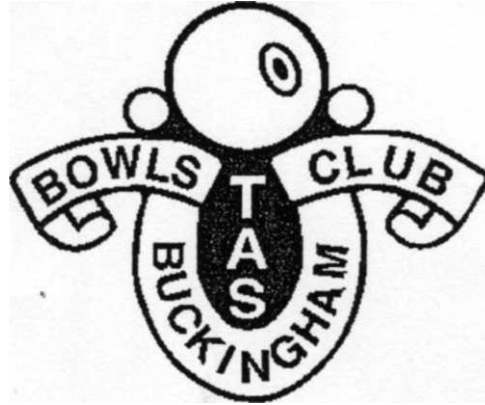


# **BUCKINGHAM BOWLS CLUB (INCORPORATED)**



## ***CONSTITUTION***

- **AMENDED AT THE ANNUAL GENERAL MEETING HELD ON 1 JUNE 2014**
- **AMENDED AT THE ANNUAL GENERAL MEETING HELD ON 31 MAY 2015**
- **AMENDED AT THE ANNUAL GENERAL MEETING HELD ON 28 MAY 2021**
- **AMENDED AT THE ANNUAL GENERAL MEETING HELD ON 3 JUNE 2022**
- **AMENDED AT THE ANNUAL GENERAL MEETING HELD ON 28 MAY 2023**

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# BUCKINGHAM BOWLS CLUB INCORPORATED CONSTITUTION

## Part 1 Name, Address and Objects of the Club

### A. Name of Club

1. The name of this club is "Buckingham Bowls Club Incorporated". The club colours are green and gold.

### B. Interpretation

2. In these rules,
  - (a) reference to any gender includes the opposite gender unless the context implies otherwise.
  - (b) singular includes plural unless the context implies otherwise.
  - (c) the reference to any law of the Commonwealth of Australia or of the State of Tasmania includes a reference to any amendment to that law or if the law is repealed to the law which replaced it.
  - (d) unless the context otherwise requires -
    - "**accounting records**" has the same meaning as in the Act;
    - "**Act**" means the *Associations Incorporation Act 1964*;
    - "**annual general meeting**" means an annual general meeting of the Association as set out in Part 3 of these rules.
    - "**auditor**" means the person appointed as the auditor of the Association as set out in Part 6 of these rules.
    - "**basic objects of the Association**" means the objects and purposes of the Association as stated in an application under section 7 of the *Associations Incorporation Act 1964* for the incorporation of the Association;
    - "**board**" means the board of management as defined in Part 4 of these rules.
    - "**board member**" means a member of the board of management.
    - "**Bowls Tasmania Member Protection Policy**" means the "*Member Protection Policy*" adopted by Bowls Tasmania, as amended from time to time,
    - "**Bylaws**" mean rules made by the board as authorised by this constitution.
    - "**club**" means Buckingham Bowls Club Incorporated and has the same meaning as Association in the *Associations Incorporation Act 1964*.
    - "**club financial year**" is the period beginning May 1 in each year and ending April 30 the following year.
    - "**financial institution**" includes organisations defined as banks in the laws of the Commonwealth of Australia; any authorised deposit taking institution authorised under the laws of the Commonwealth of Australia and any organisation established as a building society or credit union or trustee company under the laws of the State Of Tasmania.
- "**constitution**" means this document and has the same meaning as "rules" wherever it appears in this document.
- "**executive**" means the officers of the club as defined in Part 4 of these rules.
- "**financial year**" is the same period as the club financial year.

**"general meeting"** includes an annual general meeting or a special general meeting.

**"junior member"** means a member who qualifies as a junior bowler according to the Laws of the Game;

**"member"** means a financial member of this club and includes where applicable a life member.

**"Register"** refers to the register of members as defined in Part 2 of these rules.

**"rule"** or **"rules"** means a rule or the rules set out in this document.

**"special committee meeting"** means a meeting of the committee that is convened under part 4 of these rules by the president or any 4 of the members of the committee;

**"special general meeting"** means a meeting of the Association, other than an annual general meeting, convened under Part 4 of these rules.

**"special resolution"** has the same meaning as in the Act.

### **C. Club Address**

3. The office of the club shall be at St John's Avenue, New Town unless the members determine otherwise.

### **D. Objects and Activities of the Club**

4. The objects of the club are -
  - (a) to provide members with facilities which enable them to play the game of bowls in accordance with the rules laid down by Bowls Australia, State Controlling bodies and their affiliated associations which administer bowls in southern Tasmania;
  - (b) to provide members with pavilion facilities and amenities which are in accordance with the regulations laid down by local government and municipal authorities;
  - (c) to enter teams and participate in pennant competitions; and
  - (d) to encourage social activities for the enjoyment of members.
5. The following activities may be undertaken in pursuit of the objects of the Club -
  - (a) the purchase, leasing, exchanging, and the hiring or otherwise acquiring of any real or personal property;
  - (b) the buying, selling and supplying of, and dealing in, goods of all kinds;
  - (c) the construction, maintenance and alteration of buildings or works;
  - (d) the accepting of any gift;
  - (e) the taking of such steps as the Board or the members may deem expedient for the purpose of procuring contributions to the funds of the Club;
  - (f) the printing and publishing of such newspapers, periodicals, books, leaflets, or other documents as the Board or the members may consider desirable;
  - (g) the borrowing and raising of money in any manner and on terms -
    - (i) the board thinks fit; or
    - (ii) approved or directed by resolution passed at a general meeting;
  - (h) subject to the provisions of the *Trustee Act 1898*, the investment, in any manner the board determines, of any money of the club not immediately required for any of the objects or purposes of the club;
  - (i) the making of a gift, subscription or donation to any of the funds, authorities or institutions to which section 78A of the *Income Tax Assessment Act 1936* of the Commonwealth relates;

(j) the establishment and support, or aiding in the establishment and support, of associations, institutions, funds, trusts, schemes or conveniences calculated to benefit servants or past servants of the club and their dependants, and the granting of pensions, allowances or other benefits to servants or past servants of the club and their dependants, and the making of payments towards insurance in relation to any of those purposes;

(k) the establishment and support, or aiding in the establishment or support, of any other association formed for any of the basic objects of the club;

(l) the purchase, or acquisition, and the undertaking of all or part of the property, assets, liabilities or engagements of any association with which the club is amalgamated in accordance with the provisions of the Act and the rules of the Association;

(m) the doing of any lawful thing incidental or conducive to the attainment of the objects or purposes of the club.

## **Part 2 Membership**

### **A. Categories and Privileges of Members**

6. Membership is only open to natural persons.
7. Members will be enrolled in one of the following categories:
  - Full members
  - Life members
  - Social members
  - Social playing members
  - Junior members
  - Student members
  - Honorary members
8. Full members have the following entitlements;
  - (a) the right to use the facilities of the club rooms in accord with club rules.
  - (b) the right to use other club facilities as determined by the amount of the subscription fixed under these rules.
  - (c) bowls members who are 18 years of age or older have the right to vote and stand for office.
9. Life members must be 18 years of age or older. Life members have the following entitlements;
  - (a) the right to vote and stand for office without the obligation to pay a subscription.
  - (b) the right to use the social facilities of the club in accord with club rules without the obligation to pay a subscription.
  - (c) the right to use other club facilities as determined by the amount of the subscription fixed under these rules.
10. Social playing members have the following entitlements;
  - (a) the right to use the social facilities of the club rooms.
  - (b) they are restricted to playing on the green for social play and competitions approved by the Board and can play no more than three games in pennant competitions but cannot participate in club championships.
  - (c) social playing members who are 18 years of age or older have the right to vote and stand for office.

11. Junior member is a member under the age of 18 years who is enrolled to play in any of the categories of membership. A junior member does not have the right to vote.
12. Student member is a person who is 18 years or older who attends full time at a university, TAFE College, a secondary school or college or any other educational institution approved by the Board and who is enrolled to play in any of the categories of membership..
13. Social members have the following entitlements;
  - (a) the right to use the social facilities of the club rooms in accord with club rules.
  - (b) social members do not have the right to participate in bowls activities or have access to the bowling greens.
  - (c) they do not have the right to vote nor stand for office.
14. Honorary membership may be granted to any person nominated by a member and appointed in accord with the rules set from time to time in the bylaws and subject to such conditions as may be set in the bylaws. Honorary members do not have the right to vote.
15. Deleted
16. Subject to these rules all members have such other rights and restrictions as determined by the board.

**B. Subscriptions**

17. The annual subscriptions must be set from time to time by resolution of the club at the annual general meeting or at a special general meeting.
18. The annual subscription payable by members of the club must be as follows:-
  - (a) a subscription payable by members who use the social facilities of the club, or
  - (b) a subscription payable by members who use the social facilities of the club and who are restricted to playing on the green for social play and competitions approved by the Board but who do not play in pennant competitions or participation in club championships, or
  - (c) a subscription payable by members who use the social facilities of the club, who play on the green for social play and competitions approved by the Board and who also play in pennant and club championship events.
  - (d) separate subscriptions may be set for
    - (i) members who are 18 years or older who attend full time at a university, TAFE College, a secondary school or college or any other educational institution approved by the Board.
    - (ii) members who are under the age of 18 years of age.
19. In the calculation of subscriptions for members who play in pennant and club championship events:
  - (a) any national, state or regional affiliation and registration fees required to be paid by members must be included in that subscription.
  - (b) any fees for state and regional championships or competitions must not be included in that subscription.

20. The club may set different subscriptions for members having regard to:
  - (a) any variation between fees set for different competitions, and
  - (b) any additional facilities which are routinely offered to members when playing in a particular competition.
21. The bylaws may make provision to deal with the situation when there is a shortage of members in a team playing in a pennant competition.
22. Deleted
23. The bylaws may provide:
  - (a) which people qualify as a first year member.
  - (b) in the calculation of subscriptions allow a discount to first year members.
  - (c) determine other benefits of first year members.
  - (d) in the calculation of subscriptions provision may be made for credit or a discount to be given to a member for voluntary services rendered to the club.
24. The board of management may from time to time determine what constitutes:
  - (a) the social facilities of the club;
  - (b) ad hoc competitions
  - (c) social play and club competitions;
  - (d) pennant and club championship events; and
  - (e) additional facilities which are offered to those members when playing in a particular competition.
25. Any member who fails to pay their subscription by 1 October will cease to be a member on that day but they will not be liable for a subscription for that financial year. This rule does not apply to members who have approval to pay their subscription by instalments.
26. Any member may apply to the treasurer for the payment of their subscription by instalments.
  - (a) the board of management may set guidelines for the payment of subscriptions by instalments.
  - (b) an approval for the payment of subscriptions by instalments must be given by the treasurer.
  - (c) while that member continues to pay their subscription by instalments as approved that member is deemed to be a financial member as if the whole subscription has been paid.
  - (d) if any instalment payable under this rule is not paid within 14 days of the due date, then that person's membership is thereupon suspended until the overdue instalment is paid.
  - (e) the payment of subscriptions by instalments must be completed by 1 January in that club financial year. Any member who fails to complete the payment of their subscription by instalments by 1 January will cease to be a member on that day.
27. The annual subscription or any part of it once paid may be refundable at the



discretion of the Board of Management.

28. When a person is admitted to membership in the last 3 months of the club's financial year, the board of management may reduce the annual subscription payable by the new member by an amount based on the time left in the club's financial year.
29. Any member who resigns from the club or transfers to another club or whose membership is otherwise terminated in accord with these rules remains liable to pay any unpaid annual subscription, and any other unpaid fees set for the current year. This rule applies to members approved to pay their subscriptions by instalments.
30. Clearances must be granted only after all financial obligations to the club have been met.

**C. Admission to membership**

31. Any person may apply to the board of management for membership of the club by an application in writing. The application must be supported in writing by two members of the club.
32. Upon receipt of the application the secretary must place a notice that the person seeks membership of the club on the club's notice board. The notice must state the name and address of the applicant and the names of the two members who support the application.
  - (a) the notice must remain on the notice board for at least 7 days.
  - (b) prior to the expiration of the 7 days any member of the club may object to the application in writing to the board of management stating the reasons for the objection.
33. When the 7 days has expired, at its next meeting, the board of management must consider the application and any objections to that application. The board must having regard to the best interests of the club decide whether or not to admit the applicant to membership.
  - (a) the secretary must then inform the applicant of the decision of the board of management.
  - (b) if the board of management has agreed to admit the applicant to membership, the secretary must provide the applicant with a subscription notice and a copy of the club's constitution.
  - (c) any person whose application for membership has been refused can not reapply for membership of the club during the current financial year.
34. The applicant does not become a member of the club until that person has paid their annual subscription or has entered into an arrangement to pay their subscription by instalments.
35. Once the new member's subscription has been paid or the member has entered into an arrangement to pay their subscription by instalments, the secretary must place that person's name and particulars on the club's register of members.

36. If an applicant for membership of the club is currently under suspension by another bowls club, or has been suspended during the current financial year, that person must not be admitted as a member of the club during the current club financial year.
37. When a former member applies to re-join the club:
  - (a) a member who re-joins the club within 3 years is not entitled to the discount on fees offered to new members.
  - (b) if the application is made after 3 years the application must be made in the usual way.

#### **D. Life Membership**

38. Life membership is the highest honour the club can award to a person.
39. The board of management must set guidelines for granting the award of life membership.
40. The board of management may on its own motion make a recommendation to the club for the appointment of a life member.
41. A life member may only be appointed at an annual general meeting or at a special general meeting upon:
  - (a) the recommendation of the board of management; and
  - (b) a vote of two thirds of the members present at the meeting.

#### **E Variation, Resignation and Non-Renewal of Membership**

42. A member of the Club may, at any time, resign from the Club by a written notice to the secretary sent by personal delivery, by post or by an electronic system capable of being received by the club.
43. In any club financial year, the board of management may upon the application of any member authorise that member to increase their participation in club activities provided that the member pays any additional subscription appropriate to that member's increased participation.
44. When a member resigns, transfers to another club or whose membership is terminated according to these rules the Secretary must remove their name from the club's register of members whereupon that member ceases to be a member of the Club.

#### **F. Other matters concerning membership**

45. *Membership year:-* The membership year of the club is the same as the club's financial year.
46. *Leave of Absence:-* Any member of the club requesting leave of absence must do so in writing and pass this on to the secretary for consideration at the next meeting of the board.
47. *Register of Members:-*The secretary must keep on the club premises a register which must contain the names and addresses of all members of the club. The register may include any member's electronic address and telephone numbers.

48. *Members change of address:-* Members must communicate any changes of their addresses to the secretary. All notices posted to or left at such addresses will be deemed to have been duly delivered.

**G. Expulsion of Members**

49. The board of management may expel a member from the club if, in the opinion of the board of management, the member is guilty of conduct detrimental to the interests of the club
50. The expulsion of a member does not take effect until whichever of the following is the later date:
- (a) the expiration of fourteen (14) days after the service on the member of the notice advising the member of the expulsion.
  - (b) if the member exercises that person's right of appeal under this rule, at the conclusion of the special general meeting convened to hear the appeal.
51. If the board of management expels a member from the club, the secretary of the club, without undue delay, must cause to be served on the member a notice in writing-
- (a) stating that the board of management has expelled the member; and
  - (b) specifying the grounds for the expulsion; and
  - (c) informing the member of the member's right to appeal against the expulsion under these rules.

**H. Appeal against Expulsion**

52. A member may appeal against that person's expulsion under these rules by delivering or sending by post to the secretary of the club, within fourteen (14) days after the service of a notice of expulsion under these rules, a requisition in writing demanding the convening of a special general meeting for the purpose of hearing the appeal.
53. On receipt of a requisition-
- (a) the secretary is to immediately notify the board of management of its receipt; and
  - (b) the board of management is to cause a special general meeting of its members to be held within twenty one (21) days after the date on which the requisition is received.
54. At a special general meeting convened for the purpose of this rule-
- (a) no business other than the question of the expulsion is to be transacted; and
  - (b) the board of management may place before the meeting details of the grounds of the expulsion and the board of management's reasons for the expulsion; and
  - (c) the expelled member is to be given an opportunity to be heard; and
  - (d) the members present are to vote by secret ballot on the question whether the expulsion should be lifted or confirmed.
55. If at the special general meeting a majority of the members' present vote in favour of the lifting of the expulsion-
- (a) the expulsion is to be taken to have been lifted; and
  - (b) the expelled member is entitled to continue as a member of the club.

56. If at the special general meeting a majority of the members' present vote in favour of the confirmation of the expulsion-
- (a) the expulsion takes effect; and
  - (b) the expelled member ceases to be a member of the club.

**I. Deleted**

57. Deleted

**J. Visitors and Guests**

58. *Visitors:* -- Any member and the board of management have the privilege of inviting guests to the club premises during the prescribed trading hours or on special occasions as approved by the board of management.

59. *Bowling Visitors:*-Members have the privilege of inviting members of an affiliated club, interstate club or any overseas club to the club at any time, such visitors may play on the green however that visitor has no priorities of play on the green.

60. The board of management may appoint a member to attend to a guest. The member attending to a guest and any member introducing a visitor or a bowling visitor must
- (a) ensure that their guest's names are entered in the visitors book; and
  - (b) remain on the premises in the company of their guests until their guests depart.

61. No guest or visitor is to be supplied with liquor on the club premises unless in the company of a member and unless of the age permitted by law.

62. No person may be entertained as a guest or visitor or visiting bowler for a continuous period in excess of 7 days.

**K. Patron**

63. The club may appoint any worthy person as patron of the club.
- (a) the patron while appointed has the same rights and entitlements as a life member.
  - (b) the patron may be appointed for one year and is eligible for reappointment.
  - (c) the position of patron must be filled by invitation of the board and presented for approval at an annual general meeting.
  - (d) once the club has made the decision to appoint a patron, the secretary must, without delay, issue the invitation in writing to the person concerned.

**L. Public Officer**

64. The secretary holds the dual positions of secretary and public officer.
65. The public officer is responsible for:
- (a) advising the Corporate Affairs Commission of changes to membership of the club's board, its constitution, or its financial situation within fourteen (14) days of the change;
  - (b) maintaining an official address for the serving of documents on the club.
  - (c) bringing all documents received to the attention of the board as soon as is practicable; and

(d) notifying the Commission of any change to the public officer's address or that of the club within fourteen (14) days of this change occurring.

### **Part 3 Management by Members**

#### **A. General**

66. The general affairs of the club must be managed by a board of management elected by the members in accord with these rules.

#### **B. Annual General Meeting**

67. The club is to hold an annual general meeting each year.

68. An annual general meeting is to be held on any day (being not later than 3 months after the end of the club's financial year) the board determines.

69. An annual general meeting is to be in addition to any other general meeting that may be held in the same year.

70. The notice convening an annual general meeting is to specify the purpose of the meeting.

71. The ordinary business of an annual general meeting is to be as follows:

(a) to confirm the minutes of the last preceding annual general meeting and of any general meeting held since that meeting;

(b) to receive from the board and auditor of the club reports on the transactions of the club during the last preceding financial year of the club;

(c) to receive reports on the activities during the last preceding financial year of the club from the;

(i) greens committee;

(ii) bowls committees;

(iii) social committee;

(iv) bar committee;

(v) catering committee; and

(vi) any other committee or subcommittee which the board directs to present a report for the annual general meeting.

(d) to elect the officers and the ordinary board members of the club;

(e) to appoint the auditor.

72. An annual general meeting may transact special business of which notice is given in accord with these rules.

#### **C. Special General Meetings**

73. The board may convene a special general meeting of the club at any time.

74. The board, on the requisition in writing of at least 10 members of the club, is to convene a special general meeting of the club.

75. A requisition for a special general meeting -

(a) is to state the objects of the meeting; and

(b) is to be signed by each of the members who made the requisition; and

- (c) is to be deposited at the office of the club; and
- (d) may consist of several documents, each signed by one or more of the members who made the requisition.

- 76. If the board does not cause a special general meeting to be held within 21 days after the day on which a requisition is deposited at the office of the club, any one or more of the members who made the requisition may convene the meeting within 3 months after the day of the deposit of the requisition.
- 77. A special general meeting convened by members who made the requisition is to be convened in the same manner, as nearly as practicable, as the manner in which a special general meeting would be convened by the board.
- 78. All reasonable expenses incurred by members who made the requisition in convening a special general meeting are to be refunded by the club.

#### **D. Notices of General Meetings**

- 79. At least 14 days before the day on which a general meeting of the club is to be held, notice must be given in the manner set out in these rules which must include the following:
  - (a) the place, day and time at which the meeting is to be held; and
  - (b) the nature of the business that is to be transacted at the meeting.

#### **E. Business at general meetings**

- 80. All business transacted at a general meeting, other than the ordinary business of an annual general meeting, is special business.
- 81. Business is not to be transacted at a general meeting unless a quorum of members of the club entitled to vote is present at the time the meeting considers that business.
- 82. If a quorum is not present within one hour after the time appointed for the commencement of a general meeting, the meeting -
  - (a) if convened on the requisition of members of the club, is dissolved; or
  - (b) if convened by the board, is to be adjourned to the same day in the next week at the same time and at the same place; or at any other place specified by the chairperson -
    - (i) at the time of the adjournment; or
    - (ii) by notice in a manner determined by the chairperson.
- 83. If at an adjourned general meeting a quorum is not present within one hour after the time appointed for the commencement of the meeting, the meeting is dissolved.

#### **F. Who is to preside at General Meetings**

- 84. The president must preside at each general meeting of the club; or
  - (a) in the absence of the president, the vice-president; or
  - (b) in the absence of the president and vice-president, a member of the club elected to preside by the members of the club present and entitled to vote at the general meeting.

### **G. Adjournment of General Meetings**

85. The chair of a general meeting at which a quorum is present may adjourn the meeting with the consent of the members of the club who are present and entitled to vote at the meeting, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
86. If a meeting is adjourned for 14 days or more, notice of the adjourned meeting is to be given in the same manner as the notice of the original meeting.
87. If a meeting is adjourned for less than 14 days, it is not necessary to give any notice of the adjournment or of the business to be transacted at the adjourned meeting.

### **H. Voting, polls and determination of questions arising at General Meetings**

88. A question arising at a general meeting of the club is to be determined on a show of hands.
89. A declaration by the member presiding that a resolution has, on a show of hands, been lost or carried, or carried unanimously or carried by a particular majority, together with an entry to that effect in the minute book of the club, is evidence of that fact unless a poll is demanded on or before that declaration.
90. On any question arising at a general meeting of the club, all members (including the chairperson) have only one vote each except in the case of an equality of votes when the chairperson has a second or casting vote.
91. All votes are to be given personally, by proxy or in writing. Votes given by proxy or in writing are to be given in such manner and by such method as may be determined by the board from time to time provided that they comply with Section H, Voting, polls and determination of questions arising at General Meetings”.
92. If at a general meeting a poll on any question is demanded -
  - (a) the poll is to be taken at that meeting in the manner the chairperson determines; and
  - (b) the result of the poll is taken to be the resolution of the meeting on that question.
93. A poll that is demanded on the election of a chairperson, or on a question of adjournment, must be taken immediately.
94. A poll that is demanded on any other question is to be taken at any time before the close of the meeting as the chairperson determines.

## **Part 4. Board of Management**

### **A. Board of Management and Executive**

95. The general affairs of the club shall be managed by a board of management. The members of the board of management must be full members, life members or social playing members.
- (a) the membership of the board of management consists of the following persons:
    - (i) president
    - (ii) vice president
    - (iii) treasurer
    - (iv) secretary/public officer; and
    - (v) six (6) board members.
  - (b) Nothing in these rules prevents the holding of dual office.
96. All board members must hold office until the day after the annual general meeting next after the date of being elected, but each is eligible for reelection.
97. The executive consists of the president, vice president, treasurer and secretary. Should any of them be on leave or absent from the State then the person acting in their position will take their place as a member of the executive.

### **B. Procedures for the election of Board Members**

98. Nominations of candidates for election as members of the board will be as follows:-
- (a) nominations must be made in writing signed by two (2) members of the club and accompanied by the written consent of the candidate; and
  - (b) nominations must be delivered to the secretary of the club at least ten (10) days before the date fixed for the holding of the annual general meeting.
99. If insufficient nominations are received to fill all vacancies on the board -
- (a) the candidates nominated are taken to be elected; and
  - (b) further nominations are to be received at the annual general meeting.
100. If the number of nominations received is equal to the number of vacancies on the board to be filled, the persons nominated are taken to be elected.
101. If the number of nominations received exceeds the number of vacancies on the board to be filled, a ballot is to be held.
102. If the number of further nominations received at the annual general meeting exceeds the number of remaining vacancies on the board to be filled, a ballot is to be held in relation to those further nominations.
103. The ballot for the election of board members is to be conducted at the annual general meeting in the manner determined by the board.
104. Except as allowed in this rule, a member who holds any office of the club for which there is payable any remuneration by way of salary fees or allowances must not be elected or appointed to the board.
- (a) the board cannot appoint a member who holds such office to fill a vacancy on the board.



(b) a member who holds such office may only be elected or appointed to the board if the election or appointment is made at a general meeting of the club and notice of the intended election or appointment is given with the notice of that meeting.

### **C. Vacancies**

105. For the purposes of these rules, the office of an elected board member becomes vacant if the board member:-

- (a) dies; or
- (b) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with that person's creditors or makes an assignment of that person's remuneration or estate for their benefit; or
- (c) becomes a represented person within the meaning of the *Guardianship and Administration Act 1995*; or
- (d) resigns from office by writing to the board; or
- (e) ceases to be ordinarily resident in the State; or
- (f) fails, without leave granted by the board, to attend three consecutive meetings of the board; or
- (g) ceases to be a member of the club or
- (h) fails to pay all arrears of subscription within 14 days after receiving a notice in writing signed by the secretary of the club stating that the board member has ceased to be a financial member of the club.

106. In the event of:-

- (a) a casual vacancy in the board membership, or
- (b) if after the elections for board members are complete and any position on the board remains vacant,

the board may appoint any eligible member of the club to the vacant office, and the member so appointed may continue in office up to and including the conclusion of the annual general meeting next following the date of appointment.

### **D. Leave of absence from the Board of Management**

107. A member of the board may apply for leave of absence from board meetings for any period up to the end of term of office.

- (a) the application for leave of absence must be made in writing and state the reason for the request.
- (b) if the board considers the request to be reasonable it may grant leave of absence to that board member.

### **E. Powers and functions of the Board of Management and Executive**

108. The board:-

- (a) must control and manage the business and affairs of the club;
- (b) may, subject to these rules, exercise all such powers and functions as may be exercised by the club, other than those powers and functions that are required by these rules to be exercised by general meetings; and
- (c) subject to these rules, has power to perform all such acts and things as appear to the board to be essential for the proper management of the business and affairs of the club.

109. The executive has all powers given to the board in these rules when urgent matters require resolution, and when a full board meeting is impractical.

(a) any decision taken under this rule must be ratified or rescinded by the board as soon as is practicable.

(b) the executive may conduct meetings by telephone; email or by any other electronic method which allows for rapid communication.

(c) a written record must be made of any meeting of the executive and tabled at the next meeting of the board.

#### **F. Board Meetings**

110. The board must meet monthly during the months of August to May inclusive and then at other times as agreed by the board in accord with these rules.

111. Special meetings of the board may be convened by the president, or any three (3) of its members.

112. Notice must be given to members of the board of the monthly meeting.

113. Notice must be given to members of the board of any special meeting, specifying the general nature of business to be transacted, and no other business shall be conducted at such a meeting.

114. No business shall be transacted unless a quorum is present and if within thirty (30) minutes of the time appointed for the meeting a quorum is not present, the meeting shall stand adjourned to the same place and at the same hour of the same day in the following week unless the meeting was a special meeting in which case it lapses.

115. Meetings of the board must be chaired by the president, or  
(a) if the president is absent the vice-president; or  
(b) if the president and vice president are both absent, such one of the remaining members of the board as may be chosen by the members present.

116. Questions arising at meetings of the board or any sub-committee appointed by the board shall be determined on a show of hands or, if demanded by a member, by a poll taken in such manner as the person presiding at the meeting may determine.

117. Each member present at a meeting of the board, or of any sub-committee appointed by the board, (including the person presiding at the meeting) is entitled to one vote and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.

#### **G Conflict of interest of Board Members**

118. A member of the board who is interested in any contract or arrangement made or proposed to be made with the club must disclose this interest at the first meeting of the board at which the contract or arrangement is first taken into consideration or, at the first meeting of the board after the acquisition of this interest.

119. A member of the board must not vote as a member of the board in respect of any contract or arrangement in which the board member has an interest, and if that person does vote then that vote must not be counted.

## **H Minutes**

119A (1) The secretary must ensure that minutes are taken and kept of each Board meeting.

119A (2) The minutes must record:  
(i) the business considered at the meeting;  
(ii) any resolution on which a vote is taken and the result of the vote; and  
(iii) any interest declared under rules 118 or 119.

119A (3) The minutes of each Board Meeting shall be prepared and circulated to each member of the Club who has an electronic address listed in the Register of Members within seven (7) days of the meeting to which they relate. A hard copy of the minutes shall also be placed on the Club noticeboard within seven (7) days of the meeting to which they relate.

## **Part 5. Committees and Sub-Committees**

### **A. Rules applicable to all Committees and Sub-Committees**

120. All committees established by these rules and sub-committees established by the board of management constitute sub-committees of the board of management and are subject to the direction of the board of management.
121. Each committee and sub-committee must prepare an annual report and a financial statement on its activities during each financial year and submit them to the board no later than the last day of April in each year. This rule does not apply to an "ad hoc" sub-committee appointed by the board when the activities of that sub-committee do not extend beyond the financial year of the year in which it was established.
122. Each committee and sub-committee which undertakes financial transactions:-  
(a) are subject to the day to day supervision of the Treasurer and must act upon lawful directions of the treasurer.  
(b) must act in accord with directions given by the board.  
(c) must not establish or maintain a separate account with a financial institution.  
(b) are subject to these rules relating to financial transactions.
123. If the members present at the annual general meeting are unable to appoint any committee required to be appointed at the annual general meeting then at the first meeting of the board after the annual general meeting the board must establish those committees and appoint people to serve on them.
124. In the event of:-  
(a) a casual vacancy in the membership of any committee or sub-committee, or

(b) if after the elections for membership of a committee or sub-committee are complete and any position on that committee or sub-committee remains vacant, the board may appoint any eligible member of the club to the vacant office, and the member so appointed may continue in office up to and including the conclusion of the annual general meeting next following the date of appointment.

**B. Conflict of interest of Committee Members and Sub-Committee Members**

125. A member of a committee or sub-committee who is interested in any contract or arrangement made or proposed to be made with the club must disclose this interest at the first meeting of that committee or sub-committee at which the contract or arrangement is first taken into consideration or, at the first meeting of the committee or sub-committee after the acquisition of this interest.
126. A member of the committee or sub-committee must not vote as a member of the committee or sub-committee in respect of any contract or arrangement in which the board member has an interest, and if he or she does vote then that vote must not be counted.

**C Sub-Committees of the Board of Management**

127. The board:
- (a) at the first meeting of the board after the annual general meeting the board must appoint the following subcommittees:
    - greens committee and appoint a greens superintendent.
    - social committee.
    - bar committee.
    - catering committee and appoint a provider.
  - (b) provide in the bylaws for the proper governance and further responsibilities of any one or more of these subcommittees.
128. The board may at any time appoint a sub-committee from the board and members as it may think fit and must prescribe the powers and functions of that sub-committee.
129. The board must nominate the chair of each sub-committee.
130. The board may co-opt as members of the sub-committee such persons as it thinks fit, whether or not those persons are members of the club, but a non-member who has been co-opted, is not entitled to vote.
131. The chair of the sub-committee shall be responsible for calling meetings of that sub-committee.
132. Notice of the meetings of the sub-committee must be given to members of that sub-committee.

133. The board may at any time revoke the appointment of any sub-committee or the appointment of any member of that sub-committee.

#### **D. Greens Committee**

134. The greens committee must take all necessary action to ensure the effective maintenance and management of the greens in association with the greens superintendent.
135. The board may make bylaws for the appointment of the greens committee as the board deems appropriate and subject to such terms and conditions as the board deems appropriate including the duties of the greens committee.

#### **E. Bowls Committees**

136. At the first meeting of the board after the annual general meeting the board must;
- (a) establish one or more bowls committees.
  - (b) appoint a chairperson for each bowls committee established.
  - (c) deleted
  - (d) in addition to the chairperson appoint at least 2 additional members to each bowls committee.
137. At the first meeting of the bowls committee the members of that committee must appoint any person to hold an office on that committee which that bowls committee considers necessary for the good management of that committee.
138. Each bowls committee may establish sub-committees, and if there is more than one bowls committee they may appoint joint sub-committees representative of each bowls committee, to assist with the management of bowling. These bowls sub-committees may include members who are not members of the respective bowls committees.
139. *The functions of the bowls committees:-*
- (a) must be limited to matters directly related to the management of bowling.
  - (b) the board may make by laws setting out functions of the bowls committees, including:
    - (i) the power for the bowls committee to create selection committees and appoint the members of the selection committees.
    - (ii) the power to delegate functions to a subcommittee or individual.
    - (iii) the power to specify a duty to liaise with any other committee of the club.
    - (iv) the frequency of meeting of the bowls committees.
    - (v) the creation of additional bowls committees when it is necessary.
    - (vi) the filling of vacancies on bowls committees however caused.

#### **F. Match Committee.**

140. The board may make bylaws for the appointment of one or more match committees as the board deems appropriate and subject to such terms and conditions as the board deems appropriate including the duties of a match committee.

**G. Social Committee.**

141. The social committee must have a chairperson and at least two other members.
142. The primary function of the social committee is to develop a comprehensive program of frequent and regular social and fund-raising events.
143. The board may make by laws setting out functions of the social committee, including the power for the social committee to delegate functions to a subcommittee or individual and specifying a duty to liaise with any other committee of the club.

**H. Bar Committee.**

144. The bar committee must have a chairperson and at least two other members.
145. The primary function of the bar committee is the management and operation of the bar.
146. The board may make by laws concerning the bar committee, setting out its functions, duties, operations and stocking of the bar.

**I. Catering Committee.**

147. The catering committee must have a chairperson; provider and at least one other member. The provider may hold dual office with any other position on this committee, providing there is a minimum of 3 members of this committee.
148. The board may make by laws setting out the functions of the catering committee, including the power for the catering committee to delegate functions to a subcommittee or individual and specifying a duty to liaise with any other committee of the club.

**Part 6 Finance**

**A. Financial Year**

149. The financial year of the club is the period beginning 1 May in each year and ending 30 April the following year.

**B. Income and property of Club**

150. The income and property of the club is to be applied solely towards the promotion of the objects and purposes of the club.
151. No portion of the income or property of the club is to be paid or transferred to any member of the club unless the payment or transfer is made in accordance with this rule.
152. The club may -

- (a) pay a servant or member of the club -
  - (i) remuneration in return for services rendered to the club, or for goods supplied to the club, in the ordinary course of business of the servant or member; or
  - (ii) remuneration that constitutes a reimbursement for out-of-pocket expenses incurred by the servant or member for any of the objects or purposes of the club; or
  - (iii) interest at a rate not exceeding 7.25% on money lent to the club by the servant or member; or
  - (iv) a reasonable amount by way of rent for premises, or a part of premises let to the club by the servant or member; and
- (b) pay a member of board remuneration in return for carrying out the functions of a member of the board; and
- (c) pay a member of a subcommittee remuneration in return for carrying out the functions of a member of the subcommittee; and
- (d) if so requested by or on behalf of any other club, organisation or body, appoint or nominate a member of the club to an office in that other association, organisation or body.
- (e) the board must determine the remuneration and conditions of servants of the club in accord with the laws of the Commonwealth and the State.
- (f) despite sub-rules (a), (b) and (c) above, the club is not to pay a person any amount under those sub-rules unless the club or board has first approved that payment.
- (g) despite sub- rule (d) above, the club is not to appoint or nominate a member of the club under that rule to an office in respect of which remuneration is payable unless the club or board has first approved -
  - (i) that appointment or nomination; and
  - (ii) the receipt of that remuneration by that member.

### **C. Club records and accounts of receipts and expenditure**

153. True accounts are to be kept of the following:
- (a) each receipt or payment of money by the club and the matter in respect of which the money was received or paid; and
  - (b) each asset or liability of the club.
154. The accounts are to be open to inspection by the members of the club at any reasonable time, and in any reasonable manner, determined by the board.
155. The treasurer of the club is to keep all accounting books, and general records and records of receipts and payments, connected with the business of the club in the form and manner the board determines.
156. All records of the club of all kinds must be kept at the registered office of the club. The board may from time to time authorise the temporary removal of any records where that is necessary for their updating, their audit or their maintenance.

### **E. Banking and Finance**

157. The board is to cause to be opened appropriate accounts with a financial institution approved by the board in the name of the club into which all money received is to be paid after receipt.

158. On behalf of the club, the treasurer of the club is to -
- (a) receive all money paid to the club; and
  - (b) ensure that immediately after monies are received, that an official receipt is issued in respect of the money; and
  - (c) cause the money to be paid into the club's accounts as soon as practicable after it is received.
  - (d) for the purpose of these rules a receipt must identify:
    - (i) the amount of the monies received.
    - (ii) the source of the monies.
    - (iii) the date of the receipt.
    - (iv) the purpose for which the monies were received.
  - (f) Providing the receipt contains the above elements:
    - (i) the receipt may be in writing. It can take the form of a schedule or a list of payments. It can be in an electronic form.
    - (ii) the receipt must be in a permanent form which incorporates an auditable record of the transaction.
    - (iii) unless the person making the payment demands otherwise, a copy does not have to be given to that person.
159. The board may -
- (a) receive from the club's financial institution the cheques drawn by the club on any of its accounts with the financial institution; and
  - (b) release and indemnify the financial institution from and against all claims, actions, suits or demands that may be brought against the financial institution arising directly or indirectly out of those cheques.
160. Expenditure on behalf of the club may only be made in the following manner;
- (a) cheques, drafts, bills of exchange, promissory notes and other negotiable instruments.
  - (b) electronic transfer of funds.
  - (c) credit cards issued by a financial institution or by the following card providers known as Visa, MasterCard, Bankcard, Diners Club and American Express.
  - (d) account charge cards issued by stores and businesses.
  - (e) a cash advance not exceeding an amount approved by the board made to a member for purposes authorised by these rules.
161. Cheques, drafts, bills of exchange, promissory notes and other negotiable instruments which must be signed by the treasurer or, in the treasurer's absence, by any other member or members of the board which the board nominates for that purpose; and countersigned by a board member.
162. Payments by electronic transfer of funds, credit cards and account charge cards must only be made by persons approved by the club or the board and only in the manner approved by the club or the board and by the facility provider. They may be undertaken without the need for more than one person to operate the facility for any transaction.



163. No payments are to be drawn on the club's account including payments made by cash, electronic transfer of funds, cheques, credit cards or account charge cards or electronic payments except for the payment of expenditure that has been authorised by the board. Authority by the committee may be given in advance;
- (a) by specific approval for the payment; or
  - (b) by approving a class of transactions or a purpose for the payment although the amount of the transactions or payment is not known at the time approval given.
164. The board may approve:
- (a) to the treasurer with a cash advance not exceeding an amount approved by the board, a credit card or an account charge card to meet urgent expenditure, subject to any conditions in relation to the use and expenditure the board may impose; and
  - (b) to a member charged with duties requiring the regular expenditure or purchases of goods or services on behalf of the club by that member with a cash advance not exceeding an amount approved by the board, a credit card or an account charge card to meet that regular expenditure, subject to any conditions in relation to the expenditure the board may impose.

#### **F. Levies**

165. Where a levy on members is considered necessary to meet the commitments of the club, the amount shall be determined by the carriage at a general meeting of a resolution stating the terms, amount of the levy and upon whom it shall be imposed.

#### **G. Auditor**

166. At each annual general meeting, the members of the club present at the meeting are to appoint a person as the auditor of the club.
- (a) if an auditor is not appointed at an annual general meeting, the board is to appoint a person as the auditor of the club as soon as practicable after that annual general meeting.
  - (b) the auditor is to hold office until the next annual general meeting and is eligible for reappointment.
  - (c) the auditor may only be removed from office by special resolution.
  - (d) if a casual vacancy occurs in the office of auditor, the board is to appoint a person to fill the vacancy until the next annual general meeting.

#### **H. Audit of Accounts**

167. The auditor is to audit the financial affairs of the club at least once in each financial year of the club.
168. The auditor, after auditing the financial affairs of the club for a particular financial year of the club, is to -
- (a) certify as to the correctness of the accounts of the club; and
  - (b) at the next annual general meeting, provide a written report to the members of the club present at that meeting.
169. In the report and in certifying to the accounts, the auditor is to -
- (a) specify the information, if any, that auditor has required and obtained under these rules; and

- (b) state whether, in the auditor's opinion, the accounts exhibit a true and correct view of the financial position of the club according to the information at the auditor's disposal; and
  - (c) state whether the rules relating to the administration of the funds of the club have been observed.
170. The club's treasurer is to deliver to the auditor a list of all the accounting records, books and accounts of the club.
171. The auditor may -
- (a) have access to the accounting records, books and accounts of the club; and
  - (b) require from any servant of the club any information the auditor considers necessary for the performance of the auditor's duties; and
  - (c) employ any person to assist in auditing the financial affairs of the club.
172. The auditor may in relation to the accounting records, books and accounts of the club;
- (a) examine any member of the board, or
  - (b) examine any member of a committee or subcommittee of the club, or
  - (c) any servant of the club, or
  - (d) any member charged with duties requiring the regular expenditure or purchases of goods or services on behalf of the club.

### **Part 7 Other matters concerning the club**

#### **A. Notices sent under this Constitution**

173. This rule applies to any notice required to be given in this constitution. It will be sufficient compliance with the constitution if the notice is given in any one or more of the following ways:
- (a) by sending it by pre-paid post to the last known postal address of the recipient;
  - (b) by the transmission of the notice by a facsimile process;
  - (c) by transmission of the notice by an electronic process which gives the receiver a visual display of the notice;
  - (d) by personal service on the member or person wherever the person or member is located at the time.
  - (e) by notice in a newspaper circulating in Hobart.
174. A notice given by pre-paid post is deemed to have been given on the day of postage.
175. A notice given according by a facsimile process or by an electronic process is deemed to have been received 10 minutes after the time the sending machine records the notice as having been transmitted.
176. A notice given in a news paper is deemed to have been received on the day of the publication.

## **B. Quorums**

177. A quorum at any general meeting, (including the annual general meeting and a special general meeting), must be one quarter of the members or 30 members whichever is the less. Only members entitled to vote and are present in person at the general meeting can be counted as part of the quorum.
178. A quorum at any meeting of the board of management must be half of the members of the board.
179. A quorum of the executive is 3 members.
180. In any committee or sub-committee which consists of 3 or 4 members, the quorum for that committee must be 2 members.
181. In all other committees or sub-committees of the club a quorum must be one quarter of the members of that committee or 3 members whichever is the less.
182. In the case where this constitution provides that a committee or sub-committee may include a person who is not a member of the club, that person will be counted as persons present for a quorum, provided that at least one member of the club is present at that meeting.

## **I. Altering this Constitution and making By-Laws**

183. This constitution may be altered.
  - (a) a motion for the alteration of this constitution must be made at an annual general meeting, or at a special general meeting convened for that purpose.
  - (b) notice of the motion to amend the constitution must be given with the notice convening the meeting in the manner as set out in these rules.
  - (c) a special resolution to amend this constitution may be carried by a majority of not less than three quarters of the members present and entitled to vote.
184. The board may by a general resolution make by-laws;
  - (a) for the matters specified in this constitution.
  - (b) in addition to the matters specified in this constitution the board may make bylaws for any other matter necessary:
    - for the good management of the club;
    - for the good management of the game of bowls;
    - for any matter which is in the best interests of the club, its members, its servants and employees; and
    - for any other matter to enable the implementation of this constitution.
  - (c) The power to make the by law includes the power to alter, amend, and rescind them, but no by-law may be inconsistent with any of the rules of this constitution.

## **J. Common Seal**

185. The seal of the club must be in the form of a rubber stamp inscribed with the name of the club encircling the word "seal".

- (a) the seal of the club must not be affixed to any instrument except by the authority of the board.
- (b) the affixing thereof shall be attested by the signatures of
  - (i) two (2) members of the board, or
  - (ii) of one (1) member of the board and such other person as the board may appoint for that purpose, and
  - (iii) that attestation is sufficient for all purposes that the seal was affixed by authority of the board.
- (b) The seal must remain in the custody of the secretary.

## **Part 8 Members and Others Conduct, Complaints and Disputes**

### **A. Matters relating to members' conduct, club property and staff**

186. The bylaws may provide for the following;
- (a) the adoption of guidelines and protocols established by Bowls Tasmania.
  - (b) members protection as appropriate including policies applicable to all members, employees, contractors and visitors while engaged in bowls activity associated with the club and while on club premises.
  - (c) a code of conduct which may be applicable to all members, employees, contractors and visitors while engaged in bowls activity associated with the club and while on club premises.
  - (d) damage or loss of club property.
  - (e) conduct towards club staff and servants.
  - (f) complaints regarding members, officers and servants of the club, or other matters.
  - (g) disputes between members of the club and between members and the club.
187. This rules relating to members' conduct, club property and staff do not affect the operation of rule concerning an appeal against expulsion.

## **Part 9 Control of the Bar and the Liquor licensing Laws**

### **A. The Liquor Licensing Laws**

188. There is deemed to be included in this constitution and rules of the club the provisions set out in the guidelines in respect of club licences from time to time published by the Licensing Board in accordance with Section 17 of the *Liquor and Accommodation Act 1990*.

### **B. Control of bar operations**

189. Control over bar operations by the Bar committee is subject to any bylaws made by the board and the statutory rules regarding the sale of alcohol.
- (a) the board must approve of the policies to be followed concerning:-
    - (i) availability of bar services to members;
    - (ii) use of labour to supply services;
    - (iii) payment of labour to provide services;
    - (iv) use of bar facilities by other persons and organisations;
    - (v) types of items to be handled;
    - (vi) amount of stock to be held;

- (vii) security of stock; and
  - (viii) equipment to be used.
- (b) discretion may be used by the bar committee in implementing the operations provided that these are within the guidelines of the policies referred to in this rule.

### **Part 10 Dissolution of the Club**

#### **A. Procedure for the dissolution of the club**

190. The procedure for the dissolution for the club must be by way of a special general meeting when the objects of that meeting must be-
- (a) a motion to dissolve the club.
  - (b) a motion for the application of the funds of the club; and
  - (c) a motion for such other actions which are necessary for the dissolution of the club.
191. Unless the resolution for the dissolution of the club provides otherwise, the dissolution shall take effect from the date of the resolution.

#### **B. Application of the funds**

192. If the club is wound up every member of the club with the right to vote is liable to contribute-
- (a) to the assets of the club for payment of the debts or liabilities of the club and
  - (b) for the costs, charges and expenses of the winding up, and
  - (c) for the adjustment of the rights of the contributors among themselves.
193. Any liability under the previous rule is not to exceed \$10 or the amount of any unpaid subscription whichever is the greater.
194. A former member is not liable to contribute to the winding up of the club in respect to any debt or liability of the club contracted after that person ceased to be a member.
195. In the event of the club being wound up, after settling all liabilities of the club, the net assets remaining must not be paid or distributed amongst the members but must be applied to one or more of the following:-
- (a) to another club with similar sports purposes which is affiliated with Bowls Tasmania South; or
  - (b) to Bowls Tasmania South for use by that body for related community sports; or
  - (c) to whichever charity the members present at the meeting decide. A charity in this rule refers to the funds, authorities or institutions to which section 78A of the *Income Tax Assessment Act 1936* of the Commonwealth relates;

### **Part 11 Matters affecting the game of bowls**

#### **A. Affiliation with state-wide bowling associations**

196. The club may affiliate with any international, national, state or regional bowls association subject to the rules of that association.
197. The bylaws may provide rules relating to the appointment of delegates to any bowls association to which the club is affiliated.

**B. Appointment of club coaches**

198. The bylaws may make provision for the appointment, reappointment, retirement and dismissal of club coaches.

**C. Green care**

199. The bylaws may provide rules relating to the use, care, maintenance and management of the greens.

**D. Attire on the greens during matches**

200. In all matches and official social fixtures players shall conform to the attire as approved by the controlling authority and as directed by the Board.

**Part 12 Commencement of these rules**

**A. Repeal and commencement**

201. These rules repeal all the existing rules and by laws of the club. This repeal does not affect any:

- (a) right, privilege, obligation or liability or disqualification acquired, accrued or incurred under any repealed rule or regulation;
- (b) offence or penalty in respect of any offence committed against the provisions of any repealed rule or regulation; or proceedings or remedy in respect of any such right, privilege, obligation, liability or penalty.

202. Members holding office at the time of the introduction of these rules will continue to hold that office until the first annual general meeting after the introduction of this constitution. This rule includes any office not continued under these rules.

203. These rules will come into effect at the conclusion of the meeting at which they are approved.

