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Port Noarlunga Surf Life Saving Club Incorporated

CONSTITUTION

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1. **NAME & INTERPRETATION**

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1.1 **Name**

The organisation shall be known as Port Noarlunga Surf Life Saving Club Incorporated.

1.2 **Definitions**

In this Constitution, unless the context or subject matter shall otherwise require:

"Act" means the Associations Incorporation Act 1985 (SA) as amended from time to time.

"Area of Control" means the area approved by SLSSA as being under Port Noarlunga Surf Life Saving Club Incorporated's control

"Board" means the Board of Management of Port Noarlunga Surf Life Saving Club Incorporated established under **clause 7**.

"Board member" means a member of the Board.

"Club" means a South Australian Surf Life Saving Club affiliated with SLSSA.

"Honorary Member" means a person who has or can offer some necessary skill or service to Port Noarlunga Surf Life Saving Club Incorporated and has been accepted to that category of membership by the General Meeting.

"Intellectual Property" means any intellectual or industrial property owned by Port Noarlunga Surf Life Saving Club Incorporated including, but not limited to logos, trademarks, copyright and names in any surf life saving equipment, product, publication or event developed by Port Noarlunga Surf Life Saving Club Incorporated.

"Life Member" means any person who has rendered distinguished or special service to Port Noarlunga Surf Life Saving Club Incorporated and has been accepted to that category of membership by the General Meeting.

"Member" means a member of Port Noarlunga Surf Life Saving Club Incorporated under **clause 5**.

"SLSA" means Surf Life Saving Australia Ltd. For the avoidance of doubt SLSA is the supreme controlling authority for the whole organisation of surf life saving in Australia within the limitations of its powers as set out in the constitution of SLSA.

"SLSSA" means Surf Life Saving South Australia Incorporated.

1.3 **Interpretation**

In this Constitution, unless the contrary intention appears:

- (a) words imputing the masculine gender shall include the feminine gender;
- (b) words denoting the singular include the plural and vice versa;
- (c) a reference to a person or entity includes a natural person, a partnership, corporation, trust, association, unincorporated body, authority or other entity;
- (d) headings and the table of contents (if any) are for convenience only and do not affect interpretation;
- (e) where a word or phrase is defined, its other grammatical forms have a corresponding meaning;
- (f) a reference to any document is a reference to that document (and, where applicable, any of its provisions) as amended, novated, supplemented or replaced from time to time;
- (g) a reference to a party to this document includes that party's executors, administrators, and successors and permitted assigns;
- (h) a reference to any legislation or legislative provision includes any regulations or other delegated legislation or instruments made or issued under it and any consolidations, amendments, re-enactments or replacements of it and them and any of them; and
- (i) the word "including" is not to be treated as a word of limitation.

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## **2. OBJECTS OF PORT NOARLUNGA SURF LIFE SAVING CLUB INCORPORATED**

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- 2.1 Port Noarlunga Surf Life Saving Club Incorporated is a charitable service provider of emergency services. The objects for which Port Noarlunga Surf Life Saving Club Incorporated is established are to:
- (a) participate as a member of a single uniform entity through and by which surf life saving and the preservation of life in the aquatic environment within South Australia can be conducted, promoted and administered;
  - (b) conduct, promote, advance and control the work of surf life saving in the Area of Control, its many aspects devoted to aquatic safety and management and the preservation of life in the aquatic environment;
  - (c) produce, develop, create, licence and otherwise exploit, use and protect the Intellectual Property;
  - (d) cooperate with any organisations in improving methods of life saving (whether in aquatic environment or elsewhere) and the securing of public recognition and financial support for Life Saving Institutions;
  - (e) strive for Governmental, commercial and public recognition of SLSSA as the authority on aquatic safety and management within South Australia;

- (f) draft and promulgate such rules as may be necessary for the management and control of surf life saving and related activities and the preservation of life in the aquatic environment and so far as local conditions permit secure uniformity in such rules;
- (g) extend the operations and/or teachings of SLSSA within the Area of Control;
- (h) further develop surf life saving into an organised institution and with these objects in view, to foster, regulate, organise and manage examinations, competitions, displays and other activities and to issue badges, medallions and certificates and award trophies to successful members;
- (i) ensure that environmental considerations are taken into account in all surf life saving and related activities conducted by Port Noarlunga Surf Life Saving Club Incorporated;
- (j) promote the health and safety of Members and all other users of the aquatic environment and seek and obtain improved facilities for their enjoyment;
- (k) encourage Members to realise their potential and athletic abilities by extending to them the opportunity of education and participation in surf life saving activities, regardless of gender or age, within the limits of membership categories;
- (l) encourage and promote performance enhancing drug free competition/environment;
- (m) recommend and support awards to Members and others, in honourable public recognition of hard and meritorious rescues from the sea, deeds of exceptional bravery from time to time performed in the course of life saving and other distinguished services and acts;
- (n) recommend and support where appropriate, recognition for Members to obtain awards, civil honours or public recognition for services to surf life saving or other fields of endeavour;
- (o) promote uniformity of laws for the control and regulation of the aquatic environment and to assist the authorities in enforcing these laws;
- (p) effect such purposes as may be necessary in the interests of surf life saving and the aquatic environment;
- (q) enforce the observance of the policies, rules and regulations and written directions from time to time of SLSSA and SLSA, deal with any infringement thereof, and adjudicate upon all disputes and difficulties between Members;
- (r) act as arbiter on matters pertaining to the conduct of surf life saving in the Area of Control, including disciplinary matters, and refer matters to SLSSA, as appropriate;
- (s) represent the interests of its Members and of surf life saving generally in any appropriate forum;
- (t) have regard to the public interest in its operations; and
- (u) undertake or do all such things or activities as may appear to Port Noarlunga Surf Life Saving Club Incorporated to be incidental or conducive to the advancement of these objects and to conduct the affairs of Port Noarlunga Surf Life Saving Club Incorporated in a way that strives to attain a surplus cash position.

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### **3. POWERS OF PORT NOARLUNGA SURF LIFE SAVING CLUB INCORPORATED**

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3.1 Solely for furthering the objects set out above Port Noarlunga Surf Life Saving Club Incorporated has the powers set out in section 25 of the Act, including the power to:

- (a) acquire by purchase, exchange or otherwise, whether for an estate in fee simple or for any less estate, lands, tenements or hereditaments of any tenure whether subject or not to any charges or encumbrances and to erect, replace, maintain, reconstruct, adapt and furnish any offices or other buildings thereon and to sell, let, alienate, mortgage, charge or deal with all or any such lands, tenements or hereditaments or any part of them;
- (b) purchase, take on lease or in exchange or otherwise acquire any real or personal estate which may be deemed necessary or convenient for any of the objects of Port Noarlunga Surf Life Saving Club Incorporated and to sell, manage, lease, mortgage, give in exchange, dispose of or otherwise deal with the same or any part thereof;
- (c) construct, maintain and alter any houses, buildings or works necessary or convenient for the objects of Port Noarlunga Surf Life Saving Club Incorporated;
- (d) borrow and raise money in such manner as Port Noarlunga Surf Life Saving Club Incorporated may think fit;
- (e) raise or borrow money on bonds or mortgage or other security of any property held for or on behalf of Port Noarlunga Surf Life Saving Club Incorporated or without any such security and upon such terms as Port Noarlunga Surf Life Saving Club Incorporated shall think fit;
- (f) receive money on deposit with or without allowance of interest thereon;
- (g) invest any monies of Port Noarlunga Surf Life Saving Club Incorporated not immediately required in such manner as may from time to time be determined by Port Noarlunga Surf Life Saving Club Incorporated provided such funds shall be invested in securities as defined in the Trustee Act of South Australia;
- (h) pursue through itself or others, such commercial arrangements, including sponsorship and marketing opportunities as are appropriate to further the objects Port Noarlunga Surf Life Saving Club Incorporated;
- (i) do all or any of the matters authorised either alone or in conjunction with any person, company or unincorporated body or by through any factors, trustees or agents;
- (j) take any donation, bequest, gift of property etc, whether subject to any special trust or not for any one or more of the objects of Port Noarlunga Surf Life Saving Club Incorporated;
- (k) take such steps by personal or written appeals, public meetings or otherwise as may from time to time be deemed expedient for the purposes of procuring contributions to the funds of Port Noarlunga Surf Life Saving Club Incorporated in the shape of donations, annual subscriptions or otherwise;
- (l) print and publish newspapers, periodicals, books or leaflets that Port Noarlunga Surf Life Saving Club Incorporated may think desirable for the promotion of its objects;

- (m) appoint, hire, employ, remove, replace or reinstate secretaries, managers, servants, employees, agents and other persons in and for the carrying out of the objects of Port Noarlunga Surf Life Saving Club Incorporated and to define duties and to pay them in return for services rendered to Port Noarlunga Surf Life Saving Club Incorporated, salaries, wages and gratuities;
- (n) establish and maintain corporate entities to carry on and conduct the business affairs and undertakings, or any aspect thereof of Port Noarlunga Surf Life Saving Club Incorporated and for that purpose, utilise any of the assets of or held on behalf of Port Noarlunga Surf Life Saving Club Incorporated;
- (o) promote any other person or company for any purpose calculated to benefit Port Noarlunga Surf Life Saving Club Incorporated;
- (p) purchase or otherwise acquire and undertake all or any part of the property, assets, liabilities and engagements of any one or more of the companies, institutions, societies or associations whose activities or purposes are similar to those of SLSSA or generally for any purpose calculated to benefit Port Noarlunga Surf Life Saving Club Incorporated;
- (q) advance the interests of SLSSA and other Clubs; and
- (r) carry on any other activity whatsoever which is considered to directly or indirectly enhance or further the interests of Port Noarlunga Surf Life Saving Club Incorporated.

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#### **4. AFFILIATION WITH SLSSA**

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- 4.1 SLSSA is a member of SLSA and subject to the powers of SLSA is the controlling authority of surf life saving within South Australia.
- 4.2 Port Noarlunga Surf Life Saving Club Incorporated is a Member of SLSSA and recognises SLSSA as the controlling authority of surf life saving within South Australia.
- 4.3 Port Noarlunga Surf Life Saving Club Incorporated is recognised by SLSSA as the controlling authority of surf life saving in the Area of Control.
- 4.4 Port Noarlunga Surf Life Saving Club Incorporated shall apply annually for renewal of affiliation with SLSSA. Such application for renewal of affiliation must be made prior to the date of the annual general meeting of SLSSA and payment of any fees that may from time to time be determined by SLSSA shall be paid prior to the start of the annual general meeting.
- 4.5 When applying for renewal of affiliation Port Noarlunga Surf Life Saving Club Incorporated must indicate whether it has adopted any changes to its Constitution in the preceding twelve (12) months. If any amendments have been adopted then a complete new copy of the document must be submitted to SLSSA.
- 4.6 Port Noarlunga Surf Life Saving Club Incorporated will not be granted affiliation with SLSSA unless it is, and remains, a registered incorporated association, or is in the process of registering under the Act, nor will it remain affiliated with SLSSA unless it subscribes to the constitution and by-laws of SLSSA and to the constitution and regulations of SLSA.

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## 5. MEMBERSHIP OF PORT NOARLUNGA SURF LIFE SAVING CLUB INCORPORATED

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### 5.1 Members

SLSA has Members in the following categories:

- (a) general members;
- (b) honorary members;
- (c) life members; and
- (d) junior members.

### 5.2 Rights and obligations

Subject to this Constitution, the rights and obligations of membership and for each category of membership in Port Noarlunga Surf Life Saving Club Incorporated shall be as prescribed in the By-Laws from time to time.

### 5.3 Honorary Members

Port Noarlunga Surf Life Saving Club Incorporated in General Meeting may appoint an individual as an Honorary Member of Port Noarlunga Surf Life Saving Club Incorporated who, in the absolute discretion of the general meeting, has or can afford Port Noarlunga Surf Life Saving Club Incorporated some necessary skill or service. An Honorary Member will not have voting rights.

### 5.4 Life Members

The Port Noarlunga Surf Life Saving Club Incorporated General Meeting may appoint an individual as a Life Member, who in the absolute discretion of the General Meeting has rendered distinguished or special service to Port Noarlunga Surf Life Saving Club Incorporated. A Life Member will have voting rights. (Refer By-Law 4.4)

### 5.5 Constitution & By-Laws of SLSA, SLSSA & Port Noarlunga Surf Life Saving Club Incorporated

Port Noarlunga Surf Life Saving Club Incorporated and all Members of Port Noarlunga Surf Life Saving Club Incorporated agree to be bound by the constitution, regulations, resolutions and manuals of SLSA, the Constitution and by-laws of SLSSA and any resolutions and manuals of SLSSA. Where there is any conflict, the constitution, regulations, resolutions and manuals of SLSA will take precedence.

### 5.6 Cessation of Membership

- (a) A Member ceases to be a Member of Port Noarlunga Surf Life Saving Club Incorporated if his or her membership with Port Noarlunga Surf Life Saving Club Incorporated is withdrawn or terminated in accordance with **clause 5.7 or 5.9**.
- (b) An Honorary Member or Life Member ceases to be a Member of Port Noarlunga Surf Life Saving Club Incorporated if he:
  - (i) dies;

- (ii) is expelled or suspended under **clause 5.7**; or
  - (iii) resigns as Member by giving fourteen (14) days notice in writing to the Board.
- (c) Upon a Member ceasing to be a Member of Port Noarlunga Surf Life Saving Club Incorporated their membership rights cease.

#### 5.7 **Suspension and Termination of Honorary Membership and Life Membership**

- (a) Subject to **clauses 5.7(b)** and **5.7(c)**, if an Honorary Member or Life Member:
- (i) breaches any provision of any constitution, by-laws, regulations or resolutions that are binding on that Member; or
  - (ii) engages in any conduct which, in the reasonable opinion of the general meeting, is unbecoming of a Member or which is prejudicial or adverse to the interest of Port Noarlunga Surf Life Saving Club Incorporated, SLSSA or SLSA;

the general meeting may expel that Honorary Member or Life Member or suspend their membership rights for a period as the general meeting thinks fit.

- (b) An Honorary Member or Life Member can only be expelled or have their membership rights suspended by a resolution passed at a General Meeting of Port Noarlunga Surf Life Saving Club Incorporated.
- (c) Port Noarlunga Surf Life Saving Club Incorporated in General Meeting cannot expel an Honorary Member or Life Member or suspend his membership rights unless the general meeting:
- (i) gives that Honorary Member or Life Member not less than fourteen (14) days written notice of its intention to propose a resolution referred to in **clause 5.7(b)**; and
  - (ii) allows the Honorary Member or Life Member a reasonable opportunity to present reasons why he should not be expelled or have his membership rights suspended.

#### 5.8 **Payment of Membership Fees**

Membership fees are due from the date of application for membership or such other time as is determined by the Board.

#### 5.9 **Withdrawal and Termination of Membership**

- (a) Any Member desirous of withdrawing or resigning from membership will give notice in writing to that effect to the Board and on discharging all arrears and obtaining approval by the Board such resignation will become effective.
- (b) Any Member may have their membership terminated by a special resolution at a General Meeting called for that purpose, or on notice of motion. Termination automatically involves the cancellation of membership and all rights of such Member. Notwithstanding this, a Member may re-apply for membership the following season.

- (c) Any Member in default of any payment of any liabilities owed to Port Noarlunga Surf Life Saving Club Incorporated or to any other Club may have his membership application held up, or if already a Member, the Member may be debarred by ordinary resolution of the Board from participating at any examination, competition or display held under the control of Port Noarlunga Surf Life Saving Club Incorporated, SLSA or SLSSA until such time as the liability has been paid.
- (d) For the purpose of **clause 5.9(c)**, a Member will be deemed to be in default of payment of any liabilities when such liabilities have been owing for a period of sixty (60) days or more after due notice has been given to the Member. Any Member in default of payment of any liabilities due or on behalf of Port Noarlunga Surf Life Saving Club Incorporated or SLSSA may be suspended or expelled in accordance with **clause 5.9(b)**.

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## 6. GENERAL MEETINGS

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### 6.1 Annual General Meeting

The Annual General Meeting of the Members will be held not later than 31 August each year.

### 6.2 Business of Annual General Meetings

The business of the Annual General Meeting will be to:

- (a) receive any reports;
- (b) adopt and approve the annual report and financial statements;
- (c) election of Board Members;
- (d) consider motions to alter this Constitution (if any); and
- (e) any other business as required by the Act or this Constitution or By-Laws.

### 6.3 Special General Meetings

The Board will upon receipt of a written requisition signed by ten (10) Members, convene a General Meeting of the Members within twenty-eight (28) days of the requisition.

### 6.4 Notice of Meeting

- (a) Notice of intention to convene the Annual General Meeting shall be forwarded to Officers, Members, Life Governors and Life Members at least fourteen (14) days prior to such meeting and specify the place, date, time of meeting and state the general nature of the business to be transacted at the meeting.
- (b) All business to be transacted at a Special General Meeting convened under **clause 6.3** will be special business.

(a)

## 6.5 Quorum

- (a) No business will be transacted at any General Meeting of the Members of Port Noarlunga Surf Life Saving Club Incorporated unless a quorum of Members is present at the time the meeting proceeds to business.
- (b) The quorum for a General Meeting of the Members will be a minimum of twenty five (25) persons entitled to vote at the meeting.
- (c) If a quorum is not present within thirty (30) minutes of from the time appointed for the meeting, the meeting:
  - (i) if convened under **clause 6.3**, will be dissolved; or
  - (ii) will otherwise be adjourned for seven (7) days to the same place and at the same time. All parties will be notified of the adjournment in writing with at least forty eight (48) hours notice. In the event of a quorum not being present at the further meeting, the business will proceed in accordance with the original agenda.

## 6.6 Chairperson

The President will preside as chairperson at every General Meeting and Board meeting of which he is present and entitled to preside within the rules provided by this Constitution. In the absence or incapacity of the President, the Members or Board members (as the case may be) present and entitled to vote at the meeting in session will elect a chairperson to preside for the duration of the meeting.

## 6.7 Voting

- (a) At a General Meeting of the Members each Member entitled to vote must vote in person.
- (b) At any General Meeting of the Members a resolution put to the vote of the meeting will be decided on a show of hands unless a poll is demanded by the chairperson or by at least four (4) Members present and entitled to vote.
- (c) Unless a poll is demanded a declaration by the chairperson that a resolution has on a show of hands been carried or lost and an entry to that effect in the book containing the minutes of Port Noarlunga Surf Life Saving Club Incorporated is conclusive evidence of that fact without proof of the number or proportion of votes recorded in favour of or against the resolution.
- (d) Subject to any rights or restrictions attached to any membership rights, each Member entitled to vote has one vote on a show of hands or poll.

- (e) At Annual General Meetings and other Special General Meetings the following shall be entitled to vote:
- (a) Life Members
  - (b) Life Governors
  - (c) Financial General Members over the age of sixteen (16) years.
  - (d) Members of sub-committees formed as per the constitution for the efficient running of the club.
- (f) The chairperson may exercise a casting vote where all votes are equal.

## 6.8 Minutes

The chairperson will cause full and accurate minutes of all proceedings and resolutions of General Meetings of the Members to be recorded.

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## 7. THE BOARD

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### 7.1 Composition of the Board

The Board will consist of 9 Board members comprising:

- (a) the President; and
- (b) up to eight (8) other Board members elected at a general meeting of Port Noarlunga Surf Life Saving Club Incorporated.
- (c) The officers of the Board of Management shall be
  - Secretary
  - Captain
  - Treasurer
  - Vice President
  - Assistant Secretary
  - Vice Captain
  - Junior Activities Chairperson
  - Fund Raising Chairperson

### 7.2 Powers of the Board of Management

Subject to the Act and this Constitution the management of the business and affairs of Port Noarlunga Surf Life Saving Club Incorporated is vested in the Board. The Board will be responsible for acting on all issues in accordance with this Constitution and the objects of SLSSA and, subject to the Act and to any other provision of this Constitution and By-Laws, may:

- (a) draft, monitor and implement strategy and performance objectives of Port Noarlunga Surf Life Saving Club Incorporated set by the general meeting;
- (b) ensure that Port Noarlunga Surf Life Saving Club Incorporated conforms to legal and ethical standards and operates in accordance with any relevant strategic and performance objectives set by the general meeting;

- (c) authorise expenditure and purchase assets on behalf of Port Noarlunga Surf Life Saving Club Incorporated;
- (d) prepare and implement financial and operating budgets; and
- (e) appoint chairpersons to any standing committees established under **clause 7.9**.

### 7.3 **Reporting to General Meeting**

The Board will report to the Annual General Meeting on all matters material to the performance of its duties and powers.

The minutes of the Annual General Meeting and Special General Meetings shall be read and signed as a true and correct record within the next two (2) Board meetings and need not be read at the succeeding Annual General Meeting.

### 7.4 **Nomination of Board Members**

- (a) Nominations for Board members will be called for from the Members by the Board not less than fifty six (56) days prior to the date set for the annual general meeting.
- (b) Nominations must be received by the Board at least twenty eight (28) days prior to the date set for the Annual General Meeting:
  - (i) in writing; and
  - (ii) signed by the nominee expressing his willingness to accept the position for which he is nominated;

and will be sent to the Members with the agenda for the meeting.

### 7.5 **Term of Office of Board Members**

- (a) Board members will be elected for a term which will commence from the conclusion of the Annual General Meeting of Port Noarlunga Surf Life Saving Club Incorporated at which their election occurred until the conclusion of the Annual General Meeting of Port Noarlunga Surf Life Saving Club Incorporated following.
- (b) Board members will be eligible to stand for nomination and re-election at the conclusion of each term.

### 7.6 **Vacation, Disqualification and Removal of Board Members**

- (a) In addition to the circumstances in which the office of a Board member becomes vacant by virtue of the Act, the position of a Board member will immediately become vacant if the Board member:
  - (i) is absent from two (2) consecutive meetings of the Board without approved leave of absence from the Board;
  - (ii) acts in a manner unbecoming or prejudicial to the objects of Port Noarlunga Surf Life Saving Club Incorporated or SLSSA or through his actions brings the Board or Port Noarlunga Surf Life Saving Club Incorporated or SLSSA into disrepute;

- (iii) becomes of unsound mind or a person whose estate is liable to be dealt with in any way under the law relating to mental health;
  - (iv) resigns that office by twenty eight (28) days written notice to the Board;
  - (v) becomes prohibited from being a Board member by reason of any order made under any law; or
  - (vi) is convicted of any Indictable Offence.
- (b) If any Board member resigns or is removed that person will immediately cease to be a Board Member upon resignation or removal and the Board will appoint another Board member in his absence under **clause 7.6(c)**.
- (c) The Board may appoint an appropriately qualified person to fill a casual vacancy on the Board and that person will hold office for the remainder of the term of the Board member whose resignation or removal caused the casual vacancy.

#### 7.7 **Board Meetings**

- (a) The President will be the chairperson of the Board and the Board may elect an alternate chairperson to preside at any meetings of the Board at which the President is unable to attend.
- (b) The Board will meet at least monthly, or as otherwise determined by the Board from time to time, for the dispatch of business and adjourn and otherwise regulate meetings and proceedings of the Board as it thinks fit.
- (c) The chairperson will, on the requisition in writing of at least two (2) Board members, convene a meeting of the Board within seven (7) days of the requisition.
- (d) At a meeting of the Board the number of members whose presence is necessary to constitute a quorum will be fifty per cent (50%) plus one of the Board members, exclusive of the President.
- (e) If a quorum is not present within thirty (30) minutes from the time appointed for the meeting, the meeting shall be adjourned for seven (7) days to the same place and at the same time. All parties shall be notified of the adjournment in writing with at least forty-eight (48) hours notice. In the event of a quorum not being present at the further meeting, the business shall be proceeded with in accordance with the original agenda.
- (f) Subject to this Constitution, questions arising at a meeting of the Board will be decided by a majority of votes of Board members present and voting.
- (g) All Board members will have one vote on any question and the chairperson will have a casting vote where voting is equal.
- (h) The chairperson will cause full and accurate minutes of all proceedings and resolutions to be recorded.
- (i) Proxy Voting Permitted

Proxy voting shall be permitted at all Board Meetings provided a proxy form in the form set out in **Appendix 5** (or as otherwise approved by the Board from time to time) has been duly completed and executed and is lodged with the Secretary before the commencement of the meeting. Proxies shall only be exercised by Members entitled to vote. No Member entitled to vote shall exercise more than one (1) proxy vote at any one time.

Proxy

The instrument appointing a proxy shall be deemed to confer authority to demand or join in demanding a poll. A Club Officer shall be entitled to instruct his proxy to vote in favour of or against any proposed resolutions. Unless otherwise instructed the proxy may exercise the proxy vote as he thinks fit.

#### 7.8 **Disclosure of Interest of Board Members**

- (a) A Board member must not hold an office of profit in Port Noarlunga Surf Life Saving Club Incorporated without the prior approval of the general meeting.
- (b) A Board member who has a direct or indirect pecuniary interest in any contract or proposed contract with Port Noarlunga Surf Life Saving Club Incorporated must:
  - (i) as soon as that Board member becomes aware of his interest disclose the nature and extent of his interest to the Board; and
  - (ii) disclose the nature and extent of his interest at the next general meeting.
- (c) Subject to the Act, a Board member who has a direct or indirect pecuniary interest in any matter that is being considered at a meeting of the Board must not:
  - (i) vote on the matter; and
  - (ii) be present while the matter (or proposed resolution of that kind) is being considered at the meeting.

#### 7.9 **Standing Committees**

- (a) The Board may establish any standing committees as it sees fit for the purpose of assisting the Board perform its functions.
- (b) A standing committee established under **clause 7.9(a)** will exercise the powers delegated to it by the Board in accordance with any directions of the Board.
- (c) Any standing committee established by the Board will report to the Board at Board meetings held under **clause 7.7(b)** on all matters material to the performance of its powers and functions.

#### 7.10 **Remuneration of Board Members**

Board Members will not be paid remuneration.

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## **8. FINANCE, BANKING & PAYMENTS**

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### **8.1 Receipt of Money by Port Noarlunga Surf Life Saving Club Incorporated**

An official receipt shall be issued for monies received on behalf of Port Noarlunga Surf Life Saving Club Incorporated and such monies will immediately be banked in its name, in such banks as the Board may from time to time direct.

### **8.2 Payments by Port Noarlunga Surf Life Saving Club Incorporated**

- (a) Payments on behalf of Port Noarlunga Surf Life Saving Club Incorporated may be made only by cheque or electronic transfer signed by:
  - (i) any two (2) Board members; or
  - (ii) by such other person(s) and within such other limits as the Board may from time to time appoint.
- (b) Accounts payable shall be duly certified as correct and be passed by the Board, signed by the Chairman of the meeting and a record made in the minutes.

### **8.3 Financial Year**

The financial year of Port Noarlunga Surf Life Saving Club Incorporated will close at 30th April in each year after which financial accounts of that financial year shall be prepared.

### **8.4 Records**

- (a) Port Noarlunga Surf Life Saving Club Incorporated shall keep and retain such accounting records as are necessary to correctly record and explain the financial transactions and financial position of Port Noarlunga Surf Life Saving Club Incorporated in accordance with the Act.
- (b) The Board shall cause the accounts of Port Noarlunga Surf Life Saving Club Incorporated, together with the auditor's report on the accounts and any required statements and reports of the Board to be laid before the Members at the Annual General Meeting of the Members of Port Noarlunga Surf Life Saving Club Incorporated.

### **8.5 Accounts and Audit**

- (a) The accounts of Port Noarlunga Surf Life Saving Club Incorporated shall, if required by the Act, be audited once at least in every year and the correctness of the profit and loss account and balance sheet ascertained by one or more auditor or auditors approved by the Members of Port Noarlunga Surf Life Saving Club Incorporated in a General Meeting.
- (b) Auditors of Port Noarlunga Surf Life Saving Club Incorporated will be appointed and may resign or be removed and their remuneration, rights and duties will be regulated in accordance with the Act.

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**9 THE COMMON SEAL**

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- 9.1 The Board will be responsible for the safe custody of the Common Seal of Port Noarlunga Surf Life Saving Club Incorporated.
- 9.2 The Seal will only be used by the authority of the Board and every document to which the Seal is affixed will be signed by a Board member and countersigned by another Board member or any other person appointed by the Board to countersign that document or a class of documents in which that document is included.

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**10. ALTERATIONS TO THE CONSTITUTION AND BY-LAWS**

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**10.1 Alterations to the Constitution**

- (a) This Constitution may be amended, altered, repealed or replaced by a special resolution passed at a General Meeting of the Members entitled to vote.
- (b) Notice of the proposed alterations will be given in writing to all Members of Port Noarlunga Surf Life Saving Club Incorporated entitled to vote not less than twenty one (21) days prior to the date of the meeting to approve the amendments is to be held and will specifically state that it is a notice of a motion to amend the Constitution of Port Noarlunga Surf Life Saving Club Incorporated.
- (c) Any alteration to the Constitution will become effective when passed and must be promulgated to all Members.

**10.2 Alterations to the By-Laws and Appendices**

- (a) The By-Laws of Port Noarlunga Surf Life Saving Club Incorporated may be amended, altered, repealed or replaced by the Board.
- (b) Any alteration to the By-Laws or Appendices will become effective when passed and must be promulgated to all Members.

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**11. DISSOLUTION**

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No resolution for the dissolution of Port Noarlunga Surf Life Saving Club Incorporated will be deemed to have been passed unless passed by a special resolution of the Members at a General Meeting and on dissolution the property and assets of Port Noarlunga Surf Life Saving Club Incorporated shall revert to SLSSA.

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**12. DISPOSAL OF ASSETS**

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- 12.1 If Port Noarlunga Surf Life Saving Club Incorporated becomes inactive, goes into recess, or has its affiliation as a Club terminated, or is dissolved under this Constitution; the Board is empowered by this Constitution to take any necessary action in winding up the affairs of Port Noarlunga Surf Life Saving Club Incorporated.
- 12.2 Upon dissolution of Port Noarlunga Surf Life Saving Club Incorporated under **clause 12.1** the books, accounts, assets, property - both real and personal - of Port Noarlunga Surf Life Saving Club Incorporated shall be handed over to SLSSA, including the seizure of Port Noarlunga Surf Life Saving Club Incorporated's property, wherever it may be situated.
- 12.3 The property may be sold or disbursed by SLSSA and all funds seized or raised through sale of property would be held in Trust by SLSSA for a period of three (3) years at which time SLSSA shall, in its absolute discretion, decide upon its future use for Surf Life Saving activities.

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**13. INDEMNITY**

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- 13.1 To the extent permitted by the Act, every Board member of Port Noarlunga Surf Life Saving Club Incorporated will be indemnified out of the property of Port Noarlunga Surf Life Saving Club Incorporated against any liability to any person (other than Port Noarlunga Surf Life Saving Club Incorporated) incurred by them in their capacity as a Board member.
- 13.2 To the extent permitted by the Act, every Board member of Port Noarlunga Surf Life Saving Club Incorporated will be indemnified out of the property of Port Noarlunga Surf Life Saving Club Incorporated against any liability to Port Noarlunga Surf Life Saving Club Incorporated incurred by them other than any liability arising as a result of any negligence, default, breach of duty or breach of trust on the part of the Board member of which he may be guilty
- 13.3 Without limiting **clauses 13.1** and **13.2**, Port Noarlunga Surf Life Saving Club Incorporated may indemnify out of the property of Port Noarlunga Surf Life Saving Club Incorporated each Board member against any liability for costs and expenses incurred by the person acting in their capacity as a Board member in defending proceedings, whether civil or criminal, in which judgement is given in favour of the person or in which the person is acquitted.

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14. **GENERAL**

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14.1 **Notices**

- (a) A notice may be given by Port Noarlunga Surf Life Saving Club Incorporated to any Member or Board member by:
  - (i) personal service;
  - (ii) sending it by post to the address supplied by that person for the delivery of notices;
  - (iii) email or
  - (iv) other approved electronic methods.
- (b) Where a notice is sent by post, service of that notice will be deemed to be effected by properly addressing, prepaying and posting a letter containing the notice and to have been effected on the day after the date of its posting.
- (c) Notice of every General Meeting must be given to every Member entitled to vote at the meeting

Port Noarlunga Surf Life Saving Club Incorporated

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## **SECTION 1 DUTIES OF OFFICERS**

### **BY-LAW 1.1 PRESIDENT**

The President shall:

Be the nominal head of Port Noarlunga Surf Life Saving Club Incorporated and may preside at all Annual, Special, ordinary meetings of the Board of Management.

Maintain order and see that the duties of the other Officers are properly performed and the discipline of the Board of Management is enforced.

Have the power to suspend from office any Officer of Port Noarlunga Surf Life Saving Club Incorporated whose continuance in office would, in the opinion of the Board of Management, be detrimental to the welfare of the SLSA and such suspension shall continue until the next meeting of the Board of Management when it shall cease unless the Board of Management shall otherwise direct.

After ratification he shall sign as a true record the minutes of the Annual General, Special General and Board of Management Meetings.

Be the Port Noarlunga Surf Life Saving Club Incorporated delegate to Surf Life Saving South Australia Incorporated Council Meetings.

He shall submit a written report to each meeting of the Board.

### **BY-LAW 1.2 SECRETARY**

The secretary shall attend all Management meetings of the Club, keep all minutes, conduct the correspondence of the Club, and take charge of all papers.

The secretary shall be responsible for exhibiting all instructions and notices on the notice board.

The secretary shall forward notice of all meetings and the business to be conducted thereat to members as required by the constitution or as may be directed by the committee.

Shall be the Public Officer

He shall submit a written report to each meeting of the Board.

### **BY-LAW 1.3 CAPTAIN**

The club captain shall hold a bronze medallion and be proficient and be responsible for all life saving activities performed by members of the club.

He shall also have jurisdiction over all members in all life saving and competitive activities.

The captain and vice captain shall select and place financial patrol members into rostered patrols for that season.

He shall submit a written report to each meeting of the Board.

**BY-LAW 1.4 TREASURER**

The Treasurer shall:

Be responsible to the Board of Management for the control and management of the financial records and funding of Port Noarlunga Surf Life Saving Club Incorporated.

Ensure that the funds of Port Noarlunga Surf Life Saving Club Incorporated, surplus to current needs that may occur from time to time, are invested in accordance with the requirements of the Trustees Act as amended from time to time.

Ensure that correct procedures for control, including an independent audit, are maintained at all levels of the Club, which has been the recipient of funds, processed through Port Noarlunga Surf Life Saving Club Incorporated.

Be responsible for the presentation of appropriate financial reporting to each meeting of the Board of Management, with said reporting including bank reconciliations.

Be responsible for the presentation to the independent Auditor of completed annual accounts including profit and loss statement, cash flow statement and balance sheet and to ensure that the said statements, when audited, are presented for adoption at the Annual General Meeting of Port Noarlunga Surf Life Saving Club Incorporated.

Advise on the appropriation and allocation of special grants obtained through sponsorship per Government, commercial or personal agencies.

Be the Chairperson of the Finance Committee.

**BY-LAW 1.5 VICE PRESIDENT**

The Vice President shall assist the President in the performance of his duties as may be required and shall deputise for him in his absence.

He shall submit a written report to each meeting of the Board.

**BY-LAW 1.6 ASSISTANT SECRETARY**

During the absence of the secretary, shall act in the secretary's stead.

The assistant secretary shall keep an up to date record of all members and officers of the club.

The assistant secretary shall also arrange the registration of all members as required by the State Centre.

The assistant secretary shall take minutes of all committee meetings.

He shall submit a written report to each meeting of the Board.

### **BY-LAW 1.7 VICE CAPTAIN**

The Vice Captain shall act in conjunction with the Club Captain.

The vice captain shall hold a bronze medallion and be proficient and be responsible for the efficiency of patrols and shall record and log all patrol hours and activities, and shall, in conjunction with the secretary submit to the state centre such details as may be required from time to time.

It would be desirable that he hold as a minimum a Training Officer Certificate.

Ensure the competing members of the club have been advised of their competition qualification obligations in respect of patrol hours.

Compile and submit competition entries for all carnivals where members are representing the club.

Maintain an up to date record of all carnival results.

See to the collection of any carnival fees which may be payable by members.

Shall maintain a record of carnivals that members who have purchased craft pursuant to a subsidy agreement compete in for the club and provide such information to the Board of Management.

Shall arrange coaching and instruction for suitable members in beach and water events, and shall familiarise all club members with the use and care of relevant equipment, and to this end shall act under the direction of the club captain.

Organise and conduct all intra club competition.

Compile particulars for all point scores, etc in conjunction with the assistant secretary.

It would be desirable that he hold as a minimum a Level 1 Surf Coach Award.

He shall submit a written report to each meeting of the Board.

### **BY-LAW 1.8 CRAFT CAPTAIN**

The craft captain shall arrange coaching and instruction for suitable members for craft competition, and shall familiarise all club members with the use and care of relevant equipment, and to this end shall act under the direction of the club captain.

The craft captain shall be responsible for the maintenance and care of the club's competitive skis and boards and will arrange all necessary transport to and from carnivals.

It would be desirable that he hold as a minimum a Level 1 Surf Coach Award.

He shall submit a written report to each meeting of the Board.

**BY-LAW 1.9 BOAT CAPTAIN**

The boat captain shall be responsible for the maintenance and care of the club's surf boats and associated equipment and will arrange all necessary transport to and from carnivals, and shall at all times act under the direction of the club captain.

It would be desirable that he hold as a minimum a Level 1 Surf Coach Award.

He shall submit a written report to each meeting of the Board.

**BY-LAW 1.10 INSHORE RESCUE BOAT CAPTAIN**

The IRB captain under the direction of the Training Officer shall arrange instruction for suitable members in all phases of IRB work as described in the Power Craft Manual, and be responsible for the care and maintenance of the club's IRB motor(s) and accessories and will arrange all necessary transport to and from carnivals.

It would be desirable that he hold as a minimum a Training Officer Certificate in IRB Awards and a Level 1 Surf Coach Award.

He shall submit a written report to each meeting of the Board.

**BY-LAW 1.11 NEWSLETTER OFFICER**

The newsletter officer shall be responsible for the production and distribution of the club newsletter to all members of the club.

The newsletter officer shall endeavour to utilise the electronic media for the distribution of the newsletter to members.

The newsletter officer shall liaise with club officers for input into the club newsletter.

**BY-LAW 1.12 FUND RAISING CHAIRPERSON**

The fund raising chairperson shall be responsible for the co-ordination, conduct and arrangement of all social and fund raising activities conducted by, or on behalf of the club, whether within the club or not.

He shall submit a written report to each meeting of the Board.

**BY-LAW 1.13 PROMOTIONS OFFICER**

He shall also be charged with the responsibility of seeking financial, or otherwise, assistance by way of sponsorship for the club.

The promotions officer shall endeavour to advance the interests of the club by bringing the activities of the club before the notice of the public.

He shall submit a written report to each meeting of the Board.

**BY-LAW 1.14 TRAINING OFFICER**

The training officer overall responsibility shall be to foster and encourage the interests of members and to see that they are usefully integrated into all club activities.

In particular the training officer should ensure that they are trained and instructed in all aspects of surf life saving. He shall act in conjunction with the club captain.

It would be desirable that he hold as a minimum a Bronze Medallion Training Officer Certificate.

He shall submit a written report to each meeting of the Board.

**BY-LAW 1.15 RADIO OFFICER**

The radio officer shall act under the direction of the club captain and shall be responsible for the care and maintenance of all the club's radios and related equipment.

He shall submit a written report to each meeting of the committee.

**BY-LAW 1.16 FIRST AID OFFICER**

The First Aid Officer shall act under the direction of the Club Captain and be responsible for all first aid equipment.

He shall submit a written report to each meeting of the Board.

**BY-LAW 1.17 GRIEVANCE OFFICER**

The role of the Grievance Officer is recorded in **Appendix 3. Refer 3.1.1, 3.1.2 and 3.1.3.**

The club shall utilise the State Centre Grievance Officer.

**BY-LAW 1.18 WEBMASTER**

The Webmaster shall be responsible for the update and maintenance of the Official club web site.

The Webmaster shall liaise with club officers for input for the effective maintenance and information to be posted on the web.

He shall submit a written report to each meeting of the Board.

**BY-LAW 1.19 YOUTH CO-ORDINATOR**

The Youth coordinator shall be responsible to the Board of Management to arrange coaching and instruction for youth members. Training shall include patrol obligations and requirements, introduction to all club officers and their responsibilities, competition and awards and familiarisation of all youth members with the use and care of relevant equipment, and to this end shall act under the direction of the club captain.

He shall submit a written report to each meeting of the Board.

**BY-LAW 1.20 CLUB LIFE SAVING ADVISOR (S)**

Shall be appointed by the Club Captain from Accredited/Proficient Assessors from within the club and be approved by SLSSA.

Duties shall include:

1. Overseeing the conduct of Club proficiencies of members as directed by SLSA in conjunction with the Club Captain
2. Responsible for conducting preliminary assessments in accordance with SLSA directives
3. Responsible for requesting Assessments in Surfguard following conduct of preliminary assessments
4. Any other approved duties

**BY-LAW 1.21 RESOURCE OFFICERS (S)**

Shall be appointed by the Board of Management and shall be responsible for:

1. be available to be on call in the event that an after hours call is instigated by SLSSA
2. Have access to all club rescue equipment
3. Have access to a list of contact information of members that can be called to support in the event of a call out

**BY-LAW 1.22 DEPOSITION OF OFFICERS**

In order to make every Officer responsible to the Board of Management for the faithful discharge of his duties and to remedy any defect when his continuance in office would be adverse to the well being of the Port Noarlunga Surf Life Saving Club Incorporated, the Board of Management Members shall have the power of deposing him by resolution carried at a specially summoned meeting of the Board of Management called for the consideration of same provided that such resolution be carried by an affirmative vote of seventy-five per centum (75%) of the Board of Management Members present and entitled to vote.

## **SECTION 2 COMMITTEES**

### **BY-LAW 2.1 AUTHORITY OF COMMITTEES**

Specific interest panels exist to support the Board of Management in the development and operation of the particular interest area. Board of Management shall establish each panel.

Duties –

- (1) to operate within the policies of Port Noarlunga Surf Life Saving Club Incorporated and to conduct its activities under the authority of the Board of Management.
- (2) to gain approval for the conduct of activities from the Board of Management. No panel shall commit to any program or activity without first making submission to, and gaining the approval of the Board of Management.
- (3) to provide for development for the specific discipline or area of expertise, however this development shall be approved and coordinated by the appropriate board to ensure that proper authorities are given, and to ensure that the activities of Port Noarlunga Surf Life Saving Club Incorporated are integrated throughout the organisation.
- (4) to submit proposals to the board for consideration and inclusion in the strategic plan.
- (5) to deal with matters referred to it from time to time.
- (6) The committee shall submit a written report to each meeting of the Board.

### **BY-LAW 2.2 EXECUTIVE COMMITTEE**

The executive of the club shall consist of:

President  
Vice President  
Secretary  
Treasurer  
Captain

Five (5) shall form a quorum which shall have the power to deal with all urgent matters.

The Executive Committee shall table minutes at the next Board of Management Meeting.

### **BY-LAW 2.3 JUNIOR ACTIVITIES COMMITTEE**

The junior activities committee shall be formed annually from persons interested in the well being of members whose ages range from five (5) to thirteen (13) years of age.

The junior activities committee shall be appointed from such interested persons at the Annual Junior Presentation Day

The junior activities committee shall be ratified at the Annual General Meeting.

The junior activities shall conduct such other meetings considered necessary for the efficient operation of junior activities.

A quorum at all meetings shall be fifty percent (50%) plus one of all members eligible to vote.

The junior activities committee shall prepare a budget for their area of control and present to the Finance Committee no later than the 30th of April each year.

Junior Activities Chairperson shall represent the junior activities on the Board of Management.

He shall submit a written report to each meeting of the Board.

### **BY-LAW 2.4 BUILDING COMMITTEE**

The building committee shall comprise at least three (3) members all of whom shall be appointed by the Board of Management after the Secretary has called for expressions of interest.

The building committee shall be responsible to the Board of Management for such alterations and additions as may be considered necessary for the general repair and maintenance of existing facilities comprised in and around the club premises.

Three (3) shall form a quorum.

### **BY-LAW 2.5 CONSTITUTION COMMITTEE**

The constitution committee shall comprise three (3) members all of whom shall be appointed by the Board of Management after the Secretary has called for expressions of interest.

The constitution committee shall be responsible to the Board of Management to deal with all matters affecting the constitution that may be referred to it for report and recommendations to the Board of Management.

Have the authority to revise and recommend to the Board of Management such alterations, as it deems necessary.

Three (3) shall form a quorum.

#### **BY-LAW 2.6 JUDICIAL PANEL**

The Judicial Panel shall be appointed annually by the Board of Management, by 30th September each year, after the Secretary has called for expressions of interest, and shall:

Comprise five (5) members who shall be appointed annually one of whom shall be appointed as Secretary of the Judicial Panel, to investigate and report on all incidences calling for judiciary action.

The procedure set out in **Appendix 1** shall apply to all matters referred to the Judicial Committee.

The Constitution of SLSA shall be followed in relation to any and all meetings called to conduct disciplinary or judicial proceedings or the like proceedings in relation to the conduct of a member or a group of members.

The Constitution of SLSA shall be the Constitution that is current at the time that the incident or incidents complained of took place.

Any Judiciary Committee shall require three (3) members of the Judicial Panel.

No member of the Judicial Panel shall be a member of the Board of Management.

#### **BY-LAW 2.7 LIFE MEMBERSHIP AND HONOURS PANEL**

The Life Membership and Honours Panel shall comprise five (5) Life Members of Port Noarlunga Surf Life Saving Club Incorporated. The Board of Management will appoint all members annually after the Secretary has called for expressions of interest.

The Board of Management will appoint the Chairperson.

A quorum for a meeting of the Life Membership and Honours Panel shall be five (5).

The Life Membership and Honours Panel is responsible for the application of the verifications and procedures as required by **By-Laws 4.4, 4.5, 4.6 and 4.7.**

**BY-LAW 2.8 FINANCE COMMITTEE**

The Finance Committee shall:

Comprise the Treasurer (who shall be the Chairperson), the Secretary, plus three (3) other persons with known business acumen who shall be appointed by the Board of Management.

Meet quarterly to report and advice on all financial matters including fund raising, and any other matters which may be referred to them.

Responsible to consider all financial matters in greater detail than what can be achieved at Board of Management level.

Responsible to undertake detailed examination of monthly and annual financial figures.

Responsible to undertake detailed investigation of investment opportunities.

Responsible to prepare an annual budget for submission to the Board of Management, for adoption during the first (1<sup>st</sup>) quarter of the Port Noarlunga Surf Life Saving Club Incorporated financial year.

Responsible to provide detailed consideration of the financial factors contained within the budget.

The Treasurer plus two (2) others shall form a quorum.

**BY-LAW 2.9 FUND RAISING COMMITTEE**

The Board of Management shall appoint the fund raising committee annually after the Secretary has called for expressions of interest.

The Fundraising Chairman, a representative from the junior activities and at least five (5) other members shall form the fundraising committee.

The fund raising committee shall be concerned with all matters relating to fund raising.

A quorum at all meetings shall be fifty percent (50%) plus one (1).

He shall submit a written report to each meeting of the Board.

### **SECTION 3 GENERAL RULES AND PROCEDURES**

#### **BY-LAW 3.1 PROVISIONS**

- (a) Officers shall be elected annually at the Annual General Meeting from amongst nominations submitted. Such nominations shall be called for by the Secretary and be in writing and bear a certificate by the nominee expressing his willingness to accept the position for which he is nominated. Such nominations shall be in the hands of the Secretary at least twenty eight (28) days prior to the Annual General Meeting.
- (b) The election of the Officers of Port Noarlunga Surf Life Saving Club Incorporated shall be by preferential ballot (**refer appendix 4**).
- (c) The duties of Officers shall be as set out in Section 1 of the By-laws.
- (d) Such duties may be deleted, added to or altered from time to time by the Board of Management on notice of motion, and after negotiations with the appropriate Officer.
- (e) All Officers shall continue in office subject to resignation or removal or disqualification from office until their successors are appointed. In the event of a vacancy occurring during the year such vacancy may be filled at an ordinary meeting of the Board of Management, or by postal or electronic ballot, subject to similar conditions of nominations as provided for in paragraphs (a) and (b) of this clause.

#### **BY-LAW 3.2 CORRESPONDENCE**

- (a) All official correspondence to and from Port Noarlunga Surf Life Saving Club Incorporated must be forwarded through the Secretary, whether it is from sub committees, Officers, or individual members.
- (b) All such correspondence shall be addressed to the Secretary at the address currently being used by Port Noarlunga Surf Life Saving Club Incorporated.
- (c) No correspondence shall be conducted with SLSA, its Officers or State Centres, Branches or Clubs located in other States, other than through the Secretary.

### **BY-LAW 3.3 POSTAL OR ELECTRONIC VOTING**

A postal or electronic device vote shall be conducted in the following manner:

- (a) Postal or electronic voting shall include voting by way of post or by way of electronic device which shall include voting by either facsimile or email.
- (b) Any matter of an urgent nature, which requires a decision, upon the instruction of the President or the Board of Management, be submitted to a vote by post or electronic device.
- (c) Where a vote by post or electronic device is to be taken the Secretary shall deliver or send by post or electronic device to each Board of Management member, a clear statement of the question to be voted upon with a request that he send his vote thereon to the Returning Officer. Such request shall state the date upon which voting shall close
- (d) Officers shall submit their votes in writing and enclose same in a marked envelope addressed to "The Returning Officer" at the address used by Port Noarlunga Surf Life Saving Club Incorporated. In the case of an electronic device vote the electronic device shall be addressed to "The Returning Officer".
- (e) The Secretary in the presence of at least two (2) members of the Board of Management shall open such mail or correspondence. The President shall have only a casting vote in the case of a postal and electronic device vote.
- (f) All postal and electronic device votes received by the Secretary shall be filed with a copy of the question and a copy of the resulting report and shall be retained until the conclusion of the next following Board of Management meeting.

### **BY-LAW 3.4 FEES AND EXPENSES**

- (a) Travelling and accommodation expenses shall be allowed for at the discretion of the Board of Management.
- (b) Such reasonable costs will be allocated at the discretion of the Board of Management.

### **BY-LAW 3.5 PUBLIC OFFICER**

The secretary shall be the Public Officer of the Port Noarlunga Surf Life Saving Club Incorporated

The public officer shall supply the State Business & Corporate Affairs Office with particulars of his name, address and such other particulars as may be required from time to time under the Associations Incorporations Act 1985 (SA) or any other legislation requiring a Public Officer.

### **BY-LAW 3.6 BOARD AND SKI SUBSIDY**

The subsidy is to be on a 50:50 leasing basis between the Club and the Member.

If the member can afford the full 50% payment up front, then the member may pay that amount upon ordering craft or if the club agrees, the member may pay their share of the lease over a twelve-month period – being four equal payments made each three months from the date of ordering the craft.

If a payment is missed, the Club will lock the craft away until payment is received. If payment is not received within a month of the due date, the craft may be sold and the lessee foregoes all rights and money put into the craft.

The lessee will have sole use of craft forever unless they leave the club or change competition rights. In that case they forego their rights to the craft as well as any money they have contributed towards it.

The lessee shall be responsible for all maintenance and repairs to the craft. It is their responsibility to keep craft in best possible condition, which benefits themselves and the club at a time of sale to gain the highest possible re-sale price.

If after 3 years use and if the lessee requires a new craft item, they must sell the existing craft for highest possible price with that money being deducted from the purchase price of the new craft to establish the new lease amount. (e.g. Sell existing craft for \$1000, new craft cost = \$3000 minus \$1000 for sale price = Changeover cost of the new craft. The 50:50 leases would be based on the \$2000 changeover cost.)

The lessee shall compete for the club during the term of the Lease Agreement in at least fifty (50%) per cent of the Carnivals in South Australia where craft can be entered. Failure to do so shall be referred to the Management Committee for resolution.

The agreement is for a period of three (3) years and requires the member to compete for the club during that time. If the member transfers to another club or leaves the club during that time they will be required to pay out the 50% of the purchase price paid by the club.

The lease subsidy shall be approved at the discretion of the Board of Management.

### **BY-LAW 3.7 CLUB COLOURS**

The Club colours shall be predominately Maroon and Gold and the Club cap shall be Maroon with a Gold Star.

The Club uniform may be amended as deemed necessary by the Board of Management however will retain the traditional colours either in part or totality of Maroon and Gold. Any alterations, modifications and change in style must be first authorised by the Board of Management.

The Club badge will be that as authorised by the Board of Management, in keeping with the need to maintain the image and identity of the Port Noarlunga Surf Life Saving Club Incorporated and its purpose. The Board of Management is authorised to amend the Club badge as may be so required from time to time, however will maintain the traditional colours either in part or totality of Maroon and Gold.

Life Members may have a special inscription included under the badge.

Life Governors may have a special inscription included under the badge

## **SECTION 4 AWARDS AND HONOURS**

### **BY-LAW 4.1 CLUBPERSON OF THE YEAR**

- (1) This Award is given for outstanding contribution to multiple aspects of Club Life.
- (2) Determination of this award shall be by sealed voting slips with votes being cast by officers as detailed in paragraph (3) with the secretary being responsible for the issue and collection of these voting envelopes.
- (3) Votes for Clubperson of the Year shall be cast each month by the President, Secretary, Captain, Junior Activities Chairperson and Treasurer.  
Voting shall be recorded on a 3, 2, 1 basis with only three names being recorded on the voting paper.

There is much discretion available for this award as it can encompass almost any outstanding contribution by a club member.

There is a wide scope of areas to assess, but they can include:

- Lifesaving
    - Patrol performance
    - Water Cover
    - Gaining New Awards
    - Training activities
    - Support for other members
    - Representing our club at a State level (e.g., carnivals water cover, assessments at other clubs etc)
    - Rescues
    - Other
  - Competition
    - Outstanding performance
    - Enthusiastic Performance
    - Support of other members
    - Helping Port Noarlunga SLSC fulfil our State obligations (e.g., Carnival Water Cover, Officials etc)
    - Training
    - Other
  - Social
    - Attends functions
    - Organises Functions
    - Provides *Voluntary* Services in the Bar or the Kitchen
    - Assists with set up and/or clean up of Club Functions
    - Engages new people to attend our club functions
    - Introduces new people to Lifesaving
    - Other
  - Other
    - Any other activity not covered above that contributes to improving our Services to our members and/or to the community. For example, equipment maintenance, sponsorship applications, dealing with officialdom, administrative work etc.
- (4) Votes shall be opened and counted by any three (3) life members.

- (5) Voting slips which are either illegible or cast votes to unidentifiable members or cast the incorrect number of votes shall be disregarded in their entirety.

#### **BY-LAW 4.2 MOST CONSISTENT LIFESAVER**

- (1) This award is given for outstanding contribution to Surf Lifesaving comprising aspects of Lifesaving and Competition.
- (2) Determination of this award shall be by sealed voting slips with votes being cast by officers as detailed in paragraph (3) with the secretary being responsible for the issue and collection of these voting envelopes.
- (3) Votes for Most Consistent Lifesaver shall be cast each month by the Club Captain, Vice Captain, Junior Activities Chairperson and Training Officer.  
Voting shall be recorded on a 3, 2, 1 basis with only three names being recorded on the voting paper.

The relevance of our club and organization as well as our long term survival depends on equal and committed attention to both aspects of Lifesaving and Competition.

In any given year, a club member that has given solid commitment to all two aspects listed above would be eligible. For this award, enthusiasm, commitment and effort rate more highly than medals and patrol hours (although they will be taken into account).

This award recognises a Patrol member who in a given season has worked towards improving the delivery of our core business, which is providing a safe swimming environment at the beach.

Things to be taken into account are:

- Leadership
- Patrol Hours
- Water Cover commitment
- Achievement of Senior awards
- Conduct during rostered patrols
- Reliability
- Rescue(s)
- Provision of Lifesaving services outside of regular Club activities (e.g., carnivals, regattas, long swims, search and rescue etc)

A patrol member would be ineligible if during the season they have accrued unexpiated penalty hours.

- (4) Votes shall be opened and counted by any three (3) life members.
- (5) Voting slips which are either illegible or cast votes to unidentifiable members or cast the incorrect number of votes shall be disregarded in their entirety.

**BY-LAW 4.3 YOUTH MEMBER OF THE YEAR**

- (1) This award is given for outstanding contribution to Surf Lifesaving activities as a Youth member with eligibility being limited to members who are 14 to 21 years inclusive and must be registered Active members of the club.
- (2) Determination of this award shall be by sealed voting slips with votes being cast by officers as detailed in paragraph (3) with the secretary being responsible for the collection of these voting envelopes.
- (3) Votes for Youth Member of the Year shall be cast each month by the Club Captain, Vice Captain, Junior Activities Chairperson, Training Officer and Youth Co coordinator.
- (4) The following should be considered when casting votes.
  - Attitude to: Patrols, training, competition, gaining new awards, care and use of club gear and clubrooms
  - Attitude to: other club members.
  - Helping with fundraising, working bees, coaching etc.
  - Any other activity not covered above that contributes to improving our Services to our members and/or to the community. For example, equipment maintenance, sponsorship applications, dealing with officialdom, administrative work etc.
- (5) Votes shall be opened and counted by any three (3) life members.
- (6) Voting slips which are either illegible or cast votes to unidentifiable members or cast the incorrect number of votes shall be disregarded in their entirety.

**BY-LAW 4.4 APPOINTMENT OF LIFE MEMBERS**

- (a) Life Members of Port Noarlunga Surf Life Saving Club Incorporated may be appointed from members of the club who have rendered special and/or extraordinary service to Port Noarlunga Surf Life Saving Club.
- (b) Nominations may be submitted no later than 30th April for consideration in that year. Such nominations shall provide full details of the nominee's history and shall be handed to the Chairperson of the Life Membership and Honours Panel.
- (c) The Life Membership and Honours Panel shall meet no later than May each year to consider members whom they think may be eligible for Life Membership. Nominations for Life Membership must be in writing and be accompanied by full details of the Nominees Life Saving Service on which the nomination is based. Endorsements from the Life Membership and Honours Panel (including a copy of the nomination) shall be lodged with the Secretary at least fourteen (14) days prior to the Annual Presentation Function.

- (d) For a member to be eligible for Life Membership the following shall apply.
- (i) Criteria that must be fulfilled shall be:
    - (1) the member must have been a member for fifteen (15) seasons (eligibility to commence from the date of joining or age to become a General Member whichever is the latter) if fulfilling service comprises service other than solely patrolling service otherwise twenty (20) seasons of patrolling service shall be the minimum seasons of service to qualify.
    - (2) by his expertise and/or efforts has profoundly assisted the Club in its operation
    - (3) has promoted and fostered the objects of the club
    - (4) has promoted and fostered membership
    - (5) a person highly respected by present and past members for his/her services to the club.
    - (6) must have been active in the club for five years immediately preceding appointment as a Life Member. Active shall include but not be limited to Competition, Administration, Patrols and or Coaching.
  - (ii) In addition a member must meet three (3) of the following criteria unless being considered under the twenty (20) seasons patrolling service criteria where only item (1) and (7) shall be met.

Criteria to be used in consideration for Life Membership to include but not limited to:

- (1) The member must have been a patrolling member for ten (10) continuous years
- (2) The member must have been a member of the Board of Management for five (5) years
- (3) The member must have been a member of a subcommittee for eight (8) years
- (4) The member must have been a competing member for ten (10) years
- (5) The member must have been a nonvoting officer of the club for five (5) years
- (6) The member must have been a qualified surf coach for five (5) years
- (7) The member must have been an accredited patrol captain for five (5) years
- (8) The member must have been an accredited training officer for five (5) years
- (9) The member must have been an accredited official for five (5) years

Active shall include but not be limited to Competition, Administration, Patrols and or Coaching.

The Life Member shall be entitled to:

- (1) A badge with the special inscription of Life Member under the badge
- (2) Plaque (or Certificate) confirming appointment as a Life Member
- (3) Name on an Honour Board

#### **BY-LAW 4.5 LIFE GOVERNOR**

Life Governors of Port Noarlunga Surf Life Saving Club Incorporated may be appointed from members of the club who have rendered service to Port Noarlunga Surf Life Saving Club Incorporated over a minimum of thirty (30) registered seasons (eligibility to commence from date of joining or age to become a General Member whichever is the latter) with the following selection criteria:

To be appointed on achieving necessary eligibility qualifications after confirmation by the Board of Management.

- (1) Completed a minimum of seven hundred and fifty (750) patrol hours **OR** must have won a Clubperson of the Year award **OR** won a Most Consistent Lifesaver award.
- (2) Has been elected a Life Member of the club.

- (3) Must have been active in the club for five years immediately preceding appointment as a Life Governor.
- (4) Active shall include but not be limited to Competition, Administration, Patrols and or Coaching.
- (5) The Life Membership and Honours Panel shall confirm eligibility of the nominee.

The Life Governor shall be entitled to:-

- (1) An Honorary Ticket to all club functions
- (2) A Blazer shall be presented to honour the recipient.
- (3) Have his name recorded on an Honour roll.

#### **BY-LAW 4.6 SLSA RECOGNITION AWARDS**

Members of the Port Noarlunga Surf Life Saving Club Incorporated may be nominated for appropriate Service and Patrol Awards in accordance with SLSA Regulations by the panel.

#### **BY-LAW 4.7 SPECIAL AWARDS / HONOURS**

- (a) The Life Membership and Honours Panel shall meet as necessary but at least annually to consider members whom they think should be nominated for any special awards.
- (b) The Life Membership and Honours Panel shall submit special awards nominations to the appropriate body.

### **SECTION 5 PATROLS**

#### **BY-LAW 5.1 PATROL ACCREDITATION**

In relation to patrol duties the following shall apply:-

- (a) Members generally recognise the obligation of all members to perform patrol duties and/or other duties within the SLSA structure.
- (b) Exemptions from patrol, or other duties, may only be granted in the most exceptional of circumstances.
- (c) Port Noarlunga Surf Life Saving Club Incorporated may provide exemptions for senior Club Officers, and persons whose Club duties are such that exemption may be provided by special resolution of a meeting of the Board.
- (d) Under no circumstances shall competitors be granted Patrol or Club duty exemptions solely for competition reasons.
- (e) Any Patrol or duty exemption, granted by Port Noarlunga Surf Life Saving Club Incorporated, excepting those provided for in (c) above, must be immediately submitted for ratification to SLSA stating names and reasons for the exemption.
- (f) Information shall be issued from time to time advising of the Policy and specific conditions that currently apply to such obligations/exemptions.

## **BY-LAW 5.2 REGULATIONS**

Patrol Captains are responsible for members wearing SLSA approved patrol uniforms (including bathers) whilst on patrol.

- (a) Members shall attend at the beach for patrol duty on such date and at such hours as may be specified by the committee in the patrol roster or as directed by the State Centre.
- (b) Each member shall be personally responsible that he acquaints himself with such dates and hours and the number of his patrol from the patrol roster.
- (c) Any member who is unable to attend his patrol shall find a substitute.
- (d) Notwithstanding anything contained in the preceding paragraphs of these rules, the Board of Management may indicate to any member in writing that in their opinion he is not giving satisfactory patrol service and call upon him for an explanation.
- (e) Patrol Captains are responsible for members of their patrol signing the patrol sheet and the notation thereon of irregularities, rescues performed, etc.
- (f) The Patrol Captain shall also see that his members have knowledge of such State Centre obligations as are considered necessary.
- (g) All members upon entering the club premises may automatically become liable to carry out a patrol if requested by a person with the necessary authority.
- (h) Exemption from patrols may be granted in exceptional circumstances, or to members and / or senior club officers whose duties may warrant such exemption.

## **SECTION 6 COMPETITION**

### **BY-LAW 6.1 CLUB CHAMPIONSHIP EVENTS**

The following trophies shall be competed for annually: -

- Club Champions
- Club Captain's Award
- Most Patrol Hours Champion
- Top Ten Patrol Awards Hours

Plus any trophies the Board may determine.

For a member to be included in determining the Club Champion for the age group that they are eligible for they shall have used every endeavour to complete all events and the courses as set on the day.

Conditions of entry into club championships shall be limited to those members who have completed the necessary Annual Proficiency tests as determined by Surf Life Saving South Australia Incorporated

## **BY-LAW 6.2 COMPETITION ACCREDITATION**

Conditions of entry in Association competitions shall be laid down in the relevant Association handbook.

Members and competitors acknowledge and agree that competing in lifesaving events, contests, carnivals and competitions attract certain rights and obligations and require 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 and 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 events, contests, carnivals and competitions conducted by SLSA.
- c) Members acknowledge and agree that if 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 they will attract disciplinary action under the Regulations which may result in forfeiture of their competitive rights set out in (a) above.

## **SECTION 7 JUDICIARY PROCEDURES**

### **GENERAL**

- (a) Where the Board of Management is advised or considers that a member has allegedly:
  - (1) Breached, failed, refused or neglected to comply with a provision of this Constitution and By-laws, the Rules and Regulations of SLSA, the Articles of SLSA or any resolution or determination of the Board of Management, the SLSA Council or any duly authorised committee; or
  - (2) Acted in a manner unbecoming of a member, or prejudicial to the purposes and interests of Port Noarlunga Surf Life Saving Club Incorporated, SLSA and/or surf life saving; or
  - (3) Brought the Port Noarlunga Surf Life Saving Club Incorporated, SLSA or any other State Centre or surf life saving into disrepute;

The Board of Management may commence or cause to be commenced, disciplinary proceedings against that member, and that member will be subject to, and submits unreservedly to the jurisdiction, disciplinary procedures and penalties and the appeal mechanisms of the Association and SLSA as set out in the Constitution and By-laws.

- (b) The Board of Management may appoint a Judiciary Committee to deal with any disciplinary matter referred to it. Such a Judiciary Committee shall operate under the principles expressed in **Appendix 1**.
- (c) The Grievance Officer shall be the SLSSA Grievance Officer.

For judicial, grievance and appeal matters refer **Appendix 1**.

## **APPENDICES**

### **Appendix 1: JUDICIARY PROCEDURES**

- (a) The Judiciary Committee shall operate in the following manner and within these rules of procedure and the following definitions shall apply:
- (1) "The Committee" means the Judiciary Committee.
  - (2) " Secretary" means the Secretary for the time being of the Judiciary Committee.
  - (3) "Member" means member of the Port Noarlunga Surf Life Saving Club Incorporated subject to the jurisdiction of the Port Noarlunga Surf Life Saving Club Incorporated by which the Committee shall have been appointed.
- (b) The jurisdiction of the Judiciary Committee shall be that of where a member of the Port Noarlunga Surf Life Saving Club Incorporated or Life Member charged with having committed an offence either interstate or intra State, the alleged offender shall be dealt with by the Judiciary Committee of Port Noarlunga Surf Life Saving Club Incorporated.
- (c) Every reference to the Committee shall be in a clear and unambiguous form and shall clearly set out the matters to be determined by the Committee.
- (d) Upon reference of an inquiry to the Committee the Secretary shall forthwith appoint a time and place suitable to the members of the Committee.
- (e) The Committee shall conduct the inquiry referred to it within such time as the Board of Management directs, provided always that a member may apply for an adjournment by application in writing to be in the hands of the Secretary at least two (2) days before the time fixed for such inquiry.
- (f) The Committee shall have the power to require the attendance of any member at any meeting of the Committee. The Secretary shall give at least two (2) days notice in writing to a member informing him of the time and place of the meeting and that he is required to attend, and shall give such notice in writing at least three (3) days before the day appointed for the meeting to any member whom the subject of the inquiry requests him to call as a witness.
- (g) Any notice required by the rules to be given by the Secretary shall be given in writing delivered personally, or by email, or other approved electronic method 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 was posted.
- (h) The Secretary shall give to the subject of the inquiry at least seven (7) days notice in writing of the time and place appointed for the investigation. Such notice shall state clearly the charge made and shall be in or to the effect of the following form:

Port Noarlunga Surf Life Saving Club Incorporated  
Judiciary Notice

A TO \_\_\_\_\_  
(Member Port Noarlunga Surf Life Saving Club Incorporated)

B FROM Port Noarlunga Surf Life Saving Club Incorporated

C You are hereby notified that the matter detailed below E has been referred to the Judiciary Committee at the direction and authority of:

\_\_\_\_\_  
(Meeting / Resolution / Date)

D A meeting of the Judiciary Committee will be held as follows:

Date: \_\_\_\_\_ Time \_\_\_\_\_ am/pm

Venue: \_\_\_\_\_

E The matter referred to the Judiciary Committee, in specific items of reference is:

\_\_\_\_\_

F The person(s) named in A above are required to be present personally.

G You should also arrange for the attendance of such witnesses as you may care to call upon your behalf, OR,

H You may notify the Secretary of the Judiciary Committee, in writing, of the names and addresses of people whom it is wished to have called as witness.

This notification must be in the hands of the Secretary at least five (5) clear days BEFORE the date of the meeting.

If the notification is made with sufficient information and within the time frames as set out above the Secretary of the Judiciary Committee will forward a notice and request the attendance of such witnesses.

However the Judiciary Committee will not imply acceptance of responsibility of attendance of such witnesses or their expenses.

I If the time and place appointed for the meeting in D is not suitable then you may apply for an adjournment by application in writing to be in the hands of the Secretary at least two (2) days {48 hours} before the actual time of the meetings commencement.

J The Constitution of the SLSA does not provide for representation by legal or other representatives, as a right.

However application may be lodged at the commencement of the meeting and the committee may grant, or refuse, such application as it deems fit.

Yours faithfully

Secretary  
JUDICIARY COMMITTEE

All correspondence, notifications, etc for the Judiciary Committee should be addressed to:  
The Honorary Secretary  
Port Noarlunga Surf Life Saving Club Incorporated Judiciary Committee

- (i) The quorum at a meeting of the Committee shall be three (3) members of the Judicial Panel.
- (j) At the inquiry the charge or reference to the Committee shall be read to the member concerned along with the likely consequences if found guilty (as in **Appendix 1 (s)**).
  - (1) If the plea is **GUILTY**:
    - (a) The investigator shall give a summation.
    - (b) The Chairperson will ask the defendant whether he disputes the summation.
    - (c) The Chairperson will ask the defendant whether he would like to present any character witnesses or whether he has anything further to say.
  - (2) If the plea is **NOT GUILTY**:
    - (a) The investigator shall be invited to summarise the case.
    - (b) The defendant will be asked if it is clear and the charges understood.
    - (c) The investigator shall call witnesses.
    - (d) Each witness shall be subject to examination by the party (if any) upon whose behalf he is called and then to cross-examination by the opposing party or parties. The party calling for the witness shall have the right to re-examine him but no other examination or cross-examination shall be allowed except by leave of the Committee.
    - (e) The defendant asks relevant questions.
    - (f) The Judiciary Committee may ask questions.
    - (g) The investigator and defendant may ask further questions.
    - (h) Defendant gives evidence.
  - (3) Hearsay and irrelevant evidence shall not be admitted if objected to by any party concerned or by the Chairperson.
  - (4) Witnesses other than the party charged shall remain out of hearing of the inquiry until called upon to give their evidence.
  - (5) The Committee may adjourn the inquiry from time to time as it thinks fit. Notice of any adjourned meeting shall be given either to the parties or witnesses present when the adjournment is decided on or by notice, in writing, at least two (2) days before the day of the adjourned hearing.
  - (6) After the evidence has been completed the Committee shall consider the same in camera and if the charge is found proved, may impose a penalty. Notice of the finding and the penalty imposed shall be given forthwith by the Secretary to the member and the finding and the penalty (if any) shall become effective forthwith.

- (k) Unless the decision of the Committee is unanimous a separate report may be made to the appointing body by the minority, but the decision of the majority shall be deemed to be the decision of the Committee. In the case of an equality of votes for and against, the Chairperson shall have a casting vote.
- (l) The report of the Committee shall be tabled at the first meeting of the Board of Management after the investigation is concluded.
- (m) The finding of the Committee cannot be altered by the authority appointing it, but a two-thirds (2/3) majority of those present and voting at the meeting at which such findings are presented may refer the matter back to the Committee for further consideration or the hearing of additional evidence. The grounds for such reference shall be clearly stated.
- (n) Pending determination and findings by such Judiciary Committee the subject(s) of such inquiry shall remain under suspension unless the Board of Management making the reference decides otherwise.
- (o) No member shall be entitled to legal representation as a right, provided always that a member may apply at the commencement of the inquiry for such representation, and the Judiciary Committee may grant or refuse such application as it thinks fit. The same provision shall apply where representation other than legal representation is required.
- (p) Any member who fails without reasonable excuse to comply with the requirements of any notice addressed to him by the Secretary to comply with Appendix 1 rule (g) hereof shall be subject to such action as the Board of Management thinks fit.
- (q) Should the subject of the inquiry be exonerated by the Judiciary Committee he shall be allowed to start under protest in any carnivals or events held before the meeting of the Board of Management at which such finding is presented and subject to the confirmation of such finding at that meeting.
- (r) A member against whom a Judiciary Committee has given an adverse finding or decision may, within fourteen (14) days after the decision is conveyed to such member, apply to the next highest authority for leave to appeal to that body. Such appeal must be lodged according to the provision of **Appendix 3.2.2.**
- (s) Penalties
  - (a) Penalties which may be imposed include:
    - (1) a reprimand
    - (2) suspension of such activities, on such terms and for such period as the penalising authority thinks fit
    - (3) exclusion from a particular activity, event or events
    - (4) expulsion
    - (5) fines, imposed in such manner and in such amount as the penalising authority thinks fit
    - (6) such combination of any of the above penalties as the penalising authority thinks fit.
  - (t) During proceedings the subject(s) of the proceedings may be suspended, on such terms and for such period as the penalising authority thinks fit, and shall remain under suspension unless the relevant referring authority decides otherwise.

## **Appendix 2: CLUB LOGO**



## **Appendix 3: GRIEVANCES, AND JUDICIAL PROCEDURES**

### **3.1 Grievance Procedures**

Where a person, be they a member or an officer or other employee of SLSSA or an affiliated Club has a grievance arising from their respective involvement in surf life saving, whatever that may be, with another such member, officer or employee, and that person considers the grievance warrants investigation and action by SLSSA, that person shall follow the following procedure.

#### **3.1.1 Grievances Officer**

The person shall contact, either by telephone or in writing, the SLSSA Grievances Officer, appointed by the State Council, and advise they have a grievance which they wish to discuss with the official. The identity of the nominated SLSSA Grievances Officer will be communicated to all parties within SLSSA by bulletin. Where a grievance is to be submitted in writing it should be addressed clearly to the SLSSA Grievances Officer and marked "Private and Confidential".

#### **3.1.2 Actions by Grievances Officer**

- (a) Where a grievance has been received by the SLSSA Grievances Officer he shall, as soon as practicable, meet with, or discuss the grievance with the aggrieved party. The SLSSA Grievances Officer may take whatever steps and conduct whatever investigations necessary to determine the grievance is legitimate.
- (b) Where the SLSSA Grievances Officer determines the grievance is legitimate he shall take all reasonable steps to resolve the grievance.
- (c) Where the SLSSA Grievances Officer determines the grievance is not legitimate he shall advise the aggrieved party accordingly. If the aggrieved party is not satisfied with the SLSSA Grievances Officer's determination he may take whatever further action he considers necessary or appropriate including requesting the commencement of judiciary action under the SLSSA regulations.

- (d) Where the SLSSA Grievances Officer is unable to resolve a grievance or considers the grievance of a very serious nature he shall report the grievance to the General Manager and/or the State Council for action.
- (e) All grievances received by the SLSSA Grievances Officer, and all information surrounding the circumstances of a grievance which is discovered by the SLSSA Grievances Officer on investigation shall be confidential and may be communicated only to the General Manager and/or the State Council.

### **3.1.3 Procedures by Grievances Officer**

In investigating a grievance and/or determining its legitimacy, the SLSSA Grievances Officer shall observe and apply the procedures applicable to a proceeding before a Judiciary Committee under **Appendix 1** in so far as they are applicable.

## **3.2 JUDICIARY MATTERS**

### **3.2.1 Breach**

- (a) Where a member has allegedly:

Breached, failed, refused or neglected to comply with a provision of the Articles, any regulation or resolution or determination of SLSA, SLSSA or any duly authorised board or committee; or

Acted in a manner unbecoming of a member or prejudicial to the objects and interests of SLSA and/or surf life saving; or

Brought SLSA, SLSSA or any Club; or surf life saving into disrepute; or

Competed or in any way participated in a lifesaving competition and/or use of SLSA equipment as per Regulation 5.3(c) of the SLSA Regulations which has not been licensed or sanctioned by SLSA or SLSSA or has failed to obtain the permission of SLSA or SLSSA to so compete or participate in that competition or use of that SLSA or SLSSA equipment;

- (b) SLSA or SLSSA may commence or cause to be commenced investigatory and/or disciplinary proceedings against that member and that member will be subject to and submits unreservedly to the jurisdiction, procedures, penalties and appeal mechanisms set out in these regulations.
- (c) SLSA or SLSSA may commence proceedings, or investigate conduct which may warrant the commencement of proceedings by referring the matter to a Judiciary Committee.

### **3.2.2 Appeals**

Any member who has received a penalty or an adverse finding by a Judiciary Committee may, within fourteen (14) days from the determination of the committee, appeal to the next higher authority, against a penalty imposed by, or a finding of, a Judiciary Committee.

- (a) The rights of appeal by a member penalised by the Port Noarlunga Surf Life Saving Club Incorporated shall proceed PROVIDED:
  - (1) The member concerned has properly availed himself of any right of appeal that may be provided in the Constitution of the relevant referring authority.
  - (2) Application is made within fourteen (14) days of the imposition of the penalty or the handing down of the finding.

- (3) Application is made through the referring authority which shall, as soon as practicable, transmit the application to the next highest authority as the case may be whilst at the same time submitting, to that authority, any representations on the application which it may wish to make.
- (b) The next higher authority shall either itself or by its Judiciary Committee hear the appeal.
- (c) Whatever the decision, the next higher authority shall convey the decision to the appellant and the initial referring authority in writing.
- (d) An appeal against a decision of a Judiciary Committee shall be directed to the Board provided:
  - (1) The Board shall either itself or by a further committee appointed for the purpose hear the appeal.
  - (2) The decision to refuse the appeal shall be final and not subject to further appeal.

#### **Appendix 4: STANDARD PREFERENTIAL VOTING SYSTEM**

##### **4.1 ELECTION OF ONE CANDIDATE**

In this system, a voter is required to indicate a preference for each candidate on the ballot paper by using the numbers 1, 2, 3 etc up to the number of candidates (number1 being first preference, number 2 second preference etc.).

Votes shall be recorded and totalled with the candidate receiving the least number of total votes recorded being declared elected.

In the event of a tied vote the candidate with the most Number 1's (1<sup>st</sup> preference votes) recorded shall be declared elected.

In the event of a further tied vote the candidate with the most Number 2's (2<sup>nd</sup> preference votes) recorded shall be declared elected and so on until decided.

##### **4.2 MULTIPLE PREFERENTIAL SYSTEM**

In this system, a voter is required to indicate a preference for each candidate on the ballot paper by using the numbers 1, 2, 3 etc up to the number of candidates. (number1 being first preference, number 2 second preference etc.).

Votes shall be recorded and totalled with the required number of candidates receiving the least number of total votes recorded being declared elected.

In the event of a tied vote the candidate with the most Number 1's (1<sup>st</sup> preference votes) recorded shall be declared elected.

In the event of a further tied vote the candidate with the most Number 2's (2<sup>nd</sup> preference votes) recorded shall be declared elected and so on until decided.

**Appendix 5: PROXY VOTING**

Proxy Voting Permitted

Proxy voting shall be permitted at all Board Meetings provided a proxy form in the form set out in **Appendix 5** (or as otherwise approved by the Board from time to time) has been duly completed and executed and is lodged with the Secretary before the commencement of the meeting. Proxies shall only be exercised by Members entitled to vote. No Member entitled to vote shall exercise more than one (1) proxy vote at any one time.

Proxy

The instrument appointing a proxy shall be deemed to confer authority to demand or join in demanding a poll. A Club Officer shall be entitled to instruct his proxy to vote in favour of or against any proposed resolutions. Unless otherwise instructed the proxy may exercise the proxy vote as he thinks fit.

APPOINTMENT OF PROXY

I, \_\_\_\_\_

of \_\_\_\_\_ (Club)

being a duly authorised Club Officer hereby appoint:

\_\_\_\_\_

as my proxy to vote for me on my behalf at the meeting to be held on the \_\_\_\_\_ (date) and at any adjournment of that meeting.

My proxy is authorised to vote in favour of/against (delete as appropriate) the resolution (insert details).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Signed) \_\_\_\_\_

(Date) \_\_\_\_\_

**Appendix 6: BOARD AND SKI SUBSIDY AGREEMENT**

This agreement is between Port Noarlunga Surf Life Saving Club Inc.

And member.....

The terms of this agreement are as stated in the Port Noarlunga Surf Life Saving Club Inc. Constitution BY-LAW 3.6 Board and Surf Ski Subsidy

The subsidy is to be a 50:50 leasing basis between the Club and the Member.

If the member can afford the full 50% payment up front, then the member may pay that amount upon ordering craft or, if the club agrees, the member may pay their share of the lease over a twelve-month period – being four equal payments made each three months from the date of ordering the craft.

If a payment is missed, the club will lock the craft away until payment is received. If payment is not received within a month of the due date, the craft may be sold and the lessee foregoes all rights and money put into the craft.

The lessee will have sole use of craft forever unless they leave the club or change competition rights. In that case they forego their rights to the craft as well as any money they have contributed towards it.

The lessee shall be responsible for all maintenance and repairs to the craft. It is their responsibility to keep craft in best possible condition, which benefits themselves and the club at the time of sale to gain the highest possible re-sale price.

If after three years use and if the lessee requires a new craft item, they must sell the existing craft for highest possible price with that money being deducted from the purchase price of the new craft to establish the new lease amount. (e.g. Sell existing craft for \$1000, new craft cost = \$3000 minus \$1000 for sale price = Changeover cost of the new craft. The 50:50 leases would be based on the \$2000 changeover cost.)

This agreement is for a period of three (3) years and requires the member to compete for the club during that time. If the member transfers to another club or leaves the club during that time they will be required to pay out the 50% of the purchase price paid by the club.

This agreement commenced .....Expires.....

On behalf of Port Noarlunga Surf Life Saving Club Inc.

Member seeking subsidy

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