

NEWPORT SURF LIFE SAVING CLUB INC.

# CONSTITUTION

(AS AMENDED 29 JULY 2018)

# CONSTITUTION

(RULES & REGULATIONS)

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## Name of Club

1. The name of the Club shall be - "**NEWPORT SURF LIFE SAVING CLUB INCORPORATED**" hereinafter referred to as the '**Club**').

## Statement of Objects

2. The objects for which the Club is incorporated are:
  - a. To provide life saving patrols upon Newport Beach, within the Northern Beaches Council area (or upon such other beaches, reserves or public areas as the Committee may, from time to time determine), for the protection and safety of swimmers, surfers and members of the public generally, and to assist the Council and other public or semi-public bodies, in respect to such matters.
  - b. To foster support, teach and encourage surf life saving, resuscitation and first aid techniques to Club members and the public, in accordance with the principles and guidelines from time to time published by Surf Life Saving Australia Limited (hereinafter called "**SLSA**", and to the standards required by SLSA for the various life saving awards from time to time issued by SLSA.
  - c. To foster support, teach and encourage surf safety, swimming, water sports and water safety.
  - d. To foster, support and encourage the Newport Kinghorn Surf Racing Academy ("The Academy") in its Objects of promoting junior and open competition by members of Newport SLSC in all surf sports competition events.
  - e. To conduct and participate in inter-club races, carnivals and championships with such other clubs or associations (whether affiliated with SLSA or not), as the Committee may from time to time determine.
  - f. To transfer to the Academy such funds as may be received from sponsorships, donations, fundraising events and gifts which have been directed specifically by the sponsor or donor for the assistance of the Academy to be applied in accordance with the Objects of the Academy.
  - g. To affiliate with SLSA or such other association or body from time to time responsible for the administration of Surf Life Saving in Australia, and with such similar State and or District Associations as may be necessary or considered desirable by the Committee.
  - h. To arrange youth activities and functions for members.
  - i. To encourage the physical and social welfare of members.
  - j. To provide and obtain conveniences for Club members, and facilities for surf bathing, by acquiring and improving any premises necessary for carrying out the objects of the Club.
  - k. To take over and acquire all funds, assets and liabilities of the unincorporated Club, previously known as 'NEWPORT SURF LIFE SAVING CLUB'.
3. Solely for the purpose of carrying out the aforesaid objects and not otherwise:-
  - a. To submit to, become a member of, and co-operate with or amalgamate with any other Club or Association or organisation, whether incorporated or not, whose objects are similar to those of the Club, provided that the Club shall not subscribe to or support with its funds or amalgamate with an association or organisation which does not prohibit the distribution of its income and property among its members.
  - b. To purchase, take on lease or in exchange, hire and otherwise acquire lands, buildings, easements or property real and/or personal, and any rights or privileges which may be

requisite for the purposes of, or capable of being conveniently used in connection with any of the objects of the Club.

- c. To enter into any arrangements with any government or authority, supreme, municipal, local or otherwise, or any private corporation or individual that may seem conducive to the Club's objects, or any of them, and to obtain from any such authority or corporation or individual, any gifts donations, rights, privileges or concessions which the Club or the Committee may think it desirable to obtain and to carry out, to exercise and comply with any such arrangements, rights, privileges or concessions.
- d. To invest and deal with the money of the Club not immediately required, in such a manner as the Committee thinks fit, and as may be permitted by law for the investment of trust funds.
- e. To borrow or raise or secure the payment of money in such a manner as the Club or the Committee may think fit, and to secure the same or the payment of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Club in any way.
- f. To make, draw, accept, endorse, discount, execute and issue cheques, promissory notes, bills of exchange and other negotiable or transferable instruments.
- g. To sell, improve, manage, exchange, lease, dispose of, turn to account or otherwise deal with all or any of the property and rights of the Club.
- h. To open, maintain and conduct such accounts, whether current, savings, investment or otherwise with any financial institution or institutions from time to time approved and accepted for the investment of Trust funds as the Committee may determine, and upon such terms and conditions as the Committee may from time to time determine.
- i. To take or hold mortgages, liens or charges to secure payment of the purchase price or any unpaid balance of the purchase price of any part of the Club's property of whatsoever kind sold by the Club or any money due to the Club from the purchasers or others.
- j. To 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, annual subscriptions or otherwise.
- k. To print and publish any newspapers, periodicals, books or leaflets that the Club may think desirable for the promotion of the objects of the Club.
- l. To transfer all or any part of the property, assets, liabilities or engagements of the Club to any one or more of the organisations which the Club is authorised to amalgamate or affiliate.
- m. To insure against losses, damages, risks, accidents and liabilities of all kinds which may affect the Club, whether in respect of contracts, agreements or securities, or in respect of members of the Club or in respect of property belonging to or leased to or hired by the Club or in respect of negligence of members of the Club, or any other risks whatsoever, and to pay premiums on such insurances.
- n. To appoint a coach or coaches or instructor or instructors to be responsible for the Lifesaving, Resuscitation, First Aid, surf safety, swimming, water sports and water safety tuition, education and development of all members of the Club and others, as the Committee may from time to time determine, and upon such terms and conditions as the Committee in its absolute discretion, shall from time to time determine.

- o. To apply for, obtain, hold and renew all such licences, permits and authorities from any government, public authority or semi-public authority as may be required by law or otherwise to assist and facilitate the Club in attaining its objects as herein set out, and to pay all such fees as may be from time to time payable for such purposes.
- p. To hold or arrange competitions and examinations and to provide or contribute towards the provision of prizes, scholarships, awards and distinctions in connection herewith.
- q. To all such other things as are incidental to or conducive to the attainment of the objects.
- r. To do any act not otherwise illegal.

AND IT IS HEREBY DECLARED that in the interpretation of the objects, the meaning of any of the Club's objects or powers shall not be restricted by reference to any other object or power or by the juxtaposition of two or more objects or powers and that in the event of any ambiguity, this clause shall be construed in such a way as to widen and not restrict the objects or powers of the Club.

4. The income and property of the Club, whencesoever derived, shall be applied solely towards the promotion of the objects of the Club as hereinafter set forth and no portion thereof shall be paid or transferred, directly or indirectly, by way of dividend, bonus or otherwise to the members of the Club provided nothing herein contained shall prevent:-
- a. The payment to any member of the Club for goods or services supplied in the ordinary course of business.
  - b. The allocation of prizes, trophies, scholarships or awards to members of the Club.
  - c. Repayment of out-of-pocket expenses incurred on behalf of the Club and proper rent for premises demised to or let to the Club.
  - d. The payment of such reasonable travelling, accommodation and sustenance allowances as determined by the Committee or a sub-Committee thereof to members of the Club who are selected by the Club to represent it at lectures, seminars or similar educational activities or events, inter-club races, carnivals and State, National or other championship events, whether conducted by or under the auspices of the SLSA or otherwise.
  - e. The payment of interest at a rate not exceeding interest at the rate for the time being which would be charged by the Club's bankers for money lent to the Club, but so that no member of the Club or Committee of the Club shall be appointed to any salaried office of the Club paid by fees and that no remuneration or other benefit in money's worth shall be paid or given by the Club to any such member as herein before in this clause provided.

## **RULES PART 1 - PRELIMINARY**

### **1.0 Interpretation**

In these Rules, insofar as the context or subject-matter otherwise indicates or requires:-

**"the club"** shall mean the Club known as **"NEWPORT SURF LIFE SAVING CLUB INCORPORATED"** and a reference to "the Association" or "Association" shall have the same meaning;

**"ordinary member of the Committee"** means a member of the Committee who is not an office-bearer of the Club, as referred to in Rule 15.2;

**"Secretary"** means -

- a. the person holding office under these Rules as a Secretary of the Club; or

- b. where no such person holds that office - the **Public Officer** of the Club;

**"Special General Meeting"** means a general meeting of the Club, other than the Annual General Meeting;

**"Nipper"** means Junior Activity member;

**"the Act"** means the Associations Incorporation Regulation, 1985;

**"SLSA"** means Surf Life Saving Australia Limited, and Australia Council thereof, or any body or authority from time to time responsible for the administration of Surf Life Saving in Australia and any division, sub-division, Branch, Council or other subsidiary body established thereof and directly or indirectly responsible thereto.

A reference to an award issued by or an examination or test conducted by or on behalf of SLSA shall also include a reference to any award, examination or test replacing the first mentioned award, examination or test or awarded or held in substitution thereof.

- 1.1 a. a reference to a function includes a reference to a power, authority and duty; and  
 b. a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.
- 1.2 The provisions of the Interpretation Act, 1987, apply to and in respect to these Rules in the same manner as those provisions would so apply if these Rules were an instrument made under the Act.

## **RULES PART 2 - MEMBERSHIP**

### **2.0 Classes of Membership**

- 2.1 The following categories of membership shall be available to Club members and applicants for membership, who are qualified therefore in all respects, and who at all times comply with and are qualified under these Rules and, without limiting the generality of the foregoing, Rules 3, 4 and 5, in particular:-
- 2.2 **SLSA MEMBERSHIP** - all such categories of membership, whether active or otherwise, as may from time to time be nominated or directed by SLSA.

Within **NEWPORT SURF LIFE SAVING INCORPORATED** these Membership categories are:-

NIPPER (Junior Activity Member)	7 TO 13 YEARS OF AGE**
CADET MEMBER	13 TO 15 YEARS OF AGE**
ACTIVE JUNIOR MEMBER	15 TO 18 YEARS OF AGE**
ACTIVE SENIOR MEMBER	18 YEARS AND OVER**
ACTIVE RESERVE MEMBER	Over 27 years of age and have completed eight years of continuous Patrol duty, or at the Committee's discretion.
LONG SERVICE MEMBER	<b>Appointed from Active Reserve, or at the Committee's discretion. Application for this category must be made in writing and applicant must have completed ten (or more) years of continuous Patrol duty.</b>
ABSENTEE MEMBER	Not residing in the Sydney Metropolitan area

ASSOCIATE MEMBER	<b>Non-bronze holder social member and/or Nipper Parent (who is not a member in any other category under clause 2.2), or at the Committee's discretion.***</b>
HONORARY LIFE MEMBER	By Committee selection.
HONORARY MEMBER	By Committee selection.

**\*\* Age, where applicable, is taken as at midnight, September 30.**

**\*\*\* Has no voting rights, however financial Nipper Parent (Associate Members) Members of financial Nippers may vote in Nipper elections only.**

### **2.3 Honorary Life Membership and Service Honours Awards**

Life Membership and Service Honours may be granted by the Club to such members who have rendered special, distinguished or exceptional service to the Club in the achievement of its range of objectives (Objects – Item 2).

#### **a. Life Membership and Service Honours Committee**

A committee of seven (7) consisting of the President, Deputy President, Club Captain and four (4) members elected at the Club's Annual General Meeting. The Life Membership and Service Honours Committee shall be responsible for assessing all nominations for Life Membership and Service Honours in accordance with the Constitution.

b. At least three (3) members of the Committee (Life Membership and Service Honours Committee) shall be Life Members. The President shall be the Chairperson and Convenor of the Committee (Life Membership and Service Honours) and will have a deliberate and casting vote.

c. Five (5) members of the Committee (Life Membership and Service Honours) shall form a quorum.

d. Nominations for Life Membership or Service Honours of the Newport SLSC shall be submitted to the Club Secretary in writing in accordance with the conditions contained within the Constitution, who will be responsible for referring all nominations to the President for consideration by the Committee (Life Membership and Service Honours).

#### **e. Life Membership**

The Committee (Life Membership and Service Honours) shall consider the merits of members who have rendered special, distinguished and/or exceptional service. Under certain circumstances a member could qualify if the Committee considers he or she rendered service over a shorter period. The following general criteria applies:

- i. Over a period of fifteen (15) continuous years of service to the Club, of which five (5) years must be as an elected officer of the Club or as a member of a recognised and endorsed Club Sub Committee or Associated Management Group;
- ii. Over a period of twenty-five (25) years service to the Club, of which more than five (5) years must be as an elected officer of the Club or as a member of a recognised and endorsed Club Sub Committee or Associated Management Group, SLS Sydney Northern Beaches Branch, SLS NSW or SLS Australia;
- iii. Over a period of twenty-five (25) years of service to the Club, of which fifteen (15) years must have been an active member of a recognised Branch Sub-Committee



- iv. Over a period of thirty (30) years of service to the Club shall qualify as special service for consideration of Life Membership, where the nominee has not held at least five (5) years as an elected officer or as a member of a recognised and endorsed Club Sub Committee or Associated Management Group.
  - v. The recommendation of the Committee (Life Membership and Service Honours) shall be referred to the Management Committee of the Club, who will consider such nomination in accordance with (g) and (h) below and if resolved in the affirmative following the consideration of the Management Committee, shall present such nomination to the members for their consideration and subsequent vote at a General Meeting or the next Annual General Meeting of the Club.
- f. Following a recommendation to that effect to the Management Committee in accordance with Rule 6; AND
  - g. Following a resolution passed by **not less than two thirds** of those members of the Management Committee of the Club present at a meeting of the Management Committee, at which the recommendation is put, to recommend to the next General Meeting or the Annual General Meeting of the Club that such Life Membership be granted; AND
  - h. Following a resolution passed by **not less than two thirds** of those members present at the General Meeting or the Annual General Meeting and entitled to vote thereat, at which the recommendation of the Management Committee is put to grant such Life Membership; AND
  - i. The record of service of any member nominated for Life Membership shall be compiled in writing by those persons nominating the member for Life Membership, in accordance with the provisions of Rule 6 hereof, and handed to the Secretary who shall refer same to the President, who shall convene a meeting of the Life Membership and Service Honours Committee. If the nomination is agreed to in accordance with (g) above, the Record of Service and Nomination shall be circulated to each member of the Club with the Notice of Meeting referred to in Rule 2.3 hereof. All voting under Rule 2.3(g) and Rule 2.3(h) for the nomination and election of Life Members shall be by way of secret ballot. Life Members shall be entitled to receive notice of all General Meetings of the Club, and attend and vote thereat, and apart from payment of membership fees and being exempt from the necessity to perform beach Patrols, shall be subject to the Rules of the Club.

#### **2.4 Service Honours (Other Than Life Membership)**

Service Honours may be granted by the Club to such members who have rendered outstanding or distinguished service to the Club in the achievements of its objectives (Objects – Item 2).

- a. **Outstanding Service Award**  
To be given to members and/or supporters who have rendered outstanding service. Such outstanding service shall be over a period of at least ten (10) years with a suitable record attached to the nomination.
- b. **Distinguished Service Award**  
To be given to members and or supporters who have rendered outstanding and distinguished service. Such distinguished service shall be over a period of at least twelve (12) years with a suitable record attached to the nomination.
- c. Notwithstanding the criteria set out above in clause (a) and (b) a member and/or supporter could qualify for award honours if the Committee (Life Membership and

Service Honours Committee) considers he or she rendered such outstanding and/or distinguished service over a shorter period.

- d. The recommendation of the Committee (Life Membership and Service Honours) shall be referred to the Club's Management Committee who will consider the matter in accordance with (f) and (g) below.
- e. Following a recommendation to that effect to the Management Committee in accordance with Rule 6; AND
- f. The record of service of any member nominated for Service Honours shall be compiled in writing by those persons nominating the member for Service Honours, in accordance with the provisions of Rule 6 hereof, and handed to the Secretary who shall refer same to the President, who shall convene a meeting of the Life Membership and Service Honours Committee. The Record of Service and Nomination shall be circulated to each member of the Club's Management Committee with the Notice of duly constituted Management Committee Meeting. All voting under Rule 2.3(g) for the nomination and consideration of Service Honours, shall be by way of secret ballot.
- g. Following a resolution passed by **not less than two thirds** of those members of the Management Committee of the Club present at a meeting of the Management Committee, at which the recommendation is put, Service Honours will be granted and acknowledged at the next Annual General Meeting in addition to any other appropriate gathering of the Club.
- h. If in the opinion of the Committee (Life Membership and Service Honours) a nomination does not qualify, a further nomination may be made after a period of one (1) year. Additionally, a member who has been granted a Distinguished Service Award or an Outstanding Service Award, will not be considered for a higher Service Honours Award within a period of two (2) years from the granting of such Award. Holding an Outstanding Service Award or a Distinguished Service Award shall not preclude members from being considered for a higher award.
- i. The deliberations of the Committee (Life Membership and Service Honours) shall be held in strict confidence.

## 2.5 Awards

The following are recommended minimum presentations:

- a. Life Membership - Life Membership Badge, Plaque & Certificate;
- b. Distinguished Service - Distinguished Service Badge, Plaque & Certificate;
- c. Outstanding Service - Certificate.

## 3.0 Membership Fees

3.1 All members shall pay such annual subscriptions and membership fees as the Committee in its absolute discretion shall determine as payable in any one year, and without limiting the foregoing discretion vested in the Committee:-

- a. **fees are due and payable for the Membership Year commencing from 1 September each year. All membership fees are to be paid by 30 November of the year to remain a financial member;**
- b. different fees may be fixed for different classes of membership;
- c. concessions may be granted where more than one member of a family applies for membership of the Club;

- d. Life Members shall be exempt from payment of fees;
- e. Entrance or joining fees, as well as membership fees may be imposed on any particular membership group, but shall only be charged to a member of that particular group in respect of that member's first year of membership.

#### **4.0 Membership Qualifications**

A person is qualified to be a member of the Club if, and only if:-

- 4.1 The person meets the minimum requirements of these Rules and of the SLSA for any particular category of membership;
- 4.2 The person is a person referred to in Section 15(1)(a), (b) or (c) of the Act, and has not ceased to be a member of the Club at any time after incorporation of the Club under the Act; OR
- 4.3 The person is a natural person who –
  - a. has applied for membership of the Club as provided by Rule 5, and
  - b. has been approved.

#### **5.0 Application for Membership**

An application by a person for membership of the Club;

- 5.1 Shall be made by that person in writing in the form set out in the SLSA Membership registration form; and
- 5.2 Shall be lodged with the Secretary of the Club, or his/her nominee; and
- 5.3 Shall be accompanied by payment of the appropriate membership fees, and thereupon that person shall (subject to the following) be a member of the Club until the Annual General Meeting in the year immediately following the lodgement of application for membership, PROVIDED ALWAYS that the Committee may, within 28 days of receipt of an application referred to in this Rule, and in its absolute discretion, and without being required to give any reasons therefore, and without being liable to incur any liability whatsoever as a result of doing so, shall refund in full the membership fees tendered by the applicant whose application has so been rejected.

#### **6.0 Nominations for Life Membership**

- 6.1 For the purpose of Rule 2, distinguished service or special service to the previously unincorporated Club known as "NEWPORT SURF LIFE SAVING CLUB' and to the Club since its incorporation, may be taken into consideration.
- 6.2 All persons upon whom Life Membership of the unincorporated Club referred to in Rule 6.1 hereof was conferred prior to the date of incorporation of the Club, shall be deemed to be Life Members of the Club, subject always to these Rules.
- 6.3 Any two members of the Club may nominate another member for Life Membership or by written nomination, signed by the nominating members, and handed to the Secretary prior to April 30, in any one year preceding the Annual General Meeting to be held that year. Such nominations shall be submitted to the Life Membership and Service Honours Committee, who will then consider the matter and make recommendation to the Management Committee and for subsequent consideration at a General Meeting or the next Annual General Meeting, as required by Rules 2.3(f), 2.3(g), 2.3(h) and 2.3(i) hereof.
- 6.4 Any two members of the Club may nominate another member for Service Honours by written nomination, signed by the nominating members, and handed to the Secretary prior to April 30, in any one year preceding the Annual General Meeting to be held that year. Such

nominations shall be submitted to the Life Membership and Service Honours Committee, who will then consider the matter and make recommendation to the Management Committee and for subsequent consideration at a duly constituted meeting of the Management Committee, as required by Rules 2.4(e), 2.4(f), 2.4(g) and 2.4(h) hereof.

## **7.0 Cessation of Membership**

A person ceases to be a member of the Club, if a person:-

- a. dies; OR
- b. resigns that membership; OR
- c. is expelled from the Club; OR
- d. fails to pay their annual membership fees **by November 30, of that current season.**

## **8.0 Membership Entitlements Not Transferable**

A right, privilege or obligation which a person has by reason of being a member of the Club:-

- a. is not capable of being transferred or transmitted to another person; AND
- b. terminates upon cessation of the person's membership.

## **9.0 Resignation and Transfer of Membership**

9.1 A member of the Club is not entitled to resign that membership except in accordance with this Rule.

9.2 A member of the Club, who has paid all amounts payable by this member to the Club, in respect of the member's membership, may resign from membership of the Club, by first giving notice (being not less than one month or not less than such other period as the Committee may determine) in writing to the Secretary, of the member's intention to resign and, upon the expiration of the period of notice, the member ceases to be a member.

9.3 Where a member ceases to be a member pursuant to Rule 9.2, and in every other case where a member ceases to hold membership, the Secretary shall arrange an appropriate entry in the register of members, recording the date on which the member ceased to be a member.

9.4 Where a member of the Club wishes to resign his/her membership of the Club for the purpose of transferring same to another Club or group affiliated with the SLSA, the member shall not be entitled to do so until the Secretary, and the transferring member have certified in writing that in respect of that member:-

- a. all membership fees and any other amounts which may be owing by the member to the Club, have been paid in full; AND
- b. all beach obligations which the member had or has, have been fulfilled; AND
- c. the member has complied with all requirements from time to time laid down by the SLSA in respect to his/her membership of the Club and his/her transfer.

## **10.0 Register of Members**

10.1 The Secretary of the Club, shall establish and maintain a register of members of the Club, specifying the name, address and telephone number of each person who is a member of the Club, together with the date on which the person became a member, awards gained, and category of membership.

10.2 The register of members shall be kept under the control of the Secretary, and shall be open for inspection, free of charge, by any member of the Club, at any reasonable hour.

## 11.0 Members Liabilities

The liability of a member of the Club to contribute towards the payment of the debts and liabilities of the Club, or the costs, charges and expenses of the winding up of the Club, is limited to the amount, if any, unpaid by the member in respect of membership of the Club, as required by Rule 3.

## 12.0 Disciplining Members

12.1 COMMITTEE'S AUTHORITY TO DISCIPLINE. Where the Committee is of the opinion that a member of the Club, including a person holding Life Membership:-

- a. has wilfully violated these Rules: OR
- b. has wilfully violated a resolution of the Committee or general meeting of the Club; OR
- c. has been found guilty of misconduct; OR
- d. has acted in ways that are detrimental to the good name of the Club;

the Committee may, by resolution carried by a two-thirds majority of the votes cast by Committee members present, discipline the member in any of the ways set down under Rule 12.2.

12.2 PROCEDURES. Where an Executive Officer, the Executive Committee or the Committee has reason to believe that a member may be liable to disciplinary action under Rule 12.1, the following procedures shall be carried out:-

- a. the Executive Committee of the Club shall investigate the matter; request the attendance of the member to answer the charges laid; and shall recommend to the Committee that:-
  - i. the member has no charge to answer: OR
  - ii. the member has a charge to answer.
- b. if the Executive Committee recommends that the member has a charge to answer, it may, at its absolute discretion:-
  - i. suspend the member pending the Committee's inquiry; AND/OR
  - ii. recommend to the Committee that specific disciplinary action be taken.
- c. the Secretary shall, as soon as practicable, cause a notice in writing to be served on the member, setting out the recommendation of the Executive Committee, and the grounds on which it was based.
- d. if the recommendation is that a member has a charge to answer, the notice shall;
  - i. state that the member may address the Committee at a meeting to be held not earlier than 14 days, and not later than 28 days after the service on the notice; AND
  - ii. state that date, time and place of that meeting; AND
  - iii. inform the member that he/she may attend and speak at that meeting, and/or submit to the Committee at or prior to the date of that meeting, written representations relating to the recommendations.
- e. at a meeting of the Committee, held as referred to in Rule 12.1, the Committee shall:-
  - i. give to the member an opportunity to make oral representations: AND
  - ii. give due consideration to any written representations submitted to the Committee by the member, at or prior to the meeting: AND
  - iii. by resolution, determine the judgement to be made on the basis of the charge put forward.

- f. the judgement made by the Committee in resolution may be:-
  - i. that the member be exonerated from the charge: OR
  - ii. that no further action be taken: OR
  - iii. that the member be suspended from the Club for a specified period; OR
  - iv. that the member be expelled from the Club: OR
  - v. that the member retains membership, but be otherwise disciplined by the Committee.
- g. the procedures laid down in Rule 12.2(a) to (f) may be waived when:-
  - i. a member has committed a minor misdemeanour only; AND
  - ii. the member and the Executive Committee agree that for this reason the matter should not proceed beyond the Executive Committee enquiry.

In such cases the Executive Committee shall administer an appropriate discipline and the matter shall be reported to the Committee for ratification.

12.3 ALTERATION TO EXECUTIVE COMMITTEE RECOMMENDATION. Where the Executive Committee has recommended, under Rule 12.2 that the member has no charge to answer, or that the misdemeanour is minor, the Committee may nevertheless decide to the contrary. In these circumstances, notice in writing, of the Committee's resolution shall be served on the member, and the procedures set down under Rule 12.2(d), (e) and (f) shall be followed.

12.4 NOTICES AND EFFECT OF RESOLUTION. When the Committee has made a resolution under Rule 21.1, the Secretary shall inform the member of the resolution by written notice within seven (7) days. Where the resolution is that the member be suspended, expelled or otherwise disciplined, the notice shall indicate the member's rights of appeal under Rule 13.1. In such cases, the resolution of the Committee shall take effect on the seventh day after the notice of resolution is served on the member, unless the member has, within that period, lodged with the Secretary, a notice of appeal to the Judiciary Committee, under Rule 13.1.

### 13.0 Right of Appeal of Disciplined Member

13.1 Where a member has been disciplined by the Committee under Rule 12.1 or has been removed from membership of the Committee under Rule 21.1, shall have the right of appeal to the Judiciary Committee, **WHOSE DECISION SHALL BE FINAL.**

13.2 RIGHT OF APPEAL TO JUDICIARY COMMITTEE. A member may appeal to the Judiciary Committee against a resolution of the Committee within seven (7) days after the notice of the resolution is served on the member. The member appealing shall lodge a written notice to that effect with Secretary. Upon receipt of an appeal from a member under this Rule, the Secretary shall notify the Judiciary Committee of a meeting to be held within 21 days after the date on which the Secretary received the notice of appeal.

At the Judiciary Committee meeting:-

- a. the member and a representative of the Committee shall be given the opportunity to state their respective cases orally or in writing, or both, AND
- b. the Judiciary Committee shall discuss and decide the question of whether the resolution should be confirmed, revoked or modified.

The Judiciary Committee's finding shall be immediately effective.

At the conclusion of the Judiciary Committee meeting, the finding of the Judiciary Committee shall be conveyed to the Secretary, who shall inform the member within seven (7) days by notice in writing. The report and finding of the Judiciary Committee shall be tabled at the first meeting of the Committee after the result of the appeal is determined.

## **RULES PART 3 - THE COMMITTEE**

### **14.0 Powers, etc., of the Committee**

The Committee shall be called the Committee of Management of the Club and, subject to the Act, the Regulations, these Rules and to any resolution passed by the Club in general meeting:-

- 14.1 Shall control and manage the affairs of the Club;
- 14.2 May exercise all such functions as may be exercised by the Club other than those functions that are required by these Rules to be exercised by a general meeting of the members of the Club; AND
- 14.3 Has the power to perform such acts and to do all such things as appear to the Committee to be necessary or desirable for the proper management of the affairs of the Club.

### **15.0 Constitution and Membership**

15.1 Subject in the case of the first members of the Committee to Section 21 of the Act, the Committee shall consist:-

- a. the Executive Committee (Office Bearers) of the Club (as defined in Clause 15.2 below) together with;
- b. not more than twenty (20) ordinary members, each of whom shall be elected at the Annual General Meeting of the Club, pursuant to Rule 27.

15.2 The Executive Committee (Office Bearers) the Club shall be:-

- a. the President
- b. the Deputy President
- c. the Honorary Secretary
- d. the Honorary Treasurer
- e. the Club Captain
- f. the Junior Activities Chairperson

15.3 The members of the Committee of Management shall consist:-

- a. The Executive Committee; and
- b. Assistant Secretary  
Registrar  
Vice Captain  
Surf Boat Captain  
IRB Captain  
Competition Organiser  
Chief Instructor
- Publicity Officer  
Social Secretary  
First Aid Officer  
Board & Ski Captain  
Gear Steward  
House Captain  
Junior Development Officer

Wherever practicable, the Registrar should be one position for the club and the Registrar should also be the Registrar for JAC (Nippers).

- c. The Immediate Past President, for the ensuing twelve (12) months only.

- 15.4 Members of the Management Committee shall, subject to these Rules, hold office until the conclusion of the Annual General Meeting following the date of the member's election, but are eligible for re-election.
- 15.5 In the event of a casual vacancy occurring in the membership of the Committee, the Committee may appoint a member of the club (subject to the foregoing) to fill the vacancy, and the member so appointed shall hold office, subject to these Rules until the conclusion of the Annual General Meeting next following the date of appointment.
- 15.6 The Committee of the Office Bearers may appoint other individual members of the Committee to other offices within the Club, and to perform specified functions and duties.

## 16.0 Election of Members

- 16.1 Nominations of candidates for election as Office Bearers of the Club or as ordinary members of the Committee:-
- a. Shall be indicated in writing, endorsed by two (2) members of the Club, on the **Club Nominations Board**, which will be erected within the Clubhouse by the Secretary, not less than one month prior to the date fixed for the Annual General Meeting. The board will be closed to nominations and removed from display seven (7) days prior to the Annual General Meeting, to enable the Executive Committee to ascertain whether those members nominated are qualified and have completed the previous twelve (12) months membership satisfactorily.
- 16.2 If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated shall be deemed to be elected, and further nominations shall be received at the Annual General Meeting.
- 16.3 If insufficient further nominations are received, any vacant positions remaining on the Committee shall be deemed to be casual vacancies.
- 16.4 If the number of nominations is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- 16.5 If the number of nominations received exceeds the number of vacancies to be filled, same shall be determined on a show of hands, provided that any member present and entitled to vote may demand a secret ballot, whereupon the matter shall be determined by secret ballot.
- 16.6 The ballot for the election of Office Bearers and ordinary members of the Committee shall be conducted at the Annual General Meeting, in such usual and proper manner as the Committee may direct.

## 17.0 Judiciary Committee

- 17.1 The Judiciary Committee shall consist of five (5) members of the Club, one of whom shall be the Honorary Legal Officer. The four appointed members of the Judiciary Committee shall be elected at the Annual General Meeting and shall preferably be Life Members. Active members shall be ineligible unless they are Life Members.
- 17.2 The duties of the Judiciary Committee shall be to give final judgement of any appeal which may be made by a member who has been dealt with by the Committee under Rule 12.1 and Rule 21.1.

## 18.0 Honorary Secretary

- 18.1 The Secretary of the Club shall, as soon as practicable after being appointed Secretary, lodge notice with the Club, of his/her address.



- 18.2 It is the duty of the Secretary to ensure that the minutes are kept of:-
- a. all appointments of Office Bearers and members of the Committee;
  - b. the names of members of the Committee present at a Committee meeting: and
  - c. all proceedings at Committee meetings and General Meetings.
- 18.3 Such minutes of proceedings at a meeting shall be signed by the Chairperson of the meeting, or by the Chairperson of the next succeeding meeting.

## **19.0 Honorary Treasurer**

It is the duty of the Treasurer of the Club, to ensure that:-

- 19.1 All money due to the Club is collected and received, and that all payments authorised by the Club are made;
- 19.2 Correct books and accounts are kept showing the financial affairs of the Club, including full details of all receipts and expenditure connected with the activities of the Club.

## **20.0 Casual Vacancies**

For the purpose of these Rules, a casual vacancy in the office of a member of the Committee occurs if the member:-

- 20.1 Dies;
- 20.2 Ceases to be a member of the Club;
- 20.3 Becomes an insolvent under administration within the meaning of the Companies (New South Wales) Code;
- 20.4 Resigns office by notice in writing given to the Secretary;
- 20.5 Is removed from office under Rule 21;
- 20.6 Becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health; or
- 20.7 Is absent without apology for three (3) consecutive meetings of the Committee during a period of six (6) months.

## **21.0 Removal of Member**

- 21.1 The Club in general meeting, may by resolution, remove any member of the Committee from the office of the member before the expiration of the member's term of office, and may by resolution, appoint another person to hold office until the expiration of the term of office of the member so removed.
- 21.2 Where a member of the Committee to whom a proposed resolution referred to in Rule 21.1 relates, makes representations in writing to the Secretary or President (not exceeding a reasonable length), and requests that the representations be notified to members of the Club, the Secretary or President may send a copy of the representations to each member of the Club or, if they are not sent, the member is entitled that the representations be read out at the meeting at which the resolution is considered.

## **22.0 Meetings and Quorums**

- 22.1 The Committee shall, unless it otherwise determines, meet at least once a month, at such place and time as the Committee may determine.

- 22.2 Additional meetings of Executive Committee may be convened by the President, or by any Office Bearer referred to in Rule 15.2.
- 22.3 Oral or written notice of a meeting of the Committee shall be given by the Secretary to each member of the Committee, at least 48 hours (or such other period unanimously agreed upon by members of the Committee) before the time appointed for the holding of the meeting.
- 22.4 Any five (5) members of the Committee shall constitute a quorum for the transaction of business of a meeting of the Club.
- 22.5 No business shall be transacted by the Committee unless a quorum is present, and if within half an hour of the time appointed for the meeting, a quorum is not present, the meeting stands adjourned to the same place and at the same time of the day, in the following week.
- 22.6 If, at the adjourned meeting, a quorum is not present within half an hour of the time appointed for the meeting, the meeting shall be dissolved.
- 22.7 At a meeting of the Committee:-
- a. the President, or in the President's absence, the Deputy President shall preside; or
  - b. if the President or Deputy President is absent or unwilling to act, such one of the remaining members of the Committee as may be chosen by the members present at the meeting shall preside.

### **23.0 Junior Activities (Nippers) Sub-Committee**

- 23.1 A Junior Activities Sub-Committee shall consist of members of the Club elected at the Club's Annual General Meeting. The Junior Activities Sub-Committee shall be a section of Newport Surf Life Saving Club Incorporated and shall operate under the ultimate authority of the Club and these Rules.

The Junior Activities Sub-Committee shall be responsible to the Club for the management and conduct of the Junior Activities Group, and

- a. the Junior Activities Sub-Committee shall have a specific composition of the following officials:-(7) Chairman, Vice Chairman, Secretary, Business Development Manager JAC, Gear Steward, Competition Manager and Youth Development Officer.
- b. be subject to:
  - i. the responsibility for the conduct and co-ordination of all matters relating to Junior Activities.
  - ii. to provide Junior Activities members with background knowledge and experience in surf life saving activities, traditions and values.
  - iii. to prepare Junior Activities members for their eventual transition to Active membership of the Club, and to facilitate their transition and assimilation into the full range of surf life saving activities of this membership.
  - iv. to develop, promote and maintain awareness by Junior Activities members of all facets of Club activity and Club management, so as to ensure the appropriate integration of the Junior Activities group with the Club.
- c. the officers specified in Rule 22.1 a) shall be elected at the Club's Annual General Meeting from nominations submitted by Junior Activities members. Notice calling for nominations will be in accordance with the Rules of the Club.
- d. voting and ballots for all positions shall be conducted in accordance with the Rules of the Club.

- e. all officers shall continue in office subject to resignation, removal or disqualification from office, until their successors are appointed. In the event of a vacancy occurring during the year, such vacancy may be filled at an ordinary meeting of the Junior Activities Sub-Committee.
- f. provide for the Club Management Committee representatives as follows:- the following terms of reference:-

"The Club Management Committee shall appoint/elect two (2) Delegates, who shall attend the Junior Activities Sub-Committee meetings, with voting rights on all matters".

- g. have an Executive Committee who shall:-
  - i. consist of four (4) officers:- Chairperson: Vice Chairperson, Secretary and Business Development Manager JAC who shall have the power to deal with matters requiring immediate attention.
  - ii. circularise details of such business conducted at an Executive meeting to Officers, Advisers and Delegates of the Junior Activities Sub-Committee, and the Club within fourteen (14) days of such a meeting.
- h. conduct Junior Activities Sub-Committee meetings within the following provisions:-
  - i. business may be conducted at the following meetings:-
    - the Annual General Meeting, which shall be held each calendar year.
    - ordinary general meetings, which shall be held as required.
    - Special General Meetings, which shall be held if required.
    - Executive Committee Meetings, which shall be held as required.
  - ii. a quorum for a Junior Activities Sub-Committee meeting shall be three (3) persons.
  - iii. a quorum for an Executive Committee meeting shall be three (3) persons.
  - iv. a quorum for the Junior Activity Sub-Committee Special General Meetings shall be fifteen (15) persons, who are financial members of the Club and entitled to vote.
  - v. the Chairperson shall have unlimited authority on every question of order.
  - vi. minutes of all meetings shall be recorded and shall be circulated to Officers and Delegates of the Junior Activities Sub-Committee and the Secretary of the Club.
- i. require of the Executive Committee Officers, the following duties:-

(A) JAC CHAIRPERSON Shall:-

- i. be the Senior Officer and nominal head of the Newport Junior Activity Sub-Committee.
- ii. preside over all Junior Activity Sub-Committee meetings and functions.
- iii. have a casting vote, as well as a deliberate vote.
- iv. be responsible to the Club Management Committee.
- v. be responsible for seeing that all Junior Activity Sub-Committee Office Bearers carry out their duties in accordance with these Rules.

(B) JAC SECRETARY Shall:-

- i. keep a register of names and addresses of all members in whom control is invested.
- ii. forward notice of all meetings and the business to be transacted thereat to members in accordance with these Rules.
- iii. compile an agenda paper for all Junior Activity Sub-Committee meetings and keep the minutes of such meetings.
- iv. a) conduct the correspondence of the Junior Activity Sub-Committee;

- b) be responsible for records and documents belonging to the Junior Activity group and cause such documents to be lodged in the Newport Junior Activity headquarters, apart from such matters that are currently required by the Club Secretary. Forward all completed SLSA membership forms to the Club Secretary, for general Club records.
- v. be responsible for drafting of the Junior Activity Sub-Committee Annual Report and its circulation to all Junior Activity members, Officers, Delegates, Advisers, Club President and Club Secretary, seven (7) days prior to the Junior Activity Sub-Committee Annual General Meeting.
- vi. be responsible for the provision of a report of the activities of the Junior Activities Sub-Committee for inclusion in the Club Annual Report.

(C) JAC TREASURER Shall:-

- i. before each Junior Activity Sub-Committee meeting, and at other times requested, prepare statements showing details of receipts and expenditure, and particulars relating to accounts payable for the period since the previous statement. Shall arrange to produce such statements to the Annual General Meeting, and meetings of the Junior Activity Sub-Committee, with a Bank Statement reconciling the balance shown therein with the balance shown in the Cash Book.
- ii. arrange for payment of all Junior Activity accounts, with a provision that accounts of \$250.00 or more shall have the endorsement of the Junior Activity Executive Committee.
- iii. keep, or cause to be kept, proper books of record and also prepare books of account showing all receipts and expenditure, and assets and liabilities in connection with the Junior Activity Sub-Committee.
- iv. prepare a schedule of assets and liabilities of the Junior Activity Sub-Committee, if and when requested to do so by a Junior Activity Sub-Committee meeting.
- v. once every year, prepare a statement of income and expenditure, together with a Balance Sheet, showing the position of the Junior Activity Sub-Committee as at the date of the close of the financial year. A copy of this statement to be supplied to the Club Treasurer for inclusion in the Club's Annual Report.
- vi. carry out the duties of purchasing and insurance activities of the Junior Activity Sub-Committee.

(D) JAC REGISTRAR Shall:-

- i. record all awards, examinations and competitions.
- ii. record all properties of the Junior Activity Sub-Committee.
- iii. record all expulsions and suspensions.

(E) JAC SUPERVISOR Shall:-

- i. through Age Group Managers, supervise the activities of the Junior Activity Sub-Committee.
- ii. receive through the Age Group Managers, monthly reports of the activities of the Junior Activity Sub-Committee.
- iii. submit to the Junior Activity Sub-Committee reports and recommendations regarding matters within the scope of the Age Managers.
- iv. submit to the Club Captain, a monthly report of the activities of the Junior Activity Sub-Committee, including the awards gained.

## **24.0 Delegation by Committee to Sub-Committee**

- 24.1 The Committee may, by instrument in writing, delegate to one or more sub-committees (consisting of such member or members of the Club as the Committee thinks fit), the exercise of such of the functions of the Committee as are specified in the instrument, other than:-
- a. this power of delegation; and
  - b. a function which is a duty imposed on the Committee by the Act, or by any other law.
- 24.2 A function, the exercise of which has been delegated to a sub-committee under this Rule may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
- 24.3 A delegation under this section may be made subject to such conditions and limitations as to the exercise of any function the subject thereof, or as to time or circumstances, as may be specified in the instrument of delegation.
- 24.4 Notwithstanding any delegation under this Rule, the Committee may continue to exercise any function delegated.
- 24.5 Any act or thing done or suffered by a Sub-Committee acting in the exercise of a delegation under this Rule, has the same force and effect as it would have if it had been done or suffered by the Committee.
- 24.6 The Committee may, by instrument in writing, revoke wholly or in part, any delegation under this Rule.
- 24.7 A Sub-Committee may meet and adjourn as it thinks proper.

## **25.0 Voting and Decisions**

- 25.1 Questions arising at a meeting of the Committee or any Sub-Committee appointed by the Committee, shall be determined by a majority of the votes of the members of the Committee or Sub-Committee present at the meeting.
- 25.2 Each member present at a meeting of the Committee or of any Sub-Committee appointed by the Committee (including the person presiding at the meeting) is entitled to one vote, but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- 25.3 Subject to Rule 22.5, the Committee may act notwithstanding any vacancy on the Committee.
- 25.4 Any act or thing done or suffered, or purported to have been done or suffered, by the Committee or Sub-Committee appointed by the Committee, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member of the Committee or Sub-Committee.

## **RULES PART 4 - GENERAL MEETINGS**

### **26.0 Annual General Meetings - Holding of**

- 26.1 With the exception of the first General Meeting of the Club, the Club shall, at least once each calendar year, and within the period of six (6) months after the expiration of the financial year of the Club, convene an Annual General Meeting of its members.
- 26.2 The Club shall hold its first Annual General Meeting:-
- a. within a period of 18 months after its incorporation under the Act: and
  - b. within the period of two (2) months after the expiration of the first financial year of the Club.

26.3 Rules 26.1 and 26.2 have effect, subject to any extension or permission granted by the Commission under Section 26(30) of the Act.

### **27.0 Annual General Meeting - Calling of, And Business at**

27.1 The Annual General Meeting of the Club shall, subject to the Act, and to Rule 26, be convened on such a date and at such a place as the Committee thinks fit.

27.2 In addition to any other business which may be transacted at an Annual General Meeting, the business of an Annual General Meeting shall be:-

- a. to confirm the minutes of the last preceding Annual General Meeting, and of any Special General Meeting held since that meeting;
- b. to receive from the Committee reports upon the activities of the Club during the last preceding financial year;
- c. to elect Office Bearers of the Club and ordinary members of the Committee; and
- d. to receive and consider the statement which is required to be submitted to members pursuant to Section 26(6) of the Act.

27.3 An Annual General Meeting shall be specified as such in the notice convening it.

27.4 Only financial members of the Club, who hold the Bronze Medallion award issued by SLSA, plus all Life Members, shall be entitled to vote at any General Meeting of members of the Club, whether an Annual General Meeting or otherwise.

### **28.0 Special General Meeting - Calling of**

28.1 The Committee may, whenever it thinks fit, convene a Special General Meeting.

28.2 The Committee shall, on the requisition in writing of not less than 10 per cent (10%) of the members entitled to vote at an Annual or other General Meetings of the Club under Rule 27.4, or at the direction of the Committee under Rule 14.3, convene a Special General Meeting of the Club.

28.3 A requisition of members for a Special General Meeting:-

- a. shall state the purpose of the meeting;
- b. shall be signed by the members making the requisition;
- c. shall be lodged with the Secretary;
- d. may consist of several documents in a similar form, each signed by one or more members making the requisition.

28.4 If the Committee fails to convene a Special General Meeting to be held within one month after the date on which a requisition of members for the meeting is lodged with the Secretary, any one or more of the members who made the requisition may convene a Special General Meeting, to be held not later than three (3) months after that date.

28.5 A Special General Meeting convened by a member or members as referred to in Rule 28.4, shall be convened as nearly as practicably in the same manner as General Meetings are convened by the Committee.

### **29.0 Notice**

29.1 Except where the nature of the business proposed to be dealt with at a General Meeting requires a special resolution of the Club, the Secretary shall, at least 14 days before the date fixed for the holding of the General Meeting, cause to be sent by pre-paid post or otherwise in accordance with these Rules, to each member at the member's address appearing on the

register of members, a notice specifying the place, date and time of the meeting, and the nature of the business proposed to be transacted.

- 29.2 Where the nature of the business proposed to be dealt with at a General Meeting requires a special resolution of the Club, the Secretary shall, at least 21 days before the date fixed for the holding of the General Meeting, cause a notice to be sent to each member in the manner provided in Rule 26.1, specifying in addition to the matter required under Rule 26.1, the intention to propose the resolution as a special resolution.
- 29.3 No business other than that specified in the notice convening a General Meeting shall be transacted at the meeting except, in the case of an Annual General Meeting, which may be transacted pursuant to Rule 24.2.
- 29.4 A member desiring to bring any business before a General Meeting may give notice in writing of that business to the Secretary, who shall include that business in the next calling of a General Meeting given after receipt of the notice from the member.

### **30.0 Procedure**

- 30.1 No item of business shall be transacted at a General Meeting unless a quorum of members entitled under these Rules to vote is present during the time the meeting is considering that item.
- 30.2 Fifteen (15) members present in person (being members entitled under these Rules to vote at a General Meeting), constitute a quorum for the transaction of the business of a General Meeting.
- 30.3 If, within half an hour of the appointed time for the commencement of a General Meeting, a quorum is not present, if convened upon the requisition of members, shall be dissolved and in any other case shall stand adjourned to the same day in the following week, at the same time and (unless another place is specified at the time of adjournment by the person presiding at the meeting, or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- 30.4 If, at the adjourned meeting, a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present shall constitute a quorum.

### **31.0 Presiding Member**

- 31.1 The President, or in the President's absence, the Deputy President shall preside as Chairperson at each General Meeting of the Club.
- 31.2 If the President and the Deputy President are absent from a General Meeting, or unwilling to act, the persons present shall elect one of their number to preside as Chairperson at a meeting.

### **32.0 Adjournment**

- 32.1 The Chairperson at a General Meeting at which a quorum is present may, with the consent of the majority of the members present at the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- 32.2 Where a General Meeting is adjourned for 14 days or more, the Secretary shall give written notice or oral notice of the adjourned meeting to each member of the Club, stating the place, date and time of the meeting, and the nature of the business to be transacted at the meeting.

32.3 Except as provided in Clauses 32.1 and 32.2, notice of an adjournment of a General Meeting or of the business to be transacted at an adjourned meeting is not required to be given.

### **33.0 Making of Decisions**

33.1 A question arising at a General Meeting of the Club shall be determined on a show of hands and, unless before or on a declaration of a show of hands, a poll is demanded, a declaration by the Chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the Club, is evidence of the fact without proof of the number or proportion of the votes recorded in favour or against that resolution.

33.2 At a General Meeting of the Club, a poll may be demanded by the Chairperson or not less than three (3) members present in person at the meeting.

33.3 Where a poll is demanded at a General Meeting, the poll shall be taken:-

- a. immediately in the case of a poll which relates to the election of the Chairperson of the meeting, or to the question of an adjournment; or
- b. in any other case, in such manner and at such time before the close of the meeting as the Chairperson directs, and the resolution of the poll on the matter shall be deemed to be the resolution of the meeting on the matter.

### **34.0 Special Resolution**

A resolution of the Club is a special resolution if:-

34.1 It is passed by a majority which comprises not less than two-thirds of such members of the Club as being entitled under these Rules so to do, vote in person at a General Meeting of which not less than 21 days written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these Rules; or

34.2 Where it is made to appear to the Commission that it is not possible or practicable for the resolution to be passed in the manner specified in Rule 34.1 - the resolution is passed in a manner specified by the Commission.

### **35.0 Voting**

35.1 Upon any question arising at a General Meeting of the Club, a member has only one vote.

35.2 In the case of an equality of votes on a question at a General Meeting, the Chairperson of the meeting is entitled to exercise a second or casting vote.

35.3 A member is not entitled to vote at any General Meeting of the Club, unless all money due and payable by the member has been paid.

## **RULES PART 5 - MISCELLANEOUS**

### **36.0 Insurance**

36.1 The Club shall effect and maintain insurance pursuant to Section 44 of the Act.

36.2 In addition to the insurance required under Rule 36.1, the Club may effect and maintain other insurance.

### **37.0 Funds - Source**

37.1 The funds of the Club shall be derived from entrance and membership fees of subscriptions of members, grants from SLSA, Government, semi-Government and/or local authorities, whether direct to the Club or indirectly through SLSA or any Branch thereof, sponsorship of the Club or



its activities, donations, proceeds of functions and fund-raising activities, and subject to any resolution passed by the Club in general meeting, such other sources as the Committee may determine.

37.2 All money received by the Club shall be deposited as soon as practicable to the credit of the Club's bank account.

37.3 The Club shall, as soon as practicable after receiving any money, write an appropriate receipt.

### **38.0 Funds - Management**

38.1 Subject to any resolution passed by the Club in general meeting, the funds of the Club shall be used in pursuant of the objects of the Club in such a manner as the Committee determines.

38.2 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any two (2) of the Office Bearers referred to in Rule 15.2 authorised to do so by the Committee.

### **39.0 Alteration of Objects and Rules**

The statement of objects and these Rules may be altered, rescinded or added to, only by a special resolution of the Club.

### **40.0 Common Seal**

40.1 The Common Seal of the Club shall be kept in the custody of the Public Officer.

40.2 The Common Seal shall not be affixed to any instrument except by the authority of the Committee, and the affixing of the Common Seal shall be attested by the two (2) signatures of the Office Bearers referred to in Rule 15.2, or of one such Office Bearer and the Public Officer.

### **41.0 Custody of Books, etc.**

Except as otherwise provided by these Rules, the Public Officer shall keep in his/her custody or under his/her control, all record books and other documents relating to the Club.

### **42.0 Inspection of Books, etc.**

The records, books and other documents of the Club, shall be open for inspection, free of charge, by a member of the Club, at any reasonable hour.

### **43.0 Service of Notices**

43.1 For the purpose of the Rules, a notice may be served by or on behalf of the Club upon any member, either personally or by sending it by post to the member at the member's address shown in the register of members of the Club.

43.2 Where a document is sent to a person by properly addressing, pre-paying and posting to the person, an envelope containing the document, the document shall, unless the contrary is proved, be deemed for the purpose of these Rules, to have been served on the person at the time at which the envelope would have been delivered in the ordinary course of post.

### **44.0 Surplus Property**

44.1 At the first Annual General Meeting of the Club, the Club shall, subject always to Rule 48 however, pass a special resolution nominating an incorporated association as the association in which it is to vest its surplus property pursuant to Section 53(2) of the Act, in the event of the winding up or cancellation of the incorporation of the Club.

44.2 The incorporated association so nominated shall be one which fulfils the requirements specified in Section 53(a) - 53(c) of the Act.

## **RULES PART 6 - ADDITIONAL RULES APPLICABLE TO CHARITIES**

### **45.0 Applicable of Part**

This part applies where the Club is registered under or is exempt from registration by or under the Charitable Collections Act, 1934.

### **46.0 Payment, etc., of Office Bearers**

A member of the Committee shall not be appointed to any salaried office of the Club or any office of the Club paid by fees, and no remuneration or other benefit in money or money's worth shall be given by the Club to any member of the Committee, except -

- 46.1 The payment to any member of the Club for goods or services supplied in the ordinary course of business.
- 46.2 The allocation of prizes, trophies, scholarships or awards to members of the Club.
- 46.3 Repayment of out-of-pocket expenses incurred on behalf of the Club, or for money lent to or on behalf of the Club, and any proper rent for premises demised to or let to the Club.
- 46.4 The payment of reasonable travelling, accommodation and sustenance allowances as determined by the Committee or sub-Committee thereof, to members of the Club who are selected by the Club to represent it at lectures, seminars or other similar educational activities or events, inter-Club races or carnivals and State, National or other championship events, whether conducted by or under the auspices of SLSA or otherwise.
- 46.5 Interest at a rate not exceeding interest at the rate for the time being which is or would be charged by the Club's bankers for money lent to the Club.

### **47.0 Vacation of Office**

Without limiting the operation of Rule 20, the office of a member of the Committee shall become vacant, if:-

- 47.1 The member holds an office of profit in the Club; or
- 47.2 The member is directly or indirectly interested in any contract or proposed contract with the Club.

### **48.0 Surplus Property**

- 48.1 At the first General Meeting of the Club, the Club shall pass a special resolution nominating a charity registered under the Charitable collections Act, 1934, or exempt from registration by or under the Act, in which is to vest its surplus property pursuant to Section 53(20) of the Act, in the event of the winding up or cancellation of the incorporation of the Club.
- 48.2 The charity so named shall be one which fulfils the requirements specified in Section 53(a) - 53(c) of the Act.

### **49.0 Notification of Proposed Alterations of Rules**

A proposed alteration of these Rules or statement of objects of the Club shall be notified to the Minister administering the Charitable Collections Act, 1934, in the manner required by the regulations under the Act.

### **50.0 Compliance with Charitable Collections Act, 1934**

The Club shall comply with such of the provisions of the Charitable Collections Act, 1934, and the regulations thereunder as are applicable to it.

## **RULES PART 7 - FURTHER MISCELLANEOUS PROVISIONS**

### **51.0 Club Headquarters**

The headquarters of the Club shall be the Surf Club, located within the reserve at Newport Beach, in the Municipality of Pittwater.

### **52.0 Club Colours**

The Club colours shall be - Maroon and Gold.

### **53.0 Club Season and Races**

The season of the Club shall commence on September 1, in any one year, and conclude on August 31, in the succeeding year. Races and championships shall be determined on such dates or between such dates as the Committee may determine.

### **54.0 Financial Year**

The financial year of the Club shall commence on May 1, in any one year, and shall conclude on April 30, in the succeeding year.

### **55.0 Patron and Honorary Auditor**

In addition to the election of the Office bearers of the Club referred to in Rule 15.1, the members of the Club in Annual General Meeting, may elect a Patron and an Honorary Auditor for the ensuing year. The Patron need not be a member of the Club and shall not be an Office Bearer or member of the Committee. The Honorary Auditor shall not be a member, Office Bearer or member of the Committee of the Club.

### **56.0 Affiliation**

The Club shall be affiliated with and remain affiliated with SLSA, and such similar State or District Associations or Branches, as may be considered desirable.

## **CLUB REGULATIONS**

### **Duties of Office Bearers**

- 1) **CLUB PRESIDENT.** The President shall be the Chief Executive of the Club. The President shall be the major representative of the Club on all formal and public occasions, unless otherwise decided by the Executive Committee, Management Committee or by the President. The overall duty of the President shall be to ensure that the objectives of the Club are met.

Accordingly, the President shall maintain harmony wherever possible, and encourage, assist and acknowledge members' contributions to the attainment of the Club's objectives.

The President shall ensure that Office Bearers are aware of, and carry out their duties in accordance with these Regulations, and that the details of the duties of each office are conveyed to the respective Office Bearers at, or by the first Committee meeting of the season. The President shall make a report to each meeting of the Management Committee.

- 2) **DEPUTY PRESIDENT.** The Deputy President shall assist the President, deputise as required, and in the President's absence, assume the responsibilities and authority of that office. In particular, the Deputy President shall supervise the conduct and regulation of all sub- Committees and be responsible to the Committee for their effective operation. The Deputy President shall initiate, organise and otherwise control such special projects that are referred to that office by the Committee.

- 3) THE SECRETARY. The Secretary shall be the Public Officer of the Club and shall perform the functions of a Public Officer, as part of the duties of Secretary. The Secretary shall provide notice of, and maintain the minutes of all Committee and general meetings.

The Secretary shall keep a register of all members and their addresses; shall have available at the request of a member (and at all meetings) a copy of these Rules and Regulations; shall exhibit all instructions and notices on the Club noticeboard and shall be responsible for the custody of all Club documents. The Secretary shall make a report to each meeting of the Committee. The Secretary shall prepare the Annual Report of the Club.

Where at any time there is a vacancy of the office of Public Officer of the Club, the Committee, in accordance with the Act, shall within fourteen (14) days:-

- a. give notice of the vacancy to the New South Wales Corporate Affairs Commission; and
  - b. appoint a person to fill the vacancy.
- 4) THE TREASURER. The Treasurer shall control all financial aspects of the Club as authorised and outlined in these Regulations. The Treasurer shall receive all moneys on behalf of the Club; issue receipts; and shall, as soon as practicable, deposit all moneys to the credit of the appropriate Club bank account. The Treasurer shall pay those accounts, which have been presented to the Committee and approved for payment.

The Treasurer shall keep, or cause to be kept, books of accounts showing all income and expenditure. The Treasurer shall, at least once in every calendar month, prepare statements showing details of income and expenditure for the month immediately preceding.

The Treasurer shall prepare a reconciliation of such statements to the bank statements, together with a summary of accounts payable, bank statements, bank deposit books, receipt books, cheque books and books of account, and present these to each meeting of the Committee.

The Treasurer shall, on a monthly basis, report to the Committee, any member/s whose subscriptions or other dues which are in arrears. The Treasurer shall be responsible for the purchasing and insurance requirements of the Club. At any requested time, the Treasurer shall make available to the Hon. Auditor, all books of account of the Club. Once every year the Treasurer shall prepare a statement of income and expenditure, together with a balance sheet, detailing the position of the Club as at the close of the financial year, and shall arrange an audit of the foregoing with the Hon. Auditor.

- 5) THE CLUB CAPTAIN. The Club Captain must be a SLSA Bronze Medallion holder and shall be responsible for the conduct of all life saving and related activities, and shall co-ordinate, advise and assist sectional leaders in all facets of competition, including the preparation of carnival entries. In the event of any dispute within or between competitive sections of the Club, the Club Captain may arbitrate and, if necessary, resolve the issue by independent decision.

The Club Captain shall have overall responsibility for the safe conduct of all Club competition. In the performance of this duty, the Captain shall exercise reasonable care and responsibility for the safety of participants and the general public. The Club Captain shall, in conjunction with the Vice-Captain, be responsible for the correct entry procedures for all Patrol Log books, and the supervision of these Patrol records.

The Club Captain shall be responsible for the efficient performance of all officers directly related to life saving, and shall liaise with the President in carrying out this duty. The Club Captain shall make a report to each meeting of the Management Committee.

- 6) THE VICE CAPTAIN. The Vice-Captain must be a SLSA Bronze Medallion holder and shall generally assist the Club Captain, and in the Captain's absence assume the authority and responsibilities of the office. The Vice-Captain shall be responsible for the presence of sufficient numbers of

members to service all Patrols, and to communicate with Patrol defaulters in an effort to maintain Patrol efficiency. The Vice-Captain shall ensure that all Active and Active Reserve members undertake the annual Proficiency Test by the required date. The Vice-Captain shall submit a report to each of the monthly Management Committee meetings.

- 7) THE CHIEF INSTRUCTOR. The Chief Instructor must be a SLSA Bronze Medallion holder and shall be responsible for the care and maintenance of equipment used for resuscitation, and for equipment used for the training of members in resuscitation, and shall have this equipment ready for the annual gear inspection conducted by Surf Life Saving Sydney Northern Beaches Branch. The Chief Instructor shall arrange and supervise the training and instruction of candidates for SLSA awards.

The Chief Instructor shall make a report to each meeting of the Management Committee on the progress and results of squads training for awards, and on other relevant matters. The Chief Instructor shall compile a list of those members who have attained awards, and the Secretary shall include this list in the Club's Annual Report.

- 8) THE SURF BOAT CAPTAIN. The Surf Boat Captain must be a SLSA Bronze Medallion holder and shall be responsible for the care and maintenance of all surf boats and surf boat equipment and shall have these boats and equipment ready for the annual gear inspection conducted by Surf Life Saving Sydney Northern Beaches Branch. The Surf Boat Captain shall supervise and organise the training of members in surf boat practice, and for carnival surf boat competition. The Surf Boat Captain shall also be responsible for the upkeep and supervision of the Boat Shed. The Surf Boat Captain shall submit a report to each of the monthly Management Committee meetings.

- 9) THE IRB CAPTAIN. The IRB Captain shall be qualified and currently proficient as an IRB driver in accordance with the SLSA Manuals. The IRB Captain shall be responsible for the care and maintenance of the IRBs and related equipment and shall have this equipment ready for the annual gear inspection conducted by Surf Life Saving Sydney Northern Beaches Branch.

The IRB Captain shall organise and supervise the training of eligible members for I.R.B awards and IRB competition. The IRB Captain shall closely liaise with the Club Captain in the integration of IRB activities with Patrol operations. The IRB. Captain shall submit a report to each meeting of the Management Committee, and such report shall include the status of IRB equipment.

- 10) THE COMPETITION ORGANISER. The Competition Organiser shall be responsible for the organising, recording and running of all Club competitions, and shall keep an accurate record of the results of same. The Competition Organiser, in conjunction with the Club Captain and Chief Instructor, act as time-keeper/assistant for and record members Proficiency Test examinations.

The Competition Organiser shall, at the first Committee meeting in September, submit a full programme, setting out the dates of the Club Championships and Kings Cup rounds, and any other intra-Club competitions.

The Competition Organiser shall be responsible for all Club entries in inter-Club carnivals, and Branch, State and Australian Championship carnivals, and will be so empowered to call upon the Club Captain, Vice-Captain, Chief Instructor or any other members of the Club Committee to assist in the compilation of the entries. The Competition Organiser shall submit a report to the monthly Management Committee meeting, covering all sections of Club competition over the past month.

- 11) THE BOARD AND SKI CAPTAIN. The Board and Ski Captain must be a SLSA Bronze Medallion holder and shall be responsible for the security, care and maintenance of all surf boards and surf skis owned by the Club. The Board and Ski Captain shall assist the Competition Organiser in conducting all craft events each Sunday.

The Board and Ski Captain shall supervise and organise the training of members in surf craft proficiency and be responsible for board and ski members attending carnivals. The Board and Ski Captain shall submit a report to each monthly meeting of the Management Committee.

- 12) THE PUBLICITY OFFICER. The Publicity Officer shall be responsible for the overall media coverage of relevant matters pertaining to events conducted by the Club, and shall endeavour to create a good public relations image with the media, general public and supporters of the Club. The Publicity Officer shall maintain a full record of all publicity coverage and report same to the Management Committee.

No mention shall be made of any domestic affairs of members, nor shall any media controversy be entered into which involves any member. The Publicity Officer shall be responsible for the publication and distribution of the Club newsletter to members on a regular basis (or at the discretion of the Executive Committee).

- 13) THE SOCIAL SECRETARY. The Social Secretary shall be responsible for organising and conducting all social functions held by the Club and shall submit financial statements of such functions to the Treasurer. The Social Secretary shall, in conjunction with the House Captain, advise the Committee if equipment used for social functions is in need of repair or replacement. The Social Secretary shall submit a report to each monthly meeting of the Management Committee.

- 14) THE HOUSE CAPTAIN. The House Captain shall be responsible for the maintenance, cleanliness and repair of the Club. The House Captain shall, in conjunction with the Social Secretary, be responsible for all refreshment stock held by the Club.

The House Captain shall be responsible for the security of the Clubhouse locking system and shall maintain a full register of locks and keys. The House Captain shall submit a monthly report to the Management Committee and will make recommendations and submit quotations for the repair or replacement of Club property as required.

- 15) THE FIRST AID OFFICER. The First Aid Officer must hold the minimum SLSA First Aid Qualification and shall be responsible at all times for the maintenance of adequate first aid supplies and oxygen cylinders. To also ensure that the First Aid Room is kept in a fit and proper manner to treat emergencies from the beach.

- 16) THE GEAR STEWARD. The Gear Steward shall be responsible to the Club Captain for the care and maintenance of all of the Club's life saving gear, except as elsewhere provided for, and shall report to the Vice-Captain.

- 17) THE JUNIOR DEVELOPMENT OFFICER. The Junior Development Officer should be a SLSA Bronze Medallion holder and shall liaise with the Club Captain, to assist with the transition of the older Junior Activity (13-14-year-old Nipper) members into the senior Club. The Junior Development Officer shall be a member of the Management Committee, with full voting rights

- 18) ASSISTANT OFFICERS. The Management Committee may, from time to time, as it sees fit, appoint assistants to any of the above officers, for example, Assistant Secretary, Assistant Treasurer or Assistant Chief Instructor, etc. Unless specifically included as a member of the Management Committee such assistants shall have no voting rights on the Management Committee.

- 19) LIFE MEMBERS and MANAGEMENT COMMITTEE MEETINGS. Life Members shall be entitled to attend all Management Committee meetings and have full voting rights at such meetings.

- 20) APPOINTMENT OF HONORARY MEMBERS. The Management Committee may, at its discretion, and upon such terms as it thinks fit, confer the privilege of Honorary Membership on any person to whom, in the opinion of the Committee, such courtesy should extend.

The President and Deputy President shall have the power to make provisional appointments to Honorary Membership, and all such appointments shall be subject to confirmation by the Committee at the first meeting held after the date of any provisional appointment.

21) CLUB PREMISES. Consumption of alcohol on Club premises by members or guests under the age of 18 years is strictly forbidden.

22) USE OF ILLEGAL DRUGS. Any member or guest found using illegal drugs on Club premises will be:-

- a. immediately reported to the Police; and
- b. removed from the Club premises; and
- c. have their Club membership cancelled.

23) POLITICS AND RELIGION

1. The Club shall be strictly non-political and non-sectarian and shall not directly or indirectly allow to be introduced at any meeting, any matters intended or likely to support or attack any cause in any political or religious controversy, actual or potential.
2. Any member who publicly participates in any political gathering or meeting, or makes any political statement, express or implied, shall not act or suffer to be done, so as to indicate that the views expressed are those of Newport Surf Life Saving Club Incorporated.
3. The Club premises shall not be used for any political or religious meetings.

24) NEWPORT CLUBHOUSE

1. No furniture or gear shall be removed from the Clubhouse without the approval of a member of the Executive Committee, who will only grant permission upon the member becoming the guarantor for its safe return.
2. Cleanliness of the Clubhouse and premises - all members have a responsibility to ensure that, whenever they use any part of the Club premises, or item of equipment, they ensure that the premises and/or equipment is left in a clean condition, and appropriately stowed away on completion of use. Members are to ensure that sand is washed off feet and legs, etc., prior to entering the upstairs area of the Clubhouse.
3. Misappropriation of Club equipment will result in loss of membership of the Club.

25) UNSEEMLY BEHAVIOUR/BAD LANGUAGE

Any unseemly conduct and/or bad language, likely to interfere with the comfort of other members of the Club is forbidden. Contravention of this Regulation will result in removal from Club premises and further consideration of action by the Management Committee.

26) DUTIES OF A PATROL CAPTAIN

- a. The Patrol Captain shall be responsible for the safe and adequate patrol of Newport Beach during the duration of that Patrol and shall ensure early confirmation of Patrol members' availability.
- b. Shall ensure the safe positioning of the swimming flags and the surf craft exclusion zone signs (minimum of 25 metres from swimming flags).
- c. Ensure punctual set-up of Patrol tent, adequate functional life saving equipment, and ensure post-Patrol care and stowage of such equipment. Shall ensure that all Patrol members correctly wear fastened identifying SLSA Patrol caps at all times during the period of their Patrol.
- d. Shall ensure timely and accurate radio communications with SurfCom.

- e. Shall ensure the neat, accurate completion of the Patrol Log book, signed by all members of the Patrol, clear notation of all necessary comments in the Patrol Log, plus neat, accurate completion of IRB and/or Radio Logs, where applicable.

#### 27) PATROL MEMBERS OBLIGATIONS

- a. All Patrol members must sign the Patrol Log book at the commencement of their duty, indicating the time of arrival, and at the conclusion of the Patrol, indicate the sign-off time and hours completed. This function should be in neat, legible writing (preferably printed).
- b. No Patrol member shall leave the Patrol area during his/her period of duty, without first obtaining the sanction of the Patrol Captain.
- c. Any member unable to attend his/her rostered Patrol, should reasonably find a replacement of equal qualification to fill his/her place on the Patrol.
- d. In the event of the Patrol finishing its allotted time, and no members of the succeeding Patrol are present, at least three (3) members of Bronze Medallion qualification must remain on duty until relieved by three members of the next Patrol.
- e. Leave of absence from Patrol - a member may apply to the Patrol Captain for leave of absence, providing a minimum of two (2) days' notice prior to the date of the Patrol, is given.
- f. Any member missing a Patrol without complying with either Clause (c) or Clause (e), may be requested to complete extra patrols in lieu of same, at a time specified by the Club Captain or Vice-Captain.
- g. Any member who, through reasons beyond their control, cannot appoint a "Patrol substitute" or advise the Patrol Captain before the date of their Patrol duty, shall tender an explanation to the Club Captain.
- h. Any member missing a Patrol and leave is granted, may do a Voluntary Patrol in lieu of same.
- i. For a member to gain 100% Patrol attendance in any one season, he/she must be in attendance at every one of the rostered Patrols for the full time he/she is rostered.
- j. Any member being absent from any four (4) or more Patrols during a season, without an accepted excuse may be asked for a written explanation.
- k. If surf conditions are in any way hazardous, the last Patrol of the day shall not leave the beach whilst swimmers are still in the water, without notifying swimmers of the patrols closure.
- l. The last Patrol of the day shall be responsible for the cleanliness of the First Aid Room, Men's and Ladies Change Rooms, radio re-charging, and the orderly storage of any Club equipment, be it Patrol gear or other, and for the securing of the Club premises.

#### 28) THE REGISTRAR. The Registrar shall be responsible for the co-ordination of the membership process of the Newport SLSC. Wherever practicable, the role shall also be responsible for JAC (Nipper) registrations.

The Registrar shall maintain a record of appropriate membership details for all members and ensure that a register is maintained of current and past members. Minimum details to be kept are those as required by SLSA. The Registrar will be required to use, where provided, such system as required by bodies affiliated with SLSA.



The Registrar shall work in close harmony with the Secretary and Treasurer to maintain the Membership Register and the collection of Membership Fees. All membership fees shall be forwarded to the Treasurer for receipting and banking.

The Registrar will provide membership details to Club Officials to assist in the performance of their Club responsibilities.