

# **Mollymook Surf Life Saving Club Incorporated**

## **Objects & Rules**

***PRESENTED TO MEMBERS FOR ADOPTION AT  
THE ANNUAL GENERAL MEETING  
29 August 1999***

# Mollymook SLSC Inc.

## Objects & Rules

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# Mollymook SLSC. Inc.

## OBJECTS & RULES

### PRELIMINARY

#### 1. Title

The Club shall be named the Mollymook Surf Life Saving Club Inc.

#### 2. Definitions

In these Objects and Rules unless the context or subject matter otherwise indicates or requires:

"Club" means the Mollymook Surf Life Saving Club Inc;

"Branch" means the South Coast Branch of Surf Life Saving New South Wales;

"Committee" or "Management Committee" means the Management Committee responsible for the management of the Club.

"Board of Junior Activities" means the Sub-committee responsible for the management of activities associated with juveniles.

#### 3. Affiliation

The Club shall be affiliated with Surf Life Saving Australia, Surf Life Saving New South Wales and the South Coast Branch of Surf Life Saving New South Wales.

#### 4. Objects

The objects of the Club are:

- a) *to study and practice the methods of surf life saving as taught by Surf Life Saving Australia;*
- b) *to prevent loss of life by providing efficient beach patrols, rescue service and life saving apparatus;*
- c) *to promote demonstrations and to arrange classes of instruction;*
- d) *to obtain improved facilities for surfing;*

- e) *to participate and pursue the highest standard in competition in accordance with the rules of Surf Life Saving Australia;*
- f) *to encourage and promote the physical and social welfare of its Members;*
- g) *to enforce observation of the Rules and By-laws of the Club and deal with any infringement of them.*

## **5. Season**

The “Active Surfing Season” or “Season” shall be that designated by the Branch each year.

## **MEMBERSHIP**

### **6. Membership**

The Membership of the Club shall consist of all persons duly approved or elected in accordance with the Rules of the Club.

### **7. Classification of Membership.**

#### ***7.1 Classification***

There shall be the following classification of membership:

- i. Probationary Membership.
- ii. Cadet Membership.
- iii. Active Membership, either Junior Active or Senior Active Membership.
- iv. Active Reserve Membership.
- v. Long Service Membership.
- vi. Life Membership.
- vii. Honour Membership
- viii. Award Membership.
- ix. Active Award Membership.
- x. Associate Membership.
- xi. Executive Associate Membership.
- xii. Honorary Membership.

- xiii. Non-Active Junior Membership.
- xiv. Family Social Membership.

### **7.2 Voting Rights of Members.**

Only those Members in categories ii, iii, iv, v, vi, vii, viii and ix in Rule 7.1 shall be entitled to vote at any meeting of the Club.

### **7.3 Natural Person**

Each member must be a natural person

## **8. Nomination for Membership**

- (a) Every candidate nominated for membership, except Life Members, shall be nominated by one financial member of the Club entitled to vote and seconded by another financial member of the Club entitled to vote, both of whom must themselves have been members of the Club for at least six (6) months prior to the nomination. Every nomination shall be in writing on the approved Application for Membership Form as set out in the By-laws, signed by the nominator, seconder and the candidate for membership.
- (b) Every Application for Membership shall be accompanied by the prescribed application fee payable to the Club.
- (c) Any person who has outstanding membership fees due to other affiliated Clubs of Surf Life Saving Australia shall not be admitted to membership of this Club.
- (d) Every Application for Membership shall be submitted to the Committee at the meeting next following the lodgement of the Application for Membership and at such meeting the Committee shall either accept or reject the Application and will give notice of the decision to the candidate nominated.
- (e) Any candidate accepted for membership by the Committee shall serve a probation period of six (6) months from the date of acceptance and shall not be allowed to vote at any meeting of the Club until the period of probation has expired.
- (f) Any candidate accepted for Active Membership by the Committee, within three (3) months from the date of acceptance, and/or as required by the Club Captain, must sit for the Medallion Examination of Surf Life Saving Australia unless the candidate has previously been awarded this Medallion.
- (g) Any candidate accepted for Cadet Membership by the Committee must, within three (3) months of acceptance of their nominations, (and/or as required by the Club Captain), sit for the Surf Life Saving Certificate Examination of Surf Life Saving Australia unless the candidate has previously been awarded this Certificate.

- (h) Any candidate accepted for Active Membership by the Committee must, within (3) months of acceptance (and/or as required by the Club Captain) sit for the relevant Award Examination of Surf Life Saving Australia unless the candidate has previously been awarded such Award.

## **9. Qualification for membership and Duties.**

### **9.1 Senior Active and Junior Active Membership**

- (a) Candidates for Active Membership must, at the time of acceptance of the Application by the Committee, comply with the age requirements of Surf Life Saving Australia as follows:
  - (i) A Senior Active Member is one who is 18 years or over on the 1st of October each Season.
  - (ii) A Junior Active Member is one who is 15 years or over, and under 18 years of age on the 1st of October each Season.
- (b) Active Members must hold the Bronze Medallion of Surf Life Saving Australia and shall perform Patrol Duties on such dates at such place and at such times as may be specified by the Club Captain in the Patrol Roster, or at such other times and places as may be deemed necessary by the Senior Officer present. On application in writing by the Member, the Committee may grant total or partial exemption from such duties from time to time.
- (c) A Junior Active Member will not be entitled to hold any Office except as a Gear Steward or Junior Captain or as a member of the Social Committee.
- (d) At the discretion of the Committee any Member holding office may be exempted from Patrol Duty.
- (e) Every Active Member shall complete the annual reassessment as laid down by the Surf Life Saving New South Wales.

### **9.2 Active Reserve Membership**

- (a) Active Reserve Membership may be granted to Active Members if they have satisfactorily completed at least 8 years of Patrol Duties or Club obligations as set out in the By-laws.
- (b) Granting of Active Reserve Membership to Active Members shall only be granted by resolution of the Management Committee.
- (c) Active Reserve Members shall be eligible to hold any office in the Club.
- (d) Active Reserve Members may be required to carry out patrol duties at the discretion of the Committee.

- (e) Active Reserve Members shall satisfactorily complete the Annual Proficiency Test and shall perform at least three (3) patrols in each Season.
- (f) Active Reserve Members shall complete the annual reassessment test.
- (g) Notwithstanding (a) above, under exceptional circumstances, Active Reserve Membership may be granted by the Management Committee to Active Members irrespective of the years of service.

### **9.3 Long Service Membership**

- (a) Long Service Membership may be granted by the Management Committee to a Member who has completed ten (10) years as an Active Member or has completed eight (8) years as an Active Member plus four (4) years as an Active Reserve Member.
- (b) Long Service Members shall be exempt from all patrol obligations and may be granted other special privileges of membership as provided in the Rules or By-laws.
- (c) Notwithstanding Rule 9.3(a) above, in exceptional circumstances the Management Committee may grant Long Service Membership to an Active Reserve Member irrespective of the number of years served as an Active Member.
- (d) A Long Service Member shall be eligible to hold any office in the Club.

### **9.4 Associate Membership**

- (a) Associate Members shall abide by the Rules and By-laws of the Club except those Rules or By-laws that exclusively apply to other classes of membership of the Club.
- (b) Associate Members shall not be entitled to compete in any Club events nor represent the Club in competition.
- (c) Associate Members will not have voting rights unless elected to the positions nominated in (d) below.
- (d) Associate Members may be elected to the positions of Secretary, Treasurer, Mobile Officer, Gym Master, First Aid Officer, or Gear Steward.
- (e) Associate Membership will normally be confined to those persons who are unable to carry out Active Patrol Duty due to age (over 40), disability, occupation, place of abode, etc but who may want to support the Club.
- (f) Associate Members may use the Club facilities, but those wishing to utilise the gymnasium shall be charged a separate fee. The Committee shall determine the hours of use for such facilities by Associate Members.

### **9.5 Honorary Membership**

- (a) Honorary Members shall be elected by the Management Committee.
- (b) Members' spouses shall be eligible for Honorary membership upon written application to the Management committee.
- (c) Honorary members shall be exempt from paying any fees to the Club.
- (d) Honorary members will have no voting rights.
- (e) Honorary members may have use of the Club facilities.
- (f) The use of Club equipment and the gymnasium will be subjected to the same conditions as apply to Associate members.

### **9.6 Award Membership**

- (a) Award Membership may be granted by the Committee to persons who are holders of one or more of the following awards:

Radio Awards,  
Resuscitation Certificate,  
Advanced Resuscitation Certificate,  
Surf Lifesaving Certificate,  
First Aid certificate,

- (b) Such Award members may be called upon to perform patrol and/or other Club obligations within the ability of their qualifications.

### **9.7 Active Award Membership**

- (a) Active Award Membership may be granted by the Club to persons who are holders of the following awards, and who are rostered as part of a regular Patrol Duty, and who fulfil the Patrol Duty obligation within the ability of their qualification.

Radio Awards,  
Advanced Resuscitation Certificate,  
First Aid Certificate.

- (b) Active Award Members shall have the right to vote at meetings of the Club and be entitled to hold offices in the Club according to their qualifications.
- (c) Active Award Members shall pay the same membership fees as other Active members.

### **9.8 Life Membership**

- (a) The members at an Annual General Meeting may resolve to elect a Life Member of the Club for exceptional services rendered to the Club. The resolution to elect a

Life Member shall be carried by 80% of the Members present and entitled to vote and are financial. The election shall be by secret ballot.

- (b) All nominations for Life Membership must be submitted to the Secretary of the Management Committee in writing, signed by a proposer and a seconder, both of whom must be current financial Members and entitled to vote at the time of the nomination.
- (c) Any nominations for Life Membership shall be passed on to a Life Membership Committee for investigation and verification. The service record of the nominee as set out in the nomination shall then be verified by the Life Membership Committee as meeting the criteria for Life Membership.
- (d) The Life Membership Committee shall consist of the President, Secretary and three other Life Members who shall be appointed by the President.
- (e) After verification by the Life Membership Committee, the nominations are to be passed to the Management Committee for approval at its meeting immediately before the Annual General Meeting of the Club. If approved by the Management Committee the Management Committee shall recommend the nomination for Life Membership to the Members at the next Annual General Meeting of the Club
- (f) Only one nomination for Life Member may be recommended by the Management Committee to the Annual General Meeting in any year.
- (g) The Management Committee shall invite both proposer and seconder of the nomination to attend the Management Committee meeting held immediately prior to the Annual General Meeting to approve the recommendation of the Life Member nomination to the Annual General Meeting. Each of the proposer and seconder shall have the right to speak in support of the nomination at the Management Committee meeting.
- (h) If more than one nomination is received, the Management Committee must vote by secret ballot for each nominee. The nominee with the least number of votes shall be eliminated. This process is to be repeated until one nomination remains.
- (i) For the nomination to be recommended to the Annual General Meeting, the final motion of the Management Committee must be carried with no more than one dissenting vote in a secret ballot.
- (j) Life Members shall be entitled to hold office in the Club and may sit and vote on the Management Committee.
- (k) Life members shall be exempt from paying any fees to the Club.
- (l) A nominee for Life membership shall satisfy four out of the following five criteria:

- (i) Patrol Service – as a first priority the member must have performed exceptional patrol service of outstanding quality over a period of at least 15 years.
- (ii) Club Administration - exceptional service over a period of at least 15 years.
- (iii) Club Commitment in fields of fundraising, instruction etc – exceptional service over at least 15 years.
- (iv) Competition - exceptional service as a competitor, coach, manager, official over a period of at least 15 years.
- (v) An Exceptional Act of Bravery.

### **9.9 Honour Membership**

- (a) Honour Membership may be granted by the Club to persons who render special services to the Club, but who may not be considered eligible for Life Membership.
- (b) The awarding of Honour Member status shall not preclude that person from attaining Life Membership.
- (c) Honour membership shall be awarded by applying the same guidelines as used to determine Life Membership, subject to the following.
  - (i) The Management Committee can recommend only two nominations in any year to the Annual General Meeting.
  - (ii) The service record of the nominee shall satisfy three out of the five categories as set out in Rule 9.8(k) above for Life Membership criteria.
- (d) Honour Members will have the same privileges and entitlements as a Life member except that the Honour Members shall not be entitled to sit on the Management Committee, unless as an elected office-bearer to that committee.

### **9.10 Cadet Membership**

- (a) Candidates for Cadet Membership must be 13 years of age as at the 1st of October of the Season when applying for membership and shall be approved as Cadet Membership by the Management Committee.
- (b) Cadet Members must comply with paragraph 8(g) of this Constitution.
- (c) Cadet Members must comply with all rules and By-laws of the club, but shall not hold any office in the Club.

### **9.11 Probationary Membership**

- (a) All applicants for Active Membership shall first be accepted for Membership as Probationary Members for at least six (6) months and until they have gained their

Surf Bronze Medallion or in the case of Cadet Members, their Surf Life Saving Certificate.

- (b) Probationary Members must comply with all Rules and By-laws of the Club, but shall not vote at any Club Meeting unless they are Office Bearers.
- (c) Probationary Members shall not be entitled to win the Club Championship.
- (d) Probationary Members shall carry out patrol duties under the direction of the Club Captain.

### **9.12 Non-Active Junior Membership**

- (a) Candidates for Non-Active Junior Members must be aged between 7 (as at 1st October in each Season) and 13 years (as at 1st October in each Season).
- (b) Non-Active Junior Members must comply with Rules and By-laws of the Club, but shall not vote at any Club meeting nor shall be permitted to hold any office in the Club.
- (c) Non-Active Junior Members are not permitted the use of the equipment of the Club including the gymnasium except under the supervision of a qualified coach/active member.

### **9.13 Family Social Membership**

- (a) Parents or guardians of junior members may be nominated for membership as a Family Social Member of the Club.
- (b) A Family Social Member must comply with all Rules and By-laws of the Club, but shall not vote at any Club meeting and shall not be permitted to hold any office in the Club.
- (c) A Family Social Member shall pay a membership fee.
- (d) A Family Social Member may use the Club facilities, but the use of the gymnasium will be subject to the same conditions as apply to Associate members.

## **10. Disqualification and Suspension of members**

- (a) Any Member expelled from the Club shall forfeit all privileges or rights of membership of the Club.
- (b) Any Member suspended shall forfeit all privileges and rights of membership of the Club, pending a further decision by the Management Committee.

## **11. Cessation of membership**

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

- (a) dies; or

- (b) resigns membership; or
- (c) is expelled from the Club.

**12. 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 on cessation or suspension of the person's membership.

**13. Resignation of membership**

- (a) A member of the Club is not entitled to resign that membership except in accordance with this Rule.
- (b) A member of the Club who has paid all amounts payable by the member to the Club in respect of the member's membership may resign from membership of the Club by first giving to the secretary written notice of at least one month (or such other period as the Committee may determine) of the member's intention to resign and, on the expiration of the period of notice, the member ceases to be a member.
- (c) If a member of the Club ceases to be a member under Rule 12(b), and in every other case where a member ceases to hold membership, the secretary must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

**14. Register of members**

- (a) The Secretary of the Club must establish and maintain a register of members of the Club specifying the name and address of each person who is a member of the Club together with the date on which the person became a member and the classification of the member.
- (b) The register of members must be kept at the principal place of administration of the Club and must be open for inspection, free of charge, by any member of the Club at any reasonable hour.

**15. Membership Fees**

- (a) All annual membership fees and any other fees shall be determined by the Management Committee annually at the meeting immediately prior to the Annual General Meeting and be ratified by the Members at the Annual General Meeting.
- (b) All annual membership fees are due and payable on or before the 1st of September each year.

- (c) If the member becomes a member on or after 1 September in any calendar year the member shall pay the annual membership fee on becoming a member and before 1 September in each succeeding calendar year.
- (d) Any member who fails to pay any fees by the due date that member will not be entitled to use the Club premises or facilities, or to enjoy any privileges of the Club, as long as the fees remain outstanding.
- (e) A limit will be placed on the amount of fees that family of members must pay and that limit shall be determined at each Annual General Meeting.
- (f) If any Member performs 20 years of Active Patrol Service that member's Annual Membership Fees shall be waived.

## **16. 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 15.

## **17. Disciplining of members**

- (1) A complaint may be made to the Committee by any member of the Club that some other member of the Club:
  - (a) has persistently refused or neglected to comply with a provision or provisions of these Rules or By-laws; or
  - (b) has persistently and wilfully acted in a manner prejudicial to the interests of the Club.
- (2) On receiving such a complaint, the Committee:
  - (a) must cause notice of the complaint to be served on the member concerned; and
  - (b) must give the member at least 14 days from the time the notice is served within which to make submissions to the Committee in connection with the complaint; and
  - (c) must take into consideration any submissions made by the member in connection with the complaint.
- (3) The Committee may, by resolution, expel the member from the Club or suspend the member from membership of the Club if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved.
- (4) If the Committee expels or suspends a member, the secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken,

of the reasons given by the Committee for having taken that action and of the member's right of appeal under Rule 18.

- (5) The expulsion or suspension does not take effect:
  - (a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned; or
  - (b) if within that period the member exercises the right of appeal, unless and until the Club confirms the resolution under Rule 18(4), whichever is the later.

## **18. Right of appeal of disciplined member**

- (1) A member may appeal to the Club in general meeting against a resolution of the Committee under Rule 17, within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- (2) The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.
- (3) On receipt of a notice from a member under Rule 18(1), the secretary must notify the Committee, which is to convene a general meeting of the Club to be held within 28 days after the date on which the secretary received the notice.
- (4) At a general meeting of the Club convened under Rule 18(3):
  - (a) no business other than the question of the appeal is to be transacted; and
  - (b) the Committee and the member must be given the opportunity to state their respective cases orally or in writing, or both; and
  - (c) the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (5) If at the general meeting the Club passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

## **FINANCIAL YEAR**

### **19. The Financial Year**

The Financial Year of the Club shall be from July 1st until June 30th.

## **RULES AND BY-LAWS**

### **20. Availability of Rules & By-laws**

- (a) Copies of these Rules and the By-laws of the Club will be available to all Members.
- (b) The Secretary shall keep a record of all amendments to the Rules and By-laws.
- (c) The Rules may be altered, rescinded or added to only by special resolution passed at a General Meeting.
- (d) Any proposed alteration rescission or addition must be in writing and be signed by the Mover and two Seconders, all of whom must have been Members of the Club for at least six (6) months prior to the General Meeting at which the special resolution is to be proposed and must be entitled to vote at meetings.
- (e) The Management Committee's recommendation of the proposals shall be stated at the General Meeting at which the special resolution is to be passed.
- (f) A copy of these Rules and the By-laws shall be kept at the Club House.
- (g) All persons accepting Membership of the Club agree to be bound by the Rules and By-laws of the Club. Any interpretation of the Rules and By-laws made by the Management Committee shall be recorded by the Secretary and shall be accepted by and be binding on all Members, subject to ratification of the Management Committee's interpretation at a General Meeting.
- (h) If there is any conflict between these Rules and the By-laws these Rules shall have precedence.

## **OFFICERS AND COMMITTEES**

### **21. Officers of the club**

#### **21.1 Honorary Officers**

- (a) The members of the Club entitled to vote at the Annual General Meeting may elect the following Honorary Officers who shall have no voting rights and who need not be Members of the Club.

Patrons  
 Vice Patrons  
 Solicitor  
 Medical Officers  
 Architects  
 Auditors

- (b) Honorary officers shall have the right to attend Annual or Special General Meetings of the Club and to speak or express opinions on business conducted at those meetings.

**21.2 Officers of the Club elected at the Annual General Meeting**

- (a) The members of the Club entitled to vote at an Annual General Meeting may elect the following officers who shall also be Members of the Club.

President,  
 Senior Vice President,  
 Junior Vice President  
 Secretary,  
 Assistant Secretary,  
 Treasurer,  
 Assistant Treasurer,  
 Assistant Treasurer (Junior Board of Activities)  
 Club Captain,  
 Vice -Club Captain,  
 Chairperson of the Junior Board of Activities  
 Junior Club Captain  
 Team Manager (Competitions Director),  
 Chief Education & Training Officer  
 Assistant Training Officer,  
 Boat Manager  
 Boat Captain,  
 Boat Vice Captain,  
 Chief Gear Steward  
 Assistant Gear Stewards,  
 Board & Ski Manager  
 Board and Ski Coach,  
 Beach Manager  
 Beach Coach,  
 Swim/ R & R Manager  
 Swim/R & R Coach  
 Registrar,  
 Handicapper,  
 Publicity Officer  
 Assistant Publicity Officer  
 Social Secretary  
 Assistant Social Secretary  
 First Aid Officer  
 Assistant First Aid Officer  
 Competitions Secretary  
 Junior Club Captain  
 Bus Manager  
 Mobile Officer  
 Team Captain  
 Power Craft Captain  
 Power Craft Vice Captain,  
 IRB Competition Manager  
 Radio Officer,

Assistant Radio Officer,  
 Regalia Officer  
 Water Safety Coordinator  
 Call-out Officer  
 Food & Beverage Coordinator  
 Function Room Booking Officer  
 Assistant Function Room Officer (2)  
 Junior Activities Liaison Officers Representatives (2),  
 Junior Activities Secretary  
 Junior Activities Registrar  
 Junior Activities Team Manager  
 Junior Activities Delegates to Branch  
 Junior Activities Coaches  
 Junior Activities Gear & Clothing  
 Junior Activities Publicity Officer  
 Gym Custodian  
 Web Site Officer

- (b) The officers elected shall discharge the functions of their office without remuneration except that they may be reimbursed for out of pocket expenses incurred by them.
- (c) Each officer of the Club is, subject to these Rules, to hold office until the conclusion of the Annual General Meeting following the date of the officer's election, but is eligible for re-election.
- (d) Nominations for any of the offices set out in Rule 21.2(a) must be made in writing at least three (3) days before the Annual General Meeting at which the election is to be conducted. Nominations shall be proposed and seconded by members eligible to vote at such meeting, and the nominee shall consent to their nomination by signing the nomination form. Where nominations for any offices have not been received before the Annual General Meeting, nominations for these vacant offices may be accepted from the floor of the meeting.
- (e) In the event of a casual vacancy occurring in the officers of the Club, the Committee may appoint a member of the Club to fill the vacancy and the member so appointed is to hold office, subject to these Rules, until the conclusion of the Annual General Meeting next following the date of the appointment.

**22. The Management Committee**

- (1) The following officers shall constitute the Management Committee:

President  
 Senior Vice President  
 Secretary  
 Treasurer  
 Club Captain,

Team Manager (Competitions Director)  
 Chief Education Training & Development Officer,  
 Social Secretary,  
 Chairperson of the Board of Junior Activities.

- (2) Subject to the Association Incorporation Act as amended, its regulations and these Rules and By-laws of the Club and to any resolution passed by the Club in General Meeting, the Management Committee shall have the powers to carry out the following:
- (a) Control and manage the income and expenditure of the Club, its affairs and concerns of officers and members.
  - (b) Call for nominations to fill casual vacancies which may occur amongst the officers of the Club, or any committees and from the nominations received appoint a member to the vacant. Such officers elected shall have all rights and authority of that position.
  - (c) 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 members of the Club.
  - (d) Perform all such acts and do all such things as appear to the Committee to be necessary or desirable for the proper management of the affairs of the Club.
  - (e) Approve payment of out of pocket expenses to members. Any such payments will be disclosed in the Annual Report/Financial Statement of the Club.
  - (f) Ensure the Club fulfils its commitments to the Community and Surf Life Saving Australia particularly relating to 'Special Events'.
  - (g) Ensure a 'Special Events' sub-committee chaired by the Senior Vice President is created for the purposes of ensuring the Club's obligations of fulfilling special events are carried out.
  - (h) Suspend or expel any Officer or Member on the grounds of misconduct, breach of Rules or By-laws, or neglect of duty.
- (3) Members of the Management Committee may appoint their Assistant Officers as their proxy in order to furnish their report.

### **23. Casual vacancies**

For the purposes of these Rules, a casual vacancy in any office of the Club occurs if the officer:

- (a) dies; or
- (b) ceases to be a member of the Club; or

- (c) becomes an insolvent under administration within the meaning of the Corporations Law; or
- (d) resigns office by notice in writing given to the secretary; or
- (e) is removed from office under rule 24; or
- (f) becomes a mentally incapacitated person; or
- (g) is absent without the consent of the Management Committee from three (3) consecutive meetings of the Management Committee to which that officer belongs in which event the secretary shall advise the departing officer that his position has been declared vacant.

#### **24. Removal of member**

- (1) The Club in general meeting may by resolution remove any member of any committee including the Management Committee from office 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.
- (2) If a member of the committee to whom a proposed resolution referred to in Rule 24(1) relates makes representations in writing to the Secretary or President (not exceeding a reasonable length) and requests that the representations be notified to the members of the Club, the Secretary or the President may send a copy of the representations to each member of the Club or, if the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

#### **25. Meetings and Quorum of Management Committee**

- (1) Any 5 members of the Management Committee constitute a quorum for the transaction of the business of a meeting of the Committee.
- (2) No business is to 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 is to stand adjourned to a date and place determined by members present at such a meeting.
- (3) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.
- (4) At a meeting of the Management Committee:
  - (a) the President or, in the President's absence, the Senior Vice-President is to preside; or

- (b) if the President and the Senior Vice-President are absent or unwilling to act, such one of the remaining members of the Management Committee as may be chosen by the members present at the meeting is to preside.
- (5) Questions arising at any meeting of the Management Committee or sub-committee shall be decided by a majority of votes of those present. In the case of an equality of votes, the person appointed to chair the meeting shall have a second or casting vote.
- (6) All Management Committee members must produce written reports to each meeting.

## **26. Delegation by Committee to Sub-Committee**

- (1) The Management Committee may, by instrument in writing, delegate to one or more sub-committees (consisting of such member or members of the Club as the by-laws shall specify or as the Management Committee thinks fit) the exercise of such of the functions of the Management Committee as are specified in the by-laws, other than:
  - (a) this power of delegation; and
  - (b) a function which is a duty imposed on the Management Committee by the Act or by any other law.
- (2) A function the exercise of which has been delegated to a sub-Committee under this Rule or the By-laws may, while the delegation remains unrevoked, be exercised from time to time by the sub-Committee in accordance with the terms of the delegation and the By-laws.
- (3) A delegation under this section may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the By-laws.
- (4) Despite any delegation under this Rule, the Management Committee may continue to exercise any function delegated.
- (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.
- (6) The Management Committee may, by instrument in writing, revoke wholly or in part any delegation under this Rule.
- (7) A sub-committee may meet and adjourn as it thinks proper.

## **27. Shoalhaven City Council Committee by Delegation**

- (1) Each member of the Management Committee, upon election to the Management Committee in each year shall automatically accept nomination as a committee member of the "Shoalhaven City Council Committee by Delegation" (the "Committee by Delegation") in charge of the managing administering, hiring, repairing and maintaining

the Club House erected on the land owned by the Shoalhaven City Council at Mollymook Beach.

- (2) The Secretary shall be responsible for submitting the nomination for membership of the Committee by Delegation to Shoalhaven City Council in each year immediately following the Annual General Meeting of the Club.
- (3) Upon the Shoalhaven City Council accepting the nominations for membership from the Club and electing the nominees to the Committee by Delegation for the Club House each member so elected shall accept the position and serve on the Committee by Delegation until the next Annual General Meeting of the Club or until the member becomes a casual vacancy in accordance with the rules of this Club.

## **28. The President**

The President shall:

- (a) be the nominal head of Mollymook Surf Life Saving Club Incorporated and will act as chairman of any Management Committee Meeting, Annual General Meeting or Special General meeting at which the President is present;
- (b) be the holder of the Bronze Medallion award;
- (c) have the right to attend all committees and sub committees and shall be an ex-officio of all committees with full voting rights, or may appoint his representative to attend and vote at such meetings in his place;
- (d) administer and be responsible for all affairs of the Club and uphold the Rules and By-laws;
- (e) in consultation with the Management Committee and incorporating all other committees' strategic plans, draw up a Club Strategic plan and continually overview and update same;.
- (f) be responsible for the Media Releases, interviews and public relations with the media and the general public;
- (g) attend all general meetings of the Branch and report to the Management Committee.

## **29. Senior Vice President**

The Senior Vice President shall:

- (a) assist the President in carrying out his duties and in the President's absence shall deputise and assume the responsibility of the President;
- (b) convene and chair the meetings of the Judiciary committee;

- (c) be responsible for the overall media coverage of events conducted by the Club and endeavour to create good relations with the media and general public. (No mention shall be made of any domestic affairs of members nor shall any media controversy be entered into involving any member, Club or Surf Life Saving Australia);
- (d) initiate, organise and otherwise control such special projects that are referred to him by the Management Committee.
- (e) convene and chair 'Special Events' Committee meetings;
- (f) attend all organising committee meetings associated with special events involving the Club.

### 30. The Secretary

The Secretary shall:

- (a) be responsible for the general routine and administration of the Club and all other duties usually associated with the Secretary;
- (b) issue notices and compile agendas for and maintain the minutes for all Special/Annual Meetings & Management meetings;
- (c) attend all meetings of the Management Committee of the Club and be responsible for keeping minute books and produce them at each Committee or General Meeting;
- (d) be solely responsible for authorising all written material issued in the name of this Club;
- (e) be responsible, (in liaison with the Captain) for exhibiting all instructions on the Club's notice board;
- (f) be responsible for the custody of the papers belonging to the Club, except those relating to finance;
- (g) be responsible for ensuring that upon receipt of any sponsorship money, cheques or otherwise the amount be forwarded to the chairperson of the relevant committee charged with the responsibility of such sponsorship portfolio for banking on the behalf of the Treasurer in accordance with the *Financial Management* Guidelines attached to the By-laws;.
- (h) advise the Treasurer of every such transaction;
- (i) prepare a draft copy of the Annual Report and submit it to the Committee for approval before printing and presentation to Members at the Annual General Meeting;
- (j) produce to the Auditors, the minute books and such other information available as and when required by them;

- (k) carry out such other duties as the Committee may from time to time direct;
- (l) be ex-officio, a member of Committees and Sub-Committees appointed by the Committee;
- (m) liaise with Web Site Officer and oversee the Web Site Contents;
- (n) prepare submissions on behalf of the Club;
- (o) be responsible for the production of the Club Information Booklet at the commencement of each Season;
- (p) provide copies of all Carnival material to the Competitions Secretary;
- (q) be responsible for booking all Club functions with the Function Room Booking Officer;
- (r) be responsible for all initial membership applications and table them at the next Management Committee Meeting.

### **31. The Treasurer**

The Treasurer shall:

- (a) be Chairperson of the Finance Committee;
- (b) oversee and be responsible for the activities and duties carried out by the Finance Committee which shall develop, review, and maintain an up-date the Financial Plan of Management for the Club. The Finance Committee shall be responsible for promoting and maintaining established income streams in accordance with the By-laws;
- (c) liaise with the Fund Raising Committee;
- (d) actively oversee the positions of Social Secretary, Regalia Officer, Gear Steward, Bus Manager, Function Room Booking Officer, Assistant Treasurer (JAC), Team Manager and any other officer authorised officer of sub-committees that may from time to time be responsible for handling of funds for the Club;
- (e) be responsible for the setting up and organisation of the Car Art Union Raffle drawn annually prior to the 1st of August with the assistance from the Finance Committee and the Ways & Means Committee;
- (f) monitor all sponsorship money, cheque or other funds received and deposited on his behalf by the Chairperson of the committee responsible for the relevant sponsorship portfolio;
- (g) ensure that all office holders authorised to collect funds in the name of any part of the Club, shall do so in accordance with good financial practice;

- (h) keep such books and papers relating to the finance of the Club as the Committee may from time to time direct;
- (i) keep correct accounts and books showing the financial affairs of the Club;
- (j) present a statement of the Club's financial position at each meeting in accordance with the *Financial Management Guidelines* forming part of the By-laws;
- (k) collect all fees and monies due to the Club;
- (l) without delay, pay to the credit of the Club's banking account all monies they may receive and promptly issue receipts for all monies received, and draw all cheques on behalf of the Club;
- (m) prepare the Annual Balance Sheet and Financial Statement of the Club and submit them to the Annual General Meeting of the Club, as properly examined and certified as correct by the Club's Auditors;
- (n) produce to the Auditors as and when required, the Club Books of account, bank books and vouchers, and generally assist the Auditors in the audit of accounts;
- (o) carry out such other duties as the Management Committee may from time to time direct;
- (p) at Management Committee Meetings, vote in accordance with any decision reached previously by a sub-Committee that they represent.

### **32. Club Captain**

The Club Captain shall:

- (a) be the Chairperson of the Life Saving Committee;
- (b) be responsible for the general conduct of all Members when associated with the Club's activities;
- (c) be responsible for the general education of all Members in the skill of Surf Life Saving including annual pre-season workshops for Patrol Captains and Vice Captains;
- (d) oversee and be responsible for all records and rosters for patrols and for accurate records of life saving activities of the Members;
- (e) promptly advise the Management Committee and competition section Managers of any patrol default by any active member;
- (f) be responsible for the development of a Lifesaving Plan with the assistance of the Life Saving Committee;

- (g) oversee the preparation of gear for Gear Inspection;
- (h) oversee working parties to prepare gear for Gear Inspection;
- (i) oversee and implement an annual Proficiency day;
- (j) implement Policy for Patrol default;
- (k) prepare and submit Club statistics on patrol attendance and Lifesaving to the Branch.
- (l) have full control of Members on the beach and in the Club house;
- (m) notify competitors of patrol obligations for competition before 31st November;
- (n) exercise control, subject to the direction of the Committee, of the use of Club property by any Member;
- (o) have the power to refuse the use of any Club property to any member as the Captain shall think fit.
- (p) have the authority to use or direct the use of any or all of the Club's life saving equipment as they think fit, for the purpose of achieving the Club's objectives;
- (q) have authority to require any Member to perform any duty consistent with the member's obligations under the Club Rules or By-laws. Subject to duties specifically provided for in the Rules or By-laws, the Captain shall have over-riding authority over all Officers other than the President, Secretary and Treasurer of the Club;
- (r) submit a report on matters under their control at each regular meeting of the Committee;
- (s) be a Member, ex-Officio, of all Committees;
- (t) at Management Committee meetings, vote in accordance with any decision reached previously by the Committee that they represent;
- (u) be the holder of the Bronze Medallion and pass the annual Proficiency as laid down by Surf Life Saving New South Wales;
- (v) attend personally or arrange for a nominee to attend, the Education, Training & Development Committee meetings.

**33. Chairperson of the Junior Board of Activities (JBA Chairperson).**

The JBA Chairperson shall

- (a) be the holder of either a Surf Life Saving Certificate or Bronze Medallion and pass the annual proficiency as laid down by Surf Life Saving New South Wales;

- (b) chair the Committee Meetings of the Junior Board of Activities (JBA);
- (c) oversee all JBA activities;
- (d) in consultation with the JBA Committee, develop a plan for JBA development which shall be presented to the Management Committee for endorsement and this plan should be continually reviewed and updated;
- (e) co-ordinate and organise JBA activities including promotion, education and competition in conjunction with the JBA Committee;
- (f) oversee and be responsible for the activities and duties of the officers of JBA;
- (g) attend all meetings of the Management Committee;
- (h) at Management Committee Meetings, vote in accordance with any decision reached previously by the Committee that they represent.

#### **34. Chief Education, Training & Development Officer**

The Chief Education, Training & Development Officer shall:

- (a) be the holder of the Bronze Medallion award, Training Officers award and pass the annual proficiency as laid down by Surf Life Saving New South Wales;
- (b) be chairperson of the Education, Training & Development Committee (ETDC);
- (c) in consultation with the ETDC, develop an Education & Training Plan, which shall be presented to the Management Committee for endorsement and this plan should be continually updated;
- (d) be responsible for the instruction and training of all lifesaving awards as laid down in the manual of Surf Life Saving Australia, including:
  - setting and overseeing training schedules for all squads;
  - allocating candidates / Instructors for the Squads;
  - organising advertising and promotion of up-coming squads;
  - organising venue(s) (eg booking of pool for 400m swim);
  - setting dates for training & examinations in consultation with Instructors;
  - contacting branch registrar for examination dates and examiners;
  - completing all relevant paper work for completion of awards;  
(ie 14 a Forms (Request for Examination & Proficiency Test Record);
  - redirecting new members to the Secretary for membership details and payment;
  - passing on details of new award holders to Club Captain to be allocated to a Patrol Roster.
  - organising the distribution of awards for new instructors and new award holders;
  - assisting new members to organise patrol uniforms when necessary.
- (e) be the holder of all relevant accreditation for the instruction being undertaken;

- (f) report each month to the Management Committee, the result of examinations and all other matters relating to the office of Training Officer;
- (g) initiate, organise and otherwise control such special projects that are referred to them by the Management Committee;
- (h) oversee and be responsible for the activities and duties of the officers of the ETDC;
- (i) at Management Committee Meetings, vote in accordance with any decision reached previously by the Committee that they represent.

### **35. Team Manager (Competitions Director)**

The Team Manager (Competitions Director) shall:

- (a) be the holder of the Bronze Medallion award;
- (b) be chairperson of the Competition Committee;
- (c) in consultation with his committee, develop a competition development plan, which shall be presented to the Management Committee for endorsement and this plan should be continually reviewed and updated;
- (d) liaise with the Competitions Secretary regarding details of all nominated competitors for each carnival together with the details (starting times etc) for the carnivals;
- (e) at the start of the season book surf club bus with the Bus Manager for all Club Carnival needs for the forthcoming season;
- (f) upon receipt of carnival entry details determine transport arrangements, decide and announce to competition section Managers, the departure times from the Club.
- (g) cancel bus hire arrangements immediately upon deeming that the bus use is not required for transport to the carnival;
- (h) be responsible for all transport and accommodation arrangements associated with all championships Carnivals;
- (i) collect on behalf of the Club Treasurer all monies associated with transport and accommodation levies in accordance with the *Financial Management Guidelines* in the By-laws.
- (j) liaise with Regalia officer regarding outfitting of Touring Team Uniform and clothing;
- (k) on tour, have ultimate control of arrangements relative to team discipline and behaviour;

- (l) delegate authority for discipline and behaviour to Team Captain and competition section managers (in accordance with SLISA, shall delegate such responsibility to individuals in charge of groups of two or more);
- (m) as may be required when on tour, form (in conjunction with the Team Captain) a judiciary committee that shall be charged with reviewing any alleged breach of discipline or good behaviour;
- (n) oversee and be responsible for the activities and duties carried out by the Competition committee;
- (o) assist and organise all fundraising activities to raise funds for Touring Team and liaise with the Finance Committee on such matters;
- (p) report in writing to each Management Committee meeting;
- (q) set Team meeting dates;
- (r) be conversant with the Rules of Competition as outlined in SLISA competition handbook;
- (s) be responsible for representing the Club in all disputes that may arise in competition;
- (t) at Management Committee Meetings shall vote in accordance with any decision reached previously by the Committee which they represent.

### **36. The Social Secretary.**

The Social Secretary shall:

- (a) have control of the Social Activities, chair the Social Committee, and report their activities to the Management Committee for approval.
- (b) be responsible for collecting and banking (on behalf of the Treasurer all monies earned from Social Activities and first floor lounge hiring in accordance with the *Financial Management Guidelines* set out in the By-laws;
- (c) submit a monthly financial report to the Treasurer in accordance with the *Financial Management Guidelines* set out in the By-laws;
- (d) maintain and control responsibility for liquor purchases and associated sales within the guidelines of the Club and in accordance with the liquor licensing laws of New South Wales.
- (e) maintain and control all records relating to liquor purchases and sales and produce reports to the Management Committee monthly;
- (f) be a member of the Management Committee;

- (g) keep an appropriate set of books of receipts and expenditure;
- (h) bear ultimate responsibilities for the activities of the following people and associated accounts: *Food & Beverage Coordinator*;
- (i) be responsible for booking and hire of the Upstairs Lounge of the Club House at a commercial rate in accordance with the *Financial Management Guidelines* being part of the By-laws;
- (j) at Management Committee Meetings, vote in accordance with any decision reached previously by the Committee that they represent.

### **37. The Executive Committee.**

- (1) The following officers shall constitute the Executive of the Club:

President  
Senior Vice-President  
Secretary  
Treasurer  
Club Captain

- (2) The Executive shall be empowered to deal with any matters or urgency or emergency. Any matters so dealt with shall be reported to the first meeting of the Management Committee meeting occurring thereafter for confirmation and endorsement.
- (3) Three (3) members of the Executive Committee shall form a quorum.

## **MEETINGS**

### **38. Annual General Meeting**

- (a) The Annual General Meeting will be held on or about the first convenient weekend after the conclusion of each Season.
- (b) At least fourteen (14) days notice of the Annual General Meeting must be given to all members.
- (c) Twenty (20) members shall form a quorum.
- (d) The business to be transacted at the Annual General Meeting shall be:
  - (i) Apologies.
  - (ii) Adoption of the Annual Report and Financial Statement.
  - (iii) Election of Officers.

- (iv) Affiliations.
  - (v) Alterations to the Rules and By-laws (of which due notice has been given.)
  - (vi) Motions (of which due notice has been given.)
  - (vii) General Business.
- (e) All Members shall be entitled to attend, but only those entitled to vote under these rules may do so on any resolution put to the Annual General Meeting.
  - (f) The minutes of the Annual General Meeting shall be read and confirmed at the next Committee Meeting and need not be read at the succeeding Annual General Meeting.
  - (g) No Member shall be allowed to vote at the Annual General Meeting until all arrears and current subscriptions are paid.
  - (h) Only members in attendance at the Annual General Meeting are entitled to vote. Proxy votes shall not be accepted.

### **39. Special General Meeting**

- (1) The Committee may, whenever it thinks fit, convene a special general meeting of the Club.
- (2) The Committee must, on the requisition in writing of at least 12 members entitled to vote, convene a special general meeting of the Club.
- (3) A requisition of members for a special general meeting:
  - (a) must state the purpose or purposes of the meeting; and
  - (b) must be signed by the members making the requisition; and
  - (c) must be lodged with the secretary; and
  - (d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- (4) If the Committee fails to convene a special general meeting to be held within 1 month after that 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 3 months after that date.
- (5) A special general meeting convened by a member or members as referred to in rule 39(4) must be convened as nearly as is practicable in the same manner as general

meetings are convened by the Committee and any member who consequently incurs expense is entitled to be reimbursed by the Club for any expense so incurred.

#### **40. Notice**

- (1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Club, the secretary must, at least 14 days before the date fixed for the holding of the general meeting, cause to be posted in the Club House and advertised in at least one (1) local newspaper circulating in the district in which the Club is situated, a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (2) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Club, the Secretary must, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be sent to each member entitled to vote by pre-paid post to the members address appearing in the register of members specifying the place, date, and time of the meeting and the nature of business proposed to be transacted at the meeting, and of the intention to propose the resolution as a special resolution.
- (3) No business other than that specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under Rule 38.
- (4) A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

#### **41. Procedure**

- (1) No item of business is to 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.
- (2) Twenty (20) 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.
- (3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:
  - (a) if convened on the requisition of members, is to be dissolved; and
  - (b) in any other case, is to stand adjourned to a time and place determined by the Executive Committee.

- (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 (being at least 3) is to constitute a quorum.

#### **42. Presiding member**

- (1) The President or, in the President's absence, the Senior Vice-President, is to preside as chairperson at each general meeting of the Club.
- (2) If the President and the Senior Vice-President are absent or unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.

#### **43. Adjournment**

- (1) The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) If a general meeting is adjourned for 14 days or more, the secretary must give written 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.
- (3) Except as provided in Rules 43(1) and 43(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.

#### **44. Making of decisions**

- (1) A question arising at a general meeting of the Club is to be determined on a show of hands and, unless before or on the declaration of the 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 of or against that resolution.
- (2) At a general meeting of the Club, a poll may be demanded by the chairperson or by at least 4 members present in person at the meeting.
- (3) If a poll is demanded at a general meeting, the poll must 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 is taken to be the resolution of the meeting on that matter.

#### **45. Special resolution**

A resolution of the Club is a special resolution:

- (1) if it is passed by a majority which comprises at least three-quarters of such members of the Club as, being entitled under these Rules so to do, vote in person or by proxy at a general meeting of which at least 21 days' written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these Rules; or
- (2) where it is made to appear to the Director-General of the Department of Fair Trading that it is not practicable for the resolution to be passed in the manner specified in paragraph (a), if the resolution is passed in a manner specified by the Director-General.

#### **46. Voting**

- (1) On any question arising at a general meeting of the Club a member has one vote only.
- (2) All votes must be given personally and not by proxy.
- (3) 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.
- (4) A member is not entitled to vote at any general meeting of the Club unless all money due and payable by the member to the Club has been paid.

#### **47. Rescission of Resolutions**

A resolution passed at an Annual General Meeting or Special General Meeting, may only be rescinded at a subsequent Annual or Special General Meeting. Notice of intention to move such a resolution must be given in writing by the mover and seconder, to the Secretary at least twenty eight (28) days prior to the date of the meeting at which it is to be moved.

#### **48. Order of Business**

The following shall be the order of business at all meetings except Annual or Special General Meetings.

- (a) Apologies
- (b) Confirmation of minutes of previous meeting
- (c) Business arising from minutes
- (d) Correspondence
- (e) Financial Report
- (f) Accounts for payment
- (g) Reports from Committees/Sub-Committees, Delegates, Officers
- (h) Nomination of Members

- (i) Motions of which notice has been given
- (j) Notices of Motion
- (k) General Business

## **MISCELLANEOUS**

### **49. Insurance**

- (1) The Club must effect and maintain insurance under section 44 of the Associations Incorporation Act.
- (2) In addition to the insurance required under Rule 61(1), the Club may effect and maintain other insurance.

### **50. Funds source**

- (1) The funds of the Club are to be derived from entrance fees and annual subscriptions of members, donations and, subject to any resolution passed by the Club in general meeting, such other sources as the Committee determines.
- (2) All money received by the Club must be deposited as soon as practicable and without deduction to the credit of the Club's bank account.
- (3) The Club must, as soon as practicable after receiving any money, issue an appropriate receipt.

### **51. Funds management**

- (1) Subject to any resolution passed by the Club in general meeting, the funds of the Club are to be used in pursuance of the objects of the Club in such manner as the Committee determines.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any member of the Committee or employees of the Club, being members or employees authorised to do so by the Committee.

### **52. Common seal**

- (1) The common seal of the Club must be kept in the custody of the public officer.
- (2) The common seal must not be affixed to any instrument except by the authority of the Committee and the affixing of the common seal must be attested by the signatures either of 2 members of the Committee or of 1 member of the Committee and of the public officer or secretary.

**53. Custody of books**

Except as otherwise provided by these Rules, the Secretary must keep in his or her custody or under his or her control all records, books and other documents relating to the Club.

**54. Inspection of books**

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

**55. Service of notices**

- (1) For the purpose of these Rules, a notice may be served by or on behalf of the Club on any member either personally or by sending it by post to the member at the member's address shown in the register of members.
- (2) If a document is sent to a person by properly addressing, prepaying and posting to the person a letter containing the document, the document is, unless the contrary is proved, taken for the purposes of these Rules to have been served on the person at the time at which the letter would have been delivered in the ordinary course of post.

**56. Political and Sectarian**

The Club shall be non-party political and non-sectarian, and the introduction of any matter or subject bearing either directly or indirectly on politics or religion at any meeting of the Club or within the Club premises will not be permitted. Any Member who publicly participates in any political or sectarian gathering or meeting shall not act as if the Member represented the views of the Club.

**57. Dissolution**

- (1) The Club may be dissolved or wound up on the adoption of a special resolution passed by a three-fourths majority of financial Members present and entitled to vote at an Annual General Meeting or at a Special General Meeting called for that purpose.
- (2) Notice of the intention to move a resolution to dissolve the Club must have been:
  - (a) given in writing to every Member at least twenty one (21) days before the meeting;
  - (b) posted in the Club House at least twenty one (21) days before the meeting and have been maintained for such period; and
  - (c) advertised in at least one newspaper circulating in the district in which the Club is located on at least two (2) occasions within twenty one (21) days before the meeting.
- (3) Upon the passing of a resolution to dissolve the Club the Committee shall forthwith proceed to realise the assets, property and any other possessions of the Club and after discharge of all the liabilities of the Club, and any surplus property of such realisation,

together with any other monies standing to the credit of the Club shall be distributed in accordance with the Associations Incorporation Act.

## **AMENDMENT OF BY-LAWS**

### **58. By-laws**

This Club shall adopt By-laws not inconsistent with the Objects and Rules of this Club incorporating additional provisions for the government of this Club. Such By-laws may be amended from time to time by the Management Committee and any such amendments shall be approved of and ratified by the members entitled to vote at the next Annual General Meeting of the Club following any meeting or resolution of the Management Committee which amends the By-laws. If the members at the Annual General Meeting do not approve or ratify the amendments then the By-laws applying before any resolution by the Management Committee to amend shall stand as though unamended.

## **PUBLIC OFFICER**

### **59. Public Officer**

- (a) The Management Committee shall ensure that a person is appointed as Public Officer.
- (b) The Management Committee may at any time remove the public officer and appoint a new Public Officer provided the person appointed is eighteen (18) years of age or older and a resident of New South Wales.
- (c) The Public Officer shall be deemed to have vacated the position in the following circumstances:-
  - (i) death;
  - (ii) resignation;
  - (iii) removal by the Management Committee or at a general meeting;
  - (iv) bankruptcy or financial insolvency;
  - (v) mental illness; or
  - (vi) residency outside new South Wales.
- (d) When a vacancy occurs in the position of Public Officer the Management Committee shall within fourteen (14) days notify the Department of Fair Trading by the prescribed form and appoint a new Public Officer.
- (e) The Public Officer is required to notify the Department of Fair Trading by the prescribed form in the following circumstances:

- (i) appointment (within 14 days);
  - (ii) a change of residential address (within 14 days);
  - (iii) a change in the Club's objects or rules (within one month);
  - (iv) the Club's financial affairs (within one month after the annual general meeting);
  - (v) a change in the Club's name (within one month).
- (f) The Public Officer may be an office bearer, committee member or any other person regarded as suitable for the position by the Management Committee.