

Kirra Surf Life Saving Club

(Incorporated)

Established – 7th January 1916



CONSTITUTION

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1. NAME OF THE ASSOCIATION

- 1.1 Name of the Association is the *'Kirra Surf Life Saving Club'*.
- 1.1.1 The Kirra Surf Life Saving Club (the Association) is located at Kirra Beach in the City of Gold Coast, State of Queensland, Australia.
- 1.1.2 Address of the Association is *'15 Marine Parade, Kirra, Queensland, 4225'*.
- 1.2 Kirra Surf Life Saving Club established on the 7th January 1916 is the second oldest Surf Life Saving Club in Queensland, and one of the longest continuously operating Surf Life Saving Clubs in Australia.
- 1.3 Kirra Surf Life Saving Club was *'Incorporated'* on the 9th August 1984 in accordance with the Associations Incorporation Act 1981 (Qld): Incorporation Number – IA00449.

2 DEFINITIONS AND INTERPRETATIONS

2.1 DEFINITIONS

In this Constitution unless the contrary intention appears:

Act – The *'Associations Incorporation Act 1981 (Qld)'* is a State law that governs the registration, operation and ongoing legal obligations of *'not-for-profit'* incorporated associations, with the Office of Fair Trading (OFT) being the government agency responsible for regulating incorporated associations in Queensland.

Annual Report – the *'Annual Report'* provides an annual summary of the surf lifesaving operations, member services, financial and business management performances of the Kirra Surf Life Saving Club including its auxiliary organisations and is presented at the Kirra Surf Club *'Council'* Annual General Meeting for member consideration and endorsement in accordance with the Act.

Approved Charity – the Kirra Surf Club is registered (effective 03/12/2012) as an *'approved charity'* by the Australian Charities and Not-For-Profits Commission (ACNC) as the Federal Government's national register of charities that is established to support and sustain the not-for-profit sector.

Association – the words *'Kirra Surf Life Saving Club'*, *'Kirra SLSC'*, *'Kirra Surf Club'* and/or *'Surf Club'* as referenced in this Constitution refer to the *'Association'* as detailed in the Act.

Australian Business Number (ABN) – the *'ABN'* is used to identify the business or organisation when dealing with the Australian Taxation Office (ATO) and other government agencies; and is required by the Surf Life Saving entity to be registered for *'Goods and Services Tax (GST)'* in order to claim GST credit for goods and services used by the Surf Life Saving entity.

Authorised Officers – those specific members who as elected *'Officers'* of the Board of Management may undertake emergent and other identified tasks for the sole purpose/s as defined in this Constitution and/or as authorised by the Board of Management.

Board of Management – the *'Management Committee'* having the responsibility for the functional day to day business management and administration of the Kirra Surf Life Saving Club as it relates to the *'Objects'* of this Constitution and/or to any other eligible policies, business and/or function/s as are required for the ongoing benefit and efficiency of the Kirra Surf Club in accordance to this Constitution and/or the relevant Government Act/s; and shall be referred to in this Constitution as the *'Board of Management'* and/or as the *'Board'*.

Branch – *'SLSQ Point Danger Branch'* includes the elected officers and the affiliated Surf Life Saving Clubs and their members, and delegates of auxiliary organisations, operating within the boundaries of that Branch as defined by SLSQ; and the Branch provides advice, operational and administrative support for the affiliated Surf Life Saving Clubs within its jurisdiction.

By-Laws – the Board of Management shall be authorised by *'Council'* to formulate, issue, adopt, interpret, amend and/or delete any *'By-Law'* as is deemed necessary for the proper *'internal'* business management and administration of the Kirra Surf Club and/or to support in

furthering the 'Objects' of the Surf Club; and no 'By-Law' shall displace and/or have authority over any rule of this Constitution.

Common Seal – the 'Common Seal' of the Kirra Surf Club and includes any official 'Seal' of the Surf Club.

Complaint – a 'Complaint' includes both:

- a) A matter lodged with a Surf Life Saving entity using the Complaint Form (Schedule 1 – SLSA Complaint Resolution Policy) or lodged in the Surf Life Saving electronic reporting system, alleging that a member has breached an eligible policy; and
- b) Disciplinary action commenced against a member by a Surf Life Saving entity alleging a member has breached an eligible policy.

If a person submits an allegation against a person who is no longer a member of a Surf Life Saving entity, that matter may proceed as a 'Complaint' under the Policy (SLSA Complaint Resolution Policy) on the occasion when:

- c) The person is a member of a Surf Life Saving entity at a later date; and
- d) The 'Complaint' is accepted under the Policy

Complaints Manager – is a person appointed by a Surf Life Saving entity to manage a complaint in accordance with the SLSA Complaints Management Policy, and the 'Complaints Manager' must not be the same person as the Member Protection Information Officer (MPIO) for the relevant complaint.

Conflict of Interest – as defined in the Queensland Integrity Act (s.10): A 'Conflict of Interest' issue, involving a person, is an issue about a conflict or possible conflict between a personal interest of the person and the person's official responsibilities.

Constitution – the registered 'Constitution' of the Kirra Surf Life Saving Club (the Association) as amended from time to time, in accordance with the requirements of the Associations Incorporation Act 1981 (Qld).

Council – the 'Governing Authority' of the Kirra Surf Life Saving Club that comprises all current Surf Club registered and financial members in the categories of Active Membership, Reserve Active Membership, Long Service Membership, and Honorary Life Membership; and including those persons with Honorary Life Governor Membership and Honorary Membership as stipulated in the conditions of such membership categories as detailed in this Constitution; and are eligible to vote at 'Council' General Meetings

Deductible Gift Recipient (DGR) – the Kirra Surf Club as a 'charitable not-for-profit voluntary community service organisation' is recognised by the Australian Taxation Office (ATO) as a 'Deductible Gift Recipient'.

Delegate – a member who by virtue of election and appointment to a position and/or any other person chosen from time to time to represent the Kirra Surf Club, and who shall at all times act for and on behalf of the principal interests of the Surf Club 'Board of Management', the membership, and/or its affiliated auxiliary organisation/s'.

Digital Notice Board – the digital 'Notice Board' incorporated within the Kirra Surf Club 'webpage' as a single point for advising on all events and activities of the Surf Club; and/or the Facebook (members only) page or such other electronic application/s if Facebook is no longer available, as used for day-to-day general communications for Surf Club members and its affiliated auxiliary organisation/s.

Director – a member and/or any other person duly elected and appointed as an 'Officer' of the Board of Management in accordance with this Constitution; and it is not mandatory for the term 'Director' to be used to reference 'Officer/s' of the Board.

Disciplinary Action – refers to disciplinary action brought against a member by Surf Life Saving, where a member has breached the rules of a relevant constitution, regulations, or any eligible policy of Surf Life Saving and/or a Surf Life Saving entity.

Disclosure – the *‘Board of Management’* is required to disclose to the members attending the *‘Council’* Annual General Meeting any remuneration and/or other benefits given to the Kirra Surf Club elected *‘Board’* officers, senior staff, and/or their relatives within the preceding fiscal period, even if the total amount to report is zero.

Financial year – the *‘Financial Year’* of the Kirra Surf Club shall be that annual period from the 1st May of any year to the 30th April of the following year.

Function – the Kirra Surf Life Saving Club as *“a charitable not-for-profit voluntary community service organisation”* functions for the *‘Sole Purpose’* of the *‘Objects’* as detailed in this Constitution, and in compliance with the Act and/or other Government Acts as are required.

General Meeting – the Annual General Meeting, General Meeting and/or any Special General Meeting of the *‘Council’* of the Kirra Surf Life Saving Club.

Gift – a *‘Gift’* is something given to someone without obligation, and may be in the form of money, goods or other property. For charitable not-for-profit organisations, a *‘Gift’* is typically given in recognition and appreciation of a person's service to that organisation.

Governance – *‘Governance’* as applied within the jurisdiction of the Kirra Surf Life Saving Club (the Association) encompasses a system by which the Surf Club through its members, committee/s and/or its auxiliary organisation/s is controlled and operates, and includes the mechanisms by which the Surf Club and the members are held to account:

- a) Ethics, risk management, compliance and administration are all elements of good governance.
- b) *‘Governance’* is combined in all the processes of open and transparent interactions as are applied through the laws, norms, power, or language of an organisation, and is successfully applied through shared decision-making amongst the members involved in open and collective problem solving that leads to the creation, reinforcement, and/or the reproduction of social norms, policy, and organisation.
- c) This Constitution is an instrument that supports the *‘Governance’* framework.

Governance Review – in accordance with the Australian Charities and Not-For-Profits Commission (ACNC), a *‘Governance Review’* is a comprehensive assessment of the *‘Approved Charity’* (Kirra Surf Life Saving Club) governance structure, processes and practices, so as to ensure that they align with best governance frameworks, policy and legal requirements; and to identify and implement strategies of improvement as may be required.

Government Acts – all Acts as administered by the relevant State and/or Federal Government agency/s that may be required for the authorised function of the Kirra Surf Club.

Grievance – any form of *‘Grievance’* between two or more people (including individuals and body corporates) that is not, nor does not concern or allege, a breach of an eligible policy as determined by the relevant Surf Life Saving entity.

Grievance Procedure – A Surf Life Saving entity is bound by the procedures to resolve internal grievances (complaints) as detailed in the Surf Life Saving Australia (SLSA) policy for grievance management, and such SLSA policy and procedures align to Section 47A of the Associations Incorporation Act 1981 (Qld) for complaints management applicable as from 1st July 2024 for incorporated associations in Queensland.

Honorarium – an *‘Honorarium’* is an honorary payment made to a person without obligation in recognition of their professional service; and for charities, an *‘Honorarium’* is typically a payment made to honour an individual for their service to that organisation.

Incorporated – as defined in the Act: *‘An Incorporated Association means an Association incorporated under the Act and having the statutory obligations of an Association as detailed in the Rules of Incorporation under the Act’*.

Intellectual Property – encompasses all rights subsisting in copyright, business names, trade names, trademarks, logos, designs, equipment, images (including photographs, television, videos or films), service marks (whether registered or able to be registered) and/or

publications, events, and all other items produced or manufactured by the Kirra Surf Life Saving Club; and/or all its elected officer/s and employed staff electronic and/or written documents, communications, e-mails, files and/or all other administrative and/or electronic stored items produced, used for, and retained in the performance of such duties on behalf of the Surf Club; and all *'Intellectual Property'* is the sole property of the Surf Club.

Kirra Junior Activities – the Kirra Surf Club *'Nippers'* being a sub-group of the Kirra Surf Club comprising the elected officers and the annually registered and financial members as defined in this Constitution.

Kirra Past and Long Serving Members Association – the organisation (*established 29th November 1978 as the Kirra Old Boys Association*) comprising the Kirra Surf Club *'Past Active and Long Serving Members'* and/or other male and female persons as so determined by the Kirra Past and Long Serving Members Association.

Kirra Surf Life Saving Supporters Association – the Kirra SLSC auxiliary organisation as may be referred to in this Constitution as the *'KSLSS Association'*, comprising the elected officers and the registered and financial *'Ordinary'* voting members and *'Social'* non-voting members as defined in this Constitution; and the *'KSLSS Association'* is incorporated independently of the Kirra Surf Club under the rules of the Act and functions in accordance with its registered Constitution.

Mailing address – the Kirra Surf Club address for all written and/or electronic correspondence that is either hand delivered and/or forwarded to the *'Office'* care of the residential street address, Australia Post box number, and/or the electronic address as periodically determined by the Board of Management; and all Surf Club correspondence shall be addressed to the *'Kirra Surf Life Saving Club'*.

Member – a registered member of the Kirra Surf Club in such membership categories as are defined by SLSA from time to time and as are detailed in this Constitution.

Member Protection Information Officer (MPIO) – the person appointed by a Surf Life Saving entity who can provide information about the rights, responsibilities, and options available to an individual seeking to make a *'Complaint'*.

Membership Year – that period between the 1st October in any year and the 30th September in the following year.

Objects – the *'Objects'* of the Kirra Surf Club as detailed in this Constitution; and the *'Objects'* may only be altered, amended, rescinded and/or added to from time to time by a Special Resolution carried by the eligible voting members at a Surf Club *'Council'* General Meeting.

Office – that secured area reserved within the Kirra Surf Club building/s (the clubhouse) and/or other temporary accommodation as may be determined from time to time by the Board of Management, and as used for the purpose of supporting the administrative, financial and/or all other business and operational functions of the Surf Club.

Office of Fair Trading (OFT) - the State government agency that is responsible for administering a range of laws and regulations under the *'Act'* relevant to incorporated associations, and has the power to investigate complaints, conduct audits, and take enforcement action where appropriate.

Officers – eligible members who are elected as *'Officers'* of the Board of Management and/or Board Sub-Committees of the Kirra Surf Club.

President an *'Ex-officio'* Member – the elected Kirra SLSC President in any given operating year is an *'Ex-officio'* member of all Kirra Surf Club and auxiliary organisation management committee/s, sub-committee/s, and special committee/s as referenced in this Constitution.

Provisions of the Act – except where the contrary intention appears in this Constitution, an expression that deals with a matter under the Act has the same meaning as that provision of the Act.

Regulations – the SLSA Regulations as set from time to time.

Reportable Financial Year – is defined in the Associations Incorporation Act 1981 (Qld): Part 6 – Rule 58A (1) as: *‘An incorporated association’s reportable financial year is the same as the Association’s financial year’.*

Responsible Person – a person in a position within an Association (Kirra Surf Life Saving Club) who has a level of authority for that entity and who may be an elected *‘Officer’* including the Surf Club President, Secretary and Treasurer, as well as other *‘Officers’* of the management committee, and/or an employee or any other person who manages or controls the affairs of the Kirra Surf Club in accordance with the Act.

Rules of Incorporation – in accordance with the Act:

- a) An incorporated Association must have and apply a written *‘Set of Rules’* to govern how it operates and such rules take effect immediately the Association (Kirra Surf Life Saving Club) is incorporated.
- b) The *‘Rules of Incorporation’* must set out specifically how the Association operates; its governance and authorities; the rights available to members; how the management committee works; how meetings will function; and such other rules as are necessary for the efficiency of the incorporated Association in furthering its *‘Objects’*.
- c) This Constitution stands as the *‘Set of Rules’* for the Kirra Surf Life Saving Club being an incorporated Association as defined by the Act.

Secretary – the word *‘Secretary’* refers to the position as referenced in the Associations Incorporation Act 1981 (Qld).

Season – the operating year for the Kirra Surf Club in respect to *‘Membership and Competition’* shall be that annual period from the 1st October of any year to the 30th September of the following year.

SLSA – refers to *‘Surf Life Saving Australia Limited’*.

SLSQ – refers to *‘Surf Life Saving Queensland’* as recognised by SLSA as the peak body administering Surf Life Saving in the State of Queensland, which includes the affiliated Branches and Surf Life Saving Clubs and members; and SLSQ provides strategic advice, policy and support for the Branch/s and affiliated Surf Life Saving Clubs within its jurisdiction.

Sole purpose – the Kirra Surf Club is established for the purpose of the *‘Objects’* as detailed in this Constitution.

Special Resolution – has the same meaning as defined in the Act and may be referred to in this Constitution as a *‘Notice of Motion’*.

Surf Life Saving – refers to the organisation of *‘Surf Life Saving’* consisting of SLSA, its affiliated States and their Branches, Surf Life Saving Clubs and Auxiliary Organisations, and other business and authorised operational support entities providing community safety and member services.

Surf Life Saving Club – a Surf Life Saving Club affiliated through the authorised Branch and State entities with Surf Life Saving Australia (Limited).

2.2 INTERPRETATIONS

- 2.2.1 A reference to a function includes a reference to a power, authority, and duty.
- 2.2.2 A reference to the exercise of a function includes where the function is a power, authority, or duty, and referenced to the exercise of the power or authority in the performance of the duty.
- 2.2.3 Words importing the singular include the plural and vice-versa.
- 2.2.4 Words importing any gender include other genders.
- 2.2.5 Reference to persons includes corporations and bodies politic.
- 2.2.6 Reference to a person includes the legal personal representatives, successors, and permitted assigns of that person.

- 2.2.7 A reference to a statute, ordinance code or other law includes regulations and other statutory instruments under it and consolidations, amendments, re-enactments, or replacements of any of them, whether of the same or any legislative authority having jurisdiction.
- 2.2.8 A reference to *'writing'* shall unless the contrary intention appears, shall be construed as including references to correspondence, printing, lithography, photography, and all other modes of representing or reproducing words in a visible form; and shall include communications in all electronic formats where such is relevant to the Kirra Surf Club and/or an elected *'Officer'* for the function of a committee position of the Surf Club.
- 2.2.9 The specification of the *'Objects'* of the Kirra Surf Club as detailed in the Constitution are not in any particular order and are not to be construed so as to lead to the assertion that any one *'Object'* is more important than any other *'Object'*, nor than any *'Object'* which is specified in detail is more important than any *'Object'* which has not been specified in detail, and no particular *'Object'* will be limited by reference to any other and the rule of construction known as the *'ejusdem generis'* rule shall not apply.
- 2.2.10 If any provision of the Constitution or any phrase contained therein is invalid or unenforceable in any jurisdiction, the phrase or provision is to be read down for the purpose of that jurisdiction; and if possible, so as to be valid and enforceable, and otherwise shall be severed to the extent of the invalidity or unenforceability, without affecting the remaining provisions of the Constitution or affecting the validity or enforceability of that provision in any other jurisdiction.
- 2.2.11 Except where the contrary intention appears in this Constitution, an expression that deals with a matter under the Act has the same meaning as that provision of the Constitution.

3. CONSTITUTION

3.1 RULES OF ASSOCIATION

- 3.1.1 This Constitution stands as the *'Set of Rules'* for all matters dealing with the purpose and function/s of the Kirra Surf Life Saving Club as an incorporated Association in accordance with and in compliance of the Associations Incorporation Act 1981 (Qld), and provides as a minimum:
- a) A clear framework on the governance for the Kirra Surf Club.
 - b) Ensures that the Kirra Surf Club operates in a consistent and transparent manner on all matters at all times.
 - c) Builds trust with stakeholders, including investors, employees, and customers for fair and transparent processes on decision making.
 - d) Helps protect the Kirra Surf Club's legal status and ensures compliance with applicable laws and regulations.
 - e) Details the Kirra Surf Club's organisational structure and operating procedures, assisting in preventing disputes and legal challenges.
 - f) Facilitates decision-making and ensures accountability through defining the roles and responsibilities of Kirra Surf Club *'Office Bearers'*, membership and stakeholders.
 - g) Ensures that decisions are made in the best interests of the Kirra Surf Club with clear accountability for those decisions.
- 3.1.2 The model rules under the Act are expressly displaced by this Constitution.

- 3.1.3 This Constitution conforms with the Associations Incorporation Act 1981 (Qld) and the Associations Incorporation Regulations 1999 (Qld); and the Constitutions of Surf Life Saving Queensland and Surf Life Saving Australia, where applicable.
- 3.1.4 This Constitution of the Kirra Surf Life Saving Club reflect the '*Objects*' of the Branch, SLSQ and SLSA as are applicable, and shall where appropriate conform with the constitutions, regulations, and such amendments of the Branch, SLSQ and SLSA subject to the requirement/s within such and at least to the extent of:
- a) The '*Objects*' of the Branch, SLSQ and SLSA, as applicable.
 - b) The structure and definition of '*Membership Categories*'.
 - c) Acknowledging SLSA as the peak body for surf lifesaving in Australia in accordance with the SLSA Constitution.
 - d) Accepting SLSA as the final arbiter on all matters pertaining to surf lifesaving in Australia including such matters dealing with disciplinary policy and procedures.
 - e) Recognising SLSQ as the peak body for surf lifesaving in Queensland in providing strategic advice, policy and support for the Branch/s and Surf Life Saving Club/s within its jurisdiction and in accordance with the SLSQ Constitution.
 - f) Such other matters as are required to give full effect to the SLSA and SLSQ constitutions and regulations.
- 3.1.5 The Kirra Surf Club is established as an incorporated Association for the purpose of advancing the '*Objects*' of the Surf Club in compliance with the '*Rules*' as specified in this Constitution in accordance with the Act.

3.2 OPERATION OF THE CONSTITUTION

- 3.2.1 The Constitution (and the By-Laws) operates to create uniformity in the way by which the '*Objects*' of the Kirra Surf Club and Surf Life Saving are to be conducted, promoted, encouraged, advanced, and administered.
- 3.2.2 The Constitution (and By-Laws) is necessary and reasonable for promoting the '*Objects*' and particularly for the provision of preventative and emergency services, rescuing people in peril in Queensland public waters and the community, delivering first aid and patient management for those in need, providing member and business services, and/or for the advancement and protection of the Kirra Surf Life Saving Club as a charitable not-for-profit volunteer community service organisation.
- 3.2.3 The Constitution confirms the maintenance and enhancement of Surf Life Saving, and its standards, quality, and reputation solely for the benefit of the Kirra Surf Club and its membership, and Surf Life Saving.
- 3.2.4 This Constitution reinforces the Kirra Surf Club's resolve to not do nor permit to be done, any action which might adversely affect the standards, quality and reputation of the Surf Club and Surf Life Saving.
- 3.2.5 The Kirra Surf Club will promote the purpose, economic and community service values, success, strengths, and stability of the Surf Club and Surf Life Saving and will act in partnership with Surf Life Saving in pursuit of the '*Objects*' of the Surf Club as detailed in this Constitution and those '*Objects*' of the Branch, SLSQ and SLSA.
- 3.2.6 This Constitution is the instrument by which the Kirra Surf Club shall determine appropriate resolution on those occasions when considering the advice of alleged member inappropriate behaviour or action including:

- a) The member breached, failed, refused, or neglected to follow a provision of the Constitution, By-Laws, eligible policy, and/or any reasonable resolution or determination of the Kirra Surf Club; or
- b) The member acted in a manner prejudicial to the '*Objects*' and interests of the Kirra Surf Club and/or Surf Life Saving; or
- d) The member brought themselves, the Kirra Surf Club, any other Surf Life Saving Club, the Branch, SLSQ, SLSA or Surf Life Saving into disrepute:

and the Kirra Surf Club may after allowing the member a reasonable opportunity to explain their behaviour relevant to an alleged breach of the aforesaid, shall adjudicate and if necessary, penalise the member if it is determined that the member is at fault, with such a penalty as is deemed appropriate.

- 3.2.7 The Kirra Surf Club and its members will act in the best interests of the Surf Club and Surf Life Saving in accordance with the rules of this Constitution.

3.3 ALTERATIONS TO THE CONSTITUTION

- 3.3.1 Subject to the provisions of this Constitution and the Act and/or other Government Acts, the Constitution of the Kirra Surf Club may be altered, amended, rescinded and/or added to from time to time by a '*Notice of Motion*' carried at a '*Council*' General Meeting called for that purpose.
- 3.3.2 A '*Notice of Motion*' for the proposed alteration, amendment, rescission or addition to the Constitution following member consultation, shall be provided by the Board of Management to all Kirra Surf Club members in the manner provided for '*Notices of Motions*' as detailed in the Constitution.
 - a) The '*Notice of Motion*' shall specifically state that it is a proposal to alter, amend, rescind or add to the Constitution; and/or to repeal the existing Constitution (in its entirety) and replace it with an updated and contemporary version in accordance with the rules of the Constitution and the Act.
 - b) The '*Notice of Motion*' for the proposed Constitution alteration, amendment, rescission or addition shall be included in the notification of the '*Council*' General Meeting and be provided to all Kirra Surf Club members care of their contact detail/s and/or be posted on the digital Notice Board within the timeframes as specified in this Constitution relevant to a '*Council*' General Meeting.
- 3.3.3 Within three months of the passing of a '*Notice of Motion*' to alter, amend, rescind and/or add to the rules of the Constitution, the Secretary of the Incorporated Association (Kirra SLSC) must apply for registration of the altered, amended, rescinded and/or additions to the Constitution with the relevant Queensland Government agency following the Surf Club '*Council*' endorsement as in accordance with the Act.
- 3.3.4 No alteration, amendment, rescission, or addition to the Constitution shall be valid until such time as it is submitted and registered by the relevant Queensland Government agency following the Surf Club '*Council*' endorsement of such altered, amended, or rescinded Constitution.
- 3.3.5 The Kirra Surf Club (the Association) shall provide SLSQ with a copy of its Constitution and all amendments and/or alterations, rescindments, or additions thereto which have been adopted by the Surf Club '*Council*' and has been duly registered by the relevant Queensland Government agency.

4 OBJECTS OF ASSOCIATION

The Kirra Surf Life Saving Club (the Association) is a **'charitable not-for-profit voluntary community service organisation'** that in accordance with the Associations Incorporation Act 1981 (Qld) is obligated to define and state its *'Objects'* detailing the purpose and function/s of the Kirra Surf Club; and the Surf Club through its elected *'Officers'* and membership shall:

- 4.1 Provide for the conduct, encouragement, promotion, operations, and administration of Surf Life Saving and member services in fulfilling the *'Objects'* of the Kirra Surf Club.
- 4.2 Promote, advance and coordinate the delivery of community safety education and prevention activities, and the provision of surf lifesaving operational community safety services; perform life rescue and undertake patient management for those assessed as requiring such treatment; and to render first aid as necessary within the jurisdiction of the Kirra Surf Club's bathing reserve, operational facilities and buildings, and/or as required in other aquatic environments, surfing beaches, and/or in the broader community.
- 4.3 Support the continuous improvement of Surf Life Saving operational practices and equipment, patient management and first aid techniques; the provision of life saving equipment of standard design; and administer the education and training of Kirra Surf Club members in the competent application and use of such practices, equipment and techniques for the communication, instruction, and/or the prevention of injury and saving life.
- 4.4 Co-operate with other community organisations in developing and enhancing the methods of aquatic lifesaving practices whether being in the still water, swift-water, and/or ocean water environments and/or elsewhere, and for securing public recognition and financial support for the provision of voluntary lifesaving operational community safety services.
- 4.5 Strive for government, business, and community recognition of the Kirra Surf Club as an authority on aquatic and community safety, and for the management of such services within the jurisdiction of the Surf Club and/or as required in other aquatic environments, surfing beaches and/or in the broader community.
- 4.6 Participate as an affiliated organisation of the Branch, SLSQ and SLSA in communicating with and promoting the observance of all policies, rules, and regulations, and/or other periodic written instructions as may be provided and/or requested by the Branch, SLSQ and SLSA, and manage their implementation within the Kirra Surf Club's area of responsibility as applicable, and to monitor and correct any infringement thereof.
- 4.7 Promote, educate, instruct, and demonstrate in the methods of surf lifesaving prevention and rescue, patient management and/or other such purposes to foster and enhance a safer community.
- 4.8 Review, decide and resolve all disputes and difficulties within its jurisdiction in relation to surf lifesaving and/or other membership performance or behavioural issues as may be raised by and/or about a Kirra Surf Club member/s relevant to such policies, rules, and regulations and/or other periodic written instructions in accordance with this Constitution.
- 4.9 Positively represent and/or communicate the principal interests and decisions of the Kirra Surf Life Saving Club at all/any Surf Life Saving entities, government, business and/or community forum/s, meetings, events and/or on all other occasions whilst promoting good relationships, respect, trust, and confidence in the Kirra Surf Club.
- 4.10 Represent the interests of the Kirra Surf Life Saving Club and its membership as an elected *'Officer/s'* of the Surf Club (the Association).
- 4.11 Maintain open, transparent, and regular communications with all members on any decision that impacts on the membership and/or the purpose and function/s of the

Surf Club relevant to surf lifesaving operations, member services and business improvement strategies, and/or of all other matters that are relevant to furthering the 'Objects' of the Kirra Surf Life Saving Club.

- 4.12 Encourage Kirra Surf Club members to realise their potential and athletic abilities by providing the opportunity to participate in further education and training, and in Surf Life Saving 'drugs free' competition; and to present trophies, rewards, and incentives in acknowledging member performance and achievement.
- 4.13 Adopt and implement whole of government and SLSA policies and practices with regards to sexual harassment; diversity, inclusiveness, and equal opportunity; age discrimination; drugs in sport and the broader community; personal health and fitness strategies; youth and senior development support programs; prevention and/or minimisation of infectious diseases; safe workplace and building occupancy good maintenance standards; and such other policies and practices as may be addressed in Surf Life Saving.
- 4.14 Promote and educate on occupancy safe practices to be applied by the member, member's families, supporters, employed staff, visitors, and all other users of the Kirra Surf Club built facilities and/or other operational environments; and continually strive to enhance the Kirra Surf Club building/s, facilities, property, accommodation, and amenities to provide for enhanced surf lifesaving operations and business function/s, and for members safe use and enjoyment.
- 4.15 Take such steps by personal or written appeals, public meetings and/or otherwise as may from time to time be deemed expedient for the purposes of procuring contributions to the funds of the Kirra Surf Club in the form of donations, sponsorships, annual subscriptions or otherwise, and/or receive funds on deposit with or without allowance of interest thereon.
- 4.16 Raise or borrow money on bonds, or mortgage, and/or other securities of any property held for or on behalf of the Kirra Surf Club, or without any such security and upon such terms as recommended and deemed appropriate by the Board of Management.
- 4.17 Invest the funds of the Kirra Surf Club, not immediately required, in such manner as may from time to time be determined by the 'Council', its Board of Management, and/or its affiliated auxiliary organisation/s within the business rules of such entities, subject to the relevant Constitution/s and Government Act/s.
- 4.18 Proactively engage with the Council of the City of Gold Coast (CoGC) to assure the Kirra Surf Club's continuing possession of its built facilities (Kirra Beach Pavilion and/or part thereof) as originally financed and constructed by the Surf Club in partnership with Council (formerly named Coolangatta Town Council), and occupied continuously by the Surf Club since Year 1935; and/or other Kirra Surf Club financed and built extensions and/or additions to the Kirra Beach Pavilion (e.g. Western Annex) and other buildings or facilities occupied by and/or as are in the possession of the Surf Club.
- 4.19 Facilitate CoGC Council's support and financial contribution for the ongoing maintenance and/or the capital enhancement to such building/s as referenced in the aforesaid Object 4.18 to appropriately accommodate the current and future occupancy spatial demands of the Kirra Surf Club, as is necessary for the provision of voluntary surf lifesaving operational community safety and member services, and/or for such other use and business functions as is determined by the Surf Club from time to time in pursuant to the 'Objects' of the Surf Club.
- 4.20 Maintain, construct, and/or alter any property and buildings and/or undertake a program of continuous property and built facilities improvement for the benefit of the

- Kirra Surf Club in supporting the provision of surf lifesaving operations and member facilities, voluntary community services and business functions.
- 4.21 Provide and manage separate clubhouse internal accommodation and amenities as required of the Kirra Surf Club for male and female members in accordance with whole of government building regulations and codes, and/or SLSA policy for such built accommodation facilities.
 - 4.22 Conduct commercial business enterprise as a charitable not-for-profit community service organisation in that area of its clubhouse building as occupied by the Kirra Surf Club and/or such other locations as determined for the purpose of raising revenue to support the provision of voluntary surf lifesaving operational community safety and member services, facilities and/or such other such operational or business functions in accordance with the '*Objects*' of the Surf Club, the Act and/or any other relevant Government Act/s.
 - 4.23 Consult with and/or engage with any respected, professionally qualified, and experienced person/s or business for any purpose as may be determined by the Board of Management to further the '*Objects*' as specified in this Constitution and for the benefit of the Kirra Surf Club, its membership, and the community.
 - 4.24 Employ appropriately qualified and experienced persons as required through a merit-based selection process in a full-time, part-time and/or casual capacity and/or on a contractual arrangement with such person/s being engaged to perform the duties of the position for a period as is determined by the Board of Management in accordance with this Constitution and the relevant Government Act/s.
 - 4.25 Indemnify and protect its members, elected officers, director/s, employed staff, and/or agent/s of and/or representing the Kirra Surf Club in the performance of their voluntary and/or remunerated duties for such purposes as determined for the benefit of the Surf Club in accordance with the '*Objects*' as detailed in this Constitution.
 - 4.26 Insure all property, building/s, or part thereof and features, furnishings, refrigerated cold rooms, appliances, equipment including surf lifesaving and motorised, vehicle/s, and/or all other such assets and property as is determined and/or listed in the Kirra Surf Club's '*Property and Asset Inventory*'.
 - 4.27 Acquire by purchase, exchange or otherwise, whether Estate in Fee Simple or for any estate in lands, tenements or hereditaments or any tenure whether subject or not to any changes or encumbrances and erect, replace, maintain, reconstruct, adapt and furnish any offices or other buildings thereon and sell, let, alienate, mortgage, charge or otherwise deal with all or any of such lands, tenements or hereditaments or any part thereof for the benefit of the Kirra Surf Club.
 - 4.28 Purchase or otherwise acquire and/or undertake all or any part of the property, assets, liabilities, and engagements of any one or more of the companies, institutions, societies, or associations whose activities or purposes are alike those of the Kirra Surf Club or for any purpose calculated to benefit the Surf Club.
 - 4.29 Produce any newspapers, periodicals, books, annual reports, leaflets and/or any other promotional materials and/or all communiques in the print and/or electronic format that the Kirra Surf Club may consider desirable for the promotion of its '*Objects*'.
 - 4.30 Ensure that all Intellectual Property and/or any other assets and equipment remain the property of the Kirra Surf Life Saving Club, and access to such property is provided to members only on the authority of '*Council*' and/or the Board of Management in pursuant to the performance of the duties as an elected officer and/or for any other task as the member may be authorised to undertake from time to time by the Board to further the '*Objects*' of the Surf Club.
 - 4.31 Ensure the preservation and protection of all Intellectual Property and any other property of the Kirra Surf Club that is deemed of historic and/or exceptional value, and

that property as is determined to being the responsibility of the Branch, SLSQ and SLSA.

- 4.32 Consider environmental impacts of all surf lifesaving operations, business, property development and/or other related activities as conducted by the Kirra Surf Club.
- 4.33 Do all or any of the matters hereby authorised, either alone or in conjunction with any person, company, or unincorporated body, or by or through any factors, trustees, or agents.
- 4.34 Recommend meritorious community awards and/or public recognition for Kirra Surf Club member/s or such other person/s for the performance of difficult and praiseworthy rescue, patient management, and life preservation in the aquatic environment and/or for lifesaving performance undertaken in the community.
- 4.35 Recommend Commonwealth, State or Local Government honours, awards and public recognition for Kirra Surf Club member/s for their exceptional and enduring surf lifesaving operational service and/or for such other voluntary community service including the long-term provision of ethical and diligent service through contributing to the advancement of the '*Objects*' of the Kirra Surf Club and those of SLSA; and/or for the Surf Club member/s continued long-term ethical and diligent service in their fields of voluntary community endeavour other than those achieved in Surf Life Saving.
- 4.36 Apply the property and capacity of the Association (Kirra Surf Life Saving Club) and to do all such other things as may appear to be incidental or conducive to the attainment of all or any of the foregoing '*Objects*' of the Association.

5 POWERS

- 5.1 The Kirra Surf Club has the '*Powers*' of an incorporated Association in accordance with the Associations Incorporation Act 1981 (Qld) and as detailed within its '*Rules of Incorporation*', and this Constitution stands as the '*Set of Rules*' for the Kirra Surf Life Saving Club (Incorporated).
- 5.2 Solely for furthering the '*Objects*' of the Surf Club and those of Surf Life Saving, the Kirra Surf Club as an affiliated entity of Surf Life Saving Australia has in addition to the powers and functions under the Act, the legal capacity and powers of a company limited by guarantee as set out under Section 124 of the Act.
- 5.3 The Kirra Surf Life Saving Club (the Association) shall remain incorporated in Queensland and function in accordance with its Constitution and the Act.

6 JURISDICTION

- 6.1 The Kirra Surf Club shall be responsible for the conduct, encouragement, promotion, instruction, and administration of the Surf Club; the provision of surf lifesaving community safety services within its sphere of operations; and for the effective management of all such other operational and member services, functions and/or business enterprise as are subscribed within the '*Objects*' of the Surf Club as detailed in this Constitution and in accordance with the Act and/or other Government Acts.
- 6.2 The Kirra Surf Club shall be subject to the jurisdiction of the Branch, SLSQ and SLSA to the extent of the constitution/s of those surf lifesaving entities with respect to community surf lifesaving operational services delivered within that part of the Branch area designated as the Surf Club's bathing reserve and/or as directed by the Branch, SLSQ and SLSA from time to time.
- 6.3 The Kirra Surf Club shall contribute to the fulfilment of the '*Objects*' of the Branch, SLSQ and SLSA and other such eligible policies within the boundaries of the Surf Club's jurisdiction as defined in this Constitution.
- 6.4 The Kirra Surf Club within the extent of its '*Jurisdiction*' shall act in good faith to ensure the maintenance and enhancement of Surf Life Saving, its standards, quality, and reputation for the benefit of Surf Life Saving and the community.

- 6.5 Auxiliary Organisation/s including those incorporated under the Associations Incorporation Act 1981 (Qld) may be established by and affiliate with the Kirra Surf Club, providing such Auxiliary Organisation/s have similar '*Objects*' as detailed in this Constitution and those constitutions of SLSQ and SLSA.
- 6.6 The fundamental principles relevant to the '*Separation of Powers*' shall be applied at all times to ensure a defined separation of the function and decision making of the Kirra Surf Club and its affiliated auxiliary organisation/s, yet in doing so the participating bodies will maintain an integrated scheme in pursuing the Surf Club '*Objects*' through effective leadership and communications, corporate governance and compliance by the Surf Club and its affiliated auxiliary organisation/s as defined within the rules of this Constitution.
- 6.7 Religion, politics and matters relating to these shall not be considered and/or be a part of the Kirra Surf Club business and/or dialogue and are excluded from all Surf Club meetings, forums and/or all other events and activities, and shall only remain as a person's individual choice and commitment without reference to the Surf Club.

7 AFFILIATION, DELGATE/S AND REPRESENTATION

- 7.1 Subject to the compliance with this Constitution and the constitutions and regulations of the Branch, SLSQ and SLSA, the Kirra Surf Life Saving Club shall continue to be recognised as affiliated through the Branch and SLSQ to SLSA and be responsible for administering surf lifesaving activities within its jurisdiction in accordance with the '*Objects*' of the Surf Club.
- 7.2 The Kirra Surf Club shall affiliate annually with the '*Branch*' and such application shall be made prior to the Branch Annual General Meeting.
- 7.3 The Kirra Surf Club through affiliating with the Branch shall be compliant:
- 7.3.1 The Surf Club may not be granted affiliation unless it is a registered incorporated Association in accordance with the Act.
- 7.3.2 The Surf Club may not remain affiliated with the Branch unless it and its affiliated auxiliary organisation/s subscribe, where applicable, with the constitution/s and regulations of the Branch, SLSQ and SLSA.
- 7.3.3 Continued affiliation of the Surf Club may be subject to challenge for a requirement to show cause as to why such affiliation should continue if the Surf Club fails to comply with:
- a) Fulfilling its obligations in providing surf lifesaving operations within the Surf Club's designated bathing reserve at such times as prescribed by SLSQ; and
 - b) Comply with written requests and directions as detailed by the Branch and/or SLSQ from time to time.
- 7.4 The Kirra Surf Club shall not affiliate with any Branch other than that of the SLSQ Point Danger Branch which is located within the boundaries of the gazetted Local Government Authority area for the City of Gold Coast, Queensland.
- 7.5 The Kirra Surf Club through its affiliation with the Branch shall maintain the following representation:
- 7.5.1 The elected President shall be the '*Delegate*' to the Branch in representing the principal interests of the Surf Club in accordance with this Constitution.
- 7.5.2 The '*Delegate*' as a member of Branch '*Council*' shall hold such office until the appointment of a successor, provided that the '*Delegate*' may resign or be removed from the office by the Kirra Surf Club '*Council*', and in which case the Surf Club shall submit to the Branch the name of a replacement '*Delegate*'.

- 7.5.3 An alternate to the Branch '*Delegate*' shall from time to time be permitted, and in the first instance shall be the elected Deputy President.
- 7.5.4 On the occasion that the Deputy President is unavailable, an elected officer of and as determined by the Board of Management shall represent the interests of the Kirra Surf Club as the Branch '*Delegate*'.
- 7.6 The Board of Management shall from amongst its elected officers and/or available registered and financial members and/or other eligible members and persons as detailed in this Constitution, nominate and/or appoint '*Delegate/s*' for such term as may be required to represent the Kirra Surf Club and/or attend meetings, forum/s, personal development programs and/or such other activities of the Branch, SLSQ and SLSA and/or government in representing the principal interests of the Surf Club and Surf Life Saving in accordance with this Constitution.

8 ANXILIARY ORGANISATION/S

- 8.1 The Kirra Surf Club '*Council*' may authorise the establishment of '*auxiliary organisation/s*' to operate for the purpose and function/s as may be determined by the Surf Club.
- 8.2 The President of the Kirra Surf Club and/or '*Delegate*' who in the first instance shall be the '*Deputy President*', shall be notified of and be invited to attend scheduled meetings of a Surf Club's '*auxiliary organisation/s*', and notification/s on all scheduled meetings and/or other events for such '*auxiliary organisation/s*' shall be forwarded to the Surf Club '*Office*'.
- 8.3 As an approved Kirra Surf Club '*auxiliary organisation*', the Kirra Surf Life Saving Supporters Association (Incorporated) as referred to in this Constitution as the '*KSLSS Association*', shall be compliant to the following:
- 8.3.1 The '*KSLSS Association*' incorporated on the 17th December 1992 in accordance with the Associations Incorporation Act 1981 (Qld): Incorporation Number – IA11297, shall remain incorporated in accordance with the Act.
- 8.3.2 The '*KSLSS Association*' shall affiliate annually with the Kirra Surf Club at its '*Council*' Annual General Meeting.
- 8.3.3 The registered '*KSLSS Association*' Constitution is the '*Set of Rules*' for the '*KSLSS Association*' and govern how it functions in accordance with the Act.
- 8.3.4 The '*KSLSS Association*' Management Committee is responsible for applying its Constitution '*Set of Rules*' for the control and management of the business operations of the '*KSLSS Association*'.
- 8.3.5 The President of the '*KSLSS Association*' shall be the '*Delegate*' to and an officer of the Kirra Surf Club '*Board of Management*' and is entitled to all rights and privileges as an '*Officer*' of the Board and eligible to vote thereon.
- 8.3.6 On the occasion that the '*KSLSS Association*' President is unable to attend a Kirra Surf Club '*Board of Management*' meeting and/or other meetings or events of the Kirra Surf Club and/or Surf Life Saving, the '*Delegate*' for the '*KSLSS Association*' shall be:
- a) The alternate '*Delegate*' shall in the first instance be the elected Vice-President of the '*KSLSS Association*'; and
 - b) On the occasion that the Vice-President is unavailable, an elected officer of and as determined by the '*KSLSS Association*' Management Committee shall attend such meetings and events.
- 8.3.7 Changes or amendments to the constitution of the Kirra Surf Life Saving Supporters Association as endorsed by the eligible voting '*Ordinary*' membership of the '*Association*' in accordance with its Constitution, must not conflict with the objects, rules, and policies of the Kirra Surf Club and Surf

Life Saving, to the extent that if there is any inconsistency then the Kirra SLSC Constitution shall prevail.

9 BY-LAWS

- 9.1 *'By-Laws'* are policy instruments which assist in supporting the internal operational and business functions of the Kirra Surf Club.
- 9.2 All Kirra Surf Club *'By-Laws'* must be consistent with and reflect the intention of the *'Objects'* and rules of this Constitution; and the constitutions, regulations, and other eligible policies of SLSQ and SLSA.
- 9.3 The Board of Management as is authorised by *'Council'* shall formulate, issue, adopt, interpret, amend and/or delete any *'By-Law'* as deemed necessary for the proper *'internal'* business management and administration of the Kirra Surf Club and/or to support in furthering the *'Objects'* of the Surf Club.
- 9.4 A tri-annual review of the Kirra Surf Club *'By-Laws'* shall be undertaken by the Board of Management to ensure the currency of all *'By-Laws'*, and on such review it is determined that one and/or more *'By-Law/s'* are deemed to be outdated and/or inappropriate relevant to the contemporary business of the Surf Club and/or are inconsistent to the rules of this Constitution and/or the constitution/s and regulations of the SLSQ and/or SLSA, the Board shall declare such *'By-Law/s'* to be rescinded and there-after be removed from the *'By-Laws'* and any reference to this Constitution.
- 9.5 The Kirra Surf Club members shall be informed of all/any amendment, alteration, interpretation, rescindment and/or other changes to a *'By-Law'* as proposed by the Board of Management, with such notice to be posted on the digital Notice Board.
- 9.6 All/any clause, rule, by-law and/or regulation of the Kirra Surf Club that is current at the date of the approval of this Constitution, in so far that such clause, rule, by-law and/or regulation is consistent with and/or has not been replaced by this Constitution, shall be deemed to be a *'By-Law'* under this clause.
- 9.7 All *'By-Laws'* shall be binding on the Kirra Surf Club and its membership.
- 9.8 Any *'By-Law'* may be set aside by a vote of members at a *'Council'* General Meeting of the Kirra Surf Club.
- 9.9 No *'By-Law'* shall displace and/or have authority over any rule of this Constitution.

10 LIABILITIES OF MEMBERS

- 10.1 The liability of the members of the Association (Kirra SLSC) is limited.

11 LEGAL ACTION

- 11.1 No elected *'Officer'* and/or a group of elected *'Officers'* and/or any registered and financial member/s and/or other members as specified in this Constitution, whether in committee or alone, may institute legal action which purports to be on behalf of the Kirra Surf Club or group and/or a member, and if it carries legal and financial implications against the Surf Club or group and/or against the Branch, SLSQ, SLSA and/or another affiliated Surf Life Saving entity, unless by the following procedures:
 - 11.1.1 The constitutional convening of a *'Council'* Special General Meeting by the elected officers and/or the registered and financial members or other members as specified in this Constitution, and a vote affirmative for such action by a two-thirds majority of members present and eligible to vote at that meeting; and
 - 11.1.2 An invitation to such *'Council'* Special General Meeting shall be given to the relevant authority/s of Surf Life Saving including the Branch, SLSQ and/or SLSA.

12 DOMESTIC RULES AND STANDING ORDERS

- 12.1 Provided that they do not conflict with the letter of and/or the spirit of the rules incorporated in this Constitution and the By-Laws, the Board of Management may create, alter and/or repeal '*Domestic Rules and Standing Orders*' of the Kirra Surf Club for the successful conduct of the business function/s of the Surf Club.
- 12.2 An electronic record of all current '*Domestic Rules and Standing Orders*' as managed by the Office Manager shall be maintained and provided as the point of reference for all Kirra Surf Club policies that are approved from time to time by the Board of Management, and such '*Domestic Rules and Standing Orders*' shall remain in force until revoked and/or amended by the Board and/or '*Council*'.
- 12.3 No '*Domestic Rule and Standing Order*' shall displace and/or have authority over any rule of this Constitution and/or an approved By-Law of the Kirra Surf Club.

13 UNIQUE ITEMS

- 13.1 In the event of any question and/or item arising which is not specifically provided for in this Constitution or the By-Laws, it shall be competent for the Kirra Surf Club to decree thereon temporarily by resolution at any general meeting of the '*Council*' and/or a meeting of the Board of Management, pending future alteration to the Constitution.

14 COMMON SEAL

- 14.1 The design of the '*Common Seal*' is as set out in '*Appendix B*' together with the words '*Kirra Surf Life Saving Club*' around its perimeter and the words '*The Common Seal of*' in its centre.
- 14.2 The Board of Management shall provide for the safe custody of the '*Common Seal*'.
- 14.3 The '*Common Seal*' shall only be used on the authority of the '*Council*' and/or as delegated by the '*Council*' for use by the Board of Management.
- 14.4 Each document to which the '*Common Seal*' is affixed shall be signed by two of the '*Authorised Officers*' of the Kirra Surf Club, one of whom shall be the elected President.
- 14.5 On such occasions that the President is unavailable to sign, the Deputy-President shall sign the document with the '*Common Seal*' on behalf of the Kirra Surf Club.

15 DESIGN/S

15.1 SURF CLUB LOGO

- 15.1.1 The Kirra Surf Club '*Logo*' shall be of the design/s as appearing in '*Appendix B*' and such '*Logo/s*' are the property of the Surf Club.
- 15.1.2 The '*Logo*' shall be displayed on all written and electronic administrative documents and/or such other '*Intellectual Property*' of the Kirra Surf Club as detailed in this Constitution and/or as determined by the Board of Management.
- 15.1.3 The '*Logo*' may be displayed on apparel worn by Kirra Surf Club registered and financial members; members selected in Surf Club competition and educational teams; registered members of affiliated auxiliary organisation/s; registered members and families of the Kirra Junior (Nippers) Activities; past active members registered with the Kirra Past and Long Serving Members Association; and/or such persons as approved by the Board of Management.

15.2 SURF CLUB BADGE/S

- 15.2.1 The Kirra Surf Club '*Badge*' in the design of the Surf Club '*Logo*' as approved from time to time by the Board of Management shall be available to all Surf Club members.

- 15.2.2 The Honorary Life Member *'Badge'* in the design as approved by the Surf Club *'Council'* and as detailed in *'Appendix B'* shall only be presented to an elected Honorary Life Member of the Kirra Surf Life Saving Club.

15.3 SURF CLUB BLAZER

- 15.3.1 The Kirra Surf Club *'Blazer'* shall be royal blue in colour and have the embroidered Surf Club *'Logo'* being gold in colour and positioned on the left upper pocket/area of the blazer.
- 15.3.2 The *'Blazer'* may have embroidered in block letters being gold in colour beneath the Surf Club *'Logo'* stating the reason and year for the *'Blazer'* being awarded to a member by the Board of Management and/or *'Council'*.
- 15.3.3 The Board of Management may at its discretion award the *'Blazer'* to a member who has demonstrated exceptional and/or enduring service for and/or on behalf of the Kirra Surf Club in the membership categories of Active Member, Reserve Active Member, Long Service Member, Award Member, Honorary Member, Honorary Life Governor Member and Honorary Life Member, as detailed in this Constitution,.
- 15.3.4 Honorary Life Member/s are entitled to wear the *'Blazer'* and have embroidered in block letters being gold in colour beneath the Surf Club *'Logo'* the words *'Honorary Life Member'* and the number/year the membership was awarded e.g. *'49/1986'*

15.4 SURF CLUB COLOURS

- 15.4.1 The colours of the Kirra Surf Life Saving Club shall be *'Royal Blue and Gold'*.

15.5 SURF CLUB COMPETITION CAP

- 15.5.1 The Kirra Surf Club *'Competition Cap'* shall be royal blue in colour with the addition of two gold coloured centrally positioned stripes from front to back of the cap.

15.6 ALTERATIONS

- 15.6.1 Alterations and/or changes to the Kirra Surf Club's Logo, Honorary Life Member Badge, Blazer, Colours and/or Competition Cap designs can only be actioned through a resolution determined at a *'Council'* General Meeting.
- 15.5.2 A resolution to initiate alterations and/or changes to the items as detailed in Clause 15.6.1 shall only be enacted upon a vote that is carried by a *'three-fourths'* majority in favour by those members attending and entitled to vote at the *'Council'* General Meeting in accordance with this Constitution.

16 DISSOLUTION OF THE ASSOCIATION

- 16.1 The Association (Kirra SLSC) may be dissolved in accordance with the provisions of the Act.
- 16.2 The Kirra Surf Club may be dissolved only with the consent of *'three-fourths'* majority of the eligible voting members of the Surf Club in accordance with this Constitution, and who are present at a *'Council'* Special General Meeting called for that purpose.
- 16.3 Notification of the *'Council'* Special General Meeting called to consider a *'Notice of Motion'* to dissolve the Kirra Surf Club must be given to all registered and financial Surf Club members care of their provided contact detail/s, and such notification to be posted on the digital Notice Board at least twenty-eight days prior to the *'Council'* Special General Meeting.
- 16.4 Details of the proposed *'Notice of Motion'* to dissolve the Kirra Surf Club must be advertised in the major regional newspaper/s in each centre under the jurisdiction of the SLSQ at least once in each of the two (2) consecutive weeks immediately preceding the *'Council'* Special General Meeting.

17 MEMBERS' CONTRIBUTIONS

- 17.1 Every registered member of the Kirra Surf Life Saving Club and/or a person who within one year after ceasing to be a member, shall in the event of the Surf Club being dissolved, undertakes to contribute to the assets of the Surf Club as payment of the debts and liabilities incurred by the Surf Club as contracted before the time at which it is dissolved, and such other costs, charges and expenses associated with dissolving the Surf Club, and such an amount shall not exceed one dollar (\$1.00).

18 DISTRIBUTION OF PROPERTY

- 18.1 If the Association (Kirra SLSC) is dissolved, its assets shall not be distributed among the members of the Surf Club.
- 18.2 If the Kirra Surf Club is dissolved and/or its endorsement as a '*Deductible Gift Recipient*' (DGR) is revoked (whichever occurs first), its assets shall be transferred to SLSQ, and/or if SLSQ is no longer a DGR or has ceased to exist, to another Surf Life Saving entity having similar '*Objects*' to the Kirra Surf Club, and to which:
- 18.2.1 The rules of which, prohibit the distribution of the entity's income and assets to its members.
- 18.2.2 Income tax deductible gifts can be made.
- 18.2.3 Gifts of money or property are made for the principal purpose of the Surf Life Saving entity.
- 18.2.4 Contributions are made in relation to an eligible fundraising event held for the principal purpose of the Surf Life Saving entity; and
- 18.2.5 Money is received by the Surf Life Saving entity because of such gifts and contributions.
- 18.3 Such DGR registered Surf Life Saving entity shall be determined by the Kirra Surf Club members at or before the time of dissolution, and in default thereof by a '*Judge*' of the Supreme Court of Queensland or other Court as may have or acquire authority in this matter.
- 18.4 In this rule, '*Surplus Assets*' has the same meaning as in the Act.

19 MEMBERSHIP

19.1 AUTHORITY TO ESTABLISH

- 19.1.1 Membership categories and their respective rights and responsibilities as detailed in this Constitution shall replicate the Membership Directive/s of the SLSA Regulations.
- 19.1.2 The Kirra Surf Club is authorised to establish such membership categories as it requires and as are considered necessary in the context of the Surf Club in accordance with the requirements of SLSA.
- 19.1.3 The Kirra Surf Club shall determine the rights and privileges for each category of membership pertaining only to the Surf Club as detailed in this Constitution.
- 19.1.4 Kirra Surf Club membership shall be unlimited.

19.2 MEMBERSHIP COMPOSITION

Kirra Surf Club membership shall consist of the following categories:

- 19.2.1 **Junior Membership** – Incorporating sub-categories of Junior Activities (Nipper) Member and Family Membership, and the category of Cadet Member.
- 19.2.2 **Active Membership** – Incorporating categories of Active Membership including Active Member (15-17 years), Active Member (18 years and older),

Reserve Active Member, Long Service Member, Award Member, Youth Member, and Probationary Member.

- 19.2.3 **Honorary and Service Membership** – Incorporating categories of Honorary Member, Honorary Life Governor Member, and Honorary Life Member.
- 19.2.4 **Associate Membership** – Incorporating categories of non-active membership including Associate Member, Leave Restricted Member, and Past Active Member.
- 19.2.5 **Community Membership** – Community based membership that includes the categories of Ordinary Member and Social Member as designated in this constitution and that of the Kirra Surf Life Saving Supporters Association.

20 MEMBERSHIP CATEGORIES

The Kirra Surf Club shall provide for the membership categories with the minimum qualifications and rights to be adhered for such categories in accordance with SLSA Membership Directive/s and as detailed in this Constitution.

20.1 JUNIOR ACTIVITIES MEMBERSHIP

Is determined subject to the following conditions:

- 20.1.1 Junior Activities (Nipper) Membership shall be granted to a person within the age span from a minimum of five years to a maximum of thirteen years on a seasonal basis (age for a season is determined as of midnight of the 30 September at the commencement of that specific season).
- 20.1.2 A Junior Activities (Nipper) Member will be required to gain the relevant SLSA Junior Activity Certificate for the relevant membership age group.
- 20.1.3 A Junior Activities (Nipper) Member is entitled to access and use the facilities of the Kirra Surf Club building/s (clubhouse) with adult supervision; however, such members are not permitted to use the dormitory accommodation unless such over-night accommodation is a component of sanctioned and adult supervised surf lifesaving education and development activity as approved by the Board of Management.
- 20.1.4 A Junior Activities Member is not eligible to hold office of the Board of Management and does not have voting rights.

20.2 CADET MEMBERSHIP

Is determined subject to the following conditions:

- 20.2.1 Cadet Membership shall be granted to a person within the age span from a minimum of thirteen years to a maximum of fifteen years on a seasonal basis (age for a season is determined as of midnight of the 30 September at the commencement of that specific season).
- 20.2.2 A Cadet Member shall be required to gain the relevant SLSA Surf Rescue Certificate.
- 20.2.3 A Cadet Member shall be encouraged to participate in rostered beach patrols as and when available and complete an annual surf lifesaving proficiency test unless the member obtained the SLSA Surf Rescue Certificate in that season.
- 20.2.4 A Cadet Member is entitled to access and use the facilities of the Kirra Surf Club building/s (clubhouse) with adult supervision; however, such members are not permitted to use the dormitory accommodation unless such over-night accommodation is a component of sanctioned and adult supervised surf lifesaving education and development activity as approved by the Board of Management.

20.2.5 A Cadet Member is not eligible to hold office of the Board of Management and does not have voting rights.

20.3 ACTIVE MEMBERSHIP

Is determined subject to the following conditions:

20.3.1 Active Membership shall be granted to a person who has attained the SLSA Bronze Medallion, fulfils the rostered beach patrols and performs such other obligations as determined by the Board of Management.

20.3.2 An Active Member shall be required to participate in the annual surf lifesaving proficiency test unless the member obtained the SLSA Bronze Medallion in that season.

20.3.3 An Active Member is entitled to all rights and privileges of the Surf Club and has voting rights.

20.3.4 An Active Member (15-17 years) is not permitted to use the Surf Club dormitory (clubhouse) accommodation unless such over-night accommodation has adult supervision as approved by the Board of Management.

20.3.5 An Active Member (18 years and older) is eligible to hold office of the Board of Management and has voting rights thereon.

20.4 RESERVE ACTIVE MEMBERSHIP

Is determined subject to the following conditions:

20.4.1 Reserve Active Membership upon application may be granted to an Active Member who has satisfactorily completed from the time of gaining their SLSA Bronze Medallion, a minimum of eight years of rostered beach patrols and such other obligations as determined by the Board of Management.

20.4.2 Reserve Active Membership shall not be determined by length of service only and may be granted by the Board of Management to Active Member/s on medical and/or compassionate reasons.

20.4.3 A Reserve Active Member shall perform a minimum number of rostered beach patrol hours required for this membership category as determined from time to time by the Board of Management.

20.3.4 A Reserve Active Member shall be required to participate in the annual surf lifesaving proficiency test.

20.4.5 A Reserve Active Member is entitled to all rights and privileges of the Surf Club and has voting rights.

20.4.6 A Reserve Active Member is eligible to hold office of the Board of Management and has voting rights thereon.

20.5 LONG SERVICE MEMBERSHIP

Is determined subject to the following conditions:

20.5.1 Long Service Membership upon application may be granted to an Active Member who has completed ten years of active beach patrol service; and to a Reserve Active Member who has completed eight years of beach patrol service as an Active Member plus a minimum of four additional years of beach patrol service as a Reserve Active Member; and such other obligations as determined by the Board of Management.

20.5.2 Long Service Membership may not be determined by length of service only and can be granted by the Board of Management to Active Member/s or Reserve Active Member/s on medical and/or compassionate reasons.

- 20.5.3 A Long Service Member may be exempt from all beach patrol obligations and/or other Surf Club duties as determined by the Board of Management on medical and/or compassionate reasons.
- 20.5.4 A Long Service Member rostered for Surf Club beach patrols shall be required to participate in the annual surf lifesaving proficiency test.
- 20.5.5 The status of Long Service Membership for a person transferring from another Surf Life Saving Club shall be determined on its merits by the Board of Management.
- 20.5.6 A Long Service Member is entitled to all rights and privileges of the Surf Club and has voting rights.
- 20.5.7 A Long Service Member is eligible to hold office of the Board of Management and has voting rights thereon.

20.6 AWARD MEMBERSHIP

Is determined subject to the following conditions:

- 20.6.1 Award Membership shall be granted to a person who demonstrates that they are recipients of and proficient in one or more of the following SLSA qualifications: Surf Rescue Certificate; Radio Award/s; Resuscitation Certificate; Advanced Resuscitation Certificate; First Aid Award/s (or equivalent); and/or other such qualifications as determined by SLSA.
- 20.6.2 An Award Member shall be required to participate in the annual surf lifesaving proficiency test commensurate to the SLSA qualifications attained.
- 20.6.3 An Award Member is entitled to access and use the facilities of the Kirra Surf Club building/s (clubhouse); however, such members are not permitted to use the dormitory accommodation unless approved by the Board of Management.
- 20.6.4 An Award Member is not eligible to hold office of the Board of Management and does not have voting rights.

20.7 YOUTH MEMBERSHIP

Is determined subject to the following conditions:

- 20.7.1 Youth Membership shall be granted to a person subject to the age qualification as defined by SLSA and who has obtained the SLSA Surf Rescue Certificate in that season and/or passed an annual proficiency test.
- 20.7.2 A Youth Member is entitled to access and use the facilities of the Kirra Surf Club building/s (clubhouse) with adult supervision; however, such members are not permitted to use the dormitory accommodation unless such overnight accommodation is a component of sanctioned and adult supervised surf lifesaving education and development activity as approved by the Board of Management.
- 20.7.3 A Youth Member is not eligible to hold office of the Board of Management and does not have voting rights.

20.8 PROBATIONARY MEMBERSHIP

Is determined subject to the following conditions:

- 20.8.1 Probationary Membership shall be granted to person/s for the period between applying for and attaining the membership category as approved by the Board of Management.
- 20.8.2 A Probationary Member is entitled to access and use the facilities of the Kirra Surf Club building/s (clubhouse) relevant to the membership category

applied, however such member/s are not permitted to use the dormitory accommodation unless approved by the Board of Management.

20.8.3 A Probationary Member is not eligible to hold office of the Board of Management and does not have voting rights.

20.9 HONORARY MEMBERSHIP

Is determined subject to the following conditions:

20.9.1 Honorary Membership shall be granted annually by the Board of Management to a person who may or may not have an SLSA qualification.

20.9.2 An Honorary Member is entitled to access and use the facilities of the Kirra Surf Club building/s (clubhouse); however, such members are not permitted to use the dormitory accommodation unless approved by the Board of Management.

20.9.3 An Honorary Member is not eligible to hold office of the Board of Management and does not have voting rights.

20.9.4 An Honorary Member with the relevant professional qualifications and/or experience, may be elected by the Kirra Surf Club members entitled to vote at a *'Council'* Annual General Meeting to the position of Secretary or Treasurer of the Surf Club, and in that capacity is entitled to vote on matters pertaining to a meeting of the Board of Management and/or *'Council'* as an elected *'Officer'* of the Board.

20.10 HONORARY LIFE GOVERNOR MEMBERSHIP

Is determined subject to the following conditions:

20.10.1 Honorary Life Governor Membership may be granted to a member and/or a past member and/or an individual who is not a member of the Kirra Surf Club, who has demonstrated long-term financial, administrative, or youth development support; and/or supplied substantial on-going professional advice, financial and technical support; and/or has made such other contributions of an exceptional nature, all of which are relevant only to the Kirra Surf Club.

20.10.2 The *'Meritorious Selection Sub-Committee'* shall convene in April of any given year to consider all received written nominations for Honorary Life Governor Membership, which are duly signed by the *'Proposer'* and *'Secunder'* who are registered and financial Kirra Surf Club members and/or other members in accordance with this Constitution who are eligible to vote at a *'Council'* Annual General Meeting.

20.10.3 The *'Meritorious Selection Sub-Committee'* shall consider the merits of all nominations received to justify the Board including a Notice of Motion in the business of the *'Council'* Annual General Meeting, recommending the appointment of *'one or more nominees'* for Honorary Life Governor Membership in any given year; and such resolution must be carried by a two-thirds majority vote in favour by those members attending the *'Council'* Annual General Meeting and entitled to vote thereat in accordance with the Constitution.

20.10.4 The *'Meritorious Selection Sub-Committee'* may determine that nominations received in any given year were not meritorious to justify a recommendation to *'Council'* for Honorary Life Governor Membership.

20.10.5 Honorary Life Governor Membership of the Kirra Surf Club is granted *'for life'* without payment or any obligation to the Surf Club, upon the resolution at a *'Council'* Annual General Meeting that is carried by a two-thirds majority vote

in favour by those members attending the meeting and entitled to vote thereat in accordance with the Constitution.

- 20.10.6 An Honorary Life Governor Member is entitled to access and use the facilities of the Kirra Surf Club building/s (clubhouse); however, such member/s are not permitted to use the dormitory accommodation unless approved by the Board of Management.
- 20.10.7 An Honorary Life Governor Member as a rule is not eligible to hold office of the Board of Management and does not have voting rights.
- 20.10.8 An Honorary Life Governor Member with the relevant professional qualifications and/or experience, may be elected by the Kirra Surf Club members entitled to vote at a '*Council*' Annual General Meeting to the position of Secretary or Treasurer of the Surf Club, and in that capacity is entitled to vote on matters pertaining to a meeting of the Board of Management and/or '*Council*' as an elected '*Officer*' of the Board.

20.11 HONORARY LIFE MEMBERSHIP

Is determined subject to the following conditions:

- 20.11.1 Honorary Life Membership is the highest honour that can be granted to a member of the Kirra Surf Life Saving Club (*Established 7th January 1916*).
- 20.11.2 Honorary Life Membership may be granted to a currently registered and financial member and/or a past active member as defined in this Constitution, who has demonstrated exceptional and dependable performance in providing enduring service through participation in Surf Club activities such as surf lifesaving operations, administration and financial management, training and education, community engagement, surf sports and/or other functions and roles; and such performance and enduring service must have been performed over a minimal aggregate period of not less than ten years and relevant only to the Kirra Surf Club.
- 20.11.3 The '*Meritorious Selection Sub-Committee*' shall convene in April of any given year to consider all received written nominations for Honorary Life Membership, which are duly signed by the '*Proposer*' and '*Seconder*' who are registered and financial Kirra Surf Club members and/or other members in accordance with this Constitution who are eligible to vote at a '*Council*' Annual General Meeting.
- 20.11.4 The '*Meritorious Selection Sub-Committee*' shall consider the merits of all nominations received to justify the Board including a Notice of Motion in the business of the '*Council*' Annual General Meeting, recommending the appointment of '*one nominee*' for Honorary Life Membership in any given year; and such resolution must be carried by a two-thirds majority vote in favour by those members attending the '*Council*' Annual General Meeting and entitled to vote thereat in accordance with the Constitution.
- 20.11.5 The '*Meritorious Selection Sub-Committee*' may determine that nominations received in any given year were not meritorious to justify a recommendation to '*Council*' for Honorary Life Membership.
- 20.11.6 The Honorary Life Membership '*Badge*' shall be presented to the Honorary Life Member by the President and/or delegate on behalf of the Surf Club at an appropriate event following the '*Council*' Annual General Meeting at which the membership was endorsed.
- 20.11.7 An Honorary Life Member is entitled to all rights and privileges of the Kirra Surf Club '*for life*' without payment and/or any obligation to the Surf Club and has voting rights.

- 20.11.8 An Honorary Life Member is eligible to hold office of the Board of Management and has voting rights thereon.
- 20.11.9 An Honorary Life Member may attend meetings of the Board of Management, however such members shall not be eligible to vote at Board meetings unless duly elected as an *'Officer'* of the Board.

20.12 ASSOCIATE MEMBERSHIP

Is determined subject to the following conditions:

- 20.12.1 Associate Membership may be granted annually by the Board of Management to a person who may or may not have an SLSA qualification.
- 20.12.2 An Associate Member shall pay a membership application fee and a subsequent reoccurring annual fee that is greater than fees for other Surf Club active membership categories, and/or as determined by the Board of Management.
- 20.12.3 An Associate Member is not entitled to access and use the facilities of the Kirra Surf Club building/s (clubhouse) unless upon prior approval by the Board of Management.
- 20.12.4 An Associate Member is not eligible to hold office of the Board of Management and does not have voting rights.

20.13 LEAVE RESTRICTED MEMBERSHIP

Is determined subject to the following conditions:

- 20.13.1 Leave Restricted Membership may be granted by the Board of Management to a current registered and financial member and/or other membership categories as detailed in this Constitution for medical, compassionate and/or employment reasons irrespective of years of service.
- 20.13.2 Leave Restricted Membership shall be reviewed annually by the Board and the continuing of such membership shall be dependent upon the changing circumstances as to the reasons originally provided by the member.
- 20.12.3 A Leave Restricted Member is not entitled to access and use the facilities of the Kirra Surf Club building/s (clubhouse) unless upon prior approval by the Board of Management.
- 20.13.4 A Leave Restricted Member is not eligible to hold office of the Board of Management and does not have voting rights.

20.14 PAST ACTIVE MEMBERSHIP

Is determined subject to the following conditions:

- 20.14.1 Kirra Surf Club acknowledges the contributions of its Past Active Member/s for their volunteer surf lifesaving service/s and continuing contributions as may be provided from time to time to assist in furthering the *'Objects'* of the Surf Club.
- 20.14.2 A Past Active Member is not a current registered and/or financial member of the Kirra Surf Club and as such is not entitled to access and use the facilities of the Surf Club building/s (clubhouse) unless upon prior approval by the Board of Management.
- 20.14.3 A Past Active Member is not eligible to hold office of the Board of Management and does not have voting rights.
- 20.14.4 A Past Active Member may re-apply for the renewal of membership with the Kirra Surf Club in a membership category as detailed in this Constitution and as approved by the Board of Management.

20.15 COMMUNITY MEMBERSHIP

Is determined subject to the following conditions:

20.15.1 Ordinary and Social Membership of the '*KSLSS Association*' are provided for persons of the minimum age of eighteen years and as detailed in the '*KSLSS Association*' Constitution.

20.15.2 An Ordinary Member of the '*KSLSS Association*' is a current registered and financial voting member of the Kirra Surf Club:

- a) All Kirra Surf Club registered and financial voting members, including Honorary Life Members, Honorary Life Governor Members, and Honorary Members in any '*Reportable Financial Year*' of the Surf Club who are of a minimum age of eighteen years, shall be recognised as an Ordinary Member of the '*KSLSS Association*' for that financial year.
- b) An Ordinary Member registered with the '*KSLSS Association*' is exempt from paying an annual membership subscription fee to the '*KSLSS Association*'.
- c) An Ordinary Member of the '*KSLSS Association*' is entitled to access and use those facilities as are provided for the specific purpose and use by the licensed Kirra Supporters Club.
- d) An Ordinary Member is eligible to hold office of the '*KSLSS Association*' Management Committee and has voting rights.

20.15.3 A Social Member of the '*KSLSS Association*' is not a registered and financial member of the Kirra Surf Club:

- a) Social Membership may be applied for and/or be renewed annually with a payment of the prescribed subscription fee as determined by the '*KSLSS Association*' Management Committee, with such fee to accompany the approved membership Application Form.
- b) A Social Member of the '*KSLSS Association*' is not entitled to access and use the facilities of the Kirra Surf Club other than those facilities as are provided for the specific purpose and use by the licensed Kirra Supporters Club.
- c) A Social Member of the '*KSLSS Association*' is not eligible to hold office of the '*KSLSS Association*' Management Committee and does not have voting rights.

21 MEMBERSHIP SUBSCRIPTIONS AND FEES

21.1 The annual membership subscription (if any) and/or any other fees or levies payable by members or categories of members to the Kirra Surf Club, and the time for and manner of payment of such subscription and/or fees and levies shall be as determined from time to time by the Board of Management.

21.2 The annual '*Membership Subscription*' (if any) payable by members to the Kirra Surf Club and the time and manner for such payment as prescribed shall periodically be reviewed by the Board of Management, and such subscription fee shall be consistent where appropriate with other Surf Life Saving Clubs as affiliated with the Branch.

22 CONDITIONS OF MEMBERSHIP

22.1 The member shall acknowledge and agree that this Constitution represents a contractual arrangement between the member and the Kirra Surf Club, and as such the member is bound by this Surf Club '*Constitution*' and its By-Laws, and the constitutions, regulations, and directives of the Branch, SLSQ and SLSA.

22.2 The Kirra Surf Club member shall comply with and observe the rules of this Constitution and the By-Laws, and such other eligible policies as may be determined

from time to time by '*Council*' and/or the Board of Management; and with the constitutions and eligible policies and directives of the Branch, SLSQ and SLISA.

- 22.3 By accepting and complying with this Constitution and By-Laws, the member agrees to and is subject by the jurisdictions of the Kirra Surf Club and Surf Life Saving.
- 22.4 A Kirra Surf Club member as detailed in this Constitution is entitled to the benefits, advantages, privileges, and services provided and/or as are available to such Surf Club membership categories as detailed in this Constitution.
- 22.5 Neither the membership of the Kirra Surf Club nor this Constitution gives rise to:
- 22.5.1 Any proprietary right of members in, to or over the Surf Club and/or its property or assets.
- 22.5.2 Any automatic right of a member to renew their membership of the Surf Club.
- 22.5.3 Subject to the Act and with the Surf Club acting in good faith, the right of a member to natural justice, unless expressly provided for in this Constitution.
- 22.6 A member who ceases to be a member of the Kirra Surf Club, for whatever reason, shall forfeit all rights of and claims upon the Surf Club and its property, and shall not access the buildings and/or knowingly retain or use any equipment or other property including all/any '*Intellectual Property*' of the Surf Club.

23 MEMBERSHIP REGISTER

23.1 REGISTER

- 23.1.1 The Kirra Surf Club shall keep and maintain a '*Membership Register*' in which shall be entered as a minimum: Full name, address, category of membership and date of entry in the '*Membership Register*' for each member of the Kirra Surf Club; including the status of that member, the Surf Life Saving awards gained and whether the member is proficient in each of those awards.
- 23.1.2 The details of '*Office*' position/s held (present and past) by the Kirra Surf Club member on the Board of Management, Board Sub-Committee/s, or Special Committee/s, and the Surf Club's Auxiliary Organisation/s; and details of the member's participation as a '*Delegate*' of the Surf Club.
- 23.1.3 Kirra Surf Club member/s shall provide notice of any change of required contact and personal details to the Surf Club within one month of such change.
- 23.1.4 An Honorary Life Member and/or an Honorary Life Governor Member of the Kirra Surf Club shall advise of any change to their contact and personal details, and/or of any other required information as applicable to such membership.
- 23.1.5 Details of all current and past Kirra Surf Club members shall be maintained by the Secretary either in the '*Membership Register*' or in such other database as deemed suitable for the historical recording and storage of such records, and this membership information shall be deemed the '*master*' historical record for all membership categories (present and past) of the Surf Club.
- 23.1.6 The Office Manager shall assist the Secretary in managing and maintaining the currency and accuracy of all current and past membership details as recorded in the '*Membership Register*' and/or in any other Kirra Surf Club member database.
- 23.1.7 Details of the current '*Ordinary and Social Membership*' of the affiliated '*KSLSS Association*' shall be maintained by the '*KSLSS Association*' Management Committee, and such membership numbers shall be provided

to the Surf Club Secretary as required from time to time, and for inclusion in the Kirra Surf Club's annual report.

23.2 INSPECTION OF REGISTER

- 23.2.1 Having regard to confidentiality considerations and privacy laws, an extract from the Kirra Surf Club *'Membership Register'* including the contact details; any licence details; date of birth; office positions held and duration of such tenure; Surf Life Saving awards attained and proficiency of same; other Surf Life Saving and community awards achieved; and clearances; etc of any Surf Club member, office bearer and/or delegate, shall be available for inspection by a Surf Club member/s upon a reasonable request to the Secretary.
- 23.2.2 Inspection of the Kirra Surf Club *'Membership Register'* will only be available to Surf Club members where the purpose of the inspection is deemed to support the furthering the *'Objects'* of the Surf Club.

23.3 USE OF REGISTER

- 23.3.1 Subject to confidentiality considerations and privacy laws, the *'Membership Register'* may be used by the Kirra Surf Club to further the *'Objects'* of the Surf Club as is deemed appropriate by the Board of Management.
- 23.3.2 Name and contact details of those registered and financial members and other membership categories as detailed in the Constitution, who are aged eighteen years and older (age for a season is determined as of midnight of the 30 September at the commencement of that specific season) as recorded in the *'Membership Register'* and who have *'dual voting rights'* for both the Kirra Surf Life Saving Club and the Kirra Surf Life Saving Supporters Association, shall be provided to and may be used by the *'KSLSS Association'* Management Committee to support in furthering the *'Objects'* of the Association and the Surf Club.
- 23.3.3 Name and contact details of current long-serving and honorary members, and/or *'Past Active Members'* of the Kirra Surf Club as available and retained by the Surf Club, may be provided to and be used by the *'Kirra Past and Long Serving Members Association'* for the purpose of inviting such current long-serving and honorary members, and past members to join the *'Association'* and maintain their ongoing connection with the Surf Club.

23.4 SLSQ ACCESS TO THE MEMBERSHIP REGISTER

- 23.4.1 The Kirra Surf Club shall provide a copy of the member details as available in the *'Membership Register'* at a time and in a format acceptable to SLSQ and provide regular updates of the *'Membership Register'* to SLSQ; and the Surf Club agrees that SLSQ may utilise the information contained in the *'Membership Register'* to further the *'Objects'* of SLSQ and SLISA subject to the appropriate application of any membership confidentiality considerations and privacy laws.

24 APPLICATION FOR MEMBERSHIP

24.1 APPLICATION

- 24.1.1 The *'Application for Membership'* shall be provided by the applicant in writing on the form prescribed by SLSQ and/or SLISA and lodged with the Kirra Surf Club; or the application may be submitted online via an authorised membership portal of the Surf Club and/or in accordance with the process (if any) as prescribed from time to time by the Board of Management.
- 24.1.2 The *'Application for Membership'* shall be accompanied by the appropriate *'Subscription Fee'* as required for each specific category of membership as periodically determined by the Board of Management for such category.

24.2 ADMISSION OR REJECTION OF A MEMBERSHIP APPLICATION

- 24.2.1 The Board of Management shall consider an *'Application for Membership'* at its next scheduled meeting following the receipt of an application accompanied with the appropriate membership subscription fee.
- 24.2.2 The Board of Management shall determine in accordance with this Constitution whether to accept or reject the *'Application for Membership.'*
- 24.2.3 If by majority vote of the elected officers of the Board of Management present at that meeting, determine to accept the application, the applicant shall be accepted as a member of the Kirra Surf Club.
- 24.2.4 Membership of the Kirra Surf Club shall be deemed to commence upon acceptance of the *'Application for Membership'* so determined at the meeting of the Board of Management, and the *'Membership Register'* shall be updated accordingly.
- 24.2.5 Where the Board of Management accepts an *'Application for Membership'*, the applicant shall, subject to notification to SLSQ, be a member of Surf Life Saving.
- 24.2.6 If the Board of Management rejects an *'Application for Membership'*, the Secretary shall provide the applicant in writing the reason/s for the rejection of the application and include the refund any fees provided and/or forwarded with the application.

24.3 PUBLIC LIABILITY INSURANCE

- 24.3.1 The Board of Management must ensure that as soon as practical after the applicant applies to become a member of the Kirra Surf Club, and before the Board considers the *'Application for Membership'*, that it advises the applicant of the public liability insurance held by the Surf Club.

24.4 RE-APPLYING FOR MEMBERSHIP

- 24.4.1 Existing and/or past members may re-apply for the renewal of their membership with the Kirra Surf Club in accordance with the administrative procedures as determined from time to time by the Board of Management.
- 24.4.2 Upon submitting the renewal of the *'Application for Membership'* with the accompanying membership subscription, the existing and/or past member must include all details of any change to their personal contacts and/or any other information as is required by the Kirra Surf Club relevant to the membership category applied.

24.5 DEEMED MEMBERSHIP

- 24.5.1 All persons who are existing members of the Kirra Surf Club shall be deemed as members of the Surf Club from the date of approval of this Constitution by *'Council'* in accordance with the Act.
- 24.5.2 Within two months of the approval of this Constitution, those who are deemed members of the Kirra Surf Club shall provide such membership details as may be required by the Surf Club in accordance with this Constitution and the Act.

25 DISCONTINUANCE OF MEMBERSHIP

25.1 NOTICE OF REGISTRATION

- 25.1.1 A member having paid all arrears of fees payable to the Kirra Surf Club may resign or withdraw their membership of the Surf Club by giving notice in writing of such resignation or withdrawal.

25.2 DISCONTINUANCE BY BREACH

- 25.2.1 Membership of the Kirra Surf Club may be discontinued by the Board of Management if the member:
- a) Is convicted of a serious offence as defined by SLSA.
 - b) Is in breach of any rule of this Constitution, including but not limited to the failure to pay any monies owed to the Kirra Surf Club, and/or not complying with the By-Laws or any other resolution determine by the Board of Management and/or any authorised committee of the Surf Club.
 - c) Behaves in a manner that is injurious or prejudicial to the '*Objects*', character, or interests of the Kirra Surf Club and/or Surf Life Saving.
- 25.2.2 Subject to this Constitution, the Board of Management shall not discontinue a Kirra Surf Club membership without the Board having in the first instance provided the member a reasonable opportunity to explain the alleged breach and/or remedy for that breach.
- 25.2.3 Where a Kirra Surf Club member fails in the Board of Management's reasonable assessment to explain or remedy the breach, the membership shall be discontinued, and the Secretary will provide the person with a written notice of the Board's determination for the discontinuance of the membership.

25.3 FAILURE TO REAPPLY

- 25.3.1 The Board of Management shall make all reasonable efforts to encourage members to reapply annually for membership of the Kirra Surf Club.
- 25.3.2 If a member has not re-applied for membership of the Kirra Surf Club and/or has not paid their annual subscription owing to the Surf Club within two months of their application falling due, the membership shall be deemed to have lapsed.
- 25.3.3 The Kirra Surf Club '*Membership Register*' shall be amended to reflect any cessation of Surf Club membership and the ongoing status of such membership.

25.4 MEMBER TO RE-APPLY

- 25.4.1 A Kirra Surf Club member whose membership has lapsed, discontinued and/or has ceased, may only be readmitted as a member of the Surf Club by re-applying for membership in accordance with this Constitution, and such application shall be considered by the Board of Management upon the conditions as the Board deems appropriate.

25.5 FORFEITURE OF RIGHTS

- 25.5.1 A person who ceases to be a member, for whatever reason, shall forfeit all rights in and claims upon the Kirra Surf Club and its property, and shall not use any surf lifesaving equipment or other property of the Surf Club, including '*Intellectual Property*' being any documents in written or electronic format, records or other property in the possession, custody or control of that member, and all such property will be returned immediately to the Surf Club.

25.6 REFUND OF MEMBERSHIP FEES

- 25.6.1 Membership fees or subscriptions paid by the discontinued member may be refunded on a pro-rata basis to the person upon the cessation of their membership.

26 DUAL MEMBERSHIP

- 26.1 Any member of the Kirra Surf Club may be admitted as a member of another Surf Life Saving Club (or visa-versa) providing such member has an authorised '*Clearance*' as approved by the Board of Management.
- 26.2 A member of a surf lifesaving entity affiliated with International Life Saving may be accepted as a member of the Kirra Surf Club provided that the member complies with all SLSA policies and conditions for the membership applied.
- 26.3 A competing member of another Surf Life Saving Club shall not participate in any inter-club competition as a representative of more than one Surf Life Saving Club during any one competition season until their competitive rights have been transferred to the Kirra Surf Club as provided for in a '*Competitive Rights Transfer*' and subsequently approved by the Surf Club '*Board of Management*'.
- 26.4 A person whose primary membership is registered with another Surf Life Saving Club in any given year, and who has been granted by the Board of Management a '*Competitive Rights Transfer*' to the Kirra Surf Club in any competition season, is not entitled to hold office and/or an honorary or appointed position of the Surf Club and does not have voting rights.
- 26.5 All members and elected officers of Surf Life Saving Club/s in the Branch and SLSQ may have reciprocal rights with Surf Life Saving Club/s throughout Queensland, and the conditions of entry and use of any Surf Life Saving Club facilities is at the discretion of that Surf Life Saving entity.

27 SURF SPORTS ELIGIBILITY

- 27.1 The Board of Management may determine, from time to time, the permission/s and conditions relevant for the attendance by Kirra Surf Club registered and financial members and/or other members as specified in the Constitution at Surf Sports competition conducted under the jurisdiction of a Surf Life Saving Club, Branch, SLSQ, SLSA and/or an international lifesaving entity.
- 27.2 Kirra Surf Club registered and financial members and/or other members as specified in the Constitution are eligible to contest the Surf Club (Surf Sports) Championship held annually at Kirra Beach on a date as determined by the Board of Management.
- 27.3 The Board of Management shall from time to time determine the level of financial and/or in-kind assistance to be provided to a Kirra Surf Club member/s relevant to the availability and use of surf lifesaving competition equipment, event registration, travel and accommodation costs, and other incidental costs associated with attending Surf Sports competition.
- 27.4 The Board of Management supports the Kirra Surf Club eligible competing member accepting individual trophies and/or prizes (cash and/or in kind); however, all team prizes (other than cash and/or in kind) in the form of trophies, surf rescue and/or lifesaving operational equipment is to be retained by the Surf Club and appropriately showcased and/or utilised for beach patrols within the jurisdiction of the Surf Club.

28 MEMBERSHIP BEHAVIOUR AND COMPLAINTS MANAGEMENT

28.1 GOVERNANCE

- 28.1.1 The Kirra Surf Club (the Association) accepts and adopts the grievances, judicial, and disciplinary principles and processes as are detailed in the SLSA Constitution, Regulations, and other eligible policies as amended from time to time; and in accordance with the SLSA Complaint Resolution Policy which aligns to how Incorporated Associations (Queensland) resolve internal grievances (complaints) under Section 47A of the Associations Incorporation Act 1981 (Qld).

- 28.1.2 The responsibility for matters pertaining to member behaviour, discipline, and complaints management within the jurisdiction of the Kirra Surf Club is vested in the Surf Club *'Council'* and all resolutions of *'Council'* shall be applicable and binding to all members, including:
- a) *'Council'* through a Special General Meeting shall decide on the *'Notice of Motion'* to remove a member from elected office.
 - b) For such disciplinary matters pertaining to an appeal lodged by a Surf Club member relevant to a decision determined by the Board of Management to reject, suspend or terminate a membership.
- 28.1.3 The Board of Management shall determine all grievances, judicial and discipline matters in accordance with the SLSA constitutions, by-laws, regulations, and directives, including:
- a) All *'Complaints'* referred to the Kirra Surf Club by a member and/or a member of another Surf Life Saving entity, or a person external to the Surf Club, will be advised by the Surf Club's *'Member Protection Information Officer'* (MPIO) on policy, applicable due process, and support arrangements.
 - b) Should a member and/or a member of another Surf Life Saving entity, or a person external to the Surf Club, upon being advised by the MPIO of due process for the management of a complaint so choose to take the complaint forward, they will be instructed to submit their complaint via the SLSA Report System.
 - c) Dependent upon how the complaint is assessed by SLSA, it may be returned to the Surf Club's *'Complaint Manager'* or to the Branch for appropriate action as required.
- 28.1.4 Should the Kirra Surf Club *'Board of Management'* upon considering the advice provided by its *'Complaints Manager'*, so determine that an alleged offence and/or complaint by a Surf Club member and/or any other person/s is beyond the responsibility of the Surf Club, the matter shall be referred to the Branch for case management and determination.
- 28.1.5 Any Kirra Surf Club *'By-Law/s'* relevant to grievances, judicial and discipline processes and complaints management shall be regularly reviewed and/or updated to reflect the contemporary application of SLSA policies and directives.
- 28.1.6 The Kirra Surf Club *'Board of Management'* shall appoint annually an *'MPIO'* and a *'Complaints Manager'* in accordance with SLSA policies and directives.

28.2 DISCIPLINARY MEASURES

- 28.2.1 The Board of Management may consider rejecting, suspending, or terminating a membership with the Kirra Surf Club if a member:
- a) Is charged with and/or is convicted of a serious criminal offence as is outlined in *'SLSA Appendix A of Policy 6.16 Criminal Convictions'*.
 - b) Asserts pressure on any other member to obtain any form of grace or favour on the grounds of any difference or otherwise in gender.
 - c) Places any other member under any moral obligation or infringe any other member's moral standing for whatever purpose.
 - d) Fails to comply with the rules of this Constitution and/or the Surf Club By-Laws; and/or the constitutions, regulations, or eligible policy of the Branch, SLSQ or SLSA.
 - e) Conducts oneself in a manner that would be injurious or prejudicial to the character and/or the interests and decisions of the Kirra Surf

Club, its 'Council' and/or the Board of Management, the Surf Club membership or the 'Objects' of this Constitution.

- f) Has membership subscription fees in arrears for greater than two months.
 - g) Fails to positively represent and/or uphold the principle interests and 'Objects' of the Kirra Surf Club and/or the decisions of 'Council' and/or the Board of Management in all forums, meetings and/or events as an elected 'Officer' or delegate of the Surf Club.
- 28.2.2 If any Surf Life Saving entity (e.g. *The Association – Kirra SLSC*) is advised of and/or becomes aware of a 'Serious Criminal Offence' committed by a member, the Surf Life Saving entity shall immediately advise or otherwise contact the Chief Executive Officer/s of SLSA and SLSQ (*Reference: SLSA Policy 6.06 Complaints Resolution | August 2021 Page 12 of 35*); and shall also immediately inform the Queensland Police Service or other such authorities as required by Law, and act in accordance with the SLSA policy (*Reference: SLSA Policy 6.16 Criminal Conviction*), and such reporting may require the application of provisional actions as applicable.
- 28.2.3 The Kirra Surf Club President and/or Captain as 'Authorised Officers' of the Surf Club may impose in the first instance, an immediate suspension of a member whose behaviour is deemed to be of a 'Serious Criminal Offence', and the 'Authorised Officer/s' shall immediately report any such behaviour to the Queensland Police Service.
- 28.2.4 Any member suspected of any breaches of Kirra Surf Club rules and/or of any other behaviour/s that is reasonably considered to be injurious or prejudicial to the character or interests of the Surf Club, its members, and the 'Objects' in this Constitution, may be immediately suspended forthwith upon the direction of the Surf Club President and/or Captain on behalf of the Board of Management, pending a hearing of the matter by the Board pursuant to this Constitution.
- 28.2.5 Any member suspected of any breach of the Kirra Surf Club Constitution, By-Laws and any other eligible policy shall be required to attend a Board of Management meeting to show cause as to why disciplinary action should not be taken on such matter/s in accordance with this Constitution and the By-Laws of the Surf Club.
- 28.2.6 The Board of Management shall determine, based on the evidence available for each specific case, the rejection, suspension, or termination of membership of the Kirra Surf Club, and in the event of a membership suspension, the Board shall define the duration for such suspension.
- 28.2.7 Where any member is suspected of a breach of the Kirra Surf Club 'Constitution', By-Laws, and other eligible policy and placed under immediate suspension, the Board of Management shall convene within a reasonable time, and not being more than twenty-eight days from the date of the alleged incident, in order to consider the matter pursuant to this Constitution.
- 28.2.8 Failure of the Board of Management to convene within twenty-eight days pursuant to this Constitution shall mean that any suspension of the member suspected of any breach of Kirra Surf Club rules and/or of any other behaviour/s, shall be withdrawn until such time as the hearing of the matter is convened by the Board.
- 28.2.9 The Secretary shall provide in writing to the member who is subject to the disciplinary proceedings within fourteen (14) days of the date of the Board meeting, the reason/s justifying the determination for the rejection, suspension or termination of membership and include such details as to

all/any disciplinary action/s imposed by the Board of Management; and/or the reasons justifying why the member shall not be subject to any disciplinary action as determined by the Board, and that the matter is finalised.

28.3 APPEALS – REJECTION, SUSPENSION OR TERMINATION

- 28.3.1 A Kirra Surf Club member whose membership has been rejected, suspended, or terminated by the Board of Management, may within fourteen days of the date of the written notification thereof, lodge with the Secretary a *'Notice of Intent'* to appeal the decision of the Board with *'Council'*.
- 28.3.2 An appeal lodged with the Kirra Surf Club *'Council'*, if the specific membership issue had not previously been determined by *'Council'*, shall be dealt with at a *'Council'* Special General Meeting specifically called within twenty-eight days of receipt by the Secretary of the *'Notice of Intent'* by the member to appeal the decision of the Board of Management.
- 28.3.3 Only the information relevant to the specific disciplinary matter resulting in the rejection, suspension, or termination of membership by the Board of Management, shall be addressed at the *'Council'* Special General Meeting to determine the validity of the appeal, and the appeal shall be deemed successful or unsuccessful by a majority vote of the Kirra Surf Club members attending and entitled to vote at a *'Council'* Special General Meeting in accordance with the Constitution.
- 28.3.4 The Kirra Surf Club member who is subject to the disciplinary proceedings shall be given a full and fair opportunity to present all/any information available at the Board of Management meeting called in the first instance to address the specific issue, and/or at a subsequent appeal of the decision by the Board at a *'Council'* Special General Meeting.
- 28.3.5 Resolution/s on all/any membership issue/s as determined by *'Council'*, being vested with the overall authority of the Kirra Surf Club within its jurisdiction, shall be final and applicable to the Surf Club and its membership.
- 28.3.6 The Secretary shall within fourteen days of the *'Council'* meeting, advise the member in writing of the *'Council'* determination of the appeal.
- 28.3.7 Where an appeal is unsuccessful, the Treasurer shall forthwith refund the amount of any membership subscription fee paid for that year.
- 28.3.8 The Secretary shall provide the Branch and SLSQ with the name and contact details of the Kirra Surf Club member who has had their membership rejected, suspended or terminated, including the period of suspension and/or the date of the termination of membership.
- 28.3.9 In the matter of a Kirra Surf Club membership rejection, suspension, or termination, and/or any other membership dispute, and the appeal to the *'Council'* is deemed unsuccessful, the member may lodge an appeal with the next highest authority being the Branch, to adjudge on the management of the disciplinary administrative process undertaken by the Surf Club as to the specific membership issue.
- 28.3.10 A rejected, suspended, or terminated member of the Kirra Surf Club shall not knowingly apply to join another Surf Life Saving Club, nor shall another Surf Life Saving Club knowingly admit to membership nor retain in its membership any past or present member of the Kirra Surf Club who is financially indebted in any way to and/or has been suspended or terminated by the Surf Club.
- 28.3.11 Should a bona-fide member of more than one Surf Life Saving Club be suspended by the Kirra Surf Club, that member shall not be allowed to compete in and/or be associated with Surf Sport competitions conducted by any Surf Life Saving entity for the term of the member's suspension.

29 GOVERNANCE AND AUTHORITY

29.1 BUSINESS FRAMEWORK

- 29.1.1 The business and functional activities of the Kirra Surf Club in successfully fulfilling the Surf Club '*Objects*' shall be transacted in accordance with the organisational framework and authorities of this Constitution and the Act.
- 29.1.1 The order of priority in relation to governance and authority of the Kirra Surf Life Saving Club (the Association) is as follows in all circumstances:
- a) '*Council*' General Meeting whether it be an Annual General Meeting, General Meeting, or a Special General Meeting.
 - b) '*Board of Management*' meeting/s.
 - c) '*Authorised Officer/s*' action as approved by the Board of Management.
 - d) '*Board Sub-Committee/s*' established for a specific purpose and function/s as endorsed by '*Council*' or the Board of Management.
 - e) '*Special Committee/s*' reporting to the Board of Management and/or '*Council*', relevant to the formation of such Special Committee/s.
- 29.1.2 The Kirra Surf Club '*Council*' shall authorise the establishment of Board of Management '*Sub-Committee/s*' comprising registered and financial members and/or other members to assist with the function/s of the Kirra Surf Club in accordance with this Constitution.
- 29.1.3 The Kirra Surf Club '*Council*' or the Board of Management shall authorise the establishment of '*Special Committee/s*' comprising registered and financial members and/or other persons duly qualified and experienced, as convened for a specific purpose or function to further the '*Objects*' of the Surf Club.
- 29.1.4 This Constitution shall not prevent the opportunity for a meeting of a group of elected Kirra Surf Club officers and/or registered and financial members and/or other members in accordance with the Constitution, provided that any reports or recommendations resulting from such meeting/s shall be ineligible for consideration by any higher authority unless they are submitted to the Board of Management within a period of seven days of that meeting.
- 29.1.5 Except where otherwise provided, the '*President*' of the Kirra Surf Club shall be the chairperson for meetings of the '*Council*' and the Board of Management, and in the absence of the President:
- a) The Deputy President shall preside as chairperson; and
 - b) Should the Deputy President be unavailable, those elected Kirra Surf Club members present at such meeting/s shall elect a chairperson.
- 29.1.6 In the event of a '*Conflict of Interest*' relevant to an agenda item for a '*Council*' and/or Board of Management meeting/s that relates to the President and/or the Deputy President, requiring such elected officer/s to withdraw from chairing that meeting, the Kirra Surf Club registered and financial members and other members who are present and entitled to vote at such meeting/s in accordance with the Constitution, shall elect a chairperson.
- 29.1.7 The Kirra Surf Club members elected and/or appointed to a Board Sub-Committee and/or a Special Committee, shall elect the chairperson for such committees, unless the chairperson is otherwise specified in the Constitution.
- 29.1.8 A Kirra Surf Club member elected to the Board of Management, Board Sub-Committee/s and/or Special Committee/s is the only person eligible to vote at a meeting of such committee/s.
- 29.1.9 There shall be no allowance for '*Proxy or Postal Votes*' at '*Council*' General

Meetings, Board of Management and/or any other Kirra Surf Club committee meeting/s.

- 29.1.10 'Videoconferencing' shall not be used for a 'Council' General Meeting.
- 29.1.11 'Videoconferencing' may be used for a Board of Management, Board Sub-Committee/s and/or a Special Committee/s meeting on those occasions as deemed necessary, and/or to deal with urgent and/or other business items of the Kirra Surf Club, and on the proviso that the elected officer/s for such committee/s have the required technical electronic equipment and capability to participate in video-conferenced meeting/s.
- 29.1.12 The Kirra Surf Club is not obligated to provide tele-conferencing and/or video-conferencing electronic technology and/or equipment for the use by an elected member for the purpose of conducting and/or participating in a Board of Management, Board Sub-Committee and/or a Special Committee meeting.
- 29.1.13 The 'Council' through its Board of Management shall retain all records dealing with the day-to-day operational business transactions and administrative arrangements of the Kirra Surf Club for a minimum period of seven years following the completion of such required administrative and financial transactions and/or operational activities to which they relate.
- 29.1.14 The Kirra Surf Club 'Council' through its Board of Management shall undertake whatever reasonable means necessary to preserve the historical records and membership information, photographs, memorabilia, minutes of meeting, intellectual property and/or all other property of importance, dating back to the foundation of the Kirra Surf Club on the 7th January 1916.

29.2 VOTING AT MEETINGS

- 29.2.1 All eligible voting members of the Kirra Surf Club 'Council', Board of Management and/or any other Board Sub-Committees and/or Special Committee/s meetings, shall be entitled to 'one vote only' at which they are present, and the chairperson of such meetings shall have both a deliberate and a casting vote in the event of an 'Equality of Votes'.
- 29.2.2 'Voting' at a Kirra Surf Club 'Council', Board of Management and/or any other Board Sub-Committee/s or a Special Committee/s meeting will be by the 'show of hands' with the resolution carried by the simple majority of those attending and eligible to vote at such meetings.
- 29.2.3 'Voting' at a Kirra Surf Club 'Council' Annual General Meeting or General Meeting to elect a member to a position of the Board of Management and/or any Board Sub-Committee/s where more than one nomination is received for such position/s, shall be by 'secret ballot' and determine by a 'simple majority' of those attending and eligible to vote at such meetings, and the chairperson shall have a deliberate and a casting vote.
- 29.2.4 'Voting' at a Kirra Surf Club 'Council' Annual General Meeting on a Notice of Motion to bestow Honorary Life Membership and Honorary Life Governor Membership shall be by 'secret ballot' and determine by a 'two thirds majority' of those attending and eligible to vote at such meetings in accordance with this Constitution.
- 29.2.5 'Voting' on a Notice of Motion specifically addressed at a convened Kirra Surf Club 'Council' Special General Meeting shall be determine by a 'simple majority' by those attending and eligible to vote at such meetings, with the chairperson having a deliberate and a casting vote.
- 29.2.6 'Voting' at a Kirra Surf Club 'Council' General Meeting on all matters other than as detailed in Rules: 29.2.4 and 29.2.5 above, whether by 'secret ballot' and/or by the 'show of hands' shall be determine by a 'simple majority' by

those attending such meetings, with the chairperson having a deliberate and a casting vote.

- 29.2.7 Two scrutinisers shall be appointed for the purpose of counting ‘*secret ballot/s*’, and they shall inform the chairperson of the meeting as to the outcome of the ballot count, with the chairperson immediately announcing the result of the ballot.
- 29.2.8 Following the announcement by the meeting chairperson of the ‘*secret ballot/s*’, the ballot papers for that specific vote shall be destroyed by the scrutinisers in the presence of those attending the meeting.

29.3 MINUTES OF MEETINGS

- 29.3.1 ‘*Minutes*’ for all Kirra Surf Club ‘*Council*’, Board of Management, Board Sub-Committee/s and/or a Special Committee/s meeting shall be recorded.
- 29.3.2 The Secretary shall coordinate the full and accurate ‘*Minutes*’ of all questions, items, resolutions, and other proceedings of meeting/s.
- 29.3.3 The Secretary shall table the ‘*Minutes*’ at the next meeting for consideration as to the accuracy of content and advice of resolutions implemented, and upon acceptance of the draft Minutes, the chairperson of such meeting/s shall subsequently sign the ‘*Minute/s*’ as a true and accurate copy of the meeting.
- 29.3.4 The ‘*Minutes*’ of a ‘*Council*’ Annual General Meeting shall be signed by the chairperson of that meeting and/or the subsequent ‘*Council*’ general meeting.
- 29.3.5 ‘*Minutes*’ of all meetings shall be electronically retained and filed by the Secretary relevant to the meeting/s conducted and the date of such meeting/s.
- 29.3.6 At all reasonable times, a registered and financial member and/or other specified members in accordance with the Constitution, may upon request to the Secretary, view the ‘*Minutes*’ of all/any past meeting/s of the Council, Board of Management and/or any other Board Sub-Committee/s and/or Special Committee/s.
- 29.3.7 The Secretary will provide Honorary Life Members of the Kirra Surf Club with a copy of the ‘*Minutes*’ of all Council and Board of Management meetings upon the ratification and signing of such ‘*Minutes*’; however Honorary Life Member/s by informing the Secretary may elect to not receive copy of the ‘*Minutes*’ of Council and Board of Management meetings.

29.4 INSUFFICIENT NUMBERS FOR A MEETING QUORUM

- 29.4.1 A ‘*quorum*’ for Kirra Surf Club meeting/s shall be as is defined specifically for those meetings as detailed in this Constitution.
- 29.4.2 Should a quorum for a Kirra Surf Club meeting as prescribed is not present within thirty minutes after the advertised commencement time for such meeting, the following shall apply:
- a) A ‘*Council*’ Annual General Meeting of the Kirra Surf Club as advertised, shall be deferred for one week to the same time and place, providing that a notice in writing specifying the deferment shall be forwarded to each financial and registered member and other members entitled to vote at such meetings in accordance with the Constitution, care of their contact detail/s and be posted on the digital Notice Board.
 - b) Should a quorum not be present at the advertised commencement time of the deferred ‘*Council*’ Annual General Meeting of the Kirra Surf Club, the chairperson may declare those present to be a quorum and the meeting shall be deemed to be properly constituted.

- c) Should a quorum not be present at the advertised commencement time of a '*Council*' general meeting of the Kirra Surf Club, the meeting shall lapse and the business to be transacted at that meeting shall be dealt with by the Board of Management.
- d) Should a quorum not be present at the advertised commencement time of a '*Council*' Special General Meeting of the Kirra Surf Club, the meeting shall lapse and the business to be transacted at that meeting shall be dealt with by the Board of Management.
- e) Should a quorum not be present at the advertised commencement time of a '*Board of Management*' meeting of the Kirra Surf Club, then the meeting shall be deferred for one week to the same time and place, provided that a notice specifying the deferment shall be forwarded to each elected voting member of the Board care of their contact detail/s and be posted on the digital Notice Board.
- f) Should a quorum not be present at the advertised commencement time of the deferred '*Board of Management*' meeting of the Kirra Surf Club, the chairperson may declare those elected officers present to be a quorum.
- g) Should a quorum not be present at the advertised commencement time of a '*Board Sub-Committee*' or a '*Special Committee*', the meeting shall lapse.

29.5 NOTICE OF MOTION

- 29.5.1 A '*Notice of Motion*' intended to be moved at a '*Council*' Annual General Meeting, General Meeting and/or a Special General Meeting of the Kirra Surf Club, shall be given in writing to the Secretary duly signed by the mover and seconder who are registered and financial members eligible to vote at such meetings to which the '*Notice of Motion*' shall be referred, at least twenty-eight clear days prior to the date of such '*Council*' meeting, and the '*Notice of Motion*' shall be included in the notification and meeting agenda for such meeting/s.
- 29.5.2 Those members of the Kirra Surf Club eligible to be vote at the meeting to which the '*Notice of Motion*' is submitted for determination, may by resolution of a '*simple majority*' grant the mover and seconder leave to alter their '*Notice of Motion*', in a minor way and without altering the intention of the '*Notice of Motion*', whilst no major amendment to the '*Notice of Motion*' will be accepted.
- 29.5.3 A '*Notice of Motion*' of which due notice has been given, if unsuccessful, cannot be resubmitted, nor may any other '*Notice of Motion*' having a similar effect be included for the next meeting of the Kirra Surf Club '*Council*' or within six (6) months from the date of its rejection, unless approved by the Board of Management.
- 29.5.4 A '*Motion to Rescind*' any '*Notice of Motion*' carried at a meeting of the Kirra Surf Club '*Council*' and/or a Board of Management meeting may be considered only at a subsequent meeting of such entities.
- 29.5.5 A '*Motion to Rescind*' a resolution carried at a previous meeting shall be accepted only on the written submission of a '*Notice of Motion*' signed by not less than two (2) registered and financial members eligible to vote at such meetings of the '*Council*' or Board of Management to which the rescission motion refers.
- 29.5.6 A '*Notice of Motion*' to be either moved or seconded by the Kirra Surf Club delegate at a Branch '*Council*' meeting must be accompanied by the written endorsement of the Surf Club '*Board of Management*' and/or '*Council*'.

30 COUNCIL

30.1 AUTHORITY AND RESPONSIBILITY

- 30.1.1 The overall authority and responsibility for the affairs of the Kirra Surf Life Saving Club (the Association) is vested in the *'Council'* of the Kirra Surf Club, and all resolutions of *'Council'* shall be applicable and binding for all members.
- 30.1.2 The primary function of the *'Council'* is to provide leadership and guidance for the Kirra Surf Club and its auxiliary organisation/s in furthering the *'Objects'* of the Surf Club as detailed in this Constitution.
- 30.1.3 The Kirra Surf Club *'Council'* shall have responsibility for determining the following as are provided and/or recommended by the Board of Management, and/or such other matters pertaining to the business function and membership of the Surf Club:
- a) Define the future direction for the Kirra Surf Club through the adoption of strategic, operational, and business functional plans and/or other major business strategies to further the *'Objects'* of the Surf Club.
 - b) Adopt the annual budget and approve major financial borrowings of the Kirra Surf Club.
 - c) Endorse all/any Constitution alterations, amendments, rescindments and/or additions as deemed necessary from time to time for the contemporary and effective business management of the Kirra Surf Club.
 - d) Determine operational, business and building/s facilities major capital improvement strategies, programs, investments, expenditure, and borrowings as necessary by the Kirra Surf Club.
 - e) Elect *'Officers'* to the Board of Management and Board Sub-Committee/s and appoint *'Honorary'* positions of the Kirra Surf Club.
 - f) Approve Honorary Life Membership and Honorary Life Governor Membership of the Kirra Surf Club.
 - g) Adopt such other business as may be determined by the *'Council'* of the Kirra Surf Club.
- 30.1.4 *'Council'* shall ensure that internal management control systems and governance arrangements for the Kirra Surf Club are established and operating efficiently in accordance with this Constitution and the By-Laws, and shall continue to monitor the performance, progress and results associated with these arrangements.
- 30.1.5 Kirra Surf Club registered and financial members in the categories of Active Members, Reserve Active Members, Long Service Members, and Honorary Life Members; and Honorary Life Governor Members and Honorary Members as stipulated in the conditions of such membership categories as detailed in this Constitution, are eligible to vote at *'Council'* General Meetings and be elected to hold office of the Board of Management and/or Board Sub-Committee/s and vote thereon.
- 30.1.6 Resolution/s determined at all *'Council'* General Meetings shall be applicable and binding on the Kirra Surf Club and its members.

30.2 COUNCIL – ANNUAL GENERAL MEETING

- 30.2.1 The Kirra Surf Club *'Council'* Annual General Meeting shall be scheduled between May and July of any given year and be held at least one week prior to the Branch annual general meeting:

- a) The '*Council*' Annual General Meeting shall be held in accordance with the provisions of this Constitution.
- b) The '*Council*' Annual General Meeting shall be held at the Kirra Surf Club (clubhouse) premises and scheduled as determined by the Board of Management at a time and on a weekend that would be supportive to achieving the maximum possible number of members attending.
- c) A twenty-eight day notice for the '*Council*' Annual General Meeting shall be given to all Surf Club members care of their contact detail/s and be posted on the digital Notice Board, and such notice shall include the meeting agenda, details for nominating for office, notice of motion/s, and other items in accordance with this Constitution.
- d) The business to be transacted at the '*Council*' Annual General Meeting of the Kirra Surf Club must include and is not limited to:
 - (i) Attendance, Apologies and Declarations of Interest.
 - (ii) Presentation of the Annual Report.
 - (iii) Presentation of the Annual Financial Statement and Auditor's Report for the preceding financial year.
 - (iv) Remuneration and other benefits disclosure.
 - (v) Determine the nomination (if any) for Honorary Life Membership and Honorary Life Governor Membership.
 - (vi) The election of '*Officers*' to the Board of Management and appointment of '*Honorary*' positions, in accordance with the Constitution.
 - (vii) Endorsement of Board Sub-Committees and Special Committee/s in accordance with the Constitution.
 - (viii) Affiliation with the SLSQ Point Danger Branch.
 - (ix) Affiliation of the Kirra Surf Life Saving Supporters Association (Incorporated).
 - (x) Appointment of Auditors for the forthcoming financial year.
 - (xi) Notice/s of Motion (as previously submitted in accordance with the Constitution).
 - (xi) No general business other than that as provided in the circulated '*Notice of Meeting and Agenda*' shall be transacted at a '*Council*' Annual General Meeting.

30.2.2 The Secretary shall provide to the Branch and forward to SLSQ, the names and contact details of those members duly elected and/or endorsed at the '*Council*' Annual General Meeting to the Board of Management and/or details of other elected and/or endorsed officers of the Surf Club as may be required by the Branch.

30.3 COUNCIL – GENERAL MEETING (Mid-term)

30.3.1 A mid-year Kirra Surf Club '*Council*' General Meeting shall be held within the December/January period of any given season for the purpose of the Board of Management to:

- a) Inform and/or update the membership on the surf lifesaving operations, financial and business performance of the Surf Club.
- b) Elect or appoint members to vacant '*Officer*' and/or '*Honorary*' position/s.

- c) To present '*Notice of Motions*' as required for consideration and/or resolution in accordance with the Constitution.
- 30.3.2 A twenty-eight day notice of a '*Council*' General Meeting that includes the meeting agenda shall be given to all Kirra Surf Club members care of their contact detail/s and be posted on the digital Notice Board.
- 30.3.3 A '*Council*' General Meeting may be called from time to time by the Board of Management to deal with urgent '*Notice of Motion/s*' and/or other major business recommendations as provided by the Board requiring '*Council's*' endorsement.

30.4 COUNCIL – SPECIAL GENERAL MEETING

- 30.4.1 A Kirra Surf Club '*Council*' Special General Meeting may be convened when either called for by the Board of Management and/or as requested by not less than the number of registered and financial Surf Club members which equals to double the number of members presently elected to that year's Board of Management, plus one.
- 30.4.2 Requisition for a '*Council*' Special General Meeting shall list the names of the eligible members requesting the meeting and clearly state the specific reason/s for the '*Council*' meeting.
- 30.4.3 The requisition for a '*Council*' Special General Meeting may also include a duly signed '*Notice of Motion*' as submitted in accordance with this Constitution, detailing the resolution proposed for determination by the eligible voting Kirra Surf Club members attending the '*Council*' Special General Meeting.
- 30.4.4 A '*Council*' Special General Meeting convened by the Kirra Surf Club registered and financial members and other members entitled to vote at a '*Council*' general meeting as detailed in this Constitution, does not require authorisation to proceed by either the elected President and/or the Board of Management of the Surf Club.
- 30.4.5 A twenty-eight day notice in writing for a '*Council*' Special General Meeting that includes the meeting agenda, Notice/s of Motion, and the specific business to be transacted thereat, shall be given to all Kirra Surf Club members care of their contact detail/s and be posted on the digital Notice Board.

31 BOARD OF MANAGEMENT

31.1 PURPOSE AND FUNCTION

- 31.1.1 The day-to-day business management of the Kirra Surf Club is the responsibility of the '*Board of Management*' as it relates to the '*Objects*' of the Surf Club, the Constitution, By-Laws, and/or any other eligible policies, rules and regulations as is required for the ongoing benefit of the Surf Club in accordance with this Constitution, the Act and/or other relevant government Act/s.
- 31.1.2 The '*Board of Management*' shall from time to time, undertake in consultation with the Kirra Surf Club membership and other person/s having the required professional qualifications and experience, the research and development (or update) of the business proposal/s and recommendation/s specifically targeting the ongoing strategic development supporting a sustainable operating future for the Surf Club and its members, in accordance with the authority of and approval by '*Council*'.
- 31.1.3 The '*Board of Management*' shall comprise the following '*Officer*' positions of: President; Deputy President; Secretary; Treasurer; Captain; Vice-Captain; Education and Training Officer; Surf Sports Officer; IRB Officer; Youth

Development Officer; Chairperson, Kirra Junior Activities Committee; and President, Kirra Surf Life Saving Supporters Association.

- 31.1.4 Only registered and financial Kirra Surf Club members as specified in the membership categories of this Constitution shall be eligible to nominate for and be elected to hold office of the '*Board of Management*' and vote thereon.
- 31.1.5 A duly effected '*Officer*' to a position of the Board of Management may be referred to as a '*Director*' of the Board in accordance with this Constitution, however it is not mandatory for the term '*Director*' be used to reference an '*Officer*' of the Board.
- 31.1.6 The '*Office Manager*' shall provide administrative support and counsel to the Board of Management, attend and contribute to the business of the Board meeting/s, however the '*Office Manager*' is not entitled to vote at such meeting/s.
- 31.1.7 The '*Board of Management*' may consider if appropriate in furthering the '*Objects*' of the Kirra Surf Club, to allocate an elected officer of the Board to a specific portfolio with responsibilities and reporting as determined by the Board.
- 31.1.8 The '*Board of Management*' may co-opt as required any person with the appropriate professional qualifications and experience to assist the Board with such matters so as will benefit in furthering the '*Objects*' of the Kirra Surf Club; and such person/s shall not be an elected officer of nor be entitled to vote at a Board meeting and shall act only in an advisory capacity as determined within the terms and duration of the role.

31.2 RESPONSIBILITY OF POSITION

- 31.2.1 All elected '*Officers*' of the Board of Management shall always act on behalf of and in the principal interests for the Kirra Surf Club and its members.
- 31.2.2 Each elected '*Officer*' of the Board of Management is obligated to ensure that open, transparent and regular communications of the business activity of the Board is maintained with all Kirra Surf Club members on all/any Board decisions that impact on the membership and/or the function of the Surf Club relevant to surf lifesaving operations, membership services and business improvement strategies, and/or on all other such matters and decisions that are relevant to the '*Objects*' of the Surf Club as detailed in this Constitution.
- 31.2.3 Elected '*Officers*' of the Board of Management and/or its delegate/s, shall positively represent and accurately communicate all/any decisions of the '*Council*' and/or the Board in all/any Surf Life Saving, government, business and/or community forums where such '*Officers*' and/or delegate/s attend as a member of and/or a representative for the Kirra Surf Club; and when communicating for and on behalf of the Surf Club in any written format and/or verbally with such other Surf Life Saving entities, government, business, community organisations, and/or within the wider community.
- 31.2.4 Elected '*Officers*' of the Board of Management shall communicate with respect and confidence with other elected officers and/or staff of the Branch, SLSQ and SLSA on seeking advice and/or sharing information as applicable to and in the pursuit of the Kirra Surf Club '*Objects*' as detailed in this Constitution; and the '*Objects*' of the constitutions for the Branch, SLSQ and SLSA.
- 31.2.5 Elected '*Officers*' of the Board of Management shall declare their interest/s in any contractual, employment selection, disciplinary and/or any other matter/s in which a conflict of interest arises or may arise, and shall unless otherwise be determined by the Board, abstain themselves from discussions on such matter/s and shall not be entitled to vote in respect of such matter/s; and in

the event of uncertainty as to whether it is necessary for an elected '*Officer*' to be absent during the discussion or refrain from voting, the issue shall be immediately determined by a vote of the Board, or if this is not possible, the matter shall be adjourned or deferred, and all disclosed interests must be submitted to a '*Council*' General Meeting in accordance with this Constitution and the Act.

31.3 MEETINGS OF THE BOARD

31.3.1 Kirra Surf Club '*Board of Management*' meetings shall be convened as a minimum, once in every two months in accordance with the following arrangements:

- a) A seven day notice in writing of the meeting including the agenda shall be provided to the elected officers of the Board of Management.
- b) A notice advising all Kirra Surf Club members of a scheduled and/or a special meeting of the Board of Management shall be posted on the digital Notice Board within seven days prior to the date of the scheduled meeting.
- c) A '*Special*' meeting of the Board of Management may be convened upon request of the President and/or by not less than a majority of the elected officers of the Board, and a seven day notice in writing of the meeting including the agenda is to be provided to the elected officers of the Board and be posted on the digital Notice Board.
- d) The quorum for a Board of Management meeting shall be not less than the number of officers required for a simple majority.
- e) Kirra Surf Club registered and financial members and/or other eligible members as detailed in this Constitution, may attend and observe '*Board of Management*' meetings, however they are not entitled to vote at such meetings.
- f) The business to be transacted at the Board of Management meeting of the Kirra Surf Club must include and is not limited to:
 - (i) Attendance, Apologies and Declarations of Interest.
 - (ii) Confirmation of the Minutes for the previous Board meeting.
 - (iii) Business arising from the previous Board meeting.
 - (iv) Administration Report and business arising.
 - (v) Financial Report and business arising.
 - (vi) Membership.
 - (vii) Grievance/Complaints Management
 - (viii) Director/s, Delegate/s, Board Sub-Committee/s, Special Committee/s, and other Reports.
 - (ix) Reports/updates by the President JAC and President KSLSS Association.
 - (x) Notice/s of Motion (as previously submitted in accordance with the Constitution).
 - (xi) General Business.

32 AUTHORISED OFFICER/S

32.1 '*Authorised Officer/s*' of the Kirra Surf Club shall comprise those from amongst the duly elected officers of the Board of Management, and include the President,

Secretary, Treasurer and Captain in representing the Surf Club's business and functional areas of administration, finance, and surf lifesaving operations.

- 32.2 The *'Authorised Officer/s'* on approval by the Board of Management may deal with emergent business items relevant to the Kirra Surf Club that may arise from time to time between meetings of the Board, which require prompt and/or urgent attention, pending referral back to and endorsement by the Board.
- 32.3 A record of all/any action undertaken by the Kirra Surf Club *'Authorised Officer/s'* as approved by the Board of Management in dealing with an emergent operational or business item, and the recommendation/s pertaining to such action, shall be submitted by the Secretary to the next Board meeting for consideration and/or approval as required, and recorded in the *'Minutes'* for that Board meeting.

33 SUB-COMMITTEE/S AND SPECIAL COMMITTEE/S

- 33.1 Board of Management *'Sub-Committee/s'* of the Kirra Surf Club as determined by the *'Council'* shall be established to assist the Board with specific tasks in furthering the *'Objects'* of the Surf Club as detailed in this Constitution.
- 33.2 Board of Management *'Sub-Committee/s'* shall regularly report and/or provide recommendations to the Board as is relevant to the specific task/s or function of such committees.
- 33.3 Kirra Surf Club registered and financial members and/or other eligible membership categories as specified in this Constitution shall be entitled to nominate for and be elected at a *'Council'* Annual General Meeting to hold office of a Board of Management *'Sub-Committee'* and vote thereon.
- 33.4 Kirra Surf Club registered and financial members and/or other eligible members as specified in this Constitution and/or such persons who have the relevant professional qualifications and experience, may be invited to form a *'Special Committee'* that is convened by the Board of Management for a specific task/s in furthering the *'Objects'* of the Surf Club as detailed in this Constitution.

34 JUNIOR ACTIVITIES COMMITTEE

- 34.1 The Kirra Surf Club *'Junior Activities'* is an integral part of the Surf Club.
- 34.2 *'Council'* shall authorise the formation of the Kirra Surf Club *'Junior Activities Committee'* as a Sub-Committee of the Board of Management for such purpose and function/s as may be determined from time to time in consultation between the Board and the *'Junior Activities Committee'*.
- 34.3 The *'Junior Activities Committee'* as referenced in this Constitution as the *'JAC'* shall be compliant with the following:
 - 34.3.1 The *'JAC'* as a Kirra Surf Club *'Sub-Committee'* reports through its chairperson to the Board of Management.
 - 34.3.2 The *'JAC'* shall function in accordance with the *'Objects'* of the Kirra Surf Club and for the relevant *'Membership Categories'* as detailed in this Constitution; and in accordance with the Constitution, By-Laws and eligible policies of the Surf Club, and/or the constitutions and other periodic *'Directives and/or Operational Guidelines'* of the Branch, SLSQ and SLSA.
 - 34.3.3 The *'JAC'* shall be elected annually and include a chairperson and other *'Officers'* of the committee as deemed necessary to best support of functions and events scheduled for the benefit of the membership of the *'Kirra Junior Activities'*.
 - 34.3.4 The *'JAC'* chairperson shall be the delegate to and an officer of the Kirra Surf Club *'Board of Management'* and entitled to vote thereon in accordance with this Constitution.

- 34.3.5 The elected 'JAC' chairperson shall be the delegate to the Branch '*Board of Junior Activities*' and in doing so shall represent the principal interests of the Kirra Surf Club and the '*Kirra Junior Activities*' in accordance with this Constitution.
- 34.3.6 On those occasions that the elected 'JAC' chairperson be unavailable to attend a Surf Club '*Board of Management*' and/or a Branch '*Board of Junior Activities*' meeting, an elected officer of and as determined by the 'JAC' shall represent the interests of the Kirra Junior Activities as the 'JAC' delegate.

35 ELECTION TO OFFICE (*Officers/Positions*)

'*Officers*' of the Board of Management, Board Sub-Committee/s, and Honorary and Appointed Position/s of the Kirra Surf Life Saving Club shall be elected and/or appointed at the Surf Club's '*Council*' Annual General Meeting.

35.1 BOARD OF MANAGEMENT

- 35.1.1 '*Board of Management*' positions shall be elected annually at the '*Council*' Annual General Meeting and include: President; Deputy President; Secretary; Treasurer; Captain; Vice-Captain; Education and Training Officer; Surf Sports Officer; IRB Officer; and Youth Development Officer.
- 35.1.2 The elected Chairperson 'JAC' and President '*KSLSS Association*' will be endorsed at the '*Council*' Annual General Meeting as officers of the Kirra Surf Club '*Board of Management*'.
- 35.1.3 Only Kirra Surf Club registered and financial members and/or other members as specified in the conditions for such membership categories as detailed in this Constitution shall be eligible to nominate for and hold office of the '*Board of Management*' and vote thereon.

35.2 BOARD SUB-COMMITTEE/S

- 35.2.1 Only Kirra Surf Club registered and financial members and/or other members as specified in the conditions for such membership categories as detailed in this Constitution shall be eligible to nominate for and hold office of the Board of Management '*Sub-Committee/s*' and vote thereon.
- 35.2.2 Board of Management '*Sub-Committee/s*' positions supporting the elected officers of the Board and endorsed at the '*Council*' Annual General Meeting shall include the positions of: First Aid Officer; Communications Officer; Surf Boat Officer; and Team Manager; and if such positions are not filled at the '*Council*' Annual General Meeting, they may be temporarily filled by the Board and endorsed at a subsequent '*Council*' General Meeting.
- 35.2.3 The elected Kirra Surf Club '*Junior Activities Committee*' for the forthcoming year shall be endorsed at the '*Council*' Annual General Meeting as a sub-committee of the Board.
- 35.2.4 The Kirra Surf Club '*Administration and Finance Sub-Committee*' shall comprise the President; Secretary; Treasurer; and President '*KSLSS Association*'; and the Office Manager shall assist this Sub-Committee as a non-voting member.
- 35.2.5 The Kirra Surf Club '*Building/s and Equipment Sub-Committee*' shall comprise the Deputy President as chairperson; Surf Club Vice-Captain; IRB Officer; Surf Boat Officer; First Aid Officer; and Communications Officer.
- 35.2.6 The Kirra Surf Club '*Surf Sports Sub-Committee*' shall comprise the Surf Sports Officer as chairperson; Surf Club Captain; IRB Officer; Surf Boat Officer; Youth Development Officer, Team Manager; and the Surf Sport Coach/s (as appointed); and the Office Manager will assist this Sub-Committee as non-voting members.

- 35.2.7 The Kirra Surf Club '*Meritorious Selection Sub-Committee*' shall comprise as a minimum of not less than five Kirra SLSC Honorary Life Members, and this Sub-Committee shall select from amongst its officers a chairperson.
- 35.2.8 The Kirra Surf Club '*Surf Lifesaving Operations Sub-Committee*' shall comprise the Surf Club Captain as chairperson; Vice-Captain; IRB Officer; Education and Training Officer; Youth Development Officer; First Aid Officer; and this '*Sub-Committee*' shall regularly communicate via the Surf Club Captain with each Patrol Captains in establishing and maintaining quality standards for the provision of surf lifesaving operations.
- 35.2.9 The Board of Management shall '*as required*' appoint a Kirra Surf Club '*Judiciary Sub-Committee*' that will comprise three members who are either Surf Club registered and financial members and/or such other person/s professionally qualified and experienced in Human Resource Management and Conflict Negotiations/Resolution.
- a) The Board shall appoint annually a Member Protection Information Officer and a Complaints Manager in accordance with the SLSA Complaints Management Policy.
- 35.2.10 The Kirra Surf Club President may choose from time to time to attend Board Sub-Committee and Special Committee meetings with exception being that of the Kirra Surf Club '*Judiciary Sub-Committee*', and notification of all such meetings shall be provided to the '*Office*' of the Surf Club.
- 35.2.11 An '*Activity Report*' as required will be presented by the Board of Management '*Sub-Committee/s*' as an agenda item for all Board meetings of the Kirra Surf Club.

35.3 HONORARY POSITIONS

- 35.3.1 '*Honorary*' positions of the Kirra Surf Club including that of Patron, Vice-Patron of two positions, Medical Officer, and Legal Officer shall be appointed at the Surf Club's '*Council*' Annual General Meeting.
- a) Only '*one*' person shall be endorsed to hold each '*Honorary*' position.
- b) An appointee to an '*Honorary*' position does not hold office of the Surf Club's Board of Management and does not have voting rights.
- c) Successful nominee/s for the '*Honorary*' positions of Patron, Vice-Patron of two positions, Medical Officer, and Legal Officer shall hold such positions for a term of two (2) years.
- d) Successful nominee/s appointed to '*Honorary*' positions report through the Surf Club President to the Board of Management.
- 35.3.2 '*Honorary*' positions date to the foundation of the Kirra Surf Life Saving Club on the 7th January 1916:
- a) In maintaining the traditions and values of the Kirra Surf Club, only an Honorary Life Member; Active, Reserve Active, or Long Serving Member; and/or an Honorary Life Governor Member or Past Active Member of the Surf Club, who is being considered for appointment to the '*Honorary*' position of '*Patron*', shall be highly respected and have a long association (minimum of ten years) with the Surf Club; and is a person who will encourage, support, protect, and advocate with distinction on behalf of and in the primary interests of the Surf Club and all its membership.
- b) A person/s considered for the two '*Honorary*' position/s of '*Vice-Patron*' may or may not be a member of the Kirra Surf Club, however such nominee/s shall be highly respected and a successful person within the

broader business community; and is a person who will advocate with distinction on behalf of the Kirra Surf Club and all its membership.

- c) A person considered for the '*Honorary*' position/s of '*Medical Officer or Legal Officer*' may or may not be a member of the Kirra Surf Club, however such nominee/s shall have the required professional qualifications and experience necessary to perform all aspects of the '*Honorary*' position; and is a person who will advocate with distinction on behalf of the Kirra Surf Club and all its membership.
- d) The '*Meritorious Selection Sub-Committee*' shall convene in April of any given year to consider all received written nominations for the '*Honorary*' positions of Patron, Vice-Patron of two positions, Medical Officer and Legal Officer, which are duly signed by the '*Proposer*' and '*Secunder*' who are registered and financial Kirra Surf Club members and/or other members in accordance with this Constitution who are eligible to vote at a '*Council*' Annual General Meeting.
- e) The '*Meritorious Selection Sub-Committee*' shall consider the merits of all nominations to justify a Notice of Motion for the Board to include in the business of the '*Council*' Annual General Meeting recommending the appointment of '*nominee/s*' to the '*honorary*' positions of Patron, Vice-Patron of two positions, Medical Officer and Legal Officer for the term of two (2) years.
- f) The '*Meritorious Selection Sub-Committee*' may determine that nomination/s received were not meritorious to justify a recommendation to '*Council*' for appointment/s to any vacant '*honorary*' position/s of the Surf Club.

35.3.4 A recommendation by the outgoing Board of Management shall be provided at the Kirra Surf Club '*Council*' Annual General Meeting for the appointment of an '*Auditor*' for a one (1) year tenure in accordance with the Constitution and the Act.

35.4 NOMINATIONS FOR OFFICE

35.4.1 The Kirra Surf Club '*Secretary*' when calling for nominations on behalf of the Board of Management, shall provide a '*Position Description*' for each '*Officer*' position detailing the purpose, function, and minimum qualifications that are necessary for a nominee to successfully perform in a position of the Board and/or Board Sub-Committee/s.

35.4.2 The Board of Management shall periodically review the '*Position Description/s*' of the Kirra Surf Club to ensure currency of purpose and function for such position/s.

35.4.3 '*Nomination/s for Office*' to be elected as an '*Officer*' of the Board of Management and Board Sub-Committee/s at the '*Council*' Annual General Meeting shall be in writing on the approved Nomination Form duly signed by the nominee, mover, and seunder, all of whom shall be Kirra Surf Club registered and financial members and/or other members eligible to vote at a '*Council*' meeting in accordance with this Constitution.

35.4.4 Nomination Forms duly signed for a position of the Board of Management and Board Sub-Committee/s, may be emailed, posted or hand delivered, and to be received by the Surf Club '*Office*' no later than fourteen days prior to the date of the '*Council*' Annual General Meeting.

35.4.5 '*Nominations for Office*' received and confirmed by the Secretary that comply with the Constitution, shall be circulated in writing at least seven days prior to the date of the '*Council*' Annual General Meeting to all Kirra Surf Club

members care of their contact detail/s and be posted on the digital Notice Board.

- 35.4.6 If a '*Nomination for Office*' for a position of the Board of Management and Board Sub-Committee/s to be determined at the '*Council*' Annual General Meeting is not received, a nomination may be accepted at that meeting, provided that the eligible nominee is present and consents to the nomination.
- a) If the member nominated is not present at the meeting, the Secretary must have previously received written consent from the nominee accepting the late nomination to the position.

35.5 ELECTION PROCEDURE

- 35.5.1 If only one '*Nomination for Office*' is received by the '*Secretary*' within the designated timeframe for a specific position of the Board of Management or the Board Sub-Committee/s of the Kirra Surf Club, and it is assessed by the '*Secretary*' to be in accordance with the Constitution, that nomination shall be accepted and endorsed for the position at the '*Council*' Annual General Meeting.
- 35.5.2 When two or more appropriate nominations are received for a position of the Board of Management or the Board Sub-Committee/s of the Kirra Surf Club, the voting by those eligible members present at the '*Council*' Annual General Meeting shall be by secret ballot, and if there is an equality of votes the following shall apply:
- a) Should one of the nominees be the incumbent of that position for the previous season, such nominee shall be declared re-elected.
 - b) If none of the nominees had occupied the position for the previous season, which is the subject of the ballot, the successful nominee shall be determined by simple majority vote with the meeting chairperson having the casting vote.
- 35.5.3 The incumbent President of the Kirra Surf Club, if seeking re-election, shall vacate the chairperson role at the '*Council*' Annual General Meeting prior to the ballot for the position of President, and the incumbent Deputy President shall chair the meeting for the period of the ballot; and should the Deputy President be ineligible to chair the meeting in lieu of the President, then those eligible members present will by vote select a registered member of the Surf Club as the interim chairperson.
- 35.5.4 Following the vote to elect the President of the Kirra Surf Club at the '*Council*' Annual General Meeting, the successfully elected President shall assume the chairperson role for the continuation of the meeting.
- 35.5.5 Kirra Surf Club members elected to a position as an '*Officer*' of the Board of Management and/or Board Sub-Committee/s in accordance with this Constitution, shall retain office from the election of '*Officers*' at a '*Council*' Annual General Meeting at which they were elected until the subsequent '*Council*' Annual General Meeting election of '*Officers*'.
- 35.5.6 Incumbent '*Officers*' of the Board of Management and Board Sub-Committee/s of the Kirra Surf Club may nominate to be re-elected.
- 35.5.7 An incumbent officer of the Board of Management and Board Sub-Committee/s of the Kirra Surf Club, shall continue in office until a successor is appointed, unless the officer had resigned or was removed from office owing to illness, incapability or some other reason so determined.
- 35.5.8 In the event of a vacancy occurring for a position of the Board of Management and/or Board Sub-Committee/s, Honorary and/or other appointed positions of the Kirra Surf Club as elected, endorsed and/or

appointed at the '*Council*' Annual General Meeting, such vacancy may be temporarily filled by the Board subject to the normal conditions of nomination and the temporary appointment/s shall be submitted for endorsement at a subsequent '*Council*' General Meeting.

36 REMOVAL FROM OFFICE

- 36.1 The '*Council*' of the Kirra Surf Club only shall have authority to remove from office a duly elected '*Officer*' of the Board of Management or a Board Sub-Committee, and/or an '*Honorary*' position for such reasons that include as follows but not limited to:
- 36.1.1 Not complying as an elected officer with the rules of the Kirra Surf Club Constitution and/or By-Laws, and such other policy resolutions as may be determined from time to time by '*Council*' or the Board of Management of the Surf Club, and/or with the constitutions, regulations, and eligible policies and directives of the Branch, SLSQ and SLSA.
 - 36.1.2 Failure to ensure open, transparent, and regular communications with the Kirra Surf Club members as an elected officer of the Board of Management.
 - 36.1.3 Not representing the principal interests of the Kirra Surf Club and its members as an elected officer and/or as a delegate of the Surf Club.
 - 36.1.4 Failing to proactively support and accurately communicate the resolutions determined by majority vote of the members of '*Council*' and/or by the elected officers of the Board of Management of the Kirra Surf Club.
 - 36.1.5 Failing to seek prior consent from the Board of Management to hold any '*Office of Profit*' for and/or under the jurisdiction of the Kirra Surf Club, with exception being casual employment from time to time under the authority of the Kirra Surf Life Saving Supporters Association.
 - 36.1.6 Being directly or indirectly interested in any contract or proposed contract with the Kirra Surf Club and/or its affiliated organisations and failing to declare to the Board of Management the nature of such personal interest/s.
 - 36.1.7 Subject of disciplinary action in accordance with this Constitution that results with membership rejection, suspension, or termination.
 - 36.1.8 Other inappropriate behaviour/s that would be injurious or prejudicial to the character or interests of the Kirra Surf Club, its members, and the '*Objects*' of the Surf Club as detailed in this Constitution.
 - 36.1.9 Be a member who would otherwise be prohibited from being an elected '*Director*' of a corporation under the *Associations Corporation Act 1981 (Qld)*.
- 36.2 An elected officer who is absent from three (3) consecutive meetings of either the Board of Management and/or a Board Sub-Committee without providing a satisfactory reason for such absence, may be removed from office by '*Council*' on a '*Notice of Motion*' as provided by the Board.
- 36.3 The elected officers of the Board of Management may by a majority vote of those members present at the Board meeting, submit to a '*Council*' General Meeting a '*Notice of Motion*' recommending the removal from office of a duly elected officer of the Board and/or a Board Sub-Committee for reasons as detailed in the '*Notice of Motion*'.
- 36.4 In the event that an elected officer is removed from office by '*Council*', that member shall not be eligible for re-election to a position of the Board of Management and/or a Board Sub-Committee of the Kirra Surf Club for the remaining period of that current operating year and/or for the subsequent year.
- 36.5 A member whose term as an elected officer of the Board of Management and/or a Sub-Committee is terminated by '*Council*' and/or who ceases to be a member of the

Kirra Surf Club, for whatever reason, shall be notified in writing by the Secretary within fourteen days of the decision by 'Council'.

- 36.6 A member upon removal from office who has in their possession for the purpose of the elected position or otherwise, all/any Kirra Surf Club '*Intellectual Property*' including documents and records in any written or electronic format and/or other property, shall not copy such '*Intellectual Property*' for their personal use, and shall immediately return all such property and/or other property in their possession, custody or control to the Surf Club; and subsequently delete all such '*Intellectual Property*' and/or other property in their possession as stored on their personal electronic device/s; and failure to comply within fourteen days of the date of the written advice as provided by the Secretary of the termination of office, the matter shall be reported to the Queensland Police Service for action as is deemed necessary.
- 36.7 A resolution of 'Council' as the governing authority for the affairs of the Kirra Surf Club to remove an elected officer from a position of the Board of Management and/or a Board Sub-Committee, shall be binding and applicable to the Surf Club and its membership.
- 36.8 An elected officer (Director) of the Board of Management and/or as an elected member of other Kirra Surf Club committees, has no right of appeal against a resolution by 'Council' for their removal from office under this clause.

37 PROPERTIES

- 37.1 All property, buildings, equipment, and other fixtures and furnishings; including the cold rooms, all bar and kitchen appliances, installed hot water and gas services, and furnishings as detailed in the inventory of the licensed Kirra Supporters Club managed by the '*KSLSS Association*'; being the assets of the Kirra Surf Club as an Incorporated Association shall be vested in the name of the '*Kirra Surf Life Saving Club*' in accordance with this Constitution.
- 37.2 Property and assets of the Kirra Surf Club shall be that as is used for the purpose as defined in the '*Objects*' of the Constitution and/or be such other property and assets including all intellectual property of the Surf Club.
- 37.3 All property, buildings, equipment, and other assets of the Kirra Surf Club including all income shall be applied solely for furthering the '*Objects*' of the Surf Club.
- 37.4 The Kirra Surf Club 'Council' shall through its Board of Management undertake whatever reasonable means necessary to preserve the property, buildings, assets, equipment, and the historical records and membership information, photographs, memorabilia, and intellectual property and/or all other property of importance to the Surf Club dating back to its foundation on the 7th January 1916.
- 37.5 The Board of Management shall upon seeking appropriate legal advice maintain required leases/s and/or sub-lease/s documentation for acquired built property, land and/or other assets to be utilised by the Kirra Surf Club for the purpose of providing operational surf lifesaving community and member services, operational and other equipment storage and maintenance, and business enhancement and revenue generating arrangements, in accordance with the '*Objects*' of this Constitution.

38 FINANCIAL MANAGEMENT ARRANGEMENTS

The Kirra Surf Life Saving Club (the Association) as a '*charitable not-for-profit voluntary community service organisation*' is established for the purpose and function/s as detailed in this Constitution.

38.1 OPERATING FRAMEWORK

- 38.1.1 The '*Financial Framework*' for the management of all income, expenditure, property, buildings, and investments of the Kirra Surf Club shall be in accordance with this Constitution, the Act and/or any relevant government

Acts that may be required for the authorised function/s of the Surf Club as an incorporated Association under the Act.

- 38.1.2 The income and property of the Kirra Surf Club shall be applied solely for the promotion of the '*Objects*' as detailed in this Constitution.
- 38.1.3 Except as prescribed in this Constitution, no portion of the income or property of the Kirra Surf Club shall be paid or transferred directly and/or indirectly by way of dividend, bonus or otherwise to any Surf Club member, and no remuneration or other benefit in money or money's worth shall be paid or given by the Surf Club to any member who holds any office of the Surf Club.
- 38.1.4 Nothing contained in the aforesaid (Clauses 38.1.2 and 38.1.3) shall prevent payment in '*good faith*' of or to any Kirra Surf Club member for:
- a) Any services actually rendered to the Surf Club whether as an employee or otherwise;
 - b) Goods supplied to the Surf Club in the ordinary and usual course of operations;
 - c) Interest on money borrowed from any member;
 - d) Rent for premises demised or let by any member to the Surf Club; and
 - e) Any out-of-pocket expenses incurred by the member on behalf of the Surf Club;

provided that any such payment shall not exceed the amount payable between ordinary commercial parties dealing in a similar transaction.

- 38.1.5 The Board of Management shall provide for the safe custody of all Surf Club financial and administrative records as well as all relevant books, documents, electronic files and records, instruments of title and securities, and any/all other such documentation and records as are required and in the possession of the Surf Club.
- 38.1.6 All financial and administrative records and/or other documents of the Surf Club shall be retained and secured for a minimum period of seven years after the completion of the administrative and financial transactions and/or the operational term to which they relate.
- 38.1.7 The Board shall maintain an electronic record of all '*Property and Investments*' of the Surf Club with such record retained in the Surf Club '*Office*'.
- 38.1.8 The financial activities of the Board of Management, Board Sub-Committee/s and Special Committee/s of the Kirra Surf Club shall be under the supervision and guidance of the Surf Club '*Treasurer*' who shall, in conjunction with the chairperson of the Board, Sub-Committee and/or Special Committee, determine the method of financial operation and good governance best suited to that Surf Club committee.
- 38.1.9 Where any affiliated Branch or Surf Life Saving Club is unable to make any lawful appeal for support of that affiliated Branch or Surf Life Saving Club or for its '*Objects*', as distinct from an appeal for support for SLSQ or the '*Objects*' of SLSQ, no moneys or property whatsoever of the Kirra Surf Club shall be paid or transferred to the affiliated Branch or Surf Life Saving Club or any affiliated Branch or Surf Life Saving Club of SLSQ and SLISA as the case may be, or used for the purposes of the affiliated Branch or the Surf Life Saving Club first mentioned.
- 38.1.10 Kirra Surf Club registered and financial members and/or other members as specified in this Constitution, may apply in good faith and for a proper purpose to the Board of Management to access the financial records, books,

securities and/or any other relevant documents of the Surf Club (the Association), and upon receiving such a request, the Board may at its absolute discretion, decide to permit or refuse the request, and may impose conditions upon the member's access to such information.

38.2 APPROVED BANKING INSTITUTIONS

- 38.2.1 The Surf Club '*Council*' delegates authority for the Board of Management to open account/s in the name of the '*Kirra Surf Life Saving Club*' and in the '*Bank*' and/or a '*Financial Institution*' of choice for the daily financial transaction/s and successful business management of the Surf Club in accordance with this Constitution and the Act and/or any other government Acts as are required.
- 38.2.2 An official receipt in the form prescribed in accordance with the Act shall be issued for all income received by the Kirra Surf Club, and such income shall be banked (deposited) in the Surf Club account/s within '*five*' business days after receipt thereof.
- 38.2.3 As soon as practical after the receipt of all/any Government subsidy, grant and/or sponsorship, a receipt for the revenue received shall be forward to the relevant Government agency.

38.3 OPERATING FINANCIAL LIMITS

- 38.3.1 The Kirra Surf Club '*Board of Management*' shall upon periodic review recommend to '*Council*' for adoption, the financial transaction limit/s for the Board of Management and/or Board Sub-Committee/s and Special Committee/s as established for the purpose of furthering the '*Objects*' of the Kirra Surf Club.
- 38.3.2 The Treasurer of the Kirra Surf Club shall closely monitor the adoption and use of approved financial transaction limits as endorsed by '*Council*'.
- 38.3.3 The Board of Management shall determine the amount of '*Petty Cash*' to be available, and the '*Treasurer*' shall manage and record the use of such '*Petty Cash*'.
- 38.3.4 The '*Board of Management*' shall notify SLSQ of capital expenditure exceeding \$100,000.00, including such expenditure incurred for facilities improvements, land or property acquisitions, new facility construction, and/or business enterprise utilising Kirra Surf Club financial assets or borrowings.

38.4 AUTHORISATION FOR PAYMENT

- 38.4.1 All invoices received by the Kirra Surf Club shall in the first instance be confirmed by the Treasurer and/or the Secretary and Office Manager as a true and accurate '*Invoice of Expense*' incurred by the Surf Club, prior to the endorsement and payment of such invoice/s.
- 38.4.2 Payments shall be made by a cheque that is crossed "*Not Negotiable*" and/or by electronic funds transfer with the transaction endorsed by any two '*Authorised Officers*'; or by '*Petty Cash*' on such emergent occasions as authorised by the Treasurer on behalf of the Board of Management.
- 38.4.3 No income of the Kirra Surf Club shall be distributed directly or indirectly to any member of the Surf Club except as bona fide compensation for services rendered and/or for the reimbursement of expenses incurred by the member on behalf of and authorised by the Board of Management.

38.5 AUTHORISED OFFICERS TO ACT

- 38.5.1 The '*Authorised Officer/s*' of President, Secretary, Treasurer and Captain shall be the signatures for the Surf Club '*Banking Accounts*'.

- 38.5.2 The *'Authorised Officer/s'* shall have the authority for emergent expenditure that may arise from time to time relevant to the immediate safety of the members and visitors to Kirra Surf Club property and facilities, events, or activities; and/or for the purpose of maintaining the efficient surf lifesaving and operational business function/s of the Surf Club within its *'Jurisdiction'*, and such emergent expenditure shall be endorsed at the subsequent meeting of the Board of Management.
- 38.5.3 The Treasurer shall ensure that the *'Statement of Receipts and Expenditure'* is presented at scheduled meetings of the Board of Management, and a record of such *'Statement of Receipts and Expenditure'* as submitted to the Board shall be affixed to the Minutes of that meeting.

38.6 AUDIT OF ASSOCIATION ACCOUNTS

- 38.6.1 A qualified auditor or auditors shall be appointed by the Kirra Surf Club at the *'Council'* Annual General Meeting for the subsequent *'Financial Year'* in accordance with the Constitution and the Act.
- 38.6.2 The *'Auditor'* shall undertake such duties as regulated in accordance with the Act, and in compliance with the Australian Charities and Non-for-Profit Commission Act 2012 and the Australian Charities and Non-for-Profit Commission Regulation 2013 (Cth) for charities endorsed as Deductible Gift Recipients, and/or any applicable charity regulation, whichever has the higher standard shall apply.
- 38.6.3 The *'Auditor'* may be removed by the Kirra Surf Club on a *'Notice of Motion'* determined at a *'Council'* General Meeting.
- 38.6.4 As soon as is reasonably practicable upon the completion of the *'Financial Year'*, the Treasurer shall engage the *'Auditor'* and cause to be prepared, a statement containing the particulars of:
- a) *'Income and Expenditure'* across all cost centres of the Kirra Surf Club for the completed *'Financial Year'*.
 - b) Assets, liabilities and of all mortgages, charges and securities affecting the property of the Kirra Surf Club at the end of that *'Financial Year'*.
- 38.6.5 The annual *'Audited Financial Report'* shall be presented by the Treasurer on behalf of the Board of Management for consideration and adoption at the Kirra Surf Club *'Council'* Annual General Meeting.
- 38.6.6 The annual *'Audited Financial Report'* upon adoption at the *'Council'* Annual General Meeting shall be conclusive, except with regards to any error discovered in the report within three months after approval or adoption by *'Council'*.
- 38.6.7 The Kirra Surf Club shall submit to the relevant government agency as required, the *'Audited Financial Report'* and/or other financial performance documentation of the Surf Club in accordance with the Act and other relevant government Acts, as and when required and/or in the format as prescribed.
- 38.6.8 The Kirra Surf Club shall submit an *'Annual Information Statement (AIS)'* to the Australian Charities and Not-For-Profits Commission (ACNC) within six months of the end of the charity's (Kirra Surf Life Saving Club) financial year, detailing the charity's activities, financial and business operations, assets, and governance framework and performance.

38.7 GIFTS, HONORARIUMS, DISCLOSURE AND GIFT REGISTER

- 38.7.1 The *'Board of Management'* may from time to time determine to present a *'Gift'* to a member for services provided in advancing the *'Objects'* of the

Kirra Surf Club; and/or given in recognition and appreciation of a person's service to the Surf Club.

- a) The *'Gift'* may be an item of monetary value, cash bonus, gift vouchers or cards, clothing, and/or any other benefit/s as may be determined by the Board.
- b) The recipient of a *'Gift'* may be a Kirra Surf Club *'Member'*, an elected *'Officers'* of the Board and/or the Board's Sub-Committees, and/or any other person/s for their generous and/or enduring support given the Surf Club.

38.7.2 The *'Board of Management'* may from time to time determine to present an *'Honorary'* in the form of an honorary monetary payment to a Kirra Surf Club member without obligation in recognition of their professional service to the Surf Club; and/or as a payment made to honour an individual for their service to the Surf Club.

38.7.3 The *'Board of Management'* decision to provide a *'Gift'* or *'Honorary'* comes with important considerations and should be made with care and due diligence.

- a) The *'Board'* in considering a decision to provide a *'Gift'* or *'Honorary'* must be made with the best interests of the Kirra Surf Club and in accordance with the Rules of this Constitution.
- b) The decision by the *'Board'* should be in accordance with ACNC policy for a charitable not-for-profit organisation, and such *'Gift'* or *'Honorary'* be of a token nature only for the recipient, thereby ensuring not to risk the ACNC *'Charitable Not-For-Profit'* organisation status of the Kirra Surf Club.
- c) The *'Board'* should consider with its decision to present a *'Gift'* or *'Honorary'*, the Kirra Surf Club's financial position and its ability to continue to conduct its charitable function/s with sufficient funding necessary to achieve its *'Objects'* as detailed in this Constitution.

38.7.4 The *'Board of Management'* is required to disclose remuneration and other benefits to the members at the *'Council'* Annual General Meeting, even if the amount to report is zero. This applies to all/any remuneration and benefits given to:

- a) Kirra Surf Club registered and financial members as specified in the membership categories of this Constitution who are duly elected as an officer of the Board.
- b) Senior staff, including people who assist to make decisions that affect all or a significant part of the Surf Club activities, and/or have the capacity to significantly affect the Surf Club's financial position, and
- c) The relatives of elected officers of the Board and senior staff as per (b) above, including their spouse, parent, sibling, child, grandparent, and grandchild.
- d) This disclosure of remuneration and other benefits applies to all Incorporated Associations (Reference: Associations Incorporation and Other Legislation Amendment Regulation 2023, s9E) including those Associations registered with the Australian Charities and Not-For-Profits Commission (ACNC) effective as from 1st July 2024.

38.7.5 The Board of Management will maintain a *'Gift Register'* for the purpose of recording items of value, remuneration and/or cash bonuses, gift vouchers or cards, and/or any other benefit/s given Kirra Surf Club *'Members'* and/or

elected '*Officers*' of the Board and Board Sub-Committees, and/or to any other persons for their generous support given the Surf Club.

- a) The '*Gift Register*' will be presented for member information at the '*Council*' Annual General Meeting, even if the amount to report is zero.

39 FISCAL BUDGET

- 39.1 The Kirra Surf Club '*Treasurer*' in consultation with the Board of Management and the affiliated auxiliary organisation/s and/or other members or persons as necessary, shall prepare a Surf Club '*Annual Budget*' by the 1st May for the ensuing '*Financial Year*' for consideration and endorsement by the Board.
- 39.2 The '*Annual Budget*' shall be managed by the Treasurer on behalf of the Board of Management and within the financial limits and conditions for expenditure transaction/s as determined by '*Council*' in accordance with the Act and/or other government Acts as required for the authorised financial management function/s of the Kirra Surf Club as an incorporated Association.
- 39.3 The approved '*Annual Budget*' for the Kirra Surf Club shall be subject to ongoing evaluation and review, and the Treasurer shall on behalf of the Board of Management update the Surf Club members on the performance and/or amendments to the adopted fiscal budget as may be required at the '*Council*' General Meeting as may be scheduled in December of any given year.
- 39.4 '*Council*' shall determine upon the recommendation/s provided by the Board of Management, the purpose of and approval for all major financial expenditure and/or borrowings that exceed the financial limits of the Board, in accordance with this Constitution.

40 GIFT FUND

- 40.1 All donations, interest on donations, income derived from donated gifted property, and/or money from the realisation of such property, are to be banked into a '*Kirra Surf Life Saving Club – Gift Fund*' account, separate to the operating funds account of the Kirra Surf Club.
- 40.2 A separate Kirra Surf Club banking account shall be maintained for the transaction of all income donated to the '*Gift Fund*', including interest accruing thereon, and such gift income is to be kept separate from other funds of the Surf Club.
- 40.3 The Kirra Surf Club shall only use the '*Gift Fund*' for the principal purpose of advancing the '*Objects*' as detailed in this Constitution.
- 40.4 The '*Gift Fund*' shall be managed by the Treasurer on behalf of the Board of Management and the Surf Club.
- 40.5 State and Federal Governments, business, private benefactors and/or persons in the community are invited to make donations and/or provide sponsorship in either money or property to the Kirra Surf Club, to assist with the financing of such programs, projects and/or any other initiatives for the purpose of advancing the '*Objects*' of the Surf Club as detailed in this Constitution.
- 40.6 Receipts of all donations and/or sponsorships provided to the Kirra Surf Club are to be issued in the name of the '*Kirra Surf Life Saving Club*'.
- 40.7 Withdrawals from the '*Gift Fund*' shall be permissible for such purpose required to advance the '*Objects*' of this Constitution, and on approval by the Board of Management or '*Council*' specific to the amount being withdrawn.
- 40.8 Should the '*Gift Fund*' be closed and/or if the endorsement of the Kirra Surf Club as a '*Deductible Gift Recipient*' is revoked, any surplus assets of the '*Gift Fund*' remaining after the payment of liabilities attributable to it, shall be transferred to a fund, authority or institution to which income tax deductible gifts can be made.

- 40.9 The *'Gift Fund'* is subject to the resolutions of the Board of Management on behalf of Kirra Surf Club *'Council'* and the provisions of the Associations Incorporation Act 1981 (Qld).

41 STAFF AND CONTRACTURAL SERVICES

41.1 EMPLOYMENT OF COMPETENT PERSON/S

- 41.1.1 The *'Council'* of the Kirra Surf Club shall approve the creation of employed position/s as deemed necessary to assist with the ongoing efficient management of the Surf Club, where the tasks of such positions cannot be reasonably and successfully undertaken in a voluntary capacity by an elected officer of the Board of Management and/or by other Surf Club member/s as specified within the conditions of the membership categories as detailed in this Constitution.
- 41.1.2 The creation of employed position/s and the engagement of persons through a merit-based selection process to fill such positions, shall only proceed on the proviso that the position/s are financially sustainable within the existing and forecasted operating annual fiscal budget/s of the Kirra Surf Club.
- 41.1.3 The Board of Management may from time to time consider the employment of person/s in a full-time or part-time capacity and/or on a contractual arrangement to perform such duties necessary to enhance the efficient function of the Surf Club relevant to its surf lifesaving operations, member services and business enterprise, and/or to further the *'Objects'* of the Surf Club as detailed in this Constitution.
- 41.1.4 The appointment of appropriately qualified and experienced person/s in *'Staff'* position/s of Executive Manager, Office Manager, Administration Officer, Surf Sports Coach/s, and/or any other such positions either fulltime or parttime employed, shall be approved on merit by the Board of Management in accordance with this Constitution.
- 41.1.5 Salaries, related expenses, and employment conditions specific for any *'Staff'* position will be as advertised for the position and/or as further negotiated with the successful appointee; and such salaries, related expenses and conditions of employment shall comply as a minimum with the appropriate Queensland Industrial Relations Award Agreement/s and Government Acts for such employment.

41.2 CONTRACTURAL SERVICES

- 41.2.1 The Board of Management may authorise the engagement of a qualified and experienced person and/or business for such *'Professional and/or Trade Services'* as regard to the contractual arrangement/s and fee/s negotiated, and for a duration as is necessary to complete the specific task/s as is deemed necessary to further the *'Objects'* of the Kirra Surf Club.
- 41.2.2 All major contract/s for the provision of *'Professional and/or Trade Services'* shall be appraised by the Kirra Surf Club *'Treasurer'* who shall seek appropriate legal and/or accountancy advice on the proposed contractual documents as required, prior to the Board of Management's consideration and approval of such major contract/s with person/s and/or businesses deemed meritorious for the provision of such services.

41.3 RECRUITMENT AND SELECTION

- 41.3.1 Approved *'Staff'* positions and/or required *'Professional and/or Trade Services'* shall be advertised within the community to encourage a broad interest from appropriately qualified and experience person/s and/or businesses to apply for the position and/or services so advertised.
- 41.3.2 Kirra Surf Club registered and financial members and/or other members as

specified in this Constitution, whom have the appropriate qualifications and experience necessary, may apply for an advertised *'Staff'* position/s and/or for the provision of contractual *'Professional and/or Trade Services'*.

- 41.3.3 The Kirra Surf Club *'Secretary'* assisted by the Treasurer and Office Manager shall manage the *'Recruitment and Selection'* process for approved vacant *'Staff'* position/s and such processes shall be merit based.
- 41.3.4 The Kirra Surf Club *'Secretary'* and *'Deputy President'* along with one other person having appropriate experience in the *'Staff'* position/s advertised as determined by the Board of Management, shall constitute the *'Selection Panel'* to assess all applications received, interview person/s of interest, and provide recommendation/s on appointment to the Board.
- 41.3.5 The Kirra Surf Club *'Treasurer'* assisted by the Office Manager shall manage the *'Evaluation and Selection'* process for the assessment of applications received for the provision of *'Professional and/or Trade Services'* and such process shall be merit based.
- 41.3.6 The Kirra Surf Club *'Treasurer'* and *'Deputy President'* along with one other person having appropriate experience in the *'Professional and/or Trade Services'* so advertised as determined by the Board of Management, shall constitute the *'Selection Panel'* to assess all applications received, interview person/s of interest, and provide recommendation/s on appointment to the Board.
- 41.3.7 A Human Resource Management consultancy as approved by the Board of Management may be engaged to advise on and/or assist with the *'Recruitment and Selection'* administrative arrangements for such advertised vacant *'Staff, Professional and/or Trade Services'* positions or services required.
- 41.3.8 The recruitment and employment of persons in a full-time and/or part-time capacity and/or on a contractual arrangement, duly qualified and experienced to perform such duties so advertised under the jurisdiction of the Kirra Surf Life Saving Supporters Association (Incorporated), shall be engaged in accordance with the *'Recruitment and Selection'* process as managed by the *'KSLSS Association'* Management Committee.

41.4 CONDITIONS OF POSITION/S

- 41.4.1 Appointed *'Staff'* may apply for membership of the Kirra Surf Club and on acceptance by the Board of Management, shall be deemed as duly registered and financial members eligible to perform such voluntary surf lifesaving and/or other duties, and be entitled to the privileges and rights of the Surf Club in accordance with the conditions of the membership category applied as detailed in this Constitution.
- 41.4.2 Full-time, contracted and/or long-term employed casual *'Staff'* of the Kirra Surf Club who may be appointed to the position/s of Executive Manager, Office Manager, Surf Sports Coach, and/or to any other such Surf Club position/s as approved by *'Council'* or the Board, shall not be entitled to hold a position as an elected officer of the Board of Management and/or Board Sub-Committee/s, by virtue of their appointment to and the duties required of the employed position appointed.
- 41.4.3 Employed *'Staff'* shall not be eligible to be a *'Delegate'* representing the principle interests of the Kirra Surf Club at meetings and/or other forum/s of the Branch and/or SLSQ or SLSA, unless such meetings and/or forums are specific to the employment purpose and duties of the relevant *'Staff'* position.
- 41.4.4 Employed *'Staff'* shall at all times positively represent and accurately communicate all/any decisions of the *'Council'* and the Board of Management

in all/any Surf Life Saving entities, government, business and/or community forums where they attend as employed 'Staff' of the Kirra Surf Club; and/or when communicating for and on behalf of the Surf Club in any written format and/or verbally with such other Surf Life Saving entity, government, business, community organisations, and/or within the broader community in the performance of their duties.

- 41.4.5 Kirra Surf Club registered and financial members and/or other members as specified in this Constitution, who are casually employed and/or contracted to provide professional and/or trade services, with the exception of those members so appointed to 'Staff' positions of Executive Manager, Office Manager, Administration Officer, and Surf Sports Coach/s, shall be entitled to nominate for and be elected to a position of the Board of Management and/or Board Sub-Committees and vote thereon.
- 41.4.6 All/any potential 'Conflict of Interest' relevant to Rule 41.4.5 shall be declared by an eligible member prior to the voting for the election of officers or appointments at a 'Council' Annual General Meeting, and such declaration/s shall be provided at any subsequent meeting/s of the Board of Management and/or Board Sub-Committees to which the member is so elected.

42 INDEMNITY AND INSURANCE

- 42.1 Kirra Surf Club registered and financial member/s and/or all other members as defined in this Constitution; and staff whether they be full time or part time employed; and/or engaged under contract, will be indemnified:
 - 42.1.1 In the performance of their voluntary beach patrols and/or aquatic and community safety surf lifesaving operational duties, community education and training activities, and/or all other duties as determined from time to time by the Board of Management and Surf Life Saving.
 - 42.1.2 Training for and/or competing in Surf Sports or other sports competition activities as sanctioned by the Surf Club, Branch, SLSQ and/or SLSA.
 - 42.1.3 In the performance of Surf Life Saving administration, fund raising or business enhancement activities.
 - 42.1.4 Such duties and/or tasks under the jurisdictions of the Surf Club, Branch, SLSQ and SLSA, and in accordance with the constitutions, rules, regulations, and eligible policies of the Surf Club, Branch, SLSQ and SLSA.
- 42.2 Every Kirra Surf Club registered and financial member and/or all other members as defined in this Constitution; elected committee 'Officers' and/or Directors; staff whether full time or part time employed; and/or persons designated as an agent of and/or representing the Surf Club; shall be indemnified against any liability incurred by them in their capacity and/or on behalf of the Surf Club, in defending any proceedings whether civil or criminal, in which judgement is given in favour and/or acquittal and/or in connection with any application in relation to any such proceedings in which relief is, under the appropriate government Act, granted by the Court.
- 42.3 The Kirra Surf Club shall indemnify its registered and financial member/s and/or all other members as defined in this Constitution; elected committee 'Officers' and/or Directors; staff whether full time or part time employed; and/or persons designated as an agent of and/or representing the Surf Club; against all damages and costs (including legal costs) for which any such Surf Club registered and financial member/s and/or all other members as defined in this Constitution, elected committee 'Officers' and/or Directors, staff whether full time or part time employed and/or persons designated as an agent of and/or representing the Surf Club, may be or become liable to any third party in consequence of any act or omission, except wilful misconduct.
- 42.4 The Kirra Surf Club shall insure all its property and assets including building/s and structural features, floor coverings, furnishings, appliances, equipment including surf

lifesaving and motorised vehicle/s and craft, ICT, honour boards and other memorabilia, and/or all other such assets and property as determined and/or listed on the Surf Club's *'Property and Asset Inventory'* and/or as detailed in the Constitution.

- 42.5 The Kirra Surf Club in consultation with its affiliated *'Auxiliary Organisation/s'* shall source and maintain appropriate *'Insurance Protection'* for its members and all property and assets; and/or those visitors to its building/s and facilities as required, whether such insurance policies are obtained through an insurance broker or company and/or as negotiated through SLSA and its brokers.
- 42.6 Each year, the Board of Management as assisted by the *'Treasurer'* shall on behalf of the Kirra Surf Club and its affiliated *'Auxiliary Organisation/s'*, and in consultation with SLSA and its brokers, review all insurances held for member and asset protection including all assets listed in the *'Property and Asset Inventory'* of the Surf Club, to ensure the appropriate level of coverage and protection is provided, and recommend further to the Board any adjustment of the *'Insurance Protection'* policy/s cover as deemed appropriate.

43 EXERCISING DELEGATION

43.1 DELEGATED FUNCTION EXERCISED IN ACCORDANCE WITH TERMS

43.1.2 A function, the exercise of which has been delegated by the Kirra Surf Club (the Association), under this rule, may whilst the delegation remains unrevoked, be exercised from time to time in accordance with the terms of the delegation.

43.2 PROCEDURE OF DELEGATED ENTITY

43.2.1 The procedures for any entity's exercising delegated power shall, subject to this Kirra Surf Club *'Constitution'* and with any necessary or incidental amendment, be the same as that applicable to meetings of the of the Surf Club *'Council'* and the Board of Management.

43.2.2 The entity exercising *'Delegated Powers'* on behalf of *'Council'* and/or the Board of Management, shall make decisions in accordance with the *'Objects'* of this Constitution, and shall promptly provide the Board of Management with details of all material decisions and provide any other reports, minutes and information as the Board may require from time to time.

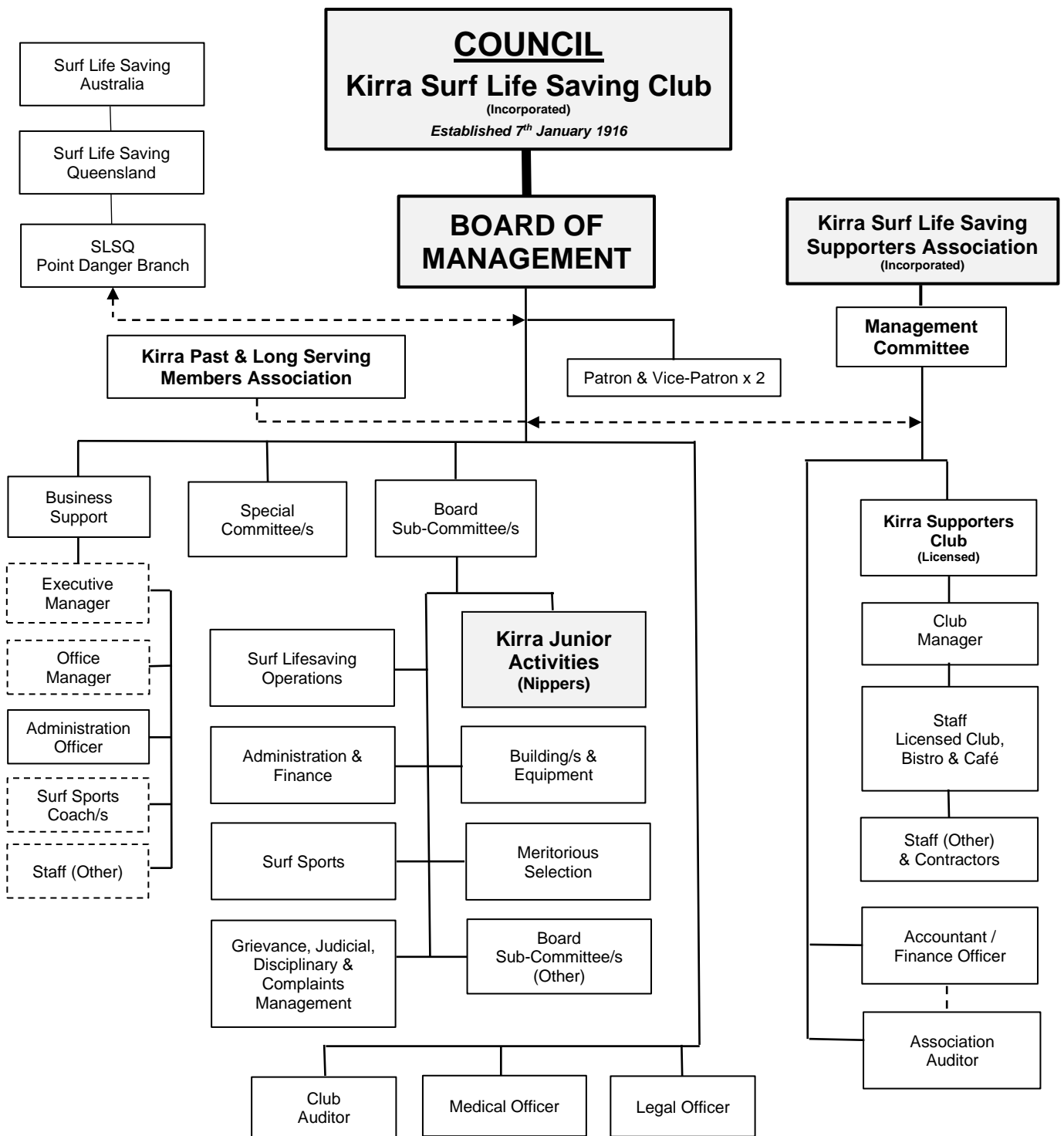
43.3 DELEGATION MAY BE CONDITIONAL

43.3.1 A delegation by the Kirra Surf Club (the Association) under this rule, may be made subject to such conditions or limitations as to the exercise of any function or at the time or circumstances as may be specified in the delegation.

43.4 REVOCATION OF DELEGATION

44.4.1 The Kirra Surf Club *'Council'* and/or Board of Management may by instrument in writing, revoke wholly or in part any delegation made under this rule and may amend or repeal any decision made by such body or person under this rule.

Appendix 'A' Association (Kirra SLSC) Organisational Structure



BOARD OF MANAGEMENT:

President; Deputy President; Secretary; Treasurer; Captain; Vice-Captain; Education & Training Officer; Surf Sports Officer; IRB Officer; Youth Development Officer; Chairperson, Kirra Junior Activities Committee; and President, Kirra Surf Life Saving Supporters Association

'Elected officers of the Board of Management may be referred to as Director/s in accordance with the Constitution'

SURF CLUB – LOGO



SURF CLUB BADGE – HONORARY LIFE MEMBER



SURF CLUB – SEAL

