Constitution

Of the

Yarloop Bowling and Recreation Club (Inc).

Adopted **May 2019**

This is the new constitution passed at the annual general meeting of members held on 31 May 2019

Signed by (President) 31 May 2019

(Secretary) 31 May 2019

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TERMS USED

In these rules, unless the contrary intention appears —

Act means the *Associations Incorporation Act 2015* and its amendments;

Books, of the club, includes the following —

(a) the Register of Members;
(b) the Record of Office Holders; and
(c) the Club Constitution.

By laws means by-laws made by the club under rule 23.1;

***Chairperson* means the committee member holding office as the chairperson or President of the club;**

Club means The Yarloop Bowling and Recreation Club Inc.;

Club Premises means all land and buildings and structures thereon of which the club is the bona-fide occupier;

Commissioner means the person for the time being designated as the Commissioner under section 153 of the Act;

Committee means the management committee of the club, duly elected for the time being in accordance with these rules.;

Committee meeting means a meeting of the committee;

***Committee* member** means a member of the committee;

Corporate Bowls means a particular event organized for members of the community who do not usually play bowls.

Executive committee means those office holders referred to in rule 18.3;

Financial records includes —

(a) invoices, receipts, orders for the payment of money, bills of exchange, cheques, promissory notes and vouchers, documents of prime entry; and
(b) working papers and other documents needed to explain —
    (i) the methods by which financial statements are prepared; and
    (ii) adjustments to be made in preparing financial statements;

financial report, of a tier 2 association or a tier 3 association, has the meaning given in section 63 of the Act;

financial statements means the financial statements in relation to the club required under Part 5 Division 3 of the Act;

financial year, of the club, has the meaning given in rule 3;

General meeting, of the club, means a meeting of the club that all members are entitled to receive notice of and to attend;

Member means a person who is a Full Member or a Life Member or a Restricted Member or a Social Member or a Junior Member or a Provisional Member or an Honorary Member or a Temporary Member of the club as referred to in rule 7;

The Club means The Yarloop Bowling and Recreation Club (Inc.)

Ordinary committee member means a committee member who is not an office holder of the club under rule 18.2(4)

Ordinary member means a member with the rights referred to in rule 7;

Register of members means the register of members referred to in section 53 of the Act;

Rules means these rules of the club, as in force for the time being;

RWABA means the Royal Western Australian Bowling Association Inc. trading as Bowls WA.

Secretary means the committee member holding office as the Secretary of the club and includes any deputy or person temporarily fulfilling the office of Secretary

Special general meeting means a general meeting of the club other than the annual general meeting;

Special resolution means a resolution passed by the members at a general meeting in accordance with section 51 of the Act;

Subcommittee means a subcommittee appointed by the committee under rule 20;

tier 1 association means an incorporated association to which section 64(1) of the Act applies;

tier 2 association means an incorporated association to which section 64(2) of the Act applies;

tier 3 association means an incorporated association to which section 64(3) of the Act applies;

Treasurer means the committee member holding office as the Treasurer of the club and includes any deputy or person temporarily fulfilling the office of Treasurer.

1. NAME

The name of the Club shall be:The Yarloop Bowling and Recreation Club (Inc)

2. OBJECTS

The objects of the Club are:

(i) To foster the game of lawn bowls and promote social, sporting activities and recreational fellowship amongst members and visitors.

(ii) To affiliate with the Royal Western Australian Bowling Association Inc trading as Bowls WA. The members shall recognize and accept its Constitution, Rules and By-Laws and shall make all decisions consistent therewith. All games of lawn bowls shall be played according to the Constitution, By-Laws and Laws of the game currently recognized by the RWABA.

3. FINANCIAL YEAR

The Club's financial year will be the period of 12 months commencing on the 1 April and ending on the 31 March each year.

4. CLUB TO BE NOT FOR PROFIT BODY

4.1 The property and income of the Club must 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 any member, except in good faith in the promotion of those objects or purposes.

4.2 A payment may be made to a member out of the funds of the Club only if it is authorized under sub rule 4.3

4.3 A payment to a member out of the funds of the Club is authorized if it is —

(a) 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
(b) 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
(c) the payment of reasonable rent to the member for premises leased by the member to the Club; or
(d) the reimbursement of reasonable expenses properly incurred by the member on behalf of the Club.

5 MEMBERSHIP

5.1 Eligibility for membership

(a) Any person who supports the objects or purposes of the Club is eligible to apply to become a member.

(b) An individual who has not reached the age of 18 years is not eligible to apply for a class of membership that confers full voting rights.

(c) Under sections 4 and 17 of the Act a Club must always have at least 6 members with full voting rights.

(d) **Liabilities of the Club** - Under section 19 of the Act a member of the Management Committee, trustee or a member of the Club is not liable in respect of the liabilities of the Club. This does not apply to liabilities incurred by or on behalf of the Club prior to incorporation.

(e) **Liability of Members** - A member is only liable for their own outstanding membership fees (if any) payable under rule 13.

5.2 Applying for membership

(a) A person who wants to become a member must apply in writing on the appropriate form.

(b) The application must include a member's nomination of the applicant for membership.

(c) The application must be signed by the applicant and the member nominating the applicant.

(d) The applicant must specify in the application the class of membership to which the application relates.

(e) Each nomination form must include notification of the fee appropriate to the category of membership applied for.

(f) When the application is received, the person shall be a provisional member of the Club until such time as the next meeting of the Management Committee.

5.3 Dealing with membership applications

(a) The committee must consider each application for membership of the Club and decide whether to accept or reject the application.

(b) Subject to sub rule (c), the committee must consider applications in the order in which they are received by the Club.

(c) The Committee may delay its consideration of an application if the Committee considers that any matter relating to the application needs to be clarified by the applicant or that the applicant needs to provide further information in support of the application.

(d) The Committee must not accept an application unless the applicant —
(a) is eligible under rule 5.1; and
(b) has applied under rule 5.2.

(e) The Committee may reject an application even if the applicant —
(a) is eligible under rule 5.1; and
(b) has applied under rule 5.2.

(f) The Committee must notify the applicant of the Committee's decision to accept or reject the application as soon as practicable after making the decision.

(g) If the Committee rejects the application, the Committee is not required to give the applicant its reasons for doing so.

6 BECOMING A MEMBER

(1) Applicant

An applicant for membership of the Club becomes a member when —
(a) the Committee accepts the application; **and**
(b) the applicant pays any membership fees payable to the Club under rule 13.

(2) Member to receive Rules

Section 36(1) (b) of the Act provides that the Club must give each person who becomes a member of the Club of copy of the Rules in force at the time their membership commences.

(3) Format of Rules provided

It is acceptable for the Club to provide a copy of the Rules to new members by electronic transmission or providing the details for the website where the Rules may be downloaded. A hard copy must be provided if the member requests that the Rules be provided in that manner.

7. CLASSES OF MEMBERSHIP

(1) The Club consists of ordinary members (who have paid full fees or are Life Members) and any associate

members (who have limits applied to their rights) provided for under Sub Rule (2). A person can only be an ordinary member or belong to one class of associate membership.

(2) The Club may have any class of membership approved by resolution at a General Meeting, including but not limited to full membership, junior membership, honorary membership and life membership. The number of members of any class is not limited unless otherwise approved by resolution at a General Meeting.

(3) A person wishing to become a member of the Club needs to satisfy one of the following categories and abide by any related restrictions:

(a) Full Member

A person of or above the age of eighteen (18) years entitled to exercise the full privileges of the Club shall be classed as a Full Member. A Full member has full voting rights and any other rights conferred on members by these Rules or approved by resolution at a General Meeting or determined by the Committee.

(b) Life Member

A person recommended by the Management Committee to an Annual General Meeting of the Club for outstanding services to the Club and is elected at such meeting shall become a Life Member of the Club.

Such person must have demonstrated long and conspicuous service.

Full and existing Life Members of the Club shall be entitled to submit a written proposal for Life Membership to the Management Committee for consideration.

A Life Member is exempt from paying membership fees and shall enjoy all the privileges of a Full Member.

(c) Social Member

A person of or above the age of eighteen (18) years may apply to become a Restricted Member and enjoy the privileges of the Club.

A Restricted Member shall not be eligible:

(i) To stand for any office on any committee within the Club, although they may be co-opted to serve on any sub-committee within the Club.
(ii) To propose or second any application for membership of the Club.
(iii) To participate in any organized bowling events with the exception of Corporate Bowls but may practice on available greens, at any time.
(iv) To vote at any General Meetings of the Club.

(d) Junior Member

A person under the age of eighteen (18) years may apply to become a Junior Member and enjoy the privileges of the Club.

A Junior Member shall not be eligible:

(i) To stand for any office on any committee within the Club, although they may be co-opted to serve on any sub-committee within the Club.
(ii) To propose or second any application for membership of the Club..
(iii) To vote at any general meeting of the Club.
(iv) To consume alcohol or smoke cigarettes or any electronic smoking device anywhere on the Club premises.

(e) Reciprocal Member

A person who is currently a financial member of another bowling club affiliated with RWABA or with a similar club in any other Australian State or Territory, shall be entitled to all the privileges of the Club but shall not be eligible:

(i) To stand for any office on any committee within the Club.
(ii) To propose or second any application for membership of the Club.
(iii) To participate in pennant bowls or any Club championship events.
(iv) To use the greens except at the specific invitation of a full Club member.
(v) To vote at any general meetings of the Club.

(f) Honorary Member

Honorary membership may be granted without fees to the Club Patron and such dignitaries and sponsors of the Club as the Management Committee shall determine from time to time. An Honorary Member shall enjoy all the privileges of a Full Member but is ineligible to vote or hold any office of the Club.

(g) Temporary Member

A person who on any day is visiting the Club:-

(i) As a member or official of, or a person assisting a team that is to contest a pre-arranged event in lawn bowls or other competition that day or
(ii) At the invitation of a member to engage in that sport on that day.
(iii) A Temporary Member is not eligible to vote at any club meeting or

May for the purposes of "the Act" be taken as a person who is accorded Temporary Membership.

8. VOTING RIGHTS OF MEMBERS

(a) Each ordinary member of the Club who has voting rights in accordance with rule 7, has one vote at a General Meeting of the Club.
(b) "Voting rights" means the ability for a financial member to propose or second an application for membership, move or second a motion or special motion, speak at all General Meetings, nominate for a position on the Management Committee, vote at all General Meetings, and petition for a Special General Meeting.
(c) Social Members are permitted to attend and speak at club meetings but are not eligible to vote.

9. WHEN MEMBERSHIP CEASES

(1) A person ceases to be a member when any of the following takes place —
(a) for a member who is an individual, the individual dies;
(b) the person resigns from the Club under rule 10;
(c) the person is expelled from the Club under rule 15;
(d) the person ceases to be a member under rule 15.2

(2) The secretary must keep a record, for at least one year after a person ceases to be a member, of:
(a) the date on which the person ceased to be a member; and
(b) the reason why the person ceased to be a member.

10. RESIGNATION

(1) A member may resign from membership of the Club by giving written notice of the resignation to the Secretary.

(2) The resignation takes effect —
(a) when the secretary receives the notice; or
(b) if a later time is stated in the notice, at that later time.

(3) A person who has resigned from membership of the Club remains liable for any fees that are owed to the Club (the ***owed amount***) at the time of resignation.

(4) The owed amount may be recovered by the Club in a court of competent jurisdiction as a debt due to the club.

11. RIGHTS NOT TRANSFERRABLE

The rights of a member are not transferable and end when membership ceases.

12. GUESTS

13. MEMBERSHIP FEES

(1) The management committee must determine the entrance fee (if any) and the annual membership fee to be paid for membership of the Club.

(2) The fees determined under Sub Rule (1) may be different for different classes of membership.

(3) A member must pay the annual membership fee as determined by the Management Committee, to the Treasurer, or another person authorized by the committee to accept payments, by 15 May each year (the ***due date***)

(4) If a member has not paid the annual membership fee by the 31st May after the due date, the member ceases to be a member on the expiry of that period.

(5) If a person who has ceased to be a member under sub rule (4) offers to pay the annual membership fee after the period referred to in that sub rule has expired —

(a) the Committee may, at its discretion, accept that payment; and
(b) if the payment is accepted, the person's membership is reinstated from the date the payment is accepted.

(6) New persons joining after 1st day of October in each year shall pay 50% of the annual membership fee or such other fee as determined by the Management Committee.

(7) A Social Member who wishes to convert to a Full Member shall pay the additional fee based upon the difference between the Full Member fee and their current status.

(8) The Management Committee shall have the power to waive the Annual Membership Fee for an individual member.

(9) Annual membership fees shall be:

Full member - full fee as set by the Management Committee from time to time
Life member - No fee shall be charged
Reciprocal member - No fee shall be charged
Social member - fee as set by the Management Committee from time to time
Junior member – No fee shall be charged
Temporary member - No fee shall be charged.
Honorary member - No fee shall be charged.

14. REGISTER OF MEMBERS

(1) The Secretary, or another person authorized by the Committee, is responsible for the requirements imposed on the Club under section 53 of the Act to maintain the Register of Members and record in that Register any change in the membership of the Club.

(2) In addition to the matters referred to in section 53(2) of the Act, the Register of Members must include the class of membership (if applicable) to which each member belongs and the date on which each member becomes a member.

(3) The Register of Members must be continually available for inspection by authorized officers.

(4) A member who wishes to inspect the Register of Members must contact the Secretary to make the necessary arrangements.

(5) If —
(a) a member inspecting the Register of Members wishes to make a copy of, or take an extract from, the Register under section 54(2) of the Act; or

(b) a member makes a written request under section 56(1) of the Act to be provided with a copy of the Register of Members, the Committee may require the member under section 56 (2) of the Act to provide a statutory declaration setting out the purpose for which the copy or extract is required and declaring that the purpose is connected with the affairs of the Club.

15. DISCIPLINARY ACTION

15.1 Term used: member

In this Rule 15

Member, in relation to a member who is expelled from the Club, includes former members.

15.2 Suspension or expulsion

(a) The Committee may decide to suspend a member's membership or to expel a member from the Club if—
(a) the member contravenes any of these Rules; or
(b) the member acts detrimentally to the interests of the Club or
(c) the member makes false or inaccurate statements in the application for Club membership; or
(d) the member's annual membership fee remains unpaid after 9 weeks of falling due.

(b) The Secretary must give the member written notice of the proposed suspension or expulsion at least 28 days before the Committee meeting at which the proposal is to be considered by the Committee.

(c) The notice given to the member must state —
(a) when and where the Committee meeting is to be held; and

(b) the grounds on which the proposed suspension or expulsion is based; and
(c) that the member, or the member's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the Committee about the proposed suspension or expulsion;

(d) At the committee meeting, the Committee must —
(a) give the member, or the member's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the proposed suspension or expulsion; and
(b) give due consideration to any submissions so made; and
(c) decide —
(i) whether or not to suspend the member's membership and, if the decision is to suspend the membership, the period of suspension; or
(ii) whether or not to expel the member from the club.

(e) A decision of the committee to suspend the member's membership or to expel the member from the Club takes immediate effect.

(f) The Committee must give the member written notice of the Committee's decision, and the reasons for the decision, within 7 days after the Committee meeting at which the decision is made.

(g) A member whose membership is suspended or who is expelled from the Club may, within 14 days after receiving notice of the Committee's decision, give written notice to the Secretary requesting the appointment of a Mediator under Rule 17.

(h) If notice is given under Sub Rule (g), the member who gives the notice and the Committee are the parties to the mediation.

15.3 Consequences of suspension

(a) **Suspension or expulsion of a Member -** Once the Committee has decided to suspend or expel a member under Rule 15.2 (e) the member is immediately suspended or expelled.

(b) During the period a member's membership is suspended, the member —
(i) loses any rights (including voting rights) arising as a result of membership; and
(ii) is not entitled to a refund, rebate, relief or credit for membership fees paid, or payable, to the club.

(c) When a member's membership is suspended, the secretary must record in the Register of Members —
(i) that the member's membership is suspended; and
(ii) the date on which the suspension takes effect; and
(iii) the period of the suspension.

(d) When the period of the suspension ends, the Secretary must record in the Register of members that the member's membership is no longer suspended.

16. RESOLVING DISPUTES

16.1 Terms used

In this Rule 16 grievance ***procedure*** means the procedures set out in this Rule 16;

16.2 Application of Rule

The procedure set out in this Rule (the grievance procedure) applies to disputes —
(a) between members; or
(b) between one or more members and the Club.

16.3 Parties to attempt to resolve dispute

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

16.4 How grievance procedure is started

(1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 16.3, any party to the dispute may start the grievance procedure by giving written notice to the Secretary of —
(a) the parties to the dispute; and
(b) the matters that are the subject of the dispute.

(2) Within 10 days after the Secretary is given the notice, a Committee meeting must be convened to consider and determine the dispute.

(3) The Secretary must give each party to the dispute written notice of the Committee meeting at which the dispute is to be considered and determined at least 7 days before the Committee meeting is held.

(4) The notice given to each party to the dispute must state —
  (a) when and where the Committee meeting is to be held; and
  (b) that the party, or the party's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the Committee about the dispute.

(5) If —
  (a) the dispute is between one or more members and the Club; and
  (b) any party to the dispute gives written notice to the Secretary stating that the party —
    (i) does not agree to the dispute being determined by the Committee; and
    (ii) requests the appointment of a mediator under rule 17,

the Committee must not determine the dispute.

16.5 Determination of dispute by Committee

(1) At the Committee meeting at which a dispute is to be considered and determined, the Committee must—
  (a) give each party to the dispute, or the party's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the Committee about the dispute; and
  (b) give due consideration to any submissions so made; and
  (c) determine the dispute.

(2) The Committee must give each party to the dispute written notice of the Committee's determination, and the reasons for the determination, within 7 days after the Committee meeting at which the determination is made.

(3) A party to the dispute may, within 14 days after receiving notice of the Committee's determination under Sub Rule (1) (c), give written notice to the Secretary requesting the appointment of a Mediator under Rule 17.

(4) If notice is given under Sub Rule (3), each party to the dispute is a party to the mediation.

17. MEDIATION

17.1 Application of Rule

(1) This Rule applies if written notice has been given to the Secretary requesting the appointment of a Mediator —
  (a) by a member under Rule 15.2(g); or
  (b) by a party to a dispute under Rule 16.4

(2) If this Rule applies, a Mediator must be chosen or appointed under Rule 17.2.

17.2 Appointment of mediator

(1) The mediator must be a person chosen —
  (a) if the appointment of a Mediator was requested by a member under Rule 17.1 — by agreement between the member and the Committee; or
  (b) if the appointment of a Mediator was requested by a party to a dispute under rule 16.5(3) — by agreement between the parties to the dispute.

(2) If there is no agreement for the purposes of Sub Rule (1) (a) or (b), then, subject to Sub Rules (3) and (4), the Committee must appoint the Mediator.

(3) The person appointed as Mediator by the Committee must be a person who acts as a mediator for another not-for-profit body, such as a community legal centre, if the appointment of a Mediator was requested by —
  (a) a member under Rule 17.1; or
  (b) a party to a dispute under Rule 16.5(3); or
  (c) a party to a dispute under Rule 16.4(5) and the dispute is between one or more members and the Club.

(4) The person appointed as Mediator by the Committee may be a member or former member of the club but must not —
  (a) have a personal interest in the matter that is the subject of the mediation; or
  (b) be biased in favor of or against any party to the mediation.

17.3 Mediation process

(1) The parties to the mediation must attempt in good faith to settle the matter that is the subject of the mediation.

(2) Each party to the mediation must give the mediator a written statement of the issues that need to be considered at the mediation at least 5 days before the mediation takes place.

(3) In conducting the mediation, the mediator must —
  (a) give each party to the mediation every opportunity to be heard; and
  (b) allow each party to the mediation to give due consideration to any written statement given by another party; and
  (c) ensure that natural justice is given to the parties to the mediation throughout the mediation process.

(4) The Mediator cannot determine the matter that is the subject of the mediation.

(5) The mediation must be confidential, and any information given at the mediation cannot be used in any other proceedings that take place in relation to the matter that is the subject of the mediation.

(6) The costs of the mediation are to be paid by the party or parties to the mediation that requested the appointment of the Mediator.

(7) Section 182(1) of the Act provides that an application may be made to the State Administrative Tribunal to have a dispute determined if the dispute has not been resolved under the procedure provided for in the incorporated Club's Rules.

17.4 If mediation results in decision to suspend or expel being revoked

If mediation takes place because a member whose membership is suspended or who is expelled from the Club gives notice under Rule 16.4; and

(a) as the result of the mediation, the decision to suspend the member's membership or expel the member, is revoked, that revocation does not affect the validity of any decision made at a Committee Meeting or General Meeting during the period of suspension or expulsion.

18. COMMITTEE

18.1 Powers of Committee

(1) Subject to the Act, these Rules, any resolution passed at a General Meeting and the By Laws, the Committee has power to do all things necessary or convenient to be done for the proper management of the affairs of the Club.

(2) The committee has the power to make, alter and repeal By Laws not inconsistent with these Rules, duties and responsibilities of the committees, the use and management of the Club premises, the conduct of the Club and its affairs generally.

(3) A By Law is of no effect to the extent that it is inconsistent with the Act, the regulations or these Rules.

(4) The committee must take all reasonable steps to ensure that the Club complies with the Act, these Rules and the By Laws.

(5) To determine from time to time the conditions on which and during what time, members may use the property of the Club or any parts thereof, and when and under what conditions the premises of the Club or any part or parts thereof, shall be used by members.

(6) To determine what persons, if any, not being members of the Club shall be permitted to use the premises of the Club or any part or parts thereof and during what time and under what conditions, and at what times and places and under what conditions such persons shall be supplied with refreshments.

(7) To appoint any other officials or servants of the Club and to remove them as occasions may require at their discretion and to define their respective duties. Persons appointed to paid positions shall be engaged under a contract, award or classification of work in the Registered and Licensed Clubs Award 2010 and its amendments.

(8) To delegate, subject to such conditions as it thinks fit any of its powers to Sub Committees consisting of such members of the Committee and other members of the Club co-opted for the purpose as it may determine and to make such regulations as to the proceedings of such Sub Committees as may be thought desirable.

(9) To regulate and control their own meeting and the transaction of business.

(10) To reimburse expenses of any servant of the Club for faithful and diligent service as deemed fit.

(11)In accordance with the Rules, to suspend or expel any member.

(12) To take and defend all legal proceedings by or on behalf of the Club and to appoint all necessary attorneys for any such purpose.

(13) To borrow, raise or secure the payment of money, and to sell and dispose of the assets of the Club.

(14) To appoint such number of delegates to sporting bodies and associations with which the Club may from time to time be affiliated as may be required by the rules thereof and such delegates shall hold office in accordance with the rules of such sporting bodies and associations respectively.

(15) To maintain a Club license under the Liquor Control Act and its amendments.

18.2 Committee members

(1) The Committee members consist of —
  (a) the Office Holders of the club; and
  (b) at least one ordinary Committee member.

(2) The Committee must determine the maximum number of members who may be Office Holders and ordinary Committee Members to act as the Management Committee of the Club.

(3) The following are the Office Holders and Executive Committee of the Club —
  (a) President;
  (b) Vice-president;
  (c) Secretary;
  (d) Treasurer.

(4) The following are classed as ordinary Committee members
  (a) Captain Bowls
  (b) Bar Manager
  (c) Grounds Keeper
  (d) Social coordinator
  (e) General Committee Members x 2

(5) A person may be a Committee member if the person is —
  (a) an individual who has reached 18 years of age and is a Full Member
  (b) a Full Member or
  (c) a Life Member.

Persons who are not to be members of committee

- *Under section 39 of the Act the following persons must not, without leave of the Commissioner, accept an appointment or act as a member of a management committee of an association:*

  - a person who is, according to the Interpretation Act 1984 section 13D, a bankrupt or person whose affairs are under insolvency laws;
    a person who has been convicted, within or outside the State, of-

    - an indictable offence in relation to the promotion, formation or management of a body corporate; or
    - an offence involving fraud or dishonesty punishable by imprisonment for a period of not less than three months; or
    - an offence under Part 4 Division 3 or section 127 of the Act

    Section 39 only applies to a person who has been convicted of the above offences only for a period of 5 years from the time of the person's conviction, or if the conviction *results in a term of imprisonment, from the time of the person's release from custody.*

18.3 Executive Committee

The Executive Committee shall furnish a report of its activities and actions to the next meeting of the Management Committee. At this meeting the Management Committee shall confirm, vary or annul any action taken or proposed to be taken by the Executive Committee as set out in its report.

A quorum of the Executive Committee shall consist of three Committee Members but must include the President, or the Vice President, of the Club.

18.4 Duties of Committee Members and Officers

Section 3 of the Act provides a definition of "officer". The duties provisions will apply to committee members and to those persons who have the ability to influence the management committee but who do not hold a formal committee position

- Under section 44 of the Act an officer of a club must exercise his or her powers and discharge his or her duties with a degree of care and diligence that a reasonable person would exercise if that person-

  (a) were an officer of the club in the club's circumstances; and

  (b) occupied the office held by, and had the same responsibilities within the club as, the officer.

- Under section 45 of the Act an officer of a club must exercise his or her powers and discharge his or her duties-

  (a) in good faith in the best interests of the club; and

  (b) for a proper purpose.

- Under section 46 of the Act an officer of a club must not improperly use his or her position to-

  (a) gain an advantage for the officer or another person; or

  (b) cause detriment to the club.

- Under section 47 of the Act a person who obtains information because the person is, or has been, an officer of a club must not improperly use the information to-

  (a) gain an advantage for the person or another person; or cause detriment to the club.

18.5 Office Holders

President

It shall be the duty and responsibility of the President to:

(a) Consult with the secretary regarding the business to be conducted at each Committee meeting and General Meeting.
(b) Convene and preside at Committee meetings and preside at General Meetings provided for in these Rules.
(c) Represent the Club to the community at large
(d) Act as a member of the Club's Executive Committee.
(e) Ensure the correct and efficient functioning of all Sub Committees, and attend whenever possible in an ex officio basis.
(f) Where possible, attend all bowling club related functions and events held by the Club.
(g) Uphold the Constitution of the Club and to strive continually to improve the Club's policies, activities and administration.

Vice President

It shall be the duty and responsibility of the Vice President to:

(a) Deputise for the President when the President is unable to preside at any Annual General, Special and Management committee meeting of the Club.
(b) Deputise for the President as requested by the President.
(c) Act as a member of the Club's Executive Committee.
(d) Where possible, attend all bowling club related functions and events held by the Club
(e) Act as a liaison between any Club committee and the Management Committee where that Committee has no representation on the Management Committee
(f) Actively support the President in the execution of the President's duties and responsibilities.
(g) Undertake special projects at the request of the Management Committee.
(h) Assist the President in assuring the correct and efficient functioning of all Sub Committees, and attend whenever possible in an ex officio basis.

Secretary

It shall be the duty and responsibility of the Secretary to:

(a) Deal with the Club's correspondence;
(b) Consult with the President regarding the business to be conducted at each Committee meeting and General meeting;
(c) Prepare the notices required for meetings and for the business to be conducted at meetings;

(d) Unless another member is authorized 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 Act;
(e) Maintaining on behalf of the Club an up-to-date copy of the club's Constitution and By Laws.
(f) 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 Act;
(g) Ensure the safe custody of the books of the Club, other than the financial records, financial statements and financial reports, as applicable to the Club;
(h) Maintain full and accurate minutes of Committee meetings and General meetings;
(i) Act as a member of the Club's Executive Committee.
(j) Carry out any other duty given to the Secretary under these Rules or by the Committee.

Treasurer

It shall be the duty and responsibility of the Treasurer to:

(a) Ensure that any amounts payable to the Club are collected and issue receipts for those amounts in the Club's name;
(b) Ensure that any amounts paid to the Club are credited to the appropriate account of the Club, as directed by the Committee;
(c) Ensure 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;
(d) Ensure that all profits from the sale of bingo tickets are banked accordingly and can only be used for the maintenance/replacement of the synthetic surface. The Annual Financial Report must include the total amount banked.
(e) Ensure that the net balance of all green fees collected are banked accordingly and used for the maintenance/replacement of the synthetic surface unless needed for a capital expense by the club. The total green fees banked must be reported in the Annual Financial Report.
(f) Ensure that the Club complies with the relevant requirements of Part 5 of the Act;
(g) Ensure the safe custody of the Club's financial records, financial statements and financial reports, as applicable to the Club;
(h) If the Club is a tier 1 club, coordinate the preparation of the Club's financial statements before their submission to the Club's Annual General Meeting;
(i) If the club is a tier 2 club or tier 3 club, coordinate the preparation of the Club's financial report before its submission to the Club's Annual General Meeting;
(j) Provide 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 Act;
(k) Act as a member of the Club's Executive Committee.
(l) Present a statement showing the financial position of the Club at each Committee meeting;
(m) Carry out any other duty given to the Treasurer under these rules or by the Committee.

19. ELECTION OF COMMITTEE MEMBERS AND TENURE OF OFFICE

19.1 How members become committee members

A member becomes a Committee member if the member —
(a) is elected to the committee at Annual General meeting; or
(b) is appointed to the Committee by the Committee to fill a casual vacancy under Rule 19.10.

19.2 Nomination of committee members

(1) At least 21 days before an Annual General Meeting, the Secretary must send written notice to all the members

(a) calling for nominations for election to the Committee; and
(b) stating the date by which nominations must be received by the Secretary to comply with Sub Rule (2).

(2) A member who wishes to be considered for election to the Committee at the Annual General Meeting must nominate for election by completing the nomination form at least 14 days before the Annual General Meeting.

(3) A member may nominate for one or more specified position of Office Holder of the Club or to be an ordinary committee member but if elected to a position the member shall withdraw their nomination to any additional positions they may have nominated for.

(4) A member whose nomination does not comply with this Rule is not eligible for election to the Committee unless the member is nominated under Rule 19.3(2) or 19.4(2).

19.3 Election of Executive Committee at the Annual General Meeting

(1) If there is no nomination for a position, the Chairperson of the meeting may call for nominations from the floor at the meeting.

(2) If only one member has nominated for a position, the Chairperson of the meeting must declare the member elected to the position.

(3) If more than one member has nominated for a position, the ordinary members shall vote by a show of hand at the AGM to decide who shall be elected to the position of office holder.

(4) Each ordinary member is eligible to vote for one person who has nominated for the position.

(5) On the member's election, the new President of the club may take over as the Chairperson of the meeting.

19.4 Election of Ordinary Committee members at the Annual General Meeting

(1) If the number of members nominating for the position of ordinary committee member is not greater than the number to be elected, the Chairperson of the meeting —
   (a) must declare each of those members to be elected to the position; and
   (b) may call for further nominations from the ordinary members at the meeting to fill any positions remaining unfilled after the elections under (a).

(2) If —
   (a) the number of members nominating for the position of ordinary committee member is greater than the number to be elected; or
   (b) the number of members nominating under Sub Rule (2) (b) is greater than the number of positions remaining unfilled,

the ordinary members at the meeting must vote to decide the members who are to be elected to the position of ordinary committee members.

19.5 Term of office

(1) The term of office of a Committee member begins when the member —
   (a) is elected at an Annual General Meeting or under Sub Rule 19.4; or
   (b) is appointed to fill a casual vacancy under Rule 19.10.

(2) Subject to Rule 19, a Committee member holds office until the positions on the Committee are declared vacant at the next Annual general Meeting.

(3) A committee member may be re-elected, however no individual may serve in the same position for more than 3 consecutive years unless there are no other nominations.

19.6 Resignation and removal from office

(1) A Committee member may resign from the Committee by written notice given to the Secretary or, if the resigning member is the Secretary, given to the Chairperson.

(2) The resignation takes effect —
   (a) when the notice is received by the Secretary or Chairperson; or
   (b) if a later time is stated in the notice, at the later time.

(3) At a General Meeting, the club may by resolution —
   (a) remove a Committee member from office; and
   (b) elect a member who is eligible under Rule 7 to fill the vacant position.

(4) A Committee member who is the subject of a proposed resolution under Sub Rule (3) (a) may make written representations (of a reasonable length) to the Secretary or Chairperson and may ask that the representations be provided to the members.

(5) The Secretary or Chairperson may give a copy of the representations to each member or, if they are not so given, the Committee member may require them to be read out at the General Meeting at which the resolution is to be considered.

19.7 When membership of committee ceases

A person ceases to be a Committee member if the person —
   (a) dies or otherwise ceases to be a member; or
   (b) resigns from the committee or is removed from office under Rule 19.6; or
   (c) becomes ineligible to accept an appointment or act as a Committee member under section 39 of the Act;
   (d) becomes permanently unable to act as a Committee member because of a mental or physical

disability; or

(e) fails to attend 3 consecutive Committee meetings, of which the person has been given notice, without having notified the Committee that the person will be unable to attend.

(f) Where a person ceases to be a member of the Club's Committee, section 41 of the Act requires that person to, as soon as practicable after their membership ceases, deliver to a member of the Committee all the relevant documents and records they hold pertaining to the management of the Club's affairs.

19.8 Filling Casual Vacancies

(1) The committee may appoint a member who is eligible under Rule 7, to fill a position on the Committeethat —

(a) has become vacant under Rule 19.7

(b) was not filled by election at the most recent Annual General Meeting or under Rule 19.8(3)(b).

(2) If the position of Secretary becomes vacant, the Committee must appoint a member who is eligible under Rule 7 to fill the position within 14 days after the vacancy arises.

(3) Subject to the requirement for a quorum under Rule 19.13, the Committee may continue to act despite any vacancy in its membership.

(4) If there are fewer committee members than required for a quorum under Rule 19.13, the Committee may act only for —

(a) appointing Committee members under this rule; or

(b) convening a General Meeting.

19.9 Validity of acts

The acts of a Committee or Sub Committee, or of a Committee member or member of a Sub Committee, are valid despite any defect that may afterwards be discovered in the election, appointment or qualification of a Committee member or member of a Sub Committee.

19.10 Committee meetings

(a) The Committee must meet at least monthly in each year on the dates and at the times and places determined by the Committee.

(b) The date, time and place of the first Committee meeting must be determined by the Committee members as soon as practicable after the Annual General Meeting at which the Committee members are elected.

(c) Special Committee meetings may be convened by the President or any 2 Committee members.

19.11 Notice of committee meetings

(1) Notice of each committee meeting must be given to each Committee member at least 48 hours before the time of the meeting.

(2) The notice must state the date, time and place of the committee meeting and must describe the general nature of the business to be conducted at the meeting.

(3) Unless Sub Rule (4) applies, the only business that may be conducted at the committee meeting is the business described in the notice.

(4) Urgent business that has not been described in the notice may be conducted at the Committee meeting if the Committee members at the meeting unanimously agree to treat that business as urgent.

19.12 Procedure and order of business

(1) The President or, in the President's absence, the Vice-President must preside as Chairperson of each Committee meeting.

(2) If the President and Vice-President are absent or are unwilling to act as Chairperson of a meeting, the Committee members at the meeting must choose one of them to act as Chairperson of the meeting.

(3) The Secretary is to record the attendance of members at each Committee meeting.

(4) The procedure to be followed at a Committee meeting must be determined from time to time by the Committee.

(5) The order of business at a Committee meeting may be determined by the Committee members at the

meeting.

(6) A member or other person who is not a Committee member may attend a Committee meeting if invited to do so by the Committee.

(7) Members nominated as proxies must be approved by the Management Committee and shall have full voting powers and responsibilities for their period of tenure, until the Committee position is resumed by the elected member.

(8) A person invited under Sub Rule (6) to attend a Committee meeting —
(a) has no right to any agenda, minutes or other document circulated at the meeting; and
(b) must not comment about any matter discussed at the meeting unless invited by the Committee to do so; and
(c) cannot vote on any matter that is to be decided at the meeting.

Material Personal Interests of Committee Members

- Under section 42 of the Act a member of the Committee who has a material personal interest in a matter being considered at a committee meeting must:

  - as soon as he or she becomes aware of that interest, disclose the nature and extent of his or her interest to the committee;
  - disclose the nature and extent of the interest at the next General meeting of the Club.

- Under section 42(3) of the Act this rule does not apply in respect of a material personal interest

  (a) that exists only because the member-
    - is an employee of the incorporated club; or
    - is a member of a class of persons for whose benefit the club is established; or
  (b) that the member has in common with all, or a substantial proportion of, the members of the club.

- Under section 43 of the Act a member of the Management Committee who has a material personal interest in a matter being considered at a meeting of the management committee must not be present while the matter is being considered at the meeting or vote on the matter.

❖ Under section 42(6) of the Act the Club must record every disclosure made by a Committee member of a material personal interest in the minutes of the committee Meeting at which the disclosure is made.

19.13 Quorum for committee meetings

(1) Six (6) Committee members shall form a quorum. Subject to Rule 19.15(4), no business is to be conducted at a Committee meeting unless a quorum is present.

(2) If a quorum is not present within 30 minutes after the notified commencement time of a Committee Meeting—
(a) in the case of a special Meeting — the meeting lapses; or
(b) otherwise, the meeting is adjourned to the same time, day and place in the following week.

(3) If —
(a) a quorum is not present within 30 minutes after the commencement time of a committee Meeting held under Sub Rule (2)(b); and
(b) At least 6 Committee members are present at the meeting, those members present are taken to constitute a quorum.

(4) Committee Meetings may take place:
a) where the Committee members are physically present together; or
b) where the Committee members are able to communicate by using any technology that reasonably allows the Committee member to participate fully in discussions as they happen in the Committee Meeting and in making decisions, provided that the participation of the Committee member in the Committee Meeting must be made known to all other members.
c) A Committee member who participates in a meeting as described in Sub Rule 4 b)
i. is deemed to be present at the Committee Meeting; and
ii. continues to be present at the meeting for the purpose of establishing a quorum,
until the Committee member notifies the other Committee members that he/she is no longer taking part in the Committee Meeting.

19.14 Voting at committee meetings

(1) Each Committee member present at a Committee Meeting has one vote on any question arising at the meeting.

(2) A motion is carried if 75% of the Committee members present at the committee Meeting vote in favour of the motion.

(3) If the votes are divided equally on a question, the chairperson of the meeting has a second or casting vote.

(4) A vote may take place by the Committee members present indicating their agreement or disagreement or by a show of hands, unless the Committee decides that a secret ballot is needed to determine a particular question.

(5) If a secret ballot is needed, the Chairperson of the meeting must decide how the ballot is to be conducted.

19.15 Minutes of committee meetings

(1) The Secretary must ensure that minutes are taken and kept of each Committee Meeting.

(2) The minutes must record the following —
  (c) the names of the Committee members present at the meeting;
  (d) the name of any person attending the meeting under Rule 19.15(3);
  (e) the business considered at the meeting;
  (f) any motion on which a vote is taken at the meeting and the result of the vote.

(3) The minutes of a Committee Meeting must be entered in the Club's minute book within 20 days after the meeting is held.

(4) The Chairperson must ensure that the minutes of a Committee Meeting are reviewed and signed as correct by
  (a) the Chairperson of the meeting; or
  (b) the Chairperson of the next Committee Meeting.

(5) When the minutes of a Committee Meeting have been signed as correct they are, until the contrary is proved, evidence that —
  (a) the meeting to which the minutes relate was duly convened and held; and
  (b) the matters recorded as having taken place at the meeting took place as recorded; and
  (c) any appointment purportedly made at the meeting was validly made.

(6) A copy of the signed minutes shall be placed on the Club's notice board.

20. SUBCOMMITTEES

20.1 Subcommittees and subsidiary offices

(a) To help the Committee in the conduct of the Club's business, the Committee may appoint one or more Sub Committees;

(2) A Sub Committee may consist of the number of people, whether or not members, that the Committee considers appropriate.

(3) A person may be appointed to a subsidiary office whether or not the person is a member.

(4) Subject to any directions given by the committee —
  (a) a Sub Committee may meet and conduct business as it considers appropriate; and
  (b) the holder of a subsidiary office may carry out the functions given to the holder as the holder considers appropriate.

(5) Sub Committees and holders of subsidiary office must report to and be responsible to the Management Committee.

(6) No act of a Sub Committee or subsidiary officer shall be binding on the Management Committee or the Club until ratified by the Management Committee.

20.2 Delegation to subcommittees and holders of subsidiary offices

(1) In this rule —
non-delegable duty means a duty imposed on the Committee by the Act or another written law.

(2) The Committee may, in writing, delegate to a Sub Committee or the holder of a subsidiary office the exercise of any power or the performance of any duty of the Committee other than —
  (a) the power to delegate; and
  (b) a non-delegable duty.

(3) A power or duty, the exercise or performance of which has been delegated to a Sub Committee or the holder of a subsidiary office under this Rule, may be exercised or performed by the Sub Committee or holder in accordance with the terms of the delegation.

(4) The delegation may be made subject to any conditions, qualifications, limitations or exceptions that the Committee specifies in the document by which the delegation is made.

(5) The delegation does not prevent the Committee from exercising or performing at any time the power or duty delegated.

(6) The Committee may, in writing, amend or revoke the delegation.

21. GENERAL MEETINGS OF THE CLUB

21.1 Annual General meeting

(1) The President or Vice President shall act as Chairperson of all Annual General Meetings of the club.

(2) The Annual General Meeting shall take place by the end of June of each financial year, preferably at a date in May, with the time and place determined by the Management Committee.

(3) If it is proposed to hold the Annual General Meeting more than 6 months after the end of the Club's financial year, the Secretary must apply to the Commissioner for permission under section 50(3)(b) of the Act within 4 months after the end of the financial year.

(4) The ordinary business of the Annual General Meeting is as follows —
- (a) apologies.
- (b) remembrance.
- (c) to confirm the minutes of the previous Annual General Meeting and of any Special General Meetings held since then if the minutes of that meeting have not yet been confirmed.
- (d) to receive and consider —
  - (i) the Presidents annual report on the Club's activities during the preceding financial year; and
  - (ii) if the Club is a tier 1 club, the financial statements of the Club for the preceding financial year presented under Part 5 of the Act; and
  - (iii) if the Club is a tier 2 Club or a tier 3 Club, the financial report of the Club for the preceding financial year presented under Part 5 of the Act.
  - (iv) if required to be presented for consideration under Part 5 of the Act, a copy of the auditor's report on the financial statements or financial report.
- (e) to elect the Executive Committee of the Club and other Committee members.
- (f) to appoint the Club Patron.
- (g) to appoint or remove an auditor of the Club in accordance with the Part 5 Division 7 of the Act.
- (h) to vote on any Notice of Motions duly received in accordance with these Rules.
- (i) Should the voting on any question be equal, the Chairperson shall have a casting vote in addition to their deliberate vote.

(5) If required, a General Meeting may be convened at the conclusion of the Annual General Meeting to conduct other Club business of a general nature.

21.2 Special General Meetings

(1) The Committee may convene a Special General Meeting.

(2) The Committee must convene a Special General Meeting if at least 20% of the ordinary members entitled to vote require a Special General Meeting to be convened.

(3) The members requiring a Special General Meeting to be convened must —
- (a) make the requirement by written notice given to the Secretary; and
- (b) state in the notice the business to be considered at the meeting; and
- (c) each sign the notice.

(4) The Special General Meeting must be convened within 28 days after notice is given under Sub Rule (3)(a).

(5) If the Committee does not convene a Special General Meeting within that 28 day period, the members making the requirement (or any of them) may convene the Special General Meeting.

(6) A Special General Meeting convened by members under Sub Rule (5) —
- (a) must be held within 3 months after the date the original requirement was made; and

(b) may only consider the business stated in the notice by which the requirement was made.

21.3 Notice of General Meetings

(1) The Secretary or, in the case of a Special General Meeting convened under Rule 21.2, the members convening the meeting, must give to each member —

(a) at least 21 days' notice of a General Meeting if a Special Resolution is to be proposed at the meeting; or
(b) at least 14 days' notice of a General Meeting in any other case.

(2) The notice must —
(a) specify the date, time and place of the meeting; and
(b) indicate the general nature of each item of business to be considered at the meeting; and
(c) if the meeting is the Annual General meeting, include the names of the members who have nominated for election to the committee under Rules 19.3 and 19.4 and
(d) if a Special Resolution is proposed —
(i) set out the wording of the proposed resolution as required by section 51(4) of the Act; and
(ii) state that the resolution is intended to be proposed as a special resolution; and
(iii) comply with Rule 21.8.

(3) Section 51(1) of the Act states that a resolution is a Special Resolution if it is passed —
(a) at a general meeting of an incorporated club; and
(b) by the votes of not less than three-fourths of the members of the club who cast a vote at the meeting.

(4) **Notice to be given to auditor** – For Tier 2 and 3 Clubs – under section 86 of the Act an auditor of an incorporated club is entitled to receive all notices of and other communications relating to any general meetings of the club that a member is entitled to receive.

21.4 Presiding member and quorum for general meetings

(1) The Chairperson or, in the Chairperson's absence, the Deputy Chairperson must preside as Chairperson of each General Meeting.

(2) If the Chairperson and Deputy Chairperson are absent or are unwilling to act as Chairperson of a General Meeting, the Committee members at the meeting must choose one of them to act as Chairperson of the meeting.

(3) No business is to be conducted at a General Meeting unless a quorum is present. Any 20 Members personally present (being members entitled to vote under these rules at a General Meeting) will constitute a quorum for the conduct of business at a General Meeting.

(4) If a quorum is not present within 30 minutes after the notified commencement time of a General Meeting —
(a) in the case of a Special General Meeting — the meeting lapses; or
(b) in the case of the Annual General meeting — the meeting is adjourned to —
(i) the same time and day in the following week; and
(ii) the same place, unless the Chairperson specifies another place at the time of the adjournment or written notice of another place is given to the members before the day to which the meeting is adjourned.

(5) If —
(a) a quorum is not present within 30 minutes after the commencement time of an Annual General Meeting held under Sub Rule (4)(b); and
(b) at least 10 ordinary members are present at the meeting, those members present are taken to constitute a quorum.

21.5 Adjournment of General Meeting

(1) The Chairperson of a General Meeting at which a quorum is present may, with the consent of a majority of the ordinary members entitled to vote present at the meeting, adjourn the meeting to another time at the same place or at another place.

(2) Without limiting Sub Rule (1), a meeting may be adjourned —
(a) if there is insufficient time to deal with the business at hand; or
(b) to give the members more time to consider an item of business.

(3) No business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished when the meeting was adjourned.

(4) Notice of the adjournment of a meeting under this Rule is not required unless the meeting is adjourned for 14 days or more, in which case notice of the meeting must be given in accordance with Rule 21.4.

21.6 Voting at General Meeting

(1) On any question arising at a General Meeting —
  (a) subject to Sub Rule (3), each ordinary member entitled to vote has one vote; and
  (b) ordinary members may vote personally.

(2) Except in the case of a Special Resolution, a motion is carried if 75% of the ordinary members present at a General Meeting vote in favour of the motion.

(3) If the question is whether or not to confirm the minutes of a previous General Meeting, only members who were present at that meeting may vote.

(4) For a person to be eligible to vote at a General Meeting as an ordinary member, the ordinary member—
  (a) must have been an ordinary member at the time notice of the meeting was given under Rule 21.3 and
  (b) must be financial and eligible to vote under Rule 7.

21.7 Standing Orders

The Rules by which all meetings of The Yarloop Bowling & Recreation Club(Inc.) are to adhere to are listed in By- Law 13.

21.8 When special resolutions are required (Notices ofMotion)

(1) A Special Resolution is required if it is proposed at a General Meeting —
  (a) to affiliate the Club with another body; or
  (b) to request the Commissioner to apply to the State Administrative Tribunal under section 109 of the Act for the appointment of a statutory manager.
  (c) to alter its Rules, including changing the name of the Club (section 30(1)of the Act);
  (d) removal of the Management Committee.
  (e) conferment of Life Membership.
  (f) to approve the terms of an amalgamation with one or more other incorporated clubs (section 102(4) of the Act;
  (g) to be wound up voluntarily (section 121(2)) or by the Supreme Court (section 124(a) and Schedule 4 item 9);
  to cancel its incorporation (section 129) of the

(2) Sub Rule (1) does not limit the matters in relation to which a Special Resolution may be proposed.

(3) A member desirous of submitting such a Special Resolution shall deliver to the Secretary a written draft of the proposed motion signed and dated by the member concerned at least twenty one (21) days prior to the date of the General Meeting at which the proposed motion will be submitted.

(4) The Secretary shall deliver, email or post a copy of such Notice of Motion together with the notice calling the meeting to every Full, Honorary and Life members of the Club.

(5) A copy of the motion shall be posted by the Secretary on the notice board of the Club not less than twenty one (21) days before the meeting, and in writing to all members delivered, emailed, distributed or posted to their last known address, not less than ten (10) days prior to the meeting.

(6) The adoption of such motion shall require a seventy five percent (75%) majority of the members present and voting.

21.9 Determining whether resolution carried

(1) In this rule —

poll means the process of voting in relation to a matter that is conducted in writing.

(2) Subject to Sub Rule (4), the Chairperson of a General Meeting may, on the basis of general agreement or disagreement or by a show of hands, declare that a resolution has been —
  (a) carried; or
  (b) carried unanimously; or
  (c) carried by a majority; or
  (d) lost.

(3) If the resolution is a Special Resolution, the declaration under Sub Rule (2) must identify the resolution as a Special Resolution.

(4) If a poll is demanded on any question by the Chairperson of the meeting or by at least 3 other ordinary members present in person —
   (a) the poll must be taken at the meeting in the manner determined by the Chairperson;
   (b) the Chairperson must declare the determination of the resolution on the basis of the poll.

(5) If a poll is demanded on the election of the Chairperson or on a question of an adjournment, the poll must be taken immediately.

(6) If a poll is demanded on any other question, the poll must be taken before the close of the meeting at a time determined by the Chairperson.

(7) A declaration under Sub Rule (2) or (4) must be entered in the minutes of the meeting, and the entry is, without proof of the voting in relation to the resolution, evidence of how the resolution was determined.

21.10 Minutes of general meeting

(1) The Secretary, or a person authorized by the Committee from time to time, must take and keep minutes of each General Meeting.

(2) The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.

(3) In addition, the minutes of each Annual General Meeting must record —
   (a) the names of the ordinary members attending the meeting; and
   (b) the financial statements or financial report presented at the meeting, as referred to in Rule 21.1 (4) (d) (i) or (iv); and
   (c) any report of the review or auditor's report on the financial statements or financial report presented at the meeting, as referred to in Rule 21.1 (4) (d) (iv).

(4) The minutes of a General Meeting must be entered in the club's minute book or recorded electronically within 30 days after the meeting is held.

(5) The Chairperson must ensure that the minutes of a General Meeting are reviewed and signed as correct by —
   (a) the Chairperson of the meeting; or
   (b) the Chairperson of the next General Meeting.

(6) When the minutes of a General Meeting have been signed as correct they are, in the absence of evidence to the contrary, taken to be proof that —
   (a) the meeting to which the minutes relate was duly convened and held; and
   (b) the matters recorded as having taken place at the meeting took place as recorded; and
   (c) any election or appointment purportedly made at the meeting was validly made.

22. FINANCIAL MATTERS

22.1 Source of funds

The funds of the Club may be derived from entrance fees, annual subscriptions, donations, fund-raising activities, grants, interest and any other sources approved by the Committee.

22.2 Control of funds

(1) The Club must open an account in the name of the Club with a financial institution from which all expenditure of the Club is made and into which all funds received by the Club are deposited.

(2) Subject to any restrictions imposed at a General Meeting, the Committee may approve expenditure on behalf of the Club.

(3) The Committee may authorize the Treasurer to expend funds on behalf of the club up to a specified limit without requiring approval from the Committee for each item on which the funds are expended.

(4) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments of the Club must be signed by —
   (a) 2 Committee members; or
   (b) one Committee member and a person authorized by the Committee.

(5) All funds of the Club must be deposited into the Club's account within 5 working days after their receipt.

22.3 Financial statements and financial reports

(1) For each financial year, the Committee must ensure that the requirements imposed on the Club under Part 5 of the Act relating to the financial statements or financial reports of the Club are met.

(2) Without limiting Sub Rule (1), those requirements include —

(a) if the Club is a tier 1 association, the preparation of the financial statements; and
(b) if the Club is a tier 2 association or tier 3 association, the preparation of the financial report; and
(c) if required, the review or auditing of the financial statements or financial report, as applicable; and
(d) the presentation to the Annual General Meeting of the financial statements or financial report, as applicable; and
(e) if required, the presentation to the Annual General Meeting of the copy of the report of the review or auditor's report, as applicable, on the financial statements or financial report.
(f) under section 67 of the Act, an incorporated club must retain its financial records for at least 7 years after the transactions covered by the records are completed.

23. GENERAL MATTERS

23.1 By-laws

(1) The Management Committee may make, alter and repeal By Laws not inconsistent with these Rules, duties and responsibilities of the Committees, for the use and management of the Club premises and the conduct of the Club and its affairs generally.

(2) A By-Law is of no effect to the extent that it is inconsistent with the Act, the regulations or these Rules.

(3) At the request of a member, the Club must make a copy of the By Laws available for inspection by the member.

23.2 Executing documents and common seal

(1) The Club may execute a document without using a common seal if the document is signed by —

(a) 2 Committee members; or
(b) one Committee member and a person authorised by the Committee.

(2) If the Club has a common seal —

(a) the name of the Club must appear in legible characters on the common seal; and
(b) a document may only be sealed with the common seal by the authority of the Committee and in the presence of —
(i) 2 Committee members; or
(ii) one Committee member and a person authorised by the Committee,

and each of them is to sign the document to attest that the document was sealed in their presence.

(3) The Secretary must make a written record of each use of the common seal.

(4) The common seal must be kept in the custody of the Secretary or another Committee member authorised by the Committee.

23.3 Giving notices to members

(1) In this Rule —

recorded *means* recorded in the Register of Members.

(2) A notice or other document that is to be given to a member under these Rules is taken not to have been given to the member unless it is in writing and —

(a) delivered by hand to the recorded address of the member; or
(b) sent by prepaid post to the recorded postal address of the member; or
(c) sent by facsimile or electronic transmission to an appropriate recorded number or recorded electronic address of the member (ie email address).

23.4 Custody of books and securities

(1) Subject to Sub Rule (2), the books and any securities of the Club must be kept in the Club's custody or under

the Secretary's control.

(2) The financial records and, as applicable, the financial statements or financial reports of the Club must be kept in the Club's custody or under the Treasurer's control.

(3) Sub Rules (1) and (2) have effect except as otherwise decided by the Committee.

(4) The books of the Club must be retained for at least 7 years.

23.5 Record of office holders

The Record of Committee Members and other persons authorised to act on behalf of the Club is required to be maintained under section 58(2) of the Act must be kept in the Club's custody or under the Secretary's control.

23.6 Inspection of records and documents

(1) Sub Rule (2) applies to a member who wants to inspect —

(a) the Register of Members under section 54(1) of the Act; or
(b) the Record of the names and addresses of Committee members, and other persons authorised to act on behalf of the Club, under section 58(3) of the Act; or
(c) any other record or document of the Club.

(2) The member must contact the Secretary to make the necessary arrangements for the inspection.

(3) The inspection must be free of charge.

(4) If the member wants to inspect a document that records the minutes of a Committee Meeting, the right to inspect that document is subject to any decision the Committee has made about minutes of Committee meetings generally, or the minutes of a specific Committee Meeting, being available for inspection by members.

(5) The member may make a copy of or take an extract from a record or document referred to in Sub Rule (1)(c) but does not have a right to remove the record or document for that purpose.

(6) The member must not use or disclose information in a record or document referred to in Sub Rule (1)(c) except for a purpose —
(a) that is directly connected with the affairs of the Club; or
(b) that is related to complying with a requirement of the Act.

(7) Sections 57(1) and 58(5) of the Act impose restrictions on the use or disclosure of information in the Register referred to in Sub Rule (1)(a) and the record referred to in Sub Rule (1) (b).

(8) The Committee may require a member who requests a copy of the Register of Members to provide a statutory declaration setting out the purpose of the request and declaring that the purpose is connected to the affairs of the Club.

23.7 Publication by committee members of statements about Club business prohibited

A Committee member must not publish, or cause to be published, any statement about the business conducted by the club at a General Meeting or Committee Meeting unless —

(a) the Committee member has been authorised to do so at a Committee Meeting; and
(b) the authority given to the Committee member has been recorded in the minutes of the Committee Meeting at which it was given.

23.8 Distribution of surplus property on cancellation of incorporation or winding up

(1) In this rule —

surplus property, in relation to the club, means property remaining after satisfaction of —

(a) the debts and liabilities of the Club; and
(b) the costs, charges and expenses of winding up or cancelling the incorporation of the club,

but does not include books relating to the management of the club.

(2) On the cancellation of the incorporation or the winding up of the Club, its surplus property must be distributed as determined by Special Resolution by reference to the persons mentioned in section 24(1) of the Act.

(3) Distribution of surplus property

Under section 24(1) of the Act surplus property can only be distributed to one or more of the following;

(a) an incorporated association;

(b) a company limited by guarantee that is registered as mentioned in the Corporations Act section 150;

(c) a company holding a licence that continues in force under the Corporations Act section 151;

(d) a body corporate that at the time of the distribution is the holder of a licence under the Charitable Collections Act 1946;

(e) a body corporate that —

(i) is a member or former member of the incorporated association; and

(ii) at the time of the distribution of surplus property, has rules that prevent the distribution of property to its members;

(iii) a trustee for a body corporate referred to in paragraph (e);

(iv) a co-operative registered under the Co-operatives Act 2009 that, at the time of the distribution of surplus property, is a non-distributing co-operative as defined in that Act.

23.9 Alteration of rules

If the Club wants to alter or rescind any of these Rules, or to make additional Rules, the Club may do so only by Special Resolution and by otherwise complying with Part 3 Division 2 of the Act.

Section 31 of the Act requires an incorporated club to obtain the Commissioner's approval if the alteration of its rules has effect to change the name of the club.

Section 33 of the Act requires an incorporated club to obtain the Commissioner's approval if the alteration of its rules has effect to alter the objects or purposes of the club or the manner in which surplus property of the club must be distributed or dealt with if the club is wound up or its incorporation is cancelled.

Alteration of Rules. Amendments to the rules do not take effect until required documents are lodged with the Commissioner, even if the amendments do not require the approval of the Commissioner under section 31 or section 33. The required documents must be lodged within one month after the special resolution is passed.

23.10 Patron

The Club Patron/s shall be elected at the Annual General Meeting.

23.11 Liquor Control Act

a) The Club shall ensure a Duty Manager is on the licensed premises for the purposes of observing liquor licensing requirements and regulations, as required under the Liquor Act.
b) The Club shall be open for sale of liquor during such hours as the Committee shall from time to time determine and as permitted under the Liquor Act.
c) No liquor shall be sold or supplied to any juvenile.
d) The Club may allow visitor into the premises as per the requirements of the Liquor Act.
    i. Visitors shall not be entitled to be present at any meeting of the members of the Club, nor have any right, title or interest in or to any of the property of the Club.
    ii. Visitors will be subject to withdrawal by any Club official, including bar persons, acting in the best interests of the Club.
    iii. An up to date register of visitors must be continually available for inspection at the Club premises by authorized officers.
e) The Club may seek an Extended Trading Permit for local Associations as users of the Club facility to hold their functions.

23.12 Misconduct

All matters to do with misconduct can be found in this constitution and under By Law 12 and are to be used by all Committees of the Club.

23.13 Employees

The Management committee shall be responsible for engaging and terminating all employees of the club and

shall do so within the following guidelines:

(a) No person under the age of eighteen (18) years shall be employed in the sale or delivery of liquor.

(b) No payment or part payment to any Secretary, Treasurer, manager or other officer or employees of the Club by way of commission or allowance from or upon the receipts of the Club for liquor supplied.

23.14 Miscellaneous

The following duties and rules are specified, but not limited to, those outlined in the club's By-Laws.

(a) Grounds Chairperson.
(b) House Chairperson.
(c) Bar Chairperson.
(d) Sponsorship Chairperson.
(e) Social Chairperson.
(f) Bar Manager.
(g) Captain of Men's Bowls.
(h) Men's Selection Committee.
(i) Captain of Ladies Bowls
(j) Responsibilities of Finance Committee
(k) Ballot Procedure.
(l) Misconduct.
(m) Standing Orders.
(n) Novice Qualifications.
(o) Guests, Behaviour & Dress.
(p) Drinks on Green & Smoking Policy.
(q) Supervision of Children.
(r) Parking.
(s) Animals on Grounds.
(t) Loan of Club Property
(u) Uniforms
(v) Life Membership
(w) Volunteers

23.15 Indemnity

The President, Vice President, Secretary, Treasurer and members of the management committee or any subcommittee shall, from time to time, and at all times be saved from harm and kept indemnified from and against all costs, charges, losses, damage and expenses which they or any of them sustain, incur or put to, in or about the execution and discharge of their respective trusts and offices or in or about any action, suit or proceeding at law or in equity in which they or any of them shall or may be plaintiffs or defendants

Provided always that the amount of such costs, charges, damages or expenses for which indemnity is intended to be hereby provided, shall immediately it shall have been sustained or incurred, be paid from the funds of the club and that none of the other officers of the club shall be answerable or accountable for the others or any of them or any other person or persons whosoever, but for their own acts, deeds and defaults alone.

The foregoing rules were adopted at the Annual General Meeting of the Members of The Yarloop Bowling and Recreation Club Inc on the 31st day of May 2019

President