



# By Laws

July 2024

## Notes to the By-Laws

- These By-Laws are adopted under s.35 of the Constitution of the Torquay Surf Life Saving Club.
- Document is based on By-Laws adopted in 2020.
- This version is in force as of June 2024.
- Version control & change history is listed below.

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# **1. GENERAL**

## **1.1 Authority**

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

## **1.2 Policies**

1.2.1 The TSLSC Board of Directors shall develop Policies, or approve Policies as developed by any Life Saving Council for the effective and consistent operations of TSLSC.

1.2.2 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 Effects of Membership**

2.1.1 The Effects of Membership are stated in the club Constitution.

2.1.2 All memberships are individual, within the categories defined in the Constitution.

2.1.3 Membership runs from the time payment of subscriptions is received by the club in a given year until the end that club financial year, specifically the 30th of April in each year. All rights of membership cease as at that date and do not reactivate until all Membership Obligations for the following year are completed.

## **2.2 Membership Obligations & Rights**

2.2.1 Only those individuals who have:

- a) paid their Membership Fees as described in item 2.3 in full; and
- b) fulfilled all registration and administrative obligations in relation to their membership application; and
- c) are not subject to suspension, exclusion, or otherwise; may be considered as "Financial Members".

2.2.2 Individuals to whom discounted Membership Fees have been offered in accordance with item 2.4 must still fulfil all registration and administrative requirements before their membership renewal can be accepted and they are considered to be Financial Members.

2.2.3 Financial Members are entitled to the privileges of membership as set out in the Constitution.

2.2.4 No individual shall have any rights of membership unless they are Financial Members. For the avoidance of doubt this includes (but is not limited to) being prohibited from:

- a) access to and use of club facilities;
- b) competing for the TSLSC in any external or internal competition; and
- c) attending, participating in and/or voting at any General Meeting of the club.

## **2.3 Membership Fees**

2.3.1 The Board has the power to review and set:

- a) Membership annual subscriptions
- b) Nomination and/or joining fees
- c) Membership surcharges

Collectively these amounts are referred to herein as "Membership Fees".

2.3.2 Subscriptions shall be paid in all categories of membership, except as provided herein.

2.3.3 Membership Fees for each and every category of membership shall be determined annually by the Board, no later than one month before the end of the club financial year.

2.3.4 Membership Fees shall be made known to members, by direct communication, and prospective members, via publication on the club website.

2.3.5 Annual subscriptions are due in advance on the 1st day of May each calendar year.

2.3.6 Subscriptions and other payments from renewing members will be considered late if they remain unpaid more than 30 days after the due date.

## **2.4 Membership Fee Discounts**

2.4.1 The Board may, but is not obliged to, offer discounts to Membership Fees on any basis it sees fit from year to year.

2.4.2 Any discount determined by the Board shall:

- a) be effective for that season only;
- b) automatically cease at the end of each financial year; and
- c) confer no rights to members of ongoing or continuing applicability.

2.4.3 Any discount applicable for the previous season shall be actively reconsidered by the Board prior to the commencement of each season and, only if so resolved, be readopted:

- a) in full;

- b) in part; or
- c) as amended.

2.4.4 Membership Annual Subscriptions shall be set at zero for the following categories of membership only:

- a) Life Members
- b) Honorary Members

2.4.5 A family subscription discount, if offered by the Board in any given year, shall be available to family groups who reside at the same address and consist of:

- a) Up to two parents and / or legal guardians; and
- b) Those dependent children whose age shall not exceed eighteen (18) years on the 30th day of April in the financial year.

For the avoidance of doubt, "Family" is not a membership category and confers no rights beyond those of the individual members.

2.4.6 The maximum of all discounts offered to any individual shall not exceed 100% of item 2.3.1a), being that individual's Membership Annual Subscriptions for that season. For the avoidance of doubt;

- a) the sum of membership annual subscriptions and all applicable discounts offered to an individual cannot be less than zero dollars;
- b) discounts cannot be transferred, in whole or in part, to another individual member;
- c) discounts may not be carried over from year to year.

2.4.7 Where an individual member who is part of a family group taking advantage of a discount under item 2.4.5, any further discount or subsidy offered will be limited to a base rate equal to the lower of:

- a) The individual membership category rate; and
- b) The rate set for a Senior Active member.

## **3. MEMBER CONDUCT**

### **3.1 Members Charter**

3.1.1 The Torquay SLSC Members 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.

3.1.2 All members, Officers and staff shall, without exception, comply with the Members Charter.

3.1.3 The TSLSC Members Charter reads as follows:

#### **Members will at all times**

- **Promote & prioritise safety in enjoying our ocean environment, through our actions and the example we set to fellow club members and the public**
- **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.**

3.1.4 The Board will ensure the Members Charter remains prominently displayed within the club and on the club's website.

## **3.2 Member Welfare**

3.2.1 The TSLSC is committed to the health, safety and wellbeing of all members, and shall use its best endeavours to ensure a safe environment exists for all members participating in surf lifesaving activities.

3.2.2 The TSLSC shall not condone any form of discrimination, harassment or abuse of, or by, members.

3.2.3 All members shall abide by the relevant TSLSC, LSV and SLSA policies with respect to Member Protection, Equity and Harassment, and the Codes of Conduct as determined from time to time.

## **3.3 Screening & Appointments**

3.3.1 All members involved, either directly or indirectly in:

- leading;
- chaperoning;
- transporting;
- coaching;
- instructing;
- examining;
- supervising; or
- otherwise having any level of formal or informal responsibility for, authority and/or influence over the welfare of;

members, particularly (but not exclusively) those under the age of eighteen years, shall be screened in accordance with legislative and Association requirements as determined from time to time.

3.3.2 The Board may adopt Policies in relation to specific positions which state additional qualifications, experience and obligations required of members appointed to those positions.

## **3.4 Member Protection**

- 3.4.1 The TSLSC shall have at least two Member protection officers at all times, who are (preferably and subject to the availability of suitable individuals prepared to accept such appointment):
- a) at least one male and one female;
  - b) at least one being independent of the club.
- 3.4.2 The Board shall ensure contact details of the member protection officers shall be visible on the club website and published on various club newsletters and other documents where it is reasonable for all members to have access to the details.

## **3.5 Breach Reporting**

- 3.5.1 All members should be encouraged to immediately report any suspected breaches of TSLSC, LSV and SLISA Membership Protection or Equity Policies or Codes of Conduct to the appropriate authority within the club or to LSV.
- 3.5.2 If uncertain, the first point of contact for members should be one of the club's Member Protection Officers.
- 3.5.3 The Board shall, in accordance with Association policies and procedures, determine the most appropriate method of dealing with such reports.

## **4. DIRECTORS**

### **4.1 Qualities, Skills and Experience**

- 4.1.1 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.

## **4.2 Directors' Duties**

4.2.1 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.

## **4.3 Directors' Obligations**

4.3.1 This section outlines the key duties and obligations of Directors.

4.3.2 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.

4.3.3 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
- e) Director's personal interest or other duties,
- f) To keep confidential information obtained confidential, and not to disclose an advantage or business opportunities acquired, in the course of office,
- g) To prevent insolvent trading by TSLSC.

## 4.4 Email Policy

- 4.4.1 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.
- 4.4.2 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.
- 4.4.3 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.
- 4.4.4 Email usage should be able to withstand member scrutiny and or disclosure.

## 5. DELEGATIONS & COMMITTEES

### 5.1 General

- 5.1.1 The intention of committees is to distribute the responsibility for the operation and administration of the club's activities beyond the members of the Board alone.
- 5.1.2 The Board shall be supported by:
  - a) **Operational and Administrative Committees**, which shall have a standing mandate to act on behalf of the Board in relation to areas aligned to the relevant Director portfolios stated in the Constitution;
  - b) **Standing Special Committees**, which shall have a standing mandate to advise the Board, typically in relation to a specific area of criticality requiring continuity and specialist expertise;
  - c) **Special Committees**, which shall have a defined mandate to advise the Board, typically in

relation to matters arising from time to time requiring dedicated resourcing, specialist expertise, confidentiality and/or timely response;

- d) **Special Sub-Committees**, which shall have a defined mandate to advise the Board, typically in relation to matters arising from time to time requiring dedicated resourcing, specialist expertise, confidentiality and/or timely response;
- e) **Sub-Committees**, which shall have a defined mandate to deliver a function of an Operational or Administrative Committee or a Board member.

5.1.3 While certain Committees are named herein, this By-Law does not restrict or limit the Board in the establishment of additional Committees or Sub-Committees as it requires from time to time.

## 5.2 Delegations

5.2.1 Committees and Sub-Committees shall be formed in accordance with section 34 of the Constitution.

5.2.2 The Board shall ratify an Instrument of Delegation for each Committee and Sub-Committee to provide:

- a) terms of reference;
- b) structure;
- c) appointed members;
- d) reporting obligations and timelines; and
- e) reporting lines to the Board.

5.2.3 The Instruments of Delegation shall be:

- a) maintained in a register by the Secretary; and
- b) annually reviewed; and
- c) amended as required; and
- d) re-ratified by the incoming Board no later than two months after the Annual General Meeting; and
- e) made available to every member upon request.

5.2.4 Each member of a Committee or Sub-Committee shall be provided with a copy of the relevant Instrument of Delegation, along with any amendments and subsequent re-ratifications.

## 5.3 Establishment & Formation

5.3.1 A Committee:

- a) should ideally contain no fewer than three members;
- b) must be chaired by a member of the Board;
- c) must report to the Board through the Committee chair;
- d) must not meet in the absence of a member of the Board.

#### 5.3.2 A Sub-Committee:

- a) is not required to be chaired by or contain a Board member; but
- b) must report to the Board either via a Committee or directly through a Board member.

## 5.4 Operational Committees

### 5.4.1 The following operational committees shall be established and maintained by the Board:

- a) **Lifesaving, Member Pathways, Facilities** chaired jointly by the Director of Lifesaving, Director of Member Services, and Director of Facilities
- b) **Junior Development (Nippers)**, chaired by the Director of Junior Development
- c) **Surf Sports**, chaired by the Director of Competition
- d) **Finance and Compliance**, chaired by the Treasurer
- e) **Marketing, Fundraising, Functions & Events** chaired jointly by the Director of Marketing, Director of Fundraising & Director of Functions

## 5.5 Special and Sub Committees

### 5.5.1 The Board may determine, or each Operational Committee may recommend from time to time, to devolve certain responsibilities to special or sub committees.

### 5.5.2 Sub-committees will exist only for the duration of the relevant Committee's Instrument of Delegation or that other period defined by the Board, but shall not exceed the end of the season without ratification of a renewed Instrument of Delegation.

### 5.5.3 **Audit and Risk Committee (ARC)** shall be established and maintained by the Board as a Standing Special Committee:

- a) **Purpose:** The Committee is independent of the Board and reports to the members and Board on its findings, based on the brief provided by the Board. The Board retains responsibility for decisions, performance and outcomes of the Committee. The ARC will assist the Board in fulfilling their oversight and governance responsibilities and obligations under the Associations Incorporated Reform Act 2012, in the areas of:
  - i compliance to statutory reporting;

- ii internal control systems;
  - iii risk management;
  - iv insurance; and Constitutional reform.
- b) **Membership**
- i Appointed by the Board for a period of three (3) years.
  - ii All members of the Committee must be current financial members, have an impeccable club history and expertise relevant to the purpose of the Committee as outlined above.
  - iii The committee will consist of five (5) members and meet at least three times each TSLSC financial year.
- c) **Roles and Responsibilities**
- i Independently review and assess the effectiveness of the Club's internal systems and controls for financial management, performance and sustainability, including risk management;
  - ii Review and monitor compliance with statutory obligations including applicable laws, regulations, standards and best practice guidelines for all Club activities; Oversee and review the risk profile for strategic and operational risks, along with the mechanism in place to manage those risks;
  - iii Assist the Board in ensuring the protection of the Club's assets;
  - iv Regularly review implementation of actions in response to internal or external audits, including remedial actions to mitigate future instances of non-compliance and report back to the members and Board;
  - v Make recommendations to the Board regarding matters such as constitutional reform; and TSLSC By Laws
  - vi Institute and oversee special investigations as required.
- d) **Reporting:** The Committee will be required to:
- i Provide the Board with a copy of the minutes of each meeting as soon as practicable after the meeting; and
  - ii Report to the Board, the Committee's view and concerns on significant risk issues and changes to the risk profile of the Club.

#### 5.5.4 **Judiciary**

- a) Shall act in accordance with the Constitution (s. 17) and By-Laws relating to Discipline, Penalties & Appeals.
- b) Shall contain at least one suitably interested and experienced individual with legal qualification and experience, who shall act as chair.

- c) Shall report to the Board through the Director of Member Services, or in their absence the President.

**5.5.5 Life Members**

- a) Shall convene as necessary and in such a manner as determined by the members of the sub-committee to fulfil the requirements of the Constitution s. 10.1 (j).
- b) Shall report to the Board through the President.

**5.5.6 Honours & Awards**

- a) chaired jointly by the Club Captain & Director of Member Services

## **6. FINANCE**

### **6.1 Authorisation Limits**

6.1.1 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:

- a) 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.
- b) Where an item to be purchased exceeds \$1000 one written quote must be obtained prior to the purchase and approved by the Committee.
- c) Directors are permitted to purchase items on behalf of the club up to but not exceeding the value of \$250. Items above \$250 require approval from the Committee. Any such items must be reported to the treasurer.

### **6.2 Hiring of Club Facilities**

6.2.1 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.

Category A	Past Presidents, Current Directors, Gold Sponsors, Jack Harris Trustees, Life Members	No hiring fee
Category B	All other members and sponsors	20% discount off the current Hiring Fee

## **7. MEMBER EMPLOYMENT**

### **7.1 Employment Opportunities**

- 7.1.1 Engaging paid employees presents compliance, legal and regulatory risks and administrative obligations for the employer.
- 7.1.2 From time to time, having considered the risks and obligations of doing so, the Board may decide to make certain paid employment opportunities available to members.
- 7.1.3 Where Torquay SLSC is the employer and opportunities exist to offer paid employment, the club should aim to promote these opportunities to members in the first instance.

### **7.2 Torquay SLSC as Employer**

- 7.2.1 This By Law relates to instances only where the Torquay SLSC is the employer.
- 7.2.2 It does not restrict members from being employed directly by third party organisations operating within the club premises, including but not limited to:
  - 7.2.3 LSV paid lifeguard services.
  - 7.2.4 LSV paid training services.
  - 7.2.5 Third party catering & event management services.

### **7.3 Restrictions on Employment**

- 7.3.1 The club will not employ any individual (member or otherwise) in any capacity, whether paid or voluntary, without proof that the individual holds and remains proficient / registered in the qualifications, certificates or endorsements required to fulfil that role.
- 7.3.2 Paid employment offered to individuals (member or otherwise) between the ages of above 15 years and below 17 years shall be strictly limited to:
  - 7.3.3 Where Torquay SLSC is engaged on commercial terms to deliver training and education programs to external organisations (eg: schools, community groups, sporting clubs, etc); and
  - 7.3.4 Acting as “water safety assistant” within the scope of their proficient lifesaving qualifications; and
  - 7.3.5 Always under the direct and active management and supervision of a suitably qualified and experienced program manager, also employed by the club.
- 7.3.6 The club will in no instance offer paid employment to any individual (member or otherwise) under the age of 15 years.
- 7.3.7

## 8. MEMBER RECOGNITION

### 8.1 General

- 8.1.1 The club aims to acknowledge membership milestones and recognise the achievements of members and excellence in fields of endeavour, both in surf life saving and independent of but related to their involvement in Torquay SLSC.
- 8.1.2 The Board shall maintain relevant policies setting out the process and parameters for recognition under these By-Laws.
- 8.1.3 The Board may choose from time to time, but is not obliged, to:
- a) install displays; and/or
  - b) install honour boards; and/or
  - c) present medallions;

to recognise categories of member achievement, representation or milestone.

- 8.1.4 The design and placement (and if appropriate, the duration) of such displays or honour boards to be installed shall be at the discretion of the Board.

### 8.2 Categories of Recognition

8.2.1 Members may be recognised for:

**a) Social and Community Achievements**

- i The club may recognise the exceptional social and community achievements of members in pursuits beyond surf life saving.

**b) National Sporting Representation**

- i The club may recognise the elite, international level sporting achievements of members in sporting pursuits beyond surf life saving.
- ii A separate honour board shall continue to be maintained for recognition of those members who have achieved selection in the national team for the Olympic Games.
- iii For the avoidance of doubt, this section should recognise members who have represented any country, provided they meet the relevant eligibility criteria.

**c) Membership & Milestones**

- i The Annual Report shall include a comprehensive and definitive list of members each year.
- ii Calculation of length of service to and membership of the club should:

- count seasons where the individual has been a financial member, but which do not need to be concurrent; and
  - not distinguish between or discriminate against any category of membership held, which for the avoidance of doubt, shall include periods of membership held in non-active categories of Associate and Junior Activities.
- iii Membership Milestone recognition is distinct and separate to the honour of Life Membership, which may be awarded in accordance with the Constitution only to a “...member who has rendered distinguished and outstanding service to the Association for a period of not less than fifteen (15) years.”

## **8.3 Process of Recognition**

8.3.1 From time to time the Board may:

- a) itself determine; or
- b) accept recommendation from the Honours & Awards Committee;

as to those classifications it believes warrant recognition under this By Law.

8.3.2 With reference to the classifications ratified by the Board under item 8.3.1, the Honours & Awards Committee shall:

- a) research the eligibility for recognition of members and past members; and
- b) noting that nominees need not be a Financial Member at the time of nomination, nominate to the Board those members who meet the eligibility criteria.

8.3.3 As to the classifications ratified by the Board under item 8.3.1, the Board shall:

- a) ratify those members nominated by the Honours & Awards Committee as meeting the eligibility criteria; and
- b) ensure those names so ratified are duly recognised in the Annual Report of that year and each subsequent Annual Report; and
- c) enable the installation and updating of relevant displays and honour boards;
- d) procure and present relevant medallions.

## **9. MEMBER ATTENDANCE AT TSLSC BOARD MEETINGS**

9.1.1 All members are welcome to attend TSLSC Board meetings.

9.1.2 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 will 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.

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

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

## **10. ABSENTEE VOTES**

10.1.1 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.

## **11. CLUB SPONSORSHIP**

### **11.1 General**

11.1.1 Torquay Surf Lifesaving Club (TSLSC) is a volunteer club fully funded by membership fees and sponsorships. TSLSC welcomes public support through sponsorships. These arrangements are vital to ensure our club remains financially viable.

11.1.2 TSLSC recognises our large member base will have many contacts that are potential sponsors and encourage our members to source sponsorship opportunities.

11.1.3 The purpose of this document is to describe how a sponsorship arrangements maybe entered into, the approvals required to enter a sponsorship and acceptable sponsor behavior.

11.1.4 As a rule all sponsorship opportunities will be considered within the context of TSLSC values and organisational wide priorities to ensure all sections of TSLSC are equally considered as beneficiaries of sponsorships.

### **11.2 How Sponsorships May Be Entered Into**

11.2.1 To ensure all sponsorships are aligned with TSLSC values the Marketing Director must be involved in all sponsorship negotiations as described in this document.

11.2.2 For a TSLSC club member to enter into sponsorship negotiations they must obtain Marketing Director Approval to act as TSLSC representative in the negotiation.

11.2.3 The Marketing Director must be made aware of all sponsorships negotiations and will retain the right to cease negotiations if required.

## 11.3 Sponsorship Negotiation Steps

### 11.3.1 Initial Contact

- a) A member may make contact with a potential sponsor and explain
  - i what the club does
  - ii that the club relies on sponsorships for funding
  - iii that all sponsorships are subject to formal agreement
  - iv that the TSLSC marketing director must agree to and be involved in all sponsorship agreements
- b) The member is to make no commitment to sponsorship or accept any funds or donations in any form including products at this stage.

### 11.3.2 Subsequent Contact

- a) Once the potential sponsor has shown interest in pursuing a sponsorship the TSLSC member must contact the Marketing Director via email to explain the potential sponsorship.
- b) The Marketing Director will use this information to determine if the sponsorship should be pursued. Information to be included in the email to [marketing.tslsc@gmail.com](mailto:marketing.tslsc@gmail.com)
  - i member name & involvement in the club
  - ii potential sponsors name, core business and contact details
  - iii potential sponsorship terms
  - iv potential sponsorship amount

### 11.3.3 Marketing Director Response

- a) The Marketing Director will determine if the potential sponsorship is aligned to TSLSC values and strategic organisational wide priorities.
- b) If alignment is found the Marketing Director will then determine who will negotiate on behalf of TSLSC, to be known as the TSLSC representative. This will be communicated to the TSLSC member within 7 days.

## 11.4 Sponsorship Terms

11.4.1 The TSLSC representative and the potential sponsor will negotiate terms of the sponsorship. Any obligations on TSLSC must be approved by the Marketing Director.

11.4.2 Sponsorship terms must include:

- a) Period of the sponsorship
- b) Value of the sponsorship – detail if including or excluding GST

- c) When the sponsorship will be paid
- d) Sponsor obligations – e.g. provide product, attend events etc.
- e) TSLSC obligations – e.g. advertise sponsorship, promote to our members, be at events

#### 11.4.3 Special points to note:

- a) Branding – if the agreement includes branding of any TSLSC assets the parties must agree on who will bear the cost of branding the assets and of removing the branding at the end of the agreement. It must also be agreed the branding to be approved by the Directors, is only for the term of the agreement.
- b) Access to members – TSLSC cannot provide access to our member database contact details. We can promote sponsorships via website, email and club newsletters

11.4.4 The TSLSC representative is to make no commitment to sponsorship or accept any funds or donations in any form including products at this stage.

## 11.5 Final Agreement

11.5.1 Once verbal agreement has been made between the TSLSC representative and the sponsor an agreement between the parties must be documented.

11.5.2 Agreement form and approval for sponsorship commitment is dependent on value of the sponsorship:

- a) For sponsorships under \$2,000 –
  - i The TSLSC representative may commit to the sponsorship via an email to the sponsor describing the agreed terms with the marketing director copied
- b) For sponsorships over \$2,000 –
  - i Only the Marketing Director may commit to the sponsorship via a letter detailing the sponsorship terms signed by the TSLSC marketing director and the sponsor

11.5.3 The TSLSC representative has entered into a commitment of sponsorship and may accept, on behalf of the Club funds, donations and products in accordance with the sponsorship agreement at this stage, providing the Marketing Director is immediately advised.

## 11.6 Invoicing

11.6.1 Once the sponsorship is agreed a request to invoice the sponsor must be sent to [treasurer.tspsc@gmail.com](mailto:treasurer.tspsc@gmail.com)

## 11.7 Record Keeping

- 11.7.1 A sponsorship register, recording each sponsorship starting and finishing date and amount of sponsorship shall be maintained by the Treasurer within the clubs accounting software package.

## **11.8 Approvals Required**

- 11.8.1 All sponsorships valued up to \$2,000 must be approved by the Marketing Director.
- 11.8.2 All sponsorships valued over \$5,000 must be approved by the TSLSC Committee.

## **11.9 Sponsor Behaviours**

- 11.9.1 TSLSC expects all sponsors to be aligned to the TSLSC values and culture and respect the inclusive nature of the club, the position of the elected committee and the terms of any sponsorship agreement entered into.
- 11.9.2 If at any time the committee feels sponsor behavior is not in keeping with the clubs values the sponsorship agreement will be reviewed by the committee. The committee has the authority to cancel a sponsorship agreement on majority vote. Behaviours that could trigger sponsorship review include but are not limited to;
- a) attempts to influence club administration and due process outside of the terms of the sponsorship agreement
  - b) sponsor use of club equipment or facilities in a manner not in accordance with the sponsorship agreement
  - c) un acceptable conduct at any TSLSC event
  - d) change in sponsor's public persona in a way that is not aligned to TSLSC culture and values.

## **12. FUNDRAISING**

- 12.1.1 This bylaw sets out Torquay Surf Life Saving Club's (TSLSC) policy for the implementation, communication and co-ordination of all fundraising activities with the objective to benefit any member or section of the club financially (be it through funding, assets, or equipment).
- 12.1.2 This bylaw applies to all forms of fundraising, irrespective of amount, where any member, section or the greater club seeks to benefit through financial gain, acquisition of asset (including entry fees) or receives any form of advantage.
- 12.1.3 All fundraising activities are required to adhere to the following procedure:
- a) All fundraising activity ideas and concepts to be submitted to the relevant Board Member to be taken to the general Committee for approval;
  - b) Fundraising activity cash handling to be pre-approved by the TSLSC Treasurer, with no use of personal bank accounts;

- c) No individual is permitted to identify their association with TSLSC for fundraising activities without consent from the TSLSC Committee;
- d) Any communication of approved fundraising activity to be consistent with TSLSC's values and policies;
- e) Refer to the TSLSC Social Media Policy for appropriate use of online communication.

12.1.4 These guidelines are in place to ensure all members understand the protocols associated with being an organisation with charitable status and the need to adhere to basic accounting principles and audit requirements.

## **13. DISCIPLINE, PENALTIES AND APPEALS**

13.1.1 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.

13.1.2 Where the matter does not involve the President, the President should be alerted to any dispute involving any member prior to any action being taken. Should the matter relate to or directly involve the President, the TSLSC Member Protection Officer should be the first point of contact prior to any escalation.

### **13.2 Jurisdiction**

13.2.1 The penalising Authority for the Club shall be vested in the following:

- a) The Executive Committee
- b) The Full Board
- c) The Judiciary Committee
- d) The President

13.2.2 Should the Club decide the alleged offence is beyond the responsibility of the Club, the matter may be referred to LSV for determination

### **13.3 Discipline**

13.3.1 General

- a) 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.

- b) 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.
- c) 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.
- d) 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.

## 13.4 Penalties

13.4.1 Without limiting the scope of penalties that may be imposed, the form a penalty may take includes:

- a) **Reprimand** – with the offence being recorded in the books of the penalizing body.
- b) **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 preset 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.
- c) **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.
- d) **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.
- e) Such combination of any of the above as the penalizing authority sees fit.
- f) Such other penalty or penalties as the penalizing body thinks fit.

13.4.2 During proceedings the subject(s) of the proceedings may be suspended, on such terms and for such period as the relevant referring authority thinks fit, and shall remain under suspension unless relevant referring authority decides otherwise.

13.4.3 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.

## 13.5 Appeals

- 13.5.1 Any member penalized by a penalizing authority for the Club may within 14 days from the date of receiving the determination in writing, appeal to the next highest penalizing authority within the Club provided that the appeal shall be lodged in writing to the Club.
- 13.5.2 The appeal must be lodged in writing to the Club and must set out the:
- a) Ground(s) on which the appeal is made; and
  - b) Reasons or circumstances supporting the alleged ground(s) of appeal; and
  - c) Must be accompanied by a non-refundable appeal fee of \$200.
- 13.5.3 An appeal is only permitted on one or more of the following grounds:
- a) The decision was affected by actual bias; or
  - b) There was no material on which the decision could reasonably be based.
- 13.5.4 Nothing in this by-law prevents the withdrawal of an appeal at any time in writing to TSLSC. If the appellant seeks to withdraw an appeal after an appeal hearing commences the appeal may only be withdrawn with the consent of the relevant appeal panel chairperson. Once the appeal is withdrawn, a new appeal cannot be lodged.
- 13.5.5 The appeal shall be placed before the next highest penalizing authority within the Club, and shall be dealt with in the following manner -
- a) Dismissed and the penalty upheld;
  - b) Dismissed and heavier penalties imposed;
  - c) Upheld and a lighter penalty imposed;
  - d) Upheld and the appellant exonerated.

# DOCUMENT VERSION CONTROL

## Version Control and Change History

DATE	DETAILS OF CHANGE
2020	<ul style="list-style-type: none"><li>• 2020 Version By-Laws</li></ul>
March 2023	<ul style="list-style-type: none"><li>• Update – Separation of Policies from By-Laws</li></ul>
September 2023	<ul style="list-style-type: none"><li>• Remove – 2) Membership &amp; Affiliation</li><li>• Remove – 3) Annual Subscriptions</li><li>• Remove – 13) Olympic Honour Board</li><li>• Remove – 19) Audit and Risk Committee</li><li>• Insert New – Member Conduct</li><li>• Insert New – Membership &amp; Affiliation</li><li>• Insert New – Delegations &amp; Committees</li><li>• Insert New – Member Recognition</li><li>• Renumber</li></ul>
June 2024	<ul style="list-style-type: none"><li>• Insert New – Member Employment</li><li>• Renumber</li></ul>
July 2024	<ul style="list-style-type: none"><li>• Changes Committee Structures</li></ul>