

THE MAROOCHYDORE BEACH BOWLS  
CLUB INCORPORATED

TRADING AS  
CLUB MAROOCHY



IA12740

CONSTITUTION

ADOPTED APRIL 2023

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## 1. Introductory provisions

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### 1.1. Definitions

#### 1.1.1. In this constitution:

- a. **act** means the *Associations Incorporation Act 1981* as modified and amended from time to time and includes any regulations made under that Act and any exemption or modification to that Act applying to the club;
- b. **board** means management committee, as defined in the Act;
- c. **by lot** means making a determination or choice by lottery. For example, conducting a draw at random;
- d. **casual vacancy**, on the board, means a vacancy that occurs when a board member resigns, dies or otherwise stops holding office, or a vacancy that occurs if no candidate is elected to any vacant board position at a general meeting;
- e. **chairperson** means president as defined by the Act;
- f. **club** means The Maroochydore Beach Bowls Club Incorporated trading as Club Maroochy, the incorporated association to which this constitution applies;
- g. **constitution** means rules as defined in the Act;
- h. **general meeting** means a meeting of the club's eligible voting members and includes all general meetings (annual general meetings, general meetings and special general meetings);
- i. **imprest system** means the management of funds in an account whereby a fixed balance is maintained by regular replenishments;
- j. **joining fee** means a fee payable to the club upon acceptance of an offer by the club of ordinary membership;
- k. **majority** means more than half of all members who are present, eligible to vote and voting at a board meeting or a general meeting;
- l. **member** means a person who has been duly accepted as such by the board in accordance with this constitution;
- m. **membership fee** means a fee payable to the club for the receipt of membership rights and privileges;
- n. **present** means:
  - i at a board meeting, see clause 7.1.5; or
  - ii at a general meeting, see clause 8.4.2;
- o. **quorum** means the minimum number of eligible voting members who must be present at a board meeting or general meeting, in order to constitute a valid meeting;

- p. **relative**, of a person, means a spouse, parent, sibling, child, grandparent or grandchild of the person;
  - q. **remuneration**:
    - i includes salary, allowance and other entitlements; and
    - ii does not include reimbursement of out-of-pocket expenses;
  - r. **senior employee** means a person who:
    - i makes, or participates in making, decisions that affect the whole, or a substantial part of the activities of the club; or
    - ii has the capacity to affect significantly the club's financial standing.
  - s. **signed** means agreed in writing;
  - t. **special resolution** means a resolution that is passed at a general meeting by the votes of at least 75% of the members who are present, eligible to vote and voting;
  - u. **surplus assets** mean the assets after payment of the debts and liabilities remaining on a winding-up of the incorporated association and the costs, charges and expenses of the winding-up;
  - v. **written / in writing** means, unless the contrary intention appears, all forms of visible words, including printed, hard copy or electronic formats.
- 1.1.2. Words purporting the singular include the plural where context requires or permits.

## 1.2. Name

- 1.2.1. The name of the incorporated association is The Maroochydore Beach Bowls Club Incorporated trading as Club Maroochy.

## 1.3. Associations Incorporation Act 1981

- 1.3.1. In this constitution, unless the context requires otherwise, an expression has, in a provision of this constitution that deals with a matter dealt with by a particular provision of the Act, the same meaning as in that provision of the Act.
- 1.3.2. The provision at section 47(1) of the *Associations Incorporation Act 1981* does not apply, meaning that the model rules created under the Act are expressly displaced by this constitution.

## 1.4. Interpretation

- 1.4.1. The board has authority to interpret the meaning of this constitution and any matter relating to the club on which the constitution is silent, but any interpretation must have regard to the Act.

## **2. Objects and powers**

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### **2.1. Objects**

- 2.1.1. The objects of the club are to:
- a. advance, foster, encourage, promote, support and manage the game of bowls;
  - b. abide by the rules regulating the conduct of the game of bowls;
  - c. foster a safe, fair and inclusive environment and encourage a sense of community spirit and social interaction amongst members and visitors;
  - d. establish and maintain facilities and amenities of the best possible standard for the benefit, social comfort and advancement of the club, its members and visitors;
  - e. affiliate with Bowls Queensland, Bowls Australia and such other bodies as the club deems fit;
  - f. ensure environmental considerations and the public interest are taken into account in all bowls and related activities conducted by the club;
  - g. do such things as are incidental or conducive to the attainment of any or all of these objects.

### **2.2. Powers**

- 2.2.1. The club has the powers of an individual.
- 2.2.2. The club 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.
- 2.2.3. The club may issue secured and unsecured notes, debentures and debenture stock for the club.

### **3. Membership and affiliations**

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#### **3.1. Classes of membership**

3.1.1. The membership of the club consists of the following classes:

- a. full:
  - i full members must be at least 18 years of age, support the objects of the club and abide by the club's constitution, bylaws and policies;
  - ii full members may include players, parents and legal guardians of junior members and other people;
  - iii full members are entitled to vote at general meetings of the club;
  - iv full members are eligible for election to the board;
  - v sub-classes of full membership, with definitions, may be outlined in the club's bylaws.
- b. limited:
  - i limited members must be at least 18 years of age, support the objects of the club and abide by the club's constitution, bylaws and policies;
  - ii limited members are not entitled to vote at general meetings of the club;
  - iii limited members are not eligible for election to the board;
  - iv sub-classes of limited membership, with definitions, may be outlined in the club's bylaws.
- c. junior:
  - i junior members must be below the age of 18 years, support the objects of the club and abide by the club's constitution, bylaws and policies;
  - ii junior members are not entitled to vote at general meetings of the club;
  - iii junior members are not eligible for election to the board;
  - iv sub-classes of junior membership, with definitions, may be outlined in the club's bylaws.
- d. life:
  - i life members must be at least 18 years of age, support the objects of the club and abide by the club's constitution, bylaws and policies;
  - ii life membership is open to any person who has rendered extraordinary and meritorious service to the club for an extended period;

- iii any two members, who are full or life members, may nominate an eligible member for life membership;
  - iv nominations for life membership must be in writing, signed by the members making the recommendation and received by the secretary no less than 14 days prior to the annual general meeting;
  - v on the board's approval of the recommendation, the nominee will be proposed for election as a life member at the annual general meeting;
  - vi life members must be elected by the passing of a special resolution;
  - vii life members are entitled to vote at general meetings of the club;
  - viii life members are eligible for election to the board.
- 3.1.2. The number of members in all classes of membership is unlimited.
- 3.1.3. A right, privilege or obligation which a person has by reason of being a member of the club is not capable of being transferred or transmitted from one person to another person.
- 3.1.4. Notwithstanding the membership rights and privileges listed in clause 3.1.1, the following individuals are not entitled to vote at any general meeting or board meeting and shall not be eligible to hold office as a board member:
- a. any person who is a current employee or contractor of the club;
  - b. any person who is on the board or management committee of another bowls club;
  - c. spouses or partners of people listed in clause 3.1.4.a or 3.1.4.b.

### **3.2. Fees and levies**

- 3.2.1. Life members are not required to pay membership fees to the club.
- 3.2.2. The membership and joining fee for each class of membership, other than life membership, is:
- a. the amount decided by the board; and
  - b. payable when, and in the way, the board decides.
- 3.2.3. The board may waive or discount the membership and joining fee payable by any member.
- 3.2.4. The board may at any time impose a levy upon all or any members in any amount and upon such payment terms as the board may think fit.
- 3.2.5. A member who has any membership fee, other fee or levy in arrears for a period of two months may have their membership immediately terminated or suspended.



- 3.2.6. A member who has their membership terminated or suspended under clause 3.2.5 continues to be liable to pay any unpaid membership fee, other fee or levy.

### **3.3. Application for membership**

- 3.3.1. An application for membership must be:
- a. in writing; and
  - b. in the form decided by the board; and
  - c. accompanied by any other documents or evidence of qualification for membership, as determined by the board from time to time.

### **3.4. Admission and rejection of new members**

- 3.4.1. The board must consider an application for membership at the next board meeting held after it receives:
- a. the application for membership; and
  - b. the appropriate membership and joining fee for the application.
- 3.4.2. The board must ensure that, as soon as practicable after the person applies to become a member of the club, and before the board considers the person's application, the person 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.
- 3.4.3. The board must decide at the meeting whether to accept or reject the application.
- 3.4.4. If a majority of the board members present and voting at the meeting vote to accept the applicant as a member, the applicant must be accepted as a member in the class of membership applied for.
- 3.4.5. If the board decides to reject an application, the secretary must, as soon as practicable, give the applicant notice of the decision in a manner determined by the board and refund any membership and joining fee paid by the person.
- 3.4.6. An applicant whose application for membership has been rejected has no right of appeal against their rejection under this clause.

### **3.5. Membership renewal and re-joining**

- 3.5.1. Existing members, other than life members, will be invited to renew their annual membership each year, in accordance with the timeframes and procedures set down by the board from time to time.
- 3.5.2. A member who has resigned from the club or otherwise forfeited their membership and later desires to re-join may be subject to the same

process of admission to membership as any new member who has not previously been a member of the club.

- 3.5.3. If the board decides to reject a member's application to renew their membership, the secretary must, as soon as practicable, give the applicant notice of the decision in a manner determined by the board and refund any joining fee paid by the person.
- 3.5.4. An existing member whose application for membership renewal has been rejected has the right of appeal against their rejection in accordance with clause 4.3.

### **3.6. Club registers**

- 3.6.1. The board must keep a register of members of the club.
- 3.6.2. 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. contact details of the member;
  - d. the class of membership;
  - e. the date of admission as a member;
  - f. the date of death or time of resignation of the member;
  - g. details about the termination or reinstatement of membership;
  - h. any other particulars the board or the members at a general meeting decide.
- 3.6.3. The register of members is open for inspection only by the secretary, the board and any other person approved by the board.
- 3.6.4. If the club holds a liquor licence and/or gaming licence, the secretary must ensure that suitable registers of visitors, guests and any clubs or associations with formal reciprocal rights are kept, in accordance with relevant liquor and gaming legislation.

### **3.7. Prohibition on use of information on register of members**

- 3.7.1. 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.

### **3.8. Affiliations**

3.8.1. The club will:

- a. affiliate with Bowls Queensland and accept and abide by the Bowls Queensland rules and by-laws in so far as they apply to the game of bowls;
- b. affiliate with the relevant District Bowls Association (DBA) and accept and abide by the rules and by-laws of the DBA in so far as they apply to the game of bowls;
- c. renew affiliation with Bowls Queensland each year in accordance with the articles of association of Bowls Queensland and pay the annual affiliation fee through the DBA;
- d. renew affiliation with the DBA each year in accordance with the rules of the DBA and pay the annual affiliation fees to the DBA;
- e. appoint a delegate or delegates to the DBA in accordance with the rules of the DBA;
- f. provide to Bowls Queensland and the DBA the returns that are required by those bodies;
- g. provide advice to Bowls Queensland and the DBA within 30 days of any event which could affect the status of the club's affiliation with Bowls Queensland, the legal status of the club and/or any changes or amendments to the club's constitution; and
- h. not make, amend or repeal a rule or by-law in relation to the playing of the game of bowls that conflicts with the rules and by-laws of Bowls Australia, Bowls Queensland or the DBA.

## **4. Resignation, discipline, appeals and grievances**

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### **4.1. Resignation of a member**

- 4.1.1. A member may resign from the club by giving a written notice of resignation to the secretary.
- 4.1.2. 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.

### **4.2. Discipline**

- 4.2.1. Nothing in this constitution shall prevent the board from immediately suspending a member's right to participate in club activities in circumstances considered by the board to warrant such immediate action, pending the process outlined in clauses 4.2.3 - 4.2.5.
- 4.2.2. The board may take action to suspend or terminate a member's membership if it is determined that the member has:

- a. been convicted of an indictable offence; or
  - b. breached, failed, refused or neglected to comply with a provision of this constitution, the club's bylaws or any resolution or determination of the board or any duly authorised subcommittee; or
  - c. acted in a manner injurious or prejudicial to the character and interests of the club; or
  - d. brought themselves, the club, any other member or the sport into disrepute.
- 4.2.3. If the board proposes to suspend or terminate a member's membership, the secretary must, within seven days after the decision, give the member written notice:
- a. setting out the proposed suspension or termination of membership by the board and the grounds on which it is based;
  - b. stating that the member may address the board at a meeting to be held not earlier than seven days and not later than 28 days after the service of the notice;
  - c. stating that the member may bring a support person to that meeting;
  - d. stating the date, place, and time of that meeting;
  - e. informing the member that the member may do either or both of the following:
    - i attend and speak at that meeting;
    - ii submit to the board at or before the date of that meeting written representations relating to the decision.
  - f. setting out the member's appeal rights.
- 4.2.4. Before the board terminates or suspends a member's membership, the board must:
- a. give the member a full and fair opportunity to make oral representations at a meeting as mentioned in clause 4.2.3.b;
  - b. give due consideration to any written representations submitted to the board by the member at or before the meeting mentioned in clause 4.2.3.b.
- 4.2.5. If, after considering all representations made by the member, the board decides by resolution to suspend or terminate the membership, the secretary must, within seven days of the meeting mentioned in clause 4.2.3.b, give the member a written notice of the decision.

### **4.3. Appeal against rejection, suspension or termination of membership**

- 4.3.1. A person whose membership has been terminated or suspended, or whose application to renew their membership has been rejected, may give the secretary written notice of their intention to appeal against the decision.
- 4.3.2. A notice of intention to appeal must be received by the secretary within seven days after the member receives written notice of the decision.
- 4.3.3. Within seven days of the secretary receiving a notice of intention to appeal, the board shall appoint an appeals panel comprising up to three people, other than board members, to hear and decide the appeal.

### **4.4. Appeals panel to decide appeal**

- 4.4.1. The appeals panel must hold the appeal meeting within 28 days after the secretary receives the notice of intention to appeal.
- 4.4.2. At the appeal meeting, the appellant must be given a full and fair opportunity to show why the membership should not be terminated or suspended, or why their application to renew their membership should not be rejected.
- 4.4.3. Also, the board must be given a full and fair opportunity to show why the membership should be terminated or suspended, or why the application to renew membership should be rejected.
- 4.4.4. The appeals panel must make a determination that the decision of the board to suspend or terminate a member's membership is either:
  - a. set aside; or
  - b. upheld.
- 4.4.5. An appeal must be decided by a majority vote of the members of the appeals panel.
- 4.4.6. Where a decision of the board to suspend or terminate a member's membership is set aside by the appeals panel, the membership shall be reinstated to the member's former level of membership without payment of any further fee.
- 4.4.7. Where a decision of the board to reject a member's application to renew their membership is set aside by the appeals panel, the membership renewal shall be granted subject to the payment of any fees due.

### **4.5. Grievance procedure**

- 4.5.1. This grievance procedure applies to disputes between:
  - a. a member and another member;
  - b. a member and the board;
  - c. a member and the club.

- 4.5.2. The parties to a dispute shall attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.
- 4.5.3. If the parties to a dispute are unable to resolve the dispute between themselves within 14 days, the parties shall within a further ten days:
  - a. notify the board of the dispute; and
  - b. agree to or request the appointment of a mediator; and
  - c. attempt in good faith to settle the dispute by mediation.
- 4.5.4. The mediator may be:
  - a. a person or external agency chosen by agreement between the parties; or
  - b. in the absence of agreement:
    - i. if the dispute is between a member and another member, a person appointed by the board; or
    - ii. if the dispute is between a member and the board or the club, a suitable external agency.
- 4.5.5. A mediator may be a member or former member of the club or another person but in any case, must not be a person who:
  - a. has a personal interest in the dispute; or
  - b. is biased against, or in favour of, any party.
- 4.5.6. The mediator to the dispute, in conducting the mediation, must ensure that natural justice is afforded to the parties throughout the mediation process.
- 4.5.7. If the mediation process does not resolve the dispute, the board may take whatever steps it considers appropriate in the best interests of the club and the members concerned.
- 4.5.8. A member may appoint another person to act on their behalf during a grievance procedure, provided that no party is entitled to be represented by a legal practitioner at mediation.
- 4.5.9. This procedure does not apply to any appeal by a member against a decision made in accordance with the disciplinary procedure outlined in clause 4.2.
- 4.5.10. A member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed.
- 4.5.11. If a member has initiated a grievance procedure in relation to a dispute between the member and the board or the club, the club must not take disciplinary action against any of the following people in relation to the matter which is the subject of the grievance procedure until the grievance procedure has been completed:

- a. the member who initiated the grievance procedure; or
  - b. a person appointed to act on behalf of the member who initiated the grievance procedure under clause 4.5.8.
- 4.5.12. The board may prescribe additional grievance procedures, which are consistent with this constitution, in the club's bylaws.

## **5. The board, subcommittees and delegation**

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### **5.1. Membership of board**

- 5.1.1. The board of the club must comprise at least five members and no more than seven members, including:
- a. president;
  - b. treasurer; and
  - c. any other members elected at a general meeting.
- 5.1.2. A board member must be a member of the club.

### **5.2. Terms of office**

- 5.2.1. Subject to clause 5.2.2, the term of office for board members is one year.
- 5.2.2. At each annual general meeting of the club, board members must retire from office, but are eligible, on nomination, for re-election.
- 5.2.3. There is no maximum number of consecutive terms for which a board member may hold office.

### **5.3. Functions and duties of board**

- 5.3.1. The board must take all reasonable steps to ensure that the club complies with its obligations under the Act and this constitution.
- 5.3.2. Subject to this constitution, the board has the general control and management of the administration of the affairs, property and funds of the club.
- 5.3.3. The board may exercise all the powers of the club except any powers that the Act or this constitution requires the club to exercise at a general meeting.
- 5.3.4. The board has the power to enforce the observance of all clauses in this constitution and any bylaws made by the board.
- 5.3.5. A board member must exercise their powers and discharge their duties in good faith, in the best interests of the club for proper purpose and with a degree of care and diligence that a reasonable person would exercise in the circumstances.

- 5.3.6. A board member must not improperly use their position, or information obtained as a board member, to:
  - a. gain a benefit or material advantage; or
  - b. cause detriment to the club.
- 5.3.7. Board members have a duty to prevent insolvent trading.

#### **5.4. Delegation**

- 5.4.1. The board may delegate any of its powers and authorities, duties and functions to any person or to any subcommittee except:
  - a. the power to delegate; or
  - b. a function that is a duty imposed on the board by the Act or by any other law.
- 5.4.2. Despite any delegation under this clause, the board may continue to exercise all its functions, including any function that has been delegated and remains accountable for the exercise of those functions at all times.

#### **5.5. Appointment of subcommittees**

- 5.5.1. The board may create and dissolve any subcommittees considered appropriate by the board to help with the conduct of the club's operations.
- 5.5.2. Subcommittees shall have such membership, powers and duties as the board shall confer on them, or which the board shall delegate to them.
- 5.5.3. A subcommittee may meet and adjourn as it considers appropriate, or as requested by the board.
- 5.5.4. A member of a subcommittee who is not a board member is not entitled to vote at a board meeting.
- 5.5.5. Subject to the board's absolute control and supervision, each subcommittee of the club may manage its own affairs but must make regular reports to the board (or otherwise as the board may require from time to time). Each subcommittee must promptly and regularly produce its minutes and records for inspection by or on behalf of the board.
- 5.5.6. A subcommittee of the club must in the exercise of those powers delegated to it, conform to any regulation or restriction that the board may impose upon it from time to time.
- 5.5.7. The president is an ex-officio member of any subcommittee and may delegate the right to attend and vote at subcommittee meetings to another board member.



## 5.6. Acts not affected by defects or disqualifications

- 5.6.1. An act performed by the board, a subcommittee or a person acting under the direction of the board is taken to have been validly performed.
- 5.6.2. Clause 5.6.1 applies even if the act was performed when:
  - a. there was a defect, informality or irregularity in the appointment of a board member, subcommittee member or person acting under the direction of the board; or
  - b. there was an irregularity in the convening or conduct of any board meeting, subcommittee meeting or general meeting that was not discovered until after the conclusion of that meeting; or
  - c. a board member, subcommittee member or person acting under the direction of the board was disqualified from being a member.

## 6. Election, appointment and vacancies on board

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### 6.1. Electing the board

- 6.1.1. A board member may only be elected as follows:
  - a. the secretary calls for nominations for board positions with sufficient notice before the general meeting at which the election is to be held;
  - b. any two members of the club, who are eligible to vote at general meetings, may nominate another eligible member (the **candidate**) to serve as a board member;
  - c. nominations must be:
    - i in writing; and
    - ii signed by the candidate and the members who nominated them; and
    - iii received by the secretary at least 14 days before the general meeting at which the election is to be held.
  - d. a list of the candidates' names in alphabetical order, with the names of the members who nominated each candidate, must be open for inspection by members of the club for at least seven days immediately preceding the general meeting;
  - e. if required by the board, balloting lists must be prepared containing the names of the candidates in order determined by lot;
  - f. each member present and entitled to vote at the general meeting may vote for one candidate for each vacant position on the board. Any equality in voting is decided as follows:
    - i if there are two candidates for a vacant board position and both candidates receive an equal number of votes, voting is determined by lot;

- ii if there are three or more candidates for a vacant board position and two or more candidates receive an equal highest number of votes, a second vote is conducted between only those candidates who received the equal highest number of votes. In the event that following the second vote, two or more candidates receive an equal highest number of votes, voting is determined by lot.
  - g. if there is only one candidate for a vacant board position, the candidate is declared elected;
  - h. if, at the start of the general meeting, there are no candidates nominated for any vacant board position, nominations for that position may be taken from the floor of the meeting and an election may be held in accordance with clause 6.1.1.f;
  - i. if no candidate is elected to any vacant board position, a casual vacancy is deemed to have occurred in that position.
- 6.1.2. A person may be a candidate only if the person:
- a. is an adult; and
  - b. is eligible to be elected as a board member under the Act and not excluded from being a board member under clause 3.1.4; and
  - c. holds a current blue card or exemption card obtained under the Working with Children (Risk Management and Screening) Act 2000 or agrees to obtain one immediately upon being elected to the board.
- 6.1.3. The board must ensure that, before a candidate is elected as a board member, 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.

## **6.2. Resignation, removal or vacation of office of board member**

- 6.2.1. A board member may resign from the board by giving written notice of resignation to the secretary.
- 6.2.2. 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.
- 6.2.3. A board member may be removed from office at a general meeting of the club if at least two-thirds of the members present, entitled to vote and voting at the meeting vote in favour of removing the member.
- 6.2.4. Before a vote is taken about removing the member from office, the member must be given a full and fair opportunity to show why they should not be removed from office.

- 6.2.5. Also, members present must be given a full and fair opportunity to show why the board member should be removed from office.
- 6.2.6. A board member shall vacate office if that person:
- a. dies; or
  - b. becomes disqualified from being a board member under the Act; or
  - c. is determined by the Queensland Civil and Administrative Tribunal or the Supreme Court of Queensland to have impaired capacity, as defined by the *Powers of Attorney Act 1998* or the *Guardian and Administration Act 2000*; or
  - d. is convicted of an indictable offence or is made bankrupt; or
  - e. fails to disclose the nature of any material personal interest in a matter that relates to the affairs of the club; or
  - f. is absent from three consecutive board meetings without approval of the board; or
  - g. becomes ineligible to be a board member by the provisions outlined in clause 3.1.4 of this constitution; or
  - h. does not agree to undergo a criminal history check or is disqualified as a result of such a check, if the board requests the member to undergo a criminal history check.
  - i. if the person is required to undergo a Working with Children (Risk Management and Screening) Act 2000 check and:
    - i is not eligible to undergo the check; or
    - ii does not agree to undergo the check; or
    - iii is disqualified as a result of the check; or
  - j. does not otherwise comply with the requirements of this constitution.
- 6.2.7. A board member has no right of appeal against their removal from office under this clause.
- 6.2.8. Any board member who has their membership of the club terminated or suspended may not return to the office vacated by them for the remainder of the term for that position.
- 6.2.9. Clause 6.2.8 does not apply in the case of any decision of the board to suspend or terminate a member's membership, which is subsequently set aside by an appeals panel.

### **6.3. Vacancies on board**

- 6.3.1. If a casual vacancy occurs on the board, the continuing members of the board may appoint another member of the club to fill the vacancy, or the board may fill the vacancy by holding an election in accordance with clause 6.1 until the next annual general meeting.
- 6.3.2. A member appointed or elected to fill a casual vacancy in accordance with clause 6.3.1 will do so until the next annual general meeting when they must retire from office, but are eligible, on nomination, for re-election.
- 6.3.3. With the exception of the positions of president and treasurer, the continuing members of the board may act despite a casual vacancy on the board.
- 6.3.4. If the number of board members is less than the number fixed under clause 7.4.1 as a quorum of the board, the continuing members of the board may act only to:
  - a. increase the number of board members to the number required for a quorum; or
  - b. call a general meeting of the club.
- 6.3.5. If a casual vacancy occurs in the position of president or treasurer, the continuing members of the board may act only to:
  - a. appoint another member of the club to fill the casual vacancy; or
  - b. call a general meeting of the club.

## **7. Meetings of the board**

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### **7.1. Board meetings**

- 7.1.1. Subject to this clause, the board may meet and conduct its proceedings, as it considers appropriate, provided that the board must meet at least once every four months to exercise its functions.
- 7.1.2. The board must decide how a meeting is to be called.
- 7.1.3. Notice of a meeting is to be given in the way decided by the board.
- 7.1.4. The board may hold meetings or permit a board 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.
- 7.1.5. A board member who participates in the meeting as mentioned in clause 7.1.4 is taken to be present at the meeting.
- 7.1.6. Each board member present is entitled to one vote only.
- 7.1.7. A question arising at a board meeting is to be decided by a majority vote of board members present and voting at the meeting and, if the votes are equal, the question is decided so as to maintain the status quo.
- 7.1.8. The president is to preside as chairperson at a board meeting.

- 7.1.9. If there is no president or if the president is not present within 30 minutes after the time fixed for a board meeting, the members may choose one of their number to preside as chairperson at the meeting.

## **7.2. Special meeting of board**

- 7.2.1. If the secretary receives a written request signed by at least 33% of the members of the board, the secretary must call a special meeting of the board by giving each board member notice of the meeting within 14 days after the secretary receives the request.
- 7.2.2. If the secretary is unable or unwilling to call the special meeting, the president must call the meeting.
- 7.2.3. 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.
- 7.2.4. 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.
- 7.2.5. Only the business listed on the notice of a special meeting of the board may be conducted at a special meeting of the board.
- 7.2.6. A special meeting of the board must be held within 14 days after notice of the meeting is given to the members of the board.

## **7.3. Minutes of board meetings**

- 7.3.1. The secretary must ensure full and accurate minutes of all questions, matters, resolutions and other proceedings of each board meeting are entered in a minute book, which may be in electronic format.
- 7.3.2. To ensure the accuracy of the minutes, the minutes of each board meeting must be signed by the chairperson of the meeting, or the chairperson of the next board meeting, verifying their accuracy.
- 7.3.3. Minutes of board meetings are available for inspection only by the secretary, the board and any other person approved by the board.

## **7.4. Quorum for, and adjournment of, board meeting**

- 7.4.1. At a board meeting, more than 50% of the members elected to the board as at the close of the last general meeting form a quorum.
- 7.4.2. If there is no quorum within 30 minutes after the time fixed for a special meeting of the board called upon the request of members under clause 7.2.1, the meeting lapses.

- 7.4.3. If there is no quorum within 30 minutes after the time fixed for a board meeting called other than upon the request of members under clause 7.2.1:
- a. the meeting is to be adjourned for at least one day; and
  - b. the members of the board who are present are to decide the day, time and place of the adjourned meeting.
- 7.4.4. If, at an adjourned meeting mentioned in clause 7.4.3, there is no quorum within 30 minutes after the time fixed for the meeting, the meeting lapses.

## **7.5. Resolutions of board without meeting**

- 7.5.1. A written resolution agreed in writing by a majority of the members of the board is as valid and effectual as if it had been passed at a board meeting that was properly called and held.
- 7.5.2. Such a resolution may be validly transmitted and agreed in writing electronically.
- 7.5.3. A resolution mentioned in clause 7.5.1 may consist of several documents in like form, each agreed in writing by one or more members of the board.

## **7.6. Material personal interests**

- 7.6.1. The secretary shall cause to be kept and updated from time to time a register of declared personal interests of board members.
- 7.6.2. A board member who has a material personal interest in a matter being considered at a board meeting must:
- a. as soon as the member becomes aware of the interest, disclose the nature and extent of the interest to the board;
  - b. not be present while the matter is being considered at the board meeting;
  - c. not vote on the matter; and
  - d. disclose the nature and extent of the interest at the next general meeting of the club.
- 7.6.3. The interest must be recorded in the minutes of the board meeting at which the disclosure is made and also in the register of declared interests of board members.
- 7.6.4. Clause 7.6.2 does not apply to a material personal interest:
- a. that exists only because the member belongs to a class of person for whose benefit the club is established; or
  - b. that the member has in common with all, or a substantial proportion of, the members of the club.

- 7.6.5. Clause 7.6.2 does not apply if the board, other than the members who have a material personal interest in the matter, decide the member who has a material personal interest in the matter may:
- a. be present while the matter is being considered at the meeting; or
  - b. vote on the matter.
- 7.6.6. If the board decides under clause 7.6.5 that a board member who has a material personal interest in a matter may be present at a meeting while the matter is being considered, or may vote on the matter, the board must ensure that:
- a. the decision is recorded in the minutes of the board meeting and disclosed at the next general meeting of the club; and
  - b. details of the decision are given to a member of the club, if requested by the member.

## **8. Meetings of members**

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### **8.1. Annual general meetings**

- 8.1.1. The club's annual general meeting must be held within six months after the end date of the club's reportable financial year.
- 8.1.2. Subject to the Act, the following business must be conducted at each annual general meeting of the club:
- a. presentation of a written report of the club's operations throughout the year;
  - b. receiving and adopting the club's financial statement, and audit report, for the last reportable financial year;
  - c. electing board members;
  - d. electing other club positions as determined by the board;
  - e. appointing an auditor or an accountant for the present financial year;
  - f. in accordance with clause 7.6, disclosure of the nature and extent of material personal interests of board members, if applicable;
  - g. presentation of the details of any remuneration paid or other benefits given for the financial year to board members and any of their relatives; and to senior employees of the club and any of their relatives, as prescribed by the Act.

## **8.2. General meetings**

- 8.2.1. The secretary must call a general meeting by giving each member of the club written notice of the meeting within 14 days after:
  - a. being directed to call the meeting by the board; or
  - b. being given a written request signed by at least 40 eligible voting members.
- 8.2.2. A request mentioned in clause 8.2.1.b must state any proposed resolution to be considered at the general meeting.
- 8.2.3. A general meeting must be held within 28 days after the secretary is directed or requested to call the meeting as mentioned in clause 8.2.1.
- 8.2.4. Written notice of a general meeting must be provided to each member of the club at least 14 days before the date of the general meeting.
- 8.2.5. A notice of a general meeting must state the business to be conducted at the meeting and must specify the date, time and place for the meeting.
- 8.2.6. If the secretary is unable or unwilling to call a general meeting, the president must call the meeting.
- 8.2.7. If the secretary or president do not within 28 days from the date of receipt of the request mentioned in clause 8.2.1.b duly proceed to call the meeting, the members who made the initial request (or any of them) may themselves call and arrange to hold the meeting.
- 8.2.8. Any meeting called by the members under clause 8.2.7 must be called in the same manner as that in which meetings are called by the board, and must be held not later than three months from the date of receipt of the request mentioned in clause 8.2.1.b.
- 8.2.9. All reasonable expenses of convening and conducting such a meeting shall be borne by the club.

## **8.3. Quorum for, and adjournment of, general meeting**

- 8.3.1. The quorum for any general meeting is at least 10% of the club's members who are entitled to vote at general meetings
- 8.3.2. No business may be conducted at a general meeting unless there is a quorum of members.
- 8.3.3. If there is no quorum within 30 minutes after the time fixed for a general meeting called upon the request of members of the club under clause 8.2.1.b, the meeting lapses.
- 8.3.4. If there is no quorum within 30 minutes after the time fixed for a general meeting called other than upon the request of members of the club under clause 8.2.1.b:
  - a. the meeting is to be adjourned for at least seven days; and



- b. the board is to decide the day, time and place of the adjourned meeting.
- 8.3.5. If at the adjourned meeting under clause 8.3.4 a quorum is not present within 30 minutes from the appointed time for the meeting, if there are at least a number of members greater than 50% of the number of members on the board at the close of the association's last general meeting, the members who are present and entitled to vote will be deemed to be the quorum and may transact the business for which the meeting was called.
- 8.3.6. 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.
- 8.3.7. No business will be transacted at any adjourned general meeting other than the business left unfinished at the meeting from which the adjournment took place.
- 8.3.8. A resolution passed at any adjourned meeting will for all purposes be treated as having been passed on the date when it was in fact passed and will not be deemed to have been passed on any earlier date.
- 8.3.9. When a meeting is adjourned, a new notice of the adjourned meeting is required only if the meeting is adjourned for 14 days or more.

#### **8.4. Procedure at general meeting**

- 8.4.1. An eligible voting 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.
- 8.4.2. A member who participates in a meeting as mentioned in clause 8.4.1 is taken to be present at the meeting.
- 8.4.3. At each general meeting:
  - a. the president is to preside as chairperson; and
  - b. if there is no president or if the president is not present within 30 minutes after the time fixed for the meeting or is unwilling to act, the members present may choose another board member to be chairperson of the meeting; and
  - c. if there is no board member present the members may choose one of their number to preside as chairperson at the meeting; and
  - d. the chairperson must conduct the meeting in a proper and orderly way.

#### **8.5. Voting at general meeting**

- 8.5.1. At a general meeting, each question, matter or resolution, other than a special resolution, must be decided by a majority vote members who are present, eligible to vote and voting.

- 8.5.2. Each member present and eligible to vote is entitled to one vote only and, if the votes are equal, the question is decided so as to maintain the status quo.
- 8.5.3. A member is not entitled to vote at a general meeting if the member has any membership fee, other fee or levy in arrears at the date of the meeting.
- 8.5.4. A challenge to a member's right to vote at a general meeting:
  - a. may only be made at the meeting; and
  - b. must be determined by the chairperson, whose decision is final.
- 8.5.5. The method of voting is to be decided by the board.
- 8.5.6. However, if at least 20% of the members present demand a secret ballot, voting must be by secret ballot.
- 8.5.7. If a secret ballot is held, the chairperson must appoint two members to conduct the secret ballot in the way the chairperson decides.
- 8.5.8. The result of a vote as declared by the chairperson is taken to be a resolution of the meeting at which the vote was held. Neither the chairperson nor the minutes need to state the number or proportion of the votes recorded in favour or against.

## **8.6. Proxies**

- 8.6.1. The club does not allow proxies.

## **8.7. Minutes of general meetings**

- 8.7.1. 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, which may be in electronic format.
- 8.7.2. To ensure the accuracy of the minutes:
  - a. 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; and
  - b. 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.
- 8.7.3. If asked by a member of the club, the secretary must, within 28 days after the request is made:
  - a. make the minutes 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.

- 8.7.4. The club may require the member to pay the reasonable costs of providing copies of the minutes.

## **9. Secretary**

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### **9.1. Appointment or election of secretary**

- 9.1.1. The secretary must be an adult residing in Queensland, or in another state but not more than 65km from the Queensland border, who is:
- a. an eligible member of the club elected as secretary by the members at a general meeting; or
  - b. any of the following people appointed by the board as secretary:
    - i a member of the club's board;
    - ii another member of the club;
    - iii another person.
- 9.1.2. If a vacancy occurs in the office of secretary, the members of the board must ensure a secretary is appointed or elected within one month after the vacancy occurs.
- 9.1.3. If the board appoints a person mentioned in clause 9.1.1.b.ii as secretary, other than to fill a casual vacancy on the board, the person does not become a board member and is ineligible to vote at board meetings.
- 9.1.4. However, if the board appoints a person mentioned in clause 9.1.1.b.ii as secretary to fill a casual vacancy on the board, the person becomes a board member and is eligible to vote at board meetings.
- 9.1.5. If the board appoints a person mentioned in clause 9.1.1.b.iii as secretary, the person does not become a board member and is ineligible to vote at board meetings.
- 9.1.6. In accordance with clause 3.1.4, a person who has been elected or appointed as secretary and is also a current employee of the club does not become a board member and is not eligible to vote at board meetings.

### **9.2. Removal of secretary**

- 9.2.1. A secretary who has been appointed by the board may at any time be removed by the board.
- 9.2.2. If the board removes a secretary who is a person mentioned in clause 9.1.1.b.i, the person remains a board member.
- 9.2.3. If the board removes a secretary who is a person mentioned in clause 9.1.1.b.ii and who has been appointed to a casual vacancy on the board under clause 9.1.4, the person does not remain a board member.

### **9.3. Functions of secretary**

- 9.3.1. The secretary's functions include, but are not limited to:
- a. calling meetings of the club, including preparing notices of a meeting and of the business to be conducted at the meeting in consultation with the president of the club; and
  - b. keeping minutes of each meeting; and
  - c. keeping copies of all correspondence and other documents relating to the club; and
  - d. maintaining the register of members of the club.

## **10. Club manager**

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### **10.1. Appointment of club manager**

- 10.1.1. A club manager may be appointed by the board.
- 10.1.2. A person currently serving as a board member may not apply to fill the position of club manager.

### **10.2. Powers, duties and authorities of club manager**

- 10.2.1. The club manager holds office on the terms and conditions (including as to remuneration) and with the powers, duties and authorities, delegated to them by the board.
- 10.2.2. The exercise of those powers and authorities and the performance of those duties by the club manager are subject at all times to the control of the board.

### **10.3. Delegation to club manager**

- 10.3.1. The board may delegate to the club manager the power (subject to such reservations on the power as may be decided by the board) to conduct the day-to-day management and control of the business and affairs of the club.

### **10.4. Dismissal of club manager**

- 10.4.1. Subject to any contract or legislation, the club manager may be dismissed by the board on the grounds that they:
- a. have been guilty of persistent or gross neglect in the discharge of their duties; or
  - b. conduct themselves in a way considered by the board to be injurious or prejudicial to the character or interests of the club; or
  - c. become disqualified from managing a corporation or being a responsible person for a legal entity; or

- d. become of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health; or
  - e. are convicted of an indictable offence or are made bankrupt; or
  - f. do not otherwise comply with the requirements of this constitution.
- 10.4.2. Before the club manager can be dismissed under bylaw 4.4.1, the board must:
- a. conduct a due and proper inquiry into the existence and sufficiency of the ground for dismissal;
  - b. give details on the ground for dismissal to the club manager, who shall be given full and fair opportunity to show cause why they should not be dismissed.

## **11. Finance**

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### **11.1. Funds and accounts**

- 11.1.1. The funds of the club must be kept in one or more accounts in the name of the club in a financial institution decided by the board.
- 11.1.2. Records and accounts must be kept in the English language showing full and accurate particulars of the financial affairs of the club.
- 11.1.3. All amounts must be deposited in a financial institution account as soon as practicable after receipt.
- 11.1.4. A payment by the club of \$100 or more must be made by cheque or electronic funds transfer.
- 11.1.5. Any cheque or electronic funds transfer must be signed or approved by any two of the following:
  - a. the president;
  - b. the secretary;
  - c. the treasurer;
  - d. any other person who has been authorised by the board to sign cheques issued or approve electronic funds transfers by the club.
- 11.1.6. A cheque or electronic funds transfer to be approved in accordance with clause 11.1.5 may not be signed or approved by two people who are partners or relatives.
- 11.1.7. Cheques, other than cheques for wages, allowances or petty cash recoupment, must be crossed not negotiable.
- 11.1.8. A petty cash account and credit or debit card accounts may be kept on the imprest system, and the board must decide the amount of funds to be kept in any such accounts.
- 11.1.9. All expenditure must be approved or ratified at a board meeting.

## **11.2. Annual financial statement**

- 11.2.1. On behalf of the board, the treasurer must, as soon as practicable after the end date of each financial year, ensure a financial statement for its last reportable financial year is prepared.
- 11.2.2. The board must ensure that the club's financial statement is audited by an auditor or an accountant and presented to the annual general meeting for adoption.

## **11.3. Half-yearly financial statement**

- 11.3.1. The board must adopt a half-yearly financial statement, accompanied by a written financial report, each year.
- 11.3.2. The half-yearly financial statement and written financial report must be approved by the board by 30 July each year and made available to the members by 31 August each year.

## **11.4. Capital expenditure**

- 11.4.1. The board has the power to incur debts and to expend club funds in relation to any capital expenditure works or project, where expenditure for the works does not exceed \$100,000.
- 11.4.2. Any capital expenditure project where expenditure for the works is in excess of the limit mentioned in clause 11.4.1 must have prior approval of members by special resolution at a general meeting of the club.

## **11.5. General financial matters**

- 11.5.1. The income and property of the club must be applied solely towards the promotion of the objects of the club as set out in this constitution and no portion thereof is to be paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit to or among the members of the club, provided that nothing herein prevents the payment in good faith of:
  - a. remuneration of any person in return for services actually rendered to the club; or
  - b. repayment for out-of-pocket expenses incurred on behalf of the club; or
  - c. payment for sale or hire of goods or payment of rent for premises let to the club; or
  - d. interest to any member in respect of money advanced by that member to the club or otherwise owing by the club to the member, provided that the rate of interest is not more than the current rate being charged for overdrawn accounts on money lent (regardless of the term of the loan) by:

- i the financial institution of the club; or
- ii if there is more than one financial institution of the club, the financial institution nominated by the board.

11.5.2. The club precludes the payment to an officer or employee of the club of an amount by way of commission or allowance calculated by reference to the quantity of liquor sold or supplied by the club or the receipts of the club for such liquor.

## **11.6. Financial year**

11.6.1. The club's financial year will end on 31 December each year.

## **12. Documents and legal**

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### **12.1. Documents**

12.1.1. The board must ensure the safe custody of books, documents, instruments of title and securities of the club.

### **12.2. Notices**

12.2.1. A written notice may be given by the club to any member either personally, electronically or by sending it by post to the member's last address notified in writing to the club.

12.2.2. Any notice period referred to in this constitution shall include the day on which a notice is given.

12.2.3. Where a notice is sent by post:

- a. service of the notice is effected by properly addressing, pre-paying and posting a letter or packet containing the notice; and
- b. unless the contrary is proved, service will be taken to have been effected at the time at which the letter or packet would be delivered in the ordinary course of post.

### **12.3. Common seal and execution of documents**

12.3.1. Subject to the Act, the club may have a common seal.

12.3.2. If the club has a common seal, the seal must be:

- a. kept securely by the board; and
- b. used only under the authority of the board.

12.3.3. Each instrument to which the seal is attached must be signed by a board member and countersigned by:

- a. the secretary;
- b. another board member; or
- c. someone authorised by the board.

- 12.3.4. If the club executes a document without using a common seal, the document must be signed by a board member and countersigned by:
- a. the secretary;
  - b. another board member; or
  - c. someone authorised by the board.

#### **12.4. Alteration of constitution**

- 12.4.1. Subject to the Act, this constitution may be amended, repealed or added to by a special resolution carried at a general meeting.
- 12.4.2. However, an amendment, repeal or addition is valid only if it is registered by the chief executive of the relevant government department from time to time having responsibility for supervision of the provisions of the Act.

#### **12.5. Bylaws**

- 12.5.1. The board may make, amend or repeal bylaws, consistent with this constitution, for the internal management of the club.
- 12.5.2. A bylaw may be set aside by a majority vote of members at a general meeting of the club.

#### **12.6. Indemnity**

- 12.6.1. The club shall indemnify its secretary, board members, employees and members against all damages and losses (including legal costs) for which any such person may become liable to any third party in consequence of any act or omission done in good faith for the purpose of exercising the club's functions under the Act.
- 12.6.2. Indemnity under clause 12.6.1 shall not apply to any loss or damage resulting from the wilful misconduct of the person.

#### **12.7. Insurance**

- 12.7.1. The club may pay, whether directly or through an interposed entity, a premium for a contract insuring a secretary, board member or employee against liability that the person incurs as an officer of the club including a liability for legal costs.



## **13. Winding up**

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### **13.1. Distribution of surplus assets**

13.1.1. This clause applies if the club:

- a. is wound-up under part 10 of the Act; and
- b. has surplus assets.

13.1.2. The surplus assets must not be distributed among the members of the club.

13.1.3. The surplus assets must be given to one or more other entities:

- a. having objects similar to the club's objects; and
- b. the rules of which prohibit the distribution of the entity's income and assets to its members.

### **13.2. Liability**

13.2.1. A secretary, board member, employee or member of the club is not personally liable to contribute towards the payment of the debts and liabilities of the club or the costs, charges and expenses of the winding up of the club, beyond:

- a. the property of the incorporated association in the person's possession; and
- b. the amount, if any, unpaid by the person in respect of membership of the club.

# BY-LAWS

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# BY-LAWS

## GOVERNANCE

### 1. RETURNING OFFICER

- (a) Prior to the Annual General Meeting each year, the Board shall appoint a Returning Officer, whose duties shall be to control the issuing of ballot papers and subsequent collection and counting of same at the Annual General Meeting and subsequent General Meetings.
- (b) The Returning Officer shall liaise with the Secretary as regards the preparation of ballot boxes. He/she shall ensure that only those entitled to vote are issued with the necessary ballot papers and that the ballot boxes are correctly located for the lodgment of same.
- (c) The Returning Officer will enlist the assistance of such number of poll clerks as required to conduct the ballot. Neither the Returning Officer nor any poll clerk shall be a candidate in such Ballot.
- (d) The Returning Officer shall advise the Chair of the meeting the result of the count and the Chair shall announce the result to the meeting.
- (e) The ballot material shall not be destroyed without the authority of a motion passed at the meeting and it shall be the duty of the Returning Officer to carry out such instruction.

### 2. ELECTION AND BALLOT PROCEDURES

- (a) Any two financial voting members may nominate any other financial member to serve as a member of the Board or to any other elected position, provided that a member cannot nominate more than one person for the same position. Members must be financial from the date of nomination to the date of the election.
- (b) The nomination, shall be in writing, signed by the candidate, the proposer and seconded, and shall be lodged with the Secretary at least fourteen (14) days before the Annual General Meeting at which the election is to take place.
- (c) A list of the candidates' names, in an order drawn by the Returning Officer, with the proposer's and secondary's names plus a brief Curriculum Vitae and photo shall be posted in a conspicuous place on the Notice Board.
- (d) If insufficient nominations are received for all the positions of elected Board members, Bowls Committee members and/or Selectors, the candidates who have been duly nominated shall be declared elected. The meeting may proceed to fill any remaining vacancies (by ballot, if necessary) by taking nominations from the floor.
- (e) Balloting lists shall be prepared for each position (if necessary) containing the names of candidates in the order drawn by the Returning Officer. Each financial voting member present at the Annual General Meeting shall be entitled to vote for any number of such candidates not exceeding the number of vacancies.
- (f) Ballot papers may be issued to those entitled to vote not more than thirty (30) minutes prior to the meeting being opened. The votes shall not be collected by the Returning Officer until the Chairman 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 Chairman of the meeting shall introduce to the meeting any candidate for election who so desires.
- (g) Voting shall be by secret ballot. Every financial voting member shall be supplied with a

## BY-LAWS

- ballot paper containing the names of the properly nominated candidates.
- (h) The method of voting shall be to ***delete the names or names of the candidates not required*** by the voter.
- (i) Voting shall be counted and positions declared in the following order (in case a member is a candidate for more than 1 position):
- Chair
  - Secretary
  - Treasurer
  - 4 Board members (up to)
  - Men's Bowls President
  - Ladies Bowls President
  - Bowls Vice President
  - Bowls Secretary
  - Games Room Coordinator
  - Tournaments Coordinator
  - Winter Events Coordinator
  - Women's / Men's' Selectors (up to 5 each) (voted by women/men respectively)
- (j) The result 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 shall be conducted between the candidates who tied.
- (k) In the case of a ballot being necessary to resolve a matter other than election, members shall indicate their choice on ballot papers in a manner specified by the Chairman of the meeting.

### 3. STANDING ORDERS

- (a) Movers of motions, which must be seconded, are limited to five (5) minutes and all other speakers to the motion (including the right of reply) to three (3) minutes, provided that such time limits may be extended by the Chair with the consent of the meeting.
- (b) A member shall be entitled to speak only once to each question, but with the permission of the Chair, may correct a misstatement. Every amendment moved shall be treated as a new question. The mover of any original motion shall have the right of reply.
- (c) No motion of dissent from the Chair's ruling or decision shall be permitted unless made before any other business or speech has intervened and no debate shall be allowed.
- (d) It shall not be permissible for the mover to withdraw any motion that has been put to the meeting except with the consent of the seconder.
- (e) A speaker shall not be interrupted, except on a point of order.
- (f) If the Chair desires to discuss a motion or amendment he/she shall do so before the reply by the mover.
- (g) A notice of motion to alter or rescind a motion and a notice of motion which has the same effect as a motion that has been negated shall not be in order unless it is signed by four (4) members, provided that this shall not apply where three (3) months have elapsed since the motion was passed or the motion negated, as the case may be.
- (h) Where a motion to alter or rescind a motion has been negated or where a motion has the same effect as a previously negated motion is negated, no similar motion shall be

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brought forward within three (3) months thereafter, and the effect of this provision shall not be evaded by substituting any motion differently worded, but in principal be the same.

- (i) Discussion shall not be permitted upon any motion for adjournment. If upon the same question being put on any such motion and the same is negated. The subject then under consideration or next on the business to again move for adjournment until half an hour has elapsed from the time of moving the one that has been negated.
- (j) The proceedings of any Committee appointed by the Board shall be guided by these Standing Orders, so far as they are applicable.

### 4. ELECTION OF PATRON

On the recommendation of the Board of Management, the Club may, by the decision of the majority vote of members at a General Meeting, appoint an Honorary Patron of the Club for such term as determined at the General Meeting.

### 5. DUTIES OF BOARD OF MANAGEMENT (Refer Constitution Clause 5)

- (a) Chairman
- (b) Board Secretary
- (c) Treasurer
- (d) Club Administration Director
- (e) Greens and Surrounds Director
- (f) Projects and Membership Director
- (g) Sponsorship Director
- (h) Barefoot Bowls Director

*Duties as outlined in Annual Business Plan and allocated by Chairman from time to time. Duties allocated according to individual/s expertise.*

### 6. BOWLS COMMITTEE MEMBERS

- (a) Presidents- Men's & Ladies
- (b) Bowls Vice-President
- (c) Bowls Secretary
- (d) Games Room Coordinator
- (e) Tournaments Coordinator
- (f) Winter Events Coordinator
- (g) Selection Committee Coordinators
- (h) Coaching Coordinator
- (i) Umpire Coordinator

### 7. DUTIES OF BOWLS COMMITTEE MEMBERS

#### Men's Bowls President – Women's Bowls President

GOAL	PERFORMANCE INFORMATION
Represent Club Maroochy	Maintain a high professional image to members and visitors alike
Promote the game of Bowls	Ensure that the game of bowls is promoted at every opportunity to encourage participation and the gaining & retention of bowls members. To nurture the morale of club members.
Knowledge of Games Room Operations	One day a week assist in running the

## BY-LAWS

and Club Members	Games Room, providing the opportunity to communicate with members and visitors
Schedule Bowls Committee Monthly Meeting	The Bowls Committee shall schedule its meetings to allow for a written report to be presented to the Club Secretary in time for (ideally 7 days before) the regular monthly board meeting. It shall include reports on participation rates for the various social bowls & championship events.
Club Championships	Presidents should be in attendance for Club Championship Finals.
Representation at District Bowls Associations	Appoint delegates as required to the respective District Bowls Associations in accordance with the rules of those associations (the Club delegates can be Bowls Presidents or other nominated Committee Members respectively of the women & men);
Board Communication and implementation of Board Decisions	Ensure that policy decisions of the Board are promptly carried out & that the Board is kept fully informed of all matters that may affect the financial performance of the Club and the wellbeing of its members. Presidents are invited to attend, in allocated time, monthly Board Meetings and include a written report.
Annual Bowls Program	Develop (in conjunction with the Bowls Committee) the annual bowls program for the Club

### Bowls Vice President/Club Championships Coordinator

GOAL	PERFORMANCE INFORMATION
Support Men's Bowls President & Women's Bowls President	Carry out the role of the Presidents in their absence when required
Manage Club Championships	Run Club Championship Competition on allocated competition dates. Ensure competition dates and closing dates for entries are advertised to members.
Promotion of Club Championships	Encourage members' participation in Club Championships

### Bowls Secretary

GOAL	PERFORMANCE INFORMATION
Create agenda and produce minutes for Bowls Committee meeting	Agenda and minutes to be available as soon as possible after all meeting. Regular communications to Bowls Committee members. Attend to all correspondence and club written matters. Minutes of Bowls Committee Meeting to be sent to Club Secretary.
Correspondence with Bowls Australia;	Pass on to bowls committee members all

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Bowls Qld; District Bowls Associations	correspondence to and from Bowls Australia; Bowls Qld; District Bowls Associations forwarded by Board Secretary
Flyers for Sponsored Social/Tournament Events	Produce Flyers for Sponsored Social /Tournament Events in conjunction with Events Coordinator .
Distribution of Sponsored Social/Tournament Event Flyers	Send out Sponsored Social/Tournament Event Flyers to other Clubs in our District. Establish and maintain data base for communication to other bowlers outside our club.
Flyers for weekly social bowls	Produce Flyers for weekly social bowls in conjunction with Games Room Coordinator
Club Championships	Assist the Club Championship Coordinator on the competition days. Maintain records of Club Championships results
Notices for Newsletter	Advise Newsletter manager of any relevant flyers and notices to appear in Newsletter
Diary at Reception	Update Diary at Reception with all special social events and any information relevant to the booked use of the greens including pennant & GR8s.
Assist in management of results for Pennants, GR8s, etc	Assist Selectors Co-ordinator with results administration

### Games Room Coordinator

<b>GOAL</b>	<b>PERFORMANCE INFORMATION</b>
Weekly Social Bowls Program	Manage weekly social bowls program
Games Room Operators	Train Games Room Operators and daily bowls organisers in the set procedures required to manage the social game of bowls on any given day
Matt Fee Payments	Ensure all Games Room Operators will collect and balance all fees applicable to any bowls games being played and immediately pay to the office
Folders and Flyers for Weekly Social Bowls	In conjunction with Bowls Committee Secretary ensure all folders and flyers for Weekly Social Bowls are updated and available for members and visitors
Roster for Games Room Operator	Manage the roster for Games Room Operators and train new Operators as required.

### Tournament Coordinator

Sponsored Events Program	Work with Sponsorship Board Member to arrange scheduling of Sponsored Events
Winter Carnival Prelude	Work with the Winter Events Director in preparation and running of Winter Carnival Prelude
Publicity/Promotion	Promote Sponsored Events within web site Newsletter; Notice Board; Folder Flyers;



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	and other Clubs (assisted by Bowls Committee Secretary)
Running of Games Room for tournament Events	Draw Maker (or approved equivalent) is used for tournament Events. Manage the use of Draw Maker and its application on the day of the event. Training will be provided.
Game Cards	Special Event Game Cards are to be printed and trimmed
Catering for Sponsored Events	Organise with Club/Bar Manager the requirements for food requirements on these days.

### Winter Events Director (Position held May to August – including Prelude)

GOAL	PERFORMANCE INFORMATION
Entries for Winter Carnival Prelude	Receive and manage entries in Prelude. Entries to be entered onto Prelude Team Sheets and updated accordingly.
Running of Games Room for Winter Prelude Events	Draw Maker (or approved equivalent) is used for the Winter Prelude Events. Manage the use of Draw Maker and its application on the day of the event. Training will be provided.
Game Cards	Winter Prelude & Tournament Event Game Cards are to be printed and trimmed
Sponsors' Acknowledgement	Co-ordinate with the Sponsorship Director to see all Sponsors are acknowledged at each event.

### MEN'S AND LADIES SELECTION COMMITTEES

1. Up to 5 Selectors will be elected by male and female bowlers respectively for the ensuing year.
2. At their first meeting the male and female selectors shall elect their respective Selector Co-ordinator by majority vote
3. The Co-ordinators will each serve on the Bowls Committee
4. The Men's and Ladies selectors committee shall appoint a manager for each pennant/GR8s team whose responsibility it will be to ensure:
  - a. Players are kept informed of playing requirements
  - b. Cards are prepared
  - c. Rinks are prepared & ready for competitive play at home
  - d. The master score board is in place and maintained during play at home games
  - e. Records are kept of the games played and results
  - f. Game result slips are accurate and forwarded to appropriate district representatives
  - g. All players are appropriately dressed in the approved Club Uniform
  - h. Umpires are rostered for home games through the Umpires Co-ordinator
  - i. Appropriate and agreed hospitality is offered to visiting teams.

### MEN'S & LADIES SELECTION COMMITTEE CO-ORDINATORS

GOAL	PERFORMANCE INFORMATION
Encourage members to nominate for	Work with the committee members to liaise

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Pennants, GR8s, and any additional competition that may be introduced	with club members to participate in these various competitions
Selection Process	Meet with Selection Committee members to select the best outcome for members and the club
Training	In conjunctions with the committee arrange training times for members
Competition results (each competition day)	Paperwork to be completed and forwarded to the relevant organisation at the end of competition day (assisted by Bowls Committee Secretary)

### COACHING COMMITTEE

- (i) All accredited coaches are welcome to coach at the Club at the level of their accreditation.
- (ii) The Coaching Committee will appoint one (1) of their number to be the Coaching Co-ordinator & represent them on the Bowls Committee.
- (iii) Coaches are expected to maintain their accreditation & to possess the Queensland Government Blue Card to enable them to coach & support children.
- (iv) Hours for coaching will be determined in consultation between the Coaching Group, the Bowls Committee & the Greenkeeper.

### UMPIRES COMMITTEE

- (i) The Umpires' Committee will comprise all accredited and active umpires & keep a register of all certified umpires.
- (ii) The umpires will appoint one (1) of their number to be the Umpires Co-ordinator and represent them on the Bowls Committee.
- (iii) The Umpires Co-ordinator will:
  - a) Compile reports as required by State or District Associations.
  - b) Convene meetings as necessary.
  - c) Appoint umpires for all games specifically requiring umpires.
  - d) Remain up to date with all rules affecting umpiring; and
  - e) Ensure that umpires of the day carry out their duties in accordance with designated procedures and Laws of the Game.

## 8. OUT OF POCKET EXPENSES

Any Out of Pocket Expenses will be paid according to the schedule determined by the Board of Management. Out of Pocket expenses may be paid only after a member has served a minimum of six months (within a twelve-month elected year) on the Board and/or Bowls Committee.

## 9. ADOPTION OF ALTERATIONS AND/OR ADDITIONS TO THESE BY-LAWS

The Board has the power (under Constitution Clause 12.5.1 to modify these By-Laws. A Member(s)

## BY-LAWS

may propose changes to the By-Laws in writing to the Board who may accept or reject the proposal(s). If a member is not satisfied with the Board's decision he/she has recourse to call a Special General Meeting under Clause 8.2 of the Constitution. Amendments shall be effective forthwith.

### 10. MEMBERSHIP

(Subject to Constitution Clause 3)

(a) In accordance with Constitution Clause 3.1 the following membership classes are approved

(a) (i) Full Membership – Const Clause 3.1.1(a) sub-classes include –

A. Bowls Member – Full membership privileges incl voting rights

- Pays annual membership fees as determined by the Board.

B. Life Member - Full membership privileges incl voting rights

- Not required to pay membership fees.

(a) (ii) Limited Membership – Const Clause 3.11(b) sub-classes include -

A. Bowls Dual Member – No voting rights

- Pays membership fees as determined by the Board.
- Eligible to play all Club Championships excepting those that progress to District level and beyond.
- Registered with Bowls Qld as an affiliated member of another Qld Club.

B. Bowls temporary members – No voting rights

- Pays limited membership fees as determined by the Board
- Not a member of another affiliated Club in Qld

(a) (iii) Junior Member – Ref Const Clause 3.1.1(c)

A. Pays any membership fees or levies that may be determined by the Board from time to time.

### 11. UNFINANCIAL MEMBERS

If a member fails to pay the annual subscription and any other fees within seven (7) days of the same becoming due and payable, the Secretary may declare the membership void.

### 12. ATTIRE

(a) **Within the Clubhouse.** The Board shall set out a good standard of dress as the minimum in relation to members and visitors within the confines of the Club. Such requirements will be displayed in a prominent position within the Club's premises. The responsibility thereof shall be vested in the Board.

(b) **On the Greens.** Subject to any changes from time to time required by an amendment of the B.A. Laws of the Games, the Controlling Body shall be responsible for ensuring that all players, markers and umpires participating in games on an affiliated green, wear the correct attire. Attire shall follow B.Q. and D.B.A. guidelines.

The Board shall determine suitable attire for social games or rollups in conjunction with the Bowls Committee.

### 13. ANIMALS

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Animals, domesticated or otherwise, shall not be allowed on or within Club premises, other than an assistance dog in the performance of its duty.

### 14. CHILDREN

All children on or within the Club premises must, always, be under the strict supervision of a responsible adult, in accordance with the relevant licensing laws.

### 15. CLUB COLOURS

The Club colours will be as defined and approved by the Board.

### 16. LOCKERS

Only financial Bowls and Life Members are to have lockers. Lockers will be allocated by Administration staff in conjunction with Board of Management. Lockers are not transferable but may be allocated on a short-term basis to visiting bowlers.

### 17. NOTICE BOARD

A notice board, upon which all notices shall be posted, shall be placed in a conspicuous position in the club house.

### 18. LAWS OF THE GAME

All matches shall be played in accordance with the Laws of the Game and any Rules and regulations adopted from time to time by BA, BQ, and DBA's in accordance with the Rules and Constitution of the Club.

### 19. CONDUCT OF CLUB CHAMPIONSHIPS

- (a) The Bowls Committee has responsibility for deciding on the annual program of Club championships. The playing program is to be published not less than two months before the scheduled start date. Having been set, the playing dates may only be changed by the controlling body for reasons permitted under the laws of the game.
- (b) In developing a program, it shall ensure it caters for ALL members including both genders, working members, juniors & both experienced & developing bowlers.
- (c) The bowling year for all championships shall commence any time after the 1<sup>st</sup> November and be completed by a set date put on the draw or as otherwise directed.
- (d) Club championships may consist of events for men only, women only or mixed. They can be developed across each of the 4 formats (singles, pairs, triples & fours).
- (e) Events should be held to assist developing bowlers to improve their games e.g. "B" grade events.
- (f) A player shall be a financial member of the Club at the closing of nominations in order to be eligible to play in the respective Championships & have paid the requisite entry fee for the event.

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- (g) The Bowls Co-ordinator shall:
  - (ii) Make all drawings for Club championships in the presence of not less than two members of the Men's/Ladies each of whom shall attest to the drawings by signing each drawing before it is placed on the notice board.
  - (iii) Commence the competitions as soon as practicable after the draw is completed and the Controlling Body will consider playing one or more club championship events during summer months at night under lights; and
  - (iv) Call the games to be played, giving at least (7) days' notice thereof by placing the draw on the notice board, and/or by announcement on the website and in the Club.
- (h) All championships are to be played 'on or before' the set dates as notified by the Bowls Co-ordinator.
- (i) All games are subject to the availability of rinks and played by the rules of BA, and BQ.
- (j) Team Captains are responsible for availability of their team players or provision of a substitute.
- (k) Captains who must provide a substitute/replacement for an unavailable player must ascertain if the player is an "ELIGIBLE" substitute/replacement and REPORT the substitution to the respective Bowls Co-ordinator/Bowls Committee/Controlling Body PRIOR to the commencement of the fixture. The consent of the umpire of the day must be obtained and the card initialled by the umpire.
- (l) Any member who is also a member of another bowls club who plays BQ and nominated district championships such as Open Singles, Pairs, and Fours or Pennants with another club is not eligible to play championship or pennants in the same official bowling year. These are the only exclusive events in a club's calendar and a bowler may play in as many other club events as the conditions of play allow. All games will be played under the BA, BQ and District Laws of the Game.
- (m) The "PLAY OR FORFEIT" rule will apply, and the decision of the controlling body will be final.
- (n) An "umpire of the Day" will be appointed for all championship games.
- (o) The controlling body for all competition shall be the Bowls Committee. Authority to adjudicate on disputes not covered by BA or BQ law may be delegated to a committee comprised of the Bowls President and/or Bowls Vice President, Bowls Co-ordinator and the umpire of the day.

### 20. REGISTRATION FOR PLAYING DAYS

- (a) Each member shall be responsible for registration of his/her name on any playing day. The closing time for registration to play bowls is up to sixty (60) minutes before the time set down for commencement of play, or as determined by the Bowls Committee. No further names shall be accepted after sufficient players have entered for play on that day unless the Bowls Office determines that they can be accommodated.
- (b) A member having entered his/her name for bowls and subsequently is unavailable (or does not wish to play) shall advise the Club official in charge of the day's play, not later than sixty (60) minutes before the commencement of play. If a member does not comply with this By-law, a penalty may be imposed by the Bowls Controller as approved by the Club Board.
- (c) All trophies or cash prizes offered for competitions shall be played for under such

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- conditions as the Bowls Committee may determine in conjunction with the Board.
- (d) No bowling (roll-ups or trial ends) prior to the commencement of play shall be permitted except at the discretion of Bowls Controller of the day or as provided for by the conditions of any competition.
  - (e) The Games Room Controller of the day must advise the Club's caterer, of any catering requirements for all playing days under their control in writing.

### 21. PLAYER COMMITMENTS

- (a) When a member of a Club has been called to fulfill a BA, BQ, DBA or Club commitment (excluding President's days), in a match or on official business, any day on which he/she has been drawn to play in a BA, BQ or District Bowls Association or Club commitment, the onus shall be on the player to notify BQ, DBA or Club, as the case may be, of any higher commitment.
- (b) 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 the current BA Domestic regulations shall apply.
- (c) Provisions consistent with this By-Law shall be included in all Club rules and shall be deemed to be a condition of competitions conducted by the Club.

### 22. PROCEDURE FOR A COMPLAINT AGAINST A MEMBER

- (a) When a complaint is received it MUST be in writing and signed by the person lodging the complaint. Record the date received.
- (b) Refer the complaint to the Board for immediate investigation.
- (c) If the Board considers that the complaint warrants investigation, then the "Discipline" "Appeals" and "Grievances" provisions of Constitution Clause 4.2.1 to 4.5 incl, shall be implemented by the Board.

### 23. SMOKE FREE POLICY

- a. Club Maroochy is bound by Queensland Government legislation which regulates where smoking may be permitted within the grounds of a licensed club. In accordance with this legislation, Club Maroochy has published "Smoking Management Plan" and has clearly identified those "Designated Outdoors Smoking Areas" (DOSAs) where smoking and drinking (but not food consumption) may take place.
- b. We are also bound by Bowls Australia policy in this regard.
- c. Club Maroochy recognizes the importance of health and fitness. This policy enables players, coaches, team managers and all other officials to participate in the game of bowls in a smoke-free environment whilst on the green.

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d. Interpretation - unless the context otherwise requires, the terms 'controlling body', the 'green', the 'bank', the 'ditch' and the 'end' shall have the same meaning as in the Laws of the Sport of Bowls in Australia.

e. **SMOKING LIMITATIONS**

- I. Smoking is not permitted anywhere within the Club.
- II. Players, umpires, measurers, or any other person are expressly prohibited from smoking on our greens at any time. Smoking is also prohibited in all other areas of the club surrounds not designated as DOSA.
- III. If players wish to smoke in a DOSA on the bank, they must remain at least 1 metre back from the ditch.

f. **PENALTIES**

- I. If a Government Health Inspector finds a smoker in breach of the law, then a court-imposed penalty of up to \$10,500 can be imposed on the club.
- II. If a Responsible Officer (see below) finds a smoker in breach of this By-Law the following penalties will apply:
  - for a **1<sup>st</sup> offence**, the person will be given a written warning from the Board.
  - for **subsequent offence(s)**:
    - a Club Maroochy member will receive a \$50.00 fine. If this is not paid within fourteen (14) days of notification of the fine an automatic suspension of one (1) month will apply.
    - a visiting bowler will be asked not to return to our club and a letter will be forwarded to their home club advising it of the breach, while
    - social or barefoot bowlers will be removed from the greens and the club.
  - in addition, the person may be dealt with under the 'Contrary Conduct' provisions of the Club Constitution.

g. **RESPONSIBLE OFFICERS**

This policy may be enforced by a member of the Board, a member of the Bowls Committee, an accredited coach or umpire, the Controlling Body for an event or by the Approved Manager on duty.