

**MONTMORENCY BOWLING CLUB INCORPORATED**  
**CONSTITUTION, PURPOSES AND RULES (Version: May 2022)**

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## **1.0 NAME**

- 1.1 The name of the Club is Montmorency Bowling Club Incorporated – (in these rules called “the Club”).

## **2.0 INTERPRETATION**

2.1 In these rules, unless the contrary intention appears:-

- (a) “Board” means the Board of Management of the Club.
- (b) “Financial year” means the year ending on 31<sup>st</sup> March.
- (c) “Special General Meeting” means a general meeting of members convened in accordance with Rule 25.
- (d) “Member” means a full member of the Club.
- (e) “BV” means Bowls Victoria.
- (f) “The Act” means the Associations Incorporation Act 1981 (Vic).
- (g) “The Regulations” means regulations under the Act.
- (h) “The singular shall include the plural.
- (i) “A reference to the male gender shall include the female gender.
- (j) “Month” means the calendar month.
- (k) “Rules” means the rules of the Club as detailed in this constitution and in force for the time being.
- (l) “Laws” means the By-Laws approved and published by the Board.
- (m) “Annual General Meeting” means a regular annual meeting open to all club members.
- (o) “Special General Meeting” means a meeting called at any time, open to all members.

2.2 In these Rules, a reference to the Secretary of the Club, is a reference:-

- (a) where a person holds office under these Rules as Secretary of the Board to that person; and
- (b) in any other case, to the Public Officer of the Club.

2.3 The Board shall interpret the meaning of any words or expressions contained in these Rules in any case where doubt arises subject only to confirmation of contradiction by a Special General Meeting called for the purpose.

### **3.0 STATEMENT OF PURPOSES**

3.1 The objects for which the Club is established are:-

- (a) To maintain and conduct a Club of a non-political, non racial, non sectarian character and to provide a clubhouse, bowling green and other conveniences for the use and recreation of the members at such place or places as decided by the members.
- (b) To conduct, encourage, promote, advance and administer Bowls throughout its local area and to act at all times on behalf of and in the interest of the Members and the sport of Bowls
- (c) To raise and borrow any monies required for the purposes of the Club upon such terms and conditions and/or on such securities as may be determined.
- (d) To purchase, take, lease, exchange, hire or otherwise acquire any real or personal property and other rights and privileges necessary or convenient for the purpose of the Club.
- (e) To construct, alter, add to, or maintain all buildings and other property used by or belonging to the Club.
- (f) To sell, mortgage, improve, manage, develop, lease, dispose of, turn to account or otherwise deal with all or any part of the property of the Club except that the Club is prohibited from making any distribution whether in money, property or otherwise to its members.
- (g) To affiliate with BV.
- (h) To apply for, hold and renew a club licence pursuant to the Liquor Control Reform Act 1998 and any permit or authority thereunder.
- (i) To apply through an authorised officer of the Club to the Liquor Licensing Commission and the Raffles and Bingo Permits Board for a permit to conduct a game of Bingo in accordance with the Lotteries Gaming and Betting (Raffles and Bingo) Act 1977.
- (j) To formulate and put into effect such other objects as the members shall determine, but always to have in mind the advancement and best interests of the game of bowls and the engendering by association of fraternal feeling amongst bowlers.

- (k) To do all such things as are incidental or necessary for the purpose of the above objects.
- (l) As an Incorporated body to adhere to the rules, by-laws and regulations set down in the Associations Incorporation Act 1981.

#### **4.0 MEMBERSHIP**

4.1 The Club shall consist of the following classes of Members:-

- (a) Full Members.
- (b) Life Members.
- (c) Honorary Members.
- (d) Special Members.
- (e) Social Members.
- (f) Junior Members.
- (g) Social Bowls Members
- (h) Student Members

4.2 Full and Life Members, who alone shall be eligible to vote at meetings and to hold office in the Club, shall be entitled to all the privileges of the Club, while Honorary, Special, Social, Junior Members, Social Bowls Members and Student Members shall be entitled to the privileges set out in these Rules.

#### **5.0 APPLICATION FOR MEMBERSHIP**

- 5.1 A person who is nominated and elected to membership as provided in these rules is eligible to be a member of the Club on payment of a nomination fee and annual subscription payable under these Rules.
- 5.2 A person who is not a member of the Club at the time of the Incorporation of the Club (or who was such a member at the time but has ceased to be a member) shall not be elected to membership unless he is nominated as provided in Rule 5.3 and his admission as a member is approved by the Board.
- 5.3 The nomination of a person for membership of the Club shall be made in writing on the appropriate nomination form. The nomination form when properly completed shall be handed to the Secretary of the Club together with a nomination fee. The Proposer and Secunder of the nomination of each candidate must have been a financial member of the Club for at least 120 days prior to the date of the nomination of the candidate for membership.

- 5.4 As soon as is practicable after the receipt of a nomination form and a nomination fee the Secretary shall post the form on the Club's notice board for exhibition at least seven days immediately preceding the day of election and an interval of not less than two weeks shall elapse between the date of nomination and election.
- 5.5 Members shall be elected by the Board by ballot and election shall be effected by a simple majority. In the event of a tied vote the application will fail. The decision of the Board as to whether the candidate has been duly elected or not shall be final. A record shall be kept by the Secretary of the Board voting at any election of Members of any classification.
- 5.6 Upon a nomination being approved by the Board, the Secretary shall, with as little delay as possible, notify the nominee in writing that he is approved for membership of the Club and request payment within the period of 28 days after receipt of the notification of the sum payable under these rules as the first year's annual subscription.
- 5.7 The Secretary shall, upon payment of the amounts referred to in Rule 5.6 within the period referred to in that rule, enter the nominee's name in the register of members. Upon the name being so entered, the nominee becomes a member of the Club
- 5.8 If a newly elected member fails to pay his subscription within 28 days after notification of his election, his election shall be void unless he justify the delay to the satisfaction of the Board. The payment of the subscription or using the Club's property shall imply a member's acquiescence in the Rules, By-Laws and Regulations of the Club.
- 5.9 Any person whose application for membership is rejected or whose election is voided under Rule 5.5 shall not again be nominated for a period of at least two years from the date of the rejection or voidance of membership.
- 5.10 A right, privilege, or obligation of a person by reason of his membership of the Club:-
- (a) is not capable of being transferred or transmitted to another person;
  - (b) terminates upon the cessation of his membership whether by death or resignation or otherwise.

## **6.0 LIFE MEMBERS**

- 6.1 Any person who shall have rendered special service or services to the Club, over a significant period of time, may at any Annual or Special General Meeting, on the unanimous recommendation of the Board and on receiving the votes of at least three-quarters of the members present at such meeting, be elected a Life member of the Club with full privileges without payment of any annual subscription.
- 6.2 A Life Member shall not be relieved of any financial obligation other than the Annual Subscription.
- 6.3 Not more than two life members may be elected every two years

## **7.0 HONORARY MEMBERS**

- 7.1 Friends of members and members of other Bowls Clubs present at the Club for the purpose of playing bowls are Honorary Members for that day.
- 7.2 Any member of any Bowls Club whose playing green is distant more than 20km from the Club premises may, on the introduction by a member of the Club, be elected by an election committee comprising two members of the Board as an Honorary Member for a period not exceeding fourteen consecutive days without payment of any subscription. The Board shall have power to extend the period of membership for a further fourteen consecutive days, if so desired, on conditions to be determined by the Board.
- 7.3 Honorary Members may be elected and the period of their membership fixed or extended by an Election Committee consisting of any two members of the Board and the name and address of each Honorary Member, together with the name of the introducing member and the names of the members of the Board by whom they are elected shall be entered in a book to be kept for that purpose, and the introducing member shall be responsible for the bona fides of the person introduced.
- 7.4 The Board shall have power to withdraw any or all privileges from Honorary Members, and Honorary Members shall not be entitled to take part in any annual or special meeting nor vote upon any subject thereat. They shall not have any right, title or interest in or to any of the property of the Club.
- 7.5 No person shall be allowed to become an Honorary or Temporary Member of the Club or be relieved of the payment of subscription or other financial obligations, except as provided for by these Rules.

## **8.0 SPECIAL MEMBERS**

- 8.1 Public officials, civic or parliamentary dignitaries may be elected Special Members of the Club by the Board on such conditions and for such period as the Board shall determine.
- 8.2 The Board of the Club shall have the power to elect Special Members on such conditions as shall be fixed by the Board.
- 8.3 Special Members shall not be eligible to hold office or to vote at any meeting of the Club nor to participate in official bowls fixtures but shall be entitled to use the club-house facilities and accommodation of the Club.

## **9.0 SOCIAL MEMBERS**

- 9.1 Any person over the age of 18 years may be elected as a Social Member of the Club. Prospective new members should be nominated as per Rule 5.
- 9.2 Social Members shall be entitled to all the privileges of the Club other than the right to vote or to hold office or to take part in bowling on the Club green.
- 9.3 Subject to the provisions of Rule 11.3, Social Members shall pay an annual subscription to be determined by the Board.

## **9A SOCIAL BOWLS MEMBERS**

- 9A.1 Social Bowls Members shall be entitled to all the privileges of the Club other than to vote, stand for office, play Pennant Bowls and Club Championships. They may play organised social bowls events and also fill committee positions where co-opted by the relevant committee and subject to Board approval.

## **10.0 JUNIOR MEMBERS**

- 10.1 No person under the age of 18 years shall be admitted as a member other than as a Junior Member. Prospective new members should be nominated as per Rule 5, and the relative nomination form which shall include a provision permitting Junior Members to be present on the licensed premises of the Club must be signed by the candidate's parent or guardian.
- 10.2 On applying for Junior Membership the applicant must attend an interview with the Board and must be accompanied by his parent(s) or guardian.
- 10.3 Members who transport, compete with and against, and socialise with Junior Members must act with appropriate responsibility and ensure that the Junior Member enjoys a safe and non-threatening environment and atmosphere.
- 10.4 Junior members under the age of Sixteen (16) years must be made aware of the names of members who carry the "Working with Children" authorisation identification card and have access to such members as required.
- 10.5 Junior members are, as are all members of the Montmorency Bowling Club Inc., protected against Harassment, Discrimination, Abuse, Vilification by a Code of Behaviour designed to protect the health, safety and well being of all the people participating in the activities of BV. This Code of Behaviour is outlined in the "Member Protection Policy of BV.
- 10.6 Junior Members shall not be entitled to purchase or consume liquor on the premises of the Club nor shall they be eligible to hold office or vote at any meeting of the Club, but shall be entitled to participate in such Bowls activities on the greens as the Board shall determine.

10.7 On attaining the age of 18 years, Junior Members shall be ineligible to continue in such membership class but shall be eligible for nomination and election to other membership as provided in these Rules without delay.

10 A **STUDENT MEMBERS** (*Membership class added May 2019*)

10A.1 A member who is over 18 years of age and still involved full-time in secondary or tertiary education may be classified as a student member.

10A.2 Student Members shall be entitled to all the privileges of the Club other than the right to vote or to hold office.

**11.0 NOMINATION FEE, CLUB SUBSCRIPTION AND OTHER FEES**

11.1 Nomination and subscription fees for all classes of membership shall be reviewed periodically and determined by The Board and any changes advised to the members at the Club's Annual General Meeting.

11.2 Any member transferring to another class of membership shall pay the difference between the entrance fees for the respective membership classes where a higher entrance fee is applicable.

11.3 A defined Club Subscription of not less than \$10 or such lesser amount approved by the Liquor Licensing Commission for any particular class of member shall be fixed from year to year by the members of the Board and shall be due and payable from the 1<sup>st</sup> Day of July each year.

11.4 Any other fees and charges shall be reviewed periodically by the Board and changes to such fees are to be advised to the members 1 month in advance of these changes.

11.5 If a member enters during the year the subscription for the then remaining portion of the year shall be fixed at the discretion of the Board, but shall be not less than that defined by the Liquor Control Reform Act 1998.

11.6 The Board is empowered to prevent any member whose subscription is in arrear from exercising the whole or any of the privileges of the Club.

11.7 If any member fails to pay the Annual Subscription after two (2) months of the date of invoice in any year his membership shall thenceforth cease; however, should a sufficient explanation be made to the Board, it shall have the power to restore the member's name to the register upon payment of the amount due.

11.8 Should any member of the Club for any cause whatsoever cease to be a member for one or more years he may be readmitted without paying back subscriptions, provided a majority of the Board consent thereto.

11.9 Any member contemplating absence for a period may on application to the Board be granted leave of absence for a period not exceeding two years, subject to the payment of a nominal amount fixed by the Board.

## **12.0 REGISTER OF MEMBERS**

- 12.1 The Club shall keep and maintain a Register of Members in which shall be entered the full name, address, category of membership, date of entry of the name of each Member and whether the Member has been granted voting rights.
- 12.2 Inspection of the Register will only be available as required by the Act and provided that a written request is given.
- 12.3 Every member shall communicate in writing any change of his address to the Secretary who shall register same.
- 12.4 The Board shall have the power to determine from time to time the maximum number of each class of membership.
- 12.5 The Board shall ensure that Full and Life Members constitute at least 60 per cent of the total membership of the Club excluding Junior, Special, or Honorary Members and persons who are members by reason only of reciprocal arrangements with another Club.

## **13.0 LIABILITY OF MEMBERS**

- 13.1 If a member, by any breach of these rules, or by any unlawful act, causes the Club or any officer of the Club to pay any money, such member shall be civilly liable to the Club or such officer for the amount so paid.

## **14.0 RESIGNATION OF MEMBER**

- 14.1 A member of the Club who has paid all money due and payable by him to the Club may resign from the Club, by first giving one month's notice in writing to the Secretary of his intention to resign and upon the expiration of that period of notice, the member shall cease to be a member.
- 14.2 Upon the expiration of a notice given under Rule14.1, the Secretary shall make in the register of members an entry recording the date on which the member by whom the notice was given ceased to be a member.
- 14.3 Any member retiring from the Club, or ceasing for any reason whatever to be a member thereof, shall not have any right, title or interest in or to any property of the Club, and any annual subscription previously paid shall be forfeited .

## **15.0 EXPULSION OF MEMBER**

### **15.1 Board Resolution**

Subject to this Constitution, the Board may by resolution:-

- (a) expel a member from the Club;

- (b) suspend a member from membership of the Club for a specified period; or
- (c) fine a member an appropriate amount as determined by the Board.

### **15.2 Basis for Board Resolution**

The Board may take any action under Rule 15.1 if the Board is of the opinion that the member :-

- (a) has refused or neglected to comply with these rules; or
- (b) has been guilty of conduct unbecoming a member or prejudicial to the interests of the Club

### **15.3 Notice of Alleged Breach**

Where the Board passes a resolution under Rule 15.1, the Secretary shall, as soon as practicable, cause to be served on the member a notice in writing:-

- (a) setting out the resolution of the Board and the grounds on which it is based;
- (b) stating that the member may address the Board at a meeting to be held not earlier than 14 and not later than 28 days after service of notice;
- (c) stating the date, place and time of that meeting;
- (d) informing the member that he may do one or more of the following:-
  - (i) attend that meeting;
  - (ii) give to the Board before the date of that meeting a written statement seeking the revocation of the resolution;
  - (iii) not later than 24 hours before the date of the meeting, lodge with the Secretary a notice to the effect that he wishes to appeal to the Club in a General Meeting against the resolution.

### **15.4 Application of Resolution**

A resolution of the Board under Rule 15.1:-

- (a) does not take effect unless the Board at a meeting held not earlier than 14 and not later than 28 days after the service on the member of a notice under Rule 15.3 confirms the resolution in accordance with this clause; and
- (b) where the member exercises a right of appeal to the Club, the Resolution does not take effect until the Club confirms the resolution in accordance with Rule 15.

### **15.5 Determination of Board**

At a meeting of the Board held in accordance with Rule 15.3, the Board:-

- (a) shall give to the member an opportunity to be heard;
- (b) shall give due consideration to any written statement submitted by the member; and
- (c) shall by resolution determine whether to confirm or to revoke the resolution.

## **15.6 Appeal to General Meeting**

15.6.1 Where the Secretary receives a notice under Rule 15.3 (d) (iii), he shall notify the Board and the Board shall convene a Special General Meeting of the Club to be held within 21 days after the date on which the Secretary received the notice.

15.6.2 At a Special General meeting of the Club convened under Rule 15.6.1:-

- (a) no business other than the question of the appeal shall be transacted;
- (b) the Board may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution;
- (c) the member shall be given an opportunity to be heard;
- (d) the members present shall vote by secret ballot on the question whether the resolution should be confirmed or revoked.

15.6.3 If at the Special General Meeting referred to in Rule 15.6.2:-

- (a) two-thirds of the members present vote in favour of the confirmation of the resolution, the resolution is confirmed; and
- (b) in any other case, the resolution is revoked.

## **15.7 Renewal of Membership Declined**

- (a) At the expiration of any financial year in respect of which any person shall have paid the subscription the Board, if it is of the opinion that it is undesirable in the interest of the Club that such person should continue to be a member, may decline to accept any further subscriptions from such person.
- (b) The Secretary shall notify such person of this decision and he shall thereupon cease to be a member of the Club.
- (c) The member shall have the same right of appeal and on the same conditions as stated in Rule 15.3.

## **16.0 DISPUTES AND MEDIATION**

16.1 The grievance procedure set out in this rule applies to disputes under these rules between:-

- (a) a member and another member; or
- (b) a member and the Club.

16.2 All disputes must, in the first instance, be referred to the Board in writing, must be duly signed and clearly set out the precise nature of the dispute.

- 16.3 The parties to the dispute must meet and discuss the matter in dispute and if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.
- 16.4 If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend the meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
- 16.5 The mediator must be a person chosen by agreement between the parties, or, in the absence of agreement:-
- (a) in the case of a dispute between a member and another member, a person appointed by the Board; or
  - (b) in the case of a dispute between a member and the Club, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).
- 16.6 A member of the Club may be the mediator.
- 16.7 The mediator cannot be a member who is a party to the dispute.
- 16.8 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- 16.9 The mediator, in conducting the mediation, must:-
- (a) give the parties to the mediation process every opportunity to be heard; and
  - (b) allow due consideration by all parties of any written statement submitted by any party; and
  - (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- 16.10 The mediator must not determine the dispute.
- 16.11 If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

## **17.0 THE BOARD OF MANAGEMENT**

- 17.1 A Board of Management ("the Board") shall manage and oversee all functions of the Club as detailed within this constitution.
- 17.2 The Board of Management:-
- (a) Shall control and manage the business and affairs of the Club;
  - (b) May, subject to these rules, the Regulations and the Act, exercise all such powers and functions as may be exercised by the Club other than those powers and

functions that are required by these rules to be exercised by General Meetings of the members of the Club;

- (c) Subject to these rules, the Regulations and the Act, has power to perform all such acts and tasks as appear to the Board to be essential for the proper management of the business and affairs of the Club;
- (d) May from time to time delegate any of their powers to Sub-Committees consisting of members of the Club as they shall appoint and
  - (i) may recall or revoke any such delegation or appointment;
  - (ii) all Sub-Committees shall, in the exercise of the powers delegated, conform to any regulation that may be prescribed by the Board; and shall be subject and sub-ordinate to such Board, provided always that the Board shall have no power to delegate their control of the supply of liquor to the Club (see Rule 46).
- (e) Shall have the authority to review and set all nomination fees, subscriptions, fees and levies;
- (f) Shall authorise all expenditure and direct the method of dealing with monies received for or on behalf of the Club; and
- (g) Shall have power from time to time to make by-laws and regulations not inconsistent with these Rules for the efficient working of the Club, and
  - (i) may alter, amend or rescind same as occasion may require, provided that notice of intent to alter, amend or rescind is given at least one Board meeting prior to the meeting voting on the By-Law or regulation change;
  - (ii) all by-laws shall be entered by the Secretary in a book to be kept for the purpose, and be available for inspection by the members.

17.3 Subject to Section 23 of the Act, the Board shall consist of the following executive positions:-

- (a) President (Chairperson of the Board)
- (b) Vice-President (Vice Chairperson of the Board)
- (c) Secretary
- (d) Finance Director
- (e) Administration Officer
- (f) Director of Recruiting
- (g) Greens Director
- (h) Director of Bowls
- (i) Director Catering and Provisioning
- (j) Up to two (2) additional Board Members if the Board so requests see Rule 17.5(c).

17.4 The Board shall manage and oversee the following issues and activities:-

- (a) Delivery of services to members
- (b) Delivery of bowls activities to members
- (c) Recruiting and player welfare
- (d) Administration
- (e) Finance
- (f) Sponsorship
- (g) Maintenance of Greens and Surrounds
- (h) Communications and Systems
- (i) Bar and other sales
- (j) Capital works and related expenditure
- (k) Barefoot and Corporate Bowls
- (l) Constitution and Bylaws
- (m) Property and Security
- (n) Seek affiliation with Bowls Victoria
- (o) Any other issue or activity the Board is required to manage or oversee.

- 17.5
- (a) A Board Member shall hold office for not less than 12 months and until his successor is elected but is eligible for re-election.
  - (b) In the event of a vacancy in any position on the Board, the Board may appoint a club member to the vacant position and the club member so appointed may continue in that position up to and including the conclusion of the Annual Meeting next following the date of his appointment.
  - (c) At the request of the Board up to two additional Board Positions may be created and filled to meet additional workloads or address the needs of special projects that may arise from time to time. If filled, these additional Board Positions will have the same authority and voting rights as other Board Members. Appointment of additional Board Members shall be in accordance with Rule 17.5 (b).
  - (d) Board Members may hold positions on committees and groups with the following exceptions:-
    - (i) Each Board Member may only hold one position on the Board.
    - (ii) The President, Board Secretary and Finance Director shall not hold any position on the major committees of the club.
  - (e) The members of the Board shall be elected by members of the class of members that constitutes not less than sixty percent of the total membership of the Club, excluding temporary or honorary members and persons who are members by reason only of reciprocal arrangements with another Club.
  - (f) The names and addresses of persons proposed for election as members of the Board of Management of the Club shall be displayed in a conspicuous place in the Club premises for not less than two weeks before the date of the election.
  - (g) At least 50% of the members of the Board must be present at a meeting to constitute a quorum for the transaction of business of a meeting of the Board.

## **18.0 SOCIAL BOWLS COMMITTEE**

The Social Bowls Manager is elected at the Annual General Meeting and shall convene a Social Bowls Committee whose responsibilities are:

- (a) Coordinate and schedule an annual bowls fixture that will maximise member interest and participation.
- (b) Will ensure smooth and effective operation of social and other bowling activities.
- (c) Make recommendations to develop formats and ideas that will increase member and visitor participation in all bowls activities.
- (d) Co-opt members to assist and support these bowling activities.

## **19.0 WEEK-END AND MID-WEEK PENNANT SELECTION COMMITTEES**

19.1 At the Annual General Meeting, five financial members shall be elected to the Week-end Pennant Selection Committee. The five members of the Week-end Pennant Selection Committee shall then elect a Chairperson of the Saturday Pennant Selection Committee and a Saturday Pennant Representative from amongst their numbers.

*Note:* These positions may be filled by the same Selector or by separate Selectors.

19.2 The same process as stated in Section 19.1, above, shall be applied to elect a Mid-Week Pennant Committee, Chairperson and Pennant Representative.

19.3 The responsibilities of these Pennant Selection Committees in relation to the competitions they manage shall be to:-

- (a) Effectively coordinate and administer participation by the Club in Week-end or Mid-Week Pennant competition
- (b) Determine the number of Pennant sides to be entered in the respective competition
- (c) Select players and teams to represent the Club in Week-end or Mid-Week Pennant
- (d) Report monthly through the season to the Director of Bowls
- (e) Determine appropriate handicaps for any event where a handicap system is utilised
- (f) As required select players and teams for any other event
- (g) Develop strategies for pennant success
- (h) Maintain performance information to assist with player selection
- (i) Maintain records of Pennant games played by members
- (j) Acknowledge player milestones
- (k) Determine performance benchmarks
- (l) Provide opportunity and assistance for player development and improvement
- (m) Liaise and provide support to the Club Night Pennant Manager
- (n) Provide match result information to Bowls Victoria

19.4 In the event of a vacancy in a position on either Pennant Selection Committees that Committee may appoint a financial club member to the vacant position and the club member so appointed may continue in that position up to and including the conclusion of the Annual Meeting next following the date of his appointment.

## **20.0 OTHER COMMITTEES**

### **20.1 Greens and Surrounds Committee**

- (a) The members present at the Club's Annual General Meeting shall elect a financial member as the Greens Director (Rule 17.3) The Greens Director shall also lead the Greens and Surrounds Committee.
- (b) In addition to the Greens Director, at least 3 financial members will be elected at the Club's Annual General Meeting to sit on the Greens and Surrounds Committee. Other non-elected volunteers will be brought into this committee to ensure its proper function.
- (c) The Greens and Surrounds Committee will have the following responsibilities and report regularly to the Board:-
  - (i) That the bowling surface standard is as high as can be achieved and continue to meet the standards specified by BV.
  - (ii) That the maintenance equipment is of a satisfactory standard.
  - (iii) That the other external assets of the club are maintained in good condition.
  - (iv) That the gardens and club surrounds are tidy and presentable.
- (d) In the event of a vacancy on the Greens and Surrounds Committee, the Board may appoint a club member to the vacant position and the club member so appointed may continue in that position up to and including the conclusion of the Annual Meeting next following the date of his appointment.
- (e) The authority of the Greens Director is detailed in Rule 41.0.

### **20.2 Facilities Committee**

- (a) A Facilities Committee that will report to the Board shall be formed with the following responsibilities:-
  - (i) Monitor standard and condition of Club assets, buildings and fixtures.
  - (ii) Make recommendations for improvements to Club Amenity
  - (iii) Make recommendations and control of Club Capital Expenditure
- (b) The Facilities Committee shall be led by the President and the Finance Director shall also sit on this committee. Other non-elected volunteers will be brought into this committee to ensure its proper function.

### **20.3 Player Development Committee**

- (a) The Director of Bowls shall form a Player Development Committee

- (b) The Player Development Committee has the following responsibilities:
  - (i) Provide basic skills coaching for new members.
  - (ii) Meet the coaching requirements of individual members.
  - (iii) Provide support to both Pennant Committees to improve player performance.
  - (iv) Develop ideas and strategies to improve the overall bowling standard at the Club.

#### **20.4 Club Championships Committee**

- (a) The Director of Bowls shall form a Club Championships Committee to coordinate and schedule Men's, Women's, and Open Club championship events.

#### **20.5 Catering and Provisioning Committee**

The Director Catering and Provisioning will form a Catering and Provisioning Committee

#### **20.6 Bar Committee**

- (a) A Bar Manager shall be elected at the Club's Annual General Meeting. The Bar Manager shall report to the Board through the Finance Director. Other non-elected volunteers will make up this committee to ensure its proper function.
- (b) The Bar Manager and his Committee shall be responsible for:-
  - (i) Delivery of sales of drinks and services in accordance with the Club Liquor Licence and related Laws.
  - (ii) Proper financial control and management of the bar finances.
  - (iii) Coordination of volunteer resources to staff the bar as required.
  - (iv) Annually, (or more frequently if circumstances demand) provide recommended pricing structures to the Board that reflect value to members and profitability to the Club.
- (c) In the event of a vacancy in the position of Bar Manager, the Board may appoint a club member to the vacant position and the club member so appointed may continue in that position up to and including the conclusion of the Annual General Meeting next following the date of his appointment.

### **21.0 RESPONSIBILITIES AND OBJECTIVES**

- 21.1 (a) Responsibilities and Objectives as detailed within this constitution and other responsibilities that are allocated by the Board and Committees from time to time are to be formulated, acknowledged and recorded by the respective Board or Committee so that there is a clear understanding of what is to be achieved and what are the time lines associated with those achievements.

- (b) A formal process to recognise the key responsibilities and objectives for the Board should be undertaken by these entities at least once yearly, by 30<sup>th</sup> June each year, for the period of the committee tenure being the 12 months 1<sup>st</sup> April to 31<sup>st</sup> March.
- (c) These Responsibilities and Objectives should be reviewed throughout the year and the Board should undertake an annual performance review by the 30<sup>th</sup> June each year for the previous 12 months to 31<sup>st</sup> March. Such reviews should be prepared by the Board in paper format and a copy be made available to the members.
- (d) Formal reports should be presented to the Board as follows:-
  - (i) Finance - Reports at every Board meeting
  - (ii) Recruiting - Reports Quarterly
  - (iii) Any Other Reports - As Requested
- (e) Other Committees and Groups are encouraged to familiarise themselves with the responsibilities set out within this constitution and other responsibilities and objectives and report those internally and periodically to the next administrative level within the Club.

## **21.2 Other Specific Responsibilities.**

- (a) The President:-
 

Except as provided otherwise in these Rules the President shall preside at all Board meetings, regulate and keep in order all proceedings, and carry into effect the Club Objectives, Rules and By-laws
- (b) The Secretary of the Board:-
  - (i) shall keep minutes of the resolutions and proceedings of each General Meeting, Special and each Board Meeting together with a record of the names of persons present at Board Meetings. A typed copy of extracts of the minutes from the minute book shall be kept in the Club rooms and made accessible to Club Members.
  - (ii) shall conduct all correspondence in connection with the general business of the Club;
  - (iii) shall prepare for submission to the Annual General Meeting the report of the Board and on the activities of the Club during the year;
  - (iv) shall in all other respect carry out the duties usually associated with the office of Secretary;
  - (v) shall ensure that there are kept proper accounts and records of the transactions and affairs of the Club and such other records as will sufficiently explain the financial operations and financial position of the Club; and
  - (vi) shall keep in his custody or under his control all books, documents and securities of the club, except as otherwise provided in these Rules.

(vii) shall have and perform any duties conferred or imposed upon a Public Officer by the Association Act 2012.

(c) The Finance Director

- (i) shall collect and receive all moneys due to the Club and make all payments authorised by the Board;
- (ii) shall keep correct accounts and books showing the financial affairs of the Club with the particulars usually shown in books of a like nature and full details of all income and expenditure connected with the activities of the Club;
- (iii) shall arrange for the deposit of all moneys belonging to the Club with the Club's bankers;
- (iv) shall prepare and submit financial statements to each Annual General Meeting; and
- (v) shall submit monthly, suitable financial information as accepted by the Board, which should include the cash position of the Club, any significant variances from budget provisions along with details of any unusual transactions or single transactions of greater than \$2000 and any other information or recommendation.
- (vi) shall ensure the accounts and books referred to in Rule 21.2 (c) (ii) are available for inspection by members.

d) The Director of Bowls

The Director of Bowls would oversee all bowls activities by liaising or consulting with the relevant managers who would provide the director with brief up-dates in order to keep the board informed of their programs. The Director would provide a link between the Board and the following managers:

- (i) Mid-week Pennant Manager
- (ii) Week-end Pennant Manager
- (iii) Social Bowls Managers (includes Thursday night and bare-foot bowls)
- (iv) Pennant Officials Manager
- (v) Tuesday night Pennant Manager

One specific task for the Director of Bowls is to manage **Player Development** within the club. This responsibility would be undertaken with the assistance of the Club Coach and any other accredited coaches. They would target 'new' or established bowlers and organise sessions to enhance the performances of these selected ladies and men.

e) The Director Catering and Provisioning

Responsibilities consist of:

- (i) Catering: Organise catering for events such as Opening Day, AGM/Presentation Day and other such days where the club decides to conduct an event requiring provision of food and drink. For such events, the Director may use (i) an internal club Catering Committee or (ii) utilise external caterers as is deemed appropriate for the event. A combination of (i) and (ii) may also be used.
- (ii) House-keeping/Cleaning: The director shall be responsible for house-keeping and cleaning either by utilisation of internal club members acting in a voluntary capacity or hire of external sources as seems appropriate.
- (iii) In carrying out the above responsibilities, the Director will attend board meetings as a full member and provide regular reports as to progress/problems relating to his/her areas of responsibility.
- (iv) With the help of the board, the Director will form a committee of members capable of assisting in the discharge of the above responsibilities. This committee should meet regularly to discuss future events and strategy for dealing with such programs of work.
- (v) The Director will also advise of needs for new or replacement relevant equipment and also coordinate necessary service repairs as situations develop. The Director is free to request help from other members and/or external service providers as circumstances arise.

## **22.0 ELECTION OF OFFICERS TO THE BOARD AND OTHER COMMITTEES**

22. 1 Nominations of candidates for election to the Board and all other Committees and Positions as detailed within this constitution, unless otherwise specified:-

- (a) shall be made in writing, signed by two financial club members and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and
- (b) shall be delivered to the Secretary not less than 14 days before the date fixed for the holding of the Club Annual General Meeting, or a Special General Meeting as applicable.

22. 2 The candidate, their proposer and seconder must all have been financial members of the Club for at least one year before the Annual Meeting. Retiring officers shall be eligible for re-election.

- 22.3 If insufficient nominations are received to fill the required vacancies on the respective Committee, the candidates nominated shall be deemed to be elected and further nominations for those positions not filled shall be received at the Club's Annual General Meeting or a Special General Meeting as applicable.
- 22.4 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.
- 22.5 If the number of nominations exceeds the number of vacancies to be filled, a ballot shall be held in accordance with the following requirements:-
- (a) A ballot to elect a member to fill the vacant position shall be conducted prior to the commencement of the respective Annual or Special General Meeting and overseen by two scrutineers and a returning officer appointed by the Board or Committee at such meetings.
  - (b) The method of voting shall be by crossing out the name of the member or members nominated not desired and leaving the correct number of members to fill the vacant offices.
  - (c) Ballot papers containing a greater or lesser number of persons to be elected shall be informal.
  - (d) In the event of a tie for the lowest place or places on the list of those to be elected, an extra ballot of those who had tied shall be taken to decide who shall be elected. In the event of the second ballot not determining a winner, the position shall be decided by drawing of a lot by the President.
  - (e) Postal votes should be directed to the Secretary so that he receives them by mail prior to the commencement of the meeting. The Secretary shall hand all postal votes received to the scrutineers at the meeting. Such postal votes must be sealed by the member in such a way that they shall be handed to the scrutineers unopened.
- 22.6 There shall be no restrictions on any member holding office on more than one Committee with the exception detailed in Rule 17.5 (d).
- 22.7 For the purpose of these rules, the office of an officer of the Board or other Committee becomes vacant if the officer or member:-
- (a) ceases to be a member of the Club;
  - (b) becomes an insolvent under administration within the meaning of the Companies (Victoria) Code;
  - (c) resigns his office by notice in writing given to the Board or Section Secretary; or
  - (d) fails to attend for three consecutive Committee Meetings without leave or apology delivered at or prior to the meetings.
- 22.8 An officer or ordinary member of the Board or Committee shall not be held to have resigned his office until his resignation has been accepted by the Board or Committee.

## **23.0 PROCEEDINGS AT BOARD MEETINGS**

- 23.1 The Board shall meet periodically at least 10 times in each year at such place and such times as the Board may determine.
- 23.2 Special meetings of the Board may be convened by the President or by any 3 members of the Board.
- 23.3 Notice shall be given to members of the Board of any special meeting specifying the general nature of the business to be transacted and no other business shall be transacted at such a meeting.
- 23.4 At least 50% of The Board constitute a quorum for the transaction of the business of a meeting of the Board.
- 23.5 No business shall be transacted 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 shall stand adjourned to the same place and at the same hour of the same day in the following week, or at any date time and place as determined by the President, unless the meeting was a special meeting in which case it lapses.
- 23.6 At meetings of the Board the President or Vice-President or his nominee shall preside.
- 23.7 Questions arising at a meeting of the Board or club committee or sub-committee shall be determined on a show of hands or, if demanded by a member, by a poll taken in such manner as the person presiding at the meeting may determine.
- 23.8 Each member present at a meeting of the Board or any other Committee (including the person presiding at the meeting) is entitled to one vote and, in the event of an equality of votes the motion is lost.
- 23.9 Written notice of each Board meeting shall be served on each member of the respective committee by delivering it to the member at a reasonable time before the meeting or by sending it by email or prepaid post addressed to the member at their usual or last known place of abode at least two business days before the date of the meeting.
- 23.10 Subject to Rule 23.4, the Board may act notwithstanding any vacancy on the Committee.

## **24.0 ANNUAL GENERAL MEETINGS**

- 24.1 (a) The Club shall in each calendar year convene an Annual General Meeting of its members.
- (b) The Annual General Meeting shall be in addition to any other Special General Meetings that may be held in the same year.
- 24.2 The Annual General Meeting shall be held at such date and place as the Board determines; but not later than the 31st day of May in each year.

24.3 The Annual General Meeting shall be specified as such in the notice convening it.

24.4 The ordinary business of the Annual General Meeting shall be:-

- (a) Apologies;
- (b) Vale;
- (c) Reading of notice convening the meeting;
- (d) To confirm the minutes of the last preceding Annual General Meeting and of any General Meeting held since that meeting. The chair has the opportunity to draw members attention to any item of interest;
- (e) Presentation of Annual Report. Presenters to speak to or read their Reports;
- (f) Presentation of Balance Sheet, Statement of Accounts and Auditor's Report upon the transactions for the last preceding financial year;
- (g) Adoption of Balance Sheet and Statement of Accounts;
- (h) to receive and consider the statement submitted by the Club in accordance with Section 30(3) of the Act;
- (i) to elect Officers and other members of the Board;
- (j) to elect an Auditor;
- (k) to elect a Club Bar Manager;
- (l) to elect such sub-committees as the Board shall determine;
- (m) to transact any other business affecting the interest and welfare of the Club, of which due notice has been given according to the Rules; and
- (n) to transact any other general business, but any resolutions arising from such business shall be recommendations to the Board only.

## **25.0 SPECIAL GENERAL MEETING**

25.1 All General Meetings other than the Annual General Meeting shall be called Special General Meetings and are open to all Club Members.

25.2 The Board may, whenever it thinks fit, convene a Special General Meeting of the Club and, where, but for this rule, more than 15 months would lapse between Annual General Meetings, shall convene a Special General Meeting before the expiration of that period.

25.3 The Board shall, on the requisition in writing of not less than 10% of financial members, convene a Special General Meeting of the Club.

- 25.4 The requisition for a Special General Meeting shall state the objects of the meeting and shall be signed by the members making the requisition and be sent to the address of the Secretary and may consist of several documents in a like form, each signed by one or more of the members making the requisition.
- 25.5 If the Board does not cause a Special General meeting to be held within one month after the date on which the requisition is sent to the address of the Secretary, the members making the requisition, or any of them, may convene a Special General Meeting to be held not later than 3 months after that date.
- 25.6 A Special General Meeting convened by members in pursuance of these rules shall be convened in the same manner as nearly as possible as that in which those meetings are convened by the Board and all reasonable expenses incurred in convening the meeting shall be refunded by the Club to the persons incurring the expenses.

## **26.0 NOTICE OF MEETING**

- 26.1 The Secretary of the Club shall, at least 14 days before the date fixed for holding an Annual General Meeting or Special General Meeting of the Club and in accordance with Rule 30 cause to be sent to each member of the Club at his address or email address appearing in the register of members, a notice by pre-paid post or email stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- 26.2 A copy of the notice shall be posted on the notice board of the Club 14 days before the date of such Meeting.
- 26.3 No business other than that set out in the notice convening the meeting shall be transacted at the meeting.
- 26.4 Any financial member desiring to bring any business before a meeting may give notice of that business in writing to the Secretary, who shall include that business in the notice calling the next General Meeting after the receipt of that notice.
- 26.5 A member desiring to bring business in the form of a Notice of Motion before a General Meeting may do so by having the Notice in the hands of the Secretary at least 21 days prior to the date of the Meeting. The Motion shall be included in the Notice convening that meeting .

## **27.0 NOTICES**

- 27.1 A notice may be served by or on behalf of the Club upon any member either personally, by email or by sending it by post to the member at his address shown in the Register of Members.
- 27.2 Where a document is properly addressed pre-paid and posted or emailed to a person as a letter, the documents shall, unless the contrary is proved, be deemed to have been given to the person at the time at which the letter would have been delivered in the ordinary course of post.

## **28.0 PROCEEDINGS AT ANNUAL AND SPECIAL GENERAL MEETINGS**

- 28.1 All business that is transacted at an Annual or Special General Meeting with the exception of that specially referred to in these Rules as being the ordinary business of the meeting shall be deemed to be special business.
- 28.2 No item of business shall be transacted at an Annual or Special General Meeting unless a quorum of members entitled under these rules to vote is present during the time when the meeting is considering that item.
- 28.3 Twenty percent (20%) of the Club membership personally present (being members entitled under these rules to vote at such a meeting) constitute a quorum for the transaction of the business of an Annual or Special General Meeting.
- 28.4 If within half an hour after the appointed time for the commencement of a 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 next week at the same time and (unless another place is specified by the Chairman at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place and if at the adjourned meeting the 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 15% of the Club membership eligible to vote) shall be a quorum. If a quorum is not present the meeting shall lapse.
- 28.5 The President or in his absence the Vice-President shall preside as Chairperson at each Annual or Special General Meeting of the Club.
- 28.6 If the President and the Vice-President are absent from an Annual or Special General Meeting, the members present shall elect one of their numbers to preside as Chairperson at the meeting.
- 28.7 The Chairperson of an Annual or Special General Meeting at which a quorum is present may, with the consent of 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 the adjournment took place.
- 28.8 Where a meeting is adjourned for 14 days or more, a like notice of the adjourned meeting shall be given in accordance with the requirements of Rule 26.1.
- 28.9 Except as provided in Rules 28.1 and 28.2, it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting.
- 28.10. A question arising at an Annual or Special 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 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, then an entry to that effect be recorded in the minutes. Such entry is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.

- 28.11 Upon any questions arising at an Annual or Special General Meeting of the Club, a member has one vote only.
- (a) All votes shall be given personally.
  - (b) In the case of an equality of voting on a question, the motion shall fail.
- 28.12 If at a meeting a poll on any question is demanded by not less than two members, it shall be taken at the meeting in such manner as the Chairperson may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
- 28.13 A poll that is demanded on the election of a Chairperson or on a question of an adjournment shall be taken forthwith and a poll that is demanded on any other question shall be taken at such time before the close of the Meeting as the Chairperson may elect.
- 28.14 At any Annual General Meeting or Special General Meeting Meeting between the close of the previous financial year and the Annual General meeting, only those members who were financial at the close of the previous financial year shall be entitled to vote.
- 28.15 A member is not entitled to vote at any other Annual General Meeting or Special General Meeting unless all monies due and payable by the member to the Club have been paid.
- 28.16 Proxy voting shall not be permitted.
- 28.17 All resolutions of the Annual General Meeting or of any Special General Meeting of the Club shall be conclusive and binding on all members, whether they shall have been present at such meeting or not.

## **29.0 NON-COMPLIANCE WITH RULES**

Non-compliance with any of the Rules shall not render any proceeding void unless the members at a General Meeting so direct.

## **30.0 REMOVAL OF MEMBER OF BOARD OR COMMITTEE**

- 30.1 The Club in Special General Meeting may by resolution remove any member of the Board or committee before the expiration of their term of office and appoint another member in his stead to hold office until the expiration of the term of the first-mentioned member.
- 30.2 Where the member to whom a proposed resolution referred to in Rule 30.1 makes representations in writing to the Secretary or President (not exceeding a reasonable length) and request that such 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 may require that they be read out at the Meeting.

### **31.0 INDEMNITY OF OFFICERS**

- 31.1 Every Director and employee of the Club shall be indemnified out of the property and assets of the Club against any liability incurred by him/her in his/her capacity as Director or employee in defending any proceedings, whether civil or criminal, in which judgment is given in his or her favour or in which he or she is acquitted or in connection with any application in relation to any such proceedings in which relief is granted to him or her by the Court.
- 31.2 The Club shall indemnify its Directors and employees against all damages and costs (including legal costs) for which any such Directors or employee may be or become liable to any third party in consequence of any act or omission except wilful misconduct:
- (a) in the case of a Director, performed or made whilst acting on behalf of and with the authority, express or implied of the Club; and
  - (b) in the case of an employee, performed or made in the course of, and within the scope of his or her employment by the Club.

### **32.0 FINANCIAL – BANKING ACCOUNT – PAYMENTS TO PLAYERS**

- 32.1 The banking accounts of the Club shall be kept with such Bank and/or Building Society and/or Credit Union as shall from time to time be appointed by the Board and all monies banked therein.
- 32.2 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments drawn on the account, along with electronic funds transfer (EFT) payments shall be signed or authorised by any two of the Board Secretary, Finance Director, President and Administrative Officer.
- 32.3 No payments of any kind, including the subsidising of subscriptions and fees, or payments of expenses, shall be made to any Player to represent the Club in any form of competition. Payments to members for commercial services rendered are detailed in Rule 38.3 (“Application of Profit”).

### **33.0 COMMITMENT TO EXPENDITURE**

No expenditure exceeding \$2,000.00 shall be entered into without the consent of three members of the Board and all accounts over \$2,000.00 against the Club shall be passed by the Board before payment is made unless otherwise authorised by the Board.

### **34.0 CONTROL OVER PROPERTY**

- 34.1 Except that the negotiation of a loan, the issuing of debentures, the giving of any security over any property of the Club, the selling or purchasing any realty, the leasing of any land or buildings the property of the Club for any term exceeding three years, and all other measures in any way extending the liabilities of the Club beyond the assets and estimated

revenue of the Club shall require the previous sanction of a General or Special General Meeting of the Club, the property of the Club shall be subject to the control and disposition of the Board who are empowered to negotiate loans, issue debentures and sell or purchase any realty and lease any land or buildings of the Club for any term exceeding three years, subject to such sanction as aforesaid.

- 34.2 The orders in writing of a quorum of those assembled at the meetings, and signed by the Chairperson of the day and attested by the Secretary, shall vindicate anything done or purported to be done by them in pursuance of such direction, and no person not being a member of the Club shall be entitled to enquire into the regularity of such direction beyond the verification of the signature of the Secretary.

### **35.0 BORROWING POWERS**

- 35.1 If at any time the Club in General Meeting or Special General meeting shall pass a resolution authorising the Committee to borrow money, the Board shall thereupon be empowered for the purpose of the Club to borrow such amount of money, either at one time or from time to time and at such rate of interest, and in such form or manner and upon such security as shall be specified in such resolution. Thereupon the Board shall make all dispositions of the Club property, or any part thereof and enter into such agreements in relation thereto as the Board may deem proper for giving security for such loans and interest.
- 35.2 All members of the Club shall be bound by the decision of the meeting.

### **36.0 AUDIT**

- 36.1 An auditor who shall not be an office-bearer of the Club shall be appointed at each Annual General Meeting.
- 36.2 Nominations for such office shall be taken at the Annual General Meeting in each year.
- 36.3 The Auditor shall have power at all times to examine the books and documents of the Club, and shall, as soon as conveniently may be after the close of the financial year in each year audit a Statement of Income and Expenditure and Balance Sheet, setting forth the financial business of the Club since the end of the preceding financial year prepared by the Finance Director.
- 36.4 The report of the auditor shall be submitted to the Annual General Meeting.

### **37.0 FUNDS**

- 37.1 The funds of the Club shall be derived from entrance fees, Annual Subscriptions, green fees, competition entry fees, donations and such other sources as the Board determines.
- 37.2 The Club shall provide and maintain its facilities from the funds of the Club.

### **38.0 APPLICATION OF PROFIT**

38.1 The Club is a non-proprietary Club.

38.2 The income and property of the Club shall be applied solely towards the promotion of the purposes of the Club as set out in this Constitution.

38.3 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, but this shall not preclude payment to a Member in good faith for refund of expenses incurred or services rendered.

### **39.0 COLOURS OF THE CLUB**

The colours of the Club shall be as determined by a simple majority of all members at a General Meeting of the Club subject to approval or rejection by Bowls Victoria.

### **40.0 HONORARY SOLICITOR**

There may be an Honorary Solicitor to the Club, who may be appointed by the Board upon such terms and for such period as such Board shall direct.

### **41.0 AUTHORITY OF THE GREENS DIRECTOR**

41.1 The Greens Director shall be elected at the Annual General Meeting.

41.2 The Greens Director or his deputy shall have full control and supervision of the playing area and power to prevent play at any time when it is considered the area may be damaged or the surface unplayable and a notice posted by the Greens Director shall be sufficient.

41.3 In the absence of the Green Director or his deputy, any two members of the Board shall have power to prevent play at any time.

41.4 In all other respects the supervision and control of the playing area and immediate surrounds shall be in the hands of the Greens Director and the Board whose ruling thereon shall be final.

### **42.0 SEAL**

42.1 The Common Seal of the Club shall be kept in the custody of the Secretary.

42.2 The Common Seal shall not be affixed to any instrument except by the authority of the Board and the affixing of the Common Seal shall be attested by the signatures either of two officers of the Club or of one officer of the Club and of the Public Officer of the Club.

#### **43.0 SUPPLY OF LIQUOR**

- 43.1 Supply of Liquor to members and visitors shall be in accordance with the requirements of the Club's Licence and the current Liquor Control Reform Act 1998 as applicable, and the requirements specified in the Club's Liquor Control Policy/Procedure incorporated in the Club's By-Laws.
- 43.2 No payment or part payment shall be made to any Secretary Manager or other Officer or servant of the Club by way of commission or allowance from or upon the receipts of the Club for liquor supplied.

#### **44.0 VISITORS AND GUESTS**

- 44.1 Members of the Club may bring guests to the Club during the hours in which it is lawful to supply the guests to a licensed Club with liquor provided that no person shall be introduced as a visitor who has been expelled from membership of a bowling club or whose conduct or presence on the Club's premises shall be considered objectionable or prejudicial to the interests of the Club.
- 44.2 (a) A visitor to the Club must not be supplied with liquor in the Club premises unless the visitor is a guest in the company of a Member.
- (b) Unless a person is of a class specified in the rules and the admission or exemption is in accordance with the rules, the person can not:
- (i) be admitted as an honorary member or temporary member of the Club; or
  - (ii) be exempted from the obligation to pay the ordinary subscription for membership of the Club,
- (c) Where a guest in the company of a member is admitted to any part of the licensed premises, the Club shall keep on the club premises an appropriate register of such guest and such register must contain:
- (i) name and address of each guest, and
  - (ii) the date upon which each guest attended the premises
- 44.3 The introducers of guests and visitors shall be responsible for their conduct and any damage they may cause while in the Club. Such visitors may only remain in the Club during the pleasure and in the presence of the member introducing them to the Club.
- 44.4 The foregoing restrictions shall not apply to visitors attending a particular function or particular occasion conducted on the licensed premises in respect of which a limited licence has been obtained under the Liquor Control Reform Act 1998.
- 44.5 Any member of the Board may object to the presence of any guest, and in such a case, the guest must immediately retire from the Club.

- 44.6 The privileges of this rule may be withdrawn by a majority decision made at a Board or Special Board Meeting called for such purpose.
- 44.7 Guests may be allowed to take part in games, but not to the exclusion of members of the Club.
- 44.8 Members introducing guests are held responsible for any debts contracted by them to the Club.
- 44.9 No more than 250 persons being such number as the licensed premises can adequately accommodate, will be permitted on the licensed premises at any one time.

#### **45.0 OBJECTIONABLE BEHAVIOUR**

- 45.1 On the Club premises no objectionable behaviour, including language or unlawful gambling or betting shall be allowed.
- 45.2 Any infringement of this rule may be brought under the notice of the Board, who will take appropriate action.

#### **46.0 DAMAGE TO PROPERTY**

- 46.1 No member shall remove from the Club House or deface or injure any article, the property of the Club.
- 46.2 Members removing, breaking or damaging any article, the property of the Club,(excluding any accidental damage) shall pay for the same at a price fixed by the Board and shall forfeit all privileges until payment in full is made.

#### **47.0 CLUB-HOUSE OPEN**

The Club-House shall be open to members for such times, and on such conditions, as may be decided by the Board from time to time.

#### **48.0 DISSOLUTION**

- 48.1 In the event of the Club being wound up, the liability of the Member shall be limited to any outstanding monies due and payable to the Club, including the amount of the Annual Subscription payable in respect of the current Financial Year. No other amount shall be payable by the Member.
- 48.2 If upon winding up or dissolution of the Club, there remains, after satisfaction of all its debts and liabilities, any property, the same shall not be paid to or distributed amongst the Members, but shall be given or transferred to some other organisation having purposes similar to the purposes of the Club and which prohibits the distribution of its or their income and property among its or their members and which is also not carried on for the profit or gain to its members. Such body or bodies to be determined by the Members at or before the

time of dissolution, and in default thereof by such judge of the Supreme Court of Victoria as may have or acquire jurisdiction in the matter.

#### **49.0 COMPLAINTS AND SUGGESTIONS**

All suggestions and complaints shall be made in writing to the Secretary who shall bring the same before the Board at the next meeting.

#### **50.0 ALTERATION OF RULES AND STATEMENT OF PURPOSES**

- 50.1 These rules and the Statement of Purposes of the Club shall not be altered except in accordance with the Act.
- 50.2 No new rule shall be made nor any existing rule nor the statement of purposes of the Club altered or repealed except at an Annual General Meeting or a Special General Meeting, and then only upon the motion being carried by a majority of three-fourths of the members present at the meeting.
- 50.3 A By-Law may be repealed by the Board by a simple majority of the members present at the Board meeting.
- 50.4 A copy of the proposed new rule, alteration or repeal to the Constitution shall be delivered to the Secretary at least 21 days before such meeting, and shall be inserted in the Notice convening the meeting at which such proposed new rule, alteration or repeal is to be brought and notice thereof shall be posted on the notice board of the Club ten clear days before such meeting.
- 50.5 While and so long as the Club is licensed under the Liquor Control Reform Act 1998, the Secretary of the Club shall, within one month from the making of any amendment or alteration in the rules of the Club, forward to the Secretary of the Liquor Licensing Commission a certified copy of every such amendment or alteration.
- 50.6 In the event that the Board shall be advised that for the purpose of any application to the Liquor Licensing Commission, any rule or rules require to be altered, amended or repealed for the purpose of complying with the Liquor Control Reform Act 1998, or any subsequent amending or corresponding enactment of the policy of the said Commission, the Board shall have power to alter, amend or repeal any such rules accordingly and any such alteration, amendment or repeal shall not withstanding anything elsewhere contained in these Rules forthwith take full effect.
- 50.7 The Board shall cause every such alteration to be exhibited in the Club premises within 14 days after it has made the same.

## **51.0 BY-LAWS**

The By-laws shall specify requirements additional to the Rules of this constitution. Compliance with the By-Laws is mandatory for all members. By-Laws may only be altered with a simple majority approval of the Board members at an appropriately convened meeting of the Board. Official record of By-Laws with originating date, Proposer and Seconder along with subsequent amendments and alterations are to be kept by the Secretary.