

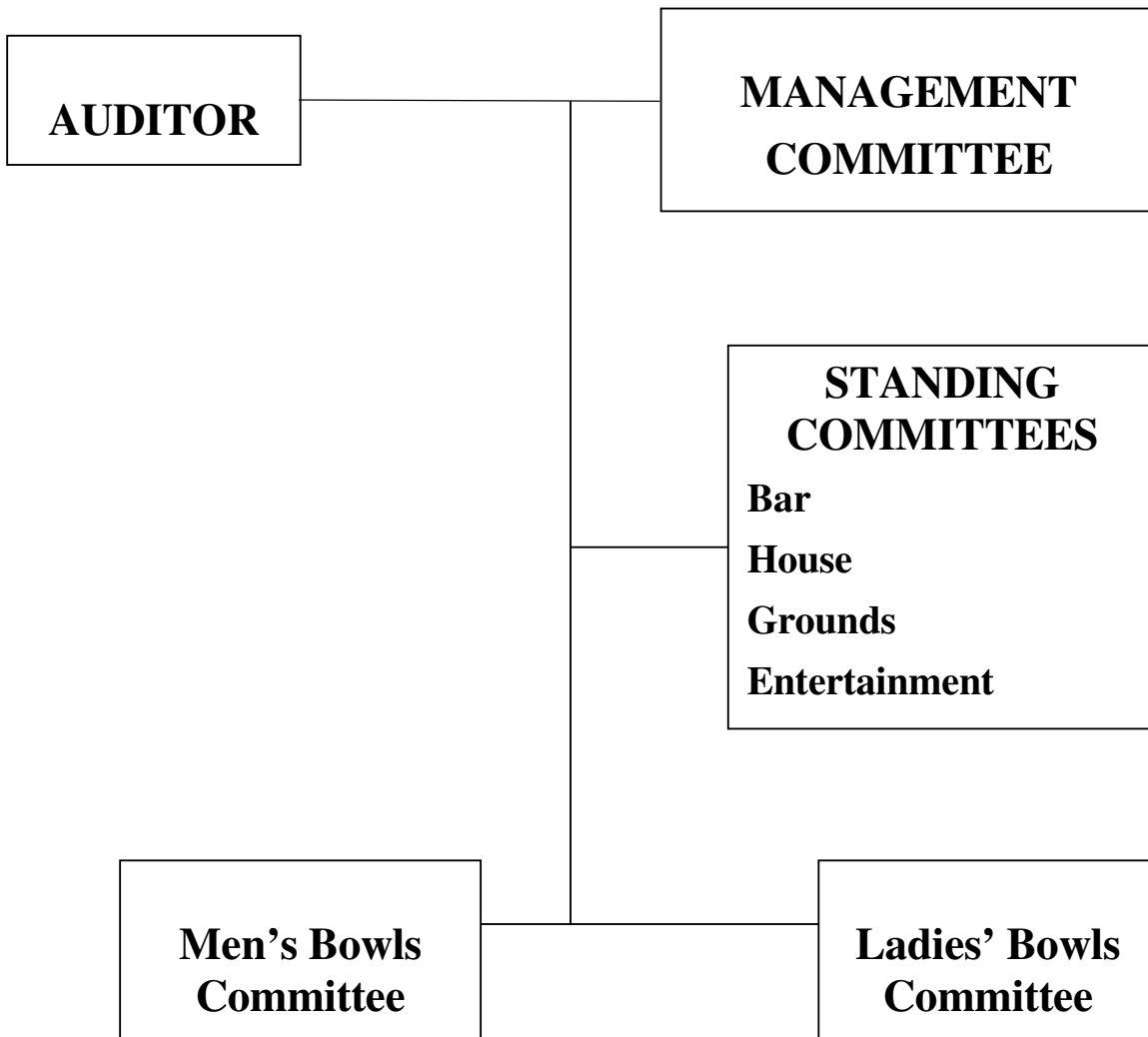


Constitution of the Gosnells Bowling Club (Inc.)

(Est. 1938)

Adopted at SGM	18-03-2018
Effective From	20-04-2018
Adopted at SGM	26-10-2019
Effective From	25-11-2019

GOSNELLS BOWLING CLUB INC.



MANAGEMENT COMMITTEE
(10 Persons)
President
Vice – President
Secretary
Treasurer
Captain Men's Bowls
Captain Ladies' Bowls
Chairperson Bar Committee
Chairperson House Committee
Chairperson Grounds Committee
Chairperson Entertainment Committee

Men's Bowls (9)	Ladies Bowls (8)	Standing Committees
Captain	Captain	
Bowls Secretary	Bowls Secretary	Bar Chairperson Committee (3)
Match Committee (5)	Match Committee (5)	House Chairperson Committee (5)
Club Delegate (Appointed by Management Committee)	Club Delegate (Appointed by Management Committee)	Grounds Chairperson Committee (5)
		Entertainment Chairperson Committee (5)

NB (1)	Members of Men's and Ladies Bowls Committees may serve on Standing Committees.
NB (2)	Standing Committee members may serve on multiple Committees.

Table of Contents

1.	NAME.....	3
2.	OBJECTS	3
3.	DEFINITIONS	3
4.	PROPERTY AND INC OME.....	5
	4.1 PROPERTY AND INCOME.....	5
	4.2 BANK /INVESTMENTS.....	5
	4.3 COMMON SEAL.....	5
	4.4 TRUSTEES.....	5
5.	MEMBERSHIP	6
	5.1 REGISTER OF MEMBERS	6
	5.2 MEMBERSHIP OF THE CLUB	6
	5.3 APPLICATIONS FOR MEMBERSHIP b) modified by Special Resolution at SGM held on 26-10-2019	8
	5.4 CESSATION OF MEMBERSHIP.....	9
6.	MEMBERSHIP FEES.....	10
	6.1 SUBSCRIPTIONS	10
	6.2 RWABA FEES AND LEVIES	10
	6.3 UN-FINANCIAL MEMBERS	10
	6.4 SPECIAL CIRCUMSTANCES	10
7.	LEVIES.....	10
8.	MEMBERS RIGHTS	10
9.	MANAGEMENT	12
10.	BALLOT PROCEDURE	13
	10.1 ORDER OF ELECTION.....	13
	10.2 GENERAL ELECTION.....	13
	10.3 VOTING PROCEDURE.....	14
	10.4 INFORMAL VOTES	15
	10.5 SCRUTINEERS	15
	10.6 CASUAL VACANCIES	15
11.	AUDITOR	15
12.	MEETINGS OF MANAGEMENT COMMITTEE.....	16
	12.1 COMMITTEE MEETINGS.....	16
	12.2 QUORUM FOR COMMITTEE MEETINGS.....	16
	12.3 CEASING TO BE A MEMBER OF THE MANAGEMENT COMMITTEE.....	17
13.	RESIGNATION OF THE MANAGEMENT COMMITTEE	17
14.	POWERS OF MANAGEMENT COMMITTEE	18
15.	DUTIES OF OFFICERS	19
	15.1 PRESIDENT.....	19
	15.2 VICE PRESIDENT	19
	15.3 SECRETARY	19
	15.4 TREASURER.....	20
16.	ROLE AND RESPONSIBILITIES OF COMMITTEE MEMBERS.	21
	16.1 Obligations of the Committee.....	21
	16.2 Responsibilities of Committee Members	21
17.	INTERPRETATION OF THE RULES	23
18.	AMENDMENT OF RULES	23
	18.1 SPECIAL RESOLUTION	23
19.	GENERAL MEETINGS	24
	19.1 ANNUAL GENERAL MEETING.....	24
	19.2 QUORUM	24
	19.3 CONDUCT OF THE ANNUAL GENERAL MEETING	24
20.	SPECIAL GENERAL MEETING.....	24
21.	MISCONDUCT.....	25
	21.2 PROCEDURE FOR A CHARGE OF MISCONDUCT.....	25

22. PENALTIES	26
23. APPEAL	26
24. RESOLVING DISPUTES	27
24.1 Disputes Arising under the Rules	27
25. CLUB LICENCE.....	29
26. EMPLOYEES.....	29
27. CLUB COLOURS AND INSIGNIA.....	29
28. DISSOLUTION OF THE CLUB.....	30

PART A

1. NAME

The name of the Club shall be the **GOSNELLS BOWLING CLUB (INC).**

2. OBJECTS

The objects of the Club shall be:

- (a) **The principal objects of the club are to establish, maintain and conduct a club for lawn bowls, carpet bowls, darts and pool and support the recreational, social, sporting, cultural and community dimensions of that interest within the city of Gosnells and surrounds. These objects include the provision of facilities for the pursuit of literary, scientific, athletic, professional and any other lawful purpose that provides benefits and enjoyment for the members of the club.;**
- (b) **To borrow, raise or secure the payment of money for the purpose of the club in such a manner as the members see fit.**
- (c) **To provide and maintain a clubhouse and sporting amenities for the use of the members**
- (d) **To foster community partnerships by making the club premises available to the community for the following; meetings, social functions, community gatherings, training, and any other request from members of the community.**
- (e) **To affiliate with the Royal Western Australian Bowling Association (RWABA), trading as Bowls WA. The members shall recognise and accept the RWABA constitution rules and by-laws and shall make all decisions consistent therewith. All games of lawn bowls shall be played according to the constitution, by-laws and laws of the game currently recognised by the association; and**
- (f) **To affiliate with other associations that enhance the standing of recreational and social activities within the club**
- (g) **Secondary object is to maintain a club license under the current liquor act and its amendments**

3. DEFINITIONS

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

- (a) **“Annual Meeting” means an Annual General Meeting.**
- (b) **“Books of the Association” means: the Members Register; the Record of Office Holders; and the Club Constitution.**
- (c) **“By-Laws” means the codes of rules made and adopted by The Club**
- (d) **“Club Year” means the Financial Year of The Club**
- (e) **“Commissioner” means: the person for the time being designated as the Commissioner under section 153 of the Associations Incorporation Act.**
- (f) **“Financial Year” means from the first of June each year, until the following 31st of May.**
- (g) **“General Meeting” means a General meeting of The Club whether Annual or Special.**
- (h) **“Month” means a calendar month**
- (i) **.RWABA (Royal Western Australia Bowling Association) Trading As “Bowls WA”**
- (j) **“Rules” means this Constitution and Rules;**
- (k) **“Special General Meeting” means a General Meeting specifically called, at which only business that has been described in the notice may be transacted.**

- (l) **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;**
- (m) **“The Club” means the Gosnells Bowling Club (Inc);**
- (n) **“The Club Premises” means all land and buildings and structures thereon of which the Club is the bona-fide occupier;**
- (o) **“The Committee” means the Management Committee for the Club, duly elected for the time being in accordance with these Rules;**
- (p) **“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”**
- (q) **“The Secretary” means the Secretary for the time being of The Club and includes any deputy or person temporarily fulfilling the office of Secretary;**
- (r) **“The Treasurer” means the Treasurer for the time being of The Club and includes any deputy or person temporarily fulfilling the office of Treasurer;**
- (s) **“Voting rights” means: the ability for a financial member to propose or second an application for membership; move or second a motion or special motion; speak at all general meetings; nominate for a position on the Management Committee; vote at all general meetings; and petition for a special general meeting.**

PART B

4. PROPERTY AND INCOME

4.1 PROPERTY AND INCOME

The property and income of the Club shall be applied solely towards the promotion of the objects or purposes 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 Club, except in good faith in the promotion of those objects or purposes..

4.2 BANK /INVESTMENTS

The funds of the Club shall be placed in such Bank OR Financial Institution as the Committee may from time to time determine to the credit of the Gosnells Bowling Club (Inc) and shall be operated upon by cheque, signed by any two of the President, Vice President, Secretary and Treasurer, or by electronic transfer if approved by the Committee.

4.3 COMMON SEAL

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

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

4.4 TRUSTEES

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

Records and documents held in trust may be inspected by Ordinary, Concession and Life Members of the Club who shall be permitted to copy such records but shall not remove them from trustee possession.

PART C

5. MEMBERSHIP

5.1 REGISTER OF MEMBERS

The Club shall keep an up to date register of members in respect of Ordinary, Life, Limited, Concession, Junior, Provisional, Social, Reciprocal, Affiliate and Corporate Members.

- (a) This register must be continually available for inspection at The Club premises by **authorised officers.**
- (b) **Residential, postal, or email address can be nominated for the members register.**

5.2 MEMBERSHIP OF THE CLUB

Membership of the Club shall consist of the following:

(a) **Ordinary Member**

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

(b) **Limited Member**

A person of or above the age of eighteen (18) years entitled to play in Social events at the Gosnells Bowling Club Inc ONLY. The person shall not be eligible to:

- (i) Stand for any office in the Club or vote in any ballot or at a general meeting of the Club;
- (ii) Play in the Pennant Competition, Club Championship, or Open event, or represent the Club;
- (iii) A Limited Member who contravenes the playing conditions of the membership may forfeit to the Club, a sum of money equivalent to the balance of the Ordinary Member subscription for a full year, plus RWABA fee. Additionally, he may forfeit the right to Limited Membership of the Club for a term determined by the Management Committee.

The Limited Member may update to Ordinary Member at any time upon payment of the balance required to attain Ordinary Membership plus RWABA fee.

(c) **Concession Member**

A Concession Member shall have been an Ordinary Member of Gosnells Bowling Club Inc for a minimum of ten (10) years, but due to age or infirmity is unable to play in Pennant and Club Championship events, shall continue to enjoy all the privileges of Ordinary Members. On application to the Committee.

(d) **Life Member**

Persons recommended by the Management Committee to a General Meeting of the Club and elected at such meeting by a 75% majority vote to be a Life member for long and conspicuous service to the Club, and shall enjoy all privileges of an Ordinary member, be exempt from subscriptions but shall pay any levies and RWABA fee.

Life Members shall not exceed fifteen (15) living members at one time and not more than two (2) shall be elected in one year...

(e) Social Member

A Person of or above the age of eighteen (18) years who is interested in promoting the Objects of The Club but does not wish to participate in any sporting activities, may enjoy the privileges of the Club but shall not be eligible:

- (i) To stand for any office in the Club or vote in any ballot or at a General Meeting of the Club;
- (ii) To propose or second any application for membership of the Club; and
- (iii) To use the greens except at the specific invitation of a Club Committee.

(f) Junior Member

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

- (i) To stand for any office in the Club or vote in any ballot or at any General Meeting of the Club;
- (ii) To propose or second any application for membership of the Club; and
- (iii) To invite guests into the Club.
- (iv) To consume or purchase liquor on Club premises.

(g) Provisional Member

Persons who are currently capitated Members of another Bowling Club affiliated with the RWABA, or with a similar Association in any other Australian State or Territory, shall be entitled to all the privileges of the Club but shall not be eligible to:

- (i) Stand for any office in the Club or to vote in any ballot or at any General Meeting of the Club;
- (ii) Propose or second any application for membership of the Club; and
- (iii) Play in any pennant matches for the Club, represent the Club or play in Club Championships.

(h) Reciprocal Member –

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

(i) Affiliate

- (i) An Affiliate may be formed within The Club for sporting or special interest groups.
- (ii) Any assets of the Affiliate are the assets of The Club. All monies received for Affiliates shall be paid into the Affiliate's bank account referred to hereunder
- (iii) All accounting, taxation, financial reporting and legal compliance responsibilities of the Affiliate shall rest with The Club.
- (iv) Affiliates shall use The Club's accounting services in the following manner:
 - Affiliates may have a separate bank account to The Club, but it must be on the Club's base bank account number.
 - The Secretary of The Club and the secretary of the Affiliate shall be joint signatories of the Affiliate's account.
 - All payments on behalf of an Affiliate shall be made by cheque on the Affiliate's account.
- (v) All affiliate members must also become a member of The Club including a membership fee being paid and application for membership completed.

- (vi) The Committee of the Affiliate shall not do, or omit to do, anything that is likely to prejudice or not be in the best interests of The Club.
- (vii) Members of an Affiliate involved in any activity of or related to the Affiliate shall indemnify The Club and its representatives from any problem, direct or indirect loss or damage, claim or proceedings (including negligence) caused or contributed to by that activity.

(j) Corporate Member

Organisations, restricted to senior management, conducting community or tourism related business in Gosnells and its surrounds that have made a contribution to The Club through business, sponsorship or donations.

Corporate membership will be restricted at any one time to a level deemed appropriate by The Club or as may be required by the liquor licensing authority.

(k) Honorary Member

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

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.

(l) Temporary Member

A person who is on any day visiting The Club as a member or an official of another club, including those persons who are assisting a visiting club, to:

- (i) Engage in a pre-arranged event with The Club as per The Club's objects.
- (ii) Hold a pre-arranged function at The Club involving the use of The Club's sporting facilities.

Temporary, Reciprocal or Honorary members shall not be entitled to be present at any meeting of the members of The Club, nor have any right, title or interest in or to any of the property of The Club.

Social members shall not have any right, title or interest in or to any of the property of The Club.

5.3 APPLICATIONS FOR MEMBERSHIP b) modified by Special Resolution at SGM held on 26-10-2019. Approved by Consumer Protection 25-11-2019

- (a) **Applications for Ordinary, Limited, Social, Provisional and Junior members shall be proposed and seconded by Ordinary, Concession or Life Members of the Club. All such applications shall be in writing in a form prescribed by the Committee.**
- (b) **When the application form and all subscriptions have been received, the person shall be a member of the Club in line with the Membership Application type duly completed (conditionally), and exercise all of the privileges of a member excluding voting rights until considered at the next Management Committee meeting.**

At the next Management Committee meeting, the applicant will then be accepted or denied membership. If membership is denied, all subscriptions shall be refunded.

Where an applicant is suspended at this or any other Club, his application will not be accepted. Where he has been previously refused membership of this Club, or his demeanour is not in keeping with Club standards, his application for membership will not be accepted until it is considered at the next following Management Committee meeting.

- (c) The Committee shall have the right to refuse any application for membership at its discretion without prejudice or right of the applicant to require an explanation. Two negative votes shall

exclude the applicant from admission. The secretary shall keep a record of the names of members present and voting on that day.

- (d) No person shall be entitled to exercise any of the privileges of a member until they have paid all subscriptions due by them.
- (e) On election of each candidate, the Secretary shall notify the same to them, and they shall on payment of their subscription be enrolled as a member of The Club, and become entitled to the privileges and be bound by its rules and by all consequences resulting from breach or non-performance thereof, and shall thereby absolve every person concerned in carrying out enforcing such rules from all personal responsibility or legal liability on such account.

5.4 CESSATION OF MEMBERSHIP

A person ceases to be a member when any of the following takes place:

- (a) For a member who is an individual, the individual dies;
- (b) For a person whose title represents a corporate member, the body corporate is wound up;
- (c) The person resigns from The Club;
- (d) The person is expelled from The Club;
- (e) The person ceases to be a member if his subscription fee is in arrears after the 31st of August in any year.
- (f) The secretary will keep a record on file of the date on which the person ceased to be a member; and
 - (i) The reason why the person ceased to be a member
 - (ii) A member may resign from membership of The Club by giving written notice of the resignation to the Secretary.
 - The resignation takes effect when the Secretary receives the notice; or if a later time is stated in the notice, at that later time.
 - A person who has resigned from membership of The Club remains liable for any fees that are owed to The Club (the owed amount) at the time of resignation.
 - The owed amount may be recovered by The Club in a court of competent jurisdiction as a debt due to The Club.

6. MEMBERSHIP FEES

All fees and subscriptions shall be determined at the March meeting of the Committee. All subscriptions shall be payable annually in advance: provided that all members shall be deemed financial until the 30th day of June in each year, for the purpose of Club elections.

6.1 SUBSCRIPTIONS

New members elected after the first day of November shall pay a pro-rata subscription for each remaining month of the Club Year from the date of his election, plus applicable levies, within one month of his election.

6.2 RWABA FEES AND LEVIES

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

6.3 UN-FINANCIAL MEMBERS

The Committee may by resolution remove from the register of members, the name of any member who fails to pay:

- (a) **His annual subscription or the first moiety of his annual subscription, plus RWABA fee before the 30th day of June or the second moiety before the 31st day of October; and**
- (b) **Any additional subscriptions, levies or fees imposed by the Club or the RWABA within one month of the due date of payment;**

6.4 SPECIAL CIRCUMSTANCES

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

7. LEVIES

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

8. MEMBERS RIGHTS

- (a) **The rights and privileges of every member shall be personal and shall not be transferable in any manner by their own act or through any other person on their behalf or by operation of law.**
- (b) **Employees – Members who are employees of The Club are entitled to all the rights and privileges of membership excluding those rights concerned with the selection, election and holding of office with The Club.**
- (c) **All members, upon successful registration, will be supplied with an electronic copy of The Club constitution or will be directed to obtain a copy of The Club constitution from The Club's website.**
- (d) **Upon acceptance to membership, all members agree to be bound by The Club Code of Conduct**
- (e) **Guests – Ordinary, Limited, Concession, Provisional, Social, Corporate and Life Members may invite up to the maximum number of guests to The Club as contained in Section 48(4)(b) of the Liquor Act.**

- (f) **A member may hold private family and business functions without limit to number of guests, providing that the sale of liquor shall be:**
- (i) ancillary to a meal supplied at The Club by or on behalf of The Club to a member and to each of the guests of that member being guests of whose attendance was given prior notice to The Club; or
 - (ii) to a member, for consumption by the guests of that member at a function held by or on behalf of that member at The Club
- (g) **Functions – All members excluding Junior, Provisional, Reciprocal, Temporary and Honorary Members are entitled to host functions on The Club premises after written application for said function has been considered and approved by the Committee.**
- (i) The Secretary will furnish the applicant with a written copy of Club rules relating to functions after the application has been approved and any additional conditions and restrictions it shall see fit.
 - (ii) The Club may seek an Extended Trading Permit – Associations to add local Associations as users of The Club facility to hold their functions.
- (h) **Upon request, a member may inspect the Books of the Association at such time and place as is mutually convenient to the Club and the Member.**
- (i) A Member must contact the Secretary to request to inspect the Member Register.
 - (ii) The Member may make a copy of details from the Member Register but has no right to remove the Register for that purpose.
 - (iii) A Member may make a request in writing for a copy of the Member Register.
 - (iv) The Club may charge a reasonable fee to the Member for providing a copy of the Member Register, the amount to be determined by the Committee from time to time.
 - (v) A Member must not use or disclose the information on the Member Register:
 - To gain access to information that a Member has deliberately denied them (that is, in the case of social, family or legal differences or disputes);
 - To contact, send material to The Club or a Member for the purpose of advertising for political, religious, charitable or commercial purposes, or
 - For any other purpose unless the use of the information is approved by the Committee and for a purpose:
 - That is directly connected with the affairs of The Club; or
 - Related to the provision of the information to the Commissioner in accordance with a requirement of the Act.
 - (vi) The Committee may require a Member who requests a copy of the Member Register to provide a statutory declaration setting out the purpose of the request and declaring that the purpose is connected with the affairs of The Club

PART D

9. MANAGEMENT

The management of the Club shall be vested in the Management Committee, Men's and Ladies' Bowls Committees and Standing Committees all of which shall be elected or appointed annually as required from time to time.

(a) Management Committee

The Management Committee shall comprise of:

- President
- Vice-President
- Secretary
- Treasurer
- Chairperson of each Standing Committee
- Captain of Men's Bowls
- Captain of Ladies Bowls

The President, Vice President and Chairmen of all standing Committees shall be elected by all financial Ordinary, Concession and Life Members of the Club

Captain Men's Bowls who shall be elected by all financial male ordinary, concession and life members, shall be chairperson of the Men's Bowls Committee.

Captain Ladies' Bowls who shall be elected by all financial female ordinary, concession and life members, shall be chairperson of the Ladies Bowls Committee.

The **Secretary** and **Treasurer** shall be appointed by the Management Committee.

(b) Men's Bowls Committee

The Men's Bowls Committee will be defined in The Club bylaws and shall be elected by male Ordinary, Concession and Life Members of The Club.

(c) Ladies' Bowls Committee

The Ladies' Bowls Committee will be defined in The Club bylaws and shall be elected by female Ordinary, Concession and Life members of The Club

(d) Finance Committee

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

(e) Standing Committees

Standing Committees – Bar, House, Entertainment, Grounds and such other functions as may be determined in General Meeting from time to time, and in such numbers as shown in The Club bylaws, shall be elected by Ordinary, Concession and Life members of The Club.

(f) Appointment of Secretary and Treasurer

Expressions of interest for the positions of Secretary and Treasurer will be requested jointly with nominations for the elected positions. Any interested person will submit a brief résumé of his experience and computer literacy and may be interviewed by a selection panel before appointment at a time suitable to the Management Committee.

An expression of interest for such positions shall not prevent a member nominating for any elected position on any Committee of the Club, but an appointment shall take preference over an elected position.

(g) Appointment of Additional Positions

Additional members may be appointed by the Management Committee to any position that will further the objects of The Club.

10. BALLOT PROCEDURE

The Management Committee shall appoint a Returning Officer who shall not be a candidate for election, and such Returning Officer will be responsible for conducting the ballot. Not less than seven (7) weeks prior to the Annual General Meeting of members, the Management Committee shall call for nominations for positions on all Committees.

Members may nominate for more than one office. Nominations, including members seeking re-election, shall be on a form approved by the Committee, signed by the nominee, eligible proposer and seconder, and lodged with the Secretary not less than twenty-eight (28) days prior to the date set for the Annual General Meeting.

The Secretary shall initial and date the nomination and advertise such on the Club notice board for not less than seven (7) clear days after closure of nominations.

10.1 ORDER OF ELECTION

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

President

Vice-President

Captain Men's Bowls

Captain Ladies' Bowls

Standing Committee Chairpersons

- **Bar**
- **House**
- **Entertainment**
- **Grounds**

Secretary Men's Bowls

Secretary Ladies' Bowls

Men's Bowls Committee

Ladies' Bowls Committee

Standing Committees

- **Bar**
- **House**
- **Entertainment**
- **Grounds**

Standing Committee Members: Members of the Men's and Ladies' Bowling Committees shall be entitled to serve on any Standing Committee and members may serve on more than a single Standing Committee.

10.2 GENERAL ELECTION

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

If less than the required number of nominations is received for any such office, the Chairperson at the Annual General Meeting shall call for nominations, and if necessary a secret ballot shall be held. Any person so elected shall hold office until the next AGM.

10.3 VOTING PROCEDURE

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

- (a) The Committee shall fix the time and closing date of the ballot which shall be at least three (3) days prior to the date fixed for the Annual General Meeting;
- (b) 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;
- (c) Voting papers shall be e-mailed, mailed, delivered or distributed to all financial, Ordinary, Concession and Life Members (eligible in accordance with Rule 9), not less than fourteen (14) days prior to the closing of the ballot; and
- (d) The Club shall provide a ballot box which shall be locked by the Returning Officer and placed in the Club to receive the ballot at the time of mailing, delivering or distributing the ballot papers to members.

The Secretary shall supply the Returning Officer with a current register of members eligible to vote in an election, together with a list of members given a postal vote. The order in which names of the candidates nominated for each office appear on the ballot paper shall be in accordance with a draw conducted by the Returning Officer in the presence of those candidates wishing and able to be present at the draw.

All ballots shall be decided on a 'first past the post' voting system;

- (i) All votes shall be recorded by marking on the paper a tick opposite the name of each candidate of choice up to the number of candidates to be elected;
- (ii) All votes shall be counted as primary votes of equal rank. The candidate receiving the highest number of votes shall be the first successful candidate. The candidate receiving the second highest number of votes shall be the next successful candidate and so on, according to the number of candidates to be elected;
- (iii) If two or more candidates receive the same number of votes, the Returning Officer shall determine by lot the successful candidate or candidates; and
- (iv) If a candidate is successful in more than one ballot, that candidate shall be deemed the successful candidate for the higher or highest of such positions.

In the counting of votes for any lower position a successful candidate for a higher position shall be the first to be eliminated from the ballot for the lower position. In this circumstance the candidate receiving the next highest number of votes shall be elected in place of that excluded candidate. This process shall be repeated until the vacancies are filled. The Returning Officer shall post the results of each election on the Club notice board and deliver to the Annual General Meeting a report on the conduct and result of the ballot.

10.4 INFORMAL VOTES

Ballot papers which:

- (a) Show more candidates marked as voted for than the number permitted;
- (b) Are defaced or mutilated as to prevent the intentions of the voter being ascertained;
- (c) Do not clearly reveal the identity of the voter on the outer envelope of a postal vote as instructed on the ballot paper;
- (d) Carry any mark or means of identification of the voter on the ballot paper; and
- (e) Have more than one ballot paper in a single ballot paper envelope;

shall be deemed informal. The Returning Officer may rule as he thinks fit on any other matter, but a ballot paper shall not be deemed informal only on account of a voter having used a mark other than a tick to indicate his vote so long as his intention is clear.

10.5 SCRUTINEERS

A candidate may nominate in writing to the Returning Officer a scrutineer to represent him at the ballot. The scrutineer shall be a financial Ordinary, Concession or Life Member of the club and shall not be a candidate for election.

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

10.6 CASUAL VACANCIES

The Management Committee may fill any vacancy occurring on any Committee by appointment of a person with applicable voting rights. A person so appointed shall hold office until the next Annual General Meeting at which time the position will become vacant.

11. AUDITOR

The Club shall appoint an auditor as required under the act.

- (a) **There shall be an Auditor, not a member of the Committee, who shall be appointed at the Annual General Meeting.**
- (b) **The Auditor shall be independent to The Club.**
- (c) **Such Auditor shall audit the accounts and have power at any time to call for all books, papers, accounts, etc. relating to the affairs of The Club.**
- (d) **The Auditor shall be entitled to receive such remuneration as the Committee may determine from time to time.**
- (e) **If any casual vacancy occurs in the office of any Auditor appointed by The Club, the Committee will fill the appointment until the next Annual General Meeting.**

12. MEETINGS OF MANAGEMENT COMMITTEE

12.1 COMMITTEE MEETINGS

- (a) The Management Committee shall meet at least monthly at such place and on such dates as decided by the Committee;
- (b) The Secretary shall call meetings of the Committee when instructed to do so by the President, or by any three members of the Committee. The Secretary shall be solely responsible for the proper advice to all members of the Committee not less than 48 hours before the time set for such meeting;
 - (i) Committee Meetings may take place:
 - where the Committee Members are physically present together; or
 - where the Committee Members are able to communicate by using any technology that reasonably allows the Committee Member to participate fully in discussions as they happen in the Committee Meeting and in making decisions, provided that the participation of the Committee Member in the Committee Meeting must be made known to all other Members
 - (ii) A Committee Member who participates in a meeting as set out in this Rule;
 - is deemed to be present at the Committee Meeting; and
 - continues to be present at the meeting for the purposes of establishing a quorum, until the Committee Member notifies the other Committee Members that he is no longer taking part in the Committee Meeting.
 - (iii) The Manager of The Club, or any member appointed by the Committee, may attend a Committee meeting to give his report and then leave at the discretion of the Committee

12.2 QUORUM FOR COMMITTEE MEETINGS

Fifty percent (50%) plus one (1) persons shall form a quorum. If a quorum is not present within 30 minutes of the time scheduled for commencement of the meeting, the meeting will stand adjourned for one week at the same hour. If at such adjourned meeting no quorum be present, those present not being less than Fifty percent (50%) shall have the power to transact the business of such meeting;

12.3 CEASING TO BE A MEMBER OF THE MANAGEMENT COMMITTEE

A casual vacancy occurs in the office of a Committee Member and that office becomes vacant if the Committee Member:

- (a) **dies;**
- (b) **ceases to be a Member;**
- (c) **becomes disqualified from holding a position under these rules as a result of bankruptcy or conviction of a relevant criminal offence;**
- (d) **becomes permanently incapacitated by mental or physical ill-health;**
- (e) **resigns in writing from office, and such resignation has been accepted by the Committee;**
- (f) **is absent from more than:**
 - (i) three consecutive Committee Meetings without good reason; or
 - (ii) three Committee Meetings in the same Financial Year without tendering an apology to the person presiding at each of those Committee Meetings,
- (g) **Is removed from office by resolution at a General Meeting of The Club if a majority of the Members present and with voting rights at the meeting vote in favour of the removal.**
 - (i) The Committee Member who faces removal from the Committee must be given a full and fair opportunity at the General Meeting to decide the proposed resolution, to state his or her case as to why the Member should not be removed from his or her position on the Committee.
 - (ii) If all Committee Members are removed by resolution at a General Meeting, the Members must, at the same General Meeting, elect an interim Committee.
 - (iii) The interim Committee must, within two months, convene a General Meeting of the Association for the purpose of electing a new Committee.

13. RESIGNATION OF THE MANAGEMENT COMMITTEE

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

14. POWERS OF MANAGEMENT COMMITTEE

- (a) **The business of The Club shall be managed by the Committee which may exercise all powers of The Club, except those required to be exercised by The Club at a General Meeting.**
- (b) **Without prejudice to the powers conferred by the last preceding rule, the Committee shall, subject to the by-laws, have power to do the following things:**
 - (i) To determine from time to time the conditions on which and time when members may use the property of The Club or any part or parts thereof, and when and under what conditions the premises of The Club or any part or parts thereof, shall be used by members.
 - (ii) To determine what person, if any, not being members of The Club shall be permitted to use the premises of The Club or any part or parts thereof and during what time and under what conditions and when and at what times and places and under what conditions such persons shall be supplied with refreshments and accommodation.
 - (iii) To appoint any other officials or servants of The Club and to remove them as occasion may require at their discretion and to define their respective duties. Persons appointed to paid positions shall be engaged under an appropriate contract, award or classification of work.
 - (iv) To delegate, subject to such conditions as it thinks fit any of its powers to sub committees consisting of such members of the Committee and other members of The Club co-opted for the purpose as it may determine and to make such regulations as to the proceedings of such sub committees as may be thought desirable.
 - (v) To regulate and control their own meeting and the transaction of business.
 - (vi) To reimburse expenses of any servant or member of The Club for faithful and diligent service as deemed fit.
 - (vii) In accordance with the rules, to suspend, or expel any member.
 - (viii) To enter into or accept any lease or tenancy of the premises where on The Club shall conduct its affairs or of any furniture, goods and effects, which may be required for the use of The Club on such terms and on such conditions as The Club, may deem expedient.
 - (ix) To take and defend all legal proceedings by or on behalf of The Club and to appoint all necessary Attorneys for any such purpose.
 - (x) To borrow, raise or secure the payment of money, and to sell and dispose of the assets of The Club.
 - (xi) To make, alter and repeal by-laws not inconsistent with these rules, to regulate the use and management of The Club premises, the admission of members and the conduct of The Club and its affairs generally.
 - (xii) To do and perform any other act, matters and things relative to the management of The Club as shall not by these rules require to be done by The Club in General Meetings.
 - (xiii) To appoint such number of delegates to sporting bodies and associations with which The Club may from time to time be affiliated as may be required by the rules thereof and such delegates shall hold office in accordance with the rules of such sporting bodies and associations respectively.

15. DUTIES OF OFFICERS

15.1 PRESIDENT

The President shall preside at all meetings of the Club and of the Committee. In his absence the Vice President shall preside. If neither of the aforementioned officers be present, the meeting shall elect a Chairperson. At all General Meetings of the Club and all meetings of the Committee, the President, or in his absence the presiding Chairperson shall have a deliberate vote and a casting vote where necessary to retain the status quo, and shall decide on the voices or by a show of hands as the presiding Chairperson thinks fit, but any member may demand a division or a secret ballot.

- (a) **Shall consult with the Secretary of The Club regarding business to be discussed at each meeting**
- (b) **May convene special meetings of the Committee**
- (c) **Must ensure that the minutes of all General and Committee Meetings are reviewed and signed as correct.**

15.2 VICE PRESIDENT

The Vice President shall liaise with the President in the overall management of the Club, and in his absence shall assume his responsibilities. He shall oversee the provision of Club amenities, stores and equipment within the Club House, oversee promotion and fund-raising initiatives ensuring co-ordination of Committees involved.

15.3 SECRETARY

The Secretary shall:

- (a) **co-ordinate the correspondence of The Club;**
- (b) **consult with the Chairperson about all business to be conducted at meetings and convene General Meetings and Committee Meetings, including preparing the notices of meetings and of the business to be conducted at each meeting;**
- (c) **keep and maintain current rules and by-laws of The Club;**
- (d) **maintain the register of Members including the email, street or postal address of each member;**
 - (i) update the register within 28 days of new members, members resigning, members suspended/expelled and in the latter case, include date in which member ceases and reasons for cessation of membership.
 - (ii) maintain the record of office holders of The Club.
 - (iii) Committee members may nominate a business address, post office box address or email address to be used in the record in place of their personal address;
 - (iv) ensure the safe custody of the Books, with the exception of the Accounting Records, of The Club;
 - (v) keep full and correct minutes of Committee Meetings for approval at the next Management Committee meeting, which will then be stored and distributed as determined in the By-laws.
 - (vi) keep full and correct minutes of General Meetings, which will be distributed to all members within *seven (7)* days of the General Meeting via *Club Notice Board* and will be tabled for adoption at the next General Meeting; and
 - (vii) perform any other duties imposed on the Secretary by these Rules or The Club.

15.4 TREASURER

The Treasurer shall:

- (a) ensure all moneys payable to The Club are collected, and that receipts are issued for those moneys in the name of The Club;**
 - (i) ensure the payment of all such money into the account or accounts of The Club as the Committee may from time to time direct;
 - (ii) ensure timely payments from the funds of The Club with the authority of a General Meeting or of the Committee, with all cheques, drafts, bills of exchange, promissory notes and other negotiable instruments of the Association signed by either:
 - (iii) 2 committee members; or
 - (iv) one committee member and a person authorised by the committee
 - (v) ensure that the Club complies with the account keeping requirements in Part 5 of the Act;
 - (vi) ensure the safe custody of the Financial Records of The Club and any other relevant records of The Club;
 - (vii) coordinate the review of the Financial Report of the Club prior to its submission to the annual general meeting of The Club;
 - (viii) assist the reviewer or auditor in performing their functions; and
 - (ix) perform any other duties imposed on the Treasurer by these Rules or The Club.

16. ROLE AND RESPONSIBILITIES OF COMMITTEE MEMBERS.

16.1 Obligations of the Committee

The Committee must take all reasonable steps to ensure The Club complies with its obligations under the Act and these Rules.

16.2 Responsibilities of Committee Members

- (a) A Committee Member must exercise his powers and discharge his duties with a degree of care and diligence that a reasonable person would exercise in the circumstances.**
- (b) A Committee Member must exercise his powers and discharge his duties in good faith in the best interests of The Club and for a proper purpose.**
- (c) A Committee Member or former Committee Member must not use his position, or information obtained as a Committee Member to:**
 - gain an advantage for himself or another person; or
 - cause detriment to The Club.
- (d) A Committee Member having any material personal interest, i.e.: financial or non-financial interests, in a matter being considered at a Committee Meeting must:**
 - as soon as he becomes aware of that interest, disclose the nature and extent of his or her interest to the Committee;
 - disclose the nature and extent of the interest at the next General Meeting of The Club; and
 - not be present while the matter is being considered at the Committee Meeting or vote on the matter.
- (e) The previous sub-section does not apply in respect of a material personal interest that:**
 - exists only because the Committee Member belongs to a class of persons for whose benefit The Club is established; or
 - the Committee Member has in common with all, or a substantial proportion of, the members of The Club.
- (f) The Secretary must record every disclosure made by a Committee Member under this Section in the minutes of the Committee Meeting at which the disclosure is made.**
- (g) No Committee Member shall make any public statement or comment or cause to be published any words or article concerning the conduct of The Club unless the person is authorised by the Committee to do so and such authority is recorded in the minutes of the Committee Meeting.**
- (h) No person shall be entitled to hold a position on the Committee if the person has been convicted of, or imprisoned in the previous five years for:**
 - an indictable offence in relation to the promotion, formation or management of a body corporate;
 - an offence involving fraud or dishonesty punishable by imprisonment for a period of not less than three months; or
 - an offence under Part 4 Division 3 or section 127 of the Act; unless the person has obtained the consent of the Commissioner.
- (i) The Club may pay a Committee Member's travelling and other expenses as properly incurred:**
 - in attending Committee Meetings or sub-committee meetings;

- in attending any General Meetings of The Club; and
 - in connection with The Club's business.
- (j) **Committee Members must not receive any remuneration for their services as Committee Members other than as described in the previous Sub- Section unless agreed to at an Annual Meeting or Special General Meeting.**
- (k) **Correct accounts and books shall be kept showing the financial affairs of The Club and the particulars usually shown in books of accounts of a like nature.**
- (l) **The clubhouse and other club facilities is to be provided and maintained from the joint funds of The Club and no person shall be entitled under these rules to derive any benefit or advantage from The Club which is not shared equally by every member thereof.**
- (m) **This Sub-Section does not prevent:**
- the payment in good faith of remuneration to any officer, employee or Member in return for any services actually rendered to The Club or for goods supplied in the Ordinary and usual course of business;
 - the payment of interest at a rate not exceeding the prevailing market rate published by the Reserve Bank of Australia as the "Cash Rate Target" from time to time on money borrowed from any Member;
 - the payment of reasonable and proper rent by The Club to a Member for premises leased by the Member to The Club; or
 - the reimbursement of expenses incurred by any Member or any Committee Member on behalf of The Club.

PART E

17. INTERPRETATION OF THE RULES

- (a) The Committee shall decide all questions of interpretation of these Rules and such decision shall be binding, unless at a General Meeting such decision shall, by a three quarters majority of members then present, be disagreed with;
- (b) Unless a contrary intention appears, words importing the singular number include the plural and vice-versa, and words importing the masculine gender include the feminine gender in accordance with the Constitution Rules and By-laws of the Bowl's Association;
- (c) In the event of any ambiguity, the powers vested in the Committee shall be construed so as to widen and not restrict the powers of the Committee;
- (d) Every member is bound by and shall submit to the Rules and By-laws of the Club; and
- (e) No member shall be entitled to take any legal action against the Club (other than a claim for goods and services rendered) and must conform to the decisions of the Committee, and in the case of an appeal, to the decision of the General meeting to which he may appeal.

18. AMENDMENT OF RULES

18.1 SPECIAL RESOLUTION

- (a) **No repeal of any existing rules and no new rules or alteration, amendments or suspensions of a rule shall be valid unless a special resolution is carried by a three-fourths majority of members present and with voting rights at a General or Special General Meeting and by otherwise complying with Part 3 Division 2 of the Act.**
- (b) **Notices of motions to repeal, alter or suspend any rule shall be given to the Secretary at least twenty-one (21) days preceding the Annual or Special General Meeting at which the motion shall be presented. The Secretary shall exhibit the proposal on The Club notice board at least fourteen (14) days prior to such meeting.**
- (c) **As soon as is practicable after the making of any proposal for a change to the rules of The Club, the club shall provide to the Director of Liquor Licensing the proposed changes. No effect will be given to the changes without the prior approval of the Director.**

PART F

19. GENERAL MEETINGS

19.1 ANNUAL GENERAL MEETING

The Annual General Meeting of The Club shall be held every calendar year in the month of July, unless otherwise ordered by the Committee, but shall be held within six months after the end of The Club's financial year. Notice of same and the wording of any notice of motion shall be in writing to all members delivered, distributed or posted to their last known address, not less than seven (7) days prior to the meeting, and posted on the Club notice board not less than fourteen (14) days before the meeting. Only Ordinary, Concession and Life Members shall have voting rights.

19.2 QUORUM

Twenty (20) percent of financial Ordinary, Concession and Life members of the Club as at the close of business on the previous day shall form a quorum, and if a quorum is not present within thirty minutes of the appointed time for the meeting, it shall stand adjourned for seven (7) days, and if at such adjourned meeting there is no quorum, those present shall be competent to discharge the business.

19.3 CONDUCT OF THE ANNUAL GENERAL MEETING

The President shall preside. In his absence the Vice President shall preside. In the absence of the aforementioned, the meeting shall elect a Chairperson from the members present. The Chairperson shall have power to exercise a casting vote.

- (a) **Reading notice of the meeting**
- (b) **Reading and confirmation of the minutes of the last Annual General Meeting and of any Special Meetings held since the preceding Annual General Meeting;**
- (c) **Table the Club Legal File;**
- (d) **Reading the President's Report, discussion, adoption or otherwise.**
- (e) **Reading statement of accounts and balance sheet discussion, receive or otherwise.**
- (f) **Reading, discussing, receive or otherwise the reports of the Treasurer and auditor**
- (g) **Declaration of the ballot and election of the Committee;**
- (h) **Handover of Office Bearers**
- (i) **Election of the Club patron(s);**
- (j) **Appointment of the Club Auditor;**
- (k) **Election of Life Members**
- (l) **Special business of which notice of motion has been given.**

20. SPECIAL GENERAL MEETING

- (a) **The Secretary shall call a Special General Meeting when so instructed by a resolution of the Committee or on receipt of a requisition signed by not less than twelve and one half (12½) percent of financial Ordinary, Concession and Life members of the Club at the date of receipt of such requisition.**
- (b) **Special Meetings shall be advertised by posting a notice on the Club Noticeboard not less than fourteen (14) days prior to the meeting, specifying the business to be transacted and no other business shall be dealt with at such meeting.**
- (c) **Twenty (20) percent of all Financial, Ordinary, Concession and Life members as at the close of business on the previous day shall form a quorum, and if no quorum be present within thirty (30) minutes after the appointed meeting time, the meeting shall lapse.**

PART G

21. MISCONDUCT

- (a) The Committee shall exercise full power to reprimand, suspend, expel or impose penalties on any member of the Club who shall, in the sole and absolute judgement of the Committee, have been guilty, either in or out of the Club premises, of any act, practice, conduct, matter or thing calculated to bring discredit on, or in any manner prejudice the reputation of the Club, or calculated in any manner to impair or affect the enjoyment of the Club premises by members thereof, or to cause any ill-feeling or friction between or among members;**
- (b) Any dispute between members may be referred by either disputant in writing to the Committee whose decision there-on, subject to these Rules, shall finally settle the manner.**
- (c) The complainant, with his complaint, shall deposit with the Secretary a sum equivalent to 25 percent of the Ordinary membership subscription and if the Committee consider the complaint frivolous, they may order the amount forfeited to the funds of the Club.**
- (d) All complaints shall be made in writing through the Secretary, stating the explicit nature of the offence of which the member is accused, and the names of any members witness to the complaint. The Secretary shall submit them to the Committee if he is unable to satisfy the complaint; and**
- (e) The Committee shall exempt any member of that Committee from hearing a charge in which he has an interest.**

21.2 PROCEDURE FOR A CHARGE OF MISCONDUCT

- (a) If the Committee decides to proceed with a charge of misconduct, seven (7) clear days' notice of the hearing must be given to the member accused;**
- (b) The Secretary shall deliver to, or forward by registered post, a notice to the accused member and the complainant at the postal address registered at the Club. The notice would specify the nature of the charge and request attendance at the hearing by the Committee. On the application of either party the Secretary shall send a notice to any other member to appear and give evidence provided such application is made three (3) days before the date of the hearing.**

Should any party or witness be unable to attend the hearing, the Committee may at their sole discretion, on application of either party, adjourn the hearing for not more than seven (7) days, at which time they shall take evidence and decide the case, the same as if all parties were present;

- (c) If, after hearing of the evidence, the Committee shall find the charge proven by a majority decision they shall impose an appropriate penalty.**
- (d) The number of votes for and against the decision shall be recorded.**
- (e) The Secretary shall forthwith deliver to or post a notice to the member at the postal address registered at the club, advising him of the penalty; and**

If the penalty is expulsion the name of the member shall be erased from the list of membership forthwith. The member shall be liable for all monies due by him at the date of expulsion. No person shall be entitled to take action or proceedings against the Club for or in respect of any suspension or expulsion as decided and shall conform to the decision of the Committee.

- (f) The name of a member suspended or expelled shall be advised to the RWABA as appropriate.**

22. PENALTIES

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

- (a) The maximum monetary penalty for any breach of these Rules or By-laws of the Club shall not exceed the annual subscription for Ordinary Members, but in addition an offending member shall pay the cost of repair or replacement for Club property damaged through his actions;
- (b) A period of suspension from membership for any period not exceeding twelve (12) months;
- (c) Where the charge proven is of gross misconduct and a fine or suspension shall in the opinion of a two-thirds majority of the Committee hearing the charge be inadequate or inappropriate they may expel the member. The Committee shall take due account of the effect of expulsion on a member who may desire to join an affiliated club in the future;
- (d) All monetary penalties shall be paid within fourteen (14) days of notice being served on the member. If he should refuse or neglect to meet such payment he shall stand suspended from membership until the payment be made in full;
- (e) The Committee may extend such period for payment without further penalty at their discretion; and
- (f) The name of a member suspended or expelled shall be advised to the RWABA as appropriate.

23. APPEAL

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

An appeal shall be received by the Secretary within seven (7) days of the Committee decision;

- (a) Where a member has been fined he may have his appeal determined by the President, Vice President, Secretary or in the absence of any of these officers by members of the Committee selected by the most senior officer available.

The appellant shall lodge a sum of money equivalent to twenty (20) percent of the Annual subscription for Ordinary members with his appeal. If on rehearing of the charge by the Committee the appeal is upheld, the amount deposited shall be refunded.

- (b) Where a member is suspended or expelled he may have his appeal determined by a Special General Meeting of members where a majority of two-thirds will be required to over-turn the decision of the Committee. A sum of money equivalent to forty (40) percent of the Annual subscription for Ordinary members shall accompany such appeal and shall be returned to the appellant if his appeal is upheld.

Until the hearing of any appeal, the decision of the Committee shall have full effect but the appellant shall have the right to attend the meeting applicable.

24. RESOLVING DISPUTES

24.1 Disputes Arising under the Rules

This Section applies to:

- (a) **Disputes between Members; and**
- (b) **Disputes between The Club and one or more Members that arise under the rules or relate to the rules of The Club. This does not include disciplinary matters undertaken with club members, which are covered only under Misconduct in The Club constitution.**
 - (i) The parties to a dispute must attempt to resolve the dispute between themselves within fourteen (14) days of the dispute coming to the attention of each party.
 - (ii) If the parties are unable to resolve the dispute, any party to the dispute may initiate a procedure under this rule by giving written notice to the Secretary of the parties to, and details of, the dispute.
 - (iii) The Secretary must convene a Committee Meeting within twenty-eight (28) days after the Secretary receives notice of the dispute under the previous Sub- Section for the Committee to determine the dispute.
 - (iv) At the Committee Meeting to determine the dispute, all parties to the dispute must be given a full and fair opportunity to state their respective cases orally, in writing or both.
 - (v) The Secretary must inform the parties to the dispute of the Committee's decision and the reasons for the decision within seven (7) days after the Hearing in the Committee Meeting.
 - (vi) If any party to the dispute is dissatisfied with the decision of the Committee they may elect to initiate further dispute resolution procedures as set out in the Rules.

24.2 Mediation

This Sub-Section applies:

- (a) **where a person is dissatisfied with a decision made by the Committee to suspend or expel him, or resolve a dispute to his satisfaction, or**
- (b) **where a dispute arises between a Member or more than one Member and The Club and any party to the dispute elects not to have the matter determined by the Committee.**
 - (i) Where the dispute relates to a proposal for the suspension or expulsion of a Member this rule does not apply until the procedure under the previous Section in respect of the proposed suspension or expulsion has been completed.
 - (ii) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by Section 24(1)(b)(i) or a party to the dispute is dissatisfied with a decision made by the Committee under this Section a party to a dispute may:
 - Provide written notice to the Secretary of the parties to, and the details of, the dispute;
 - Agree to, or request the appointment of, a mediator.
 - (iii) Party, or parties requesting the mediation must pay the costs of the mediation.

- (iv) The mediator must be:
 - a person chosen by agreement between the parties; or
 - in the absence of agreement:
 - if the dispute is between a Member and another Member – a person appointed by the Committee; or
 - if the dispute is between a Member or more than one Member and The Club, the Committee or a Committee Member then an independent person who is a mediator appointed to, or employed with, a not for profit organisation.
- (v) A Member can be a mediator, but the mediator cannot be a Member who is a party to the dispute.
- (vi) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (vii) The parties are to exchange written statements of the issues that are in dispute between them and supply copies to the mediator at least 5 days before the mediation session.
- (viii) The mediator, in conducting the mediation, must:
 - give the parties to the mediation process every opportunity to be heard;
 - allow all parties to consider any written statement submitted by any party; and
 - ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- (ix) The mediator must not determine the dispute and the mediation must be confidential. Information provided by the parties in the course of the mediation cannot be used in any other legal proceedings that may take place in relation to the dispute.

24.3 Inability to Resolve Disputes

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

PART H

25. CLUB LICENCE

- (a) On any application to the Director of Liquor Licensing for a Club License of the Club and whilst the Club shall continue to hold such Club License, these Rules shall be interpreted in all things as being subject to the provisions of the Liquor Act and such provisions shall be deemed to be included in and form part of these Rules.
- (b) The Club shall ensure a Duty Manager is on the licensed premises for the purposes of observing liquor licensing requirements and regulations, as required under the Liquor Act.
- (c) The Club shall be open for sale of liquor during such hours as The Committee shall from time to time determine and as permitted under the Liquor Act.
- (d) No liquor shall be sold or supplied for consumption other than on The Club's premises, unless the member purchasing it removes such liquor from the premises of The Club.
- (e) No liquor shall be sold or supplied to any juvenile.

26. EMPLOYEES

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

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

27. CLUB COLOURS AND INSIGNIA

The official colours of the Club shall be blue and gold with the insignia of a kookaburra in its natural colours.

28. DISSOLUTION OF THE CLUB

- (a) **The Club may cease its activities and have its incorporation cancelled in accordance with the Act if the Members resolve by Special Resolution that The Club will:**
- (i) apply to the Commissioner for cancellation of its incorporation; or
 - (ii) appoint a liquidator to wind up its affairs.
- (b) **The Club must be wound up under Section 30(a) and Part 9 of the Act before cancellation can take place if it has outstanding debts or any other outstanding legal obligations, or is a party to any current legal proceedings.**
- (c) **Upon cancellation of The Club, the Surplus Property must only be distributed to one or more of the following:**
- (i) An incorporated association under the Act;
 - (ii) a body corporate that at the time of the distribution is the holder of a licence under the Charitable Collections Act 1946 (WA);
 - (iii) a company limited by guarantee that is registered as mentioned in section 150 of the Corporations Act 2001 (Cwth);
 - (iv) a company holding a licence that continues in force under section 151 of the Corporations Act 2001(Cwth);
 - (v) a body corporate that:
 - is a member or former member of The Club; and
 - at the time of the Surplus Property is distributed, has rules that prevent the property being distributed to its members;
 - (vi) a trustee for a body corporate referred to in rule Section 28(c)(v); or
 - (vii) a co-operative registered under the Co-operatives Act 2009 that, at the time of the distribution, is a non-distributing co-operative as defined in that Act.