



Government of **Western Australia**
Department of **Mines, Industry Regulation and Safety**
Consumer Protection

Our Ref: Job No. 1819941;
IARN: A0640067T
Enquire

Mr Bernard Tattersall
10A McCallum Crescent
ARDROSS WA 6153

By email: alldonemaint@hotmail.com

24 November 2022

Dear Mr Tattersall

ASSOCIATIONS INCORPORATION ACT 2015
MT PLEASANT BOWLING CLUB (INC.) (the Association)

I refer to the Notice of special resolution to change the rules form (Form 5) received by the Department of Mines, Industry Regulation and Safety - Consumer Protection Division (Consumer Protection) on 02 October 2022.

You are advised that the changes have been lodged effective **18 November 2022** and placed on our records on the basis that the Association's executive or committee have declared that the amendments were passed by special resolution (75% majority) of members at a general meeting.

Consumer Protection undertakes random audit reviews of revised rules (also referred to as the constitution) with regard to the matters set out in Schedule 1 but this is not conducted for every form. However, the Association will be advised of any findings in the event that a review is undertaken.

It is important to be aware that under the Act the rules of every incorporated association are required to contain the Schedule 1 matters. If the rules do not include all of the Schedule 1 requirements or are inconsistent with the Act, parts of the Prescribed Model Rules that deals with the matter will automatically apply until corrected by the Association.

It is appreciated that the process of applying the Prescribed Model Rules has the potential to be confusing for members. In light of this Associations are strongly encouraged to conduct their own review of the rules to ensure the mandatory requirements set out in the Act are addressed.

Consumer Protection's webpage has a range of publications, tools and videos designed to assist associations with understanding the requirements of the Act, as well as reviewing and updating the rules. Associations are encouraged to visit www.dmirs.wa.gov.au/cp/changerules to utilise these resources.

Lastly, it is also opportune to remind the Association that under the Act there is now the requirement to submit an Information Statement (the Statement) to Consumer Protection. The Statement is required to be lodged no later than six months after the end of the



Lodged in the Office of
the commissioner for
Consumer Protection on
the

08 sept 2022

Constitution

of the

Mt Pleasant Bowling Club (Inc.)

(Est. 1960)

Adopted 29/08/2020 Effective from 08/09/2020

Amended 03/09/2022 Effective from 18/11/2022

CONTENTS

1.	NAME.....	5
2.	OBJECTS.....	5
3.	DEFINITIONS	5
4.	CLUB TO BE NOT FOR PROFIT BODY	6
4.1	PROPERTY AND INCOME	6
5.	MEMBERSHIP	6
5.1	REGISTER OF MEMBERS.....	6
5.2	MEMBERSHIP OF THE CLUB	6
5.3	APPLICATIONS FOR MEMBERSHIP	8
5.4	CESSATION OF MEMBERSHIP	8
6.	MEMBERSHIP FEES.....	9
6.1	SUBSCRIPTIONS	9
6.2	NEW MEMBERS.....	9
6.3	RWABA FEES AND LEVIES	9
6.4	UN-FINANCIAL MEMBERS	9
6.5	SPECIAL CIRCUMSTANCES	9
7.	LEVIES.....	9
8.	MEMBERS RIGHTS	9
8.1	RIGHTS AND PRIVILEGES	9
8.2	INSPECTION OF BOOKS OF THE ASSOCIATION.....	10
8.3	USE OF CLUB PREMISES.....	10
8.4	RWABA	10
9.	MANAGEMENT.....	10
9.1	EXCLUDED FROM EXECUTIVE COMMITTEE.....	11
9.2	THE EXECUTIVE COMMITTEE SHALL COMPRISE OF	11
9.3	STANDING COMMITTEES	11
10.	BALLOT PROCEDURE	12
10.1	ELECTION PROCEDURE	12
10.2	ORDER OF ELECTION	12
10.3	GENERAL ELECTION	13
10.4	VOTING PROCEDURE.....	13
10.5	INFORMAL VOTES.....	14
10.6	SCRUTINEERS.....	14
10.7	CASUAL VACANCIES.....	14
11.	AUDITOR.....	14
12.	MEETINGS OF MANAGEMENT COMMITTEE	15
12.1	COMMITTEE MEETINGS	15
12.2	QUORUM FOR EXECUTIVE COMMITTEE MEETINGS	15
12.3	CEASING TO BE A MEMBER OF THE MANAGEMENT COMMITTEE	15
13.	RESIGNATION OF THE MANAGEMENT COMMITTEE	16
14.	POWERS OF MANAGEMENT COMMITTEE	16
15.	DUTIES OF OFFICERS	17
15.1	PRESIDENT	17
15.2	VICE PRESIDENT.....	17
15.3	SECRETARY	17
15.4	TREASURER.....	18
16.	ROLE AND RESPONSIBILITIES OF COMMITTEE MEMBERS.....	18

16.1	OBLIGATIONS OF THE COMMITTEE:	18
16.2	RESPONSIBILITIES OF THE COMMITTEE MEMBERS:	19
16.3	EXPENSES:.....	19
17.	INTERPRETATION OF THE RULES.....	20
18.	AMENDMENT OF RULES.....	20
18.1	SPECIAL RESOLUTION	20
19.	GENERAL MEETINGS.....	21
19.1	ANNUAL GENERAL MEETING	21
19.2	QUORUM.....	21
19.3	CONDUCT OF THE ANNUAL GENERAL MEETING	21
20.	SPECIAL GENERAL MEETING.....	21
21.	MISCONDUCT	22
21.1	PROCEDURE FOR A CHARGE OF MISCONDUCT	22
22.	PENALTIES.....	23
23.	APPEAL.....	23
24.	RESOLVING DISPUTES.....	24
24.1	DISPUTES ARISING UNDER THE RULES.....	24
24.2	MEDIATION.....	24
24.3	INABILITY TO RESOLVE DISPUTES.....	25
25.	LIQUOR ACT.....	25
26.	EMPLOYEES	26
27.	CLUB COLOURS.....	26
28.	DISSOLUTION OF THE CLUB.....	26
29.	INDEMNITY	27
30.	COMMON SEAL	27

1. NAME

- a) The name of the Club shall be the Mt Pleasant Bowling Club (Inc).

2. OBJECTS

- a) The objects of the Club shall be:
 - i) To establish, maintain and conduct a club for lawn bowls and foster the recreational, sporting, social, and cultural activities of the community within the City of Melville 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.
 - ii) To borrow, raise or secure the payment of money for the purpose of the club in such a manner as the members see fit.
 - iii) To provide and maintain a clubhouse and sporting amenities for the use of the members.
 - iv) To foster community partnerships by making the club premises available to the community for matters such as, but not restricted to the following, meetings, social functions, community gatherings and training.
 - v) To affiliate with the Royal Western Australian Bowling Association (RWABA), trading as Bowls WA.

3. DEFINITIONS

- a) In construing this Constitution, unless the context or such otherwise indicates or requires:
 - i) **“Annual Meeting”** means an Annual General Meeting.
 - ii) **“Books of the Association”** means the Members Register; the Record of Office Holders; and the Club Constitution.
 - iii) **“By-Laws”** means the codes of rules made and adopted by the Club in accordance with 14 (k).
 - iv) **“Club Year”** means the Financial Year of The Club.
 - v) **“Commissioner”** means: the person for the time being designated as the Commissioner under section 153 of the Associations Incorporation Act.
 - vi) **“Executive Committee”** means the management committee for the Club, duly elected for the time being in accordance with the Rules.
 - vii) **“Financial Year”** means from the first of July each year, until the following thirtieth of June.
 - viii) **“Financial records”** includes: invoices, receipts, orders for payment of money, bills of exchange, cheques, promissory notes and vouchers; documents of prime entry; working papers and other documents needed to explain the methods by which financial statements are prepared; and adjustments to be made in preparing financial statements.
 - ix) **“Financial report”** has the meaning given in Part 5 of The Act.
 - x) **“Functions Co-ordinator”** means the person appointed by the Executive Committee to manage functions in accordance with Club policies.
 - xi) **“General Meeting”** means a General meeting of the Club whether Annual or Special.
 - xii) **“Month”** means a calendar month.
 - xiii) **“Rules”** means this Constitution.
 - xiv) **“RWABA”** means Royal Western Australia Bowling Association trading as “Bowls WA”.

-
- xv) **Special Resolution**” means a resolution passed by the members at a general meeting in accordance with Section 51 of The Act.
 - xvi) **“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.
 - xvii) **“The Club”** means the Mt Pleasant Bowling Club (Inc).
 - xviii) **“The Club Premises”** means all land and buildings and structures thereon of which the Club is the bona-fide occupier.
 - xix) **“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.
 - xx) **“The Secretary”** means the Secretary elected under section 9 and 10 of this Constitution.
 - xxi) **“The Treasurer”** means the Treasurer elected under section 9 and 10 of this Constitution.
 - xxii) **“Voting rights”** means: the ability for a financial member, with eligible voting rights, 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.

4. CLUB TO BE NOT FOR PROFIT BODY

4.1 PROPERTY AND INCOME

- a) 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.

5. MEMBERSHIP

5.1 REGISTER OF MEMBERS

- a) The Club shall keep an up-to-date register of all categories of members.
- b) This register must be continually available for inspection at the Club premises by members & authorised officers.
- c) Residential, postal, or email address; or information by means of which contact can be made with the member, can be nominated for the members register.

5.2 MEMBERSHIP OF THE CLUB

- a) Membership of the Club shall consist of the following:
 - i) **Full Member** - Persons of or above the age of eighteen (18) years entitled to exercise the full privileges of the Club.
 - a. Shall have voting rights.
 - ii) **1st Year Bowler Member** - Persons of or above the age of eighteen (18) years having not previously been a Bowling member of another Club, is entitled to enjoy the full privileges of the Club.
 - a. Membership of this class of membership is limited to twelve months from the date the person is elected to membership. At the conclusion of this, the member must elect to join another class of membership for which they may be eligible and pay the remaining balance of membership on a pro rata basis.

-
- b. Shall have voting rights.
 - iii) **Veteran Member** - A Veteran Member shall have been a Full Member of Mt Pleasant Bowling Club Inc for a minimum of ten (10) consecutive years and attained the age of eighty (80) years and shall continue to enjoy all the privileges of Full Members.
 - a. Granted on written application to the Committee 4 weeks prior to annual subscriptions being due.
 - b. Shall have voting rights.
 - iv) **Life Member** - the Executive shall from time to time, consider members for Life Membership of the Club. The Executive will seek and consider views from the membership and then vote on the matter at the following Executive Meeting. The Executive meeting vote will be by 80% majority.

The Executive will make their decision based on continuous long and outstanding service to the Club. The new Life Member shall enjoy all privileges of a Full member, be exempt from subscriptions but shall pay any levies and RWABA fee.

 - a. Life Members shall not exceed Twelve (12) living members at one time and not more than two (2) shall be elected in any one year.
 - b. Shall have voting rights.
 - v) **Social Member** - A Person of or above the age of eighteen (18) years, may enjoy the privileges of the Club, including playing in Scroungers competitions but shall not be eligible:
 - a. To have voting rights.
 - b. To use the greens except at the specific invitation from a member of the Club Committee for a period not exceeding 6 months at which time a 1st Year Bowler membership must be applied for.
 - vi) **Junior Member** - Persons under eighteen (18) years, who may enjoy the privileges of the Club but shall not be eligible:
 - a. To stand for any office in the Club or vote in any ballot or at a General Meeting of the Club or to propose or second any application for membership of the Club.
 - b. To invite guests into the Club.
 - vii) **Restricted Member** - Persons who are currently Full 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:
 - a. have voting rights.
 - b. play in any pennant matches for the Club, represent the Club or play in Club Championships.
 - c. not be entitled to be present at any meeting of the members of the Club except by invitation of the Committee, nor have any right, title or interest in or to any of the property of the Club.
 - viii) **Honorary Member** - Honorary membership may be granted without fees to the Club Patrons, such dignitaries and sponsors of the Club as the Management Committee shall determine from time to time.
 - a. 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.
 - b. Not entitled to be present at any meeting of the members of the Club except by invitation of the Committee, nor have any voting rights, title or interest in or to any of the property of the Club.

-
- ix) **Temporary Member** - A person who is on any day visiting the Club as a member or an official of another club or team including those persons who are assisting a member or an official of another Club or team, to: a visiting club, to:
- a. Engage in a pre-arranged event with the Club as per the Club's objects.
 - b. Hold a pre-arranged function at the Club involving the use of the Club's sporting facilities.
- a. Not entitled to be present at any meeting of the members of the Club except by invitation of the Committee, nor have any voting rights, title or interest in or to any of the property of the Club.

5.3 APPLICATIONS FOR MEMBERSHIP

- a) Applications for Full, 1st Year Bowler, Social and Junior members shall be proposed and seconded by two (2) Full, Veteran or Life Members of the Club. All applications shall be in writing in a form prescribed by the Committee and include membership payment. When the completed application form and all subscriptions have been received by the Secretary, the person shall be a provisional member of the Club and exercise all of the privileges of the Membership category applied for, excluding voting rights.
- b) If the application is declined by the Executive, all monies paid by the applicant will be refunded within 14 working days.
- c) Applications shall be posted on the Club Notice Board by the Secretary for a period not less than seven (7) days before election provided also that an interval of not less than two weeks shall elapse between nomination and election.
- d) The Committee shall have the right to refuse any application for membership at its discretion without assigning any reason for doing so.
- e) The secretary shall keep a record of the names of members present and voting on that day.
- f) No person shall be entitled to exercise any of the privileges of a member until they have paid all subscriptions due by them.
- g) On election of each candidate, the Secretary shall notify the same to them, and they shall 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 or enforcing such rules from all personal responsibility or legal liability on such account.

5.4 CESSATION OF MEMBERSHIP

- a) A person ceases to be a member when any of the following takes place:
 - i) For a member who is an individual, the individual dies.
 - ii) The person ceases to be a member if his subscription fee is in arrears under Section 6.4.
 - iii) The person is expelled from the Club under Section 21.1.
- iv) A member may resign from membership of the Club by giving written notice of resignation to the Secretary.
 - a. The resignation takes effect when the Secretary receives the notice; or if a later time is stated in the notice, at that later time.
 - b. 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.
 - c. 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

6.1 SUBSCRIPTIONS

- a) All fees and subscriptions shall be determined at the March meeting of the Committee for the following financial year and notice of the fees and subscriptions shall be notified to the members via the Club notice board, and by-laws of the Club.
- b) Subscriptions shall be payable annually in advance no later than July 31st each year, with the exception of 1st year bowlers.

6.2 NEW MEMBERS

- a) New members elected with the exception of 1st year bowlers shall pay the full annual subscription plus any applicable levies, however, if a person joins after the 1st January, they shall pay a pro-rata subscription for each month remaining in the financial year.

6.3 RWABA FEES AND LEVIES

- a) Fees and levies as determined by the RWABA or by a general meeting of members shall be additional to fees and subscriptions determined by the Committee.

6.4 UN-FINANCIAL MEMBERS

- a) The Committee may by resolution remove from the register of members, the name of any member who fails to pay;
 - i) The annual subscription, plus RWABA fee no later than July 31st each year and any additional subscriptions, levies or fees imposed by the Club or the RWABA within one month of the due date of payment.

6.5 SPECIAL CIRCUMSTANCES

- a) On being satisfied that any member, through absence, illness, financial difficulties, unemployment, physical disability or other distressful circumstances, is unable to pay his or her full subscription, the Committee may determine a reduced rate.

7. LEVIES

- a) Members shall pay such levies as may be imposed from time to time by the Club and as agreed at a general meeting.

8. MEMBERS RIGHTS

8.1 RIGHTS AND PRIVILEGES

- 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 the category of membership they hold.
- c) All members, upon successful membership application, will be provided 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 – Full, Veteran, 1st Year Bowler, Social 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 provided that the sale of alcohol shall be as bound by laws the Liquor Act.
 - g) Every member is bound and shall submit to the Rules and By-Laws of the Club; and
 - h) 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 or she may appeal.

8.2 INSPECTION OF BOOKS OF THE ASSOCIATION

- a) 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 Members 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:
 - a. 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.
 - b. To contact, send material to the Club or a Member for the purpose of advertising for political, religious or commercial purposes, or
 - c. 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
 - d. 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

8.3 USE OF CLUB PREMISES

- a) All members excluding Junior and Temporary members are entitled to host functions on The Club premises after written application for said function has been considered and approved by the Functions Co-ordinator.
- b) The Functions Co-ordinator 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.

8.4 RWABA

- a) 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.

9. MANAGEMENT

- a) The management of the Club shall be vested in the Executive Committee, Men's and Ladies' Bowls Committees and Standing Committees all of which shall be elected or appointed annually.

9.1 EXCLUDED FROM EXECUTIVE COMMITTEE

A person is excluded from being on the Executive Committee if they;

- i) are bankrupt or their affairs are under solvency laws;
- ii) have been convicted of an indictable offence in relation to the formation or management of a body corporate in the last 5 years;
- iii) have been convicted of an offence involving fraud or dishonesty punishable by at least 3 months imprisonment in the last 5 years;
- iv) have been convicted of an offence under the Act, where a person has allowed an association to operate whilst insolvent in the last 5 years.

9.2 THE EXECUTIVE COMMITTEE SHALL COMPRISE OF

- i) President
- ii) Vice-President
- iii) Secretary
- iv) Treasurer
- v) President of Men's Standing Bowls Committee as per Section 9.3
- vi) President of Ladies Bowls Committee as per Section 9.3
- vii) Chairperson of each Standing Committee as per Section 9.3

9.3 STANDING COMMITTEES

- i) **The President, Vice President and Chairperson** of all Standing Committees shall be elected by all financial Full, Veteran, 1st Year Bowler and Life Members of the Club.
- ii) Men's Bowls Committee
 - a. The Men's Bowls Committee will be defined in the Club by-laws and shall be elected by male financial Full, Veteran, 1st Year Bowler and Life Members of the Club.
 - b. Selection and Match committees will be sub committees to the Men's Bowl's Committee.
- iii) Ladies' Bowls Committee
 - a. The Ladies' Bowls Committee will be defined in the Club by-laws and shall be elected by female financial Full, Veteran, 1st Year Bowler and Life Members of the Club.
 - b. Selection and Match committees will be sub committees to the Women's Bowl's Committee.
- iv) Finance Committee
 - a. The Finance Committee shall comprise of the Management Officers of the Club – The President, Vice-President, Secretary and Treasurer.
- v) Other Standing Committees
 - a. Other Standing Committees may comprise of – Bar, House, Membership, Sponsorship, 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 by-laws. shall be elected by all eligible members under clause 5.2 of the Constitution.
- vi) Appointment of Additional Positions

-
- a. Additional members may be appointed by the Executive Committee to any position that will further the objects of the Club.

10. BALLOT PROCEDURE

10.1 ELECTION PROCEDURE

- a) 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, and shall be appointed not less than four (4) weeks prior to the Annual General Meeting of members.
- b) The Management Committee shall call for nominations for positions on all Committees, with a term being from the date of the General Meeting for a period of 12 months. They shall retire immediately after the declaration of the ballot for election of office bearers but they shall be eligible for re-election.
- c) Bowls Presidents, Bowls Standing Committees and the delegate to RWABA, are elected at a General Meeting held between March and April each year. All other positions are elected at the Annual General Meeting held in August each year.
- d) Members may nominate for more than one office but may not be elected to more than two (2).
- e) Only male members are eligible for nomination to the Men's Bowls President, Men's Bowls Standing Committees and only female members are eligible for nomination to the Ladies Bowls President, and Ladies' Bowls Standing Committees.
- f) Nominations, including members seeking re-election shall be 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 General Meeting.
- g) The Secretary shall initial and date the nomination and advertise such on the Club notice board for not less than fourteen (14) clear days after closure of nominations.

10.2 ORDER OF ELECTION

- a) Any member elected to a position on the Executive Committee shall be automatically excluded from any ballot for lower position on the Executive Committee as per order of the ballot below.
- b) The following positions are elected at the Annual General Meeting in August each year.
 - i) President
 - ii) Vice President
 - iii) Secretary
 - iv) Treasurer
 - v) Chair Bar
 - vi) Chair Social
 - vii) Chair Sponsorship
 - viii) Chair House & Works
 - ix) Chair Greens
 - x) Chair Membership
- c) The following positions are elected at a General Meeting held in March or April each year.
 - i) Men's Bowls President
 - ii) Ladies' Bowls President

-
- iii) RWABA delegate
 - iv) Chair of Selection - Men
 - v) Chair of Selection - Ladies
 - vi) Chair of Match - Men
 - vii) Chair of Match - Ladies

- d) **Standing Committee Members:** Members of the Men's and Ladies' Bowling Standing Committees shall be entitled to serve on any other Standing Committee and members may serve on more than one Standing Committee.

10.3 GENERAL ELECTION

- a) 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.
- b) 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.
- c) Positions remaining vacant may be filled by the Committee as provided for in the Constitution under rule 10.7

10.4 VOTING PROCEDURE

- a) 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:
 - i) 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.
 - ii) 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.
 - iii) Voting papers shall be e-mailed, mailed, delivered, or distributed to all Full, Veteran, 1st Year Bowlers and Life Members (eligible in accordance with Section 10), not less than fourteen (14) days prior to the closing of the ballot; and
 - iv) The Club shall provide a ballot box which shall be locked by the Returning Officer, signed by the member and placed in the Club to receive the ballot at the time of distribution to the members by their preferred means of contact.
 - v) The Secretary will provide the Returning Officer with any emailed ballot papers and these will be placed in the locked ballot box.
 - vi) 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.
 - vii) 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.
 - viii) All ballots shall be decided on a 'first past the post' voting system.
 - ix) 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.
 - x) 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.

- xi) If two or more candidates receive the same number of votes, the Returning Officer shall determine by lot the successful candidate or candidates; and 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.
- xii) 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.

10.5 INFORMAL VOTES

- a) Ballot papers which:
 - i) Show more candidates marked as voted for than the number permitted.
 - ii) Are defaced or mutilated as to prevent the intentions of the voter being ascertained.
 - iii) Do not clearly reveal the identity of the voter on the outer envelope as instructed on the ballot paper.
 - iv) Carry any mark or means of identification of the voter on the ballot paper; and
 - v) Have more than one ballot paper in a single ballot paper envelope shall be deemed informal.
- b) The Returning Officer may rule as he or she 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 or her vote so long as his or her intention is clear.

10.6 SCRUTINEERS

- a) A candidate may nominate in writing to the Returning Officer a scrutineer to represent him at the ballot. The scrutineer shall be a financial Full, Veteran or Life Member of the club and shall not be a candidate for election.
 - i) 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.
 - ii) A scrutineer shall not place or remove any mark on a ballot paper; and
- b) A scrutineer shall not interfere with or attempt to influence any member at the time such member is casting their vote.

10.7 CASUAL VACANCIES

- a) Any vacancy occurring in the Committee as per Section 12.3 may be filled at a meeting of the Committee when a member elected at such a Committee meeting shall hold office in place of, and upon the same terms and conditions as their predecessor, had the latter continued in office.

11. AUDITOR

- a) The Club shall appoint an auditor who shall be a member of a recognised accounting body as required under the act.
 - i) There shall be an Auditor, who shall be appointed at the Annual General Meeting.
 - ii) The Auditor shall be independent to the Club.
 - iii) 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.
 - iv) The Auditor shall be entitled to receive such remuneration as the Committee may determine from time to time.

-
- v) 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 Executive Committee shall meet at least 8 times per annum with no more than two months between each meeting, as required 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.
- c) 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.
- d) The Management Committee is able to determine the distribution of the Committee Meeting minutes, as detailed in the by-laws.
- e) Committee Meetings may take place here 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.
- f) 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 or she is no longer taking part in the Committee Meeting.
- g) Any member asked by the Committee, may attend a Committee meeting to give their report and then leave at the discretion of the Committee.
- h) A member of the Executive may only have one (1) vote on matters even though they may be the Chair of more than one (1) committee.

12.2 QUORUM FOR EXECUTIVE COMMITTEE MEETINGS

- a) The majority of at least four (4) of elected members present, shall form a quorum.
- b) There must be a minimum of four (4) elected members present to 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 *four (4)* shall have the power to transact the business of such meeting. If less than *four (4)* the meeting shall lapse.

12.3 CEASING TO BE A MEMBER OF THE MANAGEMENT COMMITTEE

- a) A casual vacancy occurs in the office of a Committee Member and that office becomes vacant if the Committee Member;
 - i) Dies.
 - ii) Ceases to be a Member.
 - iii) Becomes disqualified from holding a position under these rules as a result of bankruptcy or conviction of a relevant criminal offence.
 - iv) Becomes permanently incapacitated by mental or physical ill-health.
 - v) Resigns in writing from office, and such resignation has been accepted by the Committee.

-
- vi) Is absent from more than three consecutive Committee Meetings without good reason or three Committee Meetings in the same Financial Year without tendering an apology to the person presiding at each of those Committee Meetings.
 - vii) 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.
 - viii) The Committee Member who faces removal from the Committee must be given a full and fair opportunity at the General Meeting held 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.
 - ix) If all Committee Members are removed by resolution at a General Meeting, the Members must, at the same General Meeting, elect an interim Committee.
 - x) 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

- a) If resignations in the Executive Committee result in the number of committee members being less than the number fixed under Section 12.2, the continuing Executive Members may act only:
 - i) Increase the number of Members on the Executive to the number required for a quorum; or
 - ii) Convene a General Meeting of the Club.

14. POWERS OF MANAGEMENT COMMITTEE

- a) The business of the Club shall be managed by the Executive 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 Executive 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 able to do so.
 - 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 delegable 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

- a) The President shall preside at all meetings of the Club and of the Committee. In his or her absence the Vice President shall preside. If neither of the aforementioned officers be present, the meeting shall elect a Chairperson.
- b) At all General Meetings of the Club, and all meetings of the Committee, the
 - i) President, or in his or her absence the presiding Chairperson, shall have a deliberate vote and a casting vote.
 - ii) 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.
 - iii) Shall consult with the Secretary of the Club regarding business to be discussed at each meeting.
 - iv) May convene special meetings of the Committee.
 - v) Must ensure that the minutes of all General and Committee Meetings are reviewed and signed as correct.
 - vi) Shall represent the Club to the Community at large.
 - vii) Shall be ex-officio of all sub committees.
 - viii) Shall uphold the Constitution of the Club and to strive continually to improve the Club's policies, activities and administration.
 - ix) Shall ensure all Club records are safely stored for at least 7 years.

15.2 VICE PRESIDENT

- a) **The Vice President** shall liaise with the President in the overall management of the Club, and in the Presidents absence shall assume their responsibilities.
- b) Shall be ex-officio of all sub-committees.

15.3 SECRETARY

- a) The Secretary shall:
 - i) Co-ordinate the correspondence of the Club.

-
- ii) 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.
 - iii) Keep and maintain current rules and by-laws of the Club.
 - iv) Maintain the register of Members including the email, street or postal address of each member.
 - v) Update the register within 28 days of new members being admitted or members resigning, being suspended, or expelled.
 - vi) Maintain the record of office holders of the Club.
 - vii) 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.
 - viii) Ensure the safe custody of the Books and securities of the Club, with the exception of the Accounting Records, at all times.
 - ix) 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.
 - x) Keep full and correct minutes of General Meetings, which will be distributed to all members within fourteen (14) days of the General Meeting via *Club Notice Board* and will be tabled for adoption at the next General Meeting.
 - xi) Perform any other duties imposed on the Secretary by these Rules or the Club.

15.4 TREASURER

- a) The Treasurer shall:
 - i) Ensure all monies payable to the Club are collected, and that receipts are issued for those monies in the name of the Club.
 - ii) Ensure the payment of all such money into the account or accounts of the Club as the Committee may from time to time direct.
 - iii) 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 2 committee members or one committee member and a person authorised by the committee.
 - iv) Ensure that the Club complies with the account keeping requirements in Part 5 of the Act.
 - v) Ensure the safe custody of the Financial Records of the Club and any other relevant records of the Club.
 - vi) Coordinate the review of the Financial Report of the Club prior to its submission to the annual general meeting of the Club.
 - vii) Assist the reviewer or auditor in performing their functions.
 - viii) 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:

- a) 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 THE COMMITTEE MEMBERS:

- a) A Committee Member must exercise his powers and discharge his or her duties with a degree of care and diligence that a reasonable person would exercise in the circumstances.
- b) A Committee Member must exercise his or her powers and discharge his or her 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 or her position, or information obtained as a Committee Member to gain an advantage for himself or another person.
- d) A Committee Member must not cause detriment to the Club.
- e) 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 or she becomes aware of that conflict of interest, disclose the nature and extent of their interest to the Committee.
 - i) Disclose the nature and extent of the interest at the next General Meeting of the Club.
 - ii) Not be present while the matter is being considered at the Committee Meeting or vote on the matter.
- f) The previous sub-section does not apply in respect of a material personal interest that exists;
 - i) only because the Committee Member belongs to a class of persons for whose benefit the Club is established;
 - ii) or the Committee Member has in common with all, or a substantial proportion of, the members of the Club.
- g) 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.
- h) 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.
- i) 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.
 - i) In relation to the promotion, formation, management of a body corporate;
 - ii) An offence involving fraud or dishonesty punishable by imprisonment for a period of not less than three months or;
 - iii) An offence under Part 4 Division 3 or section 127 of the Actunless the person has obtained the consent of the Commissioner.
- j) As soon as practicable after a person has ceased to be a member of the management committee of the Club, all relevant documents, records, and security items, including keys, must be delivered to a member of the management committee.

16.3 EXPENSES:

- a) The Club may pay a Committee Member's travelling and other expenses as properly incurred:
 - i) In attending Committee Meetings or sub-committee meetings.
 - ii) In attending any General Meetings of the Club.
 - iii) In connection with the Club's business.
- b) 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.

-
- c) 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.
 - d) The clubhouse and other club facilities are 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.
 - e) Section 16.3(d) does not prevent:
 - i) 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.
 - ii) 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.
 - iii) the payment of reasonable and proper rent by the Club to a Member for premises leased by the Member to the Club.
 - iv) the reimbursement of expenses incurred by any Member or any Committee Member on behalf of the Club.

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) 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.
- c) Every member is bound by and shall submit to the Rules and By-laws of the Club; and
- d) 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 75% majority of financial members present and with voting rights at a 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.
- c) The Secretary shall exhibit the proposal on the Club notice board at least fourteen (14) days prior to such meeting.
- d) Within one month after making the resolution of any amendment or addition to the rules of the Club, passed by special resolution the Executive Committee shall submit the required documents to the Commissioner. No effect will be given to the amendments without the approval of the Commissioner.

19. GENERAL MEETINGS

19.1 ANNUAL GENERAL MEETING

- a) The Annual General Meeting of the Club shall be held every calendar year in the month of August unless otherwise ordered by the Committee but shall be held within six months after the end of the Club's financial year.
- b) Notice of same and the wording of any notice of motion shall be in writing to all members emailed, distributed or posted to their nominated contact on the register of members, 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.

19.2 QUORUM

- a) Ten (10 %) percent of financial Full, Veteran 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

- a) The President shall preside. In his or her absence the Vice President shall preside. In the absence of the aforementioned, the meeting shall elect a Chairperson from the members present.
- b) Order of business as follows:
 - i) Reading notice of the meeting
 - ii) Apologies
 - iii) Reading and confirmation of the minutes of the last Annual General Meeting and of any Special Meetings held since the preceding Annual General Meeting.
 - iv) Reading the President's Report, discussion, adoption or otherwise.
 - v) Reading, discussing, receive or otherwise the reports of the Treasurer and Auditor.
 - vi) Declaration of the ballot and election of the Committee.
 - vii) Handover of Office Bearers.
 - viii) Election of the Club patron(s).
 - ix) Reading Statement of Accounts and Balance Sheet to be received or otherwise.
 - x) Appointment of the Club Auditor.
 - xi) Announcement of Life Members.
 - xii) 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 Executive Committee or on receipt of a requisition signed by not less than 20 % of financial members entitled to vote in Clause 5.2, at the date of receipt of such requisition.
- b) Notice of a Special Meeting and the wording of any notice of motion shall be in writing to all members emailed, distributed or posted to their nominated contact on the register of members, not less than seven (7) days prior to the meeting, specifying the business to be transacted and posted on the Club notice board not less than fourteen (14) days before the meeting.
- c) No other business shall be dealt with at such meeting.

-
- d) Ten (10) percent of all Financial, Full, Veteran, 1st Year Bowler 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.

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.
 - i) 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.
 - ii) 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 or she is unable to satisfy the complaint. and The Committee shall exempt any member of that Committee from hearing a charge in which he or she has an interest.

21.1 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. 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.
- b) The notice would specify the nature of the charge and request attendance at the hearing by the Committee.
- c) Members are not permitted to have legal representation attend any disciplinary matters, but may bring another member to act in a support capacity only.
- d) 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 Management 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.
- e) If, after hearing of the evidence, the Committee shall find the charge proven by a majority decision they shall impose an appropriate penalty. The number of votes for and against the decision shall be recorded. The Secretary shall forthwith deliver to or post a notice to the member at the postal address registered at the club, advising him or her of the penalty.
- f) 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 or her at the date of expulsion.
- g) The RWABA shall be notified of the name of a bowling member who is suspended or expelled within fourteen (14) days of the notification to the member.
- h) If membership is suspended the Secretary must record it in the register:
 - i) The name of the Member that has been suspended from membership;
 - ii) The date on which the suspension takes effect; and
 - iii) The length of the suspension as determined by the Committee.
 - iv) During the period of the member's suspension the member;

-
- v) Loses any rights (including voting rights) arising as result of membership;
 - vi) Is not entitled to a refund, rebate, relief or credit for membership fees paid, or payable, to the Club; and
 - vii) Cannot attend the Club as a guest of a member, unless prior written authorisation is received by the Management Committee.
- i) Upon the expiry of the period of the Member's suspension, the Secretary must record in the Register that the Member is no longer suspended.

22. PENALTIES

- a) The Committee shall have due regard to the circumstances of the charge, when affixing any penalty under these Rules. Penalties available are:
 - i) The maximum monetary penalty for any breach of these Rules or By-laws of the Club shall not exceed the annual subscription for Full Members, but in addition an offending member shall pay the cost of repair or replacement for Club property damaged through his or her actions;
 - ii) A period of suspension from membership for any period not exceeding twelve (12) months.
- b) Where the charge proven is of gross misconduct and a fine or suspension shall in the opinion of a 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.
- c) All monetary penalties shall be paid within fourteen (14) days of notice being served on the member. If he or she should refuse or neglect to meet such payment, he or she shall stand suspended from membership until the payment be made in full.
- d) The Committee may extend such period for payment without further penalty at their discretion.
- e) The name of a member suspended or expelled shall be advised to the RWABA as appropriate.

23. APPEAL

- a) 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.
- b) An appeal shall be received by the Secretary within seven (7) days of the Committee decision.
- c) Where a member has been fined he or she may have his or her 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.
- d) Where a member is suspended or expelled, he or she may have his or her appeal determined by a Special General Meeting of members where 70% majority, of members present, will be required to over-turn the decision of the Committee. 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.
- e) If the Committee's decision to suspend or expel a Member is revoked under these Rules, any act performed by the Committee or Members in a General Meeting during the period the Member was suspended or expelled from Membership, is deemed to be valid, notwithstanding the Member's inability to exercise their rights or privileges of Membership, including voting rights, during that period.

24. RESOLVING DISPUTES

24.1 DISPUTES ARISING UNDER THE RULES

- a) This Section applies to:
 - i) Disputes between Members.
 - ii) 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.
- b) 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.
- c) 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.
- d) 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.
- e) 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.
- f) 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.
- g) 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

- a) This Sub-Section applies:
 - i) Where a person is dissatisfied with a decision made by the Committee to suspend or expel him, resolve a dispute to his satisfaction.
 - ii) 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.
- b) 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.
- c) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by Section 24(1)(c) or a party to the dispute is dissatisfied with a decision made by the Committee under this Section a party to a dispute may;
 - i) (i) provide written notice to the Secretary of the parties to, and the details of the dispute.
 - ii) (ii) Agree to, or request the appointment of, a mediator.
- d) Party, or parties, requesting the mediation must pay the costs of the mediation.
- e) The mediator must be:
 - i) A person chosen by agreement between the parties.
 - ii) In the absence of agreement;
 - a. If the dispute is between a Member and another Member a person appointed by the Committee.

-
- b. If the dispute is between a Member or more than one Member and the Club, the Committee, or a Committee Member then an independent person who is a mediator appointed to, or employed with, a not for profit organisation.
 - f) A Member can be a mediator, but the mediator cannot be a Member who is a party to the dispute.
 - g) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
 - h) 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.
 - i) The mediator, in conducting the mediation, must;
 - i) Give the parties to the mediation process every opportunity to be heard.
 - ii) allow all parties to consider any written statement submitted by any party and;
 - iii) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
 - j) 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

- a) 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.

25. LIQUOR ACT

- a) The Club will maintain a club license under the current Liquor Act and its amendments.
- b) The Club shall ensure an approved 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 to any juvenile.
- e) The club may allow visitors onto the premises, as per the requirements of the Liquor Act.
 - i) Visitor means person who
 - a. Is at least 40km , if greater distance prescribed for the purpose of this paragraph, at least that distance from their usual place of residence, and
 - b. Is visiting the Club whilst in the course of a holiday or travelling for leisure or business; and
 - c. Is required at the time of their visit, to pay a fee to the club for use of facilities.
 - ii) Visitors shall not be entitled to be present at any meeting of the members of the Club, nor have any voting rights, title or interest in or to any property of the Club.
 - iii) Visitors will be subject to withdrawal by any club official, including bar persons acting in the best interests of the Club.
 - iv) An up-to-date register of visitors must be continually available for inspection at the Club premises by authorised officers.
- f) The Club may seek an Extended Trading Permit - Associations to add local Associations as users of the Club facility to hold their functions.

26. EMPLOYEES

- a) The Executive Committee shall be responsible for engaging and terminating all employees of the Club and shall do so within the following guidelines.
 - i) No person under the age of eighteen (18) years shall be employed in the sale or delivery of liquor.
 - ii) The hours worked shall not exceed those set down in the industrial awards, governing employees engaged in similar work.
 - iii) Employees shall be paid not less than the rates laid down under current relevant Western Australian State or Federal Awards.
 - iv) 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

- a) The official colours of the Club shall be white, blue & gold or shades thereof.

28. DISSOLUTION OF THE CLUB

- a) The Club may cease its activities and have its incorporation cancelled in accordance with part 10 of the Act, if the Members resolve by Special Resolution that the Club will:
 - i) Apply to the Commissioner for cancellation of its incorporation.
 - ii) Appoint a liquidator to wind up its affairs.
 - iii) 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 is unable to pay or meet its debts and liabilities; or the Executive Committee or members determine by special resolution to wind up the Club as a result of financial difficulty resulting in or from any other outstanding legal obligations or is a party to any current legal proceedings.
- b) 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;
 - a. is a member or former member of the Club and;
 - b. 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).
 - 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.

29. INDEMNITY

- a) Members of the Executive Committee shall at all times be kept indemnified from all costs, charges, losses, damages and expenses which such member or members or any of them sustain, incur or be put to in or about the execution and discharge of their respective trusts and offices or in or about any action, suit or proceedings at law or in equity in which they or any of them shall or may be plaintiffs or defendants.
- b) Provided that such member or members shall have acted by direction of the Executive Committee for the time being; provided always that the amount of such costs, charges, damages or expenses, for which indemnity is intended to be hereby provided shall immediately it has been sustained or incurred be paid from the funds of the Club.
- c) Other officers of the Club shall not be answerable or accountable for the others or any of them or any other member or members whomsoever but for his or her own acts, deeds and defaults.

30. COMMON SEAL

- a) The Club shall not have a Common Seal.

The foregoing rules were adopted at a General Meeting of the Members of the Mt. Pleasant Bowling Club Inc. on the 3rd September 2022

Club President: _____ Robert Calcutt

Club Secretary: _____ Robert Cook
