

# **Scarboro Surf Life Saving Club Inc.**

**WE STRIVE TO MAINTAIN A SELF-IMPOSED SERVICE**

**CONSTITUTION**

**AND**

**BY-LAWS**

# **SCARBORO SLSC INC**

**As Agreed 12/06/88**

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## **CLAUSE 1 NAME**

The Club shall be called the Scarborough Surf Life Saving Club Inc. and shall comprise all persons duly accepted as members and shall affiliate with Surf Life Saving WA. The constitutions of Surf Life Saving WA and in the event of any further discrepancy, Surf Life Saving Australia shall have precedence in any matter not covered by the Club Constitution.

## **CLAUSE 2 CLUB COLOURS, BLAZER AND BADGE**

2.1 The Club colours shall be Emerald Green, Gold and Black and any change shall be subject to the approval of Surf Life Saving WA.

2.2 The Club Badge will be in the form of a shield with a reel, line and belt situated centrally within it. The reel, line and belt will be surrounded by a buoy with the word "SCARBORO" on the top half and "S.L.S.C." on the bottom half. The badge will be in the Club colours and any change shall be subject to approval by Surf Life Saving WA.

## **CLAUSE 3 INTERPRETATION**

In this Constitution and any amendments thereto and in any By-Laws or Policies made in accordance with the provisions thereof unless the context is inconsistent with such interpretation –

‘Act’ means the Associations Incorporation Act 1987

‘AGM’ means the Annual General Meeting of the Club

‘By-Laws’ means the By-Laws made in accordance with Clause 17

‘Constitution’ means this Constitution

‘Club’ means the Scarborough Surf Life Saving Club Inc.

‘Executive’ means the Executive Committee as constituted under Clause 13.1

‘Member’ means any person who joins as a Member in any category as provided under Clause 6

‘Policies’ means the Policies made in accordance with Clause 17

‘Season’ means the standard patrol season as defined from time to time by Surf Life Saving WA.

‘Special Resolution’ means any resolution where a clear seventy five percent 75% majority is required for the passing of such resolution

‘Surf Life Saving Australia’ means the Surf Life Saving Association of Australia Ltd and may be referred to as SLSA

‘Surf Life Saving WA’ means the Surf Life Saving Association of Australia, WA State Centre Inc.

## **CLAUSE 4 OBJECTS**

### **The Objects of the Club shall be:**

- 4.1 To promote and advance the study and practice of the methods of Surf Life Saving as laid down by Surf Life Saving Australia.
- 4.2 To minimize the loss of life from drowning and render all possible aid to those in distress by providing surveillance and beach patrols as determined by the Club with Surf Life Saving W.A. on Scarborough Beach and within the Club boundaries.
- 4.3 To promote the education of the public in surf awareness and current resuscitation procedures and to encourage the members of the public to gain such awards.
- 4.4 To liaise and co-operate with the City of Stirling on measures that are necessary to ensure the safety of the public on Scarborough Beach.
- 4.5 To promote the organisation of Intra Club competition for the benefit of all members.
- 4.6 To encourage all qualified members to participate in all Inter Club competition.
- 4.7 To draft and promulgate rules for the proper management and control of the Club and to enforce the provisions of the Constitution, By-Laws and Policies of the Club and to deal with any infringement thereof.
- 4.8 Generally to do all such things as may appear to the Club to be incidental or conducive to the attainment of the foregoing objects or any of them.

## **CLAUSE 5 POWERS**

Subject to the Act and to the provisions of the Constitution, the Club shall have the power to do all things necessary or convenient for carrying out its Objects and purposes as may be provided under the Act.

## **CLAUSE 6 MEMBERS**

In all cases the age shall be decided as at midnight on 30<sup>th</sup> September in each year.

### **6.1 Junior Activities Member**

i) A Junior Activity member shall be a person who shall be a minimum age of five (5) years up to a maximum age of thirteen (13) years and such person shall be required to gain the relevant Surf Education Certificate for that person's age group.

ii) The key focus for five and six year old junior activity is play, participation and fun, with guidelines to support this focus to include:

- a) Beach activities that emphasise games and group activities,
- b) Water activities to be limited to shallow water near the water's edge,
- c) No competition for these age groups other than that involved in fun games.

## **6.2 Cadet Member**

A Cadet member shall be a member of the age qualification as defined in SLSA's Manuals and, who has obtained the Surf Rescue Certificate or has passed an annual proficiency test.

## **6.3 Active Member**

An Active Member shall:

- i) Be a Bronze Medallion holder.
  
- ii) Fulfil patrol and Club obligations, as provided by SLSA Regulations and By-Laws and/or Policies of the Club.
  
- iii) Qualify in an annual proficiency test unless the Member has obtained their Bronze Medallion in that season.

## **6.4 Reserve Active Member**

i) Reserve Active membership may be granted to Active Members who have satisfactorily completed (from the gaining of the Bronze Medallion) the required minimum years of patrol and club obligations as provided by SLSA Regulations and By-Laws and/or Policies of the Club. Reserve Active membership shall not be automatic, but shall be granted only in accordance with the Policies of the Club, or where the Policies are silent then in accordance with SLSA Regulations.

ii) Reserve Active members shall perform a minimum of patrols as required by SLSA Regulations and further patrol duties in accordance with the By-Laws and/or Policies of the Club.

iii) Reserve Active members shall complete the annual proficiency test.

## **6.5 General Member**

General membership may be granted to persons who may or may not hold an SLSA award and such members shall have privileges as may be determined by the Executive and defined in the By-Laws and/or Policies of the Club.

## **6.6 Long Service Member**

i) Long Service Membership may be granted to members who have completed the minimum years of active and/or reserve active membership as provided by SLSA Regulations and the By-Laws and/or Policies of the Club. Long Service membership shall not be automatic but shall be granted only in accordance with the Policies of the Club, or where the Policies are silent then in accordance with SLSA Regulations.

ii) Such members may be exempted from all patrol obligations and may be granted other special privileges of membership as may be provided herein.

iii) Should such members from another club seek to join the Club then the Executive shall determine if such member's Long Service shall be recognised by the Club.

#### **6.7 Award Member**

i) Award Membership may be granted to persons who hold an SLSA award of one, or more, of the following qualifications:- Surf Rescue Certificate, Radio award/s, Resuscitation Certificate, Advanced Resuscitation Certificate or First Aid Certificate (or equivalent).

ii) Such members may be called upon to perform patrol and/or other club obligations within the ability of their qualifications in accordance with the By-Laws and/or Policies of the Club.

#### **6.8 Associate Member**

Associate membership may be granted to persons who may or may not hold a SLSA award and such members will have privileges as may be determined by the Executive and defined in the By-Laws and/or Policies of the Club.

#### **6.9 Honorary Member**

Honorary membership may be granted at the sole discretion of the Executive to persons who may or may not hold an SLSA award. Renewal of such membership is only at the discretion of the Executive.

#### **6.10 Life Member**

i) Life Membership may be granted to Members who have rendered special and outstanding service to the Club and have completed at least ten (10) years consecutive membership from the age of 18 years or twelve (12) years in the case of broken service, in any case excluding leave of absence.

ii) Life members shall be appointed by the Life Membership Committee which shall report any such appointment to the Annual General Meeting.

#### **6.11 Probationary Member**

Probationary member 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 formal membership category.

#### **6.12 Temporary Member**

A person who is on any day visiting the Club as a member of any other Surf Life Saving Club or an Official of SLSWA or SLSA, that is to engage in a pre-arranged event with the Club conducted for the purposes of one of the Club's principal Objects; or that is to hold a pre-arranged function at the Club involving the use of the Club's facilities; may, for the purposes of the Liquor Control Act 1988, be taken to be a person who is accorded temporary membership of the Club on that day in accordance with the provisions of the Liquor Control Act 1988.

**6.13 Other categories of Membership**

The Executive is empowered to introduce other categories of membership as it sees fit from time to time to cater for new member initiatives at appropriate fees as determined by the Executive.

**6.14** Unless otherwise specified herein, a renewal of membership shall be as defined in the By Laws and/or Policies of the club.

**6.15 Election of Members**

A person may not become a member, with the right to vote, of the Club, unless duly nominated on proper notice in accordance with the By-laws and/or Policies of the Club being given to other voting members of the Club, and subsequently elected by the general body of members or, by a Committee as provided by the By-laws and/or Policies of the Club.

**CLAUSE 7 MEMBERSHIP FEES and RIGHTS**

**7.1** Fees for each respective category of membership shall be determined annually by the Executive. The defined annual subscription fee is due and payable in advance at the date of the AGM. Notwithstanding any fee that may be set, fees may be discounted at the discretion of the Executive.

**7.2** All new applicants for membership, other than Junior Activities membership and Temporary Membership, shall complete a club induction process as may be determined by the Executive.

**7.3** Junior Activities, Cadet, Active, Reserve Active, Long Service and Life Members are the only categories of membership eligible for entry in Inter Club Competition.

**7.4** The Executive shall cause to be maintained an up to date register of all members of the Club.

**7.5** A Member may at any reasonable time and on request to the Executive, inspect the records and documents of the Club.

**CLAUSE 8 OFFICERS AND ELECTIONS**

**8.1** The Honorary Officers of the Club shall be:

Patron - Vice Patrons - Solicitor - Medical Adviser/s.

**8.2** The Executive Officers of the Club shall be:

President – Vice President – Club Captain – Director of Administration – Director of Finance.

Members with the right to vote shall elect the Honorary and Executive Officers of the Club at the AGM.



### **8.3 Nominations for Executive Office**

All nominees for any Executive office must be financial at the time of the election for which the nomination is received, not be under any obligation to any other Surf Life Saving Club (unless approved in writing by the Executive) and conform with the following conditions.

- i) The nomination shall be in writing and bear the signatures of the nominator and seconder, who shall both be members with the right to vote. The nomination form shall bear the signature of approval of the nominee and shall be submitted to the Director of Administration no later than five (5) days before the AGM.
- ii) Members can hold one (1) Executive office only.

### **8.4 Nominations for Honorary Office**

Nominations for Honorary Officers shall be solicited by the Executive as may be determined by the Executive and shall be put to the AGM by the Director of Administration.

Other nominations may be sought from the floor at the AGM as may be determined by the President.

### **8.5 Other Officers as specified in the By-Laws and/or Policies of the Club may be appointed by the Executive, nominations for which shall be sought as may be determined by the Executive.**

## **CLAUSE 9 GENERAL MEETINGS**

**9.1** The Annual General Meeting shall be held before June 30 on a date fixed by the Executive. Business of the meeting shall be to receive and adopt the Annual Report and Financial Statement of the Club for the previous year concluded; to elect Officers and Standing Committees for the ensuing season; to transact special and general business. Twenty Eight (28) days notice together with a reminder that subscriptions are due and payable shall be given either in writing or electronically to all registered members entitled to vote and posted to the Club notice board and website. The agenda with details of special business shall be posted on the Club notice board and website no later than fourteen (14) days prior to the meeting.

**9.2** General meetings shall be called as deemed necessary by the Executive. Fourteen (14) days notice of which shall be given on the Club's notice board and website.

**9.3** The Director of Administration, within seven (7) days upon receipt of a request in writing from at least thirty (30) members with the right to vote stating the business to be discussed, shall call a Special General Meeting. Fourteen (14) days notice shall be given either in writing or electronically to all members entitled to vote and only the business as outlined in the notice shall be dealt with at the meeting.

**9.4** Thirty (30) members with the right to vote shall form a quorum at all General meetings.

**9.5** Any notice of motion to be considered at a General Meeting shall be in the hands of the Director of Administration no later than twenty (20) days before the meeting at which the notice is to be considered.

## **CLAUSE 10 VOTING**

Voting at General Meetings shall be restricted to the Executive Officers, Appointed Officers, Active, Reserve Active, Long Service and Life Members. All such members must be financial for the current season, or in the case of the AGM for the ensuing season, prior to the start of the meeting.

## **CLAUSE 11 EMPLOYEES**

**11.1** Employees may be appointed by the Executive under such terms and conditions as may be determined by the Executive.

**11.2** Employees shall be responsible to the Executive for carrying out the directions of the Executive in accordance with a statement of performance outcomes as determined on appointment. As well as other duties which may be determined by the Executive from time to time.

## **CLAUSE 12 DUTIES OF OFFICERS**

The duties of all Executive and Appointed Officers shall be defined in the By-Laws and/or Policies of the Club.

## **CLAUSE 13 CLUB COMMITTEES**

### **13.1 Executive Committee**

i) There shall be an Executive Committee comprising the President, Vice President, Director of Administration, Director of Finance and Club Captain, in which the administration and management of the Club shall be vested. Four (4) shall form a quorum and the Chairman shall have a deliberative and where necessary a casting vote.

ii) Within twenty one (21) days of its first meeting following the AGM the Executive shall cause to be held a combined meeting between the Executive Officers and the Beach Operations Committee to set out a course of action for the ensuing season, among other things as may be pertinent.

iii) The Executive shall meet at least once every month to conduct the affairs of the Club which shall include all matters appertaining to the administration of the Club, not limited to the following:

- to maintain the Objects of the Club;
- to institute or amend By-Laws or Policies;
- to receive, review, endorse or amend recommendations from the Beach Operations Committee;

- to appoint Officers, sub committees and standing committees and to act on reports from same.

### **13.2 Beach Operations Committee**

i) There shall be a Beach Operations Committee comprising the Lifesaving Officer, Competition Officer, Education Officer, Youth Development Officer, Junior Officer, Membership Officer and Club Captain, who shall act as chairman, in which the Surf Life Saving activities of the Club shall be vested. Four (4) shall form a quorum and the chairman shall have a deliberative and where necessary a casting vote.

ii) The Beach Operations Committee shall meet on a monthly basis, or as often as it deems necessary to maintain relevant Objects of the Club, conduct the lifesaving activities of the Club as it may be held accountable and responsible for which shall include but not be limited to.

- to maintain the Objects of the Club;
  - to maintain Club discipline and general conduct of members;
  - to appoint Patrol Captains;
  - to undertake any activities as directed by or delegated from the Executive;
- and
- to record all minutes of meetings with resolutions to be presented by the Club Captain to the Executive.

### **13.3 Circular Resolution**

Business and resolutions can be conducted electronically by circular resolution provided that each member of the Committee is given an equal opportunity of involvement in the business to be considered and that resolutions reached are recorded in the Minutes of the next full Meeting of that Committee.

**13.4** Should any member of the Executive or Beach Operations Committees absent themselves from two (2) consecutive meetings or a total of three (3) meetings in any one season without reasonable grounds, the office shall be declared vacant and the Executive shall appoint another member to this office.

**13.5** The Executive shall have the power to fill all vacancies that may occur in a season.

## **CLAUSE 14 STANDING AND SUB COMMITTEES**

### **14.1 Life Membership and Awards Committee**

i) The Life Membership and Awards Committee shall comprise seven (7) life members, 3 of whom shall each have at least 25 years service, elected at the AGM and two (2) members of the Executive appointed by the Executive at its first meeting following the AGM. One (1) of the Life Members shall be elected Chairman by the Life Membership and Awards Committee and five (5) shall form a quorum.

ii) Nominations for membership of the Life Membership and Awards Committee shall be called with the notice of the AGM, shall be in writing and bear the signatures of the nominator and seconder, who shall both be

members with the right to vote. The nomination form shall bear the signature of approval of the nominee and shall be submitted to the Director of Administration no later than five (5) days before the AGM.

Should there remain vacancies after the closing of nominations, then nominations may be called from the floor at the AGM.

iii) The Committee shall meet no later than four (4) months prior to the AGM to review the record of service of all members who may in the opinion of the Committee be eligible for Life Membership in accordance with the principle of such service being of an outstanding and special nature.

iv) The committee shall determine, by special resolution the appointment of members to Life Membership and report on their deliberations to the AGM.

v) The Committee will undertake other activities as may be directed by or delegated from the Executive.

#### **14.2 Audit and Finance Committee**

i) The Audit and Finance Committee shall comprise the Finance Director and two (2) Committee members appointed by the Executive at its first meeting following the AGM.

ii) The Committee shall, within sixty (60) days of the AGM, determine the Budget for the Club for the ensuing season, based on submissions sought from all the Club Committees and Officers, and the Finance Director shall present same to the Executive for endorsement.

iii) The Committee will monitor the income and expenditure against the Budget in each season and advise and assist the Finance Director wherever possible.

iv) The Committee will undertake other activities as may be directed by or delegated from the Executive.

#### **14.3 Disciplinary Committee**

i) The Disciplinary Committee shall comprise three (3) Life Members elected at the AGM and shall meet in accordance with the directives of the constitution.

ii) Nominations for membership of the Disciplinary Committee shall be called with the notice of the AGM, shall be in writing and bear the signatures of the nominator and seconder, who shall both be members with the right to vote. The nomination form shall bear the signature of approval of the nominee and shall be submitted to the Director of Administration no later than five (5) days before the AGM.

### **CLAUSE 15 CLUB DISCIPLINE**

**15.1** The Disciplinary Committee shall be convened to hear all matters referred to it in writing and determine action to be taken in accordance with the

Constitution, By-Laws and Policies in the best interests of the Club and report on its findings to the Executive.

**15.2** The Disciplinary Committee may expel, or, for any period or indefinitely, suspend from the privileges of membership, or otherwise penalise any member who violates a rule, By-Law or Policy of the Club or who is found guilty of misconduct or act contrary to the general policy or good name of the Club, provided that such member has had the opportunity to state his case either personally or through another member, to the Committee before it arrives at its decision.

**15.3** Where the Executive is of the opinion that a member of the club:

- i) has persistently refused or neglected to comply with a provision or provisions of these rules or of the club's Policies and/or By-Laws; or
- ii) has persistently and/or willfully acted in a manner prejudicial to the interests of the club; or
- iii) has breached Regulations, By-Laws and/or Policies of Surf Life Saving Australia;

the Executive may, by special resolution refer the matter to the Disciplinary Committee.

**15.4** Where a member of the club has been referred to a Disciplinary Committee, the Executive may by special resolution and on recommendation from the Disciplinary Committee, temporarily suspend that member from all rights and privileges of the club for any of the following reasons,

- i) protection of the summonsed member,
- ii) protection of any member of the club,
- iii) as required under the Member Protection Policy for victim protection,
- iv) protection of the club.

**15.5** Where any member, who is subject to an investigation, or has been charged, or who has been convicted of a child sexual assault or sexual assault of a member, including a member of the association, shall:

- i) in the case of an investigation or charges being preferred, through a special resolution of the Executive, be asked to voluntarily temporarily relinquish their membership and all rights and privileges of the club, until the matter is finalised,
- ii) in the case of a conviction, through a special resolution of the Executive:
  - (a) Be suspended from all rights and privileges of the club, or
  - (b) Have their membership and all privileges of the club revoked.

**15.6** Where a member declines to voluntarily temporarily relinquish their membership under Clause 15, the Executive by special resolution, may temporarily suspend the member from the club and all rights and privileges, until the matter is resolved or finalised.

- 15.7** Any member accused or charged with a sexual offence against any child or member shall be suspended immediately and the case shall be subject to police investigation. In the event that the investigation finds the member to have no case to answer all rights shall be returned immediately.
- 15.8** An Executive Officer of the Club may suspend any member who disobeys instructions when given in time of emergency or who is considered to have committed an act of misconduct. The incident shall be immediately reported in writing to the Chairman of the Disciplinary Committee who will call a meeting within seven (7) days to hear the case. The member concerned is to be advised of the date of the meeting in writing at least three (3) days before the set meeting time and he may state his case personally or through another member.
- 15.9** The finding of the Disciplinary Committee shall be presented to the next or a special meeting of the Executive. The member concerned shall be given at least three (3) days notice of the date of time of the meeting in writing to allow him if he desires, to appeal to the Executive either personally or through another member. The Executive may revoke or endorse the penalty or otherwise increase or decrease the penalty as seen fit by the Committee.
- 15.10** Any further rights of appeal shall be as governed by the constitution and rules of SLSA and/or Surf Life Saving WA.

## **CLAUSE 16 FINANCE**

- 16.1** The Director of Finance will oversee the operations of the following positions in the club - Canteen Manager, Clothing Coordinator, Bar Manager, Social Officer and Clubrooms Officer. To facilitate communication between these positions and the Executive and assist in the coordination and direction of their activities in accordance with the Objects of the Club and their individual duty statements, the Director of Finance will meet with the persons holding these positions as often as is deemed necessary to:
- ensure sound management of the club's business and social activities and operations;
  - endorse expenditure and control stock on hand;
  - undertake any activities as may be directed or delegated by the Executive;
- and
- submit regular reports on their activities and/or recommendations as may require to be acted on by the Executive.
- 16.2** All monies received shall be banked in the name of the Club and payments after the approval of the Executive, shall be made only by cheque signed by any two (2) members of the Executive or electronically through the internet banking service of the Club's current bank.
- 16.3** No Member shall have authority to commit the Club to any expenditure unless on the official order form signed by the Director of Administration, Director of Finance or other Officer authorised by the Executive.

- 16.4 The financial year of the Club shall be from the 1st May to the 30<sup>th</sup> April in the following year and members' subscriptions shall become due and payable at the AGM.
- 16.5 The Executive may invest funds with Statutory recognised and authorised bodies to the benefit of the Club.
- 16.6 All property and income of the Club will apply solely to the promotion of the objects of the Club and no part of that property or income shall be paid or otherwise distributed, directly or indirectly, to members, except in good faith in the promotion of those objects.

## **CLAUSE 17 AMENDMENTS TO CONSTITUTION/BY-LAWS/POLICIES**

- 17.1 No alteration of the Constitution shall be made except at an AGM or a Special General Meeting called for that purpose, twenty (20) clear days notice of such proposed alterations to be given in writing to the Director of Administration. Such alteration, or subsequent amendment, shall only be accepted by special resolution. A copy of any additions or amendments and particulars of any deletions shall be filed as required under the Act.
- 17.2 Within one month 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 Commissioner for Corporate Affairs notice of the Special Resolution setting out particulars of the alteration together with a certificate given by a member of the Executive Committee certifying that the resolution was duly passed as a Special Resolution and the Constitution of the Club as so altered conform to the requirements of the Act.

An alteration of the Constitution of the Club shall not take effect until the above is complied with

- 17.3 Within one month 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, and that effect is not given to the change without the prior approval of the Director.
- 17.4 Alteration of the Club By-Laws or Policies may be made at any Executive Meeting providing notice of such change is tabled at the Executive Meeting prior to the Executive Meeting at which the change will be considered and posted on the club notice board or website for a period of not less than twenty one (21) days prior to such consideration.

## **CLAUSE 18 COMMON SEAL**

- 18.1 The Common Seal shall be in circular shape, with the words "SCARBORO SURF LIFE SAVING CLUB (INC)" inscribed around same, and the "Common Seal" in the centre.

- 18.2 The Common Seal of the Club shall be in the possession of the Director of Administration.
- 18.3 The Director of Administration shall be the person authorised to use the Common Seal and when the Seal is required to be fixed to a document, the Director of Administration, together with one other member of the Executive Committee shall sign and affix the seal.
- 18.4 The Director of Administration shall cause to be kept a register in which to record the use of the Common Seal.

## **CLAUSE 19 DISSOLUTION**

- 19.1 If upon winding up of the Club there remains after satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid or distributed amongst the members or former members, but shall be given or transferred
- (a) to Surf Life Saving WA (an incorporated body being the State Association for Surf Life Saving); *or*
  - (b) to another association incorporated under the Act which has similar objects; *or*
  - (c) for charitable purposes.
- 19.2 Any motion to dissolve the Club and distribute any remaining property and / or funds shall only be accepted as a special resolution.

## **CLAUSE 20 CONCLUSION**

In the event of anything occurring not within the scope of the foregoing Constitution, or the constitutions of Surf life Saving WA or SLSA, the Executive may deal with the same at their discretion and their decision shall be binding upon the Club.