

Bentleigh
Bowling
Club
Incorporated

Rules

22 June 2013

SECTION 1

NAME

- (1) The name of the Club is Bentleigh Bowling Club Inc. (in these rules called "the Club")

INTERPRETATION

- (2) In these Rules, unless the contrary intention appears:
- (a) "Association" means Bowls Victoria Incorporated (in these Rules called Bowls Victoria) or any other bowls association as the case may be
 - (b) "Committee" or "General Committee" means the Committee of Management of the Club.
 - (c) "Financial Year" means the year ending on 30th April.
 - (d) "General Meeting" means a general meeting of members convened in accordance with Rule 25.
 - (e) "Member" means a member of the Club who is entitled to hold office and to vote at any general meeting of the Club.
 - (f) "member" means all members of the Club under any membership category.
 - (g) "Ordinary Member of the Committee" means a member of the Committee who is not an officer of the Club under Rule 115.
 - (h) "Rules" means the rules of the Club as contained in this document.
 - (i) "The Act" means the Associations Incorporation Act 1981.
 - (j) "The Regulations" means regulations under the Act.
 - (k) The singular shall include the plural, the masculine shall include the feminine and vice versa.
- (3) In these Rules, a reference to the Secretary of the Club, is a reference:
- (a) where a person holds office under these Rules as Secretary of the Club to that person, and
 - (b) in any other case, to the Public Officer of the Club.
- (4) The Committee shall interpret the meaning of any words or expressions contained in these Rules in any case where doubt arises subject only to confirmation of contradiction by a general meeting called for the purpose.

STATEMENT OF PURPOSES

- (5) The objects for which the Club is established are:
- (a) To maintain and conduct a Club of non-political character and to provide a clubhouse, bowling green and other conveniences for the use and recreation of the members at such place or places as decided by the Members;
 - (b) To raise and borrow any moneys required for the purposes of the Club upon such terms and conditions and/or on such securities as may be determined;.
 - (c) To purchase, take, lease, exchange, hire or otherwise acquire any real or personal property and other rights and privileges necessary or convenient for the purpose of the Club;
 - (d) To construct, alter, add to, or maintain all buildings and other property belonging to the Club;
 - (e) To sell, mortgage, improve, manage, develop, lease, dispose of, turn to account or otherwise deal with all or any part of the property of the Club except that the Club is prohibited from making any distribution whether in money, property or otherwise to its members;

- (f) To affiliate with relevant Associations;
- (g) To apply for, hold and renew a club licence pursuant to the Liquor Control Act 1987 and any permit or authority thereunder;
- (h) To apply through an authorised officer of the Club to the Liquor Licensing Commission and the Raffles and Bingo Permits Board for a permit to conduct a Raffles or a game of Bingo in accordance with the Lotteries Gaming and Betting (Raffles and Bingo) Act 1977;
- (i) To formulate and put into effect such other objects as the Members shall determine, but always to have in mind the advancement and best interests of the game of bowls and the engendering by association of a fraternal feeling amongst bowlers;
- (j) To do all such things as are incidental or necessary for the purposes of the above objects.

SECTION 2

MEMBERSHIP

- (6) The Club shall consist of the following classes of Members:
 - (a) Full Members;
 - (b) Life Members;
 - (c) Honorary Members;
 - (d) Social Members;
 - (e) Family Members
 - (f) Super Veteran Members; and
 - (g) Junior Members.
- (7) Full, Life, Social Playing, Family adult and Super Veteran Members, who alone shall be eligible to hold office in the Club, shall be entitled to all the privileges of the Club, while Honorary, Social Non-Playing, Family junior and Junior Members, shall be entitled to the privileges set out in these Rules.

APPLICATION FOR MEMBERSHIP

- (8) A person who is not a member of the Club at the time of the incorporation of the Club (or who was such a member at that time but has ceased to be a member) shall not be elected to membership:
 - (a) unless he is nominated as provided in Rule 9; and
 - (b) his admission as a member is approved by the Committee.
- (9) A nomination of a person for membership of the Club:
 - (a) shall be made in writing on a form approved by the Committee; and
 - (b) shall be lodged with the Secretary of the Club.
- (10) As soon as is practicable after the receipt of a nomination the Secretary shall post it on the Club's notice board for exhibition at least seven days immediately preceeding the day of election and an interval of not less than two weeks shall elapse between the date of nomination and election.
- (11) Once posted the person nominated shall be considered a provisional member under the specific membership category, and entitled to use the facilities of the Club in accordance with these Rules, until membership nomination is finalized as per Rule 12.
- (12) The Committee shall elect members by ballot and:
 - (a) three adverse votes shall exclude the applicant;

- (b) the decision of the Committee as to whether any candidate has been duly elected or not shall be final; and
 - (c) a record shall be kept by the Secretary of the number of members of the Committee voting at any election of members of any classification.
- (13) Upon a nomination being approved by the Committee, the Secretary shall, with as little delay as possible, notify the nominee in writing that he is approved for membership of the Club and, if not already received, request payment within the period of 28 days after receipt of the notification of the sum payable under these rules as the first year's annual subscription.
- (14) The Secretary shall, upon payment of the amount referred to in Rule 13 within the period referred to in that sub-rule, enter the nominee's name in the register of members kept by him and, upon the name being so entered, the nominee becomes a member of the Club.
- (15) If a newly elected member fails to pay his subscription within 28 days after his election, his election shall be void unless he justifies the delay to the satisfaction of the Committee.
- (16) The payment of the subscription or using the Club's property shall imply a member's acquiescence in the Rules, By-laws and Regulations of the Club.
- (17) Any person whose application for membership is rejected or whose election is voided under Rule 12 shall have any pre-paid membership subscriptions returned and not again be nominated for a period of at least six months from the date of the rejection or voidance of membership.
- (18) A right, privilege, or obligation of a person by reason of his membership of the Club:
- (a) is not capable of being transferred or transmitted to another person; and
 - (b) terminates upon the cessation of his membership whether by death or resignation or otherwise.

FULL MEMBERS

- (19) Any person over the age of 18 years shall be eligible for Full Membership of the Club.
- (20) Full Members may play in events under the control of the relevant Association.
- (21) Full Members shall be eligible to hold office and to vote at any meeting of the Club, and shall be entitled to use the Club facilities and bowling greens.
- (22) The annual subscription fee for Full Members shall be determined by the Annual General Meeting.

LIFE MEMBERS

- (23) Any person who shall have rendered special service or services to the Club may at any General or Special General Meeting on the unanimous recommendation of the Committee and on receiving the votes of at least three-quarters of the members present at such meeting, be elected a Life Member of the Club with full privileges without payment of any subscription;
- (24) There shall be no more than 12 Life Members at any time; and
- (25) A Life Member shall not be relieved of any financial obligation other than the Annual Subscription.

HONORARY MEMBERS

- (26) Members of or persons playing for, any other Bowls Club, who may visit the Club in order to play in a bowling event may be elected Honorary Members for the day on which they visit the green.
- (a) Members of, or persons playing for, any other Bowls Club who visit the Club in order to play in a bowling event, and who pay the agreed green or entry fee for that bowling event.
 - (b) Persons attending the Club to participate in a bowling event, and who pay the agreed green or entry fee for that bowling event.

- (27) Any member of any Bowls Club whose green is distant more than 20 km from the Club premises may, on the introduction by a Member of the Club, be elected by any two Members of the Committee as an Honorary Member for a period not exceeding fourteen consecutive days without payment of any subscription, and the Committee shall have power to extend the period for a further fourteen consecutive days, if so desired, on conditions to be determined by the Committee.
- (28) Honorary Members may be elected and the period of their membership fixed or extended by an election committee consisting of any two Members of the Committee and the name and address of each Honorary Member, together with the name of the introducing Member and the names of the Members of the Committee by whom they are elected shall be entered in a book to be kept for that purpose, and the introducing Member shall be responsible for the bona fides of the person introduced.
- (29) The Committee shall have power to withdraw any or all privileges from Honorary Members, and Honorary Members are not and shall not be entitled to take part in any annual or special meeting nor vote upon any subject thereat. They shall not have any right, title or interest in or to any of the property of the Club.
- (30) No person shall be allowed to become an Honorary Member of the Club or be relieved of the payment of subscription or other financial obligations, except as provided for by these Rules

SOCIAL MEMBERS

- (31) Social members may be eligible for membership of the Club at the discretion of the Committee.
- (a) Non-Playing
- (i) Any Full Member who by reason of ill health or infirmity becomes unable to take part in active bowling may elect to become a Social Member and thereupon shall cease to be a Full Member.
 - (ii) Any person who wishes to join the Club on a social basis and does not wish to play outdoor bowls.
 - (iii) Social Members Non-Playing shall not be eligible to nominate, hold office or vote at any meeting of the Club, but shall be entitled to use the Club facilities.
 - (iv) The Annual Subscription of this category of Social Non-Playing Members will be fixed at the Annual General Meeting.
- (b) Playing
- (i) Any person over the age of 18 who wishes to play outdoor bowls only on a social basis and is not interested in taking part in any pennant or Club Championship competitions.
 - (ii) Social Members Playing shall be eligible to nominate, hold office or vote at any meeting of the Club, and shall be entitled to use the Club facilities.
 - (iii) The Committee may create different categories of Social Member Playing at their discretion
 - (iv) The Annual Subscription of each category of Social Playing Members will be fixed at the Annual General Meeting.
- (32) Subject to the provisions of Rule 45, Social Members shall pay an annual subscription not being more than one half of the amount of the normal subscription fixed for Full Members.

SUPER VETERAN MEMBERS

- (33) Any Full Member who is 80 years of age at the commencement of the Financial Year shall be a Super Veteran Member of the Club.
- (34) The annual subscription shall be determined by the Annual General Meeting.

- (35) Any Super Veteran Member who shall cease to be a Member in consequence of being required for health or other reasons to reside outside a radius of 20 km from the Town Hall, Moorabbin, shall upon returning to reside within such radius be entitled to be re-elected forthwith a Super Veteran Member upon application and in accordance with the Rules of the Club.

JUNIOR MEMBERS

- (36) Any person under the age of 18 years shall be eligible for Junior Membership and may play in events under the control of the relevant Association.
- (37) Junior Members shall not be eligible to hold office, to nominate candidates for the Committee nor to vote at any meeting of the Club.
- (38) Junior Members shall be permitted to use the Club facilities and bowling greens other than in the company of a responsible adult in relation to preparation for and participation in bowling events during the hours of 8am to 11 pm Sunday to Saturday. A Member of the Committee, or responsible Club representative, must be present on each occasion.
- (39) Upon attaining 18 years of age, a Junior Member can apply to become a Full Member in accordance with Rule 8.
- (40) The Annual Subscription of Junior Members shall be not more than one half of the normal Annual Subscriptions fixed for Full Members.

FAMILY MEMBERSHIP

- (41) Any family, consisting of 2 Adults and 2 Children under 18 years may join this category.
- (42) The Adults will have the same entitlements as Full Members and the Children the same as Junior Members.
- (43) The Annual Subscription of this category will be determined by the Committee of Management.

ANNUAL SUBSCRIPTION

- (44) A defined annual subscription of not less than \$10 or such lesser amount approved by the Liquor Licensing Commission for any particular class of member shall be fixed from year to year by the Members at the Club's Annual General Meeting and shall be due and payable in advance and immediately after being fixed at such Annual General Meeting.
- (45) If a member enters after the 1st day of January in any year the subscription for the then remaining portion of the year shall be fixed at the discretion of the Committee, but shall be not less than that defined by the Liquor Control Act, 1987.
- (46) The Committee is empowered to prevent any member whose subscription is in arrears from exercising the whole or any of the privileges of the Club.
- (47) Any Member who is not a financial member on 30 April shall not be entitled to vote nor to take part in the subsequent Annual General meeting.
- (48) If any member fails to pay the Annual Subscription within four months of the commencement of the financial year in any year his membership shall thenceforth cease but should a sufficient explanation be made in the Committee, it shall have the power to restore his name to the register upon payment of the amount due.
- (49) Should any member of the Club from any cause whatsoever cease to be a member for one or more years he may be readmitted without paying back subscriptions, provided a majority of the Committee consent thereto.
- (50) Any member contemplating absence for a period may on application to the Committee be granted leave of absence for a period not exceeding two years, subject to the payment of a nominal amount fixed by the Committee.

REGISTER OF MEMBERS

- (51) The Secretary shall keep and maintain a register of members in which shall be entered the full name, address and date of entry of the name of each member together with the date of the latest payment of his subscription and the register shall be available for inspection by members at the address of the Club.
- (52) Every member shall communicate in writing any change of his address to the Secretary who shall register same.
- (53) Unless the Committee shall otherwise decide, the maximum number of members of the Club shall be:
- | | |
|--|-----------|
| (a) Full Members (including Super Veteran) | 300 |
| (b) Life Members | 12 |
| (c) Social Members | Unlimited |
| (d) Honorary Members | |
| (i) under the provisions of Rules 26 200 | |
| (ii) under the provisions of Rule 27 | 20 |
| (e) Family Members | 32 |
| (f) Junior Members | 50 |
- (54) The Committee shall ensure that Full (including Super Veteran), Social Playing and Life Members constitute at least 55% of the total membership of the Club, excluding Junior and Honorary Members.

LIABILITY OF MEMBERS

- (55) If a member, by any breach of these rules, or by any unlawful act, causes the Club or any officer of the Club to pay any money, such member shall be civilly liable to the Club or such officer for the amount so paid.

RESIGNATION OF MEMBERS

- (56) A member of the Club who has paid all moneys due and payable by him to the Club may resign from the Club, by first giving one month's notice in writing to the Secretary of his intention to resign and upon the expiration of that period of notice, the member shall cease to be a member.
- (57) Upon the expiration of a notice given under Rule 56, the Secretary shall make in the register of members an entry recording the date on which the member by whom the notice was given ceased to be a member.
- (58) Any member retiring from the Club, or ceasing for any reason whatever to be a member thereof, shall not have any right, title or interest in or to any property of the Club.

DISCIPLINE, SUSPENSION AND EXPULSION OF MEMBERS

- (59) Subject to these rules, if the Committee is of the opinion that a member has refused or neglected to comply with these rules, or has been guilty of conduct unbecoming a member or prejudicial to the interests of the Club, the Committee may by resolution:
- fine a member an amount not exceeding \$500; or
 - suspend that member from membership of the Club for a specified period; or
 - expel that member from the Club.
- (60) A resolution of the Committee under Rule 59 does not take effect unless:
- at a meeting held in accordance with Rule 61, the Committee confirms the resolution; and

- (b) if the member exercises a right of appeal to the Club under this rule, the Club confirms the resolution in accordance with this rule.
- (61) A meeting of the Committee to confirm or revoke a resolution passed under Rule 59 must be held not earlier than 14 days, and not later than 28 days, after notice has been given to the member in accordance with Rule 62.
- (62) For the purpose of giving notice in accordance with Rule 61, the Secretary must, as soon as practicable, cause to be given to the member a written notice:
- (a) setting out the resolution of the Committee and the grounds on which it is based; and
 - (b) stating that the member, or his or her representative, may address the Committee at a meeting to be held not earlier than 14 and not later than 28 days after service of the notice; and
 - (c) stating the date, place and time of that meeting; and
 - (d) informing the member that he may do one or more of the following:
 - (i) attend that meeting;
 - (ii) give to the Committee before the date of that meeting a written statement seeking the revocation of the resolution;
 - (e) Informing the member that, if at that meeting, the Committee confirms the resolution, he or she may, not later than 48 hours after the meeting, give the Secretary a notice to the effect that he or she wishes to appeal to the Club in general meeting against the resolution.
 - (f) At a meeting of the Committee to confirm or revoke a resolution passed under Rule 59, the Committee must:
 - (i) give the member, or his or her representative, an opportunity to be heard; and
 - (ii) give due consideration to any written statement submitted by the member, and
 - (iii) determine by resolution whether to confirm or to revoke the resolution.
- (63) If at the meeting of the Committee, the Committee confirms the resolution, the member may, not later than 48 hours after the meeting, give the Secretary a notice to the effect that he or she wishes to appeal to the Club in general meeting against the resolution.
- (64) If the Secretary receives a notice under Rule 63, he must notify the Committee and the Committee must convene a General Meeting of the Club to be held within 21 days after the date on which the Secretary received the notice.
- (65) At a General Meeting of the Club convened under Rule 64:
- (a) no business other than the question of the appeal may be conducted; and
 - (b) the Committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution; and
 - (c) the member, or his or her representative, must be given an opportunity to be heard; and
 - (d) the members present must vote by secret ballot on the question whether the resolution should be confirmed or revoked.
- (66) If at the General Meeting:
- (a) not less than two-thirds of the members present vote in favour of the confirmation of the resolution, the resolution is confirmed; and
 - (b) in any other case, the resolution is revoked.
- (67) At the expiration of any financial year in respect of which any person shall have paid the subscription, the General Committee, if it is of the opinion that it is undesirable in the interest of the Club that such person should continue to be a member, may decline to accept any further subscriptions from such person.

- (a) The Secretary shall notify such person of this decision and he shall thereupon cease to be a member of the Club.
- (b) The member shall have the same right of appeal and on the same conditions as stated in Rule 62.

DISPUTES AND MEDIATION

- (68) The grievance procedure set out in this rule applies to disputes under these rules between:
- (a) a member and another member; or
 - (b) a member and the Club.
- (69) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all the parties.
- (70) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
- (71) The mediator must be:
- (a) a person chosen by agreement between the parties; or
 - (b) in the absence of agreement:
 - (i) in the case of a dispute between a member and another member, a person appointed by the Committee; or
 - (ii) in the case of a dispute between a member and the Club, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).
- (72) A Member of the Club can be mediator.
- (73) The mediator cannot be a member who is a party to the dispute
- (74) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (75) The mediator, in conducting the mediation, must:
- (a) give the parties to the mediation process every opportunity to be heard; and
 - (b) allow due consideration by all parties of any written statement submitted by any party; and
 - (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- (76) The mediator must not determine the dispute.
- (77) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

SECTION 3

MANAGEMENT BY MEMBERS

- (78) The management of the Club shall be effected by the members of the Club through General Meetings.

ANNUAL GENERAL MEETING

- (79) The Club shall in each calendar year convene an Annual General Meeting of its members.
- (80) The Annual General Meeting shall be held at such date and place as the Committee determines but within the months of May or June.
- (81) The Annual General Meeting shall be specified as such in the notice convening it.

- (82) The ordinary business of the Annual General Meeting shall be:
- (a) to confirm the minutes of the last preceding Annual General Meeting and of any General Meeting held since that meeting;
 - (b) to receive from the Committee the Annual Report upon the transactions of the Club during the last preceding financial year, and to fix the amounts of Annual Subscriptions.
 - (c) to receive and consider the statement of financial affairs submitted by the Club in accordance with section 30(3) of the Act.
 - (d) to elect Officers of the Club;
 - (e) to elect the Assistant Secretary, Assistant Treasurer, Bar Manager, House Manager, Greens Director, the 2 other Ordinary Members of the Committee and a Delegate for each Association with which the Club is affiliated;
 - (f) to elect any additional ordinary members under Rule 120(c);
 - (g) to elect a Selection Committee for each Association with which the Club is affiliated (on the resolution of the Members, this matter may be referred to the Committee with power to act);
 - (h) to elect the Match Committee;
 - (i) to elect Chairpersons of other such Sub-Committees as the Committee shall determine;
 - (j) to determine the number of sides to be entered in Pennant or other Competitions for each Association with which the Club is affiliated (on the resolution of the Members, this matter may be referred to the Committee with power to act);
 - (k) to appoint Auditors in accordance with the requirements of the Act;
 - (l) to transact any other business affecting the interest and welfare of the Club, of which due notice has been given according to the Rules; and
 - (m) to transact any other general business.
- (83) The Annual General meeting shall be in addition to any other General Meetings that may be held in the same year.

SPECIAL GENERAL MEETINGS

- (84) All General Meetings other than the Annual General Meeting shall be called Special General Meetings.
- (85) The Committee may, whenever it thinks fit, convene a Special General Meeting of the Club and, where, but for this sub-rule, more than 15 months would lapse between Annual General meetings, shall convene a Special General Meeting before the expiration of that period.
- (86) The Committee shall, on the requisition in writing of not less than 15 members whose subscriptions are not in arrears, convene a Special General Meeting of the Club.
- (87) The requisition for a Special General Meeting shall state the objects of the meeting and shall be signed by the Members making the requisition and be sent to the address of the Secretary and may consist of several documents in a like form, each signed by one or more of the Members making the requisition.
- (88) If the Committee does not cause a Special General Meeting to be held within one month after the date on which the requisition is sent to the address of the Secretary, the Members making the requisition, or any of them, may convene a Special General Meeting to be held not later than three months after that date.
- (89) A Special General Meeting convened by Members in pursuance of these Rules shall be convened in the same manner as nearly as possible as that in which those meetings are convened by the Committee and all reasonable expenses incurred in convening the meeting shall be refunded by the Club to the person incurring the expenses.

NOTICE OF MEETING

- (90) The Secretary of the Club shall, at least 14 days before the date fixed for holding a General Meeting of the Club and subject to Rules 222 and 223, cause to be sent to each member of the Club at the address appearing in the register of members, a notice stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (91) A copy of the notice shall be posted on the notice board of the Club.
- (92) No business other than that set out in the notice convening the meeting shall be transacted at the meeting.
- (93) A member desiring to bring any business before a meeting may give notice of that business in a writing to the Secretary, who shall include that business in the notice calling the next General Meeting after the receipt of the notice.

PROCEEDINGS AT MEETINGS

- (94) All business that is transacted at a Special General Meeting and all business that is transacted at the Annual General Meeting with the exception of that specially referred to in these Rules as being the ordinary business of the Annual General Meeting shall be deemed to be special business.
- (95) No item of business shall be transacted at a General meeting unless a quorum of Members entitled under these rules to vote is present during the time when the meeting is considering that item.
- (96) 30 Members personally present (being Members entitled under these rules to vote at a General Meeting) constitute a quorum for the transaction of the business of a General Meeting.
- (97) If within half an hour after the appointed time for the commencement of a General meeting, a quorum is not present, the meeting if convened upon the requisition of Members shall be dissolved and in any other case shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairman at the time of the adjournment or by written notice to Members given before the day to which the meeting is adjourned) at the same place and if at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the Members present shall be a quorum.
- (98) The President, or in his absence, the Vice-President, shall preside as Chairman at each General Meeting of the Club.
- (99) If the President and Vice-President are absent from a General Meeting, the Members present shall elect one of their number to preside as Chairman at the meeting.
- (100) The Chairman of a General Meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (101) Where a meeting is adjourned for 14 days or more, a like notice of the adjourned meeting shall be given as in the case of the General Meeting.
- (102) Except as provided in Rules 100 and 101, it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting.
- (103) A question arising at a General Meeting of the Club shall be determined on a show of hands and unless before or on the declaration of the show of the hands a poll is demanded, a declaration by the Chairman that a resolution has on a show of hands, been carried or carried unanimously or carried by a particular majority or lost and an entry to that effect in the Minute Book of the Club is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.
- (104) Upon any question arising at a General Meeting of the Club, a Member has one vote only.
- (105) All votes shall be given personally, or by Postal Vote on forms obtainable from the Secretary. All such Postal Votes must be received by the Secretary no later than 3 business days before the date of the Annual General Meeting.

- (106) In the case of an equality of voting on a question, the Chairman of the meeting is entitled to exercise a second or casting vote.
- (107) If at a meeting, a poll on any question is demanded by not less than ten Members, it shall be taken at the meeting in such a manner as the Chairman may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
- (108) A poll that is demanded on the election of a Chairman or on a question of an adjournment shall be taken forthwith and a poll that is demanded on any other question shall be taken at such time before the close of the meeting as the Chairman may direct.
- (109) Subject to Rule 47, at any Annual General Meeting, or Special General Meeting held between the close of the previous financial year and the Annual General Meeting, only these Members who were financial at the close of the previous financial year shall be entitled to vote.
- (110) A Member is not entitled to vote at any other Special General Meeting unless all moneys due and payable by him to the Club have been paid.
- (111) Proxy voting shall not be permitted.
- (112) All resolutions of the Annual Meeting of members or of any Special Meeting of the Club shall be conclusive and binding on all members, whether they shall have been present at such meeting or not.

SECTION 4

MANAGEMENT BY OFFICERS

COMMITTEE OF MANAGEMENT

- (113) The affairs of the Club shall be managed by a Committee of Management constituted as provided in Rule 120.
- (114) The Committee:
 - (a) shall control and manage the business and affairs of the Club;
 - (b) may, subject to these rules, the regulations and the Act, exercise all such powers and functions as may be exercised by the Club other than those powers and functions that are required by these rules to be exercised by General Meetings of the Members of the Club;
 - (c) subject to these rules, the regulations and the Act, has power to perform all such acts and things as appear to the Committee to be essential for the proper management of the business and affairs of the Club;
 - (d) may from time to time delegate any of their powers to such Sub-Committees consisting of members of the Club as they shall appoint and
 - (i) may recall or revoke any such delegation or appointment;
 - (ii) all Sub-Committees shall, in the exercise of the powers delegated, conform to any regulation that may be prescribed by the Committee and shall be subject and subordinate to such Committee, provided always that the General Committee shall have no power to delegate their control of the supply of liquor to the Club.
 - (e) shall on the authority of a General Meeting of the Club impose levies on the members; and
 - (f) shall authorise all expenditure and direct the method of dealing with moneys received for or on behalf of the Club.
- (115) The Officers of the Club shall be:
 - (a) a President;
 - (b) a Vice-President;
 - (c) a Treasurer; and

- (d) a Secretary.
- (116) The provisions of Rules 98 and 99 so far as they are applicable and with the necessary modifications, apply to and in relation to the election of persons to any of the offices mentioned in Rule 115.
- (117) Except in the event of a casual vacancy, each officer of the Club shall hold office for not less than 12 months and until his successor is elected but is eligible for re-election.
- (118) In the event of a casual vacancy in any Office referred to in Rule 115, the Committee may appoint one of its Members to the vacant office and the Member so appointed may continue in office up to and including the conclusion of the Annual General Meeting next following the date of his appointment.
- (119) A Member holding office in any other Bowling Club shall be ineligible to hold office in the Club.
- (120) The Committee shall consist of:
 - (a) the Officers of the club; and
 - (b) the following additional Members:
 - (i) 5 Members elected to the position of Assistant Treasurer, Assistant Secretary, Bar Manager, House Manager, and Greens Director
 - (ii) 2 club elected delegates to Bowls Victoria, and
 - (iii) 3 other ordinary Members; and
 - (c) in the event that a Member(s) holds more than one of these positions, the balance of the vacant positions may be filled by additional ordinary Member(s) following agreement to do so by the Members at the Annual General Meeting ;
 - (d) each of whom shall be elected at the Annual General Meeting of the Club in each year.
- (121) Except in the event of a casual vacancy, each Member of the Committee shall, subject to these rules, hold office for not less than 12 months and until his successor is elected but is eligible for re-election.
- (122) In the event of a casual vacancy occurring in the office of an ordinary Member of the Committee, the Committee may appoint a Member of the Club to fill the vacancy and the Member so appointed shall hold office, subject to these rules, until the conclusion of the Annual General Meeting next following the date of his appointment.

ELECTION OF OFFICERS, COMMITTEES AND VACANCY

- (123) Nominations of candidates for election as Officers of the Club, Assistant Secretary, Assistant Treasurer, Bar Manager, House Manager, Greens Director, the 2 ordinary Members of the Committee, Delegates to represent the Club at meetings of Associations with which the Club is affiliated, Match Committee and Selection Committees for Associations with which the Club is affiliated (Bowls Victoria):
 - (a) shall be made in writing, signed by two Members of the Club and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and
 - (b) shall be delivered to the Secretary of the Club not later than 21 days prior to the Annual General Meeting.
- (124) If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated shall be deemed to be elected and further nominations shall be received at the Annual General Meeting.
- (125) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.

- (126) If the number of nominations exceeds the number of vacancies to be filled, a ballot shall be held.
- (127) The ballot for the election of Officers and ordinary Members of the Committee shall be conducted at the Annual General Meeting by two scrutineers appointed by the Members at such meeting.
- (128) The method of voting shall be by crossing out the name of the Member or Members nominated not desired and leaving the correct number of Members to fill the vacant offices.
- (129) Ballot papers containing a greater or lesser number of persons to be elected shall be informal.
- (130) If two or more candidates receive an equal number of votes the Chairman shall, in such case, have a second or casting vote.
- (131) There shall be no restrictions on any Member of the Committee holding dual office.
- (132) For the purpose of these rules, the office of an Officer of the Club or of an ordinary Member of the Committee becomes vacant if the Officer or Member:
- (a) ceases to be a Member of the Club;
 - (b) becomes an insolvent under administration within the meaning of the Companies (Victoria) Code;
 - (c) resigns his office by notice in writing given to the Secretary; or
 - (d) fails to attend for three consecutive Committee Meetings without leave or apology delivered at or prior to the meetings.
- (133) An Officer or ordinary Member of the Committee shall not be held to have resigned his office until his resignation has been accepted by the Committee.

PROCEEDING OF COMMITTEE

- (134) The Committee shall meet periodically at least 10 times in each year at such place and such times as the Committee may determine.
- (135) Special meetings of the Committee may be called by the President or by any 5 of the Members of the Committee.
- (136) Notice shall be given to Members of the Committee of any Special Meeting specifying the general nature of the business to be transacted and no other business shall be transacted at such a meeting.
- (137) Any 7 Members of the Committee constitute a quorum for the transaction of the business of a meeting of the Committee.
- (138) No business shall be transacted unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present the meeting shall stand adjourned to the same place and at the same hour of the same day in the following week unless the meeting was a Special Meeting in which case it lapses.
- (139) At all meetings of the Committee:
- (a) the President or in his absence the Vice-President shall preside; or
 - (b) if the President and the Vice-President are absent, such one of the remaining Members of the Committees as may be chosen by the Members present shall preside.
- (140) Questions arising at a meeting of the Committee or of any subcommittee appointed by the Committee shall be determined on a show of hands or, if demanded by a Member, by a poll taken in such manner as the person presiding at the meeting may determine.
- (141) Each Member present at a meeting of the Committee or of any subcommittee appointed by the Committee (including the person presiding at the meeting) is entitled to one vote and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.

- (142) Written notice of each Committee Meeting shall be served on each Member of the Committee by delivering it to him at a reasonable time before the meeting or by sending it by prepaid post addressed to him at his usual or last known place of abode at least two business days before the date of the meeting.
- (a) For the purposes of Rule 144, the published times in the Club Handbook will constitute written notice of the meeting(s).
- (143) Subject to Rule 138 the Committee may act notwithstanding any vacancy on the Committee.

PRESIDENT

- (144) Except as otherwise provided in these Rules the President shall preside at all meetings, regulate and keep order in all proceedings, and carry into effect the Rules and By-laws of the Club.

SECRETARY

- (145) The Secretary of the Club:
- (a) shall be executive officer of the Committee;
- (b) shall keep minutes of the resolutions and proceedings of each General Meeting and each Committee Meeting in books provided for that purpose together with a record of the names of persons present at Committee Meetings;
- (c) shall conduct all correspondence in connection with the general business of the Club;
- (d) shall be the nominated person for communications with Bowls Victoria
- (e) shall prepare for submission to the Annual General Meeting the report of the Committee on the activities of the Club during the year; and
- (f) shall in any other respect carry out the duties usually associated with the office of Secretary.
- (g) shall be assisted generally in carrying out the secretarial duties by the Assistant Secretary.

TREASURER

- (146) The Treasurer of the Club:
- (a) shall collect and receive all moneys due to the Club and make all payments authorized by the Committee;
- (b) shall keep correct accounts and books showing the financial affairs of the Club with the particulars usually shown in books of a like nature and full details of all income and expenditure connected with the activities of the Club;
- (c) shall arrange for the deposit of all moneys belonging to the Club with the club's bankers;
- (d) shall prepare and submit financial statements to each Annual General Meeting; and
- (e) shall submit a statement of cash transactions and of the financial position of the Club, including bank balances, at each ordinary meeting of the Committee.
- (147) The accounts and books referred to in Rule 146 shall be available for inspection by members.
- (148) The Assistant Treasurer shall assist the Treasurer in carrying out his duties and in the absence of the Treasurer shall assume his duties in the management of the Club.

REMOVAL OF MEMBER OF COMMITTEE

- (149) The Club in General Meeting may by resolution remove any Member of the Committee before the expiration of his term of office and appoint another Member in his stead to hold office until the expiration of the term of the first-mentioned Member.

- (150) Where the Member to whom a proposed resolution referred to in Rule 149 makes representations in writing to the Secretary or President of the Club (not exceeding a reasonable length) and requests that they be notified to the members of the Club, the Secretary or the President may send a copy of the representation to each member of the Club or, if they are not so sent, the Member may require that they be read out at the Meeting.

INDEMNITY OF OFFICERS

- (151) If the Secretary or Treasurer in his office as such has paid or is liable to pay money for any act, default or omission of any other person, such money shall be refunded to him by the Club or be paid by the Club.

SECTION 5

FINANCIAL

BANKING ACCOUNT

- (152) The banking account of the Club shall be kept with such Bank as shall from time to time be appointed by the General Committee.
- (153) All cheques drawn on the account and all drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by the Treasurer and one of the President, the Assistant Treasurer, or the Secretary, provided that should any of these officers be absent through illness or other cause and a substitute or acting appointment be made by the Committee, then such person acting in the place of any one of the Officers mentioned shall be empowered to sign in like manner.

ACCOUNTS

- (154) No expenditure exceeding \$1000 shall be entered into without the consent of the Committee, and all accounts against the Club shall be passed by Committee before payment is made unless otherwise authorised by the Committee.
- (155) Where the Committee has authorized payment without its prior consent, all payments above \$300 shall be listed and ratified by the Committee at the first subsequent meeting of the Committee.

CONTROL OVER PROPERTY

- (156) Except that the negotiation of a loan, the issuing of debentures, the giving of any security over any property of the Club, the selling or purchasing any realty, the leasing of any land or buildings the property of the Club for any term exceeding three years, and all other measures in any way extending the liabilities of the Club beyond the assets and estimated revenue of the Club shall require the previous sanction of a General or Special General Meeting of the Club, the property of the Club shall be subject to the control and disposition of the Committee, who are empowered to negotiate loans, issue debentures and sell or purchase any realty and lease any land or buildings of the Club for any term exceeding three years, subject to such sanction as aforesaid.
- (157) The orders in writing of a quorum of those assembled at the meetings, and signed by the Chairman of the day, and attested by the Secretary, shall vindicate anything done or purported to be done by them in pursuance of such direction, and no person not being a Member of the Club shall be entitled to enquire into the regularity of such direction beyond the verification of the signature of the Secretary.

BORROWING POWERS

- (158) If at any time the Club in General Meeting or Special General Meeting shall pass a resolution authorising the Committee to borrow money, the Committee shall thereupon be empowered for the

purpose of the Club to borrow such amount of money, either at one time or from time to time, and at such rate of interest, and in such form or manner and upon such security as shall be specified in such resolution and thereupon the General Committee shall make all dispositions of the Club property, or any part thereof, and enter into such agreements in relation thereto as the Committee may deem proper for giving security for such loans and interest.

- (159) All members of the Club shall be bound by the decision of the meeting.

AUDIT

- (160) Auditors who shall not be office-bearers of the Club shall be appointed at each Annual General Meeting.
- (161) Nominations for such office shall be taken at the Annual General Meeting in each year as required under the Act.
- (162) The Auditors shall have power at all times to examine the books and documents of the Club, and shall, as soon as conveniently may be after the close of the financial year in each year, audit a Statement of Income and Expenditure and Balance Sheet, setting forth the financial business of the Club since the end of the preceeding financial year prepared by the Treasurer.
- (163) Any report of the auditors shall be submitted to the Annual General Meeting.

SECTION 6

GENERAL

HONORARY SOLICITOR

- (164) There may be an Honorary Solicitor to the Club, who may be appointed by the Committee upon such terms and for such period as such Committee shall direct.

COLOURS OF THE CLUB

- (165) The colours of the Club shall be as the Committee from time to time may determine, subject to approval or rejection by Bowls Victoria.

SUPPLY OF LIQUOR

- (166) A visitor shall not be supplied with liquor in the Club premises unless in the company of a member.
- (167) No persons shall be allowed to become Honorary or temporary members of the Club or be relieved of the payment of the regular subscription except those possessing the qualifications defined in these Rules and subject to the conditions and regulations prescribed herein.
- (168) No liquor shall be supplied to any person under 18 years of age unless such person is accompanied by a spouse, a parent, or a guardian and the liquor is supplied as part of a meal on the premises of the Club.
- (169) No liquor shall be supplied or sold for consumption elsewhere than on the Club premises unless such liquor is removed from the premises of the Club by the member purchasing the same.
- (170) No persons under 18 years of age except persons who are being trained as waiters and are not allowed to serve behind the bar shall be employed in the Club.
- (171) No payment or part payment shall be made to any Secretary, Manager, or other Officer or servant of the Club by way of commission or allowance from or upon the receipts of the Club for liquor supplied.

OBJECTIONABLE BEHAVIOUR

- (172) On the Club premises no objectionable language or unlawful gambling or betting shall be allowed.
- (173) Any infringement of this rule may be brought under the notice of the Committee, who for each offence shall have power to inflict a fine not exceeding \$50 on the member so offending, and no member so fined shall be permitted to enjoy the privileges of membership until such fine has been paid.

DAMAGE TO PROPERTY

- (174) No member shall remove from the Club House or deface or injure any article, the property of the Club.
- (175) Members willfully removing, breaking or damaging any article, the property of the Club, shall pay for the same at a price fixed by the Committee.

WINDING UP OR CANCELLATION

- (176) In the event of the winding up or the cancellation of the incorporation of the Club, the assets of the Club shall be disposed of in accordance with the provisions of the Act.
- (177) Upon winding up or dissolution of the Club, any property or assets remaining after satisfaction of all debts and liabilities shall not be paid or distributed to members of the Club, but shall be given or transferred to some other association or associations having objects similar to the objects of the Club, and which are exempt from income tax, and whose Constitution shall prohibit the distribution of their assets or of their income or property among their members.

SEAL

- (178) The Common Seal of the Club shall be kept in the custody of the Secretary.
- (179) The Common Seal shall not be affixed to any instrument except by the authority of the Committee and the affixing of the Common Seal shall be attested by the signatures either of two Officers of the Club or of one Officer of the Club and of the Public Officer of the Club.

ALTERATION OF RULES AND STATEMENT OF PURPOSES

- (180) These rules and the Statement of Purposes of the Club shall not be altered except in accordance with the Act.
- (181) No new rule shall be made nor any existing rule nor the statement of purposes of the Club altered or repealed except at a Special General Meeting called for that purpose, and then only upon the motion being carried by a majority of three-fourths of the Members present at the meeting.
- (182) A by-law may be repealed by a simple majority of the Members present at the meeting called for that purpose.
- (183) A copy of the proposed new rule, alteration or repeal shall be delivered to the Secretary at least 21 days before such meeting, and shall be inserted in the Notice convening the meeting at which such proposed new rule, alteration or repeal is to be brought and notice thereof shall be posted on the notice board of the Club ten clear days before such meeting.

VISITORS

- (184) Visitors may be present at the Club under the following circumstances:
- (a) Members of the Club may bring guests to the Club (but such guests shall not be entitled to more than twelve visits at each financial year provided, however, that this restriction shall not apply to a wife, fiancé, or the one lady friend of a male member, nor to the husband, fiancé, or the one gentleman friend of a female member) during the hours in which it is lawful to supply the guests to a licenced club with liquor provided that no person shall be introduced as a visitor who has been expelled from membership of a bowling club or whose conduct or

presence on the Club's premises shall be considered objectionable or prejudicial to the interest of the Club. The number of guests per member shall not exceed one hundred and fifty per visit.

- (b) For Bentleigh Bowling Club fund-raising events, including but not limited to organized bowling events, a group(s) of visitors may use the Club facilities during the hours in which it is lawful to supply the visitors to a licenced club with liquor. A Member of the Committee, or delegate(s) approved by the Committee, must be in attendance and will be responsible for recording their attendance. The group size is restricted to the maximum allowed for under Rule 191 below.
 - (c) Members of, or persons playing for any other Bowls Club who visit the Club in order to prepare for a bowling event may use the Club facilities during the hours in which it is lawful to supply the visitors to a licenced club with liquor. A Member of the Committee, or delegate(s) approved by the Committee, must be in attendance and will be responsible for recording their attendance. The group size is restricted to the maximum allowed for under Rule 191 below..
 - (d) For Open Days and other public events, visitors may use the Club facilities during the hours of 8am to 10pm on the day of the event. A Member of the Committee, or delegate(s) approved by the Committee, must be in attendance and will be responsible for recording their attendance
- (185) The names of all guests and the names of Members introducing them shall be recorded in a book kept for that purpose, and the introducers shall be responsible for their conduct and any damage they may cause while in the Club. Such visitors may only remain in the Club during the pleasure and in the presence of the Member introducing them to the Club.
- (186) The foregoing restrictions shall not apply to visitors attending a particular function or particular occasion conducted on the licenced premises in respect of which the Club has obtained a permit pursuant to Section 48 of the Liquor Control Act 1987.
- (187) Any member may object to the presence of any guest, and in such case, the guest must immediately retire from the Club.
- (188) The privileges of this rule may be withdrawn by a majority decision made at a Committee or Special Committee Meeting called for such purpose.
- (189) Guests may be allowed to take part in games, but not to the exclusion of members of the Club.
- (190) Members introducing guests are held responsible for any debts contracted by them to the Club.
- (191) No more than 245 persons being such number as the licenced premises can adequately accommodate, will be permitted on the licenced premises at any one time.

GREEN OR PLAYING AREA DIRECTOR

- (192) A Greens or Playing Area Director shall be appointed in accordance with these rules and the Committee shall have power to appoint a Sub-Committee to assist the Director.
- (193) The Green Director shall have full control and supervision of the playing area and power to prevent play at any time when it is considered the area may be injured thereby and notice posted by the Director shall be sufficient.
- (194) No Member shall be allowed to play on the playing area unless wearing approved smooth soled and heelless bowling shoes.
- (195) In the absence of the Green Director, a member of the Greens Committee nominated by the Greens Director shall have power to prevent play at any time.
- (196) In the absence of the Green Director and the nominated member of the Greens Committee, any two Members of the Committee shall have power to prevent play at any time.

- (197) In all other respects the supervision and control of the playing area and lawns shall be in the hands of the Committee whose ruling thereon shall be final.

DELEGATES

- (198) Delegates for all Associations with which the Club is affiliated shall be elected by the Annual General Meeting.
- (199) Any Delegate absenting themselves from two consecutive meetings of the relevant Association without good and valid reason to the satisfaction of the Committee shall be held to have vacated their office.
- (200) Delegates for each Association shall make regular reports to the Committee.

MATCH COMMITTEE

- (201) A Match Committee comprising such number of financial members as shall be elected by the Members at the Annual General Meeting of the Club.
- (202) The duties of the Match Committee shall be:
- (a) to arrange the club fixture programme for the season;
 - (b) to arrange teams for and control all club fixtures;
 - (c) to make the draw and determine handicaps for club competitions;
 - (d) to manage Bowls Victoria events
- (203) In the event of any member or members of the Match Committee vacating his or their position for any reason whatsoever, then such vacancy or vacancies shall be filled by another financial member or members to be appointed by the General Committee.
- (204) The Match Committee shall have power to co-opt any financial member to assist in conducting tournaments, but a final decision on any matter within its duties shall rest entirely with the Match Committee.

SELECTION COMMITTEE

- (205) At the Annual General Meeting financial Members affiliated with the particular association may nominate to be considered to fill the position of Selector for the coming season.
- (206) Only Members affiliated with the particular Association can nominate to become a member of the particular Selection Committee.
- (207) At the first Committee Meeting following the Annual General Meeting, the Committee will elect a Selection Committee from those that nominate. It is not necessary to elect all that nominate however a minimum of three must be elected. The Committee has the responsibility to decide how many Selectors are required for each season and can only choose from those that have nominated at the Annual General Meeting.
- (208) The duties of the Selection Committee shall be:
- (a) to select teams and sides to represent the Club in competitions organized under the auspices of the particular Association; and
 - (b) to select or recommend other playing representatives of the Club.
- (209) In the event of a casual vacancy occurring on the Selection Committee, after approval from the Committee, the Selection Committee may appoint a financial Member affiliated with the particular Association to fill such vacancy.
- (210) The Selection Committee shall have power to co-opt any financial Member affiliated with the particular Association to assist in its duties but a final decision on any matter within its duties shall rest entirely with the Selection Committee.

SUGGESTIONS AND COMPLAINTS

- (211) All suggestions and complaints must be made in writing to the Secretary, who shall bring the same before the Committee at the next meeting.

NON-COMPLIANCE WITH RULES

- (212) Non-compliance with any of the Rules shall not render any proceedings void unless the Members at a General Meeting so direct.

APPLICATION OF PROFIT

- (213) The Club is a non-proprietary Club.
- (214) The profits and other income of the Club shall be applied to the promotion of the purposes for which the members of the Club are associated together and no payment of any dividends or distribution of profits or income to or amongst the members of the Club shall be made.
- (215) No person shall receive a greater profit benefit or advantage from the Club than that received by every member thereof other than a remuneration or honorarium approved by the Liquor Control Commission for work done by the Secretary, Treasurer or other officer of the Club or salary or wages paid to employees.

BY-LAWS

- (216) The Committee shall have power from time to time to make by-laws and regulations not inconsistent with these Rules for the efficient working of the Club, and to alter, amend or rescind same as occasion may require.
- (217) All by-laws shall be entered by the Secretary in a book to be kept for the purpose, and be available for inspection by the members.

CLUB-HOUSE OPEN

- (218) The Club-House shall be open to members for such times, and on such conditions, as may be decided by the Committee from time to time.

LAWS OF THE GAME OF BOWLS

- (219) The Laws of the game of Bowls as adopted from time to time by Bowls Australia Inc. shall apply to all games played under the control of the Club, except when specifically stated otherwise.
- (220) The Bowls Victoria Rules for Competition as adopted from time to time shall apply to all members affiliated with Bowls Victoria.
- (221) Failure to observe any such laws will render the offending player liable to disqualification from the Competition or Match.

NOTICES

- (222) A notice may be served by or on behalf of the Club upon any member either personally or by sending it by post to the member at his address shown in the Register of members.
- (223) Where a document is properly addressed pre-paid and posted to a person as a letter, the documents shall, unless the contrary is proved, be deemed to have been given to the person at the time at which the letter would have been delivered in the ordinary course of post.

CUSTODY OF RECORDS

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- (224) Except as otherwise provided in these Rules, the Secretary shall keep in his custody or under his control all books, documents and securities of the Club.

FUNDS

- (225) The funds of the Club shall be derived from annual subscriptions, greens fees, competition entry fees, donations and such other sources as the Committee determines.
- (226) The Club shall provide and maintain its facilities from the joint funds of the Club.