

MEREWETHER SURFBOARD
CLUB INC

CONSTITUTION

29th January 2021



MEREWETHER SURFBOARD CLUB INC CONSTITUTION

PART I

PRELIMINARY

1. Interpretation:

1. In these rules, except in so far as the context or subject-matter otherwise indicates or requires:
 - a) "ordinary member" means a member of the committee who is not an office-bearer of the club, as referred to in rule 6
 - b) "secretary" means:
 - I. the person holding office under these rules as secretary of the club; or
 - II. where no such person holds that office - the president of the club;
 - c) "special general meeting" means a general meeting of the club other than annual general meeting;
 - d) "the unincorporated club" means the unincorporated association known as "Merewether Surfboard Club".
 - e) "association" means "Merewether Surfboard Club Inc." incorporated under the Act.
 - f) "Surfing Newcastle. means the body controlling surfboard club activities in the Newcastle region from time to time.
 - g) "associate member" means a person who has an interest in surfboard riding and in the affairs of the association but who is unavailable or unable to surf for the association and who is admitted as a member of the association and pays the annual subscription, levies and fees referred to in Rule 6(b).
 - h) "life member" means an individual who was immediately before the incorporation of the Association a life member of the unincorporated club or who is admitted under these rules to life membership of the association.
 - i) "patron" means an individual who was immediately before incorporation of the Association a Patron of the unincorporated club or who is conferred that title under these rules.
 - j) "club" means Merewether Surfboard Club Inc.
 - k) Hall of Fame Members means an individual member who conferred this under these rules of the association.
2. In these rules:
 - a) a reference to a function includes a reference to a power, authority and duty; and
 - b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.
3. The club logo shall not be changed under any circumstances:
 - a) any use of the logo should be a true copy of Mike Eggleston's original logos, which are provided in Appendix 5:
 - b) The logo colours may be reversed but the fonts and the 'surfer' in the tube are not to be modified in any way.

- c) The annual club shirts shall contain no sponsorship logos.
- d) A one-off club shirt can be produced with committee approval for sponsors, annual events and extraordinary achievement such as WSL Championship Tour qualification or World Title wins.

2. Title and Objects

1. The club shall be called "Merewether Surfboard Club" (or abbreviated as MSC) and is herein referred to as the club.
2. The objects of the club shall be:
 - a) the encouragement, development and promotion of surfboard riding activities primarily in the Merewether Beach area;
 - b) to hold competitions between members of the club and against other surfboard clubs;
 - c) to promote such other objects as may tend to advancement of surfboard riding interests;
 - d) The profits and other income of the club shall be devoted to the promotion of its objects and no dividend shall be paid directly or indirectly to any member of the club.
 - e) In the event of the winding up or the cancellation of incorporation of the association, any surplus property shall vest, pursuant to section 53(2) of the Act only to an association (whether incorporated or unincorporated) that at that time and in the opinion of the committee is carrying on surfboard riding activities in the Merewether Beach area and if no such association exists then to the Newcastle Surfboard Association Inc or SurfingNSW. that such benefiting association shall fulfil the requirements specified in section 52(2) (a) – (c) of the Act.

3. By-laws, Rules and Regulations

1. The committee shall have power from time to time to make such by-laws rules and regulations not inconsistent with the rules of the association as in the opinion of the committee are necessary and desirable for the proper control, administration and management of the association's operations, finances, affairs, interests, objects, effects and property and the duties, obligations and responsibilities of the members and to amend or rescind from time to time any such by-laws rules or regulations."
2. The committee is hereby empowered to deal as it may think fit with members, in respect of complaints and offences and any other matters or circumstances not otherwise specifically provided for or covered in these Rules.
3. The committee shall be sole authority for the interpretation of these Rules and the rules of competition and its decision upon any question of interpretation or upon any other matter affecting the association shall be final and binding upon members, and the members of committees and all other persons affected by these Rules."

4. Transitional Provisions

1. The following transitional provisions shall have effect:
 - a) The first members of the association shall be those persons who were the members of the unincorporated club at the time of its incorporation under the Act.
 - b) The members of the committee of the former unincorporated club shall be the first committee to the association.

PART II

MEMBERSHIP

5. Membership qualifications

1. A person is qualified to be a member of the club if, but only if the person is a natural person who:
 - a) has complied with the processes as provided by rule 6; and
 - b) is a financial member of the club;
 - c) The committee may at any time confer life membership on a person in recognition of outstanding services to the club. A life member shall not be liable to pay annual subscriptions to the club but shall be entitled to all the privilege of membership including the holding of office.
 - d) An intending member who is a natural person under the age of 18 years must have the indemnity and guarantee of his parents or guardian that the club will not be responsible for any loss, injury or damage occasioned in any way whilst the member is involved in activities of the club.
 - e) Adheres with the one club policy of the as outlined in Appendix 1.

6. Membership Process

1. A person may apply for membership of the club:
 - a) shall be made by a member of the club in any form approved from time to time by the committee whether that be written or electronic; and
 - b) any annual fees must be paid at the time of application
 - c) at the time of payment, the person becomes a member of the club
 - d) Where the committee determines that the One Club Policy is in question the secretary shall, as soon as practicable after that determination, notify the member and ask that they explain in writing the discrepancy. The member may also present their position to the committee at the next meeting.
2. The following persons may be members of the club:
 - a) Ordinary Competing Members
 - b) Life Members
 - c) Honorary Members
 - d) Associate Members
 - e) Hall of Fame Members
 - f) Club Patron(s)
3. For Club Competitions, the Ordinary Membership shall be divided into various classes or other divisions as the Committee determine from time to time and aligned to SurfingNSW.

7. Financial Assistance

1. A Member may apply to the committee for financial assistance to attend competitions as set out in Request for Financial Assistance Committee Guidelines Appendix 2

2. There may from time to time be a need to provide financial support to an individual to allow that Member to achieve their own aspirations.
3. Where possible the Club will support such surfing related requests and strongly encourages the applicant to lead the financial assistance process with committee support.

8. Cessation of membership

1. A person ceases to be a member of the club if the person:
 - a) Dies, except for Life and Hall of Fame Members;
 - b) resigns that membership; or
 - c) is expelled from the club.
 - d) is no longer financial
2. Membership entitlements are not transferable
3. A right, privilege or obligation which a person has because of being a member of the club:
 - a) is not capable of being transferred or transmitted to another person; and
 - b) terminates upon cessation of the person's membership.

9. Resignation of membership

1. A member of the club is not entitled to resign that membership except in accordance with this rule.
2. A member of the club who has paid all amounts payable by the member to the club in respect of the member's membership may resign from membership of the club by first giving notice (being not less than 1 month or not less than such other period as the committee may determine) in writing to the secretary of the member's intention to resign and, upon the expiration of the period of notice, the member ceases to be a member.
3. Where a member of the club ceases to be a member pursuant to clause (2), and in every other case where a member ceases to hold membership, the secretary shall make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

10. Register of members

1. The secretary of the club shall establish and maintain a register of members of the club specifying the name and address, both postal and electronic of each person who is a member of the club
2. The register of members at any time shall be retained in an appropriate form including but not limited to a permanent member book, computer spreadsheet or cloud based database of the club choice and shall be open for inspection, free of charge, by any member of the club at any reasonable hour.

11. Fees, subscriptions, etc.

1. The annual subscriptions as determined by the Committee, payable by members shall be determined by the committee from time to time, and shall be in respect of the period from 1st January to 31st December
2. Expulsion from the Club will result if a member fails to pay the annual membership as set out in Rule 42(1) within the time specified (or determined by the Committee and upon simple resolution of the Committee that deregistration should occur.
3. A Member may apply to the committee for financial assistance to attend competitions as set out in Request for Financial Assistance Committee Guidelines Appendix 2

12. Disciplining of members

1. Where the committee is of the opinion that a member of the club:
 - a) has persistently refused or neglected to comply with a provision or provisions of these rules; or
 - b) has persistently and willfully acted in a manner prejudicial to the interests of the club, then
2. The committee may, by resolution:
 - a) expel the member from the club; or
 - b) suspend the member from membership of the club for a specified period.
3. A life membership may be revoked if a life member is:
 - a) Convicted of a serious felony; or
 - b) Guilty of embezzling the club
4. A resolution of the committee under clause 12 (2) is of no effect unless the committee, at a meeting held not earlier than 14 days and not later than 28 days after service on the member of a notice under clause 12(4), confirms the resolution in accordance with this rule.
5. Where the committee passes a resolution under clause 12 (2), the secretary shall, as soon as practicable, cause a notice in writing to be served (as per clause 53) on the member:
 - a) setting out the resolution of the committee and the grounds on which it is based;
 - b) stating that the member may address the committee at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice;
 - c) stating the date, place and time of that meeting; and
 - d) informing the member that the member may do either or both of the following:
 - I. attend and speak at that meeting;
 - II. submit to the committee at or prior to the date of that meeting written representations relating to the resolution.
6. At a meeting of the committee held as referred to in clause 12(4), the committee shall give to the member an opportunity to:
 - a) make oral representations;
 - b) give due consideration to any written representations submitted to the committee by the member at or prior to the meeting; and
 - c) by resolution determine whether to confirm or to revoke the resolution.
7. A resolution confirmed by the committee under clause 12(2) does not take effect:
 - a) until the expiration of the period within which the member is entitled to appeal against the resolution where the member does not exercise the right to appeal within that period; or
 - b) where within that period the member exercises the right of appeal, unless and until the club confirms the resolution pursuant to rule 12 (2).

13. Right of appeal of disciplined member.

1. A member may appeal to the club in general meeting against a resolution of the committee which is confirmed under rule 12(2), within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
2. Upon receipt of a notice from a member under clause 1, the secretary shall notify the committee which shall convene a general meeting of the club to be held within 21 days after the date on which the secretary received the notice.
3. At a general meeting of the club convened under clause (13):
 - a) no business other than the question of the appeal shall be transacted;
 - b) the committee and the member shall be given the opportunity to state their respective cases orally or in writing, or both; and
 - c) the members present shall vote by secret ballot on the question of whether the resolution should be confirmed or revoked.

- d) If at the general meeting the club passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

14. Patrons, Life Members and Hall of Fame

1. The club may, at the Annual General Meeting or Special General Meeting, by a majority of three-quarters of those present and voting confer on any person the title of patron provided that the number of patrons at any time shall not exceed four (4) in number.
2. Life and Hall of Fame membership can only be confirmed by the rules set out in Part IV
3. A patron or life member shall be permitted to attend any general meeting of the club and address such meeting, join in discussions, but shall not be entitled a vote provided that they are not an office bearer.
4. Life Members shall receive a Life Membership Badge or some other form of acknowledgement of their life membership.
5. A Life Member or Hall of Fame member of the club ceases to be a life member of the club if they:
 - a) resign that membership; or
 - b) are expelled from the club.
 - c) provided however Life and Hall of Fame membership will remain in perpetuity despite the passing of the member.

15. Associate Member

1. Associate Membership shall be open to any person interested in surfing who is not a Life Member on application in writing of the club and on payment of a fee set for such membership in accordance with the rules of the club. An associate member shall enjoy the same privileges as ordinary members but shall not be entitled to vote.
2. The Committee shall determine from time to time whether associate membership shall be open and may refuse to accept any further applications at any time without giving an explanation for so doing.

PART III

THE COMMITTEE

16. Powers, etc., of committee

1. The committee shall be called the management committee of the club and, subject to these rules and to any resolution passed by the club in general meeting:
 - a) shall control and manage the affairs of the club;
 - b) may exercise all such functions as may be exercised by the club other than those functions that are required by these rules to be exercised by a general meeting of members of the club; and
 - c) has power to perform all such acts and do all such things as appear to the committee to be necessary or desirable for the proper management of the affairs of the club.
 - d) has power to frame by-laws from time to time for the proper management of the club such by-laws to be consistent with these rules.

17. Constitution and membership

1. The committee shall consist of:
 - a) the office bearers of the club; and
 - b) four general members;
 - c) any other position deemed necessary by the executive committee
2. Each of whom shall be elected at the annual general meeting of the club pursuant to rule 18.
3. The office-bearers of the club executive committee shall be:
 - a) the president;
 - b) the vice-president;
 - c) the treasurer; and
 - d) the secretary;
4. Each member of the committee shall, subject to these rules, hold office until the conclusion of the annual general meeting following the date of the member's election, or by resignation or expulsion from the club, but is eligible for re-election.
5. In the event of a casual vacancy occurring in the membership of the committee, the committee may appoint a member of the club to fill the vacancy and the member so appointed shall hold office, subject to these rules, until the conclusion of the annual general meeting next following the date of the appointment.

18. Election of members

1. Nominations of candidates for election as office-bearers of the club or as ordinary members of the committee shall be made at the annual general meeting
2. If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated shall be deemed to be elected.
3. If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
4. If the number of nominations received exceeds the number of vacancies to be filled, a ballot shall be held.
5. The ballot for the election of office-bearers and ordinary members of the committee shall be conducted at the annual general meeting in such usual and proper manner as the committee may direct.

19. Club Executive Committee member definitions

1. President

It is the duty of the president of the club is to:

- a) preside as chairperson at each general meeting of the club.
- b) overview the management and administrative operation of the club; and
- c) to provide leadership and support to all its members.

2. Vice President

It is the duty of the vice president of the club to:

- a) Preside at meetings in the absence of the president.
- b) Plans, coordinates, and recruits committee members to achieve the clubs objectives;
- c) Coordinates programs with the president and the executive committee.

3. Treasurer

It is the duty of the treasurer of the club to ensure that:

- a) all money due to the club is collected and received and that all payments authorised by the club are made; and
- b) correct books and accounts are kept showing the financial affairs
- c) of the club including full details of all receipts and expenditure connected with the activities of the club.
- d) attending to all necessary lodgment of association forms as required from time to time with the NSW Fair Trading Office or the department overseeing incorporated associations

4. Secretary

The Secretary of the club shall, as soon as practicable after being appointed as secretary, lodge notice with the club of his or her address.

It is the duty of the secretary to keep minutes of:

- a) all appointments of office-bearers and members of the committee;
- b) the names of members of the committee present at a committee meeting or a general meeting; and
- c) all proceedings at committee meetings and general meetings.
- d) Minutes of proceedings at a meeting shall be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.
- e) attending to all necessary lodgment of association forms as required from time to time with the NSW Fair Trading Office or the department overseeing incorporated associations

20. General Committee Member definitions

1. It is the role of the general committee members, elected according to the rule 17(1), to assist the executive committee the club on behalf of the members to achieve the goals and objectives of the club

21. Honorary Committee Members definitions

1. Patron

- a) The primary role of the club patron(s) is to lend credibility, provide historical context and support to the committee in making decisions in the spirit of the club and its constitution.
- b) The club patron(s) do not play a formal part in the committee, other than to provide an alternate point of view to issue.
- c) Shall preside at the Annual General Meeting prior to a new committee being elected.

2. Club Delegate

- a) The club delegate means a person appointed by the Committee to represent the Club at Surfing Newcastle meetings or the body controlling surfboard club activities in the Newcastle region from time to time.

22. Casual vacancies

1. For the purposes of these rules, a casual vacancy in the office of a member of the committee occurs if the member:
 - a) dies;
 - b) ceases to be a member of the club;
 - c) becomes an insolvent under administration within the meaning of the Companies (New South Wales) Code;
 - d) resigns office by notice in writing given to the secretary;
 - e) is removed from office under rule 23;
 - f) becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health; or
 - g) is absent without the consent of the committee from all meetings of the committee held during a period of 3 months.

23. Removal of member

1. The club in a general meeting may by resolution remove any member of the committee from the office of member before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.
2. Where a member of the committee to whom a proposed resolution referred to in clause (1) relates makes representation in writing to the secretary or president (not exceeding a reasonable length) and requests that the representations be notified to the members of the club, the secretary or the president may send a copy of the representations to each member of the club or, if they are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

24. Meetings and Quorum

1. The committee shall meet at least 6 times in each period of 12 months at such place and time as the committee may determine.
2. Additional meetings of the committee may be convened by the president or by any member of the committee.
3. Oral or written notice of a meeting of the committee shall be given by the secretary to each member of the committee at least 48 hours (or such other period as may be unanimously agreed upon by the members of the committee) before the time appointed for the holding of the meeting.
4. Notice of a meeting given under clause 24 (3) shall specify the general nature of the business to be transacted at the meeting and no business other than that business shall be transacted at the meeting, except business which the committee members present at the meeting unanimously agree to treat as urgent business.
5. Any 3 members of the executive committee constitute a quorum for the transaction of the business of a meeting of the committee.
6. No business shall be transacted by the committee unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present the meeting stands adjourned to the same place and at the same hour of the same day in the following week.
7. If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting shall be dissolved.
8. At a meeting of the committee:
 - a) the president or, in the president's absence, the vice-president shall preside; or
 - b) if the president and the vice-president are absent or unwilling to act such one of the remaining members of the committee as may be chosen by the members present at the meeting shall preside.

25. Delegation by committee to sub-committee

1. The Committee may, by instrument in writing, delegate to one or more sub-committees (consisting of such member or members of the association as the committee thinks fit) the

exercise of such of the functions of the committee as are specified in the instrument, other than this power of delegation.

2. A function the exercise of which has been delegated to a sub-committee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
3. A delegation under this section may be made subject to such conditions or limitations as to the exercise of any function the subject thereof, or as to time or circumstance, as may be specified in the instrument of delegation.
4. Notwithstanding any delegation under this rule, the committee may continue to exercise any function delegated.
5. Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done or suffered by the Committee.
6. The committee may, by instrument in writing, revoke wholly or in part any delegation under this rule.
7. A sub-committee may meet and adjourn as it thinks proper.

26. Voting and decisions

1. Questions arising at a meeting of the committee or of any sub-committee appointed by the committee shall be determined by a majority of the votes of members of the committee or sub-committee present at the meeting.
2. Each member present at a meeting of the committee or of any sub-committee appointed by the committee (including the person presiding at the meeting) is entitled to one vote but, in the event of any equality of votes on any question, the person presiding may exercise a second or casting vote.
3. Any act or thing done or suffered, or purporting to have been done or suffered, by the committee or by a sub-committee appointed by the committee, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or sub-committee.

PART IV

HALL OF FAME AND LIFE MEMBERS

27. General

1. The Club will schedule a Hall of Fame evening / Reunion every five years on or about the anniversary date of the club. (27th June 1964)
2. The Club Secretary shall record the minutes and final decisions made on each nominee.

28. Hall of Fame and Life Member Committee

1. Every five years a Hall of Fame subcommittee will be formed made up of:
 - a) four life members,
 - b) the Club Patron/s and the current executive committee (President, Vice President, Secretary and Treasurer); and
 - c) four Hall of Fame members,
2. The subcommittee will form six months prior to the anniversary of the club and the subcommittee will elect a chair to run the process.
3. The subcommittee will determine the Life Members and Hall of Fame Inductees to be inducted on the night of the Reunion. There is no expectation that any new inductions will take place.
4. Inductees to be determined no later than one month before the Hall of Fame evening / Reunion function.
5. The sub-committee shall determine in its own discretion appropriate means of determining the criteria for qualification, awarding the inductees including gifts, trophies or other form of acknowledgement such awards to be approved in principal by the current club committee at that time.
6. Adheres with the Life Member and Hall of Fame procedure as outlined in Appendix 2.

PART V

GENERAL MEETINGS

29. Annual general meetings - holding of

1. The club shall, in the month of January, convene an annual general meeting of its members.

30. Annual general meetings -- calling of and business at

1. The annual general meeting of the club shall, subject to rule 29 (1), be convened on such date and at such place and time as the committee thinks fit.
2. In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting shall be to:
 - a) confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting;
 - b) to receive from the committee reports upon the activities of the club during the last preceding financial year;
 - c) to elect office-bearers of the club and general members of the committee; and
 - d) to receive and *consider* the treasurer's report stating the financial position of the club.
3. An annual general meeting shall be specified as such in the notice convening it.
4. Shall be chaired by a club patron.

31. Special general meetings - calling of

1. The committee may, whenever it thinks fit, convene a special general meeting of the club.
2. The committee shall, on the requisition in writing of not less than 5 per cent of the total number of members, convene a special general meeting of the club,
3. A requisition of members for a special general meeting:
 - a) shall state the purpose or purposes of the meeting;
 - b) shall be signed by the members making the requisitions;
 - c) shall be lodged with the secretary; and
 - d) may consist of several documents in a similar form, each signed by one or more of the members making the requisitions.
4. If the committee fails to convene a special general meeting to be held within 1 month after the date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than three (3) months after that date.
5. A special general meeting convened by a member or members as referred to in clause 31 (4) shall be convened as nearly as is practicable in the same manner as general meetings are convened by the committee and any member who thereby incurs expense is entitled to be reimbursed by the club for any expense so incurred.
6. Except where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the club, the secretary shall, at least 14 days before the date fixed for the holding of the general meeting, to each members preferred contact address, a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.

7. Where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the club, the secretary shall, at least 21 days before the date fixed for the holding of the general meeting, electronically supply each member with a cause notice specifying, the intention to propose the resolution as a special resolution. No business other than that specified in the notice convening a general meeting shall be transacted at the meeting except, in the case of an annual general meeting.
8. A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who shall include that business in the next notice calling a general meeting given after receipt of the notice from the member.

32. Procedure

1. No item of business shall be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.
2. Five members present in person (being members entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
3. If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting if convened upon the requisition of members shall be dissolved and in any other case shall stand adjourned to the same day in the following week at the time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
4. If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than 3) shall constitute quorum.

33. Presiding member

1. The president or, in the president's absence, the vice-president, shall preside as chairperson at each general meeting of the club.
2. If the president and the vice-president are absent from a general meeting or unwilling to act, the members present shall elect one of their number to preside as chairperson at the meeting.
3. The president or, in the president's absence, the vice-president delegate the running of general meetings to another office bearer of the committee

34. Adjournment

1. The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which adjournment took place.
2. Where a general meeting is adjourned for 14 days or more, the secretary shall give electronic or oral notice of the adjourned meeting to each member of the club stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
3. Except as provided in clauses (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

35. Making of decisions

1. A question arising at a general meeting of the club shall be determined on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration

2. by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the club, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
3. At a general meeting of the club, a poll may be demanded by the chairperson or by not less than 3 members present in person or by proxy at the meeting.
4. Where a poll is demanded at a general meeting, the poll shall be taken:
 - a) immediately in the case of a poll which relates to the election of the chairperson of the meeting or to the question of an adjournment; or
 - b) in any other case, in such manner and at such time before the close of the meeting as the chairperson directs, and the resolution of the poll on the matter shall be deemed to be the resolution of the meeting on that matter.

36. Special resolution

1. A resolution of the club is a special resolution if it is passed by a majority which comprises not less than three-quarters of such members of the club as, being entitled under these rules so to do, vote in person or by proxy at a general meeting of which not less than 21 days' written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these rules.

37. Voting

1. Upon any question arising at a general meeting of the club a member has one vote only.
2. All votes shall be given personally or by proxy but no member may hold more than 5 proxies.
3. In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
4. A member or proxy is not entitled to vote at any general meeting of the association unless all money due and payable by the member or proxy to the club has been paid, other than the amount of the annual subscription payable in respect of the then current year.

38. Appointment of proxies

1. Each member shall be entitled to appoint another member as 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.
2. The notice appointing the proxy shall be in the form set out in Appendix 3 to these rules.

PART VI
COMPETITIONS

39. Club Monthly Contests

1. All fees are to be paid by the second club competition of each year, no later. A non-financial members will not be allowed to surf in any proceeding club competition until they become financial.
2. Any financial club member found surfing or interfering with a surfer competing in a club competition will be liable to disqualification from that particular competition and may also be liable to be suspended or expelled from the club in accordance with the rules of the club.
3. All financial club members are required to judge at least two (2) times at a club competition. Failing to do so could lead to a loss of points from their progressive yearly point score. The number of which will be determined by the committee
4. The club will conduct a maximum of nine (9) Club competition each year with a target of eight (8). Appendix 6 provides the guideline for setting monthly competitions.
5. The final result will be decided on the best:
 - a. seven (7) of the nine (9) contests run;
 - b. six (6) of the eight (8) contests run;
 - c. five (5) of the seven (7) contests run;
 - d. four (5) of the six (6) contests run; or
 - e. four (4) of the five (5) contests run.
6. There should always be at least three (3) judges and one (1) head judge, judging at all times during a club competition.
7. The progression rate from each heat must be at least 50%.
8. The divisions will be determined by the age demographic of the club by the Committee divisions for members under 18 and will follow Surfing NSW age divisions.
9. For all club purposes, the ages of all members will be taken from the age as of the 1st January prior to any competition season.
10. Only surfers who are eligible to surf in the following divisions share will be able to surf in one or more division:
 - a. Grommets
 - b. Cadets
 - c. Juniors
 - d. Women
11. Surfers eligible to surf multiple divisions will be selected based on the results to date and for the first competitions of the year this would be based on the previous year's results.
12. All club competitions will begin at 7.30am and no names for divisions will be taken after 8.00am (unless otherwise advertised through club communications). The exception will be when a vacancy exists in a heat. No other.
13. The registration format either written or electronic for all club competitions will be determined by the committee and reviewed from time to time.

40. Annual Events

1. The club will hold a minimum of two annual competitions a year in addition to the monthly club competitions. These are defined in Rule 41 & Rule 42 and consist of:
 - a) King of the Rocks; and
 - b) Ray Richards Man on Man

41 King of the Rocks

1. The King of the Rocks is a contest celebrating Surfing, good times and mateship and those club members that have passed away. It was inspired by the late Garry Callinan and is run and enjoyed in the spirit of Garry and his amazing ability to enjoy every aspect of life whilst remaining competitive and compassionate simultaneously.
2. Traditionally on the Friday prior to the event a Golf afternoon has been held in honour of Garry Callinan to celebrate his love of golf and to incorporate all members surfing and non-surfing in the celebration, with a social event held afterwards at a local venue
3. The King of the Rocks twin fin competition is to be run around the following guidelines:
 - a) run at the beginning of the season as a social event to kick off the season.
 - b) is to be a Twin Fin competition and can be associated with another social event that the committee sees fit.
 - c) The competition is about having a good time, sportsmanship and remembering former club members.
 - d) The club will supply all boards to be ridden in the contest, competitors are to ride the board they have been allocated in each heat to ensure the event remains a fun event and does not get too competitive i.e. surfers riding boards that will give them the best chance of winning, this is not in the spirit of the contest. The exception to this rule is that the club shall provide big guy boards for our larger framed members.
 - e) Heats will be drawn out of a hat and there is to be no seeding of competitors.
 - f) To ensure longevity all boards will be garaged by the club only to be ridden in this event once a year.
4. Boards are to fit the following:
 - a) Retro Twin Fin
 - b) Incorporating "King of the Rocks" decal
 - c) Length between 5'8 and 6'6

42. Ray Richards Man on Man

1. The Ray Richards Memorial Man on Man Event will respect the memory of Ray Richards our founding Club Patron and be run to determine the best surfer on the day from Merewether Surfboard Club members, past and present.
2. The Ray Richards Man on Man competition is to be run around the following guidelines:
 - a) Maximise the inclusiveness and participation of all members past and present
 - b) Have a date set to maximise the participation of our best surfers in the best surf
 - c) Be the club's premier competition of the year
 - d) Be professionally run and seeded in such a way that the number 1 and 2 seed can only meet in the final.
 - e) Be run to maximise the amount of man on man surfing possible
 - f) The event Contest Director shall be nominated at the club Annual General Meeting
3. The following process for the selection of entrants is to be followed:
 - a. The top 16 invitees will be made up of and seeded in their current surfing form by the Club President, Vice President and Contest Director for the event. The order of seeding shall be offered to:
 - i. Competitive former Man on Man champions and Hall of Fame inductees

- ii. Open Competition Squad surfers (refer to clause 46)
 - iii. The highest rated Junior and Woman surfers
 - b. The next 16 club surfers to meet the top 16 is ratified by the committee each year following the general guideline of:
 - i. 4 x Open
 - ii. 2 x Junior
 - iii. 3 x Cadet
 - iv. 2 x Women
 - v. 2 x B-Grade
 - vi. 1 x O/40
 - vii. 1 x O/55
 - viii. 1 x Grommet
4. At the start of any season the committee have two options available to run the Ray Richards Man on Man competition. The committee must agree by majority vote the options to be adopted for the calendar year and the options must be communicated to members no later than 2 weeks prior to the first club competition. The options are:
- a. A trials event open to all current and former club members
 - b. Best two results year to date.

43. Annual Awards

1. In addition to the divisional awards the committee may decide to award additional awards in addition to:
 - a. Tube of the Year
 - b. Most Improved
 - c. Club Pest

44. Tube of the Year

1. Tube of the Year is to be awarded to the best tube caught and judged in a club contest year by a financial club member.
2. The tube ride must be completed and exceptional in terms of the wave and degree of technicality of the tube.
3. The committee may elect to not award a Tube of the Year if the nominated tube rides within club contests do not warrant or qualify; then
4. The Tube of the Year may be awarded to any club surfer who has caught a tube along the Bar Beach to Merewether strip that is exceptional in terms of the wave and degree of technicality.
5. All club contest Tube of the Year nominations must be provided to the club Secretary on the day of the contest by the Contest Director or Head Judge. Tubes outside of club contests must have photo or video evidence and the committee will vote on those nominated as per the process outlined in Rule 2.

45. Most Improved

1. This award is to be given to the most improved male and female within the club and can only be judged on the club contest performance only.
2. In the case of two male or female surfers being eligible the award can be split based on committee approval into the age groups outlined in Rule 1.

46. Team Events

1. The Team Manager will seed the Competition Squad based on current surfing at the beginning of the calendar year for both Junior, Women's and Senior squads.

2. Teams will be selected from the highest ranked surfers available for the event and will be selected by the elected Team Manager and confirmed by the Executive Committee Members.
3. The Competition Squad will be made up of current or former members who make themselves available to surf.
4. A surfer will not be selected for a Junior, Women's or Senior squad team event in the year that the surfer joins the club. The exception to this is where both the Executive Committee and Team Manager unanimously support the inclusion of the surfer.
5. Where possible the club will endeavor to send two competitive teams to both senior and junior events throughout the calendar year. These teams will be named the Black and Blue teams. The strongest team being the Black Team.
6. Where numbers are limited the intention shall always be to send the strongest team possible. Any second team must be competitive.
7. Where Team Manager or Executive Committee Members have a conflict of interest in the team selection the conflicted party must not vote.
8. Where financially able the club will cover the costs of the entry fee and the accommodation (if required) or other associated costs for the team surfers only. The club will not cover the costs of spectators or supporters.

PART VII

MISCELLANEOUS

47. Funds Source

1. The funds of the club shall be derived from annual subscriptions of members, donations, fundraising and merchandise sales and, subject to any resolution passed by the club in general meeting, such other sources as the committee determines.
2. All money received by the club shall be deposited as soon as practicable and without deduction to the credit of the club's bank account.
3. The club shall, as soon as practicable after receiving any money, issue an appropriate receipt.
4. All expenditure of club monies requires the authorisation of two (2) executive committee members, no exception.
5. Executive authorisation for expenditure can be in writing or electronic.

48. Funds Management

1. Subject to any resolution passed by the club in general meeting, the funds of the club shall be used in pursuance of the objects of the club in such manner as the committee determines.
2. All cheques, and other negotiable instruments shall be signed by at least the Treasurer and one other executive committee members or employees of the club, being members or employees authorised to do so by the committee.
3. The Treasurer and one other executive committee member are to be authorised signatories on any bank account and online access to club bank accounts shall not be undertaken with at least a seconder from the executive committee of any transaction,

49. Alteration of objects and rules

1. The statement of objects and these rules may be altered, rescinded or added to only by a special resolution of the club.

50. Custody of books, etc. – online /electronic

1. Except as otherwise provided by these rules the secretary shall keep in his or her custody or under his or her control all records, books and other documents relating to the club.

51. Service of notices

1. For the purpose of these rules, a notice may be served by or on behalf of the club upon any member either personally or by sending it by post or electronically to the member at the member's address shown in the register of members.
2. Where a document is sent to a person either electronically or by properly addressing, prepaying and posting to the person a letter containing the document, the document shall, unless contrary is proved, be deemed for the purposes of these rules to have been served on the person at the time at which the letter would have been delivered in the ordinary course of post or the time stamp on the electronically sent document.
3. A notice which is sent electronically will be deemed to have been received when:

- a) it is sent, unless the sender receives a return email to the effect that the email was not transmitted successfully; and
- b) on the day on which it was sent, if it is sent before 5.00 pm on a Business Day or, in any other case, on the next Business Day following the day on which it was sent.

APPENDIX 1

ONE CLUB POLICY

APPENDIX 2

LIFE MEMBER AND HALL OF FAME PROCEDURES

Life Membership Nominee Criteria

The overall criteria for eligibility for a past or present club member to be nominated for induction as a life member will be:

1. Extraordinary contribution to the club defined as:
 - a) Current Financial member and or ten years' active membership
 - b) Five years' committee membership and or five years' extraordinary commitment to the club
 - c) Of good character
 - d) Must be nominated and seconded by a life member
 - e) Notify all life members of nomination. Must have a majority of responding life members vote.
 - f) Must 75% majority vote of the current subcommittee
2. The number of life members shall not be limited.
3. No person shall be elected a life member unless he or she first be nominated and seconded by an existing life member of the club. Such nomination shall then require a majority vote by all life members who respond within 14 days to an appropriate notice sent to them by the Secretary. The nomination having passed that requirement will then be subject to final 75% vote of approval by the subcommittee.

Hall of Fame Nominee Criteria

The overall criteria for eligibility for a past or present club member to be nominated for induction into the Hall of Fame will be:

1. That the nominee conforms to one of the following categories as defined in Rule 31:
 - a) Competitive accomplishments
 - b) Local surfing status
 - c) Community contribution
2. The nominee is approached by a committee member and accept their nomination and invitation to the event
3. They are voted for by 75% of the Hall of fame sub committee
4. No limit to the number of surfers to be inducted on their competitive accomplishments
5. Maximum of three other surfers to be inducted on local surfing status and community contribution per five-year period

Hall of Fame categories

1. Competitive accomplishments:
 - a) Have been a financial club member (in the relevant period)
 - b) WCT (or equivalent) top 20 qualification and requalification
 - c) Long term committed member of the club
 - d) Represented and shown commitment to the club at teams' events
 - e) Has retired from their professional career
 - f) World champion club member within junior and open and big wave divisions
 - g) Of good character
2. Local surfing status:
 - a) A surfer has earned the ultimate respect and is held in highest esteem of the Merewether Surfboard Club Surfing community over at least a ten-year period
 - b) Long term committed member of the club
 - c) Is considered one of the best surfers of their generation
 - d) Of good character
3. Community Contribution:
 - a) Long term committed member of the club
 - b) Recognised local surfer at Merewether Beach
 - c) Cannot be a "kook"

- d) Has made a significant societal contribution at a national or international level
- e) Of good character

APPENDIX 3

APPOINTMENT OF PROXIES

APPOINTMENT OF PROXY

I, _____ of _____
being a member of _____
hereby appoint _____ of _____
being a member of the club, as my proxy to vote for me on my behalf at the general meeting of the club (annual
general meeting or special general meeting, as the case may be) to be held on the _____ day of _____, 19____
and at any adjournment of that meeting.

* My proxy is authorised to vote in favour of/against (delete as appropriate) the resolution

Signature of member of
appointing proxy

Date:

NOTE: A proxy vote may not be given to a person who is not a member of the club.

APPENDIX 4

REQUEST FOR FINANCIAL ASSISTANCE POLICY

APPENDIX 5

CLUB LOGOS



APPENDIX 6

CLUB COMPETITION GUIDELINES

The following are provided to guide the planning and organisation of club competitions:

1. Club Competitions are to be held on the first Sunday of the Month, back-up second Sunday of the Month
2. Exceptions to this are:
 - a) First and Last comp of the year can be held on a Saturday if approved by the committee
 - a) Long weekends
 - b) Mother's Day
 - c) Weekends in the middle of School Holidays
 - d) Planned team events
 - e) Other exceptional circumstances / Major Teams Events etc.
3. King of the Rocks is to be held prior to the competition year beginning.
4. Ray Richards Man on Man Event is to be held in August each year to capitalise on the best possible conditions and availability of surfers. It is to also have a back-up should the first date not be contestable.

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