

Frankston Life Saving Club Constitution

Incorporations Number A0009149G

ABN 83 805 143 292



Adopted 12 August 2006
As amended 20 December 2006

Frankston Life Saving Club Inc.
A0009149G
ABN 83 805 143 292
PO Box 1041
Frankston 3199

Frankston Life Saving Club Constitution

CHARTER

1.0 Club Name

The Club shall be known as the Frankston Life Saving Club Incorporated (“Club”)

1.1 Club Objectives:

- 1.1.1 The study and practice of the lifesaving methods of Royal Life Saving Australia, Surf Life Saving Australia and Life Saving Victoria Limited or such replacement governing body.
- 1.1.2 To minimise the risk of loss of life from drowning by providing and maintaining efficient Life Saving services and apparatus.
- 1.1.3 To promote demonstrations and arrange classes of instruction so as to bring about a widespread and thorough knowledge of the principles of life guarding.
- 1.1.4 To appoint patrols along the foreshore of Frankston City and such other places as the General Committee may from time to time deem necessary for the purpose of rendering all possible aid and advice to members of the general public.
- 1.1.5 To provide and maintain a clubrooms for the use of members.
- 1.1.6 To assist the authorities to administer the local regulations relative to the foreshore.
- 1.1.7 To promote a knowledge of the art of First Aid and to maintain a First Aid Kit.

1.3. Affiliation

- 1.3.1. The Club shall affiliate with Life Saving Victoria Limited, or such replacement governing body (“Parent Body”), and will comply, as appropriate, with any relevant rule or regulation from the Life Saving Victoria Limited constitution.
- 1.3.2. The Club may affiliate with any other club, society or authority whose objectives are similar to the objectives of the Club.
- 1.3.3. Winding Up
In the event of the Club folding and discontinuing or being suspended as a life saving service, if there shall remain after the satisfaction of all its debts, liabilities and obligations any property whatsoever, the same shall not be paid to or distributed amongst the members of the Club, but shall, subject to any trust effecting the same, be given and transferred to some other association or associations, being primarily charitable in nature having objects similar to the objects of the Club, to be determined by the Club Trustees at or before the time of dissolution or in default thereof by the State Centre of the Club’s Parent Body with the proviso that such monies or properties shall be used primarily within the community of Frankston Victoria.

1.4. Trustees

- 1.4.1. There shall be three (3) trustees, who comprise of President, Secretary and Treasurer, and in who shall be vested all property belonging to the Club, such property shall from time to time be dealt with or disposed of in accordance with the directions of the **General** Committee.
- 1.4.2. Appointing Another Trustee
 - a. In the event of a trustee moving from the State of Victoria or remaining out of this said State for more than six months, becoming bankrupt, desiring to be relieved of the trust, refusing to act, or becoming in the opinion of the **General** Committee unfit to act, it shall be lawful for the **General** Committee to pass a resolution at a special general meeting of the **General** Committee called for the purpose of appointing another person to be trustee in his place.
 - b. This appointment shall be ratified or changed at the next General Meeting of the Club.

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1.5. General

- 1.5.1. The Club premises shall be open to members only at such times and under such conditions as the **General** Committee may from time to time direct. A list of members shall be available in the premises.
- 1.5.2. The colours of the Club, which shall be registered with the Parent Body, shall be Royal Blue / Navy Blue / Red.
- 1.5.3. Where members of both genders are admitted to membership there shall be separate dressing accommodation for each gender.
- 1.5.4. A copy of the Constitution, Rules and By-Laws shall be posted in a conspicuous place in the Club building and a copy of the club By-Laws given to members upon joining.

2.0 GENERAL MEETINGS

2.1 All General Meetings

The Secretary, at least 14 days, or if a special resolution has been proposed, at least 21 days, before the date fixed for holding a General Meeting, must send to each member of the Club, a notice stating the place, date and time of the meeting and the nature of the business to be conducted at the meeting. Notice may be sent by prepaid post to the address appearing in the register of members or if the member requests, by electronic transmission.

2.2 Annual General Meeting

The Annual General Meeting of the Club shall be held prior to 1 October, to confirm the minutes of the previous AGM, to receive reports and balance sheet for the past year, and to elect office bearers for the ensuing year, and any other business brought forward in accordance with the Rules. Only financial members, with the exception of those ineligible according to these Rules, shall vote at the Annual General Meeting. (The quorum shall be **12**).

2.3 Special General Meetings

- 2.3.1 The Executive Committee may at any time for any special purpose call a Special General Meeting. They shall also do so immediately upon the requisition in writing of any ten (10) members who shall be financial and over the age of 15 years, stating the purpose for which the meeting is required. The request must be signed by the members requesting the meeting and be sent to the Secretary. **(The quorum shall be 12).**
- 2.3.2 If the **Executive** Committee does not cause a Special General Meeting to be held within one month after the date on which the request is received by the Secretary, the members making the request, or any of them, may convene a Special General Meeting to be held not later than 3 months after that date.

3.0 MEMBERSHIP

3.1 Duration

Membership year shall be from 1 October until 30 September in the following year.

3.2 Category of Membership

Membership of the Club will consist of the following categories:

3.2.1 Active Members

- a. Seniors: Patrolling Members or those who have been appointed a Club Official.
- b. Juniors: Training and/or competing Members under the age of 14 years.

3.2.2 Honorary Members

- a. The General Committee may elect as an honorary member, any person who is interested in the objectives of the Club.
- b. Such membership shall terminate not later than the next Annual General Meeting.

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3.2.3 Temporary Members

- a. The General Committee has the power to admit a limited number of temporary members.
- b. A temporary member shall be subject to the Rules of the Club and the following special Rules:
 - They must be introduced by a member of the Club.
- c. Any temporary member who is guilty of conduct that in the opinion of the steward (See 6.11) is unworthy of a Club member, shall, if requested, immediately leave the Clubrooms and cease from then on to be a member.

3.2.4 Family Membership

- a. Any person and or spouse and dependant children.
- b. Membership Categories:
 - i. Family – Junior Active i.e. Have only junior children active. Parents are members but are not active.
 - ii. Family – Senior Active i.e. At least one member of the family patrols or is a club official.
 - iii. Family - Social i.e. A family with seniors where no one in the family patrols or is a club official.

3.2.5 Life Members

- a. Any financial member of the club over the age of 15 may nominate a person for a Life Membership. Unanimous acceptance of the nomination by the General Committee shall be on the basis of outstanding service over a minimum of 10 years.
- b. Such service must extend beyond normal member obligations and be of a nature that has developed the Club within its community, including Frankston &/or the Parent Body.
- c. The motion for a Life Membership shall be held and assessed for 60 days prior to being granted, at the Annual General Meeting.

3.2.6 Social Members

- a. A member who does not meet the definition of Active Member. (See Rule 3.2).
- b. Social Members have specified use of the Club's facilities & its equipment, in line with Club By-Laws.

3.3 **Member Limits**

The General Committee shall have power, at their absolute discretion to limit the number of members, either in total or in any particular category.

3.4 **Application**

Membership of the Club shall be open to any person duly elected in the manner specified below:

- 3.4.1 Each initial membership application must be accompanied by a Joining Fee in addition to the Annual Subscription applicable to the type of membership proposed.
- 3.4.2 Each application for membership must be nominated by two financial members over the age of 15 years.
- 3.4.3 No application for membership shall be considered unless accompanied by the relevant fees (See Rule 3.4.1).
- 3.4.4 Each application is to be reviewed and accepted by the General Committee prior to the member's name being added to the Register of Members.

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3.4.5 Each application received in accordance with Rule 3.4.4 shall be deemed a probationary member until such time as the application is considered by the General Committee in accordance with Rule 3.4.4. Once accepted by the general Committee, the applicant will be considered a full member.

3.4.6 The General Committee may refuse to accept any application for membership, which in its sole discretion it considers to be unsuitable for admittance to the Club.

3.4.7 Application for membership received after 31 January in each year must be accompanied by a joining fee plus 50% of the relevant Annual Subscription.

3.5 Register Of Members

A list of current financial members is available in the clubrooms and the Register of Members is available for inspection free of charge by any member, upon request to and approval from, the Executive Committee.

4.0 FEES AND SUBSCRIPTIONS

4.1 Fees

- a. Annual Subscriptions and any other fees shall be paid in accordance with the scale of fees set at the Annual General Meeting.
- b. If no fees are set at the Annual General Meeting, the fees set for the proceeding financial year shall remain until such time as the members determine otherwise in General Meeting.
- c. Annual Fees to become due on 1 July each year and are payable by 1 October each year and prior to the member taking part in any club activity or function, or using club equipment.

4.2 Fees in Arrears

Any member who is more than one month in arrears shall be reported to the General Committee who shall take whatever action it may deem necessary.

5.0 RIGHTS & OBLIGATIONS

5.1 Active Members

In order to claim the status of 'Active', members over the minimum Senior age as so determined by the Parent Body and under the age of 30 years shall submit themselves for examination for a qualifying award of the Parent Body, unless prevented by an irremediable physical or intellectual disability.

5.2 Entitlement to Vote and Hold Office

- 5.2.1 Only full financial members of the Club who have reached the age of 15 years shall be entitled to:
- Vote on any matter at any meeting of the Club.
 - Sit on any Committee.
 - Nominate any person for any category of membership.
- 5.2.2 No Probationary member, as defined in Rule 3.4.5 shall be allowed to vote at any meeting of the Club.
- 5.2.3 Social Members do not have a vote.
- 5.2.4 No vote shall be recorded by proxy.

5.3 Member Registration and Transfer

- 5.3.1 The Club shall remove from its Register of Members, the name of any Member who has been adjudged by the General Committee to be guilty of an act or utterance detrimental to the Club's welfare. Such a member shall thereupon cease to be entitled to any of the privileges of membership and at once return any badges, costumes or other equipment belonging to the Club that may be in his or her possession.

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5.3.2 Transfer of Membership

Registered Members desiring to transfer to another Life Saving Club shall make an application in accordance with and subject to, the Rules and Procedures prescribed by the Parent Body, as amended from time to time.

5.3.3 Registration of Members

All members passing a patrolling award shall be registered as competitors with the Parent Body.

5.4 **Damage of Property by Member**

Any Member damaging or removing the property or material of the Club shall pay for same at a price to be fixed by the General Committee and failing to do same within fourteen (14) days, proceedings may be taken.

6.0 **COMMITTEE**

6.1 **General Committee**

The General Committee shall comprise more than 50% patrolling members and shall consist of:

- President
- Immediate Past President (See Rule 6.2.1) or Vice President
- Secretary
- Treasurer
- Assistant Secretary/Treasurer
- Club Captain
- Patrol Officer
- Senior Coordinator
- Junior Coordinator
- Competition Officer
- Functions Sub-Committee Delegate
- Three (3) Ordinary Committee Members*

* Ordinary Committee Member means a member of the Committee who is not an Officer of the Club.

6.2 **Terms Of Office**

6.2.1 Immediate Past President position to apply for a maximum of one year after having held the position of President. Election to this position is by unanimous acceptance by the Executive Committee. In the event of the Immediate Past President not being able to fulfil his term or has completed his term, a Vice President is to be elected.

6.2.2 Each officer of the Club (unless otherwise stated in these Rules) shall hold office until the Annual General Meeting next after the date of his or her election but is eligible for re-election.

6.3 **Committee Procedures**

6.3.1 Executive Committee

The Executive Committee shall consist of the President, Secretary, Treasurer and Club Captain, and shall deal with matters of urgency arising between meetings of the General Committee. (Quorum 3)

6.3.2 General Committee

- a. The General Committee shall deal with the normal management issues of the Club.
- b. The General Committee shall meet minimum monthly, and additionally as required.

6.3.3 Notice of Meetings

- a. Written notice of each Committee Meeting must be given to each member of the Committee at least 2 business days before the date of the Meeting.
- b. The accidental omission of any member not receiving notice of a Meeting shall not invalidate the meeting.

6.3.4 No business may be conducted unless a quorum is present. (See Rule 6.8.2)

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6.4 Committee Elections

- a. Nomination of all Committee positions, must be in writing, signed by two financial members of the club over the age of 15 years, consented to (in writing) by the person nominated and in the hands of the Secretary at least seven (7) days before the date fixed for the holding of the Annual General Meeting.
- b. Failing receipt of nominations, a candidate for any vacant position may be taken from the floor of the meeting.
- c. Should all Committee positions not be filled or should a vacancy arise, the Executive Committee has the right to second a suitable person at a later date.
- d. If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- e. If the number of nominations exceeds the number of vacancies to be filled, a ballot must be held.
- f. The ballot for the election of officers and ordinary members of the Committee must be conducted at the Annual General Meeting in such manner as the Committee may direct.

6.5 Duties

6.5.1 Secretary

- a. The Secretary shall be responsible to the General Committee for the administration of the Club.
- b. He/she shall list names of those present at committee meetings, keep all minutes and conduct the correspondence of the Club.
- c. He/she shall produce at each meeting of the Committee a list of members in arrears financially in any respect.
- d. He/she shall exhibit all instructions and notices on the notice board. He/she shall keep a complete list of members showing name and address, date entered on to register and qualifications and submits to the Committee when required the names of those who have failed to qualify.
- e. He/she shall keep an account of all Club property, and shall as necessary assist the Treasurer to keep the Club accounts.

6.5.2 Assistant Secretary/Treasurer

The Assistant Secretary/Treasurer shall take the minutes of the meetings excepting Sub-Committees and shall assist the Secretary and Treasurer generally.

6.5.3 Treasurer

The Treasurer shall be responsible to:

- Attend all meetings of the Committees.
- Keep in safe custody books and vouchers belonging to the Club.
- Keep a complete set of account books in which shall be entered all monies received by and expended by the Club.
- Sign and give receipts for all monies received by him on behalf of the Club and pay same into the Club's bank account as soon as practicable.
- Give an account in writing at each meeting of the General Committee, of the income, expenditure, liabilities and bank account balance.
- Produce all books and vouchers whenever required to do so by the General Committee.
- Not be responsible or answerable for any default on the part of any other officer of the Club, nor for any monies except such as he/she actually receives personally.

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6.6 Receipt of Monies

- 6.6.1 Receipts for all monies payable to the Club shall be issued from the Club's financial accounting system or a printed and consecutively numbered receipt book, and such monies shall be paid in to the bank account of the Club.
- 6.6.2 Payments shall be by cheque, signed by any two of the President, Secretary or Treasurer in accordance with the directions of the Committee. Two people from the same family cannot be signatories on any one cheque.

6.7 General Committee

- a. The **General** Committee shall have full administration of the affairs of the Club, both financially and other wise.
- b. They shall interpret Rules and By-Laws.
- c. They are empowered to frame further By-Laws in conformity with the Rules, and repeal, amend or alter such By-Laws as they may from time to time consider necessary for the well being of the Club, which repeals, amendments and alterations shall have effect till set aside by the General Committee or a General Meeting.

6.8 Committee Absenteeism and Quorum

- 6.8.1 Absentee
Any Committee member being absent from three (3) consecutive meetings without reasonable excuse, shall cease to be a member of the Committee.
- 6.8.2 Quorum
Quorum for all Meetings is as follows:
a. Executive Committee: Three (3)
b. General Committee: Six (6)

6.9 Overall Responsibility of General Committee

In the event of anything occurring not within the scope of the Rules and By-Laws of the Club, the **General** Committee may deal with it at their discretion.

6.10 Stewards

The members of the General Committee shall act as stewards whose duty it will be:

- To see that proper care is taken of the Club property and Premises.
- To enforce the Club Rules and By-Laws
- To maintain discipline and good behaviour among members.

7.0 DISCIPLINE AND GRIEVANCE PROCEDURES

7.1 Disciplinary Actions

- 7.1.1 A member of the General Committee may censure any member or guest of the Club in attendance at the Club or an event hosted by the Club whom he/she considers to be misbehaving, and shall forward a report in writing of such occurrences to the General Committee. Any member or guest of this Club who is requested to leave shall immediately leave the Clubrooms or event.
- 7.1.2 Subject to these Rules, if the General Committee is of the opinion that a member has refused or neglected to comply with the Club's Rules or By-Laws, or has been guilty of conduct unbecoming a member or prejudicial to the interests of the Club, the General Committee may by resolution:
- Fine that member an amount not exceeding \$500; or
 - Suspend that member from membership of the Club for a specified period; or
 - Expel that member from the Club.
- 7.1.3 A resolution of the General Committee under sub-rule (7.1.2) does not take effect unless-
- (a) at a meeting held in accordance with sub-rule (7.1.4), the General Committee confirms the resolution; and

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- (b) if the member exercises a right of appeal to the Club under this rule, the Club confirms the resolution in accordance with this rule.

7.1.4 A Meeting of the General Committee to confirm or revoke a resolution passed under sub-rule (7.1.2) must be held not earlier than 14 days, and not later than 28 days, after notice has been given to the member in accordance with sub-rule (7.1.5).

7.1.5 Notice to Member

If a member of the Club is the subject of disciplinary action as in Rule 7.1.2, and for the purposes of giving notice in accordance with sub-rule (7.1.4) then the Secretary must, as soon as practicable, cause to be given to the member a written notice:

- (a) setting out the resolution of the General Committee and the grounds on which it is based; and
- (b) stating that the member, or his or her representative, may address the General Committee at a meeting to be held not earlier than 14 days and not later than 28 days after the notice has been given to that member; and
- (c) stating the date, place and time of that meeting; and
- (d) informing the member that he or she may do one or both of the following-
 - (i) attending that meeting;
 - (ii) give to the General Committee before the date of that meeting a written statement seeking the revocation of the resolution;
- (e) informing the member that, if at that meeting, the General Committee confirms the resolution, he or she may not later than 48 hours after that meeting, give the Secretary a notice to the effect that he or she wishes to appeal to the Club in general meeting against the resolution.

7.1.6 At a meeting of the General Committee to confirm or revoke a resolution passed under sub-rule (7.1.2), the General Committee must:

- (a) give the member, or his or her representative, an opportunity to be heard; and
- (b) give due consideration to any written statement submitted by the member; and
- (c) determine by resolution whether to confirm or to revoke the resolution.

7.1.7 If at the meeting of the General Committee, the General Committee confirms the resolution, the member may, not later than 48 hours after that meeting, give the Secretary a notice to the effect that he or she wishes to appeal to the Club in general meeting against the resolution.

7.1.8 If the Secretary receives a notice under sub-rule (7.1.7), he or she must notify the General Committee and the General Committee must convene a general meeting of the Club to be held within 21 days after the date on which the Secretary received the notice.

7.1.9 At a general meeting of the Club convened under sub-rule (7.1.8):

- (a) no business other than the question of the appeal may be conducted; and
- (b) the General Committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution; and
- (c) the member, or his or her representative, must be given an opportunity to be heard; and
- (d) the members present must vote by secret ballot on the question whether the resolution should be confirmed or revoked.

7.1.10 A resolution is confirmed if, at the general meeting, not less than two-thirds of the members vote in person, or by proxy, in favour of the resolution. In any other case, the resolution is revoked.

7.2 Grievance, Disputes and Mediation

7.2.1 The grievance procedure set out in this rule applies to disputes under these Rules between-

- (a) a member and another member; or
- (b) a member and the Club.

7.2.2 The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.

7.2.3 If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.

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- 7.2.4 The mediator must be:
- (a) a person chosen by agreement between the parties; or
 - (b) in the absence of agreement:
 - (i) in the case of a dispute between a member and another member, a person appointed by the General Committee of the Club; or
 - (ii) in the case of a dispute between a member and the Club, a person who is a mediator appointed or employed by the Dispute Settlement Centre or Victoria (Department of Justice).
- 7.2.5 A member of the Club can be a mediator.
- 7.2.6 The mediator cannot be a member who is a party to the dispute.
- 7.2.7 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- 7.2.8 The mediator, in conducting the mediation, must-
- i. give the parties to the mediation process every opportunity to be heard; and
 - ii. allow due consideration by all parties of any written statement submitted by any party; and
 - iii. ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- 7.2.9 The mediator must not determine the dispute.
- 7.2.10 If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act otherwise at law.

8.0 KEYS

8.1 Rights to Keys

The keys of the Clubrooms shall be in possession of the President, Secretary, Treasurer, Assistant Secretary, Junior and Senior Coordinators and Captain and any member as approved by the General Committee.

8.2 Register

A register of keys shall be kept by the President.

9.0 USE OF CLUBROOMS VENUE

- 9.1 The General Committee has the right to refuse use of the Life Saving Club Clubrooms by any group whom it considers to be not compatible with the objectives of the Club.
- 9.2 All requests for use of the facility for activities not associated with the Life Saving Club must be in accordance with the By Laws, or if they are silent, to be presented to the General Committee for their assessment and approval.

10.0 FINANCIALS

10.1 Audit

- a. There shall be one or more auditors who shall be appointed by the **General** Committee at the first meeting following each Annual General Meeting and who shall as soon as possible after the end of the financial year, audit the Club accounts.
- b. The books shall be audited prior to the Annual General Meeting and a summary of the audited accounts presented at that Meeting

10.2 Financial Year

The financial year shall commence on 1 July and shall finish on 30 June in the following year.

- 10.3 The funds of the Club shall be derived from registration fees, annual subscriptions, donations and such other sources as the General Committee determines.

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10.4 All accounts, books, securities and any other relevant documents of the Club must be available for inspection free of charge by any member upon written request to the Executive Committee.

11.0 CONSTITUTION CHANGE

No Rule of the Club shall be replaced or altered and no new Rule shall be made, except by 3/4 (three quarters) majority of the members present at the voting at the Annual General Meeting and after 21 days notice in writing of the intention to propose any new Rule or alteration has been given. (See Rules 2.1 and 2.2)

12.0 SEAL

12.1 The common seal of the Club must be kept in the custody of the Secretary.

12.2 The common seal must not be affixed to any instrument except by the authority of the General Committee, and the affixing of the common seal must be attested by the signatures either of two members of the General Committee or, of one member of the General Committee and of the Public Officer of the Association.

13.0 CLUB TITLES

Each year the Club will conduct its Club Titles, as defined in the By-Laws, to be ratified by the new General Committee, and displayed prominently by the commencement of the patrolling season.