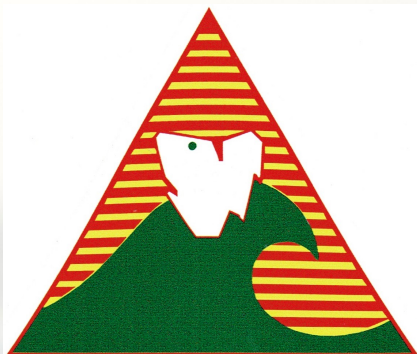




Ulverstone Surf Life Saving Club (Inc) By-Laws (Part A of Parts A & B)

June 2019



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Ulverstone Surf Life Saving Club

BY-LAWS

Part A of Parts A & B

By-Law updated	June 2019
By-Law adopted	– SGM

These By-Laws are made under clause 33 of the USLSC Constitution (May 2019). They contain various directions and requirements of the Club which are binding on the Club and its Members, but are not of a nature, which justifies inclusion in the Constitution. These By-Laws are to be interpreted in accordance with and are subject to the Constitution.

These By-Laws are made for the dominant purpose of ensuring a safe and fair system or framework within which surf lifesaving may be regulated and conducted. These By-Laws are not made for any anti-competitive purpose and in particular not for the purpose of deterring or preventing a person from participating or competing in any competition or activity conducted or organised by the Club or SLST including membership of the Club or SLST.

1 MEETINGS AND MANAGEMENT

1.1 General Meetings

General Meetings of the Club are authorised under clauses 18-25 of the Constitution and are conducted as an Annual General or a Special General Meeting at which all Club members may attend with such voting rights as are determined by the Constitution.

1.2 Board Meetings

Board meetings are authorised and conducted under clause 31 of the Constitution.

1.3 Delegations

Delegations of certain functions to other committees is authorised under clause 32 of the Constitution.

1.4 Authorisation

Under clause 32 of the Constitution the Board may by instrument in writing create or establish or appoint from among its own members, or from Individual Members, or from other selected personnel as occasion may require, special committees or individual advisors and consultants to carry out such duties and functions and with such powers as the Board determines.

By this By-Law the Board has delegated authority to make appointments under clause 32 of the SLSA Constitution to committees. Any appointment made under this By-Law must have appropriate terms of delegation and reference, and appointments made must be appropriately qualified. Any appointment may be reviewed and overturned by the Board.

All nominations for appointment to a committee or advisor position must provide a written resume of experience relevant to the position being nominated for, plus a description of their future goals and objectives. The resume is to accompany the formal nomination which must be forwarded to the Club on the prescribed form (if any), no later than three (3) weeks prior to the date of the meeting which will determine the nomination. Failure to provide a written resume will result in non-acceptance of the nomination. The requirement to re-submit a resume does not apply to existing office holders who are re-nominating for the same position.

2 RULES AND PROCEDURE

2.1 Authority of Rules and Procedures

The formulation of By-Laws relative to the rules and procedures of the Club are authorised under clause 33 of the Constitution.

2.2 Carnivals and Competitions

Subject always to the SLSA and SLST Constitutions, the following rules apply in relation to Surf Lifesaving carnivals and competitions:

- a. Rules for the conduct, control and management of carnivals and competitions may be made, altered and repealed by SLSA and/or SLST (as relevant).
- b. Rules for the adjudication of protests and disputes relating to carnivals and competitions may be made, altered and repealed by SLSA and/or SLST (as relevant).
- c. Rules provided for in (a) and (b) above are documented in the current edition of the SLSA Competition Manual and Bulletins issued from time to time.
- d. When rules are made, altered or repealed each State Centre, Branch and Affiliated Club shall be informed.

2.3 Competitive Rights, Obligations and Qualifications

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

- a. Inherent in membership of the Club, but subject always to gaining the appropriate qualification as prescribed by SLSA and/or SLST 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 and/or SLST.
- 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 and/or SLST.
- c. Members acknowledge and agree that if they participate in, and/or use any SLSA and/or SLST equipment in, any event, contest, carnival and competition, which has not been licensed, sanctioned or otherwise authorised by SLSA and/or SLST they may attract disciplinary action under these By-Laws or the SLSA Regulations which may result in forfeiture of their competitive rights set out in By-Law 2.3(a) above.

3 DISCIPLINE AND JUDICIAL

3.1 Judiciary Matters

These Judiciary By-Laws reflect SLSA Regulation Section 5 and are authorised under clause 17 of the Constitution.

3.1.1 Breach

Where a Member has allegedly:

- i. Breached, failed, refused or neglected to comply with the membership directives or any resolution or determination of the Board, a State Centre, a Branch, Club or any duly authorised SLSA committee; or
- ii. Acted in a manner unbecoming of a Member or prejudicial to the Objects and interests of SLSA and/or surf lifesaving; or
- iii. Brought themselves, SLSA, any State Centre, Branch or Club or surf lifesaving into disrepute; or
- iv. Competed or in any way participated in a lifesaving competition and/or used SLSA equipment contrary to SLSA **Regulation 4.3(c)** or has failed to obtain the permission of SLSA or SLST to so compete or participate in that competition or use that SLSA equipment;

the Club may commence or cause to be commenced investigatory and/or disciplinary proceedings ("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. Notwithstanding the foregoing, the Club may commence proceedings, or undertake such investigation into, or such other action in regard to, the conduct which may warrant the commencement of proceedings and/or the referral of the matter to a Judiciary Committee.

3.1.2 Judiciary Committee

Judiciary Committees shall be convened and function as follows:

Convening of Committee

The Club shall annually or as required appoint a Judiciary Committee to investigate and/or determine matters referred to it. The Board may also convene a Judiciary Committee on such terms and for such purpose(s) as is required. A member of each committee shall act as committee secretary and keep records of all investigations and decisions of that committee.

Jurisdiction

The jurisdiction of a Judiciary Committee shall be as follows:

- i. The alleged offender shall be dealt with by his/her Club Judiciary Committee.
- ii. Where the matter, in the opinion of the Club, is better dealt with by the criminal justice system it will not be considered however the Club may reserve its rights.

Referrals

- a. Every referral to a Judiciary Committee shall be clear and unambiguous and shall clearly set out the matter(s) required to be investigated or determined by the Judiciary Committee.

- b. Upon a referral to a Judiciary Committee the committee secretary shall, as soon as practicable, appoint a time and place suitable to the Judiciary Committee for the proceedings and may appoint an investigator to inquire into the referral.
- c. A Judiciary Committee will use its best endeavours to process any referral to it within such time as the Club directs, provided always that a concerned person may apply for an adjournment by application in writing to the committee secretary. Such application must be received at least two (2) days prior to commencement of proceedings.
- d. A Judiciary Committee shall have power to require the attendance of any member at any proceedings before it. Notice shall be given in accordance with these Regulations. A member who, is required, but fails or refuses, to attend proceedings may themselves be subject to disciplinary proceedings.
- e. The referring authority shall decide the quorum for a Judiciary Committee. If this is not decided a quorum for a Judiciary Committee shall be two (2).
- f. Should an investigator have been appointed, the chairperson of the Judiciary Committee should in conjunction with the investigator determine if the matter should proceed.

3.1.3 Procedure

Proceedings commenced under these Regulations shall be conducted as follows:

Request to Appear

- a. Upon receipt of a referral, the Judiciary Committee shall request the party or parties concerned in the referral to appear before them. Such request shall be in writing either delivered personally or in appropriate cases by post or electronic mail or facsimile to the appropriate address (mail or electronic) or facsimile number of the party or parties concerned. A notice given by post shall be deemed to have been given on the second day following that on which it shall be posted. A notice given by facsimile shall be deemed to be given upon receipt of a confirmation report confirming the facsimile was received at the facsimile number to which it was sent. A notice given by email shall be deemed to be given unless an email is received in reply stating email not successfully transmitted.

Notice

- b. Proceedings shall take place as soon as practicable. All parties concerned shall be given at least seven (7) days' notice of the proceedings by the Judiciary Committee. The notice shall:
 - i. Be in writing;
 - ii. State that the party or parties concerned are required to appear and in what capacity;
 - iii. State the nature of the proceedings and the matters or alleged offence(s), the subject of investigation or determination, the possible penalty or penalties and the date, place and time of the hearing;
 - iv. Be delivered in accordance with **By-Law 2.1.3(a)** above.

Appearance

- c. Persons appearing before the Judiciary Committee shall be entitled to call witnesses, but must state their case in person unless the Judiciary Committee has permitted representation through an advocate. If an advocate is permitted such advocate is not entitled to be legally trained or qualified. For the avoidance of doubt persons appearing before a Judiciary Committee are not entitled to legal representation in the Judiciary Committee proceedings. They and their witnesses shall be given a full opportunity to be heard. In their absence, or in the absence of their witnesses, a decision may be made by default. Before making a decision in default of appearance, the Judiciary Committee must satisfy itself that the party concerned was

aware of the time, date and place of hearing and had been requested to appear under **By-Laws 2.1.3(a) and 2.1.3(b)** above.

Procedure at Proceedings

Judiciary proceedings shall be conducted as follows.

- i. The Judiciary Committee chairperson shall announce the opening of the proceedings, stating the Judiciary Committee's authority, jurisdiction, composition and the nature and purpose(s) of the proceedings.
- ii. The procedure to be followed at proceedings shall be clearly explained by the Judiciary Committee Chairperson. The Judiciary Committee chairperson shall state who is entitled to be present throughout proceedings during evidence and submissions.
- iii. The matter(s) the subject of proceedings shall then be read to the person(s) concerned. The body or person reporting the matter(s) and the subjects of the proceeding shall be given the opportunity to report the circumstances of those matter(s). The person(s) concerned will be given the opportunity to respond to this report and present evidence/submissions as to their view of the circumstances of those matter(s). Any witnesses called by either the reporting body or the person(s) concerned will be given the opportunity to give evidence or make submissions. Witnesses may be questioned on their evidence. Evidence and/or submissions may be tendered in writing.
- iv. The rules of evidence do not apply to proceedings. All parties involved in proceedings will present honestly and in good faith.
- v. The Judiciary Committee will consider the evidence presented. The Judiciary Committee may adjourn the hearing if considered necessary. No other person shall be present or partake in any discussion with the Judiciary Committee at this time. If the Judiciary Committee finds an offence has not been committed or not proved it will advise the referring authority and dismiss the charge, accordingly.
- vi. If the Judiciary Committee finds an offence has been committed or proved, it may impose, in its discretion, an appropriate penalty or penalties, or it may report its findings to the referring authority with such recommendations, as it considers appropriate. If the Judiciary Committee decides to impose a penalty or penalties it may (but is not obliged to) allow a further hearing on the proposed penalty. The Judiciary Committee chairperson will declare the proceedings closed.
- vii. If a decision cannot be given immediately after proceedings, the relevant party or parties must be advised of the time and place at which the decision will be given. The decision, any penalty, the reasons for the decision and notice of the person's appeal rights shall be given in writing and signed by the Judiciary Committee chairperson. A referring authority must advise persons found guilty of an offence under these Regulations of their rights of appeal.
- viii. Every decision of a Judiciary Committee appointed the Club under these By-Laws shall be conveyed in writing to the parties concerned, and to SLST. It shall be incumbent on such Club to give effect to the decision immediately and to notify the referring authority that such has been done. SLST may deal with an Affiliated Club failing to give immediate effect to such decision at that authority's discretion.

3.1.4 Penalties

- a. Penalties which may be imposed include:
 - i. A reprimand;
 - ii. Suspension of membership rights including but not only competition rights;
 - iii. Suspension of such activities, on such terms and for such period as the Judiciary Committee thinks fit;
 - iv. Exclusion from a particular activity, event or events;
 - v. Expulsion;

- vi. Fines, imposed in such manner and in such amount as the Judiciary Committee thinks fit;
 - vii. Such combination of any of the above penalties as the Judiciary Committee thinks fit; or
 - viii. Additional Service, requiring the Member to undertake an activity based penalty, imposed in such manner as the Judiciary Committee deems fit.
- b. During proceedings, the subject(s) of the proceedings may be suspended from membership or may have terms and conditions imposed on their membership, on such terms and for such period as the Club thinks fit in its absolute discretion, and shall remain under suspension unless the Club decides otherwise or the proceedings have concluded and such suspension is no longer necessary (again determined in the absolute discretion of the referring authority).

3.1.5 Reporting

- a. Unless the decision of a Judiciary Committee is unanimous, a separate report may be made to the Club by the minority. The decision of the majority however, shall be deemed to be the decision of the Judiciary Committee. Where voting is equal, the Judiciary Committee chairperson may exercise a casting vote.
- b. A decision of a Judiciary Committee cannot be altered by the Club.

3.1.6 Effect of Penalty

- a. Where an Individual Member is suspended under these By-Laws, all rights and privileges of that Member shall be forfeited, either partially or completely, during the period of suspension. If suspended, a member also forfeit all Club rights during the currency of the suspension. Terms and conditions may be imposed on the suspension; by way of example only a Member's participation in inter-Club, SLST or SLSA activities, may be suspended but the member may still be required to undertake his beach patrol responsibilities.
- b. Where an Individual Member is expelled under these Regulations, their membership of, and representation rights and privileges in, the Club, SLST and SLSA shall be forfeited immediately and membership shall cease. No monies will be refunded to expelled or suspended Members. The provisions of clause 16 of the Model Constitution shall apply.
- c. The provisions of By-Law 4 (which reflects SLSA Regulation 6: Membership Directives) apply where any penalties are imposed under this By-Law.

3.2 Appeals

- a. SLSA (in conjunction with SLST) shall appoint or recognise a panel of persons (**SLS Appeals Panel**) from whom SLS Appeals Tribunals shall be appointed as required. The SLS Appeals Panel shall comprise persons appointed by SLSA and/or SLST.
- b. A Member who or which has received a penalty or an adverse finding from a Judiciary Committee under By-Law may, within 14 days from the date of receiving the determination in writing, appeal to the SLS Appeals Tribunal. For the avoidance of doubt there is only one appeal from a Judiciary Committee regardless of which SLS entity appointed that Judiciary Committee.
- c. Appeals will be determined in accordance with this By-Law.
- d. An appeal is only permitted on one or more of the following grounds:
 - i. the decision was affected by actual bias; or
 - ii. there was no material on which the decision could reasonably be based.

- e. An appeal must be lodged in writing with SLST. The appeal must set out the:
 - i. ground(s) on which the appeal is made (under By-Law 3.2 (d)); and
 - ii. reasons or circumstances supporting the alleged ground(s) of appeal; and
 - iii. must be accompanied by a non-refundable appeal fee of \$500.
- f. In these Regulations the “relevant body” and “relevant State Centre” means SLST.
- g. Nothing in this By-Law prevents the withdrawal of an appeal at any time in writing to SLST. If the appellant seeks to withdraw an appeal after an appeal hearing has commenced the appeal may only be withdrawn with the consent of the relevant appeal panel chairperson. Once an appeal is withdrawn a new appeal in respect of the same matter cannot be lodged.
- h. On receipt of an appeal in accordance with this Regulation, SLST must as soon as practicable convene an SLS Appeals Tribunal and forward the appeal documents to the nominated chairperson of the convened Tribunal.
- i. An SLS Appeals Tribunal shall be constituted by up to three persons (but a minimum of two) available to hear the appeal from members of the SLS Appeals Panel, which must include the following:
 - i. up to two persons with a thorough knowledge of surf lifesaving; and
 - ii. a barrister or solicitor who will chair the Appeals Tribunal.

No member of the SLS Appeals Tribunal may be a party to or directly interested in the matter under consideration.

- j. The SLS Appeals Tribunal has complete jurisdiction and discretion to re hear the matter in its entirety.
- k. The chairperson of an appointed SLS Appeals Tribunal shall, as soon as practical after receiving the appeal documents under By-Law 3.2(h), investigate and consider the matter and determine whether the appeal:
 - i. should be dismissed as:
 - A. it does not set out a valid ground of appeal;
 - B. there are sufficient grounds for the appeal to proceed; or
 - C. the matter is trifling in nature or has no merit; or
 - ii. warrants further review and determination in accordance with these Regulations.

The chairperson has complete discretion in undertaking this review and there is no further appeal against a decision to dismiss under By-Law 3.2(k).

- l. If the SLS Appeals Tribunal determines the matter warrants further review under By-Law 3.2(k), it shall as soon as practicable, having regard to timing, serve a notice in writing on all relevant parties:
 - i. stating that the parties may address the SLS Appeal Tribunal at a hearing to be held as soon as practicable, being not earlier than 4 days from the date of the notice;
 - ii. stating the date, place and time of that hearing; and
 - iii. informing the parties that they may do any one or more of the following:
 - 1. attend that meeting (either personally or by their representative who subject to By-Law 3.2(m) may not be legally trained or qualified) and bring such witnesses as they wish to rely upon in respect of the matter the subject of appeal; and/or

2. give the SLS Appeal Tribunal, no later than 24 hours before the time of that meeting, a further written statement setting out relevant information surrounding the appeal.
- m. The SLS Appeal Tribunal may conduct a hearing convened in accordance with By-Law 3.2(j) (or any adjournment) in such manner as it sees fit, but shall:
 - i. give to all relevant parties and their witnesses every opportunity to be heard;
 - ii. give due consideration to any written statements received from any relevant party;
 - iii. allow relevant parties to be present along with their adult representative; and may request or require such parties or other witness to attend the hearing or provide such evidence as is available to enable the SLS Appeals Tribunal to properly consider the matter.
 - n. Persons appearing before the SLS Appeals Tribunal are not entitled as of right to:
 - i. Legal representation before the SLS Appeals Tribunal. Subject to paragraph (ii) below the SLS Appeals Tribunal may grant a right to legal representation to a party where that party has made written application to the SLS Appeals Tribunal for such representation. Such application must be received by the chairperson of the SLS Appeals Tribunal within 7 days from the date of the notice served under By-Law 3.2(k).
 - ii. Legal representation will only be permitted by the SLS Appeals Tribunal where the party seeking legal representation can demonstrate to the SLS Appeals Tribunal that the matter is complex or the consequences for that party proceeding without legal representation are significant from a livelihood or business perspective. The onus is on the party seeking legal representation to prove that such representation should be permitted.
 - iii. The SLS Appeals Tribunal may refuse or grant such application in its absolute discretion. The SLS Appeals Tribunal's decision in respect to legal representation is final and there is no appeal from such decision.
 - o. Following consideration of all information which the SLS Appeals Tribunal considers relevant and which is available, the SLS Appeals Tribunal shall arrive at a finding. The SLS Appeals Tribunal can impose new penalties or vary an existing penalty. A decision of the SLS Appeals Tribunal may be by a majority decision. A decision of the SLS Appeals Tribunal is final.
 - p. The SLS Appeals Tribunal shall notify all relevant parties, including SLSA and the relevant State Centre of its decision as soon as practicable.
 - q. An SLS Appeals Tribunal has no power to award costs. That is, each party will be responsible for their own costs of the appeal.

3.3 Competition Discipline

3.3.1 Surf Sports Manual

The SLSA Surf Sports Manual and in particular but not only clause 14.5 of the Surf Sports Manual applies in respect to SLS carnival and competition discipline.

3.3.2 Appeals

For the purposes of clauses 14.5.1(c) and (d) of the SLSA Surf Sports Manual the appeal body for any appeal against a penalty imposed by a Competition Disciplinary Committee shall be the SLS Appeals Tribunal and By-Law 3.2 shall apply to such appeal.

3.4 Revocation of Club Service and Recognition Awards

1. Subject always to SLSA Policy 6.16 - Dealing with Police Investigations, Criminal Charges, Guilty Pleas and/or Convictions (see also Regulation 6.9 below) the Board may, by resolution, revoke a previously issued award of recognition, including, but not limited to, Life Membership, in circumstances where a Member who has been issued an award of recognition has:
 - a. Been charged with and/or convicted of a serious criminal offence;
 - b. Committed a serious breach and/or repeated breaches of a Surf Lifesaving policy or policies;
 - c. Committed a serious breach and/or repeated breaches of Surf Lifesaving codes of conduct;
 - d. Brought surf life saving and/or the Club and/or SLST into disrepute; or
 - e. Rejected and/or returned a previously issued award.
2. Prior to giving consideration to the revocation of an award, the Member shall be invited to make a written submission to the Board as to why the award should not be revoked.
3. The Board's decision to revoke an award shall be final and there is no appeal.

4 MEMBERSHIP DIRECTIVES

Clause 3(a) of the SLSA Constitution defines a "Member" as "a member for the time being under clause 13." It also defines an "Individual Member" as "a member of an Affiliated Club and can only include junior ("Nipper") members; cadet members; active members; reserve active members; general members; long service members; award members; past active members; associate members; honorary members; and life members of that club, all of which are defined in the Regulations." Clause 13(a) of the SLSA Constitution provides:

"(a) The Members of SLSA shall consist of:

- (i) the State Centres, which subject to this Constitution, shall be represented by their Appointed Directors who shall have the right to be present, debate and vote at General Meetings;
- (ii) Affiliated Clubs, which shall be represented by an individual nominated from time to time in writing by the club to the relevant State Centre. The nominee shall have the right to be present and to debate on behalf of the Affiliated Club at General Meetings, but shall have no voting rights;
- (iii) Life Members, who shall have the right to be present and to debate at General Meetings, but shall have no voting rights;
- (iv) all Individual Members of Affiliated Clubs, who shall have the right to be present at General Meetings, but shall have no voting or debating rights; and
- (v) such new categories of Members as may be created under **clause 13(b)** of the SLSA constitution."

Clause 16 of the SLSA Constitution sets out the effects of membership. This is reflected in clause 15 of the Model Constitution.

4.1 Authority of Membership Directives

- a. Membership directives are authorised under clauses 16, 23 and 39 of the SLSA Constitution. These are reflected in clauses 15, 27 and 33 of the Model Constitution.
- b. Membership directives include but are not limited to the constitution, regulations, by-laws, manuals, policies, bulletins and relevant forms of the Club, SLST or SLSA.
- c. Under clause 16 of the SLSA Constitution and clause 15 of the Model Constitution, Members acknowledge and agree that these constitutions constitute contracts between each of them and each of SLSA and the Club and that they are bound by these constitutions, the SLSA Regulations and these By-Laws.
- d. When a person becomes a member of the Club, they also become a member of SLST and of SLSA. They agree to be bound by the constitution of each of these surf lifesaving entities.
- e. If there is any conflict or inconsistency between the constitutions of the Club, SLST or of SLSA, the Membership directives of the higher surf lifesaving entity will prevail to the extent of the conflict or inconsistency. For the avoidance of doubt, the Constitution of SLSA prevails over the constitutions of SLST and/or the Club. The constitution of a State Centre prevails over the constitution of a Club.
- f. Every person, body or group of persons shall, by and upon:
 - organising an SLSA or SLST authorised competition or taking part therein; and/or
 - entering an SLSA or SLST competition; and/or

- accepting any official position (whether in sport, lifesaving, education and development, governance or administration) in SLSA, SLST or the Club; and/or
- lodging any appeal to the SLS Appeals Tribunal set under these Regulations; and/or
- applying for affiliation or association with SLSA, SLT or the Club; and/or
- being a member of any club affiliated or associated with SLSA or SLST;

be deemed to have, and recognise that they have:

- i. made themselves acquainted with all relevant Membership directives;
 - ii. submitted themselves without reserve to the consequences resulting from those Membership directives, and
 - iii. acknowledged that those Membership directives are:
 - made in good faith and in the best interests of the members and surf lifesaving in Australia;
 - not made for any anti-competitive purpose and in particular not for the purpose of deterring or preventing a person from participating or competing in any competition or activity conducted or organised by SLSA including membership;
 - necessary and reasonable for the purpose of protecting and promoting surf lifesaving in Australia;
 - necessary and reasonable for the purpose of establishing water and safety regulations and standards and guidelines; and
 - made in the public interest.
- g. Every person, body or group of persons subject to these Membership directives, acknowledges and agrees that this clause may be pleaded as an absolute bar to proceedings, suit or action against SLSA, SLST and the Club and agrees that they will not become a party to any suit, at law or equity, against SLSA, SLST or their Club and their respective officials or any other person subject to SLS Membership directives, until all remedies allowed by the Membership directives have been exhausted, save with the written consent of SLSA.

4.2 Club Colours and Badges

- a. The Club's colours and badges shall not be altered without endorsement of SLST and the approval of SLSA.
- b. SLSA shall appoint a Cap Registrar who shall be responsible for the administration of this regulation and who shall maintain a competition Cap Register.

4.3 Membership Categories

4.3.1 Membership Categories

The philosophy of SLSA is to establish and recruit persons to become Members for participation in surf lifesaving activities and in particular but not only the maintenance and operation of surf lifesaving patrols. Subject always to these SLSA Membership directives SLST and the Club is authorised to establish such categories of members as it requires and considers necessary in the context of the Club and the requirements of SLST. The Club should provide membership in the following general categories of membership:

- (a) Junior membership;¹

¹ Could include former categories of Junior Activities membership, Cadet membership,

- (b) Active membership;²
- (c) Community membership (non-patrolling and non-voting);
- (d) Associate membership;³ or
- (e) Honorary and Service membership(s) including Life Membership⁴.

Subject to By-Law 4.4 below, the rights, benefits and obligations of each membership category will be as determined by the Club acting reasonably and in good faith in accordance with its Constitution. Clubs may determine appropriate fees for the different categories of membership noting that some membership categories (e.g. Community Members) may NOT provide any services to or for the Club whereas Active Members provide significant service through patrols. Clubs must keep a register of members and the categories of membership.

4.3.2 Club Life Membership

Life Membership of the Club may be granted by the Club to Members who have rendered distinguished, or special service as provided for in that Club's constitution and is relevant to the Club only.

4.4 Voting Rights

Membership voting rights of members of Affiliated Clubs shall be limited to Active, Long Service and Life Members who are financial members of those Affiliated Clubs.

4.5 Dual Membership

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

- a. Any Individual Member of a Club may be admitted as an Individual Member of another Club or Clubs, subject to approval by SLST.
- b. Any competing Individual Member shall not participate in any inter-Affiliated Club competition as a representative of more than one Club during any one competition season unless and until their "competitive rights" have been approved in accordance with relevant SLSA's policies.
- c. Any competing Individual Member who is an Individual Member of more than one Club shall be entitled to compete in intra-Club events of all such Clubs.

4.6 Restriction on Membership

In relation to membership restriction the following shall apply:

- a. Subject to the SLSA Constitution non-financial, suspended, excluded or expelled Member shall hold no membership rights. For avoidance of doubt, if a member is suspended from all Club activities or expelled or their membership is cancelled they are suspended or expelled from all Affiliated Clubs. If a member has been unsuccessful in renewing their membership of a Club they may apply to join another Club subject always to all relevant Membership directives.
- b. Any non-financial, suspended, excluded or expelled Individual Member of a Club shall not knowingly apply to join another Club nor shall a Club knowingly admit, accept or retain in membership any past or present

² Could include former categories of Active membership, Reserve Active membership, Award membership

³ Could include former categories of Associate membership, Probationary membership, General membership or Leave/Restricted membership

⁴ Could include former categories of Long Service Membership, Honorary membership, Past Active membership

Member of any other Club who is indebted to in any way, or is currently suspended or expelled from any Club.

- c. A Club shall immediately provide SLST the names and addresses of Individual Members who have had their membership cancelled or suspended and such information, including the period of suspension/cancellation of membership shall be set out in a register provided for that purpose.
- d. Should an Individual Member of more than one Affiliated Club be suspended or expelled by any Club they shall not be allowed to compete in competition for any other Affiliated Club of which they are an Individual Member or in any other Affiliated Club competition or in any other SLSA competition, while under suspension or expulsion.
- e. Any dispute/s as to the application and interpretation of this Regulation shall be referred to SLST and considered by SLST in its absolute discretion.

4.7 Patrol Obligations

Members, Clubs, SLST and SLSA recognise the obligation of all:

- a. appropriately qualified and proficient Members to perform patrol duties and/or other duties within surf lifesaving; and
- b. Clubs ensuring that patrols are properly performed and/or delivered in accordance with relevant patrol agreements and/or policies.

SLSA and/or SLST may develop and implement policies from time to time regarding the performance and/or delivery of patrols including the possible exemption from patrol for some Members. Where the Club refuses, fails or neglects to comply with patrol obligations SLSA and/or SLS may commence disciplinary or other action against that Club.

4.8 Serious Criminal Offences Policy

Members should be aware of SLSA Policy 6.16 - Dealing with Police Investigations, Criminal Charges, Guilty Pleas and/or Convictions ("[SLS Criminal Offences Policy](#)"). This By-Law 4.9 summarises key aspects of, and reaffirms, that Policy. This By-Law is to be interpreted in accordance with that Policy. Note "Serious Criminal Offence" is defined in the SLS Criminal Offences Policy.

4.8.1 Application

The SLS Criminal Offences Policy adopts and applies the following principles:

- a. all Members (Individuals, Clubs, Branches and States) (**SLS Entities**) must cooperate fully with any police investigation and any government and/or judicial authority;
- b. all SLS Entities must cooperate fully with any investigation or action or reasonable direction of SLSA and/or a State Centre made under or in relation to this Policy;
- c. all SLS Entities shall be concerned about, and be protective of, the welfare of alleged or real "victims";
- d. subject to the law, an SLS Entity shall deal with allegations, investigations, charges and convictions promptly, openly, and honestly;
- e. at all times SLS Entities must treat any matter or information arising from the application of the SLSA Criminal Offence Policy in confidence;
- f. at all times, all SLS Entities shall act with integrity; and

- g. all SLS Entities shall remain focused on maintaining effective surf lifesaving operations and services (patrols).

4.8.2 When a Member is the subject of a police investigation

- a. As soon as an SLS Entity or an officer of an SLS Entity becomes aware that a Member is subject to a police investigation, the SLS Entity or officer shall immediately advise the relevant State Centre's Chief Executive Officer (**State Centre CEO**) who shall act in accordance with the SLS Criminal Offences Policy and shall ensure that Policy is complied with.
- b. The SLS Entity, in consultation with the State Centre CEO, shall determine what action is to be taken pending the conclusion of the police investigation. The Member under investigation may be:
 - i. suspended (in part or full) or placed on "Restricted Activities"; and/or
 - ii. required to step-aside from any position(s) within any relevant SLS Entity.
- c. The State Centre shall advise relevant authorities (e.g. SLSA and other authorities as required by law), if the alleged offence involves a minor.

4.8.3 When a Member is charged with a Serious Criminal Offence

- a. As soon as an SLS Entity or an Officer of an SLS Entity becomes aware that a Member has been charged with a Serious Criminal Offence the SLS Entity of officer shall immediately advise the State Centre CEO who shall act in accordance with the SLS Criminal Offences Policy and shall ensure that Policy is complied with.
- b. The SLS Entity, in consultation with the State Centre CEO, shall determine whether the charged Member is:
 - i. suspended (in full or part) or placed on "Restricted Activities"; and/or
 - ii. required to step-aside from any official position(s) within any relevant SLS Entity.
- c. The charged Member, the SLS Entity and the State Centre CEO acknowledge that they may have little or no discretion due to legal or government policy requirements in regard to making determinations regarding suspension, "Restricted Activities" or requiring the charged Member to step aside from any position. For the avoidance of doubt the relevant SLS Entity and/or the State Centre CEO will apply whatever sanction(s) and take such actions as are dictated in the circumstances by law or government policy and that they reasonably consider to be in the best interests of all parties.
- d. The State Centre and/or SLSA shall advise relevant authorities (e.g. SLSA and other authorities as required by law) if the charges involve a minor.

4.8.4 When a member is subject to a Committal Hearing or Trial

- a. As soon as an SLS Entity or an officer of an SLS Entity becomes aware that a Member is to appear before a committal hearing or trial (other than as a witness the SLS Entity or officer shall immediately advise the State Centre CEO who shall act in accordance with the SLS Criminal Offences Policy and shall ensure that Policy is complied with.
- b. Subject to **clause 4.8.7** below if the Member is committed to trial he/she is suspended from membership pending the outcome of the trial. The committed Member, the relevant SLS Entity and the State Centre CEO acknowledge that they may have little or no discretion due to legal or government policy requirements in regard to making determinations regarding suspension under **clause 4.8.4(a)**. For the avoidance of doubt the relevant SLS Entity and/or the State Centre CEO will apply whatever sanction(s) and take such actions as are dictated in the circumstances by law or government policy and that they reasonably consider to be in the best interests of all parties.

- c. The SLS Entity shall advise relevant authorities (e.g. SLSA and other authorities as required by law) if the matters before the hearing involved a minor.

4.8.5 When a member is convicted of a Serious Criminal Offence

- a. As soon as an SLS Entity or an officer of an SLS Entity becomes aware that a Member has been found guilty of a Serious Criminal Offence (either on his/her own plea or following a trial and irrespective of whether a conviction is recorded or not), the relevant SLS Entity shall immediately inform the State Centre CEO who shall act in accordance with the SLSA Criminal Offences Policy and shall ensure that Policy is complied with.
- b. Subject to **clause 4.8.7** below the convicted person is automatically expelled from membership of Surf Life Saving at all levels and in all states and territories. [Note: A Life Member who is convicted also has his/her Life Membership(s) automatically revoked.]

4.8.6 Membership (new & renewal) applications from persons with past convictions for Serious Offence(s)

- a. No Club shall knowingly accept a membership application from or for a person who has a prior recorded conviction for a Serious Criminal Offence without the prior approval of its State Centre. If a Club or any other SLS Entity accepts an application from or for a person who has a prior recorded conviction for a Serious Criminal Offence without the prior written approval of its State Centre that membership is null and void and of no effect. A State Centre is not obliged to consider or accept any application for membership from a person who has a prior recorded conviction for a Serious Criminal Offence.
- b. If a Club receives a membership application from or for a person who has a prior recorded conviction for a Serious Criminal Offence, the application must be referred to the State Centre CEO who shall, taking relevant policies into account, determine whether the application can be accepted for consideration. Should there be any doubt or special circumstances, the State Centre CEO may refer the matter to a Judiciary Committee for determination as to whether to accept the person into membership and any conditions for such acceptance.
- c. There is no appeal against the State Centre CEO's or a Judiciary Committee's decision under this **By-Law 4.8.6**.

4.8.7 Discretion

- a. Subject to **clause 4.8.7(b)**, the State Centre CEO may in his/her absolute discretion but after making full and proper investigation and inquiry vary a sanction imposed under this Policy.
- b. The discretion in **clause 4.8.7(a)** is not available to the State CEO where the Serious Criminal Offence has involved a minor.

5 SLST

5.1 Authority of SLST

- 7.1.1** SLST is authorised by clauses 11 and 12 of the SLSA Constitution. Other than Affiliated Clubs there can be no other level of formal incorporated surf lifesaving entity within a State without the written approval of both SLSA and SLST.
- 7.1.2** Notwithstanding anything in any club constitution should the Board of SLST reasonably consider that a situation (for example, financial, administrative, governance, lifesaving) has developed within a club or other recognised surf lifesaving group which gives that Board concern and is prejudicial or detrimental to the Club or SLST or the image of surf life saving, the SLST Board has the authority to initiate discussion and investigate the operations of such Club or recognised group and if necessary the authority to appoint person/s to take over control and re-establish a sound and satisfactory administration within that club or recognised group and for such time as considered necessary.