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**Constitution
of the
Dalkeith Nedlands
Bowling Club Inc**

**Amendments Approved by Club
Members at a Special General Meeting
Held on the 7th December 2012**

CONTENTS

PART A	PAGE
1. NAME	1
2. OBJECTS	1
3. DEFINITIONS	1
4. PROPERTY AND INCOME.....	2
4.1 Powers.....	2-3
4.2 Winding Up.....	3
4.3 Disposal of Assets.....	3
4.4 Commissioner of Taxation.....	3
PART B	
5. MEMBERSHIP	4
5.1 Club Patron.....	4
5.2 Full Member.....	4
5.3 Honorary Life Member.....	4
5.4 Social Bowling Member.....	4
5.5 Social Member.....	5
5.6 Student Member.....	5
5.7 Junior Member.....	5
5.8 Dual Member.....	5
5.9 Honorary Member.....	6
5.10 Temporary Member.....	6
6. MEMBERSHIP FEES.....	6
6.1 Subscriptions.....	6
6.2 New Members.....	6
6.3 Capitation and Levies.....	6
6.4 Unfinancial Members.....	7
6.5 Special Circumstances.....	7
7. LEVIES	7
8. CLUB YEAR	7
9. APPLICATIONS FOR MEMBERSHIP	7

10.	REGISTER OF MEMBERS.....	7
11.	RESIGNATION FROM MEMBERSHIP	8
12.	GUESTS.....	8

PART C

13.	MANAGEMENT.....	9
	13.1 Executive Committee	9
	13.2 Men's Bowls Committee.....	9
	13.3 Ladies Bowls Committee.....	9-10
	13.4 Finance Committee	10
	13.5 Standing Committees	10
	13.6 Co-opted Members.....	10
14.	BALLOT PROCEDURE.....	10
	14.1 Order of Election.....	11
	14.2 General Election	11
	14.3 Voting Procedure.....	11-13
	14.4 Informal Votes	13
	14.5 Scrutineers	13
	14.6 Casual Vacancies.....	14
	14.7 Proxies.....	14
15.	AUDITOR.....	14
16.	HONORARIUM.....	14
17.	MEETINGS OF EXECUTIVE COMMITTEE	14-15
18.	POWERS OF EXECUTIVE COMMITTEE.....	15-16
19.	RESIGNATION OF EXECUTIVE COMMITTEE	16
20.	STANDING COMMITTEES.....	16
21.	DUTIES OF OFFICERS	17
	21.1 President	17
	21.2 Vice President	17
	21.3 Secretary	17
	21.4 Treasurer	17

PART D

22.	INTERPRETATION OF RULES.....	18
23.	AMENDMENT OF RULES	18-19
24.	ANNUAL GENERAL MEETING.....	19
25.	CONDUCT OF THE ANNUAL GENERAL MEETING	19

26.	SPECIAL GENERAL MEETING	20
27.	NOTICES.....	20
PART E		
28.	MISCONDUCT	21
29.	PENALTIES.....	21-22
30.	PROCEDURES FOR A CHARGE OF MISCONDUCT ..	23
31.	APPEAL.....	23
PART F		
32.	COMMON SEAL.....	24
33.	TRUSTEES	24
34.	CLUB LICENCE	24
35.	BANK/INVESTMENTS	24
36.	EMPLOYEES	24-25
37.	INDEMNITY	25

PART "A"

1. NAME

The name of the Club shall be the **DALKEITH NEDLANDS BOWLING INC**

2. OBJECTS

The objects of the Club shall be:

- (a) to foster the game of lawn bowls, and promote social and recreational fellowship amongst members;
- (b) to affiliate with the **Royal Western Australian Bowling Association** (Inc). ("RWABA") The members shall recognise and accept the RWABA Constitution, Rules & By-laws and shall make all decisions consistent therewith. All games of lawn bowls shall be played according to the Constitution, By-laws and laws of the game currently recognised by the RWABA.

3. DEFINITIONS

In construing this Constitution, unless the context or such otherwise indicates or requires:

- (a) "Act" means the Associations Incorporation Act 1987.
- (b) "Club" means the Dalkeith Nedlands Bowling Club (Inc);
- (c) "Club Premises" means all land and buildings and structures thereon of which the Club is the bona fide occupier;
- (d) "Committee" means the Executive Committee for the Club duly elected for the time being in accordance with these Rules;
- (e) "Liquor Act" means the Liquor Control Act together with any other legislation relating to the dealing with liquor or licensed premises, which shall be applicable to the Club.
- (f) "Rules" means this Constitution and Rules;
- (g) "RWABA" includes its trading name of Bowls WA;
- (h) "Secretary" means the Secretary for the time being of the Club and includes any deputy or person temporarily fulfilling the office of Secretary;
- (i) "Treasurer" means the Treasurer for the time being of the Club and includes any deputy or person temporarily fulfilling the office of Treasurer.

4. PROPERTY AND INCOME

The Club shall:

- (a) ensure that the property and income of the Club shall be applied solely towards the promotion of the Objects of the Club and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members of the Club, except in good faith in the promotion of those objects or purposes;
- (b) provide and maintain bowling greens, buildings, grounds and such amenities as shall be deemed necessary from time to time for the use and accommodation of its members in accordance with the Objects of the Club;
- (c) maintain a Club Licence under the Liquor Act;
- (d) make such arrangements as may be necessary for the purchase, lease or maintenance of land on which the Club is situated;
- (e) as deemed necessary by a resolution at an Annual or Special General Meeting, borrow money by way of loan or over-draft or by the issue of debentures to carry out the work or activities of the Club;
- (f) not be responsible for the loss of or damage to any article whatsoever brought into the Club Premises by members or visitors;
- (g) prohibit a member, or a guest of a member, without authority, to injure or destroy any of the property of the Club, and any loss or damage resulting from any breach of this Rule shall be made good by such member to the satisfaction of the Committee. The Committee shall assess the amount to be paid by the member and that assessment shall be final and conclusive;

4.1 Powers

The Club may do all the things necessary or convenient for carrying out its objects and purposes, and in particular may:

- (a) acquire, hold, deal with, and dispose of any real or personal property;
- (b) open and operate bank accounts;
- (c) invest its money-
 - (i) in any security in which trust monies may lawfully be invested; or
 - (ii) in any other manner authorised by the rules of the Club;

- (d) borrow money upon such terms and conditions as the Club thinks fit;
- (e) give such security for the discharge of liabilities incurred by the Club as the Club thinks fit;
- (f) appoint agents to transact any business of the Club on its behalf;
- (g) enter into any other contract it considers necessary or desirable, and,
- (h) may act as trustee and accept and hold real and personal property upon trust, but does not have the power to do any act or thing as a trustee that, if done otherwise as a trustee, would contravene the Act or the rules of the Club.
- (i) combine, co-operate, affiliate and enter into reciprocal arrangements with any other association having objectives wholly or in part similar to those of the Club.

4.2 Winding Up

The Club may be wound up by a special resolution at any General or Special Meeting called for such purpose.

4.3 Disposal of Assets

If, upon the winding up of the Club, there remains after satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid or distributed amongst the members, but shall be given or transferred:

- (a) to another association incorporated under the Act which has similar objects or;
- (b) for charitable purposes,

and such association or purposes, as the case requires, shall be determined by resolution of the Club members subject always to the provisions of the Act.

4.4 Commissioner of Taxation

Upon Winding Up of the Club, the Commissioner for Taxation shall be advised within 30 days.

PART "B"

5. MEMBERSHIP

Members of the Club will be elected to the following categories of membership:

Club Patron
Full Member
Honorary Life Member
Social Bowling Member
Social Member
Student Member
Junior Member
Dual Member
Honorary Member
Temporary Member

(1) **Club Patron**

At the Annual General Meeting the Club may elect one or more Patrons as nominated by the Committee

(2) **Full Member**

Persons of or above the age of eighteen (18) years who are entitled to exercise the full privileges of the Club, excepting that where a member becomes an employee of the Club he/she shall not hold any office.

(3) **Honorary Life Member**

Persons recommended by the Committee to a General Meeting of the Club and elected at such meeting to be an Honorary Life member for long and conspicuous service to the Club, and shall enjoy all the privileges of a full member. Honorary Life members shall not exceed fifteen (15) living members at one time and not more than two (2) shall be elected in one year.

(4) **Social Bowling Member**

Persons of or above the age of eighteen (18) years who may enjoy the privileges of the Club but shall not be eligible:

- (i) to stand for any office in the Club, propose or second any application for membership, or vote in any ballot or at a General Meeting of the Club;
- (ii) to play in Pennants, Club Championships, or open events at this or any other club.

Social Bowling Members will be capitated with the RWABA and therefore will be entitled to bowl socially at those times made available by the Committee.

(5) **Social Member**

Persons of or above the age of 18 years who may enjoy the privileges of the Club but shall not be eligible:

- (i) to stand for office in the Club or vote in any ballot or at any General Meeting of the Club:
- (ii) to use the greens, except at the specific invitation of the Committee.

(6) **Student Member**

Persons of or above the age of eighteen (18) years who may enjoy the privileges of the Club but shall not be eligible to stand for any office in the Club, propose or second any application for membership, or vote in any ballot or at a General Meeting of the Club;

Student Members will be required to provide proof of their student status.

Student Members will be capitated with the RWABA and therefore will be entitled to play in Pennants, Club Championship and open events.

(7) **Junior Member**

Persons of not less than twelve (12) years of age and under eighteen (18) years, who may enjoy all the privileges of the Club but shall not be eligible:

- (i) to stand for any office in the Club, propose or second any application for membership or vote in any ballot or at any General Meeting of the Club;
- (ii) to invite guests into the Club.

(8) **Dual Member**

Persons who are current Ordinary or Full capitated members of another Bowling Club affiliated with the RWABA or with a similar Association in any other Australian State or Territory. Dual Members shall be entitled to all the privileges of the Club but shall not be eligible:

- (i) to stand for any office in the Club, propose or second any application for membership of the Club, or vote in any ballot at any General Meeting of the Club.
- (ii) to play in any Pennant matches for the Club, represent the Club, or play in Club Championship events; however Dual Members who are members of Country Clubs are permitted to play in Midweek Pennants for the Club.

(9) **Honorary Member**

Honorary membership may be granted, without fees, to the following persons: Club Patrons, the Mayor and Mayoress of the City of Nedlands or persons deputising for them, and such dignitaries and sponsors of the Club as the Committee shall determine from time to time.

(10) **Temporary Member**

A person who is on any day visiting the Club as a Member or an Official of another club -:

(i) that is to engage in a pre-arranged event with the Club conducted for the purposes of one of the Club's principle objects; or

(ii) that is to hold a pre-arranged function at the Club involving the use of the Club's sporting facilities.

may be taken to be a person who is accorded temporary membership of the Club on that day in accordance with rules approved by the Director.

6. MEMBERSHIP FEES

All fees and subscriptions for the ensuing year for each class of membership shall be determined at the July meeting of the Committee.

All subscriptions shall be payable annually in advance.

(1) **Subscriptions**

Annual subscriptions are payable in advance, and are due on the 1st day of October in each year. On written application by a member, the Committee may grant an extension of time to pay.

(2) **New Members**

The Committee will determine annually in July whether a nomination fee is to be charged to new members. Subscriptions payable by new members will abate monthly, in that, the amount payable will reduce by one twelfth each month from the beginning of each financial year.

(3) **Capitation and Levies**

Capitation and levies as determined by the RWABA or by a General or Special Meeting of members shall be additional to fees and subscriptions determined by the Committee.

(4) Unfinancial Members

By resolution, the Committee may remove from the register of members the name of any member who fails to pay any sums due to the Club within four months of it becoming due.

(5) Special Circumstances

On being satisfied that any member is unable to pay the full subscription through absence, illness, financial difficulties, unemployment, physical disability or other distressful circumstances, the Committee, on a recommendation of the Finance Committee, may relieve the Member of part of the Subscription debt but not so as to make the total debt less than ten per centum of the applicable subscription.

7. LEVIES

Members shall pay such levies as may be imposed from time to time by the Club. A General or Special meeting shall have power to make a levy on the members for any special project or need, and such levy shall not exceed one third of the member's annual subscription in any year.

8. CLUB YEAR

The Club's financial year shall commence on the 1st day of April in each year.

9. APPLICATIONS FOR MEMBERSHIP

Applications for Full, Social Bowling, Social, Student, Junior, Dual membership shall be proposed and seconded by Full or Honorary Life members of the Club. All such applications shall be in writing in a form prescribed by the Committee. The Secretary shall post applications on the Club noticeboard for a period not less than fourteen (14) days before election.

The Committee shall have the right to refuse any application for membership at its discretion without prejudice or right of the applicant to require an explanation. Two negative votes shall exclude the applicant from admission. The secretary shall keep a record of the names of members present and voting on that day.

10. REGISTER OF MEMBERS

The Club shall keep an up to date register of members in respect of each class of membership. This register must be continually available for inspection at the Clubs premises.

11. RESIGNATION FROM MEMBERSHIP

Resignations of members of the Club are deemed to be effective from the time they are received by and duly accepted by the Committee at a formal meeting of the Committee. No member resigning from the Club or ceasing from any cause to be a member, shall be entitled to have any claim upon any portion whatsoever of the property or funds of the Club. Provided that any debenture held shall be disbursed to him or her on the agreed date.

12. GUESTS

Full, Honorary Life, Social Bowling, Student, Dual, Social and Temporary Members may introduce guests to the Club at any time provided that:

- (a) other than as provided for under (e) below, the number of guests shall not exceed five (5) in number at any one time;
- (b) a guest shall not be supplied with liquor in the Club Premises except on the invitation and in the company of a member;
- (c) a guest shall be supplied with liquor to be consumed only on Club Premises;
- (d) a member introducing a guest shall be responsible for the proper conduct of the guest(s) whilst on Club Premises;
- (e) at the expense of the Member and with the approval of the Committee, a Member may supply liquor to guests, without limitation as to number, at a private function held by or on behalf of that member at the Club Premises;
- (f) any person who has been refused membership of the Club or who is under suspension or expulsion from the Club or any affiliated Bowling Club shall not be admitted as a guest of any member of the Club. However a person refused membership of the Club, but who is a member of another club competing in a competition at the Dalkeith Nedlands Bowling Club shall be accorded the same privileges as other visiting competitors.

PART "C"

13. MANAGEMENT

The management of the Club, shall be vested in the Executive Committee, Men's and Ladies Bowls Committees and Standing Committees as required from time to time.

1. Executive Committee

The Executive Committee (which shall be elected annually) shall comprise of:

- President
- Vice President
- Secretary
- Treasurer
- Captain, Men's Bowls
- Captain, Ladies' Bowls
- Chairman Men's Selection Committee
- Chairman Ladies' Selection Committee
- Chairman of each Standing Committee

The President, Vice President, Secretary, Treasurer, and Chairman of all Standing Committees shall be elected annually by all financial Full and Honorary Life Members of the Club. Six (6) members of the Executive shall form a quorum; and

Captain Men's Bowls and the Chairman of the Men's Selection Committee shall be elected annually by all financial, male Full and Honorary Life members.

Captain Ladies Bowls and the Chairman of the Ladies Selection Committee, shall be elected annually by all financial, female Full and Honorary Life members.

2. Men's Bowls Committee

The Men's Bowls Committee shall be chaired by the Captain, Men's Bowls and consist of the Men's Match Committee Chairman, Men's Bowls Secretary, and the male Delegate to the Bowls Association and with the exclusion of the Delegate, shall be elected annually by the male financial Full and Honorary Life members of the Club. The Delegate shall be appointed by the Executive Committee and may hold any other position in the Club. The term of office for the Delegate shall conform with election dates for appointment to RWABA Committees.

3 Ladies Bowls Committee

The Ladies Bowls Committee shall be chaired by the Captain, Ladies Bowls and consist of the Chairman of the Ladies Match Committee, Ladies Bowls Secretary, and the female Delegate to the Bowls Association and with exclusion of the Delegate shall be elected by all the female financial Full and Honorary Life members of the Club. The Delegate shall be appointed by the

Executive Committee and may hold any other position in the Club. The term of office for the delegate shall conform with election dates for appointment to RWABA Committees.

4. **Finance Committee**

The Finance Committee shall comprise the following Executive Officers of the Club: The President, Vice-President, Secretary and Treasurer.

5. **Standing Committees**

Standing Committees, that is: Bar, House, Corporate, Entertainment, Grounds and Membership and such others as may be required from time to time to carry-out the functions of the Club, shall be selected annually by the Chairman of each of the Standing Committees. The Committee must be advised in writing of those Members selected for each Standing Committee.

6. **Co-opted Members**

To assist or to further the objects of the Club, the Committee shall have the power to co-opt financial Full or Honorary Life members at any time to assist the Secretary, Treasurer, or any Standing Committee, and also a Promotions Officer and/ or a Sponsorship Officer to assist or further the objects of the Club. Such persons will not have voting rights in any Standing Committee except when acting in the absence of the Secretary, Treasurer or Delegate.

14. BALLOT PROCEDURE

The Committee shall appoint a Returning Officer who shall not be a candidate for election, and such Returning Officer will be responsible for conducting the ballot.

Not less than six (6) weeks prior to the Annual General Meeting of members, the Committee shall call for nominations for positions on all Committees.

Members may nominate for more than one office.

Nominations, including members seeking re-election, shall be on a form approved by the Committee, signed by the nominee, eligible proposer and seconder, and lodged with the Secretary not less than twenty eight (28) days prior to the date set for the Annual General Meeting. The Secretary shall initial and date the nomination and advertise such on the Club notice board for not less than seven (7) days after closure of nominations.

Eligible proposers and seconders must be either Full or Life Members of the Club.

14.1 Order of Election

Any member, who is not opposed for a senior position, shall be excluded from the ballot for any subsequent position. The order of seniority of positions shall be:

PRESIDENT
VICE PRESIDENT
SECRETARY
TREASURER
CAPTAIN MEN'S BOWLS
CAPTAIN LADIES' BOWLS
CHAIRMAN MEN'S SELECTION
CHAIRMAN LADIES' SELECTION
STANDING COMMITTEE CHAIRMEN
Bar
Corporate
Entertainment
Grounds
House
Membership
MEN'S BOWLS SECRETARY
LADIES BOWLS SECRETARY

Standing Committee Members

Members of the men's and ladies' bowling committees shall be entitled to serve on any Standing Committee and members may serve on more than a single Standing Committee.

14.2 General Election

If the number of nominations does not exceed the number required to be elected by the members for any position, the candidates nominated shall be declared elected at the Annual General Meeting.

If less than the required number of nominations is received for any such office, the Chairman at the Annual General Meeting shall call for nominations, and if necessary a secret ballot shall be held. Any person so elected shall hold office until the next Annual General Meeting.

14.3 Voting Procedure

If the number of candidates nominated exceeds the number required to be elected, a ballot shall be taken which shall be conducted in the following manner:

- (1) The Committee shall fix the time and closing date for the ballot that shall be at least three (3) days prior to the date fixed for the Annual General Meeting. The Committee will appoint a Returning Officer.

- (2) Ballot papers shall show the surnames and given names of each of the candidates nominated for each office in respect of which an election is necessary.
- (3) The Secretary shall ensure voting papers are mailed, delivered or distributed to all financial, Full and Honorary Life members (eligible in accordance with Clause 13 herein), not less than fourteen (14) days prior to the closing of the ballot.
- (4) At the time of mailing, delivering or distributing the ballot papers to members the Club shall provide a ballot box which shall be locked by the Returning Officer and placed in the Club to receive the ballot.

The Secretary shall supply the Returning Officer with a current register of members eligible to vote in an election.

The order in which names of the candidates nominated for each office appear on the ballot paper shall be in accordance with a draw conducted by the Returning Officer in the presence of those candidates wishing and able to be present at the draw.

All ballots shall be decided on a 'first past the post' voting system.

- (a) All votes shall be recorded by marking on the paper a tick opposite the name of each candidate of choice up to the number of candidates to be elected.
- (b) All votes shall be counted as primary votes of equal rank. The candidate receiving the highest number of votes shall be the successful candidate.
- (c) If two or more candidates receive the same number of votes, the Returning Officer shall determine by lot the successful candidate or candidates.
- (d) If a candidate is successful in more than one ballot, that candidate shall be deemed the successful candidate for the higher or highest of such positions.

In the counting of votes for any lower position a successful candidate for a higher position shall be the first to be eliminated from the ballot for the lower position. In this circumstance the candidate receiving the next highest number of votes shall be elected in place of that excluded candidate. This process shall be repeated until the vacancies are filled.

The Returning Officer shall post the results of each election on the Club notice board and deliver to the Annual

General Meeting, a report on the conduct and result of the ballot.

14.4 Informal Votes

Ballot papers which:

- (i) show more candidates marked as voted for than the number permitted;
- (ii) are defaced or mutilated as to prevent the intentions of the voter being ascertained;
- (iii) do not clearly reveal the identity of the voter on the outer envelope of a postal vote as instructed on the ballot paper;
- (iv) carry any mark or means of identification of the voter on the ballot paper or
- (v) have more than one ballot paper in a single ballot paper envelope;

shall be deemed informal.

The Returning Officer may rule as he/she thinks fit on any other matter, but –

a ballot paper shall not be deemed informal only on account of a voter having used a mark other than a tick to indicate their vote so long as their intention is clear.

14.5 Scrutineers

A candidate may nominate in writing to the Returning Officer a scrutineer to represent him at the ballot. The scrutineer shall be a financial Full or a Honorary Life member of the Club and shall not be a candidate for election.

A scrutineer:

- (i) may be present throughout the ballot and may query the inclusion or exclusion of any vote in the count but the Returning Officer shall have final determination of any votes so queried;
- (ii) shall not place or remove any mark on a ballot paper;
- (iii) shall not interfere with or attempt to influence any member at the time such member is casting their vote.

14.6 Casual Vacancies

The Committee may fill any vacancy occurring on any Committee by appointment of a person eligible to nominate for and hold that office as defined by Clauses 13 and 14.

A person so appointed shall hold office until the next Annual General Meeting at which time the position will become vacant.

14.7 Proxies

- (a) A member (in this Rule called the "Appointing Member") may appoint another member who is a natural person to be the proxy of the Appointing Member and to attend and vote on the behalf of the Appointing Member at any Annual general Meeting, Special General Meeting or General Meeting of the Club.
- (b) Any Appointing Member must lodge his/ her instrument appointing a proxy with the Secretary of the Club not less than forty eight (48) hours prior to the relevant meeting.
- (c) No member attending the relevant meeting can exercise proxies on behalf of more than three (3) Appointing Members.

15. AUDITOR

At the Annual General Meeting, an Auditor shall be appointed and such Auditor will be responsible to audit the books of account of the Club, and certify to the correctness of the annual Statement of Receipts and Expenditure and Balance Sheet of the Club. The Auditor may be a member of the Club.

16. HONORARIUM

All members of the Executive Committee, Standing and Bowls Committees shall act in an honorary capacity, provided that the Executive Committee may, from time to time, grant an honorarium to any member, for services rendered to the Club.

17. MEETINGS OF EXECUTIVE COMMITTEE

- (1) The Committee shall meet at least ten times a year at such place and on such dates as decided by the Committee.

The Secretary shall call meetings of the Committee when instructed to do so by the President, or by any three members of the Committee. The Secretary shall be solely responsible for the proper advice to all members of the Committee not less than 48 hours before the time set for such meeting.

- (2) Six (6) persons shall form a quorum. If a quorum is not present within 30 minutes of the time scheduled for commencement of the meeting, the meeting will stand adjourned until one week

later at the same hour. If at such adjourned meeting no quorum is present, those present not being less than five (5) shall have power to transact the business of such meeting.

- (3) Any member of the Committee who is absent from three (3) consecutive meetings without leave of the Committee, may forfeit the office.
- (4) The President shall preside at all meetings of the Committee. In his or her absence the Vice President shall preside but if neither be in attendance, the meeting shall elect a chairman. The chairman may exercise a casting vote to retain the status quo.
- (5) A member of the Committee who has any direct or indirect pecuniary interest in a contract, made or being contemplated by the Committee shall as soon as the Member becomes aware of the interest, disclose the nature and extent of the interests to the Committee. Every such disclosure shall be recorded in the minutes of the meeting at which it is made and the member shall not take part in any deliberations or decision of the Committee with respect to that contract.
- (6) The Secretary shall record the minutes of all resolutions and proceedings of the Committee in a file maintained for the purpose.
- (7) Any vacancy occurring in the Committee through resignation, expulsion, or any other cause, may be filled by the Committee without reference to the previous ballot.

No member shall hold two Committee positions.

18. POWERS OF EXECUTIVE COMMITTEE

The Committee shall have the power to:

- (1) elect members within the terms of these Rules,
- (2) frame By-laws for the management of the Club, consistent with these Rules and to alter, amend, or rescind such By-laws as occasion may require, and such By-laws shall be equally as binding as, but shall not be opposed to, the Rules.

Such By-laws shall be binding on all members until repealed or amended by the Committee, or by a General Meeting of members and may impose penalties for any breach of these Rules. The Secretary shall post a certified copy of all By-laws on the Club noticeboard.

- (3) fill any vacancy on the Executive Committee or any other Committee of the Club;
- (4) refuse to admit any person to membership of the Club without assigning any reason for doing so;
- (5) limit the number of members of the various categories of membership;

- (6) delegate any portion of their powers to any special sub-committee not otherwise provided in these Rules;
- (7) engage and dismiss employees of the Club.
- (8) pay an honorarium for faithful and diligent service performed by any member of the Club;
- (9) establish and control all matters of conduct, policy, finance, promotion, publicity and planning relative to sporting and cultural activities within the Club and adjudicate on all matters impinging on the objects of the Club;
- (10) hear and determine charges of misconduct lodged against any member under these rules, and to impose penalties accordingly.

19. RESIGNATION OF EXECUTIVE COMMITTEE

In the event of the resignation of the Committee, the management of the affairs of the Club shall be vested in the President, Vice President, Secretary and Treasurer who shall be competent to exercise all powers vested in the Committee, until the holding of a Special General Meeting convened for the purpose of electing a new committee; which Special General Meeting shall be held within fourteen (14) days after receipt of such resignation.

20. STANDING COMMITTEES

- (a) All Standing Committees shall be subordinate to the Executive Committee subject to its control, and report to the Executive Committee through its Chairman. Reports shall be in writing.

The President and Secretary shall be ex-officio members of all Standing Committees and be notified of all intended meetings. They shall not have a vote in Standing Committees but may advise on policy and procedure.

The Chairman of each Standing Committee shall be responsible for the conduct of their Standing Committee and ensure that the duties detailed in the rules for that Standing Committee are carried out.

Each Standing Committee shall meet at least monthly unless approval is given by the Committee for less frequent meetings

- (b) The Chairman of a Standing Committee shall be responsible for receiving any criticism of paid staff within their area of duty and shall exercise the utmost discretion in any action deemed necessary. All other Standing Committeemen (and all other members of the Club) shall refer any criticism to the appropriate Chairman who if the matter is serious shall refer it to the Club President.

21. DUTIES OF OFFICERS

21.1 **THE PRESIDENT** shall preside at all meetings of the Club and of the Committee. In his/her absence the Vice President shall preside. If neither of the aforementioned officers be present, the meeting shall elect a Chairperson. At all General Meetings of the Club and all meetings of the Committee, the President, or in his/her absence the presiding Chairman, shall have a deliberate vote and a casting vote where necessary and shall decide on the voices or by a show of hands as the presiding Chairman thinks fit, but any member may demand a division or a secret ballot.

21.2 **THE VICE PRESIDENT** shall liaise with the President in the overall management of the Club, and in his/her absence assume the President's responsibilities.

The Vice President shall oversee the provision of Club amenities, stores and equipment within the clubhouse, and promotion and fund raising initiatives ensuring co-ordination of the Committees involved.

21.3 **THE SECRETARY** of the Club, unless otherwise excused, shall attend all meetings of the Club, keep a correct record of all proceedings in a file provided for that purpose, keep a record of all names and addresses of members of the Club, also, carry out such clerical work as may be necessary for the observance of the Rules and By-laws of the Club. The Secretary shall convene all meetings of the Club and of the Committee in accordance with these rules; attend to all correspondence and perform the normal duties of the office of Secretary as required by the Committee.

21.4 **THE TREASURER** shall be responsible for all monies paid to the Club and shall ensure that all such monies are paid into the bank account of the Club. He/she shall keep correct accounts and books/electronic records showing the financial affairs of the Club and the particulars usually shown in books of account/electronic records of a like nature. At the Annual General Meeting of the Club he/she shall present an audited statement of receipts and expenditure and a balance sheet of the Club for the past year.

PART "D"

22. INTERPRETATION OF THE RULES

- (a) The Committee shall decide all questions of interpretation of these Rules and such decision shall be binding, unless at a General Meeting such decision shall be disagreed with by a three quarters majority of those members present and eligible to vote.
- (b) Unless a contrary intention appears, words importing the singular number include the plural and *vice-versa*, and words importing the masculine gender include the feminine gender in accordance with the Constitution, Rules and By-laws of the RWABA
- (c) In the event of any ambiguity, the powers vested in the Committee shall be construed so as to widen and not restrict the powers of the Committee.
- (d) Every member is bound by and shall submit to the Rules and By-laws of the Club.
- (e) No member shall be entitled to take any legal action against the Club (other than a claim for goods and services rendered) and must conform to the decisions of the Committee, and in the case of an appeal, to the decision of the General Meeting hearing the appeal.
- (f) These rules are subject to the provisions of the Act and if any of these rules are inconsistent with the provisions of the Act then the provisions of the Act shall prevail and be paramount to the extent of such inconsistency.
- (g) To the extent that is applicable, the Equal Opportunity Act 1984 shall form part of these Rules.
- (h) A reference to any statute, regulations, proclamations, ordinances or by-laws includes all statutes, regulations, proclamations, ordinances or by-laws varying, consolidating or replacing them, and a reference to a statute includes all regulations, proclamations, ordinances or by-laws issued under that statute.

23. AMENDMENT OF RULES

No rule shall be amended or repealed, nor shall any new rule be made, except on the vote pursuant to a Special Resolution as defined in the Act at the Annual General Meeting or a Special General Meeting called for the purpose.

Notice of any proposed amendment, repeal or addition must be given by notice in writing to the Secretary. Such notice shall be posted in the Club premises for not less than ten (10) days before the date appointed for the holding of such meeting for any proposal to so amend, repeal, or add to, the Rules.

Within 28 days of the acceptance of any proposal to amend the Rules of the Club at an Annual or Special General Meeting, the Secretary shall provide to the Director of Liquor Licensing the Commissioner for Consumer Protection and the RWABA, certified particulars of the change(s) proposed and effect shall not be given to the change(s) without prior approval of those bodies.

24. ANNUAL GENERAL MEETING

- (a) The Annual General Meeting of the Club shall be held within four months of the end of the Club's financial year. Notice of the Meeting shall be in writing (except in the case where a member has opted to receive notices electronically) to all members delivered, distributed or posted to their last known address, not less than fourteen (14) days prior to the Meeting, and posted on the notice board of the Club not less than fourteen (14) days before the Meeting.
- (b) Twenty (20) per centum of Full and Honorary Life members of the Club shall form a quorum, and if a quorum is not present within thirty minutes of the appointed time for the Meeting, it shall stand adjourned for seven (7) days, and if at such adjourned Meeting there is no quorum, those present shall be competent to discharge the business. Seven (7) days prior to the Meeting the Secretary shall advise the Executive Committee the numbers required to form a quorum.

25. CONDUCT OF THE ANNUAL GENERAL MEETING

The President shall preside. In his/her absence the Vice President shall preside. In the absence of the aforementioned, the meeting shall elect a Chairman from the members present. The Chairman shall have power to exercise a casting vote.

The business of the Annual General Meeting shall be in the following order:

- (a) Confirmation of the minutes of the last Annual General Meeting and of any Special Meetings held since the preceding Annual General Meeting.
- (b) Receiving the President's Report and receiving and discussing the Statement of Receipts and Expenditure and a Balance Sheet of the Club for the past year and reports from the Treasurer and Auditor.
- (c) Declaration of the ballot and election of the Committee.
- (d) Election of the Club patron(s).
- (e) Election of the Club Auditor.
- (f) Special business of which notice of motion has been given.
- (g) General business/Recommendations to incoming Committees.

26. SPECIAL GENERAL MEETING

The Secretary shall call a Special General Meeting when so instructed by a resolution of the Committee or on receipt of a requisition by not less than twelve and one half (12½) per centum of financial Full and Honorary Life members of the Club at the date of receipt of such requisition.

Notices of a Special General Meeting shall be in writing (except in the case where a member has opted to receive notices electronically) to all members delivered, distributed or posted to their last known address, not less than fourteen (14) days prior to the Meeting, and posted on the notice board of the Club not less than fourteen (14) days before the Meeting, specifying the business to be transacted and no other business shall be dealt with at such meeting. Twenty (20) per centum of all financial Full and Honorary Life members as at the date before such Meeting shall form a quorum and if no quorum is present thirty (30) minutes after the appointed meeting time, the Meeting shall lapse.

27. NOTICES

27.1 Any Annual General Meeting, Special General Meeting, General Meeting or other Meeting of the Club is not invalid only because of:

- (a) the accidental omission to give notice of the meeting to any person entitled to such notice;
- (b) the non-receipt of such notice by any person entitled to such notice or
- (c) a defect in such given notice.

27.2 A notice may be given by the Club to any member either by:

- (a) serving it on the person personally;
- (b) sending it by post to the person at their address as shown in the register of members kept and maintained under section 27 of the Act;
- (c) by sending it to the facsimile number, email or other electronic address (if any) nominated by the member, or
- (d) by any other means that the Rules or the Act permit.

27.3 Where a notice is sent by post, service of the notice shall be deemed to be effected by properly addressing, prepaying and posting a letter containing the notice, and to have been effected, in the case of service of a notice of a meeting two days after the date of its posting and, in any other case, at the time which the letter will be delivered in the ordinary course of post.

27.4 Where a notice of meeting or other notice is sent by facsimile, email or other electronic means, notice shall be deemed to have been given on the day after it has been sent.

PART “E”

28. MISCONDUCT

- (a) The Committee shall exercise full power to reprimand, suspend, expel or impose penalties on any member of the Club who shall, in the sole and absolute judgement of the Committee, have been guilty, either in or out of the Club Premises, of any act, practice, conduct, matter or thing calculated to bring discredit on, or in any manner prejudice the reputation of the Club, or calculated in any manner to impair or affect the enjoyment of the Club Premises by members thereof, or to cause any ill-feeling or friction between or among members.
- (b) Any dispute between members may be referred by either disputant in writing to the Committee whose decision thereon, subject to these Rules, shall finally settle the matter.

The complainant, with his/her complaint, shall deposit with the Secretary a sum equivalent to 25 per centum of the Full membership subscription and if the Committee consider the complaint frivolous, they may order the amount forfeited to the funds of the Club.

All complaints shall be made in writing through the Secretary, stating the explicit nature of the offence of which the member is accused, and the names of any members witness to the occurrence giving rise to the complaint. The Secretary shall submit the complaint to the Committee if the Secretary is unable to resolve it.

- (c) The Committee shall exempt any member of that Committee from hearing a charge in which he/she has an interest.

29. PENALTIES

The Committee shall have due regard to the circumstances of the charge, when imposing any penalty under these Rules.

Penalties available are:

- (a) a monetary penalty for any breach of these Rules or By-laws of the Club, not exceeding the annual subscription for Full members, but, additionally an offending member shall pay the cost of repair or replacement of Club property damaged through their or their guests' actions.
- (b) a period of suspension from membership for any period not exceeding twelve (12) months.
- (c) where a charge of gross misconduct is proved and a fine or suspension is, in the opinion of a two-thirds majority of the Committee hearing the charge, inadequate or inappropriate they may expel the member

The Committee shall take due account of the effect of expulsion on a member who may desire to join an affiliated club in the future.

- (d) all monetary penalties shall be paid within fourteen (14) days of notice being served on the member. If he/she should refuse or neglect to meet such payment he/she shall stand suspended from membership until the payment be made in full.
- (e) the Committee may, at its discretion, extend such period for payment without further penalty.
- (f) The name of a member suspended or expelled shall be advised to the RWABA in accordance with its constitution and rules.

30. PROCEDURE FOR A CHARGE OF MISCONDUCT

- (a) If the Committee decides to proceed with a charge of misconduct, ten (10) clear days notice of the hearing must be given to the member accused.
- (b) The Secretary shall deliver to, or forward by registered post, a notice to the accused member and the complainant at their postal addresses registered at the Club, such notice specifying the nature of the charge and request attendance at a hearing by the Committee. On the application of either party the Secretary shall send a notice to any other member to appear and give evidence provided such application is made at least three (3) days before the date of the hearing. Should any party or witness be unable to attend the hearing, the Committee may at their sole discretion, on application of either party, adjourn the hearing for not more than seven (7) days, at which time they shall take evidence and decide the case, the same as if all parties were present.
- (c) If, after hearing of the evidence, the Committee shall find the charge proven by a majority decision they shall impose an appropriate penalty.

The Secretary shall forthwith deliver to or post a notice to the member at their postal address registered at the Club, advising them of the penalty.

- (d) If the penalty is expulsion the name of the member shall be erased from the list of membership forthwith. The member shall be liable for all monies due by him/her at the date of expulsion. No person shall be entitled to take action or proceedings against the Club for or in respect of any suspension or expulsion as decided and shall conform to the decision of the Committee.

31. APPEAL

Two levels of appeal shall be available to members found guilty by the Committee of an offence against these Rules. A notice of appeal shall be directed to the Secretary in writing giving details of the grounds for the appeal and the tier of appeal sought. It shall be accompanied by the required sum of money which shall be refunded if the appeal is upheld. The Secretary must receive any appeal within ten (10) days of the Committee's decision.

- (a) Where a member has been fined he/she may have his/her appeal determined by the President, Vice President and Secretary or in the absence of any of these officers by members of the Committee selected by the most senior officer available. The appellant shall lodge a sum of money equivalent to twenty (20) *per centum* of the annual subscription for Full members with the appeal and this will be refunded if the appeal is returned to the Committee for the charge to be reheard.
- (b) Where a member is suspended or expelled he/she may have his/her appeal determined by a Special General Meeting of members where a majority of two-thirds will be required to overturn the decision of the Committee. A sum of money equivalent to forty (40) *per centum* of the annual subscription for Full members shall accompany such appeal and shall be returned to the appellant if his appeal is upheld.

Rule 26 will apply to the calling of the Special General Meeting.

- (c) Until the hearing of any appeal, the decision of the Committee shall have full effect but the appellant shall have the right to attend the Meeting applicable.

PART "F"

32. COMMON SEAL

The Club shall have a Common Seal to be kept in the custody of the Secretary and shall be used only on the authority of the Committee.

With such authority, any two of the President, Vice President, Secretary and Treasurer for the time being, shall affix the Common Seal to any deed, instrument or writing, and be signed by such officers.

33. TRUSTEES

The President and Vice President shall be ex-officio trustees of the Club; and all property including records, books, documents and securities of the Club shall except as otherwise stated be vested in their trust and custody for and on behalf of the members for the time being.

Records and documents held in trust may be inspected by members of the Club who shall be permitted to copy such records but shall not remove them from trustee's possession.

34. CLUB LICENCE

On any application to the Director of Liquor Licencing for a Club Licence of the Club and whilst the Club shall continue to hold such Club Licence, these Rules shall be interpreted in all things as being subject to the provisions of the Liquor Act and such provisions shall be deemed to be included in and form part of these Rules.

35. BANK/INVESTMENTS

The funds of the Club shall be placed in such Bank or Financial Institution as the Committee may from time to time determine to the credit of the Dalkeith Nedlands Bowling Club (Inc) and shall be operated upon by cheque and signed by any one of the President, Vice President, Secretary or Treasurer, or by electronic transfer if approved by the Committee.

36. EMPLOYEES

The Committee shall be responsible for the engagement and termination of all employees of the Club and shall do so within the following guide lines:

- (a) No person under the age of eighteen (18) years shall be employed in the sale or delivery of liquor.
- (b) The hours worked shall not exceed those set down in the industrial awards, governing employees engaged in similar work.
- (c) Employees shall be paid not less than the rates laid down under current relevant Western Australian State or Federal Awards.

- (d) No payment or part payment of any Secretary, Manager or other officer or employee of the Club shall be made by way of commission or allowance from or upon the receipts of the Club for liquor supplied.

37. INDEMNITY

Subject to section 39D of the Act members of the Committee and Sub Committees and other Club Officials shall from time to time and at all times be held harmless and indemnified against all costs, charges, losses, damage and expenses which they or any of them sustain, incur or are put to in or about the execution and discharge of their respective trusts and offices or in or about any action suit or proceeding at law or in equity in which they or any of them shall or may be plaintiffs or defendants, provided always that the amount of such reasonable costs, charges, damages or expenses for which indemnity is intended to be hereby provided, shall as soon as reasonable after it has been sustained or incurred, be paid from the funds of the Club and that none of the other officers of the Club shall be answerable or accountable for the others or any of them or any other person or persons whosoever, but for his/her own acts, deeds and defaults alone.