



FAIRHAVEN SURF LIFE SAVING CLUB INCORPORATED

"VESTIGIA NULLA RETRORSUM'

A Message from your Committee.

The Committee of your club takes this opportunity of welcoming you as a member.

As members we do not merely enjoy the amenities, sports and social activities that the Club provides – more important than those things, the Club provides us with the privilege of serving the Community.

This, of course, means that each of us, as Members, has obligations, In return for our enjoyment and privileges we must be loyal to the Club in work, sport and attitude, and at all times conduct ourselves in such a manner as to do it credit. Teamwork does not end on the beach but is just as essential in the routine management of Club affairs.

These rules provide each of us with a guide to our obligations and adherence to them is essential.

Each in his own way can ensure that the Club's motto “Vestigia Nulla Retrorsum” (No Turning Back), assumes a real meaning.

Your Committee extends a warm welcome to you and hopes your membership will be a happy one.

FAIRHAVEN SURF LIFE SAVING CLUB INCORPORATED

CONSTITUTION AND RULES

Adopted 1959
Amended 1962
Amended 1969
Amended 1973
Amended 1985
Amended 1995
Amended 1999
Amended 2006
Amended 2007
Amended 2014
Amended 2015
Amended 2017

SECTION A GENERAL

TITLE:

1. The Club shall be known as "**THE FAIRHAVEN SURF LIFE SAVING CLUB INCORPORATED**"

(Hereinafter referred to as the "Club").

COLOURS:

2. The Club colours shall be aqua-blue and orange.

BADGE:

3. The Badge of the Club shall be as illustrated within this Constitution. The Club motto shall be "Vestigia Nulla Retrorsum".

AFFILIATIONS:

4. The Club shall participate as a member of Life Saving Victoria (**LSV**) and Surf Life Saving Australia Limited (**SLSA**) and The Royal Life Saving Society Australia (**RLSSA**) and affiliates and otherwise liaise with LSV, SLSA and RLSSA and its successors and such other associations, corporations or persons as are consistent with the operations of the Club in the pursuit of the Club's objects and the objects of lifesaving.

OBJECTS:

5. The objects of the Club are -

(a) Such objects as may be consistent with the objects from time to time of the LSV including -

- (i) to promote and advance the work of surf life saving and the resuscitation of the apparently drowned and the application of first aid;
 - (ii) to carry out research and experiments for the improvement of methods of surf life saving and the resuscitation of the apparently drowned and to provide efficient life saving equipment of standard design to minimise loss of life;
 - (iii) to co-operate with any bodies in forwarding the improvement of methods of life saving (whether in still or rough water) and the securing of public recognition and financial support for Life Saving Institutions;
 - (iv) to become associated with any other body or bodies having as their major objectives the promotion, education and participation of water safety, accident prevention, life saving and care of injured persons;
 - (v) to extend the operation or teachings of SLSA;
 - (vi) to obtain improved facilities for surf bathing;
 - (vii) to promote uniformity of Laws for the control and regulation of surf bathing and to assist the authorities in enforcing those laws;
 - (viii) to take any gift of property whether subject of any special trust or not for any one or more of the objects of the Club;
 - (ix) to 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.
- (b) To engage in such trade as is authorised by the Associations Incorporation Reform Act 2012 (the Act).
- (c) (i) to provide, maintain and operate efficient life saving appliances to render first aid on the beaches and elsewhere as occasion may require;
- (ii) to arrange classes of instruction and promote demonstrations in lifesaving and the art of swimming and to further generally the interests of surf lifesaving and surf bathing;
 - (iii) to provide facilities and amenities for Club Members and to assist in life saving and the safeguarding of surf bathing by acquiring, constructing, maintaining, and/or improving any premises deemed necessary to the achievement of the objects of the Club;
- (d) to compete in carnivals, competitions and special events which may be organised or endorsed by LSV or SLSA.
- (e) to draft promulgate and enforce observance of the rules, bylaws and regulations of the Club as adopted or amended from time to time; to deal with any infringements thereof; to

adjudicate upon all disputes, differences or difficulties as between members concerning any of the activities of the Club;

6. Subject to the Act, the Club has power to do all things incidental or conducive to achieve its objects.

7. Without limiting clause 6, the Club may -

- (a) acquire, hold and dispose of real or personal property;
- (b) open and operate accounts with financial institutions;
- (c) invest its money in any security in which trust monies may lawfully be invested;
- (d) raise and borrow money on any terms and in any manner as it thinks fit;
- (e) secure the repayment of money raised or borrowed, or the payment of a debt or liability;
- (f) appoint agents to transact business on its behalf;
- (g) enter into any other contract it considers necessary or desirable.

8. The Club may only exercise its powers and use its income and assets (including any surplus) for its own purposes.

NOT FOR PROFIT ORGANISATION:

9. The Club must not distribute any surplus, income or assets directly or indirectly to its members.

10. Clause 9 does not prevent the Club from paying a member –

- (a) reimbursement for expenses properly incurred by a member; or
- (b) for goods or services provided by the member – if this is done in good faith on terms no more favourable than if the member was not a member.

RULES AND BY LAWS:

The By Laws are the key “delegated legislation” of the club. These are key rule and policy documents which can address a whole range of issues for the club.

11. The Committee may formulate, issue, adopt, interpret and amend such By Laws for the proper advancement, management and administration of the Club the advancement of the Objects and lifesaving as it thinks necessary or desirable. Such By Laws must be consistent with the Constitution.

12. (a) All By Laws made under this clause shall be binding on the Club and Members of the Club.

(b) Amendments, alterations, interpretations or other changes to By Laws shall be advised to Members of the Club by means of Notices approved and issued by the Committee.

FINANCE:

13. The financial year of the Club shall be from the first day of MAY in each year to the last day of APRIL of the next year succeeding.

14. (a) In the event of the Club becoming defunct or disbanded, the property or any monies owned by the Club shall become the property of LSV.

(b) The committee shall have the power to borrow money or to receive money on deposit either with or without security and to raise or secure the payment of money in such manner and on such terms as may seem expedient.

(c) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by two of the following; President, Secretary, Treasurer.

(d) The funds of the Club shall be derived from joining fees, annual subscriptions, fund raising activities, sponsorships, grants, interest, donations, and such other sources as the committee determines.

SECTION B MEMBERSHIP:

15. (a) The Club must have at least five Members. The membership of the Club shall consist of membership categories as set out in the By Laws.

(b) LIFE HONORARY MEMBERS - may be appointed by the Committee from among such persons as shall have rendered distinguished and long services to the Club and its Members.

Before each AGM the Life Membership Sub-Committee will consider recommending such Life Membership and will submit the name(s) for acceptance or otherwise to the Committee in accordance with the By Laws. The Committee will consider and approve or otherwise any

Life Membership recommended by the Life Membership Sub-Committee. In making the decision as to approval of Life Membership, both the Life Members Sub-Committee and Committee shall be mindful of potential conflicts of interest. If approved by the Committee, the Life Member will be announced at the next Annual General Meeting of the club. Notice of appointments of any Life Honorary Members should appear in the agenda on the Notice to Members convening such Annual General Meeting.

16. A member of the club who is entitled to vote, in accordance with clause 47, has the right –
- (a) to receive notice of general meetings and of proposed special resolutions in the manner and time prescribed in this constitution; and
 - (b) to submit items of business for consideration at a general meeting; and
 - (c) to attend and be heard at general meetings; and
 - (d) to vote at a general meeting; and
 - (e) to have access to the minutes and other documents of the Club; and
 - (f) to inspect the register of members.

DISCIPLINE:

17. The Committee at its complete discretion may terminate the Membership of or otherwise discipline any Member if misconduct or other circumstances are considered to warrant it. In such cases the Member may be given the opportunity to appear before the Committee to explain the circumstances. Such a decision shall be made by a majority vote of the entire Committee as defined by section G.

REGISTER OF MEMBERS:

18. A register of members in which shall be entered the full name, address and date of entry of each member, shall be kept and maintained, and this register shall be available for inspection by members.

CESSATION OF MEMBERSHIP:

19. The membership of a person ceases on resignation, expulsion or death.

20. If a person ceases to be a member of the Club, as soon as practicable, the date the person ceased to be a member shall be entered in the register of members.

RESIGNATION OF MEMBERSHIP:

21. A member may resign by notice in writing given to the club.

22. A member is taken to have resigned if the member's annual subscription is more than 12 months in arrears.

SECTION C ELECTION OF MEMBERS:

NOMINATION:

23. (a) All applications for Election to the Club shall be made in writing on the appropriate form and accompanied by the requisite fees; each form shall be completed and signed by the applicant. If the applicant is under 18 years of age the form must be signed by a parent or guardian of the applicant.

(b) No person financially indebted to, or under suspension by, or expelled from any Club affiliated with the SLSA shall knowingly be nominated, seconded, elected or permitted to remain as a Member of the Club; nor shall any such person be admitted or allowed to remain as a Member of the Club or allowed to remain in or upon any Club premises or precincts or property.

(c) No applicant shall use the Club premises before his Election to the Club except as permitted in the By Laws..

QUALIFICATION / REQUALIFICATION:

24. Applicants for Active Membership must satisfy LSV / SLSA minimum award proficiency requirements in accordance with LSV / SLSA standards.

ADMITTANCE:

25. The process for determining applications for Membership shall be as specified by the Committee.

26. An application may be accepted, deferred or declined by the Committee in its absolute discretion.

SECTION D. FEES:

27. The Entrance Fee and yearly subscription for each category of membership shall be determined by the Committee as set out in the By Laws.

28. Each annual Subscription shall become due and payable in full by the 1st day of September each successive year.

29. A subscription provisionally accepted from any applicant on or after the 1st day of September in any year, if accepted, shall remain effective until the last day of August in the year next succeeding.

RENEWALS:

30. Renewal of membership shall be made in accordance with the process determined by the Committee from time to time and payment of the appropriate Annual Subscription to the Club Treasurer (or representative of). Such renewal shall be subject to approval or rejection by the Committee in its absolute discretion.

ARREARS, ETC:

31. Any Member who may be in arrears in any respect shall not be able to renew membership unless and until all such arrears have been paid and any monies received however accepted shall first be used and applied in payment of any such arrears and the balance, if any, then credited as a partial payment of the appropriate Annual Subscription.

UNFINANCIAL MEMBERS:

32. Any member who fails to renew membership on or before 1 September each year shall not thereafter be entitled to the continued use of any Club premises or precincts.

33. No Member who may be in arrears in any respect shall be permitted to speak or vote at any General Meeting of the Club.

34. No Active Member who may be in arrears in any respect shall be entered as a competitor or allowed to take part in any Club or inter-Club team or competition.

35. Any Member who shall ignore a written memo in respect of any fees or monies in arrears or who shall fail to make payments of same within the period stated thereon shall be reported to the Committee which shall thereupon take such action as it may deem fit.

SECTION E MEETINGS:

ANNUAL GENERAL MEETING:

36. The Annual General Meeting of the Club shall be held on or before the last day of August of each year. Ten (10) financial members present shall form a quorum. The business of each such meeting shall be to receive the Annual Report and Balance Sheet for the previous year and to elect Officers and Committee Members for the ensuing year and to transact any other business of which due notice shall have been given. Not less than Fourteen (14) days notice shall be given to all members of the time and venue of the meeting. Notice of the date of such meeting may be given by sending the notice by post or where available by electronic mail to the members registered address or electronic mail address.

37. Special business proposed to be transacted thereat shall also be briefly stated in each such Notice of Meeting. Minutes of the Annual General Meeting may be confirmed at a subsequent Committee Meeting.

38. The ordinary business of the Annual General Meeting is –

(a) to confirm the minutes of the previous Annual General Meeting and any Special General meeting held since then;

(b) to receive and consider –

(i) the annual report of the Committee on the activities of the Club during the preceding financial year; and

(ii) the financial statements of the Club for the preceding financial year submitted by the Committee in accordance with Part 7 of the Act.

(c) to elect members of the Committee;

(d) to elect Delegates; and

(e) to confirm or vary the amounts of the annual subscription or joining fee.

39. The Annual General Meeting may also conduct any other business of which notice has been given in accordance with these rules.

40. The Committee must ensure that minutes are taken and kept of each Annual General Meeting.

41. The minutes must record the business conducted at the meeting, any resolution on which a vote is taken and the result of the vote.

42. In addition, the minutes of each Annual General Meeting must include –

(a) the names of members attending the meeting;

(b) proxy nomination provided consistent with Clause 53;

(c) financial statement submitted to members in accordance with Clause 38 (b) (ii);

(d) the certificate signed by any two of the President, Secretary or Treasurer certifying that the financial statements give a true and fair view of the financial position and performance of the Club; and

(e) any audited accounts and auditor's report or report of a review accompanying the financial statement that are required under the Act.

SPECIAL GENERAL MEETING:

43. Special General Meetings of the Club shall be called by the Secretary at the discretion of the Committee or upon receipt of a request made in writing stating fully all business proposed to be discussed, and signed by not less than Twenty (20) financial members of the Club. Not less than Seven (7) days notice shall be given to all members of the time and venue of the meeting. Special Business proposed and any proposed resolutions shall be stated in the Notice Paper. Thirty (30) financial voters present shall form a quorum and no business other than that stated shall be discussed at the Meeting. If after a reasonable time no quorum be present the Meeting shall be abandoned.

44. Special Meetings may be called at the discretion of the President.

SECTION F. VOTING:

ELIGIBILITY:

45. Voting at the Annual General Meeting and Special General Meetings of the Club shall be confined to members not less than FIFTEEN (15) years of age at the date of that meeting.-

46. Voting at all Meetings of the Committee shall be by all elected Committee members present at such Meeting.

METHOD OF VOTING:

47. Decisions shall be by a simple majority on a show of hands unless otherwise provided for in these Rules or unless a division or a ballot be called for by not less than one fourth of those present.

48. In the event of an equality of votes the Chairperson of all meetings shall have a casting vote. In such cases, unless the casting vote is made, the motion will be lost.

49. Any ballot required for the election of Committee and Delegates shall be conducted at the Annual General Meeting in such usual and proper manner as the Committee may direct.

PROXIES:

50. A member may appoint another member as his or her proxy to vote and speak on his or her behalf at a General Meeting.

51. The appointment of a proxy must be in writing and signed by the member making the appointment.

52. The member appointing the proxy must give specific directions as to how the proxy is to vote on his or her behalf, otherwise the proxy may vote on behalf of the member in any manner as he or she sees fit.

RESULT OF BALLOT:

53. The Chairperson shall then announce the result of the ballot declaring the Committee and Delegates duly elected.

SECTION G. COMMITTEE:

54. The Management and Control of the Club, its affairs and its concerns, its officers and its servants shall be vested in and remain with at all times and for all purposes with the governing body in accordance with this section G, who shall hereinafter be collectively styled, the Committee.

55. The Committee shall comprise of no less than ten members who must all be members of the club and elected or appointed as provided in this constitution:

(i) the Executive will comprise FOUR (4) members of this committee:

- a. President;
- b. Secretary;
- c. Treasurer; and
- d. Club Captain

(ii) and no less than SIX (6) other Committee Members of the club as stipulated in the Club By Laws;

56. The Committee shall meet as often as may be deemed necessary by the President or on request of a majority of the Committee. 50% + 1 of Committee Members shall form a quorum.

57. Notice of meetings of the Committee, including the date, time and venue of the meeting shall normally be provided to members of the Committee no later than 7 days before the date of the meeting.

58. Any member of the Committee absent without reasonable excuse from three consecutive Meetings during the elected period shall forfeit office. Such reasonable excuse must be in the hands of the Secretary in writing within 7 days after the date of meeting.

DELEGATES:

59. The scope of the functions, roles and responsibilities of the Delegates shall be set out by the Committee.

60. The Delegates may include, but may change from time to time and shall not be limited to, the following:

Club Vice Captain, LSV Delegates, Chief Instructor, Radio Officer, IRB Captain, Gear Steward, Board & Ski Captain, Boat Captain, Junior Club Captains, Nippers Manager, Registrar, Medical Officer, Assistant Secretary, Social Secretary, 'Haven' Editor, Property Officer, Social Media Officer, all elected or appointed as provided in these Rules

61. By way of clarification, the Delegates shall be entitled to attend and contribute to Committee meetings but shall not be entitled to vote.

ELECTION:

62. Written nominations for Committee Members to be elected will be accepted half an hour prior to the start of the Annual General Meeting. All written nominations must be signed by the nominee. If any position is still vacant a verbal nomination can be accepted at the discretion of the Chairman.

63. The Committee shall separately be nominated each year by two financial voters and elected at the Annual General Meeting by vote of all eligible members.

64. Club Vice Captain, LSV Delegates, Chief Instructor, Radio Officer, IRB Captain, Gear Steward, Board & Ski Captain, Boat Captain, Junior Club Captains, Nippers Manager, Registrar, Medical Officer, Assistant Secretary, Social Secretary, 'Haven' Editor, Property Officer, Social Media Officer, and any other positions the Committee deem necessary shall separately be

nominated each year by two financial members and be elected at the Annual General Meeting by all eligible members.

65. Honorary Officers, including but not limited to, Patron(s), Vice Patron(s), Trustee(s), Hon. Medical Officer(s), Hon. Solicitor(s), Hon. Architect(s), Hon. Auditor(s), Hon. Pharmacist(s) and Hon. Builder(s) may be appointed or re-appointed by the Committee as deemed necessary.

Honorary Officers and others may be invited to attend and speak at any meeting of the Committee but shall not be entitled to vote at such meeting.

CASUAL VACANCY:

66. Vacancies occurring in Committee and Delegates as in clauses. 63, 64, 65 and 66 may be filled by the Committee at its next subsequent meeting; all Committee and Delegates so appointed shall hold office only until the following Annual General Meeting

67. Committee and Delegates vacating their positions may, subject to their concurrence, remain in office until the conclusion of the Meeting.

REMOVAL OF OFFICERS, COMMITTEE MEMBERS AND DELEGATES

68. A general meeting of the Club may:

- (a) by special resolution remove an Officer, Committee Member or Delegate from office; and
- (b) elect an eligible member of the Club to fill the vacant position in accordance with this section.

POWERS OF COMMITTEE:

69. The business of the Club must be managed by or under the direction of the Committee.

70. The Committee may exercise all the powers of the Club except those powers that these rules or the Act require to be exercised by General Meetings of the members of the Club.

71. The Committee may-

- (a) appoint and remove staff;
- (b) establish subcommittees consisting of members with terms of reference it considers appropriate.

72. The Committee may delegate to a member of the Committee, a subcommittee or staff, any of its powers and functions other than –

- (a) this power of delegation; or
- (b) a duty imposed on the Committee by the Act or any other law.

73. A delegation made consistent with Clause 72, must be in writing and may be subject to the conditions and limitations the Committee considers appropriate.

74. The Committee may, in writing revoke a delegation wholly or in part.

GENERAL DUTIES OF THE COMMITTEE:

75. As soon as practicable after being elected or appointed to the Committee, each member must become familiar with these Rules and the Act.

76. The Committee is collectively responsible for ensuring that the Club complies with the Act and that individual members comply with these Rules.

77. Committee members must exercise their powers and discharge their duties with reasonable care and diligence.

78. Committee members must exercise their powers and discharge their duties –

(a) in good faith in the best interests of the Club; and

(b) for a proper purpose

79. Committee members and former committee members must not make improper use of –

(a) their position; or

(b) information acquired by virtue of holding their position – so as to gain an advantage for themselves or any other person to cause detriment to the Club.

80. In addition to any duties imposed by these Rules, a committee member must perform any other duties imposed from time to time by resolution at a General Meeting.

81. The Committee must meet at least 6 times in each year at the dates, times and places determined by the Committee.

82. The date, time and place of the first Committee meeting must be determined by the members of the Committee as soon as practicable after the Annual General Meeting at which the members of the Committee were elected.

83. Special meeting of the Committee may be convened by the President or by any 4 members of the Committee.

SUB-COMMITTEES:

84. The President shall be ex-officio on all Sub-Committees and shall be entitled to vote. The Committee may by resolution or otherwise by instrument in writing at any time create, establish or appoint amongst its own members or otherwise, special committees, sub-committees, advisory committees (acting in an advisory capacity only), individual officers and consultants to carry out duties and functions, and with such powers, as the Committee determines until the next AGM

RIGHT TO CO-OPT:

85. It is expressly acknowledged that the Committee may co-opt any person with appropriate experience or expertise to assist the Committee in respect of such matters and on such terms as the Committee thinks fit. Any person so co-opted shall not be a Committee Member, and shall not exercise the rights of a Committee Member, but shall act in an advisory role only.

EXECUTIVE:

86. The Committee shall appoint an Executive whose duty shall be to carry out the resolutions of the Committee and generally transact the business of the Committee between meetings as required and to report its proceedings to the next Committee Meeting.

In the event of a member not being able to attend an Executive Meeting, the President may nominate a Committee member to fill the vacancy. Such Member shall have full voting rights.

87. The President shall be Chairperson at all meetings of the Executive. In the absence of the President the meeting will elect a Chairperson.

88. The Secretary will convene meetings of the Executive.

89. Any Three (3) Members shall form a quorum at a properly convened Executive Meeting.

90. The Executive shall have power -

(a) to incur expenditure of an amount in accordance with the Club By Laws..

(b) to appoint Delegates as the need may arise.

(c) to take disciplinary action as it sees fit unless expressly instructed by the Committee to the contrary.

PRESIDENT AND VICE PRESIDENTS:

91. Subject to Clause 92 the President or, in the President's absence, one of the Vice Presidents, as elected by eligible voting members present, is the Chairperson for any General Meetings and for any Committee Meetings.

92. If the President and Vice Presidents are absent, or are unable to preside, the Chairperson of the meeting must be-

(a) in the case of a General Meeting – a member elected by the other members present; or

(b) in the case of a Committee Meeting – a Committee member elected by the other Committee Members present.

SECRETARY:

93. The Secretary must perform any duty or function required under the Act to be performed by the Secretary of an incorporated association.

94. The Secretary must –

(a) keep custody of the Club common seal and except for the financial records maintained by the Treasurer in accordance with Clause 98, all books, documents and securities of the Club in accordance with these Rules and

(b) subject to the Act and these Rules, provide members with access to the register of members, the minutes of General Meetings and other books and document; and

(c) perform any other duty or function imposed on the Secretary by these Rules.

95. The Secretary must in accordance with the Act, provide the Registrar - Associations Incorporation notice of his or her appointment within 14 days after the appointment.

TREASURER:

96. The Treasurer must –

(a) receive all monies paid to or received by the Club and issue receipts for those monies in the name of the Club;

(b) ensure that all monies received are paid into the account of the Club within 5 working days after receipt; and

(d) make any payments authorised by the Committee or by a General Meeting of the Club from the Club's funds; and

(e) ensure cheques are signed by at least 2 Committee members.

97. The Treasurer must –

(a) ensure the financial records of the Club are kept in accordance with the Act; and

(b) coordinate the preparation of financial statements of the Club and their certification by the Committee prior to their submission to the Annual General Meeting.

98. The Treasurer must ensure at least one other Committee member has access to the accounts and financial records of the Club.

CUSTODY AND INSPECTION OF BOOKS AND RECORDS

99. (a) Members may on request inspect free of charge—

(i) the register of members;

(ii) the minutes of general meetings;

(iii) subject to sub rule (99b), the financial records, books, securities and any other relevant document of the Club, including minutes of Committee meetings.

(b) The Committee may refuse to permit a member to inspect records of the Club that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the Club.

(c) The Committee must on request make copies of these rules available to members and applicants for membership free of charge.

(d) Subject to sub rule (99b), a member may make a copy of any of the other records of the Club referred to in this rule and the Club may charge a reasonable fee for provision of a copy of such a record.

(e) For purposes of this rule—

relevant documents means the records and other documents, however compiled, recorded or stored, that relate to the incorporation and management of the Club and includes the following—

- (i) its membership records;
- (ii) its financial statements;
- (iii) its financial records;
- (iv) records and documents relating to transactions, dealings, business or property of the Club.

USE OF TECHNOLOGY:

100. A member not physically present at any General, Committee, Executive or Sub Committee meeting of the Club may be permitted to participate in the meeting by the use of technology that allows that member and the members present at the meeting to clearly and simultaneously communicate with each other.

101. A member participating in a meeting of the Club under clause 100 is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

102. Documents received, provided and maintained by the Club may be retained or provided in either written or electronic format.

SECTION H CLUB PROPERTY AND EQUIPMENT:

RESPONSIBILITY:

103. Responsibility for the care of property shall be delegated to the appropriate Officer of the Club.

REGISTER:

104. A Property Register listing all items of Club Property shall be raised and maintained

STOCK TAKE:

105. A stock take of all property shall be taken, at the end of the financial year and a written Certificate of stock take submitted to the Committee.

LOSS DAMAGE ETC:

106. Loss, theft, or damage to Club property shall immediately be reported by the appropriate Officer to the President.

107. Damage to Club property arising from negligence or misconduct of any Member or Members may, at the discretion of the Committee, be charged to the account of the Member or Members responsible.

USE OF CLUB PROPERTY:

108. Club property will not be used for anything other than Club activities without the specific permission of the appropriate Committee Member or Delegate. Such use must be reported at the next Committee Meeting.

STORAGE:

109. Storage of approved equipment, the property of a member, may be permitted in or upon Club premises or precincts at the discretion of the Committee which may impose such charge and/or condition as it may deem fit from time to time. No other private property, except personal clothing, shall be introduced, deposited or allowed to remain, on, in or upon Club premises or precincts or on any Club boat trailer or hired transport at any time.

ULTIMATE DISPOSAL:

110. In the event of the Club becoming defunct see Section "A" clause 14 for ultimate disposal of property.

TRANSPORT:

111. Club transport shall be used only by licenced drivers, specifically approved in accordance with the Club By Laws.

SECTION J CLUB UNIFORM:

112. The Club Uniform shall be as determined and approved by the Committee.

113. Members shall not be permitted to wear non-standard garments with the name or "Fairhaven S.L.S.C." thereon without the approval of a member of the Committee.

114. Active Members excluding Probationers, shall be authorised to wear the Club Uniforms. Other members may be permitted to wear the Club Uniform as approved from time to time by the Committee.

SECTION K GENERAL:

115. (a) The Common Seal of the Club shall be kept in the custody of the Secretary.
- (b) The Common Seal shall not be affixed to any instrument except by the authority of the Committee and the affixing of the Common Seal shall be attested by the signatures of either two members of the Committee or of one member of the Committee and of the Public Officer.
116. Except as otherwise provided in these rules, all books, documents and securities of the club shall be kept in the custody and control of the Secretary. These shall be available for inspection by members.

SECTION L DISPUTES AND MEDIATION:

117. (a) The grievance procedure set out in this rule applies to disputes under these Rules between –
- (i) a member and another member; or
 - (ii) a member and the Club.
- (b) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.
- (c) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
- (d) The mediator must be-
- (i) a person chosen by agreement between the parties; or
 - (ii) in the absence of agreement-
- a/. in the case of a dispute between a member and another member, a person appointed by the Committee of the Club; or
- b/. in the case of a dispute between a member and the Club, a person who is a mediator appointed or employed by the Disputes Settlement Centre of Victoria (Department of Justice).
- (e) A member of the Club can be a mediator.
 - (f) The mediator cannot be a member who is a party to the dispute.
 - (g) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
 - (h) The mediator, in conducting the mediation, must –

- (i) give the parties to the mediation process every opportunity to be heard; and
 - (ii) allow due consideration by all parties of any written statement submitted by any party; and
 - (iii) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- (i) The mediator must not determine the dispute.
 - (j) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

INDEMNITY:

118 Every Committee Member, Delegate, Sub-Committee member, auditor, manager, employee or agent of the Club shall be indemnified out of the property or assets of the Club against any liability incurred by him/her in his/her capacity as Committee Member, Delegate, Sub-Committee member, auditor, manager, employee or agent in defending any proceedings, whether civil or criminal, in which judgement is given in his favour or in which he is acquitted or in connection with any application in relation to any such proceedings in which relief is, under the Act, granted to him by the Court.

119 The Club shall indemnify its Committee Members, Delegate, Sub-Committee member, managers and employees against all damages and costs (including legal costs) for which any such Committee Member, Delegate, Sub-Committee member, manager or employee may be or become liable to any third party in consequence of any act or omission except wilful misconduct:

- (a) in the case of a Committee Member or Delegate, Sub-Committee member, performed or made whilst acting on behalf of and with the authority, express or implied of the Club; and
- (b) in the case of an employee, performed or made in the course of, and within the scope of his employment by the Club.