

SOUTH PERTH BOWLING CLUB (Inc.)

CONSTITUTION and RULES

2025

SOUTH PERTH BOWLING CLUB (INC.)

CONSTITUTION AND RULES

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EXECUTIVE

PRESIDENT
VICE-PRESIDENT
SECRETARY
TREASURER
MEN'S CAPTAIN
WOMEN'S CAPTAIN

CHAIRS:

BAR
MAINTENANCE
GREENS AND GROUNDS
SOCIAL
FUNCTIONS

STANDING COMMITTEES

BAR
MAINTENANCE
GREENS AND GROUNDS
SOCIAL
FUNCTIONS

BOWLS COMMITTEES

MEN'S BOWLS

MEN'S CAPTAIN
MATCH
SELECTION

WOMEN'S BOWLS

WOMEN'S CAPTAIN
MATCH
SELECTION

1 NAME

The name of the Club shall be the South Perth Bowling Club (Inc.).

2 CLUB COLOURS

The Club colours shall be Red and Green, provided that Black and/or White and/or Gold may be used as necessary in the design of any motif or emblem.

3 OBJECTS

The objects of the Club are:

- (a) To promote and foster the game of lawn bowls.
- (b) To promote social and recreational fellowship amongst members.
- (c) To ensure the sustainability and enhancement of the Club for the collective and mutual benefit of its members with particular attention to welcoming and inclusiveness of new members and observance of the laws of the land of human conduct among and towards all members.
- (d) To provide and maintain bowling greens, buildings, grounds and such amenities as shall be deemed necessary from time to time.

4. POWERS

The Club shall have the powers to:

- (a) Make such arrangements as may be necessary for the purchase, lease or hire of suitable property or properties for the purpose of the Club and for the maintenance of such properties.
- (b) As deemed necessary by a resolution at an Annual or Special General Meeting, borrow money by way of loan or overdraft or by issue of debentures to carry out the work or activities of the Club.
- (c) Do all such actions vested in it under the Associations Incorporations Act 2015; and
- (d) Do all such actions as the Executive consider necessary to attain the objects of the Club.

5. PROPERTY AND INCOME

- (a) The property and income of the Club shall be applied 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.
- (b) No member shall take property from the Club without authority.
- (c) No member shall damage 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 Executive. The Executive shall assess the amount to be paid by the member, and such assessment shall be final and conclusive.
- (d) The Club shall not be responsible for the loss of or damage to any article whatsoever brought into the Club.

6. DISSOLUTION

6.1 Dissolution of the Club

The Club may be dissolved or wound up by a special resolution at an Annual or Special General Meeting called for such purpose. Voting on such special resolution shall be in terms of Rule 30.

6.2 Disposition of Assets

If, upon the dissolution or winding up of the Club, any property of the Club which remains after the satisfaction of the debts and liabilities of the Club and costs, charges and expenses of that winding up, that property can only be distributed to:

- (a) another incorporated association or club under the Associations Incorporation Act 2015 having objects similar to those of the Club.
- (b) a company limited by guarantee registered under the Corporation Act 2001 section 150.
- (c) an organisation that holds a current licence under the Charitable Collections Act 1946.
- (d) an organisation that is a member or former member of the Club and whose Rules prevent the distribution of property to its members; or
- (e) a non-distributing co-operative registered under the Co-operatives Act 2009 (WA).

7. CLUB YEAR

The Club year and Club financial year shall commence on the 1st day of May in each conclude on the 30th day of April of the following year.

8. AFFILIATION

The Club shall affiliate with Bowls WA. The members shall recognise and accept the Bowls WA Constitution, Rules and By-Laws and shall make all decisions consistent therewith. All games of bowls shall be played according to the Constitution, Rules and By-Laws of the game currently recognised by Bowls WA.

9. DEFINITIONS

In this Constitution and Rules unless the context otherwise requires:

- (a) **Club** means the South Perth Bowling Club (Inc.)
- (b) **Club Premises** means all land and buildings and structures thereon of which the Club is the bona-fide occupier.
- (c) **Executive** means the Executive Committee for the Club, duly elected in accordance with these Rules.
- (d) **Secretary** means the Secretary of the Club and includes any deputy or person temporarily fulfilling the office of Secretary.
- (e) **Treasurer** means the Treasurer of the Club and includes any deputy or person temporarily fulfilling the office of Treasurer.
- (f) **Office** means any member elected or co-opted Executive or committee position.
- (g) **Rules** mean this Constitution and its Rules.
- (h) **Act** means the Liquor Control Act 1988 and any amendments thereto, or any other legislation that may come into force to replace or supplement this Act and
- (i) **Associations Incorporation Act** means the Associations Incorporation Act 2015 and any amendments thereto, or any other legislation that may come into force to replace or supplement this Act.

10. MEMBERSHIP

10.1 Categories

Members of the Club shall be elected to one of the following categories of membership:

(a) Full Member

Persons of or above the age of eighteen (18) years who shall be entitled to exercise the full privileges of the Club, excepting that where a member is a full-time employee of the Club, he shall not hold any Office.

A member with 25 years continuous membership with the Club shall be given recognition by way of a '25 Years Badge' or 'Medallion'.

(b) Honorary Life Member

A Full Member may be recommended by the Executive to an Annual General Meeting of the Club, to be accorded Honorary Life Membership of the Club for outstanding continuous honorary service of not less than ten (10) years after having subscribed to the procedures and criteria as set in out in the By-Laws.

If that recommendation is approved by eligible voting Members present at the Annual General Meeting, the elected Honorary Members shall enjoy all the privileges of the Club without a requirement to pay any further subscription.

Should a duly elected Honorary Life Member at any time in the future be found to bring discredit to the Club or existing Honorary Life Members by their conduct the Club, the Executive shall have the power to initiate proceedings to consider rescinding the Honorary Life Membership awarded and such decision on this matter is to be determined by Members at an Annual General Meeting .

(c) Social Member

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

- i) Stand for any Office in the Club or vote in any ballot or at any meeting of the Club.
- ii) Propose or second any application for membership of the Club.
- iii) Use greens except at the specific invitation of the Club, or
- iv) Represent the Club or play in Club Championships.

(d) Restricted Member

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

- i) Stand for any Office in the Club or vote in any ballot or at any meeting of the Club, or
- ii) propose or second any application for membership of the Club; or represent the Club or play in Club Championships.

(e) Junior Member

At the discretion of the Executive persons under eighteen (18) years, who may enjoy all privileges of the Club, subject to the provisions of the Act, but shall not be eligible to:

- i) Stand for any Office in the Club or vote in any ballot or at any meeting of the Club, or
- ii) invite guests into the Club.

Full-time students may apply to the Executive to receive a reduced membership subscription.

(f) Provisional Member

Persons who are current affiliated Full Members with playing rights of another bowling club affiliated with Bowls WA or with a similar Association in any other Australian State. Provisional Members may enjoy all privileges of the **Club** but shall not be eligible to:

- i) stand for any Office in the Club or vote in any ballot or at any meeting of the Club, or
- ii) represent the Club or play in Club Championships.

(g) Country Member

Persons who are current Full Members with playing rights of another bowling club affiliated with Bowls WA and such club being designated as a Country Club. A Country Member may enjoy all privileges of the Club but shall not be eligible to:

- i) stand for any Office in the Club or vote in any ballot or at any meeting of the Club, or
- ii) represent the Club or play in Club Championships, but at the discretion of Bowls WA, may play for the Club in Pennant Competitions.

(h) Honorary Member

Honorary Membership may be granted without fees, to the Club Patrons or persons deputising for them, and such dignitaries and sponsors of the Club as the Executive shall determine from time to time.

An Honorary Member may enjoy all privileges of the Club but shall not be eligible to:

- i) stand for any Office in the Club or vote in any ballot or at any meeting of the Club, or
- ii) represent the Club or play in Club Championships.

(i) Temporary Member

A person who on any day is visiting the Club:

- i) 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
- ii) 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 afforded Temporary Membership on that day.

10.2 Application for Membership

- (a) Applications for membership shall be proposed and seconded by Full or Honorary Life Members of the Club. All such applications shall be in writing in a form prescribed by the Executive and include payment of the required joining subscription which shall be refunded in full to the applicant if the application is subsequently not approved.
- (b) Applications shall be posted on the Club Notice Board by the Secretary before election, provided also that an interval of not more than twenty-one (21) days shall elapse between nomination and election by the Executive. The applicant shall be advised in writing the result of their application.
- (c) The Executive has the right to refuse any application for membership at its discretion without prejudice or right of the applicant to be provided with an explanation of such refusal. Negative votes by two (2) or more members of the Executive shall be sufficient to exclude the applicant from admission as a Member. The Secretary shall keep a record of the names of Executive members present and voting on that day.

Every member of the Club must be furnished with a copy of the Constitution, Rules and By-Laws and Code of Conduct and shall be bound by their terms.

A copy of each of these documents shall be available in the Club Premises and on the Club website.

10.3 Resignation from Membership

A member may resign from membership of the Club by written notification to the Secretary. A resignation is deemed to be effective from the time it is received and duly accepted by the Executive at a formal meeting of the Executive.

A resignation shall not absolve that member from payment of all monies due to the Club.

Other than any debenture held that shall be disbursed to the member on the agreed date, a member resigning from the Club, or ceasing to be a member for any cause, shall not be entitled to or have any claim upon any portion whatsoever of the property or funds of the Club.

10.4 Register of Members

- (a) The Secretary shall keep an up-to-date register of members in respect of each class of membership. The register must be available for inspection at the Club premises.
- (b) A member may request a copy of the Club membership register. Any such request is to be supported by a statutory declaration stating the purpose for which the copy is required.
- (c) The Executive at its discretion may require the Member to pay a reasonable fee for providing the copy.

10.5 Member Limitation

No member shall undertake to arrange on his responsibility anything to which it is necessary to couple the name of the Club or to affix his name to any form or document involving the Club without prior consent of the Executive.

10.6 Guests

Full, Honorary Life, Social, Provisional, Temporary and Country members may introduce guests to the Club at any time provided that:

- (a) the maximum number of guests per member per day is in accordance with Section 48(4)(b) of the Act;
- (b) a guest shall not be provided with liquor in the Club premises except on the invitation and in the company of a member;
- (c) a guest supplied liquor by the Club is only for consumption on Club premises;
- (d) a member may at their expense, and with the approval of the Executive, supply liquor to guests, without limitation as to number at a function held by or on behalf of that member at the Club premises;
- (e) the member introducing a guest shall be responsible for the proper conduct of their guest whilst on 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 any affiliated bowling club shall not be admitted as a guest of any member of the Club;
- (g) a person refused membership of the Club but who is a member of another Club competing in a competition at the Club shall be accorded the same privileges as other visiting competitors; and

- (h) the Secretary, Bar Manager or their respective deputies shall have the right to exclude from Club Premises any guest whom they consider undesirable.

10.7 Membership Subscription

Subscriptions for all categories of membership shall be determined at a meeting of the Executive prior to the Annual General Meeting. No such subscription shall be less than that prescribed in the Associations Incorporations Act 2015.

All subscriptions are due and payable annually on the 1st day of May each year.

- (a) Subscriptions

Members shall pay the subscription relevant to the category of membership.

- (b) Levies and Fees

- i) Levies or fees as determined by Bowls WA or by a Special General Meeting of the Club shall be additional to fees and subscriptions determined by the Executive.
- ii) Levies on Members as determined by the Executive shall not exceed 25% of the Full Membership subscription in any one year.

- (c) Unfinancial Members

- i) The Executive may by resolution remove from the register of members the name of any member who fails to pay any subscription, levy or fees imposed by the Club or Bowls WA within three (3) months of the due date of their required payment, and within seven (7) days advise the member in writing of the resolution.
- ii) The Executive may reinstate the member's privileges upon payment of any outstanding subscription, levy or fee due to the Club.

- (d) Special Circumstances

If circumstances preclude a member being able to pay the full amount of their subscription or levy, the Executive may approve a lesser payment or may grant such relief as the circumstances fairly warrant, but the fee paid shall not be less than one third of the subscription or levy otherwise due.

11 MANAGEMENT

The Management of the Club shall be vested in the Executive, Men's and Women's Bowls Committees and Standing Committees as required from time to time.

Elected members of the Executive, Men's and Women's Bowls Committees and Standing Committees must be Full or Honorary Life Members.

No member shall hold more than one (1) Executive position.

11.1 Executive

The Executive shall comprise of:

President
Vice President
Secretary
Treasurer
Chair of each Standing Committee

each of whom shall be elected annually in accordance with Rule 16 by financial Full and Honorary Life Members for a period commencing from the date of the Annual General Meeting and concluding at the date of the next Annual General Meeting; and

Men's Captain, who is also the **Chair, Men's Bowls Committee**, shall be elected annually from within their own number by financial male Full and Honorary Life Members for a period commencing from the date of the Annual General Meeting and concluding at the date of the next Annual General Meeting; and

Women's Captain, who is also the **Chair, Women's Bowls Committee** shall be elected annually from within their own number by financial female Full and Honorary Life Members for a period commencing from the Annual General Meeting and concluding at the date of the next Annual General Meeting; and

Chair of each Standing Committee who is appointed from within their own number.

11.2 Ineligibility for Executive

A person will be ineligible to be a member of the Executive if they:

- (a) are an undischarged bankrupt or their affairs are under insolvency laws;
- (b) have been convicted of an offence in connection with the promotion, formation or management of a body corporate;
- (c) have been convicted of an offence involving fraud or dishonesty punishable on conviction by imprisonment; or
- (d) have been convicted of an offence under Division 3 (the duties of officer's provisions) or Section 127 (the duty with respect to incurring of debt) of the Associations Incorporation Act 2015.

Where a person has been prohibited because they have been convicted of an offence they cannot be a member of the Executive for a period of five (5) years from the date of their conviction, except where the conviction resulted in imprisonment, in which case they cannot be a member of the Executive for five (5) years from their release from custody.

11.3 Powers of the Executive

The Executive shall have the power to:

- (a) 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 Executive or by an Annual or Special General Meeting of members. Such By-Laws may impose penalties for any breach of these Rules. The Executive may 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;
- (b) determine fees and elect members within the terms of these Rules;
- (c) limit the number of members in each category of membership;
- (d) fill any vacancy on the Executive or any other Committee of the Club
- (e) delegate any portion of their powers to any special sub-committee not otherwise provided in these Rules;
- (f) appoint an Assistant Secretary and Assistant Treasurer to support the elected Secretary and Treasurer as required;
- (g) appoint a Membership and Promotions Officer as provided for in Rule 15;
- (h) appoint a Bar Manager as required by the Act;
- (i) appoint and dismiss employees of the Club as and when appropriate;
- (j) enter into contracts or agreements for services required for the Club;

- (k) make any payment for faithful and diligent service performed by any member of the Club provided that such payment must be subject of Member approval by resolution at an Annual or Special General Meeting.
- (l) establish levies required from members, in accordance with limitations provided within these Rules, to meet extraordinary expenditure of the Club and same shall be payable on request;
- (m) 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 concerning the objects of the Club; and
- (n) adjudicate on any matter of dissension within the Club and to hear and determine charges of misconduct lodged against any member under these Rules and to impose penalties accordingly.

Without prejudice to or limiting the powers conferred by the Rules, the Executive shall have power to determine from time to time the conditions on which, and the times and manner in which, members may use the Club premises or any part thereof.

All acts done in good faith at any meeting of the Executive, shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment of the Executive or that the members of the Executive or any of them were disqualified, be valid as if such defect did not in fact exist or such member was not disqualified, as the case may be.

11.4 Resignation of Executive

In the event of the resignation of the Executive 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 until the holding of a Special General Meeting convened for the purpose of electing their successors; such Special General Meeting shall be held within fourteen (14) days after receipt of such resignation.

11.5 Meetings of Executive

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

- (a) The Secretary shall call meetings of the Committee when instructed to do so by the President or by any three (3) members of the Executive. The Secretary shall be solely responsible for the proper advice of meeting to all members of the Executive not less than 48 hours before the time set for such meeting. At all meetings of the Executive six (6) shall form a quorum.
- (b) Any member of the Executive who is absent from three (3) consecutive meetings without leave, may forfeit their Office.
- (c) The President shall preside at all meetings of the Executive. In the absence of the President, the Vice President shall preside but if neither is in attendance, the remaining Executive shall elect another as its chairperson for that meeting
- (d) The Secretary shall:
 - i) record the minutes of all resolutions and proceedings of the Executive; and
 - ii) post a copy of the minutes on the Club premises.
- (e) The first item of business at every meeting of the Executive shall be declarations of conflicts of interest. If a member of the Executive has a personal material interest in a matter for debate and decision by the Executive:
 - i) that member shall declare their interest prior to any debate or decision on the matter;

- ii) the remaining members of the Executive shall consider and determine without the presence of the member who declared the interest, if that member's declared interest is material to the matter for debate and decision and shall at its absolute discretion determine if the member can participate in debate or decision on the matter; and
- iii) all matters determined by the Executive in meeting where one or more of its members have had a declared and identified personal material interest in the matter shall be advised to all members of the Club at the next Annual or Special General Meeting of the Club.

11.6 Urgent Business

Should any urgent business arise and require immediate attention, the President or Vice President or in their absence, the Secretary together with any other two (2) members of the Executive, shall have power to take such action as necessary to attend to that business, a report of which shall be submitted to the next meeting of the Executive for sanction.

12 STANDING COMMITTEES

Standing Committees comprising

Bar	(3 members)
Greens and Grounds	(3 members)
Maintenance	(3 members)
Social	(5 members)
Functions	(5 members)

and such other as may be required from time to time to carry out the functions of the Club. Members of Standing Committees shall be elected annually by all financial Full and Honorary Life Members for a period commencing from the Annual General Meeting and concluding at the date of the next Annual General Meeting. A member may serve on more than one (1) Standing Committee.

- (a) Standing Committees shall:
 - i) appoint a Chair from their own number;
 - ii) hold meetings as required;
 - iii) have power to co-opt eligible members when necessary; and
 - iv) be subordinate to the Executive, subject to its control and present written reports to the Executive through its Chair.
- (b) Should a Chair of a Standing Committee be unable to attend a meeting of the Executive they shall nominate a member of their Standing Committee to attend such meeting, and such nominee shall have voting power.
- (c) The President and Secretary shall be ex-officio members of all Standing Committees and be notified of all meetings. They shall not have a vote but may advise on policy and procedure.
- (d) The Chair of a Standing Committee shall be responsible to respond to any criticism of paid staff within his role of duties and shall exercise the utmost discretion in any action deemed necessary. If the Chair deems the criticism to be of a serious nature he shall refer it to the President for consideration at an Executive meeting.
- (e) All other committee persons (and all other members of the Club) shall refer any criticism to the appropriate Chair.

13 SUB-COMMITTEES

The Executive may appoint such Sub-Committees as it may require from time to time facilitate the objects of the Club and for this purpose may co-opt any Full or Honorary Life Member.

14 FINANCE COMMITTEE

The Finance Committee shall comprise the President, Vice President, Secretary and Treasurer.

15 MEMBERSHIP AND PROMOTIONS OFFICER

Shall be appointed by and be directly responsible to the Executive. He shall be an ex-officio member of the Executive without voting rights. The Officer shall have the power to form a Membership Sub-Committee of which he shall be the chairperson.

The role of the Officer and the Sub-Committee shall be to:

- (a) programme towards the increase and retention of membership;
- (b) promote the game of bowls and the objects of the Club through sponsorship; and
- (c) attend to publicity and advertising as required.

16 ANNUAL ELECTIONS

Not less than six (6) weeks prior to the Annual General Meeting of members, the Secretary shall call for nominations for Executive positions and positions on all Standing and Bowls committees.

Members may nominate for more than one (1) office.

- (a) No member shall hold more than one (1) office on the Executive with the proviso that the Executive at its discretion may amalgamate the Offices of Secretary and Treasurer to the single Office of Secretary/Treasurer.
- (b) Only financial Full and Honorary Life Members shall be entitled to serve on any Standing Committee and may serve on more than a single Standing Committee or Bowling Committee.
- (c) Nominations, including those from members seeking re-election, shall be on a form approved by the Executive, signed by the nominee and eligible proposer, and lodged with the Secretary by 6.00pm twenty-one (21) days prior to the date set for the Annual General Meeting. The Secretary shall initial and date the nominations and display such on the Club notice board for not less than seven (7) clear days after closure of nominations.

The Executive shall appoint a Returning Officer and two (2) Assistant Returning Officers who shall not be candidates for election and those so appointed will be responsible for conducting the election.

16.1 Order of Election for Executive Positions

The order of election shall be:

President
Vice President
Secretary
Treasurer
Men's Captain
Women's Captain

16.2 Election

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

If less than the required number of nominations is received for any Office, the Chair at the Annual General Meeting shall call for nominations and, if necessary, a secret ballot shall be held. Any person so elected shall hold office for one year.

16.3 Voting Procedure

If the number of candidates nominated shall exceed the number required for the election, a ballot shall be held which shall be conducted in the following manner:

- (a) the Returning Officer shall determine by lot the position on the ballot paper of the names of each candidate and be responsible for issuing the ballot papers each of which shall bear his initials;
- (b) ballot papers shall be mailed or otherwise delivered to all then financial Full and Honorary Life Members eligible, in accordance with Rule 18, not less than fifteen (15) days prior to the closing of the ballot;
- (c) Members shall return their ballot papers in a sealed separate provided ballot envelope which is to be placed in a return envelope with the member's printed name and signature on the outside of this return envelope;
- (d) the ballot shall close at 6.00pm three (3) clear days prior to the date fixed for the Annual General Meeting;
- (e) the Club shall provide a ballot box to receive the ballot papers. The ballot box shall be locked by the Returning Officer and secured in the Clubhouse;
- (f) The Secretary shall supply the Returning Officer with a current register of members eligible to vote in an election who shall use this register to ensure that only eligible voters have submitted a ballot paper;
- (g) all ballots shall be decided on a 'first past the post' voting system;
- (h) all votes shall be recorded by members marking on the ballot paper an 'X' opposite the name of each candidate of their choice up to the number of candidates to be elected;
 - (i) all votes shall be regarded as primary votes of equal rank. The candidate receiving the highest number of votes shall be the first successful candidate. The candidate receiving the second highest number of votes shall be the next successful candidate and so on according to the number of candidates to be elected;
 - (j) if two (2) or more candidates receive the same number of votes the Returning Officer shall determine by lot the successful candidate if there is a single position or candidates if there is more than one; and
 - (k) if a candidate is successful in more than one ballot for an Executive position, that candidate shall be deemed the successful candidate for the higher or highest of such positions and be automatically excluded from lower positions.

The Returning Officer shall declare the result of the ballot(s) at the Annual General Meeting.

16.4 Informal Votes

The Returning Officer at his sole discretion may rule that a ballot paper shall not be deemed informal on account of a voter having used a mark other than 'X' to indicate his vote so long as the voter's intention is considered clear.

16.5 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 or Honorary Life Member of the Club and shall not be a candidate for election.

17 AUDITOR

An Auditor shall be appointed at the Annual General Meeting and shall be responsible to audit the books of account of the Club and to certify the correctness of the Annual Statement of Income and Expenditure and Balance Sheet of the Club.

18 PAYMENTS TO EXECUTIVE AND COMMITTEE MEMBERS

All members of the Executive, Standing and Bowls Committees are entitled to be paid out of the funds of the Club for any services rendered to the Club and any out-of-pocket expenses for travel and accommodation properly incurred:

- (a) in attending an Executive meeting; or
- (b) in attending a general meeting; or
- (c) otherwise in connection with the Club's business.

Any such payment must be the subject of member approval by resolution at an Annual or Special General Meeting.

19 DUTIES OF OFFICERS

19.1 President

The President shall preside at the Annual General Meeting, any Special General Meeting and meetings of the Executive ensuring that business is conducted in a proper manner and shall decide on all questions of order. In his absence the Vice President shall deputise.

The President when presiding at a meeting shall vote in terms of Rule 30.

19.2 Secretary

The Secretary shall convene and attend all meetings of the Club in accordance with these Rules. In the absence of the Secretary, the Executive shall appoint another suitably qualified person to temporarily act as Secretary.

The Secretary shall keep a documented record of all proceedings and resolutions from meetings, keep a record of all names and addresses of members of the Club and do such clerical work as directed by the Executive as may be necessary for observance of these Rules and By-Laws of the Club and Statutory compliance under applicable Government legislation.

The Secretary shall liaise with the Bowls Secretaries from the Bowls Sections and with Bowls WA.

Except as otherwise provided in this Constitution, the Secretary shall keep in his custody, or under his control, all books, documents and securities of the Club.

All books, documents and securities of the Club shall be available for inspection by members at all reasonable times.

19.3 Treasurer

The Treasurer shall:

- (a) 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 and disperse all monies as authorised by the Executive;
- (b) take stock of the bar as required and prepare a monthly Profit and Loss Statement;
- (c) 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 General Meeting of the Club he shall present an audited Statement of Income and Expenditure of the Club for the past year together with a Balance Sheet; and
- (d) maintain the Club's inventory of furniture and assets.

20 INTERPRETATION OF RULES

- (a) Subject at all times to the provisions of the Associations Incorporation Act 2015 the Executive shall decide all questions of interpretation of these Rules or any other matter not provided for in these Rules and such decision shall be binding, unless at an Annual or Special General Meeting such decision shall, by a three quarter majority of members present and voting, be disagreed with.
- (b) Unless 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 Bowls WA.
- (c) In the event of any ambiguity, the powers vested in the Executive shall be construed such as to widen and not restrict the powers of the Executive.
- (d) Every member and every Club committee is bound by and shall submit to the Rules and By-Laws of the Club.

21 AMENDMENT OF RULES

The Constitution, Objects and Rules of the Club shall be added to, replaced, altered or amended by special notice of motion. Such special notice of motion to be considered at the Annual or a Special General Meeting called for such purpose shall be in the hands of the Secretary at least fourteen (14) days before the date appointed to hold such meeting. The special notice of motion shall be posted in the Clubhouse for not less than ten (10) days before the meeting.

A majority of three fourths of votes cast by eligible members present and voting at an Annual or a Special General Meeting shall be necessary for the special motion to be passed. Voting shall be in terms of Rule 30.

As soon as practicable after any member approved change to the Constitution or Rules of the Club, the Secretary shall provide the Department of Commerce and Bowls WA with certified particulars of the approved proposed change/s.

22 GENERAL MEETINGS

22.1 Annual General Meeting

The Annual General Meeting of the Club shall be held in the month of July unless otherwise ordered by the Executive. Notice of the meeting shall be in writing to all members electronically, posted or otherwise delivered to their last known address, together with the annual financial statements, not less than seven (7) days prior to the meeting and posted on the Club noticeboard not less than fourteen (14) days before the meeting.

Twenty (20) percent of financial Full and Honorary Life members but not less than twenty (20) members eligible to vote shall form a quorum, and if a quorum is not present within thirty (30) minutes of the appointed time for the meeting, it shall stand adjourned for seven (7) days, and if after such adjournment there is no quorum, those present shall be competent to discharge the business.

22.2 Conduct of the Annual General Meeting

The President, or in his absence the Vice President, shall preside. In the absence of the aforementioned, the meeting shall elect a Chair from the members present and the Chair shall vote in terms of Rule 30.

The order of business shall be as follows:

- (a) Opening and Reading of Notice of Meeting
- (b) Receive apologies
- (c) Obituaries
- (d) Confirmation of the Minutes of the last Annual General Meeting and of any Special General Meeting not confirmed
- (e) Receive the President's Report
- (f) Receive and adopt the Annual Statement of Accounts and Balance Sheet, together with the Treasurer's and Auditor's Reports.
- (g) Receive reports from: Women's Captain and Men's Captain
- (h) Declare results of ballot(s) and election of the Executive, Standing and Bowls Sections' Committees.
- (i) Election of Club Patron(s).
- (j) Election of Club Auditor.
- (k) Appointment of authorised Club signatories.
- (l) Special business of which notice of motion has been given.
- (m) General business.

22.3 Special General Meeting

The Secretary shall call a Special General Meeting when so instructed by a resolution of the Executive or on receipt of a requisition by ten (10) percent financial Full and Honorary Life Members of the Club but not less than twelve (12) members eligible to vote. The meeting shall be held within twenty-one (21) days from the date of receipt of such resolution or requisition.

Special General Meetings shall be advertised by posting a notice on the Club noticeboard not less than fourteen (14) days prior to the meeting, specifying the business to be transacted and no other business shall be dealt with at such meeting. Twenty (20) percent of financial Full and Honorary Life Members but not less than twenty (20) members eligible to vote shall form a quorum and if no quorum be present thirty (30) minutes after the appointed time, the meeting shall lapse.

23 MISCONDUCT AND DISPUTES

23.1 Misconduct and Disputes

- (a) The Executive has powers vested in it under Rule 11.3(a) to reprimand, suspend, expel or impose penalties on any member of the Club who, in the sole and absolute judgement of the Executive is found to be guilty either within in or out of the Club premises of any act, practice, conduct, matter or anything that discredits or in any manner prejudices the reputation of the Club, or in any manner impairs or affects the use and enjoyment of the Club premises by other members or visitors.
- (b) Any dispute between members may be referred by either disputant to the Executive whose decision thereon, subject to these Rules, shall finally settle the matter.
- (c) All complaints must be in writing to the Secretary and state the exact nature of the offence of which the member is accused together with the names of any members witness to the action responsible for the complaint.
- (d) In matters of dispute between members, the complainant shall also deposit a sum equivalent to twenty-five (25) percent of the Full Member subscription with the Secretary with his complaint. If the Executive deem the complaint to be frivolous and

without basis they may order that amount deposited to be forfeited to the funds of the Club.

23.2 Procedures

Upon receipt by the Secretary of a written and fully detailed account including details of witnesses, if applicable, of an alleged breach of any Club Rule or By Law or of a dispute between members, the Executive shall adjudicate on the matter before them as follows.

- (a) Should the Executive decide to proceed with a charge of misconduct or a matter of dispute between members, seven (7) clear days' notice of the hearing must be given to the accused member;
- (b) The Secretary shall forward by registered mail, notice of the intended hearing to the accused member and to the complainant at their postal address registered at the Club;
- (c) The notice of intended hearing must specify the nature of the charge and request their attendance at the hearing convened by the Executive;
- (d) On application of either party, the Secretary shall send a notice to any other member required to appear and give evidence provided that such application be made no less than three (3) days before the date set for the hearing;
- (e) Should any party or witness advise that they are unable to attend the hearing the Executive may postpone or adjourn the hearing for not more than seven (7) days after which time the Executive shall take evidence and decide the case in the same manner as if all of the parties were present;
- (f) If after the hearing of the evidence the Executive finds the charge to be proven by a majority decision, they shall impose an appropriate penalty;
- (g) The Secretary shall forthwith post by registered mail notice to the member at their postal address registered at the Club advising him of any penalty;
- (h) Should the penalty be expulsion, the name of the member shall be erased from the list of Club members forthwith;
- (i) Any expelled member is liable for all monies due by him at the date of the expulsion;
- (j) Subject to a member exercising his right of appeal under Rule 25.4 and the outcome of the appeal that member is bound by the decision of the Executive and any penalty imposed;
- (k) Having exercised their right of appeal in respect to an Executive decision a member shall not be entitled to take action or proceedings against the Club; and
- (l) Bowls WA shall be advised of the suspension or expulsion of a member.

23.3 Penalties

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

Penalties available are:

- (a) The maximum monetary penalty imposed by the Executive for any breach of these Rules or By-Laws shall not exceed the annual subscription for Full Members, however;
 - i) if the proven breach is for loss of or damage to Club property, in addition to any monetary fine the offending member shall also pay the cost of repair or replacement of the Club property lost or damaged through his actions;
 - ii) all monetary penalties shall be paid within fourteen (14) days of the notice being served on the member;
 - iii) should the member refuse or neglects to meet such payment the member's privileges shall be suspended until the payment has been made in full; and
 - iv) the Executive at their discretion may extend such period for payment without

further penalty.

- (b) A period of suspension from membership for a period not exceeding twelve (12) months.
- (c) Where the proven breach is of gross misconduct and in the opinion of a two-thirds majority of the Executive hearing the charge a fine or suspension is deemed to be inadequate or inappropriate;
 - i) the Executive may call upon the Member to resign;
 - ii) should the member refuse or neglects to do so within ten (10) days of the notice of request to resign being served on the member, the Executive may declare the person expelled; and
 - iii) the Executive shall take due account of the effect of the expulsion on a member who may in the future desire to join another affiliated bowling club.

23.4 Appeal

Two (2) levels of appeal shall be made available to members found guilty by the Executive of an offence against these Rules and By-Laws. 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 and shall be accompanied by the required sum of money which shall be refunded if the appeal is upheld.

Any notice to appeal by a member must be received by the Secretary within thirty (30) days of the member being served written advice of the outcome and penalty from the hearing.

Any penalty that has been imposed by the Executive will remain in force pending the outcome of an appeal.

- (a) Where a member has been fined or suspended:
 - i) the appellant shall lodge with his appeal a sum of money equivalent to twenty (20) percent of the annual subscription of a full member;
 - ii) the Secretary shall forward by registered mail to the appellant's postal address registered at the Club notice of the intended appeal hearing;
 - iii) three (3) members appointed by the Executive from an established pool of suitable members, none of whom shall have been involved in the original hearing shall hear and adjudicate on the appeal; and
 - iv) the decision of these last appointed persons shall be absolute.
- (b) Where a member has been expelled:
 - i) he may elect to have his appeal determined by a Special General Meeting of the members where a majority of not less than two-thirds will be required to overturn the decision of the Executive;
 - ii) a sum of money equivalent to forty (40) percent of the annual subscription for full members shall accompany such appeal;
 - iii) the Secretary shall forward by registered mail to the appellant's postal address registered at the Club notice of the Special General Meeting at which his appeal will be heard; and
 - iv) the final determination of the Special General Meeting shall be absolute.

24 COMMON SEAL

- (a) The Club shall have a Common Seal to be kept in the custody of the Secretary to be used only on the authority of the Executive for deeds, agreements, leases, mortgages, contracts, instruments or other documents required to be executed under Common Seal.
- (b) Where such need arises to execute a document under Common Seal, any two (2) of the President, Vice-President and Secretary shall affix the Common Seal to the document and

sign it under their respective names and Office.

- (c) The Secretary shall keep a true and correct record or copy of all such documents to which the Common Seal is attached.

25 CLUB LICENCE

On any application to the Director of Licensing for a Club Licence for the Club, and whilst the Club shall continue to hold such Club Licence, the 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.

26 FINANCES

The funds of the Club shall be placed in such bank or banks or other financial institution as the Executive from time to time determine.

- (a) All cheques, withdrawals and electronic payments and transfers on the accounts of the Club and the uplifting of deposits or other investments held in the Club's name shall be formally authorised by any two (2), jointly, of the President, Vice President, Secretary or Treasurer.
- (b) At the discretion of the Executive funds may be invested in the Club's name in Authorised Trustee Securities in the form of Bonds, Debentures, Inscribed Stock or other suitable deposits approved under the Associations Incorporations Act 2015.

27 EMPLOYEES AND CONTRACTORS

27.1 Employees

The Executive 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 to any Secretary, Bar Manager or other officer or employee of the Club shall be made by way of commission or allowance from receipts by the Club for liquor supplied.

27.2 Contractors

The Executive shall be responsible for entering into agreements or contracts for services contractors and sub-contractors of the Club and shall do so within the following provisions:

- (a) No person without an ABN or Statement by Supplier form shall be hired as a sub-contractor.
- (b) A written contract detailing the scope of services to be provided and the charge for providing these services to be entered into.
- (c) No contract shall exceed twelve (12) months but may be extended annually or terminated by either party provided one (1) month notice of intent is provided to the other party.
- (d) Any contractor engaged to provide services to the Club shall provide the Secretary with a police clearance.
- (e) Any contractor or sub-contractor engaged for services to the Club shall provide the Secretary with documented evidence of a current Public Liability insurance policy at terms, conditions and limits of indemnity as determined by the Executive and shall continue to provide evidence of that policy for the duration of the contract or agreement with the Club.

- (f) Where applicable, any contractor or sub-contractor engaged for services shall provide the Secretary with documented evidence of a current Workers' Compensation Policy or exemption therefrom and shall continue to provide such evidence for the duration of the contract or agreement with the Club.
- (g) All contracts and agreements entered into by the Executive shall have due regard for ensuring the best outcome for the Club.
- (h) Contracts and agreements entered into for services to the Club which involve a reward or payment for such services to a member shall be the subject of full disclosure to members at any Annual or Special General Meeting of the Club following such appointment.

28 VOTING

- (a) At the Annual or any Special General Meeting, other than in the case of special motions received under Rules 23 and 6.1, when a majority of not less than three fourths, and Rule 25.4(b)(i), when a majority of not less than two thirds, is required, all questions, motions and resolutions put to the meeting shall be decided on a majority vote by eligible members of the Club who are present and voting. The vote may be decided on the voices or by show of hands as the Chair deems fit, however the Chair or at least six (6) members may demand a division or secret ballot.
- (b) At the Annual and Special General Meetings and meetings of the Executive, the President or Chairperson shall have a vote as a Full Member and in the case of equality of votes, a second, casting vote, which shall be used to maintain the '*status quo*'.

29 INDEMNITY

- (a) The Officers of the Club shall at all times be saved harmless and kept indemnified from and against all costs, charges, losses, damages and expenses, penalties and liability of any kind including and in particular legal costs incurred in defending any proceedings or appearing before any court, tribunal, government authority or otherwise and all appeals therefrom which they or any of them sustain, incur or be put to in or about the execution and discharge of their respective offices or in or about any suit or proceedings at law or in equity in which they shall have acted in good faith at the direction of the Executive.
- (b) The Club shall have and maintain current Office Bearer Liability insurance for an appropriate limit of indemnity and at terms consistent with generally accepted insurance practices, terms and conditions.
- (c) Provided that no payment shall be made to indemnify any Officer of the Club as a result of conduct adjudged by a court to have been criminal or fraudulent nor unless the Executive is satisfied that that Officer of the Club acted in good faith.
- (d) In the event that a proved action against the Officer of the Club falls outside of the scope of the Club's insurance policy, the Executive may at its sole discretion and subject to sufficient Club funds being made available, indemnify that Officer of the Club.