

# **CITY OF PERTH SURF LIFE SAVING CLUB (INC)**

## **CONSTITUTION**

**(Constitution with revisions as Approved at the Club's Annual General Meeting  
held on June 16<sup>th</sup> 2019)**

June 2019

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## 1.0 NAME

- (a) The Club shall be called the "CITY OF PERTH SURF LIFE SAVING CLUB (Inc)".
- (b) The Club shall affiliate with Surf Life Saving Western Australia (Incorporated).

## 2.0 OBJECTS

- (a) To maintain efficient patrolling of the beach under the control of the Club.
- (b) To ensure the most effective methods of rescuing persons in distress, and the resuscitation of the apparently drowned by study and practice of the methods of Surf Life Saving as taught by "Surf Life Saving Australia Limited".
- (c) To provide for the recreational, social, sporting and educational needs of the members.
- (d) To be recognised in the Town of Cambridge 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.

## 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) The income and property of the Club shall be applied solely towards the promotion of the objects or purpose of the Club. No portion of the income or property shall be paid, transferred or distributed directly or indirectly to the members of the Club, provided that nothing shall prevent the payment in good faith of remuneration to any officer or employee of the Club, or to any person other than a member, in return for services rendered to the Club.
- (b) 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/she becomes aware of his interest, disclose the nature and extent of his/her interest to the Executive Committee.
- (c) 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 as more fully described in the By-Laws:
  - (i) Active
  - (ii) Reserve Active
  - (iii) Long Service
  - (iv) Associate
  - (v) Life
  - (vi) General
  - (vii) Cadet
  - (viii) Junior (Nipper)
  - (ix) Award
  - (x) Probationary
- (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 their life, shall be subject to annual renewal in accordance with directives issued from time to time by Surf Life Saving Australia Limited and/or Surf Life Saving Western Australia Incorporated.
- (d) Candidates for admission as Associate and General Members shall nominate in writing on the proper form. Such nomination shall be accompanied by the appropriate fee.
- (e) Proof of age and or Identity shall be provided by all candidates for membership who are under eighteen (18) years of age as at the first day of October in the year in which they seek membership of the Club.
- (f) All applications shall be posted on the noticeboard of the Club for a period of not less than seven (7) days before election, provided that also an interval of not less than fourteen (14) days shall elapse between nomination and election.
- (g) Such application for membership shall be dealt with at the next meeting of the Executive Committee.
- (h) The Executive Committee may at their absolute discretion reject any nomination for membership of the Club.
- (i) A person who is on any day visiting the 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 purpose of one of the hosts principal objects; or
- That is to hold a pre-arranged function at a host club involving the use of the host club's sporting facilities.

May be taken to be a person who is accorded temporary membership on that day.

## **6.0 ELECTION OF LIFE MEMBERS**

- (a) The Life Membership Committee shall consist of five (5) Life Members who shall be appointed by the Executive Committee from time to time one of whom shall be appointed Chairperson.
- (b) This Committee shall meet annually and have the authority to elect to Life Membership of the Club, any members who, in the opinion of the Life Membership Committee, warrants this honour due to outstanding service to the Club with a minimum requirement of ten years membership.
- (c) The Life Membership Committee shall forward their nomination for Life Membership to the President for implementation.

## **7.0 CLUB OFFICERS**

- (a) The Officers of the Club shall be:
  - (i) President
  - (ii) Vice President/Director of Community Affairs and Information
  - (iii) Director of Finance and Commercial Operations
  - (iv) Director of Membership Services & Infrastructure
  - (v) Director of Beach Operations
  - (vi) Director of Surf Sports
  - (vii) Director of Junior Activities
  - (viii) Director of Youth
  - (ix) Club Captain
- (b) Other positions as are required to efficiently operate the Club may be appointed by the Executive Committee.
- (c) Nominations for all elected positions shall be submitted in writing duly proposed and seconded by Members eligible to vote, and endorsed by the nominee and close with the Administration Officer twenty-one (21) days prior to the advertised date of the Annual General Meeting.
- (d) All Officers of the Club shall be elected at the Annual General Meeting or in the event of a vacancy may be appointed by the Executive.

## **8.0 EXECUTIVE COMMITTEE**

- (a) The management of the Club shall be vested in the Executive Committee which shall consist of the following Officers of the Club;
  - (i) President
  - (ii) Vice President/Director of Community Affairs and Information
  - (iii) Director of Finance and Commercial Operations
  - (iv) Director of Membership Services & Infrastructure
  - (v) Director of Beach Operations
  - (vi) Director of Surf Sports
  - (vii) Director of Junior Activities
  - (viii) Director of Youth
- (b) The Chairperson shall have a deliberate vote as well as a casting vote. The President or in his/her absence the Vice President shall be the Chairperson.
- (c) The Executive Committee shall meet at least once a month with three days' notice to be given and three (3) voting members to form a quorum.

## **9.0 POWERS OF THE EXECUTIVE COMMITTEE**

- (a) The Executive Committee shall have power to draw up and effect from time to time Regulations and By-Laws.
- (b) The Executive Committee shall be responsible for the operation of the Club and have power to make decisions on all matters and things coming before it unless it has been expressly forbidden to do so by resolution carried by any General Meeting of the Club, or is expressly forbidden to do so by the provisions of this Constitution.
- (c) The Executive Committee shall have the right to receive minutes, reports and recommendations from all sub-committees and standing committees.
- (d) The Executive Committee shall have power to fill all vacancies in the Executive Committee, and Club Officers occurring during the year.
- (e) A casual vacancy occurs in the office or position of a member of the Executive Committee if the member:
  - (i) dies;
  - (ii) resigns by notice in writing delivered to the Administration Officer;
  - (iii) is convicted of a serious offence;
  - (iv) is permanently incapacitated by mental or physical health;
  - (v) ceases to be a member of the Club.
- (f) If a casual vacancy occurs in the position of a member of the Executive Committee as set out in clause (e) hereof the Executive Committee may appoint any member to fill that position.
- (g) The Executive Committee may amend the By-Laws from time to time as they in their discretion think fit providing the same are for the advancement of the objects of the Club and are consistent with this Constitution and that of the Surf Life Saving Western` Australia "Incorporated" Constitution and that of Surf Life Saving Australia Limited.
- (h) Any new By-Law and/or all changes, amendments or repeals of any By-Laws shall be provided either in writing or electronically to all members and shall become binding on all members after twenty-one (21) days of the sending of such notice unless within that time the Administration Officer of the Club receives a requisition signed by fifteen (15) members eligible to vote opposing such change, amendment or repeal. In the event that such notice is

received then the provisions relating to the calling of a Special General Meeting as provided for in subparagraph 19(f) hereof shall apply.

- (i) The Executive Committee may co-opt any person with appropriate experience or expertise to assist the Executive Committee in respect of such matters and on such terms as the Executive Committee thinks fit. Any person so co-opted shall not be a Director, and shall not exercise the rights of a Director, but shall act in an advisory role only and have no vote on matters before the Executive Committee.

## **10.0 ATTENDANCE AT EXECUTIVE MEETINGS**

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 may be declared vacant by the Executive Committee.

## **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) Nowhere 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 or directions that may be imposed upon them by the Executive Committee.
- (b) Nowhere is the intention that the powers or authority of any Sub-Committee shall supersede the powers of the Executive Committee.

## **13.0 MINUTES**

- (a) Detailed minutes shall be made of all business transacted at General Meetings, Executive Committee Meetings and all meetings of Standing and Sub-Committees.
- (b) A copy of all minutes shall be provided by the relevant Committee or meeting to the Executive Committee who shall collate and retain a copy of same.

## **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 payment authorities must be authorised by any two of the following signatories:-
  - (i) President
  - (ii) Vice President
  - (iii) Director of Finance and Commercial Operations
  - (iv) and/or such employee of the Club as is authorised for that purpose by the Executive Committee.
- (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.
- (e) The Executive Committee shall keep such accounting records as correctly record and explain the financial transactions and financial position of the Club. It shall keep its records in such manner as will enable true and fair accounts of the Club to be prepared from time to time and so as to enable true and fair accounts of the Club to be conveniently and properly audited.

## **16.0 FINANCIAL YEAR**

- (a) The financial year shall be from the first (1<sup>st</sup>) day of May to the thirtieth (30<sup>th</sup>) 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 by the Executive.
- (c) A copy of the Auditor Certificate is to be included in the Annual Report.

## **17.0 FEES**

- (a) Fees shall be due on the first (1<sup>st</sup>) day of May, for the next succeeding year.
- (b) For all Annual and Special General Meetings, a financial member shall be one who is fully financial and registered with Surf Life Saving Australia Limited ("registered"). 'Registered' means that the Member has completed the Surf Life Saving Association membership and application form for that year and submitted the same to the Club or to Surf Life Saving Western Australia Incorporated.
- (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) Annual subscription or nomination fees shall be paid by the first (1<sup>st</sup>) day in November each year otherwise membership shall lapse.
- (e) The Executive Committee shall have the right to review fees in the case of hardship or absence from the Club.
- (f) Any member indebted to the Club shall be deemed unfinancial.



## **18.0 COMMON SEAL**

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 Administration Officer 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.

## **19.0 CLUB MEETINGS**

- (a) The Annual General Meeting shall be held within four months after the end of the clubs financial year, 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. A quorum for the Annual General Meeting shall be fifteen (15) Members eligible to vote as defined in subparagraph (e) hereof.
- (b) At least ten (10) business days clear notice shall be given to Members of such meeting together with notice of the business to be dealt with.
- (c) If a quorum is not present at an Annual General Meeting, the Chairperson shall adjourn the meeting to a time and place to be set by the Chairperson, but in no case shall the time be less than seven (7) days or greater than twenty one (21) days from the date of the adjournment. Not less than five (5) clear days written notice shall be given to Members of such adjourned meeting.
- (d) If on the resumption of an adjourned Annual General Meeting a quorum is not present, the Members who are present and are eligible to vote may nevertheless proceed with the business of that Meeting as if a quorum were present.
- (e) Members eligible to vote at Annual General and Special General Meetings shall be restricted to: (A) Life Members, Officers of the Club, Position Holders, Active Members, Active Reserve Members and Long Service Members who are financial Members as defined in Clause 17(b). and (B) Award Members who are financial members as defined in clause 17(b) carrying out designated Surf Life Saving Patrol duties as defined in the By-laws.
  - (1) A member (in this rule called "the appointing member") may appoint in writing the Chairman to be the proxy of the appointing member and to attend, and to vote on behalf of the appointing member, at any Annual General meeting or Special General Meeting. The appointment of a proxy is to be in the form set out in the By-Laws and provided to the club a minimum of 3 working days prior to the general meeting.
- (f) The Executive Committee may call a Special General Meeting when any question of importance arises and shall be bound to do so on receiving a requisition signed by fifteen (15) members eligible to vote and addressed to and served on the Administration Officer of the Club. A quorum for the Special General Meeting shall be fifteen (15) Members eligible to vote as defined in subparagraph (e) hereof. Such meeting shall be held within twenty-one (21) days of receipt of the requisition.
- (g) If a quorum is not present at a Special General Meeting, the Chairperson shall adjourn the meeting to a time and place to be set by the Chairperson, but in no case shall the time be less than seven (7) days or greater than twenty one (21) days from the date of the adjournment. Not less than five (5) clear days written notice shall be given to Members of such adjourned meeting.
- (h) If on the resumption of an adjourned Special General Meeting a quorum is not present, the Members who are present and are eligible to vote may nevertheless proceed with the business of that Meeting as if a quorum were present.

- (i) No new member shall be entitled to vote at any meeting of the Club until six (6) months after the acceptance of registration and as otherwise provided for in subparagraph (e) hereof.
- (j) All eligible voters for the Annual General Meeting must have completed the Surf Life Saving Australia Limited membership and application form for the ensuing year in respect of which the Annual General Meeting is held.
- (k) The business of the Annual General Meeting, or any other meeting called pursuant to this Clause, shall be conducted in accordance with the By-Laws.

## **20.0 CLUB COLOURS**

- (a) The Club colours shall be Red, Black and White.
- (b) All designs, logos, uniforms and badges shall be approved by the Executive Committee.

## **21.0 PATROLS**

- (a) Unless otherwise provided for in this Constitution and By-Laws, all members must perform patrol duties in accordance with the By-Laws.
- (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 lead to cancellation of membership.

## **22.0 JUDICIARY COMMITTEE**

- (a) The Judiciary Committee consisting of three (3) past Presidents of the Club, not being current officer bearers, one of whom shall be appointed a chairperson shall be appointed by the Executive Committee as required from time to time and shall have such powers as specified in Clause 23.0.

## **23.0 CONDUCT**

- (a) Any member who infringes the Constitution or By-Laws of the Club or in any way misconducts himself/herself 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 DISPUTE PROCEDURE**

In the case of any dispute

- (i) between individual members, and
- (ii) between one or more members and the Club, where
- (iii) the parties to the dispute (“the parties”) are unable to resolve the dispute between themselves within 14 days after the dispute has come to the attention of each party.

The application of procedures is set out in the By-Laws para 6.1; 6.2; 6.3; and 6.4

## **25.0 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 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.

## **26.0 CLUB PROPERTY**

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

## **27.0 MEMBERS BOUND BY RULES**

Every member of the Club shall be bound by the Constitution and By-Laws of the Club and those of Surf Life Saving Western Australia Incorporated and Surf Life Saving Australia Limited.

## **28.0 REGISTER OF MEMBERS**

- (a) The Club shall keep and maintain in an up to date condition a register of the Members of the Club and their postal or residential addresses and, upon the request of a Member of the Club, shall make the register available for the inspection of the Member and the Member may make a copy of or take an extract from the register but shall have no right to remove the register for that purpose.
- (b) All notices posted or delivered to the last known address of a member either by mail or electronic shall be deemed to be valid and to have been delivered in the normal course of business.

## **29.0 GUESTS**

- (a) The maximum number of guests per member per day for the purposes of section 48(4) (b) of the Liquor Control Act 1988 is three (3).

### **30.0 ALTERATIONS / AMENDMENTS**

- (a) This Constitution can only be added to or amended or repealed by Special Resolution at a Special General Meeting or Annual General Meeting by a three fourths majority of members in attendance at the meeting who are eligible to vote. Also, provided at least seven (7) days notice of proposed amendments thereof are given in writing to the members by the Administration Officer.
- (b) Any Member who is eligible to vote and who wishes to move an amendment to this Constitution shall provide a notice in writing of such amendment to the Administration Officer seconded by another Member eligible to vote. Upon receipt of such notice, the Executive Committee shall, subject to the provisions of 19.0(f), refer such notice to either a Special General Meeting called for that purpose or to the next Annual General Meeting.
- (c) Any notice of motion to amend the Constitution which is in conflict with the regulations of any Statutory Authority, Surf Life Saving Australia Limited or Surf Life Saving Western Australia Incorporated will not be accepted.
- (d) As soon as practicable after the making of a change to the constitution of the club, the Club shall provide to the Director of Liquor Licensing, and to the Commissioner appointed under the Associations Incorporations Act 1987 certified particulars of the change proposed. No alteration of the Constitution shall have effect until approval to the change has been given by those persons.

### **31.0 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 special resolution passed by at least three-fourths of the votes held by the members present at such meeting.
- (b) If such a resolution shall be duly passed and confirmed, the members present at the 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) Upon the dissolution, the real and personal property of the Club shall be transferred to Surf Life Saving Western Australia (Incorporated) to be held in trust and used at its discretion to provide lifesaving equipment at City Beach or to form another Surf Life Saving Club at such beach if and when the opportunity arises.
- (e) The receipt of the proper officer of Surf Life Saving Western Australia (Incorporated) for the real and personal property transferred to Clause 30(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.

### **32. RECORDS TO BE AVAILABLE FOR INSPECTION**

- (a) The Club shall keep and maintain in an up to date condition the Constitution and By-Laws of the Club and, upon the request of a Member of the Club, shall make available the records for the inspection of the Member and the Member may make a copy of or take an extract from the Constitution and By-Laws but shall have no right to remove the Constitution and By-Laws for that purpose.