

CONSTITUTION  
OF THE  
WARNBRO BOWLING CLUB (INC)

## Revision

Amendment	Pages	Effective Date
1	Complete Rewrite	2007
2	Membership category amendments. Minor format changes.	2014
3	21(c). A quorum included for Management Meetings. 23(a) Email added for AGM notice.	2016
4	8(f) Amend Temporary Member 11. Amend Membership Roll. 13. Amend Misconduct and include Appendix A. 32. Add Payments to Committee Members.	2017
5	9. Amend Membership rules 13. Amend misconduct rules and remove Appendix A: General format changes Update Headings & sub Headings, Table of Contents	2019
6	16(a)(i) and 16(a)(ii) Amend Men's and Ladies Bowls Section Annual General Meeting days.	2021
7	Amend Rules 17, 29, 40, 41 to comply with review conducted by Department of Consumer Protection and the Associations Act 2015. Amend Rule 16 to allow terms of office for Executive Committee members.	2022

8	Amend Rules 6, 7, 10, to amend the Club Financial and membership years. Amend Rule 16 and 23 to combine all AGM's into one.	2023
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## EXECUTIVE COMMITTEE

PRESIDENT  
DEPUTY PRESIDENT  
SECRETARY  
TREASURER  
MEN'S BOWLS CAPTAIN  
LADIES BOWLS CAPTAIN

## MANAGEMENT COMMITTEE

DEPUTY PRESIDENT (Chairperson)  
SECRETARY  
CHAIRPERSON HOUSE COMMITTEE  
CHAIRPERSON GREENS & GROUNDS COMMITTEE  
CHAIRPERSON BINGO COMMITTEE  
CHAIRPERSON ENTERTAINMENT COMMITTEE  
CONVENOR (IF REQUIRED)

## STANDING COMMITTEES

Bar	Chairperson Committee (up to 20)
House	Chairperson Committee (up to 5)
Grounds	Chairperson Committee (up to 5)
Entertainment	Chairperson Committee (up to 10)
Bingo	Chairperson Committee (up to 5)
Convenor	Chairperson

NOTE: No member shall hold more than one Executive position.  
Members of Men's and Ladies Bowls Committees may serve on Standing Committees.  
Standing Committee members may serve on multiple Committees but only be elected Chairperson of one Committee

## **1) NAME**

The name of the Club shall be **WARNBRO BOWLING CLUB (INC)**

## **2) CLUB COLOURS AND INSIGNIA**

The official colours of the Club shall be Purple and Gold with the insignia of a Xanthorrhoea Preissii (Grasstree) in black on a purple and gold background.

## **3) DEFINITIONS**

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

- a) The “Association” means the Royal Western Australian Bowling Association (Inc) trading as Bowls WA;
- b) The “Club” means Warnbro Bowling Club (Inc);
- c) “Meetings of the Club” mean Annual General Meetings, General Meetings or Special Meetings as called in accordance with these Rules;
- d) The “Club Premises” means all land and buildings and structures thereon of which the Club is the bona fide occupier;
- e) The “Committee” means the Executive Committee for the Club, duly elected in accordance with these Rules;
- f) The “Secretary” means the Executive Secretary of the Club, duly elected or appointed and includes any deputy or person temporarily fulfilling the office of Secretary;
- g) The “Treasurer” means the Executive Treasurer of the Club, duly elected or appointed and includes any deputy or person temporarily fulfilling the office of Treasurer;
- h) “Financial records” Includes: invoices, receipts, orders for the payment of money, bills of exchange, cheques, promissory notes and vouchers; documents of prime entry; working papers and other documents needed to explain the methods by which financial statements are prepared; and adjustments to be made in preparing financial statements;
- i) “Rules” means this Constitution and Bylaws;
- j) “The Act” means the Liquor Control Act 1988 and any amendments thereto, or any other legislation that may come into force to replace or supplement that Act;
- k) “Legislative Requirements” refers to any Statute or Legislative Requirement(s) for the conduct of Incorporated Bodies.

## **4) OBJECTIVES**

The objectives of the Club shall be:

- (a) to foster the game of lawn bowls and promote social sporting activities and recreational fellowship amongst members;
- (b) to affiliate with the Royal Western Australian Bowling Association (Inc) trading as Bowls WA. The members shall recognise and accept the RWABA Constitution Rules and Bylaws and shall make all decisions consistent therewith. All games of lawn bowls shall be played according to the Constitution, Bylaws and Laws of the game currently recognised by the Association;
- (c) to apply solely the property and income of the Club 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.

## 5) PROPERTY AND INCOME

The Club shall:

- (a) provide and maintain bowling greens, buildings, grounds and such amenities as shall be deemed necessary from time to time to accommodate its members in accordance with the objectives of the Club;
- (b) provide facilities for members and their guests within the premises of which the Club is the bona-fide occupier;
- (c) make such arrangements as may be necessary for the purchase, lease or maintenance of land on which the Club is situated;
- (d) if 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, and to invest any surplus funds of the Club with a bank as defined by the Banking Act or recognised money institution through such Bank;
- (e) NOT be responsible for the loss or damage to any article whatsoever brought into the Club premises by members or visitors;
- (f) ensure that no member shall take from the Club or injure or destroy any property of the Club without proper authority;
- (g) ensure that any member shall make proper restitution for any loss or damage resulting from a breach of Rule (f);
- (h) assess the amount to be paid by the member in breach of Rule (f) and that assessment shall be final.

## 6) CLUB YEAR

The Club year shall commence on the 1st of July in each year. Annual subscriptions, payable in advance, are due from the 1st day of July. The Committee may grant an extension of time on written application by a member.

## 7) FINANCIAL YEAR

The Financial year shall begin on 1st July and end on June 30th of the following year except where required by taxation laws.

## 8) MEMBERSHIP

Members of the Club shall be persons of a minimum age of eight (8) years and will belong to one of the following categories;

- Full Member
  - Life Member
  - Social Member
  - Junior Member
  - Provisional Member
  - Temporary Member
  - Honorary Member
  - Dual Club Member
- (a) **Full Member** – Persons of or above the age of eighteen (18) years are entitled to exercise the full privileges of the Club; excepting that where a member becomes an employee of the Club, they shall not be entitled to hold any office.
  - (b) **Life Member** - Persons recommended by the Executive Committee to an Annual General Meeting of the Club, and elected at such meeting to be a Life Member for long and conspicuous service to the Club, and shall enjoy all the privileges of a Full member at no cost. Not more than two (2) Life Members shall be elected in any one (1) year.

- (c) **Social Member** – Persons of or above the age of eighteen (18) years of age who may enjoy the privileges of the Club, whilst paying a membership fee as determined by the Committee, and are eligible to have the same access to bowls coaching as is currently available to new prospective bowling members, but shall NOT be eligible to:
- i. stand for any office or serve on any Committee within the Club.
  - ii. vote in any ballot or at a General Meeting of the Club.
  - iii. propose or second Motions of change to the Constitution or Bylaws of the Club.
  - iv. propose or second any application for membership of the Club.
  - v. use the greens except at the specific invitation of an Executive Committee member or in the course of bowls coaching.
- (d) **Junior Member** – Persons of not less than eight (8 ) years of age and under eighteen (18) years, who may enjoy all the privileges of the Club but shall NOT be eligible to:
- i. stand for any Office in the Club.
  - ii. vote in any ballot or at a General Meeting of the Club.
  - iii. propose or second motions of change to the Constitution or Bylaws of the Club.
  - iv. propose or second any application for membership of the Club.
  - v. sign guests into the Club.
- (e) **Provisional Member** – Persons who are current Full members of another bowling Club affiliated with the Association or with a similar Association in Australia or any country affiliated with World Bowls shall be entitled to all the privileges of the Club whilst bowling but shall NOT be eligible to:
- i. serve on any Committee within the Club.
  - ii. vote in any ballot or at a General Meeting of the Club.
  - iii. propose or second Motions of change to the Constitution or Bylaws of the Club
  - iv. propose or second any application for membership of the Club.
  - v. play in any pennant matches for the Club.
  - vi. represent the Club or play in Club Championships or Competitions.
  - vii. sign guests into Club.
- (f) **Temporary Member** - A person who on any day is visiting the Club as a member or official of another club :-
- i. that is to engage in a pre-arranged event with the host club conducted for the purposes of one of the host Club’s principal objects, or
  - ii. that is to hold a pre-arranged function at the host club involving the use of the host club’s sporting facilities on that day,
- may be taken to be a person who is accorded Temporary Membership on that day.
- (g) **Honorary Member** – Honorary membership may be granted, without fees, to the Club Patron(s), the Mayor and/or Mayoress of the City of Rockingham or persons deputising for them, and other such persons as the Executive Committee shall determine from time to time.
- (h) **Dual Club Member** – Dual Club membership may be awarded to members’ capitated at other Clubs, but who qualify for Pennant selection for the Club, under the Bowls WA ruling for such Dual Club membership. A member awarded Dual Club membership to the Club shall be afforded the same rights as a Provisional Member with the exceptions that they:



- i. may play in a pennant competition for the Club as long as within the Rules laid down by the Association.
- ii. Pay full membership fees minus the Club affiliation fee

## **9) APPLICATIONS FOR MEMBERSHIP**

- (a) Applications for Full, Social, Provisional and Junior members shall be proposed and seconded by Full or Life members of the Club. All such applications shall be in writing on a form as prescribed in Bylaw 6.
- (b) Applications for Dual Club Membership (where Warnbro Bowling Club is not that Bowlers Capitated Club) shall be provided on a form as prescribed in Bylaw 6, and considered by the Executive on a case by case basis.
- (c) All applications for membership shall be posted on the noticeboard of the Club for a period of not less than seven days before election, provided also that an interval of not less than two weeks shall elapse between nomination and election.
- (d) The Committee members must consider each application at a Committee meeting and must at the Committee meeting or the next Committee meeting accept or reject that application.
- (e) The Committee shall have the right to refuse to admit any person to membership without assigning any reason for doing so.

## **10) MEMBERSHIP FEES**

All fees and subscriptions shall be recommended by the Executive Committee and shall be presented to Members no later than November of the current financial year or at a Special Meeting called for this purpose.

Such annual subscription shall become due and payable on the first day of July in each year.

### **(a) Nomination and Subscriptions**

- i. New members may be subject to a nomination fee as determined by the Committee in addition to the annual subscription relevant to the category of membership.
- ii. The Committee may waive the nomination fee for a former member of the Club or where a person is transferring current membership from an affiliated Club in Australia
- iii. Persons joining the Club as Full members (not renewing an existing membership) after the 31st day of December in each year shall pay one half of the Annual subscription in addition to any prescribed nomination fee.
- iv. Persons joining the Club as Full members (not renewing an existing membership) after the 31st day of March in each year shall pay one quarter of the annual subscription in addition to any prescribed nomination fee.
- v. Junior members are to pay one quarter of full member fees plus half Club affiliation fee until they reach the age of eighteen (18) years.
- vi. The Nomination form for membership and the fee structure are contained in Bylaw 6.

### **(b) Affiliation Fee and Levies**

- i. The Club Affiliation Fee, as determined by the Committee, shall be in addition to fees and subscriptions.
- ii. Levies as determined by the Committee and presented to a General Meeting of members called for that purpose shall be additional to fees and subscriptions.

(c) **Unfinancial Members**

- i. The Committee may by resolution remove from the register of members, the name of any member who fails to pay subscriptions, levies or fees imposed by the Club within one month of the due date of payment.
- ii. A new member shall pay their subscription within one month of notification of election to membership, or their right to membership shall lapse.

(d) **Special Circumstance**

- i. Being satisfied, that any member, through absence, illness, financial difficulties, unemployment, physical disability or other special circumstances, is unable to pay their full subscription, the Committee may relieve them of part of their liability but not so as to make their total liability less than ten per cent of their applicable subscription.

## **11) MEMBERSHIP ROLL**

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 Club premises.

## **12) RESIGNATION FROM MEMBERSHIP**

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

## **13) DISCIPLINARY ACTION AND DISPUTE RESOLUTION**

The Rule is to be used to determine allegation of misconduct by Club Members. The Executive Committee shall deal with all matters involving misconduct by Club members, in accordance with the outline below. The Executive Committee may refer, to the relevant Men's or Ladies Bowling Committees, any disputes between members.

All other matters of misconduct will be conducted as per below.

Misconduct by Club Employees will be dealt with in accordance with the provisions of the Fair Work Act 2009, and misconduct by guests will be dealt with in accordance with the provisions of the Liquor Control Act 1988.

(a) **Suspension or Expulsion of Members**

1. The Committee shall have the power to reprimand, suspend or expel any member of the Club.
2. The President, Committee or Approved Manager, in receiving a complaint from the Approved Manager or Approved Bar Staff, of a member's behaviour which is considered a serious breach of the Liquor Act or acceptable member behaviour or where police involvement is required, may suspend a member for a period of time until disciplinary action under Rule 13(6) can be taken.
3. The Committee is required to exempt any member of that Committee from hearing a charge in which he or she has an interest.
4. If a responding member or a representative of the responding member does not attend within 30 minutes of the time stated on the hearing notice, the hearing may start without that member or his or her representative and determination will be made at the hearing.

5. The Committee shall apply the power to reprimand, suspend or expel any member of The Club who:
  - (i) fail in the observance or commit any breach of any Rule or By-Law of The Club or of any order or direction of the Executive Committee or of any General Meeting; and/or
  - (ii) in the sole judgement of the Executive Committee have been guilty in or out of The Club's premises of any act, conducted matter or thing calculated to bring discredit on The Club or its members, or to impair or affect the enjoyment of The Club by other members.
6. Any member charged with misconduct as above shall be furnished with a written copy of the charge and summoned before the Committee with no less than seven (7) days' notice.
  - (i) The Committee shall after hearing the accuser and accused and taking such evidence as they may consider proper, if they find the charge proved, inflict a penalty of suspension from all or any of the privileges of membership.
  - (ii) If the Committee consider that on a charge of gross misconduct suspension as above is insufficient, they may call on the member to resign, and if the member neglects to resign within ten (10) days they may declare the member to be expelled.
  - (iii) If a Member is suspended or expelled under Rule 13(a)(6)((i) or (ii), the person may appeal the Committee's decision through a Special General Meeting by giving written notice to the Secretary within fourteen (14) days of receiving notice of the Committee's decision under Rule 13(a)(6)(i) or (ii).
7. Members are not permitted to have legal representation attend any disciplinary matters, but may bring another member to act in a support capacity only.
8. If a Member's membership is suspended under Rule 13(a)(6(i) or (ii), the Secretary must record in the Register:
  - (i) the name of the Member that has been suspended from membership;
  - (ii) the date on which the suspension takes effect; and
  - (iii) the length of the suspension as determined by the Committee under Rule 13(a)(6(i) or 6(ii)
9. During the period a member's membership is suspended, the member loses any rights (including voting rights) arising as a result of membership;
  - (i) is not entitled to a refund, rebate, relief or credit for membership fees paid, or payable, to The Club; and
  - (ii) Cannot attend the club as a Guest of a member, unless prior written authorisation is received by the Executive Committee.
  - (iii) If the member joins another Bowling Club, the person may not bowl at the Club for the term of any suspension, or if the member is expelled that member may not bowl at the Club at all.
10. Upon the expiry of the period of a Member's suspension, the Secretary must record in the Register that the Member is no longer suspended.
11. If the Executive Committee's decision to suspend or expel a Member is revoked under these Rules, any act performed by the Executive Committee or Members in a General Meeting during the period that the Member was suspended or expelled from Membership under Rule 13 (a)(6(i) or (ii), is deemed to be valid, notwithstanding the Member's inability to exercise their rights or privileges of Membership, including voting rights, during that period.

(b) **Resolving Disputes**

1. Disputes Arising under the Rules

(i) Rule 13(b) applies to:

- i. Disputes between Members; and
  - ii. Disputes between the Club and one or more Members that arise under the rules or relate to the rules of The Club. This does not include disciplinary matters undertaken with club members, which are covered only under Rule 13(a) of the Club Constitution.
2. The parties to a dispute must attempt to resolve the dispute between themselves within fourteen (14) days of the dispute coming to the attention of each party.
  3. If the parties are unable to resolve the dispute, any party to the dispute may initiate a procedure under this rule by giving written notice to the Secretary of the parties to, and details of, the dispute.
  4. The Secretary must convene a Committee Meeting within twenty-eight (28) days after the Secretary receives notice of the dispute under Rule 13(b)(3) for the Committee to determine the dispute.
  5. At the Committee Meeting to determine the dispute, all parties to the dispute must be given a full and fair opportunity to state their respective cases orally, in writing or both.
  6. The Secretary must inform the parties to the dispute of the Committee's decision and the reasons for the decision within seven (7) days after the Committee Meeting referred to in Rule 13(b)(5).
  7. If any party to the dispute is dissatisfied with the decision of the Committee they may elect to initiate further dispute resolution procedures as set out in the Rules.

(c) **Mediation**

1. Rule 13(c) applies:

- a) where a person is dissatisfied with a decision made by the Committee under Rule 13 (a) or Rule 13 (b) or
  - b) where a dispute arises between a Member or more than one Member and The Club and any party to the dispute elects not to have the matter determined by the Committee.
2. Where the dispute relates to a proposal for the suspension or expulsion of a Member this rule does not apply until the procedure under Rule 13(a)(6) in respect of the proposed suspension or expulsion has been completed.
  3. If the parties to a dispute are unable to resolve the dispute between themselves within the time required by Rule 13 (b)(2), or a party to the dispute is dissatisfied with a decision made by the Committee under Rule 13 (a)(5) a party to a dispute may:
    - a) Provide written notice to the Secretary of the parties to, and the details of, the dispute;
    - b) Agree to, or request the appointment of, a mediator.
  4. The Party, or parties requesting the mediation must pay the costs of the mediation.
  5. The mediator must be:
    - a) a person chosen by agreement between the parties; or
    - b) in the absence of agreement:
      - i. if the dispute is between a Member and another Member – a person appointed by the Committee; or
      - ii. if the dispute is between a Member or more than one Member and The Club, the Committee or a Committee Member then an independent person who is a mediator appointed to, or employed with, a not for profit organisation.

6. A Member can be a mediator, but the mediator cannot be a Member who is a party to the dispute.
7. The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
8. The parties are to exchange written statements of the issues that are in dispute between them and supply copies to the mediator at least five (5) days before the mediation session.
9. The mediator, in conducting the mediation, must:
  - a) give the parties to the mediation process every opportunity to be heard;
  - b) allow all parties to consider any written statement submitted by any party;
  - c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
10. The mediator must not determine the dispute and the mediation must be confidential. Information provided by the parties in the course of the mediation cannot be used in any other legal proceedings that may take place in relation to the dispute.

(d) **Inability to Resolve Disputes**

1. If a dispute cannot be resolved under the procedures set out in the Rules, any party to the dispute may apply to the State Administrative Tribunal to determine the dispute in accordance with the Act or otherwise at law.

**14) GUESTS**

- (a) Full, Life and Social members may introduce guests to the Club at any time provided by "The Act" and must ensure they sign them in the Visitors Book located within the Club. The same guest may not be signed in more than five times in any one calendar year.
- (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 the Club premises.
- (d) The member introducing a guest shall be responsible for the proper conduct of the guest whilst on the Club premises.
- (e) Any person who has been refused membership of the Club or who shall be 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. A person who has been refused membership of the Club, but who is a member of another Club competing in a competition at the Warnbro Bowling Club shall be accorded the same privileges as other visiting competitors.
- (f) Members may sign in five (5) guests on any one day.
- (g) The only guests to the Club not required to sign in are sporting teams and their supporters or guests attending planned games or functions within the Club.

**15) CLUB OFFICE BEARERS**

The Office Bearers of the Club are the:

- President
- Deputy President
- Secretary
- Treasurer

## 16) MANAGEMENT

- a) The management of the Club shall be vested in the Executive Committee consisting of the following elected positions:
  - i. President (elected for a 2-year term)
  - ii. Deputy President (elected for a 2-year term)
  - iii. Secretary (elected for a 2-year term)
  - iv. Treasurer (elected for a 2-year term)
  - v. Ladies Captain (elected for a 1-year term)
  - vi. Men's Captain (elected for a 1-year term)
- b) Positions for the Executive Committee shall be elected as follows:
  - i. President, Deputy President, Secretary and Treasurer shall be elected at the Annual General Meeting of the Club by all Life and financial Full Members.
  - ii. The Ladies Captain who, along with the Ladies Bowls Committee, shall be elected annually by all female Life and financial female Full members at the Annual General Meeting of the Club. The Ladies Captain will be responsible for managing the Ladies Bowls Committee in accordance with Bylaw 3.
  - iii. The Men's Captain who, along with the Men's Bowls Committee, shall be elected annually by all financial male Life and financial Full members at the Annual General Meeting of the Club. The Men's Captain will be responsible for managing the Men's Bowls Committee in accordance with Bylaw 2.
- c) Elected Committee member terms commence at the conclusion of the Annual Meeting at which the election was held and ends at the conclusion of the Annual Meeting when term expires.
- d) Committee Transition – upon acceptance of these rules the following shall apply:
  - i. Terms of office for existing committee members expire at the Annual Meeting following approval of these rules.
  - ii. In the first year commencing the start of the new rules the Deputy President and Treasurer shall be elected for a one (1) year term.
    - At the conclusion of this term, the Deputy President and Treasurer shall retire from the committee and be eligible for re-election for a two (2) year term.
  - iii. Thereafter:
    - i. Deputy President and Treasurer terms expire in odd numbered years
    - ii. President and Secretary expire in even numbered years
- e) Committee members shall be a financial member with voting rights who are not under suspension or ineligible as per Sections 19(g) and 19(h).
- f) Committee members may only hold one position concurrently.
- g) **Management Committee**

The Management Committee shall comprise of:

- Deputy President (Chairperson)
- Chairperson House Committee
- Chairperson Greens & Grounds Committee
- Chairperson Bingo Committee
- Chairperson Entertainment Committee
- Convenor (if required)

All of whom will be elected annually by all Life and financial Full Members of the Club at the Annual General Meeting of the Club. Chairpersons of Standing Committees are to attend Management Committee meetings in accordance with Rule 21. Chairpersons of Standing Committees may appoint their own committee.

## h) Standing Committees

- House,
- Entertainment,
- Greens and Grounds,
- Bingo
- Bar (if required),
- Convenor Kitchen (if required)

## **17) DUTIES OF OFFICERS**

### **(a) PRESIDENT**

- i. The President shall preside over all Executive, General and Special meetings of the Club. In the President's absence the Deputy President shall preside. If neither of the aforementioned office bearers is present, the meeting shall elect a Chairperson.
- ii. At all General Meetings of the Club and all meetings of the Committee, the President or in the President's absence the presiding Chairperson shall have a casting vote. The vote shall be as directed by the Chairperson either by a show of hands by those present and eligible to vote or by a division or a secret ballot. Any member may demand a division or a secret ballot.
- iii. The President shall be ex officio of all Bowling Committees.
- iv. The President is responsible for signing and dating all minutes after they have been confirmed and accepted.

### **(b) DEPUTY PRESIDENT**

- i. The Deputy President shall preside over all meetings of the Management Committee and in the absence of the President shall preside at meetings as described above. In the absence of the Deputy President the meeting shall elect a chairperson.
- ii. In all Management meetings the Chairperson shall have a casting vote; the vote shall be directed by the Chairperson, either by a show of hands by those present and eligible to vote or division or a ballot.
- iii. The Deputy President shall be ex officio of all Standing Committees.

### **(c) SECRETARY**

- i. Subject to Rule 17(d)(iv), the non-financial books and any securities of the Association must be kept in the Secretary's custody or under the Secretary's control.
- ii. The Secretary or Assistant Secretary of the Club unless otherwise excused, shall attend all meetings of the Executive Committee, keep a correct record of all proceedings in a book provided for that purpose,
- iii. Shall keep a record of all names and addresses of members of the Club. A register must be kept and maintained at the Secretary's place of residence or at such other place as the members at a general meeting decide and the Secretary must, upon the request of a member of the Club, make available the record for the inspection of the member and the member may make a copy or take an extract from the record but will have no right to remove the record for that purpose;
- iv. do such clerical work as may be necessary for the observance of the Rules and Bylaws of the Club;
- v. keep and maintain in an up to date condition the Rules of the Club and, upon the request of a member of the Club, must make available those Rules for the inspection of the member and the member may make a copy or take an extract

- from the Rules, but will have no right to remove the Rules for that purpose.
- vi. In the absence of the Treasurer of the Club the Secretary shall be authorised to receive and duly receipt monies on behalf of the Club.
- vii. The Secretary shall convene all meetings of the Club and of the Executive Committee in accordance with these Rules;
- viii. attend to all correspondence and carry out the normal duties of the office of Secretary as required by the Committee.

**(d) TREASURER**

- i. The Treasurer shall be responsible for all monies paid to the Club and shall ensure that they are brought to account in the Club books and deposited to the credit of the Clubs bank account.
- ii. The Treasurer shall prepare books for monthly meetings and display the monthly account sheets on the notice board next to monthly meetings.
- iii. The Treasurer shall keep correct accounts and books showing the financial affairs of the Club in accordance with the statutory and legislative requirements.
- iv. The Treasurer must, unless the members resolve otherwise at a general meeting, have custody of all securities, books and financial records of the Club,
- v. At the Annual General Meeting of the Club the Treasurer shall present an audited statement of receipts and expenditure of the Club for the past year and a balance sheet. A projection for the coming Financial Year of Income and Expenditure should be prepared and presented.

**18) POWERS OF EXECUTIVE COMMITTEE**

The Executive Committee shall have the power to:-

- (a) frame, alter, amend and rescind Bylaws for the Management of the Club and its associated sporting activities. Bylaws must be consistent with the Rules. Such Bylaws may prescribe penalties for any breach of the Rules, and shall be equally as binding as, but not be opposed to the Rules. A certified copy of all Bylaws shall be posted in the Clubhouse.
- (b) call elections within the terms of these Rules;
- (c) fill any vacancy on the Committee or any other Standing Committee of the Club;
- (d) co-opt members for Standing Committees;
- (e) refuse to admit any person to membership of the Club in accordance with Rule 8;
- (f) limit the number of members of the various categories of membership as and if required.
- (g) re-elect without nomination fee ex-members seeking membership;
- (h) strike levies from members to meet extraordinary expenditure of the Club. Levies shall be payable on request;
- (i) create and direct new sub-committees and formulate the structure and duties of the Standing Committees and sub Committees as required for effective management of the Club;
- (j) delegate any portion of their powers to any special sub-committee not otherwise provided for in these Rules;
- (k) appoint an Assistant Secretary, Assistant Treasurer, Assistant Convenor, or a Promotions Officer to carry out such duties as they may determine;
- (l) 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;
- (m) Hear and determine charges of misconduct lodged against any member under these



Rules and to impose penalties as prescribed in Bylaw 5.

### **19) CO-OPTED MEMBERS**

The Executive Committee shall have the power to co-opt financial Full or Life members at any time to assist the Secretary, Treasurer, or any Committee, or a Promotions Officer to assist or further the objects of the Club. Such persons will not have voting rights in any Committee except when acting in the absence of the Secretary, Treasurer or a delegate.

### **20) MEETINGS OF EXECUTIVE COMMITTEE**

- (a) The Executive Committee shall meet at least monthly at such place and on such dates as shall be decided by the Committee from time to time.
- (b) 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.
- (c) At all meetings of the Executive Committee four (4) shall form a quorum. If there be no quorum present within 30 minutes of the time scheduled for the commencement of the meeting, the meeting will stand adjourned for one week at the same hour. If at such adjourned meeting no quorum were present, those present not being less than three (3) shall have the power to transact the business of such meeting.
- (d) Any member of the Executive Committee who is absent from three (3) consecutive meetings without leave of the Committee, may forfeit the office.
- (e) The President shall preside at all meetings of the Executive Committee. In his absence the Deputy President shall preside but if neither were in attendance, the meeting shall elect a chairperson. The chairperson may exercise a casting vote.
- (f) The Secretary shall record the minutes of all resolutions and proceedings of the Committee in a book maintained for the purpose.
- (g) The Committee without reference to the previous ballot may fill any vacancy occurring in the Committee through resignation, expulsion or any other cause.

### **21) MEETINGS OF MANAGEMENT COMMITTEE**

- (a) The Management Committee shall meet at least monthly at such place and on such dates, ensuring that the meeting be prior to the Monthly Executive Meeting, unless directed by the Executive Committee for the holding of any combined meetings to be chaired by the President.
- (b) The Deputy President shall call meetings of the Management Committee when instructed to do so, or by any three members of the Management Committee. The Deputy President shall be solely responsible for the proper advice to all members of the Management Committee not less than 48 hours before the time set for such meeting.
- (c) At all meetings of the Management Committee four (4) shall form a quorum. If there be no quorum present within 30 minutes of the time scheduled for the commencement of the meeting, the meeting will stand adjourned until the following Executive meeting and those available should attend that as a Combined Meeting.
- (d) Any member of the Management Committee who is absent from three (3) consecutive meetings without leave of the Committee, may forfeit the office.
- (e) The Deputy President shall preside at all meetings of the Management Committee. In their absence the meeting shall elect a chairperson. The chairperson may exercise a casting vote.
- (f) The Deputy President, or in their absence, the Chairperson shall record the minutes

of all resolutions and proceedings of the Management Committee in a book maintained for the purpose.

## **22) 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, Deputy President, Secretary and Treasurer who shall be competent to exercise all powers vested in the Executive Committee, until the holding of a Special General Meeting convened for the purpose of electing their successors; which Special General Meeting shall be held within fourteen (14) days of receipt of such resignation.

## **23) ANNUAL GENERAL MEETING**

- (a) The Annual General Meeting of the Club shall be held on the third (3rd) Sunday of September, unless otherwise directed by the Committee, but must be held within 6 months of the end of the Club financial year. Notice of same shall be in writing to all members and posted or emailed to their last known address, not less than seven (7) days prior to the meeting and displayed on the notice board of the Club not less than fourteen (14) days before the date of the meeting.
- (b) Twenty (20%) percent of Life and financial Full members of the Club as at 3<sup>rd</sup> Friday in June of the current financial year 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.
- (c) If at such adjourned meeting there is no quorum, those present shall be competent to discharge the business.

## **24) CONDUCT OF THE ANNUAL GENERAL MEETING**

The President shall preside over the Annual General Meeting. In his absence the Deputy President shall preside. In the absence of the aforementioned, the meeting shall elect a Chairperson from the members present. The Chairperson shall have power to exercise a casting vote.

The Annual General Meeting will consist of:

- (a) Reading and 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 Presidents report
- (c) Receiving and discussing the Annual Balance Sheet and account and reports of the Treasurer and Auditor.
- (d) Election of the Club patron(s).
- (e) Election of the Club Auditor.
- (f) Election of Life Members, if required.
- (g) Special business of which notice of motion has been given.
- (h) General business, (prior notification to Secretary required)
- (i) Declaration of the ballot and election of the Committee in accordance with Bylaw 4.

## **25) SPECIAL GENERAL MEETING**

- (a) The secretary shall call for 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 percent (12 ½%) of financial Full and Life members of the Club at the date of receipt of such requisition.
- (b) Special General Meetings shall be advertised by displaying a notice on the Club notice board, not less than fourteen (14) days prior to the meeting, specifying the business to be transacted and no other business shall be dealt with at such meeting.

- (c) Twenty (20%) of all financial Full and Life members shall form a quorum and if no quorum be present thirty minutes after the appointed meeting time the meeting shall stand adjourned for seven (7) days.
- (d) If at such adjourned meeting there is no quorum the meeting shall lapse.

## **26) BALLOT PROCEDURES**

Ballot Procedures can be found in Bylaw 4 and are to be used for all elections in the Club.

## **27) AUDITOR**

At the Annual General Meeting of members 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 Sheets of the Club.

## **28) INTERPRETATION OF 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, by a three quarters majority of members then present, be disagreed with.
- (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 and neuter gender in accordance with the Constitution Rules and Bylaws of the Association.
- (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 Bylaws of the Club.
- (e) While the Club holds a License under the Liquor Control Act, these Rules shall be construed and interpreted as being subject to the provisions of the Liquor Licensing Act 1988 and any future amendments of the Act which shall be deemed to be included in and form part of these Rules.

## **29) AMENDMENT OF RULES**

- (a) No rule shall be amended or repealed, nor shall any new rule be made, except by passing a Special Resolution by a majority of three-fourths of the members present and eligible to vote at an Annual General Meeting, or at a Special General Meeting called for the purpose of passing the Special Resolution.
- (b) Notice of any proposed amendment, repeal or addition must be given by notice in writing to the Secretary twenty one (21) days prior to date of any such meeting. Such notice shall be displayed in the Club premises for not less than ten (10) days before the date appointed for the holding of such meeting for the proposal to so amend, repeal or add to the Rules
- (c) Within 28 days of approving any change to the Constitution or Rules of the Club, the Secretary shall provide to the Department of Consumer Protection and Bowls WA a copy of the approved amended Constitution.

## **30) LIMITATION OF CLUB EXPENDITURE**

In each of the following unspecified purchasing values indicated by the brackets; value limits will be set as recommended to the Members from time to time by the Executive Committee and displayed on the Club notice board in any one instance.

- (a) Purchases up to \$(.....)  
The Secretary and Chairpersons of Standing Committees with the exception of the Bar shall

- have the authority to approve purchases of goods and services, relative to their responsibilities up to the value of \$( )
- (b) Purchases up to \$(.....)  
The Executive shall have the authority to approve the purchase of goods and services up to a value of \$( )
  - (c) Purchases in excess of \$(.....)  
Purchases of goods and services with a value in excess of \$ ( ..... ) shall be approved by a general meeting of the Club after receiving a recommendation from the Executive Committee.
  - (d) Urgent or extraordinary expenditure  
Urgent or extraordinary expenditure needed for immediate repair or replacement of assets for Club operation purposes may be approved at the next Executive meeting.
  - (e) Purchases of bar trading stock shall stand alone.

### **31) PURCHASING PROCEDURES**

In each of the following unspecified purchasing values indicated by the brackets; value limits will be set as recommended to the Members from time to time by the Executive Committee and displayed on the Club notice board in any one instance.

- (a) Purchases of goods and services with a value of less than \$( ..... ) shall be made on verbal quotes wherever it is considered practical to do so).
- (b) Proposals to purchase goods and services with a value in excess of \$( ..... ) shall be subject to a written submission by the Secretary or Standing Committee Chairperson as appropriate. Such submissions should outline the need for the purchase and detail of oral or written quotes.
- (c) All purchases in excess of \$(.....) shall be examined and require the recommendation of the Committee.

### **32) PAYMENTS TO COMMITTEE MEMBERS**

In this rule —

- committee member*** includes a member of a subcommittee;
- committee meeting*** includes a meeting of a subcommittee.

A committee member is entitled to be paid out of the funds of the Club for any out-of-pocket expenses for travel and accommodation properly incurred-

- (a) in attending a committee meeting or
- (b) in attending a general meeting; or
- (c) otherwise in connection with the Club's business.

### **33) PROVISION OF REFRESHMENTS**

- (a) The Club will create a Management Policy Statement in regards to Harm Minimisation as required by the Director of Liquor Licensing. This policy statement will include a House Management Policy, a Code of Conduct and a Management Plan for the Club. These documents will be on display in the entrance of the Club
- (b) Minors, other than Junior Bowlers, are to be under supervision of members or their guests at all times whilst on the Club premises and shall conduct themselves in accordance with the Act
- (c) All personnel who serve behind the Bar on a voluntary basis will be required to undergo a course in Responsible Service of Alcohol. The Club Manager will be required to have completed an Approved Managers Course. Other Bar personnel may also complete the Approved Managers training.
- (d) Appropriate signage is to be displayed around the Bar and the Club to warn on the harm and dangers of alcohol.

### **34) 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 the President and Deputy President shall affix the Common Seal to any deed, instrument or writing, signed by the said officers and countersigned by the Secretary or a designated Public Officer.

### **35) CERTIFICATE OF REGISTRATION**

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

### **36) BANK**

The funds of the Club shall be placed in such Bank as the Committee may from time to time determine, to the credit of the Warnbro Bowling Club (Inc) and shall be operated upon by cheque or electronic funds transfer (EFT), signed, or authorised electronically by any two of the President, Deputy President, Secretary or Treasurer.

### **37) EMPLOYEES**

The Committee shall be responsible for engaging and terminating all employees of the Club and shall do so within the following guide-lines.

- (a) No person under the age of eighteen (18) 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.
- (e) Notwithstanding the provisions of (b) and (c) of this clause, the Finance Committee shall be empowered to negotiate a suitable Work Place Agreement in accordance with the Industrial Laws of this State.

### **38) INSPECTION OF RECORDS**

A member may at any reasonable time inspect without charge the books, documents, records and securities of the Warnbro Bowling Club (Inc)

### **39) INDEMNITY OF VOLUNTEERS**

All volunteers of the Club shall be indemnified in accordance with the Volunteers Act, Rules of Incorporation and the Club Insurance policies.

### **40) DISSOLUTION**

The Club may be dissolved or wound up by a Special Resolution at any General or Special Meeting called for such a purpose, providing that:

- i. A minimum of 75% of financial voting members are present at any such meeting, and
- ii. 75% of the votes cast at that meeting must favour dissolution.

#### **41) DISTRIBUTION OF SURPLUS PROPERTY ON CANCELLATION OF INCORPORATION OR WINDING UP**


NOTE: Associations Act requirement:

Under section 24(1) of the Act surplus property can only be distributed to one or more of the following —

- an incorporated association;
  - a company limited by guarantee that is registered as mentioned in the Corporations Act section 150;
  - a company holding a licence that continues in force under the Corporations Act section 151;
  - a body corporate that at the time of the distribution is the holder of a licence under the Charitable Collections Act 1946;
  - a body corporate that —
    - is a member or former member of the incorporated association; and
    - at the time of the distribution of surplus property, has rules that prevent the distribution of property to its members;
  - a trustee for a body corporate referred to in paragraph (e);
  - a co-operative registered under the Co-operatives Act 2009 that, at the time of the distribution of surplus property, is a non-distributing co-operative as defined in that Act.
- (a) In this rule —
- surplus property, in relation to the Warnbro Bowling Club (Club), means property remaining after satisfaction of —
  - the debts and liabilities of the Club; and
  - the costs, charges and expenses of winding up or cancelling the incorporation of the Club,
  - but does not include books relating to the management of the Association.
- (b) On the cancellation of the incorporation or the winding up of the Club, its surplus property must be distributed as determined by Special Resolution by reference to the persons mentioned in section 24(1) of the Act.

These Rules were adopted at a General Meeting of the Members of the Warnbro Bowling Club Inc  
on the 11<sup>th</sup> June 2023

PRESIDENT Ted Lutey

A handwritten signature in black ink, appearing to read 'E Lutey', written in a cursive style.

SECRETARY Ron Abrahams

A handwritten signature in black ink, appearing to read 'Ron Abrahams', written in a cursive style with a large checkmark-like flourish at the bottom.