

Mooloolaba Surf Lifesaving Club Inc.  
CONSTITUTION  
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**PART 1**

**THE CONSTITUTION**  
**PROPOSED UPDATES INDICATED IN RED.**  
**7<sup>TH</sup> AUGUST 2009**

**SECTION A**

**Name, Control, Objects, Badges**

**1 - NAME, INTERPRETATION AND DEFINITION**

**1.1 NAME**

The name shall be "Mooloolaba Surf Life Saving Club Inc.," hereinafter referred to as "The Club". Other titular references are:

- a) ASSOCIATION - shall mean "Surf Life Saving Australia Limited".
- b) AUSTRALIAN COUNCIL - shall mean the body consisting of the SLSA (Association) Directors.
- c) SLSQ - shall mean "Surf Life Saving Queensland Inc.", which includes Branches, Clubs and their members.
- d) BRANCH - shall mean the Sunshine Coast Branch, which includes the affiliated clubs and their members within the boundaries of that Branch as defined by SLSQ, and representatives of Auxiliary Organisations.
- e) CLUB - shall mean all the registered, financial members as defined in Constitution Clause B/1.1, and the affiliated Auxiliary Organisations.
- f) COUNCIL - shall mean the body consisting of the President and elected officers and voting members.

**1.2 INTERPRETATION**

In this Constitution:

- a) a reference to a function includes a reference to a power, authority and duty
- b) a reference to the exercise of a function includes where the function is a power, authority or duty a reference to the exercise of the power or authority of the performance of the duty
- c) words importing the singular include the plural and vice versa
- d) words importing any gender include the other genders
- e) references to persons include corporations and bodies politic
- f) references to a person include the legal personal representatives, successors and permitted assigns of that person
- g) a reference to a statute, ordinance code or other law includes regulations and other statutory instruments under it and consolidations, amendments, re-enactments or replacements of any of them (whether of the same or any legislative authority having jurisdiction).
- h) The specification of the Objects and Powers of the Club in A/3 of this Constitution are not in any particular order and are not to be construed so as to lead to the construction that any object or power is more important than any other object or

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power, nor than any object or power which is specified in detail is more important than any object or power which has not been specified in detail, and no particular object or power will be limited by reference to any other and the rule of construction known as the "ejusdem generis" rule shall not apply.

- i) If any provision of this Constitution or any phrase contained in it is invalid or unenforceable in any jurisdiction, the phrase or provision is to be read down for the purpose of that jurisdiction. If possible so as to be valid and enforceable and otherwise it shall be severed to the extent of the invalidity or unenforceability, without affecting the remaining provisions of this Constitution or affecting the validity or enforceability of that provision in any other jurisdiction.

**1.3 DEFINITION**

- a) Year (Season) shall mean in the case of the Club the period between 1 October in any one year and 30 September in the year following.
- a) Where the word "Administrator" appears in this document or Minutes of Meetings shall acknowledge or refer to the Secretary as defined in the relevant Government legislation.
- b) Where the word "Financial" appears it shall mean the period of the 1<sup>st</sup> of May in any one year through to the 30<sup>th</sup> of April in the ensuing year.

**2 - CONTROL**

- 2.1 The Club shall be subject to the control of SLSQ and the Branch to the extent of the power of SLSQ and the Branch and shall have full control over all surf life saving services within that part of the Branch area designated as the Club's Bathing Reserve or as directed by SLSQ or the Branch from time to time. It shall be charged with the fulfilment of the objects of the Association within the boundaries of its jurisdiction.
- 2.2 Auxiliary organisations may be formed and affiliated to the Club providing such organisations have similar aims and objects as the Club and are subject to the overall control of the Club.
- 2.3 Topics - Religion and politics and matters such as this shall not be part of the Association business and are banned from discussion at any official meetings held within the Association. These items shall remain as an individual commitment only, without reference to the Association in any way.

**3 - OBJECTS AND POWERS**

The club is a charitable community organisation with the following objects and powers:

- 3.1 Promote, advance and control the work of Surf Life Saving, the resuscitation of the apparently drowned, the treatment and resuscitation of any person stung by any marine stinger, and the application of first aid on surfing beaches and elsewhere.
- 3.2 Assist in research and experiments for the improvement of methods of Surf Life Saving, the resuscitation of the apparently drowned and the treatment of the seriously stung, and to provide efficient life saving equipment of standard design, and oversee the training of members of the Club in the efficient use of such equipment to minimise loss of life in surf bathing and elsewhere.

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- 3.3 Co-operate with any organisation in improving methods of life saving (whether in still or rough water or elsewhere) and the securing of public recognition and financial support for Life Saving.
- 3.4 Promulgate rules issued by the Branch, from time to time, for the management and control of surf life saving and resuscitation work so far as local conditions permit, and within the Club's area of authority.
- 3.5 Promote, demonstrate and instruct the methods of Surf Life Saving.
- 3.6 Enforce the observance of the Policy's, rules and regulations of the Association and written directions from time to time and deal with any infringement thereof, and adjudicate upon all disputes and difficulties between members of the Club.
- 3.7 Obtain improved facilities for surf bathing.
- 3.8 Effect such purposes as may be necessary in the interest of surf bathing.
- 3.9 Acquire by purchase, exchange or otherwise, whether for an estate in fee simple or for any less estate in lands, tenements or hereditaments or any tenure whether subject or not to any changes or encumbrances and erect, replace, maintain, reconstruct, adapt and furnish any offices or other buildings thereon and sell, let, alienate, mortgage, charge or otherwise deal with all or any of such lands, tenements or hereditaments or any part thereof.
- 3.10 Raise or borrow money on bonds, or mortgage, or other security of any property, held for or on behalf of the Club, or without any such security and upon such terms as the Club shall think fit.
- 3.11 Receive money on deposit with or without allowance of interest thereon.
- 3.12 Invest the monies of the Club, not immediately required, in such manner as may from time to time be determined by the Club Management Committee, subject to the relevant Government Act.
- 3.13 Ensure that environmental considerations are taken into account in all surf life saving and related activities conducted by the Club.
- 3.14 Encourage members to realise their potential and athletic abilities by extending to them the opportunity of education and participation in surf life saving competition and to award trophies and rewards to successful competitors.
- 3.15 Encourage and promote performance-enhancing drug free competition.
- 3.16 Recommend Meritorious Awards for members and others, in honourable public recognition of difficult and meritorious rescues from the sea and elsewhere, and of deeds of exceptional bravery, from time to time performed in the course of life saving in the surf and elsewhere, and to recommend for civil honours, and support wherever requested and considered appropriate, nominations.
- 3.17 Promote the health and safety of members and all other users of the aquatic environment, and seek and obtain improved facilities for their enjoyment.

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- 3.18 Effect such purposes as may be necessary in the interests of surf life saving and the aquatic environment.
- 3.19 Promote uniformity of rules and regulations for the control and regulation of surf bathing, and assist the authorities in enforcing these rules and regulations.
- 3.20 Produce, develop, create, licence and otherwise exploit, use and protect the Intellectual Property, including but not limited to logos, trademarks, copyright and names in any publication produced by the Club.
- 3.21 Construct, maintain and alter any houses, buildings or works necessary or convenient for the purposes of the Club.
- 3.22 Take such steps by personal or written appeals, public meetings or otherwise as may from time to time be deemed expedient for the purposes of procuring contributions to the funds of the Club in the shape of donations, annual subscriptions or otherwise.
- 3.23 Print and publish any newspapers, periodicals, books or leaflets that the Club may think desirable for the promotion of its objects.
- 3.24 Promote any other person or company for any purpose calculated to benefit the Club.
- 3.25 Purchase or otherwise acquire and undertake all or any part of the property, assets, liabilities and engagements of any one or more of the companies, institutions, societies or associations whose activities or purposes are similar to those of the Club or generally for any purpose calculated to benefit the Club.
- 3.26 Do all or any of the matters hereby authorised, either alone or in conjunction with any person, company or unincorporated body, or by or through any factors, trustees or agents.
- 3.27 Generally do all such other things as may appear to the Club to be incidental or conducive to the attainment of the foregoing objects or any of them.

#### **4 - BADGES AND COLOURS**

- 4.1 The Club emblem shall be worn only by accredited representatives and members of teams who are selected or approved by the Club Selection Committee and shall be to the design appearing in Appendix "C". Such emblem shall be obtained only on the written order of the Club Secretary and such written order shall detail the lettering to be embroidered beneath the emblem.
- 4.2 The Club Life Membership Badge shall be presented by the Club to each duly elected Life Member and shall be to the design appearing in Appendix "C".
- 4.3 The Club Membership Badge shall be available to members and shall be to the design appearing in Appendix "C".
- 4.4 The Club Colours shall be Maroon and White.

#### **5 - THE COMMON SEAL**

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- 5.1 The form of the Common Seal shall be as set out in the first part of Appendix "C" of this Constitution together with the words "Mooloolaba Surf Life Saving Club Inc." around its perimeter and the words "The Common Seal of" in its centre.
- 5.2 The Management Committee shall provide for the safe custody of the Seal.
- 5.3 The Seal shall only be used by the Authority of the Management Committee, and every document to which the Seal is affixed shall be signed by two (2) members of the Management Committee one of whom shall be the President.

**SECTION B**

**Composition, Membership, Affiliation, Management**

**1 - COMPOSITION**

- 1.1 The composition of the Club shall consist of the following members - its Officers, Active, Reserve Active, Long Service, Life, Associate, Award, Honorary, Cadet, Nipper and Probationary Members, and membership shall be unlimited.
- 1.2 A Register of these members shall be prepared at the commencement of each year, and shall be updated from time to time as required.
- 1.3 All applications for membership shall be made on the (approved) Association Form and all members shall be bound by this Constitution, the By-Laws, the Appendices Resolutions and the Manuals of the Association and the Association's Memorandum of Association, Constitution and Rules & Regulations, and a prescribed fee for each category of membership shall be such sum, payable at such time and in such manner as provided for in Constitution Clause E9.
- 1.4 A financial member at any material time is a member who is not then indebted to the Club in respect of any annual subscription or levy or other payment whatsoever.
- Note:- Only those members who are financial members at the time shall be entitled, subject to lawful procedure of the meeting, to speak or vote upon any motion at any general meeting.
- 1.5 Life Governor Status may be granted to a member who has contributed to the Club with extraordinary service over and above that of Life Membership and shall be as follows:  
A Maximum of two (2) Life Governors only shall be elected at any onetime.  
Life Governors shall generally be persons who:
- i) Are Senior Life Members
  - ii) Have developed extensive business and community links on behalf of the the Club
  - iii) Demonstrated extraordinary service to the Club over and above Life Membership
  - iv) Are prepared to represent the Club in special capacities as required by the Club

**2 - RESTRICTION ON MEMBERSHIP**

- 2.1 All applications for membership of the Club shall be made on the appropriate Association Form, and shall be available to males and females provided that active membership shall be limited to holders of the Bronze Medallion, and subject to an annual proficiency test.

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- 2.2 A member of a Life Saving Organisation affiliated with International Life Saving may be accepted as a member of the Club provided that the member complies with all the conditions for membership of this Association and its Manuals.
- 2.3 An un-financial, suspended or expelled member of the Club shall not knowingly apply to join another Club, nor shall the Club knowingly admit to membership nor retain in membership any past or present member of the Club who is financially indebted to or has been suspended or expelled.
- 2.4 The Club shall immediately notify their respective Branch and SLSQ, the names and addresses of members whose membership is cancelled or suspended. Such names shall be recorded in the official Minutes of the Council or Management Committee meetings.
- 2.5 Should a bona fide member of more than one Club be completely suspended or expelled by the Club he shall not be allowed to compete in any competitions conducted by any Club of which he is a member or by the Association.
- 2.6 In cases in dispute, an appeal may be lodged with the Branch or SLSQ as the case may be.
- 2.7 All Members and elected officers of Club, Branch and State Centre shall have reciprocal rights within the facilities of Clubs throughout Queensland and the conditions of entry upon and use of any Club facilities are at the discretion of the host Club.
- 2.8 Members strive to give undivided loyalty to their Club by declaring any vested interests if and when the interests come into conflict with the interest of their Club; not using their position and authority to gain personal benefits; not divulging confidential information for personal gain; and not being influenced by a third party in the execution of their duties. If there is a conflict as ruled by the Chairman, the person shall not be eligible to vote.

### **3 - CATEGORIES OF MEMBERSHIP**

In relation to membership categories, the Club shall provide for the following types of membership and the following minimum qualifications shall be adhered to -

- 3.1 Probationary Members
- (a) Shall be the designation of any person for the time period between applying for membership and the gaining of an award and/or the granting of a membership by the Management Committee. (See Appendix "F" Clause 3)
- (b) All initial applications lodged in accordance with the Club By-Laws and Rules shall be decided at the next meeting of the Club by a simple majority. Such members shall be classified as Probationary members until their membership is decided. Should membership be refused or rejected then there shall be no right of appeal.
- (c) All Probationary members applying for Active or Cadet membership shall pass a test in swimming as prescribed by the Club or Association and shall within three (3) calendar months of their acceptance qualify for their respective Awards.
- 3.2 Junior Activity Member (Nipper)
- Shall be a person of minimum age of 7 years up to a maximum age of 13 years, on a seasonal basis (determined as at midnight on the 30<sup>th</sup> September) and such person shall be required to gain the relevant Junior Activity Certificate for that persons age group

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should they wish to compete. Note:- If they do not gain the award they may maintain their membership with a view to improving their knowledge of the surf.

3.3 Cadet Members

(a) Shall be subject to the age qualification as defined in the Association Manuals i.e. has attained the age of thirteen (13) years provided that he has not attained the age of fifteen (15) years on or before the 30 September, and who has obtained the Surf Life Saving Certificate and passed an annual proficiency test.

(b) They may be required to attend patrol duties according to their qualifications as directed by the Club and shall attend Surf Races as required by the Captain.

3.4 Active Members

(a) Shall be a Bronze Medallion holder and shall fulfill the full patrol and Club obligations, as provided by the Association and the Club Constitution and By-Laws, and shall qualify in an annual proficiency test each season, unless the member has obtained his Bronze Medallion in that season.

(b) The following officers may be granted exemption from patrol duties by the Management Committee viz.; President, Captain, Chief Training Officer, Secretary, Treasurer, Boat Officer and IRB Officer. The Captain may grant exemption of patrol duties for not more than one calendar month, to any Active member, such application having been applied for in writing.

(c) Each Active Member shall attend surf races during the season as required by the Captain or the Management Committee and failure to participate as required may bring disciplinary action.

3.5 Reserve Active Membership

(a) May be granted by the Club to Active Members who have satisfactorily completed (from the gaining of the Bronze Medallion) at least eight years of patrol and Club obligations as provided by the Association and the Club Constitution and By-Laws. Granting of Reserve Active Membership shall not be automatic, but shall be granted by resolution of the Management Committee.

(b) Recipients shall be required to perform a minimum of patrols as required by SLSA and further may be called upon to perform patrol duties at the discretion of the Club management;

(c) Recipients shall complete the Annual Proficiency Test;

Note: Notwithstanding (a) above Reserve Active Membership may be granted under exceptional circumstances to active members irrespective of years of service.

3.6 Long Service Membership

(a) May be granted by the Club to members who have completed ten (10) years active service or to members who have completed eight (8) years active service plus four (4) years reserve active service;

(b) Recipients shall be exempted from all patrol obligations and may be granted other special privileges of membership as provided in the Club Constitution and By-Laws;

(c) Should such members join another affiliated Club the receiving Club shall determine if such member's long service shall be recognised by that Club.

3.7 Award Membership

(a) May be granted by the Club to persons who are proficient holders of an Association Award e.g. Radio Award(s), Resuscitation Certificate (Over 15), Advanced Resuscitation Certificate, First Aid/s (or equivalent) **and Accredited Officials**

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(b) Recipients may be called upon to perform patrol and/or other Club obligations commensurate with their qualifications, and provided they so do, then shall be eligible for voting rights **as approved by the club and minuted.**

3.8 Associate Membership

(a) May be granted by a Club to persons who may or may not be the holder of an Association award;

(b) Does not entitle such member to voting rights unless elected to office or a position which is provided with voting rights by the Club Constitution or By-Laws;

(c) Shall carry a minimum age qualification of 18 years and shall further carry a joining and/or annual membership fee substantially greater than fees for other categories of Club membership.

(d) **Maybe granted to a parent or guardian of an Active Nipper member provided that such person has complied with clause 1.3(a) Appendix F.**

3.9 Life Members

(a) Life Membership may be granted by the Club to members who have rendered distinguished or special service to the Club as provided for in Constitution Clause C/2. and By Law 1.4.

(b) Life Members are entitled to be nominated and hold office in the Club if elected by the members and are entitled to all rights and privileges of the Club.

(c) Life members shall be provided with a Badge and/or Certificate and Club Blazer.

3.10 Life Governors

Life Governor Status may be granted to a member who has contributed to the Club with extraordinary service over and above that of Life Membership. Refer to By-Law 1.3

3.11 Honorary Membership

(a) Honorary membership may be granted by a club to persons who may or may not hold a SLSA Award.

(b) Honorary members do not have voting rights unless elected to office that carried voting rights.

(c) Honorary members shall be appointed annually as provided for in By Law 1.6 and shall entail no membership fees

**4 - DUAL MEMBERSHIP**

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

4.1 Any member of a Club may be admitted as a member of another club or clubs, providing such member has a "clearance " as provided for in "Clearances" (Refer By-Law 8.3)

4.2 Any competing member shall not participate in any Inter-Club competition as a representative of more than one club during any one competition season unless and until their "competitive rights" have been transferred as provided for in "Competitive Rights Transfer" (Refer By-Law 8.2)

4.3 Any competing member who is a member of more than one club shall be entitled to compete in club events of all such clubs.

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**5 - ADMISSION AND REJECTION OF MEMBERS**

- 5.1 Any person wishing to re-join or join the Club shall lodge an application, and the fee applicable, for any class of membership. Applications shall be considered by the Management Committee, who shall there upon determine the admission or rejection of the applicants.
- 5.2 Any applicant who receives a majority of the votes of the members of the Management Committee present at the meeting at which such application is being considered shall be accepted as a member in the category for which the person applied.
- 5.3 Upon the acceptance or rejection of an application for any class of membership the Secretary shall forthwith give the applicant notice in writing of such acceptance or rejection and their right of appeal.
- 5.4 Any person whose application or appeal is rejected, shall be refunded the amount of any fee paid.

**6 - TERMINATION OF MEMBERSHIP**

- 6.1 A member may resign from the Club at any time by giving notice in writing to the Secretary. Such resignation shall take effect at the time such notice is received by the Secretary unless a later date is specified in the notice when it shall take effect on that later date.
- 6.2 If a member -
- a) is convicted of an indictable offence; or
  - b) fails to comply with any of the provisions of the Rules; or
  - c) has membership fees in arrears for a period of two months or more; or
  - d) conducts himself in a manner considered to be injurious or prejudicial to the character or interests of the Club, the Management Committee shall consider, within a reasonable time, whether his membership shall be terminated.
- 6.3 The member concerned shall be given a full and fair opportunity of presenting his case and if the Management Committee resolves to terminate his membership it shall instruct the Secretary to advise the member in writing accordingly.

**7 -APPEAL AGAINST REJECTION OR TERMINATION OF MEMBERSHIP**

- 7.1 A person whose application for membership has been rejected or whose membership has been terminated may within one month of receiving written notification thereof, lodge with the Secretary written notice of his intention to appeal against the decision of the Management Committee.
- 7.2 Upon receipt of a notification of intention to appeal against rejection or termination of membership the Secretary shall convene, within a month of the date of receipt by him of such notice, a Judiciary Committee meeting to determine the appeal. At any such meeting the applicant shall be given the reasons for his rejection or termination of the membership and the opportunity to fully present his case and the Management Committee subsequently shall likewise have the opportunity of presenting its case. The appeal shall be determined by the vote of the members present.
- 7.3 Any member whose membership is rejected, and appeal dismissed by the Judiciary Committee shall have the right to lodge an appeal (within 14 days) to

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the Club Council. Such appeal shall be dealt with by the Council within 3 months of lodgement.

- 7.4 If the appeal is unsuccessful the person shall have the right to appeal to the next highest authority in a similar manner as provided for in By-Law 11. 4 (b).

**8 - DISCIPLINE OF MEMBERSHIP**

- 8.1 Disciplinary action may result should a member assert pressure on any other member to obtain any form of grace or favour on the grounds of any difference or otherwise in gender.
- 8.2 Disciplinary action may result should a member place any other member under any moral obligation or infringe any other member's moral standing for whatever purpose.
- 8.3 Any member suspected of any breaches of club rules may be required to attend a Management Committee meeting to show cause as to why disciplinary action should not be taken as provided in the Constitution and By-Laws, or of a moral or criminal nature is to be referred to the Police for their investigation.
- 8.4 Notwithstanding the foregoing, members may be required to attend Judiciary Committee meetings should they be the subject of an alleged breach of conduct.
- 8.5 Judiciary and appeal procedure to be followed are set out in By-Law 11 and Appendix "A"

**9 - AFFILIATIONS**

- 9.1 The Club shall apply annually for affiliation to the Branch, and such application shall be made prior to the Branch Annual General Meeting, and may be approved by the Branch providing such applicant complies with the requirements of the Branch Constitution and conditions set down from time to time and further, providing that an application may be received and granted after the prescribed date.
- 9.2 The Club may authorise the formation of Auxiliary Organisations to function for such purposes and for such periods as may be determined from time to time by the Club.
- 9.3 Continued affiliation of the Club may be subject to challenge for a requirement to show cause why the affiliation should be continued if the Club fails to comply with all or any of the following procedures:
- a) Carry out and perform the duty of patrolling the Club's designated beach at such times as prescribed by the Branch.
  - b) Comply with written requests and directions as detailed by SLSQ/Branch from time to time.
- 9.4 Auxiliary Organisations shall subscribe to the Constitution, Rules, etc., of the Association and the Club, and shall be registered under the relevant Government Act.
- 9.5 The initial application for affiliation shall be accompanied by a Constitution or a framework of rules under which the applying body intends to operate and such Constitution or Rules shall be subject to approval or otherwise of SLSQ.
- 9.6 Changes or amendments to the Constitution, Rules, etc., of affiliated and/or auxiliary organisations must not conflict with the Constitution, By-Laws, policies or rules of the Branch or SLSQ.

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9.7 The Club may request the appointment of an administrator as provided by SLSQ

**10 - MANAGEMENT**

The Management of the Club shall be provided in the following manner:

10.1 The Club Council

The overall responsibility for the affairs of the Club shall be vested in the Council which shall consist of the Club President (Chairperson), elected Officers and voting members. (E/3/3.1 and B/1/1.2)

10.2 The Management /Executive Committee

The business and operations of the Club shall be the responsibility of the Management Committee with the exception of matters relating to Policy, Constitutional Change, Incorporation Responsibilities and Authority, and major financial borrowings and strategic issues. Recommendations only shall be provided on such issues to the Council. The Management Committee shall consist of the following elected Officers of the Club;

President, Captain, Director Surf Sports, Secretary, Treasurer and Junior Activities Officer.

10.3 Boards and Committees

Boards, Special Committees and Sub-Committees may be elected / established or endorsed to assist in the management of the Club, as provided for in the By-Laws, and shall report and make recommendations to the Management Committee and/or the Club Council.

10.4 Staff

Shall be as provided for in Constitution Clause D/4 and may include:

- a) An Administrator/Office Manager whose duties shall be as provided for under the By-Laws and shall operate in close liaison with the Executive Officers and other Club Officers, and shall attend and act as Minute Secretary for Council and Management Committee Meetings.
- b) Other personnel as determined from time to time by the Management Committee.

10.5 Order of Authority

Whilst it is accepted that the foregoing represent and act for and on behalf of the Club, the order of priority in relation to authority is:-

The Council, the Management Committee, the President and the Secretary.

10.6 Branch Councillor

- a) The Councillor to the Branch shall be the Club President.
- b) No Councillor shall be entitled to represent more than one (1) Club at the same time.
- c) The Councillor shall hold office until the appointment of his successor, provided that he may resign or may be removed from the office by the Club Council, in which case the Club shall submit to the Branch the name of a replacement.

**SECTION C**

**Election of Officers, Life Members & Life Governors**

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**1 - ELECTION OF OFFICERS**

- 1.1 Officers shall be elected annually at the Annual General Meeting of the Club by secret ballot.
- 1.2 Nominations for Officers to be elected or appointed at the Annual General Meeting of the Club shall be financial members of the Club, in writing on the appropriate form, signed by the nominator and seconder, who shall be financial members of the Club, and bearing a certificate signed by the nominee expressing his willingness to accept the position for which he is nominated and be prepared to attend a meeting of the **Review** Committee in relation to the nomination. Such nominations shall be in the hands of the Secretary **by the nominated date which shall provide sufficient time prior to the Annual General Meeting for an interview, if necessary and prom ligation to the members**
- 1.3 If there are no nominations received as aforesaid, nominations may be accepted at the Annual General Meeting provided the person nominated is present or has given a written consent to accept office. The election of Officers shall be by secret ballot. In the final ballot, should there be an equality of votes the following shall apply -
- a) If one of such nominees occupies the office under ballot, such nominee shall be declared re-elected.
  - b) In all other cases the presiding Chairperson at the time of the ballot shall have a casting vote.
  - c) or the matter shall be referred to the **Review** Committee for determination
- 1.4 All Officers shall continue in office, subject to resignation or requirement, removal from office, illness, incapability or some other reason, until their successors are appointed. In the event of a vacancy occurring during the year, such vacancy may be filled at a Management Committee or Council Meeting, subject to the normal conditions of nomination. If the Management Committee appoints the person, then it shall require endorsement by the Council.
- 1.5 Any Officer who is absent from two (2) consecutive meetings of the Committee he is a member of without submitting a satisfactory reason in writing may be removed from office by the Council, and in such event, shall not be eligible for re-election during the current year.
- 1.6 Any Officer who is not satisfactorily carrying out his duties may be removed from office by the Council, and in such event, shall not be eligible for re-election during the current year; provided that no such action shall be taken unless notice of intention to move a motion to give effect hereto has been given in accordance with the provisions of Constitution Clause E/6.
- 1.7 Appeal against removal from Office Any Officer removed from office by the Club shall have the right to lodge an appeal against such removal to the Club provided that the appeal shall be lodged in writing to the Club within fourteen (14) days of the notification of the removal and shall set out clearly the grounds of the appeal. The appeal shall be placed before the Club Judiciary Committee, and shall be dealt with as per the provisions of appendix "A".

**2 - ELECTION OF LIFE MEMBERS**

- 2.1 Life Members of the Club may be elected from the members who have completed a desirable 20 years minimum of service.

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- 2.2 Prospective nominees' names shall be considered by The Management Committee and from such meeting the selected nominees shall be submitted to the Review and Qualifications Committee who shall prepare a presentation of the successful nominee/s record for consideration by the Club Council. There shall be no restriction on numbers for consideration and election at the Council Annual General Meeting, and a two-thirds (2/3) majority of those voting is required to confirm the award.
- 2.3 Guidelines of time frames for distinguished / special service are provided for in By-Law 1.4.
- 3- ELECTION OF LIFE GOVERNORS
- 3.1 Life Governors shall be recommended by the Management Committee and elected by a majority vote at a Council General Meeting.
- 3.2 Life Governors shall only be elected from amongst the Club Life Members
- 3.3 Life Governors shall be limited two (2) at any one time.

**SECTION D**

**Property, Finance, Budget & Staff**

**1 - PROPERTY**

- 1.1 The property of the Club shall be vested in the name of the Mooloolaba Surf Life Saving Club Inc.

**2 - FINANCE**

- 2.1 An official receipt, in the form prescribed by the State Government, shall be issued for all monies received, and which shall be banked/deposited promptly after receipt thereof, in the name of the Club in such Bank as the Management Committee directs.
- 2.2 Payments shall be made only by cheque, crossed "not negotiable", signed by the President and either the Secretary or Treasurer or other Government approved methods.
- 2.3 The assets and income of the Club shall be applied solely in furtherance of its above mentioned objectives and no portion shall be distributed directly or indirectly to the members of the Club except as bona fide compensation for services rendered or expenses incurred on behalf of the Club.
- 2.4 Where any affiliated branch or club of the Association, as the case may be, is unable to make any lawful appeal for support for that affiliated branch or club or for its objects, as distinct from an appeal for support for SLSQ or the objects of SLSQ, no moneys or property whatsoever shall be paid or transferred to the affiliated branch or club by SLSQ or any affiliated branch or club of the Association, as the case may be, or used for the purposes of the affiliated branch or club first mentioned.
- 2.5 Before payment, all accounts shall be ratified by the Treasurer and/or the Secretary, and later confirmed by a properly constituted meeting of the Council or the Management Committee and a record made in the Minutes.

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- 2.6 The Treasurer shall ensure that the statement of receipts and expenditure are presented to the appropriate meeting for confirmation on a monthly basis.
- 2.7 The Treasurer shall maintain a record of the investments of the Club in a book to be kept for that purpose.
- 2.8 The books and accounts of the Club shall be kept and an annual audit conducted in the manner required under the legislation and to Australian Accounting standards within the State of Queensland and as required under the relevant Government Act as administered by the relevant government department. Such audited report to be presented to the Annual General Meeting of the Club. (Refer to By-Law 7.4).
- 2.9 As soon as practicable after the end of each financial year, the Treasurer shall cause to be prepared, a statement containing the particulars of:  
a) the income and expenditure for the financial year just ended; and  
b) the assets and liabilities and of all mortgages, charges and securities affecting the property of the Club at the close of that year.
- 2.10 Government Subsidy grants shall require the Club to submit returns of endowable subscriptions to the appropriate Queensland State Government Department as and when required on the Form provided by that Department and as soon as possible after the receipt of any Government subsidy forward a receipt for the monies received to the Department.
- 2.11 Financial activities of all Committees of the Club shall be under the control of the Treasurer, who shall, in conjunction with the Club President and Chairperson of the Committee concerned, determine the method of financial operation most suited to that particular Committee, providing that at all times, the requirements of the relevant Government and Australian Accounting requirements
- 2.12 Any member being in default of payment of liabilities to the Club for in excess of two (2) months from date of notification of default may have his membership deferred or may be penalised by the Management Committee, subject to endorsement of the Council; such penalty shall remain in force until the liability has been negotiated to the satisfaction of the Club.
- 2.13 The Council, through the Management Committee, shall provide for the safe custody of all financial records of the club books, documents, instruments of title and securities of the Club.
- 2.14 Officer may be reimbursed for documented expenses at the decision of the Management Committee.
- 2.15 The financial year of the Club shall be from the 1<sup>st</sup> of May in any one year to the 30<sup>th</sup> April in the ensuing year.

**3 - BUDGETS**

- 3.1 The Treasurer shall prepare a budget by 1<sup>st</sup> April for the ensuing year, after consultation with all Officers of the Club, provided that the budget may be subjected to further consideration after the election of Officers at the Annual General Meeting.
- 3.2 The budget shall be endorsed and submitted by the Management Committee to the Council for consideration of the budget allocations, and once approved it shall be competent for each Officer and Committee to utilise the Club finances to the limit of its allocation, unless directed otherwise by the Management Committee.

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- 3.3 Any unforeseen items in relation to finance that may arise shall first be considered by the Management Committee, which shall if it is considered important or necessary, recommend that the matter be considered by the Council.

**4 - STAFF**

- 4.1 The Club may provide for the appointment of an Administrator and other full-time employees as may be required from time to time in the conduct of its affairs.
- 4.2 Paid staff of the Club are not permitted to hold the position of "Officer" in the Club, provided that such paid staff may seek election as an Officer with the proviso that if elected they shall forthwith forfeit their paid position.
- 4.3 Salaries and employment conditions of staff members as provided for in Constitution Clause B/10.4 shall be determined by the Management Committee.
- 4.4 The Management Committee shall endorse or reject the employment of other paid assistance as may be considered from time to time.
- 4.5 Pay structures of other paid assistance shall be determined by the President and Treasurer, following a recommendation submitted by the Secretary.

**SECTION E**

**Requirements and Procedures**

**1 - BRANCH REPRESENTATION**

- 1.1 The Club shall be represented on the Branch Council by the Club President who shall be the Branch Councillor.
- 1.2 The Club shall be represented on the Branch Board of Junior Activities by the Club Junior Activities Officer.

**2 - MEETINGS**

- 2.1 The business of the Club shall be transacted at the following classes of meetings -
- a) The Annual General Meeting;
  - b) General Meetings of the Council;
  - c) Meetings of the Management / Executive Committee;
  - d) Special Meetings of the Council or the Management Committee;
  - e) Meetings of the Committees;
  - f) Special Meetings of Committees.
- 2.2 Management Committee Meetings shall be held at least once every two (2) calendar months or as directed by the Council and as required by the Chairperson of the Committee, having regard to business requirements and circumstances prevailing at that time.
- 2.3 In relation to Minutes of the aforementioned meetings, the following procedures shall apply:

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a) The Secretary shall cause full and accurate minutes of all questions, matters, resolutions and other proceedings of every Annual General, Council and Management Committee meeting to be entered in a book to be open for inspection at all reasonable times by any financial member who previously applies to the Secretary for that inspection.

b) For the purposes of ensuring the accuracy of the recording of such minutes, the minutes of every meeting shall be signed by the Chairperson of that meeting or the Chairperson of the next succeeding meeting verifying their accuracy.

c) The minutes of every Annual General Meeting shall be signed by the Chairperson of that meeting or the Chairperson of the next succeeding General meeting or Annual General Meeting.

2.4 Detailed requirements and procedures relative to the conduct of the aforementioned meetings are as provided for in the By-Laws.

2.5 Nothing contained in the Constitution shall prevent a meeting of a group of Officers or members of the Club, provided that any reports or recommendations resulting from such meeting shall be ineligible for consideration by any higher authority unless they are submitted to the Management Committee within a period of seven (7) days of that meeting.

2.6 Fourteen (14) clear days notice, in writing, shall be given for the Council Annual General Meeting and General Meetings, nine (9) clear days for any other Special Meetings.

2.7 Special Meetings shall be convened when directed by the President or the Management Committee, or not less than one third of the members of the Council. Such requisition shall clearly state the reasons why such Special Meeting is being convened and the nature of the business to be transacted thereat. Notice of meetings of Committees shall be at the discretion of the respective Chairperson.

2.8 Special Meetings of the Management Committee shall be convened by request of the President or by not less than one-third of the members of the Management Committee and 9 clear days notice shall be given.

### 3 - VOTING

3.1 Only **financial** Active, Reserve Active, Long Service, Life Members, Life Governors Award Members (subject to B/3(7)) and Officers shall be eligible to vote at Council Meetings, and shall be entitled to one vote and in the case of an equality of votes the Chairperson shall have a second or casting vote. (award members may only be given voting rights as approved and minuted by the club)

3.2 All voting members of the Council (Constitution Clause E/3.1) shall be entitled to one vote only at all meetings of the Council at which they are present, provided that the Chairperson shall have both a deliberative and casting vote excepting as provided for in Constitution Clause C/1.3.

3.3 Members elected to a Committee are the only persons eligible to vote at meetings of their respective Committees, and the Committee Chairperson shall have both a deliberative and casting vote.

3.4 Postal Voting / Electronic shall be subject to the following conditions:

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- a) Any matter which may be dealt with by the Council other than a Notice of Motion to alter the Constitution, shall be eligible to be resolved by a Postal Ballot.
- b) A Postal Ballot may be authorised by the Council or the Management Committee.
- c) Procedural arrangement shall be:
  - (i) The Secretary shall deliver or send by post or facsimile or by other electronic means to each member who is entitled to vote, a clear statement of both sides of the question to be voted upon with a request that he return his vote thereon to the designated Returning Officer. (Such request shall state the date upon which voting shall close).
  - (ii) Eligible voters shall, upon receipt of the ballot paper and specified information, complete the ballot paper and shall forward it in the envelope provided or transmit by facsimile or by other electronic means to reach a designated Returning Officer by the closing date of the Postal Ballot.
  - (iii) All votes cast in the Postal Ballot shall be delivered (where possible in an unopened condition) to the Returning Officer as soon as practicable.
  - (iv) As soon as practicable following the closing date for voting, the Returning Officer shall, in the presence of at least two (2) Executive Officers open the votes received by the closing date and shall tally the votes cast.
  - (v) The President's right of a casting as well as a deliberative vote shall apply in the case of a Postal Ballot/ Electronic.
  - (vi) Within seven (7) days of the closing date of the Ballot, the Secretary shall advise all eligible voters of the result.
  - (vii) All votes cast in the Ballot, including any which are for any reason considered by the Returning Officer to be informal, shall be retained for presentation, if necessary, to the next succeeding meeting of the authorising body.
  - (viii) The result of the Postal Ballot shall take effect forthwith.

- 3.5 There shall be no allowance for proxies or proxy voting with the exception of officers of the Club as defined in the By-Law 1.2(b).

#### **4 - CHAIRPERSON**

Except where otherwise provided the President shall be Chairperson of all meetings of the Council and the Management Committee, and in his absence the Deputy President shall be the Chairperson, and in the absence of both the meeting shall elect a Chairperson.

#### **5 - QUORUM**

- 5.1 At the Annual General Meeting of the Club, General Meetings and Special General Meetings of the Council, the number necessary to form a quorum shall be double the number on the Management Committee plus one (1).
- 5.2 At Management Committee Meetings, the number of Officers to form a quorum shall be a simple majority of voting members.
- 5.3 At other Committee Meetings a simple majority will form a quorum of members present except as otherwise provided.
- 5.4 If a quorum as prescribed above is not present within one half hour after the advised commencement time, the following shall apply:

- a) Annual General Meeting of the Club

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- (i) The meeting as advertised shall be deferred for one week to the same time and place, provided that a notice signifying the deferment shall be forwarded to each voting member, and a similar notice shall be placed in a prominent position at the Club.
  - (ii) Should a quorum not be present at the advertised commencement time of the deferred meeting the Chairperson may declare those present to be a quorum and the meeting shall be deemed to be properly constituted.
- b) Council General Meeting  
The meeting shall lapse.
  - c) Special Meetings  
The meeting shall lapse and the business to be transacted at that meeting shall be dealt with by the Management Committee.
  - d) Committee Meetings  
The meeting Chairperson shall decide future action on matters before the Board or Committee.

**6 - NOTICE OF MOTION**

- 6.1 Notices of any motion intended to be moved at an Annual General, General or Special Meeting of the Council, shall be given in writing signed by the mover and seconder thereof (who must be members of the meeting to which the Notice of Motion will be referred) to the Secretary at least twenty-eight (28) clear days prior to the date of such meeting and shall be included in the business paper on the notice calling such meeting.
- 6.2 A notice of motion desired to be moved or seconded by a Branch Councillor must be accompanied by the written endorsement of the Club.
- 6.3 The meeting may, by ordinary resolution, grant the mover and seconder leave to alter their motion, in a minor way without altering the intention of the motion. No amendment to the intention of the motion to the motion will be accepted.
- 6.4 A motion of which due notice has been given, if unsuccessful, cannot be resubmitted, nor may any other motion having a similar effect be moved at the next meeting of Council or within six (6) months from the date of its rejection, unless approved by the Management Committee.

**7 - MOTIONS TO RESCIND**

- 7.1 A motion to rescind any motion carried at a meeting of the Council, Management Committee or other Committee may be considered only at a subsequent meeting of those bodies.
- 7.2 Notice of Motion to rescind a resolution carried at a previous meeting shall be accepted only on the written resolution of not less than two (2) voting members of the Council or the Committee to which the rescission motion refers. In all other respects, the provisions of E/6 shall apply.

**8 - ALTERATIONS TO THE CONSTITUTION**

- 8.1 The Club may alter its Constitution as regards to local and domestic matters which do not conflict with the provisions of SLISA's and /or the State or Branch Constitution Regulations or By-laws or policies as the case may be.

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- 8.2 Subject to the provisions of the relevant Government Legislation, the Club Constitution may be amended, rescinded or added to, from time to time by a special resolution carried at an Annual General Meeting or a Special General Meeting of the Council, called for that purpose, provided that no such amendment, rescission or addition shall be valid unless the same is submitted to and registered by the relevant Government Department.
- 8.3 Notice of the proposed alteration shall be given in the manner provided for Notices of Motion but shall specifically state that it is a notice of proposal to alter the Constitution, either by amending or repealing an existing provision thereof or by adding a new provision.
- 8.4 The notice of the proposed alteration shall be included in the Notice calling the Annual, General or Special), at which it is to be submitted as a "Notice of Motion to alter the Constitution".
- 8.5 Provided that the aforesaid Notice be duly given, it shall be competent for the alteration of the Constitution to be considered and dealt with at the meeting of the Club Council.
- 8.6 A copy of the notices issued in accordance with Constitution Clause E/8.3 shall be sent to the Branch and SLSQ, at the time of issue, for endorsement.
- 8.7 The Club shall lodge with the Branch and SLSQ, copies of its Constitutions and of all amendments and/or alterations thereto which have been adopted.

**9 - MEMBERSHIP FEES (FINANCIAL STATUS)**

- 9.1 Member fees shall be:
- a) As decided from time to time by a General or Special General Meeting of the Council or Annual General Meeting of the Club.
  - b) Due and payable on the 1<sup>st</sup> of May each year.
  - c) Paid within thirty (30) days of the Annual General Meeting or membership will lapse and a joining fee may be charged.
  - d) Paid within 30 days of the due date being the 1<sup>st</sup> of May
  - e) Paid prior to the Annual General Meeting for a member to be eligible to vote at that meeting.
- 9.2 A financial member is defined as a member who is not indebted to the Club in respect to any annual subscription, levy or any other payment whatsoever.
- 9.3 Only those members who are **financial** members at the time shall be entitled, subject to the lawful procedure of the meeting, to speak or vote upon any motion at any general meeting of the organisation.

**10 - DOMESTIC RULES AND STANDING ORDERS**

- 10.1 Provided that they do not conflict with the letter or the spirit of the rules incorporated in the Association Constitution and Manuals, the Club may create, alter and repeal Domestic Rules and Standing Orders for the conduct of its local and domestic affairs.
- 10.2 A bound book shall be provided to record such domestic rules and standing orders which shall be laid down from time to time by a Council Meeting. Such Rules or Standing Orders shall remain in force until revoked or altered by a further Council Meeting.

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**11 - MAKING AND ALTERATION OF BY-LAWS AND APPENDICES**

- 11.1 Subject to the provisions of the relevant Government Legislation, the Club By-Laws and Appendices may be amended, rescinded or added to from time to time by a special resolution carried at a General Meeting of the Council. Copies of any amendments shall be forwarded to the relevant Government Department, the Branch and SLSQ for record purposes.
- 11.2 When By-Laws are made, altered or repealed, each affiliated body shall be informed promptly.

**12 LEGAL ACTION**

No Officer, or group of Officers or Members, whether in Committee or alone, may institute legal action which purports to be upon behalf of the Club or group and if it carries legal and financial implications against the Club or group or against a Branch, SLSQ, the Australian Council or another Club affiliated to Surf Life Saving Australia Limited, unless by the following procedures:

- a) The constitutional convening of a General Meeting of members of the Club, and a vote affirmative of such action by a two-thirds majority of members present and eligible voting.
- b) Further, an invitation to such General Meeting must be given to the higher authorities of that body, i.e. Branch, SLSQ or the Australian Council and the body or group against which the legal action is proposed.

**13 - TROPHIES, PRIZES AND ELIGIBILITY**

In relation to trophies, prizes (cash or kind) and eligibility to accept or compete for such trophies or prizes shall be as provided for in the SLSQ Constitution. (By-Law 9.5)

**14 - UNIQUE ITEMS**

In the event of any question or item arising which is not specifically provided for in the Manuals of the Association or in the Constitution or By-Laws of the Club, it shall be competent for the Club to legislate thereon temporarily by resolution at any meeting of the Council or Management pending due alteration of the Constitution.

**15 - DISSOLUTION**

The Club shall be dissolved only with the consent of three-fourths of the Officers and voting members present at a Special Meeting called for that purpose, notice of which must be posted to Officers and members at least twenty-eight (28) days prior thereto, and advertised in the major regional newspaper in each centre under the control of the Branch, at least once in each of the two (2) consecutive weeks immediately preceding such meeting.

**16 - DISTRIBUTION OF SURPLUS ASSETS**

In the event of the Club being dissolved in accordance with the provisions of the relevant Government Legislation, and there remains, after satisfaction of all its debts and liabilities and property whatsoever, the same shall not be paid to or distributed among the members of the Club but shall be given or transferred to Surf Life Saving Queensland or if that Association has ceased to exist to another surf life saving body which has similar objects and which is approved by the

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Commissioner of Taxation as a public benevolent institution for the purposes of any Commonwealth Taxation Legislation, and which shall prohibit the distribution of its or their income and property among its or their members to the extent at least as great as is imposed on the Club under or by virtue of D/2.3 such body to be determined by the members of the Club.