

COOLUM BEACH SURF LIFESAVING CLUB INC CONSTITUTION – EXPLANATORY NOTES

At the upcoming Annual General Meeting we will be putting a motion to members to replace the current constitution. Coolum Beach SLSC (CBSLSC) last updated its constitution on 28 October 2010. We welcome feedback and ask that Members review the draft new constitution and send any comments or questions to the Secretary.

Reason for changing the constitution

As an association affiliated with SLSA, SLSQ and SLSQ Sunshine Coast (Branch) we are required to ensure that our constitution and By-laws are consistent with the constitutions and by laws of each of those organisations. Each of SLSA, SLSQ and Branch have either amended, or adopted entirely new constitutions since ours was last amended:

- Our peak body, Surf Lifesaving Australia, adopted a new constitution in May 2014 and last updated its constitution on 6 July 2018 and its regulations in May 2018
- The SLSQ constitution and By-laws, developed in 2006, have been amended multiple times since then, last in December 2016
- Branch's constitution and By-laws was last amended July 2013

As a club affiliated with SLSA, SLSQ and branch we are required to ensure that our constitutions objects conform with, and that our constitution does not conflict with, those of SLSA, SLSQ and Branch. In its current form the CBSLSC constitution does not contain objects that conform with the objects of SLSA, SLSQ and Branch and is not consistent in parts with the constitutions of SLSA, SLSQ & Branch.

SLSQ have produced a model club constitution and the new constitution proposed adopts that model constitution with some customisation to suit our club. The key differences from our existing constitution are outlined below.

Process for changing the Constitution

The CBSLSC constitution currently provides that we may alter our constitution provided it does not conflict with the SLSA, State or Branch constitutions, regulations, by-laws or policies. We must:

1. Amend the constitution by special resolution (75% majority) carried out at an AGM or Special General Meeting.
2. Confirm the new Constitution with Branch (who may then confirm it with SLSQ or SLSA)
3. Submit the new constitution for registration by the Office of Fair Trading Qld.

Once registered by Fair Trading the new constitution becomes operative.

We are not proposing to adopt new By-laws at the same time but are working on new By-laws to adopt soon after the new constitution is approved by the Office of Fair Trading. Such will be based on the model By-Laws produced by SLSQ to align with the model constitution. In the meantime the current By-Laws apply and will apply, subject to inconsistency, under the new constitution by virtue of rule 34.3.

What is Changing?

The draft constitution was last presented to a Members forum on 26 October 2019. The attached document being put to members takes account of feedback from that meeting.

The key changes from our current constitution are:

1. The document is built off the model constitution published by SLSA, so brings in a new format.
2. Membership will run from 1 October to 30 September every year to align with the patrolling season, and SLSA/SLSQ documentation instead of July to June.
3. A definition of “Officer” has been added. Officer was not defined so the conditions under which an associate member gets to vote were unclear. Note that Nipper parents are Associate Members if they are not members in other categories. We can adjust the By-laws to ensure that we grant the appropriate voting rights from time to time. Current Officer roles are: Vice Captains, Transport Coordinator, Patrol Gear Coordinator, IRB Coordinator, First Aid Coordinator, Board & Ski Captain, Boat Captain, IRB Captain, Cadet & Youth Officer. We will need to consider whether Nipper Committee Members are also Officers.
4. We have removed references to the Seal. We no longer have or use a company seal.
5. There is to be a newly convened Honours and Awards Committee (7 people, 3 of whom must be existing life members), with the power to make recommendations about life membership to the management committee. The Management Committee then may, by special resolution of the management committee, appoint an individual to be a Life Member or Life Governor. This replaces the existing process (a member may nominate a person to life membership to be voted on by members at the AGM).
6. The Objects of CBSLSC (Cl 3) have changed to align with the revised Objects of SLSA and SLSQ.
7. Rule 8, Distribution of DRG Property, is new and has been included to cater for taxation requirements if the clubs status as a charity is revoked or the club is wound up.
8. The membership categories in rule 12 remain largely unchanged but for:
 - a. The minimum age for a Nipper is reduced to 5 years (it was 7 years)
 - b. The new role as Life Governor has been added.
9. The club will, through the Management Committee, have the absolute discretion to reject an application for membership and is not required to provide reasons. Rule 14.3.
10. Whereas previously a person had a right to appeal to the Club against a rejection of membership, under the new constitution the appeals process is to follow the process set out in the SLSQ By-Laws. The SLSQ By-Laws provide for appeal by a Member to Branch or SLSQ against any “adverse finding or penalty” within 14 days of an adverse finding of the club. A Member or the Club may appeal against an adverse appeal finding of Branch or SLSQ to SLSA. Note that a person who is not a member may not appeal, i.e. a person who is not a member and whose membership is rejected may not appeal.
11. The notice period for General Meetings is extended. Currently 14 days notice is required. Under the new constitution a preliminary notice calling for notices of motion is required 42 days ahead and notice must be given 21 days ahead. Members must submit notices of motion to the Secretary not less than 30 days ahead of the meeting.
12. The Youth Officer ceases to be a member of the Management Committee, replaced instead by a Member Officer. The reason for this change is the broader members representation mandate of the Member Officer.
13. Management Committee members are to be elected for a term of 2 years. Currently the term is 1 year only. That does not preclude a Management Committee member resigning. In the event of a casual vacancy the Management Committee may appoint a member into the vacant role until the next AGM.
14. The Management Committee may formulate By-Laws. The current constitution provides that By-Laws may only be amended by Club Council vote at a General Meeting.