

CONSTITUTION

OF THE

JINDALEE BOWLS CLUB INC.

SECTION A - THE CLUB

1. NAME

The name of the incorporated club is Jindalee Bowls Club Inc. (herein hereafter referred to as "the Club")

2. DEFINITIONS

THE FOLLOWING INTERPRETATIONS SHALL OPERATE WITHIN THIS CONSTITUTION:

- a) "The Club" means the above mentioned Club.
- b) "The Constitution" means the Constitution of the Club in force for the time being.
- c) "Management Committee" means the members for the time being of the Management Committee of the Club as constituted in accordance with this Constitution and is the controlling body of the Club subject only to any direction of members at a General Meeting.
- d) "Month" means calendar month.
- e) "Year" means the financial year as stated in the constitution.
- f) "The Seal" means the common seal of the Club.
- g) "BQ" means Bowls Queensland.
- h) "Chairman" means the Chairman of the Management Committee as herein hereafter provided.
- i) "DBA" means the District Bowls Association.
- j) "Member" means any member of the Club.
- k) "Reference" to any gender includes the opposite gender unless the context indicates otherwise.
- l) "Singular" indicates plural unless the context indicates otherwise.
- m) "Controlling Body" means the body with immediate control over Conditions of Play under which the game is played, such body being World Bowls (WB), Bowls Australia (BA), Bowls Queensland (BQ), District Bowls Association (DBA) or Jindalee Bowls Club (JBC).

3. OBJECTS OF THE CLUB

THE OBJECTS OF THE CLUB ARE:

- a) To advance and promote the Sport of Bowls.
- b) To provide the best possible standard of facilities for members for the social and competitive playing of the sport of Bowls in accordance with the Laws of the Game prescribed by Bowls Australia Inc.
- c) To provide, develop and promote such activities as from time to time are deemed appropriate to provide good fellowship between members of the Club.
- d) To promote and enhance the sport of bowls in the local community.
- e) That the Management Committee, in its direction of the Club's affairs, ensures that bowling will never become an activity secondary to any other.

4. POWERS

THE POWERS OF THE MANAGEMENT COMMITTEE ARE:

- a) To control the funds and other assets and the liabilities of the "Jindalee Bowls Club Inc."

- b) To subscribe to, become a member of and cooperate with any other association, club or organization, 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 or support with its funds any club, association or organization which does not prohibit the distribution of its income and property among its members to an extent at least as great as that imposed on the Club under or by virtue of Rule 40(d).
- c) In furtherance of the objects of the Club to buy, sell and deal in all kinds of articles, commodities and provisions, both liquid and solid, for the members of the Club or person frequenting the Club's premises.
- d) To purchase, take on lease or in exchange, hire and otherwise acquire any lands, buildings, easements or property, real and personal, and any rights or privileges which may be requisite for the purposes of, or capable of being conveniently used in connection with, any of the objects of the Club; provided that in 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.
- e) 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 powers of the Club; to obtain from any such Government or Authority any rights, privileges and concessions which the Club may think it desirable to obtain; and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions.
- f) To appoint, employ, remove or suspend such managers, clerks, secretaries, servants, workmen and other persons as may be necessary or convenient for the purposes of the Club.
- g) 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 incorporated Club, or in or about the incorporated Club or promotion of the incorporated Club or in the furtherance of its objects.
- h) To construct, improve, maintain, develop, work, manage, carry out, alter or control any houses, buildings, grounds, works or conveniences which may seem calculated directly or indirectly to advance the Club's interests, to contribute to, subsidise or otherwise assist and take part in the construction, improvement, maintenance, development, working, arrangement, carrying out, alteration or control thereof.
- i) To invest and deal with the money of the Club not immediately required in such manner as may from time to time be thought fit.
- j) Acquire and hold shares, debentures or other securities of any company or body corporate.
- k) In furtherance of the objects of the Club to lend and advance money or give credit to any person or body corporate, to guarantee and give guarantees or indemnities for the payment of money or the performance of contracts or obligations by any person or body corporate, and otherwise to assist any person or body corporate.
- l) To borrow or raise money 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 over draft or otherwise to represent or secure any moneys 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 incorporated Club's property or assets present or future and to purchase, redeem or pay-off any such securities.
- m) To draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading and other negotiable or transferable instruments.
- n) In furtherance of the objects of the Club to sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Club.
- o) To take or hold mortgages, liens or charges, to secure payment of the purchase price, or any unpaid balance of the purchase price, of any part of the Club's property of whatsoever kind sold by the Club, or any money due to the Club from purchasers and others.
- p) To take any gift of property whether subject to any special trust or not, for any one or more of the objects of the Association but subject always to the proviso in sub-rule (d).
- q) 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.
- r) To print and publish any newspapers, periodicals, books or leaflets that the Club may think desirable for the promotion of its objects.
- s) In furtherance of the objects of the Club to amalgamate with any one or more incorporated clubs 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 it or their members to an extent at least as great as that imposed upon the Club under or by virtue of Rule 40(d).
- t) In furtherance of the objects of the Club 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 Clubs with which the Club is authorised to amalgamate.
- u) In furtherance of the objects of the Club to transfer all or any part of the property, assets, liabilities and engagements of the Club to any one or more of the incorporated Clubs with which the Club is authorised to amalgamate.

- v) To make donations for patriotic, charitable or community purposes.
- w) 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.
- x) To do all such other things as are incidental or conducive to the attainment of the objects and the exercise of the powers of the Club.

5. ALL ACTIVITIES TO BE LAWFUL

The Club shall comply with all lawful requirements of Commonwealth, State and Local Government and Statutory Authorities having any jurisdiction over any activity of the Club.

SECTION B - MEMBERSHIP OF THE CLUB

6. (a) MEMBERSHIP

Membership of the Club shall comprise Ordinary Members, Life Members and Junior Members each of whom shall be bound by this Constitution and By-laws as duly amended from time to time. The membership of the Club may be limited, either generally, or as to a particular class, or classes, as the Management Committee may, from time to time, determine.

(b) OTHER CLASSES OF MEMBERSHIP

These shall include Honorary Members and Social Members.

7. ELIGIBILITY FOR MEMBERSHIP

To qualify for membership as set out in Rule 6(a), a person must be;

- a) Not less than eighteen (18) years of age (other than Junior Members as provided for in this Constitution).
- b) Interested in the Game of Bowls.
- c) Prepared to support and promote the welfare and objects of the Club and the Sport of Bowls.
- d) Of good character and compatible with other members.
- e) Free of indebtedness to any bowls club, any District Association or any State Bowls Authority, and not under an order or notice of suspension from any Bowls Club or Bowls Association.

8. CLASSES OF MEMBERSHIP

(a) Ordinary Members

An Ordinary Member is a member whose application for membership of the Club has been approved by the Management Committee, and who has paid all the prescribed fees. They are entitled to all the privileges of the Club and entitled to exercise all the rights of membership.

(b) Life Members

An Ordinary Member may be elected by the Club at an Annual General Meeting to Life Membership of the Club in recognition of services rendered to the Club. Such election shall be by resolution of a three-quarters majority of members present and entitled to vote at an Annual General Meeting. Life Members shall be free to enjoy all club privileges and exercise all rights, but shall be exempt from the payment of Annual Subscriptions. This exemption does not include levies. Any election of a Life Member under this section must be conducted by secret ballot.

(c) Junior Members

- (i) A junior bowler under the age of eighteen (18) years may apply for membership of the Club as a Junior Member upon such terms and conditions, and upon the payment of such fees as the Management Committee shall determine from time to time.
- (ii) They shall not be entitled to vote nor nominate members for office nor to nominate other persons to membership of the club.
- (iii) Junior members shall be entitled to play bowls in any State, District or Club competition according to the conditions laid down for the playing of the event.
- (iv) On attaining the age of eighteen (18) years, a Junior Member shall apply in writing for ordinary membership. Such application will be dealt with in the same manner as any application for ordinary membership.
- (v) They shall not be allowed, under any circumstances, to be served, to obtain or consume liquor from, or on the club premises, or engage in any form of gambling on the premises.

(d) Honorary Members

The Club may, on the recommendation of the Management Committee, appoint as an Honorary Member, any person who has rendered service, benefit or esteem to the Club.

Honorary Members shall be entitled to the social privileges of the Club, but shall not be entitled to hold any office in the Club, nor take part in, nor vote at meetings of the Club, nor to nominate Ordinary Members of the Club, and shall be exempt from the payment of membership subscriptions, fees, and levies to the Club.

(e) Social Members

The Management Committee may elect any person as a Social Member of the Club and charge such membership fees, as the Club shall determine from time to time.

Social Members shall be entitled to the social privileges of membership except they shall not be entitled to hold any office of the Club, nor be entitled to nominate members for election to any position in the Club, nor take part in or vote at meetings of the Club, nor to nominate persons for ordinary membership of the Club

They shall be permitted to “roll-up” in the company of a Club member. Application for Social Membership prescribed in Rule 9(a) for Ordinary Members.

The special qualifications of Social membership shall be:

- (i) Any person who is of good repute and whose interests and activities are, in the opinion of the Management Committee compatible with those of the existing members of the Club.
- (ii) Not under eighteen (18) years of age.

9. ADMISSION TO MEMBERSHIP

(a) Application Form

An application for membership of the Club with the exception of Honorary Members as provided for in this name and signature of the proposer and seconder both being financial members of the Club as well as the nominees signature, full name, address, date of birth, and be accompanied by the prescribed fee. Such fee to be refunded if the application is rejected.

(b) Proposed Members Register

After a receipt for the nomination fee has been issued to the proposed new member a copy of the application form and any other documentation will be retained by the Secretary in an appropriate Membership File.

(c) Display of Nominations

Immediately upon the application for membership being receipted the names and addresses of each person proposed as a member shall be displayed on the Club’s Notice Board for at least seven (7) days prior to the date on which the Management Committee shall consider the application for membership.

(d) Objections to Application for Membership

Any member or members may object to any application for membership by delivery of a written objection to the Secretary of the Club. If no written objection is received, all applications for membership shall be dealt with and determined by the Management Committee or Sub-Committee thereof. Where any objection is received, such application for membership will then revert to the Management Committee for consideration.

If a written objection is received from a member, or members of the Club, the Management Committee shall investigate the objection before making a decision in relation to acceptance or rejection of the application.

For the purpose of enquiring with respect to an applicant, the matter of dealing with and determining the application may be postponed for no longer than three (3) months. Any other such proposals may be dealt with and determined during that period, if

- (i) The application in respect of which the postponed proposal is required to be dealt with and determined is kept open during the period of postponement.
- (ii) The postponed proposal is dealt with and determined forthwith upon the expiration of the period of postponement thereof, and in priority to any and every proposal evidenced by the proposed members as being of a later date.

(e) Member to Retain Qualifications

A person shall not be allowed to remain a member of the Club unless the person continues to remain financial, and complies with the Constitution and By-laws of the Club.

(f) Acceptance of Rules by Members

All members, on admission, shall be deemed to have agreed to be bound by the Constitution, and By-laws of the Club in force for the time being.

10. REJECTION OF APPLICATION FOR MEMBERSHIP

A person, whose application for membership is rejected by the Management Committee shall receive written notification of such decision.

Any such rejection of application shall be noted in the Minutes of the relevant Management Committee Meeting where the vote on rejection of application for membership was taken.

Any applicant who has been rejected by the Management Committee shall not be proposed for membership during the next twelve (12) months unless it appears to the satisfaction of the Management Committee that an injustice has been done.

11. RESIGNATION FROM MEMBERSHIP

(a) Member may Resign

A member may resign from the Club at any time by giving notice in writing to the Secretary. Such resignation shall take effect from the date of such notice being received by the Secretary unless a later date is specified in the notice when it shall take effect on that later date. The Secretary shall acknowledge in writing, the receipt of each resignation.

A request for a clearance shall be in accordance with the State Authority Rules and shall not be taken as a resignation.

(b) Responsibility for Outstanding Monies

Resignation from the Club shall not relieve any person from the payment of any subscriptions, or other monies due or payable by that person at the time of the resignation or termination of membership. The resignation of any member shall involve the automatic forfeiture of all rights and privileges in respect to all Club matters and property.

Any member, who resigns after the commencement of the new financial year shall be liable for that year's subscription fees as designated by the Management Committee, as well as any other monies owed to the Club by that member.

Any member failing to give written notice to the Secretary of an intended resignation prior to the date on which that member's subscription is due shall be liable for subscription fees, as designated by the Management Committee and any other monies owing to the Club by that member.

12. CONDUCT OF MEMBERS

Members and visitors shall, at all times, maintain a proper discipline and decorum, and shall not conduct illegal gambling, betting on games, use words or actions which give offence, bring discredit to the Club or indulge in unseemly conduct. Any alleged infringement of this clause, on report in writing to the Management Committee shall be investigated by the Management Committee, which shall have power to demand and direct apologies, and, if necessary, if the offending person be a member, to deal with that person under the provisions of Rule 13 or if that person be a member of another club to report that person's conduct to such Club, and to any relevant Bowls Association. If the person be a visitor, who is not a member of a Bowls Club, the Senior Officer present at the time shall have authority to have that person removed from the Club premises.

Any infringement of this provision and any complaints or protests lodged by a member or members of the Club in respect of any member or members of the Club shall be in writing to the Secretary, and shall be dealt with in the first place by the Management Committee who may, if deemed necessary, call a Special General Meeting. The member or members in respect of whom such complaints or protests have been lodged shall be entitled to attend the Management Committee meeting personally to state their case(s) and will not be entitled to representation.

13. SUSPENSION FROM OR TERMINATION OF MEMBERSHIP

The Management Committee shall have power to reprimand, suspend or expel any member who fails to observe any of the Constitution or By-laws of the Club, or any relevant Bowls Association deemed guilty of any act, practice, or conduct calculated to bring discredit on the Sport of Bowls or to the Club or any relevant Bowls Association, and its members, or who on any Club or Bowls Association premises engages in illegal gambling, betting, or uses obscene or abusive language renders themselves liable to expulsion or suspension.

(a) Complaint to be in Writing

A member shall not be dealt with by the Management Committee under this provision, except upon a charge or complaint made in writing to the Secretary. Such charge or complaint shall set out the conduct, which is the subject matter of the charge of complaint, and bear the signature of the complainant. Any member so charged shall be notified in writing by the Secretary of the nature of the complaint, and the member charged shall be given the right of answering the charge by appearing before the Management Committee, and of calling evidence, and of questioning witnesses.

Any Member of the Club, who is suspended or expelled, shall be ineligible to;

- a) Play bowls in any Club or Company event.
- b) Play bows at any affiliated club, during of suspension as the case maybe.
- c) In the event of a Junior Member being called before the Management Committee on a charge or complaint, such Member shall be entitled to be accompanied by a Parent or Guardian.

(b) Right of Appeal

Any person so reprimanded, suspended or expelled shall have the right of appeal within ten (10) days of receipt of written notice of reprimand, suspension or expulsion to a Special General Meeting. Such written notice shall inform the person of the right of appeal under this rule. The appeal shall be in writing, signed by the appellatant.

Upon receipt by the Secretary of the Notice of Appeal, a Special General Meeting shall be called by the Secretary in accordance with Rule 15(b), and the appellatant shall be entitled to all Club privileges until such appeal is determined. An appeal shall be deemed lost unless upheld by a three-quarters majority of those members present and entitled to vote at the meeting. There shall be no further right of appeal.

Forthwith, after the expiration of the said ten (10) days, if the person suspended or expelled has failed to appeal, or if the appeal has failed at the Special General Meeting, the person concerned shall lose all rights and privileges of the Club during the period of suspension or expulsion, and the Secretary shall certify, in writing, to the relevant Bowls Association the name of the person suspended or expelled, and the period of suspension.

A member shall not be suspended from the privileges of membership under this rule for a longer period of six (6) months. Any person, whether a member of this Club, a member of another Bowls Club affiliated with any Bowls Association, and is suspended or expelled by order of this Club, or any other Club or Association, or is removed from the list of members of a Club or Association, as a result of failure to pay monies to that Club, or Association, shall be denied the privileges of membership of this Club, and shall not be permitted to enter the premises of this Club during the period of suspension, expulsion, or removal.

An expelled member shall not be eligible to apply for re-admission to the Club for a period of at least one (1) year the date of his expulsion.

(c) Member who defaults in Payment of Subscriptions

The Management Committee may terminate the membership of any person whose subscription is one (1) month in arrears of the prescribed period set out in Rule 37(b) (v). Any such person so removed from membership, who desires re-admission shall tender payment of all arrears, not exceeding twelve(12) months subscription, and apply in accordance with Rule 9. Payment of a nomination fee may be waived at the discretion of the Management Committee.

14. REGISTER OF MEMBERS

The Management Committee shall cause a Manual and or Computer Data Base to be maintained in which shall be entered the name, residential address, date of birth of each person admitted to membership of the Club and the date of admission.

Particulars shall also be entered into the Data Base of all deaths, resignations, terminations and reinstatements of membership, and any further particulars as the Management Committee, or the members at any General Meeting may require from time to time.

The Data Base shall be open for inspection at all reasonable times by any member who has previously applied to the Secretary for such inspection.

SECTION C - GOVERNMENT OF THE CLUB

15. GENERAL MEETINGS

(a) Annual General Meeting

The Annual General Meeting of the Club shall be held during the month of September on a date to be fixed by

the Management Committee.

The business of the Annual General Meeting shall include:

- 1) Reading the notice convening the meeting.
- 2) Confirmation of the Minutes of the previous Annual General Meeting and/or Special General Meeting/s.
- 3) Consideration and adoption of the Annual Report
- 4) Presentation of the Balance Sheet and Audited Financial Statements and consideration and adoption thereof.
- 5) Conferring of Awards if applicable
- 6) Election of Management Committee
- 7) Appointment of Auditor/s and Solicitor/s
- 8) Consideration of Notices of Motion
- 9) To transact any general business that may be brought forward.

(b) Special General Meetings

The Secretary shall convene a Special General Meeting:

- 1) When directed to do so by the Management Committee, or
- 2) On the requisition in writing signed by not less than one third of the members presently on the Management Committee, or
- 3) On the requisition in writing by Ordinary and Life members being in number not less than the number of members presently on the Management Committee, plus one or
- 4) On being given notice in writing of an intention to appeal against the decision of the Management Committee to suspend or terminate the membership of any person.

Notices requesting a Special General Meeting shall clearly state the reason why such Special General Meeting is being convened, and the nature of the business to be transacted thereat.

A Special General Meeting shall only consider the matters for which notice has been given to members.

(c) Notice of Motion

Notice of Motion to be included on the agenda of the Annual General Meeting or any Special General Meeting shall be received by the Secretary at least twenty one (21) days prior to the meeting at which they will be discussed.

16. NOTICES FOR GENERAL MEETINGS

The Secretary shall convene all General Meetings of the Club by giving not less than fourteen (14) days notice by posting such notice on the notice board or by circular posted or delivered to each Ordinary and Life Member. The notice of a General Meeting shall clearly state the nature of the business to be discussed thereat.

17. QUORUMS FOR GENERAL MEETINGS

At any General Meeting the number of members required to constitute a quorum shall be double the number of members on the Management Committee, plus one.

No business shall be transacted at any General Meeting unless a quorum of members is present at the time when the meeting proceeds to business.

If within half an hour from the time appointed for the commencement of a General Meeting a quorum is not present, the meeting, if convened upon the requisition of members of the Management Committee or the Club shall lapse. In any other case it shall stand adjourned to the same day in the next week at the same time and place as Management Committee may determine, and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the members present shall be a quorum.

The Chairman may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting) adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

When a meeting is adjourned for twenty-eight (28) days or more, notice of the adjourned meeting shall be given as in the case of the original meeting. Save as aforesaid it shall not be necessary to give any notice of an adjournment, or of the business to be transacted at an adjourned meeting.

18. CONDUCT OF GENERAL MEETINGS

Unless otherwise provided by this Constitution, or the By- Laws, at every General Meeting :-

(a) The Chairman

The Chairman or in his absence the Deputy chairman shall preside, or if they are not present within fifteen (15) minutes after the time appointed for the holding of the meeting or is unwilling to act, then the members present

shall elect one of their number to be Chairman of the meeting.
The Chairman shall maintain order and conduct the meeting in a proper and orderly manner .

(b) Voting

Every question, matter, or resolution shall be decided by a majority of votes of the members present and entitled to vote. Every financial member present shall be entitled to one vote and in the case of equality of voting the status quo shall be maintained.

The contested election of members of the Management Committee shall be by secret ballot, in accordance with the By- Laws.

19. SPECIAL RESOLUTIONS

Election of Life Members, Suspension and/or Termination of Membership, alterations to this Constitution, removal of a member of Management Committee and such other matters that members may resolve by simple majority vote at a General Meeting to be "Special Resolutions" shall be resolved by the affirmative vote of at least three quarters of the members present at the meeting and entitled to vote.

20. THE AUDITOR/S AND SOLICITOR/S

(a) An Auditor or Auditors, who shall be qualified as required by the Associations Incorporation Act 1981 (as amended), shall be appointed to audit the accounts, and prepare reports for submission to the next Annual General Meeting. The auditor shall, when required by Management Committee, conduct special audits and investigations. The Auditor shall, at all times, have access to the books of account, vouchers, and relevant records of the Club, and shall have the right to obtain explanations relative to the finance and affairs of the Club, and the accounts from any person holding office or employment in the Club.

(b) A Solicitor/s, (Honorary or Retained) may be appointed at the Annual General Meeting of the Club, or if not then appointed or if a vacancy occurs he may be appointed by the Management Committee and he need not be a member of the Club.

21. THE COMMON SEAL

The Management Committee shall provide for a Common Seal, and for its safe custody. The Common Seal shall only be used by the authority of the Management Committee, and every instrument to which the seal is affixed shall be signed by the Secretary and any one (1) of the Chairman or Finance Coordinator or member of the Executive Committee.

22. ALTERATIONS TO THIS CONSTITUTION

Subject to the provisions of the Associations Incorporation Act 1981 (as amended), this Constitution may be amended, rescinded, or added to from time to time by a Special Resolution carried at a General Meeting.

However an amendment, repeal or addition is valid only if it is registered by the Chief Executive of the Office administering the relevant Act.

23. (a) DISSOLUTION

- (i) The Club may, subject to the provisions of the Associations Incorporation Act 1981 (as amended) be dissolved by the resolution of the members at a Special General Meeting confirmed by a resolution at a further Special General Meeting called at an interval of not less than fourteen (14) days and not more than thirty (30) days thereafter.
- (ii) The two (2) meetings may be convened by one (1) notice posted on the notice board fourteen (14) clear days before the date of the first Special General Meeting.
- (iii) The resolution proposed in connection with the voluntary dissolution shall not be deemed to have been carried unless passed by three-fourths (3/4) of those present and entitled to vote at each of the Special General Meetings
- (iv) The Club shall be dissolved when the financial membership is reduced to three (3) or fewer members.

23. (b) DISTRIBUTION OF SURPLUS ASSETS

If the Club be wound up in accordance with the provisions of the Associations Incorporation Act 1981 (as amended), and there remains, after satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid or distributed among the members of the Club, but shall be given or transferred to some other

institution having objects similar to the objects of the Club, being bowls clubs then affiliated with Bowls Queensland or a successor body and which shall prohibit the distribution of its income and property among its members to an extent at least as great as is imposed on the Club under or by virtue of sub Rule 40(d), such institution to be determined by the members of the Club, provided the institution to which the property of the club is transferred, is an institution approved by the Commissioner of Taxation as an institution referred to in Section 50145(c) of the Income Tax Assessment Act,1997 (as amended).

SECTION D - MANAGEMENT OF THE CLUB

24. THE MANAGEMENT COMMITTEE

The management and business of the Club shall be vested in a Management Committee comprising the following;

Chairman, Deputy Chairman, Secretary, Treasurer, Greens Coordinator, House Coordinator, Ladies Section Games Director, Men's Section Games Director, President Ladies' Bowls Section, President Men's Bowls Section, . Each member of the Management Committee shall be elected to one position only on the Management Committee, unless there is an insufficient number of candidates nominated, whereupon nominations may be called from the floor of the Annual General Meeting. Rule 26 (f).

All offices shall be honorary and elective. Every financial Ordinary Member and Life Member of the Club shall be eligible to hold any office.

25. THE MANAGEMENT COMMITTEE TO BE ELECTED ANNUALLY

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

26. ELECTION OF THE MANAGEMENT COMMITTEE

At the Annual General Meeting all members shall retire from office, but shall be eligible, upon nomination, for reelection. The election of members shall take place in the following manner:

- a) Any two financial Ordinary Members and/or Life Members of the Club shall be at liberty to nominate members to serve as a member of the Management Committee.
- b) No candidate is eligible for election as a member of the Management Committee unless they, their proposer and seconder are financial from the date of nomination to the date of election inclusive.
- c) The nomination, which must be in writing and signed by the candidate, the proposer and seconder, shall be lodged with the Secretary at least twenty-one (21) days before the Annual General Meeting at which the election is to take place.
- d) A list of candidates names in alphabetical order, together with Nomination Forms shall be posted in a conspicuous place on the notice board not earlier than twenty-eight (28)days, and not later than fourteen (14) days prior to the Annual General Meeting.
- e) Balloting lists shall be prepared (if necessary) containing the names of candidates in alphabetical order, and each financial member present at the Annual General Meeting shall be entitled to vote for any number of such candidates not exceeding the number of vacancies, except for the positions of Section President and Section Games Director which will be voted on by members of the individual sections.
- f) Should there be insufficient number of candidates nominated, nominations may be taken from the floor of the meeting.

27. VACANCIES ON THE MANAGEMENT COMMITTEE

- (a) A Member may resign
Any member of the Management Committee may resign from the membership of the Management Committee at any time by giving notice in writing to the Secretary and such resignation shall take effect at the time such notice is received by the Secretary unless a later date is specified in the notice when it shall take effect on that later date.
- (b) Removal of a Member
A member may be removed from office by a three-quarter majority of Management Committee members present and entitled to vote. The member effected shall have due notice of such meeting and shall be afforded reasonable facilities for making such representations to the meeting as thought fit. There shall be no further right

of appeal.

(c) Management Committee to Fill Vacancies

The Management Committee shall have power at any time to appoint any properly qualified member to fill any casual vacancy on the Management Committee until the next Annual General Meeting. The continuing members may act notwithstanding any casual vacancy in the Management Committee, but if and so long as their number is reduced below the number fixed by or pursuant to this Constitution as the necessary quorum of the Management Committee, the continuing member or members may act for the purpose of increasing the number of members of the Management Committee to that number prescribed as a quorum or for summoning a General Meeting of the Club, but for no other purpose.

28. FUNCTIONS OF THE MANAGEMENT COMMITTEE

Except as otherwise provided by this Constitution, and the resolution of members of the Club carried at any General Meeting, the Management Committee:

- a) Shall have general control and management of the affairs, property and funds of the Club.
- b) Shall have authority to interpret the meaning of these Rules, and any matter relating to the Club on which these Rules are silent, and
- c) Exercise all the powers of the Club;
 - 1) To invest in such manner as the members of the Club may from time to time determine
 - 2) To control its membership, finances, meetings, program and the use of greens
 - 3) To transact and authorise expenditure, provided that the Management Committee is not empowered to authorise any single item of expenditure in excess of \$50,000 without prior approval of a General Meeting of the Club
 - 4) To appoint sub-committees
 - 5) To call General Meetings of members
 - 6) To arrange meetings of the Management Committee
 - 7) Set green fees and other charges
 - 8) To make or vary By-laws from time to time but not inconsistent with this Constitution
 - 9) To appoint assistants to members of the Management Committee, such assistants not being able to exercise any power unless they have otherwise been elected on to the Management Committee by the Club, and
 - 10) To otherwise act in the interest of members

29. EXECUTIVE COMMITTEE

The Executive Committee of the Club shall consist of (A) any three (3) of the Chairman, Deputy Chairman, Secretary, Treasurer and (B) one (1) remaining Management Committee member, provided, always that if required any two (2) of the former in addition to any one (1) of the latter shall constitute a quorum.

The Executive Committee shall transact any urgent business of the Club that may arise between Management Committee meetings, and submit a report of any such business transacted by it to the next meeting of the Management Committee, provided always that the Executive Committee shall not incur expenditure in excess of \$10,000 between meetings of the Management Committee, nor deal with the property of the Club. All business transacted by the Executive Committee shall be ratified and approved by the Management Committee at the next Management Committee meeting.

30. MEETINGS OF THE MANAGEMENT COMMITTEE

The Management Committee shall meet at least once every calendar month to exercise its functions of which at least seven (7) days notice shall be given.

A Special Meeting of the Management Committee shall be convened by the Secretary on the decision of the Chairman, or on the requisition in writing, signed by not less than one third of the members of the Management Committee, such requisition to clearly state the reasons why the special meeting is being convened, and the nature of the business to be transacted thereat.

At every meeting of the Management Committee a quorum shall be not less than a simple majority of a number equal to the number of members elected to the Management Committee as at the close of the last Annual General Meeting of members.

The Management Committee may meet together and regulate its proceedings as it thinks fit, provided that questions arising at any meeting of the Management Committee shall be decided by a majority of votes, in the case of equality of votes the Chairman will have an additional casting vote.

A member of the Management Committee shall not vote in respect to any contract or proposed contract with the Club in which such member is interested or any matter arising thereof, and if the member votes, the vote shall not be counted. Not less than one (1) days notice shall be given by the Secretary to members of the Management Committee of any Special Meeting of the Management Committee. Such notice shall clearly state the nature of the business to be discussed thereat. The Chairman or his Deputy shall preside, or if the Chairman or Deputy is not present within fifteen (15) minutes after the time appointed for the holding of the meeting, or is unwilling to act then the members present shall elect one of their number to be Chairman of the meeting. If within half an hour from the time appointed for the commencement of a Management Committee meeting a quorum is not present, the meeting, if convened upon the requisition of members of the Management Committee, shall lapse.

In any other case it shall stand adjourned to the same day in the next week at the same time and place as the Management Committee may determine, and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the meeting shall lapse.

Any member of the Management Committee who is absent from regularly notified meetings of the Committee on three (3) consecutive occasions without the consent of the Committee should be deemed to have vacated the office.

31. SELECTOR/S TO BE ELECTED ANNUALLY

This applies to both Ladies' and Men's Bowls Sections and follows a similar procedure as outlined in Rule 26 (election of Management Committee), such election to take place at a meeting called by the relevant Sections for this specific purpose.

As with Rule 25 (The Management Committee to be elected Annually) each such member will hold office from the conclusion of the Annual General Meeting where such positions are noted until the conclusion of the next Annual General Meeting.

The subject meeting to be held prior to the date set down for the Club's Annual General Meeting

32 (a) SUB COMMITTEES

- (i) The Management Committee may, as required, establish any Standing Committees or other Committees from time to time.
- (ii) Any Standing Committee or other Committee established under Rule 32(a)(i) shall perform the duties and functions and exercise the powers in accordance with the Constitution and directions of the Management Committee.

32 (b) MEMBERSHIP OF COMMITTEES

Each Committee shall be comprised of not more than seven (7) and not less than three (3) members.

- (i) The Chairman shall be an ex officio member of all Committees
- (ii) The President of the respective Sections shall be ex officio members of all Bowls Section Committees of their respective Section.
- (iii) If a casual vacancy occurs in a Committee the Management Committee shall approve the appointment of a suitable person to fill the vacancy.

32(c) DUTIES AND QUALIFICATIONS

The duties and qualifications of Committee members shall be set out in the By-laws.

32 (d) DISMISSAL OF COMMITTEE MEMBERS

1. The Management Committee may dismiss a Committee member;
 - (i) If the committee member has failed to properly discharge his duties in accordance with the Constitution or By-laws; or
 - (ii) If the Committee member is guilty of misconduct or action detrimental to the Club or the game of bowls; or
 - (iii) On the written recommendation of the Committee Chairman if, in the opinion of the Management Committee the recommendation was made for sufficient reason.
2. A Committee member under consideration by the Management Committee for dismissal has the right to be

personally present or present a submission in writing to the Management Committee prior to the Management Committee making its decision.

32 (e) PROCEEDINGS OF COMMITTEES

- (i) Except as otherwise provided by the constitution or Bylaws a Committee shall have control over its own proceedings.
- (ii) Where a Committee meeting is held and:
 - a) A Chairman has not been elected by the Committee or appointed by the Management Committee or
 - b) The Chairman is not present within 15 minutes after the time appointed for the holding of the meeting or is unwilling to act, the Committee members present may elect one of their number to be Chairman of the meeting.
 - c) Committees shall meet monthly, or at such other times as approved by the Management Committee

32 (f) QUORUM

- (i) No business shall be transacted at any Committee meeting unless a quorum is present at the time when the meeting proceeds to business
- (ii) A quorum for any Committee meeting shall be constituted when the Committee members present represent at least 50% of the Committee membership
- (iii) If a quorum is not present within 30 minutes of the time appointed for the meeting then the meeting will be rescheduled.

32 (g) VOTING AT COMMITTEE MEETINGS

Questions arising at a meeting of a Committee shall be determined by a majority of votes of the members present and voting.

33. DISTRICT BOWLS ASSOCIATION DELEGATES, ASSISTANT SECRETARIES/TREASURERS, COORDINATOR OF UMPIRES, CO-ORDINATOR OF COACHES

District Bowls Association Delegates, Assistant Secretaries/Treasurers, Co-ordinator of Umpires and Co-coordinator of Coaches shall be elected at the Annual General meeting and follow a similar procedure as outlined in Rule 26 (Election of Management Committee.)

34. INDEMNITY OF MEMBERS

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

35. RESOLUTION IN WRITING

A resolution in writing signed by all the members of the Management Committee for the time being entitled to receive notice of a meeting of the Management Committee shall be as valid and effectual as if it had been passed at a meeting of the Management Committee duly convened and held. Any such resolution may consist of several documents in like form, each signed by one or more members of the Management Committee.

36. SECRETARY TO KEEP MINUTES

The Secretary shall cause full and accurate minutes of all questions, matters, resolutions and other proceedings of every Management Committee Meeting and General Meeting to be filed in an appropriate file to be open for inspection at all reasonable times by any financial member who previously applies to the Secretary for that inspection. For the purposes of ensuring the accuracy of the recording of such minutes, the minutes of every Management Committee Meeting shall be signed by the Chairman of that meeting, or the Chairman of the next succeeding Management Committee meeting

verifying their accuracy. Similarly, the minutes of every General Meeting shall be signed by the Chairman of that meeting, or the Chairman of the next succeeding General Meeting.

37. FINANCE

(a) Financial Year

The Financial Year of the Club will end on 30th June each year.

(b) Annual Subscription

- (i) The Annual Subscription shall be payable, either as a full amount on or before the 31 July in that financial year or half yearly in equal installments on or before 31 July and 31 January in that financial year.
 - (ii) A Nomination Fee and Annual Subscription shall be payable by all members, irrespective of class, except as provided by this Constitution.
 - (iii) Such fees and subscriptions shall be determined at the Special General Meeting held in March each year and shall continue in force until altered at a subsequent Special General Meeting.
 - (iv) When so determined, the Annual Subscription shall be deemed to be due and payable on the first day of the new financial year immediately following the Annual General Meeting and shall apply to the period commencing on the date it was due and ending on the last day of the month of such financial year.
 - (v) If a member fails to pay the annual subscription, either annually or half yearly, within one (1) month of it becoming due they shall be deemed to be unfinancial.
 - (vi) The Fees, as fixed in 37(b)(iv) shall be payable by new members joining the Club.
- (c) The Management Committee may, at its discretion vary the Annual Subscription in the case of any member in difficult or indigent financial circumstances or for any other special reason by reducing the amount payable in any particular year, and if such member pays the reduced subscription within one (1) month of the Management Committee's decision being advised to them they shall not be deemed unfinancial.
- (d) Any person taking up membership subsequent to the commencement of a half year period shall pay the subscription contribution pro rata on a monthly basis from the date of acceptance as a member to the end of the half year period.
- (e) The Management Committee shall have the power to charge a playing fee, such fee being subject to variation and determined by a majority decision of the Management Committee.

38. UNFINANCIAL. MEMBERS

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

- 1) The right to hold office
- 2) The right to speak or vote at any meetings of Management Committee or at any General Meeting of the Club.
- 3) The right to nominate any person for office or be nominated for office in the Club, and
- 4) The right to nominate a new member
- 5) The right to enter for and play in Club matches or social play.
- 6) The right to enter Club property. All privileges shall be restored to a previously unfinancial member upon the payment of all subscriptions and monies due to the Club.

39. LEVIES

- (a) The Club may at any time strike a per capita levy on all Full and Life Members at an annual or Special General Meeting of the Club, of which prior notice of at least fourteen (14) days has been given to each member of the Club by the Management Committee in accordance with Rule 16.
- (b) No levy shall be payable to the Club unless it is passed by not less than three quarters (3/4) majority vote of the members present and entitled to vote at that meeting.
- (c) A notice advising that the levy has been struck and the amount thereof shall be placed on the Notice Board within two (2) days following the Meeting.
- (d) Each member who has not paid the levy within twenty-eight (28) days. shall be advised by letter, delivered to the member or posted to his address, of any levy struck as aforesaid. If a member fails to pay the levy within two (2) months from the day following the posting of the letter of advice, he shall be deemed unfinancial.

40. HANDLING OF FUNDS

All funds of the Club shall be deposited in the name of the Club in such Bank, Permanent Building Society, or any other financial institution as the Management Committee may from time to time direct. The funds of the club shall be handled as follows:

(a) Books of Account

Proper books and accounts shall be kept and maintained either in written or printed form in the English language showing correctly the financial affairs of the Club, and particulars usually shown in books of a like nature. All monies shall be banked as soon as practicable after receipt thereof.

(b) Payment of Accounts

All amounts of one hundred dollars (\$100) or more must be made by cheque or electronic funds transfer.

A cheque issued by Jindalee Bowls Club Inc. must be signed by any two of the following,

(a) Chairman

(b) Secretary

(c) Treasurer

(d) any 1 of 3 other members authorised by the Management Committee.

A signatory authorised under (d) can only sign a cheque with one of the signatories authorised under (a),(b),or (c)". Cheques shall be crossed "not negotiable" except those in payment of wages, allowances, or petty cash recoupment which may be open.

The Management Committee shall determine the amount of petty cash, which shall be kept, on the imprest system.

All expenditure shall be approved or ratified at a Management Committee meeting.

(c) Preparation of Reports

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

(d) Application of Club Funds and Property

The income and property of the Club whence so ever 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 of the Club, provided that nothing herein contained shall prevent the payment in good faith of interest to any such member in respect of monies advanced by the member to the Club, or otherwise owing by the Club to the member or of remuneration to any officers or servants of the Club or other person in return for any services actually rendered to the Club, 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 hired by the Club, or reasonable and proper rent for premises demised or let to the Club.

(e) Members Enjoy Equal Benefits

No member shall be entitled to any benefit or advantage from the Club which is not shared equally by every member thereof, provided however, that honoraria may be paid to members in appreciation of services, provided the same has been recommended by Management Committee, and approved by resolution of the Club at the Annual General Meeting.

(f) No officer or employee of the Club shall receive any monies 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.

41. DOCUMENTS

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

42. VISITORS

Members shall have the privilege of introducing a friend or friends to the Club. No visitor shall be supplied with refreshments unless on the invitation and in the company of a member or members who shall be responsible for ensuring the visitors name and address are entered in the visitor's book. All visitors, who are members of any Club affiliated with

any Bowls Association and who are not under notice or order of suspension or expulsion shall have reciprocal rights with this Club and shall be deemed to be visiting members of the Club whilst on the Club premises.

Such visitors may be accorded the privileges of the Club, but shall not take part in any meetings of the Club nor vote thereat. All visitors who are members of any Club affiliated with Bowls Australia, or with any Controlling Body affiliated with World Bowls Board and who are not under any notice or order of suspension or expulsion shall be deemed to be visiting members of the Club whilst on Club premises.

Such visitors may be accorded the privileges of members of the Club but shall not take part in any meeting of the Club or vote thereat. All visitors shall whilst on the Club premises be subject to the control of the Club.

The Club reserves the right to refuse and or terminate admission to the Club premises of any visitor without assigning any reason for such refusal, and to regulate the attendance of visitors at the Club for any such period it deems advisable. The Club's rights and powers under this rule may be exercised by the Senior Officer present at the time. If a visitor refuses a lawful request to leave the premises, such person immediately becomes a trespasser, and may be dealt with according to law.

43. BOWLS MANAGEMENT

- (a) For the purpose of the control of bowls within the Club, the Club shall be divided into two Sections, Ladies Section and the Men's Section.
- (b) The Ladies' Section shall consist of all female Members of the Club. It shall be responsible for the control of Ladies games through its elected Games Directors and Selectors, and whatever other bowls matters the Management Committee may direct. The Men's Section shall consist of all male bowls members of the Club. It shall be responsible for the control of Men's games through its elected Games Directors and Selectors, and whatever other bowls matters the Management Committee may direct.
- (c) The Club shall affiliate with Bowls Queensland and accept and abide by the Rules and By-Laws of Bowls Queensland in so far as they apply to the game of bowls.
- (d) The Club must be a member of a District Bowls Association and accept and abide by the Rules and By-Laws of the District Bowls Association in so far as they apply to the sport of bowls.
- (e) The Club shall renew its affiliation with Bowls Australia and Bowls Queensland each year and remit affiliation fees and levies directly to Bowls Australia and Bowls Queensland as required. The Club will notify District Bowls Associations of payments.
- (f) The Club shall renew its membership with the District Bowls Association each year in accordance with the Rules of the District Bowls Association and pay annual subscription fees to the District Bowls Association.
- (g) The Club shall elect a delegate (s) to the District Bowls Association in accordance with the Rules and By-Laws of the District Bowls Association and shall be appointed in accordance with Rule 33. of the Clubs Constitution.
- (h) The Club shall provide to Bowls Queensland and to the District Bowls Association the returns that are required by those bodies.
- (i) The Club shall provide advice to Bowls Queensland and to the District Bowls Association within thirty (30) days of any event which would 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.
- (j) The Club shall not make, amend or repeal a Rule or By-Law in relation to the playing of the sport of bowls that conflicts with the Rules and By-Laws of Bowls Australia Inc., Bowls Queensland or the District Bowls Association.
- (k) When a member of the Club is called to fulfill a Bowls Australia, Bowls Queensland, District Bowls Association or Club commitment in a match or on official business, on any day on which they have been drawn to play in a Bowls Australia, Bowls Queensland, District Bowls Association or Club commitment, the onus shall be on the player to notify Bowls Australia, Bowls Queensland, the District Bowls Association or Club, as the case may be. The Controlling Body may define circumstances which it will not accept as a valid reason for the player's unavailability. However, a substitute is not to be permitted if an intended player enters another competition scheduled to be played at the same time. If a substitute is refused on these grounds the Controlling Body shall declare the position of the absent player vacant and the provisions of Domestic Regulation 6 shall apply. Provisions consistent with clause shall be included in the Club rules, and shall be deemed to be a condition Of competitions conducted by the Club.
- (l) The President of each bowls section shall act for the Chairman of the Management Committee on days, which involve bowls events only.