



SOUTHPORT
SURF LIFE SAVING
CLUB Inc.

PART 1

CONSTITUTION



SURF LIFE SAVING
QUEENSLAND

Last Revised May 2016

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SECTION A

Name, Control, Objects, Badges

1. NAME, INTERPRETATION AND DEFINITION

1.1 NAME

- a) THE CLUB – shall mean “Southport Surf Life Saving Club Inc.”, and all the registered, financial members as defined in Part-1/B/1.1, and any affiliated Auxiliary Organisations except for the Southport Surf Club Supporters Club Inc..
- b) ASSOCIATION – shall mean “Surf Life Saving Australia Limited” or SLSA.
- c) AUSTRALIAN COUNCIL – shall mean the body consisting of the SLSA (Association) Directors.
- d) STATE CENTRE – shall mean “Surf Life Saving Queensland” (SLSQ), which includes Branches, Clubs and their members.
- e) BRANCH – shall mean the South Coast Branch, which includes the affiliated Clubs and their members within the boundaries of that Branch as defined by SLSQ, and representatives of Auxiliary Organisations.
- f) COUNCIL – shall mean the body consisting of the President and elected officers and voting members of The Club.

1.2 INTERPRETATION

In this Constitution:

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

- g) a reference to a statute, ordinance code or other laws includes regulations and other statutory instruments under it and consolidations, amendments, re-enactments or replacements of any of them (whether of the same or any legislative authority having jurisdiction);
- h) the specification of the objects and powers of The Club in A/3 of this Constitution are not in any particular order and are not to be construed so as to lead to the construction that any object or power is more important than any other object or power, nor that any object or power which is specified in detail is more important than any object or power which has not been specified in detail, and no particular object or power will be limited by reference to any other and the rule of construction known as the “ejusdem generis” (of the same kind) rule shall not apply;
- i) if any provision of this Constitution or any phrase contained in it is invalid or unenforceable in any jurisdiction, the phrase or provision is to be read down for the purpose of that jurisdiction. If possible so as to be valid and enforceable and otherwise it shall be severed to the extent of the invalidity or unenforceability, without affecting the remaining provisions of this Constitution or affecting the validity or enforceability of that provision in any other jurisdiction.

1.3 DEFINITIONS

Year –

In respect to “Life Saving” and “Competition”, shall mean, in the case of The Club, Branch and State Centre, the period between 1st October in any one year and 30th September in the year following.

In respect to “Membership”, shall mean, in the case of The Club, from 1st July in any one year and 30th June in the year following.

In respect of The Club Office Bearers shall mean the period between its respective Annual General Meetings.

In respect to Financial Year of The Club, shall be the period from 1st May in any one year to the 30th April in the year following.

2. CONTROL

- 2.1 The Club shall be subject to the control of State Centre and the Branch to the extent of the power of the State Centre and the Branch and shall have full control over all Surf Life Saving services within that part of the Branch area designated as The Club’s Bathing Reserve or as directed by the State Centre or the Branch from time to time. It shall be charged with the fulfilment of the objects of the Association within the boundaries of its jurisdiction.

- 2.2 Auxiliary organisation may be formed and affiliated to The Club providing such organisations have similar aims and objects as The Club and are subject to the overall control of The Club with the exception of the Southport Surf Club Supporters Club Inc. which shall have their own separate Constitution and Management Committee.
- 2.3 Topics – Religion and politics and matters such as this shall not be part of the Association business and are banned from discussion at any official meetings held within the Association. These items shall remain as an individual commitment only, without reference to the Association in any way.

3. OBJECTS AND POWERS

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

- 3.1 Promote, advance, control the work and enforce the observance of the Policies, Rules and Regulations of the Association and State Centre, and written directions from time to time, deal with any infringement thereof, and adjudicate upon all disputes and difficulties between members of The Club.
- 3.2 Assist in research for the improvement of methods of Surf Life Saving.
- 3.3 To provide efficient life saving equipment of standard design, and oversee the training of members of The Club in the efficient use of such equipment.
- 3.4 Co-operate with any organisation in improving methods of life saving (whether in still or rough water or elsewhere) and the securing of public recognition and financial support for Life Saving.
- 3.5 Promote, demonstrate and instruct the methods of Surf Life Saving.
- 3.6 Acquire by purchase, exchange or otherwise, whether for an estate in fee simple or for any less estate in lands, tenements or hereditaments or any tenure whether subject or not to any charges or encumbrances and erect, replace, maintain, reconstruct, adapt and furnish any offices or other building thereon and sell, let, alienate, mortgage, charge or otherwise deal with all or any such lands, tenements or hereditaments or any part thereof.
- 3.7 Raise or borrow money on bonds, or mortgage, or other security of any property, held for or on behalf of The Club, or without any such security and upon such terms as The Club shall think fit.
- 3.8 Receive money on deposit with or without allowance of interest thereon.
- 3.9 Invest the monies of The Club, not immediately required, in such manner as may from time to time be recommended by the Finance Committee and determined by a 75% majority of the Management Committee.

- 3.10 Ensure that environmental considerations are taken into account in all surf life saving and related activities conducted by The Club.
- 3.11 Encourage members to realise their potential and athletic abilities by extending to them the opportunity of education and participation in surf life saving competition and to award trophies and rewards to successful competitors.
- 3.12 Encourage and promote performance-enhancing drug free competition.
- 3.13 Recommend Meritorious Awards for members and others, in honourable public recognition of difficult and meritorious rescues from the sea and elsewhere, and of deeds of exceptional bravery, from time to time performed in the course of life saving in the surf and elsewhere, and to recommend for civil honours, and support wherever requested and considered appropriate nominations.
- 3.14 Promote the health and safety of members and all other users of the aquatic environment, and seek and obtain improved facilities for their enjoyments.
- 3.15 Effect such purposes as may be necessary in the interest of surf life saving and the aquatic environment.
- 3.16 Promote uniformity of rules and regulations for the control and regulation of surf bathing, and assist the authorities in enforcing these rules and regulations.
- 3.17 Produce, develop, create, licence and otherwise exploit, use and protect the Intellectual Property, including but not limited to logos, trademarks, copyright and names in any publication produced by The Club.
- 3.18 Construct, maintain and alter any houses, buildings or works necessary or convenient for the purposes of The Club.
- 3.19 Take such steps by personal or written appeals, public meetings or otherwise as may from time to time be deemed expedient for the purposes of procuring contributions to the funds of The Club in the shape of donations, annual subscriptions or otherwise.
- 3.20 Print and publish any newspapers, periodicals, books or leaflets that The Club may think desirable for the promotion of its objects and does not infringe on Association Intellectual Property rights.
- 3.21 Promote any other person or company for any purpose calculated to the benefit of The Club.
- 3.22 Purchase or otherwise acquire and undertake all or any part of the property, assets, liabilities and engagement of any one or more of the companies, institutions, societies or associations whose activities or purposes are similar to those of The Club or generally for any purpose calculated to benefit The Club.
- 3.23 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.

- 3.24 Generally do all such other things as may appear to The Club to be incidental or conducive to the attainment of the foregoing object or any of them.
- 3.25 To promote the spirit of comradeship and citizenship which should govern and prevail in the Surf Life Saving Movement.

4. BADGES AND COLOURS

- 4.1 The Club emblem shall be worn only by accredited representatives of The Club and shall be to the design appearing in Appendix “F” of the By-Laws. Such emblem shall be obtained only on the written order of the Management Committee and such written order shall detail the lettering to be embroidered beneath the emblem.
- 4.2 The Club Life Membership Badge and appropriate recognition shall be presented by The Club to each duly elected Life member and shall be to the design appearing in Appendix “F” of the By-Laws.
- 4.3 The Club Membership Identification shall be issued to all members.
- 4.4 The Club Colours shall be Navy Blue and Gold.

5. THE COMMON SEAL

- 5.1 The form of the Common Seal shall be as set out in the first part of Appendix “F” of the By-Laws together with the words “Southport Surf Life Saving Club Inc.” around its perimeter and the words “The Common Seal of” in its centre.
- 5.2 The Management Committee shall provide for the safe custody of the Seal.
- 5.3 The Seal shall only be used by the Authority of the Management Committee, and every document to which the Seal is affixed shall be signed by two (2) members of the Executive Committee, one of whom shall be the President.

SECTION B

Composition, Membership, Affiliation, Management, Discipline

1. COMPOSITION / MEMBERSHIP

- 1.1 The composition of The Club shall consist of the following members – Probationary, Junior Activity (Nipper), Cadet, Active, Reserve Active, Long Service, Award, Past Active, Associate, Honorary and Life Members, and membership shall be unlimited subject to The Club facilities and resources.
- 1.2 A Register of these members shall be prepared at the commencement of each year, and shall be updated from time to time as required.
- 1.3 All applications for membership shall be made on the approved Association Form and all members shall be bound by this Constitution and By-Laws; and the Constitution, By-Laws, Regulations, Appendices, Resolutions and Manuals of the Association, a prescribed fee for each category of membership shall be such sum, payable at such time and in such manner as the Annual General Meeting on a recommendation from the Management Committee shall so determine. Members must renew their membership annually.
- 1.4 A member must apply for renewal of membership by submission of the prescribed form and payment of the prescribed fee on or before commencement of the Annual General Meeting to be eligible to vote.
- 1.5 A financial member at any material time is a member who is not then indebted to The Club in respect of any annual subscription or levy or other payment whatsoever.
- 1.6 Only those members who are financial members at the time shall be entitled, subject to the lawful procedure of the meeting, to speak or vote upon any motion at any general meeting of The Club.

2. RESTRICTION

- 2.1 All Categories of membership shall be available to males and females provided that the relevant provisions for each membership category are met and that active membership shall be limited to proficient SLSA Bronze Medallion holders.
- 2.2 A member of a Life Saving Organisation affiliated with International Life Saving may be accepted as a member of The Club provided that the member complies with all the conditions for membership of this Association and its Manuals.
- 2.3 Separate accommodation and amenities for male and female members, which are satisfactory to the Branch and the State Centre may be provided.
- 2.4 An indebted, suspended or expelled member of The Club shall not knowingly apply to join another Surf Life Saving Club, nor shall The Club knowingly admit to membership nor

retain in membership any past or present member who is indebted in any way to or has been suspended or expelled from The Club or any Club affiliated with the Association.

- 2.5 The Club shall immediately provide their respective Branch and State Centre with the names and addresses of members who have had their membership cancelled or suspended and such information, including the period of suspension/cancellation of membership shall be set out in a register provided for that purpose.
- 2.6 Should a bona fide member of more than one Club be completely suspended or expelled by any Club they shall not be allowed to compete in any competitions conducted by any Club of which they are a member or by the Association.
- 2.7 In cases in dispute, an appeal may be lodged with the Branch or State Centre as the case may be.
- 2.8 All members and elected officers of Club, Branch and State Centre, shall have reciprocal rights within the facilities of clubs throughout Queensland, and the conditions of entry upon and use of any club facilities are at the discretion of the host club.

3. CATEGORIES OF MEMBERSHIP

In relation to membership categories, The Club shall provide for the following types of membership and the following minimum qualifications shall be adhered to -

3.1 Probationary Members –

- a) shall be the designation of any person for the period between applying for membership and the gaining of an award and/or the granting of a formal category of membership by the appropriate committee of The Club.
- b) are not Individual members for the purposes of the Articles of Association of SLSA.

3.2 Junior Activity Membership –

- c) shall be the designation of a member with the minimum age 5 years up to a maximum age of 13 years on a seasonal basis (age for a season is determined as at midnight on 30 September at commencement of that season), and such person shall be required to gain the relevant Junior Activity Award certificated for that person's age group.

3.3 Cadet Members –

- a) shall be subject to age qualification i.e. has attained the age of 14 years, provided that they have not attained the age of 15 years on or before 30 September; shall be Surf Rescue Certificate holders; shall qualify in an annual proficiency test each year unless the member has obtained their Surf Rescue Certificate in that year, and has not obtained their Bronze Medallion.

3.4 Active Members -

- a) shall be Bronze Medallion holders, age 15 years and over, and shall fulfil all patrol and obligations of The Club, as provided by the Association and The Club Constitution and By-Laws, and shall qualify in an annual proficiency test each year, unless the member has obtained their Bronze Medallion in that year.

3.5 Reserve Active Membership –

- a) may be granted by The Club to Active Members who have satisfactorily completed (from the gaining of the Bronze Medallion) at least eight (8) years of active membership, as provided by the Association and Club Constitution and By-Laws. Reserve Active Membership shall not be automatic, but may be granted by application to the The Club Management Committee. Refer Part 2 Section 8/1/1.2
- b) members shall perform a minimum of patrols in each club where they hold Reserve Active membership, as required by SLSA, and further patrol duties at the discretion of The Club management;
- c) members shall complete the Annual Proficiency Test.

3.6 Long Service Membership –

- a) may be granted by The Club to members who have satisfactorily completed [from the gaining of the Bronze Medallion] ten (10) years of active membership, or to members who have completed eight (8) years of active membership plus four (4) years of Reserve Active membership;
- b) members shall be exempted from all patrol obligations and may be granted other special privileges of membership as provided in The Club Constitutions and By-Laws;
- c) should such members join another affiliated club the receiving club shall determine if such member's Long Service shall be recognised by that club.

3.7 Award Membership -

- a) may be granted by The Club to persons who are proficient holders of an SLSA Award including of one or more of the following qualifications – Surf Rescue Certificate (over 15 years of age), Radio Award(s), Resuscitation Certificate, Advanced Resuscitation Techniques Certificate, Operational First Aid Award(s), surf sports official (or equivalent);
- b) members may be called upon to perform patrols and/or other Club obligations commensurate with their qualifications. They shall then be eligible for voting rights as described at Part-1/E/4.1 b

3.8 Past Active –

- a) may be granted by The Club to persons who have held a SLSA Bronze Medallion, and have been an active patrol member for a minimum of 5 years and shall carry a minimum age of 30 years of age.
- b) may have voting rights upon application to the Management Committee and will be required to apply each year. Refer Part 1/E 4.1(f)

3.9 Associate Membership -

- a) may be granted by The Club upon application to the Management Committee to a person who may or may not be the holder of an Association award;
- b) does not entitle such member to voting rights unless elected to office or a position which is provided with voting rights by The Club Constitution or By-Laws;
- c) will be granted by The Club to non-Active persons who join The Club as part of a family membership package;
- d) individual members shall have a joining and/or annual membership fee substantially greater than fees for other categories of Club membership.

3.10 Honorary Membership

- a) Honorary membership may be granted by The Club or by nomination in writing by a member of The Club to the Management Committee. Such membership may be granted by The Club to distinguished visitors, or those persons who have rendered valuable service to The Club. Such persons granted Honorary membership by The Club shall be afforded use of The Club premises and facilities at the discretion of The Club Captain or Management Committee.
- b) persons granted Honorary membership may or may not hold an SLSA award.
- c) Honorary members shall have no voting rights and are not required to pay an annual membership fee.
- d) Honorary membership shall be limited to a period of twelve (12) months, is not automatic and shall be renewed annually.

3.11 Life Membership –

- a) may be granted by The Club to members who have rendered outstanding service as provided for in The Club Constitution and By-Laws, and is relevant to this Club only, refer Part-1/C/2.
- b) a Life Member shall receive a Life Membership Badge and appropriate recognition and shall be entitled to all the rights and privileges of The Club

for life, without payment of any subscription or other obligation and be exempt from patrols and may be granted other special privileges.

4. DUAL MEMBERSHIP

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

- 4.1 Any member of The Club may be admitted as a member of another Club or Clubs, providing such member has a “clearance” as provided for in Association Rules.
- 4.2 Any competing member shall not participate in any Inter-Club competition as a representative of more than one Club during any one competition season unless and until their “competitive rights” have been transferred as provided for in Association Rules.
- 4.3 Any competing member who is a member of more than one club shall be entitled to compete in Club events of all such Clubs.

5. ADMISSION AND REJECTION OF MEMBERS

- 5.1 Within twenty-eight (28) days of receipt of any application and the fee applicable for any category of membership, such application shall be considered by the Membership Committee who shall thereupon report to the Management Committee with their recommendations.
- 5.2 Any applicant who receives a majority of the votes of the members of the Management Committee present at the meeting at which such application is being considered shall be accepted as a member to the category of membership applied for.
- 5.3 Upon the acceptance or rejection of an application for any category of membership the Secretary shall forthwith give the applicant notice in writing of such acceptance or rejection. If the application is rejected the reasons for such rejection shall be given in that notice.

6. APPEAL AGAINST REJECTION OF MEMBERSHIP

- 6.1 A person whose application for membership has been rejected may within 28 days of receiving written notification thereof, lodge with the Secretary written notice of their intention to appeal against the decision of the Management Committee.
- 6.2 Upon receipt of a notification of intention to appeal against rejection of membership the Secretary shall convene, within 14 (fourteen) days of the date of receipt of such notice, a Judicial Committee meeting to determine the appeal. At any such meeting, the applicant shall be given the reason(s) for the rejection of their membership, and be given the opportunity to fully present their case and the Management Committee subsequently shall likewise have the opportunity of presenting its case. The appeal shall be determined by the vote of the members present at the Judiciary meeting.

- 6.3 Any person whose membership is rejected, and appeal dismissed by the Judiciary Committee shall have the right to lodge an appeal (within 14 days) to The Club Council. Ref Part 1 /E /2.5, 2.6. If the appeal is unsuccessful the person shall have the right to appeal to the next highest authority, refer By-Law 11/4.
- 6.4 Where a person's application for initial membership to The Club is rejected, does not appeal against the decision within the time prescribed by these Rules or so appeals but the appeal is unsuccessful, the Secretary shall forthwith refund the amount of any fee paid.

7. RESIGNATION OF MEMBERSHIP

- 7.1 A member may resign from The Club at any time by giving notice in writing to the Secretary. Such resignation shall take effect at the time such notice is received by the Secretary unless a later date is specified in the notice when it shall take effect on that later date.

8. DISCIPLINARY MEASURES

- 8.1 Should a member –

- a) assert pressure on any other member to obtain any form of grace or favour on the grounds of any difference or otherwise and or;
- b) place any other member under any moral obligation to infringe any other member's moral standing for whatever purpose, and or
- c) be convicted of an indictable offence and or;
- d) fail to comply with any of the provisions of the Constitution and By-Laws of The Club and or the Association Rules and or;
- e) conducts themselves in a manner considered to be injurious or prejudicial to the character or interests of The Club or Association.

- 8.2 The member concerned shall be required to appear before the Penalising Authority (Refer Part 2/ Section 11/1) as determined by the Executive Committee. The Executive Committee shall refer the matter to the relevant penalising authority within seven (7) days of receiving notice of the alleged offence. If the offence is of a suspected criminal nature it is to be referred to the Police for their investigation.

- 8.3 The member concerned shall be given a full and fair opportunity of presenting his case.

- 8.4 Any member suspected of any breaches of The Club rules may, in the appropriate case, be suspended forthwith by the President, pending a hearing by the relevant penalising authority.

- 8.5 Failure of the penalising authority to convene within the specified timeframe as defined for that penalising authority, shall mean that any suspension of the member shall be lifted until such time as a hearing of the matter is convened.

- 8.6 Disciplinary and Appeal procedures to be followed are set out in the By-Laws Section 11 and Appendix “A” of the By-Laws, notwithstanding the foregoing, members may be required to attend Judiciary committee meetings.

9. AFFILIATIONS

- 9.1 The Club shall apply annually for affiliation to the Branch, and such application shall be made prior to the Branch Annual General Meeting.
- 9.2 The Club may authorise the formation of Auxiliary Organisations to function for such purposes and for such periods as may be determined from time to time by The Club.
- 9.3 Auxiliary Organisations shall abide by the Constitution, Rules, etc., of the Association and The Club, with the exception of the Southport Surf Club Supporters Club Inc., which shall be registered under the relevant Government Act and have its own Constitution and Management Committee.
- 9.4 Changes or amendments to the Constitution, Rules, etc., of affiliated and/or auxiliary organisations shall be made with regards to the Constitution, By-Laws, policies and rules of the Branch or the State Centre.
- 9.5 The Club:
- a) is bound by this Constitution and By-Laws and submits to the authority of the Branch or State Centre in relation to the conduct, promotion and administration of surf life saving within the boundary of The Club;
 - b) must not do or permit any act or thing which, in the opinion of the Branch or State Centre, might adversely affect or derogate from the standards, quality and reputation of surf life saving.
 - c) may request the appointment of an administrator from the Branch or State Centre if experiencing difficulties.
- 9.6 The Club accepts the Branch or State Centre may at any time appoint one or more people to administer The Club or its assets if, in the Branch’s and State Centre’s reasonable opinion:
- a) The Club is experiencing, or might experience, serious administrative, operational or financial difficulties, such as:
 - (i) unable to, or not, upholding the reputation or objects of the Association,
 - (ii) having difficult, or not, fulfilling its lifesaving or administrative obligations and/or responsibilities,
 - (iii) experiencing financial difficulties,
 - (iv) has an unfavourable Auditor’s report,

- (v) being subject to an investigation by a Government agency, eg: Police, Australian Tax Office, etc,
 - (vi) having unsatisfactory (non-approved) insurances,
 - (vii) Being unable or unwilling to satisfy its debts to the State Centre,
 - (viii) failing to comply with SLSA and/or State Centre and/or Branch polices, rules etc. and;
 - (ix) experiencing internal management conflicts, eg: fractional problems.
- b) It is in the best interest of surf life saving, The Club or its members that all or some of the operations, affairs, conduct or management of The Club be investigated, reviewed or externally administered or assisted, or
 - c) The Club has acted or proposes to act contrary to law.

9.7 The Club Must:

- a) Promptly provide administrators all documents, records and assistance (including the execution of documents or instruments) reasonably requested by the administrator from time to time and;
- b) Indemnify the administrator, the appointing body against all liabilities incurred by the Administrator in the exercise or purported exercise of their powers.

9.8 An administrator appointed to The Club or its assets:-

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

- 9.9 Where the Branch or State Centre consider or is advised that a Club has allegedly:
- a) breached, failed, refused or neglected to comply with a provision of the Constitution or By-laws or any resolution of the Branch or State centre;
 - b) acted in a manner prejudicial to the objects and interests of the Branch or State Centre or surf life saving;
 - c) brought the Branch or State Centre or surf life saving into disrepute;
 - d) refused without lawful excuse to implement any or all directions or recommendations made by an administrator appointed by the Branch or State Centre.

The appointing body may, in addition to its other rights or powers at law or under the Constitution and By-Laws after allowing The Club the reasonable opportunity to explain, adjudicate and if necessary impose upon The Club such penalty as the Branch or State Centre considers appropriate.

10. MANAGEMENT

The Management of The Club shall be provided in the following manner:

10.1 The Club Council

- a) the overall responsibility for the affairs of The Club shall be vested in the Council which shall consist of The Club President (Chairperson), the Deputy President; elected Officers and voting members.
- b) the primary functions of the Council are to govern and provide leadership to The Club and its auxiliary organisations with the exception of the Southport Surf Club Supporters Club Inc. in accordance with the aims and objects of The Club, the law and this Constitution.
- c) the Council shall also set strategic direction through the endorsement of strategic and business plans, adopt an annual budget, set major policies, ensure that internal control systems are in place, monitor the performance, progress and results associated with these functions.

10.2 The Management Committee

- a) The Management Committee shall consist of President, Deputy President, Treasurer, Secretary, Club Captain, Surf Sports Officer, Chief Training Officer, Membership Officer and Chairman of the Junior Activity Committee.
- b) The business and operations of The Club shall be the responsibility of the Management Committee with the exception of matters relating to Policy, Constitutional Change, Incorporation Responsibilities and Authority, and major financial expenditure, borrowings (refer By-Law Part 2 Section 7 / 12),

and major strategic issues. Recommendations only shall be provided on such issues to the Council.

10.3 The Executive Committee

- a) The Executive Committee of the Club shall be the President, Secretary and Treasurer.
- b) The Executive Committee may, with the approval of the Management Committee, deal with items requiring prompt or urgent attention between the meetings of the Management Committee provided that any such decisions shall be subject to ratification by the Management Committee.

10.4 Committees and Sub Committees

- a) Committees and Sub-Committees may be established to assist in the management of The Club, as provided for in the By-Laws Section 6, and shall report and make recommendations to the Management Committee and/or The Club Council.

10.5 Staff

May be provided for in Part 2/Section 5/2 and may include:

- a) personnel as determined from time to time by the Management Committee.
- b) paid staff of The Club are not permitted to hold a position on the Management Committee of The Club, provided that such paid staff may seek election as a Management Committee Member with the proviso that if elected they shall forthwith forfeit their paid position unless approved by Council.
- c) the Management Committee shall endorse or reject the employment of other paid assistance as may be considered from time to time
- d) pay structures and employment conditions of employees shall be determined by the Management Committee, following a recommendation submitted by the Employment Committee

10.6 Order of Authority

- a) Whilst it is accepted that the foregoing represent and act for and on behalf of The Club, the order of priority in relation to authority is:-

The Council

The Management Committee

The Executive Committee

The President

The Club Captain

SECTION C

Election of Officers, Life Members and The Garth Andrews Fellowship Award

1. ELECTION OF OFFICERS

- 1.1 Officers shall be elected annually at the Annual General Meeting. The Management Committee will be elected by secret ballot with a least Fifty One per cent (51%) majority of those present and eligible to vote.
- 1.2 Management Committee will have a two year term with the President, Secretary, Chief Training Officer, Chairman of Junior Activities being due to elections in every even year and Deputy President, Treasurer, Club Captain, Surf Sports Officer and Membership Officer to be elected every odd year.
- 1.3 Nominations for Officers to be elected or appointed at the Annual General Meeting of the Council shall be in writing on the appropriate form, signed by the nominator and seconder, who shall be members of the Club, and bearing a certificate signed by the nominee expressing their willingness to accept the position for which they have been nominated. Such nominations shall be in the hands of the Secretary at least fourteen (14) days prior to the date of the Annual General Meeting and shall be promulgated to the members at least seven (7) days before that date.
- 1.4 In the event of there being two or more nominees the voting shall be by secret ballot.
- 1.5 If there are no nominations received as aforesaid, nominations may be accepted at the Annual General Meeting provided the person nominated is present or has given a written consent to accept office. Should there be an equality of the votes the following shall apply –
 - a) if one of such nominees occupies the office, which is the subject of the ballot, such nominee shall be declared re-elected.
 - b) if none of the nominees occupies the office which is the subject of the ballot, the presiding Chairperson at the time of the ballot shall have a casting vote.
- 1.6 All Officers shall continue in office, subject to resignation, removal from office, illness, incapability or some other reason, until their successors are elected or appointed. In the event of a vacancy occurring during the year, such vacancy may be filled at a Management Committee or Council meeting. If the Management Committee appoints the person, then it shall require endorsement by the Council at the next council meeting
- 1.7 Any officer who is absent from three (3) consecutive meetings of the Committee that they are a member of, without submitting a satisfactory reason in writing, may be removed from office by the Management Committee, and in such event, shall not be eligible for re-election during the current year.

2. ELECTION OF LIFE MEMBERS

Life members of The Club may be elected from the members who have:

- 2.1 15 years of membership of The Club.
- 2.2 Rendered a minimum of the (10) years of distinguished, extraordinary, outstanding and conspicuous service to The Club within the area of, or on behalf of The Club.
- 2.3 Nominations for Life Membership are to be received by The Club in writing a minimum of sixty (60) days before the Annual General Meeting of The Club. The nominations must be moved and seconded by two (2) current financial members. The Membership Officer and one Life Member, appointed by The Management Committee, shall research and confirm the Nominees full history in The Club. This record shall contain information such as years of membership, positions held, patrol hours, evidence of distinguished, extraordinary, outstanding and conspicuous service and competitive involvement, but shall not be limited to these. This record shall be the main basis for determining the member's eligibility for Life Membership. The source of this information shall be part of the record e.g. club records, club annual report, personal testimony which must be in writing and signed by the nominator(s).
- 2.4 Within twenty-one (21) days of receipt of the nomination by The Club, the Membership Officer shall refer the Nominee(s) to a meeting of the Life Membership Reference Committee. This committee shall review the records of the Nominee(s) to the extent of their knowledge of the Nominee(s), as to the accuracy of the record and on perusal of the record shall recommend to the Management Committee successful nominee(s) for Life Membership.
- 2.5 The Management Committee may only reject the nomination(s) on the grounds that it does not comply with requirements of the constitution.
- 2.6 Successful Nominee(s) will then be announced at the Annual General Meeting of The Club and will be granted Life Membership if they receive a 75% majority vote of members in attendance and eligible to vote.
- 2.7 There shall be no restriction on the number of Life Membership granted or no requirement for a Life Member to be elected each year. The successful recipient will be recorded in the Club's Annual Report.

3. GARTH ANDREWS FELLOWSHIP AWARD

The Garth Andrews Fellowship Award may be granted by The Club to members, individuals or corporations who have provided ten (10) years of exceptional and dedicated service to The Club:

- 3.1 Members of The Club granted the award shall be exempt from patrol obligations and pay a membership fee equivalent to an active membership.
- 3.2 Persons granted this award are not required to be financial members of The Club.

- 3.3 Nominations for Garth Andrews Fellowship Award must be moved and seconded by two (2) current financial members and submitted to The Club a minimum of sixty (60) days before the Annual General Meeting together with a written record of service to The Club. This record shall contain information such as evidence of distinguished, extraordinary, outstanding and conspicuous service, but shall not be limited to these. The nominee(s) details shall be referred to the Life Membership Reference Committee.
- 3.4 The Life Membership Reference Committee shall assess the record of each candidate and advise the Management Committee of successful candidates. The Management Committee will vote on the recommendation.
- 3.5 The successful candidate shall be recognised by the issue of a trophy, which shall be presented at the discretion of the Management Committee.
- 3.6 The awarding of a Garth Andrews Fellowship Award shall be for Life.

4. CLUB AWARDS

- 4.1 The Club may present awards for various achievements by Club Members.

SECTION D

Property, Finance, Budget & Gift Fund

1. PROPERTY

The property of The Club shall be vested in the name of the Southport Surf Life Saving Club Inc.

2. FINANCE

2.1 An official receipt, in the form prescribed by the State Government, shall be issued for all monies received, and which shall be banked/deposited promptly after receipt thereof, in the name of The Club in such Bank as the Management Committee directs.

2.2

a) payments shall be made only by Government-approved methods. Payments by cheque shall be crossed “not negotiable” and signed conjointly by any two (2) of the President, Treasurer and Secretary or as authorised by The Club’s Management Committee.

b) payments by Electronic Funds Payment (EFT) shall be electronically authorised by any two (2) of the above referred to in 2.2 (a)

2.3 The assets and income of The Club shall be applied solely in furtherance of its abovementioned objectives and no portion shall be distributed directly or indirectly to the members of The Club except as bona fide compensation for services rendered or expenses incurred on behalf of The Club.

2.4 Before payment, all accounts shall be ratified by any one (1) of the: Treasurer, President or Secretary or as authorised by The Club’s Management.

2.5 The Treasurer shall ensure that the statement of receipts and expenditure are presented to the Management Meeting for confirmation on a monthly basis. Part 2/Section 4/5

2.6 The Treasurer shall maintain a record of all investments of The Club.

2.7 The books and accounts of The Club shall be kept and an annual audit conducted in the manner required under the legislation and to Australian accounting standards. Such audited report to be presented to the Annual General Meeting of The Club, refer By-Law 3/1.1.

2.8 As soon as practicable after the end of the financial year, the Treasurer shall cause to be prepared, a statement containing the particulars of:

a) the income and expenditure for the financial year just ended and;

b) the assets and liabilities and of all mortgages, charges and securities affecting the property of The Club at the close of that year.

- 2.9 Government Subsidies/Grants:
- a) The Club shall submit returns as and when required in the form provided to the relevant Government Department or agency.
 - b) as soon as possible after the receipt of any Government subsidy a receipt for the monies received shall be forwarded to the Department.
- 2.10 The financial year of The Club shall be from the first day of May in any one year to the thirtieth day of April in the year next following.
- 2.11 Financial activities of all Committees and Sub Committees of The Club shall be under the control of the Treasurer, who shall, in conjunction with The Club President and Chairperson of the Committees and Sub Committees, determine the method of financial operation most suited to that particular Committee and Sub Committee, providing that at all times, the Government and Australian Accounting Standards requirements are maintained.
- 2.12 Any member being in default of payment of liabilities to The Club for in excess of two (2) months from date of notification of default may be referred to a Penalising Authority and any penalty imposed shall remain in force until the liability has been negotiated to the satisfaction of The Club.
- 2.13 The Management Committee shall provide for the safe custody of all financial records of The Club, instruments of title, securities, books and documents.

3. BUDGETS

- 3.1 The Treasurer shall cause to be prepared a budget by the 30th of April for the ensuing year, after consultation with the Management Committee.
- 3.2 The budget shall be endorsed and submitted by the Management Committee to the Council for consideration of the budget allocations at the Annual General Meeting. Once approved all expenditure requests shall be ratified and approved by the Management Committee Any unforeseen items in relation to finance that may arise shall be dealt with by the Management Committee, which shall, if it is considered important or necessary, recommend that the matter be considered by the Council.

SECTION E

Requirements and Procedures

1. BRANCH REPRESENTATION

- 1.1 The Club shall be represented on the Branch Council by The Club President who shall be a Branch Councillor, and
- 1.2 The Councillor shall hold office until the appointment of their successor.
- 1.3 An Alternate Councillor (proxy) shall be appointed from the Management Committee of The Club to act as proxy should the need arise.
- 1.4 The Club shall be represented on the relevant Branch Boards by The Club's elected officers or proxies.

2. MEETINGS

- 2.1 The business of The Club shall be transacted at the following classes of meetings-
 - a) Annual General Meeting of the Council;
 - b) General Meeting of the Council;
 - c) Management Committee;
 - d) Executive Committee;
 - e) Committees and Sub Committees
- 2.2 In relation to Minutes of the aforementioned meetings, the following procedures shall apply:
 - a) The Secretary, or individual nominated by The Club Management Committee, shall cause full and accurate minutes of all questions, matters, resolutions and other proceedings of every Council and Management Committee meeting to be recoded and to be open for inspection at all reasonable times by any financial member who previously applies to the Secretary for that inspection. For the purposes of ensuring the accuracy of the recording of such minutes, the minutes of every meeting shall be signed by the Chairperson of that meeting or the Chairperson of the next succeeding meeting verifying their accuracy. Similarly, the minutes of every Annual General Meeting be shall be signed by the Chairperson of that meeting or the Chairperson of the next succeeding General or Annual General Meeting.
- 2.3 Detailed requirements and procedures relative to the conduct of the aforementioned meetings are as provided for in By-Laws 3/1 to 3/4 .

- 2.4 Nothing contained in the Constitution shall prevent a meeting of a group of Officer or members of The Club, provided that any reports or recommendations resulting from such meeting shall be ineligible for consideration by any higher authority unless they are submitted to the Management Committee within a period of seven (7) days of that meeting.
- 2.5 Fourteen (14) clear days notice, in writing, shall be given for the Annual General and General Meetings.
- 2.6 General Meetings shall be convened when directed by the President or the Management Committee, or not less than the number of voting members of The Club which equals double the number of members presently on the Management Committee, plus one. Such requisition shall clearly state the reasons why such General Meeting is being convened and the nature of the business to be transacted thereat. Such meeting shall be held within twenty-one (21) days of receipt of such request or directive and at least fourteen (14) clear days notice on The Club notice board shall be given stating the business to be discussed. The quorum and time limit for such a meeting shall be as detailed in Part-1/E/6.
- 2.7 Notice of meetings of Committees and Sub Committees shall be at the discretion of the respective Chairperson but shall comply with the requirements of Section 6 of the By-Laws.
- 2.8 Special meetings of the Management Committee shall be convened by request of the President or by not less than one-third of the members of the Management Committee. Seven (7) clear days notice, in writing, shall be given for special Management Committee meetings.
- 2.9 Any Officer who is absent from three (3) consecutive meetings of the Committee/Sub Committees they are a member of without submitting a satisfactory reason may be removed from office by the Management Committee on a recommendation from that Committee and in such event, shall not be eligible for re-election during the current year.

3. OFFICER REQUIREMENTS

- 3.1 Any Officer who is not satisfactorily carrying out his duties may be removed from office by a two-thirds (2/3) majority vote of the number of Officers on the full Management Committee, and in such event, shall not be eligible for re-election or re-appointment during the current year.
- 3.2 Appeal against removal from Office
 - a) An Officer removed from Office shall have the right to lodge an appeal against such removal to The Club provided that the appeal shall be lodged in writing to The Club within fourteen (14) days of the notification of the removal and shall set out clearly the grounds of the appeal. The appeal shall be placed before The Club Judiciary Committee and shall be dealt with as per the By-Laws Appendix "A".

4. VOTING

4.1

- a) only financial Active, Reserve Active, Long Service, Life Members, and Elected Officers shall be eligible to vote at Council Meetings, and shall be entitled to one vote each and in the case of an equality of votes the Chairperson shall have a second or casting vote. No member shall be entitled to vote at any General Meeting if his annual subscription is in arrears at the date of the meeting. All other members are allowed to attend but have no voting rights.
- b) an Award Member may become eligible to vote at any Council meeting provided that:
 - they are deemed active within their award and club duties by the Management Committee; and
 - they apply in writing giving their details of their award duties conducted within The Club to the Management Committee twenty-eight (28) days prior to any Council Meeting at which they propose to vote.
- c) the Management Committee shall give written notice to an award member of its decision within 14 days of such decision.
- d) in the event that the Management Committee approves voting eligibility to the Award Member, subject to clause 4.1 above, that eligibility shall lapse at the end of the season during which the eligibility is granted.
- e) the Management Committee shall, at its absolute discretion, have the right to revoke the voting eligibility, with the voting revocation to be effective immediately on the Management Committee resolving to do so, and shall give written notice to the Award Member of its decision within fourteen (14) days of such decision.
- f) Past Active Members may be granted voting rights (Refer Part 1/B/3.8) provided that:
 - they are deemed active with club duties by the Management Committee; and
 - they apply in writing giving details of their previous service conducted within The Club to the Management Committee twenty-eight (28) days prior to any Council Meeting at which they propose to vote.
- g) the Management Committee shall give written notice to a Past Active Member of its decision within 14 days of such decision.

- h) in the event that the Management Committee approves voting eligibility to the Past Active Member, subject to clause 4.1 above, that eligibility shall lapse at the end of the season during which the eligibility is granted.
 - i) the Management Committee shall, at its absolute discretion, have the right to revoke the voting eligibility, with the voting revocation to be effective immediately on the Management Committee resolving to do so, and shall give written notice to the Past Active Member of its decision within fourteen (14) days of such decision.
- 4.2 Members elected to Committee are the only persons eligible to vote at meetings of their respective Committee, except as per Section 2/By-Law 4/1.1. The Committee Chairperson shall have both a deliberative and casting vote.
- 4.3 There shall be no allowance for proxies, with the exception of Officers of The Club as defined in the By-Laws. Officers may appoint a person to attend a meeting (other than a Council General Meeting) to act as a proxy for the officer
- 4.4 Postal/Electronic Voting shall not be permitted.

5. CHAIRPERSON

- 5.1 Except where otherwise provided the President or Deputy President shall be Chairperson of all meetings of the Council and the Management Committee, and in the absence of the President and Deputy President the meeting shall elect a Chairperson.

6. QUORUM

- 6.1 At the Annual General and General Meetings of The Club, the number necessary to form a quorum shall be double the number on the Management Committee plus One (1).
- 6.2 At a Management Committee meeting, the number of Officers to form a quorum shall be a simple majority of Committee members.
- 6.3 At other Committee meetings a simple majority of members shall form a quorum.
- 6.4 If a quorum as prescribed above is not present within one half hour after the advised commencement time, the following shall apply:
- a) Annual General and General Meetings

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

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

b) Management Committee, and Committee Meetings

The meeting Chairperson shall decide future action on matters before the Management Committee, or Committee

7. NOTICE OF MOTION

- 7.1 Notices of any motion of the Annual General or General Meeting of The Club, shall be given in writing signed by the mover and seconder thereof (who must be voting financial members of The Club to the Secretary at least twenty-one (21) days clear days prior to the date of such meeting and shall be included in the business paper on the notice calling such meeting.
- 7.2 A notice of motion desired to be moved or seconded by The Club Branch Councillor at a Branch meeting must be accompanied by the written endorsement of The Club.
- 7.3 The meeting may, by ordinary resolution; grant the mover and seconder leave to alter their motion, in a minor way without altering the intention of the motion. No amendment to the intention of the motion will be accepted.
- 7.4 A motion of which due notice has been given, if unsuccessful, cannot be resubmitted, nor may any other motion having a similar effect be moved at the next meeting of Council or within six (6) months from the date of its rejection, unless approved by the Management Committee.

8. MOTIONS TO RESCIND

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

9. ALTERATIONS TO THE CONSTITUTION

- 9.1 The Club may alter its Constitution in relation to local and domestic matters providing that due regard is given at all times to the provisions of SLSA's and/or the State or Branch Constitutions, Regulations, By-laws or Policies as the case may be.
- 9.2 Subject to the provisions of the relevant Government legislation, The Club Constitution may be amended, rescinded or added to, from time to time by a special resolution carried at an Annual General Meeting or General Meeting of the Council, called for that purpose, provided that no such amendment, rescission or addition shall be valid unless the same is submitted to and registered by the relevant Government Department following the meeting's endorsement.

- 9.3 Notice of the proposed alteration shall be given in the manner provided for Notices of Motion but shall specifically state that it is a notice of proposal to alter the Constitution, either by amending or repealing an existing provision thereof or by adding a new provision.
- 9.4 The notice of the proposed alteration shall be included in the Notice calling the Meeting (whether Annual General or General), in writing, at which it is to be submitted as a “Notice of Motion to alter the Constitution”.
- 9.5 Provided that the aforesaid Notice be duly given, it shall be competent for the alteration of the Constitution to be considered and dealt with at the meeting of The Club Council.
- 9.6 The Club shall lodge with the Branch and SLSQ, copies of its Constitutions and of all amendments and/or alterations thereto which have been adopted, from time to time.

10. MEMBERSHIP FEES

10.1 Member fees shall be:

- a) as decided from time to time by a General or Annual General Meeting of the Council.
- b) paid by the Annual General Meeting for the ensuing year. Refer Section A/1.3

11. POLICIES, DOMESTIC RULES AND STANDING ORDERS

- a) Provided that they do not conflict with the letter or the spirit of the rules incorporated in the Association Constitution and Manuals, The Club may create, alter and repeal Policies, Domestic Rules and Standing Orders for the conduct of its local and domestic affairs.
- b) The Club shall maintain in an appropriate manner a record of such Policies, Domestic Rules and Standing Orders which shall be laid down from time to time by a Management Committee Meeting. Such Policies, Domestic Rules or Standing Orders shall remain in force until revoked or altered by a further Management Committee Meeting.

12. MAKING AND ALTERATION OF BY-LAWS AND APPENDICES

- a) subject to the provisions of the relevant Government legislation, The Club By Laws and Appendices may be amended, rescinded or added to from time to time by the Management Committee. Copies of any amendments shall be forwarded to the Branch and SLSQ for record purposes.
- b) when By-Laws are made, altered or repealed, each affiliated body shall be informed promptly.

13. LEGAL ACTION

- a) no Officer, or group of Officers or Members, whether in Committee or alone, may institute legal action which purports to be upon behalf of The Club and if it carries legal and financial implications against The Club or against a Branch, State Centre SLSQ, the Australian Council or another Club affiliated to Surf Life Saving Australia Limited, unless by the following procedures:
- b) the constitutional convening of a General Meeting of members of The Club, and a vote affirmative of such action by a two-thirds majority of members present and eligible to vote.
- c) further, an invitation to such a General Meeting must be given to the higher authorities of that body, i.e. Branch, State Centre and SLSA.

14. UNIQUE ITEMS

- a) in the event of any question or item arising which is not specifically provided for in the Constitution, Regulations or Manuals of the Association or in the Constitution or By-Laws of The Club, it shall be competent for The Club to legislate thereon temporarily by resolution at any meeting of the Council or Management Committee pending due alteration of the Constitution.

15. DISSOLUTION

- a) The club shall be dissolved only with the consent of at least three-fourths of the Officers and voting members present at a General Meeting called for that purpose, notice of which must be posted to Officers and members at least twenty-eight (28) days prior thereto, and advertised in the major regional newspaper in each centre under the control of the Branch, at least once in each of the two (2) consecutive weeks immediately preceding such meeting.

16. DISTRIBUTION OF SURPLUS ASSETS

- a) In the event of The Club being dissolved in accordance with the provisions of the relevant Government Act, and there remains after satisfaction of all its debts, liabilities and property whatsoever, the same shall not be paid or distributed among the members of The Club but shall be given or transferred to Surf Life Saving Queensland or if that entity has ceased to exist to Surf Life Saving Australia.

17. DISTRIBUTION OF DGR PROPERTY ON REVOCATION OF DGR OR WINDING UP

- a) If the organisation is wound up or its endorsement as a deductible gift recipient is revoked (whichever occurs first), any surplus of the following assets shall be transferred to Surf Life Saving Queensland or if that association is no longer a deductible gift recipient or has ceased to exist, to another surf life saving body organisation to which income tax deductible gifts can be made:
- gifts of money or property for the principal purpose of the organisation
 - contributions made in relation to an eligible fundraising event held for the principal purpose of the organisation
 - money received by the organisation because of such gifts and contributions.
- b) Such deductible gift recipient charity will be determined by the Members at or before the time of dissolution.

18. DISTRIBUTION OF PROPERTY ON WINDING UP

- 1.1 This rule will apply if the association –
- (a) is wound up under part 10 of the Act; and
 - (b) has surplus assets after satisfying clause 8.
- 1.2 The surplus assets must not be distributed among the members of the association.
- 1.3 The surplus assets must be given or transferred to Surf Life Saving Queensland or if that association has ceased to exist to another surf life saving body –
- (a) having objects similar to the association's objects; and
 - (b) the rules of which prohibit the distribution of the entity's income and assets to its members.
- 1.4 In this rule – surplus assets see section 92(3) of the Act.