

BELMONT BOWLS CLUB INC.
(Registration. No. A4238)



CONSTITUTION

- OBJECTIVES, DEFINITIONS & RULES
 - BY-LAWS & POLICIES

Adopted By the Board on 5th October 2010
Approved at a Special Meeting of Members on 22nd October 2010
Includes Amendment No 1
Approved at the Annual General Meeting on 6th May 2011
and Amendments 2,3,4
Approved at the Annual General Meeting on 3rd May 2013
and Amendments 5,6,7
Approved at the Annual General Meeting on 2nd May 2014
and Amendment 8
Approved at the Annual General Meeting on 1st May 2015
Approved at the Annual General Meeting on 17th October 2020
and Amendment 9

Amendments

Number	Brief Description	Approval
1	<p><u>Page 17</u> To alter by-law 22.1 Bowls Section General paragraph 2 Delete: Bowls Secretary/Treasurer(men) Bowls Secretary/Treasurer(ladies) Change to: Secretary, Bowls Section Treasurer, Bowls Section</p>	AGM on 6 May 2011
2	<p>Amendments to cover changes required to meet Schedule one –Under New Associations Reform Act 2012(-passed by Special Resolution)</p>	Approvals for Special resolutions 2,3 and 4
	-3 Powers of Club –amended to reflect new Act	At AGM 3/5/2013
	4-Definitions –Amend The Act to mean Associations Incorporation Reform Act 2012	
	<p>New Definitions-Association means Belmont Bowls Club Inc -Voting Members - CAV -Objectives means stated purpose and why club exists</p>	
	5.3 New Rule Inspection of register of members	
	7.1 New Rule –Members may inspect and copy rules. General and Special Meetings minutes including financials.	
	7.5 (b)New wording to cover Vacancy on Board	
	20.(a) New Rule –Director of Administration shall act as Secretary - duties, appointment and removal of Secretary and 21 UNDER BY LAWS(b)Delete Public Officer and replace with Secretary	
	26 By Law covering Grievance Procedure expanded to meet requirements under the Act-	
	<p>Pages Re -Numbered from 20-28 Page 28 New By Law –Procedure for disciplining Members</p>	
	THE above was the first SPECIAL resolution passed by Members at AGM 3/5/2013	
3	<p>5.2 (a) and(b) Alteration to Membership Approvals-Nomination and Election of Members addresses timing/approval mechanisms</p>	AS ABOVE
4	Rule 18 Amendment to 5(b)and 5(c) changing signing authorities for Banking and consistency in authorities between Social and Indoor Bowls authorities	AS ABOVE
5	Rule 16 amendment Visitors: Number of times a visitor can be introduced – amend twelve times to four	Approved Special Resolution AGM 2/5/2014
6	Rule 16 Financial and Banking: New 16 d allow issuance of transaction cards or electronic facilities to person under 18 b	Approved Special Resolution AGM 2/5/2014

7	By-Law 23.1 General Bowls Section: 1. Change Chairman of Selectors (Men) to Saturday Pennant, 2. Change Chairman of Selectors (Ladies) to Tuesday Pennant, 3. New Position added Secretary/Treasurer Bowls section.	Approved Special Resolution AGM 2/5/2014
8	By-Law 23.6 General Bowls Section: Change to read: There shall be five (5) selectors elected for a term of two (2) year with (3) and (2) elected alternatively. Replacements during the tenure will assume the remaining term of vacancy.	Approved Special Resolution AGM 1/5/2015
9	Rule 5.1 (b) (1) Life Members on Page 6 of Belmont Bowls Club Inc Constitution changed to increase the number of living life members from twelve (12) to Fifteen (15).	Approved at 2019/20 AGM 17/10/2020
10	Grammatical errors corrected, no need for approval as there were no rule changes	Dec 2020
11	Adopting new model rules drafted by Consumer Affairs. <ol style="list-style-type: none"> 1. Section 5.3 Register of Members – privacy statement 2. Section 5.10 Appeal Rights – new 3. Section 7.9 Use of Technology – new 4. Section 28 Grievance Procedure – new 5. Section 30 Conflict of Interest - new 	Dec 2023

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**CONSTITUTION of
BELMONT BOWLS CLUB INCORPORATED
(Registration No. A4238)**

**This CONSTITUTION comprises two parts,
THE OBJECTIVES, DEFINITIONS and RULES of the Club and
THE BY-LAWS and POLICIES of the Club**

OBJECTIVES, DEFINITIONS and RULES

1 NAME

The name of the Club is the Belmont Bowls Club Incorporated. The registered address is 16- 36 Reynolds Road, Belmont, 3216, Victoria.

2 OBJECTIVES

The objectives of the Club shall be:-

- (a) To maintain and foster the association of a Bowls Club of and for the members which shall be non-political and non-sectarian in character.
- (b) To maintain and foster social activities and pastimes of and for the members.
- (c) To provide facilities for such bowls and social activities and pastimes as the Board of Management shall from time to time consider desirable.
- (d) To foster and play the game of bowls.
- (e) To provide alternative sports facilities considered appropriate by the Board of Management for the enjoyment and use of members.
- (f) To apply for and obtain a grant of and take a transfer of and become and remain the holder of any licence or permit under the Liquor Control Reform Act 1998 or any amendment or re-enactment thereof, either by itself or its nominee, to give and take a transfer of, renew, make application for, conduct any proceedings and do all other acts, matters and things in respect of any licence or permit and to conduct the business of a licenced Club and to do everything possible to retain and protect the licence

3 POWERS OF THE CLUB

Solely for furthering the objectives set out above the Club has, in addition to the rights, powers and privileges conferred on it under the Associations Incorporation **Reform Act 2012** (Victoria).

4 DEFINITIONS

In these Rules, unless there is something in the subject or context inconsistent therewith, the following interpretations shall operate: -

- (a) "The Act" means **Associations Incorporation Reform Act 2012**
- (b) "The Commission" means the Liquor Licensing Commission.
- (c) "The Club" means the Belmont Bowls Club Inc.
- (d) " Rules" means the rules of the Club in force for the time being.
- (e) "The Board" means the members for the time being of the Board of Management as constituted in accordance with the Rules.
- (f) "By-Laws" are the actions the Club takes to achieve the Rules and includes Policies adopted from time to time by the Board and approved at an AGM or Special Meeting
- (g) "Month" means the calendar month.
- (h) "Year" means the Club's financial year and shall be from the 1st of April in one year to the 31st of March in the next year.
- (i) "Association" means **Belmont Bowls Club Inc.**
- (j) Words importing the singular include the plural and vice versa.
- (j) Words importing any gender include the other gender
- (k) Voting members mean those members entitled to attend and vote at Annual General or Special General Meetings
- (l) CAV – means Consumer Affairs Victoria
- (m) Objectives-The term objectives should be interpreted as the stated purposes of the Club and why the Club exists.

5 MEMBERSHIP

5.1 Classes and Definition of Members

The Club shall consist of the following classes of members:-

- (a) Full Members
- (b) Life Members
- (c) Honorary Members
- (d) Special Members
- (e) Social Members
- (f) Indoor Bowls Members
- (g) Provisional Members
- (h) Junior/Student Members

Full, Life and Provisional Members shall be entitled to all the rights and privileges of the Club, whilst Honorary, Special, Indoor Bowls, Social and Junior/student Members shall be entitled to such rights and privileges as provided in the Rules.

(a) Full Members shall be persons who shall have the right to vote, hold office in the Club and enjoy all the rights and privileges of the Club.

(b) Life Members

- (1) Any person who shall have rendered special service or services to the Club may at any Annual General or Special Meeting on the recommendation of not less than four Board Members and on receiving the votes of least one half of the members present at such meeting be elected a Life Member of the Club with full privileges without payment of any subscription, provided always that there shall not be at any time more than fifteen (15) 'living' Life Members of the Club.
- (2) A Life member shall not be relieved of any other financial obligation other than the annual subscription.
- (3) The Life Member guidelines are set out in By- Law 26

(c) Honorary Members

- (1) Friends of members, and members of, or persons playing for any other bowls Club, who may visit the Club, may be elected honorary members for the day on which they visit the green.
- (2) Any member of any bowls Club whose green is distant more than twenty (20)km from the Club premises may, on the introduction by a member of the Club be elected by the Board as an Honorary Member for a period not exceeding one month without payment of any subscriptions.
- (3) Any persons, not exceeding ten in number, who have in the opinion of the Board rendered distinguished service to the Geelong Community, the State of Victoria or Commonwealth of Australia may be elected an Honorary Member.
- (4) Honorary Members may be elected and the period of their membership fixed or extended by the Board and the name and address of the introducing member 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 by him.
- (5) The Board shall have power to withdraw any or all privileges from Honorary Members. Honorary Members shall not be entitled to vote at any Annual General or Special Meeting, but they shall be entitled to use the facilities of the Club. They shall not have any right, title or interest in or to any property of the Club.
- (6) 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 by the Rules.

(d) Special Members

- (1) Any person who is a Full Member and is no longer desirous of playing bowls may be elected a Special Member.

- (2) Such special members shall not be eligible to hold office of the Club but shall be entitled to use the facilities of the Club
- (3) Nominations for Special members will be dealt with by the Board in a similar way to other Membership applications

(e) Social Members

- (1) Any person of eighteen years of age and over may apply to be elected as a Social member. The nomination and election procedures provided in Rule 5.2 shall apply to social members.
- (2) Social Members shall not be permitted to play bowls or to hold office of the Club, but they shall be entitled to use the facilities of the Club.

(f) Indoor Bowls Members

- (1) Any person may apply to be elected as an Indoor Bowls Member. The Nomination and Election procedures in Rule 5.2, shall apply to Indoor Bowls Members.
- (2) An Indoor Bowls Member shall not be permitted to play other than Indoor Bowls and shall not be eligible to vote or to hold office of the Club, but they shall be entitled to the use of the facilities of the Club.

(g) Provisional Members

- (1) Any new bowler who does not otherwise fit into another class of member may become a Provisional Member for a period of one season and pay reduced fees as set by the Board from time to time.
- (2) Such Provisional member shall be eligible to full rights and privileges as for a full Member. See Rule 5.1(a)

(h) Junior/Student Members

- (1) Any person aged less than eighteen years may be nominated and approved for Junior Membership of the Club. The Nomination and Election procedures provide in Rule 5.2 shall apply to Junior Members. Junior Members shall not be eligible to hold office or vote at any meetings of the Club.
- (2) Junior Members shall be entitled to participate in bowls activities on the greens and enjoy such privileges as the Board shall determine.
- (3) On attaining the age of eighteen years, Junior Members will be ineligible to continue in such class of membership, but will be eligible for nomination and election for other membership classes as provided by these Rules.
- (4) A bonafide Student who holds a current student concession card and is aged between 18 and 25 years will be entitled to Junior Membership of the Club in accordance with the provisions of (h)(1) above
- (5) A Junior/Student Member will pay reduced fees as set by the Board from time to time.

5.2 Nomination and Election of Member

- (a) Any persons wishing to become a member of the club must be proposed by one member and seconded by another, each of whom should have a personal knowledge of the applicant. A nomination paper shall be signed by the applicant, proposer and seconder, and shall contain the name, address and occupation or current status of the candidate and date of application together with any Nomination Fee that which may be applied from time to time. The application form must then be handed to the Membership Director who shall post it on the notice board for exhibition for the interval of not less than (14) (days) between date of the nomination and election
The Board shall have the power (6.2) (h) to consider any application in less than 14 days, but more than 7 days, when special circumstances arise, providing it is in the best interests of the Club.

- (b) The application by each such proposed new member shall be decided at a Board Meeting, Special Board Meeting, by email, or phone link up, for special circumstances. If at least two of the Board Members present at such a Broad meeting or when contacted by the Chairperson, vote against such application it shall be refused

The decision of the Board as to whether any candidate has been duly elected or not, shall be final.

A record shall be kept by the Administration Director of the number of members of the Board voting at any election of members of any classification.

- (c) On the election of a new Member, a copy of the current Club constitution will be made available to that member if so requested
- (d) If a newly elected Member fails to pay his subscription within thirty days after his election, his election shall be void unless he justifies the delay to the satisfaction of the Board.
- (e) 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.
- (f) Any person whose application for membership is rejected or whose election is voided under Rule 5.2 (b) shall not again be nominated for a period of at least six (6) months from the date of rejection or voidance of membership.

5.3 Register of Members

- (a) The Membership Manager, reporting to the Director of Membership and Sponsorship, shall keep on the Club premises a register which shall contain the name, address and occupations of all members of the Club for the time being, with the date of payment by each member of his current year's subscription.
- (b) Every member shall communicate in writing his address, or any change thereof, to the Membership Manager who shall register it. All notices posted or delivered to such address shall be deemed to have been delivered.
- (c) Members may inspect the register of members under the following conditions, in accordance with the provisions of the Act -
 - after submitting a written request to the Secretary; and
 - at reasonable times as arranged by the Secretary (Director of Administration)

Note

Under section 59 of the Act, access to the personal information of a person recorded in the register of members may be restricted in certain circumstances. Section 58 of the Act provides that it is an offence to make improper use of information about a person obtained from the register of members.

5.4 Subscriptions

- (a) A defined annual subscription of not less than \$10 or such lesser amount approved by the Commission for any category of Membership, shall be fixed by Members at the Annual General Meeting. Such subscriptions are due and payable immediately after being fixed at the Annual General Meeting. The Board may prevent any member whose subscriptions are in arrears from exercising the whole or any of the privileges of the Club.
- (b) After 31 December, in any year, a newly elected member shall pay one half of the Clubs Annual Subscription, and any such levies due to District and State Associations, together with any building levy as determined from time to time by the Board.

5.5 Liability of Members

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.

5.6 Forfeiture of Membership

If any Member fails to pay his annual subscription within five months of the beginning of the financial year, he shall cease to be a Member of the Club.

5.7 Absence of Member

Any member contemplating absence for a period may on application to the Board be granted leave of absence for a period not exceeding two years, subject to the payment of an annual subscription as determined by the Board from time to time

5.8 Resignation of Member

Any member wishing to retire from the Club shall give seven days' notice in writing to the Membership Manager and shall pay all monies due at date of such notice.

- (a) 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.

5.9 Expulsion of Members

- (a) Every member of the Club undertakes to comply with the Rules and By-Laws of the Club and any refusal to neglect to do so shall render any member liable to expulsion.
- (b) The Board shall have the power to censure or fine, suspend or expel any member for any conduct which is, in its opinion, unbecoming to a Member, providing always that, such Member shall be entitled to seven (7) days notice of the charge against him and to be present at the hearing.
- (c) Any Member expelled by the Board shall be entitled to appeal against the decision as stated in Rule 5.10.
- (d) Any Member expelled in accordance with the Rules or otherwise ceasing to be a member of the Club shall forfeit all rights to a claim upon the Club or its property or funds as he would have by reason of membership.
- (e) At the expiration of any financial year in respect of which any person shall have paid his subscriptions and the Board is of the opinion that it is undesirable in the interest of the Club that such person should continue to be a member, the Board may decline to accept any further subscriptions from such person. The Director of Administration shall notify such person of this decision and he shall thereupon cease to be a member of the Club. However he shall have the same right of appeal and on the same conditions as stated in Rule 5.9(c) above

5.10 Appeal Rights

- (a) A person whose membership rights have been suspended or who has been expelled from the Association under rule 5.9 may give notice to the effect that the person wishes to appeal against the suspension or expulsion.
- (b) The notice must be in writing and given—
 - a. to the disciplinary subcommittee immediately after the vote to suspend or expel the person is taken; or
 - b. to the Secretary not later than 7 days after the vote.
- (c) If a person has given notice under subrule (b), the Committee must appoint at least 3 persons to an appeal subcommittee to consider the appeal.
- (d) Subject to subrule (e), the Committee may appoint any person to an appeal subcommittee.
- (e) A person must not be appointed to an appeal subcommittee if the person—
 - a. was appointed to the disciplinary subcommittee to hear and determine the matter of the member concerned; or
 - b. has a personal interest in the dispute; or
 - c. is biased in favour of or against the member concerned.

- (f) The committee must convene a meeting of the appeal subcommittee (the *disciplinary appeal meeting*) as soon as practicable and no later than 21 days after the notice of the appeal is received.
- (g) Notice of the disciplinary appeal meeting must be given to each member of the appeal subcommittee and the member concerned as soon as practicable and must—
 - a. specify the date, time and place of the meeting; and
 - b. state—
 - i. the name of the person against whom the disciplinary action has been taken; and
 - ii. the grounds for taking that action; and
 - iii. that at the disciplinary appeal meeting the appeal subcommittee members present must vote on whether the decision to suspend or expel the person should be upheld or revoked.

6 BOARD OF MANAGEMENT

6.1 Management by Officers

- (a) The Board of Management shall consist of Chairperson, Director of Administration, Director of Finance, Director of Bowls, Director of Membership and Sponsorship, Director of Marketing and Communication and Director of Facilities, with all positions being declared vacant annually.
- (b) When a ballot is required for the election of officers to the Board of Management it shall take place at the Club between the hours of 10 am and 6 pm on a date to be decided by the existing Board of Management.
- (c) The Executive Committee of the Club, refer to Rule 6.3(a)
- (d) The Board of Management shall meet at least once in each month for the transaction of business of the Club, and the Chairperson and Director of Administration shall, when necessary, or when requested by four members of the Board convene a special meeting of the Board
- (e) The Director of Administration shall give notice of all Special Committee meetings to all members of the Board.
- (f) The Chairperson or the nominated deputy chairperson, or in their absence one of the Board, shall preside at all Board meetings.
- (g) Should any member of the Board fail to attend for three consecutive meetings without leave or apology delivered at or prior to the meetings, he shall thereupon cease to be a member of the Board.
- (h) Except for the Chairperson there shall be no restriction on any member of the Board of Management holding other positions within the Club
- (i) At its first meeting after the Annual General Meeting the board shall:-
 - 1. Nominate one Director to be the Deputy Chair of the Board. This person will deputise in the absence of the Chairperson at Board meetings, Club Functions and at any time the Chairperson is unavailable
 - 2. Nominate persons to be proxies for each other Board Member when they are absent because of illness, holidays, or any other reason
 - 3. Agree on the Honorariums to be made to various Club Members who incur time and cost in carrying out their volunteer duties
- (j) The Board of Management may from time to time delegate any of their powers to such Sub-Committees consisting of members of the Club as they shall think fit to appoint and may recall or revoke any such delegation or appointment. 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 such Board, providing

always that the Board shall have no power to delegate their control of the supply of liquor to the Club.

- (k) A current member or former member of the Board must not knowingly or recklessly make use of his or her position in the Club or information acquired by virtue of his or her position so as to gain, directly or indirectly, any pecuniary benefit or material advantage for himself or herself or any other person, or so as to cause a detriment to the Club.
- (l) A member of the Board who has any direct or indirect pecuniary interest in a contract or proposed contract with the Club must disclose the nature and extent of his or her interest in the contract to the Board and in the financial statements submitted to the next general meeting

6.2 Powers and Functions

The Board shall have power:

- (a) To elect sub-Committees, fill vacancies, make appointments, make by-laws in conformity with the rules of the Club and do all acts and things that it deems advisable for carrying out and managing the business and affairs of the Club.
- (b) All sub-Committees and persons appointed for special purposes by it shall be subjected to and subordinate to the Board.
- (c) On the authority of the Annual General Meeting or a Special Meeting of the Club to impose levies on the members.
- (d) To deal with resignation of members, which must be submitted in writing.
- (e) To interpret the Rules and by-laws of the Club, the interpretation of the Board being final.
- (f) To carry out resolutions passed at an Annual or Special Meeting of the Club.
- (g) To enforce discipline by fines, suspension or expulsion for any misconduct or wilful infringement of the rules and by-laws of the Club.
- (h) To deal with other matters which may arise or which are not specifically provided for in the rules of the Club.
- (i) To cause correct accounts and records to be kept, showing the financial affairs of the Club, and the particulars usually shown in the books of accounts of a like nature. They shall authorise all expenditure including any expenditure passed at any Annual General Meeting or Special Meeting, and direct the method of dealing with moneys received for or on behalf of the Club.
- (j) To adopt such charges as it deems fit for green fees, tournaments, indoor games and any special facilities or services that may be provided.
- (k) To do all such acts and things as may be required from time to time to appropriately manage the functioning of the Club.

6.3 Executive Committee

- (a) The Chairman, Deputy Chairman, the Director of Administration and the Director of Finance shall comprise the executive Committee of the Club. It shall have the power to make day to day decisions to facilitate the smooth running of the Club.
- (b) The Chairman and Director of Administration shall have the right to attend all Committee meetings of the bowls section.
- (c) A vacancy occurring in the Bowls Section or Sub-Committee during the year shall be filled by the Board of Management, after considering a recommendation from such section or Sub-Committee.

6.4 Order of Precedence

On all occasions, excepting bowls days, the Chairman Director, if present, or in his absence the Deputy Chairman, shall be first introduced to the gathering by the Director of Administration, or sub-Committee Secretary. It shall then be at the Chairman (or Deputy Chairman's) discretion to delegate the running of the function if he so desires. The Chairman shall also be accorded first place at these functions.

7 MEETINGS

7.1 Annual General Meeting

- (a) The Annual General Meeting of Members shall be held at a date to be fixed by the Board, within three months of the end of the financial year of the Club.
- (b) Notice of the time and place appointed by the Board for such meeting shall be published in a daily newspaper, circulating in the Geelong area, at least seven days before the date of such meeting and a copy of the notice shall be posted on the notice board inside the pavilion fourteen days before the date of such meeting.
- (c) The business to be transacted at the Annual General Meeting shall be in the following order:
 - 1. Reading of notice convening the meeting
 - 2. Reading and confirmation of minutes of previous annual and/or special meeting;
 - 3. Chairpersons review of the Club's year
 - 4. Presentation and adoption of balance sheet, statement of accounts and an Auditors Report
 - 5. Consideration and adoption of annual report
 - 6. Approve the amount of annual subscriptions and fees
 - 7. Transact any other business affecting the interest and welfare of the Club of which due notice has been given according to the Rules, including any proposed amendments to the Constitution
 - 8. Consider any recommendations for Life Membership
 - 9. Appointment of auditors
 - 10. Declaration of results of ballot for office bearers and the Board;
 - 11. Any other suggestions for the incoming Board.
- (d) Members are permitted at reasonable times arranged with the Secretary to inspect and make copy of the Rules of the Club, minutes of General and Special General Meetings including financial statements submitted to those meetings.

7.2 Special Meeting

- (a) A Special Meeting shall be convened by the Chairman or the Director of Administration upon receiving a requisition in writing to that effect from four Members of the Board or from not less than twenty (20) members of the Club whose subscriptions are not in arrears. The date of holding such meeting shall be fixed by the Board and it shall be held not fewer than fourteen (14) and not more than twenty-eight (28) clear days from the time of receiving the requisition, provided always that such requisition shall state clearly the object of such Special Meeting and no matters shall be discussed except those stated in the written requisition. On receipt of any requisition requesting the holding of a Special Meeting, the Chairman or the Director of Administration shall immediately post the same on the notice board of the Club at least seven (7) days prior to the date of such meeting.
- (b) A Special Meeting shall be held whenever appointed by the Board, of which notice shall be given to all members by posting a notice thereof on the notice board of the Club at least seven clear days before the date fixed for holding such meeting. Such notice shall clearly set out the nature of the meeting and the proposals to be submitted to the members.

7.3 Quorum

- (a) At any Annual General or Special Meeting of the Club, twenty percent (20%) of Life, Full and Provisional Members shall form a quorum.
- (b) At all Annual General or Special Meetings of the Members of the Club, should a quorum not be present within thirty (30) minutes of the specified time, then such meeting, convened upon the requisition of members, shall be dissolved. In any other case it shall stand adjourned to such day as the Board shall determine at the same time and place, and if at such adjourned meeting other than an adjourned Annual General Meeting the members present at such adjourned meeting shall form a quorum. No notice of any adjourned

meeting need be given to members, but notice thereof shall be posted on the Club's notice board.

- (c) Four Board Members or their nominated proxies, (see Rule 6.1 (i)(2)) shall constitute a quorum for Ordinary Board Meetings

7.4 Resignation

No office bearers or other officer of the Club shall be held to have resigned his office until his resignation in writing shall have been accepted by the Board.

7.5 Vacancies

- (a) The Board shall have power, should a vacancy occur in their number, to fill such vacancy for the unexpired term, from the members of the Club qualified to accept office.

- (b) Casual Vacancy of the Board-

- The Board Member ceases to be a Member of the Club;
- If the office of Secretary becomes vacant;
- The Board Member is absent from three consecutive meetings of the Board without an apology
- The Board Member has his/her membership suspended by the Club;
- The Board Member becomes an insolvent under administration within the meaning of the Corporations Law.
- Becomes a represented person (Under the Guardianship and Admin Act 1986
- The Board Member's position is not filled at an election or subsequent ballot at the Annual General
- The Board Member dies

7.6 Nominations for Positions

- (a) Nominations for the positions of Chairman of the Board, Director of Administration, Director of Finance, Director of Bowls, Director of Membership and Sponsorship, Director of Marketing and Communications, Director of Facilities, the Club Treasurer (non-Board member) and Social Committee Manager (non-Board member) shall be in writing signed by the nominee, the proposer and seconder and placed on the Club's notice board not less than twenty-one (21) days prior to the Annual General Meeting.
- (b) If less than the required number of candidates is nominated for any position, the vacancy shall be filled by the Board
- (c) If more than the required number of candidates are nominated for any position, a ballot shall be conducted
- (d) All retiring officers shall be eligible for re-election

7.7 Voting

All questions for decisions by Members at an Annual General or Special Meeting shall be duly proposed and seconded and shall be determined by a show of hands unless a ballot is directed by the Chairperson or required by ten (10) Members present.

- (a) The result of such a ballot shall be deemed to be a resolution of the Club adopted at such meeting.
- (b) The Chairperson of the meeting shall be entitled to vote and a casting vote if required
- (c) At any Annual General Meeting only such Life, Full Members and Provisional Members who were financial at the end of the previous financial year, namely 31st March, shall be entitled to vote at such meeting. This provision shall apply also to any special general meeting of members held between the close of the previous financial year and the annual meeting. At all other Special Meetings only Life, Full and Provisional Members who are financial according to these Rules shall be entitled to vote.
- (d) A special resolution is passed at a meeting if, of the entitled members of the Club who vote in person at the meeting, not less than three quarters vote in favour of the resolution.
- (e) All resolutions passed at the Annual General Meeting or at any Special Meeting of the Club shall be conclusive and binding on all Members, whether they have been present or not.

(f) There shall be no voting by proxy.

7.8 Returning Officers

The Board of management shall appoint a returning officer and a deputy returning officer at least four weeks prior to the Annual General Meeting. All votes cast shall be counted in the joint presence of the returning Officer and his Deputy

7.9 Use of technology

- (a) A committee meeting may be held by the use of technology that allows committee members to clearly and simultaneously communicate with each other participating member.
- (b) For the purposes of this Part, a committee member participating in a committee meeting as permitted under this rule is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

8 HONORARY SOLICITOR AND AUDITOR

- (a) There may be a Solicitor to the Club who may be appointed by the Board upon such terms and for such period, as such Board shall direct.
- (b) The Club will appoint a suitably qualified person or Company as its Auditor, at the Annual General Meeting. The Auditor shall be a Registered Company Auditor who is a Member of the Australian Society of Certified Practising Accountants or the Institute of Chartered Accountants
- (c) The Auditor shall have the power at all times to examine the books and documents of the Club and shall also as soon as possible after the close of the Clubs financial year audit financial statements of the Club for the preceeding financial year for presentation at the Annual General Meeting.

9 SUPPLY OF LIQUOR

- (a) All liquor shall be supplied or sold in accordance with the Club's current liquor licence.
- (b) No person under eighteen (18) years of age (except persons who are being trained as waiters and are not allowed to serve behind the bar) shall be employed by the Club for the sale and supply of liquor.
- (c) No payment or part payment shall be accepted by any Board Member, Manager or other officer or servant of the Club by way of commission or allowance from upon the receipts of the Club for liquor supplied.
- (d) 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 Commission for work done by the Director of Administration, Treasurer or other officer of the Club or salary or wages paid to employees.
- (e) While so long as the Club is licensed under the Commission, the Director of Administration shall within one month from the making of any amendment or alteration of the Club Constitution, forward to the Commission a certified copy of such amendment or alteration.

10 GAMBLING

No gambling or betting shall be allowed on the club premises, except that approved by the appropriate authority. Any infringement of this rule may be brought to the notice of the Board for appropriate action

11 DAMAGE TO PROPERTY

No member shall remove from the Club or deface or damage any property of the Club. Members removing, breaking or damaging any property of the Club, shall pay for the same at a price fixed by the Board.

12 DISSOLUTION

- (a) The Club may be dissolved or wound up at a Special Meeting of the members of the Club called for that purpose, if a special resolution to that effect is passed in accordance with the Associations Incorporation Reform Act 2012.
- (b) In the event of the Club being wound up, the liability of Members shall be limited to any outstanding monies due and payable to the Club, including the amount of annual subscription payable in respect of the current financial year. No other amount shall be payable by the Member
- (c) If upon winding up or dissolution of the Club, there remains, after satisfaction of all debts and liabilities, any property, the same shall not be paid to, or distributed amongst the members, but shall be given or transferred to some other organisation having purposes similar to the purposes of the Club and which prohibits the distribution of its or their income and property among its or their members and which is also not carried on for the profit or gain of its members. Such body or bodies to be determined by Members at or before the time of dissolution and in default thereof by such Judge of the Victorian Supreme Court as may have or acquire jurisdiction in the matter

13 INTERPRETATION OF RULES

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

The Club Constitution shall be available for inspection at any reasonable time by a Member at the request of that Member.

14 ALTERATION OF RULES

- (a) No new rule or statement of purpose shall be made nor any existing rule or statement of purpose altered or repealed except at an Annual General Meeting or a Special Meeting called for that purpose, and then only upon the passing of a special resolution. A by-law may be repealed by a simple majority of the members present at the meeting called for that purpose.
- (b) A copy of the proposed new rule, alteration or repeal, as aforesaid, shall be delivered to the Director of Administration at least twenty-eight (28) 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 twenty-one (21) clear days before such meeting.
- (c) The Secretary must lodge an application for approval of an alteration of purpose or rules of the Club, to the Registrar, within twenty-eight (28) days after the alteration was passed by special resolution.

15 NON-COMPLIANCE WITH THE RULES

Non-compliance with any of the rules shall not render any proceedings void unless the Members at an Annual General Meeting or Special Meeting so direct.

16 VISITORS

- (a) Members may, with the approval of the Board, introduce visitors to the Club. The Board may suspend or limit the admission of the visitors to the Club on any occasion during any hours.
- (b) A member introducing a visitor shall be responsible for the conduct of such visitor whilst the visitor is on Club premises and shall require such visitor to leave the Club premises immediately upon being requested to do so by a member of the Board.
- (c) When the member who has introduced a visitor leaves the Club premises the visitor whom he has introduced shall leave with that member.

- (d) Not more than four visitors shall be introduced by the same member on any day and the same visitor shall not be introduced more than four times in any period of twelve months. These restrictions shall not apply to partner or children of members.
- (e) The name and usual residential address of each visitor shall be entered in a visitor's book provided by the Club and the Member introducing the visitor shall sign his name and write his medallion membership number opposite each such entry.
- (f) A visitor may be admitted to the Club premises to attend a function or occasion held at such premises by a Member or Members provided holding of the occasion or function has been approved by the Committee and any licence or permit required by any relevant authority has been obtained.

17 APPLICATION OF PROFIT

- (a) 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 and no payment of any dividends or distribution of profits or income amongst the members of the Club shall be made. Provided that nothing herein contained shall prevent the payment by way of honorarium or refund of expenses to any officer or the Club for services rendered to the Club.
- (b) The funds of the Club shall be derived from the entrance fees, annual subscriptions, donations and other sources as the Board determines and the facilities of the Club shall be provided and maintained from such funds. Provided that notwithstanding anything in these rules to the contrary nothing shall require the members to pay any money except entrance fees, subscriptions and other such payments as the Board from time to time determines and the facilities of the Club shall be provided and maintained from such funds.
- (c) All books, documents, and securities of the Club shall, except as otherwise provided in the Rules, be in the custody of the Director of Administration and subject to the control of the Board and they shall be available for inspection by members at the Club premises at all times provided reasonable notice has been given to the Director of Administration

18 FINANCIAL AND BANKING

- (a) The banking accounts of the Club shall be kept with such Bank as shall be appointed by the Board from time to time.
- (b) **All financial transactions authorized by the Club** shall be signed by any two (2) of the following officers, the Chairperson, the Director of Administration, the Director of Finance and the Treasurer. The Board may appoint one *up to two further Managers and/or Treasurers as additional signatories on the Clubs Bank accounts.*
- (c) Social Club and Indoor Bowls Club banking accounts shall be signed by any two of the President, Secretary and Treasurer of the respective entities.
- (d) The Board may in accordance with relative financial institutions authorise issuance of transaction cards or electronic facilities to any one of the persons in 18 (b).

19 SEAL

- (a) The common seal of the Club shall be kept in the custody of the Director of Administration.
- (b) The common seal shall not be affixed to any instrument except by the authority of the Board and the affixing of the common seal shall be attested by the signatures either of two members of the Board or one member of the Board and of the public officer of the Club.
- (c) A record shall be maintained by the Director of Administration of all instruments to which the seal has been affixed.

20 SECRETARY.

- (a) The Director of Administration shall act as Secretary of the Club and shall assume the responsibilities previously assigned to the "Public Officer" as per the Act. The Secretary shall cause to be prepared and lodged with relevant authorities all financial statements returns ,statements and forms in accordance with the Act, including the following duties; lodging an annual statement with Consumer Affairs within a month after the Annual

General Meeting (AGM), applying to Consumer Affairs Victoria to change the club's name or rules notifying Consumer Affairs Victoria of the following:

- a change in the Club's registered address
- a change of appointment as Secretary or any change to their detail
- a special resolution to wind up the club and distribute its assets

The Secretary deals with requests to restrict access to information in the Club's register of members in terms of the Act

- (b) The Director of Administration, the Secretary shall cause to take accurate minutes of Board Meetings, General and Special General Meetings.

The Director of Administration must agree to act as Secretary and must be at least 18 years old and live in Australia. He/she cannot remain Secretary under the Act if they live outside of Australia.

If the Director of Administration acting as Secretary leaves the Club or resigns his/her position or is removed from his/her position, in terms of 7(b) of the rules, the Club must fill the vacancy within 14 days and must notify CAV of the new appointment.

BY-LAWS AND POLICIES

21 DUTIES OF OFFICERS

(a) **Chairperson**

The duties of the Chairperson shall be to preside at all meetings, to regulate and keep order in all proceedings and carry into effect the rules and by-laws of the Club.

(b) **Director of Administration**

The Director of Administration shall be the **Secretary** of the Club and the Executive Director of the Board. He shall if possible attend all meetings of the Board and General and Special meetings of the Club. He shall record the minutes of all meetings; conduct all correspondence in connection with the general business of the Club; prepare for submission to the Annual General Meeting of the Club the report of the Board on the activities of the Club during the year and in any other respect he shall carry out those duties usually associated with the office of Secretary.

The Director of Administration is the Board member responsible for the functions of Assistant Secretary and the Grants Manager.

(c) **Director of Finance**

The duties of the Director of Finance shall be:

1. To maintain an overview of the Club finances.
2. To establish financial controls and budgets and to report to the Board the Club's performance against budget.
3. To work with the Club Treasurer to receive all moneys belonging to the funds of the Club and within a reasonable time to deposit or arrange for the deposit of such moneys with the Club's bankers.
4. To work with the Club Treasurer to pay all accounts.
5. To work with the Club Treasurer to keep correct accounts of all moneys received and expended in accordance with specified Australian Accounting Standards.
6. To work with the Club Treasurer to prepare and submit financial statements that give a true and fair view of the financial position of the Club during and at the end of its last financial year to each annual meeting.
7. To work with the Club Treasurer to produce a statement of his cash transactions and of the financial position of the Club including the bank balance at each ordinary meeting of the Board.

8. To advance to any sub-committee such amounts as may be considered necessary on an imprest basis and shall be accounted for as required by the Club Treasurer

The financial statements submitted to the Annual General Meeting must disclose particulars of any trust held on behalf of the Club in which funds or assets of the Club are placed and a copy of the trust deed must be available to members for inspection.

All accounting records of the Club must be kept for a period of seven (7) years after the completion of the transaction to which they relate.

The Director of Finance is the Board Member responsible for the functions of the Treasurer and Bar Manager

(d) **Director of Bowls**

1. Chair and provide leadership to the Bowls Section that is responsible for all matters in regards to outdoor bowls. He will work closely with the Deputy Director of Bowls (men) and the Deputy Director of Bowls (ladies).
2. The Director of Bowls will actively pursue the Club's business plan and report on progress to the Board.

The Director of Bowls is the Board Member responsible for the functions of the Bowls Committee, the Indoor Bowls and the Catering Committee

(e) **Director of Facilities**

The primary role is to facilitate the maintenance and improvement of Club's facilities, The Director of Facilities will actively pursue the Club's business plan and report on the progress to the Board.

The Director of Facilities is the Board Member responsible for the functions of the Greens Director and the Greenkeeper, the House manager and the Surrounds manager

(f) **Director of Membership and Sponsorship**

1. To increase membership, reward, recognise and develop Club volunteers and to provide leadership in supporting the general welfare of members. The Director of Membership and Sponsorship will work closely with the Membership Manager and Welfare Manager.
2. Assist the Membership Manager in keeping a register of members of the Club, setting out the name in full, address and occupation of each member of the Club and the date of the latest payment of his subscription. The register is to be open to the inspection of the members of the Club
3. The Director of Membership and Sponsorship will actively pursue the Club's business plan and report on progress to the Board.

The Director of Membership and Sponsorship is the Board Member responsible for the functions of the Membership Manager, Sponsorship Manager and Welfare manager

(g) **Director of Marketing and Communications**

To develop communication strategies promoting the Club and to increase the use of the Club by the wider community. The Director of Marketing and Communications will work closely with the Manager for Special Events and the Manager for Community Relations. The Director of Marketing and Communications is the Board Member responsible for the functions of the Social Committee, the Craft and Card groups, and manage the input, promptness and relevance of the Clubs monthly newsletter

22 SUB-COMMITTEE STRUCTURE & NOMENCLATURE

The Board of Management shall appoint a Manager and such full and life members it considers necessary to fill the sub-Committees mentioned hereunder. The manager in each case will be responsible to the appropriate member of the Board of Management.

- 1 GREENS. Responsible for improvements, maintenance and marking of greens, mats, flags and the maintenance of machinery.
- 2 HOUSE. Responsible for improvements, maintenance and overall cleanliness.
- 3 SURROUNDS. Maintenance of lawn, gardens and car park
- 4 BAR. Control and purchase and sale of liquor, bar duty rosters and report on profitability each month
- 5 CATERING. General and tournament catering to be the responsibility of catering officers appointed by the Bowls Section. The catering officers appointed shall report to the Board of Management through the Director of Bowls
- 6 DISCIPLINE and GRIEVANCES, to handle any disputes, misbehaviour or disagreements between members while on Club premises. The Discipline Committee shall consist of the Chairperson, the Director of Administration, the Director of Bowls and up to two other Full or Life Members appointed by the Board of Management

23 BOWLS SECTION

23.1 General

The Bowls Section shall be responsible for all matters relating to the playing of lawn bowls. These shall include the coaching of new bowlers, trophy buying, the obtaining of bowls requisites, the appointment of umpires, obtaining entries for the running of open tournaments, the collection of green fees. It will be their special duty to ensure that hospitality is extended to visiting bowlers. The Bowls Section shall submit a report of its activities to the Board on a monthly basis

The composition of the Bowls Section shall be a Director, Deputy Director (men) and Deputy Director (ladies), Secretary Bowls Section, Treasurer Bowls Section, Tournament Manager Chairman (men), Tournament Manager (ladies), Chairman of Selectors Saturday Pennant, Chairman of Selectors Mid Week Pennant and Coaching Manager. To achieve its purpose the Bowls Section shall meet regularly or at least annually as set out in By-law 22.5.

23.2 Nomenclature and Precedence

The Deputy Director (men) and the Deputy Director (ladies) shall be known as the Presidents of their respective sections

On bowls days the relevant President shall have precedence or nominate a delegate if required.

23.3 Nominations

Nominations for the Bowls Section shall be proposed and seconded and placed on the notice board not less than twenty-one (21) days prior to the date of the Annual General Meeting of the Club.

Nominations for the selection committees shall be proposed and seconded and place on the notice board not less than forty two (42) days prior to the date of the Annual General Meeting of the Club

23 4 Ballot for Bowls Section

When a ballot for the Bowls Section is required it shall be held concurrently with the election of the Board of Management, the result of the Bowls section ballot will be announced at the Annual General Meeting of the Club. Results of ballots for the selections committees will be announced prior to nominations for other club officers being called for.

23.5 Annual Meeting of the Bowls Section

This meeting shall take place after the Annual General Meeting of the Club. The specific date being chosen by the Bowls Section which shall post notices for the meeting on Club notice boards no later than 15th of May each year.

23.6 Selection Committees

The selectors are responsible to the Board but are independent of the bowls section in the area of selection of all sides and the drawing and handicapping of all events.

There shall be five (5) selectors elected for a term of two (2) years with three (3) and two (2) elected alternatively each year. Replacements during the tenure will assume the remaining term of vacancy.

23.7 Power to Co-Opt

The bowls section and the selectors have the power to co-opt any Full or Life Member to assist them in their duties

23.8 Finance

The Treasurer of the Bowls section shall collect all green fees and tournament monies and deposit these monies in one account with the Club bankers. He/she shall advise full details to the Treasurer of the club on a weekly basis. All expenditure incurred by the Bowls Section shall be paid by the Treasurer of the club.

24 INDOOR BOWLS

24.1 Election

Indoor Bowlers shall meet at a date convenient to them to conduct their annual meeting when they shall elect their President and officers. They shall forward the names of those so elected to the Board of Management for confirmation. Indoor bowlers must be a Life Member, Full Member, Provisional Member, a special member or an indoor bowls member of the Club. Only such members shall represent the Club in pennant games

24.2 Minutes and Accounts

A report of activities shall be forwarded to the appropriate Board Member on a monthly basis.

The Indoor Bowls Treasurer shall transfer funds to the Club Account on a monthly basis or whenever requested by the Club Treasurer or the Director of Finance

Annual Financial Statements shall be made available for the Club's Auditor on 31 March each year

25. SOCIAL COMMITTEE

25.1 Election

Nominations for Social Committee Manager, Secretary/Treasurer and Committee Members shall be proposed and seconded and placed on the appropriate notice board not less than twenty one (21) days prior to the Annual General Meeting of the Club

25.2 Ballot For Social Committee

When a ballot is required it shall be held concurrently with the election of the Board of Management. The results will be announced at the Annual General Meeting of the Club

25.3 Minutes and Accounts

A report of activities shall be forwarded to the appropriate Board Member on a monthly basis.

The Social Committee Treasurer shall transfer funds to the Club Account on a monthly basis or whenever requested by the Club Treasurer or the Director of Finance

Annual Financial Statements shall be made available for the Club's Auditor on 31st March each year

26. LIFE MEMBERSHIP POLICY

The Belmont Bowls Club recognises the services that many provide to ensure its progress, prosperity, success and harmony. The Club supports a policy where Life Membership can be granted to recognise special service or services.

When considering whether or not Life Membership can be recommended the Board may use any or all of the following:-

- Personal example in promoting Club pride, harmony, team spirit and loyalty.
- Length and quality of service.

- Leadership.
- Committee participation.
- Responsibilities undertaken.

Implementation.

- Testimonies should be lodged in writing with the Administration Director by the 1st December. They must be signed and dated by the Proposer and the Seconder
- It is the responsibility of the Proposer to provide the research and supportive evidence in the Testimony.
- Receipt of Testimony to be acknowledged in writing with the Proposer by the Administration Director within fourteen (14) days.
- Recommendation and granting of Life Membership will be in accordance with procedures set down in the Club's Constitution.

27. DISCRIMINATION AND HARASSMENT POLICY

The Belmont Bowls Club is committed to providing a discrimination and harassment free environment for its members, visitors and guests. The Club recognises that it has a legal requirement under the Victorian Equal Opportunity Act 1995 to ensure that members, visitors and guests are free of discrimination or harassment.

1. It is our policy to

Ensure that all members, visitors and guests are treated equitably by creating an environment free from intimidating, hostile or offensive behaviour.

Encourage a Club that is free from harassment and discrimination, which may take the following forms.

- Sexual
- Gender
- Racial
- Religious
- Political
- Age or
- Disability

28. GRIEVANCE PROCEDURE

1. Reporting Grievances

Any grievance or complaint should be reported to any Director of the Club in writing.

2. Grievances

The Grievance Procedure deals with a dispute under the rules between:

- a member and another member, or
- a member and the Club
- a member and the Committee

The parties to a dispute must attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.

A member may appoint any person to act on their behalf in the grievance procedure. The Club must ensure;

- each party involved in the dispute has had opportunity to be heard on the matter, and
- an unbiased decision maker determines the outcome of the dispute

The grievance procedure must be consistent with Section 55 of the Act.

All complaints will be dealt with as quickly as possible.

- The Discipline Committee described in Clause 22 (6) will convene as a Grievance Committee.

- Upon receiving a complaint the Grievance Committee shall convene a meeting to promptly investigate the complaint.
- The investigation will be confidential, impartial, free of repercussions and timely.

3. Mediation process

(1)The mediator to the dispute, in conducting the mediation, must—

- (a) give each party 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 throughout the mediation process.

(2)The mediator must not determine the dispute.

(3)Any costs of mediation are to be paid—

- (a) if an agreement as to costs is reached between the parties—in accordance with that agreement; or
- (b) if there is no such agreement—by the Committee.

(4)Failure to resolve dispute by mediation

If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

Note:- This includes a registered mediator appointed or employed by the Dispute Settlement Centre of Victoria or accredited by the Victorian Bar.

29. PROCEDURE FOR DISCIPLINING MEMBERS

The relevant member of the club must be informed of the grounds for the disciplinary action to be taken against him or her, and must also be given an opportunity to be heard in relation to the matter.

The outcome of the disciplinary procedure must be determined by an unbiased decision-maker, and the disciplinary procedure must be completed as soon as reasonably practicable, to the extent that this is compatible with the above requirements.

No Member can go to the Grievance Procedure until the outcome of the Discipline Procedure is completed.

Possible outcomes are:

- No action necessary
- An apology
- Counselling
- A Reprimand
- Suspension of membership

30. CONFLICT OF INTEREST

(a) A committee member who has a material personal interest in a matter being considered at a committee meeting must disclose the committee member's position and the nature and extent of that interest to the Committee.

a. The member—

- i. must not be present while the matter is being considered at the meeting;
and
- ii. must not vote on the matter.

Note

Under section 81(3) of the Act, if there are insufficient committee members to form a quorum because a member who has a material personal interest is disqualified from voting on a matter, a general meeting may be called to deal with the matter.

- (b) This rule does not apply to a material personal interest—
 - a. that exists only because the member belongs to a class of persons for whose benefit the Association is established; or
 - b. that the member has in common with all, or a substantial proportion of, the members of the Association.
- (c) The Committee must keep a conflict of interest register.
- (d) The conflict of interest register must record the following—
 - a. the name and position of the member who has disclosed a material personal interest;
 - b. a description of the nature and extent of that interest;
 - c. a management plan documenting actions required to mitigate the conflict.

END

