

**Raglan Surf Life
Saving Club
Incorporated**

CONSTITUTION

**Adopted at the Annual General Meeting
26 September 2021**

CONTENTS

Note: Words used in this Constitution are defined at the end of the Constitution

PART I – OBJECTS & POWERS	3
1.	3
2.	3
3.	4
PART II – MEMBERSHIP	6
4.	6
5.	8
6.	10
7.	11
8.	11
9.	12
10.	12
11.	13
PART III – OFFICERS, BOARD OF DIRECTORS AND OPERATIONAL COMMITTEES	15
12.	16
13.	16
14.	16
15.	17
16.	18
17.	18
18.	18
19.	19
20.	19
21.	20
22.	20
23.	20
PART IV – GENERAL MEETINGS	20
24.	21
25.	21
26.	21
27.	21
28.	22
29.	22
30.	22
31.	22
32.	23
33.	23
PART V – FINANCIAL MATTERS	22
34.	23

35.	23
36.	23

PART VI - MISCELLANEOUS	23
--------------------------------	-----------

37.	25
38.	26
39.	26
40.	26
41.	27
42.	27
43.	27
44.	27

DEFINITIONS	26
--------------------	-----------

Appendix 1	29
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PART I – OBJECTS & POWERS

1. Name

- 1.1 The name of the incorporated society shall be the “Raglan Surf Life Saving Club Incorporated” which is commonly known as the “Raglan Surf Life Saving Club (“the Club”)
- 1.2 The registered office of the Club shall be at such place as determined by the Board from time to time.

2. Objects

- 2.1 The primary object of the Club is to promote, develop, and deliver Surf Life Saving as a charitable service and prevent drowning and injury of those swimming and undertaking activities at beaches and other aquatic environments by providing lifesaving, patrol services, and other programmes and services at Ngarunui Beach and at other locations as determined by the Club for the safety and recreation of the general public.
- 2.2 To facilitate the primary object the Club’s further objects are to:
- a. be the body for the administration, promotion and development of Surf Life Saving at Raglan’s Ngarunui Beaches and the adjacent coastline and harbour (“the Beach/es”)
 - b. prevent death by drowning of those swimming and undertaking activities at the Beaches by providing lifeguarding patrol services and other programmes and services;
 - c. promote the health and safety of all participants in Surf Life Saving;
 - d. promote, develop and control Surf Life Saving activities and competitions on the Beaches for the recreation, safety and entertainment of the people using them;
 - e. encourage participation and achievement in Surf Life Saving;
 - f. establish, promote and stage Surf Life Saving competitions and events at the Club and to determine the rules of such competitions and events;
 - g. publish and enforce the rules for Surf Life Saving competitions and events at the Club;
 - h. encourage and promote Surf Life Saving as a sport and activity to be undertaken in a manner which upholds the principles of fair play and is free from performance enhancing drugs;
 - i. maintain and enhance the reputation of SLSNZ, Surf Life Saving Northern Region, the Club and Surf Life Saving through the development and promotion of standards and practices which fulfil these Objects;
 - j. give, and seek where appropriate, recognition for Members to obtain awards or public recognition for Surf Life Saving or other services to the community;
 - k. seek and obtain improved facilities and equipment of the Club for the enjoyment of Surf Life Saving;
 - l. provide information, assistance and resources to its Members;

- m. develop and train competitors, officials, coaches, managers and other personnel involved in Surf Life Saving;
- n. liaise and co-operate with other organisations to develop, encourage and promote water safety messages and programmes;
- o. be a member of SLSNZ, and Surf Life Saving Northern Region and enforce the rules and regulations of SLSNZ, Surf Life Saving Northern Region and the Club;
- p. act in good faith and loyalty to ensure the maintenance and enhancement of SLSNZ, Surf Life Saving Northern Region, the Club and Surf Life Saving, their standards, quality and reputation for the collective and mutual benefit of the Members and Surf Life Saving;
- q. at all times operate with, and promote, mutual trust and confidence between SLSNZ, Surf Life Saving Northern Region, the Club and the Members in pursuit of these Objects; and
- r. at all times to act on behalf of, and in the interests of, the Members and Surf Life Saving.

3. Powers & Responsibilities

3.1 **Powers:** The Club has the power, subject to this Constitution and the SLSNR and SLSNZ Constitution, to do the following:

- a. purchase, lease, hire or otherwise acquire and hold real and personal property, rights and privileges;
- b. control and raise money, including to borrow, invest or advance monies and to secure the payment of such by way of mortgage, charge over all or part of any of its real and personal property;
- c. sell, lease, mortgage, charge or otherwise dispose of any property of the Club and to grant such rights and privileges of such property as it considers appropriate;
- d. construct, maintain and alter any buildings, premises or facilities and carry out works it considers necessary or desirable for the advancement or improvement of such buildings, premises or facilities;
- e. determine, raise and receive money by subscriptions, fees, levies, donations, gate charges, government funding or otherwise;
- f. determine regulations, policies and procedures for the governance, management and operations of the Club;
- g. determine, implement and enforce disciplinary procedures for its Members including imposing sanctions;
- h. employ, determine and terminate staff and engage the services of personnel and organisations to work for and with the Club;
- i. engage, determine, and terminate the services of personnel and organisations to advise the Club;
- j. contract, engage or otherwise make arrangements with any person or organisation to fulfil the Objects of the Club;

- k. be a member, and contribute to the administration and promotion, of SLSNZ and Surf Life Saving Northern Region;
- l. be a member of, affiliate or be associated in any other way with, any organisation which has objects which are similar, in whole or in part, to the Objects of the Club;
- m. determine who are its Members;
- n. establish a Board of Directors, commissions, committees and other groups and to delegate its powers and functions to such groups;
- o. make and enforce rules of competitions and events for Surf Life Saving at the Club;
- p. develop and implement Club and other programmes for competing, coaching and officiating of Surf Life Saving;
- q. establish, organise and control Surf Life Saving competitions, events and activities at the Club;
- r. award, grant or otherwise honour achievement and service to Surf Life Saving and the Club;
- s. select representative Surf Life Saving teams and squads of the Club;
- t. undertake research of and about Surf Life Saving and related matters to fulfil the Objects of the Club;
- u. establish, maintain and employ any corporate or other entities to carry on and conduct all or any part of the affairs of the Club and for that purpose, to utilise any of the assets of or held on behalf of the Club;
- v. print and publish any newspapers, periodicals, books or leaflets and develop and implement any computer systems or software packages that the Club may consider desirable for the promotion of its Objects;
- w. produce, develop, create, licence and otherwise exploit, use and protect Intellectual Property;
- x. purchase or otherwise acquire all or any part of the property, assets and liabilities of any one or more companies, institutions, incorporated societies or organisations whose activities or objects are similar to those of the Club, or with which the Club is authorised to amalgamate or generally for any purpose designed to benefit the Club;
- y. do any other acts or things which further the Objects of the Club, provided that the above powers shall not limit the rights and powers of the Club as an incorporated society under the Act.
- z. Establish Trusts and appoint, replace and remove Trustees of such Trusts

3.2 Responsibilities: The Club is responsible for promoting, developing, enhancing and protecting Surf Life Saving primarily at Ngarunui Beach and at other locations as determined by the Club, and in particular for:

- a. preventing drowning and injury of those swimming and undertaking activities at beaches and other aquatic environments by providing lifesaving, patrol services, and other programmes and services;
- b. developing strategies, policies, programmes, and initiatives for the Club;
- c. delivering SLSNR and SLSNZ programmes, activities, initiatives and events at the Club to encourage participation in Surf Life Saving;
- d. seeking and securing revenue, funding, grants, and sponsorship for the

- e. delivery of the Club's strategies, programmes and initiatives;
- f. implementing SLSNR and SLSNZ's systems and standards for the consistent and efficient management and administration of Surf Life Saving;
- g. identifying and developing talent and selecting Club teams and representatives;
- h. implementing initiatives to encourage the retention and recruitment of individuals participating in Surf Life Saving;
- i. appointing delegates to attend SLSNR and SLSNZ General Meetings in accordance with the SLSNR and SLSNZ Constitution;
- j. applying its property and capacity in pursuit of the Objects of SLSNR and SLSNZ and Club and Surf Life Saving;
- k. doing all that is reasonably necessary to enable the Objects of SLSNZ and the Club to be achieved;
- l. acting in good faith and with loyalty to SLSNR and SLSNZ to ensure the maintenance and enhancement of SLSNR and SLSNZ and Surf Life Saving, and its reputation, and to do so for the collective and mutual benefit of SLSNR and SLSNZ Members and Surf Life Saving;
- m. operating with, and promoting, mutual trust and confidence between SLSNR, SLSNZ and their Members;
- n. at all times, acting in the interests of SLSNR and SLSNZ Members and Surf Life Saving; and
- o. consulting with the SLSNR and SLSNZ Board prior to any merger or amalgamation with another Member Club of SLSNZ.

PART II – MEMBERSHIP

4. Categories of Members

- 4.1 The categories of membership of the Club, (collectively called "Members") shall be as set out in Rules 4.2 to 4.7

4.2 Active Open Members: individuals who:

- a. hold the SLSNZ Surf Lifeguard Award,
- b. are 19 years of age or older as at 1 October in the year of application,
- c. are available and agree to voluntarily perform patrol duties for the Club; and
- d. are available and may wish to compete for the Club in Surf Life Saving competitions and events;
- e. are eligible to become Active Open Members of the Club.

4.3 Active Under 19 Members: individuals who:

- a. hold the SLSNZ Surf Lifeguard Award,
- b. are no younger than 14 years of age and no older than 18 years of age as at 1 October in the year of the application,

- c. are available and agree to voluntarily perform patrol duties for the Club; and
- d. are available and may wish to compete for the Club in Surf Life Saving competitions and events;
- e. are eligible to become Active Under 19 Members of the Club.

4.4 Junior Surf Members: individuals who:

- a. are younger than 14 years of age as at 1 October in the year of application;
- b. aspire to perform patrol duties and/or to compete for the Club in Surf Life Saving competitions and events; and
- c. wish to support and be involved and interested in the Club,
- d. are eligible to become Junior Surf Members of the Club.

4.5 Qualifying Active Members: individuals who:

- a. are at least 14 years of age as at 1 October in the year of application;
- b. intend to sit the examination for the SLSNZ Surf Lifeguard Award in the year of application,
- c. subject to achieving the SLSNZ Surf Lifeguard Award in (b), are available and agree to voluntarily perform patrol duties for the Club; and
- d. are available and may wish to compete for the Club in Surf Life Saving competitions and events;
- e. are eligible to become Qualifying Active Members of the Club.

4.6 Associate Members: individuals who:

- a. do not hold the SLSNZ Surf Lifeguard Award;
- b. wish to support and be involved and interested in the Club;
- c. are eligible to become Associate Members of the Club.

4.7 Officers and Appointed Personnel: The Officers of the Club and any Appointed Personnel of the Club shall be Members upon their election or appointment to such position and upon compliance with Rule 6.1.

4.8 Life Members: individuals who are granted Life Membership of the Club under Rule 5.1 for outstanding contribution or service to Surf Life Saving or the Club shall be Life Members.

4.9 Honorary Members: individuals who shall be appointed from time to time by the Board of Directors or at any General Meeting, and who shall be entitled to the rights and privileges of members but shall not be liable to pay annual subscriptions to the club.

4.10 Family Membership: a family can opt to take up a family membership where the family has three members or more registered as members of the Club. The purpose of this Rule is to reduce the costs of membership for large families.

5. Rights, Privileges and Conditions of membership

- 5.1 **Active Open Members:** who have paid their Membership Fee for the year, shall be entitled to:
- a. attend all General Meetings of the Club, to speak and to exercise one vote at such meetings;
 - b. use the Club's facilities and equipment in accordance with the regulations, policies and procedures of the Club;
 - c. be elected as an Officer of the Club; and
 - d. be elected as a member of the Board of Directors.
- 5.2 In addition to the obligations under Rule 8, Active Open Members must:
- a. perform patrol duties for the Club in accordance with the roster for patrols determined by the Board of Directors and
 - b. if selected as a Club representative, compete for the Club in Surf Life Saving competitions and events.
- 5.3 **Active Under 19 Members:** who have paid their membership fee for the year, shall be entitled to:
- a. attend all General Meetings of the Club, to speak and to exercise one vote at such meetings; and
 - b. use the Club's facilities and equipment in accordance with the regulations, policies and procedures of the Club
 - c. be elected as a member of the Board of Directors.
- 5.4 In addition to the obligations under Rule 8, Active Under 19 Members must:
- a. perform patrol duties for the Club in accordance with the roster for patrols determined by the Board of Directors; and
 - b. if selected as a Club representative, compete for the Club in Surf Life Saving competitions and events.
- 5.5 **Junior Surf Members:** who have paid their Membership Fee for the year, shall be entitled to:
- a. use the Club's facilities and equipment in accordance with the regulations, policies and procedures of the Club.
 - b. In addition to the obligations under Rule 8, Junior Surf Members must, if selected as a Club representative, compete for the Club in Surf Life Saving competitions and events.
- 5.6 **Qualifying Active Members:** who have paid their Membership Fee for the year, shall be entitled to:
- a. attend all General Meetings of the Club, to speak and to exercise one vote at such meetings;
 - b. use the Club's facilities and equipment in accordance with the regulations, policies and procedures of the Club;
 - c. be elected as a member of the Board of Directors

- 5.7 In addition to the obligations under Rule 8, Qualifying Members shall:
- a. sit and pass the SLSNZ Surf Lifeguard Award within the year of application for membership;
 - b. on completion of (a), perform patrol duties for the Club in accordance with the roster for patrols determined by the Board of Directors; and
 - c. if selected as a Club representative, compete for the Club in Surf Life Saving competitions and events.
- 5.8 If a Qualifying Member passes the SLSNZ Surf Lifeguard Award within the year of application for membership, they shall upon payment of the membership fee become an Active Open Member or Active Under 19 Member, as the case may be, for the following year. If they do not pass the SLSNZ Surf Lifeguard Award within the year of application for membership, their membership of the Raglan Surf Life Saving Club shall be deemed to have lapsed at the conclusion of that year. However, the Board may, in its discretion, extend the qualifying period after consideration of extenuating circumstances.
- 5.9 **Associate Members:** Each Associate Member who has paid their Membership Fee for the year, shall be entitled to:
- a. attend all General Meetings of the Club, to speak and to exercise one vote at such meetings;
 - b. use the Club's facilities and equipment in accordance with the regulations, policies and procedures of the Club;
 - c. be elected as a member of the Board of Directors.
- 5.10 **Officers and Appointed Personnel:** Such Members who have paid their Membership Fee shall be entitled to:
- a. attend all General Meetings of the Club, to speak and to exercise one vote at such meetings
 - b. use the Club's facilities and equipment in accordance with the regulations, policies and procedures of the Club; and
 - c. such other rights and privileges as set out in this Constitution.
- 5.11 **Family Membership:** Such Members who have paid the Family Membership fee shall be entitled to:
- a. attend all General Meetings with each Member of each Family Membership, who has the right to vote according to Rules 5.1 to 5.10 and having the right of voice and the power to exercise one vote at such meetings.
 - b. use the Clubs facilities and equipment in accordance with the regulations, policies and procedures of the Club and
 - c. Members of any Family Membership can be elected to the Board of Directors subject to provisions specified in Rules 5.1 to 5.10
- 5.12 **International Lifeguard Membership:** These Members have obtained their lifeguard qualifications overseas and join the Raglan SLSC to be eligible for employment as paid guards over the summer. Their conditions of membership are the same as for Active Open Membership as set out in Rule 5.1.

- 5.13 A right, privilege or obligation of a person by reason of their membership of the Club:
- a. is not capable of being transferred or transmitted to another person; and
 - b. terminates upon the cessation of membership whether by death, resignation or otherwise.
- 5.14 **Life Members** A person shall become a Life Member of the club on the recommendation of the Awards Committee made to the Board of Directors. The process for the Life Member Award is contained in the Regulations.
- 5.15 In addition to the rights and obligations as a Member under Rule 9 Life Members shall be entitled to:
- a. attend all General Meetings of the Club, to speak and to exercise one vote each at such meetings;
 - b. use the Club's facilities and equipment in accordance with the regulations, policies and procedures of the Club.
 - c. Not have to pay any annual subscription fee.

6. Application for Membership

- 6.13 Any person wishing to apply to be a Member of the Club must:
- a. complete the SLSNZ Membership Form including stating which category of membership is sought;
 - b. pay the Membership Fee for the year in which the application is made; and
 - c. return the above to the Registrar of the Club by the date specified by the Board of Directors.
- 6.14 On receipt of an application for membership of the Club, the Registrar shall forward the application to the Board of Directors. It shall determine if the application shall be accepted in its absolute discretion and if accepted shall determine the category of membership.
- 6.15 Following the Board of Directors' decision in rule 6.2, the Registrar shall notify the applicant of the outcome of their application in writing. If the application is approved the Registrar shall enter the details of the membership on the Register of Members.
- 6.16 Upon admission as a Member of the Club, the payment of any membership fee each year shall be sufficient to renew membership, without the need to complete the SLSNZ Membership Form each year. Upon admission as a Member of the Club, the Member is also deemed to be a member of Surf Life Saving Northern Region and SLSNZ.

7. Membership Fees

- 7.13 The Board of Directors shall determine:
- a. the membership fee and/or other fees (“the Membership Fee”) payable by each category of Member of the Club;
 - b. the due date for the fee(s), and
 - c. the manner of payment for the fee(s).
- 7.14 Each Member of the Club shall pay the Membership Fee by the due date. Failure to pay the Membership Fee by the due date or by any subsequent date agreed to in writing by the Board of Directors shall mean the individual concerned is no longer a Member of the Club and all rights and privileges s/he had as a Member shall cease to apply.

8. Members, Rights and Obligations

- 8.13 Members acknowledge and agree that:
- a. This Constitution constitutes a contract between each of them, the Club, Surf Life Saving Northern Region and SLSNZ, and that they are bound by this constitution, the constitution of the Surf Life Saving Northern Region, the SLSNZ Constitution, the Regulations, and any policies and procedures of the Club, Surf Life Saving Northern Region and SLSNZ respectively.
 - b. They shall comply with and observe this constitution, the constitution of Surf Life Saving Northern Region, the SLSNZ Constitution, the Regulations, and any policies and procedures of the Club, Surf Life Saving Northern Region and SLSNZ and any determination, resolution or decision which may be made or passed by the Board of Directors;
 - c. They are subject to the jurisdiction of the Club, Surf Life Saving Northern Region and SLSNZ;
 - d. This constitution, the constitution of the Surf Life Saving Northern Region the SLSNZ Constitution, the Regulations, and the policies and procedures of the Club, Surf Life Saving Northern Region and SLSNZ respectively, are necessary and reasonable for promoting the Objects of SLSNZ and the Objects of the Club;
 - e. This constitution, the constitution of Surf Life Saving Northern Region the SLSNZ Constitution, the Regulations, and any policies and procedures of the Club, the Surf Life Saving Northern Region and SLSNZ, are made in the pursuit of a common object, namely the mutual and collective benefit of SLSNZ, Surf Life Saving Northern Region and the Club and Surf Life Saving;
 - f. They are entitled to all benefits, advantages, privileges and services of membership as conferred by this Constitution.

9. Register of Members

- 9.13 The Registrar of the Club shall keep and maintain a Register in which shall be entered for each Member and Officer their full name, address, class of membership, occupation, date of admission as a Member, and any other information that the Board of Directors determines is appropriate. Such a Register shall be in a data base format as determined by the Board.
- 9.14 All Members shall provide written notice of any change to the details in Rule 9.1 to the Club within fourteen (14) days of such change. The Club will then notify Surf Life Saving Northern Region of such changes.
- 9.15 The Board of Directors shall, in collecting personal information for the Register (in Rule 9.1) seek the consent of the individual concerned and at all times comply with the Privacy Act 1993.
- 9.16 Any entry on the Register shall be available for inspection by Members and Officials, upon reasonable request and in compliance with the Privacy Act.

10. Resignation, Suspension & Termination of Membership

- 10.13 A Member may have their membership ended by:
- a. resignation under Rule 10.2
 - b. termination for default in fees under Rule 10.3; or
 - c. termination under Rule 10.4;
- 10.14 Resignation of Membership: A Member may resign from their membership of the Club by giving notice in writing to the Board (or such person(s) as designated by the Board). Upon the expiration of the notice period, and provided that the Member has paid all arrears of membership fees and any other fees due and payable by the Member, the Member shall cease to be a Member. In the absence of any written notice of resignation, the Member's membership shall be deemed to have been resigned once the ninety (90) Day period referred to in Rule 10.3 has passed.
- 10.15 Termination for Default in Fees: A Member shall have his or her membership of the Club terminated if any fees are due and outstanding to the Club. Before such termination can occur, the Board must give the Member written notice specifying the payment(s) due and demanding payment by a due date, being not less than seven (7) Days from the date of the demand. If payment is not made by the due date, membership shall be suspended pending payment. If such suspension continues for more than ninety (90) Days, the Member shall have their membership automatically terminated on the expiry of such period.
- 10.16 Termination: In addition to Rule 10.3 (Termination for Default in Fees), a Member may have their membership of the Club terminated if the Board determines such action under Rule 11.2 (Discipline).
- 10.17 Consequences of Termination: A Member who ceases to be a Member of the Club (whether by resignation or termination of membership) shall forfeit all rights in and

claims upon the Club, SLSNR and SLSNZ and the property (including Intellectual Property) of the Club, SLSNR and SLSNZ, and shall not use any property (including intellectual property) of the Club, SLSNR or SLSNZ.

- 10.18 Relationship with SLSNR and SLSNZ: A Member who resigns from the Club or has their membership terminated by the Club shall be deemed to have also withdrawn or terminated their membership of SLSNR and SLSNZ. For the avoidance of doubt, this Rule 10.6 does not apply to a Member transferring from the Club to another club in accordance with the Regulations.
- 10.19 Reinstatement: Where a person has had his or her membership of the Club suspended or terminated, his or her membership may only be reinstated at the discretion of the Board.
- 10.20 Appeal to SGM: Any Member whose membership is terminated under Rule 10.4 (Termination) may appeal the decision to an SGM called for that purpose. The appeal shall be allowed if two-thirds majority of those present and entitled to vote at the SGM do so in favour of such appeal.
- 10.21 Further Appeals: A Member may only appeal a decision made under this Rule to SLSNR in accordance with the SLSNR Constitution and Regulations. A final right of appeal may be had through SLSNZ in accordance with the SLSNZ Constitution and Regulation

11. Discipline

- 11.13 **Discipline:** If the Board considers that any Member has or may have:
- a. breached, failed, refused, or neglected to comply with a provision of this Constitution, the SLSNR or SLSNZ Constitution, the Regulations, or any other resolution or determination of the Board, or under any rules of (or in connection with) an Event; or
 - b. acted in a manner unbecoming of a Member or prejudicial to the objects or the interests of the Club, SLSNR, SLSNZ and/or Surf Life Saving; or
 - c. brought the Club, SLSNR, SLSNZ, or any other Member or Surf Life Saving into disrepute;
- 11.14 the Board may:
- i. refer the matter to a Club Judicial Committee (consisting of three (3) persons with experience in disciplinary matters) for investigation or determination in accordance with the principles of natural justice and any applicable rules relating to the Club Judicial Committee's procedure. The Club Judicial Committee may recommend to the Board any sanction on the Member as it sees fit (including, but not limited to, termination or suspension of membership); or
 - ii. make its own enquiries (including appointing a person independent of the Board to undertake such enquiries and provide a recommendation to the Board), and impose any sanction that it has authority to impose on the Member under this Constitution, (including, but not limited to, termination or suspension of membership).
- 11.15 Procedure: Before any decision under Rule 11.1 is made the Member concerned:

- a. shall be given fourteen (14) Days written notice by the Board of the proposed resolution to impose a sanction; and
 - b. have the right to be present, make submissions, and be heard at the Board meeting in which the proposed resolution is to be determined.
- 11.16 Suspension: If the Board considers a Member has or may have engaged in one or more of the circumstances in Rules 11.1a to 11.1c, and it believes it is in the best interests of the Club to do so, it may suspend the Member pending determination of the matter in accordance with this Rule 12. Before invoking any such suspension, the Member shall be given notice of the proposed suspension and the right to be heard.
- 11.17 Consequences of Suspension: If a Member is suspended from membership of the Club, then until such time as the suspension is revoked, the Member concerned shall:
 - a. not be entitled to attend, speak, or vote at a General Meeting;
 - b. not be entitled to continue to hold office in any position within the Club, SLSNR or SLSNZ;
 - c. not be entitled to any other privileges or benefits to which he or she would otherwise be entitled including use of facilities and equipment, participation in any competition, activity, event, function, or meeting of the Club, SLSNR or SLSNZ; and
 - d. have their membership of SLSNR and SLSNZ suspended.
- 11.18 Cases of Discipline that Require Prompt Action:

Where Board Members become aware of a discipline issue that requires prompt action they have the power to stand a member down for a period of seven days according to the process set out in Regulation 7.

Such an action taken by a Board member must be supported by at least one other Board Member and be reported to the President within 24 hours of the stand down coming into effect.

The consequences of the stand down for a member are the same as that of a suspension of membership as described in Rule 11.5.

PART III – ELECTED OFFICERS, BOARD OF DIRECTORS AND OPERATIONAL COMMITTEES

12. Elected Officers

- 12.13 **Elected Officers:** The Elected Officers of the Club shall comprise of the following positions elected at the Annual General Meeting:
- a. President
 - b. Chairperson
 - c. Secretary
 - d. Chair of Finance
 - e. Chair of Clubhouse/Projects
 - f. Chair of Junior Surf and Surf Sport
 - g. Chair of Volunteer Management
 - h. Chair of Lifesaving and Operations
- 12.14 **Position Descriptions:** The position descriptions for each Elected Officer are contained in the Regulations.
- 12.15 The Chairperson shall preside over all meetings of the Board of Directors and the President shall preside over all General Meetings of the Club. They each shall have both a deliberative and a casting vote at the meetings that they preside over. The President and Chairperson shall carry out the functions and duties set out in the Club's Regulations.
- 12.16 **Board of Directors:** The members of the Board of Directors shall be elected and carry out their functions in accordance with Rule 14 of this Constitution.

13. Board of Directors

- 13.13 **Role of the Board of Directors:** The Board of Directors is responsible for determining strategies, policies and financial arrangements of and for the Club.
- 13.14 The Board of Directors shall comprise of the Elected Officers listed in Rule 12.1.
- 13.15 The Board of Directors may together co-opt up to two (2) additional members to the Board of Directors under Rule 14.3. The process for such appointments is specified in the Regulations.

14. Election of Board of Directors and other Officers

- 14.13 Subject to Rule 14.2 Board of Directors shall be elected by a majority of the Members present and entitled to vote at an Annual General Meeting, following

nomination by at least two (2) Members of the Raglan Surf Lifesaving Club and shall be in the approved form and received at the registered office of the Club by not less than fourteen (14) days before the date set for the Annual General Meeting.

14.14 Eligibility: Individuals may not serve on the Board of Directors if any of the following apply:

- a. Bankrupt: a person who is an undischarged bankrupt, or is subject to a condition not yet fulfilled, or any order under the Insolvency Act 1967;
- b. Under 16 Years: a person who is under the age of 16 years;
- c. Dishonesty Offences: a person who has been convicted of a crime involving dishonesty (within the meaning of section 2(1) of the Crimes Act 1961) and has been sentenced for that crime within the last 7 years;
- d. Disqualified Director: a person who is prohibited from being a director or promoter of, or being concerned or taking part in, the management of, an incorporated or unincorporated body under the Companies Act 1993, Securities Act 1978, the Securities Markets Act 1988, the Takeovers Act 1993, or from being an officer of a charitable entity under the Charities Act 2005;
- e. Property Order: a person who is subject to a property order made that the person is lacking in competence to manage their own affairs under the Protection of Personal and Property Rights Act 1988, or whose property is managed by a trustee corporation under section 32 of the Protection of Personal and Property Rights Act 1988; and
- f. If any of the above circumstances occur to an existing Board of Director, they shall be deemed to have vacated their office upon such circumstance.

15. Term of Office of Board of Directors

15.13 Subject to Rule 22 (Removal of Board of Directors), the term of office for Chairs of Operational Committees shall be two years, expiring at the conclusion of the relevant Annual General Meeting.

The term of office for the President, Chairperson, Secretary shall be one year from the date of election to the conclusion of the next AGM.

15.14 All Directors may be re-elected (under Rule 14) for a subsequent and consecutive terms of office. If a Director is to retire from their position, the new person appointed to the Board of Directors will remain in that position until the end of original term.

15.15 The Chair of Lifesaving and Operations and Chair of Volunteer Management will be elected in odd years, the Chair of Clubhouse/Projects, Chair of Finance and Chair of Junior and Surf Sports will be elected in even years.

15.16 The term of office for Co-opted Directors shall be the period from their appointment until the conclusion of the first Annual General Meeting following such appointment.

16. Rights of Board of Directors

- 16.13 All Members of the Board of Directors shall have the right to attend, speak and vote at all Board of Directors meetings.

17. Vacancies on the Board

- 17.13 Subject to Rule 17.2, any vacancy on the Board of Directors which occurs during any Board of Directors Member's term of office may be filled by the Board of Directors.
- 17.14 The term of office for a person appointed as a Board of Directors Member to fill a vacancy under Rule 17.1 shall expire at the conclusion of the Annual General Meeting following their appointment. Thereafter the vacancy shall be determined in accordance with this Constitution.

18. Powers of the Board of Directors

- 18.13 The Board of Directors shall have the power to:
- a. develop and implement strategies, policies and procedures for the administration, promotion and development of Surf Life Saving in the Club;
 - b. develop and implement prudent policies to protect and enhance the Club's finances and property;
 - c. designate portfolios or areas of responsibility to each of the Board of Directors Members;
 - d. employ staff, determine the terms and conditions of their employment, and, if necessary, terminate such employment;
 - e. establish, appoint and determine the composition of committees;
 - f. establish such other commissions, committees and groups as it considers appropriate to assist it to carry out its responsibilities;
 - g. establish such corporate and other entities to carry on and conduct all or any part of the affairs of the Club;
 - h. appoint, replace and remove Trustees on the Raglan Surf Life Saving Trust as specified in the Regulations;
 - i. engage, contract or otherwise agree to obtain the assistance or advice of any person or organisation for the Board of Directors;
 - j. delegate such powers as it considers appropriate to employees, commissions, committees or other groups appointed by it;
 - k. publish and enforce competition rules for Surf Life Saving at the Club;
 - l. determine the yearly calendar for Surf Life Saving competitions and events at the Club;
 - m. employ, engage or otherwise appoint officials, managers, judges and other support personnel for Club representative Surf Life Saving teams and competitions, determine the terms and conditions of such appointments and, if necessary, terminate such appointments;

- n. appoint such persons as it considers appropriate to committees, positions and roles within the Club and determine the terms and conditions of such appointment, (except as otherwise specified in this Constitution or the Regulations), and, if necessary, terminate such appointments;
- o. endorsement of Club representatives to Surf Life Saving teams and squads;
- p. subject to this Constitution, fill vacancies of the Board of Directors, any commissions, committees and other groups which are established by it;
- q. determine the conditions and rules of competitions and events, held by or under its auspices;
- r. appoint and administer the Judiciary Committee;
- s. discipline Members as specified under Rule 11;
- t. develop Club programmes and implement national and District programmes for Surf Life Saving;
- u. resolve and determine any disputes or matters not provided for in this Constitution;
- v. do all other acts and things which are within the Powers and Objects of the Club and which the Board of Directors considers are appropriate.

19. Meetings of the Board of Directors

- 19.13 The Board of Directors shall meet at such places and times, and in such manner, as it shall determine, but not less than six times per year.
- 19.14 The Chairperson shall chair Board of Directors meetings, or in his/her absence any other Board of Directors Member as determined by the Board of Directors.
- 19.15 The Board of Directors meeting procedures and protocols shall be conducted as is specified in the Regulations.
- 19.16 At the first meeting of the Board of Directors after the Annual General Meeting, the Board shall appoint a suitably qualified Auditor.
- 19.17 A resolution in writing signed, or other form of visible or other electronic communication by all the Board of Directors Members shall be as valid and effectual as if it had been passed at a meeting of Board of Directors Members. Any such resolution may consist of several documents in like form each signed by one or more Board of Directors Members.
- 19.18 A Board of Directors Member who is absent from two (2) or more Board of Directors Meetings without prior approval of the Board of Directors or without reasonable explanation, shall be deemed to have vacated their office as a Board of Directors Member.

20. Voting at Board of Directors Meetings

- 20.13 Each Board of Directors Member shall have one vote at Meetings of Board of Directors.

- 20.14 All decisions and resolutions of the Board of Directors shall be determined by a vote of a majority of Board of Directors present at a Board of Directors Meeting.
- 20.15 Voting may be verbal, by show of hands, or secret ballot if requested by any Member of the Board of Directors.
- 20.16 The Chairperson shall have a deliberative and a casting vote.

21. Quorum for Board of Directors Meetings

- 21.13 There shall be no less than five (5) voting Members of the Board of Directors present at a Board of Directors Meeting to constitute a quorum.

22. Removal of Board of Directors Member or Other Elected Officer

- 22.13 Subject to Rules 22.3 and 22.4, the Members in a Special General Meeting called for this purpose may, by resolution passed by a two-thirds majority, remove any Board of Directors Member or other Elected Officer, before the expiration of their term of office.
- 22.14 Where the removed Board of Directors Member in Rule 22.1 was a Co-opted Board Member, the Board of Directors may appoint another person in their place to hold office until the expiration of the term of the Board of Directors Member which s/he is replacing.
- 22.15 Upon the Secretary receiving a request for a Special General Meeting for the purposes of removing a Board Member or other Elected Officer under Rule 22.1, s/he shall send the notice in Rule 29 to the Board Member or other Elected Officer concerned, in addition to the Board of Directors and the Members.
- 22.16 Following notification under Rule 22.3, and before voting on the resolution to remove a Board Member or other Elected Officer, the Board Member or other Elected Officer affected by the proposed resolution shall be given the opportunity prior to, and at, the Special General Meeting, to make submissions in writing and/or verbally to the Board of Directors and the Members about the proposed resolution.

23. Operational Committees

- 23.13 There are Five Operational Committees as set out below. Each Operational Committee is managed by a specifically designated Chair who is elected at each and subsequent AGMs.

- a. Finance
- b. Clubhouse/Projects
- c. Junior Surf and Surf Sports
- d. Volunteer Management
- e. Lifesaving and Operations

- 23.14 The structure, role, powers, and appointment process of members to positions on the Operational Committees are specified in the Regulations.

PART IV – GENERAL MEETINGS

24. Annual General Meetings

- 24.13 The Annual General Meeting of the Club shall be held no later than 31 August in each year.
- 24.14 All General Meetings other than the Annual General Meeting shall be Special General Meetings and shall be held in accordance with this Constitution.

25. Special General Meetings

- 25.13 Special General Meetings of the Club may be called at any time by a minimum of 5 Members or by the Board of Directors, by written notice to the Secretary.
- 25.14 The Chairperson of a General Meeting shall be the President, or his/her nominee.

26. Powers of General Meeting

- 26.13 The Members at a General Meeting shall act in accordance with the Objects and for the mutual and collective benefit of the Club, the Members, and Surf Life Saving. The Members shall have power in General Meetings to:
- a. determine major strategic directions of the Club;
 - b. alter this Constitution;
 - c. review the Club's performance;
 - d. be the final arbiter on matters referred to it under this Constitution, and
 - e. elect the Officers.

27. Notice of AGM

- 27.13 Not less than 30 days written notice shall be given by the Secretary to the Members of:
- a. the date and place for the Annual General Meeting,
 - b. the closing date for nominations of elections and items of business (under Rule 27.2) to be submitted.
- 27.14 **Nominations and Agenda Items:** Not less than 14 days before the date set for the Annual General Meeting, agenda items (including any proposed alterations to this Constitution) and nominations under Rule 144 must be received by the Secretary from Members and the Board of Directors.

28. Agenda and Business to be Discussed

- 28.13 The business which must be discussed at the Annual General Meeting includes:
- a. the Annual Report of the Club,
 - b. items of business of which notice has been given under Rule 27,
 - c. elections of the Board of Directors, and
 - d. any alterations to this Constitution.
 - e. conferring of awards
- 28.14 An agenda containing the business to be discussed at an Annual General Meeting shall be forwarded to all Members and Committee Members by no later than 14 days before the date of the meeting. Any additional items of business not listed on the agenda may only be discussed by agreement of the majority of those Members entitled to vote at the meeting.

29. Notice of Special General Meetings

- 29.13 Upon receipt of a request for a Special General Meeting under Rule 25.1 not less than thirty (30) days written notice must be given to each Member by the Secretary of:
- a. the date and place for the Special General Meeting, and
 - b. the item(s) of business to be discussed.

30. Voting at General Meetings

- 30.13 Each Member and Officer present at a General Meeting who have been a member of the Club for at least 28 days prior to the meeting in question shall be entitled to one vote.
- 30.14 Voting shall be by a majority of those Members and Officers present and entitled to vote, except for removal of Board of Directors members (under Rule 22, alterations to this Constitution (under Rule 37.4) and the appointment of a liquidator, (under Rule 40) which shall be by two-thirds of the majority of those entitled to vote.
- 30.15 Voting may be by a show of hands, or if requested by two Members present at the meeting, by secret ballot. The Chairperson of the meeting shall have a casting vote. Proxy votes are permitted if given in accordance with Rule 31.

31. Proxy Votes

- 31.13 Each Member and Officer, who must have been a Member of the club for at least 28 days prior to the meeting date, shall be entitled to appoint another Member or Officer as his or her proxy by notice given to the Secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed. Only proxies which indicate whether the Member is voting in favour of or against the

proposed resolution as set out in their proxy shall be valid. General proxies are not valid.

- 31.14 The notice appointing the proxy shall be in the form set out in Appendix 1, or as otherwise determined by the Board of Directors from time to time.

32. Postal Votes

- 32.13 Where the Board of Directors considers it appropriate to do so, voting for a General Meeting may occur by post. For the purpose of this Rule “post” includes facsimile, electronic mail, or other form of visible or other electronic communication. The procedure for postal voting shall be as specified in the Regulations.

33. Quorum

- 33.13 At least one third of the Club’s Members or Officers who have voting rights, must be present at a General Meeting to constitute a quorum.

PART V – FINANCIAL MATTERS

34. Financial Year

- 34.13 The financial year of the Club shall end on the 30th day of June in each year and may be altered from time to time by the Board of Directors.

35. Annual Report

- 35.13 The Board of Directors shall prepare an Annual Report for presentation to the Annual General Meeting which contains:
- a. the audited annual financial statements as required under the Act, and
 - b. an annual report of the year’s activities, (collectively known as the “Annual Report”).
- 35.14 The annual financial statement in Rule 35.1a, shall be audited by an auditor appointed by the Board of Directors. The auditor shall be a practising chartered accountant.

36. Common Seal

- 36.13 The Club shall have a common seal.
- 36.14 The Board of Directors shall determine when and by whom the common seal is to be used and make provision for its safe custody, subject to the Act.

PART VI - MISCELLANEOUS

37. Application of Income

- 37.13 The income and property of the Club shall be applied solely towards the promotion of the Objects.
- 37.14 Private Pecuniary Profit and Exceptions
- a. no portion of the income or property of the Club shall be paid or transferred, directly or indirectly by way of dividend, bonus or otherwise to any Member, Board Member or Officer and;
 - b. no remuneration or other benefit in money or money's worth shall be paid or given by the Club to any Member, Board Member or Officer.
 - c. The club shall not lend money, nor rent, lease loan or sell club property or assets at less than commercial rates, having regard to the nature and terms of the loan, lease or sale to any person, if that person or that company or the settlor or the trustee or shareholder or director referred to are associated persons as defined in the Income Tax Act 1994.
 - d. Any member or Officer who is, or may be, in any other capacity whatever interested or concerned directly or indirectly in any property or undertaking in which the club is, or may be concerned or involved shall disclose the nature and extent of that person's interest to the Board, and shall not take any part whatever in any deliberations of the Board concerning any matter in which that person holds such an interest.
- 37.15 Nothing in Rules 37.2(a) or (b) shall prevent payment in good faith of, or to any, Member, Board Member or Officer for:
- a. any services actually rendered to the Club whether as an employee or otherwise;
 - b. goods supplied to the Club in the ordinary and usual course of operation;
 - c. interest on money borrowed from any Member, Board Member or Officer;
 - d. rent for premises demised or let by any Member, Board Member or Officer to the Club;
 - e. any reasonable and proper out-of-pocket expenses incurred by the Member, Board Member or Officer on behalf of the Club; provided that any such payment shall not exceed the amount ordinarily payable between parties dealing at arm's length in a similar transaction. Notwithstanding anything contained or implied within this constitution, any person who is an associated person as defined in the Income Tax Act 1994, shall not by virtue of that capacity in any way (whether directly or indirectly) determine or materially influence the determination of the nature or the amount of any benefit or advantage or income or the circumstances in which it is or is to be received, gained, afforded or derived by that person.

38. Alteration to the Rules

- 38.13 Subject to Rule 38.2, this Constitution may only be amended, added to or repealed by resolution of a two-thirds majority vote of those entitled to vote at a General Meeting.
- 38.14 No alteration to Rule 2 (Objects), Rule 37.1 (Application of Income) or Rule 40, (Liquidation) shall commence until approved by the Inland Revenue Department. This Rule, and the effect of it, shall not be removed from this Constitution and shall be included and implied into any constitution replacing this Constitution.
- 38.15 Notice of an intention to alter this Constitution must be given by a Member or Officer to the Secretary no later than Fourteen (14) days prior to a General Meeting.

39. Regulations and Policies

- 39.13 The Board of Directors may determine and amend such Regulations and Policies as it considers necessary or desirable. Such Regulations and Policies must be consistent with the Objects of this Constitution and any directives given by a General Meeting.
- 39.14 All Regulations and Policies shall be binding on the Members.
- 39.15 All Regulations and Policies and any amendments to them shall be advised to all Members in writing or electronically as approved by the Board of Directors.

40. Liquidation

- 40.13 The Club may voluntarily be put into liquidation if:
- a. a two-thirds majority vote of those entitled to vote at a General Meeting passes a resolution appointing a liquidator; and
 - b. such resolution is confirmed in a subsequent Special General Meeting, called for that purpose, and held not earlier than thirty (30) working days, after the date on which the resolution was passed.
- 40.14 Upon appointment of a liquidator the relevant provisions of the Act shall apply to the liquidation of the Club.
- 40.15 Any surplus assets of the Club after payment of all costs, debts, and liabilities, shall subject to any trust effecting the same, be disposed of by distributing, giving or transferring them to some charitable body or charitable bodies in New Zealand having objects similar to the Objects.
- 40.16 The body or bodies in Rule 40.3 must prohibit the distribution of its or their income and property among its or their members to at least the same or greater an extent as is imposed on the Club under this Constitution. The body or bodies shall not be carried on for profit and shall have an approved tax exemption.
- 40.17 The body or bodies in Rules 40.3 and 40.4 shall be determined by the Members in a General Meeting at or before the time of liquidation. If the Members are unable to

decide the body or bodies shall be determined by the liquidator.

41. Indemnity

- 41.13 The Club shall indemnify its Board of Directors, Officers, and employees against all damages and costs (including legal costs) for which any such Director, Officer, or employee may be, or become, liable to any third party as a result of any act or omission, except wilful misconduct:
- a. in the case of a Director or Officer, performed or made whilst acting on behalf of and with the authority, express or implied, of Board, and
 - b. in the case of an employee, performed or made in the course of, and within the scope of their employment by the Club.

42. Colours

- 42.13 The colours of the Club shall be Red and Black as described in Regulations.

43. Disputes and Matters not provided for

- 43.13 Subject to Rule 43.2, if any dispute arises out of the interpretation of this Constitution or the Regulations, or any matter arises which is not provided for in this Constitution or the Regulations, then such dispute or matter shall be referred in writing to the Board, whose decision shall be final and binding.
- 43.14 If the dispute or matter in Rule 43.1 is between the Board and a Member, or between any one(1) or more Board Members , (“the parties”) the dispute or matter shall be resolved by the following process:
- a. By the parties acting in good faith to seek an agreement; or failing such agreement,
 - b. By a party or the parties appointing an independent third person to mediate between them; or failing agreement at such mediation,
 - c. By arbitration under the Arbitration Act 1996, by giving written notice of such arbitration by a party to the other party and (if not a party) the Board. Such arbitration shall be heard and determined by a single arbitrator to be appointed by the President of the Auckland District Law Society. The procedure for the arbitration shall be determined by the arbitrator. The decision of the arbitrator shall be final and binding.

44. DATE OF COMMENCEMENT OF THIS CONSTITUTION

- 44.13 This constitution shall take effect from the date of its registration with the Companies Office.

DEFINITIONS

The words and phrases used in this Constitution shall mean as follows:

“Act” means the Incorporated Societies Act 1908 and its amendments.

“Annual Report” means the report described under Rule 35

“Annual General Meeting” means the General Meeting held annually as described in Rule 28.

“Appointed Personnel” means individuals who are appointed by the Board of Directors to positions of responsibility within the Club and which can be paid..

“Awards Committee” means the Committee set up from time to time by the Board to determine and allocate awards as set out in the Regulations

“Board” means the Board of Directors as described in Rule 3.

“Board Member” means the members of the Board of Directors being the Elected Officers appointed under Rules 4.

“Chairperson” means the individual elected under Rule 12.

“Club” means the Raglan Surf Life Saving Club Incorporated.

“Club Event” means:

any Surf Life Saving competition or event held by, or under the auspices of a Club;

any other competition or event sponsored by or conducted on behalf of the Club; and

any Club competition or event at which the Club is represented; but does not include a competition or event held by or on behalf of the District.

“Club Representative” means a competitor or other member of a Surf Life Saving team or squad which has been selected to participate in a Surf Life Saving in an event or competition as a representative of the Club, and includes coaches, managers or other team officials selected to represent the Club.

“Constitution” and **“this Constitution”** means the constitution of the Club.

“Defendant” means the Member against whom an allegation is made, or an appeal is brought under Rule 10.8 and/or 10.9.

“District” means the geographical area as defined in the SLSNZ Regulations and described as Surf Life Saving Northern Region.

“District Board” means the Board of Surf Life Saving Northern Region as defined in the District Constitution.

“District Constitution” means the constitution of Surf Life Saving Northern Region.

“District Judiciary Committee” means the judiciary committee as defined in the Surf Life Saving Northern Region Constitution.

“District Regulations” means the regulations of Surf Life Saving Northern Region.

“Elected Board Member” means a person elected as a Member of the Board of Directors under Rule 14.

“General Meeting” means the Annual General Meeting or a Special General Meeting of the Raglan Surf Life Saving Club held under Rule 24 or 25 respectively.

“Intellectual Property” means all rights or goodwill in copyright, business names, names, trademarks (or signs), logos, designs, patents or service marks relating to the Club or any event, or any competition or Surf Life Saving activity or programme of or conducted, promoted or administered by the Club.

“Judiciary Committee” means a committee of the Board of Directors as set out in Rule 18.

“Life Members” means those individuals described in Rule 5.14 and 5.15.

“Board of Directors” means the Board of Directors of the Club as defined in Rule 13.

“Members” means the members of the Club as described in Rule 5.

“Membership Fee” means the fee or fees payable to the Club under Rule 7.

“Objects” means the objects of the Club described under Rule 3.

“Objects of SLSNZ” means the objects of SLSNZ as described in the SLSNZ Constitution.

“Objects of the District” means the objects of the Surf Life Saving Northern Region as described in the District Constitution.

“Officer” means the individuals elected under Rule 12.1. and appointed under Rule 23.2.

“Operational Committees” mean the committees described in Rule 23 and in the Regulations.

“President” means the individual elected under Rule 12

“Register” means the register of members specified in Rule 9 and held by the Club.

“Regulations” means the regulations of the Club determined under Rule 21.

“Rule” means a rule of this Constitution.

“Stand Down” means a period of membership suspension as defined in Rule 11.6

“Surf Life Saving”, means the practice by surf lifeguards of preventing death by drowning at beaches and includes surf lifeguard patrol services, education and sport activities such as swimming, craft, and beach events.

“SLSNR” means Surf Life Saving Northern Region Incorporated.

“SLSNZ Surf Lifeguard Award” means the award given by SLSNZ upon the holder completing theory, practical, swim resuscitation and rescue tests which certifies that the holder has the basic skills and knowledge to be a surf lifeguard.

“SLSNZ” means Surf Life Saving New Zealand Incorporated and includes its officers, employees, SLSNZ Board members and agents.

“SLSNZ Board” means the Board of SLSNZ as defined in the SLSNZ Constitution.

“SLSNZ Constitution” means the constitution of SLSNZ.

“SLSNZ Judiciary Committee” means the judiciary committee as defined in the SLSNZ Constitution

“SLSNZ Regulations” means the regulations of SLSNZ.

“Suspension of Membership” means the suspension of membership as defined in Rule 11

“Termination of Membership” means the termination of membership as defined in Rule 10.

APPENDIX 1

APPOINTMENT OF PROXY

RAGLAN SURF LIFE SAVING CLUB INCORPORATED

I, _____ of
First Name Surname

Postal Address

being amember (*insert category of membership*) of the Club for at least 28 days prior to the date of this General Meeting specified below hereby appoint

_____ (full name of Proxy) of the Raglan Surf Life Saving Club who is a current Member/Officer of the Club (strike out) as my proxy to vote for me on my behalf at the General Meeting of the Association (Annual General Meeting or Special General Meeting, as the case may be) to be held on

the _____ day of _____
Month Year

and at any adjournment of that meeting.

My proxy is authorised to vote in favour of/against (delete as appropriate) the following resolutions (insert details).

.....
.....
.....
.....
.....
.....

(signed)

(date)

(Note: general proxies are not acceptable. Proxy must be specific for/against each resolution)