



# **Surf Life Saving Illawarra**

## **Constitution**

**27 May 2014**

# SURF LIFE SAVING ILLAWARRA INC

## THE RULES

Based on Version – 16/10/2006

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# **SURF LIFE SAVING ILLAWARRA INC**

## **THE RULES**

Based on Version – 16/10/2006

### **PART 1 PRELIMINARY**

#### **1. NAME**

The name of the association is Surf Life Saving Illawarra Incorporated.

#### **2. OBJECTS OF SURF LIFE SAVING ILLAWARRA**

Surf Life Saving Illawarra is a charitable community service based association. The objects for which the association is established are to:

- (a) create a single uniform entity through and by which surf life saving and the preservation of life in the aquatic environment can be conducted, encouraged, promoted, advanced and administered;
- (b) provide for the conduct, encouragement, promotion and administration of surf life saving through and by various Clubs;
- (c) ensure the maintenance and enhancement of Surf Life Saving Illawarra Branch and Clubs in the Illawarra Region, SLSNSW, SLSA and surf life saving in general, its standards, quality and reputation for the benefit of the Members and surf life saving;
- (d) at all times promote mutual trust and confidence between Surf Life Saving Illawarra Branch and Clubs in the Illawarra region, SLSNSW, SLSA and the Members in pursuit of these objects;
- (e) at all times act in the interests of the Members and surf life saving;
- (f) promote the economic and community service success, strength and stability of SLSA, SLSNSW, Surf Life Saving Illawarra, Clubs and surf life saving;
- (g) conduct, encourage, promote, advance and control surf life saving in the Illawarra Region, its many aspects devoted to aquatic safety and management and the preservation of life in the aquatic environment;
- (h) conduct or commission research and development for improvements in methods of surf life saving and surf life saving equipment and in all ways to improve and safeguard the use of the aquatic environment;
- (i) use and protect the Intellectual Property;
- (j) apply the property and capacity of Surf Life Saving Illawarra solely towards the fulfilment and achievement of these objects;
- (k) promote the involvement and influence of surf life saving standards, techniques, awards and education with bodies involved in aquatic life saving;
- (l) strive for governmental, commercial and public recognition of Surf Life Saving Illawarra as the authority on aquatic safety and management in the Illawarra Region;
- (m) promulgate, and secure uniformity in, such rules as may be necessary for the management and control of surf life saving and related activities and the preservation of life in the aquatic environment;
- (n) further extend the operations and teachings of Surf Life Saving Illawarra to all Clubs and elsewhere;
- (o) further develop surf life saving into an organised institution and with these objects in view, to foster, regulate, organise and manage examinations, competitions, displays and other activities and to issue badges, medallions and certificates and award trophies to successful Members;

- (p) review and/or determine any matters relating to surf life saving which may arise, or which are referred to it, by any affiliated Club;
- (q) recognise any penalty imposed by any Club;
- (r) act as arbiter on all matters pertaining to the conduct of surf life saving in the Illawarra, including disciplinary matters;
- (s) pursue through itself or other such commercial arrangements, including sponsorship and marketing opportunities as are appropriate to further the interests of surf life saving in the Illawarra region;
- (t) formulate or adopt and implement appropriate policies, including in relation to sexual harassment, equal opportunity, equity, drugs in sport, health, safety, junior and senior programs, infectious diseases and such other matters as arise from time to time as issues to be addressed in surf life saving;
- (u) represent the interests of its Members and of surf life saving generally in any appropriate forum in the Illawarra Region;
- (v) have regard to the public interest in its operations;
- (w) do all that is reasonably necessary to enable these objects to be achieved and to enable the Clubs and Members to receive the benefits, which these objects are intended to achieve;
- (x) ensure that environmental considerations are taken into account in all surf life saving and related activities conducted by Surf Life Saving Illawarra;
- (y) promote the health and safety of Members and all other users of the aquatic environment;
- (z) encourage Members to realise their potential and athletic abilities by extending to them the opportunity of education and participation in surf life saving competition and to award trophies and rewards to successful competitors;
- (aa) encourage and promote performance-enhancing drug free competition;
- (ab) Recommend and support awards to Members and others, in honourable public recognition of hard and meritorious rescues from the sea, deeds of exceptional bravery from time to time performed in the course of life saving and other distinguished services and acts;
- (ac) give, and seek where appropriate, recognition for Members to obtain awards or public recognition in fields of endeavour other than surf life saving;
- (ad) seek and obtain improved facilities for the enjoyment of the aquatic environment;
- (ae) promote uniformity of laws for the control and regulation of the aquatic environment and to assist authorities in enforcing these laws;
- (af) effect such purposes as may be necessary in the interests of surf life saving and the aquatic environment; and
- (ag) confer Life Membership of Surf Life Saving Illawarra, recommend the conferring of Life Membership of Surf Life Saving New South Wales and Surf Life Saving Australia on any Member of Surf Life Saving Illawarra, subject to the requirements of Surf Life Saving Illawarra Handbook and the requirements of the respective higher authority.
- (ah) undertake and or do all such things or activities which are necessary, incidental or conducive to the advancement of these objects.

### **3 POWERS OF SURF LIFE SAVING ILLAWARRA**

Solely for furthering the objects set out above. Surf Life Saving Illawarra has power to:

- (a) acquire by purchase, exchange or otherwise, whether for an estate in fee simple or for any less estate, lands, tenements or hereditaments of any tenure whether subject or not to any charges or encumbrances and to erect, replace, maintain, reconstruct, adapt and furnish any offices or other buildings thereon and to sell, let, alienate, mortgage, charge or deal with all or any such lands, tenements or hereditaments or any part of them;

- (b) purchase, take on lease or in exchange or otherwise acquire any real or personal estate which may be deemed necessary or convenient for any of the purposes of Surf Life Saving Illawarra and to sell, manage, lease, mortgage, give in exchange, dispose of or otherwise deal with the same or any part thereof;
- (c) construct, maintain and alter any houses, buildings or works necessary or convenient for the purposes of Surf Life Saving Illawarra;
- (d) borrow and raise money in such manner, as Surf Life Saving Illawarra may think fit;
- (e) raise or borrow money on bonds or mortgage or other security of any property held for or on behalf of Surf Life Saving Illawarra or without any such security and upon such terms as Surf Life Saving Illawarra Council shall think fit;
- (f) receive money on deposit with or without allowance of interest thereon;
- (g) invest any monies of Surf Life Saving Illawarra, not immediately required for the objects of Surf Life Saving Illawarra, in such manner as may from time to time be determined by Surf Life Saving Illawarra Council;
- (h) do all or any of the matters authorised either alone or in conjunction with any person, company or unincorporated body or by or through any factors, trustees or agents;
- (i) take any gift of property whether subject to any special trust or not for any one or more of the objects of Surf Life Saving Illawarra;
- (j) 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 Surf Life Saving Illawarra in the shape of donations, annual subscriptions or otherwise;
- (k) subscribe to, become a member of or co-operate with any other organisation whether incorporated or not whose objects are similar, in whole or in part, to those of Surf Life Saving Illawarra, so long as that other organisation prohibits the distribution of its income and property amongst its Members at least to the extent provided under this Constitution;
- (l) print and publish any newspapers, periodicals, books or leaflets that Surf Life Saving Illawarra may think desirable for the promotion of its objects;
- (m) appoint, hire, employ, remove, replace or reinstate secretaries, managers, servants, employees and other persons in and for the carrying out of the objects of Surf Life Saving Illawarra and to pay them in return for services rendered to Surf Life Saving Illawarra, salaries, wages and gratuities;
- (n) subscribe to any charities and to grant donations for any public purpose;
- (o) produce, develop, create, licence and otherwise exploit, use and protect the Intellectual Property;
- (p) establish and maintain corporate entities to carry on and conduct the business affairs and undertakings, or any aspect thereof, of Surf Life Saving Illawarra and for that purpose, utilise any of the assets of or held on behalf of Surf Life Saving Illawarra;
- (q) promote any other person or company for any purpose calculated to benefit Surf Life Saving Illawarra;
- (r) purchase or otherwise acquire and undertake all or any part of the property, assets, liabilities and engagements of any one or more of the companies, institutions, societies or associations whose activities or purposes are similar to those of Surf Life Saving Illawarra or generally for any purpose calculated to benefit Surf Life Saving Illawarra;
- (s) take and effect insurance or seek, obtain and in its discretion, act on, any professional advice necessary or appropriate; and
- (t) do all such acts and things as are incidental, conducive or subsidiary to all or any of the objects of Surf Life Saving Illawarra.

#### 4. INTERPRETATION

(a) In this Constitution unless the contrary intention appears:

"**Adviser**" means a person appointed to one of the Adviser positions under **Rule 35 (a)** of this Constitution.

"**Annual General Meeting**" means the annual meeting of the Members of SLSI held under **Rule 23**.

"**Auditor**" means the person or organisation appointed by SLSI under **Rule 40** of this Constitution to audit the books of accounts and provide a report to the Members of SLSI on an annual basis.

"**Branch**" means a surf lifesaving organisation which is a member of SLSNSW under Part 2 of the Constitution of SLSNSW and formed to further the objects of surf lifesaving in the Illawarra and being this association.

"**Branch Councillor**" means the President for the time being of a club that is affiliated with the Branch.

"**Branch Council Meeting**" means a meeting of the Clubs, which form the membership of the Branch

"**Branch Director**" means the person appointed from time to time to act for and on behalf of SLSI and to represent SLSI at various state meetings of SLSNSW

"**Branch Executive**" means the committee of management elected by the Branch Council, which form the membership of the Branch in accordance with its constitution.

"**Branch President**" means the person elected to that role by Branch Council in accordance with this constitution and who will also assume the position of State Councillor on behalf of the Branch.

"**Club**" means a surf lifesaving club, which is a member of SLSI under Part 2 of this Constitution.

"**Club President**" means a person elected to such position in a Club who shall be entitled to represent that Club at Branch Council Meetings.

"**Constitution**" means these rules of SLSI.

"**Election Branch Council Meeting**" means the meeting of the Branch Council held under **Rule 22** in which elections will be held for positions as Officers of SLSI.

"Executive" means the body comprising the Officers as described in **Rule 32(a)**.

"**Executive Officer**" means the Manager of SLSI for the time being appointed under this Constitution

"**Group**" means a group of Members (whether incorporated or not) formed to pursue and develop a special interest within surf life saving.

"**Handbook**" means any handbook made from time to time by SLSI under **Rule 44**.

"**Individual Member**" means an individual who is a Member of SLSI under Part 2 of this Constitution and can only include junior members; cadet members; active members; reserve active members; general members; long service members; award members; associate members; honorary members; and life members of Clubs, all of which are defined in the SLSA Regulations.

"**Intellectual Property**" means all rights subsisting in copyright, trade names, trademarks, logos, designs, equipment, images (including photographs, videos or films) or service marks (whether registered or registrable) relating to SLSI, the words "surf life saving" or any event or competition or surf life saving equipment, product, publication or activity developed, conducted, promoted or administered by SLSI.

"**Judiciary Committee**" means a committee established by SLSI under **Rule 18** of this Constitution to deal with disciplinary matters involving Members referred to it under **Rule 18**.

"**Law**" means the New South Wales Associations Incorporation Act 2009 (as amended).

"**Life Member**" means an individual appointed as a Life Member of SLSI in accordance with the Handbook.

"**Member**" means a member for the time being of SLSI under Part 2 of this Constitution.

"**Officer**" means a person elected as such from time to time under **Rule 32 (a)** of this Constitution.

"**Rules and Constitution Committee**" means the sub-committee of SLSI appointed by the Executive from time to time, which shall be responsible for reviewing all Special Resolutions purporting to amend this Constitution.

"**SLSA**" means Surf Life Saving Australia Limited.

"**SLSA Regulations**" means any regulations made by SLSA from time to time.

"**SLSI**" means Surf Life Saving Illawarra Incorporated.

"**SLSNSW**" means Surf Life Saving New South Wales.

"**Special General Meeting**" means a meeting of the Members of SLSI convened in accordance with **Rule 24** of this Constitution.

"**Special Resolution**" means a resolution passed at any Branch Council meeting, at which a quorum is present, and passed by at least three quarters of those members present and entitled to vote and of which not less than 21 days' notice specifying the intention to propose the resolution as a special resolution was given in accordance with this Constitution.

"**Standing Boards**" and "**Standing Committees**" mean those boards and/or committees established and appointed by SLSI under **Rule 46** of this Constitution.

"**State Centre**" means the independent entity recognised by SLSA as the body administering surf life saving in NSW, being Surf Life Saving NSW (SLSNSW).

"**State Council**" means the body consisting of the State Councillors of SLSNSW.

"**State Councillor**" means a person appointed by a Branch to represent the Branch at meetings of SLSNSW.

"**State Council Meeting**" means a meeting of the State Council convened in accordance with the SLSNSW Constitution and includes Annual General Meetings and Special General Meetings.

Expressions referring to "writing" shall unless the contrary intention appears, be construed as including references to printing, lithography, photography and other modes of representing or reproducing words in a visible form, including messages sent by electronic mail.

A reference to a function includes a reference to a power, authority and duty.

A reference to the exercise of a function includes, where the function is a power, authority or duty, a reference to the exercise of the power or authority of the performance of the duty.

Words importing the singular include the plural and vice versa. Words importing any gender shall include the other gender. References to persons include corporations and bodies politic.

References to a person include the legal personal representatives, successors and permitted assigns of that person.

A reference to a statute, ordinance, code or other law includes regulations and other statutory instruments under it and consolidations, amendments, re-enactments or replacements of any of them (whether of the same or any legislative authority having jurisdiction).

If any provision of this Constitution or any phrase contained in it is invalid or unenforceable in any jurisdiction, the phrase or provision is to be read down for the purpose of that jurisdiction, if possible, so as to be valid and enforceable, and otherwise shall be severed to the extent of the invalidity or unenforceability, without affecting the remaining provisions of the



Constitution or affecting the validity or enforceability of that provision in any other jurisdiction.

The specification of the objects of SLSI in **Rule 2** and the powers set out in **Rule 3** of the Constitution, are not in any particular order and are not to be construed so as to lead to the construction that any object or power is more important than any other object or power nor than any object or power which is specified in detail is more important than any object or power which has not been specified in detail, and no particular object or power will be limited by reference to any other and the rule of construction known as the ejusdem generis rule shall not apply.

Except where the contrary intention appears in this Constitution, an expression in a provision of this Constitution that deals with a matter dealt with by a particular provision of the Law has the same meaning as that provision of the Law.

SLSI is established solely for the objects set out in **Rule 2** of the Constitution.

## **5. SLSI COLOURS**

SLSI colours shall be Red and White.

## **6. PATROL HOURS**

- (a) The Patrol Season shall be from the first weekend in the Spring public school holidays to the last weekend in the Autumn public school holidays or, in special circumstances, as directed by SLSNSW.
- (b) Applications to vary this Season by a Club must first have the agreement of the Club Director of Lifesaving (club captain). The Clubs Director of Lifesaving (club captain) will submit a recommending report to the SLSI Director of Lifesaving seeking approval to vary.
- (c) Clubs shall perform rostered patrols during the Season as required by SLSNSW.
- (d) The compositions and hours of duty for beach patrols within Clubs shall be determined by the Branch Director of Lifesaving and forwarded to the NSW Director of Lifesaving for consideration, endorsement or his considered action prior to the commencement of the surfing season.
- (e) The compositions and hours of duty of beach patrols may vary from Club to Club depending on bathing population and other relevant factors to ensure proper surveillance and protection is afforded beach users.
- (f) Aerial services, offshore and inshore rescue craft and radio facilities shall be available for duty as determined from time to time by the Branch Director of Lifesaving and shall be additional to other patrols.
- (g) For the purposes of this rule, the word "Season" shall mean from the 1st September in each year until 31st August in the following year. So that a bona fide member shall not be prejudiced after having shown cause, the Branch Director of Lifesaving may waive these rules in proven circumstances.

## **7. STATE CENTRE AFFILIATION**

- (a) SLSI shall affiliate to and be a member of SLSNSW, as recognised under their Constitution and shall be the Branch established within the boundaries of Illawarra to administer Surf Life Saving in that region in accordance with the objects and powers of this Constitution.
- (b) SLSI must re-affiliate with SLSNSW annually. Upon re-affiliation SLSI must lodge with SLSNSW any amendments to its constitution or changes in its nominated representatives. SLSI will ensure that its constitution is amended in conformity with amendments made to SLSNSW constitution and the constituent documents of SLSA

## **8. BOUNDARIES**

The boundaries of SLSI shall coincide with the territorial boundaries of the Illawarra Branch region.

## **9. ALTERATION OF CLUBS BOUNDARIES**

Purposely deleted as SLSNSW deal with Club boundaries.

## **10. FORMATION OF CLUBS**

Clubs which become aware of a move to form or reform a Club within their boundaries, are to immediately notify SLSI of such a move, so as SLSI may satisfy itself of the need for that Club to be formed, before the Club is permitted affiliation. SLSI must ensure that all Clubs affiliated to them are also Members of SLSNSW under Part 2 of the SLSNSW Constitution.

# **PART 2 MEMBERSHIP**

## **11 MEMBERSHIP**

The membership of SLSI shall consist of:

- (a) the Clubs, which subject to this Constitution, shall be represented by their club President, and who shall have the right to be present, debate and vote on behalf of the Club at Branch Council meetings;
- (b) the Officers of SLSI who are elected in accordance with **Rule 32 (a)** and who shall have the right to be present and debate at Branch Council Meetings;
- (c) Life Members, who shall have the right to be present at Branch Council, but shall have no voting rights;
- (d) All Individual Members of Clubs, who shall have the right to be present at Branch Council meetings, but shall have no voting or debating rights;

## **12 REGISTER OF MEMBERS**

- (a) The Executive Officer shall establish and maintain a Register within SurfGuard in which shall be entered (as a minimum):
  - (i) the full name, address, class of membership and date of entry of the name of each Member and;
  - (ii) the full name, address and date of entry of the name of each Branch Councillor and Officers.
- (b) The register of Members' is now SurfGuard – For privacy reasons only those members who require and are authorized should have SurfGuard.

## **13 MEMBERS' LIABILITIES**

The liability of a Member of SLSI to contribute towards the payment of the debts and liabilities of SLSI or the costs, charges and expenses of the winding up of SLSI, is limited to the amount, if any, unpaid by the Member in respect of membership of SLSI as required by **Rule 15**.

## **14 CLUB AFFILIATION**

- (a) To be eligible for membership of SLSI, Clubs must be incorporated.
- (b) An application for membership of SLSI by a Club must be:
  - (i) in writing on the form prescribed by SLSI from time to time, from the Club or its nominated representative and lodged with SLSI;
  - (ii) accompanied by a copy of the applicant's constitution, register of members and the appropriate fee, if any.
- (c) SLSI may accept or reject an application whether the applicant Club has complied with the requirements in **Rule 14 (b) (i)** or **Rule 14 (b) (ii)** or not. Membership of SLSI will commence upon acceptance of the application by SLSI. Where SLSI rejects an application SLSI will refund any fees forwarded with the application.

- (d) Clubs must re-affiliate annually. Upon re-affiliation a Club must lodge with SLSI any amendments to its constitution or changes in its nominated representatives. Each Club will ensure that its constitution is amended in conformity with amendments made to this Constitution and the constituent documents and constitution of SLSNSW and SLSA.
- (e) Subject to this Constitution, where a Club ceases to be a Member, the Individual Members of that Club will cease to be Members of SLSI one (1) month after the Club's membership of SLSI ceases.
- (f) Individual Members of Clubs must renew their membership of their Clubs annually,
- (g) Clubs and individual members of Clubs shall be affiliated with SLSNSW and SLSA

## **15 AFFILIATION, MEMBERSHIP AND INSURANCE LEVY FEES**

- (a) The membership subscription and fees payable annually by Clubs and the respective dates that such fees are due shall be determined by SLSI and listed in SLSI Handbook.
- (b) Any Club being in default in payment of any liabilities to SLSI (or to any Club), may have its membership held up, or if already a Member, may be debarred by SLSI from participating at any examination, competition or display held under the control of SLSI; and the Branch Councillor of any Club so defaulting may be debarred from speaking or voting at any meeting of SLSI until such liability has been paid.

## **16 EFFECT OF MEMBERSHIP**

Members acknowledge and agree that:

- (a) this Constitution constitutes a contract between each of them and SLSI and that they are bound by this Constitution, SLSI Handbook, the SLSNSW constitution and the SLSNSW Regulations the SLSA constitution and the SLSA Regulations;
- (b) they shall comply with and observe this Constitution, SLSI Handbook, the SLSNSW constitution and the SLSNSW Regulations, the SLSA constitution and the SLSA Regulations and any determination or resolution, which may be made or passed by SLSI or any duly authorised Committee or Board;
- (c) by submitting to this Constitution, SLSI Handbook, the SLSNSW constitution and the SLSNSW Regulations, the SLSA constitution and the SLSA Regulations they are subject to the jurisdiction of SLSI, SLSNSW and SLSA;
- (d) this Constitution, SLSI Handbook, the SLSNSW constitution and the SLSNSW Regulations, the SLSA constitution and SLSA Regulations are necessary and reasonable for promoting the objects of SLSI and particularly the advancement and protection of Surf Life Saving as a community service; and
- (e) they are entitled to all benefits, advantages, privileges and services of SLSI.

## **17 DISCONTINUANCE OF MEMBERSHIP**

- (a) A Member having paid all arrears of fees payable by them to SLSI, (if applicable) may withdraw from membership by giving notice in writing of such withdrawal to SLSI, and where an Individual Member of a Club also to their Club.
- (b) Membership of SLSI may be discontinued by SLSI upon breach of any rule of this Constitution (including, but not limited to the failure to pay any monies owed to SLSI), the SLSI Handbook, the SLSNSW constitution and the SLSNSW Bi Laws, SLSA constitution or SLSA Regulations or any resolutions or determinations made or passed by Branch Council or any duly authorised Standing Committee or Standing Board.
- (c) Membership shall not be discontinued under **Rule 17 (b)** without SLSI first giving the accused Member the opportunity to explain the breach and/or remedy the breach.
- (d) Where a Member fails, in SLSI view, to adequately explain or remedy the breach, that Member's membership shall be discontinued under **Rule 17 (b)** by SLSI giving written notice of the discontinuance to the Member.

- (e) Membership, which has been discontinued under **Rule 17 (b)**, may be reinstated at the discretion of SLSI.
- (f) A Member who ceases to be a Member shall forfeit all right in and claim upon SLSI and its property, and shall not use any surf life saving equipment or any other property of SLSI, including Intellectual Property. Where a Club ceases to be a Member it shall also forfeit all representation rights on Branch Council.
- (g) Membership fees or subscriptions paid by the discontinued Member for the relevant year will not be refunded to the Member upon discontinuance. The name of such Member shall be removed from the register of Members.
- (h) Notwithstanding **Rule 18** SLSI may expel or suspend a Club which has not renewed its affiliation with SLSI, or an Individual Member of a Club who has not renewed their Club membership, within 1 month of re-affiliation or membership renewal falling due.
- (i) Where an Individual Member fails to renew their club membership within 3 months of being required to do so their membership of SLSI lapses.
- (j) A Member which has been expelled or suspended under **Rule 17 (h)** or whose membership has lapsed under **Rule 17 (i)** must reapply for membership in accordance with this Constitution; but may be readmitted at the discretion of the Branch Council or the Executive.

## **18 DISCIPLINE OF MEMBERS**

- (a) Where SLSI is advised or considers that a Member has allegedly:
  - (i) breached, failed, refused or neglected to comply with a provision of this Constitution, SLSI Handbook, the SLSNSW constitution and the SLSNSW Bi Laws, the SLSA constitution or SLSA Regulations or any resolution or determination of SLSI or any duly authorised Committee or Board; or
  - (ii) acted in a manner unbecoming of a Member, or prejudicial to the objects and interests of SLSI and/or surf life saving; or
  - (iii) brought SLSI or surf life saving into disrepute;

SLSI may commence or cause to be commenced, disciplinary proceedings against that Member and, that Member, will be subject to, and submits unreservedly to the jurisdiction, disciplinary procedures and penalties and the appeal mechanisms of SLSI as set out in the SLSA Regulations.
- (b) SLSI may appoint a Judiciary Committee, which need not be comprised of Members, to deal with any disciplinary matter referred to it. The Judiciary Committee shall operate under the principles expressed and in accordance with the SLSA Regulations.

## **18A. RESOLUTION OF DISPUTES**

A dispute between a member and another member (in their capacity as members) of the association, or a dispute between a member or members and the association, are to be referred to a SLSI Judiciary Committee who shall act as arbitrators to resolve the matter.

## **PART 3 THE BRANCH COUNCIL**

### **19. BRANCH COUNCIL OF SLSI**

- (a) The Branch Council shall consist of:
  - (i) the Officers as defined in **Rule 32 (a)**, and
  - (ii) one Club Councillor (President) nominated by and representing each Club.
- (b) Subject to these rules, each Branch Councillor shall hold office until the appointment of their successor, provided that a Branch Councillor may resign or may be removed from the office of Branch Councillor by the Club that appointed them. The name and address of the Branch Councillor shall be notified on the affiliation form or on appointment.
- (c) The Club President will be the Branch Councillor representing their Club.

- (d) The role of Branch Council shall be to:
  - (i) elect the Officers under **Rule 32** of this Constitution;
  - (ii) approve any amendments to this Constitution in accordance with **Rule 43**;
  - (iii) inform the Executive of significant membership issues as they arise;
  - (iv) assist the Executive to design and review the organisation's strategic direction;
  - (v) discuss region / state-wide issues; and
  - (vi) provide feedback to the Executive on the results of its governance decisions in practice at the member level.
- (e) The Branch President shall, subject to this Constitution, preside as chairman at every Branch Council meeting except:
  - (i) in relation to any election for which the Branch President is a nominee; or
  - (ii) where a conflict of interest exists.
- (f) If the Branch President is not present, or is unwilling or unable to preside the Branch Deputy President shall preside as chairman for that meeting only.

## **20. PROXIES**

- (a) Should a Branch Councillor be unable to attend a Branch Council Meeting of SLSI, the Club may appoint by notice in writing to the Executive Officer of SLSI, a member of that Club to participate and vote in his place.
- (b) Where a Club cannot be represented by one of its members and is unable to nominate a Branch Councillor from another Club, the Executive shall, at the request of the Club concerned, nominate a Member to represent such Club.
- (c) No Branch Councillor shall be entitled to represent more than one Club at the same time.

## **21. NOTICE OF BRANCH COUNCIL MEETINGS**

- (a) Written notices of all Branch Council Meetings and all business of which notice has been received shall be forwarded by the Executive Officer, Advisers, Branch Councillors and each Club. When it is proposed to pass a Special Resolution twenty-one (21) clear days' notice and in any other case fourteen (14) clear days' notice, specifying the place, day and time of the meeting shall be given.
- (b) In notices of meetings, the Executive Officer shall include all motions of which at least twenty-eight (28) days' notice in writing has been given.

## **22. ELECTION MEETING OF BRANCH COUNCIL**

- (a) The Election Branch Council Meeting of SLSI shall be convened in the period between Annual General Meetings.
- (b) At least two (2) calendar months prior to the date of the Election Branch Council Meeting, notice calling for nominations or expressions of interest, for all Officers as provided for in **Rule 32 (a)** shall be forwarded by the Executive Officer to the Clubs.
- (c) All nominations for officer positions shall be:
  - (i) signed by the member nominating and forwarded through their Clubs to SLSI
  - (ii) lodged with the Executive Officer at least twenty-eight (28) days before the meeting,
  - (iii) All nominations received by a Clubs (endorsed or otherwise) shall be forwarded to the Executive Officer.
- (d) The Minutes of the Election Branch Council Meeting shall be circulated to all Officers, Advisers, Branch Councillors and Clubs and confirmed at the next Branch Council Meeting.

## **23. ANNUAL GENERAL MEETING OF BRANCH COUNCIL**

- (a) The Annual General Meeting of Branch Council shall be held each year within the period of six months after the expiration of the financial year to receive the annual report and audited

financial statements and to transact such other business as may be brought forward in accordance with these rules.

- (b) The Minutes of the Annual General Meeting of Branch Council shall be duly circulated to all Officers, Advisers, Branch Councillors and Clubs and confirmed at the next Branch Council Meeting.

#### **24. SPECIAL GENERAL MEETINGS OF SLSI BRANCH COUNCIL**

Special General Meetings of the Branch Council of SLSI may be called at the direction of an Executive or Branch Council meeting or on a requisition to the Executive Officer by at least ten Clubs. Written notice of such meeting including the date, venue and particulars of business to be dealt with by the proposed Special General Meeting, shall be forwarded by the Executive Officer to SLSI Officers, Advisers and Branch Councillors and each Club.

#### **25. QUORUMS AT ALL BRANCH COUNCIL MEETINGS**

- (a) The quorum at all Branch Council Meetings shall be ten (10) Branch Councillors.
- (b) If there is not a quorum present at a Branch Council Meeting one hour after the specified time of starting, the meeting shall be adjourned to a time and place to be decided by the Executive. Notwithstanding that a quorum is present, the Chairman or Officers present may adjourn the meeting until a later time in the same week.

#### **26. METHOD OF VOTING AT MEETINGS**

- (a) In the election of Officers, the selection of venues for SLSI meetings, championship carnivals and the selection of a person or persons to act as representatives of SLSI, the "exhaustive ballot system" shall be used.
- (b) In the event of there being an equality of votes for two or more candidates or venues and there are no other candidates or venues in the ballot other than those with equal votes, the position shall be filled from them by "lot".
- (c) For voting on any other matter, the "by a simple majority" method of voting shall be employed at all meetings.
- (d) In the event of there being an equality of votes by any resolution in the "by the simple majority" voting, the Chairman of the meeting shall have a casting vote.
- (e) Only Branch Councillors, or nominated representative of the Branch Council representing each Club affiliated with SLSI shall be eligible to vote at all Branch Council Meetings.

#### **27. BALLOT**

- (a) In the case of any election, if insufficient nominations are received to fill the position of an Officer further nominations shall be recalled.
- (b) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- (c) If the number of candidates exceeds the number required to fill the vacancy or vacancies then such vacancy or vacancies shall be filled by election by secret ballot.
- (d) The Chairman shall appoint poll clerks provided that any candidate, if they so desire, may appoint one scrutineer to observe the count on their behalf.
- (e) The order in which names of the candidates shall appear on a ballot paper shall be alphabetical.
- (f) Any member entitled to vote shall do so following the direction of the Chairman as to how to cast that vote and thereupon shall hand his ballot paper to a poll clerk.
- (g) At the conclusion of the counting of the ballot papers, the poll clerks shall hand to the Chairman the result of the poll and the ballot papers, whereupon the Chairman shall declare to the meeting the result of the poll. The result of the count may be disclosed on the vote of the meeting.

## **28. CHAIRMAN'S DECLARATION TO BE CONCLUSIVE**

At any meeting, unless a show of hands is called for, a declaration by the Chairman that a resolution has been carried, or carried by a particular majority or lost or not carried by a particular majority shall be conclusive.

## **29. VOTING BY MAIL, FACSIMILE OR ELECTRONIC**

Urgent matters arising between meetings of the Branch Council of SLSI may be decided by a mail, facsimile or e-mail vote, which shall be conducted in the following manner:

- (a) Upon the instructions of the President or by resolution of the Executive any matter which may be dealt with by SLSI shall be submitted to a vote by mail, facsimile or e-mail.
- (b) Where a vote by mail, facsimile or e-mail is intended to be taken, the Executive Officer shall send by mail, facsimile or e-mail to each Branch Councillor and Officer of SLSI who is entitled to vote, a clear statement of the question to be voted upon, with a request that they return their vote thereon by mail, facsimile or e-mail to the Executive Officer. Such request shall state the date upon which voting shall close.
- (c) Within seven days of the closing of vote by mail, facsimile or e-mail the Executive Officer shall mail, facsimile or e-mail each Branch Councillor and Officer of SLSI, a report of the result of such voting. The report shall contain a copy of the question and the resultant decision.
- (b) All mail, facsimile or e-mail votes received by the Executive Officer shall be filed with a copy of the question and a copy of the report of the result of the voting, and shall be retained in the official file of SLSI for a period of not less than one year.

## **30. NOTICES OF MOTION**

- (a) Notice of any motion of which notice is required to be given shall be given in writing by the mover thereof and shall be endorsed by the Club of which the mover is a Branch Councillor (after being duly seconded) to the Executive Officer at least twenty- eight (28) days prior to the date of a meeting. Officers, Branch Councillors and Clubs shall be given fourteen (14) days clear notice of such notices of motion. Any motion or resolution passed by SLSI Branch Council may be rescinded or altered provided notice of rescission or alteration has been given in accordance with **Rule 31**.
- (b) All notices of motion, of which notice is required to be given in writing, shall be considered by the Rules and Constitution Committee to ensure they are in accordance with the rules.
- (c) Leave may be granted to amend such notice by resolution.
- (d) A motion of which due notice has been given, on being defeated, cannot be resubmitted nor may any other motion be moved having a similar effect within twelve (12) months from the date of its rejection except a motion relating to lifesaving appliances or methods.

## **31. RESCISSION OF RESOLUTIONS**

- (a) A resolution passed at a Branch Council Meeting shall not be rescinded other than at a subsequent Branch Council Meeting. Notice in writing of the intention to propose a rescission shall be given to the Executive Officer at least 28 days before the Branch Council Meeting at which the proposal is intended to be moved and at least 14 days' notice of the motion of rescission shall be given by the Executive Officer, Branch Councillors and each Club.

## **PART 4 EXECUTIVE AND ADVISERS**

### **32. EXECUTIVE**

- (a) The Executive shall consist of the Officers of SLSI who shall be elected at the Election Branch Council Meeting and shall be:
- (i) President
  - (ii) Deputy President
  - (iii) Director of Finance
  - (iv) Director of Lifesaving
  - (v) Director of Surf Sports
  - (vi) Director of Youth, Development and Member Services
  - (vii) Director of Education

All the foregoing Officers shall be members of a Club and must meet the qualifications as prescribed from time to time by the Executive.

- (b) The Executive Officer shall attend all meetings of the Executive but shall not be a voting member of the Executive.
- (c) Subject to the Law and this Constitution, the business of SLSI shall be managed, and the powers of SLSI shall be exercised, by the Executive. In particular, the Executive as the Branch authority for surf lifesaving in the Illawarra shall be responsible for acting on state and local issues in accordance with the objects of SLSI and shall operate for the benefit of the Members and the community throughout the region and shall govern surf lifesaving in the Illawarra region in accordance with the objects set out in this Constitution.
- (d) The Executive shall authorise persons to speak on behalf of SLSI.
- (e) The Officers of SLSI shall be elected in accordance with this Constitution, and subject to this Constitution, shall hold office from the conclusion of the Election Branch Council Meeting at which they were elected until the conclusion of the second following Election Branch Council Meeting. Officers may be re-elected.
- (f) The President, Director of Finance, Director of Education and Director of Surf Sports shall be elected in each year of odd number and the Deputy President, Director of Lifesaving and Director of Youth, Development and Member Services shall be elected in each year of even number.
- (g) As a transitional provision, at the first Election Council Meeting following the adoption of this rule, all Officer positions will be re-elected with the President, Director of Finance and Director of Surf Sports being elected to terms of two years, and the remaining Officers being elected for a transition term of one year.
- (h) In the event of a vacancy occurring during the year, such vacancy may be filled at a Branch Council Meeting, after calling for nominations or by vote by mail, facsimile or e-mail conducted in accordance with a resolution of the Executive.
- (i) The President of SLSI shall represent SLSI at meetings of SLSNSW, provided however in the event of an absence of the President the SLSI Executive may appoint a proxy representative.

### **33. MEETINGS OF THE EXECUTIVE**

- (a) The Executive shall meet as often as is deemed necessary in every calendar year for the dispatch of business (and shall be at least as often as is required under the Law) and subject to this Constitution may adjourn and otherwise regulate its meetings as it thinks fit. Three Officers may at any time, and the Executive Officer shall on the requisition of three Officers, convene a meeting of the Executive within reasonable time.



- (b) Subject to this Constitution, questions arising at any meeting of the Executive shall be decided by a majority of votes and a determination of a majority of Officers shall for all purposes be deemed a determination of the Executive. All Officers shall have one vote on any question. The President shall have an additional casting vote where voting is equal.
- (c) A resolution in writing, signed or assented to by telegram, cablegram, radiogram, facsimile, telex or other form of visible or other electronic communication by all the Officers for the time being present in Australia shall be as valid and effectual as if it had been passed at a meeting of the Executive duly convened and held. Any such resolution may consist of several documents in like form each signed by one or more of the Officers.
- (d) Without limiting the power of the Executive to regulate their meetings as they think fit, a meeting of Executive may be held where one or more of the Officers is not physically present at the meeting, provided that:
  - (i) all persons participating in the meeting are able to communicate with each other effectively simultaneously and instantaneously whether by means of telephone or other form of communication;
  - (ii) notice of the meeting is given to all the Officers entitled to notice in accordance with the usual procedures agreed upon or laid down from time to time by the Executive or this Constitution and such notice specifies that Officers are not required to be present in person;
  - (iii) in the event that a failure in communications prevents **Rule 33.3(d)(i)** from being satisfied by that number of Officers which constitutes a quorum, and none of such Officers are present at the place where the meeting is deemed by virtue of the further provisions of this rule to be held then the meeting shall be suspended until **Rule 33.3(d)(i)** is satisfied again. If such condition is not satisfied within fifteen minutes from the interruption the meeting shall be deemed to have terminated or adjourned; and
  - (iv) any meeting held where one or more of the Officers is not physically present shall be deemed to be held at the place specified in the notice of meeting provided an Officer is there present and if no Officer is there present the meeting shall be deemed to be held at the place where the Chairman of the meeting is located.
- (e) At meetings of the Executive the number of Officers whose presence is required to constitute a quorum is three.
- (f) Unless all Officers agree to hold a meeting at shorter notice (which agreement shall be sufficiently evidenced by their apology or presence not less than seven days written notice of the meeting of the Executive shall be given to each Officer. The agenda shall be forwarded to each Officer not less than four days prior to such meeting.

### **34. CONFLICT OF INTEREST**

An Officer shall declare his interest in any contractual, selection, disciplinary or other matter in which a conflict of interest arises or may arise, and shall absent himself from discussions of such matter and shall not be entitled to vote in respect of such matter. In the event of an uncertainty as to whether it is necessary for an Officer to absent himself from discussion or refrain from voting, the issue should be immediately determined by vote of the Executive, or if this is not possible, the matter shall be adjourned or deferred.

### **35. ADVISERS & OFFICERS**

- (a) As soon as practical after the Election Branch Council Meeting, the SLSI Executive may appoint:
  - (i) A Presidential Adviser
  - (ii) An Education Adviser

- (iii) A Rookie Adviser
  - (iv) A Youth Adviser
  - (v) A Lifesaving Adviser
  - (vi) A Competition and Coaching Adviser
  - (vii) Radio Adviser, Power Craft Adviser, Surf and Craft Adviser, Boat Adviser, Coaching Adviser (all of whom must be members of a Club) or any other adviser that SLSI Executive may consider necessary from time to time,
  - (viii) Legal Advisers, Chairman of Branch Medical Panel, and Publicity Adviser, whom need not be members of a Club.
- (b) The SLSI Executive may introduce such procedures for appointing or calling for nominations to fill Adviser positions as it deems fit from time to time.
  - (c) Advisers appointed as set out in **Rule 35(a)** may be required to attend Branch Council Meetings without the right to vote.
  - (d) Advisers may be invited to attend Executive meetings for specific discussions.
  - (e) Patron and Vice-Patrons (unlimited in number) who need not be members of a Club shall be elected at the Election Branch Council Meeting.

### **36. DUTIES OF ADVISERS AND OFFICERS**

SLSI requires the various Officers and Advisers that are elected or appointed to perform such duties and undertake such responsibility as specified from time to time by the executive or as set out in the SLSI handbook.

### **37. REMOVAL OF OFFICERS AND ADVISERS**

In addition to the circumstances in which the office of an Officer or Adviser becomes vacant by virtue of the Law, the office of an Officer or Adviser becomes vacant if the Officer or Adviser:

- (i) dies;
- (ii) becomes bankrupt or makes any arrangement or composition with his creditors generally;
- (iii) becomes of unsound mind or a person whose person or estate is liable to be dealt with in anyway under the law relating to mental health;
- (iv) resigns his office in writing to SLSI;
- (v) is absent without the consent of the Executive from three consecutive meetings of the Executive without valid excuse;
- (vi) without the prior consent or later ratification of the Members in General Meeting holds any office of profit under SLSI;
- (vii) is directly or indirectly interested in any contract or proposed contract with SLSI and fails to declare the nature of his interest;
- (viii) is removed by Special Resolution;
- (ix) has been expelled or suspended from membership;
- (x) would otherwise be prohibited from being a director of a corporation under the *Corporations Act*;
- (xi) in the case of an Adviser, if in the opinion of the Executive, that Adviser is not fulfilling their role at SLSI; or
- (xii) on the recommendation of a SLSI Judiciary Committee.

## **PART 5 FINANCE AND PROPERTY**

### **38. FINANCE**

- (a) The funds of SLSI shall be used in pursuance of the objects and powers of SLSI subject to any resolution passed by the Branch Council.
- (b) The income and property of SLSI shall be applied solely towards the promotion of SLSI and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit to members of SLSI provided that nothing herein shall prevent the payment in good faith of remuneration to any servant or officer of SLSI.

### **39. FINANCIAL YEAR**

The financial year shall be from the 1st of July to the 30th of June in the next year.

### **40. AUDITOR AND INSPECTION OF BOOKS**

- (a) The Auditor shall be appointed at the AGM to hold office until the next AGM. In the event of the position of Auditor becoming vacant between AGM or not being filled at the AGM, SLSI may appoint an Auditor to fill such vacancy until the next AGM.
- (b) SLSI employees, Officers, Branch Councillors or Advisers are not eligible for election as Auditor.
- (c) The Auditor shall conduct an audit of the books of accounts of SLSI at the end of each financial year. He shall also certify to the correctness of the Income and Expenditure Account and to the correctness of the Balance Sheet for submission to the Annual General Meeting and shall verify the existence of all SLSI monies and securities.
- (d) The Auditor shall have right of access at all reasonable times to the books, accounts and vouchers of SLSI and shall be entitled to acquire from the Officers and employees of SLSI all such information and explanation as may be necessary for the performance of his duties.
- (e) The Auditor shall submit a report to the Annual General Meeting of SLSI on the accounts examined by him and shall state:
  - (i) Whether in his opinion the accounts presented to the meeting have been properly drawn up so as to exhibit a true and correct view of the state of SLSI affairs according to the best of his information and explanations given to him and as shown by the books of SLSI.
  - (ii) Whether or not he has obtained all the information and explanations he has required.

### **41. ANNUAL REPORT AND AUDITED FINANCIAL STATEMENT**

The Executive Officer shall cause to be prepared prior to the Annual General Meeting:

- (a) A report of the activities of SLSI during the closing season.
- (b) Audited financial statements for the financial year last ended, duly certified by the Auditor or Auditors and signed by the Director of Finance.
- (c) All Clubs shall submit to the Executive Officer at the close of each season and not later than May 31st, statistics of their respective Clubs on the official form provided for the compilation of the SLSI annual report.

### **42. SLSI PROPERTY**

- (a) No person shall remove any property from SLSI premises, or any place wheresoever, any property belonging to SLSI, without first receiving written permission of the Executive Officer. Persons receiving such permission shall be held responsible for the full value of such property until it is returned in similar condition as when removed.
- (b) Should a Club or group cease to function as a Club or group as defined in the rules, SLSI shall stand possessed as trustee of all real and personal property of the Club for a period of three (3) years with power to sell and convert into money, all lifesaving gear and other chattels. In the event of the Club failing to reform within a period of three (3) years, it shall be treated as defunct and its property, both real and personal shall vest in SLSI absolutely.

## **PART 6 MISCELLANEOUS**

### **43. ADDITION, ALTERATION OR AMENDMENT TO THE RULES**

- (a) No addition, alteration or amendment shall be made to this Constitution unless the same has been approved by a Special Resolution at a Branch Council Meeting of which twenty-one (21) days' notice shall be given by the Executive Officer to SLSI Officers, Advisers, Branch Councillors, each Club and Rules and Constitution Committee. Such notice shall state the exact nature of the proposed addition, alteration or amendment and shall be lodged with the Executive Officer at least forty-two (42) days before the meeting.
- (b) Provided that the Minister of the Crown for the time being administering the Charitable Fundraising Act, 1991, shall be notified of the amendment and such amendment shall not be effective unless the Minister has signified his approval to such amendment being made.
- (c) The Public Officer shall within one month after the passing of a special resolution relating to the addition, alteration or amendment of this Constitution, lodge with the Department of Fair Trading notice of the change in the prescribed form.

### **44 SLSI BRANCH & DIRECTORS HANDBOOK**

- (a) The Executive may formulate, issue, adopt, interpret and amend such SLSI Handbook for the proper advancement, encouragement, management and administration of SLSI, the advancement of the objects of SLSI and surf life saving, as it thinks necessary or desirable. Such SLSI Handbook must be consistent with the Constitution and any policy directives of the SLSI Branch Council.
- (b) Amendments to the Handbook must be endorsed by the SLSI Branch Council
- (c) All SLSI rules made under this rule shall be binding on all Members of SLSI.
- (d) Amendments, alterations, interpretations or other changes to the SLSI Handbook shall be advised to Clubs by SLSI circulars.
- (e) Amendments must be endorsed by the Branch Council and shall become effective upon such endorsement.

### **45 DELEGATION OF AUTHORITY**

- (a) The Executive may by instrument in writing create or establish or appoint from among its own Members or from other selected personnel as occasion may require, special committees, sub-committees, boards or individual officers and consultants to carry out such duties and functions and with such powers as the Executive determines.
- (b) The Executive may in the establishing instrument delegate such functions as are specified in the instrument, other than:
  - (i) this power of delegation; and
  - (ii) a function imposed on the Executive or the Executive Officer by the Law, or any other law, or this Constitution or by resolution of the Branch Council in General Meeting.
- (c) A function, the exercise of which has been delegated under this rule, may whilst the delegation remains unrevoked, be exercised from time to time in accordance with the terms of the delegation.
- (d) A delegation under this rule may be made subject to such conditions or limitations as to the exercise of any function or at the time or circumstances as may be specified in the delegation.
- (e) The Executive may by instrument in writing, revoke wholly or in part any delegation made under this rule.

#### **46 STANDING BOARDS AND STANDING COMMITTEES**

(a) The Standing Boards, of SLSI shall be:

- (i) Board of Education
- (ii) Board of Lifesaving
- (iii) Board of Surf Sports
- (iv) Board of Youth, Development and Member services

which shall be appointed or elected each year in accordance with the qualifications stated in the SLSI Handbook. The SLSI Executive may introduce such procedures for appointing or calling for nominations to fill Adviser positions as it deems fit from time to time.

(b) The Standing Committees of SLSI shall be:

- (i) Life Membership and Honours Committee
- (ii) The Rules and Constitution Committee
- (iii) Meritorious Awards Committee
- (iv) Selection Committee
- (v) Finance Committee

which shall be appointed or elected each year in accordance with the qualifications stated in the SLSI Handbook. The SLSI Executive may introduce such procedures for appointing or calling for nominations to fill Adviser positions as it deems fit from time to time.

#### **47. COMPETITIONS AND DISPLAYS**

- (a) SLSI shall have power to regulate all examinations, carnivals, competitions & displays within the Branch provided that in all Club and inter-Club competitions the rules of SLSA and general rules for competition as set out in the SLSA competition manuals are complied with.
- (b) SLSI shall have power to allocate any carnival, competition or display under its control to any Club and to appoint officials to control such carnival, competition or display.
- (c) SLSI may appoint referees, judges and other officials and may make rules respecting their power and duties.
- (d) SLSI may appoint as an official (other than assessor, referee or judge) any person (whether a member of any Club or SLSI, or not) provided that it is satisfied that they have special knowledge qualifying them for such position. Any such person so appointed shall thereupon become and be a member of SLSI for the time they occupy such position.
- (e) An assessor, referee or judge in any examination, carnival, competition or display held within the Illawarra Branch must be a duly qualified examiner or an accredited official.
- (f) No Clubs shall participate in any carnival, competition, procession or display conducted by or on behalf of any outside person or organisation unless such Club has first obtained the written permission of the Branch Council, or the Executive.
- (g) In relation to trophies, prizes (cash or kind) and eligibility of member/s representing a section of SLSA to compete for or accept such trophies or prizes, the SLSA Regulations shall apply.

#### **48. SALARIED STAFF**

- (a) The Executive Officer shall be appointed by a panel, made up of at least 3 under the jurisdiction of the Branch President.
- (b) The Branch President representing SLSI, and the Executive Officer shall have the power to appoint, define the duties of and fix the rate of pay of any salaried employees of SLSI.

#### **49. PUBLIC OFFICER**

For the purpose of the Law, the Executive Officer shall be appointed as the Public Officer.

## **50. CUSTODY OF BOOKS ETC**

Except as otherwise provided by these Rules, the Public Officer must keep in their custody or under their control all records, books and other documents relating to the association.

## **51. OFFICIAL CORRESPONDENCE**

All official correspondence to and from SLSI except from a Judiciary Committee must be forwarded through the Executive Officer.

## **52. COPY OF THE RULES**

Each Club shall be supplied with copies of the Constitution. Copies shall also always be made available for perusal on request to the Executive Officer. A copy of the Constitution shall be available in the SLSI head office.

## **53. NON-POLITICAL AND NON-SECTARIAN**

- (a) SLSI shall be strictly non-political and non-sectarian and neither SLSI, Clubs or any section of SLSI, shall directly or indirectly allow any subject bearing on politics or religion to be introduced or discussed at any meeting under its control or in any premises or place under its control either permanently or temporarily.
- (b) No member of SLSI shall, as such a member:
  - (i) Publicly participate in any political gathering or meeting.
  - (ii) In any publication or on television, film or radio or like production, or in any other manner express an opinion or belief which supports or tends to support or discredits or tends to discredit any political or religious party, activity or belief,
  - (iii) At any time publicly profess or claim to represent the views or beliefs of SLSI or any part thereof or members thereof,
  - (iv) Draw a comparison or compare the discipline, procedures or activities of SLSI or any part thereof with any political or religious activity, body or organisation.

## **54. INSPECTION OF CLUB AND GROUP BOOKS**

- (a) The books and papers of any Club or Group shall be open at all reasonable times for inspection by an authorised Officer of SLSI, but no inspection shall be made unless by resolution of the Branch Council or the Executive.

## **55. AUTHORITY TO APPOINT ADMINISTRATOR**

- (a) Should the Branch Council or the Executive consider that a situation has developed within a Club or Group which gives them extreme concern and is detrimental to the image of surf life saving, it shall have the authority to initiate discussion and investigate the operations of such Club or Group and then if considered necessary the authority to appoint person/s to take over control and re-establish a sound and satisfactory administration within that Club or Group and for such time as considered necessary.
- (b) The Branch Council or the Executive may request a Club to initiate action against a Group within the Club in accordance with **Rule 55 (a)** or to act on behalf of SLSI and report to them in the matter.
- (c) In respect of **Rule 55 (a) and Rule 55 (b)** any action taken by either the Executive or a Clubs Executive shall be subject to ratification of the Branch Council.

## **56. WINDING-UP PROVISIO**

- (a) The action of winding up and distribution of surplus property shall be subject to decision by Special Resolution.
- (b) If on a winding up or dissolution of SLSI there remains after the satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid or distributed amongst the members of SLSI but shall be given or transferred to some other body that is a registered or exempt charity having objects similar to the objects of SLSI and which shall prohibit the distribution of its or their income and property amongst its or their members.

- (c) Notwithstanding anything contained in these rules the "finance" and "winding up or dissolution" **Rule 38 and Rule 56** will not be amended or removed from these rules.

**57. SAVING PROVISIO**

In the event of any question arising which is not specifically provided for in the SLSA Constitution, the SLSA Regulations and the SLSA Manuals or the rules and Handbook of SLSNSW, it shall be competent for SLSI to temporarily legislate therefore, pending due alterations to the rules by Special Resolution.

**58. INDEMNITY**

- (a) Every Officer, Adviser, Branch Councillor, auditor, manager, employee or agent of SLSI shall be indemnified out of the property or assets of SLSI against any liability incurred by them in their capacity as an Officer, Adviser, Branch Councillor, auditor, manager, employee or agent in defending any proceedings, whether civil or criminal, in which judgement is given in their favour or in which they are acquitted or in connection with any application in relation to any such proceedings in which relief is, under the Law, granted to them by the court.
- (b) SLSI shall indemnify its Officers, Advisers, Branch Councillors, managers and employees against all damages and costs (including legal costs) for which any such Officer, Adviser, Branch Councillor, manager or employee may be or become liable to any third party in consequence of any act or omission except wilful misconduct:
- (i) in the case of an Officer, Adviser or Branch Councillor, performed or made whilst acting on behalf of and with the authority, express or implied of SLSI; and
  - (ii) in the case of an employee, performed or made in the course of, and within the scope of his employment by SLSI.