



Constitution

of the

Manning Memorial Bowling Club (Inc)

Est 1957

As Amended 4th August 2012

Table of Contents

PART A.....	1
1. NAME.....	1
2. OBJECTS.....	1
3. DEFINITIONS.....	1
4. PROPERTY AND INCOME.....	1
4.1. Dissolution	2
4.2. Disposition of Assets	2
PART B	3
5. MEMBERSHIP	3
5.1. Full Member.....	3
5.2. Restricted Member.....	3
5.3. Honorary Life Member	3
5.4. Social & Dance Member.....	3
5.5. Junior Member	4
5.6. Provisional Member	4
5.7. Honorary Member.....	4
5.8. Temporary Member	4
6. MEMBERSHIP FEES.....	5
6.1. Nomination and Subscriptions.....	5
6.2. Arrears	5
6.3. Part Payment.....	5
6.4. Capitation and Levies.....	5
6.5. Special Circumstances	5
7. LEVIES.....	5
8. CLUB YEAR.....	5
9. APPLICATIONS FOR MEMBERSHIP	6
10. MEMBERSHIP ROLL.....	6
11. RESIGNATION FROM MEMBERSHIP	6
12. GUESTS.....	6
PART C:	7
13. MANAGEMENT	7
13.1. Executive Committee	7
13.2. Finance Committee.....	7
13.3. Standing Committees	7
13.4. Co-opted Members.....	7
14. SELECTION COMMITTEES	8

15.	BALLOT PROCEDURE.....	8
15.1	Order of Election	9
15.2	General Election	9
15.3	Voting Procedure.....	9
15.4	Informal Votes.....	10
15.5	Scrutineers	11
15.6	Casual Vacancies.....	11
16.	ACCOUNTS AND AUDIT	12
17.	MEETINGS OF EXECUTIVE COMMITTEE	12
18.	POWERS OF EXECUTIVE COMMITTEE	13
19.	RESIGNATION OF EXECUTIVE COMMITTEE	13
20.	STANDING COMMITTEES.....	14
21.	DUTIES OF OFFICERS	14
	PART D: RULES	16
22.	INTERPRETATION OF THE RULES	16
23.	AMENDMENT OF RULES	16
24.	ANNUAL GENERAL MEETING	17
24.1	Business to be transacted at the Annual General Meetings.....	17
24.2	Business to be transacted at the Mid-Year General Meeting.....	17
24.3	General Meetings.....	17
	PART E: MISCONDUCT	18
25.	MISCONDUCT	18
26.	PENALTIES	18
27.	PROCEDURE FOR A CHARGE OF MISCONDUCT.....	19
28.	APPEAL.....	19
	PART F.....	21
29.	COMMON SEAL.....	21
30.	TRUSTEES.....	21
31.	CLUB LICENCE.....	21
32.	BANK	21
33.	EMPLOYEES	21
34.	INDEMNITY	21
35.	CLUB COLOURS AND INSIGNIA	22

PART A

1. NAME

The name of The Club shall be the MANNING MEMORIAL BOWLING CLUB (INC).

2. OBJECTS

The objects of The Club shall be:

- (a) To establish, maintain and conduct a club for lawn bowls and to support the recreational, social, sporting, cultural and community dimensions of that interest.
- (b) To affiliate with Bowls WA. The members shall recognise and accept the Constitution Rules and By-laws of Bowls WA and shall make all decisions consistent therewith. All games of lawn bowls shall be played according to the Constitution, By-laws and laws of the game currently recognised by Bowls WA.
- (c) To apply the property and income of The Club solely towards the promotion of the objects of hand no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members of The Club, except in good faith in the promotion of those objects or purposes.

3. DEFINITIONS

In construing this Constitution, unless the context or such otherwise indicates or requires:

- (a) "The Club Premises" means all land and buildings and structures thereon of which The Club is the bona-fide occupier;
- (b) "The Committee" means the Executive Committee for The Club, duly elected for the time being in accordance with these Rules;
- (c) "The Secretary" means the Secretary for the time being of The Club and includes any deputy or person temporarily fulfilling the office of Secretary';
- (d) "The Treasurer" means the Treasurer for the time being of The Club and includes any deputy or person temporarily fulfilling the office of Treasurer;
- (e) "Rules" means this Constitution and Rules;
- (f) "The Act" means the Liquor Control Act 1988 and any amendments thereto, or any other legislation that may come into force to replace or supplement The Act shall form part of this Constitution;
- (g) The Associations Incorporation Act 1987, its amendments or other legislation that may come into force to replace or supplement this Act shall form part of this Constitution;
- (h) The Equal Opportunity Act 1984, its amendments or other legislation that may come into force to replace or supplement this Act shall form part of this Constitution.
- (i) Words referring to the masculine gender shall include the feminine gender and words referring to the singular shall include the plural.

4. PROPERTY AND INCOME

The Club shall:

- (a) Provide and maintain bowling greens, buildings, grounds and such amenities as shall be deemed necessary from time to time for the use and accommodation of its members in accordance with the objectives of The Club;

- (b) Provide accommodation for members and their guests upon The Club premises of which The Club is the bona-fide occupier;
- (c) Make such arrangements as may be necessary for the purchase, lease or maintenance of land on which The Club is situated;
- (d) As deemed necessary by a resolution at an Annual General Meeting or Special General Meeting, borrow money by way of loan or over-draft or by the issue of debentures to carry out the work or activities of The Club, and to invest any surplus funds of The Club with a bank as defined by the Banking Act or recognised money institution through such Bank;
- (e) Not be responsible for the loss or damage to any article whatsoever brought into The Club premises by members or visitors;
- (f) Prohibit a member without authority to injure or destroy any of the property of The Club. Any loss or damage resulting from any breach of this Rule shall be made good by such member to the satisfaction of the Committee. The Committee shall assess the amount to be paid by the member and the assessment shall be final and conclusive;

4.1. Dissolution

The Club may be dissolved or wound up by a special resolution requiring 75% majority at any General or Special Meeting called for such purpose.

The Commissioner of Taxation shall be notified of the dissolution of The Club as per the Australian Taxation Office (ATO) requirements.

4.2. Disposition of Assets

If, upon the dissolution or winding up of The Club any property or assets of The Club remains after satisfaction of all its debts and liabilities (including the costs, charges and expenses of winding up) such property assets shall not be paid or distributed amongst the members of The Club but shall be distributed:

- (a) To another Incorporated Club or Association having objects similar to those of The Club

OR

- (b) To charitable or benevolent entities which shall be determined by resolution of the members of The Club in accordance with the provisions of the Associations Incorporation's Act.

PART B

5. MEMBERSHIP

Members of The Club shall be persons elected to the following categories of Membership

- Full Member
- Restricted Member
- Honorary Life Member
- Social/Dance Member
- Junior Member
- Provisional Member
- Honorary Member
- Temporary Member

5.1. Full Member

Persons of or above the age of eighteen (18) years entitled to exercise the full privileges of The Club, excepting that where a member becomes an employee of The Club he shall not hold any office.

5.2 Restricted Member

Persons of or above the age of eighteen (18) years entitled to exercise the full privileges of The Club but shall not be eligible:

- (a) To stand for any office in The Club or vote in any ballot or at any General Meeting of The Club.
- (b) To play in Pennants, Club Championships or Open Events at other Clubs.

These Members will be capitated with Bowls WA and will be therefore entitled to bowl socially at those times made available by the Committee. Restricted Members will pay an Annual Subscription equal to 60 percent of that paid by a Full Member.

5.3 Honorary Life Member

Persons recommended by the Executive Committee to a General Meeting of The Club and elected at such meeting to be an Honorary Life member for long and conspicuous service to The Club, and shall enjoy all privileges of a full member.

Honorary Life members shall not exceed fifteen (15) living members at one time and no more than two (2) shall be elected in one year.

5.4 Social & Dance Member

Persons of or above the age of eighteen (18) years who may enjoy the privileges of The Club but shall not be eligible to:

- (a) Stand for any office in The Club or vote in any ballot at a General Meeting of The Club;
- (b) Propose or second any application for membership of The Club;
- (c) Use the greens except at the specific invitation of a Committee. These conditions shall apply also to that category of Social Membership entitled **Social/Dance** or **Reciprocal**.

5.5 Junior Member

Persons under the age of eighteen (18) years of age, who may enjoy all the privileges of The Club but shall not be eligible to:

- (a) Stand for any office in The Club or vote in any ballot or at any General Meeting of The Club;
- (b) Propose or second any application for membership of The Club;

5.6 Provisional Member

Persons, who are currently capitated members of another Bowling Club affiliated with the Bowls WA or with a similar Association in any other Australian state, shall be entitled to all the privileges of The Club but shall not be eligible to:

- (a) Stand for any office in The Club or to vote in any ballot or at any General Meeting of The Club;
- (b) Propose or second any application for membership of The Club;
- (c) Play in any pennant matches for The Club, represent The Club or play in Club Championships.

5.7 Honorary Member

Honorary membership may be granted without fees to The Club Patrons, the Mayor or Mayoress of the City of South Perth, or persons deputising for them, and such dignitaries and sponsors of The Club as the Executive Committee shall determine from time to time.

5.8 Temporary Member

A person who on any day is visiting The Club:

- (a) As a member or official of, or a person assisting a team that is to contest a pre-arranged event in bowling or other competition that day; or
- (b) At the invitation of a member to engage in that sport on that day, may for the purposes of "The Act" be taken as a person who is accorded Temporary Membership.

6. MEMBERSHIP FEES

6.1. Nomination and Subscriptions

The Nomination Fee and Annual Subscription payable by the different categories of membership shall be determined by the Committee from time to time. No Nomination Fee or Annual Subscription may be increased in any year by more than 10% (rounded up to the nearest \$5.00) of the amount payable in the then current year except with the prior authority of a General Meeting. Persons joining after the 31st December in each year shall pay one half of the Annual Subscription in addition to the prescribed Nomination Fee and Capitation Fee.

A new member shall pay his/her subscription within one month of election to membership.

6.2. Arrears

All Annual Subscriptions are payable in advance on or before 1st July in each year or on such other date as the Committee may determine. No Member whose subscription is in arrears more than one month after it becomes due for payment is entitled to use The Club or play on the greens while their subscription is in arrears.

6.3. Part Payment

A Member may elect to pay his/her Annual Subscription in two moieties. Notice of this intention must be given in advance in writing, with the first instalment due and payable on or before the 1st July and the second on or before 1st January of the following year.

6.4. Capitation and Levies

Capitation and levies as determined by Bowls WA or by a General or Special Meeting of members shall be additional to fees and subscriptions determined by the Committee.

6.5. Special Circumstances

On being satisfied that any member, through absence, illness, financial difficulties, unemployment, physical disability or other distressful circumstances, is unable to pay his/her full subscription, the Committee, on a recommendation of the Finance Committee, may relieve him/her of part of their liability but not so as to make their total liability less than ten per centum of the applicable subscription.

7. LEVIES

Members shall pay such levies as may be imposed from time to time by The Club. A General or Special meeting shall have power to make a levy on the members for any special project or need, and such levy shall not exceed one third of the Ordinary Membership subscription in any year.

8. CLUB YEAR

The Club year shall commence each year on the 1st day of July and shall conclude on the 30th day of June.

9. APPLICATIONS FOR MEMBERSHIP

9.1 Applications for Full, Social, Provisional and Junior members shall be proposed and seconded by Full or Life members of The Club. All such applications shall be in writing in a form prescribed by the Committee.

9.2 The Committee shall have the right to refuse any application for membership at its discretion without prejudice or right of the applicant to require an explanation.

10. MEMBERSHIP ROLL

A list of names and addresses by categories of all members shall be maintained by the Secretary on The Club premises in accordance with "The Act".

11. RESIGNATION FROM MEMBERSHIP

Resignations are deemed to be effective from the time they are received by and duly accepted by the Committee at a formal meeting of the Committee. No member resigning from The Club or ceasing from any cause to be a member, shall be entitled or to have any claim upon any portion whatsoever of the property or funds of The Club provided that any debenture held shall be disbursed to him on the agreed date.

12. GUESTS

Full, Restricted, Honorary Life, Provisional, Social/Dance, Honorary, Corporate, and Reciprocal Members may introduce guests to The Club at any time provided:

- (a) That guests shall not exceed five (5) in number at any one time;
- (b) That a guest shall not be supplied with liquor in The Club premises except on the invitation and in the company of a member;
- (c) That a guest shall be supplied with liquor to be consumed only on Club premises;
- (d) That members introducing a guest shall be responsible for the proper conduct of their guest whilst on Club premises;
- (e) That a member may, at his expense and with the approval of the Committee, supply liquor to guests without limitation as to number at a function held by or on behalf of that member at The Club premises;
- (f) That any person who has been refused membership of The Club or who shall be under suspension or expulsion from The Club or any affiliated Bowling Club shall not be admitted as a guest of any member of The Club. And, that a person refused membership of The Club, but who is a member of another Club competing in a competition at the Manning Memorial Bowling Club shall be accorded the same privileges as other visiting competitors.

PART C:

13. MANAGEMENT

The management of The Club shall be vested in the Executive Committee, Finance Committee, and Standing Committees as required from time to time.

13.1 Executive Committee

The Executive Committee shall **comprise** of:

President

Vice-President

Secretary

Treasurer

Chairperson of each Standing Committee (excluding Selection Committees)

Men's Captain

Ladies' Captain

The Executive Committee shall be **elected** at the Annual General Meeting each year and hold office for one year.

13.2 Finance Committee

The Finance Committee shall comprise of the Executive Officers of The Club: President, Vice-President, Secretary and Treasurer.

13.3 Standing Committees

Members of the Match, Bar, House, Entertainment, Grounds and Selection Committees and such other as may be required from time to time to carry-out the functions of The Club, shall be appointed annually by the Committee and shall operate under the control of their respective Chairpersons.

13.4 Co-opted Members

The Executive Committee shall have the power to co-opt financial full or honorary life members at any time to assist the Secretary, Treasurer, or any Committee, or a Promotions Officer to assist or further the objects of The Club. Provided such persons will not have voting rights in any Committee except when acting in the absence of the Secretary, Treasurer or a delegate.

14. SELECTION COMMITTEES

14.1 All Full Financial Members or Honorary Life Members may nominate for the position of Selector and shall do so on the Office Club Nomination Form.

The number of members required for each selection committee shall be decided by the Executive Committee. Numbers may vary from year to year depending on the number of Pennant sides nominated.

A Member may nominate for more than one selection committee. If more nominations for the positions of selectors are received than the number required a ballot will be held to decide the successful candidates. Only male pennant players from the previous season shall be eligible to vote for men's selection committees and female pennant players from the previous season shall be eligible to vote for the ladies selection committees.

If The Club has appointed a Development Officer / Coach that person will automatically be a member of all Selection Committees.

The Executive Committee, in conjunction with The Club Development Officer / Coach will appoint the Chairperson of each Selection Committee. If there is no Club Development Officer / Coach the Executive Committee will appoint the Chairperson for each Selection Committee.

14.2 All selection Committees shall report to their respective Captain monthly and be responsible to the Executive Committee to act at all times to further the objectives of selection of The Club, which shall be clearly defined within the By-laws.

15. BALLOT PROCEDURE

The Executive Committee shall appoint a Returning Officer who shall not be a candidate for election or a serving member of any Committee and such Returning Officer will be responsible for conducting the ballot.

Not less than seven (7) weeks prior to the Annual General Meeting of members, the Executive Committee shall call for nominations for positions on all Committees.

Members may nominate for more than one office.

Nominations, including members seeking re-election, shall be on a form approved by the Committee, signed by the nominee, eligible proposer and seconder, and lodged with the Secretary not less than twenty-eight (28) days prior to the date set for the Annual General Meeting. The Secretary shall initial and date the nomination and advertise such on The Club notice board for not less than seven (7) clear days after closure of nominations.

15.1 Order of Election

Any member, who is not opposed for a senior position, shall be excluded from the ballot for any subsequent position. The order of seniority of positions shall be:

PRESIDENT
VICE-PRESIDENT
SECRETARY
TREASURER
CAPTAIN MEN'S BOWLS
CAPTAIN LADIES' BOWLS
STANDING COMMITTEE CHAIRPERSONS:
BAR
HOUSE
ENTERTAINMENT
GREENS / GROUNDS

Members may serve on more than one Standing Committee.

15.2 General Election

If the number of nominations does not exceed the number required to be elected by the members for any position, the candidates nominated shall be declared elected at the Annual General Meeting.

If less than the required number of nominations is received for any such office, the Chairperson at the Annual General Meeting shall call for nominations from the floor, and if necessary a secret ballot shall be held.

15.3 Voting Procedure

If the number of candidates nominated exceeds the number required to be elected, a ballot shall be taken which shall be conducted in the following manner:

- (a) The Committee shall fix the time and closing date of the ballot of which shall be at least three (3) days prior to the date fixed for the Annual General Meeting.
- (b) Voting papers shall be mailed to all then financial, full and Life members' eligible not less than fourteen (14) days prior to the closing of the ballot.
- (c) Ballot papers shall show separately the surnames and given names of the candidates nominated for each office in respect of which an election is necessary.
- (d) The Club shall provide a ballot box which shall be locked by a member of the Executive Committee and placed in The Club to receive the ballot at the time of mailing the ballot papers to members.

The Secretary shall supply the Returning Officer with a current register of members eligible to vote in an election, together with a list of members given a postal vote.

The order in which names of the candidates nominated for each office appear on the ballot paper shall be in accordance with a draw conducted by the Returning Officer in the presence of those candidates wishing and able to be present at the draw.

All ballots shall be decided on a preferential voting system.

- (a) All votes shall be recorded in order of preference, i.e. The candidate of first preference to be marked 1, the candidate of second preference to be marked 2, the candidate of third preference to be marked 3 and so on until all candidates on the ballot paper have been marked with a number, in sequence, against their name.
- (b) The candidate receiving the least number of valid votes shall be the first successful candidate. The candidate receiving the second least number of valid votes shall be the next successful candidate and so on, according to the number of candidates to be elected.
- (c) If two or more candidates receive the same number of votes, the Executive Committee shall determine by lot the successful candidate or candidates.
- (d) If a candidate is successful in more than one ballot, that candidate shall be deemed the successful candidate for the higher or highest of such positions.

In the counting of votes for any lower position a successful candidate for a higher position shall be the first to be eliminated from the ballot for the lower position. In this circumstance the candidate receiving the next lowest number of votes shall be elected in place of that excluded candidate. This process shall be repeated until the vacancies are filled.

The Returning Officer shall post the results of each election on The Club notice board and deliver to the Annual General Meeting, a report on the conduct and result of the ballot.

15.4 Informal Votes

Ballot papers which:

- (a) Are defaced or mutilated as to prevent the intentions of the voter being ascertained;
- (b) Do not clearly reveal the identity of the voter on the outer envelope of a postal vote as instructed on the ballot paper;

- (c) Carry any mark or means of identification of the voter on the ballot paper;
- (d) Have more than one ballot paper in a single ballot paper envelope
- (e) Show more candidates marked as voted for than the number permitted shall be deemed informal.

The Returning Officer may rule as he thinks fit on any other matter.

15.5 Scrutineers

A candidate may nominate in writing to the Returning Officer a scrutineer to represent him at the ballot. The scrutineer shall be a financial Full / Ordinary or a Life member of The Club and shall not be a candidate for election.

- (a) A scrutineer may be present throughout the ballot and may query the inclusion or exclusion of any vote in the count but the Returning Officer shall have final determination of any votes so queried;
- (b) A scrutineer shall not place or remove any mark on a ballot paper;
- (c) A scrutineer shall not interfere with or attempt to influence any member at the time such member is casting their vote.

15.6 Casual Vacancies

The Executive Committee shall fill any vacancy occurring on any Committee or Selection Committee by appointment of a person eligible to nominate for and hold that office.

A person so appointed shall hold office until the next Annual General Meeting at which time the position will become vacant.

16. ACCOUNTS AND AUDIT

16.1 The Club shall keep such accounting records as correctly record the financial transactions and financial position of The Club. Records shall be kept in such manner as will enable true and fair accounts of The Club to be prepared from time to time and to be conveniently and properly audited.

16.2 The Club shall cause The Club's accounts to be audited by a suitably qualified person.

16.3 The Club shall submit to the Members at the Mid-Year General Meeting its accounts showing the financial position of The Club at the end of the immediately preceding financial year together with the report of the auditor on the accounts.

17. MEETINGS OF EXECUTIVE COMMITTEE

(1) The Executive Committee shall meet at least monthly at such place and on such dates as shall be decided by the Committee from time to time.

The Secretary shall call meetings of the Committee when instructed to do so by the President, or by any three members of the Committee. The Secretary shall be solely responsible for the proper advice to all members of the Committee not less than 48 hours before the time set for such meeting.

(2) At all meetings of the Committee five (5) shall form a quorum. If there be no quorum present within 30 minutes of the time scheduled for commencement of the meeting, the meeting will stand adjourned for one week at the same hour. If at such adjourned meeting no quorum be present, those present not being less than four (4) shall have the power to transact the business of such meeting.

(3) Any member of the Committee who is absent from three (3) consecutive meetings without leave of the Committee, may forfeit their office.

(4) The President shall preside at all meetings of the Committee. In his absence the Vice-President shall preside but if neither be in attendance, the meeting shall elect a chairperson. The chairperson may exercise a casting vote.

(5) The Secretary shall record the minutes of all resolutions and proceedings of the Committee in a book maintained for the purpose.

(6) Any vacancy occurring in the Committee through resignation, expulsion or any other cause may be filled by the Committee without reference to the previous ballot.

(7) No member shall hold two executive positions.

18. POWERS OF EXECUTIVE COMMITTEE

The Committee shall have the power to:

- (1) Frame By-laws for the management of The Club, consistent with these Rules. Such By-laws shall be binding on all members until repealed or amended by the Committee, or by a general meeting of members. Such By-laws may impose penalties for any breach of these Rules. The Committee shall have full power to elect members within the terms of these Rules, and to alter, amend, or rescind such By-laws as occasion may require, and such By-laws shall be equally as binding as, but shall not be opposed to, the Rules. A certified copy of all such By-laws shall be posted in The Club by the Secretary.
- (2) Fill any vacancy on the Executive Committee or any other Committee of The Club.
- (3) Refuse to admit any person to membership of The Club without assigning any reason for doing so.
- (4) Limit the number of members of the various categories of membership.
- (5) Re-elect without nomination fee, ex-members seeking membership.
- (6) Strike levies from members, in accordance with limitations provided within these Rules, to meet extraordinary expenditure of The Club and same shall be payable on request.
- (7) Delegate any portion of their powers to any special sub-committee not otherwise provided in these Rules.
- (8) Appoint an Assistant Secretary, Assistant Treasurer, Convenor or a Promotions Officer to carry out such duties as they may determine.
- (9) Reimburse expenses of any servant of The Club for faithful and diligent services as deemed fit.
- (10) Establish and control all matters of conduct, policy, finance, promotion, publicity and planning relative to sporting and cultural activities within The Club and adjudicate on all matters impinging on the objects of The Club.
- (11) Hear and determine charges of misconduct lodged against any member under these rules, and to impose penalties accordingly.

19. RESIGNATION OF EXECUTIVE COMMITTEE

In the event of the resignation of the Executive Committee, the management of the affairs of The Club shall be vested in the President, Vice-President, Secretary and Treasurer who shall be competent to exercise all powers vested in the Executive Committee, until the holding of a Special General Meeting convened for the purpose of electing their successors; which Special General Meeting shall be held within fourteen (14) days after receipt of such resignation.

20. STANDING COMMITTEES

- (a) All Standing Committees shall be subordinate to the Executive Committee subject to its control, and report through its Chairperson to the Executive Committee. Reports to be in writing.

The President and Secretary shall be ex-officio members of all Standing Committees and notified of all intended meetings. They shall not have a vote in Standing Committees but may advise on policy and procedure

The Chairperson of each Standing Committee shall be responsible for the conduct of their Committee and to carry out the duties detailed for that Committee in The Club By-laws.

Each Standing Committee shall meet at least monthly.

- (b) The Chairperson of a Standing Committee shall be responsible to accept any criticism of paid staff within his role of duties and shall exercise the utmost discretion in any action deemed necessary. All other Committee persons (and all other members of The Club) shall refer any criticism to the appropriate Chairperson who if the matter is serious shall refer it to The Club President.

21. DUTIES OF OFFICERS

THE PRESIDENT shall preside at all meetings of The Club and of the Committee. In the absence of the President the Vice President shall preside. If none of the aforementioned officers are present, the meeting shall elect a Chairperson. At all General Meetings of The Club and all meetings of the Executive Committee, if the President is absent the Presiding Chairperson shall have a deliberate vote and a casting vote where necessary to retain the status quo, and shall decide on the voices or by a show of hands as the Presiding Chairperson thinks fit, but any member may demand a division or a secret ballot.

THE VICE PRESIDENT shall deputise for the President as necessary.

THE SECRETARY of The Club, unless otherwise excused, shall attend all meetings of the Executive Committee, keep a correct record of all proceedings, keep a record of all names and addresses of members of The Club, and do such clerical work as may be necessary for the observance of the Rules and By-laws of The Club. The Secretary shall be authorised to receive any monies on behalf of The Club. The Secretary shall convene Executive Committee meetings of The Club, and in accordance with these rules; attend to all correspondence and carry-out the normal duties of the Office of Secretary as required by the Committee.

THE TREASURER shall be responsible for all monies paid to The Club and shall ensure that all such monies are paid into the bank account of The Club. The Treasurer shall keep correct accounts and books showing the financial affairs of The Club and the particulars usually shown in books of account of a like nature. At the Mid-Year General Meeting of The Club the Treasurer shall present an audited

statement of receipts and expenditure of The Club for the past year and a balance sheet.

THE MEN'S CAPTAIN shall be The Club's official representative in all matters relating to men's bowls and play on the greens. He shall act as Chairperson of the Men's Match Committee and report on its behalf to the Executive Committee. He shall act in conjunction with the Ladies' Captain in the organization and conduct of mixed events.

THE LADIES' CAPTAIN shall be The Club's official representative in all matters relating to ladies' bowls and play on the greens. She shall act as Chairperson of the Ladies' Match Committee and report on its behalf to the Executive Committee. She shall act in conjunction with the Men's Captain in the organization and conduct of mixed events.

PART D: RULES

22. INTERPRETATION OF THE RULES

- 22.1 The Committee shall decide all questions of interpretation of these Rules and such decision shall be binding, unless at a General Meeting such decision shall, by a three quarters majority of members then present, be disagreed with.
- 22.2 Unless a contrary intention appears, words importing the singular number include the plural and *vice-versa*, and words importing the masculine gender include the feminine and neuter gender in accordance with the Constitution Rules and By-laws of the Stare Bowls Association.
- 22.3 In the event of any ambiguity, the powers vested in the Committee shall be construed so as to widen and not restrict the powers of the Committee'
- 22.4 Every member is bound by and shall submit to the Rules and By-laws of The Club.

23. AMENDMENT OF RULES

- 23.1 No rule shall be amended or repealed, nor shall any new rule be made, except by Special Resolution which is passed by a 75% majority of Members present at the Annual General Meeting or a Special General Meeting called for the purpose.
- 23.2 Notice of any proposed amendment, repeal or addition must be given by notice in writing to the Secretary. Such notice shall be posted in The Club premises for not less than fourteen (14) days before the date appointed for the holding of such meeting for any proposal to so amend, repeal, or add to, the Rules.
- 23.3 As soon as is practicable after the making of any proposal for a change to the Constitution or rules of The Club, the Secretary shall provide to the Director of Liquor Licensing, the Department of Commerce's Consumer Protection Division, and Bowls WA certified particulars of the change proposed and that effect is not given to the change without prior approval of the Director of Liquor Licensing. A maximum of one (1) month is required between meeting and notification.

24. ANNUAL GENERAL MEETING

The Annual General Meeting of The Club shall be held on the date and at such time in the first two months after the completion of the summer pennant season as the Committee may decide from time to time. In addition to the Annual General Meeting a Mid-Year General Meeting shall be held no later than the 31st October each year.

24.1 Business to be transacted at the Annual General Meetings.

- (a) Read and confirm the Minutes of the Last Annual General Meeting and any Special General Meetings held since the previous Annual General Meeting.
- (b) Receive the President's Annual Report.
- (c) Receive and discuss the Treasurer's Interim Report.
- (d) Elect the Officers of The Club and the Members of the Executive Committee.
- (e) Discuss any special business of which Notice of Motion has been given.
- (f) Discuss any general business.

24.2 Business to be transacted at the Mid-Year General Meeting.

- (a) Read and confirm the Minutes of the last Mid-Year Meeting and any Special Meetings held since the preceding Mid-Year Meeting.
- (b) Receive the President's Mid-Year Report.
- (c) Receive and discuss the Annual Balance Sheet and Accounts, including the Auditor's Report.
- (d) Discuss any special business of which Notice of Motion has been given.
- (e) General Business.

24.3 General Meetings.

- a) A General Meeting may be called at any time by direction of the Committee and shall be called by the Secretary upon the request in writing of at least 25 voting members.
- b) Fourteen days' notice of the time and place of any Special General Meeting and of the proposed business shall be given by the Secretary to all Members.
- c) Thirty voting members present at any Special General Meeting shall form a quorum. Unless otherwise provided in this constitution, all questions shall be decided by a majority of the voting members present and voting. In all other respects, except where a Special General Meeting shall otherwise decide, the procedure to be adopted at a Special General Meeting shall be in accordance with the general law and custom of meetings of bodies such as The Club.
- d) At a General Meeting each voting Member shall have one vote. No proxy voting shall be allowed.
- e) Any Member who desires to propose a resolution at a Special General Meeting shall deliver to the Secretary a notice in writing of intention to submit such resolution together with the terms of the resolution at least 21 days before the meeting.

PART E: MISCONDUCT

25. MISCONDUCT

- (a) The Committee shall exercise full power to reprimand, suspend, expel or impose penalties on any member of The Club who shall, in the sole and absolute judgement of the Committee, have been guilty, either in or out of The Club premises, of any act, practice, conduct, matter or thing calculated to bring discredit on, or in any manner prejudice the reputation of The Club, or calculated in any manner to impair or affect the enjoyment of The Club premises by members thereof, or to cause any ill-feeling or friction between or among members.
- (b) Any dispute between members may be referred by either disputant in writing to the Committee whose decision there-on, subject to these Rules, shall finally settle the matter.

The complainant, with his complaint, shall deposit with the Secretary a sum equivalent to 25 percent of the Full membership subscription and if the Committee consider the complaint frivolous, they may order the amount forfeited to the funds of The Club.

All complaints shall be made in writing through the Secretary, stating the explicit nature of the offence of which the member is accused, and the names of any members witness to the complaint. The Secretary shall submit them to the Committee if unable to satisfy the complaint.

26. PENALTIES

The Committee shall have due regard to the circumstances of the charge, when affixing any penalty under these Rules.

- (a) The maximum monetary penalty for any breach of these Rules or By-laws of The Club shall not exceed the annual subscription for Full / Ordinary Members, but in addition an offending member shall pay the cost of repair or replacement for Club property damaged through their action.
- (b) A period of suspension from membership may be any period not exceeding twelve (12) months.
- (c) Where the charge proven is of gross misconduct and a fine or suspension shall in the opinion of a two-thirds majority of the Committee hearing the charge be inadequate or inappropriate, they may call on the member to resign.

If the member refuses or neglects to do so within ten (10) days, they may declare the person expelled from The Club or suspended for the maximum period.

The Committee shall take due account of the effect of expulsion on a member who may desire to join an affiliated club in the future.

- (d) All monetary penalties shall be paid within fourteen (14) days of notice being served on the member. If a member refuses or neglects to meet such payment he/she shall stand suspended from membership until the payment be made in full.
- (e) The Committee may extend such period for payment without further penalty at their discretion.

- (f) The name of a member suspended or expelled shall be advised to State Bowls Association.

27. PROCEDURE FOR A CHARGE OF MISCONDUCT

- (a) If the Committee decides to proceed with a charge of misconduct, seven (7) clear days' notice of the hearing must be given to the member accused.
- (b) The Secretary shall deliver to, or forward by registered post, a notice to the accused member and the complainant at the postal address registered at The Club. The notice would specify the nature of the charge and request attendance at the hearing by the Committee. On the application of either party the Secretary shall send a notice to any other member to appear and give evidence provided such application is made three (3) days before the date of the hearing. Should any party or witness be unable to attend the hearing, the Committee may at their sole discretion, on application of either party, adjourn the hearing for not more than seven (7) days, at which time they shall take evidence and decide the case, the same as if all parties were present.
- (c) If, after hearing of the evidence, the Committee shall find the charge proven by a majority decision they shall impose an appropriate penalty. The Secretary shall forthwith deliver to or post a notice to the member at the postal address registered at The Club, advising him of the penalty.
- (d) If the penalty is expulsion the name of the member shall be erased from the list of membership forthwith. The member shall be liable for all monies due by him at the date of expulsion. No person shall be entitled to take action or proceedings against The Club for or in respect of any suspension or expulsion as decided and shall conform to the decision of the Committee.

28. APPEAL

Two (2) levels of appeal shall be available to members found guilty by the Committee of an offence against these Rules. Each notice of appeal shall be directed to the Secretary in writing giving details of the grounds for the appeal and the tier of appeal sought. It shall be accompanied by the required sum of money which shall be refunded if the appeal is upheld. An appeal shall be received by the Secretary within seven (7) days of the Committee decision.

- (a) Where a member has been fined, the appeal can be determined by the President, Vice President, or Secretary; or in the absence of any of these officers, by members of the Committee selected by the most senior officer available. The person appealing shall lodge a sum of money equivalent to twenty (20) percent of the annual subscription for Full / Ordinary members with the appeal and such will be refunded if the appeal is returned to the Committee for re-hearing of the charge.
- (b) Where a member is suspended or expelled an appeal can be determined by a Special General Meeting of members, where a majority of two-thirds of those present will be required to over-turn the decision of the Committee. A sum of money equivalent to forty (40) percent of the annual subscription for

Full members shall accompany such appeal and shall be returned if appeal is upheld.

- (c) Until the hearing of any appeal, the decision of the Committee shall have full effect but the member appealing shall have the right to attend the meeting applicable.

PART F

29. COMMON SEAL

The Club shall have a Common Seal to be kept in the custody of the Secretary and shall be used only on the authority of the Committee.

With such authority the President and Vice President for the time being shall affix the Common Seal to any deed, instrument or writing, signed by the said officers and countersigned by the Secretary.

30. TRUSTEES

The President and Vice President shall be ex-officio trustees of The Club; and all property of The Club shall be vested in their trust for and on behalf of the members for the time being.

Records and documents held in trust may be inspected by Full and Life members of The Club who shall be permitted to copy such records but shall not remove them from trustee possession.

31. CLUB LICENCE

On any application to the Director of Liquor Licensing for a Club License of The Club and whilst The Club shall continue to hold such Club Licence, these Rules shall be interpreted in all things as being subject to the provisions of the ACT and such provisions shall be deemed to be included in and form part of these Rules.

32. BANK

The funds of The Club shall be placed in such bank as the Committee may from time to time determine to the credit of the Manning Memorial Bowling Club (Inc) and shall be operated upon by cheque, signed by any two of the President, Vice President, Secretary and Treasurer.

33. EMPLOYEES

The Committee shall be responsible for engaging and terminating all employees of The Club and shall do so within the following guide lines:

- (a) No person under the age of eighteen (18) years shall be employed in the sale or delivery of liquor.
- (b) The hours worked shall not exceed those set down in the industrial awards, governing employees engaged in similar work.
- (c) Employees shall be paid not less than the rates laid down under current relevant Western Australian State or Federal Awards.
- (d) No payment or part payment of any Secretary, Manager or other officer or employee of The Club shall be made by way of commission or allowance from or upon the receipts of The Club for liquor supplied.

34. INDEMNITY

The President, Vice President, Secretary, Treasurer, Delegate and members of the Committee shall from time to time and at all times be saved harm and kept indemnified from and against all costs, charges, losses, damage and expenses which

they or any of them sustain, incur or put to in or about the execution and discharge of their respective trusts and offices or in or about any action suit or proceeding at law or in equity in which they or any of them shall or may be plaintiffs or defendants, provided always that the amount of such costs, charges, damages or expenses for which indemnity is intended to be hereby provided, shall immediately it shall have been sustained or incurred, be paid from the funds of The Club and that none of the other officers of The Club shall be answerable or accountable for the others or any of them or any other person or persons whatsoever, but for his own acts, deeds and defaults alone.

35. CLUB COLOURS AND INSIGNIA

The official colours of The Club shall be ROYAL BLUE and GOLD with the insignia of an EAGLE.