



BY-LAWS (Part B of Parts A & B)

ULVERSTONE SURF LIFE SAVING CLUB

Date: June 2019

PLEASE NOTE:

These By-Laws do not capture all SLSA or SLST policies, rules or regulations as these are available in manuals and other published forms (both hard copy and on relevant web-sites).

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

New or revised Policies, Rules and Regulations are communicated by Bulletin or Circular, and as stated earlier are available on SLSA or SLST web-sites.

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SECTION 1

Conditions Pertaining to Directors

BY-LAW 1.1 - DIRECTORS

Directors of the Club shall be elected from the members of the Club in accordance with the Club Constitution.

- (a) Only current proficient Surf Bronze Medallion awardees shall be eligible for election or appointment to positions of Lifesaving Director, Chief Training Officer, Gear Officer and IRB Officer.
- (b) Directors of the Club shall be required to understand the needs of the Club and their legal responsibilities as directors. Club directors owe a fiduciary duty to the Club and its members and must exercise their rights and powers in good faith and for the benefit of the Club.
- (c) Directors shall comply with the following principle statutory and common law duties:
 - (i) act honestly and in good faith in the interests of the Club;
 - (ii) exercise a degree of care, skill and diligence that a reasonable person in a like position would exercise in the Club's circumstances;
 - (iii) exercise powers honestly and for the purposes for which they were conferred and not for collateral purposes;
 - (iv) avoid any actual or potential conflict between their obligations owed to the Club and their personal interests and other duties;
 - (v) keep confidential information obtained, and not to disclose advantage or business opportunities acquired, in the course of that office; and
 - (vi) prevent insolvent trading by the Club.
- (d) Interests

A director must disclose the nature and extent of any material personal interest that may arise and which conflicts with their duties to the Club. In particular he/she must disclose the nature and extent of the interest where he/she:

- (i) holds any other office (whether voluntary or otherwise) or place of profit in the Club; or
- (ii) seeks to contract with the Club either as vendor, purchaser or otherwise,

Where such an interest is not disclosed, any contract or arrangement entered into by the Club in which any director is in any way interested will be voided.

- (e) General Disclosure

A general notice that an director is a member of any specified firm or company and is to be regarded as interested in all transactions with that firm or company is sufficient declaration. After such general notice it is not necessary for such directors

to give a special notice relating to any particular transaction with that firm or company.

(f) Recording Disclosures

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

(g) Conflicts

A director notwithstanding an interest, may be counted in the quorum present at any meeting, but cannot vote in respect of any matter in which the director is interested.

A director shall not sign a document where the director is interested in the contract or arrangement to which the document relates.

SECTION 2

Meetings

(Refer to Appendix 'A')

BY-LAW 2.1 - ANNUAL GENERAL MEETING (AGM)

- (a) The AGM of the Club shall be held within 2 months of the end of the Club financial year and at least 14 days prior to the AGM of SLST. The purpose of the AGM shall be the presentation and adoption of the annual reports and financial statement, the election of directors and to deal with notices of motion correctly moved by Members.
- (b) Written notice of the meeting shall be forwarded to each member entitled to vote in accordance with the Club Constitution.
- (c) The order of business at the AGM shall be:
 - (i) recording attendance, proxies (if permitted) and apologies;
 - (ii) confirmation of the previous AGM minutes;
 - (iii) presentation and adoption of the annual reports and financial statements;
 - (iv) election of directors;
 - (v) endorsement of State Councillor;
 - (vi) election of Life Members (if any); and
 - (vii) notices of motion.
- (d) All members may attend and participate as determined by the Chairman but voting rights are as provided for in the Constitution.

BY-LAW 2.2 - SPECIAL GENERAL MEETINGS (SGMs)

- (a) A SGM of the Club may be convened in accordance with the Club Constitution.
- (b) SGMs of the Club shall be called as directed in the Constitution to deal with Special Business only as detailed in the notice of the meeting.

- (c) Such meeting must be held in accordance with the Constitution. The quorum and time limit for such a meeting shall be as detailed in the Constitution.

BY-LAW 2.3 - BOARD MEETINGS

- (a) The Board shall comprise those directors as prescribed in the Club Constitution.
- (b) The Board should meet as often as is required to properly manage Club business but otherwise at least once in every two calendar months. Meeting dates should be determined at the first Board meeting after an AGM and provided to all directors.
- (c) Subject to the Club Constitution should any director absent himself without satisfactory reason for two (2) consecutive meetings, his office may be declared vacant and the position filled in accordance with the Club Constitution. There is no appeal where a director's position is declared vacant under this clause.
- (d) The order of business at a Board meeting shall be:
 - (i) apologies and proxies (if permitted);
 - (ii) confirmation of previous minutes (including any circular resolutions since the last Board meeting);
 - (iii) business arising out of minutes;
 - (iv) correspondence
 - (v) finance report;
 - (vi) President's report;
 - (vii) Committee reports;
 - (viii) Strategic Plan assessment; and
 - (ix) notices of motion received from Directors.
- (e) The role and responsibility of the Board will be determined by the Club Constitution but shall be managing the day-to-day business of the Club and the allotment of functions to Board, Committees, staff and/or key volunteers.
- (f) Issues relating to major policies, constitutional change, compliance or major financial borrowings and strategic issues should be referred to the Members for consideration.

BY-LAW 2.4 - OTHER COMMITTEE MEETINGS

Other Committees shall meet and operate in accordance with their terms of reference and otherwise at such times and places as required or as decided by the Committee Chairman.

SECTION 3

Duties of Specific Directors

BY-LAW 3.1 - THE PRESIDENT shall

- (a) be the nominal head of the Club and may be a member ex-officio of all Committees;
- (b) chair all General Meetings of the Club and all Board meetings;
- (c) in presiding at meetings of the Club shall exercise his authority by generally supervising the affairs of the Club in conjunction with the Board;
- (d) when presiding at a meeting, have a deliberative and a casting vote (subject always to the Club Constitution);
- (e) in any meeting have unlimited authority on every question of order subject to acting reasonably equitably and in good faith in the circumstances;
- (f) unless otherwise determined by the Club in General meeting, be the Club representative at general meetings of SLST.

BY-LAW 3.2 - THE DEPUTY PRESIDENT shall

- (a) assist the President and deputise for him in his absence (subject to the Club Constitution), and may carry out special assignments as directed by the President or the Board.

BY-LAW 3.3 - THE SECRETARY shall

- (a) keep a register of all Members and an up-to-date record of their addresses, and shall file all application forms whether or not applicants have been accepted;
- (b) forward notices of all meetings and the business to be transacted at meetings to Members in accordance with the Constitution;
- (c) record and keep minutes of all AGMs, SGMs, Board and Committee Meetings;
- (d) conduct the correspondence of the Club and be responsible for the custody of all documents and instruments of incorporation belonging to the Club;
- (e) be responsible for coordinating the preparation of the annual reports to be submitted to the Board for approval before printing and circulation to Members prior to the AGM; and
- (f) carry out all duties arising from decisions of AGMs, SGMs and Board Meetings.

BY-LAW 3.4 - THE TREASURER shall

- (a) receive all monies on behalf of the Club and shall issue receipts for same, and shall be responsible to the Board for such monies. All monies received on behalf of the Club shall be banked within four (4) days of receipt thereof and all payments over \$100 shall be made by cheque or EFT;
- (b) keep the necessary records as required by the relevant Government Act, viz., a receipt book to acknowledge collections, a cheque book issued by the Club's

bankers for the purposes of payments, and a Ledger to record income and expenditure. Details of cheque payments are to be recorded by the Treasurer, and duly presented to a meeting. The Treasurer shall ensure that the annual audited statement, applicable statements and returns are submitted to SLST and/or the relevant Government Department, as and when required.

- (c) at each Board Meeting, present a report relating to the Club's finances, showing details of receipts and expenditure since the presentation of the previous report and shall produce the Bank statement together with a reconciliation statement, showing the balance as the debit or credit of the Club's finances.

BY-LAW 3.5 - THE LIFESAVING DIRECTOR shall

- (a) chair the Lifesaving Committee;
- (b) be responsible for the conduct and discipline of all Active Members in all Club matters, and the general education of Members in Surf Life Saving;
- (c) have the power to refuse the use of Club gear or property to any person;
- (d) call upon any Members to perform such duties (as are appropriate to their qualifications) as deemed necessary in the interests of the Club;
- (e) be an ex-officio member of Committees associated with his position; and
- (f) be the Club representative on the SLST Lifesaving Committee.

BY-LAW 3.6 - THE SURF SPORTS DIRECTOR shall

- (a) chair the Surf Sports Committee;
- (b) be responsible for overseeing and co-ordinating all programs and activities relating to surf sports;
- (c) be the Club representative on the SLST Surf Sports Committee; and
- (d) arrange for the training and preparation of all Members for inter and intra Club competition as per the SLS Competition Manual.

BY-LAW 3.7 - THE CHIEF TRAINING OFFICER shall

- (a) arrange classes of training and prepare all Probationary Members for award assessments;
- (b) arrange a drill roster and deputise other qualified and trainee-Training Officers to assist in the preparation of such Probationary Members;
- (c) maintain an up-to-date knowledge of the latest methods of Surf Life Saving and the Training Manuals and impart such knowledge to all qualified Club Training Officers;
- (d) Chief Training Officer shall hold a current Training Officer's Certificate.

BY-LAW 3.8 - THE PATROL OFFICER shall

- (a) arrange patrols and conferences with Patrol Captains during the season to discuss suggestions and observations made by him or them regarding the general efficiency of the Club in Surf Life Saving, refer to Appendix B;
- (b) ensure patrol standards are as per SLSA and SLST service agreements, policies and manuals; and
- (c) ensure appropriate paperwork is completed by patrols and forwarded to SLST within time frames.

BY-LAW 3.9 - THE BOAT CAPTAIN shall

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

BY-LAW 3.10 - THE IRB OFFICER shall

- (a) be a qualified IRB Driver;
- (b) at all times, be subject to the direction of the Lifesaving Director;
- (c) be responsible for the care, maintenance and housing of Club IRB(s);
- (d) be responsible for the training, rostering and supervision of all IRB Drivers and Crew in consultation with the Lifesaving Director.

BY-LAW 3.11 - THE CRAFT OFFICER shall

- (a) be responsible for all the Club's boards & skis and its orderly housing;
- (b) be responsible for the housing of boards & skis belonging to members;
- (c) in consultation with the Competition Manager permit or prohibit the use of any Club craft or SLST gear;
- (d) assist in the selection and the supervision of the training of individuals and or teams board & ski competitors;
- (e) in consultation with the Boat Captain be responsible for the transport to and from carnivals of boards & skis; and
- (f) maintain boards & skis in a serviceable condition.

BY-LAW 3.12 - THE RADIO OFFICER shall

- (a) be a qualified Radio Officer;
- (b) at all times, be subject to the directions of the Lifesaving Director;

- (c) be responsible for the care, maintenance and availability of serviceable radio equipment; and
- (d) be responsible for training and rostering of members and the radio communications requirements of the Club.

BY-LAW 3.13 - THE GEAR OFFICER shall

- (a) be responsible for all the lifesaving gear (with the exception of boards & skis, surf boat or its gear) belonging to the Club;
- (b) keep all such gear in good repair and condition, and report to the Lifesaving Manager any damage which he is unable to repair. Any expense shall require the approval of the Board;
- (c) at the request of the Surf Sports Director, prepare gear, other than Boats and Craft, required for carnivals and competitions of all kinds and be responsible for its transport to and from such carnival or competitions; and
- (d) for the purpose of implementation of such duties and with the approval of the Surf Sports Director, have power to call on the services of any member.

BY-LAW 3.14 - THE FIRST AID OFFICER shall

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

BY-LAW 3.15 - THE CLUBHOUSE DIRECTOR shall

- (a) chair the Clubhouse Committee;
- (b) be responsible for the general conduct of Members in accordance with the Clubhouse Rules, the Club By-Laws; and
- (c) call a meeting of the Clubhouse Committee when necessary to review the over-all position of the Clubhouse, catering and accommodation.

BY-LAW 3.16 - THE REGISTRAR shall

- (a) keep a register of all Members, and make any necessary notation thereon from time to time;

- (b) update members details on Surfguard; and
- (c) keep a register of all awards and inter and intra-club competition results, together with a register of all patrol activities, including rescues effected and patients treated for first-aid.

BY-LAW 3.17 - THE CADET OFFICER shall

- (a) be responsible for the supervision of and liaising with Members making the transition from Junior Activities Membership and/or for those new members joining the Club under the Cadet Membership category;
- (b) at all times, be subject to the direction of the Board;
- (c) provide educational and other worthwhile experiences in a wide range of subjects and skills for members within the cadet/ ranks;
- (d) in conjunction with the Club Secretary, Development Manager and Chief Training Officer, co-ordinate all matters pertaining to the responsibilities and obligations of cadet membership;
- (e) assist with the enhancement of membership recruitment and retention through the age levels;
- (f) pursue issues and activities of benefit to cadets/ members; and
- (g) foster recognition of the important role cadet members play within the Club.

BY-LAW 3.18 - THE YOUTH ACITIVITIES DIRECTOR shall

- (a) be chairperson of the Junior Activities Committee;
- (b) be responsible for the conduct and co-ordination of all matters relating to Junior Activities;
- (c) in conjunction with the Development Manager and Chief Training Officer provide for Junior Members, an education experience in a wide range of subjects and skills within the aquatic/marine environment;
- (d) prepare junior members (Nippers) for their eventual transition to the marine and patrol environment of Surf Life Saving;
- (e) participate in all such activities;
- (f) be a member of the Board;

Note: Where the Club appoints a Committee to manage Junior Activities act as its Chairman and shall be responsible for the conduct of that Committee and it's activities.

BY-LAW 3.19 - STATE COUNCILLOR (OR ALTERNATE)

The State Councillor may also be the Club President and shall:

- (a) attend all SLST Meetings as the Club representative on that body;

- (b) act as liaison between SLST State and the Club and fully and regularly report to the Club in writing or in person on SLST activities; and
- (c) appoint a proxy as and when required.

BY-LAW 3.20 - THE GRIEVANCE OFFICER shall

- (a) be appointed by the Board;
- (b) attend to all matters referred to him/her by the Club President;
- (c) determine (in consultation with SLST) matters relating to grievances, harassment, equity and the like in accordance with SLSA Policy 6.05 Member Protection Policy; and
- (d) keep all information surrounding the circumstances of a grievance confidential, and communicate such information only to the Club President/Judiciary and/or an appropriate enforcement body following written authority from the Club President/Judiciary.

BY-LAW 3.21 - THE MEMBER SERVICES MANAGER shall

- (a) be responsible for promoting and delivering development programs, mentoring programs and other activities for members;
- (b) oversee recruitment and retention programs/activities within the Club;
- (c) promote members' participation in development camps and leadership programs and camps;
- (d) pursue any issues of benefit to the safety and enjoyment of members;
- (e) work with and assist the Cadet Officer to enhance recruitment and retention and transition through the various age levels; and
- (f) be subject to the direction of the Board.

SECTION 4

Committees

BY-LAW 4.1 - GENERAL

- (a) Committee composition and membership shall be as prescribed by the Board in a committee's terms of reference.
- (b) Committee membership may be drawn from members of the Club or from persons outside the Club.
- (c) Where a member is appointed to a Committee they shall retain their appointment only whilst they are a member of the Club. The Board may, at its discretion, remove any member from membership of a Committee.
- (d) If the Committee chair is absent the committee shall appoint one of its members to act as chair during such absence.

- (e) The Club Secretary shall refer for consideration and recommendation all matters as properly relate to the jurisdiction of each Committee.
- (f) If a matter comes within the jurisdiction of two or more Committees, the Board may direct such Committees to jointly consider and report and/or recommend to the Board.
- (g) Unless specified otherwise in these By-laws, a quorum for a meeting of a Committee shall be a simple majority of the members.
- (h) A Committee may, at its discretion, co-opt the services of any person to assist in its deliberations, but such co-opted member or person shall have no voting rights, except as determined by the Committee.
- (i) Reports and recommendations of the Committees shall be presented in writing to the Board.

BY-LAW 4.2 - LIFESAVING COMMITTEE

- (a) The Lifesaving Committee shall comprise the Lifesaving Director (Chairman), Vice-Captain, Chief Training Officer, Patrol Officer and other officers as determined by the Board.
- (b) It shall be responsible for:
 - (i) maintaining and improving lifesaving patrols and services;
 - (ii) conducting training, instructional and proficiency programs for members;
 - (iii) disseminating lifesaving information;
 - (iv) dealing with matters referred to it from the Board; and
 - (v) making recommendations relating to lifesaving to the Board.

BY-LAW 4.3 - SURF SPORTS COMMITTEE

- (a) The Surf Sports Committee shall comprise Surf Sports Director (chairman) Club Coaches, Team Manager(s) and other Officers as determined by the Board.
- (b) It shall be responsible for:
 - (i) promoting involvement in surf sports activities;
 - (ii) conducting training and coaching programs for members;
 - (iii) dealing with matters referred to it from the Board; and
 - (iv) making recommendations related to surf sports to the Board.

BY-LAW 4.4 - DEVELOPMENT COMMITTEE

- (a) The Development shall comprise such persons as determined by the Board.
- (b) It shall be responsible for:

- (i) promoting and delivering development programs, mentoring programs and other activities for members;
- (ii) recruitment and retention programs/activities within the Club;
- (iii) members' participation in development camps and leadership programs and camps;
- (iv) pursuing any issues of benefit to the safety and enjoyment of members; and
- (v) enhancing recruitment and retention and transition through the various age levels.

BY-LAW 4.5 - JUNIOR ACTIVITIES COMMITTEE

- (a) Comprise those members interested in:
 - (i) the conduct and co-ordination of all matters relating to Junior Activities;
 - (ii) providing for Junior members an educational experience in a wide range of subject and skills within the aquatic/marine environment;
 - (iii) preparing Junior members for their eventual transition to the marine and patrol environment of the Senior movement; and
 - (iv) participating in such activities.
- (b) Be represented on the Board by the Director Junior Activities.

BY-LAW 4.6 - LIFESAVING SELECTION COMMITTEE

The Life Saving Selection Committee shall consist of Lifesaving Director, Chief Training Officer, Patrol Officer and shall select Patrol Captains and Patrol Vice Captains and teams for all patrol, intra and inter Club competitions and shall notify members of all selections by placing same on the Club Notice Board. Such selections shall be final and binding.

BY-LAW 4.7 - SURF SPORTS SELECTION COMMITTEE

- (a) The Surf Sports Selection Committee shall comprise the Surf Sports Director, Team Manager plus two (2) other members elected by the Club Council.
- (b) The Committee shall be responsible for selecting individuals and/or teams for surf sports competitions.
- (c) The Committee's selections shall be subject to the approval of the Board.

BY-LAW 4.8 - CLUBHOUSE COMMITTEE

The Clubhouse Committee shall consist of the Clubhouse Director and two elected members. It shall be responsible for accommodation and the purchase, preparation and presentation of meals and may roster members for assistance where and when required.

It shall be responsible to the Board for all functions conducted within the Clubhouse and the care and maintenance of the building.

BY-LAW 4.9 - FINANCE & PROPERTY COMMITTEE

The Finance & Property Committee shall comprise the President, Treasurer, Secretary and two other elected members. This committee shall be responsible for the financial well being of the Club and its assets and property.

BY-LAW 4.10 - BUILDING COMMITTEE

The Building Committee shall comprise the Deputy President and four other elected members who shall act on and investigate matters relative to the Club's buildings and surrounds when so directed by the Board.

BY-LAW 4.11 - SOCIAL COMMITTEE

A Social Committee shall organise and account for all social activities of the Club and its members may be drawn from within the Club or from outside supporters. Care should be taken over the use of other than Club members and adequate Club Insurance cover.

BY-LAW 4.12 - MEMBERSHIP COMMITTEE

The Membership Committee shall comprise the Development Manager, Youth Activities Director, Chief Training Officer, Patrol Officer and report findings to the Board. This Committee shall also have the power to investigate and penalise, if necessary, patrol defaulters and those accused of misdemeanours provided that such penalties may be the subject of an appeal.

BY-LAW 4.13 - OTHER COMMITTEES

- (a) The Board may appoint other Committees, Sub-Committees, panels or groups to deal with particular items or projects from time to time;
- (b) In such circumstances, the Board shall clearly define the composition, responsibilities, and terms of reference of such Committees, panels, groups etc.

SECTION 5**Procedures and Rules****BY-LAW 5.1 - ASSOCIATION POLICIES, RULES, REGULATIONS**

- (a) Policies, rules and regulations as issued from time-to-time by SLSA or SLST will (as relevant or applicable) apply as By-Laws of the Club. Section 6 of the SLSA Regulations is expressly incorporated here and applies in these By-Laws.

BY-LAW 5.2 - AUXILIARY ORGANISATIONS

- (a) The Club may authorise the formation and/or affiliation of auxiliary organisations, e.g. Old Boys Club, Supporters Club, etc with the approval of SLST.
- (b) Each organisation's formation and function shall be reviewed annually and shall be compatible with the provisions contained in the Club Constitution.
- (c) The Constitution of any such organisation and any amendments shall at all times be subject to the endorsement of the Board.

- (d) The Club may be represented on any such organisation by a director or member of the Club appointed annually for the purpose; and such organisation may by special invitation likewise be represented on the Club.
- (e) Such organisations shall be registered incorporated bodies.

BY-LAW 5.3 - CORRESPONDENCE

- (a) All correspondence from SLST to the Club, or from the Club to the State Centre, shall be transmitted through SLST and no such correspondence shall be considered and/or attended to by SLST, unless and until, it has been so transmitted. The provisions of this By-Law shall not apply to correspondence which has been copied by SLST to the Club for attention and/or action on the following subject matters:
 - (i) Government subsidy and/or subsidy returns;
 - (ii) State or Local Government matters;
 - (iii) public risk and general insurance matters;
 - (iv) large financial investments or borrowings;
 - (v) clubhouse buildings, extensions or alterations;
 - (vi) cancellation or suspension of membership;
 - (vii) purchasing orders;
 - (viii) hire of SLST gear, equipment or premises;
 - (ix) constitutional matters;
 - (x) response to Circulars; or
 - (xi) any other matter which SLST may, from time to time, direct be exempted from this By-Law as a matter of expediency.

BY-LAW 5.4 - AUDITS

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

The Auditor must:

- (i) be formally qualified;
- (ii) be a member of a recognised professional accounting body;
- (iii) not be a past or present employee of the entity being audited;

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

BY-LAW 5.5 - COLLECTION SANCTION

- (a) The Club shall comply with all relevant laws.
- (b) The Club shall make application to the relevant Government Department for entitlement under the "Collection Sanction". When Registration is approved and a "number" issued, all relevant requirements to maintain Registration shall be complied with in every detail.

BY-LAW 5.6 - FUNDRAISING

- (a) The Club and any affiliated auxiliary organisation shall comply with the law with respect to fundraising.
- (b) Fundraising authority is vested in the Board which may allocate portions of its responsibilities pertaining to specific projects to committees to maintain, direct and/or develop these projects.
- (c) The Club is authorised to solicit monetary donation, sell art union ticket by door to door, canvass to any company, firm, newspaper or other business operation or trading or any person within the area of the Club as defined. Similar fund raising shall be permitted outside these areas after prior negotiation and with approval of SLST.

BY-LAW 5.7 - INSURANCE

- (a) General

It is mandatory that the Club hold insurances approved by SLST. Where SLST has appointed one or more insurance brokers and the Club does not insure through such Brokers, the Club shall submit such policies to SLST for approval.

- (b) Personal Accident Insurance

- (i) Members

Personal Accident Insurance is granted under SLST's policy for all registered members of SLST whilst engaged in Surf Life Saving activities.

- (ii) Cover/benefits

The benefits and conditions applying under the policy are described in the relevant Government Act and/or contracts of insurance.

An application for compensation is valid and enforceable only if the application is lodged in accordance with policy requirements.

- (c) Public Liability Insurance
 - (i) A Public Liability policy shall be negotiated by SLST to cover the Club against legal action instigated by a member of the public during activities approved by SLST.
 - (ii) Whilst the cover can apply to normal Surf Life Saving activities, separate cover may need to be taken out by the Club entering into some activity away from the Club facilities or beach, such as a display or fundraising activity where the public are involved. Insurance brokers should be consulted in these situations.
- (d) Insurance on Property
 - (i) It is mandatory for the Club to hold property insurances to be held with a reputable insurance company to ensure that the protection provided is adequate and serves the interest of the Club.
 - (ii) Clubs shall be responsible for the cost of their own insurance and shall be well advised to reassess values at least every second year.
- (e) Directors and Officers Insurance
 - (i) A Directors & Officers policy shall be negotiated by SLST to cover officers of SLST and Clubs against claims made against a director or officer during the policy period for a wrongful act.
- (f) Professional Indemnity Insurance
 - (i) A Professional Indemnity policy shall be negotiated by SLST to cover members whilst engaged in authorised SLS activities.
 - (ii) The indemnity covers claims the insured is legally liable to pay for, e.g. breach of professional duty or by reason of any negligent act, error or omission.

BY-LAW 5.8 - FEES AND CHARGES

Fees may be payable annually for affiliation, assessment, registration, carnival entry and other general lifesaving costs for the Club, and shall be determined by the Board from time to time.

BY-LAW 5.9 - AFFILIATION

The Club and its Members agree:

- (a) that they are bound by this Constitution and By-Laws and that this Constitution and By-Laws operate to create a single, uniform entity through and by which the objects of the Club and surf lifesaving are to be conducted, promoted and administered; and
- (b) in all other respects the provisions of the Club Constitution, shall apply.

BY-LAW 5.10 - HONORARIUMS

An honorarium may be granted to a Member for services rendered by decision of the Board. Any such honorarium paid may be subject to income tax.

BY-LAW 5.11 - DISSOLUTION OF AFFILIATED BODIES

- (a) The Club Constitution shall contain a clause setting out the process should the Club wish to dissolve (either voluntarily or through some other mechanism).
- (b) If a Club becomes inactive, goes into recess or has its affiliation terminated, SLST is empowered to act under the dissolution clause in the Club Constitution. Should there be no remaining responsible officers of a Club capable of carrying out the required procedures for dissolution, SLST is empowered to take any necessary action in this regard.
- (c) Upon the dissolution of an affiliated body in terms of the preceding Clauses, the books, accounts and assets of the affiliated body shall be handed over to or taken possession of by the Club to deal with as it may, in its absolute discretion, see fit.
- (d) Section 7 of the SLSA Regulations is expressly incorporated here and applies in these By-Laws.

BY-LAW 5.12 - INTELLECTUAL PROPERTY

- (a) The Policy and Procedures for the use of "red and yellow" Surf Life Saving imagery and property shall be as determined by SLSA.
- (b) No one shall be permitted to inappropriately exploit Surf Life Saving imagery such as the red and yellow cap, flags, patrol uniforms, logos/trademarks etc.
- (c) In addition to SLSA's policies and procedures the following procedures shall apply where a Club wishes to use red and yellow imagery/property:
 - (i) The Club shall obtain SLST's approval to use, or allow someone else to use images or pictures of lifesavers wearing red and yellow patrol caps, or patrol uniforms, or patrol flags; and
 - (ii) SLST has the authority to approve the use of such red and yellow imagery if the promotion is restricted to the Clubs local area.
- (d) The Club has every right to use its own Club caps, uniforms and imagery in Tasmania.

SECTION 6**Club Colours/Badges, Competitive Conditions****BY-LAW 6.1 - COLOURS AND BADGES**

The existing Club's colours, badges and competition cap design shall not be altered without re-endorsement of SLSA and SLST.

BY-LAW 6.2 - COMPETITIONS

- (a) SLST has power to regulate all competitions between Club and/or directly affiliated Clubs within its boundaries.
- (b) The Club shall only participate in competitions endorsed by SLST or SLSA.
- (c) Wagering and/or gambling by persons competing or participating (eg as a competitor, coach, official, manager, organiser etc) in events conducted by SLST or SLSA is strictly prohibited. Such members found to have gambled on an SLS competition event in which they are involved, will be subject to disciplinary action.

BY-LAW 6.3 - COMPETITIVE RIGHTS, OBLIGATIONS & QUALIFICATIONS

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

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

Section 6 of the SLSA Regulations expressly apply here.

BY-LAW 6.4 - TROPHIES, PRIZES AND ELIGIBILITY

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

- (a) SLST shall reserve unto itself the authority to determine, from time to time, conditions relative to the acceptability of trophies or prizes, reimbursement of accommodation, travel and other expenses, and eligibility to compete for trophies or prizes;
- (b) wagering or gambling on any competition conducted by the Club, SLST or SLSA is not permitted;
- (c) SLST shall be the authority to approve competitions involving "cash prizes" and therefore any Affiliated Club wishing to allocate any "cash prizes" for competition events shall seek the approval of SLST or in the case of events involving international or interstate competitors, SLSA;

- (d) "Cash prizes" shall not be awarded for any event at an SLSA or SLST championship carnival;
- (e) "Cash prizes" shall not be made available from Club general funds, however, sponsor income may be distributed utilising the club banking account; and
- (f) notwithstanding the foregoing, sponsors should be strongly encouraged to provide items of lifesaving gear as prizes rather than cash but where "cash prizes" are presented they shall be portrayed as coming direct from the sponsors.

BY-LAW 6.5 - TEAM MANAGEMENT

- (a) The Club when participating in any carnival or similar function shall appoint a Manager of its competitors and other members of the Club selected to represent and/or assist the Club at such carnival.
- (b) Every Manager so appointed shall be responsible for the proper conduct of himself and of the members under his control, and attend all briefings.
- (c) A Manager shall, as far as practicable, remain with the party under his control during the entire period of his managership. In the event of the party under his control separating into sections the Manager shall be responsible for appointing a member of each and every section to act as his Manager of the section.
- (d) In the case of mixed gender teams including minors, a chaperone or chaperones shall also be appointed.
- (e) The Manager shall remain in attendance with his team during the course of such carnival or similar function and shall take action to ensure that competitors under his control report to the Check Marshal immediately they are called upon to do so.
- (f) The Manager shall report to the Carnival Referee or other nominated official whenever called upon to do so by the Carnival Announcer or other authorised official and shall comply with the directions then given him.
- (g) such advice shall detail the proposed destination and dates of the visit, method of travel, the number intending to travel and the name and address and contact details of the Team Manager who shall be deemed responsible for future reference; and
- (h) providing there are no grounds for objection, the State Centre of the intending touring party shall advise the relevant State Centre/s of the proposed visit to their region.

SECTION 7

Discipline, Penalties and Appeals

Club disciplinary matters shall be conducted in accordance with the Club Constitution and Section 5 of the SLSA Regulations.

Club grievance matters shall be conducted in accordance with the Club Constitution and SLSA Policy 6.05 Member Protection Policy.

ANNEXURE A: RULES OF DEBATE

1. GENERAL

- (a) The undermentioned Rules can be applied to the conduct of all meetings of the Club and the Board.
- (b) In these Rules, the word "Member" shall refer to members of the Club.

2. CHAIRMAN'S AUTHORITY

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

3. DEBATE

- (a) Any member desiring to speak shall stand up and address the Chairman.
- (b) If two or more members rise to speak at the one time, the Chairman shall decide which is entitled to priority.
- (c) The meeting may decide that a particular person shall or shall not be heard, provided that a motion of this nature shall not be debated.
- (d) No member shall interrupt another while speaking except to raise to a point of order.
- (e) No speaker shall digress from the subject under discussion.
- (f) No member shall use offensive or unbecoming words.
- (g) During the debate, a member may raise a point of order whereupon the member then speaking shall resume his seat until the point of order has been decided.
- (h) It shall be competent for any member to move a motion of dissent from the Chairman's ruling other than on matters of procedure and points of order. The mover of a motion of dissent shall concisely state his point. The seconder and Chairman only may then speak to the motion;
 - (i) At any time during the debate, a member may move "that the question be now put" provided the Chairman is satisfied that reasonable time for debate of the original motion has been allowed. The motion shall be put without debate - it need not be seconded. This motion may be applied to an amendment, in which case it is the amendment which is immediately put to the vote. It shall not be competent for the mover, seconder or any person

who has spoken to the original motion or amendment to move "that the question be now put".

- (ii) If carried, the original motion shall be put to the vote without further debate except that the mover thereof shall have the right of reply; if lost, the debate may proceed.
- (iii) A member may move the adjournment of the debate to a subsequent meeting. If the motion for adjournment is lost, the mover thereof shall not be allowed to speak again on the question under debate. If carried, the mover shall have the right of resuming the debate at the ensuing meeting and the mover of the original motion shall have the right of reply.

4. MOTIONS AND AMENDMENTS

- (a) Any member proposing a motion or an amendment shall state its nature before addressing the meeting thereon.
- (b) The mover of a motion shall not occupy more than ten minutes nor any other speaker more than five minutes; provided that the meeting may, by resolution, without debate, grant an extension of time to any speaker.
- (c) No member may speak more than once to a motion except with the Chairman's permission, in explanation or reply, or to ask a question provided that he may speak again on any amendment to the motion.
- (d) The mover of a motion's right of reply shall be exercisable at the end of the debate.
- (e) The mover of an original motion must get the consent of his seconder, and the approval of the meeting, before making any alteration to the wording of his motion.
- (f) Any member (other than as provided in Rule 4(g) herein) may move an amendment to a motion, provided it is not a direct negative of the motion proposed.
- (g) The mover or seconder of a motion may not move or second an amendment to it but may speak on any such amendment and vote in favour of it.
- (h) A particular member may move or second one amendment only to each motion, but may speak on amendments moved by others.
- (i) An amendment having been moved, it shall not be competent to move any further amendment, provided that notice may be given of intention to move a further amendment when the previous amendment has been determined. Only one amendment can be considered at the one time.
- (j) If there is an indication of more than one amendment to be brought forward, the mover of the original motion may elect to reply at the end of the debate on the first amendment.
- (k) The mover of an amendment has no right of reply.
- (l) A member who formally seconds a motion or amendment without speaking may speak in support at a subsequent stage of the debate.
- (m) Amendments shall be put to the meeting before the motion is put, and shall be committed to the meeting in the order in which they are received.

- (n) When an amendment is carried the motion as amended becomes the motion before the meeting.
- (o) Motions and amendments can be withdrawn only when a majority of those present at the meeting consent. A motion for withdrawal is open to debate, which however must be confined to the matter of withdrawal.
- (p) If, after a motion has been determined, it is considered in the general interest that the matter should be re-opened for discussion before the termination of the same meeting, the meeting may, by unanimous vote, order its recommittal.

5. VOTING

- (a) Voting shall be by the voices, or at the discretion of the Chairman or at the request of any member, by show of hands or by secret ballot.
- (b) Any member, supported by not less than three others, may call for a division, in which case members shall move to the right or left of the Chairman, as directed by him.
- (c) In the event of a division any member declining to vote shall elect to retire behind the Chairman or have his vote counted in the negative.
- (d) The Chairman may appoint tellers to assist him in counting a vote.

ANNEXURE B: PATROL RULES

The patrol season shall be as decided by SLST, annually. The method of patrol duties shall be determined by the Board prior to the commencement of each Season.

1. Active Members shall attend patrols as rostered or appointed provided that:-
 - (a) Active Cadet Member shall be eligible for duties only commensurate with their qualifications;
 - (b) A member desirous of transferring from one Patrol to another shall do so only with the consent of the Captain of the Club;
 - (c) It shall be permissible to appoint a substitute, when unable to attend, the member appointing such substitute to be responsible in the event of the substitute not attending;
 - (d) Representation at any Carnival as a Selected Competitor or Carnival Official or at any demonstration or meeting of the Association does not constitute attendance and it shall be the responsibility of the individual to arrange substitution in these instances;
 - (e) Exemption for patrol duty may be granted by the Captain in special circumstances but for extended periods of exemption written application shall be made to the Committee who shall decide the issue;
 - (f) At each Meeting of the Board a report, taken from the Patrol Register, shall be tabled by the Lifesaving Manager or his deputy indicating any breaches that require investigation as provided for in By-Law 4/4.8.
2. The Patrol on duty shall see that all lifesaving gear including operational IRB is placed in position on the beach and the Patrol on duty shall return such gear to the clubhouse or gear room.
3. The Patrol shall assemble in the Club Room 15 minutes before the appointed hour to commence duty.
4. A member who is late for Patrol duty or who misses a Patrol without notifying his Patrol Captain or the Patrol Officer may be allotted a Penalty Patrol or other duties at the discretion of the Lifesaving Manager. Failure to attend penalty patrol incurs automatic suspension until the next Club Meeting.
5. Patrol members shall wear Association Patrol Caps and other dress as directed by the Association.
6. Before the Patrol commences duty, the Patrol Captain shall detail the position each member is to take in the event of rescues, allocate qualified IRB personnel to the IRB, and shall detail a member to tower or lookout duty.
7. In the absence of the Patrol Captain the Patrol Vice-Captain shall have like power and authority.
8. Members of Patrol and activities of the patrol are under the control and direction of the Patrol Captain, and members are not allowed to leave the patrolled area unless extenuating circumstances arise and then must first obtain permission from their Patrol Captain.

9. Patrol Captains are held responsible for the efficiency of their Patrols, and are required to record in the Patrol Register the names of absentees from their Patrols, and any irregularity such as being late, leaving early or not being in the regulation dress.
10. Patrol Captains shall regularly test their Patrol on their ability and knowledge of the resuscitation methods and rescue procedures utilising the gear on patrol.
11. A member shall obey his Patrol Captains, either in the actual work of lifesaving, or any other duty associated with the activities of the Patrol within the Club.
12. Clubs are reminded of requirements as per the Association's Memorandum of Association, Articles of Association and Rules & Regulations -

Patrol Exemption Policy

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

NOTE: Providing the spirit of these Rules are not minimised in any manner, Clubs may see fit to provide for their own problems in relation to patrols.