

# **‘Warringah Bowls Club’ - Constitution**

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**WARRINGAH BOWLS CLUB (A ‘SUB-CLUB’)**

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# Bowls Constitution

## 1. NAME OF THE CLUB

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The name of the unincorporated sub-club is "Warringah Bowls Club" (**Sub-Club**).

## 2. DEFINITIONS AND INTERPRETATION

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### 2.1 Definitions

In this Bowls Constitution unless the context requires otherwise:

**Annual General Meeting** or **AGM** means the annual General Meeting of the Sub-Club required to be held under this Bowls Constitution.

**Annual Bowls Subscription** means the annual fee(s) payable by each category of Bowls Member as determined by the Bowls Management Committee under **clause 8(a)**.

**Bowls** means the sport of lawn bowls.

**Bowls By-Laws** mean a by-law (of the Sub-Club) made under **clause 22**.

**Bowls Constitution** means this Bowls Constitution as amended from time to time, and a reference to a clause is a reference to a clause of this Bowls Constitution.

**Bowls Management Committee** means the body consisting of the Bowls Committee Members formed under **clause 15**.

**Bowls Member** means a member of the Sub-Club under **clause 6**, being an "Ordinary" Bowling member of the Registered Club, who is registered with Bowls NSW as an individual member.

**Bowls NSW** or **BNSW** means Bowls New South Wales Limited.

**Bowls Captain** means the person elected under **clause 18.2**.

**General Meeting** means a general meeting of Bowls Members and includes the AGM and any SGM.

**Individual Bowls Member** means a registered, financial Bowls Member of the Sub-Club who is over 18 years of age.

**Local Area** means the geographical area in which the Sub-Club operates as determined by Bowls NSW for the administration of Bowls competitions.

**Member**, generally, means a Bowls Member or a member of the Registered Club, as the case may be.

**Objects** mean the objects of the Sub-Club described in **clause 3**.

**Registered Club** means Warringah Bowling Club Ltd, ABN 85 000 014 219, being the Registered Club (Parent Body) to which the Sub-Club is affiliated or registered or is otherwise a member.

**Registered Club Constitution** means the constitution and by-laws of the Registered Club, from time to time.

**Special General Meeting** or **SGM** means any General Meeting of the Sub-Club held under this Bowls Constitution other than the AGM.

**Special Resolution** means a resolution passed by at least 75% of Bowls Members entitled to vote and voting on a motion at the General Meeting at which the motion is put to Bowls Members.

**Voting Bowls Member** means those Bowls Members of the Sub-Club entitled to vote in General Meeting as set out under **clause 6.1**.

## 2.2 Interpretation

In this Bowls Constitution:

- (a) a reference to a function includes a reference to a power, authority and duty;
- (b) a reference to the exercise of a function includes, where the function is a power, authority or duty, a reference to the exercise of the power or authority or the performance of the duty;
- (c) words imparting the singular include the plural and vice versa;
- (d) references to persons include corporations and body politic;
- (e) references to a person include the legal personal representatives, successors, and permitted assigns of that person;
- (f) a reference to a statute, ordinance, code, or other law includes regulations and other statutory instruments under it and consolidations, amendments, re-enactments, or replacements of any of them (whether of the same or any legislative authority having authority); and
- (g) a reference to "writing", unless the contrary intention appears, is to be construed as including references to printing, photography, and other modes of representing, or reproducing words in a visible form, including messages sent by email.

## 3. OBJECTS

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The Sub-Club is established solely for the Objects. The Objects of the Sub-Club are to:

- (a) be affiliated with or a member of the Registered Club and to affiliate with Bowls NSW as an unincorporated club so Bowls can be conducted,

encouraged, promoted, advanced and administered at the Sub-Club and throughout the Local Area;

- (b) conduct, encourage, promote, advance and administer Bowls at the Sub-Club and throughout the Local Area and act, at all times, on behalf of and in the interest of the Bowls Members and Bowls in the Sub-Club and Local Area;
- (c) affiliate and otherwise liaise with the Registered Club (as applicable) and Bowls NSW and adopt their respective rule and policy frameworks as necessary to further these Objects;
- (d) undertake and or do all such things or activities which are necessary, incidental or conducive to the advancement of these Objects; and
- (e) abide by, enforce, and ensure uniformity in the application and rules of Bowls as may be determined from time to time by Bowls Australia (BA) and/or BNSW as may be necessary for the management and control of Bowls and related activities in New South Wales.

#### **4. INCOME AND PROPERTY OF THE CLUB**

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##### **4.1 Sole Purpose**

The income and property of the Sub-Club must be applied solely towards the promotion of the Objects.

##### **4.2 Payments to Bowls Members**

No part of the income or property of the Sub-Club may be paid or otherwise distributed, directly or indirectly, to any Bowls Member except for payments to a Bowls Member in good faith in the promotion of the Objects and which payments are:

- (a) in return for any services or goods supplied in the ordinary course; or
- (b) for interest at current bank overdraft rates for moneys lent; or
- (c) for reasonable rent for premises let to the Sub-Club.

#### **5. STATUS AND COMPLIANCE OF SUB-CLUB**

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##### **5.1 Recognition of Sub-Club**

- (a) The Sub-Club is:
  - (i) affiliated with Bowls NSW and may form part of the Registered Club (if applicable); and
  - (ii) is recognised by those entities as the body responsible for the delivery of Bowls in the Local Area.

- (b) This Bowls Constitution will clearly reflect the objects of the Registered Club (if applicable) and Bowls NSW and will conform to the constitutions and regulations of both the Registered Club and Bowls NSW.

## **5.2 Registered Club**

The Sub-Club must not resign, disaffiliate, or otherwise seek to withdraw from the Registered Club or Bowls NSW without the prior permission of the Registered Club and approval by Special Resolution.

## **5.3 Amendment of the Bowls Constitution**

No addition, alteration or amendment may be made to this Bowls Constitution unless the same has been approved:

- (a) by the Registered Club (if applicable) prior to the relevant General Meeting of the Sub-Club;
- (b) by Special Resolution; and
- (c) in prior consultation with Bowls NSW.

## **6. BOWLS MEMBERSHIP**

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### **6.1 Categories of Bowls Members**

The Bowls Members of the Sub-Club must be registered with Bowls NSW under the Bowls Constitution, and consist of the following categories:

- (a) Individual Bowls Members, who, subject to this Bowls Constitution, have the right to receive notice of General Meetings and to be present, debate and vote at General Meetings; and
- (b) Such new or other categories of Bowls Members as may be established by the Bowls Management Committee. Any new category of Bowls Member established by the Bowls Management Committee cannot be granted voting rights.

### **6.2 Deemed Membership**

All persons who are, prior to the adoption of this Bowls Constitution, "Ordinary" Bowling members of the Registered Club are deemed to be Bowls Members from the time of adoption of this Bowls Constitution.

### **6.3 General**

- (a) A Sub-Club Bowls Member must at all times be a financial member of the Registered Club.
- (b) No Bowls Member whose membership ceases has any claim against the Sub-Club or the Bowls Management Committee Members for damages or otherwise arising from cessation or termination of membership.

- (c) Membership is personal to each Bowls Member. No Bowls Member may, nor purport to, assign the rights comprising or associated with membership to any other person, and any attempt to do so is void.
- (d) Bowls Members must treat all staff, contractors and representatives of the Sub-Club and Registered Club, and all other Members and visitors, with respect and courtesy at all times.
- (e) Bowls Members must not act in a manner unbecoming of a Member or prejudicial to the Objects and/or interests of the Sub-Club, Registered Club, Bowls NSW or Bowls.

## **7. EFFECT OF BOWLS MEMBERSHIP**

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- (a) Bowls Members acknowledge and agree that:
  - (i) they must comply with and observe this Bowls Constitution and the Bowls By-Laws and any determination, resolution or policy which may be made or passed by the Bowls Management Committee or any duly authorised committee;
  - (ii) by submitting to this Bowls Constitution and the Bowls By-Laws they are subject to the jurisdiction of the Sub-Club; Bowls NSW and The Registered Club; and
  - (iii) this Bowls Constitution is made in pursuit of a common purpose, namely for the mutual and collective benefit of the Sub-Club, the Bowls Members and Bowls.
- (b) An Individual Bowls Member of the Sub-Club has the right to:
  - (i) receive notice of General Meetings;
  - (ii) submit items of business for consideration at General Meetings;
  - (iii) attend and be heard at General Meetings; and
  - (iv) if they are a Voting Bowls Member, vote at General Meetings.

## **8. FEES AND SUBSCRIPTIONS**

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- (a) The Bowls Management Committee, in consultation with the Registered Club, must determine, from time to time, membership fees and the payment method and due date.
- (b) The Bowls Management Committee is empowered to prevent any Bowls Member whose Annual Bowls Subscription, or any other fees are in arrears from exercising the whole or any of the rights or privileges of membership of the Sub-Club.
- (c) If any Bowls Member's Annual Bowls Subscription or any other fees owing by a Bowls Member to the Sub-Club are in arrears for one month,



that Bowls Member's membership ceases, unless otherwise determined by resolution of the Bowls Management Committee.

## **9. REGISTER**

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The Sub-Club may keep and maintain a register in which may be entered the names and addresses of all Bowls Members and Bowls Committee Members and where applicable, the date of termination of membership of any Bowls Member.

## **10. DISCONTINUANCE OF MEMBERSHIP**

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A person's membership of the Sub-Club ceases if:

- (a) they resign by giving notice in writing to the Sub-Club;
- (b) they fail to pay their Annual Bowls Subscription within one month of the due date determined by the Bowls Management Committee;
- (c) no Annual Bowls Subscription is payable, the Bowls Management Committee make a written request to the Member, and they fail to respond within one month of that correspondence;
- (d) they fail to reapply for membership before the end of the membership year of the Sub-Club;
- (e) they cease to be a member following disciplinary action; or
- (f) their membership of the Registered Club ceases.

## **11. DISCIPLINE OF BOWLS MEMBERS**

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The disciplinary process set out in the Registered Club's Constitution applies to instances where the Bowls Management Committee is advised of an allegation (not being vexatious, trifling or frivolous) or considers that a Bowls Member has allegedly:

- (a) breached, failed, refused or neglected to comply with a provision of this Bowls Constitution or the Registered Club's Constitution, the Bowls By-Laws, the Bowls NSW Bowls Constitution, or any resolution or determination of the Bowls Management Committee or any duly authorised Bowls Committee; or
- (b) acted in a manner unbecoming of a Bowls Member or prejudicial to the Objects and the interests of the Sub-Club, Registered Club, Bowls NSW, Bowls, and/or another Member; or
- (c) brought themselves, another Member, the Sub-Club, Registered Club, Bowls NSW or Bowls into disrepute.

In such circumstances, the relevant Bowls Member will be subject to, and submits unreservedly to, the jurisdiction, disciplinary procedures and sanctions set out in the Registered Club Constitution.

## **12. NOT USED**

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Intentionally deleted.

## **13. GENERAL MEETINGS**

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### **13.1 Annual General Meeting**

AGMs of the Sub-Club are to be held at least once in each calendar year and otherwise as determined by the Bowls Management Committee (including date, venue and mode of meeting).

### **13.2 General Meetings**

- (a) The Bowls Management Committee may convene a General Meeting when it thinks fit.
- (b) The Bowls Management Committee must on the requisition in writing of at least 20% of the Voting Bowls Members, convene a General Meeting.
- (c) At least 21 days' notice of the time and place of a General Meeting must be given to all Bowls Members specifying the place, date and time of meeting and the business to be transacted at the meeting (the agenda) including any notice of motion received from the Bowls Management Committee or a Bowls Member.
- (d) Where a General Meeting (including an AGM) is convened by the Bowls Management Committee, it may, if it thinks fit, cancel the meeting or postpone the meeting to a date and time they determine.
- (e) Proxy voting is not permitted at General Meetings.
- (f) Conduct of, and communication at, a General Meeting including voting may be permitted from time to time by electronic communication in such instances as the Bowls Management Committee determines and must be conducted in accordance with procedures prescribed by the Bowls Management Committee.
- (g) The number of Bowls Members who must be present and eligible to vote for a quorum to exist at a General Meeting is 33% of members entitled to vote at that meeting. If a quorum is not present, the meeting must be adjourned.

### **13.3 Conduct of General Meetings**

- (a) The Bowls Captain is entitled to preside as chair at General Meetings.
- (b) If a General Meeting is convened and there is no chairperson, or the Bowls Captain is not present or is unwilling to act, a Bowls Management Committee Member (or other person) chosen by a majority of the Bowls Management Committee Members present must preside as chair.

- (c) The chair of a General Meeting has charge over the conduct of the meeting and its procedures and may terminate discussion whenever they consider it necessary for the proper conduct of the meeting.
- (d) The chair may, with the consent of any General Meeting at which a quorum is present, adjourn the meeting or any business, motion, question, resolution, debate or discussion being considered or remaining to be considered by the meeting.
- (e) The adjournment may be either to a later time at the same meeting or to an adjourned meeting at any time and place agreed by vote of the members present. If adjourned for more than 21 days, a new notice of meeting must be distributed to Bowls Members.
- (f) Only unfinished business is to be transacted at a meeting resumed after an adjournment.

#### **13.4 Questions decided by majority**

Except in the case of a Special Resolution, a resolution is carried if a simple majority of the votes cast on the motion are in favour of it.

#### **13.5 Equality of votes**

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

#### **13.6 Voting Procedure**

At any General Meeting a motion put to the vote of the meeting must be decided on a show of hands unless a poll is either directed by the chairperson, or demanded by five (5) Voting Bowls Members and the demand is not withdrawn.

#### **13.7 Chair to determine any poll dispute**

If there is a dispute about the admission or rejection of a vote, the chairperson (of the meeting) must decide it and, absent manifest error or any bad faith, the chairperson's decision is final.

#### **13.8 Minutes**

The Bowls Management Committee must ensure that minutes are taken and kept of each General Meeting.

### **14. VOTES OF BOWLS MEMBERS**

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- (a) At a General Meeting, on a show of hands and on a poll, each Voting Bowls Member will have one vote.
- (b) No Bowls Members other than Voting Bowls Members are entitled to vote at General Meetings.

- (c) Postal and proxy voting is not permitted at any General Meeting.

## **15. BOWLS MANAGEMENT COMMITTEE**

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- (a) The Bowls Management Committee is to consist of up to five (5) eligible Bowls Members who must each be elected at the AGM (or an extraordinary General Meeting, including for the purpose) for a term of one year, expiring at the conclusion of the following AGM.
- (b) At every AGM, the Bowls Management Committee Members must retire from office and, if nominated, are eligible for re-election.
- (c) Nominations for Bowls Management Committee Member positions must be received from Bowls Members prior to the AGM in such manner as may be determined by the Bowls Management Committee.
- (d) All Individual Bowls Members over 18 years of age are entitled to stand for office as Bowls Management Committee Members.
- (e) If insufficient nominations are received, the vacancies will be deemed Casual Vacancies under Rule 16.1.
- (f) The election must be by secret ballot but otherwise conducted in such manner and method as may be determined by the Bowls Management Committee from time to time. No Bowls Member may be elected unless they are qualified to hold office and have been nominated in accordance with this clause 15 (Bowls Management Committee).

## **16. VACANCIES ON THE BOWLS MANAGEMENT COMMITTEE**

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### **16.1 Casual Vacancies**

Any casual vacancy that occurs in the position of a Bowls Management Committee Member may be filled by the remaining Bowls Management Committee Members from among appropriately qualified and eligible Bowls Members until the next AGM.

### **16.2 Grounds for Termination of Bowls Management Committee Member**

The office of a Bowls Management Committee Member becomes vacant if the Bowls Member:

- (a) dies or becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health;
- (b) becomes bankrupt or makes any arrangement or composition with their creditors generally;
- (c) owes money to the Registered Club and more than 30 days after demand for payment, has failed to pay;
- (d) resigns their office in writing to the Bowls Management Committee or is absent without the consent of the Bowls Management Committee from

meetings of the Bowls Management Committee held during any period of three months;

- (e) fails to declare a conflict of interest with the affairs of the Sub-Club or the Registered Club;
- (f) acts in a manner unbecoming or prejudicial to the Objects and/or interests of the Sub-Club or Registered Club or has brought themselves or the Sub-Club or Registered Club into disrepute, as determined in accordance with clause 11.
- (g) does not fulfil their expected obligations to the Bowls Management Committee;
- (h) breaches this Bowls Constitution, the Registered Club's Constitution, any rule, Bowls By-Law, or code of conduct of the Registered Club or Bowls NSW;
- (i) is removed by Special Resolution of the Bowls Members at a General Meeting; or
- (j) would otherwise be prohibited from being a director of a corporation under the Corporations Act.

## **17. POWERS**

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### **17.1 Powers of the Sub-Club**

Solely for furthering the Objects the Sub-Club has the legal capacity and powers of a natural person.

### **17.2 Powers and Duties of Bowls Management Committee**

Subject to this Bowls Constitution, the Registered Club Bowls Constitution and the Bowls NSW Bowls Constitution, the Bowls Management Committee will manage the Sub-Club's business and may exercise all of the Sub-Club's powers that are not required, by this Bowls Constitution, to be exercised in General Meeting.

## **18. PROCEEDINGS AT BOWLS MANAGEMENT COMMITTEE MEETINGS**

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### **18.1 Bowls Management Committee meetings**

- (a) The Bowls Management Committee may meet together for conducting business, adjourn and otherwise regulate its meetings as it thinks fit.
- (b) A question arising at a Bowls Management Committee meeting is to be decided by a majority of votes. Each Bowls Management Committee Member present has one vote on a matter arising for decision by Bowls Management Committee Members.
- (c) The chairperson of the meeting will not have a casting vote.

- (d) Half the number of Bowls Management Committee Members in office plus one present in person constitutes a quorum.
- (e) A Bowls Committee Member may convene a Bowls Management Committee meeting on four days' notice unless all Bowls Committee Members agree to hold a meeting at shorter notice.
- (f) Written notice of each Bowls Management Committee meeting, specifying the general nature of the time, date, place and mode of the Bowls Management Committee meeting and the business to be transacted, must be served on each Bowls Management Committee Member in accordance with that Member's last notified contact details.
- (g) The Bowls Captain will chair all meetings of the Bowls Management Committee unless there is no chairperson, or the Bowls Captain is not present or is unwilling to act, in which case the Bowls Committee Members present must elect one of their number to chair that meeting.
- (h) The Bowls Committee Members must cause minutes of meetings to be made.

## **18.2 Election of Bowls Captain**

The Bowls Committee Members must at the first Bowls Management Committee meeting after the AGM annually elect by majority vote one of their number to the office of Bowls Captain, who may be re-elected in following years so long as he or she remains a Bowls Committee Member.

## **18.3 Circulating resolutions**

The Bowls Committee Members may pass a resolution without a Bowls Management Committee meeting being held if the required majority of the Bowls Committee Members who are entitled to vote on the resolution sign a document containing a statement that they are in favour of the resolution set out in the document. An email or other electronic transmission produced under the name of a Bowls Committee Member with the Bowls Committee Member's authority is taken to be a document signed by the Bowls Committee Member for the purposes of this clause and is taken to be signed when received by the Sub-Club in legible form.

## **18.4 Bowls Committee Members' interests**

A Bowls Committee Member must declare to the Bowls Management Committee that Bowls Committee Member's interest in any matter in which any material personal interest or related party transaction arises as defined by the *Corporations Act 2001 (Cth)* and that Bowls Committee Member must absent themselves from discussion of such matter and is not entitled to vote in respect of such matter.

## **19. TELECOMMUNICATION MEETING**

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- (a) A General Meeting or Bowls Management Committee meeting may be held by means of a telecommunication meeting, provided that the:

- (i) number of Bowls Members or Bowls Committee Members (as applicable) participating is not less than a quorum required for a General Meeting or Bowls Management Committee meeting (as applicable); and
  - (ii) meeting is convened and held in accordance with this Bowls Constitution.
- (b) All provisions of this Bowls Constitution relating to a meeting apply to a telecommunication meeting in so far as they are not inconsistent with the provisions of this **clause 19** (Telecommunication meeting).

## **20. DELEGATES**

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The Bowls Management Committee, annually, must appoint delegate(s) to the Registered Club, Bowls NSW and/or any other body to which the Sub-Club is entitled representation or upon invitation.

## **21. NOT USED**

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Intentionally deleted.

## **22. BOWLS BY-LAWS**

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- (a) The Bowls Management Committee may, subject to the prior approval of the Registered Club and Bowls NSW, from time to time:
- (i) make Bowls By-Laws which in its opinion are necessary or desirable for the control, proper advancement, administration and management of the Sub-Club's affairs for the advancement of the Objects and Bowls; and
  - (ii) amend, repeal and replace those Bowls s.
- (b) Such By-Laws must be consistent with (and in no way contrary to) this Bowls Constitution, the Registered Club Constitution and the Bowls NSW Constitution, and when in force, is binding on all Bowls Members and has the same effect as a provision in this Bowls Constitution.

## **23. KEEPING RECORDS**

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The Bowls Management Committee must establish and maintain proper records and minutes concerning all transactions, business, meetings and dealings of the Sub-Club and the Bowls Management Committee and must produce these as appropriate at each Bowls Management Committee meeting or General Meeting, and otherwise on request of the Registered Club.

## **24. ACCOUNTS**

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### **24.1 Financial Year**

The financial year of the Sub-Club is that of the Registered Club.

## **24.2 Records**

Books, documents, securities and proper accounting and other records must be kept and held in the care and control of the Bowls Management Committee for seven years.

## **24.3 Bowls Management Committee to Submit Accounts**

The Bowls Management Committee must submit to the AGM the accounts of the Sub-Club.

## **24.4 Transactions**

All cheques, promissory notes, bankers' drafts, bills of exchange, other negotiable instruments, electronic transactions and all receipts for money paid to the Sub-Club, must be signed, drawn, accepted, endorsed or otherwise executed, as the case may be, in such manner as the Bowls Management Committee, in consultation with and in the manner approved by the Registered Club, determines from time to time.

## **25. SERVICE OF DOCUMENTS**

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Documents may be served on a Bowls Member or the Sub-Club personally, by post or by email or other electronic transmission (including by posting on the Sub-Club's website) in accordance with the Bowls Member's or Sub-Club's last notified contact details.

## **26. DISSOLUTION**

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If, upon dissolving the Sub-Club, and after satisfaction of all its debts and liabilities, any property remains, that property must be distributed to the Registered Club. The same must not be paid to or distributed amongst the members.

## **27. REPORTING TO BOWLS NSW**

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The Sub-Club must annually lodge with Bowls NSW:

- (a) all annual fees payable to Bowls NSW;
- (b) a copy of the Sub-Club's annual report;
- (c) an annual membership return using the form prescribed by Bowls NSW;
- (d) an annual update of all Sub-Club contacts and Bowls Management Committee Members using the form prescribed by Bowls NSW;
- (e) any changes to this Bowls Constitution previously approved by Bowls NSW; and
- (f) any further documents as prescribed by Bowls NSW from time to time.