



2016 CONSTITUTION



SOUTH PORT SURF LIFE SAVING CLUB INCORPORATED

ABN: 51 114 459 582

2016 CONSTITUTION

15th Edition: July 2016

Our Mission

*To maintain South Port Beach as a safe and enjoyable environment
for the general public and our members*

*“South Port SLSC is committed to being an inclusive organisation
open to all who wish to participate regardless of age, gender,
disability, cultural and linguistic background or sexual orientation.*

*It is dedicated to providing a safe and nurturing environment for all
participating in surf life saving activities by promoting the
principles of equal opportunity, social justice and cultural safety so
that all individuals are treated with respect and dignity”*

SLSA Policy 6.22

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South Port Surf Life Saving Club Incorporated

ABN: 51 114 459 582

Constitution

1. The Club

The name of the Club is the South Port Surf Life Saving Club Incorporated (ABN 51 114 459 582). The Club is affiliated with Surf Life Saving South Australia, is endorsed by the Australian Taxation Office as being a public benevolent institution and is a Charitable Institution. The Club was inaugurated in February 1959, affirmed in season 1960-61 and incorporated on 23 May 1963.

Foundation members who were responsible for the inauguration and establishment of the Club are:

GA Cornwell	CE Hann
GCR Price	ML Elliott
FM Harris	RA Edge
AC Harris	GM Ellery
GW Hann	DJ Alexander

2. Definitions

In this agreement, unless the context or subject matter shall otherwise require:

- (a) **Act** means the Association Incorporation Act 1985 of South Australia;
- (b) **AGM** means the Annual General Meeting of the Club;
- (c) **BOM** means the Board of Management of the Club;
- (d) **Bronze Medallion** means SLSA Bronze Medallion Award;
- (e) **By-Law** means a rule or regulation made by the BOM;
- (f) **Club** means the South Port Surf Life Saving Club Incorporated;
- (g) **Member** means a person who fulfils a membership category;
- (h) **Patrol** means being part of the beach patrol at South Port during the season;
- (i) **Proficient** means a member who has completed the annual proficiency test in that season;
- (j) **SGM** means a Special General Meeting of the Club;

- (k) **SLSA** means Surf Life Saving Australia;
- (l) **SLSSA** means Surf Life Saving South Australia Incorporated; and
- (m) **Season** means the period commencing on 1 October in any one year to 30 September the following year.

3. Interpretation

In this constitution, unless the contrary intention appears:

- (a) words imputing the masculine gender shall include the feminine gender;
- (b) words denoting the singular include the plural and vice versa;
- (c) headings and table of contents are for convenience only and do not affect interpretation;
- (d) where a word or phrase is defined, its other grammatical forms have corresponding meaning; and
- (e) the word “including” is not to be treated as a word of limitation.

4. Objects

The Club is a charitable service based not-for-profit institution. The objects for which the Club is established are to:

- (a) minimise the loss of life by drowning and render all possible aid to those in distress by providing beach Patrols as determined by SLSSA.
- (b) study and practice the methods of surf life saving as determined by SLSA;
- (c) promote demonstration and arrange classes of instruction for members of the public in water safety and resuscitation and to bring about a wide spread and thorough knowledge of the principles which underlie the skill of swimming in the surf and to further promote the best interests of surf life saving;
- (d) participate as an entity through and by which surf life saving can be financed, promoted and administered within the geographical boundaries of the City of Onkaparinga;
- (e) produce, develop, create, license and otherwise exploit, use and protect the intellectual property, including but not limited to logos, trademarks, copyright and names of any product, publication or event developed by the Club;
- (f) co-operate with any other organisation in securing of public recognition and financial support for the Club;

- (g) strive for governmental, commercial and public recognition of the Club;
- (h) draft and promulgate such rules as may be necessary for the management and control of the Club;
- (i) promote uniformity of laws for the control and regulation of the aquatic environment and to assist the authorities in enforcing these laws;
- (j) organise competition and social functions, for the benefit of the Club and its members;
- (k) promote healthy lifestyles and fitness; and
- (l) undertake or do all such things or activities as may appear to the Club to be incidental or conducive to the advancement of these objects.

5. Powers

Solely for furthering the objects set out above the Club has the power to:

- (a) acquire by purchase, exchange or otherwise, whether for an estate in fee simple or for any less estate, lands, tenements or hereditaments of any tenure whether subject or not to any charges or encumbrances and to erect, replace, maintain, reconstruct, adapt and furnish any offices or other buildings thereon and to sell, let, alienate or deal with all or any such lands, tenements or hereditaments or any part of them;
- (b) purchase, take on lease or in exchange or otherwise acquire any real or personal estate which may be deemed necessary or convenient for any of the purposes of the Club and to sell, manage, lease, give in exchange, dispose of or otherwise deal with the same or any part thereof;
- (c) construct, maintain and alter any houses, buildings or works necessary for the purposes of the Club under consultation with the lease holders and/or those groups responsible for maintaining the Club;
- (d) receive money on deposit with or without allowance of interest thereon;
- (e) invest any monies of the Club not immediately required in such manner as may from time to time be determined by the Club provided such funds shall be invested in securities as defined in the Trustee Act 1936 of South Australia;
- (f) pursue through the Club or others, such commercial arrangements, including sponsorship and marketing opportunities as are appropriate to further the purposes of the Club;
- (g) do all or any of the matters authorised either alone or in conjunction with any person, company or unincorporated body or by through any factors, trustees or agents;
- (h) take any gift of property, whether subject to any special trust or not for any one or more of the objects of the Club;

- (i) 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 form of donations, subscriptions or otherwise;
- (j) print and publish newspapers, periodicals, books or leaflets that the Club may think desirable for the promotion of the Club's objects;
- (k) appoint, hire, employ, remove, replace or reinstate secretaries, managers, servants, employees, agents and other persons in and for the carrying out of the objects of the Club and to define duties and to pay them in return for services rendered to the Club, by way of salaries, wages and gratuities;
- (l) establish and maintain corporate entities to carry on and conduct the business affairs and undertakings, or any aspect thereof of the Club and for those purposes, utilise any of the assets of or held on behalf of the Club;
- (m) represent the interests of the members in any appropriate forum without impacting upon and taking away the rights that any member may have in respect to such forums;
- (n) have general regard to the public interest in its operations;
- (o) carry on any other activity whatsoever which is considered to directly or indirectly enhance or further the interests of the Club but such activities shall not be in conflict with the operations of the Club; and
- (p) promote any other person or company for any purpose calculated to benefit the Club.

6. Location

The Club is located at:

South Port Beach
Weatherald Terrace
Port Noarlunga South
South Australia, 5167

7. Club Colours

The Club's colours are navy blue, green and white.

8. Composition

The Club is an affiliated member of SLSSA which is the controlling authority of surf life saving within the State of South Australia and subject to the powers of SLSA.

The Club shall consist of members who elect a BOM each year at the AGM to act in the members' interest.

9. Membership

Membership is open to all members of the general public who have surf life saving as an interest. Membership shall be granted after a probationary period. All new and renewing members are subject to the same qualifying period of examination. The BOM will review all probationary and renewal membership and acceptance shall only be granted by completing the appropriate registration forms, payment of appropriate fees and by resolution of the BOM.

Members will not be entered on Surfguard until the proscribed membership form has been completed in full and the Seasons fees have been paid. Until these conditions have been completed then membership will be deemed to have lapsed and as such members will be unable to use club facilities, equipment, and gymnasium or attend any Patrol or Club training sessions.

Any member who has resigned from the Club shall automatically have their name removed from the register of members and refunds may be made.

Any member in arrears in any respect cannot renew their Membership until such arrears have been paid in full, nor shall they be granted a clearance to any other club.

10. Membership Categories

10.1 Probationary

Probationary membership 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 category membership by the BOM.

Use of Club equipment for training to gain the appropriate award is permitted. Use of the gymnasium, committee positions and voting rights are not permitted.

10.2 Junior Activity - 5-13 years of age

A Junior Activity member shall be a person who is a minimum of 5 years of age and a maximum age of 13 years and such person shall be required to gain the relevant surf education certificate for that person's age group.

Use of Club equipment relative to the age group is permitted. Use of gymnasium, committee positions and voting rights are not permitted.

10.3 Cadet - 13-15years of age

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 (**SRC**) or has passed an annual proficiency test.

Use of Club equipment relative to the age group is permitted. Use of gymnasium, committee positions and voting rights are not permitted.

10.4 Active - 15-18 years of age

Active members are those members over the age of 15 years who hold or are training to obtain the Surf Life Saving Australia Bronze Medallion. Active members' duties include:

- (a) fulfilling Patrol and Club obligations; and
- (b) qualifying in the annual Proficiency test unless the member has obtained their Bronze Medallion in that Season.

Use of Club equipment relative to the age group is permitted. Use of gymnasium is only permitted once the member has attained the age of 16 years, committee positions and voting rights are permitted.

10.5 Active - 18 years and over

Active members are those members over the age of 18 years who hold or are training to obtain the Surf Life Saving Australia Bronze Medallion. Active members' duties include:

- (a) fulfilling Patrol and Club obligations; and
- (b) qualifying in an annual proficiency test unless the member has obtained their Bronze medallion in that Season.

Use of Club equipment inclusive of gymnasium, committee positions and voting rights are permitted.

10.6 Award

Award membership may be granted by the Club to any person who holds 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).

Such members may be called upon to perform patrol and/or other Club obligations, within the ability of their qualifications.

Use of Club equipment relative to the award is permitted. Use of gymnasium, committee positions and voting rights are not permitted, however the BOM may grant an Award member voting rights to the Club if they are undertaking life saving patrol duties.

10.7 Active Reserve

- (a) Active reserve membership 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 required by SLSA and the Club Constitution. Active reserve membership shall not be automatic, but shall be granted by resolution of the BOM.

- (b) Active reserve members shall perform a minimum of patrols in each Club where they hold active reserve membership, as required by SLSA, and further patrol duties at the discretion of the Affiliated Club's committees.
- (c) Active reserve members shall complete the annual proficiency test.

Use of Club equipment inclusive of gymnasium, committee positions and voting rights are permitted.

Note: Active reserve membership may be granted, under exceptional circumstances to an Active Member, irrespective of years of service.

10.8 Long Service

- (a) Long service membership may be granted by the Club to members who have completed ten years active service or to members who have completed eight years of active service plus four years of active reserve service.
- (b) Such members may be exempted from all patrol obligations and may be granted other special privileges of membership as provided in the Club constitution.

Use of Club equipment inclusive of gymnasium, committee positions and voting rights are permitted.

10.9 Associate

- (a) Associate membership may be granted by a Club to persons who may or may not hold an SLSA Award.
- (b) Associate members shall not have Club voting rights unless elected to office or position, which is provided with voting rights, by this constitution.

Use of Club equipment is not permitted. Use of gymnasium, committee positions and voting rights are not permitted.

10.10 Life

Life membership of the Club may be granted to members who have rendered distinguished special service as provided for in the Club's By-Laws.

Use of Club equipment inclusive of gymnasium, committee positions and voting rights are permitted.

10.11 Honorary

The BOM may appoint an individual as an Honorary member of the Club who, in the absolute discretion of the BOM, has or can afford the Club some necessary skill or service. Benefits of this membership category are limited to use of Club facilities.

Use of Club equipment inclusive of gymnasium, committee positions and voting rights are not permitted.

10.12 Foundation

Foundation members shall be entitled to all the privileges of general membership and shall be excused from all duties and subscriptions and shall be entitled to hold any office in the Club, provided that such foundation member, desiring to hold such office and be accepted holds the appropriate qualifications as required by SLSA.

Use of Club equipment inclusive of gymnasium, committee positions and voting rights are permitted.

11. Conduct of Members

Club members at all times shall abide by the Constitution and By-Laws of the Club.

Where a member has:

- (a) breached, failed, refused or neglected to comply with a provision of the Club;
- (b) acted in a manner unbecoming of a member or prejudicial to the objects and interests of the Club;
- (c) brought SLSA, SLSSA or any Club; or surf life saving into disrepute; and
- (d) been subject to a serious complaint raised by another member.

The BOM may commence or cause to be commenced investigatory and/or disciplinary proceedings against that member, and that member will be subject to and submits unreservedly to the jurisdiction, procedures, penalties and appeal mechanisms set out in this Constitution and By-Laws, which may warrant referring the matter to the Grievance Officer or the Judiciary Committee.

Any member who has received a penalty or an adverse finding by a Judiciary Committee may, within 14 days from the determination of the committee, appeal to the BOM, against a penalty imposed by the Judiciary Committee.

12. Annual General Meeting

The AGM shall be held no later than 31st of July in each year to receive the annual report and annual financial statement, elect Club Officers for the ensuing season, consider notices of motion that have been given due notice and to transact general business.

21 days' notice shall be given in writing as to the order of business of the meeting.

Members shall be entitled to submit notices of motion for inclusion as special business at an AGM. All notices of meeting shall be submitted to the Secretary not less than 28 days prior to the AGM.

30 persons entitled to vote at the meeting pursuant to the By-Laws shall constitute a quorum.

Should a quorum not be obtained the meeting shall stand adjourned to the same day of the following week.

13. Special General Meetings

The BOM can call an SGM of the Club at any time.

A SGM may be called upon a request in writing to the Secretary of the Club from at least 30 members of the Club. The BOM will then advise all the members no less than 21 days prior to the date of the SGM, the venue, time and date of the meeting and the purpose specified in the request.

20% of the persons entitled to vote shall form a quorum at the meeting.

No other business shall be conducted.

Should there not be a quorum present, 30 minutes after the time the meeting was called, the meeting shall lapse.

14. Voting

Voting at all meetings shall be limited to one vote for each member.

At AGMs and SGMs the following members shall be entitled to vote:

- (a) Active members 15 years and older with the SRC Award or proficient during the current season;
- (b) Active members 18 years and older and proficient in the current season;
- (c) Active Reserve members and proficient in the current season;
- (d) Long Service members and proficient in the current season;
- (e) Life members; and
- (f) Foundation members.

The President when presiding at AGM, SGM or BOM meetings has a casting vote only and has an unlimited authority on any question of order.

The Chairperson of an AGM, SGM or BOM Meeting other than the President or Chairperson of any subcommittee shall have a casting vote only when presiding and have an unlimited authority of any question of order.

Members who are eligible to vote and are unable to attend an AGM, SGM or BOM Meeting may appoint a proxy to act or vote on their behalf, in writing, signed and dated by the member unable to attend.

At all meetings conducted by the Club except at the dissolution of the Club, decisions shall be carried by simple majority of those entitled to vote.

15. Election of Officers

Members with the right to vote will elect all officers of the Club. Nominations on the prescribed form are to be received by the Secretary prior to commencement of the AGM, nominated and seconded by members registered for the current season.

Nominations may be accepted on the day of the AGM. Nominations will be accepted on the prescribed form, signed by the nominee, moved and seconded by eligible registered voting members and must be received prior to commencement of proceedings. Nomination can be taken from the floor, moved and seconded by eligible members, provided that the person is present and willing to accept the nomination.

Members who are prepared to accept a nomination of a position as a Club officer and are not present at the AGM must be nominated, moved and seconded by eligible voting members and sign their acceptance for the position, on the prescribed form.

The Junior Development Chairperson will be elected pursuant to the provisions of the By-Laws.

16. Officers of the Club

Officers of the club shall be elected annually at the AGM and subject to clause 17 consist of:

(a) BOM

President	Vice President
Secretary	Treasurer
Captain	Chief Instructor
Transition Officer	Surf Sports Manager
Club House Manager	Junior Development Chair
Promotion & Fundraising	Assistant Secretary
Club Liaison Officer	

(b) Other Officers

Vice-Captain	Gear Steward
First Aid Officer	IRB Captain
Radio Officer	Canteen Manager

(c) Invitations

Patron(s)	Vice-Patron(s)
Auditor	

The Patron(s), Vice Patron(s), and Auditor(s) will be invited in writing to accept these positions by way of motions at the AGM.

17. Term of Office – BOM Members

BOM members shall be elected in accordance with this Constitution and shall hold office for two year terms as follows:

- (a) In even number of years, the President, Secretary, Chief Instructor, Club Liaison Officer, Transition Officer and Promotion/Fundraising Officer positions shall be filled; and
- (b) In odd numbered years, the Deputy President, Treasurer, Captain, Surf Sports Manager, Club House Manager and Assistant Secretary (Non-voting) positions shall be filled.

For the transitional period, at the 2014 AGM, all positions will be elected, with the proviso that the Deputy President, Treasurer, Captain, Surf Sports Manager and Club House Manager serve a one-year term and the President, Secretary, Chief Instructor, Transitional Officer and Promotion and Fundraising Officer, serve two years. Thereafter the terms will follow as prescribed in clauses 17(a) and 17(b).

The position of Junior Development Chairperson shall be filled at the AGM annually.

18. BOM

The Management of the Club shall be vested in the BOM consisting of:

President	Vice President
Secretary	Treasurer
Captain	Chief Instructor
Transition Officer	Surf Sports Manager
Club House Manager	Junior Development Chair
Promotion & Fundraising	Assistant Secretary
Club Liaison Officer	

19. BOM Administration

The BOM shall meet on a date to be determined after the AGM.

The BOM is responsible for overseeing the conduct of all standing committees.

Any member of the BOM who is unable to attend any meeting of the BOM, may appoint a proxy to attend the meeting, in writing, signed, dated and presented to the Secretary to act on his behalf.

Should any member of the BOM absent himself or herself from two consecutive or a total of three meetings without reasonable excuse, the seat may be declared vacant and the BOM shall then elect another member in their stead.

Any casual vacancy filled by the BOM shall conclude at the next AGM.

Should any member of the BOM hold more than one position they shall be entitled to only one vote.

50% of the voting members of the BOM shall constitute a quorum.

The BOM may form such ad hoc panels and/or committees as considered necessary for the general running of the Club.

The BOM shall be responsible for the preparation of the Annual Report for presentation to the Club members.

The BOM shall be responsible for the adoption of the Annual Budget as submitted by the Treasurer.

The BOM may appoint Trustees to control the allocation of funds, property, etc. of the Club.

20. Standing Committees

Standing Committees consist of:

Building Committee	Coaching and Competition Committee
Constitution Committee	Disciplinary Committee
Environment Committee	Executive Committee
Finance Committee	Junior Development Panel
Life Membership Committee	Life Saving and Education Committee
Patrol Committee	

The structure and role of each committee is outlined in the By-Laws

21. Subscriptions

The BOM will recommend the members at each AGM the amount to be charged for all membership categories for the next season. Subscriptions are due on the first day of the Season and shall be paid by 30th of November in the same year.

22. Finance, Banking and Payments

The Club shall keep and retain such accounting records as are necessary to correctly record and explain the financial transactions and financial position of the association in accordance with the Act.

The accounts, together with the auditor's report on the accounts, the committee's statement and the committee's report, shall be laid before members at the AGM.

Payments may be made by cheque or electronic bank transfers and authorised by any two of the President, Secretary or Treasurer or by such other person(s) as the BOM from time to time shall appoint. The limit for a single transaction will be determined by the preceding years' AGM or by an SGM called for the purpose of extending the limit for a specific purpose.

Receipts will be issued for all cash payments. For all other funds received either by EFTPOS or through the banking system, no receipts will be issued by the Club, unless specifically requested for by the provider of the funds.

The financial year will close on 30th of April each and every year.

The financial records will be kept by the Treasurer and presented to all BOM Meetings as a profit and loss statement.

23. Indemnity

The Club must indemnify on a full indemnity basis:

- (a) each member of the BOM;
- (b) each other Officer of the Club; and
- (c) any heir, executor, administrator or assign of the above for all losses and liabilities incurred by the persons on behalf of the Club:
 - (1) the performance of their duties as either a member of the BOM or Officer of the Club; or
 - (2) they enter into any agreement made by the person on behalf of the Club.

The extent of the indemnity provided by this clause 23(a) is limited by clause 23(b).

The Club will not indemnify a person to which clause 23(a) applies for losses or liabilities caused by that person's own negligence.

A person described in clause 23(a) will not be held liable for the actions of any other person described in clause 23(a).

A BOM member or other Officer of the Club is not liable to repay any money which that Board member or Officer did not personally receive and misappropriate.

24. Alteration(s) to the Constitution and By Laws

(a) Constitution

Alterations to the Constitution may only be made at an AGM or an SGM called for that purpose.

Notice of the proposed alteration(s) shall be given in writing and shall specifically state that it is a notice of motion and that it is motion to alter the Constitution either by amending, repealing or adding a new provision. The notice of the proposed alteration shall be given to the Secretary 28 days prior to the meeting at which the motion is to be dealt with.

The notice of the proposed alteration shall be given to the members by the Secretary 21 days prior to the meeting at which the motion is to be dealt with.

Any such alteration(s) shall take effect when made and be promulgated and incorporated in the next edition of the Club's Constitution.

(b) By Laws

The BOM is empowered to pass By Laws of which seven days' notice has been given in writing by the Secretary to the BOM.

Notice of the proposed alteration(s) shall be given in writing and shall specifically state that it is a notice of motion and that it is a motion to alter the By-Laws either by amending, repealing or adding a new provision.

Any such alteration(s) shall take effect when made and members will be advised through the minutes of the meeting, be binding on the members and incorporated in the next edition of the By-Laws.

25. Public Officer

The Public Officer of the Club shall be the Club Secretary or such other person who may be nominated by the BOM.

The Public Officer shall supply the South Australian Office of Consumer and Business Affairs with particulars of his name, address, occupation and any other relevant details. Any change to the Public Officer's appointment shall be conveyed to the South Australian Consumer and Business Affairs within one calendar month.

26. Motions

A motion that has been defeated cannot be re submitted nor can any other motion having similar effect be submitted within two months of the date of rejection.

Any motion to rescind a resolution carried at a previous meeting must be signed by at least three Members of the BOM or sub-committee as the case may be. This does not apply to executive meetings.

27. Dissolution

No resolution for the dissolution of the Club shall be deemed to have been passed unless a notice to propose a resolution to that effect at an SGM shall have been given to the members 21 days prior to such meeting, and unless such proposition shall have been carried at such meeting by 75% of those members eligible to vote.

Upon dissolution the property and assets of the Club will revert to SLSSA.

If the organisation is wound up or its endorsement as a deductible gift recipient is revoked (whichever occurs first), any surplus of the following assets shall be transferred to another organisation to which income tax deductible gifts can be made:

- Gifts of money or property for the principal purpose of the organisation
- Contributions made in relation to an eligible fundraising event held for the principal purpose of the organisation
- Money received by the organisation because of such gifts and contributions

28. Matters Not Elsewhere Provided For

Matters within the authority of the Club which have not been provided for in this Constitution may be dealt with by the following method:

In the event of any question arising which is within the powers of the Club and which is not covered by the written clauses of this Constitution, the BOM shall legislate by resolution to take appropriate action pending the due alteration of the Constitution by resolution at any BOM, SGM or AGM of the Club.

In the event of any question arising as to the correct interpretation of these rules or any other question not provided therein, such question shall be dealt with by the BOM, whose decision shall be final and binding.