

**Constitution**  
**of The**  
**Beaumaris Bowling Club Inc**  
**Trading as**  
**Joondalup Bowling Club**  
**Approved June 2018**

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## **1. DEFINITIONS AND INTERPRETATION**

### **1.1 Terms Used:**

In this Constitution, unless the subject matter or context or otherwise indicates or requires any words or letters shall have the meaning indicated:

“Financial Member” means any member that has met his or her financial obligations to the Club in respect of subscriptions, levies or any other monies due to the Club relating to their membership.

“Rules” means this Constitution and associated By-Laws.

“RWABA” means The Royal Western Australian Bowling Association and includes its trading name of Bowls WA.

“Special Resolution” means a resolution to be passed by at least seventy five per cent (75%) of members present and eligible to vote at a General or Special meeting of members, relating to which notice must be given to ALL members of the Club at least twenty-one (21) days before the date of the meeting by placing it on the Club’s notice board.

“The Act” means the Associations Incorporation Act 2015. Its amendments or other legislation that may come into force to replace or supplement this Act shall form part of this Constitution.

“The Club” means the Beaumaris Bowling Club (Inc) trading as Joondalup Bowling Club and/or any other trading name registered from time to time by the Beaumaris Bowling Club (Inc).

“The Club Premises” means all land and buildings and structures thereon of which the Club is a bona-fide occupier.

“The Committee” means The Management Committee of the Club with members duly elected/appointed for the time being in accordance with these rules.

“The Liquor 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 shall form part of this Constitution.

“The Treasurer” means the Treasurer for the time being of the Club and includes any deputy or person temporarily fulfilling the office of Treasurer.

### **1.2 Interpretation**

The Committee shall be responsible for the interpretation of the Constitution and By Laws of the Club. Interpretation(s) shall be binding unless at a General Meeting such interpretation(s) is over-ruled by not less than seventy five per cent (75%) of members present and eligible to vote.

Unless the contrary intention appears, words importing the singular number shall include the plural and vice-versa, and words importing the male gender shall include the female gender.

## **2. CLUB DETAILS**

### **2.1 Name**

The name of the Club shall be the JOONDALUP BOWLING CLUB for the purposes of identification only.

### **2.2 Vision and Mission**

The Club's Vision is:

To be recognised as the "best" Bowling Club in Western Australia.

To achieve this Vision the Club will seek:

To meet the needs of the community to play lawn bowls, and in so doing provide a friendly environment and facilities that Club members and the community can enjoy.

### **2.3 Objectives**

The objectives of the Club are:

- a) To foster the game of Lawn Bowls and promote social and recreational fellowship amongst members.
- b) To affiliate with the Joondalup Sports Association Inc. (JSA ) and to recognize and accept the JSA Constitution and By-laws and make all decisions consistent therewith.
- c) To promote good fellowship amongst members.
- d) To provide recreational and sporting facilities for members.
- e) To at all times act on behalf of, in the interests of, and in conjunction with, the members and the sport of Lawn Bowls.
- f) To use and protect the Intellectual Property of the Club.
- g) To ensure the property and income of the Club shall be applied solely towards the promotion of the objectives of the Club and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to any member of the association, except in good faith in the promotion of those objectives or purposes.
- h) To carry on all such lawful activities as may be necessary or convenient for the purpose of the Club.

## **2.4 Powers**

The powers conferred on the Club are the same as those conferred by Section 13 of the Act and any additions, exclusions or modifications inserted below. In particular the Club shall have the powers to:

- a) Raise money by way of Annual Subscription Fees, Levies or otherwise.
- b) Make such agreements with municipal or other bodies for the purchase, leasing or hiring of suitable property or properties for the purpose of the Club and to provide and maintain grounds, club premises and buildings and amenities for their guests upon premises lawfully occupied by the Club, provided that such accommodation must be provided and maintained from the funds of the Club.
- c) Purchase or otherwise acquire any real or personal property for the purposes of the Club.
- d) Borrow money by way of loan or overdraft or by the issue of debentures for the purpose of carrying on the work or activities of the Club and to invest in any of the investments authorised by law any surplus funds of the Club not immediately required for the purposes of the Club.
- e) Enter into such agreements as are reasonable and necessary or as are considered advisable for the proper utilisation of the Club's assets and for the proper carrying out of the other objectives herein detailed for the benefit of members and their guests.
- f) Hold a club licence pursuant to the Liquor Control Act 1988 and other licenses deemed necessary for the conduct of the Club's business.

## **2.5 Affiliation**

The Club shall be affiliated with the Royal Western Australian Bowling Association (RWABA).

Bowling members shall recognise and accept the RWABA Constitution and By-laws and shall make all decisions consistent therewith.

## **2.6 Income and Property**

The income and property of the Club shall be applied solely to the promotion of its objectives and no part thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of pecuniary profit to the members.

No member shall be entitled to derive any benefit or advantage from the Club which is not shared equally by every member as is herein provided.

Nothing herein contained shall prevent the payment in good faith of:

- reimbursement for any out of pocket expenses relating to the affairs of the Club providing receipts can be produced
- remuneration to any employee or member of the Club, or other person in return for services actually rendered or given to the Club
- interest on money borrowed from any member of the Club.

## **2.7 Financial Year**

The Financial and Membership year of the Club shall commence on 1 July each year and end on 30 June in the following year.

## **2.8 Dissolution**

The Club may be dissolved or wound up by a Special Resolution at any General or Special meeting called for such purpose if passed by not less than seventy five per cent (75%) of the members voting at the meeting.

## **2.9 Disposition of Assets**

If, upon the winding up of the Club there remains after satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid or distributed amongst the members but shall be given or transferred to another Association Incorporated under The Act which has similar objectives or for charitable purposes, which shall be determined by resolution of the members.

Upon dissolution of the Club, the Commissioner for Taxation shall be advised within thirty (30) days.

# **3. MEMBERSHIP**

## **3.1 General**

All members shall conform to and be bound by the Rules and By-Laws of the Club and the provisions of the Liquor Control Act 1988 as amended.

## **3.2 Nomination of Members**

Applications for membership of the Club shall be proposed and seconded by Ordinary or Life Members of the Club. All applications shall be on the Membership Application Form provided which shall contain the full name, address, telephone number, email address, date of birth and occupation of the applicant and be signed by the applicant.

## **3.3 Election of Members**

The applicant's membership to the Club shall be approved at a regular meeting of the Committee by a seventy five per cent (75%) majority of those present.

No person who has been refused membership or has withdrawn from Nomination shall be eligible to stand for membership again within six (6) Months.

The Committee shall have the right to refuse to admit any person to membership of the Club without assigning any reason for so doing.



### **3.4 Membership Classes**

Club membership shall consist of the following classes:

#### **3.4.1 Ordinary Members**

Any person over the age of eighteen (18) years shall, upon application to and election by the Committee, become an Ordinary Member of the Club.

Ordinary Membership allows Members to hold office, vote, speak at any meeting, play bowls and use all other facilities of the Club.

#### **3.4.2 Life Members**

Ordinary Members who have rendered especially meritorious direct services to the Club over a period exceeding ten years may, on recommendation by the Committee, be elected Life Members of the Club.

Any Life Member or Ordinary Member of the Club may nominate a person for Life Membership. All nominations must be substantiated in writing and delivered to The Secretary not less than eight (8) weeks before the Annual General Meeting.

#### **3.4.3 Honorary Members**

Membership that may be granted to Club Patrons, Sponsors, selected Government Officers and any other such persons as the Committee may decide from time to time based on their relationship to the club or community. Honorary Membership will be restricted at any one time to a level deemed appropriate by the Committee or as may be suggested by the liquor licensing authority.

#### **3.4.4 Temporary Members**

A person who on any day is visiting the Club as a participant or official, or a person assisting in an event that is to contest a pre-arranged competition in bowling or other competition that day or at the invitation of a member to engage in that sport on that day, may be taken as a person who is granted Temporary Membership.

Temporary Membership is a privilege and not a right and may be terminated at any time by the Committee.

#### **3.4.5 Reciprocal Members**

Any visitor who is a full financial member of any like club in Western Australia affiliated to Bowls WA or with a similar Association or any Licensed Club located outside Western Australia.

Reciprocal Membership is a privilege not a right and may be terminated at any time by the Committee.

### **3.4.6 Recreational Members**

Recreational members shall not be entitled to vote nor to hold office in the Club. Recreational members cannot play Pennants or in Club Championship Competitions. Recreational members shall be entitled to such privileges as shall be decided by the Committee from time to time, including the right, at the invitation of the Committee, to take part in bowls events designed to include them.

### **3.4.7 Social Members**

A Social Member is a member who is interested in promoting the objects of the Club but does not wish to participate in any sporting activities. Social Members shall not be entitled to hold any office or to vote at any meeting.

### **3.4.8 Junior Members**

Any person having reached the age of twelve (12) and being under eighteen(18) years shall, upon application to and election by the Committee, become a Junior Member of the Club. Junior or Temporary Members shall not bring any guest into the Club premises, propose or second any application for membership, stand for any office or in any ballot or general meeting of the club

## **3.5 Rights and Privileges**

Reciprocal, Temporary, Junior, Recreational, Social and Honorary Members shall not have any right, title or interest in or to any property of the Club. In addition, they shall not be entitled to hold elected office, vote or speak at meetings. However, the Committee may appoint a Social Member with specialist skills to any appointed position requiring those skills. Such appointment shall be for a period of one (1) year from the date of appointment.

## **3.6 Limitation of Privileges**

Only members who are financial shall be entitled to play in any pennant match or any Club Championship event or be entitled to use any of the Club's facilities.

## **3.7 Register of Members**

The Secretary shall keep and maintain at their premises or at a location nominated by the Committee an up-to-date register of members and the class of membership to which they belong and which must include one of the following:

- Residential address
- Postal address
- Email address

The Act gives members the right to inspect the register and make a copy of any part of its contents. A member does not have a right to remove the register from the association's possession.

The Committee may require a Member who requests a copy of the Register to provide a statutory declaration setting out the purpose of the request and declaring that the purpose is connected with the affairs of the Club.

### **3.8 Cessation of Membership**

Any member desiring to resign their membership of the Club may do so by giving written notice to The Secretary.

The resignation shall be considered by the Committee at its next regular meeting. However, any such member shall be liable for the payment of any subscriptions or other monies due or payable by them at the time of such resignation.

No member retiring from the Club or ceasing for any reason to be a member shall be entitled to or have any claim upon any portion whatever of the property or of the funds of the Club.

Every member shall be under a continuing liability until their membership ceases.

Any member who has not paid their fees within six months of those fees being due shall cease to be a member of the Club.

### **3.9 Guests**

Any member (not including Junior Members) of the Club shall be at liberty to invite guests to the Club but the number of guests shall not exceed the maximum number as contained in Section 48(4)(b) of the Liquor Act.

No person shall be permitted on the Club premises unless at the invitation and in the company of a member.

No guest shall be allowed or admitted to use the Club house except during the hours permitted by the Liquor Control Act 1988. No person who has been an unsuccessful candidate for admission to the Club shall be admitted as a guest neither shall any person under suspension from this or any other club.

Guests must be and as far as reasonably possible remain in the company of the introducing member who shall be responsible for the attire and behaviour of such guests.

## **4. FINANCE**

### **4.1 Annual Subscriptions and Affiliation Fees**

The annual subscription fees for each class of membership shall be determined by the Committee which includes the affiliation fee as determined by BowlsWA. Members shall also pay levies as determined by the Club or BowlsWA..

### **4.2 Payment of Subscriptions**

All fees and subscriptions are due on 1 July in each year.

Subscriptions, based on financial hardship, may, on written application by a member to The Treasurer and subject to Committee approval, be paid in two (2) equal parts, the first payment by 31 July and the second by 31 December, in any year.

Should any member not have paid the prescribed subscription, or the first portion of it as set out above, by 31 July, such person shall become an un-financial member and shall lose all privileges of membership.

New members joining the Club after 1 January shall pay a proportional fee as deemed by the Committee, plus other fees and levies where appropriate.

### **4.3 Levies**

Members shall each pay such levies as may be imposed from time to time by the Club or by the RWABA as appropriate. A Special General Meeting called for that purpose shall have power to make a levy on the members for any special project and such levy shall be in addition to the annual fee for membership.

In any one year, total levies imposed by the Club shall not exceed Fifty per cent (50%) of the annual subscription fees for Ordinary Members.

### **4.4 Depositing and Withdrawal of Funds**

The funds of the Club shall be placed in such financial institution as the Committee may from time to time determine to the credit of the Club. Deposits to the accounts shall be made by the Club Treasurer or nominee within 5 working days of receipt. Withdrawals from the accounts through Electronic Funds Transfer shall be made by any two of the Club Treasurer and the President or Vice Presidents. Cheque withdrawals shall require the signatures of any two of the President, Vice Presidents, Club Treasurer or in their absence or incapacity, by members appointed by the Committee.

A schedule of all payments made in the preceding month shall be presented by the Treasurer to the Committee for approval.

## **4.5 Auditors**

Members at the AGM shall appoint a person, for the ensuing year, as Club Auditor. He/she shall be qualified to practice as a company auditor in the State of Western Australia. The Club Treasurer shall give the Auditor/s, at all reasonable times, full access to the Club's books of accounts and vouchers and afford them every facility for the purpose of making a true audit of the Club's financial affairs.

The Committee shall ensure the Club's books and records are reviewed/audited on an annual basis.

## **4.6 Dues recoverable at Law**

Notwithstanding anything herein contained all subscriptions owing by any Member under these Rules and all monies owing and payable by any Member of the Club for goods sold and delivered and services rendered shall be recoverable by the Club by action in any Court of Law against such Member whether or not they have ceased to be a Member at the commencement of the action.

## **5. COMMITTEES**

### **5.1 The Committee (Management Committee)**

The Committee shall be responsible for the management and administration of the affairs, property and funds of the Club.

Under the Act a person is excluded from being on the committee without special approval from the Commissioner for Consumer Protection if they:

- are bankrupt or their affairs are under insolvency laws;
- have been convicted of an indictable offence in relation to the formation or management of a body corporate in the last five years;
- have been convicted of an offence involving fraud or dishonesty punishable by at least three months imprisonment in the last five years; or
- have been convicted of an offence under section 127 of the Act, where a person has allowed an association to operate while insolvent in the last five years.

It is the responsibility of each individual nominating for a committee position, rather than the Club, to ensure that they are eligible.

The Committee shall have the authority to appoint four (4) members annually to serve on the Board of Management of the Joondalup Sports Association.

The Committee shall consist of the President; Vice President (Men's); Vice President (Ladies'); Secretary; Club Treasurer; Men's Assistant Secretary; Ladies' Assistant Secretary; Men's Match Captain; Ladies' Match Captain; Chairperson Greens; Chairperson Social; Chairperson Sponsorship.

All elected positions on the Committee shall be for a term of one (1) year commencing on the original date of election.

All members of the Committee shall be eligible for re-election subject to continuing membership of the Club. However, any Member who has resigned from the Committee shall not be eligible for re-appointment to any committee until the next Annual General Meeting.

The Committee shall meet at least monthly.

Two-thirds of the members of the Committee shall form a quorum.

## **5.2 Sub-Committees**

Sub-committees shall meet as required but no less than six times per year.

A quorum for sub-committees shall comprise two-thirds of their membership.

All positions on sub-committees shall be for a term of one year commencing on the date of election.

All Appointed positions shall be for a term of one (1) year commencing from the date of election.

All members of sub-committees shall be eligible for re-election subject to continuing membership of the Club. However, any member who has resigned from a sub-committee shall not be eligible for re-appointment to any sub-committee until the next Annual General Meeting.

## **5.3 Duties**

The Duties and Job Descriptions of the members of the Committee and other committee positions are in the By Laws.

## **5.4 Delegations to Committees**

The Committee may delegate any of its powers to a Standing or Operational Committee as they think fit. A Committee to which any powers have been so delegated shall exercise the powers delegated in accordance with any directions of the Committee and a power so exercised shall be taken to have been exercised by the Committee.

## **5.5 Other Committees**

All Standing and Operational Committees' responsibilities and terms of office are detailed in the By Laws.

## **5.6 Co-opted Members**

The Committee shall have the power to co-opt financial Ordinary and Life Members at any time to support the Committee, Treasurer or any committee to assist or further the objectives of the Club. Such persons shall have full voting rights in any committee.

## **6. MEETINGS AND MEETING PROCEDURE**

### **6.1 Annual General Meeting**

The Annual General Meeting (AGM) of the Club shall be held on a date ordered by the Committee but not later than six (6) months after the end of the Club's Financial Year.

Written notice of the meeting shall be forwarded to each member at their last known address or email address and posted on the notice board of the Club not less than forty two (42) days before the date of meeting.

### **6.2 Committee Elections and Ballot Procedure**

Not less than forty two (42) days prior to the AGM, the Secretary shall place a notice on the notice board calling for nominations for all elected Committee positions and Expressions of Interest for appointed positions.

Nominations shall be signed by Ordinary or Life Members as Proposer and Secunder and by the nominee, and lodged with The Secretary not less than twenty eight (28) days prior to the AGM.

If a nominee is away from Perth they may signify their acceptance of nomination by email to the Secretary.

The Secretary shall initial and date each nomination form received and shall place the names of nominees on the notice board within seven (7) days of receipt.

If the number of candidates exceeds the number of vacancies, a secret ballot will be held to determine the result of the election and shall be conducted in the following manner:

- (i) The Committee shall fix the time and closing date of the ballot, which shall be no less than three (3) days prior to the date fixed for the Annual General Meeting when votes will be counted by the Returning Officer in the presence of the two Scrutineers..
- (ii) The Committee shall appoint a Returning Officer and two Scrutineers, none of whom shall be either a candidate at the elections or a serving member of the Committee, to conduct the ballot.
- (iii) Voting papers shall be mailed to all financial Ordinary and Life Members not less than fourteen (14) days prior to the closing of the ballot.

- (iv) The Club shall provide a ballot box, which will be locked by the Returning Officer and placed in the Clubhouse to receive the ballot at the time of mailing the ballot papers to members.
- (v) Ballot papers shall show separately the surnames and given names of the candidates nominated for each office in respect of which an election is necessary.

Only male bowlers will be entitled to vote for positions on men's bowls committees. Only female bowlers will be entitled to vote for positions on women's bowls committees.

Ballots shall be decided by a 'first past the post' system. All votes shall be recorded by marking the box opposite the name of each candidate of their choice up to the number of candidates to be elected.

Ballot papers which show more candidates marked as voted for than the number permitted, or are defaced or mutilated as to prevent the intentions of the voter being ascertained shall be deemed informal.

The Returning Officer may rule as he or she may think fit on any other matter.

If two or more candidates receive the same number of votes, the Returning Officer shall determine, by lot, the successful candidate or candidates.

The results of the ballot shall be posted on the Club notice board.

At the Annual General Meeting the Returning Officer or a Scrutineer shall announce the results of the ballot.

Members may be nominated for more than one position, provided that any member elected to a position on the Committee shall then be automatically excluded from the ballot for any other position on the Committee.

Members may sit on more than one sub-committee provided they are not a member of the Committee.

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

In the event of insufficient candidates being nominated, the members at the Annual General Meeting may proceed to nominate and elect such officers that are required to make up the deficiency.

### **6.3 Quorum at General Meetings**

Twenty per cent (20%) of financial members shall form a quorum. If at the end of thirty minutes after the time appointed for the opening of the meeting there is no quorum the meeting shall stand adjourned for one (1) week. If at such adjourned



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

#### **6.4 Presiding Officer at General Meetings**

The President shall preside at the Club's Annual General Meeting and Special Meetings.

In the President's absence a Vice President shall preside. In the absence of a Vice President a member of the executive shall preside.

#### **6.5 Order of Business at Annual General Meetings**

The following shall be the order of business at the Club's Annual General Meeting:-

- (a) Reading of the Notice of Meeting
- (b) Reading and Confirmation of Minutes of the last Annual General Meeting or any Special General meetings held since.
- (c) Receiving the President's report
- (d) Receiving and discussing the annual balance sheet and set of accounts.
- (e) Receiving and discussing the report of the External Auditor
- (f) Declaration of ballots for election of officers
- (g) Confirmation of the appointment of Returning Officer, Patrons and External Auditor
- (h) Nominations from the floor to fill any Committee vacancies
- (i) Notices of motion
- (j) General Business

#### **6.6 Special General meetings**

The Secretary shall call a Special General Meeting when instructed to do so by the President, or in that person's absence the Vice President presiding at the time, or by a resolution of the Committee or on receipt of a requisition signed by at least Twenty per cent (20%) Financial Ordinary or Life Members stating in detail the purpose of the meeting.

Special General Meetings shall be called by placing a notice on the notice board specifying the business to be transacted not less than twenty one (21) days prior to the meeting.

#### **6.7 Special General Meeting Procedure**

The notice posted on the Club notice board shall specify the business to be transacted and no other business shall be dealt with at such meeting. Twenty per cent (20%) of members shall form a quorum.

When a special meeting is called by resolution of the Committee if, at the end of thirty (30) minutes after the time appointed for the opening of the meeting there is no quorum, the meeting shall stand adjourned for one (1) week. If at such adjourned

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

When a Special General Meeting is called by requisition signed by at least Twenty per cent (20%) of financial members as above, if no quorum be present thirty minutes after the time appointed for the opening of the meeting it shall lapse.

### **6.8 Voting Entitlements**

Only Ordinary Members of the Club who are financial for the current year and Life Members shall be entitled to vote at the Annual General Meeting and at all Special General Meetings of the Club.

### **6.9 Method of voting**

All propositions, questions and matters submitted in accordance with these Rules to the Annual General Meeting or Special General Meetings, excepting alterations to the Rules as provided for by clause 9.4, shall be decided by a majority of those present to be determined in the first instance by a show of hands unless a ballot be demanded by at least six (6) members present.

### **6.10 Appointment of Patron(s)**

Members at the AGM may elect Patron(s) who shall hold office until the next AGM.

### **6.11 Meetings of the Committee**

The Committee shall meet in the Club at least once a month, at a time and day as determined by the Committee.

The Secretary shall call meetings of the Committee when instructed to do so.

At all meetings of the Committee two-thirds of its members shall form a quorum. If there be no quorum present within thirty minutes of the time appointed for the meeting, it shall stand adjourned for a week at the same hour.

If at such adjourned meeting no quorum be present, those present shall form a quorum and shall have power to transact the business of such meetings.

At all meetings the President shall preside.

In the absence of the President the Vice President shall preside.

Any member of the Committee who is absent from three consecutive ordinary meetings without leave of the Committee or who ceases to be a member of the Club or is suspended from membership shall vacate their office unless, in the case of absence without leave, the disqualification be dispensed with by a resolution of the Committee.

## **6.12 Minutes of Committee Meetings**

The Committee must ensure that minutes are taken and kept of each committee meeting.

The minutes must record the following —

- (a) the names of the committee members present at the meeting;
- (b) the name of any person attending the meeting;
- (c) the business considered at the meeting;
- (d) any motion on which a vote is taken at the meeting and the result of the vote.

The minutes of a committee meeting must be entered in the Association's minute book within 30 days after the meeting is held.

The chairperson must ensure that the minutes of a committee meeting are reviewed and signed as correct by —

- (a) the chairperson of the meeting; or
- (b) the chairperson of the next committee meeting.

When the minutes of a committee meeting have been accepted as correct they are, until the contrary is proved, evidence that —

- (a) the meeting to which the minutes relate was duly convened and held; and
- (b) the matters recorded as having taken place at the meeting took place as recorded; and
- (c) any appointment purportedly made at the meeting was validly made.

Section 42(6) of the Act requires details relating to the disclosure of a committee member's material personal interest in a matter being considered at a committee meeting to be recorded in the minutes of the meeting.

## **6.13 Acts of a Committee**

The acts of a committee or subcommittee, or of a committee member or member of a subcommittee, are valid despite any defect that may afterwards be discovered in the election, appointment or qualification of a committee member or member of a subcommittee.

## **7. POWERS OF THE COMMITTEE**

### **7.1 Borrowing**

If it should be considered necessary by the Committee to borrow money then the Committee must seek authority to do so from an Annual or Special General meeting.

### **7.2 By-Laws**

The Committee shall have power to frame By-laws for the management of the Club consistent with these Rules. Such By-laws shall be binding on members until

repealed or amended by the Committee or by any General Meeting of members. Such By-laws may impose penalties for any breach of these Rules.

The Committee shall have full power to alter, amend or rescind the By-laws as occasion may require and any By-Laws made by the Committee shall be equally as binding as, but shall not be opposed to, these Rules.

A certified copy of all By-Laws shall be posted on the notice board by The Secretary.

### **7.3 Filling of Vacancies**

The Committee shall have the power to fill any vacancy occurring on the Committee or any committee.

Any such vacancy shall be filled by appointing a suitable candidate for that position and shall be for the period ending at the Annual General Meeting following the appointment.

### **7.4 Vesting of Powers**

In the event of the resignation of the Committee the management of the affairs of the Club shall be vested in the President, the Vice Presidents, Secretary and Club Treasurer, who shall be competent to exercise all powers vested in the Committee until the holding of a Special General Meeting, convened for the purpose of electing their successors within one month of their resignation.

### **7.5 Appointment of Employees**

The Committee shall have the power to appoint and/or remove any paid employee as may in the opinion of the Committee be necessary and pay such salary and wages to such employees as the Committee may think fit, but shall be paid not less than the rates laid down under the Relevant Award and to define their respective duties.

### **7.6 Purchase or Lease Agreements**

The Committee shall have the power to purchase, lease or rent any premises, furniture, goods and/or effects for the business of the Club for such time and/or term and on such conditions and at such rent as it may deem appropriate subject to the conditions set under Clause 2.4 herein.

### **7.7 Negotiable Securities**

The Committee shall have the power to draw, make, accept, endorse and issue negotiable securities or instruments of whatsoever kind or nature and to determine by which officers of the Club such negotiable securities or instruments shall be signed.

## **7.8 Legal Action**

The Committee shall have the power to take and defend all legal proceedings by or on behalf of the Club and to appoint all necessary lawyers for any such purpose.

## **7.9 Registration of the Club**

The Committee shall have the power to register the Club under the Associations Incorporation Act 2015.

## **7.10 Vesting of Power if Sub-Committee Resigns**

In the event of the resignation of any sub-committee the powers vested in such sub-committee shall revert to the Committee pending the formation of a further sub-committee which shall be appointed by the Committee within one month.

The members of any sub-committee so elected will hold office until the next Annual General Meeting.

## **8. MISCONDUCT**

The Committee may decide to suspend, expel or impose a penalty on any member if the member:

- (a) contravenes any of the Club's rules;
- (b) places at risk the physical well-being of other members of the Club;
- (c) impairs or affects the enjoyment of the Club premises by members;
- (d) causes any ill feeling or friction between or among members;
- (e) acts detrimentally to the interests of the Club.

Where, in the opinion of the Committee or any member of the Committee present at the time of an incident, the behaviour of a member places at risk the physical well-being of other members of the Club, that member may be suspended immediately pending the complaint process being undertaken.

Where, in the opinion of the Committee, the complaint may be resolved through mediation, the Committee shall appoint a mediator who shall attempt to resolve the matter by agreement between the parties involved. The person appointed as mediator by the committee may be a member or former member of the Club but must not:

- (a) have a personal interest in the matter that is the subject of the mediation; or
- (b) be biased in favour of or against any party to the mediation.

The mediation must be confidential, and any information given at the mediation cannot be used in any other proceedings that take place in relation to the matter that is the subject of the mediation.

Where mediation is not successful or where the Committee, at its sole discretion, believes that the complaint cannot be resolved through mediation the following shall be the mode of procedure:

- (a) A charge must be made, in writing, to the Committee stating the nature of the offence of which the member is accused.
- (b) The Committee shall then cause a notice specifying the nature of the charge to be sent to the member complained against, and to the accuser, to attend before the Committee to answer the said charge. Seven (7) days clear notice from the date the notice is sent must be given of such hearing. A member may have another member present during the hearing in support capacity only.
- (c) The Secretary must, on application of either party, send a notice to any other member to appear to give evidence, provided such application is made three days before the date of hearing such charge.
- (d) Should either of the parties fail to attend, the Committee shall take evidence and decide the case the same as if all parties had been present.
- (e) If, after the hearing of evidence, the Committee is of the opinion that the charge is sustained, they shall inflict such penalty as they may think fit.
- (f) The Secretary shall then forward notice of such penalty to the member charged at the member's last known address.

In the case of expulsion the name of such member shall be erased from the list of members and he/she shall cease to enjoy the privileges of a member. The Secretary will provide the details of the expulsion to BowlsWA.

Any expelled member of the Club who may be aggrieved by their expulsion by the Committee under the preceding paragraph may, by written notice lodged with the Secretary within seven days of the expulsion, appeal to a Special Meeting of members which shall be called by the Committee who shall state the nature of the appeal at the meeting.

The aggrieved must, with the notice aforesaid, lodge the sum of Two Hundred Dollars (\$200) with The Secretary to cover the cost of calling such meeting which shall be forfeited if such meeting by a majority uphold the decision of the Committee, otherwise it shall be returned.

Until the hearing of any appeal, the decision of the Committee shall have full effect, but such member shall have the right to attend such Special Meeting.

Notwithstanding any such expulsion the member expelled shall be liable for all monies due by that member at the date of expulsion.

No person shall be entitled to take action or proceedings against the Club for or in respect of any suspension or expulsion as aforesaid and must conform to the decision of the Committee.

Should any member make a charge which, in the opinion of the Committee, is of a frivolous nature or unsupported by evidence at such inquiry the Committee may dismiss the charge and impose such penalty against that member as they think fit.

## **9. GENERAL**

### **9.1 Restriction on Using Club Name**

No member shall undertake to arrange, on their own responsibility, anything to which it is necessary to couple the name of the Club, or to affix their name to any printed form of any kind without the concurrence of the Committee.

### **9.2 Club Seal**

The Club does not have a Common Seal.

### **9.3 Notice Board**

The Club notice board shall be affixed to a conspicuous part of the Club premises.

### **9.4 Amendments to the Constitution**

No clause shall be amended or repealed nor shall any new clause be inserted except by Special Resolution passed by at least 75% of the members present and eligible to vote at the Annual General Meeting or Special General Meeting called for the purpose.

As soon as practicable after the making of any proposal for a change to the rules of the Club, the Club shall provide to the Director of Liquor Licensing the proposed changes. No effect will be given to the changes without the prior approval of the Director.

Notice of any proposed amendment, repeal or addition must be given in writing to The Secretary at least twenty eight (28) days prior to the date set for the General Meeting at which they are to be considered.

Notices of Motion together with a notice of the Meeting at which it is intended to propose the motion must be posted on the notice board at least twenty-one (21) days before the date of such meeting.

Within thirty (30) days after the making of any amendment or alteration to the Rules of the Club the Secretary shall forward a certified copy of the amendment or alteration to the Commissioner for Consumer Protection and to the Director of Liquor Licensing. No effect will be given to any amendment or alteration without the prior approval of the Director of Liquor Licensing.

## **9.5 Removal or Damage to Property**

No member shall damage, or destroy any of the property of the Club or take any Club property from the premises without permission.

Any loss or damage resulting from any breach of this rule shall be made good by the member concerned.

The Committee shall assess the amount to be paid by the member and the assessment shall be final.

## **9.6 Loss or Damage to Private Property**

The Club shall not be responsible for the loss or damage to any article whatsoever brought into the premises or grounds by members, employees or visitors.

## **9.7 Complaints**

Any complaints by members shall be in writing, signed by the members complaining, and shall be submitted to the Secretary who shall forward them to the Committee. The resulting decision shall be communicated to the member/s making the complaint.

## **9.8 Trustees**

The President, Vice Presidents and Secretary shall be ex-officio Trustees of the Club. All property of the Club shall be vested in their trust for and on behalf of the Members for the time being.

Records and documents held in trust may be inspected by Financial Ordinary or Life Members of the Club. Such records shall not be removed from club possession.

## **9.9 Indemnity**

The Committee of the Club, shall at all times be kept indemnified from and against, all costs, charges, losses, damages and expenses which they may sustain or incur in the execution and discharge of their respective positions or in any action, suit or proceedings at law or in equity in which they may be plaintiff or defendants provided that they shall have acted by direction from the Committee. Provided that the amount of such costs, charges, damages and expenses for which indemnity is intended to be provided shall be paid from the available funds of the Club immediately it has been sustained or incurred.

None of the Committee of the Club shall be answerable or accountable for the others, but for their own acts, deeds and faults alone.