



Surf Lifesaving Queensland
Wide Bay Capricorn Branch Inc.

Constitution

19th July 2014

Surf Life Saving Queensland
Wide Bay Capricorn Branch Inc.

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PART 1
THE CONSTITUTION

SECTION A
Name, Control, Objects, Badges

1. NAME, INTERPRETATION AND DEFINITIONS

NAME

The name shall be "Surf Life Saving Queensland, Wide Bay Capricorn Branch Inc.", hereinafter referred to as "The Branch".

- (a) **ASSOCIATION** - shall mean "Surf Life Saving Australia Limited" or SLSA;
- (b) **AUSTRALIAN COUNCIL** - shall mean the Body consisting of the S.L.S.A. (Association) Directors.
- (c) **STATE CENTRE** - shall mean "Surf Life Saving Queensland" (SLSQ), which includes Branches, Clubs and their members.
- (d) **BRANCH** - shall mean the Surf Life Saving Queensland Wide Bay Capricorn Branch Inc, which includes the affiliated Clubs and their members within the boundaries of that Branch as defined by Surf Life Saving Queensland and Surf Lifesaving Queensland Wide Bay Capricorn Branch Inc..
- (e) **COUNCIL** - shall mean the Body consisting of the Branch President, Deputy President, and Branch Club Presidents (Councillors), Director of Finance (non-voting) Regional Manager (non voting) and Regional Administration Officer (non-voting) and shall act for, and on behalf of the Branch during their term of office. (Part 1/B/3/3.1).
- (f) **AFFILIATED CLUB** - shall mean Clubs which have applied for and been granted affiliation with the Branch.

INTERPRETATION

In this Constitution:-

- (a) a reference to a function includes a reference to a power, authority and duty;
- (b) 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;
- (c) words importing the singular include the plural and vice versa;
- (d) words importing any gender include the other genders;
- (e) references to persons include corporations and bodies politic;
- (f) references to a person include the legal personal representatives, successors and permitted assigns of that person;
- (g) 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);

- (h) the specification of the objects and powers of the Branch in 1/A/3 of this 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 details, and in particular objects or powers will be limited by reference to any other rule of construction known as the "*ejusdem generis*" (of the same kind) rule shall not apply;
- (i) 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 it shall be severed to the extent of the invalidity or unenforceability, without affecting the remaining provisions of this Constitution or affecting the validity or enforceability of that provision in any other jurisdiction;

DEFINITION

- (a) Where the words Regional Administration Officer appear in this document they shall be acknowledged to refer to a Secretary as defined in the relevant Government legislation;
- (b) Where the words "Director of Finance" appear in this document they shall be acknowledged to refer to a Treasurer as defined in the relevant Government legislation;
- (c) Where the words "Executive" or "Executive Committee" appear in this document they shall be acknowledged to refer to the words "The Management Committee" as defined in the relevant Government legislation;
- (d) Year – In respect to "Membership" and "Competition", shall mean, in the case of a Club, Branch and Surf Life Saving Queensland, the period between 1 October in any one year and 30 September in the year following.

2. CONTROL

- 2.1 The Branch shall be subject to the control of State Centre to the extent of the powers of State Centre and shall have full control over all affiliated Clubs within that part of the State of Queensland extending from Spring Head (Yeppoon) to Mangrove Point (Urangan) or as directed by the Australian Council of Surf Life Saving Australia Limited or State Centre from time to time. It shall be charged with the fulfilment of the objects of the Association within the boundaries defined above.
- 2.2 Clubs may be formed on open beaches according to need and/or requirement within the area as being under the control of the Branch subject to application being made to the Branch to form a Club and to seek affiliation thereto, and all Clubs shall have reciprocal rights with each other as provided for in the By-laws.
- 2.3 The Branch may authorize the formation and affiliation of auxiliary organizations providing such organizations have similar aims and objects as the Branch and are subject to the overall control of the Branch.
- 2.4 Topics - Religion and politics and matters such as this shall not be part of the Association business and are banned from discussion at any official meetings held within the Association. These items shall remain as an individual commitment only, without reference to the Association in any way.
- 2.5 Surf Lifesaving Queensland Wide Bay Capricorn Regional Office shall be situated within the Branch boundaries and shall be known as "Branch Office"

3. OBJECTS AND POWERS

The Branch is a charitable community service organisation with the following objects and powers:

- 3.1 Promote, advance and control the work of Surf Life Saving, the resuscitation of the apparently drowned, the treatment and resuscitation of any person stung by any marine stinger, and the application of first aid on surfing beaches and elsewhere.
- 3.2 Carry out research and experiments for the improvement of methods of Surf Life Saving, the resuscitation of the apparently drowned and the treatment of the seriously stung, and to provide efficient lifesaving equipment of standard design, and oversee the training of members of affiliated Clubs in the efficient use of such equipment to minimize loss of life in surf bathing and elsewhere.
- 3.3 Co-operate with any Organization in improving methods of life saving (whether in still or rough water or elsewhere) and the securing of public recognition and financial support for Surf Life Saving.
- 3.4 Draft and promulgate rules for the management and control of Surf Life Saving and Resuscitation work and so far as local conditions permit secure uniformity in such rules.
- 3.5 More effectively carry out the aforesaid objects, develop Surf Life Saving into an organized institution and with these objects in view, foster, regulate, organize and manage examinations, competitions and displays and issue badges, medallions and certificates, and award trophies to successful competitors.
- 3.6 Adjudicate on differences or disputes arising out of examinations, competitions and displays.
- 3.7 Enforce the observance of the Policies, Rules and Regulations of the Association, and written directions from time to time, deal with any infringement thereof, and adjudicate upon all disputes and difficulties between affiliated Clubs or between individual members of affiliated Clubs.
- 3.8 Recommend Meritorious Awards for affiliated Clubs, members and others, in honourable public recognition of difficult and meritorious rescues from the sea and elsewhere, and of deeds of exceptional bravery, from time to time performed in the course of lifesaving in the surf and elsewhere, and to recommend for Civil Honours, and support wherever requested and considered appropriate, nominations.
- 3.9 Promote improved facilities for surf bathing.
- 3.10 Promote uniformity of Rules and Regulations for the control and regulation of surf bathing, and assist the authorities in enforcing these Rules and Regulations.
- 3.11 Produce, develop, create, license, and otherwise exploit, use and protect the intellectual property, including but not limited to logos, trademarks, copyright and names in any Surf Life Saving equipment, product, publication or event developed by the Branch.
- 3.12 Acquire by purchase, exchange or otherwise, whether for the estate in fee simple or for any less estate in lands, tenements or hereditaments or any tenure whether subject or not to any charges or encumbrances and erect, replace, maintain, reconstruct, adapt and furnish any offices or other buildings thereon and sell, let, alienate, mortgage, charge or otherwise deal with all or any of such lands, tenements or hereditaments or any part thereof.
- 3.13 Raise or borrow money on bonds, or mortgage, or other security of any property, held for or on behalf of the Branch, or without any such security and upon such terms as the Branch shall think fit.
- 3.14 Receive money on deposit with or without allowance of interest thereon.
- 3.15 Invest the monies of the Branch, not immediately required, in such manner as may from time to time be determined by the Council or the Branch Executive.

- 3.16 Do all or any of the matters hereby authorized, either alone or in conjunction with any person, company or unincorporated body, or by or through any factors, trustees or agents.
- 3.17 Generally do all such other things as may appear to the Branch to be incidental or conducive to the attainment of the foregoing objects or any of them.
- 3.18 Construct, maintain, and alter any houses, buildings or works necessary or convenient for the purposes of the Branch.
- 3.19 Promote the health and safety of members and all other users of the aquatic environment, and seek and obtain improved facilities for their enjoyment.
- 3.20 Strive for governmental, commercial and public recognition of the Branch as the authority on aquatic safety and management within its boundaries.
- 3.21 Ensure that environmental considerations are taken into account in all Surf Life Saving and related activities conducted by the Branch.
- 3.22 Encourage members to realize 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.
- 3.23 Encourage and promote performance-enhancing drug free competition.
- 3.24 Effect such purposes as may be necessary in the interests of Surf Life Saving and the aquatic environment.
- 3.25 Take any gift of property whether subject to any special trust or not for any one or more of the objects of the Branch.
- 3.26 Take such steps by personal or written appeals, public meetings or otherwise as may from time to time be deemed expedient for the purposes of procuring contributions to the funds of the Branch in the shape of donations, annual subscriptions or otherwise.
- 3.27 Print and publish any newspapers, periodicals, books or leaflets that the Branch may think desirable for the promotion of its objects.
- 3.28 Establish and maintain corporate entities to carry on and conduct the business affairs and undertakings, or any aspect thereof, of the Branch and for that purpose utilize any of the assets of or held on behalf of the Branch.
- 3.29 Promote any other person or company for any purpose calculated to benefit the Branch.
- 3.30 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 the Branch or generally for any purpose calculated to benefit the Branch.
- 3.31 Externally administer or assist Clubs and auxiliary organisations experiencing administrative, operational or financial difficulties in any manner the Branch sees fit (including by the appointment of an administrator).
- 3.32 Impose fines, penalties or other sanctions as the Branch sees fit.
- 3.33 The Branch shall have power (but not the obligation) to do all things as may appear to it to be necessary, incidental or conducive to the attainment of any of the foregoing objects or any of them.

4 BADGES AND COLOURS

- 4.1 The Branch shall have power to control the design and issue of badges, blazers and emblems representative of Branch identification to such persons that may be determined from time to time. Such badges, blazers and emblems shall be obtained only on the written order of the Branch President or Branch Administrator (if appointed) and such written order shall detail the lettering to be embroidered beneath the emblem.
- 4.2 The Branch emblem shall be worn only by accredited representatives and members of teams who are selected or approved by the Branch Selection Committee and shall be to the design appearing in Appendix "C".
- 4.3 The Branch Life Membership Badge shall be presented by the Branch to each duly elected Life Member and shall be to the design appearing in Appendix "C".
- 4.4 The Branch Colours shall be Red and Black.
- 4.5 The Branch emblem, incorporating the Branch badge, shall be utilized as seen fit by the Branch.

5 THE COMMON SEAL

- 5.1 The form of the Common Seal shall be as set out in the first part of Appendix "C" of this Constitution together with the words "Surf Life Saving Queensland, Wide Bay Capricorn Branch Inc. " around its perimeter and the words "The Common Seal of" in its centre.
- 5.2 The Executive shall provide for the safe custody of the Seal.
- 5.3 The Seal shall only be used by the Authority of the Executive, and every document to which the Seal is affixed shall be signed by a member of the Executive and be counter-signed by another member of the Executive one of whom shall be the President.

SECTION B

Composition, Membership, Affiliation, Management

1. COMPOSITION/MEMBERSHIP

- 1.1 The composition of the Branch shall consist of its Affiliated Clubs and their Members who shall, automatically, be members of the Branch and such membership shall be unlimited, and the representatives of Auxiliary Organisations, (Non-voting)
- 1.2 The Registered Membership of the Branch shall be appointed/ elected Councillors, Directors/ Deputy Directors/ Officers, Life Members (see By-Laws), Members of Affiliated Clubs and representatives of Auxiliary Organizations, provided that a register of such members shall be prepared at the commencement of each year, and shall be updated from time to time as required, and further provided that no membership fee shall apply and the register shall serve as a notification list for advice of Council meetings and other meetings from time to time.
- 1.3 Subject to paragraph 1/B1.8, membership of the Association shall be available to males and females provided that Active Membership shall be limited to holders of the Surf Bronze Medallion.
- 1.4 A member of a Life Saving Organization affiliated with International Life Saving may be accepted as a member of an affiliated Club provided that the member complies with all the conditions of the Association and its Rules, Regulations and Manuals.
- 1.5 In this Constitution and in the By-laws, words importing the masculine gender shall include the feminine gender, and shall not infer a restriction upon the gaining or holding of Awards, Membership or Office - on the sole basis of gender.
- 1.6 All applications for membership shall be made on the approved Association Form and all members shall be bound by this Constitution, the By-Laws, the Appendices, Resolutions and the Association's Memorandum of Association, Articles of Association and Regulations.
- 1.7 Members of affiliated Clubs must renew their membership of their Club annually in accordance with the provisions of the Constitution of their Club.
- 1.8 Because the Branch is comprised of elected or appointed membership, there is no right of rejection or right against termination of membership and therefore no right of appeal against rejection or termination of membership. However, the Councillors may be rejected or terminated from office or appointed membership.

2. AFFILIATIONS

- 2.1 Each Club and Auxiliary Organization within the Branch area shall apply annually for affiliation, such application, accompanied by the prescribed affiliation fee, as may be determined from time to time, shall be made prior to the Annual General Meeting, and may be approved by the Branch providing such application complies with the requirements of the Branch Constitution and conditions set down from time to time and further, providing that an application may be received and granted after the prescribed date. No Club shall be entitled to membership after the date of the Annual General Meeting until such time as an application for affiliation shall have been made on the prescribed form, accompanied by the prescribed affiliation fee and a copy of the Club's latest audited financial statement and annual report, and accepted.
- 2.2 No club shall be granted affiliation unless it is incorporated, or is in the process of incorporating under the relevant Government Act, nor remain affiliated unless it and its affiliated bodies subscribe to the constitution, By-Laws, regulations, policies etc. Of State Centre, Branch, and SLSA. In the case of a newly formed club, probationary affiliation may be granted for a maximum period of twelve (12) months

- 2.3 Affiliation shall not be granted to more than one Club operating in the one bathing area and no club shall be permitted to affiliate with a Branch other than that within the boundaries of whose area it is situated, except when upon special representation, it is agreed by the Branch Council that better life saving services can be rendered by affiliation otherwise.
- 2.4 Continued affiliation of a Club may be subject to challenge for a requirement to show cause why the affiliation should be continued if the Club fails to comply with all or any of the following procedures:
- (a) Carry out and perform the duty of patrolling the Club's designated beach at such times as prescribed by the Branch.
 - (b) Comply with written requests and directions as detailed by State Centre/Branch from time to time.
 - (c) Remain financial with the State Centre/Branch as provided for in 1/D/2.11.
- 2.5 Each Auxiliary Organization which has been authorized by the Branch/State Centre shall apply for affiliation and if granted such affiliation shall remain in force until termination by the Branch/State Centre
- 2.6 The initial application for affiliation shall be accompanied by a Constitution or a framework of rules under which the applying body intends to operate and such Constitution or Rules shall be subject to approval or otherwise of the Branch/State Centre.
- 2.7 Changes or amendments to the Constitution, Rules, etc., of Affiliated Auxiliary Organizations must not conflict with the Constitution, By-laws, Policies or Rules of the Branch, State Centre or SLSA .
- 2.8 Any Club penalized by the Branch shall have the right to appeal to the SLSQ (within fourteen (14) days) as provided for in the By-laws and such appeal shall be dealt with by SLSQ within three (3) months of lodgement.
- 2.9 Affiliated Clubs (each an entity):
- (a) are bound by this Constitution and By-Laws and submit to the authority of the Branch in relation to the conduct, promotion and administration of surf life saving within the boundaries of the Branch; and
 - (b) must not do or permit any act or thing which, in the opinion of the Branch, might adversely affect or derogate from the standards, quality and reputation of surf life saving.
- 2.10 The Branch may at any time appoint one or more people to administer an Entity or its assets if, in the Branch's reasonable opinion:
- (a) the Entity is experiencing, or might experience, serious administrative, operational or financial difficulties;
 - (b) It is in the best interests of surf life saving, the Entity or its members that all or some of the operations, affairs, conduct or management of the Entity be investigated, reviewed or externally administered or assisted, or
 - (c) the Entity has acted or proposes to act contrary to law, the Constitution or the By-Laws.
- 2.11 Entities must:
- (a) promptly provide to administrators all documents, records and assistance (including the execution of documents of instruments) reasonably requested by the administrator from time to time; and
 - (b) Indemnify the administrator, the Branch and the Branch's officers and employees against all liabilities incurred by the administrator in the exercise or purported exercise of his powers.

2.12 An Administrator appointed to an Entity or its assets:

- (a) is an agent of the Entity which alone shall be responsible for its administrator's acts and defaults; notwithstanding this, must act in the interests of the Branch and surf life saving;
- (b) subject to the terms of the administrator's appointment, may exercise all of the powers of the Entity and has power to do all things necessary or convenient to be done for or in connection with, or incidental to, the attainment of the objectives for which the administrator was appointed;
- (c) must report to the Branch about the affairs of the Entity and the administrator's activities when required by the Branch to do so;
- (d) may make recommendations to the Entity of the Branch about the affairs of the Entity or the matters the subject of the administrator's appointment; and
- (e) may be removed from office at any time by the Branch.

2.13 Where the Branch considers or is advised that an Entity has allegedly:

- (a) breached, failed, refused or neglected to comply with a provision of the Constitution or By-Laws any resolution of the Branch or
- (b) acted in a manner prejudicial to the objects and interests of the Branch or surf life saving;
- (c) brought the Branch, State Centre, any Branch or Club or surf life saving into disrepute;
- (d) refused without lawful excuse to implement any or all directions or recommendations made by an administrator appointed by the Branch;

the Branch may, in addition to its other rights or powers at law or under the Constitution and By-laws and after allowing the Entity the reasonable opportunity to explain, and adjudicate if necessary impose upon the Entity such penalty as the Branch considers appropriate.

3. MANAGEMENT

The Management of the Branch shall be provided in the following manner:-

3.1 The Branch Council

The overall responsibility for the affairs of the Branch shall be vested in the Branch Council, which shall consist of the Branch President (Chairperson), the Deputy President, the Club Presidents (Councillors), Director of Finance (non-voting) Regional Manager (non voting) and Regional Administration Officer (non-voting). All of whom must be adults i.e. 18 years or older. All members of the Council shall be allowed proxies.

3.2 The Executive

The primary function of the Executive is to manage the business of the Branch on behalf of the Branch Council Meetings. The Executive shall consist of the President, Deputy President and the following Directors - Life Saving, Surf Sports, Finance, Membership Development, Deputy Directors Life Saving (North and South), Deputy Director Surf Sports, Deputy Director Membership Development (Junior Activities Chairperson) and Branch Administration (non-voting), provided that the members of the Executive (with the exception of the President) shall be allowed proxies. The Executive shall also identify issues of significance to the Branch Council.

If the Branch has no paid Administrator they shall elect a "Director of Administration and IT" who shall have same powers as a paid administrator but with voting rights same as other directors.

3.3 Board and Committees

Boards, Special Committees and Sub-Committees may be established to assist in the management of the Branch, as provided for in the By-laws, and shall report and make recommendations to the Executive Committee and/or Branch Council.

3.4 Staff

May be as provided for in 1/D/5 and may include:

- (a) Other personnel as may be determined from time to time by the Executive.

3.5 Order of Authority

The order of priority in relation to authority is:-

The Council, the Executive, the President, Deputy President,, Director of Finance, and Boards and Committees and the Regional Administration Officer (if appointed).

3.6 Councillors

- (a) Councillors to the Branch shall be elected annually at the Annual General Meeting or subsequent Ordinary Meeting of their respective Club. All Councillors shall be endorsed at the commencement of the Annual General Meeting of the Branch.
- (b) No Councillor shall be entitled to represent more than one (1) Club at the same time.
- (c) All Councillors shall hold office until the appointment of their successors, provided that they may resign or may be removed from the Office by the body which appointed them, in which case that body may make another appointment in their stead.
- (d) Any Councillor who is absent from two (2) consecutive meetings of the Council without submitting a satisfactory reason in writing, may be held to have forfeited his seat and in such event, shall not be eligible for re-election during the current year provided always that the body he represents shall receive due notification. A club shall have the right to appoint a successor if the councillor forfeits his seat.
- (e) Councillors shall have legal and other obligations as described in the By-Laws.
- (f) Councillors may appoint 'Alternates' or Proxy Councillors

SECTION C

Election of Directors/Officers/Committees & Life Members

1. ELECTION OF DIRECTORS/OFFICERS/COMMITTEES

- 1.1 Director/Officers and committees shall be elected at the Annual General Meeting.
- 1.2 (a) The President, Deputy President, Directors and Deputy Directors shall be elected for a term of 2 years, which shall commence from the conclusion of the Annual General Meeting at which the election occurred until the conclusion of the second Annual General Meeting following.
- (b) The President, Director of Life Saving, Director of Youth and Membership, Deputy Director of Surf Sports and Deputy Director of Life Saving North shall be elected in each year of even number and the Deputy President, Director of Finance, Director of Surf Sports, Deputy Director Youth and Membership (Junior Activities Officer) and Deputy Director Lifesaving South shall be elected in each year of odd number.
- 1.3 Nominations for Officers and Committees to be elected or appointed at the Annual General Meeting of the Council shall be in writing on the appropriate form, signed by the nominator and seconder, who shall be members of affiliated Clubs, and bearing a certificate signed by the nominee expressing his willingness to accept the position for which he is nominated. Such nominations shall be in the hands of the Regional Administrator Officer (if appointed) at least twenty-eight (28) days prior to the date of the Branch Annual General Meeting and shall be promulgated to the affiliated Clubs, Officers, Councillors and Life Members at least fourteen (14) days before that date.
- 1.4 If there are no nominations received as aforesaid, nominations may be accepted at the Annual General Meeting provided the person nominated is present or has given a written consent to accept office. The election of Directors/Officers listed in the By-laws shall be by the exhaustive or preferential ballot system, provided that the Executive Officers as identified in the By-laws shall be elected by the Branch Council, by secret ballot. In the final ballot, should there be an equality of votes the following shall apply -
- (a) If one of such nominees occupies the office which is the subject of the ballot, such nominee shall be declared re-elected.
- (c) If none of the nominees occupies the office which is the subject of the ballot, the presiding Chairperson at the time of the ballot shall have a casting vote.
- 1.5 Officers and Directors shall continue in office, subject to resignation or removal from office, until their successors are appointed. In the event of a vacancy occurring during the year, such vacancy may be filled at a Council Meeting, subject to the normal conditions of nomination.
- 1.6 Any Officer or Director who is absent from two (2) consecutive meetings of the Board/Committee he is a member of without submitting a satisfactory reason in writing may be removed from office, and in such event, shall not be eligible for re-election during the current year.
- 1.7 Any Officer or Director who is not satisfactorily carrying out his duties may be removed from office, and in such event, shall not be eligible for re-election during the current year; provided that no such action shall be taken unless notice of intention to move a motion to give effect thereto has been given in accordance with the provisions of 1/E/6.
- 1.8 Should a vacancy occur, through illness, incapability, resignation or requirement or some other reason, then the same conditions shall apply except that the election or appointment may take place at a subsequent General Meeting of the Council.

1.9 Appeal against removal from Office

Any Officer or Director removed from Office by the Branch shall have the right to lodge an appeal against such removal to the Branch provided that the appeal shall be lodged in writing to the Branch within fourteen (14) days of the notification of the removal and shall set out clearly the grounds of the appeal. The appeal shall be placed before the Branch Judiciary Committee, and it shall be dealt with as per the By-laws.

2. ELECTION OF LIFE MEMBERS

2.1 Life Members of the Branch may be elected from the members of the Association who have rendered special service to the Association within the area of, or on behalf of the Branch, as follows:

2.2

- (a) Bronze Medallion Holders – ten (10) years within a period of fifteen (15) years
- (b) Non Bronze Medallion Holders – fifteen (15) years over a period of twenty (20) years

2.3 The Life Members and Honours Committee shall consider prospective nominees' names. The Committees recommendation to be submitted to the Branch President who shall submit to Club Presidents "Councillors".

2.3 Consideration by the Life Members and Honours Committee, as above, of other nominations may also be initiated by the written request (accompanied by a summary of the nominee's service) by -

- (a) any two members of the Association, subject to endorsement by an affiliated Club;
- (b) any affiliated Club.

2.4 The procedures for the election of Life Members shall be

- (a) Life Member and Honours Committee decision to recommend Life Membership shall be conveyed through the Branch President to the Club Presidents at least twenty-one (21) days prior to the Annual General Meeting.
- (b) The Management Committee of each Club shall meet in camera and endorse or reject each nomination. Each Club President shall forward their decision on each applicant, in writing, to the President, at least seven (7) days prior to the Annual General Meeting.
- (c) Endorsed by two-thirds majority of Clubs is required for Life Membership to be approved.

2.5 Successful nominee/s for Life Membership shall be formally announced by the Branch President or his nominee at the Annual General Meeting of the Council or at the Presentation Night..

SECTION D**Property, Finance, Budget & Staff**

1. PROPERTY

- 1.1 The property of the Branch shall be vested in the name of Surf Life Saving Queensland, Wide Bay Capricorn Branch Inc.

2. FINANCE

- 2.1 An official receipt, in the form prescribed by legislation, shall be issued for all monies received, and which shall be banked/deposited promptly after receipt thereof, in the name of the Branch in such Bank as the Executive directs.
- 2.2 Payment shall be made by Electronic Transfer or by Cheque. Electronic Transfer payments and Cheque Payments must be authorised by any two of the following officers, President, Deputy President, Director of Finance or other person authorised from time to time by the Executive, including SLSQ staff if necessary. All Cheques must be crossed "not negotiable".
- 2.3 The assets and income of the Branch shall be applied solely in the furtherance of its aforementioned objectives and no portion shall be distributed directly or indirectly to the members of the Branch except as bona fide compensation for services rendered or expenses incurred on behalf of the Branch.
- 2.4 Where any affiliated Club of the Branch is unable to make any lawful appeal for support for that affiliated Club or for its objects, no moneys or property whatsoever shall be paid or transferred to the affiliated Club by the Branch or any affiliated Clubs of the Branch, as the case may be, or used for the purposes of the affiliated Club first mentioned.
- 2.5 The books and accounts of the Branch shall be kept and an annual audit conducted in the manner required under the legislation and to Australian accounting standards. Such audited report shall be presented to the Annual General Meeting of the Branch Council.
- 2.6 As soon as practicable after the end of each financial year, the Director of Finance shall cause to be prepared, a statement containing the particulars of:
- (a) the income and expenditure for the financial year just ended; and
 - (b) the assets and liabilities and of all mortgages, charges and securities affecting the property of the Branch at the close of that year.
- 2.7 Government Subsidies/Grants:
- (a) The Branch shall submit returns as and when required in the Form provided to the relevant Government Department or agency.
 - (b) As soon as possible after the receipt of any Government subsidy/grant a receipt for the monies received shall be forwarded to the Department.
- 2.8 The financial year of the Branch shall be from the first day of May in any one year to the thirtieth day of April in the year next following.
- 2.9 Financial activities of all Boards and Committees of the Branch shall be under the control of the Director of Finance who shall, in conjunction with the Branch President and the Board or Committee concerned, determine the method of financial operation most suited to that particular Board or Committee concerned, providing that at all times, the Government and Australian Accounting Standards requirements are maintained.

2.10 Any Club being in default of payment of liabilities to the Branch for in excess of two (2) months from date of notification of default may have its affiliation deferred or if already affiliated may be penalized by the Executive, subject to endorsement of voting members of the Council; such penalty shall remain in force until the liability has been negotiated to the satisfaction of the Branch.

2.11 The Executive and the Council shall provide for the safe custody of all financial records of the Branch.

3. BUDGETS

3.1 The Director of Finance shall prepare a budget by 1st July for the ensuing year, after consultation with all Officers of the Branch.

3.2 The budget shall be endorsed and submitted by the Executive to the Council for consideration of the budget allocations, and once approved it shall be competent for each Officer, Board and Committee to utilize the Branch finances to the limit of its allocation, unless directed otherwise by Executive.

3.3 Any unforeseen items in relation to finance that may arise shall first be considered by the Executive, which shall if it is considered necessary, direct that the matter be considered by the Council for its recommendation.

4. GIFT FUND

4.1 The Branch shall maintain a fund (Gift Fund) for the 'principal purpose' of the Branch, and:

- a) to which gifts of money or property for that purpose are to be made;
- b) to which any money received by the Branch because of those gifts is to be credited; and
- c) that does not receive any other money or property.

4.2 The Branch shall maintain a separate bank account for the Gift Fund.

4.3 The Branch shall use the Gift Fund (ie, gifts made to the Gift Fund and any money credited because of those gifts) only for the 'principal purposes' of the Branch.

4.4 Should the Gift Fund be wound up, or the endorsement of the Branch as a 'Deductible Gift Recipient' is revoked, any surplus assets of the Gift Fund remaining after the payment of all liabilities attributable to it shall be transferred to Surf Life Saving Queensland or, should SLSQ not exist, another Surf Life Saving body to which income tax deductible gifts can be made.

5. STAFF

5.1 The Branch may provide for the appointment of staff as may be required from time to time in the conduct of its affairs.

5.2 Paid staff of the Branch are not permitted to hold the position of "Officer" in the Branch.

5.3 Salaries of staff members shall be determined by the President and the, Director of Finance and endorsed by the Executive.

SECTION E

Requirements and Procedures

1. SURF LIFE SAVING QUEENSLAND REPRESENTATION

- 1.1 The Branch shall be represented on State Council by the Branch President
- 1.2 The Branch shall be represented on the State Life Saving Committee by the Branch Director of Life Saving and as elected by the Branch.
- 1.3 The Branch shall be represented on the State Surf Sports Committee by the Branch Director and as elected by the Branch.
- 1.4 The Branch shall be represented on the State Youth and Membership Development Committee and as elected by the Branch.

2. MEETINGS

- 2.1 The business of the Branch shall be transacted at the following classes of meetings -
 - (a) The Annual General Meeting of the Branch;
 - (b) General Meetings of the Council;
 - (c) Meetings of the Executive;
 - (d) Special Meetings of the Branch, the Council and/or the Executive;
 - (e) Meetings of the Boards and Committees;
 - (f) Special Committee Meetings subject to the limitations provided herein.
- 2.2
 - (a) General meetings of the Council shall be held at least four (4) times a year including Annual General Meeting.
 - (b) Executive Meetings shall be held at least once every two (2) calendar month, or as directed by the Council and as required by the Chairperson of the Executive, and in regard to business requirements and circumstances at the current time.
- 2.3 In relation to Minutes of the aforementioned meetings, the following procedures shall apply:

Regional Administration Officer shall cause full and accurate minutes of all questions, matters, resolutions and other proceedings of every meeting to be entered in a book to be open for inspection at all reasonable times by any financial member who previously applied to the Regional Administration Officer for that inspection. For the purposes of ensuring accuracy of the recording of such minutes, the minutes of every meeting shall be signed by the Chairperson of that meeting or the Chairperson of the next succeeding meeting verifying their accuracy. Similarly, the minutes of every General Meeting or Annual General Meeting shall be signed by the Chairperson of that meeting or the Chairperson of the next succeeding General Meeting or Annual General Meeting.
- 2.4 Detailed requirements and procedures relative to the conduct of the aforementioned meetings are as provided for in the By-laws.
- 2.5 Any member of the Branch may attend a General Meeting of the Council but shall have no voting rights or debating rights provided that the Chairperson may approve a written request to allow a member to speak, debate or present an issue to the meeting provided such written request is received at least seven (7) days prior to the meeting.
- 2.6 Nothing contained in the Constitution shall prevent a meeting of a group of Officers or members of the Association from within the boundaries of Branch, provided that any reports or recommendations resulting from such meeting shall be ineligible for consideration by any higher authority unless they are submitted to the Executive within a period of seven (7) days from that meeting.

- 2.7 Fourteen (14) clear days notice shall be given in writing or e-mail or electronically for the Council, Annual General Meeting and General Meetings, nine (9) clear days for any other Special Meetings. Seven (7) clear days notice shall be given in writing or electronically for the Executive meetings.
- 2.8 Special Meetings shall be convened when directed by the President or the Executive, or not less than one-third of the members of the Council. Such requisition shall clearly state the reasons why such Special Meeting is being convened and the nature of the business to be transacted thereat. Notice of meetings of Boards, Committees and Sub-Committees shall be at the discretion of the respective Chairperson. Nine (9) clear days notice, in writing or electronically, shall be given for Special Council Meetings.
- 2.9 Special Meetings of the Executive shall be convened by request of the President or by not less than one third of the members of the Executive.

3. VOTING

- 3.1 All voting members of the Council (1/B/3.1) shall be entitled to one vote each at all meetings of the Council at which they are present, provided that the Chairperson shall have both a deliberative and casting vote excepting as provided for in 1/C/1.4.
- 3.2 All Members of the Executive (1/B/3.2) shall be entitled to one vote each at all Executive meetings at which they are present, provided that the Chairperson shall have both a deliberative and casting vote.
- 3.3 Postal/Electronic Voting shall be subject to the following conditions:
 - (a) Any matter which may be dealt with by the Council other than a Notice of Motion to alter the Constitution, shall be eligible to be resolved by a Postal/electronic Ballot.
 - (b) A Postal/electronic Ballot may be authorized by -
 - (i) The Council
 - (ii) The Executivewho shall appoint a Returning Officer.
 - (c) The procedural arrangements for such a vote shall be -
 - (i) Shall deliver or send by post or facsimile or by other electronic means to each Club, and to each member who is entitled to vote, a clear statement of both sides of the question to be voted upon with a request that he return his vote thereon. (Such request shall state the date upon which voting shall close).
 - (ii) All votes cast in the Postal Ballot shall be delivered (where possible in an unopened condition) to the Returning Officer as soon as practicable.
 - (iii) As soon as practicable following the closing date for voting, the Returning Officer shall, in the presence of at least two (2) Executive Officers open the votes received by the closing date and shall tally the votes cast.
 - (iv) The President's right of a casting as well as a deliberative vote shall apply in the case of a Postal/electronic Ballot.
 - (v) Within seven (7) days of the closing date of the Ballot, the Branch Administrator (if appointed) shall advise all eligible voters of the result.
 - (vi) All votes cast in the Ballot, including any which are for any reason considered by the Returning Officer to be informal, shall be retained for presentation, if necessary, to the next succeeding meeting of the authorizing body.
 - (vii) The result of the Ballot shall take effect forthwith.

4. CHAIRPERSON

Except where otherwise provided the President or Deputy President shall be Chairperson of all Council and Executive Meetings, in the absence of the President or Deputy President the Meeting shall elect a Chairperson. At a Council Meeting, if a Councillor becomes the Chairperson of the meeting, he may appoint an Acting Councillor (with full voting rights) in his place whilst he is acting as Chairperson.

5. QUORUM

5.1 At any meetings, as identified in 1/E/2.1, the number necessary to form a quorum shall be a simple majority of voting members.

5.2 If a quorum as prescribed above is not present within one half hour after the advised commencement time, the following shall apply:

(a) Annual General Meeting

(i) The meeting as advertised shall be deferred for one week to the same time and place, provided that a notice signifying the deferment shall be forwarded to each voting member, and a similar notice shall be placed in a prominent position at the Branch Headquarters.

(ii) Should a quorum not be present at the advertised commencement time of the deferred meeting the Chairperson may declare those present to be a quorum and the meeting shall be deemed to be properly constituted.

(b) Special General Meeting

The meeting shall lapse.

(c) General Meeting

The meeting shall lapse and the business to be transacted at that meeting shall be dealt with by the Executive.

(d) Surf Lifesaving, Surf Sports and Youth and Membership Development Boards and Committees Meetings

The meeting shall lapse and any urgent matters shall be dealt with by the Branch Executive.

6. NOTICE OF MOTION

6.1 Notice of any motion intended to be moved at an Annual General, General or Special Meeting of the Council, shall be given in writing signed by the mover and seconder thereof (who must be members of the meeting to which the Notice of Motion will be referred) to the Regional Administration Officer (if appointed) at least sixty (60) clear days prior to the date of such meeting and shall be distributed to Affiliated Clubs, Executive and Life Members and included in the business paper for the meeting called pursuant to Section E, Clause 2.7 and 2.8.

6.2 A notice of motion desired to be moved or seconded by a Councillor must be accompanied by a copy of the Club Management Committee Minutes showing the motion passed by the Club.

6.3 The meeting may, by ordinary resolution, grant the mover and seconder leave to alter their motion, in a minor way without altering the intention of the motion. No amendment to the intention of the motion will be accepted.

6.4 A motion of which due notice has been given, if unsuccessful, cannot be resubmitted, nor may any other motion having a similar effect be moved at the next meeting of Council or within six (6) months from the date of its rejection, unless approved by the Executive.

7. MOTIONS TO RESCIND

- 7.1 A motion to rescind any motion carried at a Meeting of the Council, the Executive or the Boards may be considered only at a subsequent Meeting of those bodies.
- 7.2 Notice of Motion to rescind a resolution carried at a previous meeting shall be accepted only on the written submission of not less than two (2) voting members of the Council, the Executive or Boards to which the rescission motion refers. In all other respects the provisions of 1/E/6 as above shall apply.

8. ALTERATIONS TO THE CONSTITUTION

- 8.1 The Branch, Clubs and Auxiliary Organizations may alter their individual Constitutions as regards local and domestic matters which do not conflict with the provisions of the Association's (SLSA's) and/or the Surf Life Saving Queensland's or Branch Constitution, Regulations, By-laws or Policies as the case may be.
- 8.2 Subject to the provision of the relevant Government legislation, the Branch Constitution may be amended, rescinded or added to, from time to time by a special resolution carried at an Annual General Meeting or a Special General Meeting of the Council, called for that purpose.
- 8.3 A notice of the proposed alteration shall be given in the manner provided for Notices of Motion but shall specifically state that it is a notice of proposal to alter the Constitution.
- 8.4 The notice of the proposed alteration shall be included in the Notice calling the Meeting (whether Annual, General or Special), at which it is to be submitted as a "Notice of Motion to alter the Constitution". Provided that the aforesaid Notice be duly given, it shall be competent for the alteration to the Constitution to be considered and dealt with at a meeting of the Branch Council.
- 8.5 A copy of any Notice of Motion to alter the Constitution must be forwarded at the time of issue to the State Centre for endorsement or otherwise.
- 8.6 The Branch shall lodge with the State Centre a copy of its constitutions and of all amendments and/or alterations thereto which have been adopted.

9. MAKING AND ALTERATION OF BY-LAWS AND APPENDICES

- 9.1 The Branch, Clubs or Auxiliary Organisations may make, alter and repeal By-laws and Appendices for the conduct of their local and domestic affairs and for competitions not provided for in the Manuals, providing that they do not conflict with the letter or spirit of the Rules incorporated in the Manuals of the Association.
- 9.2 Subject to the provisions of relevant Government legislation, the Branch By-laws and Appendices may be amended, rescinded or added to from time to time by a special resolution carried at a General Meeting of the Council.
- 9.3 When such By-laws and/or Appendices are made, altered or repealed, Surf Life Saving Queensland and each affiliated body shall be promptly informed.

10. LEGAL ACTION

No Officer, or group of Officers or Members, whether in Committee or alone, may institute legal action which purports to be upon behalf of the Branch/Club or group and if it carries legal and financial implications against the Club or group or against a Branch, Surf Life Saving Queensland, the Australian Council or another Club affiliated to the Association, unless by the following procedures:

- (i) The constitutional convening of a General Meeting of members of the Club, Group, Branch, and a vote affirmative of such action by a two-thirds majority of members present and eligible to vote.
- (ii) Further, an invitation to such a General Meeting must be given to the higher authorities of that body, i.e. Branch, Surf Life Saving Queensland and SLSA and the body or group against which the legal action is proposed.

10. TROPHIES, PRIZES AND ELIGIBILITY

- 11.1 The Branch shall reserve unto itself the authority to determine, from time to time, conditions relative to the acceptability of trophies or prizes, members eligibility to compete

12. UNIQUE ITEMS

- 12.1 In the event of any question or item arising which is not specifically provided for in the Constitution, Regulations or Manuals of the Association or in the Constitution or By-Laws of Surf Life Saving Queensland, it shall be competent for the Branch to legislate thereon temporarily by resolution at any meeting of the Council or Executive pending due alteration of the Constitution.

13. DISSOLUTION

- 13.1 The Branch shall be dissolved only with the consent of at least three-fourths of the Council voting members present at a Special Meeting called for that purpose, notice of which must be posted to Councillors at least twenty-eight (28) days prior thereto, and advertised in at least the major regional newspaper in each centre under the control of the Branch, at least once in each of the two (2) consecutive weeks immediately preceding such meeting.
- 13.2 Upon dissolution, the available assets shall, after payment of all just liabilities, be vested in and become the equal property of those Clubs previously affiliated with the Surf Lifesaving Queensland Wide Bay Capricorn Branch Inc.

14. DISTRIBUTION OF SURPLUS ASSETS

- 14.1 In the event of the Branch being dissolved in accordance with the provisions of the relevant Government Act, and there remains, after satisfaction of all its debts and liabilities and property whatsoever, the same shall not be paid to or distributed among the members of the Branch but shall be given or transferred to those Clubs previously affiliated with the Surf Lifesaving Queensland Wide Bay Capricorn Branch Inc or if those Clubs have ceased to exist to another Surf Life Saving Body which has similar objects and which is approved by the Commissioner of Taxation as a public benevolent institution for the purposes of any Commonwealth Taxation Act, and which shall prohibit the distribution of its or their income and property among its or their members to the extent at least as great as imposed on the Branch under or by virtue of D/2/2.3 such body to be determined by the Members of the Branch.

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This Constitution was last amended in 19th July 2014.