formal category membership by the BOARD OF MANAGEMENT. Probationary Members shall not have voting rights.

(b) Junior Activities Members ("Nipper")

A Junior Activity Member shall be a person who shall be a minimum age of five (5) years up to a maximum age of thirteen (13) years and such person shall be required to gain the relevant surf education certificate for that person's age group. Junior Activities Members shall not have voting rights.

(c) Cadet Members

A Cadet Member shall be a Member of the age qualification as defined in SLSA's manuals (i.e. under 15) and, who has obtained the Surf Rescue Certificate or has passed an annual proficiency test. Cadet Members shall not have voting rights.

(d) Active Membership

An Active Member shall:

- (i) be a Bronze Medallion holder as per SLSA's manuals;
- (ii) fulfil patrol and the Association's obligations, as provided by SLSA and this Constitution;
- (iii) qualify in an annual proficiency/skills maintenance test unless the Member has obtained their Bronze Medallion in that season;
- (iv) have the right to be present and to debate at General Meetings.
- (v) have the right to vote at General Meetings if over 18 years of age.

(e) Reserve Active Members

Reserve Active Membership may be granted to Active Members who have satisfactorily completed (from the gaining of the Bronze Medallion) at least eight (8) years of patrol and the Association's obligations as provided by SLSA and the Association's Constitution. Reserve Active Membership shall not be automatic, but shall be granted by resolution of the BOARD OF MANAGEMENT.

The member seeking Reserve Active Membership shall apply to the BOARD OF MANAGEMENT in writing including necessary information relating to years served and patrol hours undertaken. The BOARD OF MANAGEMENT shall respond in writing to any member seeking Reserve Active Membership to confirm acceptance of the new category of membership (or otherwise).

- (i) Reserve Active Members shall perform a minimum number of patrol hours and further patrol duties at the discretion of the BOARD OF MANAGEMENT.
- (ii) Reserve Active Members shall complete the annual proficiency test.
- (iii) Reserve Active Members shall have the right to be present, to debate and to vote at General Meetings.

(f) Long Service Members

Long Service Membership may be granted to Members who have completed ten (10) years active service or to Members who have completed eight (8) years active service plus four (4) years reserve active service. Long Service Membership shall not be automatic, but shall be granted by resolution of the BOARD OF MANAGEMENT.

The member seeking Long Service Membership shall apply to the BOARD OF MANAGEMENT in writing including necessary information relating to years served and patrol hours undertaken. The BOARD OF MANAGEMENT shall respond in writing to any member seeking Long Service Membership to confirm acceptance of the new category of membership (or otherwise).

Should a Member join from another Surf Life Saving Club where they are a Long Service Member then such a Member's Long Service may be recognised by the Association, at the discretion of the BOARD OF MANAGEMENT.

Such Members may be exempted from all patrol obligations and may be granted other special privileges of Membership as provided in this constitution.

Long Service Members have the right to be present, to debate and to vote at General Meetings.

(g) Award Members

Award Membership may be granted to persons who hold an SLSA award of the following qualifications: Surf Rescue Certificate, Radio award/s, Cardiopulmonary Resuscitation Certificate, Advanced Resuscitation Certificate or First Aid Certificate (or equivalent). These awards have the meaning as per the relevant SLSA manual.

Such Members may be called upon to perform patrol and/or other club obligations within the ability of their qualifications.

If they are undertaking lifesaving patrol duties
Then such Members shall have the right to be present at general meetings.
Have the right to debate at general meetings.
And have the right to vote at general meetings if over 18 years of age.

(h) Associate Members

Associate Membership may be granted to persons who may or may not hold an SLSA award.

Associate Members shall not have voting rights unless elected to office or position, which is provided with voting rights by this constitution.

Associate Members shall have a joining and/or annual membership fee substantially greater than fees for other categories of membership.

(i) Honorary Members

Honorary Membership may be granted to persons who may or may not hold an SLSA award. Honorary Members shall not have voting rights

(j) Life Membership

Life Membership of the Association may be granted to Members who have rendered distinguished or special service as provided for in this constitution and is relevant to this Association only. Life Members shall have the right to be present, to debate and to vote at general meetings.

11.2 Life Members

- (a) The BOARD OF MANAGEMENT may recommend to the Annual General Meeting that any natural person who has rendered distinguished service to the Association and surf lifesaving, where such service is deemed to have assisted the advancement of the Association and surf lifesaving be appointed as a Life Member. Such service is to include:
- a. Bronze Medallion holders – a member for at least 15 years as a Bronze Medallion holder with 10 years of distinguished service
 - b. Non Bronze Medallion holders – a member for at least 20 years with 15 years of distinguished service
- (b) A resolution of the Annual General Meeting to confer life membership on the recommendation of the BOARD OF MANAGEMENT must be a Special Resolution.
- (c) Upon life membership being conferred the person's details shall be entered in the register, and from the time of entry on the register the person shall be a Life Member.

12. SUBSCRIPTIONS AND FEES

The annual membership subscription (if any) and fees payable by Members to the Association, the time for and manner of payment shall be as determined by the BOARD OF MANAGEMENT from time to time.

13. APPLICATION

13.1 Application for Membership

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

- (a) on the form prescribed from time to time by SLSQ and/or SLSA from the applicant and lodged with the Association; and
- (b) accompanied by the appropriate fee, if any.

13.2 Public Liability Insurance

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

13.3 Discretion to Accept or Reject Application

- (a) The Association may accept or reject an application whether the applicant has complied with the requirements in Clause 13.1 or not, and shall not be required or compelled to provide any reason for such acceptance or rejection.
- (b) Where the Association accepts an application the applicant shall, subject to notification to SLSQ, become a Member.
- (c) Membership of the Association shall be deemed to commence upon acceptance of the application by the Association. The Register shall be updated accordingly as soon as practicable.
- (d) If the Association rejects an application, it shall refund any fees forwarded with the application, and the application shall be deemed rejected by the Association. No reasons for rejection need be given and there is no right of appeal.

13.4 Re-Application

- (a) Members must re-apply for membership of the Association in accordance with the procedures set down by the Association 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 Association.

13.5 Deemed Membership

- (a) All individuals who are, prior to the approval of this Constitution, members of the Association shall be deemed Members of the Association from the time of approval of this Constitution under the Act.
- (b) The Members shall provide the Association with such details as may be required by the Association under this Constitution within one month of the approval of this Constitution under the Act.

- (c) Any members of the Association prior to approval of this Constitution under the Act, who are not deemed Members under clause 13.5(a), shall be entitled to carry on such functions analogous to their previous functions as are provided for under this Constitution.

14. REGISTER OF MEMBERS

14.1 Register

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

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

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

14.2 Inspection of Register

Having regard to confidentiality considerations and privacy laws, an extract of the Register, excluding the address or other direct contact details of any Member, Board Member or Delegate, shall be available for inspection (but not copying) by Members, upon reasonable request.

14.3 Use of Register

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

14.4 Right of SLSQ to Register

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

15. EFFECT OF MEMBERSHIP

Members acknowledge and agree that:

- (a) this Constitution constitutes a contract between each of them and the Association and that they are bound by this Constitution and By-Laws, the SLSQ constitution and regulations and the SLSA constitution and regulation;

- (b) they shall comply with and observe this Constitution and the By-Laws, and any determination, resolution or policy which may be made or passed by the BOARD OF MANAGEMENT or any other entity with delegated authority;
- (c) by submitting to this Constitution and the By-Laws they are subject to the jurisdiction of the Association, SLSQ and SLSA;
- (d) the Constitution and By-Laws are necessary and reasonable for promoting the Objects and particularly the advancement and protection of surf lifesaving as a community service in the locality of Pacific; and
- (e) they are entitled to all benefits, advantages, privileges and services of Association membership.

16. DISCONTINUANCE OF MEMBERSHIP

16.1 Notice of Resignation

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

16.2 Discontinuance by Breach

- (a) Membership of the Association may be discontinued by the BOARD OF MANAGEMENT if the member:
 - i) is convicted of an indictable offence;
 - ii) is in breach of any clause of this Constitution, including but not limited to the failure to pay any monies owed to the Association, failure to comply with the By-Laws or any resolution or determination made or passed by the BOARD OF MANAGEMENT or any duly authorised committee; or
 - iii) conducts him or herself in a way considered to be injurious or prejudicial to the Objects, character or interests of the Association.
- (b) Membership shall not be discontinued by the BOARD OF MANAGEMENT under clause 16.2(a) without the BOARD OF MANAGEMENT first giving the accused Member the opportunity to explain the breach and/or remedy the breach.
- (c) Where a Member fails, in the BOARD OF MANAGEMENT's view to adequately explain to remedy the breach, that Member's membership shall be discontinued under clause 16.2(a) by the Association giving written notice of the discontinuance.

16.3 Failure to Re-Apply

If a Member has not re-applied for Membership with the Association within one month of reapplication falling due, that Member's membership will be deemed to have lapsed from that time. The Register shall be amended to reflect any lapse of membership under this clause 16.3 as soon as practicable.

16.4 Member to Re-Apply

A Member whose membership has been discontinued or has lapsed under clause 16.3:

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

16.5 Forfeiture of Rights

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

16.6 Membership may be Reinstated

Membership which has been discontinued under this clause 16 may be reinstated at the discretion of the BOARD OF MANAGEMENT, upon such conditions as it deems appropriate.

16.7 Refund of Membership Fees

Membership fees or subscriptions paid by the discontinued Member may be refunded on a pro-rata basis to the Member upon discontinuance, in accordance with the Association's By-Laws.

17. GRIEVANCES, JUDICIAL AND DISCIPLINE

The Association adopts the Grievances, Judicial and Discipline Regulations of SLSA as amended from time to time. These shall be replicated in the By-Laws but cannot be amended from the SLSA Regulations without the prior written approval of SLSQ and SLSA.

18. ANNUAL GENERAL MEETING

An Annual General Meeting of the Association shall be held in accordance with the provisions of the Act and on a date and at a venue to be determined by the BOARD OF MANAGEMENT.

The date of the Annual General Meeting shall be a minimum of one 14 days prior to that of the branch.

19. NOTICE OF GENERAL MEETING

- (a) Notice of every General Meeting shall be given to every Member entitled to receive notice, at the address appearing in the Register kept by the Association. The auditor and Board Members shall also be entitled to notice of every General Meeting, which shall be sent to their last notified address. No other person shall be entitled as of right to receive notices of General Meetings.

- (b) Preliminary notice of a General Meeting should be issued 42 days prior to the date of the meeting calling for notices of motion and any other business to be conducted at that meeting.
- (c) A notice of a General Meeting shall specify the place and day and hour of meeting and shall state the business to be transacted at the meeting.
- (d) At least 21 days' notice of a General Meeting shall be given to those Members entitled to receive notice, together with:
 - (i) the agenda for the meeting; and
 - (ii) any notice of motion received from Members.

20. BUSINESS

- (a) The business to be transacted at the Annual General Meeting must include;
 - (i) presentation of the reports of the BOARD OF MANAGEMENT;
 - (ii) consideration of the financial statement and audit report for the last financial year;
 - (iii) the election of Board Members under this Constitution,
 - (iv) the motion for affiliation with the Branch, SLSQ and SLSA;
 - (v) the motion recognising the affiliation of the Association's supporters club; and
 - (vi) the appointment of the auditors for the present financial year
- (b) All business that is transacted at a General Meeting, and also all that is transacted at an Annual General Meeting, with the exception of those matters set down in clause 20(a) shall be special business.
- (c) No business other than that provided on the notice shall be transacted at that meeting.

21. NOTICES OF MOTION

Members shall be entitled to submit notices of motion for inclusion as special business at a General Meeting. All notices of motion must be submitted in writing to the Secretary not less than 30 days (excluding receiving date and meeting date) prior to the General Meeting.

Notices of motion must include a mover and seconder, both of whom are Members.

22. SPECIAL GENERAL MEETINGS

22.1 Special General Meetings May be Held

The BOARD OF MANAGEMENT may, whenever it thinks fit, convene a Special General Meeting of the Association 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.

22.2 Requisition of Special General Meetings

- (a) The Secretary shall on the requisition in writing or electronic submission, of 50% of voting 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 Association. The requisition may consist of several documents in a like form, each signed by one or more of the Members making the requisitions.
- (c) If the Secretary does not cause a Special General Meeting to be held within one month after the date on which the requisition is sent to the Association, the Members making the requisition, or any of them, may convene a Special General Meeting to be held not later than three months after that date.
- (d) A Special General Meeting convened by Members under this Constitution shall be convened in the same manner, or as nearly as possible as that, in which meetings are convened by the BOARD OF MANAGEMENT.

23. PROCEEDINGS AT GENERAL MEETINGS

23.1 Quorum

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

23.2 President to Preside

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

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

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

23.3 Adjournment of Meeting

- (a) If within half an hour from the time appointed for the meeting, a quorum is not present the meeting shall be adjourned until the same day in the next week at the same time and place or to such other day and at such other time and place as the chairman may determine and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, those Members present and entitled to vote will constitute a quorum for that meeting only.
- (b) The chairman may, with the consent of any meeting at which a quorum is present, and shall, if so directed by the meeting, adjourn the meeting from time to time and from place to place but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.
- (c) When a meeting is adjourned for 30 days or more, notice of the adjourned meeting shall be given as in the case of an original meeting.
- (d) Except as provided in clause 23.3(c) it shall not be necessary to give any notice of an adjournment or the business to be transacted at any adjourned meeting.

23.4 Voting Procedure

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

- (a) the chairman; or
- (b) a simple majority of Members, who are eligible to vote as per Clause 11.

23.5 Recording of Determinations

Unless a poll is demanded under clause 23.4, a declaration by the chairman 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 Association shall be conclusive evidence of the fact without proof of the number of the votes recorded in favour of or against the resolution.

23.6 Where Poll Demanded

If a poll is duly demanded under clause 23.4 it shall be taken in such manner and either at once or after an interval or adjournment or otherwise as the chairman directs and the result of the poll shall be the resolution of the meeting at which the poll was demanded.

23.7 Use of technology

- (a) If the technology exists at the time then;
- (b) A Member not physically present at a General Meeting may participate in the meeting by the use of such technology that allows that Member and the Members present at the meeting to clearly and simultaneously communicate with each other.
- (c) A Member participating in a General Meeting as permitted under clause 23.7(a) is taken to be present at the meeting and, if the Member votes at the meeting, is taken to have voted in person.

24. VOTING AT GENERAL MEETINGS

24.1 Members entitled to Vote

Each Member entitled to vote as set out in clause 11.1 shall have one vote at General Meetings which, subject to this Constitution, shall be exercised by that Member.

24.2 Casting Vote

Where voting at General Meetings is equal, the chairman may exercise a casting vote.

25. PROXY AND POSTAL VOTING

- (a) Proxy voting shall not be permitted at any General Meeting.
- (b) Postal voting shall not be permitted at any General Meeting.

26. EXISTING BOARD MEMBERS

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

27. POWERS OF THE BOARD OF MANAGEMENT

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

28. COMPOSITION OF THE BOARD OF MANAGEMENT

28.1 Composition of the BOARD OF MANAGEMENT

The BOARD OF MANAGEMENT shall comprise:

- (a) the President;
- (b) the Secretary;
- (c) the Treasurer;
- (d) the Captain;
- (e) the Chief Training Officer;
- (f) the Surf Sports Officer;
- (g) the Junior Activities Chairperson.

Who must all be individual members and who shall be elected under clause 29.

28.2 Portfolios

If the BOARD OF MANAGEMENT considers it appropriate, in order to further the Objects, it may allocate Board Members to specific portfolios, with specific responsibilities, as determined in the discretion of the BOARD OF MANAGEMENT.

28.3 Right to Co-Opt

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

28.4 Appointment of Delegate

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

29. ELECTION OF BOARD MEMBERS

29.1 Nominations of Candidates

- (a) Nominations for candidates to be elected to the BOARD OF MANAGEMENT shall be called for by the Association 28 days prior to the Annual General Meeting.
- (b) When calling for nominations the Association shall also provide details of the

necessary qualifications including the requirements under the Act and job description for the positions (if any). Qualifications and job descriptions shall be as determined by the BOARD OF MANAGEMENT from time to time.

- (c) Nominations of candidates for election as Board Members (including the President) shall be:
 - (i) made in writing, signed by two Members and accompanied by the written consent of the nominee (which may be endorsed on the form of nomination); and
 - (ii) delivered to the Association not less than 14 days before the date fixed for the holding of the Annual General Meeting, and the Association shall send the nominations to the Members entitled to receive notice under this Constitution together with the agenda for that General Meeting.
- (d) If insufficient nominations are received to fill all available vacancies on the BOARD OF MANAGEMENT the candidates nominated shall, subject to a secret ballot by the Members confirming their election and if elected declaration by the chairman, be deemed to be elected.
- (e) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall, subject to a secret ballot by the Members confirming their election and if elected, declaration by the chairman be deemed to be elected.
- (f) 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 BOARD OF MANAGEMENT.

29.2 Voting procedures

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

29.3 Term of Office of Board Members

The Board Members shall be elected in accordance with this Constitution.

The President, Treasurer and Captain shall be elected for a term of two (2) years, which shall commence from the conclusion of the Annual General Meeting at which the election occurred until the conclusion of the second Annual General Meeting following.

The Secretary, Surf Sports Officer, Junior Activities Chair and Chief Training Officer shall be elected for a term of two (2) years, which shall commence from the conclusion of the Annual General Meeting at which the election occurred until the conclusion of the second Annual General Meeting following.

The President, Treasurer and Captain shall be elected in each year of odd number and the Secretary, Surf Sports Officer, Junior Activities Chair and Chief Training Officer shall be elected in each year of even number.

30. VACANCIES OF BOARD MEMBERS

30.1 Grounds for Termination of Office of Board Member

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

- (a) dies;
- (b) becomes bankrupt or makes any arrangement or composition with his creditors generally;
- (c) becomes of unsound mind or a person whose person or estate is liable to be dealt with in anyway under the law relating to mental health;
- (d) resigns his office in writing to the Association;
- (e) is absent without the consent of the BOARD OF MANAGEMENT from three (3) meetings of the BOARD OF MANAGEMENT held during a period of twelve (12) months;
- (f) without the prior consent or later ratification of the Members in General Meeting holds any office of profit under the Association;
- (g) is directly or indirectly interested in any contract or proposed contract with the Association and fails to declare the nature of his interest;
- (h) is removed by Special Resolution;
- (i) has been expelled or suspended from membership (without further recourse under this Constitution or the SLSQ Constitution); or
- (j) would otherwise be prohibited from being a Board Member of a corporation under the *Corporations Act 2001 (Cth)*.

30.2 Remaining Board Members May Act

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

30.3 Casual Vacancy

In the event of a casual vacancy in the office of any Board Member, the BOARD OF MANAGEMENT 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.

30.4 No right of appeal

A Board Member has no right of appeal against their removal from office under this clause 30.

31. MEETINGS OF THE BOARD OF MANAGEMENT

31.1 BOARD OF MANAGEMENT to Meet

The BOARD OF MANAGEMENT shall meet as often as is deemed necessary and is

required by the Act in every calendar year for the dispatch of business and subject to this Constitution may adjourn and otherwise regulate its meetings as it thinks fit. A Board Member may at any time convene a meeting of the BOARD OF MANAGEMENT within a reasonable time.

31.2 Decisions of BOARD OF MANAGEMENT

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

31.3 Resolutions not in Meeting

- (a) A resolution in writing, signed or assented to by any form of visible or other electronic communication by all the Board Members for the time being present in Australia shall be as valid and effectual as if it had been passed at a meeting of Board Members duly convened and held. Any such resolution may consist of several documents in like form each signed by one or more of the Board Members.
- (b) Without limiting the power of the BOARD OF MANAGEMENT to regulate its meetings as it thinks fit, a meeting of BOARD OF MANAGEMENT may be held where one or more of the Board 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 Board Members entitled to notice in accordance with the usual procedures agreed upon or laid down from time to time by the BOARD OF MANAGEMENT or this Constitution and such notice specifies that Board Members are not required to be present in person;
 - (iii) in the event that a failure in communications prevents clause 31.3(b)(i) from being satisfied by that number of Board Members which constitutes a quorum, and none of such Board Members are present at the place where the meeting is deemed by virtue of the further provisions of this Clause to be held then the meeting shall be suspended until clause 31.3(b)(i) is satisfied again. If such condition is not satisfied within 15 minutes from the interruption the meeting shall be deemed to have terminated or adjourned; and
 - (iv) any meeting held where one or more of the Board Members is not physically present shall be deemed to be held at the place specified in the notice of meeting provided a Board Member is there present and if no Board Member is there present the meeting shall be deemed to be held at the place where the Chairman of the meeting is located.

31.4 Quorum

At meetings of the BOARD OF MANAGEMENT the number of Board Members whose presence is required to constitute a quorum is a majority of the Board Members.

31.5 Notice of BOARD OF MANAGEMENT Meetings

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

31.6 Conflict of Interest

A Board Member shall declare his interest in any contractual, selection, disciplinary or other matter in which a conflict of interest arises or may arise, and shall unless otherwise determined by the BOARD OF MANAGEMENT absent himself from discussions of such matter and shall not be entitled to vote in respect of such matter. In the event of uncertainty as to whether it is necessary for a Board Member to absent himself from discussion or refrain from voting, the issue should be immediately determined by vote of the BOARD OF MANAGEMENT, or if this is not possible, the matter shall be adjourned or deferred. All disclosed interests must be submitted to the Annual General Meeting in accordance with the Act.

32. DELEGATIONS

32.1 BOARD OF MANAGEMENT may Delegate Functions

The BOARD OF MANAGEMENT may by instrument in writing create or establish or appoint from amongst its own members, or otherwise, special committees, sub-committees, individual officers and consultants to carry out such duties and functions, and with such powers, as the BOARD OF MANAGEMENT determines.

32.2 Delegation by Instrument

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

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

32.3 Delegated Function Exercised in Accordance With Terms

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

32.4 Procedure of Delegated Entity

The procedures for any entity exercising delegated power shall, subject to this Constitution and with any necessary or incidental amendment, be the same as that applicable to meetings of the BOARD OF MANAGEMENT under clause 31. The entity exercising delegated powers shall make decisions in accordance with the Objects, and shall promptly provide the Association with details of all material decisions and shall provide any other reports, minutes and information as the Association may require from time to time.

32.5 Delegation may be Conditional

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

32.6 Revocation of Delegation

The BOARD OF MANAGEMENT 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.

33. BY-LAWS

33.1 BOARD OF MANAGEMENT to Formulate By-Laws

The BOARD OF MANAGEMENT may formulate, issue, adopt, interpret and amend such By-Laws for the proper advancement, management and administration of the Association, the advancement of the Objects and surf lifesaving in the locality of Pacific as it thinks necessary or desirable. Such By-Laws must be consistent with the Constitution, the Branch constitution, the SLSQ constitution, the SLSA constitution and any regulations or by-laws made by the Branch, SLSQ or SLSA. If any By-Laws are inconsistent with the SLSQ or SLSA constitution and regulations the By-Laws shall be null and void and will be inapplicable.

33.2 By-Laws Binding

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

33.3 By-Laws Deemed Applicable

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

33.4 Notices Binding on Members

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

34. FUNDS, RECORDS AND ACCOUNTS

34.1 Source of Funds

The BOARD OF MANAGEMENT will determine the sources from which the funds of the Association are to be or may be derived and the manner in which such funds are to be managed.

34.2 Association to Keep Records

The Association shall establish and maintain proper records and minutes concerning all transactions, business, meetings and dealings of the Association and the BOARD OF MANAGEMENT and shall produce these for verification at each BOARD OF MANAGEMENT or General Meeting.

34.3 Records Kept in Accordance with Act

Proper accounting and other records shall be kept in accordance with the Act. The books of account shall be kept in the care and control of the BOARD OF MANAGEMENT.

34.4 Association to Retain Records

The Association shall retain such records for 7 years after the completion of the transactions or operations to which they relate.

34.5 BOARD OF MANAGEMENT to Submit Accounts

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

34.6 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 3 months after such approval or adoption.

34.7 Accounts to be sent to Members

The BOARD OF MANAGEMENT shall cause to be sent to all persons entitled to receive notice of Annual General Meetings in accordance with this Constitution, a copy of the Statements of Account, the BOARD OF MANAGEMENT's report, the auditor's report (if any) and every other document required under the Act (if any).

34.8 Negotiable Instruments

- (a) All monies shall be banked as soon as practicable after receipt thereof.
- (b) All amounts of one hundred dollars or over shall be paid by electronic transfer or by cheque signed or authorised by any two of the President, Secretary, Treasurer or other member authorised from time to time by the BOARD OF MANAGEMENT.
- (c) Cheques shall be crossed "Not Negotiable" except those in payment of wages, allowances or petty cash recoupment which may be open.
- (d) The BOARD OF MANAGEMENT shall determine the amount of petty cash, which shall be kept on hand.
- (e) All the expenditure shall be approved or ratified at a BOARD OF MANAGEMENT meeting.

34.9 Members' Access to books, minutes and other documents

- (a) Members of the Association may apply to the BOARD OF MANAGEMENT to access the financial records, books, securities and other relevant documents of the Association. Upon receiving such a request, the BOARD OF MANAGEMENT may, at its absolute discretion, decide to permit or refuse the request. If the BOARD OF MANAGEMENT permits the request, it may impose conditions upon the member's access.

(b) Members of the Association may request to access the Minutes of BOARD OF MANAGEMENT Meetings. Upon receiving such a request, the BOARD OF MANAGEMENT may, at its absolute discretion, decide to permit or refuse the request."

35. AUDITOR

- (a) A properly qualified auditor or auditors shall be appointed by the Association in General Meeting. The auditor's duties shall be regulated in accordance with the Act, or if no relevant provisions exist under the Act, in accordance with the *Corporations Act 2001 (Cth)* and generally accepted principles, and/or any applicable code of conduct. The auditor may be removed by the Association in a General Meeting.
- (b) The accounts of the Association 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.

36. NOTICE

36.1 Manner of Notice

- (a) Notices may be given to any person entitled under this Constitution to receive any notice by sending the notice by pre-paid post or facsimile transmission or where available, by electronic mail, to the Member's registered address or facsimile number or electronic mail address.
- (b) Where a notice is sent by post, service of the notice shall be deemed to be effected by properly addressing, prepaying and posting the notice. Service of the notice is deemed to have been effected three days after posting.
- (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.
- (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.

36.2 Notice of General Meeting

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

37. SEAL

37.1 Safe Custody of Seal

The BOARD OF MANAGEMENT shall provide for safe custody of the Seal.

37.2 Affixing Seal

The Seal shall only be used by authority of the BOARD OF MANAGEMENT and every document to which the seal is affixed shall be signed by two Board Members.

38. ALTERATION OF CONSTITUTION

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

39. INDEMNITY

39.1 Board Members to be indemnified

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

39.2 Association to Indemnify Board Members

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

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

40. DISSOLUTION

Subject to clauses 6 and 7, the Association may be wound up in accordance with the provisions of the Act.



Pacific Surf Life Saving Club Inc. BY-LAWS

NOTICE:

These By-Laws are approved by the Pacific SLSC Board of Management and must be read in conjunction with the Club Constitution. Where any inconsistency exists between the Club Constitution and By-Laws, the Constitution is to take precedence.

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

Such Policies, Rules and Regulations are created, reviewed and amended from time to time.

Version 1.0

Approved 23 April 2020

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SECTION 1: THE CONSTITUENTS

1.1 BOARD OF MANAGEMENT

- a) The following Board of Management shall be elected at the Annual General Meeting as provided for in Clause 28.1 of the Constitution:

President, Secretary, Treasurer, Captain, Surf Sports Officer, Chief Training Officer, Junior Activities Chairperson (ratification of recommendation from Junior Activities Committee Election)

- b) Non discharged bankrupts are precluded from seeking election to Board of Management;

1.2 OTHER OFFICERS

- a) As directed by the Board of Management, all or any of the following officers of Committees, shall be elected at the Annual General Meeting of the ensuring season year or Committee Meetings viz;

Deputy President, Vice Captain, IRB Captain, Gear Steward, First Aid Officer, Team Manager Surf Sport, Youth Development Officer, Registrar, Communications Officer, Publicity Media Officer, Events/Social Coordinator, Beach Captain, Surf Boat Captain, Board & Ski Captain, Club House Director and Grievance Officer.

- b) The Board of Management may appoint or elect additional Officers or Committees as deemed necessary from time to time, however, all appointed positions shall have formally documented Position Descriptions which have been approved and endorsed by the Board of Management.
- c) The core JAC may appoint additional Officers as deemed necessary from time to time, however, all appointed positions shall have formally documented Role Descriptions which have been approved by the core JAC and ultimately endorsed by the Board of Management.
- d) The Board of Management shall appoint (by invitation) at the Annual General Meeting for the ensuring season year the, Club Patron, Club Auditor, Honorary Club Solicitor, Honorary Club Doctor.

1.3 LIFE MEMBERS

- a) Life Members of the Club shall be entitled to attend Club Committee Meetings and hold an Officer position if elected.

1.4 MEMBERS

- a) Membership may be granted to any applicant in any category, subject to the Constitution and By-Laws of the Club and the Association and having completed the prescribed Association Form and submitted the required fee.
- b) Membership shall be limited by category qualifications as set out in the Constitution and By-Laws and/or the adequacy of Clubhouse facilities to cope with the existing situation.
- c) A Member that has held Membership of the Club since gaining their Bronze Medallion for 50 years or more shall be offered fee free Membership of the Club

1.5 BRANCH COUNCILOR

The Club President shall be the Branch Councilor and a member of the Branch Council, and the Deputy President shall be the alternate to act as proxy should the need arise.

SECTION 2: CONDITIONS PERTAINING TO BOARD OF MANAGEMENT, OFFICERS AND MEMBERS

2.1 BOARD OF MANAGEMENT

- a) The Board of Management of the Club shall be elected from the members of the Club.
- b) The Board Members of the Club are President, Secretary, Treasurer, Captain, Surf Sports Officer, Chief Training Officer, Junior Activities Chairperson (ratification of recommendation from Junior Activities Committee Election);
- c) To hold the following office positions of the Club the member must hold a SLSA Bronze Medallion (Cert. 2 in Public Safety);
President, Captain, Surf Sports Officer, Junior Activities Chairperson, Chief Training Officer.
- d) All nominations for Board of Management positions must be submitted by the nominees with details of their compliance with respect to the applicable role description, the applicant's ability and availability to carry out duties of the office position for which the nomination is received. The roles and responsibilities of all Board of Management positions are set out in this document. All nominees for elected positions must satisfy themselves that they meet the pre-requisites as set out in these role descriptions prior to accepting nomination.
- e) The Board of Management shall be required to understand the needs of the Club and their legal responsibilities as Board Members. Club Board members owe a fiduciary duty to the Club and shall exercise their rights and powers in good faith and for the benefit of the Club.
- f) Board members shall comply with the following principle statutory and common law duties:
 - (i) to act honestly and in good faith in the interests of the Club;
 - (ii) to exercise a degree of care, skill and diligence that a reasonable person in a like position would exercise in the Club's circumstances;
 - (iii) to exercise powers honestly and for the purposes for which they were conferred and not for collateral purposes;
 - (iv) to avoid any actual or potential conflict between their obligations owed to the Club and their personal interests and other duties;
 - (v) to keep confidential information obtained, and not to disclose advantage or business opportunities acquired, in the course of that office;
 - (vi) to prevent insolvent trading by the Club.
- (g) Interests:
 - (1) A Board of Management person shall not hold any place of profit or position of employment within the Active Club, or in any company or incorporated association in which the Club is a shareholder or otherwise interested, or from contracting with the Club either as a vendor, purchaser or otherwise except with the express resolution or approval of the Board of Management. Any such contract or arrangement entered into by or on behalf of the Club in which a Board Member is in any way interested will be voided for such reason.
 - (2) Board of Management members may hold Office on the Pacific Surf Lifesaving Supporters Club Committee in accordance with the Pacific Surf Lifesaving Supporters Club Constitution.
- (h) Disclosure of interests:

The nature and interest of a Board of Management member must be declared by such person at the meeting at which the contract or arrangement is first taken into consideration if the interest exists or in any other case at the first meeting of the Council after the acquisition of the interest. If a Board of Management Member becomes interested in a contract or arrangement after it is made or entered into, the declaration of the interest must be made at the first meeting/s of the Board of Management held after the Board of Management Member becomes so interested.

(i) General Disclosure:

A general notice that a Board of Management 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. After such general notice it is not necessary for such Board of Management Member to give a special notice relating to any particular transaction with that firm or company.

(j) Recording Disclosures:

It is the duty of The Secretary to record in the Minutes any declarations made.

(k) Conflicts:

A Board of Management Member notwithstanding an interest, may be counted in the quorum present at any meeting, but cannot vote in respect of any contract or arrangement in which the Board of Management Member is interested. A Board of Management Member shall not sign a document where the Board of Management Member is interested in the contract or arrangement to which the document relates.

2.2 OFFICERS

a) Officers of the Club shall be elected from the members of the Club.

b) Club Officers of the Club shall be the;

Deputy President, Vice Captain, IRB Captain, Gear Steward, First Aid Officer, Team Manager Surf Sport, Youth Development Officer, Registrar, Communications Officer, Publicity Media Officer, Events/Social Coordinator, Beach Captain, Surf Boat Captain, Board & Ski Captain, Club House Director and Grievance Officer.

c) All nominations for Club Officer positions must be submitted by the nominees with details of their compliance with respect to the applicable role description, the applicant's ability and availability to carry out duties of the office position for which the nomination is received. The roles and responsibilities of all Officers positions are set out in this document. All nominees for elected positions must satisfy themselves that they meet the pre-requisites as set out in these role descriptions prior to accepting nomination.

d) Officers of the Club shall be required to understand the needs of the Club and their legal responsibilities as Officers. Club Officers owe a fiduciary duty to the Club and shall exercise their rights and powers in good faith and for the benefit of the Club.

e) Officers shall comply with the following principle statutory and common law duties:

(i) to act honestly and in good faith in the interests of the Club;

(ii) to exercise a degree of care, skill and diligence that a reasonable person in a like position would exercise in the Club's circumstances;

(iii) to exercise powers honestly and for the purposes for which they were conferred and not for collateral purposes;

(iv) to avoid any actual or potential conflict between their obligations owed to the Club and their personal interests and other duties;

- (v) to keep confidential information obtained, and not to disclose advantage or business opportunities acquired, in the course of that office;
- (vi) to prevent insolvent trading by the Club.
- f) Interests:
 - (1) A Club Officer shall not hold any place of profit or position of employment within the Active Club, or in any company or incorporated association in which the Club is a shareholder or otherwise interested, or from contracting with the Club either as a vendor, purchaser or otherwise except with the express resolution or approval of the Board of Management. Any such contract or arrangement entered into by or on behalf of the Club in which an Officer is in any way interested will be voided for such reason.
 - (2) Club Officer may hold Office on the Pacific Surf Lifesaving Supporters Club Committee in accordance with the Pacific Surf Lifesaving Supporters Club Constitution.
- g) Disclosure of interests:

The nature and interest of an Officer must be declared by such person at the meeting at which the contract or arrangement is first taken into consideration if the interest exists or in any other case at the first meeting of the Committee after the acquisition of the interest. If an Officer becomes interested in a contract or arrangement after it is made or entered into, the declaration of the interest must be made at the first meeting/s of the Board of Management or Committees held after the Officer becomes so interested.
- h) Disclosures by Officers of the Club must be advised to the Board of Management for consideration.
- i) General Disclosure:

A general notice that an Officer is a member of any specified firm or company and is to be regarded as interested in all transactions with that firm or company is sufficient declaration. After such general notice it is not necessary for such Officers to give a special notice relating to any particular transaction with that firm or company.
- j) Recording Disclosures:

It is the duty of Chairperson to record in the Minutes any declarations made.
- k) Conflicts:

An Officer notwithstanding an interest, may be counted in the quorum present at any meeting, but cannot vote in respect of any contract or arrangement in which the Officer is interested. An Officer shall not sign a document where the Officer is interested in the contract or arrangement to which the document relates.

2.3 DUTIES AND PRIVILEGES OF MEMBERSHIP

- a) All financial Active, Long Service, Active Reserve, Life Members and Award members currently fulfilling patrol obligations, shall have access to all Club facilities. All financial Cadet Members shall have access to change room and shower facilities only. The use of gym equipment and other Surf Club property is not available to Associate Members unless approved by Board of Management.
- b) All financial members over the age of 18 in the following membership categories; Active, Active Reserve, Long Service, Life Members and Award Members (refer Constitution Clause 11.1 shall have the right to attend the Annual General Meeting, General Meetings and Special General Meetings of the Club.
- c) All Active and Cadet Members may apply in writing for leave of absence from their duties, stating the reasons and time for such leave.

- d) All members shall abide by the Constitution, By-Laws and Rules of the Club and the Association.

2.4 RENEWAL OF MEMBERSHIP

- a) Members shall apply annually for renewal of membership by submission of the prescribed Association Form and payment of the prescribed fee.
- b) Should the application for renewal of membership be refused the member shall have the right of appeal, in writing through the Secretary.
- c) For a member to be eligible to vote at any meeting, the member shall be required to be a current financial member and meets the Club Constitution Voting Clause 24 as well as fulfilled all club obligations and have no current defaults or suspensions.
- d) Any member who fails to renew his subscription by the required date (prior to 30th September of the coming season) shall lose all rights and privileges in the Club and shall cease to be a member. In these circumstances application for membership re-acceptance is permitted, provided the prescribed form is submitted, accompanied by the current fees, and further provided that the relevant Committee shall have the sole right to grant or refuse such application.

SECTION 3: MEETINGS

(Refer to Appendix 'B')

3.1 ANNUAL GENERAL MEETING

a) The Annual General Meeting of the Club shall be held prior to the Annual General Meeting of the Branch on a date determined by the Club Constitution and the Board of Management. The purpose of such a meeting shall be the presentation and adoption of the Annual Report and Financial Statement, the election of the Board of Management for the ensuing season year and to deal with Notices of Motion correctly moved and to transact general business. The Annual General Meeting shall be held at least 14 days before the Branch Annual General Meeting.

b) Written notice of the meeting shall be forwarded to each member at least 42 days prior to the meeting and the posting of such notice shall be deemed as notice received.

The order of business shall be:-

- Recording of attendance and apologies
- Confirmation of the previous Annual General Meeting Minutes
- Presentation and adoption of the Annual Report
- Presentation and adoption of Financial Statement and Audit Report
- Election of Board of Management & Officers
- Motion of affiliations with SLSA, SLSQ and Point Danger Branch
- Appointment of the Auditors for the present financial year
- Notices of Special Business (this includes items such as election of Life Members)

c) Members shall be entitled to submit notices of motion for inclusion as special business at a General Meeting. All notices of motion must be submitted in writing to the Secretary not less than 30 days (excluding receiving date and meeting date) prior to the General Meeting.

d) All members may attend and participate as determined by the Chairperson but voting rights are as provided for in Clause 24.1 of the Constitution.

3.2 GENERAL MEETINGS

a) General Meetings of the Club are to be held as required for the benefit of the Club and the members. The meeting shall follow the Board of Management meeting format provided that all members may ask questions and expect competent answers.

3.3 SPECIAL GENERAL MEETINGS

a) A Special General Meeting of the Club may be summoned by resolution carried at a Board of Management Meeting, or by direction of the President, or a written requisition of not less than 50% financial voting members of the Club.

b) Special General Meetings of the Club shall be called as directed in Clause 22 of the Constitution to deal with Special Business only as detailed in the Notice of the Meeting.

3.4 BOARD OF MANAGEMENT MEETINGS

- a) The Board of Management shall comprise those members as listed in Clause 28 of the Constitution.
- b) The Board of Management shall meet at least once in every calendar month and the Meeting dates shall be determined at the first Meeting of the Board of Management.
- c) Should any member of the Board of Management be absent without satisfactory reason for two (2) consecutive meetings, the position shall be declared vacant and the position filled in accordance with Clause 30.3 of the Constitution.

The order of Business shall be:

- Apologies
 - Disclosures of Interest
 - Confirmation of Previous Minutes
 - Business arising out of Minutes
 - Correspondence
 - Finance
 - Membership
 - Committee's Reports
 - Notices of Motion
 - General Business
- d) The responsibility of the Board of Management shall be managing the day to day business of the Club, and the allotment of items to Committees and/or staff.
 - e) Issues relating to major policies, constitutional change, incorporation responsibilities and authority, or major financial borrowings shall be handled by the general membership through a General Meeting.

3.5 SUB COMMITTEE MEETINGS

- a) The Committee's shall comprise those members as listed in Clause 1.2 of these By-Laws.
- b) The Committee's shall meet as required and the meeting dates shall be communicated at least 7 days prior to each meeting.
- c) Should any member of a Committee be absent without satisfactory reason for two (2) consecutive meetings, the position shall be declared vacant and the position filled.

The order of Business shall be:

- Apologies
- Disclosures of Interest
- Confirmation of Previous Minutes
- Business arising out of Minutes
- Correspondence
- Action Items
- Reports
- General Business

- d) Officers and members of committees shall be entitled to attend every third Board of Management meeting and the dates of these meetings shall be set by the Board of Management at their first meeting following the Annual General Meeting.
- e) The responsibility of the Committee's shall be managing the day to day business of the Committee's activities and the allotment of items to Committee's by the Board of Management.
- f) Issues relating to major policies, constitutional change, incorporation responsibilities and authority, or major financial borrowings and strategic issues shall be directed to the Board of Management.

3.6 OTHER COMMITTEE MEETINGS

- a) Other Committees shall meet and operate in the area for which they are specifically created at times and places as required or as decided by the Board of Management.

SECTION 4: DUTIES OF BOARD MEMBERS AND OTHERS

This section provides for Role Descriptions for all Officer Positions (both elected and prescribed in the Constitution, By-Laws and those appointed and not formally prescribed). Primary accountabilities for all Officers are included below.

4.1 BOARD OF MANAGEMENT

4.1.1 The PRESIDENT shall:

- a) be the nominal head of the Club and shall be a member ex-officio of all Committees;
- b) be chairperson of the Club and Board of Management;
- c) preside at all meetings of the Club and shall exercise his authority by generally supervising the affairs of the Club in conjunction with the Board of Management;
- d) when presiding at a meeting, have a deliberative and a casting vote;
- e) have unlimited authority on every question of order, only to what is equitable and just in the circumstances;
- f) attend each Branch Council meeting, being the Club's representative on the Branch Council;
- g) where required, be responsible for the discipline of all Members in all matters in general;
- h) represent the Club at major award presentations throughout the season;
- i) facilitate all matters relating to conflict, grievances, harassment, equity and the like of any Club members.

4.1.2 The SECRETARY shall:

- a) be chairperson of the Membership Services Committee;
- b) forward notices of all meetings and the business to be transacted thereat to Members in accordance with the By-Laws;
- c) record and keep Minutes of all Annual General, General, Special General, Board of Management, Meetings;
- d) conduct the correspondence of the Club and be responsible for the custody of all documents and instruments of Incorporation belonging to the Club and for the disposition thereof;
- e) be responsible for the drafting of the Annual Report to be submitted to the Board of Management for approval before printing and circulation to all Members at least seven (7) days prior to the Annual General Meeting;
- f) carry out all duties arising from decisions of Annual, Special, General and/or Committee Meetings;
- g) be responsible for any investigation of the conduct and discipline of all Members in all matters in general;
- h) respond to all requests for Membership category changes or requests;
- i) be the single point of contact with City of Gold Coast Officers regarding all issues associated with the property;
- j) oversee the fire safety systems and regulatory compliance matters;
- k) maintain a register of all club keys and be responsible for distribution of keys including for any area of the clubhouse assigned to another entity or person associated with that entity;
- l) coordinate membership growth and youth development in the Club;

- m) oversee the management of content on the club's Website, Publicity Media, Facebook, Instagram and Social Media.

4.1.3 The TREASURER shall:

- a) be a member of the Finance and Audit Committee;
- b) supervise the receipt of all monies on behalf of the Club and the issuance of receipts for same, and shall be responsible to the Board of Management for such monies. All monies received on behalf of the Club shall be banked within seven (7) days of receipt thereof and all payments over \$100 shall be made by cheque or electronic transfer;
- c) supervise the keeping of necessary records as required by the relevant Government Act, viz., a receipt book to acknowledge collections, a cheque book issued by the Club's bankers for the purposes of payments, and a Ledger to record income and expenditure. Ensure that details of cheque/EFT payments are to be recorded and duly presented to meetings. The Director of Finance shall ensure that the annual audited financial statements, applicable statements and returns are submitted to SLSQ and/or the relevant Government Department, as and when required;
- d) at each Board of Management Meeting, present a report relating to the Club's finances, showing details of receipts and expenditure since the presentation of the previous report and shall produce the Bank statement together with a reconciliation statement, showing the balance as the debit or credit of the Club's finances;
- e) prepare the total Club's Annual Budget and monitor cash flow expenditure throughout the season;
- f) be responsible for the Club's Asset register for equipment and property;
- g) ensure property leases are up to date, all vehicle, boat and trailer registrations are compliant;
- h) ensure all relevant property, vehicle, equipment and contents insurances are current and sufficient
- i) ensure all club assets are insured
- j) be responsible for the overseeing and management of Club fundraising and events.

4.1.4 The CAPTAIN shall:

- a) be chairperson of the Surf Life Saving Committee;
- b) ensure all rostered patrols are conducted in accordance with Association Manuals, policies and procedures;
- c) be responsible for the conduct and discipline of all Active Members in all Club matters, and the general education of Members in Surf Life Saving;
- d) arrange patrols and conferences with Patrol Captains & Chief Training Officer during the season to discuss suggestions and observations made by he or she, or them regarding the general efficiency of the Club in Surf Life Saving;
- e) have the power to refuse the use of Club life saving gear or property to any person;
- f) call upon any members to perform such duties as he deems necessary in the interests of the Club;
- g) be an ex-officio member of Sub-Committees associated with his Life Saving duties;
- h) in consultation with the Grievance Officer, be responsible for the discipline of all patrolling Members in respect of all lifesaving matters;
- i) liaise and coordinate with the Chief Training Officer the requirement to have addition award holders trained for any short fall in patrol teams to meet the required Club's Patrol Agreement to SLSQ;

- j) attend and represent the Club at all Branch or SLSQ Life Saving Meetings;
- k) be the Club's representative on the Branch Life Saving Committee.
- l) present a yearly budget covering all financial matters associated with the Life Saving Committee for approval by the Board of Management

4.1.5 The CHIEF TRAINING OFFICER shall:

- a) be a qualified TAE Cert IV in Training and Assessing or be actively working towards the qualification with a defined agreement with a Certificate IV TAE holder to act as Course Supervisor for the season;
- b) conduct, oversee, or assist in the instruction and preparation of all members awards training and probationary members for Award examinations;
- c) maintain an up-to-date knowledge of the latest methods of Surf Life Saving and the Training Manuals and impart such knowledge to all Club, Trainers, Assessors and Facilitators.
- d) coordinate club run proficiency days;
- e) attend all SLSQ and Branch CTO Meetings and training days;
- f) be the Club's representative on the Branch CTO Committee;
- g) liaise and coordinate with the Captain the requirement to have additional award holders trained for any short fall in patrol teams to meet the required Club's Patrol Agreement to SLSQ;
- h) be responsible for the care, maintenance and housing of Club lifesaving training equipment;
- i) maintain adequate stocks of approved training consumables, material and equipment provided that he must first obtain the approval of the Club Board of Management for the purchase of materials or equipment;
- j) maintain the training room and equipment in a clean and orderly condition and for that purpose, may call on the services of any member;
- k) present a yearly budget covering all financial matters associated with facilitating and conducting club training activities.

4.1.6 The SURF SPORTS OFFICER shall:

- a) be the Chairperson of the Surf Sport Committee;
- b) be the Chairperson of the Surf Sports Selection Sub Committee;
- c) present a yearly budget covering all financial matters associated with the Club Surf Sports competition;
- d) be responsible for the assembly (after selection), transport, accommodation and general behaviour of the team;
- e) be responsible for overseeing and co-ordinating of carnival competition events in Surf Sport;
- f) be primarily responsible for the conduct of all Active Members in all Surf Sport matters, and the general education of Members in Surf Sport;
- g) attend all official briefings at carnivals/events as Team Manger where the Club is represented;
- h) in consultation with the Board of Management and Grievance Officer, participate in the discipline of all Members in all Surf Sport matters;
- i) attend Branch and SLSQ Surf Sport forums where required;
- j) be the Club's representative on the Branch Surf Sports Committee;
- k) arrange post carnivals/events gatherings with Pacific Surf Lifesaving Supporters Club Events/Social Coordinator.

4.1.7 The JUNIOR ACTIVITIES CHAIRPERSON shall:

- a) be chairperson of the Junior Activities Committee;
- b) be responsible for the conduct and co-ordination of all matters relating to Junior Activities,
- c) provide for Junior Members, an education experience in a wide range of subjects and skills within the aquatic/marine environment;
- d) be responsible for the Club's JAC Surfguard data entry accuracy and reporting
- e) present a yearly budget covering all financial matters associated with the Junior Activities Committee for their season;
- f) be responsible for the assembly (after selection), transport, accommodation and general behaviour of the team.

4.2 LIVESAVING OFFICERS

4.2.1 The VICE CAPTAIN shall:

- a) in the event of the absence of the Chairperson, assume all of the defined responsibilities of the Chairperson.
- b) represent all Patrols Captains on the Life Saving Committee;
- c) as required, report back to Patrol Captains on matters of relevance to all patrol operations from the Life Saving committee;
- d) as required, assist in the training and preparation of all Members for patrol operations;
- e) maintain an up-to-date knowledge of the latest methods of Surf Life Saving and the Training Manuals and impart such knowledge to all patrol members;
- f) manage patrols such that all members, including Cadet members, are encouraged to upgrade their lifesaving skills through training activities and/or scenario work.

4.2.2 The IRB CAPTAIN shall:

- a) be a qualified IRB Driver;
- b) at all times be subject to the direction of the Captain;
- c) be responsible for the care, maintenance and housing of Club IRB's and associated equipment;
- d) be responsible for the training, rostering and supervision of all IRB Drivers and Crew in consultation with the Chief Training Officer and Captain;
- e) in consultation with the Surf Sport Team Manager, be responsible for the provision of IRB equipment and crews as required to satisfy the Club's carnival competition requirements.

4.2.3 The FIRST AID OFFICER shall:

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

4.2.4 The GEAR STEWARD shall:

- a) be responsible for all the lifesaving gear (with the exception of surf sport boards & skis, surf boat or its gear) belonging to the Club, refer to Appendix E;
- b) keep all such gear in good repair and condition, and report to the Captain any damage which he is unable to repair. Any expense shall require the approval of the Life Saving Committee;
- c) at the request of the Surf Sports Officer and or Team Manager, prepare gear and equipment, other than Surf Boats and Surf Sport Craft, required for carnivals/events;
- d) for the purpose of implementation of such duties and with the approval of the Captain, have power to call on the services of any member.

4.2.5 The COMMUNICATIONS OFFICER shall:

- a) be a qualified radio officer;
- b) be subject to the direction of the Captain;
- c) be responsible for the care, maintenance and availability of serviceable radio equipment and electronic devices for recording patrol statistics and data;
- d) report to the Captain any damage which he is unable to repair. Any expense shall require the approval of the Life Saving Committee;

4.3 SURF SPORTS OFFICERS

4.3.1 The TEAM MANAGER shall:

- a) Shall in the event of the absence of the Surf Sports Officer
 - i) be the nominal head of the Surf Sports Selection Sub Committee in an acting capacity.
 - ii) preside at all Surf Sports Meetings of the Club and shall exercise their authority in the capacity as acting Surf Sports Officer.
 - iii) have unlimited authority on every question of order, only to what is equitable and just in the circumstances.
 - iv) be the Club representative on the Branch Board of Surf Sports as acting Surf Sports Officer.
 - v) in consultation with the Branch or SLSQ Grievance Officer, participate in the discipline of all Members in all Surf Sport matters;
 - vi) in consultation with the Branch or SLSQ Grievance Officer, participate in the discipline of all Members in all Surf Sport matters.
- b) Shall in the event of the absence of the Surf Sports Officer, act as proxy at Board of Management meetings with full voting rights of the Surf Sports Officer;
- c) Coordination of all fund raising of the Surf Sport Team/s;
- d) Arrange and coordinate the transport to and from carnivals of all Club equipment;
- e) Attend Branch and SLSQ Surf Sport forums where required.

4.3.2 The SURF SWIM CAPTAIN shall:

- a) be responsible for the care, maintenance and housing of all gear appertaining to Swimming competition;

- b) at all times be subject to the direction of the Surf Sports Officer and Team Manager;
- c) be responsible for the training and supervision of all Swimming competitors in consultation with the Surf Sports Officer;

4.3.3 The SURF BOAT CAPTAIN shall:

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

4.3.4 The BOARD & SKI CAPTAIN shall:

- a) be responsible for all the Club's boards and skis and its orderly housing;
- b) at all times be subject to the direction of the Surf Sports Officer and Team Manager;
- c) be responsible for the housing of boards and skis belonging to the Club & members,
- d) in consultation with the Surf Sports Officer permit or prohibit the use of any Club boards and skis or Association gear;
- e) maintain Club boards and skis in a serviceable condition.

4.3.5 The BEACH CAPTAIN shall:

- a) be responsible for all the Club's beach equipment and its orderly housing;
- b) at all times be subject to the direction of the Surf Sports Officer and Team Manager;
- c) in consultation with the Surf Sports Officer permit or prohibit the use of any Club beach equipment or Association gear;
- d) maintain Club beach equipment in a serviceable condition.

4.3.6 The SURF / POOL RESCUE CAPTAIN shall:

- a) be responsible for the care, maintenance and housing of all gear appertaining to Lifesaving competition;
- b) at all times be subject to the direction of the Surf Sports Officer and Team Manager;
- c) be responsible for the supervision of all Surf / Pool Rescue competitors in consultation with the Surf Sports Officer.

4.4 MEMBERSHIP SERVICES OFFICERS

4.4.1 The DEPUTY PRESIDENT shall:

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

4.4.2 The GRIEVANCE OFFICER shall:

- a) be subject to the direction of the Board of Management.
- b) determine (in consultation with the President or Appointee) matters relating to grievances, harassment, equity and the like;
- c) as soon as practicable after receiving a reference, meet with, or discuss the issue with the aggrieved party/parties, and take whatever steps and conduct whatever investigations are necessary to determine if the grievance is legitimate, including a requirement of members to provide a statement or report;

- d) refer it to the Branch or SLSQ who must then action the grievance within a reasonable time but no longer than three (3) months;
- e) if the grievance is determined to be not legitimate, advise the aggrieved party/parties accordingly;
- f) if unable to resolve a grievance or the grievance is considered to be of a very serious nature, they shall report the grievance to the President/Judiciary Committee for action;
- g) keep all information surrounding the circumstances of a grievance confidential, and communicate such information only to the President/Judiciary Committee and/or an appropriate enforcement body following written authority from the President/Judiciary Committee.
- h) fulfil the role of the Member Protection Information Officer and be responsible for being a contact for a person seeking assistance with a Report or Formal Complaint of a possible breach of the SLSA Member Protection Policy to provide impartial information about policy, process and procedures to the person with the concern or the person who is alleging a breach of the Policy

4.4.3 The YOUTH DEVELOPMENT OFFICER shall:

- a) be subject to the direction of the Secretary;
- b) In consultation with the Secretary, prepare club youth development policy and implementation plan;
- c) lead and participate in Youth Development activities;
- d) be responsible for promoting and delivering development programs, mentoring programs and other activities for youth members (generally 15 years to 20 years);
- e) oversee youth recruitment and retention programs and activities within the Club;
- f) promote youth members' participation in development camps and leadership programs;
- g) pursue any issues of benefit to the safety and enjoyment of youth members;
- h) work with and assist the Board of Management to enhance recruitment and retention and transition through the various age levels;
- i) maintain an up-to-date knowledge of Surf Life Saving policies in respect of Youth Development and Child Protection and impart such knowledge to all Club Officers;
- j) present a yearly budget covering all financial matters associated with Youth Development activities.

4.4.4 The REGISTRAR shall:

- a) be subject to the direction of the Secretary;
- b) keep a register of all Members and an up-to-date record of their addresses and contact details, and shall file all application forms whether or not the nominees have been accepted;
- c) be responsible for the club's Surfguard date entry accuracy and reporting;
- d) prepare monthly memberships reports and date for the Board of Management and Annual Report;
- e) be responsible for processing new and renewal applications for Working with Children Checks (Blue Card) for all club members;
- f) prepare monthly Working with Children Check reports and data for the Board of Management;

- g) conduct exit surveys of club members that have disconnected their membership and provide data to the Board of Management.

4.4.5 The CLUB HOUSE DIRECTOR shall:

- a) oversee and report on the property and assets of the Club
- b) manage the Clubs property maintenance schedule and repairs;
- c) report monthly on works to be carried out on Club property and assets;
- d) present a yearly budget to the Treasurer covering all financial matters associated with the Club house maintenance and repairs.

4.4.6 The PUBLICITY OFFICER shall:

The duties of the Publicity Media Officer are to oversee and promote the management of content on the club's Website, Facebook and Publicity of the Club.

- a) be subject to the direction of the Secretary.
- b) work with and assist the Membership Services Committee to enhance recruitment and retention and transition through the various age levels.
- c) provide advice to Membership Services Committee on ways to ensure volunteers are being communicated to and satisfied within the Clubs different areas of operations and activities.
- d) assist Club Officers to identify and recruit new Officers and members.
- e) assist the Clubs paid administration staff in promotion of Surf Sports Athletes, Club Sponsors, Local Government and Life Saving pathway programs.
- f) Press or media statements are to be forwarded to the Secretary for discussion and approval with the President before release to any commercial or social media outlet or platform;
- g) No press or media statement of any type is to be released to the public media domain, before it is approved by the President or Board of Management taking into account that it will not be in conflict with the SLSA and SLSQ media policies or Code of Conduct.

4.4.7 The EVENTS / SOCIAL COORDINATOR shall:

Coordinate the social and funding raising and account for all event activities of the Club and its members.

- a) be subject to the direction of the Board of Management;
- b) liaise with the Pacific Surf Lifesaving Supporters Club committee for social events including but not limited to the, Annual Dinner and other events approved by the Board of Management;
- c) in conjunction with Publicity Officer arrange for the promotion of Club social activities;
- d) provide a point of contact for the 'Old Boys' and 'Life Members' to assist with their reunions per season;
- e) be responsible for coordination of the annual SLSQ Appeal;
- f) be responsible for coordination of general fundraising activities.

SECTION 5: STAFF AND EMPLOYEES

5.1 STAFF APPOINTMENTS

- a) The Board of Management, may appoint an Administration Officer and/or other paid employees for specific assignments.

SECTION 6: COMMITTEES

6.1 GENERAL

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

6.2 LIFE SAVING COMMITTEE

- a) The Life Saving Committee shall comprise the Captain, Chief Training Officer, Vice Captain, IRB Captain, First Aid Officer, Communications Officer and Gear Steward.
- b) It shall be responsible for:
 - (i) maintaining and improving lifesaving patrols and services;
 - (ii) co-ordinating the training, instructional and proficiency programs for members;
 - (iii) disseminating lifesaving information to all patrol teams/groups;
 - (iv) dealing with matters referred to it from the Club;
 - (v) making recommendations relating to lifesaving to the Board of Management;
 - (vi) preparation of detailed annual budget of all operational costs and equipment purchases for the forthcoming season

6.3 SURF SPORTS COMMITTEE

- a) The Surf Sports Committee shall comprise of the Surf Sports Officer (Chairperson), Team Manager (Deputy Chairperson), Surf Swim Captain, Beach Captain, Board & Ski Captain, Surf Boat Captain, Surf/Pool Rescue Captain, IRB Captain and JAC Rep.
- b) It shall be responsible for:
 - (i) promoting involvement in surf sports activities;
 - (ii) co-ordinating of competition at surf sports carnivals/events for members;
 - (iii) dealing with matters referred to it from the Board of Management;
 - (iv) making recommendations related to surf sports to the Board of Management;

- (v) preparation of detailed annual budget of all operational costs, training, touring and equipment purchases for the forthcoming season

6.4 MEMBERSHIP SERVICES COMMITTEE

- a) The Membership Services Committee shall comprise of the Secretary (Chairperson), Director of Junior Activities, Youth Development Officer, Publicity Media Officer and Registrar.
- b) It shall be responsible for:
 - (i) promoting involvement in membership service activities;
 - (ii) co-ordinating and communicating all related membership information and notification requirements;
 - (iii) dealing with matters referred to it from the Board of Management;
 - (iv) making recommendations related to membership services to the Board of Management;
 - (v) coordinate the Club merchandising products, ordering, storage, distribution and sales;
 - (vi) preparation of detailed annual budget of all operational costs for the forthcoming season

6.5 FINANCE AND AUDIT COMMITTEE

- a) The Finance and Audit Committee shall comprise of the President (Chairperson), Secretary, and Treasurer.
- b) It shall be responsible for:
 - (i) the management and co-ordination of property, assets, fund raising events, merchandising activities;
 - (ii) dealing with matters referred to it from the Board of Management;
 - (iii) assess all budgets submitted by all Committees and provide commentary to each Committees on available funds to enable finalisation for submission to the Board of Management;
 - (iv) making recommendations related to all expenditure from the Life Saving, Surf Sports, Membership Services, Surf Sports Selection, Junior Activities, Building Development and or any other Committee to the Board of Management.

6.6 JUNIOR ACTIVITIES COMMITTEE

- a) The Junior Activities Committee shall comprise of the Junior Activities Chairperson (Chairperson) and the following Junior Activities Committee positions Deputy Junior Activities Chairperson, Secretary, Treasurer, Registrar, Awards Officer, Education Officer, Water Safety Officer, Team Manager, Gear Steward and Officials Representative.
- b) It shall be responsible for:
 - (i) the conduct and co-ordination of all matters relating to Junior Activities;
 - (ii) providing for Junior members an educational experience in a wide range of subject and skills within the aquatic/marine environment;
 - (iii) preparing Junior members for their eventual transition to the marine and patrol environment of the Senior movement;
 - (iv) participating in such junior activities;

- (v) preparation of detailed annual budget of all operational costs for the forthcoming season
- c) Be represented on the Board of Management by the Director of Junior Activities.

6.7 JUDICIARY COMMITTEE

- a) The Judiciary Committee shall be appointed by the Board of Management (based on past and relevant experience) on an as needed basis and shall comprise a Chairperson, a Secretary (who shall keep records of findings and decisions) and three (3) SLSA Bronze Medallion holder members. It shall function in accordance with the Rules of Procedure attached to the By-Laws as Appendix "A" and act on matters referred to it under the Constitution Clauses 14, 15 and 16.

Note: Board of Management members cannot be members of the Judiciary Committee.

6.8 SURF SPORTS SELECTION COMMITTEE

- a) The Surf Sports Selection Committee shall comprise of the Surf Sports Officer (Chairperson), Deputy President, Team Manager, Youth Development Officer.
- b) It shall be responsible for:
 - (i) the selection of competition teams to carnivals/events;
 - (ii) responsible for the coordination of fund raising activities for State, Australian and International touring;
 - (ii) the Team Manager is responsible for the notification of team selection/s;
 - (iv) preparation of annual budget of all touring costs for the forthcoming season.

6.9 LIFE MEMBERSHIP COMMITTEE

- a) The Life Membership Committee shall comprise of (3) three Life Members of the Club appointed by the Board of Management.
- b) It shall be responsible for:
 - (i) the review and history checking of all nominations for life membership;
 - (ii) report in writing of its findings to the Board of Management of its recommendation for consideration of one Life Membership for approval by the Board of Management should they see fit;
 - (iii) appointees may only sit on the committee for a maximum period of three consecutive years before a new nominee to be appointed by the Board of Management. At least one appointee must be replaced annually.

6.10 MERITORIOUS AWARDS COMMITTEE

- a) The meritorious committee shall comprise of the Club President, Secretary, Captain, Chief Training Officer, and two elected members;
- b) It shall be responsible for the nominations for all club and branch awards. Further it will be responsible for nominations for community based awards.

6.11 BUILDING DEVELOPMENT COMMITTEE

- a) The Building Development Committee shall comprise of the Deputy President (Chairperson), Treasurer, Club House Director, one representative of the Pacific Surf Lifesaving Supporters Club and a Club Member who has extensive design, development and/or construction experience as nominated by the Board of Management.
- b) It shall be responsible for the major building activities associated with the property when the designated authority has been issued by the Board of Management after approval by the Members at a General Meeting.

6.12 OTHER COMMITTEES

- a) The Board of Management may appoint other Committees, Sub-Committees, panels or groups to deal with particular items or projects from time to time;
- b) In such circumstances, the Board of Management shall clearly define the composition, responsibilities, and terms of reference of such Committees, panels, groups etc. The Board of Management shall encapsulate these terms in a formal Charter which shall be subject to subsequent endorsement by the Board of Management.

SECTION 7: PROCEDURES AND RULES

7.1 ASSOCIATION POLICIES, RULES, REGULATIONS

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

7.2 AUXILIARY ORGANISATIONS

- a) The Club may authorise the formation and/or affiliation of auxiliary organisations, e.g. - Supporters Club, and Winter Swimmers Club etc. with the approval of SLSQ.
- b) Each organisation's formation and function shall be reviewed annually and shall be compatible with the "Objects and Powers" provisions contained in Clause 3 of the Constitution.
- c) The Constitution of any such organisation and any amendments thereto shall at all times be subject to the endorsement of the Board of Management.
- d) The Club may be represented on any such organisation by a Board of Management Director or member of the Club appointed annually for the purpose; and such organisation may by special invitation likewise be represented on the Club.
- e) Such organisations shall be registered incorporated bodies subject to Clause 33.4 of the Constitution

7.3 CORRESPONDENCE

- a) All correspondence from SLSQ to the Club, or from the Club to SLSQ, shall in the first place be transmitted through the Branch and no such correspondence shall be considered and/or attended to by SLSQ unless and until it has been so transmitted; provided that the provisions of this By-Law shall not apply to correspondence which has been copied by SLSQ to the Branch and Club for attention and/or action on the following subject matters:
- (i) Government subsidy and/or subsidy returns;
 - (ii) State or Local Government matters;
 - (iii) Workcover, Public Risk and general Insurance matters;

- (iv) Large financial investments or borrowings;
 - (v) Clubhouse buildings, extensions or alterations;
 - (vi) Cancellation or suspension of membership;
 - (vii) Purchasing orders;
 - (viii) Hire of State Centre/Branch gear, equipment or premises;
 - (ix) Constitutional matters;
 - (x) Response to Circulars;
 - (xi) Any other matter which SLSQ or Branch may, from time to time, direct be exempted from this By-Law as a matter of expediency.
- b) The Board of Management may by agreement direct a specific item of correspondence to be sent or received from SLSQ when exceptional circumstances exist and warrant such action.
- c) Upon receipt of any correspondence from a Club, which is required to be transmitted through a Branch, the SLSQ Chief Executive Officer shall, at his discretion, either forward such letter to the Branch concerned for appropriate action or return it to the Club concerned for transmission through the Branch.

7.4 AUDITS

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

The Auditor:

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

7.5 COLLECTION SANCTION

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

7.6 FUNDRAISING

- a) The Club and any affiliated auxiliary organisation shall comply with the law with respect to fundraising.
- b) Fundraising authority is vested in the Board of Management which may allocate portions of its responsibilities pertaining to specific projects to Committees, and/or other special Committees, panels etc. to maintain, direct and/or develop these projects.
- c) The Club is authorised to solicit monetary donation, sell art union ticket by door to door, canvas to any company, firm, newspaper or other business operation or trading or any person within the area of the Club as defined. Similar fund raising shall be permitted outside these areas after prior negotiation and with approval of SLSQ.
- d) The area of the Club referred to in (c) above is all that area designated by the Branch.
- e) The Branch shall determine, from time to time, areas from within the area prescribed in (b) above, which shall be referred to as "Club" Fund Raising Areas" and it shall be incumbent upon the Club to adhere to this area in relation to fund raising activities within the Branch area.

7.7 INSURANCE

a) General

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

b) Personal Accident Insurance

(i) Paid Staff and Employees

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

(ii) Members

Personal Accident Insurance is granted under SLSQ's Workcover policy for all registered members of Surf Life Saving Queensland (except Junior Activity (Nipper) members aged 5 to 14 years – i.e. non BM holders) whilst engaged in Surf Life Saving activities.

(iii) Cover/benefits

The benefits and conditions applying under the policy are described in the relevant Government Act and/or contracts of insurance. An application for compensation is valid and enforceable only if the application is lodged in accordance with policy requirements.

(iv) Junior Activity Members (5-14 years)

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

- (v) **Volunteer Workers**

A Personal Accident Policy shall be arranged by SLSQ to cover all persons engaged in voluntary work for the Club, and/or who are not eligible for workers' compensation. The benefits cover exceptional items (refer Insurance Manual), e.g. death, liability, medical (restricted), dental, ambulance. A register of workers shall be established for each relevant activity which should be signed by all volunteer workers prior to commencement of work.
- c) **Public Liability Insurance**
 - (i) A Public Liability policy shall be negotiated by SLSQ to cover the Club and Auxiliary Organisations against legal action instigated by a member of the public during activities approved by SLSQ.
 - (ii) Whilst the cover can apply to normal Surf Life Saving Association activities, a separate cover may need to be taken out by the Club or Auxiliary Organisations entering into some activity away from the Club facilities or beach, such as a display or fundraising activity where the public are involved. The Insurance Brokers should be consulted in these situations.
- d) **Insurance on Property**
 - (i) State Centre shall negotiate on behalf of the Club insurance policies to cover loss or damage to its own property, or upon goods in transit destined for one of its affiliated bodies.
 - (ii) It is mandatory for the Club to hold property insurances to be held with a reputable Insurance Company approved by SLSQ, and it is a requirement that such policies, if not managed by State Centre's brokers, be submitted to SLSQ for its endorsement to ensure that the protection provided is adequate and serves the interest of the Association.
 - (iii) Branches, Clubs and Auxiliary Organisations shall be responsible for the cost of their own insurance and shall be well advised to reassess values at least every second year.
- e) **Directors and Officers Insurance**
 - (i) A Directors & Officers policy shall be negotiated by SLSQ to cover officers of SLSQ and its affiliated Branches and Clubs and auxiliary organisations against claims made against an officer during the policy period for a wrongful act.
 - (ii) It is noted that this is a "claims made" policy, e.g. no claim can be made against the policy once it has expired or has been cancelled. Also, if a case exists where a claim may be possible, immediate notification must be given to SLSQ's Insurance Broker.
- f) **Professional Indemnity Insurance**
 - (i) A Professional Indemnity policy shall be negotiated by SLSQ to cover members whilst engaged in authorised Association activities.
 - (ii) The indemnity covers claims the insured is legally liable to pay for, e.g. breach of professional duty or by reason of any negligent act, error or omission.

7.8 AFFILIATION

The Club and its affiliates agree:

- a) that they are bound by this Constitution and By-Laws and that the Constitution and By-Laws operate to create a single, uniform entity through and by which the objects of the Club and surf lifesaving are to be conducted, promoted and administered;

7.9 DISSOLUTION OF AFFILIATED BODIES

- a) The Constitution of every affiliated body shall contain a dissolution clause similar to that set out in Clause 40 of the Constitution and should any affiliated body fail to make any such specific provision Clause 40 of this Constitution is deemed to be included in the Constitution of such affiliated body.
- b) In the event of any affiliated body becoming inactive, going into recess or having its affiliation terminated, the Club is empowered to require such body to implement the requirements of Clause 40 of the Constitution regarding dissolution. Should there be no remaining responsible Officers of such affiliated body capable of carrying out the required procedures for dissolution; the Club is empowered by its Constitution to take any necessary action in this regard.
- c) Upon the dissolution of an affiliated body in terms of the preceding Clauses, the books, accounts and assets of the affiliated body shall be handed over to or taken possession of by the Club to deal with as it may, in its absolute discretion, see fit.

7.11 CAPITAL OR BUSINESS EXPENDITURE

- a) The Club shall notify SLSQ of any proposed Capital or Business Expenditure over \$100,000.00.
- b) Capital or Business Expenditure means:
 - (i) alterations, additions or improvements to existing facilities;
 - (ii) acquisition of any land, buildings or other property;
 - (iii) the building of any new facilities;
 - (iv) the building or refurbishment of any other facilities either singularly or in partnership;
 - (v) the purchase of investment in any business venture, community project, or other project using Club (including affiliated supporter's club) funds or borrowings;
 - (vi) major development or re-development of a clubhouse;
 - (vii) development or re-development of any property;
 - (viii) and and/or property acquisition (Freehold or lease);
 - (ix) negotiation and/or renewal of leases;
 - (x) a commercial or non-commercial venture on either side (eg at the Clubhouse) or off-site, either singularly or in partnership.
- c) Such notification to SLSQ is to include:
 - (i) a brief outline of the proposed Capital or Business Expenditure clearly stating the intended purpose;
 - (ii) details of architectural plans (where necessary);
 - (iii) cost estimates with recommendation and justification;
 - (iv) details of recommendation of the above proposal in General Meeting Minutes;
 - (v) latest financial information (Profit & Loss & Balance Sheet) prepared in accordance with accrual accounting requirements;
 - (vi) confirmation that appropriate insurance cover is in place; and
 - (vii) any other information considered relevant by SLSQ.
- d) Where financing is required to support the Capital or Business Expenditure, the Club must provide details of the proposed financing arrangements, and appropriate financial data supporting the capacity to service the proposed debt.

- e) In the situation where future anticipated income (eg future distributions from Supporters Clubs including gaming, meals and bar revenue) is being relied upon to service the debt, an independent professionally prepared financial analysis must also be prepared and submitted to SLSQ, including the following:
 - (i) a detailed business plan;
 - (ii) cash flow projections for at least five (5) years;
 - (iii) market survey/sensitivity analysis confirming the feasibility of the proposal;
 - (iv) funding arrangements.
- f) The Club shall ask SLSQ Board of Finance and Property to assess the proposals for Capital or Business Expenditure and to issue an Approval to Proceed on receipt by the Board of all relevant information.
- g) No Capital or Business Expenditure over \$100,000 shall be undertaken by the Club until SLSQ has issued an Approval to Proceed.
- h) No significant expenditure (>\$20,000), shall be undertaken by the Club without the approval of the Club Members at a General Meeting.

7.12 INTELLECTUAL PROPERTY

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

SECTION 8: MEMBERSHIP

8.1 MEMBER PROTECTION

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

8.2 CODES OF CONDUCT

All members, Officers and staff shall comply with the following Codes of Conduct:

- a) Individual members shall:
 - (i) Respect the rights, dignity and worth of others
 - (ii) Be fair, equitable, considerate and honest in all dealings with others;
 - (iii) Be aware of, and maintain an uncompromising adherence to, SLSA standards, rules, regulations and policies;
 - (iv) Be professional in, and accept responsibility for actions;
 - (v) Make a commitment to providing quality service;
 - (vi) Use facilities and equipment for their proper purposes, and care for and maintain such facilities and equipment correctly.
 - (vii) Refrain from anything which may abuse, intimidate or harass others;
 - (viii) Preserve and protect the standing and reputation of the Association;
 - (ix) Understand the consequences of any breach of SLSA's Member Protection Policy or Codes of Conduct.
- b) Team Managers/Age Managers/Chaperones shall:
 - (i) Abide by the "Code of Conduct" for Members;
 - (ii) Be responsible for the overall welfare and well-being of team members and officials when travelling with a team;
 - (iii) Maintain a duty of care towards team members and an accountability for the management of the team;
 - (iv) Have a sound knowledge of SLSA policies, responsibilities (and competition rules where necessary), and ensure that the conduct of the team is in accordance with these policies and guidelines;

- (v) Foster a collaborative approach to the management of the team.
- c) Coaches/Officials shall:
 - (i) Abide by the Code of Conduct for members;
 - (ii) Be responsible for matters concerning the coaching, training, development and competition of surf lifesavers;
 - (iii) Maintain a duty of care towards others and an accountability for matters relating to training and competition;
 - (iv) Have a sound working knowledge of SLSA policies, rules and regulations, officiating and coaching techniques;
 - (v) Ensure that any physical contact with others is:
 - (a) appropriate to the situation
 - (b) necessary for the person's development
 - (vi) Provide a safe environment for training and competition.
 - (vii) Be a positive role model for surf lifesavers and SLSA.
- d) Administrators/Directors/Officers shall:
 - (i) Abide by the Code of Conduct for members;
 - (ii) Be fair, considerate and honest with others;
 - (iii) Operate within the rule of SLSA;
 - (iv) Be professional in all actions. Language, presentation, manner and punctuality should reflect high standards;
 - (v) Resolve conflicts fairly and promptly through established procedures;
 - (vi) Maintain strict impartiality;
 - (vii) Maintain a safe environment for others;
 - (viii) Show concern and caution towards others;
 - (ix) Be a positive role model.
- e) Youth Leaders shall:
 - (i) Abide by the Code of Conduct for members;
 - (ii) Recognise the importance of, and encourage the development of members, encompassing camaraderie and team work;
 - (iii) Treat members with respect and accept the duty of care for the welfare, safety health and happiness of members and conduct themselves responsibly;
 - (iv) Be a role model to all members and conduct themselves in a manner befitting a leader with Surf Lifesaving;
 - (v) Adhere to all Association Policies and ensure that the duty of care to all members is met in these areas;
 - (vi) Accept that adults in Surf Lifesaving do not involve themselves in unobserved activities with individual youth members;
 - (vii) Realise that physical or verbal abuse, neglect or any other type of abuse, is unacceptable conduct by any member of the Association;
 - (viii) Allow members the opportunity and access to gain valuable leadership qualities and skills through lifesaving and surf sports activities;

- (ix) Provide the best possible lifesaving and sporting activities for members with the view to encouraging and promoting long term active participation;
- (x) Be reasonable in demands on members time, energy, enthusiasm and commitment;
- (xi) Ensure young members are involved in planning, leadership, evaluation and decision making processes at various levels within the Association;
- (xii) Ensure that equal opportunities for participation in lifesaving are made available to all members regardless of ability, race, religion or gender.

SECTION 9: CLUB COLOURS/BADGES, COMPETITIVE CONDITIONS

9.1 COLOURS AND BADGES

- a) The existing Club's colours, badges and competition cap design shall not be altered without approval of the Board of Management, SLSQ and the Association.

9.2 COMPETITIONS

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

9.3 COMPETITIVE RIGHTS, OBLIGATIONS AND QUALIFICATIONS

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

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

9.4 CLUB CHAMPIONSHIPS

- a) The Club Championships shall be conducted annually on a date determined by the Board of Management.
- b) The list of events to be conducted at the Championships shall also be determined by the Surf Sports Committee in consultation with the Board of Management under direction of the Surf Sports Officer.

9.5 TROPHIES, PRIZES AND ELIGIBILITY

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

- a) The Association shall reserve unto itself the authority to determine, from time to time, conditions relative to the acceptability of trophies or prizes, reimbursement of

accommodation, travel and other expenses, and eligibility to compete for trophies or prizes.

- b) Wagering or gambling on any competition conducted by the Association, State, Branch or Club is not permitted.
- c) The Association shall be the authority to approve competitions involving “cash prizes” and therefore any Affiliated Club or other section of the Association wishing to allocate any “cash prizes” for competition events shall seek the approval of their respective Branch, State Centre or in the case of events involving international or interstate competitors, the Association.
- d) “Cash prizes” shall not be awarded for any event at an Association, State or Branch championship carnival.
- e) “Cash prizes” shall not be made available from Affiliate Club general funds, however, sponsor income may be distributed utilising the club banking account.
- f) Notwithstanding the foregoing, sponsors should be strongly encouraged to provide items of lifesaving gear as prizes rather than cash but where “cash prizes” are presented they shall be portrayed as coming direct from the sponsors.
- g) The distribution of any prizes, including cash, will be in accordance with the direction of the Board of Management.

9.6 TEAM MANAGEMENT

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

SECTION 10: DISCIPLINE, PENALTIES AND APPEALS

(Refer Appendix A)

10.1 JURISDICTION

- a) The penalising authority for the Club shall be vested in the following:
 - The Board of Management
 - The Judiciary Committee
 - The President
 - The Deputy President
 - The Secretary
 - The Captain (for patrolling members in respect of Lifesaving matters)
 - Patrol Captain (for patrolling members in respect of Lifesaving matters)
- b) All penalties not determined by the Board of management are to be endorsed by the Board of Management before being applied.
- c) Should the Club decide the alleged offence is beyond the responsibility of the Club, the matter may be referred to the Branch or SLSQ for determination.

10.2 DISCIPLINE

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

10.3 PENALTIES

- a) Without limiting the scope of penalties that may be imposed, the form a penalty may take includes:
 - (i) Reprimand - with the offence being recorded in the books of the penalising body;
 - (ii) Suspension - may be applied as a complete or partial suspension of a member's privilege for a definite period of time or until a definite pre-set goal is reached, and partial suspension could well require the member to carry out all or part of his duties in the Club without being able to avail himself of the normal facilities and privileges of a member. The extent or limit of the penalty must be set by the penalising authority imposing the said penalty, provided that a period of suspension shall not be longer than 5 calendar years from the date of the order.
 - (iii) Termination - Club membership may be terminated because of the prevailing circumstances, and when the extreme action of expulsion is not warranted; A member whose membership is terminated may re-apply for membership of the Association at some later time.

- (iv) Expulsion - from "Club Membership" would be applied only as a response to a very serious offence against the Club, the Association or their principles or ideals.
 - (v) Fines - imposed in such amounts as the penalising authority thinks fit.
 - (vi) Such combination of any of the above as the penalising authority thinks fit.
 - (vii) Such other penalty or penalties as the penalising body thinks fit.
- b) Where an individual Club member is suspended by the Club, he shall forfeit either completely or partially, as may be decided, all privileges as a member of the Club during the period of his suspension. In the case of complete suspension, a member shall forfeit all rights during the currency of his suspension. Partial suspension shall limit such member's participation in inter-Club or Association activities but shall not interfere with his rights as a Club member.

10.4 APPEALS

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

10.5 REFERENCES

- a) In addition to the matters set out in By-Law 10.1 - 10.4 which are of a disciplinary nature, any interested party may submit a Reference or Grievance to the Club upon any matter touching the affairs of the Club, the Association and its members.

- b) Every Reference or Grievance shall be in writing setting out clearly the matters sought to be investigated by the Club, and the Board of Management shall then decide where such Reference shall be directed.
- c) The hearing of a Reference or Grievance shall proceed in accordance with Appendix “A” to these By-Laws.
- d) The hearing of any appeal from a decision on a Reference or Grievance shall proceed in accordance with Appendix “A” to these By-Laws. (Refer to Appendix “A”).

APPENDIX "A": JUDICIARY COMMITTEE RULES OF PROCEDURE

1. DEFINITIONS

In these Rules:

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

2. JURISDICTION

- 2.1 The Committee primarily has jurisdiction to hear a Reference of a disciplinary nature referred to it pursuant to By-Law 10.2.
- 2.2 The Committee may also hear References directed to it by the Board of Management pursuant to By-Law 10.5.
- 2.3 Every reference directed to the Judiciary Committee shall be dealt with by that Committee or it may refer the conduct of the Reference to the Branch or State Centre:
 - a) in whose area the matter for Reference arises, or
 - b) having the most direct interest in the matters raised by the referenceIf the Reference is referred to a Branch or State Centre that Branch or State Centre shall appoint its Judiciary Committee to hear the Reference and proceed in the terms of Rule 3 set out hereunder.
- 2.4 Every person bringing a reference shall have a right to be heard by the Committee provided that-
 - a) he has an interest in the subject matter of the reference;
 - b) his reference is in clear and unambiguous terms.
- 2.5 In every case the committee is required to proceed in accordance with the rules of natural justice.

3. PROCEDURE

The following procedures shall be followed by the Judiciary Committee:

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

days' notice of the hearing to all interested parties and such notice shall be in or to the effect of the following form:

PACIFIC SURF LIFE SAVING CLUB

To: The Secretary

Dear Sir/Madam,

You are hereby notified that a meeting of the Judiciary Committee of this Club will be held at on20.. ata.m./p.m. to enquire into the following matter, referred to the Committee by the Club.

.....

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

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

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

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

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

Yours faithfully,

The Secretary

- 3.4 The Committee shall have power to require the attendance of any member at any hearing by the Committee. The Secretary shall give reasonable notice to a member informing him of the time and place of the hearing, and that he is required to attend.
- 3.5 In the case of a complaint against a member of the Club who has been suspended, he shall remain under suspension until the decision of the Committee, unless the Chairperson of the Committee decides otherwise.
- 3.6 The independent investigator if appointed by the Chairperson of the Committee shall make enquiries within a reasonable time.
- 3.7 The Committee shall likewise conduct the enquiry within a reasonable time, subject to any reasonable application for an adjournment in writing and received by the Secretary at least three days before the time fixed for the enquiry.

- 3.8 No interested party shall be entitled to legal representation as of right at the Committee hearing provided always that an application may be made at the commencement of the hearing for such representation. The Committee may grant or refuse such an application as it sees fit. The same provisions shall apply where an application is made for representation other than legal representation, provided that where a minor (U18) member is charged it shall be mandatory for a parent/s or guardian, or an adult approved by the parent(s) or guardian to be invited to attend at all material times, and every effort should be made to encourage these persons to be in attendance in the interests of the minor (U18) member.
- 3.9 Any notice required by the Rules to be given by the Secretary shall be given in writing delivered personally or sent by prepaid post addressed to the member concerned. A notice given by post shall be deemed to have been given on the day following that on which it shall be posted.
- 3.10 Any member who fails without reasonable excuse to comply with the requirements of any notice addressed to him by the Secretary shall be subject to such action as the Board of Management, shall, on the report of the Committee think fit.

4. AT THE HEARING

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

5. AT THE CONCLUSION OF THE HEARING

5.1 The Committee shall meet after the hearing has been completed and formulate its findings.

5.2 The findings of the Committee and the order or penalty agreed upon may be by the majority, with the Chairperson having a casting vote in the event of a tied decision. The minority may furnish separate findings, but the majority findings and order or penalty shall be deemed to be the decision of the Committee.

6. DETERMINATION OF ANY PENALTY

6.1 The Chairperson or other member of the Committee shall deliver the Committee's findings in the presence of such interested parties who wish to attend.

6.2 If an adverse finding is delivered, the party against whom the finding has been made, shall be invited to make submissions on penalty.

6.3 The Committee shall make any determinations of penalty as may be required and it sees fit. If necessary, the Committee may meet again in camera to consider a penalty.

7. NOTIFICATION

7.1 The Secretary of the Committee shall forthwith give notice of the decision of the Committee to all interested parties, together with notice of any made order or penalty imposed, which upon being confirmed by the appointing authority shall become effective forthwith.

7.2 The Committee shall furnish its report at the first meeting of the appointing authority after the hearing is completed. That authority shall either confirm the decision of the Committee or proceed according to the next succeeding paragraph.

7.3 The decision of the Committee cannot be altered by the appointing authority, but a two-thirds majority of those present and voting at the meeting may return the reference to the Committee for further consideration or the hearing of additional evidence. The grounds of such return of the reference shall be clearly stated.

7.4 A person exonerated by the Committee may start under protest at any Carnival or Association event held before the meeting of the appointing authority at which the Committee's decision is presented for confirmation or return as the case may be.

8. APPEALS

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

APPENDIX "B": RULES OF DEBATE

1. GENERAL

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

2. CHAIRPERSON'S AUTHORITY

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

3. DEBATE

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

right of resuming the debate at the ensuing meeting and the mover of the original motion shall have the right of reply.

4. MOTIONS AND AMENDMENTS

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

5. VOTING

- 5.1 Subject to the Constitution, Voting shall be by the voices, or at the discretion of the Chairperson or at the request of any member, by show of hands or by secret ballot.
- 5.2 Any member, supported by not less than three others, may call for a division, in which case members shall move to the right or left of the Chairperson, as directed by him.

- 5.3 In the event of a division any member declining to vote shall elect to retire behind the Chairperson or have his vote counted in the negative.
- 5.4 The Chairperson may appoint tellers to assist him in counting a vote.

APPENDIX "C": PATROL RULES

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

1. Active Members shall attend patrols as rostered or appointed provided that:
 - a) Active Cadet Member shall be eligible for duties only commensurate with their qualifications;
 - b) A member desirous of transferring from one Patrol to another shall do so only with the consent of the Surf Life Saving Committee of the Club;
 - c) It shall be permissible to appoint a substitute, when unable to attend, the member appointing such substitute to be responsible in the event of the substitute not attending;
 - d) Representation at any Carnival as a Selected Competitor or Carnival Official or at any demonstration or meeting of the Association does not constitute attendance and it shall be the responsibility of the individual to arrange substitution in these instances;
 - e) Exemption for patrol duty may be granted by the Captain in special circumstances but for extended periods of exemption written application shall be made to the Board of Management who shall decide the issue;
 - f) At each Meeting of the Surf Life Saving Committee a report, taken from the Surfguard system, shall be tabled by the Captain indicating any breaches that require investigation.
2. The first Patrol on duty shall see that all lifesaving gear including operational IRB is placed in position on the beach and the last Patrol on duty shall return such gear to the clubhouse gear room.
3. The Patrol shall assemble in the Club Room five (15) minutes before the appointed hour to commence duty unless it is the first patrol of the day, in which case it shall assemble thirty (30) minutes before the appointed hour.
4. A member who is late for Patrol duty or who misses a Patrol without notifying their Patrol Captain may be allotted a Penalty Patrol or other duties at the discretion of the Surf Life Saving Committee.
5. A member who misses more than two rostered Patrols in the season without reasonable excuse shall be required to meet with the Deputy President and Captain and will be allotted a Penalty Patrol or other duties at the discretion of the Deputy President and Captain.
6. A member who has who misses three rostered Patrols without reasonable excuse in the season shall be required to appear before the Surf Life Savings Committee to show cause why their Membership should not be terminated.
7. A member or members that enter false information into the Patrol Attendance Log or LIMSOC will be allocated an automatic three month suspension and shall be required to appear before the Surf Life Savings Committee to show cause why their Membership should not be terminated.
8. Patrol members shall wear Association Caps and other dress as directed by the Association.
9. Before the Patrol commences duty, the Patrol Captain shall detail the position each man is to take in the event of rescues, allocate qualified IRB personnel to the IRB, and shall detail a member to tower or lookout duty.
10. In the absence of the Patrol Captain the Patrol Vice-Captain shall have like power and authority.
11. Members of Patrol and activities of the patrol are under the control and direction of the Patrol Captain, and members are not allowed to leave the patrolled area unless extenuating circumstances arise and then must first obtain permission from their Patrol Captain.

12. In the event of the Patrol having finished its term of duty, and the succeeding Patrol failing to relieve it, the Patrol Captain shall ensure that an adequate Patrol is maintained, whilst he reports to the Captain.
13. Patrol Captains are held responsible for the efficiency of their Patrols, and are required to record in the Patrol Attendance Log the names of all patrolling members, details with commencement and completion times.
14. Patrol Captains shall regularly test their Patrol on their ability and knowledge of the resuscitation methods and rescue procedures utilising the gear on patrol.
15. A member shall obey his Patrol Captains, either in the actual work of lifesaving, or any other duty associated with the activities of the Patrol within the Club.
16. Members are reminded of requirements as per the Association's Memorandum of Association, Articles of Association and Rules & Regulations:

Patrol Exemption Policy

In relation to patrol duties the following shall apply: -

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

APPENDIX "D": CLUBHOUSE & PROPERTY RULES

GENERAL

1. The benefits of Club privileges shall be permitted only to members of the Club and such Association visitors as are approved by the, President, Captain, Club House director and/or written approval of the Secretary via the Board of Management.
2. Unseemly conduct likely to interfere with the comfort of other members of the Club shall not be tolerated and members are requested to assist in preventing such conduct.
3. Damage occasioned to clubhouse facilities shall be subject to investigation and decision of liability by the Board of Management.
4. Members shall use their individual efforts in preserving the cleanliness of the Club's facilities.
5. Obscene or bad language shall not be tolerated in the Club's facilities.
6. Pets shall not be allowed in the clubhouse.
7. Clubhouse and Property Asset keys shall be issued to the President, Secretary Captain, Treasurer Club House Director, IRB Captain, Surf Boat Captain, Surf Sports Officer, Team Manager and Surf Sport coaching staff.
8. Keys for access to areas of the clubhouse where patrol equipment is stored and the First Aid Room shall be issued to designated Patrol Captains.
9. Foodstuffs, drinks or Alcohol shall not be brought onto Club facility premises or stored or consumed, such other areas may be designated from time to time by the Board of Management.
10. The First Aid Officer, Surf Life Saving Committee, Patrol Captains and assistants with patients are the only persons permitted in the First Aid Room. First Aid equipment shall be used for first aid purposes only.
11. Junior Activity (Nippers) members shall be permitted the use of the Club facilities whilst under the supervision of a Club Officer.

APPENDIX "E": GEAR RULES

1. BOARD & SKI

- 1.1 A Board or Ski owned by the Club or its members shall be stored under the control of the Board & Ski Captain.
- 1.2 A Board or Ski owned by a member which is stored at the club is done so at their own risk and is not covered by the club insurance. The club accepts no responsibility for the safe custody or security of the Board or Ski.
- 1.3 Members shall not use other members' Board or Ski without prior approval of the owner.
- 1.4 Members shall not use Club gear without prior approval of the Board & Ski Captain, Coaches, Gear Steward, Captain, Chief Training Officer or Trainers.
- 1.5 The Skis and Boards shall never be launched or brought in near the marked surf bathing area or buffer area, nor where bathers are likely to be encountered.

2. SURF BOAT

- 2.1 The Surf Boats shall not be used for any other purpose than Surf Life Saving and the practice thereof, and the instruction in rowing, except with the permission of the Surf Boat Captain.
- 2.2 No members of the Club shall use the boat unless it is in charge of a Surf Boat Sweep, Surf Boat Captain or a Coach, except that if these Officers are unavailable, one of them may grant permission to a member of the Club (who in his opinion is qualified to do so) to take charge of a Surf Boat and such member shall be responsible to the Surf Sport Committee for the conduct of the crew and the manner in which the boat is used while it is under his control and for each breach of the Surf Boat By-Laws.
- 2.3 Save in the case of rescues, no person other than Club members, shall be allowed in a Surf Boat, except with the approval of the Surf Boat Captain or Coach.
- 2.4 The Surf Boats shall not be taken or used except for the express purpose of rescuing persons in danger in the vicinity of the storage area or for training purposes or for completion events.
- 2.5 The Surf Boats and gear shall be housed in suitable storage areas provided for that purpose and securely locked up, or a designated storage place approved by the Surf Boat Captain. The Sweep or appointed Member last in charge of the Surf Boat each day shall be responsible for its return to the shed/storage place and shall report to the Boat Captain any damage to or loss of gear that may have occurred.
- 2.6 Members, except those on patrol, may be called upon to assist in getting the Surf Boats in and out of the water.
- 2.7 No more than a boat crew of five (5) or less than that number shall be taken in a Surf Boat unless under special circumstances at the discretion of the Surf Boat Sweep or Surf Boat Captain.
- 2.8 The Surf Boat shall never be launched or brought in near the marked surf bathing area or buffer area, nor where bathers are likely to be encountered.

3. POWER BOAT RESCUE CRAFT

The IRB Captain shall:

- 3.1 be responsible for the general maintenance and up-keep of all powered surf rescue craft and equipment.
- 3.2 at all times ensure that the IRB is ready for patrols and adequate fuel is on hand.

- 3.3 in consultation with the Captain, be in charge of all powered surf rescue craft operations.
- 3.4 have an IRB in attendance at all examinations where directed by the Captain, Chief Training Officer or Training Facilitator.
- 3.5 have an IRB in attendance at the buoys on all occasions that surf events or tests are being held.

APPENDIX "F": JUNIOR (NIPPER) ACTIVITIES COMMITTEE

Rules of Procedure

1. APPOINTMENT, OBJECTS, COMPETITION, MEETINGS AND PROCEDURES

1.1 Appointment

The Club, at its Annual General Meeting shall endorse the appointment of a Junior Activities Committee (hereinafter referred to as the JAC), as provided for in By-Law 6.6 of current financial members of the Club who are interested in the objects and duties of the JAC. The JAC decisions shall be subject to ratification of the Board of Management and the general rules as provided for in By-Law 6.1.

1.2 The Objects and Duties of the JAC shall be:

- a) The responsibility for the conduct and co-ordination of all matters relating to Junior Activities.
- b) To provide for Junior (Nipper) members an educational experience in a wide range of subjects and skills within the aquatic/marine environment.
- c) To prepare Junior (Nipper) members for their eventual transition to the marine and patrol environment of the Senior section of the Movement.
- d) To provide for the instruction and the conduct of examinations of Junior (Nipper) members willing to gain the Junior Age Awards.
- e) To organise, in conjunction with the Club, the instruction and/or examination of Junior (Nipper) members willing to gain the Resuscitation Certificate, and/or the Surf Life Saving Certificate of the SLSA.
- f) To provide rules and regulations for the conduct of Junior Activities for Junior (Nipper) members who have attained the age of seven (5) but who have not attained the age of fourteen (14) years. (Constitution Clause 11.1(b))
- g) To endeavour to raise finance to provide for the foregoing objects.

1.3 Management and Composition

- a) The JAC shall be responsible for the management of Junior Activities and shall be comprised of current financial members who have applied to the Junior Activities Committee for membership of the JAC and been endorsed. Group applications are also acceptable.
- b) The Junior Activities Chairperson shall be a member of the Board of Management and shall be endorsed at the AGM of the Club following an endorsed nomination from the Annual Meeting of the JAC.
- c) The JAC shall elect all or any of the following officers to conduct the activities of the JAC:
Junior Activities Chairperson (Chairperson), Deputy Junior Activities Chairperson, Secretary, Treasurer, Registrar, Awards Officer, Education Officer, Water Safety Officer, Team Manager, Gear Steward and Officials Rep.
- d) The JAC decisions shall be subject to ratification of the Board of Management and the general rules of Committee control as provided for in By-Law 6.1.
- e) An Executive shall be responsible for JAC decisions between JAC meetings, and shall be comprised of the Junior Activities Chairperson, the Deputy Junior Activities Chairperson, the Secretary, the Treasurer and the Team Manager.

1.4 Meetings of the JAC

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

1.5 Elections

- a) Nominations for the Election of Officers shall be in writing on the Club Policy Nomination Form and signed by the nominee signifying his willingness to stand for election, and lodged with the JA Secretary at least 21 days (excluding sending and receiving dates) prior to the Annual Meeting of the JAC. Nominations can be taken from the meeting floor of the Annual Meeting with a seconder to the nomination, should there be no written nomination received. If the nominee is not present the nomination cannot be accepted.
- b) If the number of candidates for any one office exceeds one, a decision shall be determined by secret ballot of the members present, and voting at the meeting.

1.6 Finance

- a) The Treasurer, and where convenient assisted by the JA Treasurer, shall receive all monies, issue receipts and bank such monies to the account of the Club to be used for Club endorsed Junior Activities.
- b) Payment of accounts shall be effected by the Treasurer, following checking of the accounts by the JA Treasurer.

- c) Credit and Debit ledgers may be established and maintained by the JAC to determine the financial standing of the JAC in relation to the Club.
- d) The finance of the JAC shall be supported by means approved by the Club which shall include a Club budget allowance, donations, capitation levies, carnivals, socials and other functions.

1.7 Competition

- a) The JAC shall have power to regulate all Intra-Club competitions providing such competition has been approved by the Board of Management.
- c) No Inter-Club contest or competition shall be held without the approval of the Board of Management and the Branch.
- d) All Junior competitors shall wear approved protective clothing by the Association in all water activities as directed by the Branch and SLSQ.
- d) A Selection Sub-Committee comprised of the Age Managers and the Team Manager shall select the competitors and teams for all inter/intra Club competitions and carnivals and may alter such selections at its discretion, and its decision shall be final.

1.8 Discipline

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

2. OFFICERS AND THEIR DUTIES

- 2.1 The Junior Activities Chairperson (Chairperson): Shall chair all meetings of the Committee at which he is present and shall exercise a general supervision over the affairs of the JAC. They shall be an Executive Officer of the Club and shall represent the JAC on the Branch JAB. The Chairperson shall, when presiding at a meeting, have a deliberative and a casting vote. They shall submit an Annual Report of the JAC to the Board of Management and submit regular reports to Board of Management.
- 2.2 The Deputy Junior Activities Chairperson: In the absence of the Junior Activities Chairperson, the Deputy Junior Activities Chairperson shall perform all the duties usually undertaken by the Chairperson. Shall be responsible for the publicity of the Committee, to publish the results of the Committee Activities and Carnivals from time to time as well as points of interest from the Committee Meetings. They shall also work in conjunction with the Club Publicity and Media Officer.
- 2.3 The Junior Activities Secretary: Shall attend to all the correspondence, attend all meetings, record the minutes of the meetings in a Minute Book and assist in the preparation of the Reports. They shall issue notices of meetings and any circulars of matters of interest to the JAC in conjunction with the Club Secretary.
- 2.4 The Junior Activities Treasurer: Shall be responsible for the overall supervision of any financial commitments of the JAC and shall submit reports to the JAC. They shall submit budget of income and expenditure and shall maintain Credit and Debit ledger of the JAC financial dealings with a view to establishing the standing of the JAC. They shall provide and seek co-operation of the Treasurer.
- 2.5 The Junior Activities Registrar: Shall be responsible for keeping a true and correct record of the birth dates of all Juniors (nippers), compiling the registration of all competitors for annual submission to the Registrar of the Branch, and provide other relevant information as required.

Shall be responsible for obtaining costumes, caps and clothing and merchandising marketing following decisions by the JA Committee.

- 2.6 The Junior Activities Awards Officer: Shall be responsible for the training and examination arrangements for the Junior Age Awards. They shall be responsible to and work in conjunction with the Club Chief Training Officer and Youth Development Officer.
- 2.7 The Junior Activities Team Manager: Shall be responsible for the control and conduct of the competitors and shall submit a team report following each carnival with the support of an Assistant JA Team Manager. Shall be responsible for Carnival Nominations in conjunction with the JA Age Managers to the Surf Sports Officer.
- They or the Age Managers shall record the attendance of the competitors at Carnivals. They shall be responsible for preparing the age competitors and teams as selected by the Selection Sub-Committee for their respective events and ensure the competitors are at the marshalling area at the prescribed time for such events. They shall be responsible for lodging all protests as per the Association Handbook. They shall be assisted by an Assistant JA Team Manager and the JA Age Group Managers.
- 2.8 The Junior Activities Gear Steward: Shall be responsible for all the JAC equipment, making sure such equipment is in good condition and repair and properly housed and coordinate beach setup for training.
- 2.9 The Junior Activities Water Safety Officer: Shall be responsible for water safety at JAC training days.
- 2.10 The Junior Activities Education Officer: Shall be responsible for organising specific educational programs and events to further the education of the JAC membership.
- 2.11 The Junior Activities Age Managers: Shall prepare programs and work in conjunction with the JA Awards Officer in their duties and act as an assistant to the JA Team Manager during the performance of the duties.

3. MEMBERSHIP

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

APPENDIX "G": THE COMMON SEAL

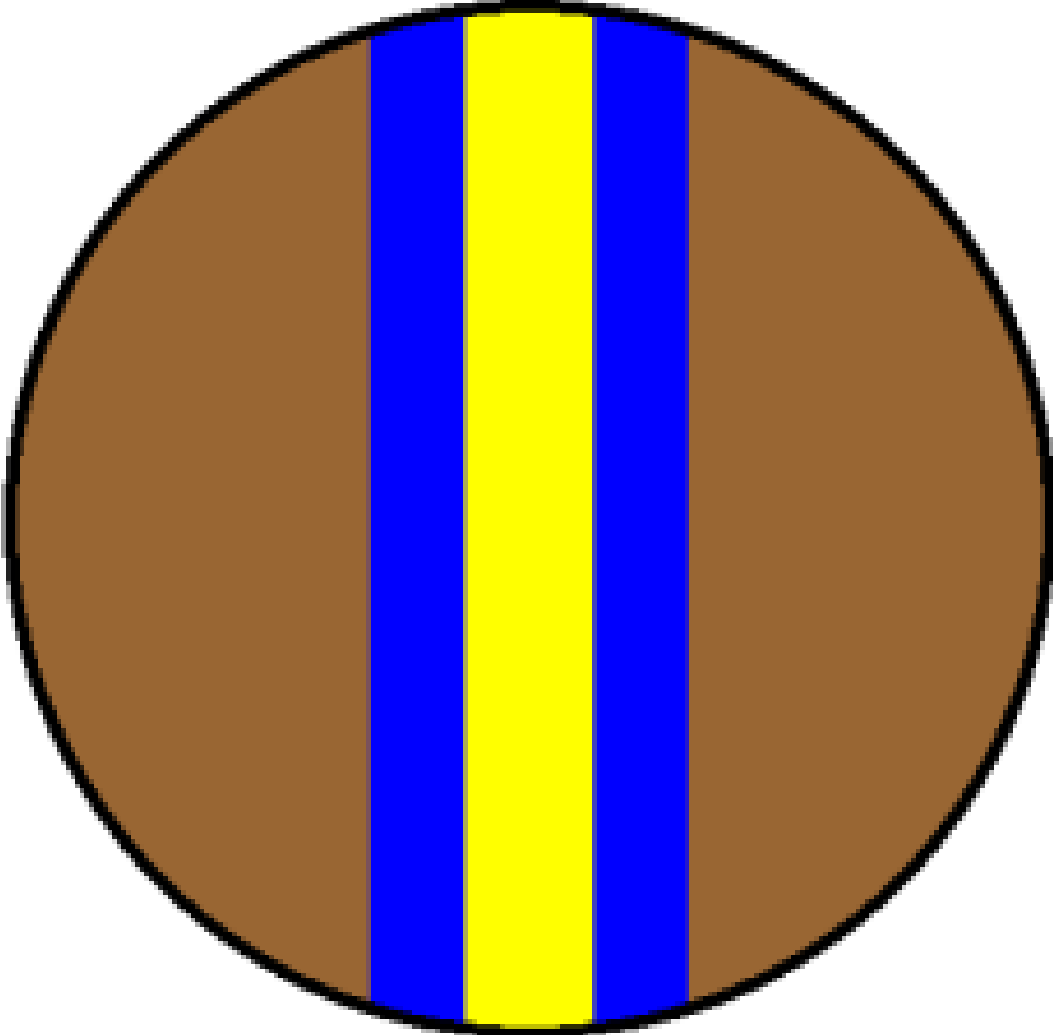
APPENDIX "H": CLUB BADGE

The official Club Badge is:



Other badges for specific activities or events may be permitted from time to time by the Board of Management after due consideration of the design, purpose, activity it supports and length of time it will be used.

APPENDIX "I": CLUB COLOURS



APPENDIX "J": LIFE MEMBERSHIP BADGE

