

**SOUTH CURL CURL
SURF LIFE SAVING CLUB INC
CONSTITUTION**

South Curl Curl Surf Life Saving Club Inc
CONSTITUTION

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Part 1 Preliminary

1 Objectives of the Club:

- a) The study and practice of surf life saving, resuscitation, and first aid to the apparently drowned and injured.
- b) To minimize the loss of life from drowning by carrying out surf patrols to render all aid possible to those in distress.
- c) To promote demonstrations and arrange classes of instruction in the principles of surf life saving and resuscitation.
- d) To encourage amateur sports, carnival competition, and social functions etc., which do not interfere with the lifesaving duties of members.
- e) To foster youth development in a supportive family environment by providing educational, competition, and social activities for children.
- f) To enter into arrangements or contracts with any government, local government or other body for any of the purposes of the Club.
- g) To acquire or otherwise deal with land, buildings, leases, personal property, interests or rights with the object of furthering the interests of the Club.
- h) To carry on any other activities whatsoever calculated directly or indirectly to enhance further the interests of the Club, provided that any fundraising activity will be to the benefit of the Club such that profits are expended in furtherance of these Objectives only.
- i) To strive for governmental and public recognition of Surf Life Saving as the authority on aquatic safety.
- j) To promote the health and safety of members and users of the aquatic environment.
- k) To carry out the activities of the Club at all times in a manner that is unbiased, non-discriminatory, apolitical and non-secretarian.

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2 Definitions, Affiliations, and Amendments

a) In these rules and by-laws:

Director-General means the Director-General of the Department of Fair Trading.

Special General Meeting means a general meeting of the Club other than an annual general meeting.

Active member means a member who is currently registered as an Active Cadet, Active Junior, Active Senior, Active Reserve, Long Service, or Life Member.

the Act means the *Clubs Incorporation Act 1984* and any subsequent legislation.

the Regulation means the *Clubs Incorporation Regulation 1999* and any subsequent legislation.

the Club means South Curl Curl Surf Life Saving Club Inc.

the Branch means Surf Life Saving Sydney Northern Beaches Inc.

State Centre means Surf Life Saving New South Wales Inc.

SLSA means Surf Life Saving Australia Ltd.

b) In these Rules and By-Laws:

- i. a reference to a function includes a reference to a power, authority and duty, and
- ii. a reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty.
- iii. a reference to membership of the Club means membership of both the Club and SLSA, and a reference to membership of SLSA means membership of both the Club and SLSA.

c) The provisions of the *Interpretation Act 1987* apply to and in respect of these rules and by laws in the same manner as those provisions would so apply if these rules were an instrument made under the Act.

d) The Club shall be affiliated annually with the Branch, State Centre, and SLSA, and shall adopt all relevant policies and directions of those bodies unreservedly.

e) This Constitution (as distinct from the By-Laws) may only be amended by a Special Resolution of a General Meeting of the Club.

f) The By-Laws (as distinct from this Constitution) may be amended by a simple majority of votes at a Club Committee meeting.

Part 2 Membership

3 Membership

- a) A person is a member of the Club if, and only if, the person is a natural person who has paid their annual membership subscription and had their nomination for membership approved by the Club Committee, or in the case of renewing members, approved by the Club Committee's delegate.

4 Nomination for Membership

- a) The nomination of a person for membership of the Club shall be lodged in writing by submitting a membership form with the annual subscription to the secretary or treasurer of the club.
- b) As soon as practicable after receiving a nomination for membership, the Club Committee or the Club Committee's delegate shall determine whether to approve or to reject the nomination, and in the case of approved nominations, the appropriate membership category in accordance with By-Law 3.
- c) Either the secretary or treasurer must, on payment by the nominee of the relevant membership subscription, enter the nominee's name in the register of members and, on the name being so entered, the nominee becomes a member of the Club and Surf Life Saving Australia Ltd.
- d) The membership categories will be as determined from time to time by SLSA and the Club Committee.

5 Cessation of Membership

A person ceases to be a member of the Club if the person:

- a) dies, or
- b) resigns membership, or
- c) is expelled from the Club.

6 Membership Entitlements Not Transferable

A right, privilege or obligation which person has by reason of being a member of the Club:

- a) is not capable of being transferred or transmitted to another person, and
- b) terminates on cessation of the person's membership.

7 Resignation of Membership

- a) A member of the Club is not entitled to resign that membership except in accordance with this rule.
- b) 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 to the secretary written notice.

8 Register of Members

- a) The secretary, treasurer or public officer of the Club must establish and maintain a register of members of the Club specifying the name and address of each person who is a member together with the date on which the person became a member.
- b) The register of members must be kept at the principal place of administration of the Club and must be open for inspection, free of charge, by any member of the Club at any reasonable hour. A current copy of the register of members is to be made available to the Branch, State Centre, and SLSA.
- c) A member of the Club may obtain a copy of any part of the register on payment of a fee of \$1 for each page copied or, if the Club Committee determines some other amount, that other amount.
- d) Upon request the Club will maintain the confidentiality of a member's records except where such records are required for internal Club purposes.

9 Members' Liabilities

- a) The liability of a member of the Club to contribute towards the payment of the debts and liabilities of the Club or the costs, charges and expenses of the winding up of the Club is limited to the amount, if any, unpaid by the member in respect of membership of the Club as required by rule 3.
- b) Members acknowledge and agree that they shall comply with and observe this Constitution and the By-Laws and any determination, resolution, or policy which may be made or passed by the Club Committee, the Club in general meeting, the Branch, State Centre, or SLSA.

Part 3 The Club Committee

10 Powers of the Club Committee

The Club Committee, subject to the Act, the Regulations, these Rules and By-Laws, and to any resolution passed by a Special General Meeting or Annual General Meeting:

- a) is to control and manage the affairs of the Club, and
- 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) may discipline, suspend, or expel members provided that the member concerned will have the right to speak at any Club Committee meeting (or Disciplinary Sub-Committee meeting) at which that member's actions are being discussed.

11 Membership of the Club Committee

- a) The Club Committee is to consist of the following voting Office-Bearers:
 - i. the President
 - ii. the Deputy President
 - iii. the Secretary
 - iv. the Treasurer
 - v. the Captain
 - vi. Six other Committee Members
- b) Each member of the Club Committee is, subject to these rules, to hold office until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.
- c) The President, Deputy President, Treasurer, Secretary and Captain shall have the power to deal with all urgent matters. Three members shall form a quorum. Where possible a quorum of the Club Committee shall be called for this purpose.
- d) In the event of a casual vacancy occurring in the membership of the Club Committee or other Club Official, the Club Committee may appoint a member of the Club to fill the vacancy. The member so appointed is to hold office, subject to these rules, until the conclusion of the annual general meeting next following the date of the appointment.
- e) In addition to the list of Office-Bearers listed in Clause (a) of this rule, the Club may elect any number of Club Officials in accordance with the By-Laws.

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12 Election of Members

- a) Nominations of candidates for election as Office-Bearers or Club Officials:
 - i. may be made in writing, delivered to the President of the Club before the start of the annual general meeting at which the election is to take place, or
 - ii. may be made verbally from the floor during the annual general meeting.
- b) If insufficient nominations are received to fill all vacancies, the candidates nominated are taken to be elected and any vacant positions remaining are taken to be casual vacancies.
- c) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.
- d) The ballot for the election of Office-Bearers is to be conducted at the annual general meeting in such manner as the President (or in the case of the ballot for the position of President, the person chairing the meeting) may direct.

13 Casual Vacancies

For the purposes of these rules, a casual vacancy in the office of a member of the Club Committee or other Club Official occurs if the member:

- a) dies, or
- b) ceases to be a member of the Club, or
- c) becomes an insolvent under administration within the meaning of the *Corporations Law*, or
- d) resigns office by notice in writing given to the secretary, or
- e) is removed from office under Rule 14, or
- f) becomes a mentally incapacitated person, or
- g) in the case of an Office-Bearer, is absent without the consent of the Club Committee from three consecutive Club Committee meetings.

14 Removal of Office-Bearers

- a) The Club in general meeting may by Special Resolution remove any Office-Bearer from office and/or from the register of members before the expiration of the member's term of office and may appoint another person to hold office until the expiration of the term of office of the member so removed.
- b) If the member to whom a proposed Special Resolution referred to in clause (a) relates wishes he or she may speak to the resolution as well as exercise a right of reply, before the resolution is put to the vote.
- c) Any Special Resolution under this rule will require at least a two-thirds majority to be passed.

15 Meetings and Quorum

- a) The Club Committee must meet at least 3 times in each period of 12 months at such place and time as the committee may determine.
- b) Oral or written notice of a meeting of the Club Committee must be given by the secretary to each Office-Bearer at least 48 hours (or such other period as many be unanimously agreed on by the Club Committee) before the time appointed for the holding of the meeting.
- c) The business to be transacted at the meeting includes the consideration of the minutes of the previous meeting, correspondance in/out, accounts and reports of the Committee and items tabled for general business.
- d) Any six (6) Office-Bearers will constitute a quorum for the transaction of the business of a meeting of the committee.
- e) No business is to be transacted by the Club 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 is to stand adjourned to the same place and at the same hour of the same day in the following week.
- f) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.
- g) At a meeting of the Club Committee:
 - (a) the President or, in the President's absence, the Deputy President is to preside, or
 - (b) if the President and the Deputy President are absent or unwilling to act, such one of the remaining members of the Club Committee as may be chosen by those present at the meeting is to preside.
 - (c) the secretary shall record and prepare minutes of the proceedings of all meetings of the Committee and the Association.
 - (d) all matters of business, discussion and debate are to be confined to the meeting. The minutes of the meeting shall be referred to thereafter.

Part 4 Sub-Committees

16 Delegation by Club Committee to Sub-Committees

- a) The Club Committee may delegate to one or more sub-committees (consisting of such member or members of the Club as the Club Committee thinks fit) the exercise of such of the functions of the Club Committee, other than:
 - i. this power of delegation, and
 - ii. a function which is a duty imposed on the Club Committee by the Act or by any other law.
- b) 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.
- c) A delegation under this section may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be determined by the Club Committee.
- d) Despite any delegation under this rule, the Club Committee may continue to exercise any function delegated.
- e) 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 Club Committee.
- f) The Club Committee may revoke wholly or in part any delegation.
- g) A sub-committee may meet and adjourn, as it thinks proper.
- h) Sub-committees may include, but are not limited to, the sub-committees described in the By-Laws.

Part 5 Voting Rights at Meetings

17 All Meetings

- a) Questions arising at a meeting of the Club Committee, or of any Sub-Committee appointed by the Club Committee, are to be determined by a simple majority of the votes of members of the Club Committee or sub-committee present and entitled to vote at the meeting.
- b) Any act or thing done or suffered, or purporting to have been done or suffered, by the Club Committee or by a sub-committee appointed by the Club Committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the Club Committee or sub-committee.
- c) A member shall declare his or her interest in any contractual, selection, financial, or other matter in which a conflict of interest arises or may arise, and shall absent him or herself from discussions on such matter and shall not be entitled to vote in respect of such matter. In the event of any doubt as to whether it is necessary for a member to absent himself or herself from discussion or refrain from voting, the issue of the member's involvement in the discussion and voting should immediately be determined by vote of the meeting in the absence of the member concerned.

18 Club Committee Meetings

- a) Each member who is an Office-Bearer who is present at a meeting of the Club Committee (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- b) Office-Bearers who hold more than one office simultaneously may only exercise one vote. Members and Club Officials who are not Office-Bearers are not entitled to vote at Club Committee meetings, although they may speak to the meeting subject to the consent of the person presiding at the meeting.

19 Sub-Committee Meetings

- a) All members are entitled to vote at the meetings of a Sub-Committee, subject to the consent of the member chairing the meeting and the terms of any delegation by the Club Committee.

Part 6 General Meetings

20 Annual General Meetings – holding of

- a) The Club must, at least once in each calendar year and within the period of 6 months after the expiration of each financial year of the Club, convene an annual general meeting of its members.

21 Annual General Meetings – calling of and business at

- a) The annual general meeting of the Club is to be convened on such date and at such place and time as the Club Committee thinks fit.
- b) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting is to include the following:
 - i. to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting,
 - ii. to receive from the Club Committee reports on the activities of the Club during the last preceding financial year,
 - iii. to elect Office-Bearers of the Club Committee and other Club Officials,
 - iv. to receive and consider the statement, which is, required to be submitted to members under section 26(6) of the Act.
- c) An annual general meeting must be specified as such in the notice calling it.

22 Special General Meetings – calling of

- a) The Club Committee may, whenever it thinks fit, convene a special general meeting of the Club.
- b) The Club Committee must, on the requisition in writing of at least 5 per cent of the total number of members eligible to vote at a general meeting, convene a special general meeting of the Club.
- c) A requisition of members for a special general meeting:
 - i. must state the purpose or purposes of the meeting, and
 - ii. must be signed by the members making the requisition, and
 - iii. must be lodged with the secretary, and
 - iv. may consist of several documents in a similar form, each signed by one or more of the members making the requisition.

23 Notice

- a) The secretary must, at least 14 days before the date fixed for the holding of the general meeting, give a notice to each member specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.

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24 Quorum

- a) No item of business is to 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.
- b) Ten (10) per cent of the number of members present in person (being members entitled under these rules to vote at a general meeting) constitutes a quorum for the transaction of the business of a general meeting.
- c) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting is to stand adjourned to the same day in the following week at the same 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.
- d) 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 at least 3) is to constitute a quorum.

25 Presiding Member

- a) The President or, in the President's absence, the Deputy President, is to preside as chairperson at each general meeting of the Club.
- b) If the President and the Deputy President are absent or unwilling to act, the members present must elect one of their numbers to preside as chairperson at the meeting.

26 Making of Decisions

- a) At all meetings of the Club, resolutions and motions (except Special Resolutions) are to be decided on a simple majority of votes.
- b) A question arising at a general meeting of the Club is to be determined on the voices or a show of hands and, unless before or on the declaration of the vote a poll is demanded, a declaration by the chairperson that a resolution has, on the voices or 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.
- c) At a general meeting of the Club, a poll may be demanded by the chairperson or by at least 3 members present in person or by proxy at the meeting.
- d) If a poll is demanded at a general meeting, the poll must be taken;
 - i. 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
 - ii. in any other case, in such manner and at such time before the close of the meeting as the chairperson directs,
 - iii. and the resolution of the poll on the matter is taken to be the resolution of the meeting on that matter.

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27 Special Resolution

A resolution of the Club is a special resolution if, and only if:

- a) it occurs at a general meeting and relates to:
 - i. the removal or suspension of a member from the Club or from a position as an office-bearer or club official,
 - ii. any amendment to this Constitution (as distinct from the By-Laws),
 - iii. any decision to cease operations of the Club, or,
 - iv. any decision to award Life Membership, and
- b) is passed by a majority which comprises at least three quarters of such active 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 at least 14 days written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these rules, or
- c) where it is made to appear to the Director-General that it is not practicable for the resolution to be passed in the manner specified in paragraph (b) if the resolution is passed in a manner specified by the Director-General.

28 Voting

- a) On any question arising at a general meeting of the Club a member has one vote only.
- b) All votes must be given personally or by proxy but no member may hold more than 5 proxies.
- c) 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.
- d) A member or proxy is not entitled to vote at any general meeting of the Club 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 season following an annual general meeting.
- e) Only members who have been registered as active members for at least the period of one month prior to the general meeting shall be entitled to vote at a general meeting.

29 Appointment of Proxies

- a) Each member is to 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.
- b) The notice appointing the proxy must specify the resolution being voted upon, the vote of the member, and the member's personal signature.

Part 7 Miscellaneous

30 Insurance

- a) The Club must effect and maintain insurance under section 44 of the Act.
- b) In addition to the insurance required under clause (a), the Club may effect and maintain other insurance.
- c) The Club may arrange such insurance through the Branch, State Centre, or SLSA.

31 Funds – source

- a) The funds of the Club are to be derived from entrance fees and annual subscriptions of members, donations and, subject to any resolution passed by the Club in general meeting, such other sources as the Club Committee determines. Membership fees will be set at the first Club Committee meeting after the Annual General Meeting.
- b) All money received by the Club must be deposited as soon as practicable and without deduction to the credit of the Club's bank account.
- c) All prize money and prizes won in competition or awarded to members of the club shall become the property of the club and will be allotted as the Club Committee determines.
- d) All solicitation of sponsorship must be made under the auspices of the Sponsorship sub-committee and be subject to the direction thereof. All goods or monies solicited in the Club's name are the property of the Club.
- e) The Club must, as soon as practicable after receiving any money, issue an appropriate receipt.

32 Funds – management

- a) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 of the members who hold office as President, Treasurer, Secretary, or members of the Club who are members authorised to do so by the Club Committee.
- b) The income and property of the Club shall be applied solely towards the promotion of the Objects of the Club as set out in this Constitution.
- c) Except as prescribed in this Constitution:
 - i. 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; and,
 - ii. no remuneration or other benefit in money or money's worth shall be paid or given by the Club to any member who holds any voting office of the Club.

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32 Funds – management (continued)

- d) Nothing contained in Clause (c) of this rule shall prevent payment in good faith of or to any member for:
- i. any services actually rendered to the Club whether as an employee or otherwise;
 - ii. goods supplied to the Club in the ordinary and usual course of operations;
 - iii. interest on money borrowed from any member;
 - iv. rent for premises demised or let by any member to the Club;
 - v. any out-of-pocket expenses incurred by the member on behalf of the Club; or,
 - vi. any other reason authorised by the Club Committee;

provided that any such payment shall not exceed the amount ordinarily payable between ordinary commercial parties dealing at arm's length in a similar transaction.

- e) In the event that the Club is to be dissolved, notice of intention to wind up operations of the Club must be given to every member, advertised in the newspaper and posted in the clubhouse twenty-eight (28) days before a Special Resolution meeting is held. Upon a four fifths majority passing the resolution the Club may be wound up in accordance with the provision of the Act, all remaining funds, assets and other property of the Club will be delivered to the Branch for distribution as the Branch sees fit.

33 Service of Notices

- a) For the purpose of these rules, a notice may be served on or given to a person:
- i. by delivering it to the person personally, or
 - ii. by sending it by pre-paid post to the address of the person, or
 - iii. by sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or serving the notice.
- b) For the purpose of these rules, a notice is taken, unless the contrary is proved, to have been given or served:
- i. in the case of a notice given or served personally, on the date on which it is received by the addressee, and
 - ii. in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
 - iii. in the case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent, or if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

34 Indemnity of Members

- a) The Club shall indemnify out of the property or assets of the Club its members, officers, and employees against all damages and costs (including legal costs) for which any such member, officer, or employee may be or become liable to any party in consequence of any act or omission except wilful blindness, performed or made whilst acting on behalf of and with the authority, express or implied, of the Club or within the scope of their employment by the Club.

35 Authority to Trade

- a) The Club is authorised to trade in accordance with the Act.

36 Amendments

- a) Amendments to this Constitution may only be made by Special Resolution of a general meeting called for the purpose of amending this Constitution.

37 By – Laws

- a) The Club Committee may from time to time determine By – Laws such as will not be inconsistent or incompatible with the contents of this Constitution.
-