

LONGFORD BOWLS AND COMMUNITY CLUB INC. CONSTITUTION



Constitution

August 2022

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SECTION 1. - OVERVIEW

1. Name

The name of the incorporated association is the Longford Bowls and Community Club Inc. The Club is a not-for-profit organisation incorporated under the provisions of the Act. The Club conducts itself in compliance with the provisions of the Act and other Laws regulating Associations.

2. Definitions

- (a) **Act** means the *Associations Incorporation Act 1964* (Tas).
- (b) **Affiliated Body** means regional, state and national controlling bodies and any Bowls Club the Club has competitive, social, or other organised activities or dealings with.
- (c) **AGM** means the Annual General Meeting of the Club which must be held no later than 2 months from the end of the Club Year.
- (d) **Annual Subscription Fee** means the sum payable by each Member in consideration for Membership of the Club for one Club Year, of an amount determined by the Board for each Membership type from time to time and comprising a Membership fee and other subscription fees as are reasonable for the maintenance and services of the Club.
- (e) **BN** means Bowls North, and any entity with which it may amalgamate or by which it may be replaced (if any) and whether or not it is or becomes known by any other name.
- (f) **Board** means the board of management consisting of those Members of the Club elected to manage the Club for their elected period in accordance with clause 21.
- (g) **Bowls** means the game or sport of Bowls and its varieties (including 'indoor' and 'barefoot') as defined from time to time by the then recognised governing body for Bowls in Australia.
- (h) **Club** means Longford Bowls and Community Club Incorporated.
- (i) **Club Year** means the period beginning 1 September of each calendar year and ending 30th August the following year. Members who have paid annual subscriptions do so to cover this period.
- (j) **Financial Year** means the period beginning 1 May of each calendar year and ending 30 April of the following year.
- (k) **Service Member** has the meaning provided at clause 6(f).
- (l) **Junior Member** has the meaning provided at clause 6(b).
- (m) **Club Law** means the requirements of all statutes, rules, regulations, proclamations, ordinances, or by-laws of a binding nature made by any Court of common law or equity, or by any Commonwealth, state or local government authority present or future.
- (n) **Life Member** has the meaning provided at clause 6(c).

- (o) **Month** means calendar month.
- (p) **Member** means any person who is a member of the Club in accordance with this Constitution.
- (q) **Participants** means those having an interest or an involvement with the Club.
- (r) **Rules** means the rules of the Club as amended from time to time, including this Constitution and any by-laws and policies established under this Constitution from time to time.
- (s) **Social Non-Playing Member** has the meaning provided at clause 6(e).
- (t) **Social Playing Member** has the meaning provided at clause 6(d).
- (u) **Special Meeting** means a meeting of the Club called in accordance with clause 17.
- (v) **Special Resolution** means a resolution passed by a majority of not less than 75% of the eligible voting Members present in person at an AGM or Special Meeting.

3. Vision

The Bowls Club will be a vibrant and competitive sports Club and social hub where Members can interact socially, enjoy a game of Bowls (including practice) in a safe harmonious environment free from discrimination, bullying or harassment, meet a range of people and make use of the Club's facilities in positive ways.

4. Purposes

The purposes of the Club are to:

- (a) Participate in Bowls competitions, including "Pennant", at the highest possible level in order to maintain and enhance the tradition of playing Bowls established within the Club since its formation in 1948;
- (b) Promote the game of Bowls among young people and the general community to help ensure the future of "bowling" as an integral part of the Club;
- (c) Encourage non-bowlers to become Members of the Club;
- (d) Provide facilities for bowling and non-bowling Members to actively follow their interests and undertake activities within pleasant surroundings;
- (e) Promote and develop the Club and its facilities and activities within the local community for the benefit of Members, the game of Bowls and the community within which the Club exists;
- (f) Celebrate the achievements of Members; and
- (g) Do all lawful things as are, in the opinion of the Members of the Club, conducive to the attainment of the Vision stated herein.

5. Objectives

The objectives of the Club are as follows:

(a) Maintain traditions within the Club by –

1. Creating opportunities for as many Members as possible to participate in Pennant Bowls;
2. Affiliating with BN and Bowls Tasmania and any other body that would be of benefit to the Club;
3. Encouraging the participation of Members in Bowls competitions conducted by other Clubs; and
4. Promoting and encouraging all Pennant playing Members to participate in Club Championships.

(b) Promote the future of the Club by –

1. Creating opportunities for Members to play social Bowls or play in intra-Club competitions to ensure that any Member who is a reserve for the Pennant competition – or is new to the game of Bowls – can play and maintain their enthusiasm for the sport;
2. Creating opportunities for young people – including school children – to become familiar with and participate in the game of Bowls
3. Promoting and encouraging Members to participate in barefoot and indoor Bowls activities conducted by the Club; and
4. Conduct social winter bowls competitions during off-season to help maintain Members interest and skills in Bowls.

(c) Provide a recreational facility for both bowling and non-bowling Members of the Club by-

1. Maintaining and conducting a Bowls and community organisation that can provide a Clubhouse, bowling green, and other facilities for the use of Members at such times and in such ways as decided by the Members;
2. Conducting activities that encourage non-bowling Members to participate in Club activities; and Promoting and fostering a safe and harmonious environment free from harassment, discrimination and bullying and to promote all Members' awareness of their rights and responsibilities in this regard.

(d) Acknowledge and celebrate the achievements of Members through recognition of such things as –

1. Noteworthy service to the Club; and
2. Special group or individual efforts.

(e) Satisfy such other objectives as Members shall determine from time to time

The advancement and best interests of fellow Members and the game of Bowls should be a priority in terms of the aims and actions of the Club and its Members and other participants. This may include but is not limited to -

1. Raising and borrowing any monies required for the purposes of the Club upon such terms and conditions and/or on such securities as may be determined by the Board in accordance with this Constitution;

2. Purchasing, taking, leasing, exchanging, hiring, maintaining or otherwise acquiring any real or personal property and other rights and/or privileges necessary or convenient for the purpose of the Club;
 3. Selling, mortgaging, improving, managing, developing, leasing, disposing of, turning to account or otherwise dealing with all or any part of the property of the Club, having regard at all times that the Club is prohibited from making any distribution whether in money, property or otherwise to Members.
- (f) doing all such things as are incidental to or reasonably necessary for the achievement of the objectives set out above**

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SECTION 2. - MEMBERSHIP

6. Membership Types

Membership of the Bowls Club shall be open to any person who wishes to further the objectives and purposes of the Club. A person who is nominated and elected for Membership of the Club in accordance with this Constitution is eligible to be a Member after payment of the Annual Subscription Fee and in doing so, shall be deemed to have agreed to abide by this Club's Constitution, rules and By-Laws and all relevant regulations of regional, state and national controlling bodies.

The Club Membership shall consist of the following Membership types-

- (a) Full Members, Members who are entitled to all privileges of the Club including access to the greens, playing Pennant games, Club championships and other such games as made available via an Affiliated Body. Full Members are eligible to nominate for a position on the Board and may vote at an AGM and any Special Meeting called.
- (b) Junior Members, who are entitled to the same privileges as Full Members but are not eligible to nominate for a position on the Board and do not have voting rights. A Junior Member is someone under 18 years of age. There is no defined lower age limit. If a Junior Member satisfies the age restrictions determined by regional, state or national Bowls organisations, that person may also represent the Club in BN sanctioned events and matches.
- (c) Life Members, who enjoy the same privileges as Full Members and, subject to clause 8, will not be liable for any financial obligations. Nomination of a Member for Life Membership must be made in writing, and signed by two Full Members, giving full details of the nominee's services to the Club, and provided to the Secretary for consideration by the Board. Life Membership may only then be conferred at the recommendation of the Board and acceptance by the nominee at an AGM of the Club, upon receiving the vote of two thirds of the Members present and entitled to vote. Such elected Members shall be presented with and be entitled to wear a Club Life Member badge.
- (d) Social Playing Members are restricted to playing on the green only during social play and in competitions approved for the Social Playing Membership by the Board. Social Playing Members do not have voting rights.
- (e) Social Non-Playing Members do not enjoy the benefit of the use of the Bowls green. Social Non-Playing Members do not have voting rights.
- (f) Service Membership may be granted to any person nominated by a Member and is subject to any conditions as may be set by the Board in its sole discretion, including the right to play when vacancies on the green are available. The name and address of Service Members must be entered in a book kept for that purpose at the Club House, entitled *Visitors Book*. The Board shall decide the amount of any subscriptions to be paid and if the member is in a Club Pennant side, the Club will be responsible for any Association Registration fee.

7. Nomination and Election

- (a) Any person 18 years or over and wishing to become a Member of the Club must be proposed by one Member and seconded by another. Each of these Members should have a personal knowledge of the applicant. A person under age 18 years may apply for Membership of the Club

- as a Junior member but their application must be approved and counter signed by a parent or guardian.
- (b) An application form should be signed by the applicant at least 14 days before the next appropriate Board meeting and must contain the name and contact details of the applicant and the date of application. The application should be presented to the Secretary who should post it on the Club's notice board and keep it so posted for at least 7 days immediately preceding the next Board meeting.
 - (c) Members shall be elected by a majority vote of the Board. 2 adverse votes shall exclude the applicant from Membership. (A record of every Board member voting at the election shall be kept by the Secretary without their vote being identified).
 - (d) The decision of the Board is made in its sole discretion and shall be final.
 - (e) Immediately upon the election of the new Member, the Secretary shall make available to the Member a copy of the Constitution and any By-Laws then in force.
 - (f) If a newly elected Member fails to pay their Annual Subscription Fee within 30 days after their election, their Membership shall be void unless they justify their delay to the satisfaction of the majority of the Board.
 - (g) Payment of the subscriptions and/or using the Club's property shall be taken to imply a Member's acquiescence to the Rules and By-Laws of the Club.

8. Forfeiture of Membership

The Secretary shall give notice to each current Member when their subscription is due. If any Member fails to pay their Annual Subscription Fee within 3 months of the beginning of the Club Year, they shall cease to be a Member of the Club. However, should a satisfactory explanation be made by the Member in writing to the Board, the Board may choose to restore Membership upon payment of the outstanding subscription.

9. Re-admittance

Should any Member of the Club, for any reason whatsoever, cease to be a Member of the Club for one or more years, the Member may be re-admitted without back paying subscriptions, provided a majority of the Board consent thereto.

10. Resignation of Members

- (a) Any Member wishing to resign from the Club should give 7 days' notice in writing to the Secretary and must pay any outstanding monies due at the effective date of resignation.
- (b) For the avoidance of doubt, no Member resigning from the Club or ceasing to be a Member for whatever reason, will have any right, title or interest in or to any property of the Club.

11. Sanctions of Members

- (a) By accepting Membership or acting in a manner which expresses acceptance of Membership, or by using Club property, every adult Member accepts and undertakes to comply with this Constitution, the Rules, By-Laws and Policies of the Club. Any Member failing, neglecting or refusing to comply with the Rules, By-Laws and Policies of the Club may be liable to a sanction. Sanctions may be imposed by the Board for purpose of maintaining of morale and discipline for the benefit of all Members.
- (b) The Board may impose a sanction on any adult Member who, in the reasonable opinion of the majority of the Board, has failed, neglected or refused to comply with the rules, by-laws or policies of the Club or behaves in a way that affects the safety and wellbeing of other Members of the Club or wider community including but not limited to, any behaviour contrary to clause 41. If the Board proposes to sanction a Member, that Member is entitled to 7 days' notice of the complaint and is entitled to attend any hearing thereof by the Board.
- (c) Any Member sanctioned by the Board may appeal against the decision to a Special Meeting of the Club called for that purpose and convened by the Board at his or her request.
- (d) For the purpose of this clause 12, a sanction includes –
1. Censure of the Member;
 2. Suspension of the Member;
 3. Expulsion of the Member; and/or
 4. Other reasonable sanctions as determined at the discretion of the majority of the Board.
- (e) Where appropriate, the Board may refer an allegation of unlawful behaviour of a Member to Law enforcement authorities.
- (f) Any person who has a potential conflict of interest or possible bias – such as a Member who was involved in the incident leading to the complaint – must be disqualified from voting in respect of the complaint or appeal thereof at any Special Meeting or other meeting of the Board.
- (g) Any Member expelled in accordance with this constitution or otherwise ceasing to be a Member of the Club forfeits all rights to any claim against the Club or upon its property or funds that a Member might have, by reason of Membership.
- (h) At the expiry of the Club Year – in respect of which any person shall have paid their subscription – the Board may decline to accept any further subscriptions from a person who, in the opinion of the Board, has not complied with the Constitution, rules, by-laws or policies of the Club. The Secretary shall notify such a person of this decision and that person shall thereupon cease to be a Member of the Club. However, he or she shall have the same right of appeal and on the same conditions as stated in subclause 12(c) above.

SECTION 3. - MANAGEMENT BY MEMBERS

12. Control

- (a) The Management of the Club shall be determined by the Members by way of the Annual General Meeting and Special Meetings as hereinafter provided.
- (b) Members vest the day-to-day control and management of the Club in the Board, elected by them at the AGM.
- (c) The Board shall meet at least once in each month for the transaction of business of the Club.

13. Alteration of the Constitution & By-Laws

- (a) No alteration, repeal or addition shall be made to the Constitution except at the Annual General Meeting or a Special Meeting called for that purpose and in either event only upon the motion being carried by a Special Resolution of the Members present at the meeting in person and the completion and submission to the Commissioner of a Notice of Special Resolution, and attaching the amended constitution to that notice, within one month of the Special Resolution.
- (b) A by-law may be repealed by a simple majority of the Members present at a Special Meeting called for that purpose.
- (c) Notice of all motions to alter, repeal or add to the Constitution shall be given to Members – including Board Members – in writing 14 days prior to the AGM or 7 days prior to a Special Meeting call for that purpose.
- (d) Copies of proposed alterations, repeals or additions to the Constitution are to be delivered to the Secretary at least 28 days before such meeting and shall be inserted in the notice convening the AGM or Special Meeting at which such proposed alteration, repeal or addition is to be put and notice thereof shall be posted on the noticeboard of the Club as per subclause (b) above.

14. Interpretation of Rules

In the event of any doubt or difficulty arising as to the meaning of any rule or By-Law or should any question arise as to its interpretation, the Board by majority shall have power to pronounce a decision thereon and its decision shall be final and binding on Members subject only to affirmation or reversal by a Special Meeting called for that purpose.

15. Annual General Meeting

- (a) An AGM of Members shall be held at a date and a place to be fixed by the Board but not later than 30 June in any year.
- (b) Members wishing to have an item included on the agenda for the AGM should provide that item in writing to the Secretary at least 28 days prior to the AGM.
- (c) 14 days' notice in writing shall be given to all Members of the time and place appointed for the AGM and the nature of business to be transacted thereat. A copy of the notice shall be posted on the notice board inside the clubhouse 14 days before the date of such meeting.

(d) Subject to their Membership type, Members who have paid subscriptions prior to 1 January in any Club Year are entitled to vote on matters presented at the AGM.

(e) The business to be transacted at the AGM shall be in the following order -

1. Opening and reading of notice convening the meeting
2. Recording apologies
3. Reading and confirming minutes of the previous AGM and any Special Meetings
4. Presenting an annual report, considering and adopting the annual report
5. Presenting a balance sheet and statement of accounts, considering and adopting the balance sheet and statement of accounts
6. Electing office bearers
7. Nominating and electing an auditor
8. Fixing the Annual Subscription Fees for each Membership Type
9. Transacting any other business affecting the interest and welfare of the Club of which due notice has been given according to the rules
10. Transacting any other General business such as recommendations to the incoming Board

16. Special Meeting

(a) A Special Meeting shall be convened by the President or the Secretary upon receiving a request, in writing, to that effect from 5 Members of the Board or from not less than 10 Members of the Club whose subscriptions are not in arrears.

(b) The date of holding such a meeting shall be fixed by the Board and shall be held no less than 14 and not more than 28 clear days from the time of receiving the request, providing, always, that such a request shall state clearly the object of the Special Meeting and no matters shall be dealt with except those stated in the written request.

(c) On receipt of any request for the holding of a Special Meeting, the President or Secretary shall give 14 days' notice in writing to all Members of the time and place appointed for such meeting.

(d) The Board shall determine the time and place for a Special Meeting and have posted on the Club house notice Board advice about such a meeting 14 days in advance from the actual meeting. The advice of the Special Meeting shall set forth the nature of the meeting and the proposals that are to be submitted to Members.

(e) Special Meetings of the Board alone are referred to as "Extraordinary Meetings" and are outlined in subclause 21(h).

17. Meeting Procedure

The procedure at all AGMs and Special Meetings of the Club shall be governed by the following guidelines –

(a) Every Member about to speak must address the Chairperson without interruption – unless on a point of order – and in a respectful manner.

- (b) No Member, other than the mover of a motion, shall speak more than once on the same question. The mover of a motion shall be entitled to a closing reply. Immediately after such a reply, the question shall be put to the vote.
- (c) A Member seconding a motion shall also have the right to speak to that motion.
- (d) Should an amendment be carried, it shall be part of the substantive motion. Further amendments of which notice is given shall be allowed, one at a time, until such time as the motion is determined.
- (e) Should 2 or more Members rise to address the meeting at the same time, the Chairperson meeting shall decide who is to be heard first.
- (f) A motion that the debate be now concluded may be moved at any stage of the debate and shall be immediately put to the meeting without discussion. If lost, the debate shall continue as if such motion had not been moved. If carried, the question under debate shall be immediately put to the vote without further discussion.
- (g) In all cases not otherwise provided for, the ordinary rules, forms and usages observed in meetings of a similar kind shall be observed and the Members present may decide the procedure to be adopted in relation to any matter not otherwise provided for.
- (h) Dissent from a Chairperson's ruling shall be dealt with by allowing the dissenter to explain the reason for dissenting and the chairperson having the right to defend the ruling. After doing so, the dissent motion will be put. The vote of those present shall be final.

18. Voting

- (a) At an AGM or Special Meeting of Members, the election of office bearers – where there are more nominations than vacancies – shall be by ballot which shall be conducted by 2 scrutineers appointed by the Public Officer or if not present, the President, at such meeting. The method and voting shall be by crossing out the name of the Member or Members nominated that are not desired and leaving the correct number of Members to fill the vacant offices.
- (b) All questions for decision by the Members at an AGM or Special Meeting shall be duly proposed and seconded and shall be determined by the voices or a show of hands unless a ballot is asked for by 10 Members present and entitled to vote. The ballot may then be taken at a meeting. Whenever a ballot is taken, 2 scrutineers shall be appointed by those present to oversee the ballot. The result of the ballot shall be deemed to be a resolution of the Club adopted at such meeting.
- (c) The President shall be entitled to vote at such meetings and in the event of a tied vote, he or she shall exercise the casting vote.
- (d) At any AGM or Special Meeting of Members all Membership types excluding Junior, Social Members, Non-Playing members and Service Members shall be entitled to one vote each so long as they have paid their annual subscriptions within the current Club Year.

- (e) At any AGM or Special Meeting – unless a ballot is demanded by at least 10 Members present and entitled to vote – a declaration by the President that a resolution which is not a Special Resolution has been carried by a majority shall be recorded in the Minutes of the Club and shall be conclusive evidence of the fact. There is no requirement of further proof by way of the number or proportion of votes recorded in favour of or against such resolution.
- (f) All resolutions passed at the AGM or Special Meeting shall be conclusive and binding on all Members whether they shall have been present or not at such meeting.
- (g) Electronic votes for the election of office-bearers (see clause 21 (b)) will be available Members entitled to vote on application to the Secretary 14 days prior to an AGM and must be returned to the Secretary no later than 24 hours prior to the AGM.

19. Quorum

- (a) At any AGM or Special Meeting, at least 15% of Members entitled to vote shall form a quorum.
- (b) Should a quorum not be present within 30 minutes of the specified start time, then such meeting if convened upon the request of Members shall be dissolved.
- (c) In any other case, it shall stand adjourned to such a date as the Board shall determine by majority and if at such adjourned meeting – other than an adjourned AGM – a quorum of Members is not present, it shall lapse.
- (d) In the case of an adjourned AGM, the Members entitled to vote and present at such adjourned meeting shall form a quorum.
- (e) Notice of any adjourned meeting shall be posted by the Secretary on the Clubhouse notice Board no less than 7 days in advance of the actual meeting date.

SECTION 4. - MANAGEMENT BY OFFICE-BEARERS

20. Board of Management

- (a) The Board shall consist of the office-bearers of the Club as hereinafter specified and shall, subject to this clause 21, hold office until their successors are elected.
- (b) The office-bearers of the Club shall consist of a President, Vice president, Secretary, Treasurer, and six committee Members. The President, Secretary, Treasurer and committee Members will be elected at the AGM by the Members present and entitled to vote. A Vice President will be elected by the Board from these committee members.
- (c) Each committee member will be allocated a directorship by the President in consultation with the member and the board.
- (d) All Board Members will be encouraged to stand for a 2 year term, with 50% rotation biennially.
- (e) All retiring and retired office-bearers shall be eligible for re-election to any position of the Board.
- (f) In the event of an insufficient number of Members being nominated for the Board or other positions, the vacancies may be nominated and filled at the next AGM by a majority of Members present and entitled to vote. If such a motion is not carried, the vacancies shall be filled by the Board at the earliest opportunity.
- (g) The President and/or Secretary shall, when requested by 3 Members of the Board, convene an Extraordinary Meeting of that body.
- (h) The Secretary shall give at least 7 days' notice of Extraordinary Meetings to all Members of the Board in writing.
- (i) The President, Vice President, or in their absence, one other member of the Board shall preside at meetings of the Board.
- (j) Prior notice of meetings of the Board shall be given by the Secretary at least 7 days in advance and specify the general nature of the business to be transacted.
- (k) 5 Members of the Board shall constitute a quorum for transaction of business at any Board meeting.
- (l) No business shall be transacted unless a quorum is present and if, within 30 minutes of the appointed time for the meeting, a quorum is not present, the meeting shall stand adjourned at the unanimous discretion of those present unless the meeting is Extraordinary in which case it shall lapse.
- (m) In the absence of a quorum at a meeting of the Board, the Executive Members of the Board are empowered to operate the Club in a manner consistent with "business as usual" and aligned with the roles and functions described in clause 26.
- (n) Questions arising at meetings of the Board or of any Sub-committee appointed by the Board shall be determined on the voices or a show of hands or, if demanded by a Member, a ballot taken in such manner as the Chairperson at the meeting may determine.

- (o) Each Board Member present at a meeting of the Board – including the person presiding at the meeting – is entitled to one vote. In the event of a tied vote on any question, the Chairperson may exercise a second or casting vote.
- (p) There shall be no restriction on any Member of the Board holding dual office.
- (q) The Board may, from time to time, delegate any of its powers to such sub-committee or sub-committees consisting of Members as it shall think fit to appoint and may recall or revoke any such delegation or appointment at any time. Any such sub-committee shall, in the exercise of the powers so delegated, conform to any regulation that may be prescribed by the Board and shall be subject and subordinate to the Board, provided that the Board shall have no power to delegate its control of the supply of liquor to the Club.
- (r) The Director of any sub-committee will be expected to liaise on a regular basis with the Board. This may be way of written report or attendance at meetings of the Board.
- (s) For the purpose of these Rules, the position of an office-bearer (as defined in 21 (b)) or employee of the Club becomes vacant if the officer or employee:-
- (i) dies; or
 - (ii) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration or estate for their benefit; or
 - (iii) becomes a represented person within the meaning of the *Guardianship and Administration Act 1995*; or
 - (iv) resigns office in writing addressed to the Board; or
 - (v) ceases to be ordinarily resident in Tasmania; or
 - (vi) is absent from 3 consecutive meetings of the committee without the permission of the other members of the committee; or
 - (vii) ceases to be a member of the Association; or
 - (viii) fails to pay, within 14 days after receiving a notice in writing signed by the public officer stating that the officer or committee member has failed to pay one or more amounts of Annual Subscription Fees, all such amounts due and payable by the officer or member.
- (t) Should a vacancy occur on the Board of Management during the Club Year, the Board shall by majority appoint a successor to fill the vacancy until the next Annual General Meeting.

21. Public Officer

- (a) Section 14 of the Act requires an association to appoint a Public Officer. For the purposes of the Act, the President is the Public Officer unless otherwise determined by the Board.
- (b) A Public Officer is the servant of the Board, is appointed by the Board and may be dismissed and replaced by the Board.
- (c) The principal roles of the Public Officer are to be the official of the Club authorised to accept service of all legal documents and notice to be served on the Club and to notify the Commissioner, or other party required to be notified under the Act, of amendments to this Constitution and the passing of special resolutions within one month of the same being passed.

- (d) He or she must be aged 18 or over and may hold any other position in the Club except that of auditor.
- (e) Any vacancy of the Public Officer of the Club must be filled by the President within 14 days, and each person appointed as Public Officer must notify the Commissioner or other party requiring notice under the Act within 14 days of appointment to the office of Public officer and within 14 days of any change of address.

22. Resignation

No office-bearers or employees of the Club shall be held to have resigned their office or position until their written resignation, nominating a date on which the resignation takes effect, is delivered to the Secretary or President.

23. Vacancies

The Board shall have power, should a vacancy occur in its number, to fill such vacancy for the unexpired term from the Members of the Club deemed qualified to accept office, subject to the Member's acceptance.

24. Powers & Functions

The Board shall, subject to this Constitution and any rules or by-laws made by the Board for the purposes of this clause 25, have power to;

- (a) Elect sub-committees, fill vacancies in the membership of the Board, make appointments, set fees, make By-Laws conforming with the Rules of the Club and to do all such things that it determines to carry out and manage the business and affairs of the Club.
- (b) Fix subscriptions for Members on the authority of the AGM or of a Special Meeting of the Club
- (c) Employ, terminate and fill vacancies and otherwise deal with resignations of Members and employees
- (d) Interpret the rules and by-laws of the Club noting that the interpretations of the Board are final and binding on all Members
- (e) Carry out all resolutions passed at an AGM or Special Meeting of the Club
- (f) Encourage appropriate behaviour and promote and protect morale, discipline and safety by imposing a reasonable sanction or sanctions on Members where necessary in accordance with this Constitution
- (g) Deal with, in accordance with the Act (if applicable), other matters which may arise or which are not specifically provided for in this Constitution

- (h) Cause accurate and up to date accounts and books to be kept showing the financial affairs of the Club and the particulars usually shown in books of accounts of a like nature, correctly recording and explaining the transactions of the Club, in such manner as will enable the Club to prepare true and fair accounts and the Auditor to properly audit the accounts in accordance with the Act.
- (i) Authorise all expenditure passed at an AGM or Special meeting and direct the method of dealing with monies received for or on behalf of the Club.
- (j) Prescribe the powers and functions of sub-committees and employees
- (k) Co-opt as Members of a sub-committee such persons as it sees fit whether or not those persons are Members of the Club noting that a non-Member is not entitled to vote.

25. Duties of Officers

(a) **President** The duties of the President shall be to:

1. Be the chairperson at all meetings if possible
2. Regulate and keep order in all proceedings
3. Carry into effect the rules and by-laws of the Club
4. Act as the Executive Officer on the Board.

(b) **Secretary** The duties of the Secretary shall be to:

1. Act as the executive officer of the Board
2. Attend all meetings of the Board and Special meetings if possible
3. Record the Minutes of all meetings in a book or file to be kept for that purpose and place a confirmed copy of the most recent minutes in a conspicuous place in the clubhouse
4. Conduct all correspondence in connection with the general business of the Club
5. Prepare for submission to the AGM the report of the Board on the activities of the Club during the year
6. Keep a register of Members at the clubhouse setting forth the name and contact details for each Member of the Club and the date of their latest subscription payment
7. Carry out such other duties not necessarily identified herein which are usually associated with the office of Secretary for the Club.

(c) **Treasurer** The duties of the Treasurer shall be to:

1. Receive all monies belonging to the funds of the Club and within a reasonable period of time provide receipts for the same and arrange deposits with the Club's bankers
2. Pay all accounts
3. Keep correct accounts of all monies received and expended
4. Table a statement showing the financial position of the Club at each Board meeting
5. Prepare and submit financial statement to each AGM
6. Produce a statement of the cash transactions and financial position of the Club, including the bank balance, at each Board Meeting

7. Prepare and present to the nominated Auditor such statements of income, expenditure, assets and liabilities as he/she requires to prepare an annual audit in time for each AGM
8. Act as the executive officer of the Board.

(d) **Vice President** The duties of the Vice President/s shall be to fulfil the roles expected of the President in the event of their absence and Act as the Executive Officer of the Board of Management.

COPY

SECTION 5 - FINANCES AND PROPERTY

26. Banking Account

- (a) The banking account of the Club shall be kept with such bank as shall, from time to time, be nominated by the Board.
- (b) All monies will be banked therein
- (c) All accounts payable by the Club – above an amount regularly set and reviewed by the Board – shall be paid after having been passed for payment at a Board meeting. When immediate payment is necessary, the account/s shall be paid and the action endorsed at the next Board meeting. At the discretion of the majority of Board at a meeting and subject to the terms of any liquor licence held by or on behalf of the Club and all Law relating to the purchase and service of alcohol, this point will not necessarily apply to purchase of bar stock. A record of such purchases is to be submitted by the Treasurer to monthly Board meetings in a form and manner as directed by the Board.
- (d) All cheques drawn on the account shall be signed by any 2 of the following officers: President, Vice President, Treasurer or Secretary or a nominee by the Board provided that should any of these be absent through illness or other cause, then such person acting in the place of that office-bearer mentioned shall be empowered to sign cheques on the Club's bank account in a like manner.
- (e) Invoices paid by electronic transfer shall be undertaken by the Treasurer with all transfers authorised by at least one other of the empowered signatories.

27. Expenditure

No expenditure exceeding \$500, or such sum as may be set by the Board, shall be entered into without the consent of the Board and all accounts against the Club shall be passed by the Board before payment is made or in exceptional circumstances by the Executive Officers.

28. Control Over Property

- (a) The negotiation of a loan, the issuing of debentures, the giving of any security over any property of the Club, the selling or purchasing or leasing of any land or buildings that are or will become the property of the Club for any term exceeding 3 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 prior approval of a majority of Members present and eligible to vote at an AGM or Special Meeting.
- (b) The property of the Club shall be subject to the control and disposition of the Board which is 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 3 years subject to such sanction as aforesaid.
- (c) The orders in writing of a quorum of those assembled at an AGM or Special Meeting and signed by the chairperson of the day – and attested by the Secretary – shall vindicate anything done or purported to be done by them in pursuance of such direction.

29. Subscriptions

- (a) Annual subscriptions are set to help meet the operational costs of the Club.
- (b) Such subscriptions shall be due and payable 1 September and be current until 31 August of the next year. Those renewing Memberships have until 30 November to pay subscriptions or Membership shall cease forthwith subject to sub clause 32 (g).
- (c) Subscriptions for those who join the Club after April 30 in any year may have a partial subscription for the remaining portion of the Club Year set by the Board but this shall be entirely at the discretion of the Board.
- (d) The Treasurer may invoice any Member who requests, or any Member with any outstanding amount of Annual Subscription Fee or other amount owing to the Club
- (e) The Board is empowered to prevent any Member whose subscription is in arrears from exercising all or any privileges of the Club.
- (f) No Member shall be eligible to represent the Club in any Bowls competitions or make use of the Club's facilities until all subscriptions and monies due for the ensuing year have been paid unless special dispensation has been granted by the Board.
- (h) A Member who has been suspended by way of sanction by the Board shall still be liable for subscription fees inclusive of the period of suspension.

30. Borrowing Powers

- (a) If at any time the Club, at an AGM or Special Meeting shall pass a resolution authorising the Board to borrow money, the Board shall, there upon, be empowered on behalf 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 and manner and upon such security as shall be specified in such resolution.
- (b) Thereupon, a Board Member shall, at the direction of the Board, make all dispositions of the Club property, or any part thereof, and enter into such agreements in relation thereto as the Board may deem proper for giving security for such loans and interest.
- (c) All Members of the Club shall be bound by the decision of the relevant meeting.

31. Books

- (a) Proper books, documents and securities of accounts shall be kept by the Treasurer and these shall be open to the inspection of the Board any time.
- (b) The accounts, books and records referred to shall be kept at the Club's office or at such other place as the Board may decide.

32. Audit

- (a) An auditor shall be appointed at each AGM. Such Auditor shall not be an office-bearer of the Club and must be a registered company auditor pursuant to the *Corporations Act 2001* (Cth).
- (b) Nominations for such office shall be taken at the AGM in each year.

- (c) The Auditor shall have power at all times to examine the books, computing systems, and documents of the Club and shall also, as soon as practical prior to the close of the Club Year, audit a statement of receipts and expenditure and balance sheets for the financial business of the Club since the end of the preceding Financial Year. These statements shall be prepared by the Treasurer.
- (d) Any report of the auditor shall be submitted to the AGM.
- (e) The auditor may only be removed from office by Special Resolution.
- (f) In terms of procedures, the following apply:
1. The accounts of the Club shall be examined by the Auditor Club as soon as practicable after the end of each Club Year
 2. The Auditor shall certify as to the correctness of the accounts of the Club and shall report thereon to the Members present at the AGM.
 3. In the report and in certifying the accounts the auditor shall state:
 - Whether he/she has obtained the information required for audit purposes
 - Whether, in his/her opinion, the accounts are properly drawn up so as to exhibit a true and correct view of the financial position of the Club
 - Whether the rules relating to the administration of the funds of the Club have been observed.
 4. For the purposes of each audit, the Treasurer of the Club shall cause to be delivered to the Auditor a list of all the accounts, books and records of the Club
 5. The Auditor
 - has a right of access to the accounts, books, records, vouchers and documents of the Club
 - May require from the Members and/or employees of the Club including Board Members, such information and explanations as may be necessary for the performance of his/her duties as Auditor
 - May employ persons to assist him/her in investigating the accounts of the Club.

SECTION 6. - GENERAL MATTERS

33. Patron

A person or persons, who need not necessarily be a Club Member, shall prior to the AGM, be selected by the Board as the Patron of the Club for the ensuing 12 months. The Patron/s shall be expected to enhance the standing of the Club, provide a positive example to Members and undertake on a voluntary basis any duties deemed appropriate by the Board such as officiating at special events.

34. Solicitor

There may be a Solicitor to the Club who can be appointed by the Board upon such terms and for such period as the Board shall determine.

35. Colours of the Club

The colours of the Club shall be as the Board, from time to time, may determine subject to approval by BN or any other body governing the activities of the Club.

36. Supply of Liquor

- (a) The Club supports the responsible serving and consumption of alcohol.
- (b) No person under the age of 18 years shall be supplied with or permitted to consume liquor by the Club on its premises.
- (c) No liquor shall be sold or supplied for consumption elsewhere than in the Club premises or such other area as permitted in the liquor licence unless such liquor is removed from the premises of the Club by the Member purchasing the same.
- (d) There is deemed to be included in this Constitution and rules of the Club the provisions set out in Club guidelines and licenses that are, from time to time, published by the Licensing Board in accordance with section 17 of the *Liquor & Accommodation Act 1990* (Tas).
- (e) A visitor shall not be supplied with liquor in the Club premises unless in company of a Member.
- (f) Those serving alcohol must follow the rules as set by the *Liquor & Accommodation Act 1990* (Tas) and must provide evidence of a valid RSA to the club to be kept on premises.
- (g) No payment or part payment to any member of the Board or employee of the Club shall be made by way of commission upon, or allowance from, the receipts of the Club from the sale of liquor.
- (h) Subject to the requirements of the liquor licence The Board shall have the power to fix or to vary the hours of bar trading by resolution at a Board meeting. Any such resolution shall form part of the Rules and By-Laws of the Club.

37. Behaviour

- (a) Members must at all times behave in a manner that upholds the Club vision, purposes and objectives as outlined in this Constitution.

(b) Members must treat others with respect and courtesy and comply with all Club rules, by-laws, policies and Laws.

(c) Members must not engage in behaviour that is contrary to these rules including:

1. Unacceptable language
2. Unapproved or illegal gambling
3. Any behaviour that affects or has the potential to affect the safety and wellbeing of other Members or the wider community such as harassment, discrimination or bullying
4. Any actual or alleged conduct which does or may form part of a criminal charge
5. Any other behaviour that in the reasonable opinion of the Board is considered to be dishonest, offensive or objectionable behaviour.

(d) Any infringement of this Rule may be brought to the notice of the Board which shall, for each infringement, have power to impose a sanction or sanctions in accordance with Rule 12.

(e) Any Member accused of misconduct or an infringement of this rule, by not less than two Members, and including conduct unbecoming, further to behaviour noted in subclause 40(c), either on or off the premise being of a nature of:

1. Financial impropriety, or
2. Neglect toward a minor or persons of disability, or
3. Verbal or physical intimidation of any persons including Members or persons having business with Club, or
4. Any behaviour inconsistent with the objectives and policy statements of any Affiliated Body or other entity associated with the Club.

Shall be referred to the Board and in the event that the allegation(s) are reasonably considered detrimental to the image, reputation or dignity of the Club or the sport of Bowls, the Member:

i) will be suspended, for a period determined by the Board, from representing the Club in any fashion and from access to Club premises, with the following exceptions:

- A. to attend Board invited meetings of mediation or explanation; and
- B. where necessary, for the removal of personal effects; and

ii) where reasonably deemed necessary by the Board, may have any or all Member rights and privileges rescinded in accordance with Rule 12.

38. Damage to Property

No Member shall remove from the Clubhouse and/or grounds or deface or injure any article that is the property of the Club. Members removing, breaking or otherwise damaging any such article shall pay for the same at a proportionate price fixed by the Board.

39. Visitors

- (a) Every Member shall be allowed to introduce visitors to the Club subject to such regulations as the Board shall, from time to time, determine.
- (b) No person shall be introduced as a visitor who has been expelled from Membership of a bowling or community based Club or whose conduct or presence on the Club's premises shall be considered objectionable or prejudicial to the interests of the Club.
- (c) A Member shall be entitled to introduce an approved visitor
- (d) As with all Club Members, visitors must comply with relevant and current licensing regulations.

40. Greens Keeper

- (a) The Board shall have the power to appoint a Greens Keeper
- (b) On behalf of the Board, the Greens Keeper 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 damaged thereby. Notice of closure posted by the Green Keeper on the Clubhouse noticeBoard and/or elsewhere at the Club shall be sufficient notice.
- (c) No Member shall be allowed to play on the playing area unless wearing smooth, rubber soled and heel-less shoes unless "bare feet" is appropriate.
- (d) In the absence of the Greens Keeper, a Board Member or any 2 bowling Members – on the advice of the Greens Keeper or nominated representative – shall have power to prevent play at any time.
- (e) In all other aspects, the supervision and control of playing areas and grounds shall be in the hands of the Board whose ruling shall be final.

41. Bar Manager/Licensee & Other Employees

- (a) The Board shall appoint a Bar Manager and/or Licensee for the Club after each AGM.
- (b) Such person or persons may attend Board meetings as part of his/her official duties but shall not be remunerated for such attendance nor have voting powers additional to those held by virtue of his or her Membership of the Club (if any) at such meetings.
- (c) The Bar Manager/Licensee shall be responsible to the Board for the effective functioning of the Club's bar and any gaming facilities and record venue bookings in the dedicated documents for this purpose.
- (d) The duties and responsibilities of other employees are to be defined by the Board as and when necessary.

42. Suggestions, Complaints & Disputes

- (a) All suggestions and complaints should be made in writing to the Secretary who shall bring the same before the Board at the next meeting.
- (b) Should any dispute or disagreement arise between Members on the Club premises, the same may be referred in writing to the Board by either party. The Board shall have power to deal with the same and if an amicable resolution of the dispute or disagreement cannot be garnered, the Board may impose a fine or, in the worst instances, may consider a period of suspension or ultimately, expulsion. See section 2, Point 12 herein regarding Expulsion of Members.

43. Rules Non-Compliance

Non-compliance with any Club rules shall not render any proceedings invalid unless the Members at a Special Meeting direct.

44. Application of Profit

The Club is an incorporated association. The profits and other income of the Club shall be applied to the promotion of the Purposes for which 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. However, nothing herein contained shall prevent the payment by way of honorarium or refund of expenses or gift to any office-bearer or employee of the Club for services rendered to the Club in the proper pursuit of their duties.

45. By-Laws and Policies

- (a) The Board shall have power, from time to time, to make By-Laws, Policies and regulations that are consistent with these Rules for the effective and efficient working of the Club and to alter, amend or rescind the same as occasion may require, subject to point 15. For the avoidance of doubt, By-Laws, Policies and regulations can be created, amended, or repealed by simple majority of Board Members present at an Extraordinary Meeting called for that purpose.
- (b) All By-Laws and Policies shall be entered by the Secretary in a document to be kept for that purpose and be available for inspection by members.

46. Clubhouse Open

The Clubhouse shall be open to Members and visitors for such times, and on such conditions, as may be decided by the Board.

47. Laws of the Game of Bowls

- (a) The laws of the game of Bowls as adopted by BN shall apply to all games played under the control of the Club except when specifically stated otherwise.

- (b) Failure to observe any such laws of the game of Bowls will render the offending player liable to disqualification from the match or competition.

48. Winding-up

In the event of the Club being wound up at an Extraordinary meeting of the members:-

- (a) Every member of the Club and every person who, within the period of 12 months immediately preceding the commencement of the winding-up was a Member of the Club, is liable to contribute to the assets of the Club such sum as may be required for payment of the debts and liabilities of the Club and for the costs, charges and expenses of the winding-up and for the adjustment of the rights of the contributories among themselves.
- (b) Such sum is not to exceed one year's then current subscription.
- (c) A former Member is not liable to contribute in respect of any debt or liability of the Club contracted after he/she ceased to be a Member.
- (d) In the event of LBCC being dissolved, the amount which remains after such dissolution- and the satisfaction of all debts and liabilities – shall be repaid and applied by the Board, in accordance with its powers, to an incorporated organisation which is a not-for-profit organisation within the meaning of the *Income Tax Assessment Act 1997* and has objectives similar to those of the Club. Alternatively, such amount may be distributed for charitable or benevolent purposes. Whether for any incorporated organisation or charitable purposes, Members of the Longford Bowls and Community Club shall determine distribution by way of resolution.

49. Copies of Constitution

A copy of the Longford Bowls and Community Club Constitution shall be provided to all financial Members when requested. A copy shall also be kept in the boardroom of the Club's premises at all times.

50. Common Seal

The Common Seal is to be held at 3 Archer Street, Longford. Additionally or in the event that the common seal cannot be used, documents are to be signed by two of the Executive members.