



Maleny Bowls Club Inc.

Constitution.



Maleny Bowls Club Inc.

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SECTION A – THE CLUB

1 Definitions

- (a) "Club" means the Maleny Bowls Club Inc.
- (b) "Constitution" means the rules and by-laws of the club in force for the time being.
- (c) "Management Committee" means the members for the time being of the management committee of the club as constituted in accordance with these rules and by-laws and is the controlling body of the club subject only to any direction of members at a general meeting.
- (d) "Member" means any member of the club.
- (e) "Seal" means the common seal of the club.
- (f) "Month" means calendar month.
- (g) "WB" means World Bowls.
- (h) "BA" means Bowls Australia Ltd.
- (i) "BQ" means Bowls Queensland Ltd.
- (j) "DBA" means District Bowls Association.

2 Interpretation

(1) In these rules:

Act means the *Clubs and Associations Incorporation Act 1981 as amended*.

Present means:

- (a) at a management committee meeting, see rule 30; or
 - (b) at a general meeting, see rule 18.
- (2) A word or expression that is not defined in these rules, but is defined in the Act, has, if the context permits, the meaning given by the Act.

3 Name

The name of the incorporated club is Maleny Bowls Club Inc (***the club***).

4 Objects

The objects of the club are:

- (1) to advance and promote the sport of Bowls;
- (2) to provide the best possible standard of playing facilities for members in accordance with the Laws of the Game prescribed by BA;
- (3) to provide, develop and promote activities that are from time to time deemed appropriate to provide good fellowship between members of the club;
- (4) to promote and enhance the sport of Bowls in the local community.

5 Powers

- (1) The association has the powers of an individual.
- (2) The association may, for example—
 - (a) enter into contracts; and
 - (b) acquire, hold, deal with and dispose of property; and
 - (c) make charges for services and facilities it supplies; and
 - (d) do other things necessary or convenient to be done in carrying out its affairs.

SECTION B – MEMBERSHIP OF THE CLUB

6 Membership

- (1) The membership of the club consists of ordinary members, and any of the following classes of members: life members, junior members, temporary members, social members and honorary members.
- (2) The number of ordinary, life and junior members is unlimited.
- (3) Every applicant for any class of membership of the club must be proposed by 1 ordinary or life member of the club and seconded by another ordinary member. The application for membership must be:
 - (a) made in writing;
 - (b) signed by the applicant and the applicant's proposer and seconder;
 - (c) in such form as the management committee from time to time prescribes.

7 Eligibility for Membership

- (1) To be eligible for membership a person must be:
 - (a) not less than 18 years of age for membership other than junior membership;
 - (b) interested in playing the sport of Bowls;
 - (c) prepared to support and promote the welfare of the club and the sport of Bowls;
 - (d) of good character and compatible with other members; and
 - (e) free of indebtedness to any Bowls Club, DBA, State or National Bowls Authority and not under an order or notice of suspension, or expulsion, from any Bowls Club or DBA.
- (2) No person will be admitted as a member of the club who is a member of any club affiliated with the BQ unless such person satisfies the management committee by presentation of a clearance on the official form as prescribed by BQ.
- (3) An employee of the club whether on salary, wages or contract may be a member of the club but will not be eligible to nominate for or hold any elected office of the club or to nominate or second any other member for an elected office of the club.

8 Classification and Privileges of Membership

- (1) **Ordinary Members**
An ordinary member is a member whose application for membership of the club has been approved by the management committee and has paid all the prescribed fees. Ordinary members are entitled to all the privileges of the club and to exercise all the rights of membership.
- (2) **Life Members**
An ordinary member on the recommendation of the management committee may be elected a life member by the club at a special general meeting or AGM in recognition of services rendered to the club. Such election must be by resolution of a 75% majority of members present and entitled to vote at a SGM or AGM. A life member shall be free to enjoy all club privileges and exercise all rights but shall be exempt from the payment of the annual subscriptions.
- (3) **Junior Members**
Persons under the age of 18 years may apply for junior membership of the club. A junior member:
 - (a) is neither entitled to attend Annual and General Meetings, vote nor to nominate members for office nor to nominate other persons to membership of the club;

- (b) is entitled to play bowls in any State, District, National or club competition according to the conditions laid down for the playing of the event;
- (c) on attaining the age of 18 years their membership will automatically be transferred to that of an ordinary member; and
- (d) must not under any circumstances be served or consume liquor from or on the club premises or engage in any form of gambling on the premises.

(4) Temporary Members

The management committee may admit as a temporary member any person who does not normally reside within the district where the club is established, provided always that such person is a full subscribing and financial member of a Bowls Club or Bowls Authority affiliated directly or indirectly with WB and who is not under suspension or expulsion by order of that Club, or any other Club so affiliated. Such membership will not exceed a 3 months period but may be renewed at the discretion of the management committee.

Temporary members are entitled to the privileges of membership except that they must neither hold any office in the club nor nominate members for election to any position in the club nor take part in nor vote at meetings of the club. They must not nominate ordinary members of the club nor participate in any game other than a social game of the club. Temporary members must pay the membership fees determined by the management committee.

(5) Social Members

The Management committee may elect any person as a social member of the club and charge the membership fees that the management committee determines. Social members are entitled to the social privileges of membership except they must not hold any office of the club nor be entitled to nominate members for election to any position in the club nor take part in or vote at meetings of the club nor to nominate persons for membership of the club. They may take part in the game of bowls as invited or advised by the Management committee. An application for social membership must be as prescribed in rule 6.

A social member must also be:

- (a) a person who is of good repute and whose interests and activities are in the opinion of the management committee compatible with those of the existing members of the club; and
- (b) not under 18 years of age.

(6) Honorary Members

The club may at any general meeting elect as an honorary member any person who has rendered service, benefit or esteem to the club. An honorary member is entitled to the social privileges of the club but must not hold any office in the club nor take part in or vote at any meeting of the club nor nominate ordinary members of the club. An honorary member is non bowler who is exempt from the payment of members' subscriptions, fees and levies imposed by the club. Honorary membership must be renewed annually.

9 Admission to Membership

(1) Application Form

An application for membership of the club with the exception of honorary and temporary members as provided for in these rules, must be made in writing on a form prescribed by the Management committee and shall bear the name and signature of the proposer and seconder as well as the nominee's signature, full name, address, date of birth, email address and be accompanied by the prescribed fee. Such fee to be refunded if the application is rejected.

(2) Membership Fees

- (a) The membership fee for each ordinary membership and for each other class of membership (if any) is:
 - (i) the amount decided by the management committee from time to time; and
 - (ii) is payable when, and in the way, the management committee decides.

(3) Proposed Members Register

Particulars of all applications for membership of the club with the exception of temporary members as provided for in the rules must, upon receipt of same, be entered in the order of time in which each application is received by the secretary in a book (hereinafter referred to as the proposed members register) to be kept by the secretary. Each entry must record the full name and address of the person proposed, and the time and date of receipt by the secretary of the application, and in relation to any and every vacancy however arising in the membership of the club, each application shall be dealt with, and determined in the order in which it is so recorded.

(4) Display of Nominations

The names and addresses of each person proposed as a member must immediately upon the application for membership being recorded in the proposed members register, be displayed on the notice board for at least 14 days prior to the date on which the management committee will consider the application for membership.

(5) Objections to Application for Membership

- (a) Any ordinary member or ordinary members may object to any application for membership by delivery of a written objection to the secretary.
- (b) All applications for membership shall be dealt with and determined by the management committee at a duly convened meeting.
- (c) If a written objection is received from an ordinary member or ordinary members of the club, the management committee must investigate the objection before making a decision in relation to acceptance or rejection of the applicant. For the purpose of enquiring with respect to an applicant, the matter of dealing with and determining the application may be postponed for no longer than 3 months. Any other such proposals may be dealt with and determined during that period.

(6) Acceptance of Membership

- (a) The management committee must ensure that, as soon as possible after the person applies to become a member of the club, and before the management committee considers the persons application, the person is advised whether or not the club has public liability insurance and if the club has public liability insurance, the amount of the insurance.
- (b) The management committee must decide at the meeting whether to accept or reject the application.
- (c) If a majority of the members of the management committee present at the meeting vote to accept the applicant as a member, the applicant must be accepted as a member for the class of membership applied for.
- (d) The secretary of the club must, as soon as practicable after the management committee decides to accept or reject an application, give the applicant a written notice of the decision. The written notice will also advise any successful applicant as to how they may access copies of the club's constitution, by-laws and rules.

(7) Acceptance of Rules by Members

All members, on admission, are deemed to have agreed to be bound by the rules and by-laws of the club in force for the time being.

10 Resignation from Membership

(1) Resignation

A resignation from membership shall not be valid unless it has been received and acknowledged in writing by the secretary of the club. A member shall not be deemed to have resigned from the club unless the resignation is in writing and is delivered or posted to the secretary and is acknowledged as aforesaid. Where the date of resignation is not stipulated by the member, the resignation becomes effective as from the date of receipt of the resignation by the secretary.

(2) Responsibility for Outstanding Monies

No such resignation shall relieve any person from the payment of any subscription or other money due or payable by them at the time of resignation. The resignation of any member shall involve automatic forfeiture of all rights and privileges in respect to all club matters.

(3) Termination of Membership

The management committee may terminate a member's membership if the member:

- (a) is convicted of an indictable offence; or
- (b) does not comply with any of the provisions of these rules; or
- (c) has membership fees in arrears for at least 2 months; or
- (d) conducts himself or herself in a way considered to be injurious or prejudicial to the character or interests of the club.

Subject to rule 49 before the management committee terminates a member's membership, the committee must give the member a full and fair opportunity to show why the membership should not be terminated. If, after considering all representations made by the member, the management committee decides to terminate the membership, the secretary of the committee must give the member a written notice of the decision.

11 Register of Members

- (1) The management committee must keep a register of members of the club.
- (2) The register must include the following particulars for each member:
 - (a) the full name of the member;
 - (b) the postal or residential address of the member;
 - (c) the date of admission as a member;
 - (d) the date of death or time of resignation of the member;
 - (e) email address
 - (f) details about the termination or reinstatement of membership; and
 - (g) any other particulars the management committee or the members at a general meeting decide.
- (3) The register must be open for inspection by members of the club at all reasonable times.
- (4) A member must contact the secretary to arrange an inspection of the register.
- (5) However, the management committee may, on the application of a member of the club, withhold information about the member (other than the members full name) from the register available for inspection if the management committee has reasonable grounds for believing the disclosure of the information would put the member at risk of harm

12 Prohibition on Use of Information on Register of Members

- (1) A member of the club must not:
 - (a) use information obtained from the register of members of the club to contact, or send material to, another member of the club for the purpose of advertising for political, religious, charitable or commercial purposes; or
 - (b) disclose information obtained from the register to someone else, knowing that the information is likely to be used to contact, or send material to, another member of the club for the purpose of advertising for political, religious, charitable or commercial purposes.
- (2) Sub-rule (1) does not apply if the use or disclosure of the information is approved by the club.

SECTION C – GOVERNANCE OF THE CLUB

13 General Meetings

(1) Annual General Meetings

Each annual general meeting must be held:

- (a) at least once each year;
- (b) within 3 months after the end date of the club's reportable financial year.

- (c) If possible, shall be held in the month of February on a date fixed by the Management Committee
- (2) The business of the Annual General Meeting shall include:
- (i) Minutes of previous meeting;
Presentation, consideration and adoption of the Annual Report
Presentation, consideration and adoption of the Financial Report and Balance Sheets accompanied by the Auditor's Report (refer to section 59 of the Act);
 - (ii) Election of the Management Committee of the Club;
 - (iii) Appointment of a Patron; (Optional).
 - (iv) Election or nomination of a Delegate/s to DBA
 - (v) The election of a Liaison Officer (Junior Bowlers).
 - (vi) Election of Committees in accordance with the By-Laws;
 - (vii) To appoint an Auditor (refer to section 59 of the Act);
 - (viii) Consideration of notices of motion

14 Business of General Meeting

- (i) The confirmation of minutes of business arising from the previous General Meeting
- (ii) Dealing with Notices of Motion
- (iii) Committee Reports
- (iv) General Business

15 Notices of Motion

The Secretary shall receive notices of Motion to be included on the agenda of the Annual General Meeting or any General Meeting at least twenty-eight (28) days prior to the meeting at which they will be discussed.

16 Notice of General Meeting

- (1) The secretary may call a general meeting of the club.
- (2) The secretary must give at least 14 days notice of the meeting.
- (3) If the secretary is unable or unwilling to call the meeting, the chairperson must call the meeting.
- (4) The management committee may decide the way in which the notice must be given.
- (5) However, notice of the following meetings must be given in writing:
 - (a) a meeting called to hear and decide the appeal of a person against the management committee's decision:
 - (i) to terminate the person's membership of the club;
 - (b) a meeting called to hear and decide a proposed special resolution of the club.
- (6) A notice of a general meeting must state the business to be conducted at the meeting.

17 Quorum for and Adjournment of General Meeting

- (1) The quorum for a general meeting is at least the number of members elected or appointed to the management committee at the close of the club's last annual meeting plus 1.

- (2) However, if all members of the club are members of the management committee, the quorum is the total number of members less 1.
- (3) No business may be conducted at a general meeting unless there is a quorum of members when the meeting proceeds to business.
- (4) If there is no quorum within 30 minutes after the time fixed for a general meeting called on the request of members of the management committee or the club, the meeting lapses.
- (5) If there is no quorum within 30 minutes after the time fixed for a general meeting called other than on the request of members of the management committee or the club:
 - (a) the meeting is to be adjourned for at least 7 days; and
 - (b) the management committee is to decide the day, time and place of the adjourned meeting.
- (6) The chairperson may, with the consent of any meeting at which there is a quorum, and must if directed by the meeting, adjourn the meeting from time to time and from place to place.
- (7) If a meeting is adjourned under sub-rule (6), only the business left unfinished at the meeting from which the adjournment took place may be conducted at the adjourned meeting.
- (8) The secretary is not required to give the members notice of an adjournment or of the business to be conducted at an adjourned meeting unless a meeting is adjourned for at 30 days or more.
- (9) If a meeting is adjourned for at least 30 days, notice of the adjourned meeting must be given in the same way notice is given for an original meeting.

18 Procedure at General Meeting

- (1) An ordinary member may take part and vote in a general meeting in person or by using any technology that reasonably allows the member to hear and take part in discussions as they happen.
- (2) A member who participates in a meeting as mentioned in sub-rule (1) is taken to be present at the meeting.
- (3) At each general meeting:
 - (a) the club's chairperson is to preside as chairperson;
 - (b) In the absence of the Chair, the Deputy Chair shall preside or if the Chair or the Deputy Chair is not present within 10 minutes after the time appointed for the holding of the meeting or is unwilling to act, the Members present shall elect one of their number to be Chairperson of the meeting
 - (c) the chairperson must conduct the meeting in a proper and orderly way.

19 Voting at General Meeting

- (1) At a general meeting, each question, matter or resolution, other than a special resolution, must be decided by a majority of votes of the ordinary members present.
- (2) Each member present and eligible to vote is entitled to 1 vote only and, if the votes are equal, the chairperson has a casting vote as well as a primary vote.
- (3) A member is not entitled to vote at a general meeting if the member's annual subscription is in arrears at the date of the meeting.
- (4) The method of voting is to be decided by the management committee.
- (5) However, if at least 20% of the members present demand a secret ballot, voting must be by secret ballot.
- (6) If a secret ballot is held, the chairperson must appoint 2 members to conduct the secret ballot in the way the chairperson decides.
- (7) The result of a secret ballot as declared by the chairperson is taken to be a resolution of the meeting at which the ballot was held.

20 Special General Meeting

- (1) The secretary must call a special general meeting by giving each ordinary member of the club notice of the meeting within 14 days after:
 - (a) being directed to call the meeting by the management committee; or
 - (b) be given a written request signed by:
 - (i) at least 2 members of the management committee when the request is signed; or
 - (ii) at least the number of ordinary members of the club equal to double the number of members of the club on the management committee when the request is signed plus 1; or
 - (c) being given a written notice of an intention to appeal against the decision of the management committee to terminate a person's membership.
- (2) A request mentioned in sub-rule (1)(b) must state
 - (a) why the special general meeting is being called; and
 - (b) the business to be conducted at the meeting.
- (3) A special general meeting must be held within 3 months after the secretary:
 - (a) is directed to call the meeting by the management committee; or
 - (b) is given the written request mentioned in sub-rule (1)(b); or
 - (c) is given the written notice of an intention to appeal mentioned in sub-rule (1)(c).
- (4) If the secretary is unable or unwilling to call the special meeting, the chairperson must call the meeting.

21 Special Resolutions

Election of Life Members, Suspension and/or Termination of Membership, Alterations to this Constitution, removal of a Member of the Management committee and such other matters that Members may not resolve by simple majority vote at a General Meeting to be "Special Resolutions" shall be resolved by the affirmative vote of at least three-quarters of the Members present at the meeting and entitled to vote.

22 Minutes of General Meetings

- (1) The secretary must ensure full and accurate minutes of all questions, matters, resolutions and other proceedings of each general meeting are entered in a minute book.
- (2) To ensure the accuracy of the minutes:
 - (a) the minutes of each general meeting must be signed by the chairperson of the meeting, or the chairperson of the next general meeting, verifying their accuracy; and
 - (b) the minutes of each annual general meeting must be signed by the chairperson of the meeting, or the chairperson of the next meeting of the club that is a general meeting or annual general meeting, verifying their accuracy.
- (3) If asked by a member of the club, the secretary must, within 28 days after the request is made:
 - (a) make the minute book for a particular general meeting available for inspection by the member at a mutually agreed time and place; and
 - (b) give the member a copy of the minutes of the meeting.
 - (c) The club may require the member to pay the reasonable costs of providing copies of the minutes.

SECTION D – MANAGEMENT OF THE CLUB

23 The Management Committee

The business and operations of the Club shall be controlled by a Management committee comprising the following:

Chairperson, Deputy Chairperson, Secretary, Treasurer, and no less than three (3) and no more than 5 ordinary Members all of whom shall be Members of the Club.

All offices shall be honorary and elective. Subject to section 61A of the Clubs Incorporation Act 1981, every financial Ordinary and Life Member of the Club shall be eligible to hold any office.

24 The Management Committee to Be Elected Annually

Save as otherwise provided in this Constitution, and subject thereto, each Member of the Management committee shall be elected at the Annual General Meeting of the Club and shall hold office from the conclusion of the election at which they were elected until the conclusion of the election held at the next ensuing Annual General Meeting of the Club, but shall be eligible for re-election. A contested election for any position shall be resolved by ballot in accordance with the By-laws.

25 Election of The Management Committee

- (1) A member of the management committee may only be elected as follows:
 - (a) any 2 ordinary members of the club may nominate another member (the **candidate**) to serve as a member of the management committee subject to sub-rule (2);
 - (b) the nomination must be:
 - (i) in writing; and
 - (ii) signed by the candidate and the members who nominated the candidate; and
 - (iii) given to the secretary at least 14 days before the annual general meeting at which the election is to be held;
 - (c) each member of the club present and eligible to vote at the annual general meeting may vote for 1 candidate for each vacant position on the management committee;
 - (d) if, at the start of the meeting, there are not enough candidates nominated, nominations may be taken from the floor of the meeting.
- (2) A person may be a candidate only if the person:
 - (a) is an adult;
 - (b) is financial; and
 - (c) not under suspension or expulsion
 - (d) is not ineligible to be elected as a member as outlined in section 61A of the Act – see Item 1 below
- (3) A list of the candidates names in alphabetical order, with the names of the members who nominated each candidate, must be posted in a conspicuous place in the office or usual place of meeting of the club for at least seven days immediately preceding the annual general meeting.
- (4) If required by the management committee, balloting lists must be prepared containing the names of the candidates in alphabetical order.
- (5) The management committee must ensure that, before a candidate is elected as a member of the management committee, the candidate is advised:
 - (a) whether or not the club has public liability insurance; and
 - (b) if the club has public liability insurance, the amount of the insurance.

26 Resignation, Removal or Vacation of Office of Management Committee Member

- (1) A member of the management committee may resign from the committee by giving written notice of resignation to the secretary.
- (2) The resignation takes effect at:
 - (a) the time the notice is received by the secretary; or

- (b) if a later time is stated in the notice, the later time.
- (3) A member may be removed from office at a general meeting of the club if a majority of the members present and eligible to vote at the meeting vote in favour of removing the member.
- (4) Before a vote of members is taken about removing the member from office, the member must be given a full and fair opportunity to show cause why he or she should not be removed from office.
- (5) A member has no right of appeal against the member's removal from office under this rule.
- (6) A member immediately vacates the office of member in the circumstances mentioned in section 64(2) of the Act – see item 1 below

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ASSOCIATIONS INCORPORATION ACT 1981 - SECT 61A

Eligibility for election to a management committee

61A Eligibility for election to a management committee

(1) A person is not eligible to be elected as a member of an incorporated association's management committee if—

(a) the person has been convicted—

(i) on indictment; or

(ii) summarily and sentenced to imprisonment, other than in default of payment of a fine; and

(b) the rehabilitation period in relation to the conviction has not expired.

(1A) Also, a person is not eligible to be elected as a member of an incorporated association's management committee if—

(a) under the Bankruptcy Act 1966 (Cwlth) or the law of an external territory or another country, the person is an undischarged bankrupt; or

(b) the person has executed a deed of arrangement under the Bankruptcy Act 1966 (Cwlth), part X or a corresponding law of an external territory or another country and the terms of the deed have not been fully complied with; or

(c) the person's creditors have accepted a composition under the Bankruptcy Act 1966 (Cwlth), part X or a corresponding law of an external territory or another country and a final payment has not been made under the composition.

(2) In this section—"rehabilitation period" has the meaning given in the Criminal Law (Rehabilitation of Offenders) Act 1986.

Item 1

27 The Management Committee to Fill Vacancies

The Management Committee (or the remaining Member or Members of the Management Committee) shall have power at any time to appoint any properly qualified Member to fill any casual vacancy on the Management Committee until the next Annual General Meeting. The continuing Member or Members of the Management Committee may act notwithstanding any casual vacancy in the Management Committee, but if and so long as their number is not reduced below the number fixed by or pursuant to this Constitution as the necessary quorum of the Management Committee, the continuing Member or Members may act for the purpose of increasing the number of Members of the Management Committee to that number prescribed as a quorum or for summoning a General Meeting of the Club, but for no other purpose.

Provided however that in the event of a vacancy occurring in the office of Chairperson between Annual General Meetings the office shall only be filled by Members of the Club present and entitled to vote at a Special General Meeting called for that purpose.

28 Functions of The Management Committee

- (1) Subject to these rules or a resolution of the members of the club carried at a general meeting, the management committee has the general control and management of the administration of the affairs, property and funds of the club.

- (2) The management committee has authority to interpret the meaning of these rules and any matter relating to the club on which the rules are silent, but any interpretation must have regard to the Act, including any regulation made under the Act.

Note: The Act prevails if the club's rules are inconsistent with the Act—see section 1B of the Act.

- (3) The management committee may exercise the powers of the club to :
- (1) To invest in such manner as the Members of the Club may from time to time determine.
 - (2) To control its membership, finances, meetings, program and the use of greens.
 - (3) To transact and authorise expenditure, provided that the Management committee is not empowered to authorise any single item of expenditure in excess of \$10,000 without prior approval of a General Meeting of the Club.
 - (4) To appoint committees.
 - (5) To call General Meetings of Members.
 - (6) To arrange meetings of the Management committee.
 - (7) To charge fees.
 - (8) To make, vary and revoke By-laws from time to time but not inconsistent with these rules. Until varied or revoked, the By-Laws attached to this constitution will be the By-Laws of the Club.
 - (9) To appoint assistants to Members of the Management Committee, such assistants not being able to exercise any power unless they have otherwise been elected on to the Management Committee by the Club.
 - (10) To do anything required or permitted under this constitution, the By-Laws or any law.
 - (11) To otherwise act in the interest of Members.

29 Executive Committee

The Executive Committee of the Club shall consist of the Chairperson, Deputy Chairperson, Secretary, Treasurer. three (3) Members thereof to constitute a quorum.

The Executive Committee shall transact any urgent business of the Club that may arise between Management committee meetings, and submit a report of any such business transacted by it to the next meeting of the Management committee, provided always that the Executive Committee shall not incur expenditure in excess of **\$2500** between meetings of the Management committee, nor deal with the property of the Club. All business transacted by the Executive Committee shall be ratified and approved by the Management committee at the next Management committee meeting.

30 Meetings of Management Committee

- (1) Subject to this rule, the management committee may meet and conduct its proceedings as it considers appropriate.
- (2) The management committee must meet at least once every month on at least ten months in any calendar year to exercise its functions.
- (3) The management committee must decide how a meeting is to be called.
- (4) Notice of a meeting is to be given in the way decided by the management committee.
- (5) The management committee may hold meetings, or permit a committee member to take part in its meetings, by using any technology that reasonably allows the member to hear and take part in discussions as they happen.
- (6) A committee member who participates in the meeting as mentioned in sub-rule (5) is taken to be present at the meeting.

- (7) A question arising at a committee meeting is to be decided by a majority vote of members of the committee present at the meeting and, if the votes are equal, the question is decided in the negative.
- (8) A member of the management committee must not vote on a question about a contract or proposed contract with the club if the member has an interest in the contract or proposed contract and, if the member does vote, the members vote must not be counted.
- (9) The club's chairperson is to preside as chairperson at a management committee meeting.
- (10) In the absence of the Chair, the Deputy Chair shall preside or if the Chair or the Deputy Chair is not present within 10 minutes after the time appointed for the holding of the meeting or is unwilling to act, the Members present shall elect one of their number to be Chairperson of the meeting.

31 Quorum for, and Adjournment of, Management Committee Meeting

- (1) 50% of the management committee plus 1 will constitute a quorum for a management committee meeting.
- (2) If there is no quorum within 30 minutes after the time fixed for a management committee meeting called on the request of members of the committee, the meeting lapses.
- (3) If there is no quorum within 30 minutes after the time fixed for a management committee meeting called other than on the request of the members of the committee:
 - (a) the meeting is to be adjourned for at least 1 day; and
 - (b) the members of the management committee who are present are to decide the day, time and place of the adjourned meeting.
- (4) If, at an adjourned meeting mentioned in sub-rule (3), there is no quorum within 30 minutes after the time fixed for the meeting, the meeting lapses.

32 Special Meeting of Management Committee

- (1) If the secretary receives a written request signed by at least 3 members of the management committee, the secretary must call a special meeting of the committee by giving each member of the committee notice of the meeting within 14 days after the secretary receives the request.
- (2) If the secretary is unable or unwilling to call the special meeting, the chairperson must call the meeting.
- (3) A request for a special meeting must state:
 - (a) why the special meeting is called; and
 - (b) the business to be conducted at the meeting.
- (4) A notice of a special meeting must state:
 - (a) the day, time and place of the meeting; and
 - (b) the business to be conducted at the meeting.
- (5) A special meeting of the management committee must be held within 14 days after notice of the meeting is given to the members of the management committee.

33 Minutes of Management Committee Meetings

- (1) The secretary must ensure full and accurate minutes of all questions, matters, resolutions and other proceedings of each management committee meeting are entered in a minute book.
- (2) To ensure the accuracy of the minutes, the minutes of each management committee meeting must be signed by the chairperson of the meeting, or the chairperson of the next management committee meeting, verifying their accuracy.

34 Appointment of Subcommittees

- (1) The management committee may appoint a subcommittee consisting of ordinary members of the club considered appropriate by the committee to help with the conduct of the club's operations.

- (2) A member of the subcommittee who is not a member of the management committee is not entitled to vote at a management committee meeting.
- (3) A subcommittee may elect a chairperson of its meetings.
- (4) If a chairperson is not elected, or if the chairperson is not present within 10 minutes after the time fixed for a meeting, the members present may choose one of their number to be chairperson of the meeting.
- (5) A subcommittee may meet and adjourn as it considers appropriate.
- (6) A question arising at a subcommittee meeting is to be decided by a majority vote of the members present at the meeting and, if the votes are equal, the question is decided in the negative.

35 Acts not Affected by Defects or Disqualifications

- (1) An act performed by the management committee, a subcommittee or a person acting as a member of the management committee is taken to have been validly performed.
- (2) Sub-rule (1) applies even if the act was performed when:
 - (a) there was a defect in the appointment of a member of the management committee, subcommittee or person acting as a member of the management committee; or
 - (b) a management committee member, subcommittee member or person acting as a member of the management committee was disqualified from being a member.

36 Resolutions of Management Committee Without Meeting

- (1) A written resolution signed by each member of the management committee is as valid and effectual as if it had been passed at a committee meeting that was properly called and held.
- (2) A resolution mentioned in sub-rule (1) may consist of several documents in like form, each signed by one or more members of the committee.

37 By-laws

- (1) The management committee may make, amend or repeal by-laws, not inconsistent with these rules, for the internal management of the club.
- (2) A by-law may be set aside by a vote of members at a general meeting of the club.

38 Common Seal

- (1) The management committee must ensure the club has a common seal.
- (2) The common seal must be:
 - (a) kept securely by the management committee; and
 - (b) used only under the authority of the management committee.
- (3) Each instrument to which the seal is attached must be signed by a member of the management committee and countersigned by:
 - (a) the secretary; or
 - (b) another member of the management committee; or
 - (c) someone authorised by the management committee.

39 Alterations to This Constitution

Subject to the provisions of the Associations Incorporation Act, 1981 (as amended), these Rules may be amended, rescinded, or added to from time to time by a special resolution carried at any general meeting.

However, an amendment, repeal or addition, is valid only if it is registered by the Chief Executive.

The Club shall provide advice to B.Q. within thirty (30) days of any changes or amendments to the Constitution.

40 Validity of Actions

All acts done by any meeting of the Management committee, or of a committee, or by any person acting as a Member of the Management committee shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment of any such Member of the Management committee, or person acting as aforesaid, or that the Members of the Management committee, or any of them were disqualified, be as valid if every such person had been duly appointed and was qualified to be a Member of the Management committee.

41 Indemnity of Members

In the event of any proceedings being taken against a Member or Members of the Club in respect of any matter, or thing done by them in the proper performance of their duties, or by the direction, or with the authority of the Club, the Club shall indemnify such Member, or Members, of the Club so proceeded against in respect of their costs of such proceedings, and in respect of all costs and damages and other sums which they may be compelled to pay in the course or as a result of such proceedings.

42 Secretary to Keep Minutes

The Secretary shall cause full and accurate minutes of all questions, matters, resolutions, and other proceedings of every Management committee meeting and General Meeting to be entered in a book to be open for inspection at all reasonable times by any financial Member who previously applies, in writing, to the Secretary for that inspection. For the purposes of ensuring the accuracy of the recording of such minutes, the minutes of every Management committee meeting shall be signed by the Chairperson of that meeting, or the Chairperson of the next succeeding Management committee meeting verifying their accuracy. Similarly, the Chairperson of that meeting, or the Chairperson of the next succeeding General Meeting shall sign the minutes of every General Meeting; provided that the Chairperson of that meeting or the Chairperson of the next succeeding Annual General Meeting shall sign the minutes of any Annual General Meeting.

43 Finance

(a) Financial Year

The Financial Year of the Club shall end on 31st December each year.

(b) Annual Subscriptions

- (i) An entrance fee and Annual Subscription shall be payable by all Members irrespective of Class, except as provided by this constitution.
- (ii) Such Fees and Subscriptions shall be determined at a Special General Meeting called for that purpose and such fees shall continue in force until altered at a subsequent Special General Meeting called for that purpose. When so determined the Annual Subscription shall be deemed to be due and payable on the first day of the commencement of the new financial year and shall apply for that financial year.
- (iii) Such Fees shall be payable in advance.
- (iv) The fees, as fixed, shall be payable by new Members joining the Club. Any person taking up membership subsequent to the commencement of the financial year shall pay their Subscription, pro-rata, from the date of acceptance as a Member to the end of the Club's financial year, plus affiliation and capitation fees where applicable.
- (v) Unfinancial – If Members fail to pay their Annual Subscriptions, by the due date they shall be deemed to be unfinancial.

(c) Green Fees and Championship Nomination Fees

The Management Committee shall have power to set green fees and nomination fees to be charged for Club Championships.

(d) Special Levies

- (i) The Club may at any time strike a Special Levy on all Members at an Annual or Special General Meeting of the Club, of which prior notice of at least 14 days has been given by the Management committee.

- (ii) The levy shall only be payable to the Club if it has been passed by not less than three fourths majority of the Members present and entitled to vote at that meeting.
- (iii) Each Member shall be advised by letter delivered to the Member or posted to his address, of any levy struck as aforesaid. If a Member fails to pay the levy within one month of the day following the posting of the letter of advice, they shall be deemed unfinancial.

(e) Unfinancial Members

Any member who becomes unfinancial shall forthwith be deprived of all privileges of membership of the Club, including

1. The right to hold office
2. The right to speak or vote at any meetings of the Management committee or at any General Meeting of the Club.
3. The right to nominate any person for office or be nominated for office in the Club
4. The right to enter for and play in Club matches or social play; and
5. The right to enter Club property.

All privileges shall be restored to a previously unfinancial Member upon the payment of all subscriptions and monies due to the Club.

44 General Financial Matters

A detailed financial report, as well as monthly bank statements, shall be presented to each regular monthly Management committee meeting.

As soon as practicable after the end of each financial year the Treasurer shall cause to be prepared for presentation to the Club, and for incorporation into the accounts of the Club, a statement containing particulars of the income and expenditure for the financial year just ended. All such statements shall be examined by the Auditor, who shall present a report upon such audit to the Secretary prior to the holding of the Annual General Meeting next following the financial year in respect of which the audit was made.

45 Documents

The Management Committee shall provide for the safe custody of books, documents, instrument of title and securities of the Club.

46 Distribution of Surplus Assets

If the Club be wound up in accordance with the provisions of the Clubs Incorporation Act 1981 (as amended), and there remains, after satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid or distributed among the Members of the Club, but shall be given or transferred to some other institution/s having objects similar to the objects of the Club, being Bowls Clubs then affiliated with BQ, or a successor body, and which shall prohibit the distribution of its income and property among its members to an extent at least as great as is imposed on the Club under or by virtue of subclause 38(d), such institution/s to be determined by the members of the Club, provided the institution/s to which the property of the club is transferred, is an institution approved by the Commissioner of Taxation as an institution referred to in Section 50/45 (c) of the Income Tax Assessment Act, 1997 (as amended).

47 Affiliation

The club must:

- (1) affiliate with BQ and accept and abide by the rules and by-laws of BQ in so far as they apply to the sport of Bowls;
- (2) be a member of a DBA and accept and abide by the rules and by-laws of the DBA in so far as they apply to the sport of Bowls;
- (3) submit BA and BQ affiliation fees and levies direct to BQ. BQ will notify the DBA of the payment.

- (4) renew its membership with the DBA each year in accordance with the rules of the DBA and pay annual membership fees to the DBA;
- (5) provide to BQ and to the DBA the returns that are required by those bodies;
- (6) provide advice to BQ and to the DBA within 30 days of any event which would affect the status of the club's affiliation with BQ, the legal status of the club and/or any changes or amendments to the club's constitution; and
- (7) not make, amend or repeal a rule or by-law in relation to the playing of the sport of Bowls that conflicts with the rules and by-laws of BA, BQ or the DBA.

The club may elect a delegate or delegates to the DBA in accordance with the rules and by-laws of the DBA;

48 Conduct of Members

Members and visitors shall, at all times, maintain a proper discipline and decorum, and shall not conduct illegal gambling, betting on games, speak obscene or abusive language or indulge in unseemly conduct. Any alleged infringement of this clause, on report in writing to the Management committee shall be investigated by the Management Committee, which shall have power to demand and direct apologies, and, if necessary, if the offending person be a Member, to deal with that person under the provisions of Clause 50 or if that person be a Member of another Club to report that persons conduct to such Club, to the DBA, and to BQ. If the person is a visitor, who is not a Member of a Bowls Club, the Senior Officer present at the time shall have authority to have that person removed from the Club premises.

Any infringement of this provision and any complaints or protests lodged by a Member or Members of the Club in respect of any Member or Members of the Club shall be in writing to the Secretary and shall be dealt with in the first place by the Management Committee who may, if deemed necessary, call a Special General Meeting. The Member or Members in respect of whom such complaints or protests have been lodged shall be entitled to attend the Management Committee meeting personally to state their case(s).

49 Disciplinary Provisions

- (1) Any member of the club who fails to observe any rules or by-laws of the club or who is deemed guilty of an act, practice or conduct calculated to bring discredit on the game of bowls or to the club, DBA or BQ or its members, or who on any club, DBA or BQ premises engages in illegal gambling, betting or uses obscene or abusive language renders themselves liable to expulsion or suspension.
- (2) All discipline and complaint related procedures be governed by the Bowls Queensland Member Protection Policy.
- (3) Any member of the club who is suspended, or expelled, shall be ineligible to:
 - (a) play bowls in any club, district, state or national event; or
 - (b) play bowls at any affiliated club, during the period of suspension, or expulsion, as the case may be.
 - (c) hold office or act as a delegate at club, district, state or national level.
- (4) In the case of a junior member being called before the management committee on a charge or complaint such member shall be entitled to be accompanied by a parent or guardian.
- (5) Pending determination of any appeal (as per the current Member Protection Policy) the appellant must be allowed all membership privileges.

50 Player Commitments

- (1) When a member of the club has been called to fulfil a BA, BQ, DBA or Club commitment in a match or on official business, on any day on which they have been drawn to play in a BA, BQ, DBA or club commitment, the onus shall be on the player to notify BQ, the DBA or Club, as the case may be.

- (2) The Controlling Body may define circumstances which it will not accept as a valid reason for a player's unavailability. However, a substitute is not to be permitted if an intended player enters another competition scheduled to be played at the same time. If a substitute is refused on these grounds the Controlling Body shall declare the position of the absent player vacant and the provisions of Domestic Regulation shall apply.
- (3) Provisions consistent with this clause shall be included in all club rules, and shall be deemed to be a condition of competitions conducted by the club.

51 Activities to be Lawful

The club must comply with all lawful requirements of the commonwealth, state and local governments and statutory authorities having jurisdiction over any activity of the club.

Footnote:

COMMENTS AND EXPLANATIONS IN RELATION TO MODEL RULES AND BY-LAWS OF A SINGLE TIER CONSTITUTION ARE DELETED AS THEY ARE UNNECESSARY.

THE MODEL RULES AMENDED 2019 HAVE BEEN USED EXTENSIVELY OR AMENDED TO MEET THE REQUIREMENTS OF THE MALENY BOWLS CLUB INCORPORATION NUMBER 1A 11476.

THESE RULES TO THE BEST OF OUR KNOWLEDGE MEET THE REQUIREMENTS OF

THESE ACTS.

1. The Associations incorporation Act 1989

2. The Anti-Discrimination Act 1991

3. The Liquor Act 1992

4. The Gaming Acts 1992.



Maleny Bowls Club Inc

By-laws

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1 Returning Officer

- (1) At the first management committee meeting each year, the management committee will appoint the Secretary as the returning officer whose duties are to control the issuing of ballot papers and subsequent collection and counting of same at the annual general meeting and subsequent general meetings.
- (2) The returning officer will, as and if necessary, prepare ballot boxes. He or she must ensure that only those entitled to vote are issued with the necessary ballot papers and that the ballot boxes are correctly located for the lodgement of same.
- (3) The returning officer will enlist the assistance of such number of scrutineers as required to conduct the ballot. The returning officer or any scrutineer must not be a candidate in such ballot.
- (4) The returning officer must advise the chairperson of the meeting the result of the scrutineer's count and the chairperson must announce the result to the meeting.
- (5) The ballot material must not be destroyed without the authority of a motion passed at the meeting and it must be the duty of the returning officer to carry out such instruction.

2 Election and Ballot Procedures

- (1) Nominations for members of the management committee must be accordance with the rules.
- (2) Voting must be by secret ballot. Every ordinary financial and life member present at the annual general meeting must be supplied with ballot papers.
- (3) The method of voting must be to delete the name or names of the candidate or candidates not required by the voter.
 - (a) If more than two (2) candidates nominate for the same two (2) positions the ballot for the higher position to be conducted first. The ballot for the lower position is then conducted after deletion of the successful candidate in the higher position.
- (4) The results of each ballot shall be determined on the *first past the post* principle. If there be an equal number of votes for two or more candidates for the last remaining position in a ballot a further ballot must be conducted between the two candidates who tied.
- (5) If insufficient nominations are received for the positions of elected management committee members the candidates so nominated shall be declared elected and the meeting shall proceed to fill any remaining vacancies and, if necessary conduct a ballot but with nominations from the floor of the meeting. Any member not present must indicate in writing his or her willingness to accept nomination from the floor for any unfilled position.
- (6) Ballot papers may be issued to those entitled to vote not more than 30 minutes prior to the meeting being opened. The returning officer must not collect the votes until the chairperson of the meeting announces the closing of the ballots. All votes will be deemed to have been made after the opening of the meeting and before the closure of the ballots. Before closing the ballot the chairperson of the meeting must introduce to the meeting any candidate for election who is not well known to the members if such candidate be present at the meeting.
- (7) In the case of a ballot being necessary to resolve a matter other than election, members must indicate their choice on ballot papers in a manner specified by the chairperson of the meeting.

3 Duties of Management Committee Members

- (1) The chairperson must be responsible, subject to the direction of the management committee and general meetings of members for the overall administration of the club. The chairperson must preside at all meetings and functions of the club. The chairperson must attend to the carrying out of the decisions of the club and the management committee and generally see that members are properly accommodated, and the rules are fully adhered to by all members.
- (2) The deputy chairperson must assist the chairperson to ensure that all duties allotted by the management committee are properly carried out. In the absence of the chairperson the deputy chairperson will carry out the duties normally performed by the chairperson.
- (3) The treasurer must keep a record of the receipts and expenditure and keep correct accounts and books showing the financial affairs of the club and the particulars usually shown in the books of account of a like nature, report the financial position of the club at each meeting of the management committee, and present

accounts for payment at each meeting of the management committee for ratification. He/she must also advise the management committee of any unfinancial members. The treasurer must also submit to the annual general meeting a statement of accounts for the preceding year, said accounts to be audited in accordance with the rules.

Should the treasurer be absent or ill, or neglect or refuse to do anything required by these by- laws, the management committee must invite and appoint any other financial member of the club to act in that capacity.

4 Attire

The management committee must determine the dress standards as the minimum requirement in relation to members and visitors within the confines of the club's premises. Such requirements must be displayed in a prominent position within the club's premises. The club must apply any requirements of BQ for the attire of bowls players.

5 Notice Board

A notice board, upon which all notices shall be posted, must be placed in a conspicuous position in the club's premises.

6 Club Colours

The colours are Blue, Dark Red and Yellow.

7 Club Flag

The flag will be in the club colours with the lettering Maleny, MBC and Bowls Club (see by-law 8) dominant and be of a style approved by the management committee. The flag is to be flown on playing days.

8 Club Logo

The logo will be MBC in red on a leaf as background and the words in yellow Maleny Bowls Club and a stylised set of bowls and use the club colours as in figure 1 below. The management committee will determine the use of the logo on badges and documents.



Fig.1

9 Games Directors

The Management Committee will from time to time appoint a games director(s) to organise and conduct scheduled games at the club which may include social evening bowls, scroungers games, club games, interclub games and club championships.

The games director(s) must:

- (1) be responsible for the conduct of all allocated games: club championships and inter-club visits at home and away;
- (2) abide by the rules of procedure set out for allocated games: club championships;
- (3) arrange for an umpire for games under their control and appoint markers for all singles games including DBA games;
- (4) prepare cards for all games;
- (5) check that collect green fees applicable to any games being played are collected, and remit them to the treasurer or representative before the conclusion of the day's play; and

10 Bows Selectors

The Management committee may appoint selectors who will be responsible to:

- (1) advise eligible members as to the process for nomination for teams
- (2) select teams for pennant matches, interclub games and, where required, social play;
- (3) arrange the rinks for play;
- (4) select individuals, teams and sides for any representative games;
- (5) keep records of games played (if applicable); and
- (6) forward results of all DBA games to the relevant Club, as required.