



Surf Lifesaving Queensland  
Wide Bay Capricorn Branch Inc.

**By Laws**

**15<sup>th</sup> August 2020**

**SURF LIFE SAVING QUEENSLAND**  
**WIDE BAY CAPRICORN BRANCH INC.**



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## PART 2

### THE BY-LAWS

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#### **SECTION 1**

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##### **The Constituents**

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###### **BY-LAW 1.1 – EXECUTIVE OFFICERS (DIRECTORS/DEPUTY DIRECTORS)**

The Councillors shall elect, as provided for in 1/C/1, or appoint the following Directors and Deputy Directors :

President  
Deputy President  
Director Finance  
Director Life Saving  
Deputy Director Life Saving (North)  
Deputy Director Life Saving (South)  
Director Surf Sports  
Deputy Director Surf Sports  
Director Youth & Membership  
Deputy Director Youth & Membership (Junior Activities Chairman)  
And a Minute Secretary Branch Administrator (Non-Voting)

Note: The appointment of President, Deputy President, Directors and Deputy Directors of the Executive shall be on a two (2) year rotational basis.

- (i) President, DOLS, DY&M, DDOSS & DDOLS (North) on even years
- (ii) Deputy President, DOSS, DOF, DDYD & DDOLS (South) on odd years

###### **BY LAW 1.2 – OTHER OFFICERS**

The Branch may elect or appoint the following who shall have no voting power on the Council:

a) Administration

Immediate Past President, Patron, Vice Patrons, and the following officers - Registrar, Legal, Medical, Insurance, Safety, Grievance and Volunteer Co-ordinator.

b) Life Saving

Director Life Saving, Deputy Directors of Life Saving (North and South) and the following Officers - Communications, Inflatable Rescue Boat (IRB), Marine Stinger, Education, Emergency Care Advisor and Lifeguard Advisor

c) Surf Sports

Director Surf Sports, Deputy Director Surf Sports and the following Officers - Gear and Equipment, Craft, Coaching, Officials Advisor, Inflatable Rescue Boat (IRB), Safety Advisor.

###### **BY-LAW 1.3 – COUNCILLORS AND DELEGATES**

The limitations on the number of Councillors or Delegates representing the Clubs or Auxiliary Organisations on the Council shall be:

- a) Club - One (1) Councillor who shall be the Club President

###### **BY-LAW 1.4 – LIFE MEMBERS**

Members who have rendered special service to the Branch and who have been elected life members (non voting) shall be entitled to attend Council meetings and shall be eligible to hold office.

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## SECTION 2

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### Conditions Pertaining to Councillors, Directors, Officers & Delegates

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#### BY-LAW 2.1 – COUNCILLORS/DIRECTORS/OFFICERS

- a) Councillors/Directors/Officers of the Branch shall be Life Members of the Branch or members of Clubs affiliated with the Branch.
- b) Executive Officers (Directors) of the Branch shall be the President, Deputy President, Director Life Saving, Deputy Directors Life Saving North and South, Director Surf Sports, Deputy Director Surf Sports, Director Finance, Director Youth & Membership, Deputy Director Youth & Membership (Junior Activities Chairman) and nominees for these officers may be required to attend a briefing in person or by telephone by a panel of selected officers appointed by the Executive with respect to the applicable work role and member's ability to carry out the duties of the office for which the nomination is received. Failure to attend such a briefing shall result in the nomination being rejected.
- c) The Director and Deputy Director of Life Saving shall be a current Assessor who holds Cert II in Aquatic Safety (Bronze Medallion) or Club Captain or CTO and endorsed by the Board of Life Saving.
- d) The Director and Deputy of Surf Sports shall be an Accredited Official or Coach or Trainer and be endorsed by the Board of Surf Sports.
- e) Officers as listed in By-law 1.2(a) shall require the endorsement of the Executive. Those listed in By-law 1.2(b) shall require the endorsement of the Board of Life Saving, and those listed under By-law 1.2(c) shall require the endorsement of the Board of Surf Sports.
- f) Members of the Council and Executive shall be required to understand the needs of the Branch and their legal responsibilities as Council and Executive members. Council members owe a fiduciary duty to the Branch and shall exercise their rights and powers in good faith and for the benefit of the Branch.

Councillors and Executive Officers (Directors) shall comply with the following principles, statutory and common law duties:

- (i) to act honestly and in good faith in the interests of the Branch;
  - (ii) to exercise the degree of care, skill and diligence that a reasonable person in a like position would exercise in the Branch's circumstances;
  - (iii) to exercise powers honestly and for the purposes for which they were conferred and not for collateral purposes;
  - (iv) to avoid any actual or potential conflict between their obligations owed to the Branch and their personal interests and other duties;
  - (v) to keep confidential information obtained, and to disclose advantage or business opportunities acquired, in the course of office;
  - (vi) to prevent insolvent trading by the Branch.
- g) Interests:  
A Councillor or Executive Officer (Director) shall not hold any place of profit or position of employment in SLSQ, the Branch, or in any company or incorporated association in which the Branch is a shareholder or otherwise interested, or from contracting with the Branch either as a vendor, purchaser or otherwise except with the express resolution of approval of the Branch Council. Any such contract or arrangement entered into by or on behalf of the Branch in which a Councillor or Executive Officer is in any way interested will be voided for such reason.

- h) Disclosure of interests:  
The nature and interest of a Councillor or Executive Officer (Director) must be declared by such person at the meeting at which the contract or arrangement is first taken into consideration if the interest exists or in any other case at the first meeting of the Council after the acquisition of the interest. If a Councillor or Executive relating to any particular transaction with that firm or company.
- i) Recording Disclosures:  
It is the duty of Branch Administrator to record in the minutes any declaration made.
- Officer (Director) becomes interested in a contract or arrangement after it is made or entered into, the declaration of the interest must be made at the first meeting of the Council or Executive held after the Councillor or Executive Officer (Director) becomes so interested.
- j) General Disclosure:  
A general notice that a Councillor or Executive Officer (Director / Branch Administrator) is a member of any specified firm or company and is to be regarded as interested in all transactions with that firm or company is sufficient declaration. After such general notice it is not necessary for such Councillors or Executive Officer (Director) to give a special notice Conflicts:  
A Councillor or Executive Officer (Director) notwithstanding an interest, may be counted in the quorum present at any meeting, but cannot vote in respect of any contract or arrangement in which the Councillor or Executive Officer (Director) is interested.
- A Councillor or Executive Officer (Director) shall not sign a document where the Councillor or Executive Officer (Director) is interested in the contract or arrangement to which the document relates.

#### **BY-LAW 2.2 – COUNCILLORS AND DELEGATES**

- a) The Branch shall be responsible for budgeted travel and accommodation costs of Council meetings.
- b) Alternates (proxies) shall be allowed for all Councillors in all instances, and shall be an Executive Officer of the Club they represent.
- c) The Club concerned must give written notification of all alternates to the Branch prior to the relevant meeting.
- d) Auxiliary Organisation Delegates to the Branch shall be subject to the foregoing provisions provided that unless specifically determined otherwise, travel and accommodation shall be at the expense of the Delegate or Auxiliary Organisation.



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## SECTION 3

### Meetings

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#### BY-LAW 3.1 – ANNUAL GENERAL MEETING

- a) The Branch shall hold its Annual General Meeting at least one (1) month prior to the date of the SLSQ Annual General Meeting and each Club affiliated with the Branch shall hold its Annual General Meeting prior to the date of the Annual General Meeting of the Branch. The Branch may refuse the affiliation of any Club in the event of non-observance of this By-Law.
- b) Any member of the Branch may attend but apart from those persons specified in 1/B/3.1 shall have no voting rights.
- c) The Business to be conducted at the Annual General Meeting shall be:
- (i) Affiliation of the Clubs
  - (ii) Election/Appointment of Councillors
  - (iii) Apologies and Alternates
  - (iv) Presentation and Adoption of Annual Report and Financial Statements
  - (v) Election of Officers and Appointed Officers
  - (vi) May make announcement of Life Membership Awards (1/C/2. 8)
  - (vii) Endorsement of the Executive, the Boards of Life Saving, Surf Sports, Youth and Membership, as well as the following Committees: - Junior Activities, Selection, Judiciary, Meritorious Awards for Lifesaving, Life Members and Honours, Medical Advisory and Delegates of Auxiliary Organisations.

**Note:** The appointment of a member of the Executive shall be on a two (2) year rotational basis.

- (i) President, DOLS, DY&M, DDOSS & DDOLS (North) on even years
- (ii) Deputy President, DOSS, DOF, DDYD & DDOLS (South) on odd years

President

Deputy President

Director Finance

Director Life Saving

Deputy Directors of Life Saving (North/South)

Director Surf Sports

Deputy Director of Surf Sports

Director Youth & Membership

Deputy Director Youth & Membership (Junior Activities Chairman)

- (viii) Alterations of the Constitution
- (ix) Motions of which due notice has been given.

The Chairman shall decide the order in which business shall be undertaken.

- d) The Minutes of the previous Annual General Meeting shall be read and confirmed at the subsequent Annual General Meeting. The Executive shall address business arising, and copies of the Minutes shall be forwarded to Council Members, Life Members, Clubs, and SLSQ.

**BY-LAW 3.2 – COUNCIL GENERAL MEETINGS**

- a) A minimum of four (4) meetings shall be held at a time and venue as decided by the Council or Executive, having regard to circumstances at the current time.
- b) Any member of the Branch other than Councillors may attend but shall have no voting rights.
- c) The Business of the Council General Meetings shall be:
  - Apologies and Alternates;
  - Confirmation of Minutes of the previous meeting;
  - Business arising from Minutes;
  - Correspondence;
  - Reports from Boards, Committees, Officers;
  - Motions of which due notice has been given;
  - Items of Business;
  - General Business.
- d) The Minutes of the previous Council Meeting shall be read and confirmed at the subsequent meeting of the Council and copies of the Minutes shall be forwarded to Council Members, Life Members, and SLSQ

**BY-LAW 3.3 – COUNCIL SPECIAL MEETINGS**

- a) Special Meetings of the Branch Council may be summoned by resolution carried at a Council or Executive Meeting, or by direction of the President or a written requisition of at least three (3) Councillors.
- b) The nature of the business to be transacted at a Special Meeting shall be contained in the notice of such meeting and no business other than that stated on the business paper shall be taken at such meeting.
- c) The Minutes of a Special Council Meeting shall be read and confirmed at the subsequent meeting of the Executive or Council and copies of the Minutes shall be forwarded to Council Members, Life Members, Clubs, and SLSQ.

**BY-LAW 3.4 – EXECUTIVE MEETINGS**

- a) The Executive Meetings shall be held as per 1/E/2.2.
- b) The responsibility of the Executive shall be managing the day-to-day business of the Branch, and the allotment of items to Boards, Committees and/or staff.
- c) Issues relating to major policies, constitutional change, incorporation responsibilities and authority, major financial borrowings and strategic issues shall be referred to the Council.
- d) Special Meetings of the Executive may be summoned by resolution of the Executive itself or as per 1/E/2.9.
- e) The Minutes of the Executive Meetings shall be submitted for confirmation at the subsequent meeting of the Executive, and distributed to members of the Executive, Council, Life Members, provided that a summary of the minutes shall be forwarded to Surf Life Saving Queensland at regular intervals.

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## SECTION 4

### Duties of Directors, Officers, Councillors and Delegates

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#### BY-LAW 4.1 – DIRECTORS/OFFICERS

- a) The President shall be the nominal head of the Branch and shall be a member ex-officio of all Boards and Committees with the exception of the Selection Committee. He shall be a Councillor on State Council.
- b) The Deputy President shall be an Executive Officer (Director) of the Branch and shall assist the President and shall deputise in President's absence. The Deputy President shall also carry out other special assignments as directed by the President or the Executive.
- c) The Director Life Saving shall -
- (i) be a proficient member of the Branch Board of Life Saving and direct, through the Clubs, the activities of the Branch Board of Life Saving and its members;
  - (ii) receive through the applicable Branch Officers, reports of their activities;
  - (iii) regularly submit to the Executive reports and recommendations regarding matters within the scope of the Board of Life Saving;
  - (iv) convene conferences and seminars dealing with practical lifesaving matters; have the power to invite interested parties to join sub-committees who shall report to Director of Life Saving;
  - (v) in conjunction with his/her Officers, appoint Board members for duties and special duties associated with life saving operations and specifically related to a Branch strategic and/or management need;
  - (vi) act as Chairperson of all meetings of the Board of Life Saving;
  - (vii) work in conjunction with the **Regional Administrator Officer** who will attend to all minutes of meetings, routine matters and correspondence.
  - (viii) inspect Club Patrols at regular intervals as required by the Branch of delegate.
  - (ix) Attend State BOLS meeting and report outcomes.
- d) The Deputy Directors Life Saving North and South shall -
- (i) Be an advantage to hold a current Assessor's Certificate and be a member of the Board of Life Saving;
  - (ii) Be an advantage to hold a Club Captain or Chief Training Officer and belong to a club in the appropriate region
  - (iii) Assist the Director of Life Saving in his duties and shall deputise for him in his absence
  - (iv) Be responsible to the Wide Bay Capricorn Branch Director of Life Saving
  - (v) Make at least two visits to the clubs that they oversee during the operational season and give assistance to the club and submit a written report to the Director of Lifesaving from these visits
  - (vi) Make regular contact to the club captains of the area that they oversee. This would be generally monthly but fortnightly for new club captains at the start of a season
  - (vii) Inspect Club Patrols at regular intervals as required by the Branch if required

- (viii) Report all patrol breaches and the overall proficiency of all Club patrols to the Board of Life Saving in a prepared report
  - (ix) Assist in a approving and appointments of TACO's and assistant TACO's for IRB positions within the Branch
- e) The Director Surf Sports shall –
- (i) be an accredited SLSA Official and/or SLSA Coaching Accreditation;
  - (ii) receive, through the applicable Branch Officers, monthly reports of their activities;
  - (iii) regularly submit to the Executive reports and recommendations within the scope of the Board of Surf Sports;
  - (iv) convene conferences, coaching seminars and clinics, officials' accreditations and other programs dealing with competition;
  - (v) prepare an annual calendar of surf sports events each year based on Club submissions having due regard for SLSA, SLSQ and other considerations and to submit to the Executive and Council for ratification;
  - (vi) appoint officials from lists of accredited members of the Board of Surf Sports;
  - (vii) act as Chairperson of all meetings of the Board of Surf Sports;
  - (viii) work in conjunction with Branch Administrator who will attend to all minutes of meetings, routine matters and correspondence;
  - (ix) be responsible for the preparation of events for Branch programs and to conform to the requirements of the Competition Manual.
  - (x) Attend State BOSS meeting and report outcomes.
- (f) The Deputy Director Surf Sports shall amongst other things
- (i) Be an accredited SLSA official and/or SLSA Coaching Accreditation
  - (ii) Assist the Director of Surf Sports in his duties and shall deputise for him in his absence.
  - (iii) Be responsible to the Wide Bay Capricorn Branch Director of Surf Sports
  - (iv) be responsible for the preparation of material for Surf Sports meetings, be a member of the organising committee of Branch-run Carnivals Junior and Senior, the maintaining of training and coaching standards and the teaching of competition skills. and his qualifications shall include a current Officials and/or Coaching Accreditation;
- (g) The Director of Finance shall ensure compliance with directions of 1/D/2, and shall:-
- i. keep account of the finances, the books, documents and property of the Branch.
  - ii. present a detailed account of the finances to each Executive Meeting, prepare a Financial Statement for presentation to each Council Meeting covering the period between meetings.
- (h) The Director of Youth & Membership shall:-
- a. be Chairperson of the Board of Youth & Membership.
  - b. be responsible to the Executive for the overall control and operation of the Board.
  - c. Ensure a greater emphasis on a board scope of membership issues.

- (i) The Deputy Director of Youth & Membership (Junior Activities Chairman) shall:-
- a. be Chairperson of the Board of Junior Activities.
  - b. be responsible to the Executive for the overall control and operation of the Board.
  - (iii) in the absence of the Director of Membership Development act in that capacity and assume the full responsibilities and duties of that office;

#### **BY-LAW 4.2 – OTHER OFFICERS’ DUTIES**

- a) Patrons and Vice Patrons duties shall be limited and in most cases the appointments will be made with respect to a person holding public office or as a tribute for services to the Association.
- b) Deputies may be appointed by the Council/Executive to assist each Officer and shall deputise for him in his absence or on special assignment.
- c) The Branch Team Managers and Coaches shall:-
- (i) be appointed separately by the Selection Committee from nominations received in conjunction with the Branch Team Nominations, for Teams representing the Branch;
  - (ii) be responsible for the outfitting and funding of the Branch Team in excess of provisions made by the Executive;
  - (iii) submit progress reports to the Board of Surf Sports regularly, and a final report on team member performances and results;
  - (iv) be responsible for the assembly (after selection), transport, accommodation and general behaviour of the team;
  - (v) assist with any displays or demonstrations required during the season.
- d) The Legal Officer shall –
- (i) be appointed by the Council from a recommendation submitted by the Branch Executive;
  - (ii) attend to all legal matters relating to the Branch as determined by the Executive or Council;
  - (iii) advise on legal right with regard to summons or complaint with regard to the Branch or its members;
  - (iv) submit opinions on constitutional items requiring legal interpretations;
  - (v) prepare legal documents, submissions etc on the request of the Executive or Council;
  - (vi) review documents, contracts etc as required by the Branch.
- e) The Immediate Past President's duties shall be limited to assisting the President at the request of the President.
- f) The Grievance Officer shall –
- (i) be appointed by the Council from a recommendation submitted by the Executive;
  - (ii) attend to all matters referred to him by the Branch;
  - (iii) determine (in consultation with SLSQ CEO or Appointee) matters relating to grievances, harassment, equity and the like;

- (iv) as soon as practicable after receiving a reference, meet with, or discuss the issue with the aggrieved party/parties, and take whatever steps and conduct whatever investigations are necessary to determine if the grievance is legitimate, including a requirement of members to provide a statement or report;
  - (v) Take all reasonable steps to resolve any grievance by way of mediation or otherwise;
  - (vi) Refer it to the Club/Branch President who must then action the grievance within a reasonable time but no longer than three (3) months.
  - (vii) if the grievance is determined to be not legitimate, advise the aggrieved party/parties accordingly.
  - (viii) if unable to resolve a grievance or the grievance is considered to be of a very serious nature, he shall report the grievance to the Branch President/Judiciary for action.
  - (ix) keep all information surrounding the circumstances of a grievance confidential, and communicate such information only to the Branch President/Judiciary and/or an appropriate enforcement body following written authority from the Branch Executive/Judiciary
- g) The Safety Officer
- (i) Ensure the Branch Health and Safety and rehabilitation system are up to date, implemented and monitored in all arrears within the Branch.
  - (ii) Implemented and oversee risk management procedures.
  - (iii) Set up, implement and monitor injury reporting system.
  - (iv) Carry out investigations of Branch workplace incidents.
  - (v) Set up, Implement and monitor OHS education and Training System.
  - (vi) Implement system to review workplace stress and critical incidents.
  - (vii) Implement rehabilitation and 'return to lifesaving" procedures.
  - (viii) Liaise with Club Safety Officers on a regular basis and assist the Club Safety Officers with their roles where requested.
  - (ix) Attend a Safety Officers training course and/or have relevant Industry OHS accreditation/s.
  - (x) Be accountable to the Branch Council/Executive Committee and work in conjunction with the other Branch Boards/Committee.
  - (xi) Compile and provide reports to Branch Council/Executive/Boards and Committee as requested.

#### **BY-LAW 4.3 – GENERAL DUTIES OF ADVISORY OR SPECIALIST OFFICERS**

- a) Each Officer shall -
- (i) investigate and report on matters referred to him by the Branch, its Boards or Committees, in relation to his particular field (By-law 4.4);
  - (ii) be encouraged to attend meetings of the respected Boards and Council;
  - (iii) be prepared to attend the Executive meetings when requested and shall attend meetings of the Board to which his duties shall apply;
  - (iv) submit written monthly reports to the applicable Board Chairperson;
  - (v) process all correspondence through the Branch Administrator (if appointed) and/or the Director Administration & IT

- (vi) provide and submit to the Branch, when requested, a brief annual summary in the form of a report on his season's activities;
- (vii) keep records for reference purposes if applicable to his particular field, eg. price lists, number of units in use, etc.;
- (viii) liaise with all sections of the Branch and maintain a close relationship with the Branch Executive Officers associated with his particular activity and the Branch Administrator (if appointed);
- (ix) co-opt any members or people outside the Association to assist him in his duties;
- (x) May be more than one officer to each position to accommodate for distance in Branch
- (xi) Receive endorsement of nomination prior to election from the relevant Board.

#### **BY-LAW 4.4 – SPECIFIC DUTIES OF ADVISORY OR SPECIALIST OFFICERS**

a) The Emergency Care Advisor shall –

- (i) be appointed by the Council from a recommendation submitted by the Board of Lifesaving.
- (ii) communicate through the Director of Lifesaving on all matters of medical policy;
- (iii) discuss, draft, and submit recommendations to the Director of Life Saving and/or Director of Surf Sports and other appropriate officers regarding the teaching and application of resuscitation techniques and equipment, member's health and fitness, competition, life saving techniques and equipment and other medical matters;
- (iv) in conjunction with the Education Officer guide the Branch in First Aid treatment, equipment and facilities;
- (v) assist in the revision of the Resuscitation and First Aid Chapters of any Manuals and Publications and make recommendations when required by the Australian Council;
- (vi) act as Branch Adviser for community resuscitation teaching programs;
- (vii) advise on the teaching, training and assessing of members in advanced resuscitation and first aid techniques in conjunction with the Education Officer.

b) The Inflatable Rescue Boat Officer (IRB) shall -

- (i) hold a current SLSA IRB Assessors Certificate or IRB Coach;
- (ii) supervise IRB operations, standards and training within the Branch and shall attend meetings of the Board of Life Saving;
- (iii) attend to IRB licensing of operators and registration of craft and liaise with Branch TACO/Assistant's TACO to attend;
- (iv) maintain a register of all IRB's, including type, engine number and Club ownership;
- (v) regularly visit the different Clubs to monitor patrol and serviceability techniques and advise on these matters if required;
- (vi) organise competition (IRB only), seminars and training programs to lift the standard of IRB operation in accordance with the Association's Competition and Training Manuals;
- (vii) be a consultant for Clubs on new boats, new motors and any failures in manufacture or maintenance;
- (viii) be responsible to the Director of Life Saving and Director Surf Sports provided that reporting shall be through the Branch and re-directed to the Executive Officer concerned.

- c) The Gear and Equipment Officer (Surf Sports) shall -
- (i) be appointed for Surf Sports activities;
  - (ii) be responsible for all surf sports gear and equipment belonging to the Branch and shall supervise its maintenance and prepare a register for records and loan details and shall attend meetings of the Board;
  - (iii) supervise and co-ordinate the supply and return of the equipment required from Branch for any carnival, seminar, display or training activity and make a date record of same, its place of destination, date of return and any remarks required on condition of gear returned;
  - (iv) store equipment so that deterioration shall not occur and unauthorised access is not available;
  - (v) see that disposable and useable items such as training bags and oxygen are replenished for immediate use;
  - (vi) arrange for the purchase of gear and equipment when directed and dispatch of same upon request;
  - (vii) arrange for regular inspections and storage of mobile equipment and vehicles, and ensure only authorised persons within the Branch have access;
  - (viii) be responsible to the Director Surf Sports provided that reporting shall be through the Branch and re-directed to the Executive Officer concerned.
- d) The Education Officer shall -
- (i) be the holder of a current Cert IV in Training and Education, and be a current proficient member of the Branch Board of Life Saving;
  - (ii) have the necessary skills and experience in teaching activities, and be responsible for a program of activity concerned with educating the members and the community at large on all matters of practical life saving and surf safety.
  - (iii) recommend action in specific areas of concern that require the preparation and promulgation of material, and shall attend the Board of Life Saving meetings applicable thereto;
  - (iv) initiate the conducting of conferences and assist with the preparation of agendas, supply of lecturers and set formats for other meetings where education forms a major portion of the objective;
  - (v) liaise with Officers holding similar positions at National, State or Branch levels;
  - (vi) supervise through a small committee representative of the Clubs, and other education experts the establishment and operation of the Branch and each Club's educational operations;
  - (vii) be responsible to the Director of Life Saving provided that reporting shall be through the Branch and re-directed to the Executive Officer concerned.
- e) The Craft Officer shall -
- (i) have an extensive knowledge of the Association in the fields of craft manufacture for patrols and competition.
  - (ii) have the administrative ability to prepare reports, document specifications and generate correspondence and shall attend meetings of the Board of Surf Sports and Lifesaving.;
  - (iii) be responsible to the Branch on all matters associated with the manufacture and specifications of craft;
  - (iv) liaise with the State Centre and Branch Officers and where necessary within the Branch allocate projects for investigation and report;
  - (v) be responding to monitoring the specifications to ensure that craft built and designed are in accord with the requirements of the specifications;



- (vi) investigate and recommend to Branch proposed changes to boats, boards and skis in design and specification;
  - (vii) be responsible for Boats, Board and Ski scrutineering at all Branch run carnivals and Branch championships;
  - (viii) be responsible to the Director of Lifesaving and Surf Sports as required provided that reporting shall be through the Branch and re-directed to the Executive Officer concerned.
- f) The Communications Officer shall -
- (i) be responsible for fostering high operational standards of the radio communication network within the Branch and all radio equipment owned by the Branch, and attend meetings of the Board of Life Saving ;
  - (ii) supervise the establishment and operation of each Club's activities with regard to lifesaving communications;
  - (iii) attend to appropriate licensing matters with the appropriate authorities and State Centre;
  - (iv) investigate improved communications equipment and/or systems;
  - (v) arrange seminars and training programs and prepare circulars for the guidance of Club radio communications operators;
  - (vi) be responsible to the Director of Life Saving provided that reporting shall be through the Branch and re-directed to the Executive Officer concerned.
- g) The Marine Stinger Officer shall -
- (i) arrange for investigations and meetings on equipment and gear used for patrol, spotting, test netting, treatment and the use of public signs;
  - (iv) arrange seminars and training sessions and prepare circulars for the guidance of Club members in line with Association Manuals and Booklets;
  - (v) assist researchers in the field of Marine Stingers with reports of sightings and supervise this activity within the Clubs;
  - (vi) provide interim reports as requested by the Director Life Saving to assist with any State Centre submissions or reports;
  - (vii) be responsible to the Director of Life Saving provided that reporting shall be through the Branch and re-directed to the Executive Officer concerned.
- h) The Coaching Officer shall -
- (i) hold a current SLSA Surf Coach accreditation, and be responsible for the coaching programs initiated within the Branch and shall attend meetings of the Board of Surf Sports;
  - (ii) in consultation with the Director of Surf Sports appoint a panel of specialists drawn from members and representatives of the various disciplines of competition;
  - (iii) chair regular meetings of the Branch Coaching Advisory Panel to arrange courses and programs of coaching and update relevant resources and manuals
  - (iv) in consultation with SLSQ staff organise and oversee Coaching Accreditation seminars throughout the Branch;
  - (iv) be responsible to and prepare regular reports for the Director of Surf Sports on activities and prepare and submit any panel recommendations to the Board of Surf Sports.

i) The Official Advisor Shall:

- (i) hold a current Official Accreditation and be a current member of the Board of Surf Sports
- (ii) with the Director of Surf Sports and his Deputy appoint a panel of officials drawn from members of the Board of Surf Sports
- (iii) in conjunction with clubs arrange Level 1 Official Accreditation Course.
- (iv) to maintain and improve the standard of officials within the Branch
- (v) be responsible to upgrade officials with any new competition rules.
- (vi) To look after the welfare of the official
- (vii) report to the Director of Surf Sports on activities, and prepare and Submit any Recommendations to the Branch Board of Surf Sports

j) Surf Sports Safety Advisor shall –

- (i) be appointed by the Board on a recommendation submitted by the Branch Surf Sports Committee;
- (ii) hold a current “Working with Children Card” or “Exemption Notice” issued by the Commission for Children and Young People and Child Guardian;
- (iii) chair the Surf Sports Safety Panel;
- (iv) attend meetings of the Branch Surf Sports Committee when requested;
- (v) have wide experience and up to date knowledge in the areas of risk management and event safety;
- (vi) monitor the serviceability and appropriateness of equipment and procedures at carnivals and advise on these matters if required;
- (vii) be a consultant to Clubs and Branches on safety matters relating to Surf Sports carnivals and operations;
- (viii) attend to all matters referred by the Branch Surf Sports
- (ix) liaise with Branch Officers, other relevant parties where necessary within the Branch on allocated projects for investigation;
- (x) be a member of the Organising Committee of Branch run carnivals;
- (xi) oversee and direct the development and implementation of enhanced and useful risk management policies, plans and practices relative to Surf Sports;
- (xii) be responsible to the Branch Surf Sports Officer.

k) Lifeguard Advisor shall.-

- (ii) be appointed by the Council on a recommendation submitted by the Branch Life Saving Committee;
- (iii) hold a current Bronze Medallion and Silver Medallion Basic Beach Management award and be a contracted lifeguard
- (iv) attend meetings of the Branch Life Saving Committee when requested;
- (iv) have wide experience and up to date knowledge in the areas of risk management and Aquatic Rescue;
- (v) monitor the serviceability and appropriateness of equipment and procedures for the intended use for the Lifeguard service and advise on these matters if required;

- (vi) be a consultant to Clubs and Branches on safety matters relating to Lifeguard operations in conjunction with the Life Saving Service Coordinator;
- (vii) liaise with Branch Officers, other relevant parties where necessary within the Branch on allocated projects for investigation;
- (viii) be responsible to the Branch Life Saving Officer.

#### **BY-LAW 4.5 – COUNCILLORS, ALTERNATES, PROXIES OR DELEGATES**

- a) Councillors or Alternates and Delegates to the Council shall –
  - (i) attend all Council Meetings either personally or by proxy and be the elected representative on that body;
  - (ii) act as a liaison between the Branch and their Club or the body they represent and fully and regularly report to that body in writing or in person on the overall activities of the Branch.
- b) Delegates from Branch to the Auxiliary Organisations shall –
  - (i) either themselves or by proxies attend all General Meetings of the organisation and represent the Branch on that body;
  - (ii) act as a liaison between the Branch and the organisation and fully and regularly report to the Branch in writing on the overall activities of the Auxiliary Organisation;
  - (iii) except where otherwise specifically directed by the Branch, exercise personal discretion on matters of a general nature at meetings of the Auxiliary Organisations but shall have no authority to commit the Branch to decisions of a major or policy nature without first having had the express authority of the Branch Council or Executive.

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## SECTION 5

### Staff and Employees

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#### BY-LAW 5.1 – STAFF

The Executive pursuant to 1/D/4/1 may appoint a Branch Administrator/Manager/Chief Executive Officer who shall, subject to the provisions of this Constitution and By-laws and to the directions from time to time of the Branch Council and Executive:-

- a) carry out and implement all decisions of the Council and the Executive and within the scope of such decisions, use his best endeavours to further the policies of the Branch and the advancement of Surf Life Saving;
- b) attend meetings and act as Minute Secretary for all Council and Executive Meetings and in addition, where possible, attends the meetings of the Boards and Committees;
- c) shall cause full and accurate minutes of all questions, matters, resolutions and other proceedings of every Executive Meeting and General Meeting to be entered in a book to be open for inspection at all reasonable times by any member who previously applies to Branch Administrator for that inspection

For the purposes of ensuring the accuracy of the recording of such Minutes, the Chairperson of that Meeting or the Chairperson of the next succeeding Executive Meeting verifying their accuracy shall sign the Minutes of every Executive Meeting

Similarly, the Minutes of every General Meeting shall be signed by the Chairperson of that Meeting or the Chairperson of the next succeeding General Meeting provided that the Minutes of any 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;

- d) control the activities and working of the Branch Headquarters and staff;
- e) refer to the President and/or Directors, as the case may require, every matter arising for consideration which does not come within the policy or directions previously decided on by the Branch;
- f) be available at all reasonable times to members for consultation with and assistance in matters, which are within the jurisdiction of the Branch;
- g) develop and implement, in conjunction with the appropriate Officer or Officers, plans and proposals for the continued progress of Surf Life Saving, including approaches at levels of Local Government and in both the public and private sectors;
- h) maintain close contact with Clubs, including regular visits, and be available to offer advice and guidance, provided that he shall inform the President in advance of all proposed visits;
- i) cultivate and maintain close liaison with SLSQ, its Officers and staff, and expedite matters held to be important by that body;
- j) approach and develop donors and sponsors with the assistance of the Directors;
- k) conduct the correspondence of the Branch and at all times, make available to the President and Officers, either by submission of the office copy, or by supplying copies of all such correspondence, so as to keep those members fully aware of all activities;
- l) in all aspects, be responsible to the Council and Executive and consult the President between meetings on matters of policy, and report to each meeting of the Executive and Council on the activities within the Branch;
- m) in all aspects of his activities, observe and comply with existing procedures as regards correspondence and communications with the various sections of the Association;

- n) prepare and issue the notices for all meetings;
- o) attend to the preparation and presentation of the Annual Report, Official Championship Program and booklets and special handbooks that may be issued from time to time;
- p) keep up to date stock lists on goods and stationery and an inventory of all gear and equipment on loan or held by the Branch;
- q) assist in the maintenance of a credit and debit ledger on behalf of the affiliated bodies;
- r) be responsible for the availability and distribution of all trophies associated with the Branch championships;
- s) attend to all appropriate insurance and security on Branch property.

#### **BY-LAW 5.2 – EMPLOYEES**

The Executive, in pursuance of 1/D/ 8, and in conjunction with the Regional Manager, shall monitor and endorse the employment or dismissal of full-time or casual employees or other paid assistance eg consultants.

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## SECTION 6

### Boards and Committees

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#### BY-LAW 6.1 – GENERAL

- a) Composition and membership shall be as prescribed in the respective By-laws.
- b) Membership may be drawn from Council members and/or other members of the Branch.
- c) A member appointed to a Board or Committee shall retain his appointment only whilst he retains his membership of the Council or Branch: provided that the Council may, at its discretion, remove any member from membership of a Board or Committee.
- d) In the event of the absence of the Chairperson from any meeting the meeting shall appoint one of its members to act during such absence.
- e) It shall be the duty of the Branch Administrator to refer for consideration and recommendation all matters as properly relate to the jurisdiction of each Board or Committee.
- f) In the event of any matter coming within the jurisdiction of two or more Boards, the President may direct such Boards to jointly consider and report and/or recommend to the Executive thereon.
- g) Unless specified otherwise in these By-laws, a quorum for a meeting of the Board or Committee shall be a majority of the members thereof.
- h) A Board or Committee may, in its discretion, co-opt the services of any member of the Branch or other person to assist in its deliberations, but such co-opted member or person shall have no voting rights, except as may be determined by the Board or Committee, eg. Minute Secretary.
- i) Reports and recommendations of the Boards and Committees shall be presented in writing to the Executive or appointing body.
- j) Expressions of interest may be called from members interested in being appointed to panels, committees, task forces as and when required.

#### BY-LAW 6.2 – BOARD OF LIFESAVING

- a) The Council, at its Annual General Meeting, shall appoint a Board of Life Saving. The members of which shall be current members of an affiliated Club to have voting rights.
- b) The Board shall be comprised of: -
  - (i) Director of Life Saving (Chairperson) as provided for in By-law 1.1 or his proxy;
  - (ii) Deputy Directors Life Saving (North/South) as provided for in By-law 1.1 or his proxy;
  - (iii) Advisory or Specialist Officers as provided for in By-law 1/1.2(b), being
    - Inflatable Rescue Boat (IRB),
    - Education Officer,
    - Marine Stinger,
    - Communication Officer,
    - Emergency Care Advisor,
  - (iv) A Board Secretary (Administrator or appointed other delegate and shall be non voting)
  - (v) Club Captains of affiliated clubs
  - (vi) Chief Training Officers of affiliated clubs
  - (vii) Lifeguard Advisor (non voting)
  - (viii) Lifesaving Service Co-ordinator (non voting)

- (ix) Lifesaving Service Development Officer (non-voting)
  - (x) Assessors will be invited to attend meeting but shall be non voting
- c) Continued membership of the Board shall depend on the following conditions and shall be subject to the Board's or Director of Life Saving's recommendations:
- (i) satisfactory attendance at meetings and functions arranged by the Board;
  - (ii) performance of duties required by the Board or its Officers;
  - (iii) acceptance of appointments to Committees/Sub-Committees or groups detailed for specific tasks on behalf of the Board or Branch.
- d) Meetings of the Board shall be held as follows: -
- (i) General meetings shall be held on a regular basis on dates as determined by the Board or the Chairperson.
  - (ii) The Annual General Meeting shall be held immediately preceding the Council Annual General Meeting.
  - (iii) Conferences shall be held on a regular basis on dates as determined by the Board or the Chairperson and approved by the Executive.
- Note: -Provided that the predetermined dates of meetings may be altered to meet emergent situations by resolution at any meeting of the Board or its Executive.
- e) Powers and duties of the Board shall be:
- (i) to disseminate life saving information and instruction to unify and advance methods of life saving throughout the Branch, such instruction and methods shall be set out in the Manuals of the Association and bulletins distributed by the Australian Council and/or the SLSQ/Branch;
  - (ii) to conduct schools of instruction, conferences and seminars at which all specified members of the Board shall be required to attend and of which due notice shall be given;
  - (iii) to control the practical side of lifesaving and through the Board submit written recommendations to the Branch for the compilation and/or alteration of such issues;
  - (iv) to deal with any other matter referred to it from time to time by the Council or Executive;
  - (v) to allocate Board membership into active Sub-Committees under the control of the appointed Sub-Committee Chairperson;
  - (vi) at its Annual General Meeting, that is of the Board of Lifesaving (BOLS) and its sub committees, endorse the nominations for the Office's of Director/Deputy of Life Saving and the relevant Advisory and Specialist Officers to be appointed or elected by the Council at its Annual General Meeting;
- f) A quorum for a meeting of the Board shall be five (5) members.
- g) The duties of the Director of Life Saving shall be as specified in By-law 4.1(c) and duties of Deputy Director of Lifesaving shall be as specified in By-law 4.1 (d).
- h) Deal with any other matters referred to it from time to time by the Branch Council or the Branch Executive.
- i) Report and make recommendations on policy matters to the Branch Executive.
- j) Develop, coordinate and implement activities and programs related to lifesaving and specifically relevant priorities in the Branch Strategic Plan.
- (k) Board of Life Saving Executive Committee

- (i) The Board of Life Saving Executive Committee shall be appointed from the Members of the Board of Life Saving as specified in By-law 6.2(b);
- (ii) The BOLS Executive shall comprise of the Director of Life Saving (Chairperson), Deputy Directors Life Saving or their designated proxies, Advisory or Specialist Officers as provided for in By-law 6.2(b)(iii) and Branch Manager (if appointed) or nominee (non voting);
- (iii) Meetings of the BOLS Executive shall be held as follows:-
  - Meetings shall be held on dates determined by the Chairperson;
  - Meetings may be waived in the case of a regular General Meeting of the Board of Life Saving being held;
- (iv) The powers and duties of the BOLS Executive shall be:-
  - responsibility for the day to day business of the BOLS and the co-ordination of action by Branch Specialist Officers with the exception of matters of major policy relating to life saving throughout the Branch;
- (v) Minutes of the BOLS Executive Meetings shall be submitted for confirmation at the subsequent meeting of the BOLS Executive, and ratified at the subsequent General Meeting of the Board of Life Saving and shall be distributed to all Members of the BOLS.

### **BY-LAW 6.3 – BOARD OF SURF SPORTS**

- a) The Council, at its Annual General Meeting, shall appoint a Board of Surf Sports, the members of which shall be current members of an affiliated club to have voting rights.
- b) The Board shall be comprised of:
  - (i) Director of Surf Sports (Chairperson) as provided for in By-law 1.1 or his proxy;
  - (ii) Deputy Director Surf Sports as provided for in By-law 1.1 or his proxy;
  - (iii) A Surf Sports representative from each Club within the Branch
  - (iv) An Athlete Representative
  - (v) Advisory and Specialist Officers as provided for in By-law 1.2(b), being
    - Gear and Equipment,
    - IRB,
    - Coaching Officer
    - Official Advisor
    - Craft Officer
    - Safety Advisor
  - (vi) members who are qualified as an official or coach and are Financial members of a club within the Branch. (non voting)
  - (vii) Probationary Members who are candidates in training for Officials or Coaches Accreditation. (non voting)
  - (viii) a Board Secretary (Administrator or appointed other delegate and shall be non voting)
- c) Membership provisos shall be determined as follows:

Director and Advisory or Specialist Officers who shall be endorsed by the Board and elected by the Council at its Annual General Meeting;
- d) Continued membership of the Board shall depend on the following points and shall be subject to the Board's or Director's recommendations:



- (i) satisfactory attendance at meetings and functions arranged by the Board;
  - (ii) performance of the duties required by the Board or Director Surf Sports;
  - (iii) acceptance of appointment to Committees/Sub-Committees or groups detailed for specific tasks on behalf of the Board or Branch.
- e) Meetings of the Board shall be held as follows:
- (i) General meetings shall be held on a regular basis as determined by the Board or Chairperson;
  - (ii) The Annual General Meeting shall be held immediately preceding the Council Annual General Meeting.
  - (iii) conferences shall be held on a regular basis on dates as determined by the Board or the Chairperson and approved by the Executive.
- Note: - Provided that the predetermined dates of the meetings might be altered to meet emergent situations by resolution of any meeting of the Board or its Executive.
- f) Powers and duties of the Board shall be:
- (i) to disseminate surf sports information and to unify and advance surf sports procedures throughout the Branch as set out in the Association's Competition Manual and relevant Bulletins issued from time to time;
  - (ii) to conduct schools of instruction, conferences and seminars for accredited members of the Board to maintain the standards of the Carnival Officials;
  - (iii) to conduct officials' accreditation courses and competitor's clinics as required or requested;
  - (iv) to deal with all matters referred to the Board through the Branch Council or the Branch Executive;
  - (v) to investigate and make recommendations, via the Branch, to SLSQ on all applications for Special Events and sporting events outside the Competition Manual;
  - (vi) to establish a co-ordinating group to recommend to the Council, a surf sports program each year, based on Club submissions and to better serve the total membership;
  - (vii) to establish a balance of competition and ability as it effects members of different age, gender and membership category;
  - (viii) to review regularly the types of competition events for juniors including "fun activities" as an important part of Junior Activities;
  - (ix) to allocate Board membership into active Sub-Committees under the control of the Board Chairperson;
  - (x) to make recommendations to the Branch Executive and Branch Council on the venue, dates, and events for the Branch Championships;
  - (xi) to control all competition through the Board and submit written recommendations to the Branch for the compilation and/or alteration of such issues;
  - (xii) to appoint accredited Officials for all Branch controlled Carnivals, competitions or special events;
  - (xiii) to endorse the nominations for Director and Advisory and Specialist Officers at the Board's Annual General Meeting;
  - (xiv) on a regular basis to critically analyse competition policies and procedures generally to improve the management and conduct of competitions.
  - (xv) to develop, coordinate and implement activities and programs related to surf sports and specifically relevant priorities in the Branch Strategic Plan.

- g) Reports and recommendations shall be presented in writing to the Executive.
- h) The duties of the Director shall be as specified in By-law 4.1(e).
- i) The duties of the Deputy Director shall be as specified in By-law 4.1(f)
- j) A quorum for a meeting of the Board shall be five (5) members.
- (k) Board of Surf Sports Executive Committee
- (i) The Board of Surf Sports Executive Committee shall be appointed from the Members of the Board of Surf Sports as specified in By-law 6/6.2(b);
- (ii) The BOSS Executive shall comprise of the Director Surf Sports (Chairperson), the Deputy Director Surf Sports or their designated proxies and Advisory and Specialist Officers as provided for in By-law 6.3(iii) ;
- (iii) Meetings of the BOSS Executive shall be held as follows:-
- Meetings shall be held on dates determined by the Chairperson;
  - Meeting may be waived in the case of a regular General Meeting of the Board of Surf Sports being held;
- (iv) The powers and duties of the BOSS Executive shall be:-
- responsibility for the day to day business of the BOSS and the co-ordination of action by the Branch Specialist Officers with the exception of matters of major policy relating to Surf Sports throughout the Branch;
- (v) Minutes of the BOSS Executive meetings shall be submitted for confirmation at the subsequent meeting of the BOSS Executive, and ratified at the subsequent General Meeting of the Board of Surf Sports and shall be distributed to all Members of the BOSS.

#### **BY-LAW 6.4 YOUTH AND MEMBERSHIP**

- (a) The Council at its Annual General Meeting shall appoint a Board of Membership Development.
- (b) The Board shall be comprised of –
- (i) The Director of Youth and Membership who shall be Chairperson as per By-Law 1.1.
- (ii) The Deputy Director Youth and Membership (Chairman of Junior Activities) as per By-Law 1.1
- (iii) Club Youth Development Officers or Cadet Officers (as the case may be) or their proxies , who shall hold membership of a Surf Life Saving Club and have an interest in Youth/Leadership development activities.
- (iv) Advisory or specialist Officers eg. Coaching Officer, Education Officer and others co-opted from time to time for specific projects as required.
- (v) a Board Secretary (Administrator or appointed other delegate and shall be non voting)
- (c) Continued membership of the Board shall depend on the following points and shall be subject to the Board or Chairperson's recommendations –
- (i) satisfactory attendance at meetings or functions arranged by the Board.
- (ii) performance of the duties as required by the Board or its Chairperson.
- (iii) acceptance of appointment to sub-committees or groups detailed for specific tasks on behalf of the Board or the Executive.

## (d) Meetings of the Board shall be held as follows:-

- (i) General meetings shall be held on a regular basis on dates predetermined by the Board or the Chairperson and approved by the Executive.
- (ii) The Annual General Meeting shall be held immediately preceding the Council Annual General Meeting.
- (iii) The Board shall meet on a minimum of three times per year, and if a scheduled meeting cannot be held, the Board Executive shall meet in lieu thereof.

**Note:** The predetermined dates of meetings may be altered to meet emergency situations by resolution of any meeting of the Council or the Executive.

## (e) Powers and duties of the Board shall be –

- (i) To enhance membership recruitment and retention and transition through the age levels of Under 14 to Under 19 and functions within Surf Life Saving.
- (ii) To develop, coordinate and implement activities and programs related to membership development and specifically relevant priorities in the Branch Strategic Plan.
- (iii) To develop, conduct and co-ordinate personal developmental activities including leadership training and associated programs, policies, resources etc for membership levels 14 to 18 inclusive.
- (iv) To pursue issues and activities of benefit to youth within Surf Life Saving.
- (v) To foster recognition of the important role youth plays within Surf Life Saving and the community generally.
- (vi) On a regular basis, critically analyse youth/leadership development policies and programs and membership levels and trends.
- (vii) To deal with matters referred to the Board through BOLS, BOSS, Junior Activities Committee, Branch Council and Branch Executive.
- (viii) To conduct regular assemblies of members involved in youth development programs to discuss matters relevant to the betterment of youth/leadership development.
- (ix) To consult with the Director Life Saving on lifesaving matters and with the Director Surf Sports on competition matters.
- (x) To consult with the Branch Executive and other Officers or staff on sponsorship, marketing or funding.
- (xi) To establish sub-committees, if required, to carry out special tasks or projects from time to time.
- xii) To report and make recommendations on policy matters to the Branch Executive.

## (f) The Board of Youth and Membership Executive:

- (i) The BOY&M shall appoint an Executive Committee from its members, and shall meet as determined by the Chairperson or the BOY&M.
- (ii) The BOY&M Executive shall comprise the Chairperson, and four other members of the BOY&M, as specified in 1/1.2(d), and shall meet as determined by the Chairperson or the BOY&M.
- (iii) The powers and duties of the BOY&M Executive shall be:
  - responsibility for the day to day business of the BOMD and the coordination of items referred to it by the BOMD, Executive or Council.
- (iv) Minutes of BOMD Executive Meetings shall be submitted for confirmation at its subsequent meeting, and shall be promptly distributed to all BOMD members and interested parties.

**BY-LAW 6.5 - COMMITTEES**

The following Committees may be appointed at the Annual General Meeting. Committees shall meet as required by the Council or the Executive, or by request of the Committee Chairperson.

a) The Surf Sports Selection Committee may -

- (i) comprise the Director plus four (4) members from different Clubs, two of whom shall be currently involved in Junior Activities (and who shall only be involved in the selection of Junior Team /s) endorsed by the Board of Surf Sports, elected by the Council from Club nominations;
- (ii) select individuals for events and/or teams as required by the Executive;
- (iii) not require approval of its selections, as they shall be final and binding.
- (iv) Select individuals to hold the positions of Team Manager, Assistant Team Manager, Female Chaperone, coaches and other staff as deemed necessary for the Branch Team

b) The Judiciary Committee shall –

- (i) be appointed by the Council at a General Meeting following a recommendation of personnel submitted by the Executives;
- (ii) comprise a Chairperson, a Secretary (who shall keep records of decisions), and at least three (3) others who may or may not be members of a Club;
- (iii) function in accordance with the Rules of Procedure of a Judiciary Committee, attached to this Constitution as Appendix "A";
- (iv) process matters referred to it under By-laws 11.2, 11.3 and 11.4.

c) The Meritorious Awards for Life Saving Committee may -

- (i) be appointed at the Annual General Meeting
- (ii) comprise a Chairperson (Director of Life Saving), the Director of Surf Sports, Secretary and four (4) members of clubs comprising of at least one (1) Club President.
- (iii) select individuals, lifesavers and or groups for Meritorious Awards.
- (iv) submit its recommendations to the Executive for its endorsement and forwarding to Surf Life Saving Queensland.

d) Life Members & Honours Committee (LMHC) may –

- (i) be appointed at the Annual General Meeting
- (ii) comprise the Branch President (Chairperson) and at least four (4) Life Members of the Branch

Note: The appointment of a member of the LMHC shall be on a two (2) year rotational basis.

- (a) two on even years
- (b) Two on odd years

- (iii) be responsible to the Council.
- (iv) make recommendations to the next Council meeting for adoption by the Council.
- (v) meet or engage in teleconferences as required by the President to research, determine recommendations, nominations and/or applications for awards.

- (vi) nominate to appropriate authorities SLSA members considered by the Committee to be eligible for civil, civic, sporting, community and other honour awards.
- (vii) receive administrative assistance as required.

(e) Constitution Committee

- (i) The Annual General Meeting may appoint a Constitution Committee
- (i) The Constitution Committee shall comprise of a Chairman, Secretary, and at least three persons who are members of a Wide Bay Capricorn Branch affiliated Club

The Committee shall convene when required as determined by the Executive Committee or Branch Council

(f) Junior Activities Committee

- a) Annual General Meeting may appoint a Junior Activities Committee, the members of which shall be current members of a Surf Life Saving Club within Junior Activities.
- b) The Board shall be comprised of -  
  
Deputy Director of Youth and Membership who shall be the Junior Chairperson from affiliated Clubs.
- c) Membership shall be determined as follows -  
  
Junior Activities Officers, who shall be elected by their respective Clubs, and shall have the right to appoint proxies in their absence, and shall be officially recognised as Junior Activities Officer representing their respective club;
- d) Continued membership of the Committee shall depend on the following points and shall be subject to Committee's or Chairperson's recommendations -
  - (i) satisfactory attendance at meetings and functions arranged by the Committee;
  - (ii) performance of the duties required by the Committee;
- e) Meetings of the Committee shall be held as follows -

Meetings shall be held on a regular basis on dates predetermined by the Committee or the Chairperson;

Note: - The predetermined dates of meetings may be altered to meet emergent situations by resolution of any meeting of the Committee.

- f) Powers and duties of the Board shall be -
  - (i) Be responsible to Council and Boards as required
  - (ii) seek the views of Clubs and Competitors through forums and other consultative mechanisms;
  - (iii) consider matters of interest and relevance for Junior Activities;
  - (iv) consider matters referred to the Committee by the Council, Executive and Board's or other bodies;
  - (v) submit reports and recommendations to Council, Executive and Board's;
  - (vi) meet regularly as determined by the Chairman.

- g) The duties of the Deputy Director of Youth and Membership (Junior Activities Chairperson) shall be as specified in By-law 4.1(g).
- h) A quorum for a meeting of the Committee shall be four (4) members.
- (g) Gear Inspection Committee may -
- (i) be appointed by the Council at a General Meeting following a recommendation of personnel submitted by the Executive;
  - (ii) comprise a Chairperson (Director of Life Saving), Director Surf Sports or their deputies, Gear and Equipment Officer, Lifesaving Service Co-ordinator and one other Branch Officer;
  - (iii) inspect Clubs' gear prior to and during the season and deficiencies shall be reported to the Club and Branch for subsequent action.
- (h) The Athlete Advisory Panel may –
- (i) Comprise the Director Surf Sports (or his nominee), who shall act as Chairperson, a minimum of two (2) male and two (2) female competitors/members, and an accredited coach appointed by the Director Surf Sports;
  - (ii) seek the views of competitors through forums and other consultative mechanisms;
  - (iii) consider matters of interest and relevance for competitors;
  - (iv) consider matters referred to the Panel by the Board of Surf Sports or other bodies;
  - (v) submit reports and recommendations to the Board of Surf Sports;
  - (vi) meet regularly as determined by the Chairman.

#### **BY-LAW 6.6 – SUB-COMMITTEES**

- a) It shall be competent for the Executive and the Boards to appoint Sub-Committees, panels groups etc to process particular items or projects.
- b) The composition of the Sub-Committees shall be detailed by the appointing body.
- c) Detailed terms of reference of their duties shall be supplied by the appointing body to the Executive.
- d) Minutes shall be kept of their proceedings and reports and recommendations shall be submitted through the appointing body.

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## SECTION 7

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### Procedures and Rules

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#### BY-LAW 7.1 – SLSA & SLSQ POLICIES, RULES, REGULATIONS

- a) The Branch, through the Administrator shall maintain a register of all SLSA & SLSQ Policies, Rules and Regulations, as amended from time to time.
- b) Without limiting the current and future scope of SLSA and SLSQ Policies, Rules and Regulations, the Branch acknowledges and accepts the following Policies, Rules and Regulations.
  - (i) Surf Life Saving Training Manuals
  - (ii) Competition Manual
  - (iii) Membership Protection
  - (iv) Competitive Rights, Obligations and Qualifications
  - (v) Trophies, Prizes and Eligibility
  - (vi) Team Management
  - (vii) Membership Categories and Restrictions
  - (viii) Competitive Rights and Transfers
  - (ix) Sponsorship
  - (x) Visits and Tours

#### BY-LAW 7.2 – AUXILIARY ORGANISATIONS

- a) The Branch may authorise the formation and affiliation of auxiliary organisations, eg. Branch Old Boys Club.
- b) Each Organisation's objects and functions shall be reviewed annually and shall be compatible with the Branch's objects as detailed in 1/A/3.
- c) The Constitution of any such organisation and any amendments thereto, shall at all times be subject to the endorsement of the Council.
- d) The Branch may be represented on any such organisation by an Officer or member or staff of the Branch appointed annually for the purpose; and such organisation may, by special invitation, likewise attend meetings of the Branch;
- e) Such organisations shall be registered Incorporated bodies subject to 1/B/2/2. 8.

#### BY-LAW 7.3 – CORRESPONDENCE

- a) Except in the case of a special circumstance approved by the President, all correspondence from the SLSQ to a Club, or from a Club to the SLSQ, shall in the first place be transmitted through the Branch to which such Club is affiliated, but no such correspondence shall be considered and/or attended to by the SLSQ unless and until it has been so transmitted; provided that the provisions of this By-law shall not apply to correspondence which has been copied by the SLSQ to the Branch or Club for attention.
- b) Upon receipt of any correspondence from a Club, which is required to be dealt with a Branch, the State Chief Executive Officer shall, at his discretion, either forward such letter to the Branch concerned for appropriate action or return it to the Club concerned for transmission through the Branch.

#### BY-LAW 7.4 – AUDITS

- a) The books and accounts of the Branch and every affiliated Club and Auxiliary Organisation, shall be audited at such intervals as may be required by law by the appropriate State Government Department. An Auditor approved to operate in the State of Queensland shall carry out such audits.
- b) Auditors shall be appointed annually at the Annual General Meeting.
- c) To ensure the independence of the audit and therefore the integrity of the accounts, the following rules govern the appointment of an individual as an auditor:  
The Auditor –

- (i) must be formally qualified;
- (ii) must be a member of a recognised professional accounting body;
- (iii) must not be a past or present employee of the entity being audited;
- (iv) must not be related to the Director of Finance or President of the entity being audited;
- (v) must not be related to any person employed as the Administrator or
- (vi) Accountant of the entity being audited;
- (vii) must declare if he is a past or present member of the entity being audited, and such declaration must be included in the minutes of the meeting at which the auditor was appointed.

#### **BY-LAW 7.5 – COLLECTION SANCTION**

- a) The Branch and every affiliated Club or Auxiliary Organisation, shall comply with the provisions of the relevant Government Acts or any subsequent amendments gazetted from time to time.
- b) The Branch and every affiliated Club, shall each make application to the relevant Government Department for entitlement under the "Approved Association Registration". When registration is approved and a "number" is issued all relevant requirements to maintain Registration shall be complied with in every detail.

#### **BY-LAW 7.6 – FUND RAISING**

- a) Fundraising authority is vested in the Branch Council, which may allocate portions of its responsibilities pertaining to specific major projects.
- b) The Branch shall adhere to the general conditions associated with fund raising in Queensland as laid down by Surf Life Saving Queensland and/or Surf Life Saving Foundation -
  - (i) The Branch and Clubs -
    - (a) The Branch and Clubs are authorised to solicit monetary donations, sell art union tickets by door to door, canvass to any company, firm, newspaper or other business operation or trading or any person within the area of the Branch as defined in Clause (c). Similar fund raising shall be permitted outside these areas after prior negotiation and with approval of the SLSQ Chief Executive Officer or his nominee(s);
    - (b) Upon the granting of affiliation to any directly affiliated Club, the SLSQ shall define the area of such Club for the purpose whereupon the provisions of By-law 7.6 shall apply to such Club;
    - (c) The area of the Branch shall be defined as from Spring Head (Yeppoon) to Mangrove Point (Urangan).
    - (d) The Branch may designate each Club fundraising area within its boundaries.
  - (ii) General -
    - (a) In the case of any approval granted under the foregoing provisions, the SLSQ/Branch may, at its discretion, impose such conditions and/or restrictions, as it deems necessary and desirable in the best interests of the Association generally.
    - (b) In the event of any breach of the foregoing provisions of this By-Law it shall be a condition of continuance of affiliation and/or membership that the Branch, Club, member or group of members concerned shall forthwith surrender to the SLSQ or Branch of such monies, and their right thereto, obtained as a result of such breach and the SLSQ or Branch shall thereupon, in its discretion, determine how and in what proportions (if any) such monies shall be applied; provided that the Branch, Club, member or group of members concerned may appeal to the state Council against the determination; and provided further, that any cancellation or suspension of affiliation or membership (as the case may be) under this By-Law shall be subject to the provisions of the SLSQ's Constitution and By-Laws relating to judicial action.



**BY-LAW 7.7 - INSURANCE**a) General

It is mandatory that the Branch, Clubs and Auxiliary Organisations hold insurances approved by SLSQ. In cases where SLSQ has appointed one or more Insurance Brokers, and the Branch does not insure through such Brokers the Branch shall submit such policies to the SLSQ for approval.

b) Personal Accident Insurance(i) Paid Staff and Employees -

A Workcover Policy shall be affected by the Branch with Workcover Queensland to cover all paid staff of the Branch and its Committees.

(ii) Members -

Personal Accident Insurance is covered under the SLSQ's Workcover Policy for all registered members of Surf Life Saving Queensland (except Junior Activities (Nipper) members aged 7 to 13 years i.e. non Bronze Medallion holders) whilst engaged in Surf Life Saving activities.

The benefits and conditions applying under the policy are as described in the relevant Government Act and/or contracts of insurance.

(iii) Time Limit for Lodgement of Claims -

An application for compensation is valid and enforceable only if the application is lodged in accordance with policy requirements

(iv) Volunteer Workers

A personal accident policy shall be arranged by Surf Life Saving Queensland to cover all persons engaged in voluntary work for the Branch or SLSQ, and/or who are not eligible for WorkCover. The benefits cover exceptional items (refer Insurance Manual), eg. death, liability, medical (restricted), dental, ambulance. A register of Workers should be established for each relevant activity, which should be signed by all volunteer workers prior to commencement of work.

(v) Junior Activity Members (7-14 Years) -

A Personal Accident Policy shall be arranged by the SLSQ to cover all financial Junior Activity Members (non Bronze Medallion holders). The benefits cover exceptional items (refer Insurance Manual), eg. death, liability, medical (restricted), dental, ambulance.

c) Public Liability Insurance

(i) A public liability policy shall be negotiated by SLSA/SLSQ to cover the SLSQ, its affiliated Branches, Clubs, Auxiliary Organisations and its members, against legal action instigated by a member of the public;

(ii) whilst the cover will apply to normal Surf Life Saving Association activities, a separate cover may need to be taken out by the Branch, or Auxiliary Organisations entering into some activity away from the Branch facilities or beach, such as a display or fundraising activity where the public are involved. The insurance brokers should be consulted in these situations.

d) Insurance on Property

(i) The Branch shall negotiate insurance policies to cover the loss or damage to its own property, or upon goods in transit destined for one of its affiliated bodies. Reassessments of values shall be carried out regularly;

(ii) It is mandatory for all property insurances to be held with a reputable insurance company and it is a requirement that such policies, if not managed by SLSQ's Brokers, be submitted to the SLSQ Executive for its endorsement to ensure that the protection provided is adequate and serves the interest of the Association;

- (iii) The Branch, affiliated Clubs and Auxiliary Organisations shall be responsible for the costs of their own insurance and shall be well advised to reassess values at every year.

e) Directors and Officers Insurance

- (i) A Directors and Officers policy shall be negotiated by SLSA/SLSQ to cover officers against any claim, made against an officer during the policy period for a wrongful act.
- (ii) It is noted that this is a "claims made" policy, eg. no claim can be made against the policy once it has expired or has been cancelled. Also, if a case exists where a claim may be possible, immediate notification must be given to SLSQ's Insurance Broker.

f) Professional Indemnity Insurance

- (i) A Professional Indemnity policy shall be negotiated by SLSQ to cover members whilst engaged in authorised Association activities.
- (ii) The indemnity covers claims the insured is liable to pay for, eg. breach of professional duty or by reason of any negligent act, error or omission.

#### **BY-LAW 7.8 – FEES AND CHARGES**

- a) Affiliation fees as referred to in 1/B/2/2.1 of the Constitution shall be included in the annual credit contribution that accompanies the Application for Affiliation Form. The Branch shall determine this contribution from time to time.
- b) Examination, Registration, Carnival Entry Fees and other general and lifesaving costs for each affiliated Club or organisation as the case might be shall be debited to each Club or organisation as the case might be. Invoices shall be issued on a monthly basis and it is a requirement that Clubs shall pay outstanding monies within thirty (30) days of the date of the invoice.

#### **BY-LAW 7.9 – AFFILIATION**

- a) The Branch and its affiliates agree -
  - (i) that they are bound by these By-laws and that these By-laws operate to create a single uniform entity through and by which the objects of the Branch and Surf Life Saving are to be conducted, promoted and administered.
  - (ii) In all other respects the provisions of Part 1 Section B 2.1 to 2.13 shall apply.

#### **BY-LAW 7.10 – HONORARIUM**

An Honorarium may be granted to an Officer/s on the decision of the Executive. Any such Honorarium paid shall be subject to Income Tax.

#### **BY-LAW 7.11 – DISSOLUTION OF AFFILIATED BODIES**

- a) The Constitution of every affiliated body shall contain a dissolution clause similar to that set out herein and should any affiliated body fail to make any such specific provision, the specific dissolution provision of this Constitution is deemed to be included in the Constitution of such affiliated body.
- b) In the event of any affiliated body becoming inactive, going into recess or having its affiliation as a Surf Life Saving affiliated body terminated, the SLSQ is empowered to require such body to implement the requirements of 1/E.13 regarding dissolution. Should there be no remaining responsible Officers of such affiliated body capable of carrying out the required procedures for dissolution, the SLSQ is empowered by its Constitution to take any necessary action in this regard.
- c) Upon the dissolution of an affiliated body in terms of the preceding Clauses, the books, accounts and assets of the affiliated body shall be transferred over to or taken possession of by those Clubs previously affiliated with the Wide Bay Capricorn Branch or if those Clubs have ceased to exist transferred over to or taken possession of by the SLSQ to deal with as it may, in its absolute discretion, set fit.

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## SECTION 8

### Membership

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#### BY-LAW 8.1 - RESTRICTION

- a) All applications for membership of the Association shall be made via affiliated Clubs annually on the approved Association Form and shall be available to males and females provided that Active Membership shall be limited to proficient SLSA Bronze Medallion holders.
- b) A member of a Life Saving Organisation affiliated with International Life Saving may be accepted as a member of an affiliated Club provided that the member complies with all the conditions for membership of this Association and its manuals.
- c) An unfinancial, suspended or expelled member of an affiliated Club shall not knowingly apply to join another Club, nor shall an affiliated Club knowingly admit to membership, nor retain in membership, any past or present member of any Club who is financially indebted to or has been suspended or expelled from such Club.
- d) A Club shall immediately provide the Branch and SLSQ with the names and addresses of members who have had their membership cancelled or suspended and such information, including the period of suspension/cancellation of membership shall be set out in a register provided for that purpose.
- e) Should a bona fide member of more than one Club be suspended or expelled by an affiliated Club, he shall not be allowed to compete in any competitions conducted by any Club of which he is a member, or by the Association.
- f) In cases of dispute, an appeal may be lodged with the Branch or SLSQ as the case may be.
- g) All members and elected Officers of an affiliated Club/Branch and SLSQ, shall have reciprocal rights within the facilities of Clubs throughout Queensland, and the conditions of entry upon and use of any Club facilities are at the discretion of the host Club.

#### BY-LAW 8.2 – CATEGORY POLICY

In relation to membership categories, each Club shall provide for the following types of membership and the following minimum qualifications shall be adhered to provided the procedure for granting Club Membership should be detailed in Club Constitutions or By-laws -

- a) Probationary Member shall be the designation of any person for the time period between applying for membership and the gaining of an award and/or the granting of a formal category membership by the appropriate Club Committee.

NOTE:- Probationary members are not Individual Members for the purposes of the SLSA. Constitution.

- b) Junior Activity Member (Nipper) shall be a minimum age of 7 years up to a maximum age of 13 years on a seasonal basis (age for a season is determined as at midnight on 30 September at the commencement of that season), and such person shall be required to gain the relevant Junior Activity Certificate for that person's age group.
- c) Cadet Members shall be subject to the age qualification as defined in the Association's Manuals and have obtained the Surf Rescue Certificate and passed an annual proficiency test.
- d) Active Members shall be Bronze Medallion holders and shall fulfil the full patrol and Club obligations, as provided by the Association and the Club Constitution and By-Laws and shall qualify in an annual proficiency test each season, unless the member has obtained his Bronze Medallion in that season.

Members gaining their Award prior to the first of July in any year are proficient only to the thirty-first December of the same year, whilst members gaining their Awards after the first of July in any year are proficient to thirty-first December of the year following.

e) Reserve Active Membership -

- (i) may be granted by a Club to active Members who have satisfactorily completed (from the gaining of the Bronze Medallion) at least eight years patrol and Club obligations as provided by the Association and Club Constitution and By-laws. Reserve Active Membership shall not be automatic, but shall be granted by resolution of the appropriate Club body;
- (ii) members shall perform a minimum of patrols in each Club where they hold Reserve Active Membership, as required by SLSA and further patrol duties at the discretion of the Club Management;
- (iii) members shall complete the Annual Proficiency Test.

Note:- Notwithstanding (i) above, Reserve Active Membership may be granted under exceptional circumstances to active members irrespective of years of service.

f) Long Service Membership -

- (i) may be granted by a Club to members who have completed ten (10) years active service or to members who have completed eight (8) years active service plus four (4) years reserve active service;
- (ii) members may be exempted from all or some patrol obligations and may be granted other special privileges of memberships as provided in the Club Constitution and By-laws;
- (iii) should such members join another affiliated Club the receiving Club shall determine if such member's Long Service shall be recognised by that Club.

g) Award Membership -

- (i) Award membership may be granted to persons who are proficient holders of an Association award of one or more of the following qualifications – Surf Rescue Certificate (Over 18 years of age), Radio Award(s), Resuscitation Certificate, Advanced Resuscitation Certificate or First Aid Award(s) (or equivalent).
- (ii) members may be called upon to perform patrols and/or other Club obligations commensurate with their qualifications, and provided they so do, shall then be eligible for voting rights as approved by the Club.

h) Associate Membership -

- (i) may be granted by a club to a person who may or may not be the holder of an Association award;
- (ii) does not entitle such member to voting rights unless elected to office or a position, which is provided with voting rights by the Club Constitution or By-laws;
- (iii) Shall carry a joining and/or annual membership fee substantially greater than fees for other categories of Club membership.

i) Honorary Membership may be granted by a Club to persons who may or may not hold a SLSA Award and is not entitled to voting rights.

j) Life Membership may be granted by Clubs and/or the Branch to members who have rendered distinguished or special service and as provided for in the Club/Branch Constitution or By-laws, and is relevant to that Club/Branch only.

k) Past Active Membership:

- (i) Past Active membership may be granted by a Club to persons who have held a SLSA Bronze Medallion, and been an active patrol member for a minimum of three (3) years.
- (ii) Past Active members may have Club voting rights at the discretion of the affiliated Club.

**BY-LAW 8.3 – DUAL MEMBERSHIP**

In relation to dual or multi-club membership the following shall apply: -

- a) Any member of a club may be admitted as a member of another club or clubs, providing such member has a "clearance" as provided for in "Clearances". (By-law 8.4)
- b) Any competing member shall not participate in any Inter-Club competition as a representative of more than one club during any one competition season unless and until his "competitive rights" have been transferred as provided for in "Competitive Rights Transfer". (By-law 8. 8)
- c) Any competing member who is a member of more than one club shall be entitled to compete in Club events of all such clubs.

**BY-LAW 8.4 – MEMBERSHIP CLEARANCES**

- a) Any member who desires to join another Affiliated Club or to retain membership of his existing Club (or Clubs if more than one), and any person who has ceased to be a member of any Club and desires to join another Club, shall first obtain from his present Club (or Clubs if more than one), or from the Club of which he was last a member, a Clearance Certificate in the prescribed Form which shall clearly indicate:
  - (i) any awards that may be held by such person;
  - (ii) that such person is not indebted in any way to such Club;
  - (iii) that such person is not expelled or under suspension from such Club;
  - (iv) the destination of such person's competitive rights.
- b) The member desiring the clearance shall obtain the prescribed duplicate controlling authority clearance form, and after entering the relevant details lodge the original with the losing Club and the duplicate with the relevant controlling authority.
- c) The losing Club or its Executive shall, within fourteen (14) days of receiving the original, approve or reject the application and after recording its decision on the application, immediately forward the original with the Club's decision to the controlling authority.
- d) If the losing Club approves the application, the controlling authority shall record the approval on the ORIGINAL form and return same to the member. The controlling authority with a notation of the decision shall retain the DUPLICATE.
- e) If the losing Club objects to the application, the application shall be dealt with at the next meeting of the controlling authority for a decision. Such controlling authority decisions shall be final. The decision shall be recorded on the ORIGINAL and returned to the member forthwith. The authority with a notation of the decision shall retain the DUPLICATE. The losing Club shall be advised, in writing, of the controlling authority's decision.
- f) If the Controlling authority does not receive a decision or the original form from the losing Club within twenty-one (21) days of the receipt of the duplicate form, the application shall be dealt with at the next meeting of the authority for a decision. Any decision made at the meeting shall be final. The losing Club and the member shall be advised of such decision in writing.
- g) Clearances of transferring members shall automatically take effect from the date when the application is approved by the controlling authority.

**BY-LAW 8. 5 – COMPETITIVE RIGHTS TRANSFERS**

A member of an affiliated Club who desires to transfer competitive rights to another affiliated Club during the currency of a competition season must comply with the following conditions:

- a) The member desiring the transfer shall obtain the prescribed duplicate transfer form and, after entering the relevant detail in duplicate, lodge the original with the losing Club and the duplicate with the controlling authority.
- b) The losing Club or its Executive shall, within 14 days of receiving the original, endorse or reject the application and, after recording the decision on the application, immediately forward the original with the Club's decision to the controlling authority.
- c) If the losing Club approves the application the controlling authority shall record the approval on the original and return the same to the member. The controlling authority with a notation on the decision shall retain the duplicate.
- d) If the losing Club rejects the application, the application shall be considered at the next meeting of the controlling authority for a decision and such decision shall be final. The decision shall be recorded on the original and returned to the member. The controlling authority with a notation of the decision shall retain the duplicate.
- e) If the controlling authority does not receive a decision on the original form from the losing Club within 21 days of the receipt of the duplicate form, the application shall be considered at the next meeting of the controlling authority for a decision. Any decision made at the meeting shall be final. The losing Club and the member shall be advised of such decision in writing.
- f) Transfers of competitive membership shall take effect from the date approved by the controlling authority. Members are permitted one transfer per year (ie 1 October in one year to 30 September in the next year defines one SLSA competitive season) except that no transfer is permissible after competing in any Branch, State, Australian or World Championship in that year. Any further transfer in that year will be processed for effect in the next year. An exception to this will be bonafide relocation because of employment/study/family commitments or other exceptional circumstances. Such transfers will be subject to consideration and approval by the SLSQ or the member's losing Club. Any ILS rulings in respect of competitive transfers and world championships will be complied with.

#### **BY-LAW 8.6 – BUSINESS DEVELOPMENT/VENTURE**

- a) Affiliated clubs within the Branch shall inform the branch about any developments or redevelopments or any developments of commercial or non-commercial ventures on existing property or elsewhere, which involve expenditure of over \$100,000.00.
- b) In order to protect and enhance the Association's objectives, SLSQ affiliated Clubs (including SLS Supporters Clubs and related entities) and the Branch shall inform and consult with SLSQ about any developments or redevelopments, or any developments or commercial or non commercial venture – on existing property or elsewhere – which involve expenditures over \$100,000.00
- c) Examples of such developments or ventures where SLSQ needs to be consulted include:
  - (i) major development or re-development of a clubhouse;
  - (ii) development or re-development of any property;
  - (iii) land and/or property acquisition (Freehold or lease)
  - (iv) negotiation and/or renewal of leases;
  - (v) a commercial or non-commercial venture either on-site (eg at the clubhouse) or off-site, either singularly or in partnership.
- d) SLSQ affiliated Clubs and the Branch shall notify SLSQ's CEO immediately when considering any development or venture outside the existing scope of operations of a Surf Life Saving Club or Branch.
- e) SLSQ may request further information such as plans, contractual arrangements, financial and feasibility studies (as per the "Capital Expenditure Policy") etc to ensure the project/venture is in keeping with the aims and objects of the Association, and is financially sound.
- f) SLSQ shall review all such information (with external expert advice if necessary) and if considered appropriate issue an "Approval to Proceed" (as per the existing Capital Expenditure Policy).
- g) No development or venture shall proceed until SLSQ has issued the "Approval to Proceed".

- h) SLSQ shall be kept informed on a regular basis where such developments/ventures have been given "approval to proceed".
- i) SLSQ shall respect and comply with any "commercial in confidence" issues.

#### **BY-LAW 8.7 – INTELLECTUAL PROPERTY**

- a) The Policy and Procedures for the use of "red and yellow" Surf Life Saving imagery and property shall be as determined by SLSA.
- b) No one shall be permitted to inappropriately exploit Surf Life Saving imagery such as the red and yellow cap, flags, patrol uniforms, logos/trademarks etc.
- c) The following procedures shall apply where a Club or Branch wishes to use "red and yellow" imagery/property:
  - (i) A Club/Branch must obtain SLSQ's approval to use, or allow someone else to use images or pictures of lifesavers wearing red and yellow patrol caps, or patrol uniforms, or patrol flags.
  - (ii) SLSQ has the authority to approve the use of such red and yellow imagery if the promotion is restricted to the Club's/Branch's local area.
  - (iii) SLSQ has the authority to approve the use of the red and yellow imagery in advertisements/promotions that go beyond a Club's/Branch's area if the use of the imagery is in good taste, not conflicting with a State or National sponsor. There may be a license fee attached.
  - (iv) SLSQ cannot approve the use of red and yellow imagery if it goes (or has the potential to be seen) in other SLSQ's territories. SLSA approval is required in such cases.
  - (v) The Club/Branch has every right to use its own Club caps, uniforms and imagery in Queensland.

#### **BY-LAW 8.8 – MEMBER PROTECTION**

- a) The Branch is committed to the health, safety and well being of all members, and shall use its best endeavours to ensure a safe environment exists for all members participating surf life saving activities.
- b) The Branch shall not condone any form of discrimination, harassment or abuse of, or by, members.
- c) All members shall abide by the relevant SLSA policies with respect to Member Protection, Equity and Harassment, and the Codes of Conduct as determined from time to time.
- d) All members involved, either directly or indirectly in leading, chaperoning, coaching, instructing, examining, or supervising (or the like) youth members shall be screened in accordance with legislative and Association requirements as determined from time to time.
- e) All members shall immediately report any suspected breaches of the SLSA Member Protection or Equity policies or Codes of Conduct to the appropriate authority or to SLSQ's Chief Executive Officer or his Nominee. The Chief Executive Officer shall, in accordance with Association policies and procedures, determine the most appropriate method of dealing with such reports.

#### **BY-LAW 8.9 – CODES OF CONDUCT**

All members, Officers and staff shall comply with the Association Codes of Conduct –

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## SECTION 9

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### Club Colours/Badges, Competitive Conditions

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#### BY-LAW 9.1 – COLOURS AND BADGES

- a) Each new affiliated Club shall apply to the SLSQ to register its proposed colours and badge and competition cap design, which shall be subject to the endorsement of the SLSQ and the approval of the Association.
- b) The existing Branch and Clubs' colours and badges shall not be altered without re-endorsement of the SLSQ and the approval of the Association.
- c) Initial registration of colours and badges is subject to the payment of a fee, as is each additional registration. No registration fee shall be payable with the annual club affiliation, unless a change of registration is desired. The registration fee shall be as determined from time to time by the Association.
- d) The Association from time to time shall appoint a Cap Registrar who shall be responsible for the administration of this regulation, and who shall maintain a cap colour register.
- e) Every three (3) years the CAP Registrar shall update the CAP register.

#### BY-LAW 9.2 - COMPETITIONS

- a) The Branch shall have power to regulate all competitions between Clubs and/or directly affiliated Clubs within its boundaries. The Branch Championships shall be held at a venue within the Branch Boundaries whenever possible.
- b) The Branch, through their respective Boards of Surf Sports, shall have the power to allocate any competition to any affiliated Club, and to appoint officials to control such competitions, provided that, in the event of two or more Clubs applying for permission to hold Carnivals or competitions on the same date, such matter shall be determined by the Branch Board of Surf Sports and no Inter-Club competition within the Branch shall be held without the approval of the Branch or SLSQ.
- c) The Branch Board of Surf Sports, on a recommendation of the Director, shall appoint Referees, Judges, and other officials and, subject to the Association's Manuals, may make special rules for such events.
- d) Wagering and/or gambling by persons competing or participating (eg as a competitor, coach, official, manager, organiser etc) in events conducted by the Association is not permitted. Such members proven to have gambled on an Association competition event, in which they are involved, will be liable to appropriate disciplinary action.

#### BY-LAW 9.3 – TROPHIES, PRIZES AND ELIGIBILITY

a) Trophies

The following shall apply to trophies:

- (i) no trophy unless sanctioned by the Branch, shall be given by an individual, Club, organisation or competed for, or accepted by any competitor or competitors other than suitably inscribed (where possible) life saving gear, badges, pennants, medals or items of clothing;
- (ii) cash equivalents shall not be offered in lieu of an advertised trophy;
- (iii) neither of the foregoing paragraphs shall prevent any donor from providing, for competition, any items of approved Association gear;
- (iv) a trophy offered from any source shall not be accepted for interclub competitive conditions unless the Branch approves such trophy and competitive conditions. Such conditions shall provide for the trophy to be won within a period of not more than three years, unless the nature of the trophy warrants a contest over a



longer period. Every effort should be made to induce donors to donate trophies in the form of surf lifesaving gear and the winner should be determined in one season;

- (v) should the Branch or a club desire to conduct an Interclub competition or a competition at an interclub carnival, or over a series of interclub carnivals for a suggested trophy, the trophy or its value must be in the hands of the Branch or Club before the competition commences;
- (vi) notwithstanding the foregoing paragraphs, it shall be permissible for a donor to provide a perpetual trophy for competition to honour the memory of a dignitary, such trophy to be contested under conditions approved by the Branch;
- (vii) all perpetual or series shields, cups or trophies shall be returnable, if required, to the Branch, one month prior to the next competition;
- (viii) holders of the perpetual or series shields, cups or trophies shall be responsible for their safekeeping and proper care, but the Branch shall affect insurances.

b) Prize Money

The following shall apply to cash prizes:

- (i) The Branch shall be the authority to approve competition involving "cash prizes" and therefor any affiliated Club wishing to allocate any "cash prizes" for competition events shall seek the approval of the Branch, or in the case of events involving other Branches, the SLSQ, or in the case of events involving International or Interstate Competitors then both the SLSQ and SLSA;
- (ii) "Cash prizes" shall not be awarded for any event at a Championship Carnival;
- (iii) "Cash prizes" shall not be made available from affiliated Club General funds, however sponsor income may be distributed utilising the Clubs banking account;
- (iv) no competitor shall wager or gamble on any competition conducted by SLSQ, Branch or any affiliated Club;
- (v) notwithstanding the foregoing, sponsors should be strongly encouraged to provide items of life saving gear as prizes rather than cash but where "cash prizes" are presented they shall be portrayed as coming direct from the sponsors.

Note:- Members of SLSA who hold membership of an Olympic Sporting Organisation shall be mindful of the eligibility requirements of the Australian Olympic Federation.

**BY-LAW 9.4 – COMPETITIVE RIGHTS, OBLIGATIONS AND QUALIFICATIONS**

Members and competitors acknowledge and agree that competing in lifesaving events, contests, carnivals and competitions attracts certain rights and obligations, and requires certain qualification. In relation to rights and qualifications the following shall apply

- a) Inherent in membership of SLSA, but subject always to gaining the appropriate qualification as prescribed by SLSA and complying with the competition rules issued by SLSA, is the right to enter, participate in events, contests, carnivals and competitions conducted by SLSA.
- b) Members are obliged to ensure they obtain and maintain the appropriate qualifications, including but not limited to, awards, age limits, patrols, proficiency tests, equipment and limiting disabilities, to enable them to participate in Association events, contests, carnivals and competitions.
- c) Members acknowledge and agree that should they participate in, and/or use any SLSA equipment in any event, contest, carnival and competition, which has not been licensed, sanctioned or otherwise authorised by SLSA that they will attract disciplinary action under the Regulations which may result in forfeiture of their competitive rights set out in By-Law 9.4(a) above.

**BY-LAW 9.5 – TEAM MANAGEMENT**

- a) Every Club or Branch participating in any carnival or similar function shall appoint a Manager of its competitors and other members of the Club or Branch selected to represent and/or assist the Club or Branch at such carnival.
- b) Every Manager so appointed shall be responsible for the proper conduct of himself and of the members under his control, and attend all briefings.
- c) A Manager shall, as far as practicable, remain with the party under his control during the entire period of his Managership. In the event of the party under his control separating into sections, the Manager shall be responsible for appointing a member of each and every section to act as his Manager of that section.
- d) In the case of a carnival or similar function conducted under the control of the Branch, the name of the Manager so appointed shall be notified to the Branch with the Carnival entries, or, at the latest, before the commencement of the Carnival.
- e) The Manager shall remain in attendance with his team during the course of such carnival or similar function and shall take action to ensure that competitors under his control report to the Check Marshall immediately they are called upon so to do.
- f) The Manager shall report to the Carnival Referee or other nominated official whenever called upon so to do by the Carnival Announcer or other authorised official and shall comply with the directions then given him.
- g) All persons who travel with the Branch Team shall come under the jurisdiction of the Branch Team Manager.

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## SECTION 10

### Visits and Tours

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In relation to visits and tours by Association Individual Members or teams who shall include all persons who travel with or under the arrangements made by the Association, SLSQ, Branch or Affiliated Club, the following directions shall be mandatory requirements.

#### **BY-LAW 10.1 – INTER-CLUB/INTERSTATE VISITS**

In relation to affiliated clubs or a member or members of an affiliated club wishing to visit other clubs within Australia, the following shall apply:-

- a) Visits within a State, Territory or Branch shall be subject to the control of that Centre or Branch providing any such control provides for the appointment of a Manager in all circumstances.
- b) With the exception of national surf carnivals, interstate visits shall be subject to advice to the SLSQ and Branch by the intending touring party at least twenty-one (21) days prior to such visits.
- c) Such advice shall detail the proposed destination and dates of the visit, method of travel, the number intending to travel and the name, address and contact details of the Team Manager/s who shall be deemed responsible in the event of necessity for future reference.
- d) Providing there are no grounds for objection, the SLSQ of the intending touring party shall forthwith advise the relevant SLSQ/s of the proposed visit to their region.

#### **BY-LAW 10.2 – INTERNATIONAL TOURS POLICY**

When individuals or teams are identifiable as Association members by uniform of insignia or the purpose of the tour is to compete in events using Association type equipment or attend Association conferences or matters identifiable with Association activities, then the following policies and conditions apply:

- a) At least six months notice of the proposed departure date shall be given by a Club, Branch or SLSQ before permission to tour shall be granted, unless under special circumstances as approved by the Australia Council.
- b) The Branch shall not, in any way, be responsible financially for any part of the expenses attributable to any tour by any Club.
- c) Appointment of officials, size and composition of the team and selection policies shall be a matter for the body making the tour, however, the Association strongly recommends the inclusion of Educational Officers in any team to tour overseas.
- d) No Club shall knowingly select in an overseas touring team any member who is under any form of suspension or is financially indebted to any Club, Branch or SLSQ.
- e) The Association shall reserve the right to set special conditions under which permission will be granted to a Club/Branch team to tour overseas countries.
- f) At least one month prior to the departure of any Club or Branch team, SLSQ and Australia Council shall be supplied with a copy of the final itinerary, points of contact, full details of the composition of the team, names and addresses of team members and the team Manager.
- g) Any Club, Branch or State Team to tour overseas shall have an appointed Team Manager who will be responsible for all matters concerning the team. In the event of any incident, complaint or otherwise adverse reaction to the team as a whole, or members individually, the Manager shall be automatically responsible to the Association and may be called before the Branch, State or Australia Council to face judiciary inquiry and possible disciplinary action.
- h) Comprehensive reports and recommendations (if any) on any tour (together with a team photograph where possible) must be supplied to the Branch/SLSQ within ten (10) weeks of the completion of the tour.

- i) Adequate insurance policies shall be negotiated in respect of personal accident to and/or sickness of every member of the touring team, loss or damage to the personal effects of team members and to such special life saving and/or display equipment as shall be provided for use on the tour.

### **BY-LAW 10.3 – INTERNATIONAL TOURS – WITHOUT INVITATION**

A Club or Branch seeking to tour overseas without having received a specific invitation shall:

- a) make application to its Branch, SLSQ or Australia Council (whichever is its immediate controlling body) for permission to conduct a tour, which shall include the following:
  - (i) proposed itinerary;
  - (ii) duration of the tour;
  - (iii) proposed composition of the team (a detailed composition of team members, names, capacities, etc., should be supplied as soon as it is completed);
  - (iv) details of how the tour will be financed including any proposals of sponsorship;
  - (v) aims and objectives of the tour, having regard to surf life saving;
  - (vi) an undertaking that the Branch, SLSQ or Association will not in any way be financially responsible for the tour;
  - (vii) the method of selection to be used.
- b) If the application by the Club is endorsed at Branch level, the Branch shall then forward the application to the SLSQ requesting endorsement of same and onforwarding to Australia Council, and in the case of an application to tour by a Club affiliated directly to the SLSQ, the SLSQ shall, if it endorses the application, forward same to Australia Council.
- c) The Australia Council upon receipt of the application, and if satisfied all conditions have been met, may then seek from the overseas country, district or club concerned, permission for the tour to take place and give the Club, Branch or SLSQ permission to correspond direct with the overseas body.

### **BY-LAW 10.4 – INTERNATIONAL TOURS – WITH INVITATION**

A Club or Branch seeking to tour overseas after having received a specific invitation shall:

- a) if the invitation is accepted, make application for permission to conduct the tour, to its Branch, SLSQ and the Australia Council setting out all details as required by the Association's Regulations 7.10.1(c) and 7.10.3(a) accompanied by full details and a copy of the invitation received;
- b) if the Branch and/or SLSQ endorse the application, it shall be forwarded to the Australia Council seeking final approval for the tour to be conducted;
- c) the Australia Council, upon receipt of the application and having satisfied itself all conditions have been met, may grant permission for the tour to take place and give the Club, Branch or SLSQ permission to correspond direct with the overseas body. Before granting this permission, the Australia Council will ascertain from the national overseas body that they have endorsed the invitation;

### **BY-LAW 10.5 – TOURS OF AUSTRALIA**

In relation to tours by overseas Life Saving organisations to a Club, Branch or SLSQ in Australia, the following conditions shall apply:

- a) if any Club, Branch or SLSQ wishes to issue an invitation to any overseas life saving body to tour Australia, it must firstly make an application to the Australia Council through its Branch/SLSQ. Such application shall include all details of the proposed tour including accommodation, financial obligations of the host body, proposed itinerary and details of any appointed liaison officer(s);
- b) Branches and/or SLSQs receiving such applications shall, before endorsing the application, consider the following:
  - (i) the ability of the Club and/or Branch to host such a tour having in mind the membership and financial situation of the hosting Club and/or Branch;

- (ii) that the proposed visit will not seriously disrupt any programming of the Club, Branch or SLSQ;
  - (iii) that the qualifications of the host body's liaison officer(s) are satisfactory to properly carry out the required duties;
  - (iv) that such tours may be referred to as "domestic tours" and once authority has been given by the applicable Branch, SLSQ, and Australia Council, these authorities shall not bear any responsibility, financial or otherwise, in connection with the tour.
- c) The Australia Council, upon receipt of the endorsed application, and provided that all the necessary conditions have been met, will consider the application and if approved the Australia Council shall notify the overseas Association concerned. However, the tour should not be considered confirmed until the overseas Association has advised the Australia Council of the invitation's acceptance.
- d) within eight (8) weeks of the completion of any tour by an overseas body, the host Club, Branch or SLSQ shall supply the Australia Council with a comprehensive report detailing the activities and achievements of the tour;
- e) despite a tour being classified as a "domestic tour" it is anticipated that the host Club, Branch or SLSQ will take such opportunities to invite the Branch, SLSQ and the Australia Council representatives to be present at receptions and to be given the opportunity of having discussions with overseas visitors.

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## SECTION 11

### Discipline, Penalties and Appeals

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#### BY-LAW 11.1 - JURISDICTION

a) The penalising authority for the Branch shall be vested in the following:

- (i) the Council;
- (ii) the Executive;
- (iii) the Judiciary Committee;
- (iv) the Carnival or Function Sub-Committee as defined in By-law 11.2(b);
- (v) the President;

Note:- It is suggested that any alleged unbecoming conduct should be referred to a Judiciary Committee unless the circumstances are such that in the opinion of the Branch that immediate action is required.

b) The jurisdiction of the Branch penalising authority shall be that where a Club or member of a Club affiliated with the Branch is charged with having committed an offence:

- (i) within the boundaries of the Branch, the alleged offender shall be dealt with by the Branch penalising authority;
- (ii) within the boundaries of a Branch other than its/his Branch, the alleged offender shall be dealt with by the Branch to which it/he belongs;
- (iii) within the boundaries of a SLSQ and the alleged offence is against the SLSQ, the alleged offender shall be dealt with by the SLSQ which may delegate its powers in this regard to a Branch, provided that the decision arrived at shall be subject to review by the SLSQ.

c) Affiliated Clubs and Auxiliary Organisations shall have similar disciplinary powers over their members as the Branch has over its affiliated Clubs, Auxiliary Organisations and their members and likewise, members of Clubs and Auxiliary Organisations have similar rights of appeal.

#### BY-LAW 11.2 - DISCIPLINE

a) General

- (i) The Branch may penalise or refer to the Judiciary Committee, any Club or Auxiliary Organisation within its jurisdiction or any member of such Club or Auxiliary Organisation, whether a competitor or not, or any Officer and/or Officers of the Branch or Delegate who, in the opinion of the Branch, has practiced or counselled any unbecoming conduct or conduct which reflects upon the good name of the Association or any or all of its Officers, whether at any competition, meeting, function or other activity, or at any other time.
- (ii) Penalty decisions shall be promptly conveyed in writing to the Club or member concerned and it shall be incumbent on such body to give an immediate effect to such decision and to notify the Branch and SLSQ and the Branch may deal with any member failing in any of these requirements.

b) Carnivals, Competitions, Conference

- (i) At Branch Carnivals, Competitions, Seminar, Congresses or other activities, shall appoint a Disciplinary Committee to inquire forthwith into any allegation of conduct prejudicial to the good name of the Association or an infringement of Association Rules or Regulations alleged to have been committed at any such Carnival, Competition, Seminar, Congress or other activity, or whilst travelling to or from the same or whilst within the jurisdiction of the Authorising Authority and may impose an appropriate penalty upon any member(s) Club or team which it finds guilty.

- (ii) The Branch shall appoint the Committee, consisting of no less than three (3) members. Penalties may be administered as prescribed in the Constitution and By-laws but may also include forfeiture of titles or trophies won at a Carnival, Competition, Seminar, Congress or Association or other activity which is relative to the misconduct.
- (iii) The Committee shall forthwith report in writing their enquiries and decisions to the Branch, and if applicable, to the SLSA and the SLSQ.
- (iv) Clubs shall have like powers over their members within their jurisdiction and likewise, Auxiliary Organisations shall have like powers over their members.
- (v) Any Officer of the Branch or any Club or any Member of a Club or Auxiliary Organisation penalised by the Committee shall have the same right of appeal as provided for in By-law 11.4.

#### **BY-LAW 11.3 - PENALTIES**

- a) Without limiting the scope of penalties that may be imposed, the form a penalty may take includes:
  - (i) Reprimand - with the offence being recorded in the books of the penalising body.
  - (ii) Suspension - may be applied as a complete or partial suspension of a member's privileges for a definite period of time or until a definite pre-set goal is reached, and partial suspension could well require the member to carry out all or part of his duties in the Club without being able to avail himself of the normal facilities and privileges of a member. The extent or limit of the penalty must be set by the body imposing the said penalty, provided that the period of suspension shall not be longer than three (3) Calendar years from date of the order.
  - (iii) Termination - Membership may be terminated because of the prevailing circumstances, and when the extreme action of expulsion is not warranted. A member whose membership is terminated may re-apply for membership of the Association at some later time.
  - (iv) Expulsion - expulsion from Club Membership would only be applied as a response to a very serious offence against the Club, the Association or their principles or ideals.
  - (v) Fines imposed in such amounts as the penalising authority thinks fit
  - (vi) Such combination of any or the above as the penalising body thinks fit
  - (vii) Such other penalty or penalties as the penalising body thinks fit
- b) The suspension of a Club by the Branch shall mean the forfeiture of Membership and representation of the Club for the period of such suspension. The position of the officers of the Branch SLSQ or SLSA who are members of a Club at the time of its suspension shall not necessarily be affected by such suspension, nor shall the suspension absolve the Club from any beach patrolling responsibility.
- c) Where an individual Club member, Councillor, Delegate or Officer is suspended by the Branch, he shall forfeit either completely or partially, as may be decided, all privileges as a member of an affiliated Club during the period of his suspension and in the case of complete suspension, a member shall forfeit all rights during the currency of his suspension. Partial suspension shall limit such member's participation in inter-Club or Association activities but may not interfere with his right as a Club member.

#### **BY-LAW 11.4 - APPEALS**

- a) Any Club or Auxiliary Organisation or member penalised by the Branch shall have the right to lodge an appeal against such penalty to the next highest Penalising Authority within the Branch provided that the appeal shall be lodged in writing to the Branch within fourteen (14) days of the notification of the penalty and shall set out clearly the grounds of the appeal. The appeal shall be placed before the next highest Penalising Authority within the Branch and it shall be dealt with in the following manner:

- (i) dismissed and the penalty upheld;
  - (ii) dismissed and a heavier penalty imposed;
  - (iii) upheld and a lighter penalty imposed;
  - (iv) upheld and the appellant exonerated;
- b) Any member penalised by the Branch Judiciary Committee may exercise a direct right of appeal to the Branch as provided for in Judiciary Committee Procedures. (Appendix "A").
- c) Any Club or Club member penalised by the Branch shall have the right to appeal to the SLSQ or Branch as the case may be, against the penalty, provided that:
- (i) the appeal shall be allowed only after the party concerned has properly availed itself of any right of appeal to the penalising authority as may be contained in the Branch Constitution and By-Laws;
  - (ii) application shall be made within fourteen (14) days of the imposition of the penalty, or if the party concerned has exercised its right of appeal to the SLSQ within fourteen (14) days of the notification of the decision of such appeal;
  - (iii) the appeal shall be made through the Branch body who shall forthwith refer the appeal to the SLSQ, provided that the Branch may, at the same time submit any representations on the appeal, which it may wish to make;
  - (iv) upon the setting of an appeal hearing, the SLSQ shall either itself, or by its Judiciary Committee, or by a Committee appointed for the purpose, hears the appeal and communicates its decision in writing to the appellant.

#### **BY-LAW 11.5 – REFERENCES**

- a) In addition to the matters set out in By-laws 11.1 to 11.4 which are of a disciplinary nature, any interested party may submit a reference to the Branch upon any matter touching the affairs of the Association and its members;
- b) Every Reference or Grievance shall be in writing setting out clearly the matters sought to be investigated, and the Executive shall then decide where such Reference or Grievance shall be directed.
- c) The hearing of a reference shall proceed in accordance with Appendix "A" in these By-laws;
- d) The hearing of any appeal from a decision on a reference shall proceed in accordance with Appendix "A" to these By-laws.



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**APPENDIX A**  
**JUDICIARY COMMITTEE**  
**Rules of Procedure**

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**1. DEFINITIONS**

In these Rules:

- 1.1 "The Committee" means the Judiciary Committee.
- 1.2 "Secretary" means the Secretary for the time being of the Judiciary Committee.
- 1.3 "Member" for the purposes of these Rules and Procedures means a member of the Association, and includes a Club, subject to the jurisdiction of SLSQ or Branch by which the Committee shall have been appointed.
- 1.4 "Reference" includes any complaint against a member of the Association brought by any person, and any dispute under the Constitution. The term also includes grievances brought by a member of the Association against another member.

**2. JURISDICTION**

- 2.1 The Committee primarily has jurisdiction to hear a Reference of a disciplinary nature referred to it pursuant to By-law 11.2 dealing with discipline.
- 2.2 The Committee may also hear References directed to it by the Executive pursuant to By-law 11. 8.
- 2.3 Every Reference directed to the Judiciary Committee shall be dealt with by that Committee or it may delegate the conduct of the reference to the Club –
  - a) in whose area the matter for reference arises; or
  - b) to the Club having the most direct interest in the matters raised by the reference.

If the reference is delegated to a Club, that Club shall appoint its Judiciary Committee to hear the reference and proceed in the terms of Rule 3 set out hereunder.

- 2.4 Every person bringing a reference shall have a right to be heard by a Committee of the Branch provided that –
  - a) he has an interest in the subject matter of the reference;
  - b) his reference is in clear and unambiguous terms.
- 2.5 In every case the Committee is required to provide in accordance with the rules of natural justice.

**3. PROCEDURE**

The Branch Judiciary Committee shall follow the following procedures:

- 3.1 Upon receipt of a reference, the Chairperson of the Committee or his delegate may appoint an independent person to act as investigator upon the reference. Such appointment shall be in writing, enclosing a copy of the reference and instructing the investigator to make all relevant enquiries and prepare to assist the Committee within fourteen (14) days.
- 3.2 The investigator, if appointed, shall make all relevant enquiries and shall appear at the time and place appointed for the hearing by the Secretary of the Committee.

- 3.3 Upon receipt of a reference, the Secretary shall forthwith appoint the time and place for the hearing suitable to the members of the Committee. He shall give at least seven (7) days notice of the hearing to all interested parties and such notice shall be in or to the effect of the following form:

SURF LIFE SAVING QUEENSLAND

Wide Bay Capricorn Branch Inc

To:.....

Dear Sir,

You are hereby notified that a meeting of the Judiciary Committee of this Branch will be held at ..... on ..... 20..., at ..... (pm/am), to inquire into the following matter, referred to the Committee by the Branch.

(You are) (Your Club is) required to be (present) (represented) at that time and place, together with such witness as (you) (your Club) may desire to call.

Mr./Ms. .... has been appointed pursuant to the Branch/Club Constitution, as an independent investigator to make all relevant enquiries and to appear to assist the Committee at the hearing - optional.

The Secretary will, upon receipt of (your) (your Club's) request in writing, at least eight ( 8) days before the day appointed for the investigation, setting out the names and addresses of members of the Association who (you desire) (your Club desires) to call as witnesses, require such members to be present at the investigation. If the time and place appointed are not suitable to (you) (your Club), you may apply for an adjournment by application in writing, to be in my hands at least three (3) days prior to the time appointed.

(You are) (Your Club is) not entitled to legal representation as of right but (you) (your Club) may apply at the commencement of the inquiry for such representation, and the Committee may grant or refuse such application as it thinks fit. The same provisions shall apply where representation other than legal representation is required.

In any event, you are required to advise the committee of your intention to attend or not to attend as the case may be, three (3) days before the hearing is due to commence.

Yours faithfully,

SECRETARY

Judiciary Committee

- 3.4 The Committee shall have power to require the attendance of any member at any hearing by the Committee. The Secretary shall give reasonable notice to a member informing him of the time and place of the hearing, and that he is required to attend.
- 3.5 In the case of a complaint against a member of the Association who has been suspended, he shall remain under suspension until the decision of the Committee, unless the Chairperson of the Committee decides otherwise.
- 3.6 The independent investigator if appointed by the Chairperson of the Committee shall make enquiries within a reasonable time.
- 3.7 The Committee shall likewise conduct the inquiry within a reasonable time, subject to any reasonable application for an adjournment in writing and received by the Secretary at least three days before the time fixed for the inquiry.
- 3.8 No interested party shall be entitled to legal representation as of right at the Committee hearing provided always that an application may be made at the commencement of the hearing for such representation. The Committee may grant or refuse such an application as it sees fit. The same provisions shall apply

where an application is made for representation other than legal representation, provided that where a minor (U18) member is charged, it shall be mandatory for a parent or guardian or an adult approved by the parent or guardian to be invited to attend at all material times, and every effort should be made to encourage these persons to be in attendance in the interest of the minor (U18) member.

- 3.9 Any notice required by the Rules to be given by the Secretary shall be given in writing delivered personally or sent by prepaid post addressed to the member concerned or to the Secretary of Club concerned of which the person for whom the notice is intended is a member. On receipt of a notice intended for a member of his Club, the Secretary of that Club shall forthwith inform the member concerned of the receipt of the notice and of its contents. A notice given by post shall be deemed to have been given on the day following that on which it shall be posted.
- 3.10 Any member who fails, without reasonable excuse, to comply with the requirements of any notice addressed to him by the Secretary and any Secretary of a Club who fails, without reasonable excuse, to comply with Rule 3.9 hereof, shall be subject to such action as the Executive of the Branch or Club, as the case may be, shall on the report of the Committee, think fit.

#### **4. AT THE HEARING**

- 4.1 All interested parties shall be present at the hearing, provided that a hearing may proceed in the absence of an interested party only where the Committee is satisfied by evidence that the party had due notice of the meeting and has chosen to be absent from the hearing or the committee agrees that it is in the best interests of the party not to be present.
- 4.2 A quorum of the Committee shall be three (3) members.
- 4.3 In the case of a complaint against a member or Club, all witnesses other than the member or Club concerned, must remain out of the hearing until called upon to give evidence.
- 4.4 The independent investigator (if appointed) shall be present to assist the Committee.
- 4.5 The reference to the Committee shall be read by the Chairperson.
- 4.6 The independent investigator (if appointed) shall present relevant evidence, including the calling of witnesses. Any submissions by the investigator, or documentary evidence submitted by him, shall be given whatever weight the Committee thinks fit, subject always to the consideration that oral evidence from a witness may be of more weight than other forms of evidence.

If the independent investigator is not appointed, the Committee itself shall receive the evidence relative to the reference.

- 4.7 The person or Club the subject of the reference shall then present relevant evidence on his own behalf, subject to the same provisos as in Rule 4.6.
- 4.8 In all cases where witnesses are called, they shall be examined by the party (if any) on whose behalf they are called, and then cross-examined by the other interested parties to the reference. The party calling the witness shall have the right to re-examine the witness. The Committee members may ask questions of the witness, but no other examination or cross-examination of that witness shall be allowed except by leave of the Chairperson.

Such examination or cross-examination may be conducted through the Chairman and/or by telephone or other multimedia means as determined by the Committee.

- 4.9 The Committee may, in its discretion, refuse to admit evidence which is irrelevant or of so little weight as to be properly excluded.
- 4.10 At the conclusion of all the evidence, each interested party and the investigator (if appointed) may make submissions to the Committee in such speaking order as the Chairperson may direct. Right of reply by any party shall be at the discretion of the Chairperson.

**5. AT THE CONCLUSION OF THE HEARING**

- 5.1 The Committee shall meet in camera after the hearing has been completed and if the reference is found to be proved, may deliberate upon an appropriate order or penalty.
- 5.2 The findings of the Committee and the order or penalty agreed upon, may be by the majority, with the Chairperson having a casting vote in the event of a tied decision. The minority may furnish separate findings, but the majority findings and order or penalty shall be deemed to be the decision of the Committee.

**6. DETERMINATION OF ANY PENALTY**

- 6.1 The Chairperson or other member of the Committee shall deliver the Committee’s findings in the presence of such interested parties who wish to attend.
- 6.2 If an adverse finding is delivered, the party against whom the finding has been made, shall be invited to make submissions on penalty.
- 6.3 The Committee shall make any determinations of penalty as may be required and it sees fit. If necessary, the Committee may meet again in camera to consider a penalty.

**7. NOTIFICATION**

- 7.1 The Secretary of the Committee shall forthwith give notice of the decision of the Committee to all interested parties, together with notice of any made order or penalty imposed, shall become effective forthwith.
- 7.2 The Committee shall furnish its report at the first meeting of the appointing authority after the hearing is completed. That authority shall either confirm the decision of the Committee or proceed according to the next succeeding paragraph.
- 7.3 The decision of the Committee cannot be altered by the appointing authority, but a two-thirds majority of those present and voting at the meeting, may return the reference to the Committee for further consideration or the hearing of additional evidence. The grounds of such return of the reference shall be clearly stated.
- 7.4 A person or Club exonerated by the Committee may start under protest at any Carnival or Association event held before the meeting of the appointing authority at which the Committee's decision is presented for confirmation or return as the case may be.

**8. APPEALS**

- 8.1 Except as provided in Clause 6.3 hereof, any person aggrieved by a decision of the Committee may, upon a Reference has a right to appeal to the next highest authority from that which appointed the Committee which conducted the hearing.
- 8.2 Except as provided in Clause 6.3 hereof, any person aggrieved by a decision of the Committee upon a Reference may, within twenty-eight (28) days after the decision is conveyed to that person, appeal against the decision provided –
  - (a) If the hearing was conducted by the Club/Branch Judiciary Committee, the appeal shall be lodged with the Secretary of that Club/Branch and it shall be forwarded immediately to the Branch/SLSQ.
  - (b) If the hearing was conducted by the SLSQ Judiciary Committee, the appeal shall be lodged with the SLSQ, and it shall be dealt with in accordance with the Constitution of the Association.
- 8.3 Where a Reference submitted pursuant to By-law 11. 8 to the Branch has been heard by the Committee and its decision has been confirmed by the Executive, that decision shall be final and no appeal shall lie to the next highest authority, except in cases where the Committee and the Executive has decided that an interested party to the Reference or Grievance should be penalised in terms of By-law 11.3.

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## **APPENDIX B**

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### **RULES OF DEBATE**

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#### **1. GENERAL**

The undermentioned rules shall apply to the conduct of all meetings of the Council, its Boards and Committees.

For the purpose of these Rules, the word "member" shall refer to members of the Association.

#### **2. CHAIRPERSON'S AUTHORITY**

Whenever the Chairperson rises during debate, the member then speaking shall be silent and resume his seat.

In the case of any remark considered by the Chairperson to be offensive or imputing improper motives, the Chairperson may call upon the speaker to withdraw and apologise.

The Chairperson may call a member to order. If such member persists in being disorderly, he may call upon such member to withdraw from the meeting.

It shall not be permissible to dispute the Chairperson's rulings, or move a motion of dissent from his ruling, on matters of procedure and points of order.

#### **3. DEBATE**

Any member desiring to speak shall stand up and address the Chairperson.

If two or more members rise to speak at the one time, the Chairperson shall decide which is entitled to priority.

The meeting may decide that a particular person shall or shall not be heard, provided that a motion of this nature shall not be debated.

No member shall interrupt another while speaking, except to rise to a point of order.

No speaker shall digress from the subject under discussion.

No member shall use offensive or unbecoming words.

During the debate, a member may raise a point of order whereupon the member then speaking shall resume his seat until the point of order has been decided.

It shall be competent for any member to move a motion of dissent from the Chairperson's ruling other than on matters of procedure and points of order. The mover of a motion of dissent shall concisely state his point. The seconder and Chairperson only may then speak to the motion.

At any time during the debate, a member may move "that the question be now put"; provided the Chairperson is satisfied that reasonable time for debate of the original motion has been allowed. The motion shall be put without debate - it need not be seconded. This motion may be applied to an amendment, in which case it is the amendment, which is immediately put to the vote. It shall not be competent for the mover, seconder or any person who has spoken to the original motion or amendment to move "that the question be now put".

If carried, the original motion shall be put to the vote without further debate except that the mover thereof shall have the right of reply; if lost, the debate may proceed.

A member may move the adjournment of the debate to a subsequent meeting. If the motion for adjournment is lost, the mover thereof shall not be allowed to speak again on the question under debate. If carried, the mover shall have the right of resuming the debate at the ensuing meeting and the mover of the original motion shall have the right to reply.

#### 4. MOTIONS AND AMENDMENTS

Any member proposing a motion or an amendment shall state its nature before addressing the meeting thereon.

The mover of a motion shall not occupy more than ten minutes nor any other speaker more than eight minutes; provided that the meeting may, by resolution, without debate, grant an extension of time to any speaker.

No member may speak more than once to a motion except with the Chairperson's permission, in explanation or reply, or to ask a question provided that he may speak again on any amendment to the motion.

The mover of a motion's right of reply shall be exercisable at the end of the debate.

The mover of an original motion must get the consent of his seconder, and the approval of the meeting, before making any alteration to the wording of his motion.

Any member (other than as provided in Rule 4.7 herein), may move an amendment to a motion, provided it is not a direct negative of the motion proposed to be amended.

The mover or seconder of a motion may not move or second an amendment to it but may speak on any such amendment.

A particular member may move or second one amendment only to each motion, but may speak on amendments moved by others.

An amendment having been moved, it shall not be competent to move any further amendment, provided that notice may be given of intention to move a further amendment when the previous amendment has been determined. Only one amendment can be considered at any one time.

If there is an indication of more than one amendment to be brought forward the mover of the original motion may elect to reply at the end of the debate on the first amendment.

The mover of an amendment has no right of reply.

A member, who formally seconds a motion or amendment without speaking, may speak in support at a subsequent stage of the debate.

Amendments shall be put to the meeting before the motion is put, and shall be committed to the meeting in the order in which they are received.

When an amendment is carried, the motion as amended becomes the motion before the meeting.

Motions and amendments can be withdrawn only with a majority of those present at the meeting consent. A motion for withdrawal is open to debate, which however, must be confined to the matter of withdrawal.

If, after a motion has been determined, it is considered in the general interest that the matter should be reopened for discussion before the termination of the same meeting, the meeting may, by unanimous vote, order its recommittal.

**5. VOTING**

Voting shall be by the voices, or at the discretion of the Chairperson or at the request of any member, by show of hands or by secret ballot.

Any member, supported by not less than three others, may call for a division, in which case members shall move to the right or left of the Chairperson, as directed by him.

In the event of a division, any member declining to vote shall elect to retire behind the Chairperson or have his vote counted in the negative.

The Chairperson may appoint tellers to assist him in counting a vote.

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**APPENDIX C**

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**WIDE BAY CAPRICORN BRANCH**

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**EMBLEM**

**LIFE MEMBERSHIP BADGE**

**COMMON SEAL**

***These By-laws were last amended in 19<sup>th</sup> July 2014***