

# Bowls North West Inc.



Trading as Bowls North West

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**CONSTITUTION OF  
NORTH WEST TASMANIAN BOWLS ASSOCIATION INC.**

**1 NAME**

- 1.1** The name of the Association shall be **BOWLS NORTH WEST**.

**2 REGISTERED OFFICE**

- 2.1** The office of the Association shall be situated at such place as the Board from time to time determines.

**3 INTERPRETATION**

- 3.1** In these Rules, unless a contrary intention appears: -

“**Act**” means the *Associations Incorporation Act 1964 (TAS)* as amended from time to time and any regulations for the time being in force under that Act.

“**Bowler**” means a person who is (or, in the case of Life Member, has been) a bowling member of a member Club.

“**Association**” means **BOWLS NORTH WEST**.

“**Board**” means the Board of Management constituted by these Rules.

“**Bowling Season**” means the period between 1<sup>st</sup> May and 30<sup>th</sup> April next.

“**Bowls**” means lawn bowls.

“**Bowls Australia**” means Bowls Australia Incorporated.

“**Bowls Tasmania**” means Bowls Tasmania Incorporated.

“**Club**” means a properly constituted body of twenty (20) or more active playing members which has access to a clubhouse and a green suitable and available for playing bowls.

“**Delegate**” means the President and/or CEO or the nominated representative.

“**Director**” shall mean a member of the Board of Management and “**Directors**” shall mean the Board of Management.

“**Chief Executive Officer**” means a person appointed by the Board to provide executive assistance to the Board.

“**Financial Year**” means the Bowling season.

“**Junior Bowler**” means a person who is under the age of eighteen (18) on the 30<sup>th</sup> June in a given year or for competition purposes is under eighteen (18) years as laid down in the conditions of play as determined in By-laws and who is a bowling member of a member Club.

“**Laws**” means the laws from time to time of the game of Bowls in Australia.

“**Life Member**” means a person appointed as a Life Member of the Association

under Rule 37.

**“Member”** means a member of the Association identified in Rule 5.

**“Office Bearers”** means the President, and a male and female Vice President.

**“President”** means the President for the time being of the Association.

**“Vice Presidents”** means the Vice Presidents for the time being of the Association.

**“Provisional Club”** means a properly constituted body of twenty (20) or more active playing members, which is in the process of acquiring or acquiring access to:-

- (a) a clubhouse, and
- (b) a green suitable and available for playing bowls.

**“Public Officer”** means the Public Officer of the Association as required by the Act.

**“Region”** means any of the regional bowling groupings in Tasmania.

**“Rules”** means the Rules of the Association contained in these Rules.

**“Seal”** means any official seal of the Association.

**“Social Bowler”** means a bowler who does not play in pennant competition but plays social bowls in a club.

**“Special Resolution”** means a resolution passed by a specified majority in accordance with the provisions of the Act.

**“Strategically Plan”** means to set goals and objectives to be achieved by the Association over a five-year period.

### 3.2 In these Rules, where the context permits

- (a) words importing one gender include the other gender
- (b) words importing the singular number include the plural and vice versa
- (c) a reference to a function includes a reference to a power, authority and duty.

### 3.3 The provisions of the *Acts Interpretation Act 1931* apply to and in respect of these Rules in the same manner as those provisions would apply if these Rules were an Act of the Tasmanian Parliament.

## 4 OBJECTS

The objects of the Association are to strategically plan, promote, advance and control the game of bowls on the North - West Region of Tasmania in the interests of Members of the Association.

## 5 MEMBERS

5.1 The Members of the Association shall be

5.2 Clubs, which will be voting members

(a) Provisional Clubs, which will be non-voting members

(b) Persons who are registered by the Association as:

(i) Bowlers

(ii) Social Bowlers

(iii) Junior Bowlers

(iv) Life members

all of whom will be non-voting members

5.3 No Club or Provisional Club shall be admitted as a Member of the Association if its constitution permits its members to share in the profits of that Club.

5.4 The Board may, at its discretion, permit any new category of membership on such terms and conditions as it sees fit.

5.5 The Board may, at its discretion, cancel any membership where a Club has failed to pay any fees payable by it pursuant to these Rules or the By-Laws in respect of that membership in any financial year by the due date.

5.6 A Social Bowler is not eligible for appointment as an Office Bearer or Committee Member of the Association

## 6 ELIGIBILITY FOR CLUB MEMBERSHIP

6.1 Any Club is eligible to apply for Membership of the Association.

6.2 (a) Any Provisional Club is eligible to apply for Provisional Membership of the Association where it undertakes to complete the acquisition of a suitable green within one year from the date of such application.

(b) If a Provisional Club does not acquire a suitable green within that year, the Board may by resolution forthwith revoke the provisional membership of the Club and no further application by it for membership shall be granted until the green has been acquired.

(c) When it acquires a suitable green, the Provisional Club may apply for membership as a Club.

## 7 APPLICATION FOR MEMBERSHIP

7.1 An application by a Club or Provisional Club for membership of the Association:

(a) shall be made in writing in a form approved by the Board, and

(b) shall be lodged with the CEO.

7.2 As soon as is practicable after receiving an application for membership the CEO shall refer the application to the Board, which shall determine whether to approve

or reject it.

- 7.3** The Applicant shall be notified as soon as practicable of the Board's determination under Rule 7.2 and, if the application is refused, of the reason for that refusal.
- 7.4** Where the Board determines to approve an application for Membership, the CEO shall request the Applicant to pay, within 28 days after the date of notification to that effect, the sums payable under these Rules by a Member as its annual membership fee and its first year's capitation fees. On payment of the fees the Club shall become a Member of the Association and will, unless its membership is lawfully terminated, remain a member until 30 September next after the end of the season in respect of which it last paid its membership fee.
- 7.5** Bowlers, Social Bowlers and Junior Bowlers become Members of the Association upon receipt by the Association from their Club of their capitation fee, and remain members, unless that membership is lawfully terminated, until 30 September next after the end of the season in respect of which a capitation fee was last paid in relation to them.
- 7.6** Life Members become such Members upon their election under Rule 37, and retain that membership for life.

## **8 MEMBERSHIP AND CAPITATION FEES**

- 8.1** The annual membership fees for Clubs and Provisional Clubs shall be determined by the Board.
- 8.2** In addition to the annual membership fee set out in sub-rule 8.1 each Club shall pay to the Association for each of its Bowling Members an annual capitation fee determined by the Board, which will include the annual subscription determined by Bowls Tasmania and payable by the Association to Bowls Tasmania.
- 8.3** The secretary of each Club shall furnish to the CEO, not later than the 30 September in each year the full contact details, including the full names, addresses, date of birth, and email addresses (if available) of all Bowlers (separately identifying Junior Bowlers), Social Bowlers and Life Members of that Club.
- 8.4** The secretary of each Club shall as required by the Board report to the CEO the full names and addresses of all persons who have ceased to be, or who have become, members of the Club since the last such report.

## **9 BOARD OF MANAGEMENT**

- 9.1** There shall be a Board of Management ("the Board") of the Association which, subject to the Act, these Rules, and to any resolution passed by the Association in general meeting, shall control and manage the affairs of the Association and
- (a) may exercise all the functions of the Association other than those functions that are required by these Rules to be exercised by the Association in general meeting; and

- (b) has power to perform all such acts and do all such things as appear to be necessary or desirable for the proper management of the affairs of the Association; and
- (c) has power to enact, alter or repeal any of the Rules for Competition of the Association provided at least one month's written notice of such action is given to each Club. Should a motion to disallow such a proposed rule, rule alteration or repeal be received from not less than five Clubs signed by the President and Secretary of the said Clubs, the existing rules are to remain unchanged until that motion is dealt with at a general meeting of the Association, and any change is to reflect the decision of that meeting; and

*Amended 11/6/2018*

- (d) shall in particular appoint annually a men's Match Committee and a women's Match Committee each consisting of a chairperson, secretary and two (2) ordinary members. The President or his nominee shall be an ex-officio member of such Committee.
- (e) In even years, the chairperson and one (1) ordinary member shall retire from office but shall be eligible to be reappointed. In odd years, the secretary and one (1) ordinary member shall retire from office but shall be eligible to be reappointed.

## **10 MEMBERSHIP OF THE BOARD OF MANAGEMENT**

- 10.1** The Board shall consist of the President, two (2) Vice Presidents, and four (4) ordinary members, each appointed as hereafter provided.
- 10.2** One Vice President shall be of the male gender and the other of the female gender.
- 10.3** The Board may co-opt other appropriately qualified persons to the Board, as the Board sees fit, irrespective of whether the person belongs to the bowling fraternity or otherwise, to assist the Board in making determinations, but such person shall not have the right of vote.

## **11 ELECTION OF OFFICE BEARERS AND BOARD MEMBERS**

- 11.1** Nominations for Office Bearers and Board Members of the Association, with the exception of the CEO,
  - (a) shall be made in writing, signed by two (2) Bowler members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the nomination form) and
  - (b) shall be delivered to the CEO not less than fourteen (14) days before the date fixed for the Annual General Meeting at which the election is to take place.

*Amended 11/6/2018*

- (c) At the Annual General Meeting of BNW in even years, the President, Vice President (Female) and two (2) ordinary Board Members shall retire from office, but shall be eligible upon nomination for re-election. In odd years the Vice President (Male) and two (2) ordinary Board Members shall retire from office, but shall be eligible upon nomination for re-election.

- 11.2 Where only one nomination is received to fill a vacancy, the nominee shall be declared elected.
- 11.3 Where no nomination is received to fill a vacancy, further nominations may be received at the Annual General Meeting.
- 11.4 If insufficient further nominations are received, any vacancy remaining shall be deemed to be a casual vacancy and be filled as provided in Rule 11.8.
- 11.5 A ballot shall be held to fill any vacancy in respect of which more than one nomination is received.
- 11.6 A ballot for election of Office Bearers and other Board Members shall be conducted at the Annual General Meeting in such manner as the presiding officer may direct.
- 11.7 Once elected or appointed, Office Bearers and Board members will, unless their office is earlier vacated, hold office for a period of two years.
- 11.8 In the event of a casual vacancy among the Office Bearers or other Board members of the Association, the Board may appoint a person to fill the vacancy and the person so appointed shall hold office, subject to these rules, until the conclusion of the Annual General Meeting next following the appointment.

## 12 CHIEF EXECUTIVE OFFICER

### 12.1 Appointment of CEO

The Directors may appoint a CEO.

### 12.2 Powers, duties and authorities of CEO

- (a) The CEO holds office on such terms and conditions (including as to remuneration) and with the powers, duties and authorities, as determined by the Directors.
- (b) The exercise of those powers and authorities, and the performance of those duties, by the CEO are subject at all times to the control of the Directors.
- (c) The CEO's role will be to implement the strategies, plans and policies approved by the Directors and will be responsible for the management and direction of Bowls North West and its finances.
- (d) The CEO will perform the role of Secretary of the Association and shall keep minutes of:
  - (i) All elections and appointments of Office Bearers and Board members;



- (ii) The names of those in attendance at Board meetings and meetings of the Association;
  - (iii) All proceedings at Board meetings and general meetings of the Association; and
  - (iv) Any other in respect of which a record is required by law or under these rules.
- (e) The CEO shall ensure that all minutes of proceedings, once confirmed, be signed by the person presiding at the meeting at which they are confirmed.
  - (f) The CEO will ensure that the minutes of any Board meeting are circulated in an unconfirmed form to each Member of the relevant Committee within seven (7) days of the meeting to which they relate.
  - (g) The CEO shall be the Public Officer of the Association subject to any alternative appointment to such position by the Board
  - (h) To avoid any confusion, the duties of the CEO will include the offices of Secretary and Treasurer.

### **12.3 Suspension and removal of CEO**

Subject to the terms and conditions of the appointment, the Directors may suspend or remove the CEO from that office.

### **12.4 Delegation by Directors to CEO**

The Directors may delegate to the CEO the power (subject to such reservations on the power as are decided by the Directors) to conduct the day-to-day management and control of the business and affairs of Bowls North West. The delegation will include the power and responsibility to:

- (a) Develop business plans, budgets, strategies, policies, processes and codes of conduct for consideration by the Directors and to implement them to the extent approved by the Directors;
- (b) Manage the financial and other reporting mechanisms of Bowls North West, including:
  - (i) The CEO shall collect and receive all monies due to the Association relating to the activities of the Association and make all payments authorised by the Board;
  - (ii) The CEO shall keep accurate accounts and books detailing the financial affairs of the Association, and all receipts and expenditure connected with the activities of the Association in accordance with the Act or as required by the Board and report thereon to each meeting of the Board.
- (c) Approve and incur expenditure subject to specified expenditure limits;
- (d) Sub-delegate his or her powers and responsibilities to employees

or internal management committees of Bowls North West; and

- (e) Any other powers and responsibilities which the Board consider appropriate to delegate to the CEO.

#### **12.5 CEO to attend meetings**

- (a) The CEO shall, subject to a determination otherwise by the Board, attend all meetings of the Board and such other meetings as directed by the Board;
- (b) The CEO is entitled, subject to a determination otherwise by the Board, to attend all meetings of Bowls North West, all Committees and may speak on any matter;
- (c) The CEO shall not have a right of vote.

### **13 VACANCIES**

**13.1** For the purposes of these rules, a casual vacancy in the office of a member of the Board occurs otherwise than as provided in Rule 11.4, if the Office Bearer: -

- (a) dies;
- (b) resigns the office;
- (c) becomes bankrupt or enters into a composition with their creditors;
- (d) is disqualified from office under the provisions of the Act;
- (e) is convicted of an indictable offence;
- (f) is absent without the consent of the Board from three (3) consecutive meetings of the Board.

**13.2** Any casual vacancy that occurs in the position of an Elected Board Member may be filled by the remaining Elected Directors from among appropriately qualified persons.

**13.3** Any casual vacancy may only be filled for the remainder of the vacating Board Member's term under this Constitution.

### **14 BOARD MEETINGS AND QUORUM**

**14.1** Notwithstanding anything else to the contrary, in the event of an emergency a decision required to be made by the Association can be made by the Board. Decisions made in this way shall be referred to the next general meeting of the Association for ratification.

**14.2** The Board shall meet as often as necessary in each year and at such places and times as the Board may determine.

**14.3** Additional meetings of the Board are to be called on the requisition of the President or of any three (3) other Board Members.

**14.4** Notice of meetings of the Board shall be given by the CEO to each Member of the Board at least fourteen (14) days before the time appointed for the holding of

the meeting.

**14.5** A notice of meeting given under sub-rule 14.4 shall specify the general nature of the business to be transacted at the meeting and no business other than that business shall be transacted at the meeting, except business which the Board agrees to treat as urgent business.

**14.6** A quorum for the transaction of the business of a Board meeting shall be four (4).

**14.7** No business shall be transacted by the Board unless a quorum is present and if, within half an hour after the time appointed for the meeting, a quorum is not present the meeting stands adjourned to the same place and the same hour of the same day in the following week. The CEO shall notify all Board Members of that adjournment.

**14.8** If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the meeting, the meeting shall be dissolved.

**14.9** At meetings of the Board: -

- (a) the President or in the absence of the President, the Vice President shall preside; or
- (b) if the President and Vice President are both absent, a member present is to be chosen by the members present to preside.

## **15 DELEGATION BY BOARD**

**15.1** The Board may, by instrument in writing, delegate to one or more sub-committees (consisting of such persons as the Board may think fit) the exercise of such of the functions of the Board as are specified in the instrument, other than: -

- (a) this power of delegation; and
- (b) a function, which is imposed on the Board by the Act or any other law of the State or by resolution of the Association in general meeting.

**15.2** A sub-committee may meet and adjourn as it thinks proper.

**15.3** Nothing in the Constitution should be read as preventing non-members of the Association being appointed to any sub-committee of the Board.

## **16 VOTING AND DECISIONS**

**16.1** Subject to the requirements of the Act (if any) and except in the case of a Special Resolution, a resolution is carried if a simple majority of the votes cast on the resolution are in favour of it.

**16.2** Where an equal number of votes are cast in favour of and against the resolution, the resolution is not carried. For the avoidance of doubt the Chair does not have a casting vote where voting is equal.

**16.3** The Board may act notwithstanding any vacancy in its membership.

**16.4** Any act or thing done or suffered, or purporting to have been done or suffered,

by the Board or a sub-committee of the Board, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member of the Board or sub-committee.

17 **ANNUAL GENERAL MEETING**

The Association shall meet not later than in the month of June in each year for the Annual General Meeting which shall, subject to the Act, be convened on such date and at such place and time as the Board may think fit.

18 **REPRESENTATION OF VOTING MEMBERS AT MEETINGS OF THE ASSOCIATION**

18.1 Each Member Club shall be entitled to be represented by two voting delegates at every general meeting of the Association. Where a Club has both male and female Club Members, one delegate must be male and the other female

18.2 Where a Club is of a single gender they shall be represented by one voting delegate.

18.3 On the appointment of a Delegate, the Club concerned shall notify in writing to the CEO the name of such Delegate.

19 **BUSINESS OF ANNUAL GENERAL MEETING**

19.1 In addition to any other business which may be transacted at an Annual General Meeting, the business shall be: -

- (a) to confirm the Minutes of the last preceding Annual General Meeting and of the last preceding general meeting if any held since that meeting;
- (b) to receive from the Board reports on the activities of the Association during the last preceding Financial Year;
- (c) to elect office-bearers and Board Members, except the CEO;
- (d) to receive and consider the statement of accounts and the reports required to be submitted to Members pursuant to Law.

19.2 An Annual General Meeting shall be specified as such in the notice convening it.

19.3 An Annual General meeting shall be conducted in accordance with the provisions of these rules for general meetings.

20 **PATRON**

The Association at its Annual General Meeting may appoint a Patron of the Association. The Patron may attend meetings of the Association but shall not have a right of vote.

21 **FUNDS AND ACCOUNTS**

- (a) The funds of Bowls North West shall be deposited in the name of Bowls North West in such bank or permanent building society as the Board may from time to time direct.

- (b) Proper books and accounts shall be kept and maintained either in written or printed form in the English language showing correctly the financial affairs of Bowls North West and the particulars usually shown in books of a like nature.
- (c) All moneys shall be deposited as soon as practicable after receipt thereof.
- (d) All amounts of ten dollars or over shall be paid by
  - (a) cheque signed by any two of the CEO, Board Members authorised from time to time by the Board;
  - (b) electronic transfer provided such receipts of such payment shall be presented at the next Board meeting after such payment
- (e) Cheques shall be crossed "not negotiable".
- (f) The Board shall determine the amount of petty cash which shall be kept on the imprest system.
- (g) All expenditure shall be approved or ratified at a Board meeting.
- (h) As soon as practicable after the end of each financial year the CEO shall cause to be prepared a statement containing particulars of:
  - (i) the income and expenditure for the financial year just ended; and
  - (ii) the assets and liabilities and of all mortgages, charges and securities affecting the property of Bowls North West at the close of that year
- (i) All such statements shall be examined by the auditor who shall present his/its report upon such audit to the CEO prior to holding of the annual general meeting next following the financial year in respect of which such audit was made.
- (j) The income and property of Bowls North West howsoever derived shall be used and applied solely in promotion of its objects and in the exercise of its powers as set out herein and no portion thereof shall be distributed, paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit to or amongst the members of Bowls North West provided that nothing herein contained shall prevent the payment in good faith of interest to any such member in respect of moneys advanced by him to Bowls North West or otherwise owing by Bowls North West to him or of remuneration to any officers or servants of Bowls North West to any member of Bowls North West or other person in return for any services actually rendered to Bowls North West provided further that nothing herein contained shall be construed so as to prevent the payment or repayment to any member of out of pocket expenses, money lent, reasonable and proper charges for goods hired by Bowls North West or reasonable and proper rent for premises demised or let to Bowls North West.

## 22 AUDITOR

The Association shall appoint an Auditor at its Annual General Meeting.

## 23 GENERAL MEETINGS

- 23.1 The Board may, whenever it thinks fit, convene a general meeting of the Association.
- 23.2 The Board shall on the requisition of the President or on the requisition in writing of at least eight (8) Member Clubs convene a general meeting of the Association.
- 23.3 A requisition of Clubs for a general meeting: -
- 23.4 shall state the purpose or purposes of the meeting;
- 23.5 shall be signed by the secretary of each of the Clubs making the requisition;
- 23.6 shall be lodged with the CEO; and
- 23.7 may consist of several documents in a similar form, each signed by the secretary of the Clubs making the requisition.

## 24 NOTICE

- 24.1 Except where the nature of the business proposed to be dealt with in a general meeting requires a special resolution of the Association, the CEO shall, at least 14 days before the date fixed for the holding of the general meeting, cause to be sent to each Member Club at the Club's address a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- 24.2 Where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Association, the CEO shall, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be sent to each Member Club specifying, in addition to the matter required under Rule 24.1, the intention to propose the resolution as a special resolution.
- 24.3 In the absence of the intending mover of any motion of which notice has been duly given, the motion may, with the consent of the meeting, be moved by any other Delegate.
- 24.4 No business other than that specified in the notice convening a general meeting shall be transacted at the meeting except, in the case of an Annual General Meeting, business that may be transacted pursuant to Rule 19.1.
- 24.5 A Member Club desiring to bring any business before a general meeting may give notice in writing of that business to the CEO who shall include that business in the next notice calling a general meeting given after the receipt of the notice from the Member Club.

## 25 GENERAL MEETINGS-PROCEDURE AND QUORUM

- 25.1 No item of business shall be transacted at a general meeting unless a quorum entitled under these rules to vote is present during the time the meeting is considering that item.

**25.2** A number, equivalent to one half plus one (1) of the number of Member Clubs, of Delegates present in person constitute a quorum.

**25.3** If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting, if convened upon the requisition of Clubs, shall be dissolved and in any other case shall stand adjourned to the same time and (unless another place is specified at the time of adjournment by the person presiding at the meeting or communicated by written notice to Members given before the day to which the meeting is adjourned) at the same place on the same day in the following week.

## **26 ADJOURNMENT**

**26.1** The person presiding at a general meeting at which a quorum is present may, with the consent of the majority of Delegates present at the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

**26.2** Where a general meeting is adjourned for fourteen (14) days or more, the CEO shall give written or oral notice of the adjourned meeting to each voting Member of the Association stating the place, date and time for the resumption of the meeting and the nature of the business to be transacted at the meeting.

**26.3** Except as provided in sub-rule 2 of this Rule, notice of an adjournment of a general meeting or of the business to be transacted at any adjourned meeting is not required to be given.

## **27 VOTING**

**27.1** Subject to Rule 27.3, 27.4, 27.5 and 27.6, upon any question arising at a general meeting of the Association, the presiding officer and each Delegate present in person are entitled to vote, each having one (1) vote only.

**27.2** All votes shall be given personally.

**27.3** In the case of an equality of votes on a question at a general meeting, the presiding officer is entitled to exercise a second or casting vote.

**27.4** A Delegate is not entitled to vote at a general meeting of the Association unless all money due and payable by the Delegate's Club to the Association has been paid in the manner determined by these rules and the By-Laws.

**27.5** If decided by the presiding officer that a vote on any question will affect only one gender of bowler, the presiding officer may instruct that only that gender's delegates may vote on that question.

**27.6** At the discretion of the Board, a postal ballot may be conducted on any matter to be decided.

## **28 MAKING OF DECISIONS**

**28.1** Except as otherwise provided by the Act, questions arising at a general meeting of the Association shall be determined on a show of hands and, unless before the

declaration of the show of hands a poll is demanded, a declaration by the person presiding that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, and an entry to that effect in the Minute book of the Association, are each determinative of that fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.

**28.2** At a general meeting of the Association, a poll may be demanded by the person presiding or by not less than three (3) Delegates present at the meeting.

**28.3** Where a poll is demanded at a general meeting, the poll shall be taken: -

- (a) immediately in the case of a poll which relates to the election of the person to preside at the meeting or to the question of an adjournment; or
- (b) in any other case, in such manner and at such time before the close of the meeting as the person presiding directs, and the resolution of the poll on the matter shall be deemed to be the determination of the meeting on that matter.

## **29 RETURNING OFFICER**

**29.1** For the Annual General Meeting where an election ballot is necessary the CEO shall arrange for a returning officer and scrutineer(s), none of whom shall be a candidate or proposer or seconder of candidates. The result of any ballot shall be disclosed to the meeting by the President in order of preference.

**29.2** At any meeting of the Association at which a ballot is required the returning officer and scrutineer(s) shall be appointed from those Delegates present.

## **30 PRESIDENT**

**30.1** The President, or in the absence of the President, either of the two Vice Presidents, shall preside at each general meeting of the Association.

**30.2** If the President and Vice Presidents are absent, the meeting shall elect one of the persons present to preside at the meeting.

## **31 DELEGATES TO STATE BODIES**

The Board may appoint persons to represent the Association at meetings of the Regional Consultative Committee of Bowls Tasmania and any other body as may be appropriate. Elections for the positions of Director to the Board of Bowls Tasmania will be conducted in accordance with the provisions of the Bowls Tasmania Constitution

## **32 POWER TO REPRIMAND, FINE, SUSPEND OR EXPEL MEMBERS**

**32.1** Where the Board is of the opinion that a Member: -

- (a) has refused or neglected to comply with a provision of these rules; or
- (b) has acted in a manner prejudicial to the interests of the Association the Board may, by resolution:
  - (i) expel the Member from the Association; or



- (ii) suspend the Member from such rights and privileges of membership of the Association as the Board may determine, for a specified period; or
- (iii) fine the Member an amount not exceeding \$200; or
- (iv) reprimand the Member

**32.2** The Board shall not make a resolution under Rule 32.1 unless it has first complied with Rule 32.3 and 32.4.

**32.3** Where the Board considers that there is prima facie evidence of conduct by a member of a type referred to in Rule 32.1(a) or (b), the CEO shall, as soon as practicable, cause a notice in writing to be given to the Member:

- (a) setting out the substance of that evidence and breach constituted by it; and
- (b) stating that the Member may address the Board with reference to that conduct at a meeting; and
- (c) stating the date, place and time of that meeting being not earlier than 14 days and not later than 28 days after the giving of the notice; and
- (d) informing the member that the Member may do either or both of the following: -
  - (i) attend and speak at the meeting;
  - (ii) submit to the Board at or prior to the date of that meeting written representations relating to the resolution.

**32.4** At a meeting of the Board referred to in sub-rule 32.3, the Board shall

- (a) give to the Member an opportunity, if it is sought, to make oral representations; and
- (b) take fairly into account in determining the action which it should take in relation to
 

the conduct in question whatever representations the Member in question has made to it.

**32.5** Where the Board makes a resolution under Rule 32.1, the CEO shall, within 7 days thereof, by notice in writing, inform the Member of that resolution and of the Member's right of appeal under Rule 33.

**32.6** A resolution by the Board under Rule 32.1 does not take effect

- (a) until the expiration of the period within which the Member is entitled to appeal against the resolution where the Member does not exercise the right of appeal within that period; or
- (b) where within that period the Member exercises the right of appeal, unless and until the Association confirms the resolution in accordance with sub-rule 33.4.

**33.1** A Member may appeal to the Association in general meeting against a resolution of the Board under Rule 32, within 7 days after notice of the resolution is given to the Member, by lodging with the CEO a notice to that effect.

**33.2** On receipt of a notice under Rule 33.1, the CEO shall notify the Clubs and shall convene a general meeting of the Association to be held within 21 days after the date on which the CEO received the notice or as soon as possible after that date.

**33.3** At a general meeting of the Association convened under sub-rule 33.2:

- (a) no business other than the question of the appeal shall be transacted; and
- (b) the Board and the Member shall have the opportunity to make representations in relation to the appeal orally or in writing, or both; and
- (c) after receiving the representations made under Rule 33.3(b), the Delegates present shall vote by secret ballot on the question that the resolution made under sub-rule 32.1 be confirmed.

**33.4** The resolution made under sub-rule 32.1 is revoked unless confirmed by special resolution.

#### 34 LEVIES

The Board may impose a levy on Clubs of the amount specified in a special resolution passed by the Association in General Meeting. Such an amount shall be payable within the period specified in the special resolution.

#### 35 INDEMNITY

The Association shall indemnify the Members of the Board and Match Committee and sub-committees, or any person co-opted to assist them, against all claims arising out of or in connection with acts or omissions on their part in the performance in good faith of their official functions.

#### 36 COMMON SEAL

**36.1** The Common Seal of the Association shall be kept in the custody of the CEO.

**36.2** The Common Seal shall not be affixed to any instrument except by the authority of the Board, and the affixing of the Common Seal shall be attested by the signatures of the CEO and one other Member of the Board.

#### 37 LIFE MEMBERSHIP

**37.1** The Association may, at an Annual General Meeting receive a proposal to elect a person to be a Life Member of the Association in consideration of outstanding service rendered by such person to the Association.

**37.2** If a person nominated for Life Membership is elected as such by a majority of three-quarters of the persons present and voting at the meeting, the person shall have the status of Life Member of the Association.

#### 38 WINDING UP

**38.1** If upon winding up or dissolution of the Association there remains, after the

satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the Members of the Association, but shall be given or transferred to a society institution or organization having objects similar to the objects of the Association.

**38.2** The liability of a Member to contribute towards the payment of debts and liabilities of the Association or the costs, charges and expenses of the winding up of the Association is limited to any amount unpaid by the Member in respect of the Registration Fee as required by Rule 8.

### 39 ALTERATION OF RULES

These Rules shall not be altered except in accordance with the Act.

### 40 NOTICES

**40.1** Any notice required or authorized by these Rules may be given by sending it by pre-paid post, facsimile, email or other electronic means of communication approved by the Board to the Member at the Member's address in the register of Members

**40.2** The notice shall be deemed to have been received by the members as follows:

Method of delivery	Deemed Delivery
1.. by post	at the time when the letter would be delivered in the ordinary course of post
2. Fax	Date of completion of the transmission.
3. Other electronic method	Date of sending the e-mail or other electronic transmission.

**40.3** A notice sent in accordance with rule 40 shall, unless the contrary is proved, be deemed for the purpose of these Rules to have been given at the time at which the letter would have been delivered in the ordinary course of post or in any other case at the time generated electronically as its time of transmission or receipt.

### 41 BY-LAWS

**41.1** The Board may make, repeal, amend or alter such By-Laws as considered necessary for the proper conduct of the operations of the Association. Such By-Laws must be consistent with the Objects contained in Rule 4 of these Rules.

**41.2** Any By-Law made under clause 41.1 shall take effect immediately after the service of the By-Law on the Members.

**41.3** Interpretation of the By-Laws is solely the province of the Board.

**41.4** By-Laws when in force, is binding on all Members and has the same effect as a provision in this Constitution.

### 42 PEAK BODIES

- 42.1** The Association acknowledges Bowls Australia as the peak body for the sport in Australia and Bowls Tasmania as the peak body for the sport in Tasmania. BOWLS NORTH WEST shall take all steps necessary to ensure this Constitution (and any amendments) conforms, to the Bowls Tasmania constitution, subject to any prohibition or inconsistency in any relevant legislation.
- 42.2** This Constitution and any subsequent amendments to this Constitution shall be subject to the approval of Bowls Tasmania.
- 42.3** Bowls Tasmania shall approve, without delay, this Constitution and any subsequent amendments to this Constitution as may be submitted by Bowls North West provided the amendments conform to the Bowls Tasmania constitution
- 42.4** If the documents do not conform to the Bowls Tasmania constitution, Bowls North West shall, without delay, take all steps necessary to address the inconsistency so that the documents conform to the Bowls Tasmania constitution.
- 42.5** For the avoidance of doubt, if any inconsistency remains between this Constitution and the Bowls Tasmania constitution, the Bowls Tasmania constitution shall prevail to the extent of that inconsistency.