



MAPLETON BOWLS CLUB

INCORPORATED

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MAPLETON QLD 4560

Club: (07) 5445 7479 (phone/fax)

CONSTITUTION

BY-LAWS

SEPTEMBER 2019.

MAPLETON BOWLS CLUB Incorporated

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SECTION A – THE CLUB

1 Definitions

- (a) "Club" means the MAPLETON Bowls Club Inc.
- (b) "Constitution" means the rules and by-laws of the club in force for the time being.
- (c) "Management Committee" means the members for the time being of the management committee of the club as constituted in accordance with these rules and by-laws and is the controlling body of the club subject only to any direction of members at a general meeting.
- (d) "Member" means any member of the club.
- (e) "Seal" means the common seal of the club.
- (f) "Month" means calendar month.
- (g) "WB" means World Bowls.
- (h) "BA" means Bowls Australia Ltd.
- (i) "BQ" means Bowls Queensland Ltd.
- (j) "DBA" means District Bowls Association.

2 Interpretation

- (1) In these rules:

Act means the *Clubs and Associations Incorporation Act 1981 as amended*.

Present means:

- (a) at a management committee meeting, see rule 30; or
 - (b) at a general meeting, see rule 18.
- (2) A word or expression that is not defined in these rules, but is defined in the Act, has, if the context permits, the meaning given by the Act.

3 Name

The name of the incorporated club is MAPLETON Bowls Club Inc (***the club***).

4 Objects

The objects for which the Club is established are:

- (1) to advance and promote the sport of Bowls;
- (2) to provide the best possible standard of playing facilities for members in accordance with the Laws of the Game prescribed by BA;
- (3) to promote and develop the Club, its facilities and activities within the local community for the benefit of Members and the game of Bowls in particular, and for the community within which the Club exists in general ;
- (4) to provide, promote and develop such other programmes, activities and use of the Club to generate and enhance good fellowship within and between Members, other bowls and sports clubs and the community, and without prejudice to the Game of Bowls.

5 Powers

- (1) The association has the powers of an individual.
- (2) The association may, for example—
 - (a) enter into contracts; and
 - (b) acquire, hold, deal with and dispose of property; and
 - (c) make charges for services and facilities it supplies; and
 - (d) do other things necessary or convenient to be done in carrying out its affairs.
- (2) The association may take over the funds and other assets and liabilities of the present unincorporated association known as the [*to be completed*] (the ***unincorporated association***).
- (3) The association may also issue secured and unsecured notes, debentures and debenture stock for the association.

SECTION B – MEMBERSHIP OF THE CLUB

6 Membership

- (1) The membership of the club consists of ordinary members, and any of the following classes of members: life members, junior members, temporary members, social members and honorary members and shall only be elected to membership in accordance with the Constitution.
- (2) The membership of the Club may be limited, either generally or as to any particular class, or classes, as the voting members may from time to time determine at a general meeting.
- (3) Every applicant for any class of membership of the club must be proposed by 1 ordinary or life member of the club and seconded by another such member. The application for membership must be:
 - (a) made in writing;
 - (b) signed by the applicant and the applicant's proposer and seconder;
 - (c) in such form as the management committee from time to time prescribes.

7 Eligibility for Membership

- (1) To be eligible for membership a person must be:
 - (a) not less than 18 years of age for membership other than junior membership;
 - (b) interested in playing the sport of Bowls;
 - (c) prepared to support and promote the welfare of the club and the sport of Bowls;
 - (d) of good character and compatible with other members; and
 - (e) free of indebtedness to any Bowls Club, DBA, State or National Bowls Authority and not under an order or notice of suspension, or expulsion, from any Bowls Club or DBA.
- (2) No person will be admitted as a member of the club who is a member of any club affiliated with the BQ unless such person satisfies the management committee by presentation of a clearance on the official form as prescribed by BQ.

8 Classification and Privileges of Membership

(1) Ordinary Members

An ordinary member is a member whose application for membership of the club has been approved by the management committee and has paid all the prescribed fees. Ordinary members are entitled to all the privileges of the club and to exercise all the rights of membership.

(2) Life Members

An ordinary member on the recommendation of the management committee may be elected a life member by the club at a special general meeting or AGM in recognition of services rendered to the club for a continuous period of at least ten years; all on the terms and conditions contained in the by-laws.. Such election must be by resolution of a 75% majority of members present and entitled to vote at a SGM or AGM. A life member shall be free to enjoy all club privileges and exercise all rights but shall be exempt from the payment of the annual subscriptions.

(3) Junior Members

Persons under the age of 18 years may apply for junior membership of the club. A junior member:

- (a) is neither entitled to vote nor to nominate members for office nor to nominate other persons to membership of the club;
- (b) is entitled to play bowls in any State, District, National or club competition according to the conditions laid down for the playing of the event;
- (c) on attaining the age of 18 years their membership will automatically be transferred to that of an ordinary member; and
- (d) must not under any circumstances be served or consume liquor from or on the club premises or engage in any form of gambling on the premises.

(4) Temporary Members

The management committee may admit as a temporary member any person who does not normally reside within the district where the club is established, provided always that such person is a full subscribing and financial member of a Bowls Club or Bowls Authority affiliated directly or indirectly with WB and who is not under suspension or expulsion by order of that Club, or any other Club so affiliated. Such membership will not exceed a 6 months period but may be renewed at the discretion of the management committee.

Temporary members are entitled to the privileges of membership except that they must neither hold any office in the club nor nominate members for election to any position in the club nor take part in nor vote at meetings of the club. They must not nominate ordinary members of the club nor participate in any game other than a social game of the club. Temporary members must pay the membership fees determined by the management committee.

(5) Social Members

The management committee may elect any person as a social member of the club and charge the membership fees that the management committee determines. Social members are entitled to the social privileges of membership except they must not hold any office of the club nor be entitled to nominate members for election to any position in the club nor take part in or vote at meetings of the club nor to nominate persons for membership of the club nor to take part in the game of bowls except on an occasion when persons other than members may be playing bowls on the invitation of the management committee such as a bowls promotion day. An application for social membership must be as prescribed in rule 6.

A social member must also be:

- (a) a person who is of good character and whose interests and activities are in the opinion of the management committee compatible with those of the existing members of the club; and
- (b) not under 18 years of age.

(6) Honorary Members

The club may at any general meeting elect as an honorary member any person who has rendered service, benefit or esteem to the club . An honorary member is entitled to the social privileges of the club but must not hold any office in the club nor take part in or vote at any meeting of the club nor nominate ordinary members of the club. An honorary member is non bowler who is exempt from the payment of members' subscriptions, fees and levies imposed by the club. Honorary membership must be renewed annually.

9 Admission to Membership**(1) Application Form**

An application for membership of the club with the exception of honorary and temporary members as provided for in these rules, must be made in writing on a form prescribed by the Management committee and shall bear the name and signature of the proposer and seconder as well as the nominee's signature, full name, address, date of birth, and be accompanied by the prescribed fee. Such fee to be refunded if the application is rejected.

(2) Membership Fees

(a) The membership fee for each ordinary membership and for each other class of membership (if any) is:

- (i) the amount decided by the management committee from time to time; and
- (ii) is payable when, and in the way, the management committee decides.

(3) Proposed Members Register

Particulars of all applications for membership of the club with the exception of temporary members as provided for in the rules must, upon receipt of same, be entered in the order of time in which each application is received by the secretary in a book (hereinafter referred to as the proposed members register) to be kept by the secretary. Each entry must record the full name and address of the person proposed, and the time and date of receipt by the secretary of the application, and in relation to any and every vacancy however arising in the membership of the club, each application shall be dealt with, and determined in the order in which it is so recorded.

(4) Display of Nominations

The names and addresses of each person proposed as a member must immediately upon the application for membership being recorded in the proposed members register, be displayed on the notice board for at least 14 days prior to the date on which the management committee will consider the application for membership.

(5) Objections to Application for Membership

(a) Any member or members may object to any application for membership by delivery of a written objection to the secretary.

(b) All applications for membership shall be dealt with and determined by the management committee at a duly convened meeting.

(c) If a written objection is received from a member or members of the club, the management committee must investigate the objection before making a decision in relation to acceptance or rejection of the applicant. For the purpose of enquiring with respect to an applicant, the matter of dealing with and determining the application may be postponed for no longer than 3 months. Any other such proposals may be dealt with and determined during that period.

(6) Acceptance of Membership

- (a) The management committee must ensure that, as soon as possible after the person applies to become a member of the club, and before the management committee considers the persons application, the person is advised whether or not the club has public liability insurance and if the club has public liability insurance, the amount of the insurance.
- (b) The management committee must decide at the meeting whether to accept or reject the application.
- (c) If a majority of the members of the management committee present at the meeting vote to accept the applicant as a member, the applicant must be accepted as a member for the class of membership applied for.
- (d) The secretary of the club must, as soon as practicable after the management committee decides to accept or reject an application, give the applicant a written notice of the decision.

(7) Acceptance of Rules by Members

All members, on admission, are deemed to have agreed to be bound by the rules and by-laws of the club in force for the time being.

10 Resignation from Membership**(1) Resignation**

A resignation from membership shall not be valid unless it has been received and acknowledged in writing by the secretary of the club. A member shall not be deemed to have resigned from the club unless the resignation is in writing and is delivered or posted to the secretary and is acknowledged as aforesaid. Where the date of resignation is not stipulated by the member, the resignation becomes effective as from the date of receipt of the resignation by the secretary.

(2) Responsibility for Outstanding Monies

No such resignation shall relieve any person from the payment of any subscription or other money due or payable by them at the time of resignation. The resignation of any member shall involve automatic forfeiture of all rights and privileges in respect to all club matters.

(3) Termination of Membership

The management committee may terminate a member's membership if the member:

- (a) is convicted of an indictable offence; or
- (b) does not comply with any of the provisions of these rules; or
- (c) has membership fees in arrears for at least 60 days; or
- (d) conducts himself or herself in a way considered to be injurious or prejudicial to the character or interests of the club.

Subject to rule 49 before the management committee terminates a member's membership, the committee must give the member a full and fair opportunity to show why the membership should not be terminated. If, after considering all representations made by the member, the management committee decides to terminate the membership, the secretary of the committee must give the member a written notice of the decision.

11 Register of Members

- (1) The management committee must keep a register of members of the club.
- (2) The register must include the following particulars for each member:
 - (a) the full name of the member;
 - (b) the postal or residential address of the member;
 - (c) the date of admission as a member and class of membership.

- (d) the date of death or time of resignation of the member;
 - (e) details about the termination or reinstatement of membership; and
 - (f) any other particulars the management committee or the members at a general meeting decide.
- (3) The register must be open for inspection by members of the club at all reasonable times.
 - (4) A member must contact the secretary to arrange an inspection of the register.
 - (5) However, the management committee may, on the application of a member of the club, withhold information about the member (other than the members full name) from the register available for inspection if the management committee has reasonable grounds for believing the disclosure of the information would put the member at risk of harm

12 Prohibition on Use of Information on Register of Members

- (1) A member of the club must not:
 - (a) use information obtained from the register of members of the club to contact, or send material to, another member of the club for the purpose of advertising for political, religious, charitable or commercial purposes; or
 - (b) disclose information obtained from the register to someone else, knowing that the information is likely to be used to contact, or send material to, another member of the club for the purpose of advertising for political, religious, charitable or commercial purposes.
- (2) Sub-rule(1) does not apply if the use or disclosure of the information is approved by the club.

SECTION C – GOVERNANCE OF THE CLUB

13 General Meetings

(1) Annual general meeting

Each annual general meeting must be held—

- (a) at least once each year; and
- (b) within 6 months after the end date of the association's reportable financial year.

(2) Business to be conducted at all annual general meetings

The following business must be conducted at each annual general meeting of the association –

- a) Reading the notice convening the meeting.
- b) Confirming the minutes of the previous Annual General Meeting and any Special General Meeting(s) held subsequent to the previous AGM.
- c) Consideration and adoption of the Annual Report.
- d) Election of Section Presidents, Vice Presidents, Patrons and Games Directors.
- e) Appointment of Solicitor.
- f) Determination of Honorarium.
- g) Notices of Motion.
- h) General business in accordance with the Rules of the Club.
- i) Further required business detailed in clause 13 (3), (4) or (5).

(3) Business to be conducted at annual general meeting of level 1 incorporated associations and particular level 2 and 3 incorporated associations

- (a) This rule applies only if the association is—
 - (i) a level 1 incorporated association; or
 - (ii) a level 2 incorporated association to which section 59 of the Act applies; or
 - (iii) a level 3 incorporated association to which section 59 of the Act applies.
- (b) The following business must be conducted at each annual general meeting of the association—
 - (i) receiving the association's financial statement, and audit report, for the last reportable financial year;

- (ii) presenting the financial statement and audit report to the meeting for adoption;
- (iii) electing members of the management committee;
- (iv) for a level 1 incorporated association—appointing an auditor or an accountant for the present financial year;
- (v) for a level 2 incorporated association, or a level 3 incorporated association, to which section 59 of the Act applies—appointing an auditor, an accountant or an approved person for the present financial year.

(4) Business to be conducted at annual general meeting of other level 2 incorporated associations

- (a) This rule applies only if the association is a level 2 incorporated association to which section 59A of the Act applies.
- (b) The following business must be conducted at each annual general meeting of the association—
 - (i) receiving the association's financial statement, and signed statement, for the last reportable financial year;
 - (ii) presenting the financial statement and signed statement to the meeting for adoption;
 - (iii) electing members of the management committee;
 - (iv) appointing an auditor, an accountant or an approved person for the present financial year.

(5) Business to be conducted at annual general meeting of other level 3 incorporated associations

- (a) This rule applies only if the association is a level 3 incorporated association to which section 59B of the Act applies.
- (b) The following business must be conducted at each annual general meeting of the association—
 - (i) receiving the association's financial statement, and signed statement, for the last reportable financial year;
 - (ii) presenting the financial statement and signed statement to the meeting for adoption;
 - (iii) electing members of the management committee.

14 Notices of Motion

The Secretary shall receive notices of Motion to be included on the agenda of the Annual General Meeting or any General Meeting at least twenty-eight (28) days prior to the meeting at which they will be discussed.

15 Notice of General Meeting

- (1) The secretary may call a general meeting of the club.
- (2) The secretary must give at least 14 days notice of the meeting.
- (3) If the secretary is unable or unwilling to call the meeting, the chairperson must call the meeting.
- (4) The management committee may decide the way in which the notice must be given.
- (5) However, notice of the following meetings must be given in writing:
 - (a) a meeting called to hear and decide the appeal of a person against the management committee's decision:
 - to terminate the person's membership of the club;
 - (b) a meeting called to hear and decide a proposed special resolution of the club.
- (6) A notice of a general meeting must state the business to be conducted at the meeting.

16 Quorum for and Adjournment of General Meeting

- a) At any General Meeting the number of ordinary and life members required to constitute a quorum shall be double the number of members presently on the Management Committee plus one.
- b) No business shall be conducted at any General Meeting unless a quorum of members is present at the time when the meeting proceeds to business.

- c) If within half an hour from the time appointed for the commencement of a General Meeting a quorum is not present., the meeting, if convened upon the requisition of members of the Management Committee or the club, shall lapse. In any other case it shall stand adjourned to the same day in the next week at the same time and place, or such other day and at such other time and place as the Management Committee may determine, and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the members present shall be a quorum.
- d) The Chairperson may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting), adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. When a meeting shall be given as in the case of an original meeting. Save as aforesaid it shall not be necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.

17 Conduct of General Meetings

- a) The Chairperson shall preside at all General Meetings, if the Chairperson is not present within fifteen minutes after the time appointed for holding of the meeting or is unwilling to act, the Deputy Chairperson shall be the Chairperson or if the Deputy Chairperson is not present or is unwilling to act then the members present shall elect one of their number to be Chairman of the meeting;
- b) The Chairperson shall maintain order and conduct the meeting in a proper and orderly manner;
- c) Every question, matter or resolution shall be decided by a majority of votes of the members present;
- d) Every member present shall be entitled to one vote and in the case of an equality of votes the Chairperson shall have a second or casting vote: Provided that no member shall be entitled to vote at any General Meeting if their annual subscription is in arrears at the date of the meeting.
- e) Voting shall be by show of hands or a division of members unless not less than one-fifth of the members present demand a ballot, in which event there shall be a secret ballot. The Chairperson shall appoint two members to conduct the secret ballot in such manner as the Chairperson shall determine and the result of the ballot as declared by the Chairperson shall be deemed to be the resolution of the meeting of which the ballot was determined.
- f) A member may take part and vote in a general meeting in person, by proxy or by using any technology that reasonably allows the member to hear and take part in discussions as they happen.

18 Special General Meeting

- (1) The secretary must call a special general meeting by giving each member of the club notice of the meeting within 14 days after:
 - (a) being directed to call the meeting by the management committee; or
 - (b) be given a written request signed by:
 - (i) at least 2 members of the management committee when the request is signed; or
 - (ii) at least the number of ordinary members of the club equal to double the number of members of the club on the management committee when the request is signed plus 1; or
 - (c) being given a written notice of an intention to appeal against the decision of the management committee:
 - (i) to terminate a person's membership.
- (2) A request mentioned in sub-rule (1)(b) must state
 - (a) why the special general meeting is being called; and
 - (b) the business to be conducted at the meeting.
- (3) A special general meeting must be held within 3 months after the secretary:
 - (a) is directed to call the meeting by the management committee; or

- (b) is given the written request mentioned in sub-rule (1)(b); or
- (c) is given the written notice of an intention to appeal mentioned in sub-rule (1)(c).

(4) If the secretary is unable or unwilling to call the special meeting, the chairperson must call the meeting.

19 Special Resolutions

Election of Life Members, Suspension and/or Termination of Membership, Alterations to this Constitution, removal of a Member of the Management committee and such other matters that Members may not resolve by simple majority vote at a General Meeting to be "Special Resolutions" shall be resolved by the affirmative vote of at least three-quarters of the Members present at the meeting and entitled to vote.

20 Minutes of Meetings

The Secretary shall cause full and accurate minutes of all questions, matters, resolutions and other proceedings of every Management Committee meeting and general meeting to be entered in a book to be open for inspection at all reasonable times by any financial member who previously applies to the Secretary for that inspection. For the purpose of ensuring the accuracy of the recording of such minutes, the minutes of every Management Committee meeting shall be signed by the Chairperson of the next succeeding Management Committee meeting, verifying their accuracy.

Similarly, the minutes of every General Meeting shall be signed by the Chairperson of that meeting or the Chairperson of the next succeeding general meeting; Provide that the minutes of any Annual General Meeting shall be signed by the Chairperson of that meeting or the Chairperson of the next succeeding General Meeting or Annual General Meeting.

If asked by a member of the club, the secretary must, within 28 days after the request is made, make the minute book for a particular meeting available for inspection by the member at a mutually agreed time and place, and give the member a copy of the minutes of the meeting.

SECTION D – MANAGEMENT OF THE CLUB

21 The Management Committee

The General Management of the Club shall be under the control of the Management Committee, who shall subject to these rules and by-laws, exercise all the powers of the club.

The Management Committee of the Club shall consist of a Chairperson, Deputy Chairperson, Secretary, Assistant Secretary, Treasurer, Assistant Treasurer, Greens Director, Providers (Bar and Catering), and the two Presidents, or Nominees.

A maximum of two family members may serve on the management committee at any one time.

All officers under these Rules shall be honorary and elective save as hereinafter provided. Every financial Ordinary and Life Member of the Club shall be eligible to hold any such office.

22 The Management Committee To Be Elected Annually

Save as otherwise provided in this Constitution, and subject thereto, each Member of the Management committee shall be elected at the Annual General Meeting of the Club and shall hold office from the conclusion of the election at which they were elected until the conclusion of the election held at the next ensuing Annual General Meeting of the Club, but shall be eligible for re-election. A contested election for any position shall be resolved by ballot in accordance with the By-laws.

23 Election of The Management Committee

The election of officers and other members of the Management Committee shall take place in the following manner :

- i. Any two Ordinary or Life members of the club shall be at liberty to nominate any other such member to serve as an officer or other member of the Management Committee.

- ii. The nomination, which shall be in writing and signed by the member and his proposer and seconder, shall be lodged with the Secretary at least fourteen (14) days before the Annual General Meeting at which the election is to take place.
- iii. A list of candidate's names in alphabetical order, with the proposers' and seconders' names shall be posted in a conspicuous place on the Club Notice Board at least seven (7) days immediately preceding the Annual General Meeting.
- iv. Balloting lists shall be prepared (if necessary) containing the names of the candidates in alphabetical order and each member present at the Annual General Meeting shall be entitled to vote for any member of such candidates not exceeding the number of vacancies.
- v. Should, at the commencement of such meeting, there be an insufficient number of candidates nominated, nominations may be taken from the floor of the meeting.
- vi. When two members of one family serve on the management committee at any one time, only one shall be an authorised signatory to the accounts and funds of the club.
- vii. The management committee must ensure that, before a candidate is elected as a member of the management committee, the candidate is advised : whether or not the Club has public liability insurance; and if the club has public liability insurance, the amount of the insurance.

24 Resignation, Removal or Vacation of Office of Management Committee Member

- (1) A member of the management committee may resign from the committee by giving written notice of resignation to the secretary.
- (2) The resignation takes effect at:
 - (a) the time the notice is received by the secretary; or
 - (b) if a later time is stated in the notice, the later time.
- (3) A member may be removed from office at a general meeting of the club if a majority of the members present and eligible to vote at the meeting vote in favour of removing the member.
- (4) Before a vote of members is taken about removing the member from office, the member must be given a full and fair opportunity to show cause why he or she should not be removed from office.
- (5) A member has no right of appeal against the member's removal from office under this rule.
- (6) A member immediately vacates the office of member in the circumstances mentioned in section 64(2) of the Act.

25 The Management Committee to Fill Vacancies

The Management Committee (or the remaining Member or Members of the Management Committee) shall have power at any time to appoint any properly qualified Member to fill any casual vacancy on the Management Committee until the next Annual General Meeting. The continuing Member or Members of the Management Committee may act notwithstanding any casual vacancy in the Management Committee, but if and so long as their number is not reduced below the number fixed by or pursuant to this Constitution as the necessary quorum of the Management Committee, the continuing Member or Members may act for the purpose of increasing the number of Members of the Management Committee to that number prescribed as a quorum or for summoning a General Meeting of the Club, but for no other purpose.

Provided however that in the event of a vacancy occurring in the office of Chairperson between Annual General Meetings the office shall only be filled by Members of the Club present and entitled to vote at a Special General Meeting called for that purpose.

26 Functions of The Management Committee

- (1) Subject to these rules or a resolution of the members of the club carried at a general meeting, the management committee has the general control and management of the administration of the affairs, property and funds of the club.
- (2) The management committee has authority to interpret the meaning of these rules and any matter relating to the club on which the rules are silent, but any interpretation must have regard to the Act, including any regulation made under the Act.

Note: The Act prevails if the club's rules are inconsistent with the Act—see section 1B of the Act.

- (3) The management committee may exercise the powers of the club to :
- (a) To invest in such manner as the Members of the Club may from time to time determine.
 - (b) To control its membership, finances, meetings, program and the use of greens.
 - (c) To transact and authorise expenditure, provided that the Management committee is not empowered to authorise any single item of expenditure in excess of 100 times annual subscription of an ordinary member without prior the prior approval of a General Meeting of the Club.
- (4) To appoint committees.
 - (5) To call General Meetings of Members.
 - (6) To arrange meetings of the Management committee.
 - (7) To set and charge membership fees.
 - (8) To hire and let premises and greens.
 - (9) To engage or dismiss labour, greenkeepers and assistants.
 - (10) To make, vary and revoke By-laws from time to time but not inconsistent with these rules. Until varied or revoked, the By-Laws attached to this constitution will be the By-Laws of the Club
 - (11) To do anything required or permitted under this constitution, the By-Laws or any law.
 - (12) To otherwise act in the interest of Members.

27 Executive Committee

The Executive Committee of the Club shall consist of the Chairperson, Deputy Chairperson, Secretary, Treasurer. three (3) Members thereof to constitute a quorum.

The Executive Committee shall transact any urgent business of the Club that may arise between Management committee meetings, and submit a report of any such business transacted by it to the next meeting of the Management committee, provided always that the Executive Committee shall not incur expenditure in excess of 10 times the annual subscription of an ordinary member between meetings of the Management committee, nor deal with the property of the Club. All business transacted by the Executive Committee shall be ratified and approved by the Management committee at the next Management committee meeting.

28 Meetings of Management Committee

- (1) Subject to this rule, the management committee may meet and conduct its proceedings as it considers appropriate.
- (2) The management committee must meet at least once every calendar month to exercise its functions.
- (3) The management committee must decide how a meeting is to be called.
- (4) Notice of a meeting is to be given in the way decided by the management committee.
- (5) The management committee may hold meetings, or permit a committee member to take part in its meetings, by using any technology that reasonably allows the member to hear and take part in discussions as they happen.
- (6) A committee member who participates in the meeting as mentioned in sub-rule (5) is taken to be present at the meeting.
- (7) A question arising at a committee meeting is to be decided by a majority vote of members of the committee present at the meeting and, if the votes are equal, the Chairperson may have a second or casting vote.
- (8) A member of the management committee must not vote on a question about a contract or proposed contract with the club if the member has an interest in the contract or proposed contract and, if the member does vote, the members vote must not be counted.
- (9) The club's chairperson is to preside as chairperson at a management committee meeting.
- (10) In the absence of the Chairperson, the Deputy Chairperson shall preside or if the Chairperson or the Deputy Chairperson is not present within 10 minutes after the time appointed for the holding of the meeting or is unwilling to act, the Members present shall elect one of their number to be Chairperson of the meeting.

29 Quorum for, and Adjournment of, Management Committee Meeting

- (1) 50% of the management committee will constitute a quorum for a management committee meeting.

- (2) If there is no quorum within 30 minutes after the time fixed for a management committee meeting called on the request of members of the committee, the meeting lapses.
- (3) If there is no quorum within 30 minutes after the time fixed for a management committee meeting called other than on the request of the members of the committee:
 - (a) the meeting is to be adjourned for at least 1 day; and
 - (b) the members of the management committee who are present are to decide the day, and place of the adjourned meeting.
- (4) If, at an adjourned meeting mentioned in sub-rule (3), there is no quorum within 30 minutes after the time fixed for the meeting, the meeting lapses.

30 Special Meeting of Management Committee

- (1) If the secretary receives a written request signed by at least 3 members of the management committee, the secretary must call a special meeting of the committee by giving each member of the committee notice of the meeting within 14 days after the secretary receives the request.
- (2) If the secretary is unable or unwilling to call the special meeting, the chairperson must call the meeting.
- (3) A request for a special meeting must state:
 - (a) why the special meeting is called; and
 - (b) the business to be conducted at the meeting.
- (4) A notice of a special meeting must state:
 - (a) the day, time and place of the meeting; and
 - (b) the business to be conducted at the meeting.
- (5) A special meeting of the management committee must be held within 14 days after notice of the meeting is given to the members of the management committee.

31 Appointment of Subcommittees

- 1) The management committee may appoint a subcommittee consisting of members of the club considered appropriate by the committee to help with the conduct of the club's operations.
- (2) A member of the subcommittee who is not a member of the management committee is not entitled to vote at a management committee meeting.
- (3) A subcommittee may elect a chairperson of its meetings.
- (4) If a chairperson is not elected, or if the chairperson is not present within 10 minutes after the time fixed for a meeting, the members present may choose one of their number to be chairperson of the meeting.
- (5) A subcommittee may meet and adjourn as it considers appropriate.
- (6) A question arising at a subcommittee meeting is to be decided by a majority vote of the members present at the meeting and, if the votes are equal, the question is decided in the negative.

32 Acts not Affected by Defects or Disqualifications

- (1) An act performed by the management committee, a subcommittee or a person acting as a member of the management committee is taken to have been validly performed.
- (2) Sub-rule (1) applies even if the act was performed when:
 - (a) there was a defect in the appointment of a member of the management committee, subcommittee or person acting as a member of the management committee; or
 - (b) a management committee member, subcommittee member or person acting as a member of the management committee was disqualified from being a member.

33 Resolutions of Management Committee Without Meeting

- (1) A written resolution signed by each member of the management committee is as valid and effectual as if it had been passed at a committee meeting that was properly called and held.
- (2) A resolution mentioned in sub-rule (1) may consist of several documents in like form, each signed by one or more members of the committee.

34 By-laws

The management committee may make, amend or repeal by-laws, not inconsistent with these rules, for the internal management of the club.

35 Common Seal

- (1) The management committee must ensure the club has a common seal.
- (2) The common seal must be:
 - (a) kept securely by the management committee; and
 - (b) used only under the authority of the management committee.
- (3) Each instrument to which the seal is attached must be signed by a member of the management committee and countersigned by:
 - (a) the secretary; or
 - (b) another member of the management committee; or
 - (c) someone authorised by the management committee.

36 Alterations to This Constitution

Subject to the provisions of the Associations Incorporation Act, 1981 (as amended), these Rules may be amended, rescinded, or added to from time to time by a special resolution carried at any general meeting.

However, an amendment, repeal or addition, is valid only if it is registered by the Chief Executive.

The Club shall provide advice to B.Q. within thirty (30) days of any changes or amendments to the Constitution.

37 Validity Of Actions

All acts done by any meeting of the Management committee, or of a committee, or by any person acting as a Member of the Management committee shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment of any such Member of the Management committee, or person acting as aforesaid, or that the Members of the Management committee, or any of them were disqualified, be as valid if every such person had been duly appointed and was qualified to be a Member of the Management committee.

38 Indemnity Of Members

In the event of any proceedings being taken against a Member or Members of the Club in respect of any matter, or thing done by them in the proper performance of their duties, or by the direction, or with the authority of the Club, the Club shall indemnify such Member, or Members, of the Club so proceeded against in respect of their costs of such proceedings, and in respect of all costs and damages and other sums which they may be compelled to pay in the course or as a result of such proceedings.

39 Secretary To Keep Minutes

The Secretary shall cause full and accurate minutes of all questions, matters, resolutions, and other proceedings of every Management committee meeting and General Meeting to be entered in a book to be open for inspection at all reasonable times by any financial Member who previously applies, in writing, to the Secretary for that inspection. For the purposes of ensuring the accuracy of the recording of such minutes, the minutes of every Management committee meeting shall be signed by the Chairperson of that meeting, or the Chairperson of the next succeeding Management committee meeting verifying their accuracy. Similarly, the Chairperson of that meeting, or the Chairperson of the next succeeding General Meeting shall sign the minutes of every General Meeting; provided that the Chairperson of that meeting or the Chairperson of the next succeeding Annual General Meeting shall sign the minutes of any Annual General Meeting.

40 Finance

- (a) The Financial year of the Club will end on 31st December each year.
- (b) An entrance fee and Annual Subscription shall be payable by all members irrespective of class, except as provided by these Rules. Such fees and subscriptions for Ordinary Members shall be determined at a Management Committee Meeting, and shall continue in force until altered at a subsequent Management Committee Meeting. When so determined, the Annual Subscription shall be deemed to be due and payable on the day after the Annual General Meeting and shall apply to the period commencing on the date it is due and ending

on the day of the next Annual General Meeting. If a member fails to pay his Annual Subscription within sixty days of its becoming due, he shall be deemed to be un-financial. The fees, as fixed, shall be payable by new members joining the Club in the twelve months following the Annual General Meeting.

- (c) The Management Committee shall have the right to vary the Annual Subscription in the case of any member in difficult or indigent financial circumstances by reducing the amount payable in any particular year, and if such member pays the reduced subscription within one month of the Management Committee's decision being advised to him he shall not be deemed un-financial.
- (d) The Management Committee shall have the power to charge a playing fee, such fee being subject to variation as determined by majority decision of the Management Committee.
- (e) Any person taking up Ordinary membership subsequent to the commencing of half year period shall pay his subscription contribution pro-rata on a monthly basis from the date of acceptance as a member to the end of the half year period.
- (f) The Club at any time may strike a special per capita levy on all Ordinary and Life Members at an Annual or Special General Meeting of the Club, of which prior notice of at least Seven (7) days has been given to each member by the Management Committee. No levy shall be payable to the Club unless it is passed by not less than two-thirds majority of the members present and entitled to vote at the meeting. A notice advising that the levy has been struck and the amount thereof, shall be placed on the notice board within two (2) days following the meeting.
- (g) Each member who had not paid the levy within 14 days shall be advised by letter delivered to the member or posted to his address, of any levy struck as aforesaid. If a member fails to pay the levy within one month of the day following the posting of the letter of advice, he shall be deemed un-financial.
- (h) Any member who becomes un-financial shall forthwith be deprived of all privileges of membership of the Club, including:
 - (i) The right to hold office.
 - (ii) The right to speak or vote at any meetings of the Management Committee or at any General Meeting of the Club.
 - (iii) The right to nominate any person for office or be nominated for office in the Club.
 - (iv) The right to enter for and play in Club matches.
 - (v) The right to enter Club property.

41. Funds and Accounts

- (a) The funds of the Club shall be deposited in the name of the Club in such bank or permanent building society as the Management Committee may from time to time direct.
- (b) Proper books and accounts shall be kept and maintained either in written or printed form in the English Language showing correctly the financial, affairs of the Club and the particulars usually shown in books of a like nature.
- (c) All moneys shall be deposited as soon as practicable after receipt thereof.
- (d) All amounts of one hundred dollars (\$100) or over shall be paid by cheque signed by any two of the Chairperson, Secretary or Treasurer or other member authorized from time to time by the Management Committee or by electronic funds transfer actioned by two of these authorized members.
- (e) Cheques shall be crossed "not negotiable" except those in payment of wages, allowances

or petty cash recoupment which may be open.

- (f) The Management Committee shall determine the amount of petty cash which shall be kept on the imprest system.
- (g) All expenditure shall be approved or ratified at a Management Committee meeting as soon as practicable after the end of each financial year, the Treasurer shall cause to be prepared a statement containing particulars of,
 - (i) the income and expenditure for the financial year just ended; and
 - (ii) the assets and liabilities and of all mortgages, charges and securities affecting the property of the Club at the close of that year.
- (h) All such statements shall be examined by the Auditor who shall present his report upon such audit to the secretary prior to the holding of the Annual General Meeting next following the financial year in respect of which such audit was made.
- (i) The income and property of the Club whencesoever derived shall be used and applied solely in promotion of its objects and in the exercise of its powers as set out herein and no portion thereof shall be distributed, paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit to or amongst the members of the Club provided that nothing herein contained shall prevent the payment in good faith of interest to any such member in respect of moneys advanced by him to the Club or otherwise owing by the Club to him or of remuneration to any officers or servants of the Club or to any member of the Club or other person in return for any services rendered to the Club provided further that nothing herein contained shall be construed so as to prevent the payment or repayment to any member of out of pocket expenses, money lent, reasonable and proper charges for goods hired by the Club or reasonable and proper rent for premises demised or let to the Club.
- (j) When two members of one family serve on the Management Committee at one time, only one member shall be an authorised signature for funds and accounts of the Club.
- (k) No officer or employee of the club shall receive any monies by way of commission or allowance calculated by reference to the quantity of liquor sold or supplied by the Club or the receipts of the Club for such liquor.

42 Documents

The Management Committee shall provide for the safe custody of books, documents, instrument of title and securities of the Club.

43 Distribution of Surplus Assets

If the Club shall be wound up in accordance with the provisions of the Associations Incorporation Act 1981, (as amended), and there remains, after satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the members of the Club, but shall be given or transferred to some other institution or institutions having objects similar to the objects of the Club, and which shall prohibit the distribution of its or their income and property among its or their members to an extent at least as great as is imposed on the Club under or by virtue of this Constitution, such institution or institutions to be determined by the members of the Club provided the institution to which the property of the Club is transferred is an institution or institutions approved by the Commissioner of Taxation as an institution referred to in Section 50/45 (c) of the Income Tax Assessment Act 1997 (as amended).

44. Bowls Management (Mens' and Ladies' sections)

- (a) for the purposes of management of the Game of Bowls within the Club, the Club shall be divided into two Sections - the Mens' Section and the Ladies' Section.
- (b) Each section shall comprise a President, Vice President, Games Director and delegate(s) to the appropriate Bowls Association who may be any of the officers referred to above. Any other person or people as designated in the by-laws who shall undertake particular duties as required to suit the particular collective but separate requirements of the male and female "Bowling Members"
- (c) The Secretary or Assistant Secretary may be the secretary of their section if required.
- (d) The Vice President and Games Director of each section shall be entitled to attend the meetings of the Management Committee as observers, and be permitted to address any meeting in respect of any matters affecting their sections; but shall not be permitted to vote, except where any such person is also an elected member of the Management Committee.
- (e) The Chairperson is the "presiding officer" for the Club and official activities and functions except on occasions when the Club is host to visiting Clubs and/or dignitaries representing any Bowls Association or single gender teams from other Clubs affiliated with the respective Bowls Associations (including pennant and such other inter-club events) then the appropriate President or their appointed representative shall be deemed to be the "presiding officer" for the whole Club in respect of all activities associated with the visit and associated events.

45. Mens' Section

- (a) The Men's Section shall consist of all male Life, Ordinary and Junior members of the Club. It shall be responsible for the control of men's games through its Games Director and its Selectors, and whatever other matters the Management Committee may direct.
- (b) Affiliation with BA .Inc., BQ. and the DBA. shall be the responsibility of the Men's section. Capitation fees to those bodies shall be based on the membership of this Section.
- (c) The Secretary of this Section through the Club Secretary shall be responsible for the correspondence with other Clubs in relation to male only games and affiliations.

46. Ladies' Section

- (a) The Ladies' section shall consist of all female Life, Ordinary and Junior members of the Club. It shall be responsible for the control of Ladies' games through its Games Director and its Selectors, and whatever other matters the Management Committee may direct.
- (b) Affiliation with BA. Inc., BQ. Inc., and the DBA. shall be the responsibility of the Ladies' Section. Capitation Fees to those bodies shall be based on the membership of this Section.
- (c) The Secretary of this Section through the Club Secretary shall be responsible for correspondence with other Clubs in relation to female only games and affiliations.

47 Affiliation

The club must:

- (1) affiliate with BQ and accept and abide by the rules and by-laws of BQ in so far as they apply to the sport of Bowls;
- (2) be a member of a DBA and accept and abide by the rules and by-laws of the DBA in so far as they apply to the sport of Bowls;
- (3) submit BA and BQ affiliation fees and levies direct to BQ. BQ will notify the DBA of the payment.
- (4) renew its membership with the DBA each year in accordance with the rules of the DBA and pay annual membership fees to the DBA;
- (5) elect a delegate or delegates to the DBA in accordance with the rules and by-laws of the DBA;
- (6) provide to BQ and to the DBA the returns that are required by those bodies;
- (7) provide advice to BQ and to the DBA within 30 days of any event which would affect the status of the club's affiliation with BQ, the legal status of the club and/or any changes or amendments to the club's constitution; and
- (8) not make, amend or repeal a rule or by-law in relation to the playing of the sport of Bowls that conflicts with the rules and by-laws of BA, BQ or the DBA.

48 Conduct of Members

Members and visitors shall, at all times, maintain a proper discipline and decorum, and shall not conduct illegal gambling, betting on games, speak obscene or abusive language or indulge in unseemly conduct. Any alleged infringement of this clause, on report in writing to the Management committee shall be investigated by the Management Committee, which shall have power to demand and direct apologies, and, if necessary, if the offending person be a Member, to deal with that person under the provisions of Clause 49 or if that person be a Member of another Club to report that persons conduct to such Club, to the DBA, and to BQ. If the person is a visitor, who is not a Member of a Bowls Club, the Senior Officer present at the time shall have authority to have that person removed from the Club premises.

All members on admission shall be deemed to have agreed to be bound by the Constitution, Rules and By-Laws of the Club for the time being in force.

49 Disciplinary Provisions

- (1) Any member of the club who fails to observe any rules or by-laws of the club or who is deemed guilty of an act, practice or conduct calculated to bring discredit on the game of bowls or to the club, DBA or BQ or its members, or who on any club, DBA or BQ premises engages in illegal gambling, betting or uses obscene or abusive language renders themselves liable to expulsion or suspension.
- (2) All discipline and complaint related procedures be governed by the Bowls Queensland Member Protection Policy.
- (3) Any member of the club who is suspended, or expelled, shall be ineligible to:
 - (a) play bowls in any club, district, state or national event; or
 - (b) play bowls at any affiliated club, during the period of suspension, or expulsion, as the case may be.
 - (c) hold office or act as a delegate at club, district, state or national level.
- (4) In the case of a junior member being called before the management committee on a charge or complaint such member shall be entitled to be accompanied by a parent or guardian.
- (5) Pending determination of any appeal (as per the current Member Protection Policy) the appellant must be allowed all membership privileges.

50 Player Commitments

- (1) When a member of the club has been called to fulfil a BA, BQ, DBA or Club commitment in a match or on official business, on any day on which they have been drawn to play in a BA, BQ, DBA or club commitment, the onus shall be on the player to notify BQ, the DBA or Club, as the case may be.
- (2) The Controlling Body may define circumstances which it will not accept as a valid reason for a player's unavailability. However, a substitute is not to be permitted if an intended player

enters another competition scheduled to be played at the same time. If a substitute is refused on these grounds the Controlling Body shall declare the position of the absent player vacant and the provisions of Domestic Regulation shall apply.

- (3) Provisions consistent with this clause shall be included in all club rules, and shall be deemed to be a condition of competitions conducted by the club.

51 Activities to be Lawful

The club must comply with all lawful requirements of the commonwealth, state and local governments and statutory authorities having jurisdiction over any activity of the club.

52 Visitors

- (a) Members shall have the privilege of introducing a friend or friends to the Club. No visitor shall be supplied with refreshment unless on the invitation and in the company of a member or members who shall be responsible for ensuring the visitor's name and address are entered in the visitor's register, as prescribed by the Liquor Act.
- (b) All visitors who are members of any Club Affiliated with the B.A .Inc., and who are not under notice or order of suspension or expulsion, have reciprocal rights with this Club and shall be deemed to be visiting members of the Club whilst on the Club premises. Such visitors may be accorded the privileges of members of the Club but shall not take part in any meeting of the Club nor vote thereat.
- (c) All visitors who are members of any Club Affiliated with Bowls Australia, or with any Controlling Body affiliated with World Bowls or any International Women's Bowling Board and who are not under any notice or order of suspension or expulsion shall be deemed to be visiting members of the Club whilst on the Club premises. Such visitors may be accorded the privileges of member of the Club but shall not take part in any meeting of the Club nor vote thereat.
- (d) All visitors shall whilst on the Club premises be subject to the control of the Club. The Club reserves the right to refuse and or terminate admission to the Club premises of any visitor without assigning any reason for such refusal, and to regulate the attendance of visitors at the Club for any such period it deems advisable. The Clubs rights and powers under this rule may be exercised by the Chairperson or in his absence by a member of the Management Committee if a visitor refuses a lawful request to leave the premises, he immediately becomes a trespasser and may be dealt with according to law.

