

CONSTITUTION

OF THE

PORT BOUVARD SURF LIFESAVING CLUB INC.



Incorporated 18th December 2003

Adopted AGM 27th July 2008
Amended AGM 26th July 2009
Amended SGM 8th Oct 2009
Amended AGM 25th July 2010
Amended AGM 29th July 2012
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1.0 NAME

- (a) The Club shall be called the "PORT BOUVARD SURF LIFE SAVING CLUB INC".
- (b) The Club shall affiliate with Surf Life Saving Western Australia Incorporated.

2.0 OBJECTIVES

- (a) To maintain efficient patrolling of the beach under the control of the Club.
- (b) To maintain the most efficient and effective methods of rescue and resuscitation of people in need, in line with "Surf Life Saving Australia Limited" standards
- (c) To provide for the recreational, social, sporting and educational needs of the members.
- (d) To be recognised in the City of Mandurah as an authority and provider on matters related to beach and aquatic safety management.
- (e) To do all things as are incidental or conducive to the attainment of the foregoing objects.
- (f) The property and income of the Association shall be applied solely towards the promotion of the objects or purposes of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members of the Association, except in good faith in the promotion of those objects.

3.0 POWERS

- (a) To acquire, hold, deal with, and dispose of any real or personal property.
- (b) To open and operate bank accounts.
- (c) To invest money –
 - (i) in any security in which trust moneys may be invested; or
 - (ii) in any other manner authorised by the rules of the Club;
- (d) To borrow money upon such terms and conditions as the Club thinks fit;
- (e) To give such security for the discharge of liabilities incurred by the Club as the Club thinks fit;
- (f) To appoint agents to transact any business of the Club on its behalf;
- (g) To enter into any other contract it considers necessary or desirable;
- (h) To act as Trustee and accept and hold real and personal property upon trust;
- (i) To raise funds to facilitate the operation of the Club;
- (j) To do all other things as are incidental or conducive to the attainment of the above objects or any of them.

4.0 INCOME

- (a) Any members of the Executive Committee of the Club who have any direct or indirect pecuniary interest in a contract, or proposed contract, made by, or in the contemplation of, the Executive Committee shall, as soon as he becomes aware of his interest, disclose the nature and extent of his interest to the Executive Committee.
- (b) Such members shall not take part in any deliberation or decision of the Executive Committee with respect to that contract.

5.0 MEMBERSHIP

- (a) Membership shall consist of the following classifications:
 - (i) Probationary
 - (ii) Junior (Nipper)
 - (iii) Cadet
 - (iv) Active
 - (v) Reserve Active
 - (vi) Long Service
 - (vii) Award
 - (viii) Associate
 - (ix) Honorary
 - (x) Life
 - (xi) General
 - (xii) Social
 - (xiii) Temporary
- (b) Membership qualifications and conditions shall be governed by the relative clauses of the By-Laws.
- (c) Continued membership of the Club, with the exception of Life Members who shall be deemed members for the term of the life, shall be subject to annual renewal in accordance with directives issued from time to time by Surf Life Saving Australian Limited.
- (d) Candidates for admission as Associate and Social members shall be nominated in writing on the proper form by a financial member of the Club. Such nomination shall be accompanied by the appropriate fee.
- (e) Temporary Membership. A person who is on any day visiting a club (the "Host Club") as a member or an official of another club – that is to engage in a pre-arranged event with the host club conducted for the purposes of one of the host club's principal objects; or that is to hold a pre-arranged function at the host club involving the use of the host club's sporting facilities, may, for the purposes of this Act, be taken to be a person who is accorded temporary membership of the host club on that day in accordance with rules approved by the Director of Liquor Licensing.
- (f) Proof of age shall be provided by all candidates for membership who are under eighteen (18) years of age. Membership age categories shall be determined as per the applicant's age at midnight 30th September in the year in which they seek membership of the Club.
- (g) Such application for membership shall be dealt with at the next meeting of the Executive Committee.
- (h) The Executive Committee may reject any nomination for membership of the Club.

6.0 ELECTION OF LIFE MEMBERS

- a) Election of life members shall be determined by the Executive Committee and assessed by an objective point selection process. (See Life Member Points Sheet appendage)
- b) The Executive Committee shall have the authority to elect life membership of the club to any member who, in the Committee's opinion warrants this honour due to outstanding service to the club, with a minimum requirement of ten years membership. However, in exceptional circumstances, this may be varied at the discretion of the Executive Committee.
- c) Nominations are to be assessed under the following guidelines
 - i) All Nominations to be submitted in writing to Executive Committee
 - ii) The EC will confirm required details to the Nominator-Proposal Details for Life Membership.
 - iii) Nominees will be ranked against an objective "Criteria for Selection".
 - iv) Based on an objective rating score, the EC may accept/decline the Nomination.
 - v) At this point there is no appeal process and E C decision is binding.

7.0 CLUB OFFICERS

- (a) The elected officers of the Club shall be:
 - (i) President
 - (ii) Vice President
 - (iii) Director of Finance
 - (iv) Club Captain
 - (v) Director of Administration
 - (vi) Director of Education
 - (vii) Director of Lifesaving
 - (viii) Director of Surf Sports
 - (ix) Director of Youth
 - (x) Director of Membership, House and Social
- (b) Other positions may be appointed by the Executive Committee and shall be included in the By Laws.
- (c) Nominations for all elected positions shall be submitted in writing duly proposed and seconded, and endorsed by the nominee and close with the Director of Administration five (5) days prior to the advertised date of the Annual General Meeting.
- (d) Where there are two (2) or more nominations for the same elected position, the result will be determined by a Secret Ballot.
- (e) 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 written consent to accept office.
- (f) All Club Officers as per 7.0 part (a) shall be elected at the Annual General Meeting and their term of office shall expire upon the election of Club Officers at the following Annual General Meeting. All Elected Club officers shall be eligible for re-election.

8.0 EXECUTIVE COMMITTEE

- (a) The management of the Club shall be vested in the Executive Committee which shall consist of the following elected Officers of the Club;
 - (i) President
 - (ii) Vice President
 - (iii) Director of Finance
 - (iv) Club Captain
 - (v) Director of Administration
 - (vi) Operations Manager (nonvoting)
- (b) The Operations Manager as appointed by the Executive Committee shall be required to attend meetings in an advisory capacity only. (non voting)
- (c) The Chairperson may have a deliberate vote as well as a casting vote.
- (d) The Executive Committee shall meet at least once a month with a minimum of three days' notice to be given and three (3) voting members required to form a quorum.

9.0 POWERS OF THE EXECUTIVE COMMITTEE

- (a) The Executive Committee shall have power to draw up, amend and put into effect from time to time Regulations and By-Laws to be finally adopted or rejected at the next Annual General Meeting of the members.
- (b) The Executive Committee shall be responsible for the operation of the Club.
- (c) The Executive Committee shall receive minutes, reports and recommendations from all sub-committees.
- (d) The Executive Committee shall have power to fill all vacancies occurring during the year.

10.0 ATTENDANCE AT EXECUTIVE MEETINGS

- (a) Should a member of the Executive Committee be absent from two consecutive meetings, or four such meetings during the year without submitting a reasonable excuse to the Executive Committee, the office and seat occupied by the member shall be declared vacant.
- (b) Any other club member may attend executive committee meetings as a visitor; however such visitors may not enter into any such discussion or debate except through the invitation of the chairperson.

11.0 STANDING COMMITTEES

- (a) Standing Committees that may be duly created shall be provided for in the By-Laws and shall operate and function in accordance with this Constitution and By-Laws.
- (b) No where is it the intention that any Standing Committee shall supersede the powers of the Executive Committee.

12.0 SUB-COMMITTEES

- (a) The Executive Committee may appoint Sub-Committees and delegate to such Sub-Committees such powers as it thinks fit and any such Sub-Committees shall in the exercise

of the powers so delegated conform to any regulations that may be imposed upon them by the Executive Committee.

13.0 MINUTES

- (a) Detailed minutes shall be made of all business transacted at Annual General Meetings, Special General Meetings, Executive Committee Meetings and all meetings of Standing and Sub-Committees.

14.0 EMPLOYEES

- (a) The Executive Committee may employ persons on such terms and conditions as it considers necessary.

15.0 FINANCE

- (a) The negotiable documents of the Club shall be under the direct control of the Executive Committee. All cheques must be signed by any two of the following signatories:-

- (i) President
- (ii) Vice President
- (iii) Director of Finance
- (iv) Director of Administration

- (b) The Executive Committee may approve petty cash advances as it thinks fit.
- (c) All monies received by the Club shall be banked at a Bank or Financial Institution nominated by the Executive Committee.
- (d) All accounts shall be presented to, and approved by, the Executive Committee.

16.0 FINANCIAL YEAR

- (a) The financial year shall be from the first (1st) day of May to the thirtieth (30th) day of April in the ensuing year.
- (b) At least once in every financial year the books and accounts of the Club shall be audited by a registered Auditor appointed at the Annual General Meeting.
- (c) A copy of the Auditor Certificate is to be included in the Annual Report.

17.0 FEES

- (a) Annual subscription or nomination fees shall be paid by the thirtieth (30th) day of September each year otherwise membership shall lapse.
- (b) Only Financial members shall be eligible to vote at Annual General Meetings, Special and General Meetings.
- (c) The nomination fee and annual subscriptions for Club Membership shall be set by the Executive Committee at the last Executive Committee meeting prior to the Annual General Meeting and shall be ratified by the members at the Annual General Meeting.
- (d) The Executive Committee shall have the right to review fees in the case of hardship or absence from the Club.
- (e) Any member indebted to the Club shall be deemed unfinancial and shall lose all membership rights to the club.

18.0 COMMON SEAL

- (a) There shall be a Common Seal engraved with the name of the Club and it shall be kept in the care and custody of the Director of Administration at the Club's premises. The Seal shall not be used or affixed to any Deed or other document except pursuant to and by virtue of a Resolution of the Executive Committee. The affixing of the common seal of the Association must be witnessed by any two of the President, the Director of Administration and the Director of Finance

19.0 ANNUAL GENERAL MEETINGS (AGM), SPECIAL GENERAL MEETINGS (SGM) AND CLUB MEETINGS

- (a) We will endeavour to hold the Annual General Meeting as close to the end of May as possible upon the availability of an Auditor, in each year to receive the Annual Report and Balance Sheet and to elect the Officers of the Club for the ensuing year and to transact such other business brought forward in accordance with this Constitution
- (b) The Executive Committee can at any time call a Special General Meeting and must, within 30 days of receiving a signed request in writing, stating the purpose of the meeting, from more than eight (8) eligible voting members, convene a Special General Meeting for the purpose specified in the request that must be addressed to and served to the Director of Administration.
- (c) Written notice thereof shall be forwarded to each member by the Director of Administration at least twenty one (21) days before an Annual General Meeting and at least seven (7) days before Special General Meetings with (10) ten financial members eligible to vote to form a quorum. Failing such quorum the meeting shall be held within twenty-one (21) days later after due notice has been given.
- (d) Members eligible to vote at Annual General and Special General Meetings shall be restricted to Life Members, All Elected Officers of the Club, All Appointed Officers and Position Holders including Active Age Managers (who participate with age groups for a minimum of 50% of the season) as per By-laws and members holding any of the Following Surf Life Saving Awards:-
 - (i) Bronze Medallion
 - (ii) Advanced Resuscitation Certificate
- (e) No new member shall be entitled to vote at any meeting of the Club until six (6) months after the acceptance of the date of their original nomination.
- (f) The business of the Annual General Meeting, or any other meeting called pursuant to this Clause, shall be in accordance with the By-Laws.
- (g) This Constitution can only be added to or amended or repealed at a Special or Annual General Meeting by a 75% majority of members in attendance at the meeting who are eligible to vote, provided (10) ten of the financial members eligible to vote are present. Also, provided at least seven (7) days notice of proposed amendments thereof can be given in writing to the members by the Director of Administration. At least Fourteen (14) days notice of proposed amendments shall be given in writing to the Director of Administration. Any amendments shall be called a Special Resolution.
- (h) No Special Resolution shall be deemed effective until it has been lodged and approved by the Commissioner for Consumer Protection and the Director of Liquor Licensing.

20.0 CLUB COLOURS

- (a) The registered Club Cap colours are Royal blue with two white stripes outside a central light green stripe. The club has adopted PMS colours 288 (Blue) and PMS 390 (Lime green) for the Club Cap, along with white.



- (b) All designs, logos, uniforms and badges shall be approved by the Executive Committee.
- (c) For all other current Club Logos, Clothing and swimwear, refer to Bylaws Volume 1 for PMS colours and designs

21.0 PATROLS

- (a) Unless otherwise provided for in this Constitution and By-Laws, all patrolling members must perform patrol duties in accordance with Patrol By-Laws set out as part of this Constitution.
- (b) The Executive Committee shall have the power to grant exemption from Patrols in accordance with this Constitution, Club By-Laws and the Rules of Surf Life Saving Australia Limited.
- (c) All members intending to or required to patrol in the current season shall pass the Annual Proficiency Test as set down by Surf Life Saving Australia Limited. Failure to pass the Annual Proficiency Test may result in membership reclassification to reflect new status and additional fees may be due as per current membership fee schedule.

22.0 JUDICIARY COMMITTEE

- (a) The Judiciary Committee consisting of three (3) past Presidents of the club, not being current office bearers, shall be elected, together with a Chairperson at the Annual General Meeting of the club and shall have such powers as specified in the By-Laws.
- (b) Where insufficient Past Presidents are available, the Executive Committee shall have the power to appoint a maximum of three (3) Non Executive Committee members to the Judiciary Committee.

23.0 CONDUCT

- (a) Any member who infringes the Constitution or By-Laws of the Club or in any way misconducts themselves either on the Club premises or during the course of any activities of the Club at any place, or whilst acting as a member of the Club at any place, or performing duties on behalf of the Club or in any way by his actions discredits the Club, may be called before the Judiciary Committee to answer such allegations. The Judiciary Committee shall hear such charges and deal with each case as appropriate.
- (b) A member dealt with by the Judiciary Committee shall have the right of Appeal in writing within fourteen (14) days to the Executive Committee which may vary the Judiciary Committee's actions as it thinks appropriate. The decision of the Executive Committee shall be final.

24.0 MEMBERSHIP RENEWAL OR CANCELLATION

- (a) The Executive Committee may expel or refuse the renewal of membership to any member, subject to appeal in writing by such member within fourteen (14) days to a Special General Meeting called in accordance with Clause 19.0 (b) of this Constitution.
- (b) Pending the hearing of the appeal the member shall be deemed suspended from the Club.
- (c) Any member expelled from the Club shall forfeit all claims on the property of the Club and shall cease to be a member thereof.

25.0 CLUB PROPERTY

- (a) No person shall on any occasion remove from the Club premises any property belonging to the Club without first receiving permission from the appropriate Club Officer. Persons receiving such permission shall be held responsible for the articles until they are returned.

26.0 MEMBERS BOUND BY RULES

- (a) Every member of the Club shall be bound by the Constitution and By-Laws of the Club and those of the parent body of the organisation.

27.0 REGISTER OF MEMBERS

- (a) The Club shall keep an up to date register of members, together with their residential or postal address, in respect of each class of membership. The register must be continually available for inspection at the Club premises.
- (b) All notices posted or delivered via electronic media to the last known address of a member shall be deemed to be valid and to have been delivered in the normal course of business.
- (c) The Club shall forward to each newly elected member confirmation of membership status.

28.0 RECORDS, BOOKS, DOCUMENTS & SECURITIES

- (a) The records, books, documents & securities shall be kept in the custody of the Director of Administration.
- (b) Any member may inspect the records, documents, books and securities upon the provision of reasonable notice.

29.0 GUESTS

- (a) Any Member of the club shall be at liberty to invite guests to the club, but the number of guests shall not exceed the maximum number as contained in Section 48(4) (b) of the Liquor Control Act 1988.
- (b) A guest shall not be supplied with liquor in the club premises except on the invitation and in the company of the member
- (c) A guest shall be supplied with liquor to be consumed on the club premises only.
- (d) The member introducing the guest shall be responsible for the proper conduct of the guest whilst on club premises.
- (e) Any person who has been refused membership of the club or SLSA, or who shall be under suspension or expulsion of the club or SLSA, shall not be admitted as a guest of any member of the club.
- (f) A member may, at their expense and with the approval of the club committee, supply liquor to guests, without limitation as to number, at a function held by or on behalf of that member, at the club premises.

30.0 LIQUOR

- (a) The club shall be open for sale of liquor during such hours as the Committee shall from time to time determine and as permitted under the Liquor Control Act 1988.
- (b) The club shall appoint and maintain an Approved Manager for the purposes of observing liquor licensing requirements and regulations.

31.0 ALTERATIONS/AMENDMENTS

- (a) As soon as is practicable after the making of any proposal for a change to the Constitution or Rules of the Club, the Director of Administration shall provide to the Director of Liquor Licensing, certified particulars of the change proposed. No effect will be given to the change without the prior approval of the Director of Liquor Licensing.

32.0 DISSOLUTION OF CLUB

- (a) The members of the Club may, at a Special General Meeting, duly convened for that purpose resolve upon the dissolution of the Club by a resolution passed by at least 75% of the votes held at such meeting.
- (b) If such a resolution shall be duly passed and confirmed, the members present at the second meeting shall appoint two or more members of the Club to act as Trustees for the purpose of winding up the business of the Club.
- (c) Thereafter the Club shall be deemed to exist only for the purpose of winding up the business of the Club and distributing the assets as hereinafter provided.
- (d) If upon the winding up or dissolution of the Association there remains after satisfaction of all its debts and liabilities any property whatsoever, the same must not be paid to or distributed among the members, or former members. The surplus property must be given or transferred to Surf Life Saving Western Australia Incorporated, or another association incorporated under the Act which has similar objects and which is not carried out for the purposes of profit or gain to its individual members, and which association shall be determined by resolution of the members.
- (e) The receipt of the proper officer of Surf Life Saving Western Australia Incorporated for the real and personal property transferred pursuant to Clause 33(d) of this Constitution shall be a good and sufficient discharge to the Trustees and they shall not be bound to see the due application thereof.