



SOUTH PORT SURF LIFE SAVING CLUB INCORPORATED

ABN: 51 114 459 582

PO BOX 7 PORT NOARLUNGA SA 5167

2023/2024 CONSTITUTION

21st Edition: Current as at 10 September 2024



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1. The Club

The name of the Club is South Port Surf Life Saving Club Incorporated (ABN 51 114 459 582).

The Club was inaugurated in February 1959, affirmed in season 1960/61 and incorporated on 2 May 1963.

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

GA Cornwell	CE Hann
Geoff CR Price	ML Elliott
Frank M Harris	RA Edge
AC Harris	Graham M Ellery
George W Hann	Donald J 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 elected at an AGM in accordance with this Constitution;
- (d) **Bronze Medallion** means SLSA Bronze Medallion Award;
- (e) **By-Law** means a rule or regulation made by the BOM;
- (f) **Casual Vacancy** is a BOM position that becomes vacant due to resignation or no appointment at an AGM;
- (g) **Club** means the South Port Surf Life Saving Club Incorporated;
- (h) **Fulfilling Club Obligation** includes, but is not limited to, complying with the Constitution, By-Laws, Polices, Procedures and Position Descriptions of the Club and its affiliates, and acting in the best interest of the Club;
- (i) **Member** means a person who fulfils a membership category;
- (j) **Officer** means each of the persons described in this Constitution as an Officers of the Club;

- (k) **Panels** means teams defined by the By-Laws for the purpose of delivering an outcome;
- (l) **Patrol** means being part of the beach patrol at South Port during the season;
- (m) **Proficient** means a member who has completed the annual proficiency test in that season;
- (n) **Season** means the period commencing on 1 October in any one year to 30 September the following year;
- (o) **SGM** means a Special General Meeting of the Club;
- (p) **SLSA** means Surf Life Saving Australia;
- (q) **SLSSA** means Surf Life Saving South Australia Incorporated;
- (r) **SRC** means Surf Rescue Certificate; and
- (s) **Working Parties** means groups appointed by the BOM for specific purposes and projects.

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.
- (e) The word “including” is not to be treated as a word of limitation.

4. Objects

The Club is a charitable service provider of emergency services and is committed to promoting beach safety, preventing accidents in the water, and providing aid and support to individuals in distress along the coast. This includes educating the public on water safety, training life savers, conducting rescue operations, and offering immediate assistance and first aid when needed.

- (a) Minimise the loss of life by drowning and render all possible aid to those in distress by providing beach Patrols as determined by SLSA.
- (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) 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

For the purpose of carrying out its objects, an incorporated association may, subject to this Act and its rules—

- (a) Acquire, hold, deal with, and dispose of, any real or personal property; and

- (b) Administer any property on trust; and
- (c) Open and operate ADI accounts; and
- (d) Invest its moneys-
- (e) In any security in which trust moneys may, by Act of Parliament, be invested; or
- (f) In any other manner authorised by the rules of the association; and
- (g) Borrow money upon such terms and conditions as the association thinks fit; and
- (h) Give such security for the discharge of liabilities incurred by the association as the association thinks fit; and
- (i) Appoint agents to transact any business of the association on its behalf; and
- (j) Enter into any other contract it considers necessary or desirable.
- (k) The assets and income of the association shall be applied solely to further its objects and no portion shall be distributed directly or indirectly to the members of the organisation except as genuine compensation for services rendered or expenses incurred on behalf of the organisation.

6. Club Colours

The Club colours are navy blue, green and white.

7. Membership

- a) Membership is open to all members of the general public.
- b) Membership is dependent on completion of membership form, payment of membership fees and Working with Children Check for applicants 18 years and over. Once these conditions have been met member categories are allocated according to Clause 8.
- c) Any member who has resigned from the Club shall automatically have their name removed from the register of members and refunds may be made.
- d) 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.
- e) Any member under the age of 18 as at 30 September of that year are required to be associated with a member who is over the age of 18.

- f) Each membership application is reviewed subject to the Conduct of Members and the BOM has the ability to terminate, cancel or reject a membership subject to the best interest of the Club.

8. Membership Categories

8.1 Junior

8.1(a) Junior Activity – 5 to 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.

A person who shall be a minimum age of five (5) years up to a maximum age of thirteen (13) years and is 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.

8.2(b) Cadet – 13 to 15 years 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.

A Member of the age qualification as defined in Surf Life Saving Australia's Manuals (i.e., under 15) and, who has obtained the Surf Rescue Certificate 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.

8.2 Active

8.2(a) Active – 15 to 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.
- (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 suitable for under 18 members and voting rights are permitted.

8.2(b) 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.
- (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.

8.2(c) 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.

8.2(d) Reserve Active

- (a) Reserve Active 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.
- (b) Reserve Active membership shall not be automatic but shall be granted by resolution of the BOM after receiving a request from the member.
- (c) Reserve Active membership will continue indefinitely as long as the minimum hours are achieved each season.
- (d) Reserve Active members shall perform a minimum of eight (8) patrol hours per season where they hold reserve active membership, as required by SLSA, and further patrol duties at the discretion of the Affiliated Club's committees.

- (e) Reserve Active members shall complete the annual proficiency test.
- (f) If a Reserve Active Member is unable to complete their annual proficiency or the minimum eight (8) hours in a season due to extenuating circumstances (i.e., illness/injury), they must contact the Board of Management in writing to request to maintain their Reserve Active Membership.

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

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

8.2(e) Past Active

Past Active Membership may be granted by the Club to persons who have held an SLSA Bronze Medallion and been an active patrol member for a minimum of three (3) years.

Use of gymnasium, committee positions and voting rights may be granted by the Board based on an individual's previous experience in relevant areas.

8.3 Community

8.3(a) Non-Member Participant

- (a) A participant who may wish to attend social events and other non-competitive activities.
- (b) Community member shall have privileges as determined by the Club from time to time.
- (c) Community member shall be able to assist with volunteer roles within and around the Club and must adhere to all SLSA Rules and Regulations.

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

8.4 Associates

8.4(a) 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.

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 appropriate Club committee.

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.

8.4(b) 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, as listed in the Management Structure of the By-Laws.

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

8.4(c) Leave/Restricted

This can be applied for in writing to the Board and will be viewed on an individual basis.

8.4(d) General

- (a) General Membership may be granted by the Club to persons who may or may not hold an SLSA Award.
- (b) General members shall not have affiliated Club voting rights unless elected to an office or position which is provided with voting rights by the relevant Club constitution.
- (c) General members shall have privileges as determined by the respective State Centre.

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

8.5 Honorary/Service

8.5(a) 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.

8.5(b) Life Member

- a) 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.
- b) Life Membership of a Club may be granted by that Club to Members who have rendered distinguished or special service as provided for in that Affiliated Club's constitution and is relevant to that Club only.

Note: Surf Life Saving Australia Life Membership is governed by **Regulation 4.5**.

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

8.5(c) Honorary

- a) 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.
- b) Honorary Membership may be granted by a Club to persons who may or may not hold on Surf Life Saving Australia award.

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

8.5(d) Foundation

- a) 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.

8.6 Lifeguard

8.6(a) Based on relevant category for organisation

9. Conduct of Members

At all times, Club members shall abide by the Constitution, By-Laws and Policies of the Club and its Affiliates and the Governing Laws of South Australia.

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 as set out in this Constitution, By-Laws and Policy of the Club and/or the Governing Laws of South Australia.

- a) 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.
- b) Members will not be entered on Surfguard until the prescribed 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.
- c) Any member who has resigned from the Club shall automatically have their name removed from the register of members and refunds may be made.
- d) 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. Annual General Meeting

- a) The AGM shall be held no later than 31st of July in each year to receive the annual report and annual financial statement, elect Board of Management for the ensuing season, consider notices of motion that have been given due notice and to transact general business.
- b) 21 days' notice shall be given in writing as to the order of business of the meeting.
- c) 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.
- d) 30 persons entitled to vote at the meeting pursuant to the By-Laws shall constitute a quorum.
- e) Should there not be a quorum present, 30 minutes after the time the meeting was called, the meeting shall lapse. The meeting shall stand adjourned to the same day of the following week.

11. Special General Meetings

- a) The BOM can call an SGM of the Club at any time.
- b) An 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.
- c) 30 persons entitled to vote at the meeting pursuant to the By-Laws shall form a quorum at the meeting.
- d) No other business shall be conducted.
- e) Should there not be a quorum present, 30 minutes after the time the meeting was called, the meeting shall lapse. The meeting shall stand adjourned to the same day of the following week.

12. Voting

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

At AGMs and SGMs members shall be entitled to vote by Membership Categories.

The Chairperson of an AGM, SGM or BOM meeting has a casting vote only and an unlimited authority on any question of order. The Chairperson will be the President unless an alternate has been appointed.

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 and dated by the member unable to attend. In writing including by email, SMS or Messenger to the Secretary.

Current BOM and Office Bearers, as defined by Constitution and By-Laws, are entitled to vote at that season's AGM.

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.

Members with voting rights can only exercise their own vote plus one (1) proxy vote only at a BOM, AGM or SGM. Both the member appointing their proxy and the appointed proxy must have voting eligibility.

Absentee Voting will be accepted in writing via the Club Secretary no less than seven (7) days prior to the AGM or SGM using methods defined above.

All electronic votes will be copied by the Secretary who will bring them along to the meeting to be included when motions are read out and voted on.

13. Election of Officers

- (a) Members with the right to vote will elect Officers of the Club at the AGM.
- (b) 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 AGM proceedings.

Nominations may be accepted on the day of the AGM.

- (c) 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.
- (d) Should more than one nomination be received for a role, all nominees will be advised in writing 7 days prior to the AGM. Voting will occur at the AGM.

14. Officers of the Club

The BOM and Officers of the Club shall be elected annually at the AGM and subject to clause 14 consist of:

(a) BOM

President	Vice President
Treasurer	Secretary
Club Captain	Junior Development Chairperson
Lifesaving Education Officer	Surf Sports Manager
Facilities Manager	Marketing & Sponsorship Officer
Member Development Officer	

(b) Other Officers as defined in the By-Laws

(c) Invitations

Patron(s)	Vice-Patron(s)	Auditor
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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.

15. Term of Office – BOM Members

BOM members shall be elected in accordance with this Constitution and shall hold office for two-year terms as defined in the By-Laws.

16. BOM Administration

- a) The Management of the Club shall be vested in the BOM.
- b) The BOM shall meet on a date to be determined after the AGM.
- c) The BOM is responsible for overseeing the conduct of all standing committees.
- d) 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, dated and presented to the Secretary or Assistant Secretary to act on their behalf.
- e) Should any member of the BOM absent himself or herself from three consecutive or a total of four meetings without reasonable excuse, the seat may be declared vacant and the BOM shall then elect another member in their stead.
- f) The BOM will have the power to appoint a member to fill a casual vacancy on the BOM and that member will hold office for the remainder of the term of the position they are replacing.
- g) Members may only hold one position on the BOM and a role cannot be shared.
- h) 50% plus 1 of the voting members of the BOM shall constitute a quorum.
- i) The BOM may form such ad hoc panels and/or committees as considered necessary for the general running of the Club.
- j) The BOM shall be responsible for the preparation of the Annual Report for presentation to the Club members.
- k) The BOM shall be responsible for the adoption of the Annual Budget as submitted by the Treasurer.
- l) The BOM may appoint Trustees to control the allocation of funds, property, etc. of the Club.

17. Panels and Working Parties

The BOM may appoint Panels and or Working Parties to assist the BOM and the Club in respect to all aspects of the management and administration of the Club.

The structure and role of each Panel and Working Party is outlined in the By-Laws and Working Parties appointed by BOM for specific purposes.

18. Subscriptions

The BOM will recommend the amount to be charged for all membership categories at the AGM for the next season.

19. Finance, Banking and Payments

- a) 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.
- b) 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.
- c) 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.
- d) Receipts will not be issued by the Club unless specifically requested for by the provider of the funds.
- e) The financial year will close on 30th of April every year.

20. Indemnity

- (a) Every Officer of the Club shall be indemnified out of the property and assets of the Club against any liability incurred by him or her in their capacity as an Officer in defending any proceedings, whether civil or criminal, in which judgement is given in his or her favour, or in which he or she is acquitted, or in connection with any application in relation to any such proceedings in which relief is under the Act granted to him or her by a Court of Law.
- (b) The Club shall indemnify each and every Officer of the Club against all damages and costs (including legal costs) for which any such Officer may be or become liable to any third party in consequence of any act or omission in the course of performing their roles as an Officer of the Club, or any act or omission whilst acting on behalf of and with the authority, express or implied of the Club **OTHER THAN** to the extent such damages or costs were caused or contributed to by the relevant Officer's negligent acts or omissions.

21. 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.

22. Public Officer

The Public Officer of the Club shall be nominated by the BOM following an AGM

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.

23. 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 relevant sub-committee. This does not apply to executive meetings.

24. 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.

In the event of the Club being dissolved or it's Deductible Gift Recipient (DGR) status revoked by the Australian Taxation office (ATO), any remaining assets, after settling debts and liabilities, will be distributed to another organisation(s) that is charitable at law that prohibits the distribution of income or assets to its members and has DGR Status. This distribution will adhere to ATO guidelines for the transfer in such circumstances.

25. Matters Not Elsewhere Provided For

- a) In the event of any questions arising which is within the powers of the Club and which is not covered by the written clauses of this Constitution, the BOM shall take appropriate action pending the due alteration of the Constitution at SGM or AGM of the Club.
- b) 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.