

THE HUGHENDEN BOWLS CLUB INCORPORATED

CONSTITUTION

SEPTEMBER 1993

Approved by the Queensland Department of Consumer Affairs

20 December 1993

CONTENTS

| <u>PART A - THE CLUB</u> | | PAGE |
|--|--|------|
| 1 | NAME | 1 |
| 2 | OBJECTS OF THE CLUB | 1 |
| 3 | CLUB TO BE INCORPORATED | 1 |
| 4 | CLUB TO BE LICENSED | 1 |
| 5 | CLUB TO SUBSCRIBE TO BUSINESS ASSOCIATIONS | 1 |
| 6 | CLUB TO AFFILIATE WITH BOWLS ASSOCIATIONS | 2 |
| 7 | POWERS OF THE CLUB | 2 |
| 8 | RECIPROCAL CLUBS | 4 |
| <u>PART B - MEMBERSHIP</u> | | |
| 9 | MEMBERS | 4 |
| 10 | ELECTION OF MEMBERS | 5 |
| 11 | REGISTER OF MEMBERS | 10 |
| 12 | MEMBERS' SUBSCRIPTIONS | 10 |
| 13 | VISITORS | 11 |
| 14 | CONDUCT OF MEMBERS AND VISITORS | 11 |
| 15 | CONSIDERATION OF A COMPLAINT AGAINST A MEMBER | 11 |
| 16 | CONSIDERATION OF A COMPLAINT AGAINST A VISITOR | 14 |
| 17 | LEAVE OF ABSENCE | 15 |
| 18 | TERMINATION OF MEMBERSHIP | 15 |
| 19 | REMOVAL OF A MEMBER OF THE COUNCIL | 15 |
| 20 | RESIGNATION OF A MEMBER | 16 |
| 21 | RESPONSIBILITY FOR OUTSTANDING MONIES | 16 |
| 22 | NOTICES | 16 |
| 23 | NOTICE BOARD | 16 |
| <u>PART C - GOVERNMENT OF THE CLUB</u> | | |
| 24 | GENERAL MEETINGS | 16 |
| 25 | SPECIAL RESOLUTIONS | 19 |
| 26 | SPECIAL LEVIES | 19 |
| 27 | THE AUDITOR | 19 |

| | | |
|--|--|----|
| 28 | A PATRON | 19 |
| 29 | THE COMMON SEAL | 20 |
| 30 | ALTERATIONS TO THE CONSTITUTION | 20 |
| 31 | DISSOLUTION OF THE CLUB | 20 |
| 32 | DISTRIBUTION OF ASSETS | 20 |
| <u>PART D - ADMINISTRATION OF THE CLUB</u> | | |
| 33 | THE COUNCIL | 21 |
| 34 | TERM OF ELECTION OF THE COUNCIL | 21 |
| 35 | ELECTION OF THE COUNCIL | 21 |
| 36 | THE EXECUTIVE MEMBERS OF THE COUNCIL | 22 |
| 37 | POWERS OF THE COUNCIL | 22 |
| 38 | DUTIES OF THE COUNCIL | 23 |
| 39 | RESIGNATION OF A MEMBER OF THE COUNCIL | 23 |
| 40 | VACANCIES ON THE COUNCIL | 24 |
| 41 | MEETINGS OF THE COUNCIL | 24 |
| 42 | GAMES COMMITTEES FOR MALE AND FEMALE MEMBERS | 25 |
| 43 | COMMITTEES OF THE COUNCIL | 26 |
| 44 | VALIDITY OF THE COUNCIL AND ITS RESOLUTIONS | 26 |
| 45 | BY-LAWS | 26 |
| 46 | THE FUNDS | 26 |
| 47 | MINUTES OF MEETINGS | 28 |
| 48 | DOCUMENTS | 28 |
| 49 | MANAGEMENT AND STAFF | 28 |
| 50 | MEDIA STATEMENTS | 29 |
| 51 | DISTRIBUTION OF THIS CONSTITUTION | 29 |

© Hughenden Bowls Club Inc and John Blake – 1993

All rights reserved. No part of this publication shall be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without the prior written permission of the publisher.

First published by John Blake – September 1993

HUGHENDEN BOWLS CLUB INCORPORATED

CONSTITUTION

PART A - THE CLUB

1 NAME

The name of the incorporated association is the Hughenden Bowls Club Incorporated hereinafter referred to as "the Club".

2 OBJECTS OF THE CLUB

The objects of the Club are —

a to provide facilities and activities for Members and for the social and competitive playing of the Game of Bowls as prescribed by the World Bowls Board and the National, State and District Men's, Ladies' or joint Bowls Associations (hereinafter referred to as "Bowls Associations") which, from time to time, exercise authority and jurisdiction in respect of the playing of Game of Bowls, and with which the Club is qualified to affiliate;

b to promote and develop the Club, its facilities and activities within the local community for the benefit of Members and the Game of Bowls in particular, and for the community within which the Club exists in general;

c to advance and promote the Game of Bowls, to sustain the integrity of the Game of Bowls and to provide programs to develop and maintain consistent high standards for the Game of Bowls; and

d to provide, promote and develop such other programs, activities and use of the Club to generate and enhance good fellowship within and between Members, other bowls and sports clubs and the community, and without prejudice to the Game of Bowls.

3 CLUB TO BE INCORPORATED

The Club shall be incorporated under the provisions of the Queensland Associations Incorporation Act and its subsequent revisions (hereinafter referred to as "the Incorporation Act"); and shall comply with the provisions of this Act and its Regulations.

4 CLUB TO BE LICENSED

The Club shall sustain a Licence under the provisions of the Queensland Liquor Act and its subsequent revisions (hereinafter referred to as "the Liquor Act"); and shall comply with the provisions of this Act and its Regulations.

Any remuneration by the Club to any person must not include any sum by way of commission or allowance calculated by reference to the quantity of liquor sold or supplied by the Club or the receipts to the Club for such liquor.

5 CLUB TO SUBSCRIBE TO BUSINESS ASSOCIATIONS

The Club may subscribe to any business association which is able to contribute positively to or otherwise enhance the purpose, development and business skills of the Club.

The Club shall not affiliate with nor seek membership of any corporate body or other association which has as one of its objects a purpose for political or religious activity.

6 CLUB TO AFFILIATE WITH BOWLS ASSOCIATIONS

The Club will affiliate with those Bowls Associations which exercise valid jurisdiction for the Game of Bowls over or for the geographic area within which the Club exists.

The Club, through such affiliations, shall secure for Members the most appropriate opportunities for participation in the Game of Bowls beyond the jurisdiction of the Club.

This constitution (and the by-law made in accordance with this constitution) shall not in any way conflict with the rules and by-laws of any Bowls Association with which the Club is affiliated in respect of the Game of Bowls.

The Club, in order to sustain its affiliations with the appropriate Bowls Associations, shall -

- a renew its affiliations with the Bowls Associations each year and pay the prescribed affiliation fees;
- b ensure that the Club is properly represented in all forums, meetings and activities of these Bowls Associations; and
- c diligently fulfil all the valid Conditions for Affiliation prescribed by the Bowls Associations from time to time.

7 POWERS OF THE CLUB

The powers of the Club, in the furtherance of the objects are-

- a to subscribe to, become a member of and co-operate with any other association, club or organisation, whether incorporated or not, whose objects are altogether or in part similar to those of the Club provided that the Club shall not subscribe to nor support with its funds any club, association or organisation which does not prohibit the distribution of its income and property among its members to an extent at least as great as that imposed onto the Club under or by virtue of the provisions of this Constitution;
- b to buy, sell and deal in all kinds of articles, commodities and provisions, both liquid and solid, for the Members or persons frequenting the Club's premises;
- c to purchase, take or lease or in exchange, hire and otherwise acquire any lands, buildings, easements or property, real or personal, and any rights or privileges which may be requisite for the purposes of, or capable of being conveniently used in connexion with, any of the objects - provided that in the case the Club shall take or hold any property which may be subject to any Trusts the Club shall only deal with the same in such manner as is allowed by law having regard to such Trusts;
- d to enter into any arrangements with any Government or Authority that are incidental or conducive to the attainment of the objects and the exercise of the Club's powers; to obtain from any such Government or Authority any rights, privileges or concessions which the Club may think it is desirable to obtain; and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions;

e to appoint, employ, remove or suspend such managers, clerks, secretaries, servants, workers and other persons as may be necessary or convenient for the purposes of the Club;

f to remunerate any person or body corporate for services rendered, or to be rendered, and whether by way of brokerage or otherwise in placing or assisting to place or guaranteeing the placing of any unsecured notes, debentures or other securities of the Club, or in or about the Club or promotion of the Club or in the furtherance of the objects;

g to construct, improve, maintain, develop, work, manage, carry out, alter or control any property, buildings, grounds, works or conveniences which may seem calculated directly or indirectly to advance the Club's interests, and to contribute to, subsidise or otherwise assist and take part in the construction, improvement, maintenance, development, working, management, carrying out, alteration or control thereof;

h to invest and deal with the funds of the Club not immediately required in such manner as may from time to time be thought fit;

j to take, or otherwise acquire, and hold shares, debentures or other securities of any company or corporate body;

j to lend and advance funds or give credit to any person or corporate body; to guarantee and give guarantees or indemnities for the payment of funds for the performance of contracts or obligations by any person or corporate body, and otherwise to assist any person or corporate body;

k to borrow or raise funds either alone or jointly with any other person or legal entity in such manner as may be thought proper and whether upon fluctuating advance account or overdraft or otherwise to represent or secure any funds and further advances borrowed or to be borrowed alone or with others as aforesaid by notes secured or unsecured, debentures or debenture stock perpetual or otherwise, or by mortgage, charge, lien or other security upon the whole or any part of the Club's property or assets present or future and to purchase, redeem or pay-off any such securities;

l to draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading and other negotiable or transferable instruments;

m to sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or part of the property and rights of the Club;

n to take or hold mortgages, liens or charges, to secure payment of the purchase price, or any unpaid balance of the purchase price, or of any part of the Club's property of whatsoever kind sold by the Club or any funds due to the Club from purchases or others;

o to take any gift or property whether subject to any special Trust or not, for any one or more of the objects, but subject always to sub-clause 7 d., above;

p to take such steps by personal or written appeals, public meetings or otherwise, as may from time to time be deemed expedient for the purpose of procuring contributions to the funds of the Club, in the shape of donations, annual subscriptions or otherwise;

q to print and publish any newspapers, periodicals, books or leaflets that the Club may think desirable for the promotion of its objects;

r to amalgamate with any one or more incorporated associations having objects altogether or in part similar to those of the Club and which shall prohibit the distribution of its or their income and property among its or their members to an extent at least as great as that imposed upon the Club under or by virtue of the provisions of this Constitution;

s to purchase or otherwise acquire and undertake all or any part of the property, assets, liabilities and engagements of any one or more of the incorporated associations with which the Club is authorised to amalgamate;

t to transfer all or any or any part of the property, assets, liabilities and engagements of the Club to any one or more of the incorporated associations with which the Club is authorised to amalgamate;

u to make donations for patriotic, charitable or community purposes;

v to transact any lawful business in aid of the Commonwealth of Australia in the prosecution of any war in which the Commonwealth of Australia is engaged; and

w to do all such other things as are incidental or conducive to the attainment of the objects and the exercise of these powers.

8 RECIPROCAL CLUBS

The Club, through the Council, may enter into Formal Reciprocal Arrangements with any other complimentary club or clubs provided that any such arrangement is for the mutual benefits of the members of the clubs between which each Formal Reciprocal Arrangement exists.

PART B - MEMBERSHIP

9 MEMBERS

Only persons who are properly qualified shall be elected to membership of the Club.

a Members to be Elected

A Member shall be elected to membership in accordance with this constitution.

The only exception to this provision is for each member of the existing Hughenden Ladles' Bowling Club who, upon the adoption of this constitution, shall be eligible to be automatically admitted as a member of the Club within the equivalent class of membership as that which the lady currently enjoys within the Ladies' Club.

Each Member of the Ladies' Bowling Club referred to in the preceding paragraph who accepts the privilege of "automatic" membership shall be deemed, for any purpose associated with the Club, to have been a member of the Club for the same time as she has been a member of the Ladies' Bowling Club.

b Members Bound to Constitution and By-laws

Each person nominated for membership shall agree that, if elected to membership, he or she shall be bound by this constitution and the by-laws as they apply from time to time and at any time while that person is a member.

c Commencement of Legal Actions

No member shall commence any action in Common Law or in Equity against the Club, the Council (either collectively or as an individual member or number of members) or any member in respect of the performance of any duty for or on behalf of the Club until all the processes provided by this constitution have been exhausted.

d Club Indemnifies Members

In the event of any proceedings being taken against a member or members in respect of any matter, or thing done in the proper performance of his, her or their duties or by the direction of or with the proper authority of the Club through the administrative processes provided for by this constitution; then the Club shall indemnify such member or members so proceeded against in respect of their costs for such proceedings and/or in respect of all costs and/or damages and any other sums which they may be compelled to pay in the course of, or as a result of, such proceedings.

10 ELECTION OF MEMBERS

A new member shall only be admitted to membership of the Club through election by the Council.

a Number of Members in Each Class of Membership

The number of members within each class of membership shall be unlimited unless otherwise determined by a special resolution of the Club in a general meeting.

b Eligibility for Membership

To be eligible for membership each person must properly qualify for the class of membership for which he or she is nominated and must be a person -

i not less than eighteen years of age except in the case of junior members who shall be between the ages of twelve and seventeen years inclusive;

ii of good character and repute and compatible with the Members;

iii supportive of the Club and the objects of the Club;

iv who is not a declared bankrupt, nor insane nor is in any way in debt to any other club, affiliated bowls club or other social organisation; and

v who is not under expulsion or suspension from any club with which there exists a Formal Reciprocal Arrangement or else any affiliated bowls club.

No person shall be admitted as, or remain, a Member who is or has been a member of a bowls club affiliated with a Bowls Association unless he or she has satisfied the Council by presentation of a "clearance" on the official form that he or she does not owe any money to any bowls club or Bowls Association; and further satisfies the Council that he or she is not under any form of suspension or expulsion from any bowls club, Bowls Association or club with which there exists a Formal Reciprocal Arrangement.

c Classes of Membership

Any Member can be a member within only one of the following classes -

- ordinary
- associate
- junior
- social
- life
- honorary
- temporary

-but, subject to the following prescribed conditions.

i Ordinary Members

Any otherwise properly qualified person who wishes to be, and continue to be, a "bowling member" of the Club and to participate in or otherwise positively support the Game of Bowls within, for and/or on behalf of the Club may be elected to be an ordinary member. An ordinary member shall only remain in that class of membership while he or she continues to remain properly qualified as a "bowling member" of the Club.

Any person who is an ordinary or life member of another affiliated bowls club can only be elected to associate or social membership of the Club.

An ordinary member is entitled to exercise all the privileges of membership and to enjoy all the benefits and responsibilities of membership for which the full subscription fee shall be paid.

ii Associate Members

Any otherwise properly qualified person who is an ordinary or life member of another affiliated bowls club and who wishes to participate in the Game of Bowls within the Club may only be elected to associate membership.

The nature and extent of an associate member's permissible participation in the Game of Bowls within the Club is defined in the by-laws.

An associate member is also only entitled to participate in the social activities of the Club, as described in the by-laws, and cannot -

- A participate or vote in the meetings or business of the Club;
- B nominate nor support the nomination of any person to any class of membership of the Club;
- C nominate nor support the nomination of any Member to the Council; nor
- D be elected to the Council,

The subscription fee for an associate member shall be less than that for an ordinary member.

iii Junior Members

Any otherwise properly qualified person between the ages of twelve and seventeen years inclusive who wishes to be, and continue to be, a "bowling member" of the Club and to participate in or

otherwise positively support the Game of Bowls within, for and/or on behalf of the Club may only be elected to be a junior member.

A junior member who "declares" himself or herself to be a member of the Club is permitted to participate in the Game of Bowls within the Club to the same extent as an ordinary member.

A junior member who is also a member of another bowls club and "declares" to be a member of that club shall only be permitted to participate in the Game of Bowls within the Club for the same extent as an associate member.

A junior member is not permitted to participate in the business activities of the Club, the same as an associate member.

The subscription fee for a junior member shall be less than that for an ordinary member.

The by-laws shall prescribe the provision of facilities and services for junior members to ensure compliance of the Club with the Liquor Act.

iv Social Members

Any otherwise properly qualified person who wishes to participate only in the social activities of the Club may be elected to social membership.

A social member is only entitled to the social privileges of the Club (the same as for associate members) and shall pay the subscription fee which shall be less than that for an ordinary member.

v Life Members

The Club, by special resolution of a general meeting, may elect to life membership any ordinary member who has rendered exceptional service within the Club for a continuous period of at least ten years; all on the terms and conditions contained in the by-laws.

A life member is entitled to all, the privileges and benefits of ordinary membership without the requirement to pay subscription fee; but, shall be required to pay all fees and levies due in respect of the Club's affiliations with associations including Bowls Associations.

vi Honorary Members

The Club, at a general meeting may elect as an honorary member any person who is not otherwise a Member and who has rendered service or benefit to the Club and fairly deserves recognition for providing this service or benefit.

An honorary member is only entitled to the same privileges of membership as those of a social member for a maximum period of one year; but, may be elected for successive one year terms at the discretion of the Club. Honorary membership is by invitation and is free of any subscription or other fees.

vii Temporary Members

The Council may admit as a temporary member any person who is a bona-fide member of a bowls club affiliated directly or indirectly with the World Bowls Board or the Women's World Bowling Association, who does not normally reside within the locality of the Club and who is otherwise properly qualified in accordance with this constitution.

Temporary membership shall only be granted for a maximum period of six months at a time.

A temporary member is only entitled to the social privileges of the Club, the same as for associate members, and shall pay the same subscription fees as associate members but on a pro-rata basis.

d Nominations for Ordinary, Associate, Junior, Social and Temporary Membership

Each nomination for ordinary, associate, junior, social and temporary membership shall be made through submitting to the secretary a nomination on the form prescribed by Council and accompanied by the prescribed fee(s). The persons proposing and supporting a nomination for any such member must be "financial" ordinary or life members of the Club.

It is the obligation of the Member nominating a person for membership to fully acquaint that person of the benefits, privileges and responsibilities of membership: and the nomination form shall include that the nominee accepts all the obligations of membership and agrees to abide by this constitution and the by-laws of the Club as they apply from time to time.

e Particulars for Nomination for Membership

The particulars required by the Council for each nomination for membership shall, forthwith upon the receipt of same, be entered in order of the time it is received by the secretary into the proposed members' register.

Each nomination shall be dealt with and determined in the order within which it is recorded in this register.

f Election to Membership

Members shall be elected by the Council by the following process.

i Display of Nomination

Each nomination for ordinary, associate, junior, social and temporary membership shall be displayed on the notice board for at least fourteen days and shall include the details prescribed by the Council together with the date by which any objections to the nomination must be provided to the secretary.

ii Nomination Determined by the Council

Each nomination for membership shall be determined by the Council during the course of a regular meeting; and, upon considering all matters relevant to each nomination (including any written objections), shall resolve each nomination by a simple majority vote.

The secretary shall, within seven days of the meeting at which a nomination was considered, advise the person nominated for membership, in writing, of the Council's acceptance or rejection of the nomination.

Where a nomination has been accepted advice shall be given of the process for admission to membership.

Where a nomination has been rejected advice shall be given of the process for lodging an appeal against the Council's decision and the date by which an appeal must be lodged in writing.

iii Determination of an Appeal Against Rejection

Where an appeal is lodged against the Council's decision, then the Council shall at its next regular meeting direct the secretary to convene a special general meeting to resolve the matter. This special general meeting shall be held within twenty-eight days of the Council meeting referred to immediately above.

The person whose appeal is the subject of the special general meeting shall be afforded full and proper opportunities and facilities to present his or her case for membership. A ballot shall be conducted, and a majority vote of not less than seventy-five percent in favour of the nominee must be obtained for the appeal to be successful.

In the event there is more than one appeal at a special general meeting, each appeal must be considered and voted upon separately.

iv Time Lapse Before Re-nomination for Membership

Any person whose nomination for membership has been rejected by the Council or the Club cannot be re-nominated within one year of the date upon which the nomination was rejected by the Council or the Club, whichever is the latter.

g Members Must Sustain Qualifications for Membership

A Member shall not be allowed to remain a member of the Club or within that class of membership to which he or she was elected if that member no longer continues to possess the qualifications for either membership of the Club or for that particular class of membership to which he or she was elected.

The Council is empowered to terminate (on its own initiative but subject to the process for appeal described in sub-clause 10 f) the membership of any person who no longer qualifies to be a member of the Club.

The Council is empowered (on its own initiative but subject to the process of appeal) to transfer a Member from one class of membership to another when that Member no longer qualifies to remain in the class of membership to which he or she was elected,

h Transfers from One Class of Membership to Another

The Council shall implement the application of a Member to transfer from one class of membership to another.

i Qualifications

A Member shall only transfer from a class of membership to another if he or she is properly qualified,

ii Upgrading Membership

Where a Member wishes to upgrade his or her membership within the Club then a nomination must be made on the prescribed form for consideration by the Council during the normal course for considering nominations for membership as described in Sub-Clause 10 f.

iii Downgrading Membership

Where a Member wishes to downgrade his or her membership within the Club then that person shall make written application to the secretary without having to offer any reason for the application.

The Council shall grant such request provided the Member has fulfilled all of his or her existing membership commitments.

11 REGISTER OF MEMBERS

The secretary shall sustain a members' register within which shall be entered for each person who is or was a Member those details prescribed by the Council.

Each Member shall advise the secretary immediately of any change to his or her membership details as recorded in this register. The address recorded in this register is the "official address" of the Member for the service of notices and the like.

The members' register shall be available for inspection, at a mutually convenient time, to any Member who applies to the secretary for such inspection.

12 MEMBERS' SUBSCRIPTIONS

Each Member, except a life or honorary member shall pay the annual membership subscription applicable to that class of membership to which he or she belongs.

a Determination of Membership Subscriptions

The Council shall determine the subscriptions for each class of membership each year, and shall determine the due date for subscriptions and the timeframe within which, if a subscription is not paid, the defaulting Member shall be expelled.

b Payment of Subscriptions

Subscriptions are to be paid annually in advance.

Any Member who has not paid his or her subscription in full within twenty-eight days of the due date shall be "non-financial" and not be permitted to participate in any Club activities.

A new Member who joins the Club during the second half of a financial year shall be required to pay a subscription equivalent to half that for a full year.

c Special Consideration for Subscriptions

The Council is empowered to reduce the subscription of a Member in the case of difficult or indigent financial circumstances. Any actions taken under this clause shall apply only within any one financial year and any subsequent benefits are subject to consideration each subsequent financial year.

d Arrears in Subscriptions

In the event that a Member has not paid his or her subscription by the date determined by the Council a further notice shall be issued promptly which shall advise that if the subscription has still not been received by a prescribed subsequent date then that person shall be expelled and advices shall be issued as prescribed by clause 15 h of this constitution.

e Membership Cards

The secretary shall provide to each Member a card or equivalent evidence to confirm that Member's current valid membership of the Club.

The information to be included on the card shall be as prescribed by the Council.

13 VISITORS

The Club may at its own and absolute discretion admit as a Visitor any properly qualified and attired person; such qualifications to be those prescribed by the Liquor Act and the by-laws. The admission of each Visitor shall be recorded in the visitors' register, as prescribed by the Liquor Act.

Any Visitor shall be subject to the control and discipline of the Club in accordance with the by-laws. The Club, through the authorities delegated to a duty officer reserves the right to refuse or terminate admission of any Visitor without assigning any reason for such refusal or termination; and also to regulate the attendance of Visitors within the course of a day for any period for which it is deemed advisable.

If a Visitor refuses a lawful request to leave the Club, he or she shall be deemed to be trespassing and may be dealt with accordingly.

14 CONDUCT OF MEMBERS AND VISITORS

Members and Visitors shall at all times be required to maintain a proper discipline and decorum and shall not conduct illegal gambling, betting on bowls or other games speak obscene or abusive language nor indulge in any form of unseemly conduct.

The duty officer shall deal with any breach of discipline or decorum as promptly, efficiently and effectively as possible to suit each situation.

Any person who is the subject of or else witnesses an alleged infringement of this clause may make a complaint to the secretary in writing. Any complaint must be made within seven days of the date on which the alleged incident occurred which is the subject of the complaint and must be signed by the complainant.

A complaint shall be investigated by the Council within fourteen days of the date upon which the secretary receives the written complaint, all as described in clauses 15 and 16 of this constitution.

15 CONSIDERATION OF A COMPLAINT AGAINST A MEMBER

A complaint against a Member shall be resolved in accordance with the provisions of this clause.

a Powers of the Council

The Council has the power to demand and direct apologies of, reprimand, suspend, expel or otherwise discipline a Member who on or within the Club, its premises or property or elsewhere, in the opinion of the Council conducts himself or herself in a manner considered injurious or prejudicial to the interests, character or good and welfare of the Club.

The Council is obligated to conduct an enquiry into any such complaint by whatever means it chooses subject always that any such means fulfil the requirements of this constitution and ensures "natural justice" for all parties involved in the complaint.

In the event that a matter may be or may become a matter to be resolved within the jurisdiction of a Court of Law then the Council shall not resolve the matter as far as it affects the Club until it has been resolved by the Courts; but may resolve, "Without Prejudice", to ban the person against whom the complaint is made from entering the Club pending the outcome of the Court action.

b Member to be Notified of a Complaint

Any Member against whom a complaint has been lodged with the secretary shall be notified in writing of -

- the details of the complaint;
- the arrangements being made by the Council to consider the complaint which will provide a fair and reasonable opportunity for each interested party to present its case to the Council;
- the opportunity for each interested party to introduce and question witnesses; and
- the fact that each party must present its own case and not be represented by legal or other agents.

c Decision of the Council

The Council shall at its own and absolute discretion decide -

- i to dismiss the complaint;
- ii to demand and/or direct an apology and/or issue a reprimand;
- iii suspend a Member for up to six months;
- iv expel a Member; or
- v issue any other appropriate orders.

The Council shall, without undue delay, take such time and such advice as it considers necessary to properly and judiciously decide upon the complaint.

d Notification of the Council Decision

The complainant(s) and the Member(s) against whom the complaint was made shall be advised of, or have confirmed, by the secretary in writing, the Council's decision on the complaint within seven days of the date upon which the decision was resolved.

In the event of a complaint being dismissed each party shall be advised of the complainant's rights to appeal against the decision and of the procedures and time limit for lodgement of an appeal.

In the event of a complaint being upheld, the secretary shall provide the following advice to each party -

- the date upon which any penalty is to take effect - subject to any appeal;
- the date upon which the effect of any penal decision would be due to expire;
- the terms and conditions associated with any penalty;
- the processes and time limit for lodgement of an appeal by either party; and
- the bond required to be lodged in respect of any appeal.

The Council is empowered to order that the Member be banned from the Club pending an appeal, if any; such ban being able to be imposed at any time prior to the final resolution of the matter.

In the event that a Member ignores or breaches the terms and conditions of a penalty the Council, at its own and absolute discretion, is empowered to impose a more severe penalty forthwith; but, with the right of appeal.

e Appeals Against a Council's Decision

Either party may appeal the decision or the terms and conditions associated therewith by giving a notice of appeal to the secretary in writing within fourteen days of the date upon which the secretary issued advice of the Council's decision. The notice of appeal shall be in writing and shall set forth the grounds, facts and circumstances upon which the appeal will be based.

The notice of appeal shall be accompanied by the bond which is assessed to cover the administrative costs associated with the appeal. The appeal shall be determined by the Club in a special general meeting. In the event that the appeal is upheld, the party which lodged the appeal and lodged the bond shall have the bond refunded; but if the appeal is lost, then the bond shall be forfeit.

If within the abovesaid fourteen days of the date of the secretary's advice of the Council's decision, the secretary has not received an appeal then the matter shall have been finalised and notice thereof shall be put on the notice board.

If an appeal is received by the secretary, then the secretary shall forthwith give notice for a special general meeting to resolve the matter. This meeting shall be held within twenty-eight days of the receipt of the notice of appeal.

The same conditions apply for the conduct of an appeal as those for the initial enquiry into the complaint by the Council.

A ballot shall be conducted and a majority vote of not less than seventy-five percent in favour of the appellant must be obtained for the appeal to succeed and a notice of the outcome of an appeal shall be put on the notice board.

in the event that the complainant and/or the Member against whom the complaint is made does not attend the meeting of the Council at which the complaint is considered, the matter shall be resolved in his, her and/or their absence without any further rights to have the matter reconsidered; provided however, that the course of "natural justice" shall always prevail.

f Loss of Rights and Privileges of Membership

A Member who has been suspended forfeits all rights, privileges and responsibilities for the full term of the suspension; and is still liable for all subscriptions, levies, fees and other charges applicable to his or her membership for the duration of the suspension.

A Member who has been expelled is no longer a member of the Club; and is not entitled to any refunds of pre-paid subscriptions.

g Expelled Members

Any person who has been expelled from membership of the Club cannot apply again for membership until the expiration of at least one year after all processes associated with the expulsion were finalised.

h Notifications of Disciplinary Action

Whenever the Club exercises disciplinary action against a Member which results in a penalty, the secretary, within seven days of the resolution of the matter shall notify all Bowls Associations (and all clubs with which the Club has Formal Reciprocal Arrangements) of the matter and its resolution.

i Reciprocal Arrangements with a Bowls Association, an Affiliated Bowls-Club or a Club with which there exists a Formal Reciprocal Arrangement

Where a Member is disciplined by a Bowls Association, an affiliated bowls club or a club with which there exists a Formal Reciprocal Arrangement then, upon notice from the secretary of that other club, the secretary shall forthwith serve notice to that Member that the Council shall consider whether or not he or she should be subject to an equivalent penalty being imposed by the Club.

j Members of Other Clubs

Any person who is not a Member but who is a member of an affiliated bowls club or a club with which there exists a Formal Reciprocal Arrangement, and who for the time being is deprived of any of the privileges of membership of that club or of a Bowls Association shall not, while such deprivation continues be permitted to enter the Club nor participate in any of its activities.

16 CONSIDERATION OF A COMPLAINT AGAINST A VISITOR

A complaint against a Visitor shall be resolved by whichever of the following processes is most appropriate.

a Where the Visitor is a Player or Official in a Visiting Sports Team

The complainant and the person against whom the complaint is made shall be invited (and afforded every fair and reasonable opportunity) to attend the meeting of the Council to fairly present each side of the complaint after which, and with due consideration, the Council shall, at its own and absolute discretion, act as follows -

- i Dismiss the complaint;
- ii Demand and/or direct an apology; or
- iii Direct some other action within its power including the banning of the person from the Club for any time for which the Council may decide.

Any person in any such matter shall only be permitted to present his or her own case and cannot be represented by any legal or other agent.

In the event that the Council resolves to take disciplinary action against a Visitor who is a member of a club with which there exists a Formal Reciprocal Arrangement or of an affiliated bowls club, then the secretary shall forthwith advise that Visitor's club in writing of such action.

In the event that a matter may be or may become a matter to be resolved within the jurisdiction of a Court of Law then the Council shall not resolve the matter until it has been resolved by the Courts,, but may resolve, "Without Prejudice", to ban the person against whom the complaint is made from entering the Club pending the outcome of the Court action.

In the event that the complainant and/or the person against whom the complaint is made does not attend the meeting of the Council at which the complaint is considered, the matter shall be resolved

in his, her and/or their absence without any further rights to have the matter reconsidered; provided however, that the course of "natural justice" shall always prevail.

b Where the Visitor is the Guest of a Member

The complainant, the person against whom the complaint is made and the Member who introduced the Visitor shall be invited to attend the meeting of the Council where the matter shall be considered and resolved by the Council generally as described in sub-clause 16 a.

The decision of the Council is final in respect of any matter resolved under the provisions of this clause. The secretary shall forthwith notify the participants in any such matter, in writing, of the Council's decision; and notice of the matter and decision shall be put on the notice board.

17 LEAVE OF ABSENCE

A Member may apply for leave of absence by application in writing to the secretary for consideration by the Council,

Leave of absence may be granted by the Council for a period of between three and twelve months on such terms and conditions as the Council considers appropriate for the particular circumstances.

18 TERMINATION OF MEMBERSHIP

If a Member, for any reason -

- a is convicted of an indictable offence;
- b is declared by the State to be insane;
- c fails to comply with the provisions of this constitution or by-laws;
- d is in arrears with his or her subscription as described in sub-clause 12 d;
- e no longer qualifies for membership; or
- f conducts himself or herself in a manner considered injurious or prejudicial to the interests character or good and welfare of the Club

- then the Council shall determine whether or not the Member should have his or her membership terminated; and where it is prescribed by this constitution that the membership shall be terminated, then the Council shall effect such termination forthwith.

The Council shall take such time and such advice as it considers necessary to properly and judiciously decide any matter under this clause and shall give due notice and follow appropriate processes similar to those described in clause 15. Any decision of the Council shall be also subject to an appeal process equivalent to that described in clause 15.

A notice of any action taken by the Council in respect of this clause and the outcome thereof shall be put on the notice board.

19 REMOVAL OF A MEMBER OF THE COUNCIL

A member of the Council who is proven to be negligent in his or her duties, responsibilities or loyalty to the Club may be removed from the Council by special resolution of the Club at a general meeting. The Member who is the subject of such an action shall have due notice of the matter and shall be

afforded the opportunity to make fair and reasonable representations [to] the meeting including the calling of referees; but, shall not be represented by legal or other agents.

A member of the Council who becomes an ordinary member of another affiliated bowls club automatically disqualifies himself or herself from continuing on the Club's Council.

20 RESIGNATION OF A MEMBER

A Member may resign at any time by notice in writing to the secretary without offering any reason for the resignation.

The resignation shall take effect immediately it has been received by the secretary unless some later time is stated in the resignation. The secretary, without reference to the Council shall acknowledge the receipt and acceptance of each resignation and undertake any necessary activities in association with the resignation; subject to the provisions of clause 21.

21 RESPONSIBILITY FOR OUTSTANDING MONIES

The resignation of a Member or the termination of membership shall not relieve any person from the payment of any subscriptions or other monies due or payable by that person at the time of that resignation or termination, including subscriptions or fees or charges paid or due to be paid on that person's behalf to any association with which the Club is affiliated.

A Member who resigns or has his or her membership terminated after the commencement of a new financial year is liable for the full year's subscription together with all other subscriptions, fees and charges required to be paid by the Club on his or her behalf.

A member who fails to give notice prior to the conclusion of a financial year of his or her intention to resign at the end of that year is likewise liable for the subscription fees and charges for the full year.

22 NOTICES

Any notice posted or delivered to the address contained in the members' register shall be deemed to have been duly given to that Member.

An omission to give notice or to send a circular to any Member or Members shall not, on that account, invalidate the proceedings of any meeting. A meeting shall not be invalid by virtue of any Member or Members not having received a meeting notice.

23 NOTICE BOARD

A notice board shall be erected in a conspicuous location in the clubhouse upon which shall be put all Club notices whether or not any such notice is also subject to general distribution by mailing or other means.

PART C — GOVERNMENT OF THE CLUB

24 GENERAL MEETINGS

The Club shall have a general meeting of Members each year in February which shall be the annual general meeting of the Club.

Special general meetings shall be held as required on notice from the secretary for the purpose(s) specified in the notice for each meeting.

a Notification of General Meetings

The Council shall appoint dates for the annual general meeting in August.

The Council or, where otherwise prescribed, the secretary will appoint dates for any special general meeting by -

- i resolution of the Council to resolve any matter which must, or else should properly, be resolved by the Club in general meeting;
- ii by written request for such a meeting from not less than ten percent of the ordinary and life members of the Club stating the purpose(s) for the meeting and the resolution(s) required to be placed before the meeting;
- iii by notice of appeal in respect of a Council's decision not to accept a nomination for membership pursuant to clause 10 of this constitution: or
- iv by notice given by the secretary in response to an appeal pursuant to clauses 15 and 18 of this constitution.

A meeting shall be held within twenty-eight days of -

- A the resolution of the Council for such a meeting;
- B the receipt by the secretary of a valid petition from Members for such a meeting;
- C the date of the regular meeting of the Council at which an appeal is received against a decision to refuse a nomination for membership; or
- D the receipt by the secretary of an appeal in respect of disciplinary or other actions undertaken by the Council.

Each notice for a general meeting shall be in writing posted or delivered to each ordinary and life member and put on the notice board at least fourteen days prior to the date of the meeting.

In the event that the Club does not have a secretary and action is required by "the secretary"; then notices can be given on the initiative of, and by notice from two members of the Council.

b The Business of General Meetings

Each general meeting shall read and confirm the minutes of the previous general meeting, whether it be an annual or special general meeting.

The agenda for general meetings shall incorporate the normally prescribed business for such meetings including -

- i Annual General Meeting
 - receive and consider the printed annual report of the Council, the printed financial report and balance sheet and the auditor's report;
 - deal with notices of motion;
 - elect Members to the Council;
 - appoint an auditor who shall be a person properly qualified in accordance with the provisions of the Incorporation Act and not a member of the Council; and

- consider any general business proposed for the good and welfare of the Club.

ii A Special Meeting

The business of any special meeting shall only be the matter or matters for which notice has been given.

c Quorum for General Meetings

A quorum shall comprise a number of ordinary and life members equivalent to not less than twice the number of Members currently on the Council plus one as at the date of the meeting.

Should a quorum not be present within half an hour of the appointed time for the meeting, the meeting shall stand adjourned to some other day and time and a place within fourteen of the date of the adjourned meeting; and the secretary shall, within two days, give notice to Members to this effect. Should a quorum not then be present within half an hour of the appointed time for the adjourned meeting, the meeting shall still proceed to consider all the business for which it was called.

d Conduct of a General Meeting.

Each general meeting shall be conducted as follows -

i The President shall be the chairman for the meeting; or if there is no President or if he or she is not present within ten minutes after the appointed time for the meeting or is otherwise unwilling to act, then the Vice President shall be chairman for the meeting; or if the Vice President is not present or else unwilling to act, then the Members present shall appoint a Member to be the chairman for the meeting.

In the event that no Member is willing to act as chairman then the Members may invite a non-member, who is willing to act as the chairman, to be the chairman for the sole purpose of conducting the business of the meeting. Any person acting in this capacity shall not participate in any debate nor have any vote.

ii The chairman shall maintain order and conduct the meeting in accordance with the Standing Orders.

iii Each resolution, ballot or other matter shall be resolved by the majority vote of the Members as described below.

e Voting at General Meetings

Only financial ordinary and life members are entitled to vote - refer clause 12.

An election for members of the Council shall be by secret ballot in accordance with the by-laws.

Voting, otherwise, shall be by show of hands or a division unless at least one-fifth of the Members present demand a ballot, in which case a secret ballot shall be conducted in accordance with the by-laws.

A Member shall only vote in person and on a show of hands, division or ballot each Member shall have only one vote; except, in the event of an equality of votes for and against any resolution, ballot, other matter or a ballot for members of the Council, the chairman shall also be entitled to a casting

vote - provided the chairman is a Member; otherwise successive ballots shall be conducted until the matter is resolved.

No provision exists to enable Members to vote by proxy.

f Adjournment of a Meeting

The chairman may, with the consent of any meeting at which a quorum is present and at the direction of the meeting, adjourn the meeting from time to time and from place to place; and, no new business shall be transacted at the adjourned meeting until all the business left unfinished from the meeting that has been adjourned has been disposed of.

It is not required that a notice be given for the adjourned meeting except for when a meeting is adjourned for twenty-eight days or more in which case a notice of the adjourned meeting shall be given by the secretary to Members as described in sub-clause 24 a.

25 SPECIAL RESOLUTIONS

The election of life members, appeals against suspension or termination of membership, removal of a member of the Council, the striking of special levies, determination of the number of Members in any class of membership, alterations to this constitution, dissolution of the Club and any such other matter that the Members may resolve by a simple majority vote at a general meeting to be a special resolution shall be resolved by an affirmative vote of at least seventy-five percent of the Members present at the meeting and entitled to vote.

26 SPECIAL LEVIES

A special levy may be struck on all ordinary, associate, junior and social members by special resolution of a general meeting. The payment of a levy by a life member is voluntary.

A notice advising members of a special levy shall be issued within seven days following the meeting at which the levy was struck.

If a member fails to pay the levy within twenty-eight days of the date of the notice then he or she shall be deemed to be "non-financial" as described in sub-clause 12.b of this constitution. The Council may consider a request from a member for payment of the Levy on mutually agreeable terms.

27 THE AUDITOR

A properly qualified auditor, as required by the provisions of the Incorporation Act, shall be appointed at each annual general meeting to undertake an annual audit of the Club's financial affairs as well as all the duties prescribed by the Incorporation Act and required by the Council from time to time.

The auditor shall have full access to all financial record[s] and all materials associated with those records and shall be given explanations by any person holding office or employment in the Club to any relevant matter.

28 A PATRON

The Club may elect at a general meeting an eminent person to be the Club's patron under such terms and conditions as are contained in the by-laws.

The patron need not be a Member of the Club and shall not be a member of the Council by virtue of this position alone.

29 THE COMMON SEAL

The Council shall provide a common seal and for its safe custody. The common seal shall only be used by the authority of the Council and each instrument to which the common seal is fixed shall be signed by the president, the secretary and one other member of the Council appointed by the Council for this purpose.

30 ALTERATIONS TO THE CONSTITUTION

Subject to the provisions of the Incorporation Act, this Constitution may be altered or replaced by a new constitution by special resolution of the Members in a general meeting; provided that such alteration or replacement shall not be effective until it has been approved or accepted by the government, statutory and other authorities which have legal jurisdiction over the affairs of the Club; including the Queensland Department of State which is charged from time to time with the administration of the Liquor Act and the by the Director-General of the Department of Consumer Affairs which administers the Incorporation Act.

31 DISSOLUTION OF THE CLUB

The Club shall be dissolved when it no longer desires to continue to exist by a special resolution of Members at a special general meeting for which proper notice was given for this purpose.

The Club shall consider whether or not it should be dissolved when it

- a comprises fewer than ten ordinary or life members; or
- b is unable to sustain a Council in accordance with this Constitution.

The special general meeting at which the dissolution of the Club will be considered because of the occurrence of one of the events shall be held, following proper notice, within twenty-eight days of the relevant event.

32 DISTRIBUTION OF ASSETS

When the Club is dissolved in accordance with the Incorporation Act and there remains, after satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid to or distributed amongst the Members but shall be given or transferred to some charitable association or associations having objects which include, inter alia, the prohibition of the distribution of its or their income, assets and/or property amongst its or their Members the same as this constitution prevents any such distribution to the Members of the Club. .

It is further provided that any association or associations referred to immediately above shall be such that is or are approved by the Commissioner of Taxation as an association or associations referred to in Paragraph 78(1)(a), Section 23 of the Income Assessment Act 1936 (as amended).

PART D - ADMINISTRATION OF THE CLUB

33 THE COUNCIL

The business and management of the Club is vested in the Council which shall comprise nine ordinary or life members elected during the course of each annual general meeting and shall comprise -

- the President;
- the Vice President;
- the Secretary;
- the Treasurer; and
- five other members.

34 TERM OF ELECTION OF THE COUNCIL

Each member of the Council shall be elected for a term of one year at a time.

a First Election for Council

Within two months of this constitution coming into effect there shall be a general meeting, the purposes of which shall include the election of the Council as described in clause 35.

b Subsequent Elections for the Council

Each year all members of the Council shall retire from the Council and, if properly qualified, shall be eligible for re-election.

c Persons Who Fill a Vacancy on the Council

Where any Member has been appointed by the Council to fill a casual vacancy in accordance with clause 40 of this constitution then that Member shall only serve until the next annual general meeting.

d Commencement of Council's Term of Office

Each newly constituted Council shall commence office from the conclusion of the meeting at which it was elected and shall, in its normal course, continue in office until the conclusion of the next annual general meeting.

35 ELECTION OF THE COUNCIL

Each Candidate shall be nominated in writing on a form provided by the secretary for that purpose by two "financial" ordinary or life members; and each nomination shall bear the signatures of the nominator, the person supporting the nomination and the person nominated.

The secretary shall arrange for the calling of nominations for a period of at least fourteen days by a notice displayed on the notice board; and arrangements shall ensure that nominations close not less than seven days prior to the date of the election.

Ballot papers shall be prepared (if necessary) with the names of candidates in alphabetical order; and each Member who attends the meeting is entitled to one ballot paper which shall clearly describe the means by which a valid ballot shall be made.

If an insufficient number of nominations is received at the time for the closing of nominations, then those Members so nominated shall be declared elected at the meeting and nominations shall be called at the Meeting for the remaining vacancy or vacancies. In the event that more nominations are received than there are vacancies then the matter shall be resolved by ballot as previously described.

The procedures for the conduct of elections are those described in the by-laws.

36 THE EXECUTIVE MEMBERS OF THE COUNCIL

The executive members which shall comprise -

- the President
- the Vice President
- the Secretary; and
- the Treasurer.

The executive members (as a sub-committee of the Council) shall be delegated by the Council such of its authorities as are deemed necessary for the good, proper and expedient management of the Club provided, however, that such authority will not permit expenditure of any sum in excess of \$5,000.

The duties and scope of the authorities of the executive members are those contained in the by-laws; and each exercise of such authorities shall be ratified by the subsequent meeting of the Council.

37 POWERS OF THE COUNCIL

The Council may exercise all the powers of the Club to -

- a ensure that the Club is properly and efficiently managed in accordance with all appropriate laws of the land all as they apply from time to time and at any time;
- b borrow or raise or secure the payment of money in such manner as considered fit and secure the same or the payment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Club in any way and in particular by the issue of debentures, perpetual or otherwise, charged upon all or any of the Club's property, both present and future, and to purchase, redeem or pay off any such securities;
- c borrow money from Members at a rate of interest not exceeding interest at the rate for the time being charged by banks in Queensland for overdrawn accounts on money lent, whether the term of the loan be short or long, and to mortgage or charge its property or any part thereof and to issue debentures and other securities, whether outright or as security for any debt, liability or obligation of the Club, and to provide and pay off any such securities;
- d prepare financial plans and budgets and determine subscription fees and all other fees and charges;
- e enter into contracts for goods and services provided always that the powers of the Council to act on its own authority without the approval of the Club is limited to the sum of \$10,000.;

- f invest in such manner as may from time to time be determined provided always that such investment shall be equivalent to those approved by the Queensland Government for charitable institutions;
- g affect insurances against fire, burglary, public risk, and all such other risks as from time to time are deemed necessary and/or prudent by the commercial environment to properly protect the property of the Club and also the corporate and individual interests of the Members as a whole and the members of the Council in particular;
- h subscribe to business associations in accordance with clause 5;
- i affiliate with Bowls Associations in accordance with clause 6 and appoint (through the respective games committees) properly qualified Members to effectively represent the Club within the respective Bowls Associations;
- j enter into Formal Reciprocal Arrangements with one or more clubs in accordance with clause 8;
- k appoint committees in accordance with clause and to appoint any person or persons to perform particular duties or tasks; and
- l undertake all other activities needed to secure the maximum benefits for Members within the Club.

38 DUTIES OF THE COUNCIL

The Council, subject to this constitution and the resolutions of Members in general meetings, shall -

- a be responsible for the effective, efficient and economical administration of the Club;
- b ensure that a member of the Council always fulfils the office of secretary;
- c be empowered to appoint or employ a properly qualified person to be the manager to fulfil all the responsibilities for the proper, efficient and effective management of all the affairs, property and funds of the Club subject to the delegations prescribed by the by-laws; and
- d interpret the meaning of this constitution and any matter relating to the Club on which this constitution is otherwise silent and provide by-laws.

Should any member of the Council, for any reason, be unable, unwilling or refuses to fulfil any lawful duty or direction of this constitution, of the Club or of the Council; then, the Council shall appoint, on its own initiative and without delay, another properly qualified member of the Council or Member of the Club to act instead of that member.

39 RESIGNATION OF A MEMBER OF THE COUNCIL

A member of the Council may resign at any time by giving notice in writing to the secretary without offering any reason for the resignation.

The resignation shall take effect immediately it has been received by the secretary unless some other time is stated in the resignation.

A member of the Council can be removed from office as provided in Clause 19.

40 VACANCIES ON THE COUNCIL

The Council shall appoint a properly qualified Member to fill any casual vacancy on the Council until the next election for members of the Council.

Continuing members of the Council may act notwithstanding any casual vacancy on the Council; but, if and so long as the number of members of the Council is less than five, the continuing members may act for the purpose of increasing the number of members of the Council to at least five or for summoning a special general meeting, but for no other purpose,

41 MEETINGS OF THE COUNCIL

The Council shall have regular meetings, at least once each month, for the purpose of fulfilling its responsibilities.

Special meetings may be called with at least two days notice by the secretary on the initiative of the president or on the written request of at least three members of the Council.

a Notice of Meetings

Notice shall be given, as practicably as possible, verbally or in writing to each member for each Council meeting.

The notice for a special meeting shall include the purpose for the meeting.

b The Business of Meetings

The business shall be conducted in accordance with the standing orders to a prepared agenda.

c Quorum for Meetings

The quorum for any meeting of the Council is five.

d The Conduct of Meetings

The president shall preside as chairman at each meeting of the Council. If there is no president or if at any meeting he or she is not present within ten minutes of the appointed time for the meeting, the vice president shall be chairman or if the vice president is also absent or else unwilling to be the chairman then the meeting may choose any one of its members to be the chairman.

If within half an hour from the time appointed for the commencement of a meeting a quorum is not present the meeting will lapse if it is convened upon the requisition of members. In any other case it shall stand adjourned to some other day and time and a place within fourteen days of the date of the adjourned meeting; and a notice shall be given accordingly.

If a quorum is not present within half an hour of the time appointed for the adjourned meeting then the members present shall have the power to proceed with the business for which the meeting was called.

e Voting at Meetings

All matters required to be resolved by a vote shall be decided by a majority of votes by the members present, in the case of an equality of votes, the chairman shall have a casting vote and the matter shall be resolved.

A member shall not vote in respect of any contract or proposed contract with the Club in which he or she has a personal, family, business or any other vested interest; and if he or she does so vote, then his or her vote shall not be counted.

f Failure of a Member to Attend Meetings

If a member of the Council is absent from regular meetings for three consecutive months without reasonable excuse then he or she shall be deemed to have resigned from the Council, and the vacancy resulting from this resignation shall be filled by the Council.

42 COMMITTEES FOR MALE AND FEMALE MEMBERS

All Members shall be afforded fair and reasonably equal opportunities to participate in the social and competitive activities of [the] Game of Bowls.

Bowls events can be conducted for single gender, mixed gender and/or open participation; and for activities, matches and events conducted by Bowls Associations with which the Club is affiliated and with other clubs affiliated with the same Bowls Associations - all in accordance with the constitutions and by-laws of those Bowls Associations as they apply from time to time.

Two committees shall be established within the Club for this purpose - one for the male "bowling members" and one for the female "bowling members" to be responsible for, to administer the bowling affairs of and to conduct the appropriate activities, matches, social games, competitions, inter-club and other events on behalf of the separate groups of male and female ordinary and life members within the Club.

Each committee shall comprise -

- a chairman to be known as the "Captain";
- a deputy chairman to be known as the "Vice-Captain";
- a Games Director;
- a delegate to the appropriate Bowls Association who may be one of the officers referred to above: and
- any other person or people as designated in the by-laws

- who shall undertake particular duties as required to suit the particular collective but separate requirements of the male and female "bowling members".

The Captain and Vice-Captain of each committee shall be entitled to attend the meetings of the Council as observers, and be permitted to address any meeting in respect of any matters affecting their committees; but shall not be permitted to vote, except where any such person is also an elected member of the Council.

The President is the "presiding officer" for Club and official activities and functions except on occasions when the Club is host to visiting Clubs and/or dignitaries representing any Bowls Association or single gender teams from other Clubs affiliated with the respective Bowls Associations (including pennant and such other inter-club events) then the appropriate Captain or his or her appointed representative shall be deemed to be the "presiding officer" for the whole Club in respect of all activities associated with the visit and associated events.

43 COMMITTEES OF THE COUNCIL

The Council may establish standing and/or ad-hoc committees to advise it on matters concerning the conduct and activities of the Club and/or to undertake functions and activities or projects on its behalf - all in accordance with the by-laws.

Each committee shall usually have at least three members.

The Council shall provide a clear brief for the work of each committee and shall appoint the chairman of each committee. Committees shall comprise suitably qualified people for each task, who may or may not be Members of the Club. Each committee shall appoint a secretary for and from within itself.

Each committee shall meet and adjourn as it thinks proper and shall maintain comprehensive minutes of its proceedings. A copy of the minutes shall be forwarded to the secretary shortly after each meeting for distribution to the Council.

A majority of the members appointed to a committee shall constitute a quorum for each committee meeting. Questions arising at a committee meeting shall be determined by a majority of votes of the committee members; and, in the event of an equality of votes the chairman does not have a casting vote and the matter shall be resolved in the negative.

The president is an ex-officio member of these committee.

44 VALIDITY OF THE COUNCIL AND ITS RESOLUTIONS

All actions taken during the course of a meeting of the Council or any committee thereof or any person acting as a member of the Council shall - notwithstanding that it is afterwards discovered that there was some defect in the election or appointment of any such member of the Council or person acting as aforesaid, or that the members of the Council or any of them were disqualified - be as valid as if every such person has been duly appointed and was qualified to be a member of the Council.

A resolution in writing signed by all members of the Council for the time being entitled to receive notice of a meeting of the Council shall be as valid and effectual as if it had been passed at a meeting of the Council duly convened and held. Any such resolution may consist of several documents in like form, each signed by one or more members of the Council. Such a resolution need only be agreed to by the majority of the members of the Council as required for a properly convened meeting provided all members have had the opportunity to participate in this process.

45 BY-LAWS

The Council shall from time to time and as required make, amend and/or repeal by-laws consistent with this constitution. Any by-law may be set aside or amended by a general meeting of the Club.

46 THE FUNDS

The Council is responsible for the Club's funds.

a The Financial Year

The financial year shall conclude on 31 December each year.

b The Funds, Generally

The Club's funds shall be deposited in the name of the Club in such bank, permanent building society or other financial institution as the Council shall from time to time direct; provided however that any such financial institution shall be one whose borrowings are guaranteed by the Government of the Commonwealth of Australia or the Government of the State of Queensland.

Proper books and accounts shall be kept and maintained in either written or printed form in the English language showing correctly the whole of the financial affairs of the Club in accordance with the best current business practice to comply with the provision of the Incorporation Act.

All monies shall be deposited as soon as practicable after the receipt thereof.

All amounts of such sum or more as prescribed from time to time by the Incorporation Act, shall only be paid by cheque signed by any two of the executive members of the Council or other person authorised by the Council from time to time for that purpose.

Cheques must be crossed "Not Negotiable" except those in payment of wages, allowances or petty cash.

All expenditure must be approved or ratified by a meeting of the Council.

c Treasurer's Reports

The treasurer shall furnish a competent written report of the Club's current financial affairs to each regular meeting of the Council.

The Council shall furnish a competent, complete and fully audited report to each annual general meeting as prescribed by clause 24. This report shall include all particulars associated with -

- i the income and expenditure for each financial year concluded on 31 December; and
- ii the assets and liabilities and of all mortgages, charges and securities affecting the Members and the property at that time.

The report of the auditor shall be provided to the secretary for presentation to the annual general meeting.

d Use of Funds

The income and property of the Club whencesoever derived shall be used and applied solely in promotion of its objects and in the exercise of its powers as set out herein and no portion thereof shall be distributed, paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit to or amongst the Members; provided that nothing herein contained shall prevent the payment in good faith of interest to any such Member in respect of monies advanced by him or her, or of remuneration to any member of the Council or servant of the Club or any Member or other person in return for any service actually rendered to the Club and provided further that nothing herein contained shall be construed so as to prevent the payment or repayment to any Member of out-of-pocket expenses, money lent, reasonable and proper charges for goods bought or hired by the Club or reasonable and proper rent for premises demised or let to the Club.

e Members Enjoy Equal Benefits

Except where a specific provision may be included in this constitution to meet specific circumstances associated with the distress of a Member, no Member is entitled to any benefit or advantage from the Club which is not shared equally with every other Member.

47 MINUTES OF MEETINGS

The secretary shall cause full and accurate Minutes of all questions, matters, resolutions and other proceedings of each meeting of the Club and of the Council and of any meetings of the executive members of the Council to be entered into the minute book which shall be available for inspection at a mutually convenient time to any Member who previously applies to the secretary for such inspection.

The minutes of each general meeting shall be signed by the chairman of the next succeeding general meeting at which the minutes are confirmed as a true and accurate record of that meeting's proceedings.

The minutes of each Council meeting or meeting of the executive members of the Council shall be signed by the chairman of the next succeeding meeting at which the minutes are confirmed as a true record of that preceding meeting's proceedings.

48 DOCUMENTS

The Council shall provide for and ensure the safe custody of club portable properties, records historic possessions, books, documents, instruments of title and securities as prescribed in the by-laws.

49 MANAGEMENT AND STAFF

The Council may appoint or employ a person to administer and/or manage the Club on such terms and conditions are deemed appropriate for the position from time to time.

In the event that the administrator or manager is on leave or not able to perform the duties, or in the event that there is no administrator or manager then the Council shall appoint or employ a person from within itself or elsewhere to act in such position.

The administrator or manager shall be given the responsibility for all matters associated with the day to day operations of the Club, for developing programs to enhance the amenity and activities of the Club, to promote its facilities and programs for the benefit of Members and to implement the decisions of the Council.

The authority and responsibility of the administrator or manager is subject to the by-laws and the terms of engagement which shall require, inter-alia, that such person shall fulfil his or her responsibilities in consultation with an appointed executive member of the Council.

Generally, there shall always be a person designated as the duty officer while the Club is open to Members.

Unless otherwise decided by the Council, the administrator or manager shall be the nominee for the Club under the provisions of the Liquor Act.

50 MEDIA STATEMENTS

Only the president or a person authorised by the president or the Council as a normal course of a duty or responsibility shall issue or make any statement to any media agency on any matter in relation to the Club or any activity of the Club.

Any Member who acts contrary to the provisions of this clause may be subject to the disciplinary action of the Club as prescribed in clause 15.

51 DISTRIBUTION OF THIS CONSTITUTION

Each Member shall be issued with a copy of each new edition of the constitution and with the subsequent amendments from time to time as they are approved.

Current copies of all by-laws shall be available to Members on request,

“This electronic copy was prepared by Club Secretary Graeme James Geisler on 9 October 2014 from the original document for the purposes of electronic display and also conveyance to Bowls Queensland. Minor errors located have been marked within [...]. In the event of any discrepancy between this and the original document the original document will prevail”

THE SCHEDULES

SCHEDULE ONE

MANDATORY LEGISLATIVE PROVISIONS

A ASSOCIATIONS INCORPORATION ACT

| <u>Provision in Regulations</u> | <u>Constitution Clause</u> |
|--|----------------------------|
| The Minutes | 47 |
| Amendment of Constitution | 30 |
| Club Income and Property | 46 d |
| Name of the Club | 1 |
| Objects of the Club | 2 |
| Numbers of Members | 10 a |
| Classes of Membership | 10 c |
| Admission of Membership | 10 f |
| Rights to Reject Membership Nomination | 10 f |
| Rights of Appeal Against Rejection | 10 f |
| Subscription Fees | 12 |
| Register of Members | 11 |
| The Council | |
| - Election | 35 |
| - Executive Members | 36 |
| - Term of Office | 34 |
| - Resignation of Council Member | 39 |
| - Removal of Council Member | 19 |
| - Casual Vacancy on the Council | 40 |
| - Council Meetings | 41 |
| - Powers and Duties | 37 and 38 |
| The Common Seal | 29 |
| Management of Income and Property | 46 b |
| Financial Reports | 46 c |
| Auditor's Reports | 27 |
| Custody of the Clubs Documents | 48 |
| The Financial Year | 46 a |
| Distribution of Surplus Assets | 32 |

B THE LIQUOR ACT

| <u>Provision in the Schedule</u> | |
|--------------------------------------|----------|
| Membership to be Elected | 10 f |
| Minors Included in Membership | 10 c iii |
| Qualifications for Voting | 24 e |
| Election of Council | 35 |
| Term of Election | 34 |
| Provision of Reports | 24 b i |
| Preclusion of Payment by Commissions | 4 |
| Distribution of Assets on Winding-up | 32 |

C THE GAMING MACHINE ACT

Prohibition of Illegal Gambling 14

SCHEDULE TWO

MANDATORY REQUIREMENTS FOR AFFILIATION
WITH STATE BOWLS ASSOCIATIONS
Refer Clause 6

| <u>The Requirement</u> | <u>Constitution Clause</u> |
|---|----------------------------|
| Conforming Objects | 2 |
| Commitment to Affiliation | 6 |
| Acceptance of existing Lady Members | 9 |
| Conforming Qualifications for Membership | 10 b |
| Discipline of Members | 15 and 16 |
| Conforming By-laws | 6 |
| Committees for Male and Female Bowls Activities | 42 |

SCHEDULE THREE

TIMEFRAME FOR THE MEMBERSHIP PROCESS
Refer Clause 10

| <u>Activity</u> | <u>Time Lapse since Previous Activity</u> |
|---|---|
| 1 Nomination Received by Secretary | |
| 2 Nomination on Display | 14 days minimum |
| 3 Time for Objections | 21 days |
| 4 Council Determines Nomination | |
| 5 Secretary Advises Result of Determination | 7 days maximum |
| 6 Time to Appeal if Nomination Rejected | 21 days after 4 |
| 7 Council receives any Appeal | |
| 8 General Meeting to Consider Appeal | Within 28 days after 6 |

SCHEDULE FOUR

TIMEFRAME FOR THE SUBSCRIPTION PROCESS
Refer Clause 12 [and 24 a]

| <u>Activity</u> | <u>Due By</u> |
|--|---------------|
| 1 Council decides Subscriptions for the following Financial Year | 31 August |
| 2 Subscription Notices Issued | 01 December |
| 3 DUE DATE FOR SUBSCRIPTIONS | 31 December |
| 4 Members "Non-financial" after | 28 January |
| 5 Final Notice | 01 February |
| 6 Struck off if Subscription not paid | 28 February |

SCHEDULE FIVE

TIMEFRAME FOR THE COMPLAINTS PROCESS
Refer Clauses 14, 15 and 16

| <u>Activity</u> | <u>Time Lapse since previous Activity</u> |
|---|---|
| 1 Alleged Event Occurs which is Subject of a Complaint | |
| 2 Complaint Lodged with Secretary in Writing | 7 days after 1 |
| 3 Council to consider Complaint | 14 days after 2 |
| 4 Advice of Council's Decision After actual date of making decision | 7 days maximum |
| 5 Lodgement of an Appeal | 14 days after 4 |
| 6 Special General Meeting to consider an Appeal | 28 days after 5 |
| 7 Notification of results to Club and Reciprocal Clubs and Associations | 7 days after 6 |