



DRAFT
CONSTITUTION
of the
MANNING MEMORIAL BOWLING CLUB (Inc.)
(Est. 1957)

As Approved by Department of Commerce, Gov. of WA xx.xx.xx

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PART A: THE CLUB

1. NAME

The name of The Club shall be the MANNING MEMORIAL BOWLING CLUB (INC). Hereafter referred to as The Club and or Manning Eagles.

2. OBJECTS

The *principal* objects of The Club shall be to:

- (a) Establish, maintain and conduct a club for lawn bowls and to support the recreational, social, sporting, cultural and community dimensions of that interest.
- (b) Borrow, raise or secure the payment of money for the purpose of The Club in such manner as the members see fit.
- (c) Provide and maintain a clubhouse and bowling amenities for the use of members.
- (d) Connect with Bowls WA. The members shall recognise and accept the Constitution Rules and Bylaws of Bowls WA and shall make all decisions consistent therewith. All games of lawn bowls shall be played according to the Constitution, Bylaws and laws of the game currently recognised by Bowls WA.
- (e) Apply property and income of The Club solely towards the promotion of the objects of The Club and 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.

The *secondary* object of The Club shall be to maintain a club license under the current Liquor Act and its amendments.

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) Reference to “The Committee” means the Management or Executive Committee for The Club, duly elected for the time being in accordance with these Rules.
- (c) “Executive Committee” refers to The Club’s 10-member management committee which consists of: President, Vice president, Treasurer, Secretary, Men’s captain, Ladies’ captain and four (4) Chairpersons – bar, house, entertainment, and grounds.
- (d) “The Secretary” means the Secretary for the time being of The Club and includes any deputy or person temporarily fulfilling the office of Secretary.
- (e) “The Treasurer” means the Treasurer for the time being of The Club and includes any deputy or person temporarily fulfilling the office of Treasurer.
- (f) “Authorised officers of The Club” means The President, Vice-President, Secretary or Treasurer.
- (g) “Rules” means this Constitution.
- (h) “The Bylaws” means the codes and rules made and adopted by The Club.

- (i) “Activation” refers to the process whereby members are listed and their status recorded on the Bowls WA data base that is part of the national Bowls Australia database.
- (j) “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.
- (k) The Associations Incorporation Act of 2015, its amendments or other legislation that may come into force to replace or supplement this Act shall form part of this Constitution.
- (l) 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.
- (m) Words referring to the masculine gender shall include the feminine gender and words referring to the singular shall include the plural.
- (n) “Financial year” or Club Year means the 1st of July until the following 30th June.

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 objects 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 cease its activities and have its incorporation cancelled in accordance with Part 10 of the Act:

- (a) After the committee has determined the association is able to pay or meet its debts and liabilities; and
- (b) The members resolve by Special Resolution that The Club will:

- Apply to the Commissioner for cancellation of its incorporation;
or
- Appoint a liquidator to wind up its affairs.

The Club must be wound up in accordance with Part 9 of the Act if:

- (a) The committee has determined the association is unable to pay or meet its debts and liabilities; or
- (b) Is party to any current legal proceedings; or
- (c) Has any other outstanding legal obligations.

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. The Surplus Property must only be distributed to one or more of the following:

- (a) An incorporated association under the Act;
- (b) A body corporate that at the time of the distribution is the holder of a licence under the charitable collections legislation in Western Australia;
- (c) A company limited by guarantee that is registered as mentioned in section 150 of the Corporations Act 2001 (Cwth);
- (d) A company holding a licence that continues in force under section 151 of the Corporations Act 2001 (Cwth);
- (e) A body corporate that:
 - i. is a member or former member of The Club; and
 - ii. at the time of the Surplus Property is distributed, has rules that prevent the property being distributed to its members;
- (f) A trustee for a body corporate referred to in rule Section 29(c)(v); or
- (g) A co-operative registered under the Co-operatives Act 2009 that, at the time of the distribution, is a non-distributing co-operative as defined in that Act.

5. CLUB COLOURS AND INSIGNIA

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

PART B: MEMBERSHIP

6. MEMBERSHIP

Members of The Club shall be persons elected to the following categories of Membership for one financial year. The Executive Committee will have the power to create additional or change existing membership categories as the need arises, provided that such categories are consistent with all regulatory authorities that govern the operations of The Club.

6.1. Membership Categories

a. Ordinary 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.

b. 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:

- To stand for any office in The Club or vote in any ballot or at any General Meeting of The Club.
- To play in Club Championships or Open Events at other Clubs.

These members will be activated with Bowls WA which enables them to be included on the pennant reserve list, and to play bowls socially at those times made available by The Committee.

The Executive Committee to determine the maximum number of pennant games which must be less than 20 percent (20%) of the pennant games available for male or female members but cannot take the place of an ordinary member who is available.

Restricted Members will pay an Annual Subscription equal to 60 percent (60%) of that paid by an ordinary member.

c. 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 an ordinary 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.

d. 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:

- Stand for any office in The Club or vote in any ballot at a General Meeting of The Club;

- Propose or second any application for membership of The Club;
- Use the greens except at the specific invitation of a Committee member. These conditions shall apply also to that category of Social Membership entitled **Social Dance**.

e. 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:

- Stand for any office in The Club or vote in any ballot or at any General Meeting of The Club;
- Propose or second any application for membership of The Club;
- Consume liquor on Club premises or be sold liquor.

f. Provisional Member

Persons, who are currently full / ordinary members of another Bowling Club associated 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:

- Stand for any office in The Club or to vote in any ballot or at any General Meeting of The Club;
- Propose or second any application for membership of The Club;
- Represent The Club or play in Club Championships.

g. 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. Dignitaries shall include but are not limited to the CEO and President of Clubs WA.

h. Temporary Member

A person who on any day is visiting The Club:

- 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
- 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.

i. Reciprocal Member

A visitor who is a full financial member of any like club in Western Australia or any Licensed Club located outside of Western Australia.

j. Corporate Member

- Organisations, through senior management, conducting community or tourism related business in Manning and its surrounds that have made a

contribution to The Club through business, sponsorship or donations.

- Corporate Membership shall be restricted at any one time to a level deemed appropriate by The Club or as may be required by the Liquor Licensing Authority.

6.2. Membership Fees

a. Nomination and Subscription Fees

The Nomination Fee and or 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 as ordinary or restricted members after the 31st December in each year shall pay one half of the annual subscription in addition to the prescribed nomination fee and or Club fee.

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

b. 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.

c. 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.

d. Fees and Levies

Fees 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.

e. 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 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. MEMBERSHIP ROLL AND APPLICATIONS

A list of names, postal / residential or email address by categories of all members shall be maintained by the Secretary on The Club premises in accordance with “The Act”. This register must be continuously available for inspection at The Club premises by authorised officers.

PROCESS

- (a) Applications for *Ordinary, Restricted, Social, Provisional* and *Junior* members shall be proposed and seconded by ordinary or life members of The Club. All such applications shall be in writing in a form prescribed by The Committee.
- (b) All applications for membership shall be posted on The Club noticeboard for seven (7) days before election. Further to this, a period of not less than fourteen (14) days shall elapse between nomination and election.
- (c) The Executive 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.

9. RIGHTS OF MEMBERS

- (a) The rights and privileges of every member shall be personal and shall not be in any manner transferable by their own act or through any person on their behalf or by operation of the law.
- (b) The Executive Committee may revoke the membership of any honorary, temporary or provisional member at any time without notice.
- (c) Employees: Members who are employees of The Club are entitled to all the rights and privileges of membership excluding those rights concerned with selection, election, and holding office with The Club.
- (d) Ordinary, Social, Corporate and Life Members are entitled to invite guests to The Club, but the number of guests shall not exceed the maximum number as contained in Section 48(4) (b) of the Liquor Act.
- (e) A member may hold private family and business functions without limit to the number of guests, providing that the sale of liquor shall be:
 - a. Ancillary to a meal supplied at The Club by or on behalf of The Club to a member and to each of the guests of that member being guests of whose attendance was given prior notice to The Club.
 - b. To a member for consumption by the guests of that member at a function held by or on behalf of that member at The Club.

- (f) Ordinary, Social, Corporate and Life Members are entitled to host functions on The Club premises after written application for said function has been considered and approved by the *Bar and Events Manager* or relevant Committee. The applicant will be provided with a written copy of Club Rules relating to functions before the application has been approved. Any additional conditions and restrictions will also be provided as needed.
- (g) The Club may seek an *Extended Trading Permit – Associations* to add local Associations as users of The Club facility to hold their functions.
- (h) Members will be directed to obtain a copy of The Club Constitution from The Club’s website.
- (i) Upon request, a member is able to inspect the Books of the Association at such time and place as is mutually convenient to the Club and the Member
- (j) The Committee may require a member who requests a copy of the Member Register to provide a statutory declaration setting out the purpose of the request and declaring that the purpose is connected with the affairs of The Club.
- A member must contact the Secretary to request to inspect the Member Register.
 - The Member may make a photocopy of details from the Member Register but has no right to remove the Register for that purpose.
 - The Club may charge a reasonable fee to the member for providing a copy of the Member Register, the amount to be determined by the Committee from time to time.
 - A member must not use or disclose the information on the Member Register:
 - To gain access to information that a member has deliberately denied them (that is, in the case of social, family or legal differences or disputes);
 - To contact, send material to The Club or a member for the purpose of advertising for political, religious, charitable or commercial purposes, or
 - For any other purpose unless the use of the information is approved by The Committee and for a purpose:
 - That is directly connected with the affairs of The Club; or
 - Related to the provision of the information to the Commissioner in accordance with a requirement of the Act.

10. 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.

11. GUESTS

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

- (a) Guests shall not exceed five (5) in number at any one time, or if more, that a sit-down meal with cutlery is supplied;
- (b) A guest shall not be supplied with liquor in The Club premises except on the invitation and in the company of a member;
- (c) A guest shall be supplied with liquor to be consumed only on Club premises;
- (d) Members introducing a guest shall be responsible for the proper conduct of their guest whilst on Club premises;
- (e) 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) Any person who has been refused membership of The Club, or who shall be under suspension or expulsion from The Club or another Bowling Club, shall not be admitted as a guest of any member of The Club. However, 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: CLUB MANAGEMENT

12. MANAGEMENT

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

12.1. Executive Committee

The Executive Committee shall **comprise** President, Vice-President, Secretary, Treasurer, Chairpersons of each Standing Committee (excluding Selection Committees), Men's Captain, and Ladies' Captain

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

A designated deputy for members of the Executive Committee who are on extended leave and likely to miss three or more meetings, shall have full voting rights to assist or further the objects of The Club.

The Executive Committee shall have the power to co-opt financial ordinary 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. Such persons will not have voting rights in any Committee except when acting in the absence of the Secretary, Treasurer or a delegate.

12.2. Finance Committee

The Finance Committee shall comprise of the Executive Officers of The Club: President, Vice-President, Secretary and Treasurer. The treasurer and the Finance Committee to observe the requirements, where relevant, of the Associations Incorporation Act 2015, its amendments and any other legislation that may come into force to replace or supplement this Act.

Minutes of the Finance Committee shall remain confidential. This includes, but is not limited to, salaries and contracts.

12.3. 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. Members may serve on more than one Standing Committee.

13. SELECTION COMMITTEES

There will be separate selection committees responsible for the men's & ladies' pennant teams, and if necessary separate selection committees for each pennant day.

- (a) All ordinary financial members or honorary life members may nominate for the position of **Selector** and shall do so on the official Club nomination form.

- (b) 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.
- (c) 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 may 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.
- (d) If The Club has appointed a *Development Officer* that person may be a member of a selection committee if agreed to by The Executive Committee.
- (e) The Executive Committee, will appoint the chairperson for each selection committee.
- (f) All selection committees shall be responsible to the Executive Committee to act at all times to further the objects of The Club's Selection Policy, which shall be clearly defined within the Bylaws and related policies.

14. BALLOT PROCEDURE

- a) The Executive Committee shall appoint a *Returning Officer* who shall be eligible for election but not be a candidate for election or a serving member of any committee and such Returning Officer will be responsible for conducting the ballot.
- b) Not less than seven (7) weeks prior to the Annual General Meeting (AGM) of members, the Executive Committee shall call for nominations for positions on all Committees.
- c) Members may nominate for more than one office.
 - It is the responsibility of each individual to ensure they are eligible for nomination.
 - Nomination forms must require candidates to confirm that they are not an undischarged bankrupt and have not been convicted of one of the specified offences within the last five years (See Associations Info July 2016).
- d) 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 AGM. 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.

14.1. 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, Men's Captain, Ladies' Captain, Standing Committee Chairpersons: Bar, House, Entertainment, Grounds respectively.

14.2. 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. Members may serve on more than one Standing Committee.

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.

14.3. 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 AGM.
- (b) Ballot / voting papers shall be Emailed or posted to all then financial ordinary 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 papers.

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

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

All ballots shall be decided on a preferential voting system which requires the winning candidate to secure either an absolute majority (50% + 1) of the primary vote or majority after the distribution of preferences.

- 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.
- The numbers for each candidate are then added to create a score for that candidate.
- The candidate receiving the lowest score shall be the first successful candidate. The candidate receiving the second lowest score shall be the next successful candidate and so on, according to the number of candidates to be elected.

- If two or more candidates receive the same number of votes, the Executive Committee shall determine by lot the successful candidate or candidates.
- 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. See 14.1 above.
- 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 score 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 AGM, a report on the conduct and result of the ballot.

14.4. 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.

14.5. 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 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.

14.6. 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.

15. ACCOUNTS AND AUDIT

- (a) The Club shall keep such accounting records as required to 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.
- (b) The Club shall cause its accounts to be audited by a suitably qualified person who is not a member of the Committee and who shall be elected at a General Meeting. The Auditor shall hold a current *Certificate of Public Practice* issued by Chartered Accountants Australia and New Zealand; or current *Certificate of Public Practice* issued by CPA Australia; or current *Certificate of Public Practice* issued by the Institute of Public Accountants.
- (c) The Auditor shall be entitled to receive such remuneration as the Committee may determine from time to time.
- (d) Such Auditor shall audit the accounts and have power at any time to call for all books, papers, accounts, etc. relating to the affairs of The Club.
- (e) If any casual vacancy occurs in the office of any Auditor appointed by The Club, the Committee will fill the appointment until the next Annual General Meeting.
- (f) The Club shall submit to the members at the Annual Financial 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.

16. MEETINGS OF EXECUTIVE COMMITTEE

- (a) 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.
- (b) 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.
- (c) 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.
- (d) Any member of The Committee who is absent from three (3) consecutive meetings without leave of The Committee, may forfeit their office.
- (e) 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.

- (f) The Secretary shall record the minutes of all resolutions and proceedings of The Committee in a book maintained for the purpose.
- (g) 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.
- (h) No member shall hold two executive positions.

17. POWERS OF THE EXECUTIVE COMMITTEE

The Committee shall have the power to:

- (a) Frame bylaws for the management of The Club consistent with these Rules. Such bylaws shall be binding on all members until repealed or amended by The Committee, or by a general meeting of members. Such bylaws 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 bylaws as occasion may require, and such bylaws shall be equally as binding as, but shall not be opposed to, the Rules. A certified copy of all such bylaws shall be posted in The Club by the Secretary.
- (b) Fill any vacancy on the Executive Committee or any other Committee of The Club.
- (c) Refuse to admit any person to membership of The Club without assigning any reason for doing so.
- (d) Limit the number of members of the various categories of membership.
- (e) Re-elect without nomination fee, ex-members seeking membership.
- (f) 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.
- (g) Delegate any portion of their powers to a special sub-committee not otherwise provided in these Rules. Such sub-committee must report to and be responsible to The Committee.
- (h) Appoint an *Assistant Secretary, Assistant Treasurer, Convenor* or a *Promotions Officer* to carry out such duties as they may determine.
- (i) Pay honorarium to member /s of the Exec Committee as deemed fit.
- (j) 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.
- (k) Hear and determine charges of misconduct lodged against any member under these rules, and to impose penalties accordingly.
- (l) Elect one Patron and two vice-patrons.

18. 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. The Special General Meeting shall be held within fourteen (14) days after receipt of such resignation.

19. 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.
- (b) 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.
- (c) 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 Bylaws.
- (d) Each Standing Committee shall meet at least monthly.
- (e) 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.

20. 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 and keep a correct record of all proceedings; keep a record of all Club members' name and address or email; do such clerical work as may be necessary for the observance of the Rules and bylaws 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 Annual

Financial 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

21. INTERPRETATION OF THE RULES

- (a) 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.
- (b) 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 Bylaws of Bowls WA.
- (c) 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.
- (d) Every member is bound by and shall submit to the Rules and bylaws of The Club.

22. AMENDMENT OF RULES

- (a) No repeals of any existing rules and no new rules or alteration, amendments or suspensions of a rule shall be valid unless a motion therefore is carried by a three quarters majority of members present and eligible to vote at a General or Special General Meeting.
- (b) Notices of motions to repeal, alter or suspend any rule shall be given to the Secretary at least 21 days preceding the Annual or Special General Meeting at which the motion shall be presented. The Secretary shall exhibit the proposal on The Club notice board at least fourteen days prior to such meeting.
- (c) As soon as is practicable after the making of any proposal for a change to the rules of The Club, The Club shall provide to the Director of Liquor Licensing the proposed changes. No effect will be given to the changes without the prior approval of the Director.
- (d) Within one month after the making of any amendment or addition to the rules of The Club, passed by special resolution, the Management Committee shall send or deliver a certified copy of the amendment or alteration to the Consumer Protection Division of The Department of Commerce. No effect will be given to the amendments without the approval of this Department. In addition, all amendments passed as a special resolution must be noticed to the Director of Liquor Licensing.

23. ANNUAL, FINANCIAL, AND SPECIAL GENERAL MEETINGS

The Annual General Meeting (AGM) 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 AGM, an Annual Financial Meeting shall be held no later than the 31st October each year. Notice of such meetings and agenda items, including Notices of Motion, must be posted on The Club notice board for seven (7) days before the date of the meeting. Members who have provided an email address will also be emailed a copy of the notice of the meeting, agenda items and any notices of motion. Notices of Motion for consideration must be handed to the Secretary in writing no less than fourteen (14) days prior to the date of such meetings.

Five (5) percent of eligible honorary life and financial ordinary members of The Club shall form a quorum. If a quorum is not present within thirty minutes of the appointed time for the meeting, it shall stand adjourned for seven (7) days. If at

such adjourned meeting there is no quorum, those present shall be competent to discharge the business.

23.1 Business to be transacted at the Annual General Meeting.

- (a) Read and confirm the Minutes of the last Annual General Meeting and any Special General Meetings held since the previous AGM.
- (b) Receive the President's 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.

23.2. Business to be transacted at the Annual Financial Meeting.

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

23.3. Special General Meetings.

- (a) A Special 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 10% of eligible 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) Members who have provided an email address will also be emailed a copy of the notice of the meeting, agenda items and any notices of motion.
- (d) Five (5) percent of eligible honorary life and financial ordinary 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.
- (e) At a Special General Meeting each voting member shall have one vote. No proxy voting shall be allowed.
- (f) 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

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.

24. DISPUTES

Section 24 applies to:

- (a) Disputes between members; and
- (b) Disputes between The Club and one or more members that arise under the rules or relate to the rules of The Club. This does not include disciplinary matters undertaken with Club members, which are covered only under Section 26 of The Club's constitution.

Resolving Disputes

- (a) The parties to a dispute must attempt to resolve the dispute between themselves within fourteen (14) days of the dispute coming to the attention of each party.
- (b) If the parties are unable to resolve the dispute, any party to the dispute may initiate a procedure under this rule by giving written notice to the Secretary of the parties to, and details of, the dispute.
- (c) The Secretary must convene a Committee Meeting within twenty-eight (28) days after the Secretary receives notice of the dispute for the Committee to determine the dispute.
- (d) At the Committee Meeting to determine the dispute, all parties to the dispute must be given a full and fair opportunity to state their respective cases orally, in writing or both.
- (e) The Secretary must inform the parties to the dispute of the Committee's decision and the reasons for the decision within seven (7) days after the Committee Meeting.
- (f) If any party to the dispute is dissatisfied with the decision of the Committee they may elect to initiate further dispute resolution procedures as set out in the Rules.

25. MEDIATION

Section 25 applies:

- Where a person is dissatisfied with a decision made by the Committee under Section 24 or Section 26, or
- Where a dispute arises between a member or more than one member and The Club and any party to the dispute elects not to have the matter determined by the Committee.
- Where the dispute relates to a proposal for the suspension or expulsion of a member this rule does not apply until the procedure under Section

26 in respect of the proposed suspension or expulsion has been completed

Mediation Process

- (i) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by Section 24, Section 26, or a party to the dispute is dissatisfied with a decision made by the Committee, a party to a dispute may:
 - 1. Provide written notice to the Secretary of the parties to, and the details of, the dispute;
 - 2. Agree to, or request the appointment of, a mediator.
- (ii) Party, or parties requesting the mediation must pay the costs of the mediation.
- (iii) The mediator must be:
 - 1. A person chosen by agreement between the parties; or
 - 2. In the absence of agreement:
 - a. If the dispute is between a member and another member – a person appointed by the Committee; or
 - b. If the dispute is between a member or more than one member and The Club, the Committee or a Committee member then an independent person who is a mediator appointed to, or employed with, a not for profit organisation.
- (iv) A Member can be a mediator, but the mediator cannot be a member who is a party to the dispute.
- (v) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (vi) The parties are to exchange written statements of the issues that are in dispute between them and supply copies to the mediator at least 5 days before the mediation session.
- (vii) The mediator, in conducting the mediation, must:
 - 1. Give the parties to the mediation process every opportunity to be heard;
 - 2. Allow all parties to consider any written statement submitted by any party; and
 - 3. Ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- (viii) The mediator must not determine the dispute and the mediation must be confidential. Information provided by the parties in the course of the mediation cannot be used in any other legal proceedings that may take place in relation to the dispute.

Inability to Resolve Disputes

If a dispute cannot be resolved under the procedures set out in the Rules, any party to the dispute may apply to the State Administrative Tribunal to determine the dispute in accordance with the Act or otherwise at law.

26. SUSPENSION OR EXPULSION OF A MEMBER

- (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) Members are not permitted to have legal representation attend any disciplinary matters, but may bring another member to act in a support capacity only.
- (d) 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 within seven (7) days after the committee meeting.
- (e) 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.

27. PENALTIES

The Committee shall have due regard to the circumstances of the charge, when affixing any penalty under these Rules. Penalties can be monetary, suspension, or expulsion.

- (a) The maximum monetary penalty for any breach of these Rules or bylaws of The Club shall not exceed the annual subscription for 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 another bowling 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.
- The Committee may extend such period for payment without further penalty at their discretion.
- (e) The name of a member suspended or expelled shall be advised to Bowls WA.

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's decision.

- (a) Where a member has been fined, the appeal can be determined by an *Appeals Committee* consisting of three (3) of the following: The President, Vice President, Treasurer or Secretary; or in the absence of any of these officers, by other members of the Executive Committee selected by the most senior officer available. The person appealing shall lodge with the appeal a sum of money equivalent to twenty (20) percent of the annual subscription for ordinary members 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 twenty (20) percent of the annual subscription for ordinary 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: AUTHORITY

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. 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. This includes, but is not limited to, the following rules:

- (a) No liquor shall be sold or supplied for consumption elsewhere than on The Club premises unless such liquor is removed from the premises of The Club by or on the instructions from the member purchasing the same.
- (b) No payment or part payment to any secretary, treasurer, manager or other officer or servant of The Club shall be made by way of commission or allowance from or upon the receipts of The Club for liquor.
- (c) The Club shall only be open for the sale of liquor during such hours (within the hours permitted under the Act) as the committee shall from time to time determine.
- (d) No liquor shall be sold or disposed of on Christmas Day, Good Friday or before noon on ANZAC Day except as permitted under the provisions of the Act.

31. 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.

32. EMPLOYEES

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

- (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.

33. 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 whosoever, but for his own acts, deeds and defaults alone.