



# TORQUAY SURF LIFE SAVING CLUB INC.

ABN 95 834 027 136 A0002714R

All Correspondance to PO Box 193 Torquay 3228  
Administration Ph. (03) 5261 4110 Fax Ph. (03) 5261 4209  
Website [www.torquayslsc.com.au](http://www.torquayslsc.com.au) E-mail [info@torquayslsc.com.au](mailto:info@torquayslsc.com.au)

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## TORQUAY SURF LIFESAVING CLUB - BY LAWS

### 1 GENERAL

#### 1.1 Authority

The bylaws of the TSLSC are enacted in accordance with the TSLSC constitution section 35.

#### 1.2 Policies

- a) The TSLSC Board of Directors shall develop Policies, or approve Policies as developed by any Council for the effective and consistent operations of TSLSC.
- b) TSLSC shall also subscribe to the policies of LSV and SLSA as appropriate. Where National policies are amended or are not adopted, this shall be clearly identified.

### 2 MEMBERSHIP AND AFFILIATION

#### 2.1 Member Protection

- a) The TSLSC is committed to the health, safety and wellbeing of all members, and shall use its best endeavors to ensure a safe environment exists for all members participating in surf lifesaving activities.
- b) The TSLSC shall not condone any form of discrimination, harassment or abuse of, or by, members.
- c) All members shall abide by the relevant LSV and SLSA policies with respect to Member Protection, Equity and Harassment, and the Codes of Conduct as determined from time to time.
- d) All members involved, either directly or indirectly in leading, chaperoning, coaching, instructing, examining or supervising youth members shall be screened in accordance with legislative and Association requirements as determined from time to time.
- e) All members shall immediately report any suspected breaches of LSV and SLSA Membership Protection or Equity Policies or Codes of Conduct to the appropriate authority within the club or to LSV. The Committee shall, in accordance with Association policies and procedures, determine the most appropriate method of dealing with such reports.

#### 2.2 Members Charter Torquay SLSC

All members, Officers and staff shall comply with the following Members Charter which is displayed within the club.

This charter establishes a standard by which we conduct ourselves towards others and carry out our duties and obligations as members of the Torquay Surf Life Saving Club.



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We will at all times:

- Respect the rights, dignity and worth of others.
- Be fair, considerate and honest in all dealings with others.
- Accept responsibility for our actions.
- Refrain from any form of bullying or harassment
- Be a positive role model.
- Contribute to a harmonious, safe and enjoyable club.
- Be aware of and maintain an uncompromising adherence to SLSA's standards, rules, regulations and policies.

### **3 ANNUAL SUBSCRIPTIONS**

- (a) The annual subscriptions for all categories of membership shall be determined by the Board.
- (b) Subscriptions shall be paid in the following categories of membership:
  - a. Junior Activity Member
  - b. Cadet Member
  - c. Senior Active Member
  - d. Long Service Member
  - e. Associate Member
  - f. Family Membership
  - g. Country Membership
- (c) Life Members and Honorary Members shall be exempt from paying an annual subscription.
- (d) A family subscription shall be available to parents and such of their children as shall be eligible for membership but whose age shall not exceed seventeen (17) years on the 30 day of April in the financial year.
- (e) All members who have paid their annual subscription and have not been suspended, excluded or otherwise shall be entitled to use the TSLSC facilities.
- (f) No member shall be permitted to compete for the TSLSC in any external or internal competition and shall not be permitted to vote at any General Meeting of the TSLSC unless they have paid their annual subscription

### **4 Directors**

#### **4.1 Board of Directors**

The composition of the Board of Directors is set out in rule 28.1 of the TSLSC constitution and comprises:

- a) The President
- b) Secretary



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- c) Treasurer
- d) Club Captain, and
- e) Director of Life Saving

## 4.2 Qualities, skills and Experience

The following qualities, skills and experience are considered desirable for persons nominated as Directors of TSLSC:

- a) Knowledge and understanding of Life Saving in general;
- b) Previous experience in organizational work from either private business or community activities;
- c) Demonstrated ability to understand a wide scope of community issues, including requirements and objectives of governing not for profit bodies;
- d) Management or administration skills, including financial management and working knowledge of the requirements of the Corporations Act in the areas of corporate governance and director's duties and responsibilities;
- e) Excellent presentation and communication skills
- f) Ability to work and communicate effectively within the Board and with external parties;
- g) Understanding of strategic planning processes and ability to implement developed procedures;
- h) Commitment to the role and the ability to devote sufficient time and energy to the position.

## 4.3 Directors Duties

Directors of TSLSC must:

- a) Be committed to ethical, businesslike and lawful conduct including proper use of authority and appropriate decorum when acting as Directors;
- b) Always act in the interests of the TSLSC and the members
- c) Avoid conflicts of interest
- d) Not attempt to exercise individual authority over TSLSC or make decisions outside of their designated scope of authority
- e) Not publicly voice any negative comments or individual opinions relating to members, staff, fellow Directors or any TSLSC matter or issue;
- f) Only speak to the media as requested by the President or Marketing Director
- g) Adhere to and support the President in an effort to govern effectively.
- h) Respect the confidentiality of sensitive issues or business items under negotiation or discussion



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## 5 Directors Obligations

### 5.1 Obligations

This section outlines the key duties and obligations of Directors.

Directors owe certain duties to the TSLSC and its members. The duties require Directors to act competently, honestly, in good faith and in what they consider to be the best interests of TSLSC. The duty statement covers both common law duties (those imposed by the courts) and the duties similar to those imposed on Directors of companies under the Corporations Act. It is not an exhaustive summary of a Director's obligations, but it does summarize some of the key obligations imposed on directors.

Directors are required to understand the needs of TSLSC and their legal responsibilities as Directors. Certain duties apply to a Director in every respect of TSLSC and to every transaction TSLSC enters into. Directors are regarded as owing a fiduciary duty to TSLSC. This means that a Director has special obligations to TSLSC because they occupy a position of trust. As a result of the fiduciary relationship between the Director and TSLSC, the Director is bound to exercise their rights and powers in good faith and for the benefit of TSLSC. In very broad terms, the principle statutory and common law duties imposed upon Directors may be summarized as follows:

- a) To act in honestly and in good faith in the interests of TSLSC as a whole;
- b) To exercise the degree of care, skill and diligence that a reasonable person in a like position would exercise in TSLSC circumstances;
- c) To exercise powers granted honestly and for the purposes for which they were conferred and not for collateral purposes;
- d) To avoid any actual or potential conflict between the obligations owed to TSLSC and a Director's personal interest or other duties;
- e) To keep confidential information obtained confidential, and not to disclose an advantage or business opportunities acquired, in the course of office;
- f) To prevent insolvent trading by TSLSC

## 6 DISCIPLINE, PENALTIES AND APPEALS

As per The TSLSC constitution section 17.1 all members must attempt in good faith to resolve any dispute that arises between themselves and another Member(s) without the use of formal grievance, judicial or discipline procedures. In all cases every attempt must be made to resolve the matter at the lowest level before escalation. Where the matter does not involve the President , the President should be alerted to any dispute involving any member prior to any action



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being taken. Should the matter relate to or directly involve the President, the TSLSC Grievance Officer should be the first point of contact prior to any escalation.

## 6.1 Jurisdiction

- (a) The penalizing Authority for the Club shall be vested in the following:
  - i. The Board of Directors ( Executive Committee)
  - ii. The Full Committee
  - iii. The Judiciary Committee
  - iv. The President
- (b) Should the Club decide the alleged offence is beyond the responsibility of the Club, the matter may be referred to LSV for determination

## 6.2 Discipline

- (a) General
  - i. The parties to a dispute must attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party. It is the intent of the TSLSC to encourage members to solve issues and disputes themselves and only request mediation or other options as a last resort. The club may elect not to deal with any dispute where it is of the view that a bona fide attempt at a resolution has not been attempted by an aggrieved party.
  - ii. The Club may penalize or refer to the Judiciary Committee, a member, who in the opinion of the Club has practiced or counselled any unbecoming conduct or conduct which reflects upon the good name of the Club, the Association or any of its Officers, whether at any competition, meeting, function or other activity, or at any other time.
  - iii. Penalty decisions shall be promptly conveyed in writing to the body or member concerned and it shall be incumbent on the Club to give immediate effect to such decision and to notify LSV.
  - iv. The Club will observe the principles of natural justice in the conduct investigating or ruling on any dispute including the determination of any potential penalty.

## 6.3 Penalties

- (a) Without limiting the scope of penalties that may be imposed, the form a penalty may take includes:
  - i. Reprimand – with the offence being recorded in the books of the penalizing body;
  - ii. Suspension – may be applied as a complete or partial suspension of a member’s privilege for a definite period of time or until a definite pre0set goal is reached, and partial suspension could well require the member to carry out all or part of his/ her duties in the Club without being able to avail him / herself of the normal facilities and privileges of a member.



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- iii. Termination – Club membership may be terminated because of the prevailing circumstances, and when the extreme action of expulsion is not warranted. A member whose membership is terminated may re-apply for membership of the TSLSC at some time later.
  - iv. Expulsion – from “Club Membership” would be applied only as a response to a very serious offence against the Club, LSV or their principles or ideals.
  - v. Such combination of any of the above as the penalizing authority sees fit.
  - vi. Such other penalty or penalties as the penalizing body thinks fit.
- (b) Where an individual Club member is suspended by the Club, he/she shall forfeit either completely or partially, as may be decided, all privileges as a member of an affiliated Club during the period of his / her suspension. In the case of complete suspension, a member shall forfeit all rights during the currency of his/her suspension. Partial suspension shall limit such member’s participation in inter-club or LSV activities but shall not interfere with his/her rights as a Club Member.

## 6.4 Appeals

- (a) Any member penalized by a penalizing authority for the Club shall have the right to lodge an appeal against such penalty to the next highest penalizing authority within the Club provided that the appeal shall be lodged in writing to the Club within fourteen (14) days of the notification of the penalty and shall set out clearly the grounds of the appeal. The appeal shall be placed before the next highest penalizing authority within the Club, and shall be dealt with in the following manner –
- i. Dismissed and the penalty upheld;
  - ii. Dismissed and heavier penalties imposed;
  - iii. Upheld and a lighter penalty imposed
  - iv. Upheld and the appellant exonerated



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## 7 Club Policies

### 7.1 Patrol Member Obligations

#### 7.1.1 Patrol Obligations

The patrol season shall be decided by LSV and the Club annually. The method of patrol duties shall be determined by the Board prior to the commencement of each season.

- (a) Active members shall attend patrols as rostered or appointed provided that:
  - i. Active cadet members shall be eligible for duties only commensurate with their qualifications
  - ii. A member requiring to be transferred from one Patrol to another shall do so only with the consent of the relevant Patrol Captains, or in the event of their unavailability the Club Captain.
  - iii. It shall be permissible to appoint a substitute, when unable to attend, the member appointing such substitute to be responsible in the event of the substitute not attending
  - iv. Exemption for patrol duty may be granted by the Club in special circumstances but for extended periods of exemption written applications shall be made to the Club Captain who shall decide the issue
- (b) A member must be financial prior to attending requalification tests, Club sanctioned training and / or conducting patrol activities. This is mandatory to ensure all members are covered by insurance whilst involved in Club activities.
- (c) Members will not be charged a fee for requalification tests.
- (d) A member must be currently proficient
- (e) Before the patrol commences duty, the patrol Captain shall detail the position each person is to take in the event of rescues and allocate qualified IRB personnel
- (f) In the absence of the Patrol Captain the Patrol Vice Captain shall have the like power and authority.
- (g) Members of Patrol and activities of the patrol are under the control and direction of the patrol Captain, and members are not allowed to leave patrolled area unless extenuating circumstances and then must first obtain permission from their Patrol Captain.
- (h) Prior to the commencement of each Life Saving season the Club Captain and Director of Life Saving shall jointly issue an outline of the following season's patrol activities including expectations of competitor members and training opportunities for members wishing to gain new awards.

#### 7.1.2 Duty of Care

Your training attendance on patrol puts you in a position where beach goers have the right to expect you will provide lifesaving services in a professional manner as set out in the rules of Surf



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Life Saving Australia. If you neglect to fulfill your Duty of Care under these rules, you as an individual may face personal consequences.

## 7.1.3 Patrol Hours

Members must arrive 20 minutes prior to the listed time on the roster. Patrol finishes when the member is released by the Patrol Captain.

Members who are not rostered but wish to complete patrol hours must seek the patrol Captains approval.

## 7.1.4 Redundant/Deleted

## 7.1.5 Patrol Uniforms

As a member of the Torquay SLSC you should take pride in the uniform you wear. Full patrol uniform is required by OH&S standards and is not optional.

- Patrol cap must be worn at all times
- Patrol Shirt
- Patrol Shorts
- Wide brim hat or peak cap (SLSA issue)

Initial uniform is supplied. Subsequent uniform requirements can be purchased from the Club uniform shop.

## 7.1.6 Conduct while on Patrol

Patrolling members need to be constantly aware that their behavior is on display in a public place and in that in an era of social media and mobile cameras, one single patrolling member can affect the reputation of the Club and Life Saving more generally. Patrolling members should always conduct themselves in a manner that enhances the reputation of the Club.

## 7.1.7 Patrol Hour Member Discount

To provide patrolling members with tangible reward for exceeding Club expectations. Based on total patrol hours including approved water safety hours in the previous season, renewing members will receive a discount in their annual membership fees (but not competition fees) based on the following scale:

Patrol Hours	Discount on fees
>55 hours	100%
>40 -55	50%
>25-40	25%





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Members must have fulfilled their patrol roster obligations (substitution in accordance with patrol guidelines permitted) to be eligible for the discount.

To be eligible to receive any discount membership fees must be paid in full no later than 90 days from the start of the relevant financial year which commences May 1. Where the membership category is a family membership: the discount applicable will be applied to the relevant Active category and then reduced from the family membership price. For example. John completed 42 hours patrol in season 2015/16 and his membership type is as a family. When joins renews his membership for the following season his fee will be charged as family membership rate less (50% of active senior member fee). Members will be notified if they are eligible for such a discount based on patrol logs approved by the club captain.

## 7.2 Mobile Phone (Redundant/Deleted)

## 7.3 Email Policy

Directors will be issued with a TSLSC club email address upon election of office. This email address is used on the understanding that it only be used for TSLSC club business and not for private or personal business use. Should a Director step down from the office or not be re-elected the email remains the property of the TSLSC. It is agreed that the password to the TSLSC email account will be given to the Club Secretary within 2 days of the Director vacating the office.

All Director email passwords are to be sent to the Club Secretary and securely held in a sealed envelope in the club safe. These will only be accessed in the unlikely event a Director forgets the password or is subject to disciplinary action. Where a Director changes a club password the Club Secretary should be notified as soon as practicable.

Email usage should be able to withstand member scrutiny and or disclosure.

## 7.4 Club House Rules

### General

1. The benefits of Club privileges shall be permitted only to members of the Club and such Association visitors as are approved by the Club Captain and or written approval by the Secretary.
2. Unseemly conduct likely to interfere with the comfort of other members of the Club shall not be tolerated and members are requested to assist in preventing such conduct.
3. Damage occasioned to the club house facilities shall be subject to investigation and decision of liability by the TSLSC Committee.
4. Wetsuits are not to be worn within the main hall or members lounge.
5. Bad language shall not be tolerated in the club house.
6. Pets shall not be allowed in the club house.



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7. Liquor may only be consumed in the club house at an organized function approved by the committee.
8. Junior Members shall be permitted the use of the Club room whilst under the supervision of a Club official or adult member.
9. Members should not use the craft storage sheds as changes rooms. Changing should only be undertaken in the change rooms provided by the Club.

## 7.5 Gymnasium User Policy

The TSLSC provides the use of its gymnasium to members as part of their membership entitlement. Members under the age of 16 must be accompanied by an adult whilst in the gymnasium. All equipment within the gymnasium remains the property of the TSLSC and as such must at no time be removed for any reason.

Like all club facilities it's the member's responsibility to keep the gymnasium clean and tidy.

Member's enter the gym and use its facilities at their own risk. The club accepts no liability for injuries sustained whilst within the gymnasium.

## 7.6 Storage of Equipment

All personal equipment and craft stored within TSLSC facilities is done so on the understanding that all liability for theft, damage or loss is at the owner full responsibility. The TSLSC assumes no liability for personal craft stored on the club premises.

The TSLSC has limited space in the "craft shed" and as such it is agreed that an annual fee of \$250 will be charged to people wishing to store craft who are not:

- Patrolling members
- Competitors
- Club Directors and / or Committee Members
- Life Members
- Long Service Members
- And those the Directors see fit to grant an exemption in writing.

## 7.7 Use of Club Equipment

The TSLSC provides a variety of equipment for use to its members. To enable them to compete, train and undertake the duties of life saving. This is done so on the full agreement of the member and the TSLSC that any loss or damage to club equipment will be at the liability solely of the member and the club has the right to recoup repair or replacement costs incurred.

Nonmembers must at no time use club equipment without the express permission of a Director and must at all times be supervised. Where a nonmember is granted permission to use club



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equipment liability for damage or loss is the same as if they were a member and the TSLSC has the right to recoup costs to cover replacement or repairs.

## 7.8 TSLSC “swipe” card/ access device protocol

Members may purchase a swipe card or similar device that allows them access to the club gymnasium and downstairs showers. This access is granted to the card/device holder only and should under no circumstances be given to a nonmember. To be granted an access card / device, a member over the age of 18, must provide the club with a copy of a valid working with children check.

All use of the swipe card is recorded in the Club’s IT system with a record of the member’s name, the time that they swiped and the door they either opened or attempted to open.

Where a member is found to misuse the access device or left the area they accessed in an unacceptable state, they will be given an initial warning. A second breach will result in the card being deactivated.

Where a member loses the device they must inform the club as soon as possible to protect the security of both other members and the club itself. A new device can be purchased at the member’s expense in this instance.

## 8 Finance

### 8.1 Authorization Limits

As a committee member you are entrusted to act in good faith on behalf of the members at all times. As such to ensure complete transparency of financial transactions the following processes exist:

- Where an item to be purchased exceeds \$2500 two quotes must be provided to ensure the best available price is obtained. The only exception is in the circumstances of sponsorship deals where the club agrees to use the services of a sponsor in return for a donation. Where this is the case this must be documented and tabled at the Committee Meeting.
- Where an item to be purchased exceeds \$1000 one written quote must be obtained prior to the purchase and approved by the Committee.
- Directors are permitted to purchase items up to but not exceeding the value of \$250. Items above \$250 require approval from the executive.

### 8.2 Hiring of Club Facilities

The TSLSC is proud of its facilities and wishes to encourage all members to be able to use them for various functions. To ensure that the hiring is transparent and understood the following charges apply to all hiring of club facilities.



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Category A	Past Presidents, Current Directors, Past Presidents of the Associates, Major Sponsors, Jack Harris Trustees and Life Members	No hiring fee
Category B	Members who have made an outstanding contribution to the club at the discretion of the Board of Directors, Other sponsors current at the time of application	75% discount off the current Hiring Fee
Category C	All other members	20% discount off the current Hiring Fee

## 9 Team Selection Policy

The primary objective of the TSLSC is to cultivate and encourage Life Savers of the Future. It is understood that competition is an element of any Surf Life Saving Club and one in which TSLSC has a proud tradition.

The selection of teams is always difficult and one which Team Managers, Age Managers and Coaches deliberate over to get the balance right. The final decision is that of the Competition Director for the Senior Competitors and for the Nipper section The Director of Junior Development in conjunction with the Nipper Competition Manager. Their decision is final. In the unlikely event that a competitor or guardian of a competitor believes there is a selection issue, the competitor (if over 18) or guardian must lodge in writing a submission to the Club Captain to review the matter. The decision of the Club Captain will be final.

## 10 Nipper Age Group Compliance

All summer Holiday program participants must stay within their correct age group. They must not move to another age group for any reason.

1. All junior Active competitors must compete in their correct age group. They must not move to another age group for any reasons.
2. Team selection for the State qualifying events and Junior State titles are to be conducted by selection trials. Selection trials must be conducted by age group managers and overseen by the Director of Junior Development and Nipper Competition manager.
3. In completion, a junior competitor may only move up to an older age group if there are not enough competitors in that older age group to make up teams. First priority will be given to those members in their correct age group so as to avoid those competitors being overlooked. In a team of 4, the top 4 in the correct age group must be selected in team A. Similarly, in a team of 3 the top 3 in the correct age group must make up team A. Therefore a competitor may only



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fill in for an A team where there is a vacancy caused by insufficient members of correct age members.

## 11 Burial Plaques

Many members request their ashes to be scattered in the waters at the front of the club house. Where a burial plaque is requested to recognize a past member a charge of \$100 is issued to cover the cost of engraving and installation of the plaque.

## 12 Wearing of High Visibility Vests

The safety and protection of all TSLSC members is paramount. As such all members training or competing in the water are required under Club Policy to wear a high visibility vest as recommend by both LSV and SLSA. Whilst the Standard Operating Procedures for both LSV and SLSA only recommend the wearing of the high visibility vest for some sections TSLSC believes that in the interests of member safety and to ensure excellent role models are set for our junior members, no member shall be permitted into the water beyond knee height for training purposes without the required high visibility vest.

## 13 Olympic Honor Board

To be eligible for admission to the TSLSC Olympic Honor Board you need to fulfill the following criteria:

1. Have been either patrolling or been a competing member of the TSLSC.
2. Represented Australia at an Olympic games
3. Nominated by a current financial member.
4. The nomination must be passed by the majority of a properly held TSLSC Committee meeting.

The TSLSC committee will consider applications for special consideration based on their merit and the decision of the committee will be final.

## 14: Member attendance at TSLSC Committee Meetings

All members are welcome to attend TSLSC Committee meetings. To ensure that meetings run efficiently and effectively a member seeking to attend should notify the Club Secretary in writing no less than seven (7) days prior to the scheduled meeting of their intended attendance this ensure that the matter to be raised by the member can be added to the agenda. No other business can be tabled by the visiting member after the circulation of the agenda.

The non-committee members agenda item will be dealt with at the commencement of the meeting to enable the non-committee member to be able to leave once the matter has been tabled and discussed.



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Where any voting is required during the meeting which the member has requested to attend the non-committee member will be asked to leave the room to allow the Committee to vote on the matter.

## 15: **Absentee Votes:**

Notices to the members, regarding application for absentee votes, must give clear advice to the members, that they are required to make application for an absentee vote, on an individual member basis.