

CONSTITUTION OF THE HALLS HEAD BOWLING AND RECREATION CLUB INC

Adopted 6TH NOVEMBER 2006

Amended 5TH MARCH 2007

Amended 14th MAY 2007

Amended 4th May 2015

Amended 28th May 2016

OVERVIEW - EXECUTIVE Committee

President
 Deputy President
 Secretary
 Treasurer
 Director Men's Bowls
 Director Ladies' Bowls
 Directors of Standing Committees

Men's Bowls Committee	Ladies' Bowls Committee	Standing Committees
Director (Men's) Deputy Director Captain Vice Captain Bowls Secretary Chairman Saturday Selectors (1) Chairman Midweek Selectors (1) If applicable Club Delegate. (Appointed by Men's Bowls Committee. Selected from members listed above.)	Director (Ladies') Deputy Director Captain Vice Captain Bowls Secretary Chairman Selectors (1) Club Delegate (Appointed in accordance with rules of MLCBL from members listed above.)	Bar - Director Committee House - Director Committee Greens & Grounds Committee - Director Committee Fund Raising - Director Committee Catering-Director Committee Or such Standing Committees as the Committee decides.

NB (1) Members of Men's and Ladies' Bowls Committees may serve on Standing Committees

INDEX

1. NAME, CLUB COLOURS AND EMBLEM
2. OBJECTS
3. DEFINITIONS
4. PROPERTY AND INCOME
 - 4.1 Dissolution
 - 4.2 Disposition of assets
5. MEMBERSHIP
6. CLUB YEAR
7. MEMBERSHIP FEES
 - 7.1 Nomination and Subscriptions
 - 7.2 Capitation and Levies
 - 7.3 Unfinancial Members
8. LEVIES
9. APPLICATIONS FOR MEMBERSHIP
10. MEMBERSHIP ROLL
11. RESIGNATION FROM MEMBERSHIP
12. GUESTS
 - 12.1 Private Functions
 - 12.2 Children
13. MANAGEMENT
 - (a) Executive Committee
 - (b) Men's Bowls Committee
 - (c) Ladies' Bowls Committee
 - (d) Finance Committee
 - (e) Standing Committees
 - (f) Co-opted Members
 - (g) Sub Committees
 - 13.1 Election/Appointment of Management
 - 13.2 Election of Men's and Ladies' Bowls Committees
 - 13.3 Appointment of Secretary and Treasurer
 - 13.4 Appointment of Standing Committees
 - 13.5 Casual Vacancies
 - 13.6 Filling Casual Vacancies.
14. BALLOT PROCEDURE
 - 14.1 Order of Election
 - 14.2 General Election
 - 14.3 Voting Procedure
 - 14.4 Informal Votes
 - 14.5 Scrutineers

15. AUDITOR
16. HONORARIUM
17. MEETINGS OF EXECUTIVE COMMITTEE
18. POWERS OF EXECUTIVE COMMITTEE
19. POWERS OF THE FINANCE COMMITTEE
20. RESIGNATION OF EXECUTIVE COMMITTEE
21. STANDING COMMITTEES
22. DUTIES OF OFFICERS (President, Deputy President, Secretary, Treasurer, Returning Officer)
23. INTERPRETATION OF RULES
24. AMENDMENT OF RULES
25. ANNUAL GENERAL MEETING
26. CONDUCT OF THE ANNUAL GENERAL MEETING
27. SPECIAL GENERAL MEETING
28. MISCONDUCT
29. PENALTIES
30. PROCEDURES FOR A CHARGE OF MISCONDUCT
31. APPEAL
32. COMMON SEAL
33. TRUSTEES AND INSPECTION OF RECORDS
34. CLUB LICENCE
35. BANK/INVESTMENTS
36. EMPLOYEES
37. INDEMNITY
38. APPLICATION OF THE CONSTITUTION

1. NAME, CLUB COLOURS AND EMBLEM

- (a) The name of the Club shall be the HALLS HEAD BOWLING & RECREATION CLUB (Inc)
- (b) The official colours of the Club shall be light blue, royal blue and red, and the emblem a seagull in flight over the setting sun

2. OBJECTS

- (a) The objects of the Club shall be-
 - (i) to foster the game of lawn bowls, and promote social and recreational activities and fellowship amongst Club members;
 - (ii) to affiliate with the Royal Western Australian Bowling Association.
- (b) The members shall recognise and accept the RWABA constitution rules & by-laws and shall make all decisions consistent therewith.
- (c) All games of lawn bowls shall be played according to the constitution, by-laws and laws of the game currently recognised by the association; except that games played according to the fixtures of the Murray Districts Bowling League and the Murray Coastal Ladies Bowling League shall be played according to their constitution and by-laws.
- (d) 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.

3. DEFINITIONS

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

- (a) "The Club" means the Halls Head Bowling & Recreation Club (Inc).
- (b) "The Club Premises" means all land and buildings and structures thereon of which the Club is the bona-fide occupier.
- (c) "The Committee" means the Executive Committee of the Club, duly elected for the time being in accordance with these rules.
- (d) "The Secretary" means the Secretary for the time being of the Club and includes any deputy or person temporarily fulfilling the office of Secretary.
- (e) "The Treasurer" means the Treasurer for the time being of the Club and includes any deputy or person temporarily fulfilling the office of Treasurer.
- (f) "Rules" means this constitution and rules.
- (g) "The Liquor Licensing Act" means the *Liquor Licensing Act 1988 (WA)* and any amendments thereto, or any other legislation that may come into force to replace or supplement this Act shall form part of this constitution".
- (h) "The Health Act" means The Health Act 1911, Health (Public Buildings) Regulations 1992, its amendments or other legislation that may come into force to replace or supplement this Act shall form part of this constitution.
- (j) RWABA means the Royal Western Australian Bowling Association includes its trading name of Bowls W.A.
- (k) Words importing the masculine gender shall include the feminine gender and words importing the singular shall include the plural.

4. 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 for the use and accommodation of its members in accordance with the objectives of the Club;
- (b) maintain a Club Licence under The Liquor Licensing Act and provide accommodation for members and their guests upon the Club 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) 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;
- (e) not be responsible for the loss or damage to any article whatsoever brought into the Club premises by members or visitors;
- (f) prohibit 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.

4.1 Dissolution

The Club may be dissolved or wound up by a special resolution at any general or special meeting called for such purpose.

4.2 Disposition of Assets

- (a) 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-
 - (i) to another Club Incorporated under the Incorporation Act that has similar objects; or
 - (ii) for charitable purposes.
- (b) Which club or purposes as the case requires, shall be determined by resolution of the members.
- (b) Upon dissolution of the Club, the Commissioner for Taxation shall be advised within 30 days.

5. MEMBERSHIP

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

- Ordinary Member
- Honorary Life Member
- Social Member
- Junior Member
- Provisional (Country) Member
- Honorary Member
- Temporary Members
- Restricted Member

(a) Ordinary Member

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

(b) Honorary Life Member

Persons nominated to the Executive Committee in accordance with Club By-laws shall be forwarded to the Annual General meeting of the Club for election and if elected at such meeting to be an Honorary Life Member for long and conspicuous service to the Club, shall enjoy all privileges of an Ordinary Member. Honorary Life Members shall not exceed ten (10) living members at one time and not more than two (2) shall be elected in one year.

(c) Social Member

Persons of or above the age of eighteen (18) years who may enjoy the privileges of the Club and shall be eligible to be a member, other than Director, on a Standing Committee, but shall not be eligible to-

- (i) stand for any office in the Club or vote in any ballot or at a General Meeting of the Club;
- (ii) propose or second any application for membership of the Club;
- (iii) use the greens except at the specific invitation of a Club Committee for a specific event.

(d) Junior Member

Persons 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 or vote in any ballot or at any General Meeting of the Club;
- (ii) propose or second any application for membership of the Club;
- (iii) invite guests into the Club.

(e) Provisional (Country) Member

Persons who are currently capitated members of another bowling club affiliated with RWABA, or with a similar association in any other Australian state or territory, and not being a member of a club affiliated with the Murray District Bowling League or the Murray Coastal Ladies Bowling League, shall be entitled to all the privileges of the Club but shall not be eligible to-

- (i) stand for any office in the Club or to vote in any ballot or at any General Meeting of the Club;
- (ii) propose or second any application for membership of the Club;
- (iv) play in any pennant matches for the Club, represent the Club or play in club championships.

(f) **Honorary Member**

Honorary Membership may be granted without fees to-

- (i) Club Patrons, The Mayor of the City of Mandurah, or persons deputising for them, and/or such dignitaries and sponsors of the Club as the Committee shall determine from time to time; or
 - (ii) Foundation Members, being those members whose names are listed as such in the official Club register, who continue to participate in the social or non bowling activities of the Club.
- (g) **Temporary Member**
A person who on any day is visiting the Club-
- (i) as a member or official of, or a person assisting a team that is to contest a pre-arranged event in bowling or other competition that day; or
 - (ii) at the invitation of a member to engage in that sport on that day.

(h) **Restricted Member**

Persons of or above the age of eighteen (18) years, who may enjoy the full privileges of the Club and shall be eligible to be a member and play in any Club social events, but shall not be eligible to-

- (i) play in any Pennant matches for the Club and Club Championships.
- (ii) play in any social events as deemed by the Match Committee.
- (iii) vote.
- (iv) hold any office within the Club.
- (v) nominate or second any new member into the Club.

6. CLUB YEAR

The Club year shall commence on the 1st day of April in each year. Annual subscriptions payable in advance, are due on the 1st day of April in each year

7. MEMBERSHIP FEES

- (a) All fees and subscriptions shall be determined at the March meeting of the Committee.
- (b) All subscriptions shall be payable annually in advance provided that all members shall be deemed financial until the 31st day of May in each year, for the purpose of Club elections.

7.1 Subscriptions

New members elected after the first day of December shall pay a pro-rata subscription for each remaining month of the Club year from the date of his election, plus applicable levies, within one month of his election.

7.2 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.

7.3 Unfinancial Members

The Committee may by resolution remove from the register of members, the name of any member who fails to pay-

- (a) the annual subscription, plus capitation fee before the 1st day of July;
- (b) any additional subscriptions, levies or fees imposed by the Club, or the Bowls Association(s) within one month of the due date of payment.

8. LEVIES

- (a) Members shall pay such levies as may be imposed from time to time by the Club.
- (b) 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 Ordinary Membership subscription in any year.

9. APPLICATIONS FOR MEMBERSHIP

- (a) (i) Applications for Ordinary, Social, Provisional, Restricted and Junior Members shall be proposed and seconded by Honorary Life and financial Ordinary Members of the Club.
- (ii) All such applications shall be in writing in a form prescribed by the Committee.
- (iii) Applications shall be posted on the Club notice board by the Secretary for a period not less than seven (7) days before election, provided also that an interval of not less than two weeks shall elapse between nomination and election.
- (b) (i) All applications for membership, other than for Honorary or Honorary Life Members are to be approved and accepted by the Committee.

- (ii) If no objection is submitted in writing, or no objection is made at the meeting by a Committee member, the applications for membership shall be approved by the Committee.
- (iii) If an objection is submitted, the Committee shall consider whether the grounds for objection are in conflict with legislation relating to discrimination and equal opportunity before making its determination.
- (iv) A resolution for rejection of an application for membership shall be carried by a majority of the membership of the Committee whether present or not.
- (v) Approval and acceptance of membership applications shall take place at the Committee's regular or special meetings and shall be recorded in the meeting's minutes.

10. MEMBERSHIP ROLL

- (a) The Club shall keep an up to date register of members of the Club in respect of each class of membership and their postal or residential addresses.
- (b) This register must be available for inspection and copying by members and Liquor Licensing Authorities at the Club premises.
- (c) The register must not be removed from the Club premises.

11. RESIGNATION FROM MEMBERSHIP

- (a) 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.
- (b) No member resigning from the Club or ceasing for 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 on the agreed date.

12. GUESTS

- (a) Ordinary, Honorary Life, Provisional, and Social Members may introduce guests to the Club at any time provided-
 - (i) that the maximum number of guests per member per day is five (5) or such lesser number as may be permitted by the Director of Liquor Licensing;
 - (ii) a guest shall not be supplied with liquor in the Club premises except on the invitation and in the company of a member;
 - (iii) a guest shall be supplied with liquor to be consumed only on Club premises;
 - (iv) the member introducing a guest shall be responsible for the proper conduct of his guests whilst on Club premises;
 - (v) a member may, at his expense and with the approval of the Committee supply liquor to guests, without limitation as to number at a function held by or on behalf of that member, at the club premises;
 - (vi) any person who has been refused membership of the Club or who shall be under suspension from the Club or any affiliated bowling club shall not be admitted as a guest of any member of the Club provided that a person refused membership of the Club, but who is a member of another club competing in a competition at the Halls Head Bowling & Recreation Club shall be accorded the same privileges as other visiting competitors.

12.1 Private Functions.

- (a) Members may, with the approval of the Committee, pursuant to constitution rule 4(f) hold private family or business functions with or without a meal, with no limitation as to the number of guests providing that number shall not exceed the combined total of members and guests stipulated under the Health Act.
- (b) Members wishing to avail themselves of this opportunity shall obtain prior approval of the Committee and abide by any conditions set by the Committee.
- (c) Members obtaining approval shall be responsible for the conduct of their guests while on Club premises.

12.2 Children

- (a) Children shall at all times-
 - (i) be under the control of a parent, guardian or responsible adult member of the club;
 - (ii) conduct themselves in a manner so as not to interfere with proper functioning of the Club;
 - (iii) refrain from entry onto the greens unless under instruction by a member of the club.
- (b) Parents, guardians or adult members bringing children onto Club premises shall be held responsible for their behaviour and may be directed to leave the premises by a member of the Committee or the person in charge of the bar, if any child is contravening Rule 12.2 (a).

13. MANAGEMENT

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

- (a) The Committee
The Committee shall comprise of:
President
Deputy President
Director (Men's Bowls)
Director (Ladies' Bowls)
Secretary
Treasurer
Director of each Standing Committee
- (b) Men's Bowls Committee
The Men's Bowls Committee shall comprise of Men's Director, Deputy Director, Captain, Vice Captain, Bowls Secretary, Chairman of the Selection Committees for Saturday pennants and Midweek pennants (if applicable), the Men's Delegates to the Murray Districts Bowling League, and ex-officio the Director of the Grounds Committee.
- (c) Ladies' Bowls Committee
The Ladies Bowls Committee shall comprise of the Ladies' Director, Deputy Director, Captain, Vice Captain, Bowls Secretary, Chairman of the Selection Committee and the Ladies Delegate to the Murray Districts Ladies Bowling League.
- (d) Finance Committee
The Finance Committee shall comprise of the President, Deputy President, Secretary and Treasurer.
- (e) Standing Committees
The number and description of Standing Committees as may be required from time to time to carry out the functions of the Club, are to be decided by the Committee prior to the Annual Elections and shall comprise the Director and a number of members approved annually by the Committee on the recommendation of the Director.
- (f) Co-opted Members
 - (i) The Committee shall have the power to co-opt Honorary Life or financial Ordinary Members at any time to assist the Secretary, Treasurer, or any Committee, also a Promotions Officer and/or a Sponsorship Officer to assist or further the objects of the Club provided such persons will not have voting rights in any committee except when acting in the absence of the Secretary or Treasurer.
 - (ii) The Men's and Ladies Bowls Committees shall have the power to co-opt Honorary Life or financial Ordinary Members at any time to assist or further their objects, provided such persons will not have voting rights in any committee except when acting in the absence of the Secretary, Treasurer or a delegate.
- (g) Sub Committees
 - (i) A committee may delegate any portion of their powers to a sub committee consisting of such Ordinary, Honorary Life, Social and Junior Members as they think fit, provided that no act of any sub committee shall be binding on a committee or the Club until ratified by the relevant Committee.
 - (ii) Such sub committee must report to and be responsible to the Committee that appointed it.

13.1 ELECTIONS / APPOINTMENT OF MANAGEMENT

- (a) The President, and Directors of all Standing Committees shall be elected annually by all Honorary Life and financial Ordinary Members.
- (b) The Director of Men's Bowls shall be elected annually by all male, Honorary Life and financial Ordinary Members.
- (c) The Director of Ladies' Bowls shall be elected annually by all female, Honorary Life and financial Ordinary Members.
- (d) The Secretary and Treasurer shall be appointed annually by the Committee.
- (e) The Directors of Standing Committees shall be elected annually by all Honorary Life and financial Ordinary Members.
- (f) Members of the Men's and Ladies' Bowls Committees shall be entitled to serve on any Standing Committee and members may serve on more than one Standing Committee.
- (g) The Deputy President shall be elected by the Executive Committee from its Members elected to the Management of the Club at the first Executive meeting following the Annual General meeting.

13.2 ELECTION OF MEN'S AND LADIES' BOWLS COMMITTEES

- (a) The election of Men's and Ladies' Bowls Committees shall be conducted in accordance with rule 14 with the following variation.
 - (i) The order of seniority shall be
 - Director
 - Deputy Director
 - Secretary
 - Captain
 - Vice Captain
 - Chairmen of Selection
 - (ii) In addition the Match Committee and Selectors will be elected in accordance with the by-laws.
- (b) The Men's Bowls Committee and Selectors, excluding the Delegates and the Director of the Grounds Committee, shall be elected annually by male, Honorary Life and financial Ordinary Members of the Club. The delegate shall be appointed by the Men's Bowls Committee from amongst its members and may hold any other position in the Club.
- (c) The Ladies' Bowls Committee and Selectors, excluding the delegates, shall be elected annually by female, Honorary Life and financial Ordinary Members of the Club. The delegates shall be appointed in accordance with the rules of the Murray Coastal Ladies Bowling League.

13.3 Appointment of Secretary and Treasurer

- (a) Expressions of interest for a vacant position of Secretary or Treasurer are to be sought from members, preferably at the same time nominations are called for elected positions.
- (b) Any interested person will submit a brief résumé of his experience and computer literacy and may be interviewed by a selection panel before appointment at a time suitable to the Committee.
- (c) An expression of interest for such positions shall not prevent a member nominating for any elected position on any committee of the Club, but an appointment shall take preference over an elected position.
- (d) Should such an appointment be on the basis of a paid employee, that appointee shall not exercise a vote at the Committee meetings but shall have the right to speak and submit recommendations.

13.4 Appointment of Standing Committee Members

The appointment of members of the Standing Committees shall be conducted in accordance with the by-laws.

13.5 Casual Vacancies

A casual vacancy occurs on a Committee when a Committee member-

- (a) resigns by notice in writing and that resignation is accepted by resolution of the committee;
- (b) is convicted of an offence under the Associations Incorporation Act (1987);
- (c) is absent from more than
 - (i) three (3) consecutive meetings without leave of the committee and without satisfactory reason being given to the committee; or
 - (ii) three (3) meetings in the same financial year without tendering an apology;
- (d) ceases to be a member of the Club;
- (e) is the subject of a resolution passed by a general meeting of members terminating his or her appointment as a Committee member.

13.6 Filling Casual Vacancies

- (a) The Committee may fill any vacancy occurring on the Committee by appointment of a person eligible to nominate for and hold that office without reference to a previous ballot.
- (b) The Men's and Ladies Bowls Committees may fill any vacancy occurring on the Bowls, Match and Selection Committees by appointment of a person eligible to nominate for, and hold that office without reference to a previous ballot.
- (c) A person so appointed shall hold office until the next Annual General Meeting at which time the position shall become vacant.

14. BALLOT PROCEDURE

- (a) The Committee shall appoint a Returning Officer who shall not be a candidate for election, and such Returning Officer shall be responsible for conducting the ballot.
- (b) The Returning Officer shall be appointed at least eight (8) weeks prior to the Annual General Meeting.
- (c) Not less than five (5) weeks prior to the Annual General Meeting of members, the Committee shall call for nominations for positions on all Committees.
- (d) Members may nominate for more than one office.
- (e) 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 fourteen (14) days prior to the date set for the Annual General Meeting.
- (f) The Secretary shall initial and date the nomination and advertise such on the Club notice board on receipt of the nomination.

14.1 Order of Election of the Executive Committee

- (a) 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 for the Committee shall be
 - (i) President
 - (ii) Standing Committee Directors
- (b) No member of the Committee shall hold two (2) positions on that Committee, however, a Committee Member may be appointed to serve as a member of a Standing Committee or as a Sponsorship or Promotions Officer.

14.2 General Election

- (a) 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.
- (b) If less than the required number of nominations are 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.
- (c) Any person so elected shall hold office until the next Annual General Meeting.

14.3 Voting Procedure

- (a) If the number of candidates nominated, exceed the number required to be elected, a ballot shall be taken which shall be conducted in the following manner.
 - (i) The Committee shall fix the time and opening date of the ballot for absentee votes that shall be immediately following the closure of nominations as described in rule 14(d).
 - (ii) The Committee shall fix the time and closing date of the ballot for absentee votes that shall be one (1) day prior to the date fixed for the Annual General Meeting.
 - (iii) Ballot papers shall show separately the surnames and given names of the candidates nominated for each office in respect of which an election is necessary.
 - (iv) Voting papers shall be available to all Honorary Life and financial Ordinary Members, in attendance at the Annual General Meeting or by absentee voting at the Club premises after the closure of nominations.
 - (v) The Club shall provide a ballot box that shall be locked by the Returning Officer and placed in the Club to receive the ballot at the time making the ballot papers available to members.
 - (vi) The Secretary shall supply the Returning Officer with a current register of members eligible to vote in an election, together with a list of members given a postal vote.
 - (vii) 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.

- (b) All ballots shall be decided on a 'first past the post' voting system.
 - (i) 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.
 - (ii) All votes shall be counted as primary votes of equal rank.
 - (iii) The candidate receiving the highest number of votes shall be the first successful candidate. The candidate receiving the second highest number of votes shall be the next successful candidate and so on, according to the number of candidates to be elected.
 - (iv) If two or more candidates receive the same number of votes, the Returning Officer shall determine by lot the successful candidate or candidates.
 - (v) 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 unless that candidate declines to accept the higher position, in which case the next remaining candidate with the highest vote shall be deemed the successful candidate.
 - (vi) 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.
- (c) 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

- (a) Ballot papers shall be deemed informal if they-
 - (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 an absentee vote as instructed on the ballot paper;
 - (iv) carry any mark or means of identification of the voter on the ballot paper;
 - (v) have more than one ballot paper in a single ballot paper envelope.
- (b) The Returning Officer may rule as he 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 his vote so long as his intention is clear.

14.5 Scrutineers

- (a) A candidate may nominate in writing to the Returning Officer a scrutineer to represent him at the ballot.
- (b) The scrutineer shall be a Honorary Life or financial Ordinary Member of the club and shall not be a candidate for election.
- (c) A scrutineer 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.
- (d) A scrutineer shall not place or remove any mark on a ballot paper.
- (e) A scrutineer shall not interfere with or attempt to influence any member at the time such member is casting their vote.

15. AUDITOR

At the Annual General Meeting of members a qualified 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.

16. HONORARIUM

- (a) All members of the Committee shall act in an honorary capacity provided that the Committee may grant an honorarium to the Club Secretary and the Treasurer.
- (b) Honorariums for other office bearers may be approved by the Annual General Meeting of the Club on recommendation from the Committee.
- (c) The amount of honorarium, or any variations in the amount, shall be approved by the Annual General Meeting or a special meeting of members.

17. MEETINGS OF THE COMMITTEE

- (a) The Committee shall meet at least monthly at such place and on such dates as decided by the Committee.
- (b)
 - (i) The Secretary shall call meetings of the Committee when instructed to do so by the President, or by any three members of the Committee.
 - (ii) 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.

Approved 6th November 2006 Amended 5th March 2007 Amended 14th May 2007

Amended 4th May 2015 Amended 28th May 2016 Page 11 of 17

- (c) (i) Fifty (50) percent, rounded to the lowest whole number plus one (1), of the Committee shall form a quorum.
- (ii) If a quorum is not present within 30 minutes of the time scheduled for commencement of the meeting, the meeting will stand adjourned for one week at the same hour.
- (iii) If at such adjourned meeting no quorum be present, those present, being one (1) less than a quorum shall have power to transact the business of such meeting.
- (d) (i) The President shall preside at all meetings of the Committee.
- (ii) In his absence the Deputy President shall preside but if neither be in attendance, the meeting shall elect a Chairman.
- (iii) The Chairman may exercise a deliberate and a casting vote.
- (e) (i) A member of the Committee with a pecuniary interest or personal involvement in any matter before the Committee, shall declare his interest.
- (ii) Every such disclosure shall be recorded in the minutes of the meeting at which it is made.
- (iii) The member shall not take part in any deliberations or decision of the Committee and shall leave the meeting until the matter is dealt with.
- (f) The Secretary shall record the minutes of all resolutions and proceedings of the Committee in a book maintained for that purpose.

18. POWERS OF EXECUTIVE COMMITTEE

The Committee shall have the power to-

- (a) frame by-laws for the management of the Club, consistent with these rules;
 - (i) Such by-laws shall be binding on all members until repealed or amended by the Committee, or by a General Meeting of members.
 - (ii) Such by-laws may impose penalties for any breach of these rules.
 - (iii) The Committee shall have full power to elect members within the terms of 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.
 - (iv) A certified copy of all such by-laws shall be posted in the Clubhouse by the Secretary.
- (b) fill any vacancy on the Committee or any other Standing Committee of the Club;
- (c) refuse to admit any person to membership of the Club without assigning any reason for doing so;
- (d) limit the number of members of the various categories of membership;
- (e) strike levies from members, in accordance with limitations provided within these rules, to meet extraordinary expenditure of the Club and same shall be payable on request;
- (f) appoint the Secretary, Treasurer, assistant Secretary, Assistant Treasurer, Promotions Officer or a Sponsorship Officer, or any other position to carry out such duties as they may determine;
- (g) engage and terminate employees of the Club;
- (h) pay an honorarium for faithful and diligent service performed by any member of the Club, in accordance with the provisions of Rule 16;
- (i) 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;
- (j) hear and determine charges of misconduct lodged against any member under these rules, and to impose penalties accordingly;
- (k) to determine what person (if any), not being members of the Club, shall be permitted to use the premises of the Club or any part or parts thereof and during what time and under what conditions such persons shall be supplied with refreshments and accommodation.

19. POWERS OF THE FINANCE COMMITTEE.

- (a) The Finance Committee shall have an overseeing responsibility and make urgent decisions or take necessary action to ensure the smooth running of the Club.
- (b) All such actions and decisions shall be approved at the following Committee meeting.

20. 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 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 after receipt of such resignation.

21. STANDING COMMITTEES

- (a) All Standing Committees shall be subordinate to the Committee and be subject to its control, and reports to the Committee through its Director. Reports shall be in writing.
- (b) (i) The President and Secretary shall be ex-officio members of all Standing Committees and notified of all intended meetings.
(ii) They shall not have a vote in Standing Committees but may advise on policy and procedure.
- (c) The Director of each Standing Committee shall be responsible for the conduct of his Committee and to carry out the duties detailed for that Committee in the Club by-laws.
- (d) (i) The Director of a Standing Committee shall be responsible to deal with any criticism of paid staff within his role of duties and shall exercise the utmost discretion in any action deemed necessary.
(ii) All other members shall refer any criticism to the appropriate Director who, if the matter is serious, shall refer it to the Club President.

22. DUTIES OF OFFICERS

(a) The President

The President shall-

- (i) preside at all meetings of the Club and of the Committee and be an ex officio member of all Standing Committees of the Club;
- (ii) call meetings and see that business is conducted in the interests of the Club, towards attaining its objectives;
- (iii) see that all business is conducted in accordance with the Club constitution, by-laws policies and standing orders.

(b) The Deputy President

The Deputy President shall liaise with the President in the overall management of the Club, and in his absence assume his responsibilities.

(c) The Secretary

The Secretary shall-

- (i) attend all meetings of the Club, unless otherwise excused, and keep a correct record of all proceedings;
- (ii) keep a record of all names and addresses of members of the Club;
- (iii) do such clerical work as may be necessary for the observance of the rules and by-laws of the Club;
- (iv) be authorised to receive any monies on behalf of the Club and in the absence of the Treasurer, and assure that they are brought to account in the Club books and deposited to the credit of the Club bank account;
- (v) convene all meetings of the Club and of the Committee in accordance with these rules;
- (vi) attend to all correspondence and carry out the normal duties of the office of Secretary as required by the Committee.

(d) The Treasurer

The Treasurer shall-

- (i) be responsible for all monies paid to the Club;
- (ii) ensure that all such monies are paid into the bank account of the Club;
- (iii) keep correct accounts and books showing the financial affairs of the Club and the particulars usually shown in books of account of a like nature;
- (iv) balance the financial records each month and present an income and expenditure statement and a bar trading account to the monthly Committee Meeting;
- (iv) at the Annual General Meeting of the Club he shall present an audited statement of receipts and expenditure and a balance sheet of the Club for the past year.

(e) The Returning Officer

- (i) The Returning Officer shall be responsible for seeing that all duties pertaining to the elections are carried out according to the rules of the Club.
- (ii) If the appointed Returning Officer decides to stand for election then the Committee must appoint a replacement as soon as possible after his nomination is accepted.

23. 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, 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 gender.
- (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 to which he may appeal.

24. AMENDMENT OF RULES

- (a) No rule shall be amended or repealed, nor shall any new rule be made, except on the vote of a 75 per centum of the members present at the Annual General Meeting or a Special General Meeting called for the purpose.
- (b) (i) Notice of any proposed amendment, repeal or addition must be given by notice in writing to the Secretary.
(ii) Such notice shall be posted in the Club premises for not less than ten (10) days before the dates appointed for the holding of such meeting for any proposal to so amend, repeal, or add to, the rules.
- (c) Within 28 days after the making of any proposal for a change to the constitution or rules of the Club, the Secretary shall provide to The Director of Liquor Licensing, The Commissioner of Fair Trading, and Bowls WA certified particulars of the change(s) proposed and that effect is not given to the change without prior approval of the Director of Liquor Licensing and the Commissioner of Consumer and Employment Protection.

25. ANNUAL GENERAL MEETING

- (a) (i) The Annual General Meeting of the Club shall be held in the month of May, unless otherwise ordered by the Committee.
(ii) Notice of same shall be in writing to all members delivered, distributed or posted to their last known address, not less than seven (7) days prior to the meeting, and posted on the notice board of the Club not less than fourteen (14) days before the meeting.
- (b) (i) Five (5) percent of Honorary Life and financial Ordinary Members of the Club shall form a quorum.
(ii) If a quorum is not present within thirty minutes of the appointed time for the meeting, it shall stand adjourned for seven (7) days.
(iii) If at such adjourned meeting there is no quorum, those present shall be competent to discharge the business.

26. CONDUCT OF THE ANNUAL GENERAL MEETING

- (a) (i) The President shall preside. In his absence the Deputy President shall preside. In the absence of the aforementioned, the meeting shall elect a Chairman from the members present.
(ii) The Chairman shall have power to exercise a deliberate and casting vote.
- (b) The order of business shall be to-
 - (i) confirm the minutes of the last Annual General Meeting and of any Special Meetings held since the preceding Annual General Meeting;
 - (ii) table any litigation pending or finalized since the last Annual General Meeting;
 - (iii) receive the President's report;
 - (v) receive and discuss the annual financial statements and reports of the Treasurer and Auditor;
 - (vi) announce the results of ballots and the names of office bearers elected unopposed;
 - (vi) call for nominations and hold a secret ballot, if necessary, to fill any positions still vacant;
 - (vii) elect the Club Patron(s);
 - (viii) elect the Club Auditor;
 - (ix) attend to any special business of which notice of motion has been given;
 - (x) attend to any general business/recommendations to incoming Committees.

27. SPECIAL GENERAL MEETING

- (a) 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 ten (10) percent of Honorary Life and financial Ordinary Members of the Club at the date of receipt of such requisition.
- (b) Special meetings shall be advertised by posting 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) Five (5) percent of Honorary Life and financial Ordinary Members of the Club shall form a quorum.
- (d) If no quorum be present thirty (30) minutes after the appointed meeting time, the meeting shall lapse.

28. MISCONDUCT AND MINOR MISDEMEANORS

Complaints concerning member's conduct shall be viewed as being either misconduct or a minor misdemeanor.

- (a) (i) A minor misdemeanor is an act of indiscretion, or infringement of, the rules and or etiquette of the game of lawn bowls either in or off the Club premises and shall be referred to the Men's or Ladies' Captain, who in consultation with the relevant Bowls Committee may determine that either the complaint lapse, or be discussed with the parties to the complaint.
- (ii) If the complaint is considered serious, it shall be referred to the Committee to be dealt with in accordance with the provisions of this rule.
- (b) Misconduct
 - (i) The Committee shall exercise full power to reprimand, suspend 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.
 - (ii) Any dispute between members may be referred by either disputant in writing to the Committee whose decision there-on, subject to these rules, shall finally settle the manner.
 - (iii) The complainant, with his complaint, shall deposit with the Secretary a sum of \$20 and if the Committee consider the complaint frivolous, they may order the amount forfeited to the funds of the Club.
 - (iv) 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 complaint. The Secretary shall submit them to the Committee if he is unable to satisfy the complaint.
 - (v) The Committee shall exempt any member of that Committee from hearing a charge in which he has an interest.

29. PENALTIES

- (a) The Committee shall have due regard to the circumstances of the charge, when affixing any penalty under these rules.
- (b) The maximum monetary penalty for any breach of these rules or by-laws of the Club shall not exceed the annual subscription for Ordinary Members, but in addition an offending member shall pay the cost of repair or replacement for Club property damaged through his actions.
- (c) A period of suspension from membership for any period not exceeding twelve (12) months.
- (d) All monetary penalties shall be paid within fourteen (14) days of notice being served on the member. If he should refuse or neglect to meet such payment he shall stand suspended from membership until the payment be made in full.
- (e) The Committee may extend such period for payment without further penalty at their discretion.
- (f) The name of a member suspended shall be advised to the RWABA as appropriate.

30. PROCEDURE FOR A CHARGE OF MISCONDUCT

- (a) (i) If the Committee decides to proceed with a charge of misconduct, seven (7) clear days notice of the hearing must be given to the member accused.
- (ii) The Secretary shall deliver to, or forward by registered post, a notice to the accused member and the complainant at the postal address registered at the Club.
- (iii) The notice would specify the nature of the charge and request attendance at the hearing by the Committee.
- (iv) On the application of either party the Secretary shall send a notice to any other member to appear and give evidence provided such application be made three (3) days before the date of the hearing.

- (v) 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.
- (b) If, after hearing of the evidence, the Committee shall find the charge proven by a majority decision they shall impose an appropriate penalty.
- (c) The Secretary shall forthwith deliver to or post a notice to the member at the postal address registered at the club, advising him of the penalty.
- (d) 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

- (a) (i) Two levels of appeal shall be available to members found guilty by the Committee of an offence against these rules.
- (ii) Each 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.
- (iii) It shall be accompanied by the required sum of money that shall be refunded if the appeal is upheld.
- (iv) An appeal shall be received by the Secretary within seven (7) days of the Committee decision.
- (b) (i) Where a member has been fined he may have his appeal determined by the President, Deputy President, Secretary or in the absence of any of these officers by members of the Committee selected by the most senior officer available.
- (ii) The appellant shall lodge a sum of money equivalent to twenty (20) percent of the annual subscription for Ordinary Members with his appeal and such will be refunded if the appeal is returned to the Committee for re-hearing of the charge.
- (c) (i) Where a member is suspended he may have his appeal determined by a Special General Meeting of members where a majority of two-thirds will be required to over-turn the decision of the Committee.
- (ii) A sum of money equivalent to forty (40) percent of the annual subscription for Ordinary Members shall accompany such appeal and shall be returned to the appellant if his appeal is upheld.
- (d) 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.

32. COMMON SEAL

- (a) 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.
- (b) With such authority the President or Deputy President for the time being shall affix the common seal to any deed, instrument or writing, signed by the said officers and countersigned by the Secretary.

33. TRUSTEES AND INSPECTION OF RECORDS

- (a) The Finance Committee members shall be ex-officio trustees of the Club and all property of the Club shall be vested in their trust for and on behalf of the members for the time being.
- (b) Books, records, documents and securities of the Club held in trust may be inspected, at any reasonable time, by Honorary Life and financial Ordinary Members of the Club who shall be permitted to copy such records but shall not remove them from trustee possession.
- (c) Members shall not have access to confidential information supplied by employees and clients.

34. CLUB LICENCE

- (a) On any application to the Director of Liquor Licensing for a club license and whilst the Club shall continue to hold such Club License, these rules shall be interpreted in all things as being subject to the provisions of the Liquor Licensing Act and such provisions shall be deemed to be included in and form part of these rules.
- (b) Provisions for the sale of liquor, including recommendations of the Director of Liquor Licensing, shall be displayed in the clubhouse.

35. BANK/INVESTMENTS

- (a) 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 Halls Head Bowling & Recreation Club (Inc) and shall be operated upon by cheque, signed by any two of the President, Deputy President, Secretary and Treasurer, or by electronic transfer if approved by the Committee.
- (b) All sums of money in excess of the equivalent of \$200 shall be paid by cheque drawn in the name of the Club upon the Bankers of the Club, or by electronic funds transfer.
- (c) No payment of an amount of money in excess of \$20,000 shall be made on any project without prior authorisation of a majority of members at an Annual or Special General Meeting called for that purpose.
- (d) A resolution passed by a General Meeting of members for the approval of a project shall be deemed to be approval for any payments made in accordance with that resolution and rule 34(c).

36. 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) 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) 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.
- (d) No employee shall have the right to vote at General Meetings of the Club
- (e) A paid employee may be a member of a Standing Committee for whom that employee works, and shall be entitled to attend meetings of that Committee but not exercise the right to vote.

37. INDEMNITY

The President, Deputy President, Secretary, Treasurer, Delegate and members of the Committee shall from time to time and at all times be saved harm and kept indemnified from and against all costs, charges, losses, damage and expenses which they or any of them sustain, incur or 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 costs, charges, damages or expenses for which indemnity is intended to be hereby provided, shall immediately it shall have 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 own acts, deeds and defaults alone.

38. APPLICATION OF THE CONSTITUTION

This constitution shall apply from the date of the first Annual General Meeting of members following the granting of approvals by the Director of Liquor Licensing, the Ministry of Fair Trading, Bowls WA and such other bodies as may be required.

The foregoing rules were adopted at the Special General Meeting of the members of the Halls Head Bowling & Recreation Club on the 6th November 2006 and amended at a Special General Meeting on 5th March 2007

Amended 14th may 2007

Amended 4th May 2015

President.....Secretary.....