

TUGGERANONG VIKINGS LAWN BOWLS CLUB INC.
Constitution 2015

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TUGGERANONG VIKINGS LAWN BOWLS CLUB - BY LAWS

NOTE

IN SEPTEMBER 2014, THE MANAGEMENT COMMITTEE CONVENED A SMALL WORKING PARTY TO REVIEW THE 2002 CONSTITUTION.

AS PART OF THE REVIEW, THE WORKING PARTY PROPOSED A NUMBER OF REVISIONS TO THE BY-LAWS AND THESE WERE ACCEPTED BY THE MANAGEMENT COMMITTEE IN APRIL 2015.

A SPECIAL GENERAL MEETING OF MEMBERS WAS CONVENED ON 1 MAY 2015 TO VOTE ON A NUMBER OF MOTIONS TO CHANGE THE NAME OF THE ASSOCIATION AND TO ALTER THE 2002 CONSTITUTION.

AT THE MEETING, THE MOTIONS WERE PASSED BY SPECIAL RESOLUTION.

Reg Bates
Secretary

20 May 2015

Dale Budnick
President

20 May 2015

1. PRELIMINARY

Definitions and Interpretations

- 1.1 Unless the context of subject matter otherwise indicates or requires:
- (a) "Club" means the Tuggeranong Vikings Lawn Bowls Club Incorporated under this present name or any change thereof that may be registered under the ACT Associations Incorporations Act 1991.
 - (b) "Licensed Club" means the local management structure of the Vikings Group.
 - (c) "Bowls ACT" means Bowls ACT Incorporated.
 - (d) "the Act" means the ACT Associations Incorporation Act 1991.
 - (e) "the Regulations" mean ACT Associations Incorporation Regulations.
 - (f) "Public Officer" means the person appointed under section 57 of the Act.
- 1.2 In these rules:
- (a) A reference to a function includes a reference to a power, authority and duty: and
 - (b) A reference to the exercise of a function includes, where the function is a power, authority or duty, a reference to the exercise of the power or the authority or the performance of a duty.
- 1.3 The provisions of the ACT Interpretations Act 1967 apply to and in respect of these rules in the same manner as those provisions would apply if these rules were an instrument made under the Act.

2. NAME OF THE CLUB AND CLUB COLOURS

- 2.1 The name of the club is the TUGGERANONG VIKINGS LAWN BOWLS CLUB INC (hereinafter called the Club).
- 2.2 The colours of the Club are Red, White and Black.

3. OBJECTS

The Objects of the Club are:

- 3.1 To promote and advance the game of bowls as an affiliated sporting club of the Licensed Club.
- 3.2 As an affiliated member of Bowls ACT, to conform to its regulations and the requirements of its Constitution and By-Laws.
- 3.3 To promote and maintain an enjoyable competitive, recreational and social environment for members, through the playing of lawn bowls, organising social functions, and by other appropriate means.

4. STRUCTURE

- 4.1 The affairs of the Club shall be administered by the Management Committee (hereinafter called the Committee).
- 4.2 The Club shall be registered as a member of Bowls ACT.
- 4.3 The Club shall affiliate with the Licensed Club.

5. ELIGIBILITY FOR MEMBERSHIP

- 5.1 Application for membership of the Club shall be limited to financial members of the Licensed Club or a junior under the age of eighteen (18) years.

6. CLASSES OF MEMBERSHIP

The membership of the Club shall consist of:

- 6.1 **ORDINARY MEMBERS-** An ordinary member is a male person who has attained the age of eighteen (18) years, who has applied for and has been accepted for membership of the Club. Ordinary members shall be entitled to enter bowling events and championships organised by the Club and Bowls ACT. Ordinary members may also vote and nominate for any office in the Club.
- 6.2 **JUNIOR MEMBERS-** A junior member is a male person under the age of eighteen (18) years who has applied for and has been accepted for junior membership of the Club. Junior members shall not be entitled to stand for office or vote at any meetings of the Club. Junior members shall be entitled to enter bowling events and championships organised by the Club and Bowls ACT.
- 6.3 **LIFE MEMBERS-** A member who has rendered meritorious service to the Club may, on the recommendation of the Committee, be elected as a Life Member of the Club at any Annual General Meeting (AGM) of the Club. Acceptance of the proposal will be by a simple majority vote.
Every Life Member shall be entitled to all of the privileges of an ordinary member but without being liable for annual Club subscriptions or annual registration fees.
- 6.4 **ASSOCIATE MEMBERSHIP** is available for male bowlers currently registered as a full bowling member of another bowling club. This membership is honorary in character and infers no right of participation in Club management, Club championships, nor the right to represent the Club in bowling events.
- 6.5 **SOCIAL (NON-BOWLING) MEMBERSHIP** is available for male persons who would like to participate in the social activities of the Club. Social members shall not be entitled to vote or nominate for any office in the Club.

7. APPLICATION FOR MEMBERSHIP

- 7.1 A person wishing to apply for membership of the Club shall make application in writing by completing an "Application for Membership" form. Each applicant shall be proposed by one (1) financial member and seconded by another financial member of the Club.
- 7.2 The Secretary will notify applicants of the result of their application after the Committee meeting at which their application was considered.
- 7.3 When an application for membership has been accepted, the new member shall, within thirty (30) days of receipt of notification, pay the due subscription. Otherwise, the membership shall automatically become null and void.
- 7.4 New members who pay annual Club subscriptions on or after 1st May of any year shall not be required to pay any further annual subscriptions prior to 1st July of the following year.
- 7.5 Restrictions shall not be imposed on any applicant by virtue of religious or political beliefs, nationality or race.

8. CESSATION OF MEMBERSHIP

8.1 A person ceases to be a member of the Club if that person:

- (a) resigns from membership of the Club;
- (b) is expelled from the Club; or
- (c) fails to renew membership of the Club or the Licensed Club.

8.2 Where a person ceases to be a member, the Secretary shall arrange for an appropriate entry to be made in the register of members.

9. SUBSCRIPTION AND LEVIES

9.1 The amount of annual Club subscriptions due and payable for each membership shall be such as the Committee determines from time to time.

9.2 An annual registration fee shall be additional to, and submitted with, the Club subscription by each member (except Life members – sub-rule 6.3). The annual registration fee will be remitted by the Club to Bowls ACT.

9.3 Green fees and levies shall be as determined by the Committee.

10. FINANCIAL YEAR

10.1 The financial year of the Club shall commence on 1st July and close on 30th June the following year.

10.2 All fees for the ensuing year are due and payable on or before 1st July of each year. Failure to renew membership within one (1) calendar month of the due date may cause that person to be required to make a new application for Club membership, at the Committee's discretion.

11. FINANCIAL ARRANGEMENTS AND ACCOUNTS

11.1 The Club shall control its own finances and bank accounts.

11.2 The Club shall ensure that adequate books of accounts are kept.

11.3 The Club shall ensure that all moneys are deposited with such financial institutions as the Committee may approve.

11.4 The delegated signatories for the Club's funds management are the President, Treasurer and Secretary. Expenditure shall be approved by any two (2) of the delegated signatories and paid either by electronic funds transfer or by cheque:

- (a) payments made through electronic funds transfer are to be checked against supporting documentation by any one (1) of the delegated signatories; and
- (b) cheques are to be signed and countersigned by any two (2) of the delegated signatories.

11.5 Payments may be made without approval where payment does not exceed such amount as approved from time to time by the Committee and is within budgeted expenditure. However, payments must be subsequently reported to the Committee for endorsement.

11.6 The Committee may approve supplementary funding to top up monies raised by members for charitable donations.

- 11.7 The Club shall prepare and forward financial statements as required to the Licensed Club in accordance with any financial agreements in place from time to time. The annual report shall include a full statement of receipts and expenditure for the preceding year for presentation at the AGM.
- 11.8 The Club shall forward financial statements, an audited report and other information to the ACT Registrar-General as required under the Act.
- 11.9 The income and property of the Club, however derived, shall be applied solely toward the promotion of the objects of the Club and no portion thereof shall be paid or transferred directly or indirectly by dividend, bonus or otherwise to any member of the Club.
- 11.10 The Club shall not pay to any member of the Committee any remuneration or other benefit in money or money's worth other than the repayment of out of pocket expenses.
- 11.11 Nothing in the foregoing provisions of this rule prevents the payment in good faith by the Club for:
- (a) Remuneration in return for services actually rendered to the Club for goods supplied to the Club in the ordinary course of business; or
 - (b) Interest at current bank overdraft rate on money lent; or
 - (c) A reasonable and proper sum by way of rent for premises let to the Club; or
 - (d) An allowance for incidental expenses. The allowance shall be subject to the approval of the Committee and subject to the Act

12. MANAGEMENT COMMITTEE

- 12.1 The entire management of the club shall be entrusted by the members to a Committee consisting of:
- PRESIDENT
 - VICE PRESIDENT
 - SECRETARY
 - TREASURER
 - BOWLS ORGANISER
 - COMMITTEE MEMBERS (2)
- 12.2 At every AGM the office bearers shall retire from office but shall be eligible for re-election if nominated.
- 12.3 For relevant requirements under the Act, the President, Vice President , Secretary and Treasurer are the executive officers of the Club.

13. POWERS AND DUTIES OF THE COMMITTEE

- 13.1 The Committee subject to these Rules and to any resolution passed by the Club in general meeting shall:
- (a) control and manage the affairs and activities of the Club;
 - (b) approve the Club's bowls program and monitor its implementation;
 - (c) monitor the activities of the Club's sub-committees;
 - (d) keep members informed of its activities and seek their views on such activities by virtue of meetings, notices and announcements on playing days; and

- (e) liaise with Bowls ACT and the Licensed Club as required in the management of the affairs and activities of the Club.
- 13.2 Should the Committee require the services of other persons for the efficient management of its activities, such persons may be co-opted by the Committee.
- 13.3 Casual vacancies on the Committee may be filled by resolution of the Committee.
- 13.4 The Committee is empowered to make, alter or revoke By-Laws consistent with the rules for the management of the Club.

14. DELEGATE TO BOWLS ACT

- 14.1 The Club shall have one delegate to Bowls ACT who shall be:
 - (a) the President;
 - (b) the Vice President (in the absence of the President); or
 - (c) the Secretary (in the absence of both the President and Vice President).

15. AGM AND QUORUM

- 15.1 The AGM of the Club shall be held at a place, time and date to be fixed by the Committee but:
 - (a) not before the close of the financial year of the Club; and
 - (b) no later than 31 July in each year.
- 15.2 Notice of the AGM shall be placed on the Club notice board at least twenty-one (21) days before the meeting, calling for nominations for positions on the Committee and for notices of motion and any other business to be transacted.
- 15.3 All business and notices of motion to be dealt with at the AGM shall be in writing, signed by the proposer and seconder, and be handed to the Secretary at least fourteen (14) days prior to the date set for the meeting.
- 15.4 The business of the AGM shall be to:
 - (a) take the names of members present and eligible to vote;
 - (b) confirm the minutes of the last preceding AGM;
 - (c) deal, as required, with any business arising from the minutes of the previous AGM;
 - (d) receive Committee reports on the activities of the Club during the last preceding financial year;
 - (e) elect members of the Committee;
 - (f) deal, as required, with any notices of motion;
 - (g) finalise the appointment of sub-committees; and
 - (h) deal with matters of general business.
- 15.5 Except where special resolution is required, a resolution shall be passed by a simple majority vote of members eligible to vote and who vote on the resolution.
- 15.6 A quorum for an AGM shall consist of thirty (30) eligible financial members or fifteen percent (15%) of the total number of eligible financial members, whichever is the lesser.
- 15.7 In the event of there being no quorum present thirty (30) minutes after the time fixed, those members who are in attendance may adjourn the meeting to a date decided upon by

them. If there is no quorum at such later meeting, those members present and entitled to vote shall be deemed to be a quorum and may transact the business for which the meeting was called.

16. NOMINATIONS FOR OFFICE

- 16.1 At least twenty-one (21) days before the date fixed for the AGM, the Secretary shall call for nominations for the Committee positions.
- 16.2 Nominations of persons for election as members of the Committee shall be in writing signed by the nominee and two (2) financial members entitled to vote and shall be delivered to the Secretary at least fourteen (14) days before the date fixed for the AGM. Such nominations shall be posted on the notice board.
- 16.3 Candidates may withdraw their consent to nomination at any time by lodging with the Secretary, a notice of withdrawal. Any withdrawal of a nomination shall be posted on the notice board if time permits, otherwise it shall be notified to the AGM.
- 16.4 The positions for which nominations are required at the AGM are listed at Paragraph 12.1.
- 16.5 No member of the Club shall hold more than one (1) administrative position in the Club except where that person may be required to be a member of a standing committee or ad-hoc committee.

17. VOTING

- 17.1 If the number of nominations received for individual positions on the Committee are equal to and fill the available vacancies, the members nominated shall be taken to be elected.
- 17.2 Should more than one nomination be received for an individual position on the Committee, an election by secret ballot shall be held. The ballot papers for that election shall be available from the returning officer (who shall be appointed by the Committee and who is not a candidate for any position) between 12.00pm and 4.15pm on the nominated men's bowling days in the week preceding the AGM and for 1 hour immediately preceding the AGM. Ballot papers when completed shall be lodged in a sealed box.
- 17.3 Tally clerks shall be appointed by the Committee and they shall tabulate the ballot papers under the supervision of the returning officer in private. Following the count, the results will be reported by the returning officer at the AGM.
- 17.4 In the event of an equal number of votes being recorded in a secret ballot, a draw shall be made by the returning officer to determine the result.
- 17.5 Only eligible financial members can nominate for office and vote at meetings for the election of office bearers.
- 17.6 No absentee, proxy or postal votes shall be permitted.
- 17.7 Any vacancy for which no nominations have been received may be filled at the AGM, or failing this, at a subsequent meeting of the incoming Committee.

18. DECLARATION OF POLL

- 18.1 The results of the polls at sub-rule 17.3 shall be declared by the returning officer at the AGM, at the conclusion of the reporting procedures of the outgoing Committee.
- 18.2 The successful candidates so named will take office at the completion of such declaration and will hold office until the next AGM of the Club or until resignation or vacation of such office within the current year.

19. COMMITTEE MEETINGS AND QUORUM

- 19.1 The Committee may meet at such times as it considers expedient but no less than six (6) times in any one financial year.
- 19.2 Committee meetings shall be held at a time and place as determined at the previous meeting.
- 19.3 The President or Secretary may summon an emergency meeting of the Committee by giving at least forty-eight (48) hours notification before the time appointed for the holding of the meeting.
- 19.4 A resolution shall be passed by a majority vote of the members at the meeting.
- 19.5 A quorum for a Committee meeting shall be five (5) members and the quorum for an emergency meeting shall be three (3) members.

20. SPECIAL GENERAL MEETINGS AND QUORUM

- 20.1 A special general meeting of the Club may be convened by the Committee, whenever it thinks fit, or by a petition lodged with the Secretary from at least fifteen (15) financial members.
- 20.2 The Secretary shall give members at least twenty-one (21) days notification of the special general meeting by placing a notice on the Club's notice board. The notice will outline the nature of the business to be transacted at the meeting.
- 20.3 Except where special resolution is required, a resolution shall be passed by a simple majority vote of members eligible to vote and who vote on the resolution.
- 20.4 A quorum for a special general meeting shall consist of thirty (30) eligible financial members or fifteen per cent (15%) of the total number of eligible financial members, whichever is the lesser.
- 20.5 In the event of there being no quorum present thirty (30) minutes after the time fixed, the nature of the business will be deemed to have lapsed.

21. PRESIDING MEMBER

- 21.1 The President or in his absence, the Vice-President shall preside at all Club meetings.
- 21.2 In the absence of the President / Vice President, the members present may elect another member of the Committee to preside at the meeting.

22. DISCIPLINING OF MEMBERS

- 22.1 Where the Committee is of the opinion that a member has breached the Club's *Code of Conduct*, or has acted in a manner prejudicial to the interests of the Club, that member will be given notification in writing of the alleged breach.
- 22.2 A member receiving such notification shall be afforded the opportunity of making oral and/or written representations to the Committee in defence of the allegations. Such representations must be made within fourteen (14) days after receipt of the notification, or within a further period of time as agreed to by the Committee.
- 22.3 The Committee shall give due consideration to such representations made by the member in his defence.
- 22.4 If the Committee considers the member's explanation of the alleged conduct is unsatisfactory, or if the member has made no explanation of his conduct, the Committee may, by resolution:
- (a) reprimand the member; or
 - (b) suspend the member from membership of the Club for such period as the Committee may deem fit; or
 - (c) request the member to resign from membership of the Club and if the member does not resign within fourteen (14) days, the Committee may expel the member from the Club.
- 22.5 The Secretary shall, as soon as practicable, give the member written notification of the decision and:
- (a) inform the member of their right of appeal; and
 - (b) inform the Licensed Club of any decision to suspend or expel the member.
- 22.6 A resolution to suspend or expel the member under sub-rule 22.4 will not take effect until the end of any appeal period:
- (a) if an appeal is not lodged, the appeal period will end seven (7) days after receiving notification of the decision of the Committee under sub-rule 22.5.
 - (b) if an appeal is lodged, the appeal period will end after a decision is made at a special general meeting of the Club in accordance with sub-rule 23.4.

23. RIGHT OF APPEAL OF A DISCIPLINED MEMBER

- 23.1 Any member who has been suspended or expelled under the provisions of sub-rule 22.4 shall have the right to appeal to a special general meeting of the Club against the decision of the Committee.
- 23.2 An appeal against the decision of the Committee must be made within seven (7) days after receiving notification of the decision from the Secretary.
- 23.3 The Committee shall convene a special general meeting of the Club if an appeal is lodged with the Secretary in accordance with sub-rule 23.2.
- 23.4 At the meeting:
- (a) no business other than the question of the appeal shall be transacted;

- (b) the Committee and the member shall be given the opportunity to make representations in relation to the appeal orally and/or in writing; and
- (c) after hearing the representations, members present must vote by secret ballot on the question whether the resolution made by the Committee under the provisions of sub-rule 22.4 should be confirmed or revoked.

23.5 The decision of the Committee will be confirmed if passed by special resolution carried by a majority of three quarters of the vote at the meeting. In any other case, the decision will be revoked.

24. SERVICE OF NOTICES

24.1 For the purpose of disciplinary action under rule 22, a notice may be served by or on behalf of the Club upon any member either personally or by sending it by registered mail or by electronic means to the member at the member's address shown in the register of members.

24.2 Where a document is forwarded to a member by registered mail, the document shall, unless the contrary is proved, be deemed for the purposes of these rules to have been served on the member at the time at which the document would have been delivered in the ordinary course of post or where, in the case of electronic means of communication, the business day following the date of transmission.

25. INDEMNITY

25.1 The Club shall indemnify every member of the Committee against any costs, losses and expenses incurred by him or by reason of any contract entered into or act or thing lawfully done by such member in his capacity as a member of the Committee. It shall be the duty of the Committee to arrange immediate reimbursement of all such costs, losses and expenses as may be incurred by any such member.

26. LIABILITY OF MEMBERS

26.1 The liability of each member to contribute towards the payment of debts and liabilities of the Club for the costs, charges and expenses of the winding up of the Club, is limited to the amount, if any, unpaid by the member for annual subscriptions.

27. ALTERATIONS TO CONSTITUTION

27.1 The rules of this Constitution shall not be altered except by special resolution carried by a majority of three-quarters of the vote at an AGM or special general meeting called for that purpose.

27.2 Notices of Motion to alter the Constitution shall:

- (a) be submitted in writing to the Secretary;
- (b) bear the handwritten signature of the proposer and seconder above or beside their typewritten or hand printed names; and
- (c) set out in full the proposed alteration including:
 - (i) a reference to the page and rule number in the Constitution; and
 - (ii) an indication of the effect the proposed alteration or amendment will have on any other rules in the Constitution and By-Laws and list these items.

27.3 If the members pass a special resolution to alter the Constitution, the Secretary shall, not later than thirty (30) days after the resolution is passed, lodge with the ACT Registrar-General:

- (a) a notice setting out the particulars of the alteration; and
- (b) a declaration by at least two (2) executive officers of the Club, to the effect that a special resolution was duly passed by the members of the Club in accordance with the Act.

28. COMMON SEAL

28.1 The common seal of the Club must be kept in the custody of the Secretary.

28.2 The common seal must not be affixed to any instrument except by the authority of the Committee and the fixing of the common seal must be attested by the signatures of any two (2) executive officers of the Club.

29. CUSTODY AND INSPECTION OF DOCUMENTS

29.1 Except as otherwise provided in these rules, the Secretary and Treasurer must keep in their custody or under their control, all records and other relevant documents of the Club.

29.2 All accounts, books and other relevant documents must be available for inspection by any member upon any reasonable request. Committee approval is required for the removal of original documents (or photocopies of them) from the place of inspection.

30. DISSOLUTION OF CLUB AND DISPERSAL OF ASSETS

30.1 The Club shall not be dissolved except at a special general meeting of the members specially convened for the purpose and by a special resolution carried by a majority of three-quarters of the votes recorded in respect of same.

30.2 If upon the winding up or dissolution of the Club there remains after the satisfaction of all its debts and liabilities and any property whatsoever, the same shall not be paid to or distributed among the members of the Club, but shall be given or transferred to some other institution or institutions having objects similar or in part similar to the objects of the Club and which also prohibit the distribution of its or their property among its or their members. Such institution or institutions to be determined by the members of the Club at or before the time of dissolution or in default thereof by the Chief Judge of such court as may have or acquire jurisdiction in the matter.