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# YBCClubLogo

# Yokine Districts Bowling Club

# (INC)

# RULES

**2016**

**CONTENTS**

Yokine Districts Bowling Club 1

(INC) 1

RULES 1

Rules of the YOKINE DISTRICTS BOWLING CLUB (INC) 3

1. Name of the Club 3

2. Objects 3

3. Powers of the Club 3

4. Office Bearers 3

5. Election of Office Bearers 4

6. Nominations for Office Bearers 4

7. Affiliated to the Association 4

8. The Club Year 4

9. Membership 5

10. Subscriptions 5

11. Arrears of Subscriptions 5

12. Levies 5

13. Resignations and Terminations 5

14. Definition of Members 5

15. Application for Membership 7

16. List of Members 8

17. General Meetings 8

18. Special General Meeting 8

19. Powers of Chairperson 8

20. Notices of Motion 9

21. Management 9

22. Executive Committee Meetings 10

23. Absentees at Committee Meetings 10

24. Resignation of Executive Committee 10

25. Presiding Officer 10

26. Immediate Past President 11

27. Voting: 11

28. Club Register 11

29. Club Captains 11

30. Secretary 11

31. Treasurer 11

33. Bank Account 12

34. Club Seal 12

35. Guests 12

36. Liquor 13

37. Employees 13

38. Playing Material 14

39. Disputes 14

40. Misconduct 14

41. Prizes and Trophies 16

42 Quorum 16

43 Indemnity 16

44. Commissions 16

45. Honoraria 16

46. Amendment of Rules 16

47. Interpretation 17

48. Colours and Insignia 17

# Rules of the YOKINE DISTRICTS BOWLING CLUB (INC)

### 1. Name of the Club

The Club shall be called the “Yokine Districts Bowling Club (INC)”hereinafter referred to as the Club.

### 2. Objects

The objects of the Club are:

(a) to foster the game of bowls and other activities including but not limited to Darts and Pool and to promote good fellowship amongst the Club members.

(b) The property and income of the Club shall be applied solely towards the promotion of the objects or purposes of the Club and no part of that property or income may be paid or otherwise distributed directly or indirectly to members of the Club except in good faith in the promotion of those objects or purposes.

### 3. Powers of the Club

The powers conferred on the Club are the same as those conferred by section 14 of The Associations Incorporation Act (2015), so that subject to the Act and any additions, exclusions or modifications inserted below, the Club may do all things necessary or convenient for carrying out its objects and purposes, and in particular, may:

(a) make such agreements with local governing bodies or other bodies for the purchase, leasing or other hiring of suitable property or properties for the purpose of the Club and to maintain grounds, bowling greens and buildings for the use and accommodation of its members;

(b) borrow money by way of loan or overdraft or by the issue of debentures for the purposes of carrying on the work or activities of the Club,*see Rule 21 (b) (4);*

(c) enter into such agreements as are reasonable and necessary or as are considered advisable for the proper utilisation of the Club’s assets and for the proper carrying out of the other objects herein detailed.

### 4. Office Bearers

The Office Bearers of the Club shall comprise:

(a) The Patron;

(b) The President who shall be elected for a two year term and may contest for a maximum of a further one year only *(Three year maximum term in office as President);*

(c) The Immediate Past President who shall hold office for one year only but shall have no voting powers;

(d) Two Vice Presidents who shall be elected for two-year terms;

(e) A Secretary who shall be elected for a two-yearterm (*Rule 30*);

(f) An Assistant Sectary who shall be elected for a two-year term

(g) A Treasurer who shall be elected for a two-year term (*Rule 31*);

(h) An Assistant Treasurer, who shall be elected for a two-year term;

(i) Two committee memberswho shall elected for a two-year term*;*

(j)Two Club Captains, each one, representing the male and female bowls sections and who shall be elected for a two-year term (*Rule 29)*;

(i) A Delegate who shall be elected for a one-year term from the floor at the Annual General Meeting of the Club (Rule 7); and

(l)The Offices of Vice President, Treasurer and Club Captain shall be declared vacant in the year of odd date and those of Secretary and Committee Member shall be declared vacant in the year of even date.

### 5. Election of Office Bearers

The Annual General Meeting shall appoint a Returning Officer who shall have no deliberate vote and two scrutineers for the ensuing twelve months, to conduct ballots. In the event of any, or all of these officers seeking election to the Committee of Management as defined in Rule 21 prior to the Annual General Meeting, they shall resign such position, and the Executive Committee shall have power to fill the vacancies thus created. In the case of equality of votes in any ballot the Returning Officer shall have a casting vote.

### 6. Nominations for Office Bearers

(a) Nominee

A nominee for any office (with the exception of the Patron) together with the proposer and seconder must be all financial Ordinary or Life members of the Club. The proposal is to be in writing, signed by all parties, all of whom must also be financial members as at the closure of the ballot. Such nominee shall, at their own discretion, supply the Secretary with a short resume of past life and activities in order that members may be aware of suitability for nominated position. No existing committee member/office bearer shall be entitled to nominate for another position unless the term of office expires at the next Annual General Meeting or the member has resigned in writing from their existing position.

(b) Nomination Papers

The nominee must sign the nomination paper agreeing to the nomination. Completed nomination papers must be in the Returning Officer's hands not less than twenty-eight (28) days before the date of the Annual General Meeting at which the election is to take place and all nominations together with proposer and seconder shall be exhibited on the notice board of the Club at least fourteen (14) clear days prior to such meeting. Should there be only sufficient nominations to fill the vacancies then all candidates shall be declared elected. Should there be more nominations for any office than there are vacancies a ballot shall be conducted on the simple majority method to decide who shall fill the vacancies.

(c) Financial Member

An individual who has paid the current subscription

### 7. Affiliated to the Association

The Club is to be affiliated with the Royal Western Australian Bowling Association (INC) (Bowls WA). The members shall recognise and accept the Bowls WA Constitution Rules and Men’s and Women’s By-Laws and shall make all decisions consistent therewith. The Delegate to Bowls WA shall be elected for a one year term at the Annual General Meeting and shall retire at the expiry of one year and be eligible for re-appointment. All games of bowls shall be played according to the Bowls WA Constitution, Men’s and Women’s By-Laws and Laws of the Game of Bowls.

### 8. The Club Year

The Club financial year shall be from the 1st of July to the 30th June in the following year.

### 9. Membership

The Club membership shall comprise the following categories and the Executive Committee shall have the power to limit the number of members in all categories:

(a) Ordinary;

(b) Recreational;

(c) Junior;

(d) Social Member;

(e) Life Member;

(f) Country Member;

(g) Reciprocal Member;

(h) Temporary Member;

(i) Honorary Member.

### 10. Subscriptions

The subscription payable in respect of each class of membership shall be such as is determined by the Executive Committee for any class of member. All subscriptions are due and payable in advance by the 30th day of June in each year. A Pro-Rata subscription applies on a nearest month basis commencing from 1st January only each year.

### 11. Arrears of Subscriptions

The Executive Committee shall reserve the right to strike off the roll of members any member who is one (1) month in arrears in the payment of current subscriptions.

### 12. Levies

The Executive Committee is required to call a Special General Meeting to request levies from members. The Levy, if passed, shall become payable forthwith in addition to the annual subscription.

### 13. Resignations and Terminations

A member may resign by submitting their resignation to the Secretary in writing. A member may be terminated as stated in rule 40. If such resignation or termination is received or effected and the current membership subscription is unpaid, the Executive Committee have the right to waive or, demand that the pro-rata subscription amount, on a nearest month basis, be paid by the departing member. Should the membership subscription have been paid the Executive Committee have the right to waive or, demand that the pro-rata subscription amount, on a nearest month basis, be paid by the departing member.

### 14. Definition of Members

(a) Ordinary Member.

A person of or above the age of eighteen (18) years who shall be eligible to hold office and to enjoy full Club privileges.

(b) Recreational Member.

A Recreational Member shall be entitled to enjoy all privileges of the Club but shall not be eligible to:

(1) stand for any office in the Club or vote in any ballot or at a general meeting;

(2) propose or second any application for membership to the Club.

(3) playin any championship events run by the club.

(4) play in more than three ( 3) pennant games.

(c) Junior Member.

A Junior Member may be offered a three (3) month period before being required to pay the membership fee and shall be not less than twelve (12) years of age and must be under eighteen (18) years of age, who may enjoy the privileges of the Club but shall not be eligible to:

(1) stand for any office in the Club; vote in any ballot or at a general meeting of the Club;

(2) propose or second any application for membership of the Club;

(3) invite guests into the Club unless approved by at least three members of the Executive Committee.

(4) Junior Members are not permitted to purchase or consume alcohol or gamble on Club premises. See also Rule 36*.*

(d) Social Member

A person of or above the age of eighteen (18) years must be nominated and seconded by an Ordinary Member of the Club and shall be entitled to enjoy the privileges of the Club but shall not be eligible to:

(1) stand for any office in the Club or vote in any ballot or at a general meeting; and

(2) propose or second any application for membership of the Club;

(3) use the Club's greens, except on special occasions and with the Executive Committee's approval.

(e) Life Member

A member who, in the opinion of the Executive Committee has given a minimum of ten years outstanding service to the Club, may be recommended by the Committee to any General Meeting as a Life Member. Not more than one Life member may be nominated in any one year. Voting shall be by ballot of members present at such General Meeting, one adverse vote in three to exclude. Life members shall be entitled to all benefits and privileges of the Club.

(f) Country Member

A Country Member shall be a full paying member of another Bowling Club situated outside the metropolitan area and located in those Country Zones controlled by Bowls WA but shall not be eligible to:

(1) stand for any office in the Club or vote in any ballot or at a general meeting of the Club;

(2) propose or second any application for membership of the Club;

(3) play in any Pennant Matches for the Club, represent the Club or play in any Club Championship;

(g) Reciprocal Member

A current Full Member of another Bowling Club affiliated with the RWABA or with a similar Bowling Association in any other Australian State or Country. The member shall be entitled to the privileges of the Club but shall not be eligible to:

(1) stand for any office in the Club or vote in any ballot or at a general meeting of the Club;

(2) propose or second any application for membership of the Club;

(3) play in any Pennant Matches for the Club, represent the Club or play in any Club Championship.

(h) Temporary Member

A person who on any day is visiting the Club as a member or official of or a person assisting a team that is to contest a pre-arranged event or other competition that day or at the invitation of a Club member to engage in the activities of the Club on that day. TemporaryMembers shall be entitled to the privileges of the Club but shall not be eligible to:

(1) stand for any office in the Club or vote in any ballot or at a general meeting of the Club;

(2) propose or second any application for membership of the Club;

(3) play in any Pennant Matches for the Club, represent the Club or play in any Club Championship.

(i) Honorary Member

Honorary Membership may be granted without fees to Club Patrons, the Mayor or Lady Mayor of the City of Stirling, persons of distinguished position or attainment or persons deputising for them, and such dignitaries and sponsors of the Club as the Executive Committee shall determine from time to time.

### 15. Application for Membership

(a) Ordinary, Recreational, Junior & Social members of the Club may be elected from time to time in the following manner:

(1) an interval of not less than two (2) weeks shall elapse between nominations and election of a candidate;

(2) the proposer and seconder of an applicant shall make all reasonable enquiries to ensure themselves as to the eligibility of such applicant, ensuring that the applicant has not been expelled or is under suspension from another club;

(3) the proposer and seconder shall be held responsible for the applicant settling amicably into full membership following acceptance;

(4) all new members must be nominated and seconded by a financial Ordinary or Life member;

(b) The completed membership application form shall be displayed on a notice board in the Club premises for at least a week before being presented for election.

(c) The candidate may be elected or rejected by open vote or ballot at any Executive Committee meeting. The candidate must secure at least seventy five (75) per cent of the votes of those financial members present and voting and records shall be kept by the Secretary of the Club of the members present and voting on such day.

(d) On being elected the candidate will be notified in writing by the Secretary together with details of subscription and any nomination fee payable as the Executive Committee may from time to time determine. Fees shall be paid within thirty (30) days or the nomination will lapse, provided however that a candidate applying for membership after the 1st of January shall only pay a pro-rata subscription calculated on a nearest month basis to 30th June. The nomination fee is payable by all applicants, notwithstanding prior membership of this Club or any other club or association affiliations, but may be waived by the Executive Committee.

(e) Any candidate *for membership* who fails to secure the required seventy five per cent (75) vote shall not *be eligible to apply for membership of the Club* within a period of one calendar year, or such *other* period of time as determined by the Executive Committee, from the date of that failure.

### 16. List of Members

A list of members shall be kept in the clubhouse for access by all members.

### 17. General Meetings

(a) The Annual General Meeting of members shall be held during the month of July or August at a time and place as arranged by the Executive Committee.

(b) Notice of the Meeting must be posted for 21 day on the notice board in the Clubhouse and also sent in writing to every member of the Club posted to their last known address, at least 14 days before the date of the meeting.

(c) At this meeting a report shall be presented by the President on behalf of the Executive Committee and the Association Delegates as well as the Statement of Accounts for the past year, duly audited, and any other business in accordance with these Rules may be transacted.

(d) The order of business at the Annual Meeting shall be as follows:

(1) Reading the notice of meeting;

(2) Reading the Minutes of last Annual Meeting and any other General Meeting not already confirmed and confirming or amending same;

(3) Reading the President's Report, discussion and adoption or otherwise;

(4) Delegates’ Reports, discussion and adoption or otherwise;

(5) Instructions to the Delegates, if applicable;

(6) Reading Statement of Accounts, Treasurers report and dealing with same;

(7) Notices of Motions, if any are forthcoming;

(8) Any general business for the Club's guidance in the coming season for the advancement of the Club or bowls throughout the State;

(9) The election of office bearers in accordance with Rule 4 hereof;

(10) The election of Auditors and appointment of Returning Officer and Scrutineers.

### 18. Special General Meeting

The Executive Committee may, at any time, call a special General Meeting by posting seven days' notice in the clubhouse and sending seven days' notice to each member. A member can request the Executive Committee to call a Special General Meeting on a requisition signed by not less than twenty-five (25) members stating in detail the purpose of the meeting. Notice of the meeting and a copy of the requisition shall be posted in the clubhouse for at least seven days before the meeting. Notice of every Special General Meeting shall be sent in writing to every member at least seven days before the date of meeting. Only business of which notice shall have been given as above shall be transacted at a Special General Meeting. Twenty-five shall form a quorum.

### 19. Powers of Chairperson

The Chairperson of all meetings shall have a vote as an ordinary member and in case of equality of votes a second or casting vote and shall have power to give rulings on questions of order at all meetings, provided however, that any meeting may by resolution disagree with any such ruling in which case the meeting by resolution shall determine the question.

### 20. Notices of Motion

All notices of motion from a member for consideration at any General Meeting shall be handed to the Secretary in writing not less than twenty one (21) clear days before the date of the meeting at which the subject is to be considered. Any notice of motion for consideration by the Executive Committee must be handed to the Secretary in writing not less than seven clear days before the meeting at which the subject is to be considered. The Secretary shall post such notices on the Club notice board within twenty-four hours of receipt thereof and shall include same on the notice paper convening the appropriate meeting at which the motion is to be discussed.

### 21. Management

(a) Subject to these Rules the business of the Club shall be managed by an Executive Committee consisting of the Office Bearers set out in Rule 4 with the exception of the Patron. The Executive Committee shall subject to these Rules have the control and management of the income and expenditure of the funds of the Club and the entire management and superintendence of all the Club's affairs and concerns and the appointment of its servants.

(b) The Executive Committee shall in addition to all other powers hereby conferred on it have the power to:

(1) appoint Sub-Committees and/or Committees and to delegate to such sub-committees or committees such powers as it may deem necessary;

(2) make by-Laws and regulations for the general conduct of the affairs and objects of the Club and all other matters incidental thereto;

(3) exercise all or any of the powers and authorities of the Club or by the Associations Incorporation Act required to be exercised by the Club in a General Meeting;

(4) borrow money by way of loan or over draft or by the issue of debentures for the purposes of carrying on the work or activities of the Club, subject to the approval of the members at an Annual General Meeting or a Special Meeting;

(5) appoint members to the various Committees and Sub-Committees where vacancies exist and to represent the Club for official duties when and where required.

(c) Committees and Sub-Committees may be appointed from other than Executive Committee members.

(d) The Executive Committee shall, in addition to any Committees appointed in accordance with Sub-Clause (b) hereof appoint the following Committees:

(1) Bar Committee;

(2) Building and Projects Committee;

(3) Finance Committee;

(4) Functions Committee;

(5) Greens Committee;

(6) House Committee;

(7) Match Committees;

(8) Publicity and Sponsorship Committee; and

(9) Surrounds and Gardening Committee.

(e) A Male and Female Selection Committee of up to five (5) Members each shall be elected under the following conditions:

(1) a separate secret ballot shall be held amongst all eligible bowlers in accordance with Rule 6 to elect the Selection Committees for the following season. The date of such election shall be determined by the Executive Committee, but shall not occur before 21 May each year;

(2) ballot papers for this Committee are to be submitted in the ballot box;

(3) Each Selection Committee shall elect one of its members to be the Chair.

(f) The powers of all committees and sub-Committees shall be restricted to the making of recommendations to the Executive Committee unless otherwise specified. All the committees and sub-committees mentioned in this Rule shall report and be responsible to the Executive Committee.

(g) The duties of the aforementioned Committees set out in these Rules are described in the By-laws of the Club.

(h) The President and Secretary shall be ex-officio members of all committees and sub-committees with the exception of the Selection Committee.

(i) The Treasurer shall be an ex-officio member of the Finance Committee in addition to the President and Secretary. Ex-officio members of committees shall have equal rights and privileges to those of appointed members.

(k) So long as the Club is the holder of a club license under the Liquor Act 1988, the Executive Committee shall, within 14 days from the making of any amendment or alteration in the constitution of the Club, forward to the Director of Liquor Licensing Department of Racing Gaming and Liquor a certified copy of every such amendment and/ or alteration.

### 22. Executive Committee Meetings

An ordinary meeting of the Executive Committee shall be held at least once in every month on a day to be fixed at the first meeting after election. Special Meetings of the Executive Committee may be called by the President, Male or Female Secretary or on the request of two members of the Executive Committee. Notice of all meetings of Executive Committee shall be communicated to every member of the Executive Committee at least three days prior to date of meeting and also posted on the notice board in the Clubhouse.

### 23. Absentees at Committee Meetings

Should any member of the Executive Committee fail to attend three consecutive ordinary meetings without leave of absence, the Executive Committee may by resolution, declare their seat vacant. The Executive Committee shall fill any vacancy that may occur in their number by appointing any financial Ordinary member of the Club. Provided however, that the member so appointed shall only hold office for the remainder of the term for which his predecessor was elected.

### 24. Resignation of Executive Committee

In the event of the resignation of the Executive Committee, the management of the affairs of the Club shall be vested in the President, Vice Presidents, Treasurers and Secretaries, who shall be competent to exercise all powers vested in the Executive Committee until the holding of a Special General Meeting convened for the purpose of electing their successors. This Special General Meeting shall be held within twenty one (21) days after the receipt of such resignation.

### 25. Presiding Officer

The President shall preside at all Executive and Special Meetings. In the President’s absence either of the Vice Presidents shall preside and if no Vice President is present then the meeting shall elect a chairperson.

### 26. Immediate Past President

The Immediate Past President shall attend all Executive Committee Meetings during *their* retiring term of office, to assist the President in an advisory capacity only, if requested.

### 27. Voting:

All questions shall be decided by majority vote or ballot or on the voices or by a show of hands as the Chairperson thinks fit, however any member may demand a Ballot. Voting rights apply to Ordinary, and Life and members only, provided that, a motion passed by a 75% majority from the ordinary and life members can grant special voting rights for specific motions to all members, or specific categories of members, at an Annual General or Special Meeting, *excluding election or office Bearers*, with aforementioned special voting rights expiring upon conclusion of voting on that nominated motion or motions.

### 28. Club Register

So long as the Club is the holder of a club license under the Liquor Control Act 1988 the Secretary shall keep *a Register of Members* on the Club premises. The register shall contain the names and address of all members of the Club and the date of the last payment by each member of their subscription. The register shall be open at any time to the inspection of an inspector or any police officer authorised in writing by the Director of Liquor licensing or any member of the Licensing Court and Club members.

### 29. Club Captains

The Male Club Captain will, on behalf of the male members and the Female Club Captain will, on behalf of the female members, be the arbiter of good conduct within the Club. Their duties are described in the By-laws of the Club*.* The Club Captains will be the liaison between the Executive Committee and the Selection and Match Committees.

### 30. Secretary

The Secretary has the following duties —

1. dealing with the Club’s correspondence;
2. consulting with the chairperson regarding the business to be conducted at each committee meeting and general meeting;
3. preparing the notices required for meetings and for the business to be conducted at meetings;
4. unless another member is authorised by the committee to do so, maintaining on behalf of the Club the register of members, and recording in the register any changes in the membership, as required under section 53(1) of the Associations Incorporation Act (2015);
5. maintaining on behalf of the Club an up-to-date copy of these rules, as required under section 35(1) of the Associations Incorporation Act (2015);
6. unless another member is authorised by the committee to do so, maintaining on behalf of the Club a record of committee members and other persons authorised to act on behalf of the Club, as required under section 58(2) of the Associations Incorporation Act (2015);
7. ensuring the safe custody of the books of the Club, other than the financial records, financial statements and financial reports, as applicable to the Club;
8. maintaining full and accurate minutes of committee meetings and general meetings;
9. carrying out any other duty given to the secretary under these rules or by the committee.

### 31. Treasurer

The treasurer has the following duties —

1. ensuring that any amounts payable to the Club are collected and issuing receipts for those amounts in the Club’s name;
2. ensuring that any amounts paid to the Club are credited to the appropriate account of the Club, as directed by the committee;
3. ensuring that any payments to be made by the Club that have been authorised by the committee or at a general meeting are made on time;
4. ensuring that the Club complies with the relevant requirements of Part 5 of the Associations Incorporation Act (2015);
5. ensuring the safe custody of the Club’s financial records, financial statements and financial reports, as applicable to the Club;
6. coordinating the preparation of the Club’s financial statements before their submission to the Association’s annual general meeting;
7. providing any assistance required by an auditor or reviewer conducting an audit or review of the Club’s financial statements or financial report under Part 5 Division 5 of the Associations Incorporation Act (2015);
8. carrying out any other duty given to the treasurer under these rules or by the committee.

**32. Auditor**

An Auditor or a Firm of qualified Accountants shall beelected at the Annual General Meeting by nomination at the meeting unless a state of emergency or some such similar circumstance exists. The Executive Committee shall have the power to appoint a suitable Auditor, untilthe following general meeting shall occur. Normal conditions shall apply to audit the Club’sAccount*s* but no auditor or partner in any firm of accountants elected as auditors shall be a member of the Executive Committee. The Auditor shall hold office for one year but shall be eligible for re-election.Any vacancy arising in the position of Auditor through any cause between two Annual General Meetings shall be filled by the Executive Committee. The remuneration *(if any)* of the Auditor shall be determined by the Executive Committee.

### 33. Bank Account

An account shall be opened with a recognised Bank decided upon by the Executive Committee through which all Bank financial transactions of the Club shall be passed. Those to sign cheques shall be any two of the President, the Treasurers, another member of the Executive Committee chosen by such Committee and the Secretaries.

### 34. Club Seal

The Club Secretary shall be responsible for the Common Seal of the Club and may, if elected, deposit it for safe custody with the Club’s Bankers. It shall not be affixed to any deed or other instrument except by instruction from the Executive Committee and then only in the presence of two of the Executive Officers of the Club. All deeds, instruments, or documents to which the seal of the Club is affixed shall be signed by two Executive Officers of the Club and countersigned by a Secretary.

### 35. Guests

Ordinary, Recreational, Junior, Social, Life, Country and Reciprocal member*s* may introduce guests to the Club at any time provided that:

1. the number of guests introduced does not exceed five (5) per day;
2. the member introducing a guest shall be responsible at all times for the proper conduct of their guest on Club premises;
3. any person who has been refused membership of a Club or who shall be under suspension or expulsion from the Club or any affiliated bowling club shall not be admitted as a guest of any Club member; and
4. junior members *are* required to obtain the approval of at least three Executive Committee members prior to inviting guests. See also Rule 14 (c) (3).

### 36. Liquor

The Club shall appoint and maintain an Approved Manager for the purposes of observing liquor licensing requirements and regulations.

The supply and consumption of liquor on Club premises is governed by the Liquor Control Act 1988. Accordingly:

(a) The Club shall be open for the sale of liquor during such hours as the Committee shall from time to time determine and as permitted under the Liquor Control Act.

(b) Any person who has been refused membership of the Club or is under suspension or expulsion from the Club shall not be permitted as a guest of any member of the Club;

(c) Persons under the age of eighteen (18) years are permitted at the Bar to make purchases (other than liquor), however they must vacate this area on completion of the purchase unless in the company of an authorised person aged 18 years or more.

### 37. Employees

The Executive Committee shall be responsible for engaging and terminating all employees of the Club and shall do so within the following guide lines:

1. no person under the age of eighteen (18) years shall be employed in the sale or delivery of liquor;
2. the hours worked shall not exceed those set down in the industrial awards governing employees engaged in similar work;
3. employees shall be paid not less than the rates laid down under current relevant Western Australian State or Federal Award;
4. an employee may become a Member of the Bowling Club
5. A payment may be made to a member out of the funds of the Club only if it is authorised under sub rule (f).
6. A payment to a member out of the funds of the Club is authorised if it is —
7. the payment in good faith to the member as reasonable remuneration for any services provided to the Club, or for goods supplied to the Club, in the ordinary course of business; or
8. the payment of interest, on money borrowed by the Club from the member, at a rate not greater than the cash rate published from time to time by the Reserve Bank of Australia; or
9. the payment of reasonable rent to the member for premises leased by the member to the Club; or
10. the reimbursement of reasonable expenses properly incurred by the member on behalf of the Club.

### 38. Playing Material

Every player shall conform to the required standard of dress as defined by the Executive Committee in the By-laws.

### 39. Disputes

Any dispute between members may be referred by either disputant in writing to the Executive Committee, whose decision thereon, subject to these rules, shall finally decide the matter. The Complainant shall deposit fifty (50) dollars, together with the complaint, with the Secretary or Treasurer.

### 40. Misconduct

(a) The Executive Committee shall exercise full power to reprimand, suspend, expel or impose penalties on any member of the Club who, in the sole and absolute judgment of the Committee, has been found guilty, either in or out of the Club premises, of any act, practice, conduct, matter or thing calculated to bring discredit on, or in any manner prejudice the reputation of the Club, or calculated in any manner to impair or affect the enjoyment of the Club premises by members thereof, or to cause ill-feeling or friction between or among members.

(b) The complainant shall deposit with either one of the Secretaries a sum of fifty (50) dollars, together with the complaint. If the Committee considers the complaint frivolous, they may order the amount forfeited to the funds of the Club.

(c) The President may elect to suspend the member immediately with such suspension remaining in place until such time as the complaint is resolved.

(c) All complaints shall be made in writing through the Secretary, stating the explicit nature of the offence of which the member is accused, and the names of any members’ witness to the complaint. The Secretary shall submit them to the Executive Committee for action.

(d) Procedure for a Charge of Misconduct

(1) If the Executive Committee decides to proceed with a charge of misconduct, seven (7) clear days notice of the hearing must be given to the member accused.

(2) The Secretary shall deliver to, or forward by registered post, a notice to the accused member and the complainant at the postal address registered at the Club. The notice *will specify the nature of the charge and request* attendance at the hearing by the Executive Committee.

(3) On the application of either party, the Secretary shall send a notice to any other member to appear and give evidence provided such application is made three (3) days before the date of the hearing. Should any party or witness be unable to attend the hearing, the Committee may at their sole discretion, on application of either party, adjourn the hearing for not more than seven (7) days, at which time they shall take evidence and decide the case, the same as if all parties were present.

(4) On completion of the hearing, the complainant, accused and witnesses shall retire. The *Executive Committee* will then come to a majority decision and decide the case. If the charge is proven they shall impose an appropriate penalty taking into due consideration the need for natural justice.

(5) The Secretary shall forthwith deliver to or post a notice to the member at the postal address registered at the Club, advising of the penalty.

(6) If the penalty is expulsion, the name of the member shall be erased from the list of membership forthwith. The member shall be liable for all monies due at the date of expulsion.

(e) No person shall be entitled to take action or proceedings against the Club for and in respect of any suspension or expulsion as decided and shall conform to the decision of the Executive Committee.

(f) Penalties

Committee shall have due regard to the circumstances of the charge when affixing any penalty under these Rules:

(1) the maximum monetary penalty for any breach of these Rules or By-laws of the Club shall be one hundred ($100) dollars. In addition an offending member shall pay the cost of repair or replacement for Club property damaged through his actions;

(2) the period of suspension from membership of the Club is between twelve (12) months to indefinite at the sole and absolute discretion of the Executive Committee;

(3) where the charge proven is gross misconduct and a fine or suspension shall in the opinion of three quarters of the Committee hearing the charge be inadequate or inappropriate they may call on the member to resign. If the member refuses or neglects to do so within ten (10) days, they may declare the person expelled from the Club or suspended for a period declared by the Executive Committee;

(4) all monetary penalties shall be paid within fourteen (14) days of notice being served on a member. If he should refuse or neglect to meet such payments the person shall stand suspended from membership until such payments are made in full.

(g) Appeals

(1) Two levels of appeal shall be available to members found guilty by the Committee of an offence against these Rules. Each notice of appeal shall be directed to the Secretary in writing giving details of the grounds for the appeal and the level of appeal sought.

(2) It shall be accompanied by the required sum of money which shall be refunded if the appeal is upheld.

(3) An appeal shall be received by the Secretary no later than seven (7) days after the Committee's decision has been forwarded.

(4) Where a member has been fined, the appellant may have his appeal determined by the President, either of the Vice Presidents, Secretaries or in the absence of any of these officers by members of the Committee selected by the most senior officer available. The appellant shall lodge the sum of fifty (50) dollars with the Secretary; this will be refunded if the appeal is returned to the Committee for re-hearing of the charge.

(5) Where a member is suspended or expelled the appellant may have his appeal determined by a Special General Meeting of members where a majority of three quarters will be required to over-turn the decision of the Committee:

(a) a sum of one hundred and fifty (150) dollars shall accompany such appeal and shall be refunded to the appellant if the appeal is upheld;

(b) the appeal hearing shall be held not later than fourteen (14) days after receipt of the notice of appeal;

(c) the parties concerned may appear in person or be represented by a person, other than a Legal Practitioner or law Clerk, authorised in writing;

(d) the appellant shall present his case and may call witnesses to support his case. The respondent shall submit his case in reply and may call witnesses to support his case. A witness called by one party shall be liable to cross-examination by any other party to the proceedings. At the conclusion of the hearing both appellant and respondent may address the meeting prior to a decision being made. The decision shall be made forthwith.

(6) Persons having a pecuniary interest in the outcome of the case or persons who were involved in the incident surrounding the breach, may be considered to be biased and should therefore not be involved in dealing with the case.

### 41. Prizes and Trophies

All prizes and trophies donated shall be competed for under such regulations as the Executive Committee may determine, subject however, to the Rules as to disqualification.

The Club may provide annually such trophies as the Executive Committee shall decide.

### 42 Quorum

At all General or Special Meetings twenty five (25) shall form a quorum and at all Executive Committee Meetings five (5) shall form a quorum. At all other Committee meetings the quorum shall be determined by the Executive Committee. If a quorum not be present within thirty (30) minutes of the appointed time for the meeting to commence the meeting shall lapse.

### 43 Indemnity

The President, Vice Presidents, Secretary, Treasurer, and members of the Executive Committee together with other officials of the Club shall from time to time and at all times be saved harm and kept indemnified from and against all costs, charges, losses, damage and expense which they or any of them sustain, incur or put to in or about the execution and discharge of their respective trusts and offices or in or about any action suit or proceeding at law or in equity in which they or any of them shall or may be plaintiffs or defendants providing always that the amount of such costs, damages or expenses for which indemnity is intended to be hereby provided, shall immediately it shall have been sustained or incurred, be paid from the funds of the Club and that none of the officers of the Club shall be answerable or accountable for the others as any of them or any other person or persons whosoever, but for his own acts, deeds and defaults alone.

### 44. Commissions

No payment or part payment of the Secretaries, Manager or other officer or servant’s remuneration from the Club shall be made by way of commission or allowance from or upon the receipts of the Club for liquor.

### 45. Honoraria

An honorarium may be paid to an officer at the discretion of and as determined by the Executive Committee.

### 46. Amendment of Rules

No rules shall be amended or repealed, nor shall any new rule be made except on the vote of a three-quarters majority of the members present at the Annual General Meeting, or a Special General meeting. Notice of any proposed amendment, repeal or addition must be given by notice of motion. The Commissioner, as designated under section 153 of the Associations Incorporation Act (2015), Department of Racing, Gaming and Liquor and Bowls WA are to be notified on amendments approved or repealed. No effect will be given to the change without the prior approval of the Commissioner.

### 47. Interpretation

Any question whatsoever arising as to the interpretation of these rules or any of them or for which no specific Rule is herein provided shall be decided by the Executive Committee whose decision shall be final and binding without recourse.

### 48. Colours and Insignia

The official colours of the Club shall be maroon and gold, the insignia a dog in gold on a large Y with a maroon background inside a green laurel wreath.

**49. Dissolution**

If upon the dissolution or winding up of the Club there remains after the satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid to, or distributed amongst the members of the Club, but shall be given or transferred to some other Incorporated Association under the WA Act having objects wholly or in part to the objects of the Club, the constitution of which shall prohibit the distribution of its or their income or property amongst its or their members; or to some charitable object or objects as shall be determined by the members of the committee on or before the time of dissolution or winding up or in default thereof, or if and insofar as, effect cannot be given to such determination, such payment or distribution shall be determined by a Judge of the Supreme Court. The Club may be dissolved or wound up by resolution at any General Meeting of members of the Club called for such purpose at which not less than three quarters of those members who are present and who enjoy voting rights and entitled so to do resolve the Club be dissolved or wound up.