

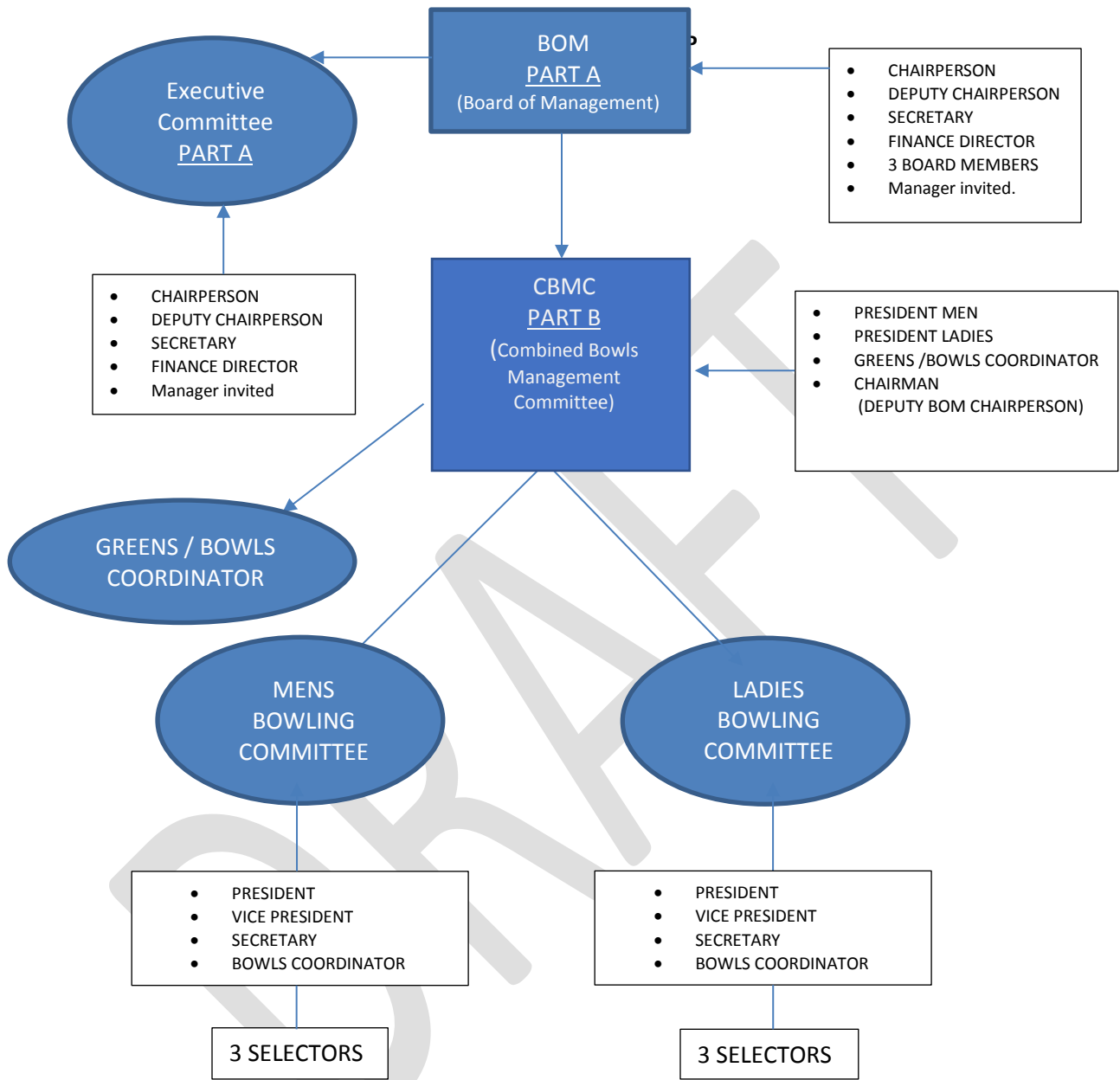


By-Laws

North Mackay Bowls Club Inc

NORTH MACKAY BOWLS CLUB INC.

BY-LAWS
Revised 4TH SEPT 2020



QUORUMS: PART A – BOARD of MANAGEMENT – Any 4. EXECUTIVE COMMITTEE – Any 3.
PART B – COMBINED BOWLS MANAGEMENT COMMITTEE – Any 3.
GENERAL MEETING – At Least double the number of members of the Section Committee + 1

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1. DEFINITIONS

In these Bylaws, unless the contrary intention appears:

- 1.1. **Act** means the Associations Incorporation Act 1981 (Qld).
- 1.2. **Annual General Meeting (AGM)** means a meeting of Members convened in accordance with the By-laws.
- 1.3. **Annual Subscriptions** means the annual fees payable by each category of Member as determined by the Management Committee under clause 43.
- 1.4. **Arranged Bowls events** means any bowls event that is not an “Organised” Bowls event.
- 1.5. **BA** means Bowls Australia Limited, the governing body for Bowls in Australia, or its successors.
- 1.6. **BOM** means the board of management
- 1.7. **Bowls** means the sport and game of bowls as determined by World Bowls Limited with such variations as may be recognised by BA or BQ from time to time.
- 1.8. **BQ** means Bowls Queensland Limited, the governing body for Bowls in Queensland, or its successors.
- 1.9. **BY-LAWS** means this document. The specific rules of guidance by which the Club is to function.
- 1.10. **CBMC** means the Combined Bowls Management Committee
- 1.11. **Club** means North Mackay Bowls Club Incorporated.
- 1.12. **Commissioner** means a BOM invitee from the legal profession, who may or may not be retired or a declared member of the Club.
- 1.13. **Constitution** means the constitution of this Club. It is the fundamental principles (clauses) that govern the Clubs operation.
- 1.14. **DA** means District Association
- 1.15. **DBA** means the District Bowls Association.
- 1.16. **Declared member** is a full financial member. If a full financial member of more than one Club, he / she must declare to BQ the one chosen Club from which he / she will play Club Championship events and District Championship events that progress to a higher level.
- 1.17. **District** means a cluster of Bowls clubs designated by BQ from time to time, brought together for the purpose of organizing competition within its boundaries and to carry out any other functions defined by BQ from time to time.
- 1.18. **Financial Year** means the year ending on 30 September.
- 1.19. **Greens / Bowls Coordinator** means a person appointed by the BOM to arrange and oversee bowls fixtures at the Club.
- 1.20. **GM** means General Manager of the Club. A General Manager shall be deemed not to be an office-bearer of the Club.
- 1.21. **In writing** means, in addition to its normal meaning, any electronic message communication, that can be printed or otherwise permanently retained, to and from a known valid electronic address of a person or organisation.
- 1.22. **Manager** means such a person as appointed by the BOM to control and conduct the general management and operations of the Club. A General Manager shall be deemed not to be an office-bearer of the Club.
- 1.23. **MDBA** means Mackay District Bowls Association.

124. **MDLBA** means Mackay District Ladies Bowls Association.
125. **MDMBA** means Mackay District Men's Bowls Association.
126. **Member** means any person recognized as a member of the Club by the Management Committee under clause 5 from time to time.
127. **Month** means calendar month.
128. **Organised Bowls Event** means an event coming under the jurisdiction of BA, BQ or MDBA and Club championships.
129. **Seal** means the common seal of the Club.
130. **Section A** means the BOM.
131. **Section B** means the CBMC.
132. **Special Resolution** has the same meaning as in the Act.
133. **The Act** means the Associations Incorporation Act 1981.
134. **The Club** means the North Mackay Bowls Club Inc.
135. **The Constitution** means the fundamental principles (clauses) and By-laws (rules) of the Club in force for the time being. It is the fundamental principles that govern the Clubs operation.
136. **World Bowls (WB)** means World Bowls Limited, the international governing body for Bowls, or its successors.
137. **Year** means the financial year as stated in the Constitution, unless otherwise stated.

PART A – BOARD OF MANAGEMENT (BOM)

2. ROTATION OF POSITIONS ON THE BOARD OF MANAGEMENT (BOM)

21. At the first Annual General Meeting after the adoption of these Rules, all positions elected under the old Rules will be declared vacant.
22. The two (2) year rotation policy will be implemented and managed in accordance with the following table:

Odd year Positions

Chairperson
Finance Director
Director
Director

Even Year Positions

Deputy Chairperson
Secretary
Director

23. The first Annual General Meeting will be in an even year (2020) so the Even Year Positions will be elected for a two (2) year term and the Odd Year positions will be elected for a one (1) year term only.
24. At subsequent Annual General Meetings under these Rules:
 - a. in odd years all Directors in Odd Year Positions shall retire from office and elections will be held for a two (2) year term;
 - b. in even years all Directors in Even Year Positions shall retire from office and elections will be held for a two (2) year term;
 - c. in any year, any position on the BOM vacated in the first year of a two (2) year term (whether filled as a casual vacancy by the BOM or not) shall be declared vacant at the next Annual

General Meeting and an election held for the remaining one (1) year of the two (2) year term.

25. Should the Club decide to increase or reduce the number of Directors, the table shall be adjusted so there is a difference of no more than one between the number elected in odd and even years.
26. Retiring Directors may nominate for election to any position on the BOM.
27. A retiring Director shall retain office until the dissolution of the meeting at which his/her successor is elected.
28. Should a vacancy on the Board occur, and a Director is appointed to the BOM, this position must be declared vacant at the next Annual General Meeting.

3. NOMINATIONS FOR ELECTION TO THE BOM

31. A nomination as a Director on the BOM must be :
 - a. on the form provided;
 - b. signed by the nominee, and the nominee's proposer and seconder who must be financial and declared full members or life members of the Club;
 - c. accompanied by a summary of the administrative experience of the nominee.
32. A condition of acceptance of a nomination for the BOM is that all nominees must attend an information briefing.
33. Nominations shall:
 - a. be called at least twenty-eight (28) days prior to the annual general meeting;
 - b. be closed fourteen (14) clear days before the annual general meeting at which the election will take place;
34. A list, in surname alphabetical order, of all candidates for positions on the BOM shall be placed on the Club Notice Board prior to the commencement of pre-polling.

4. PRE-POLL VOTING

41. Pre-poll voting will be permitted for the election of Directors to the BOM.
42. The BOM shall appoint a Returning Officer to organise and supervise pre-poll voting in accordance with these By-Laws.
43. Pre-poll votes:
 - a. must be made in person;
 - b. shall be available only to financial full members and life members of the Club.
44. Pre-poll voting will be open seven (7) days before the AGM and will close the day before the AGM.
45. Voting will take place during times set down by the BOM.

5. ELECTION PROCEDURES:

51. Elections will be held in accordance with the Rules of the Club and will be by secret ballot.
52. If any non-contested nominations are received to fill any position, the person nominated to fill that position must be declared elected at the AGM.
53. The Chairperson shall appoint a Returning Officer and the required number of Scrutineers.
54. Ballot papers, listing all candidates for a contested position in alphabetical order by surname, will be issued by the Returning Officer.
55. The method of voting will be to indicate, as directed on the ballot paper, the preferred candidate/s.

56. The Returning Officer will advise the Chairperson of the result of the scrutineers count and the Chairperson shall declare the names of the successful candidates.
57. The results of each ballot will be determined on the “first past the post” principle:
 - a. If there is an equal number of votes for two or more candidates for the last remaining position a further ballot will be conducted between the candidates who tied.
 - b. If a further tie is recorded the successful candidate will be determined by an “out of the hat” draw.
58. Ballot papers will be destroyed by the Returning Officer on the authority of a motion passed by the meeting at which the elections are held.

PART B – MENS AND LADIES SECTION

6. SECTION COMMITTEE

61. A Ladies Section Committee and a Men’s Section Committee will be responsible to the Combined Bowls Management Committee for the administration of Bowls and to act on its behalf. Each Section Committee will be elected in accordance with these By Laws 5 and 6.
62. Pre-poll voting will be permitted for the election of Directors.
63. The CBMC shall appoint a Returning Officer to organise and supervise pre-poll voting in accordance with these By-Laws.
64. Pre-poll votes:
 - a. must be made in person;
 - b. shall be available only to financial full members and life members of the Club.
65. Pre-poll voting will be open seven (7) days before the AGM and will close the day before the AGM.
66. Voting will take place during times set down by the CBMC.

7. DUTIES & SUPERVISORY RESPONSIBILITIES

- 7.1. Each Section in liaison with the Greens coordinator is wholly and solely responsible for the conduct of games, matches, events and competitions of the Game of Bowls within, for and on behalf of the Club in respect of the separate activities associated with games for ladies and men.
- 7.2. Each Section will co-operate and act in unison on all matters associated with:
 - a. The corporate development, promotion, marketing development and maintenance of standards.
 - b. Coaching and umpiring of the Game of Bowls and other associated activities within, for and on behalf of the Club.
 - c. Each section shall act on behalf of the Club in respect to matters associated with Club’s affiliation with the respective Ladies and Men’s Bowls Associations and elect delegates to such bodies at their Section Annual general meetings.
 - d. Each Section has the authority to form sub committees and Minutes will be incorporated in the Minutes of the section meeting following the sub committee’s meeting, for ratification.
 - e. Subject to the absolute control and supervision of the CBMC, each Section shall manage its own affairs, but shall make monthly reports to the CBMC (or otherwise as may be required).
 - f. The minutes and records of the Section shall be produced when required by the CBMC and available for regular inspection.

- g. Election of the Section Committees shall take place annually and in accordance with the election By laws 5 and 6.

8. MENS AND LADIES SECTION COMMITTEES

- 8.1. Each Section Committee shall consist of:
 - a. President.
 - b. Vice President.
 - c. Secretary.
 - d. Bowls Coordinator.

9. ANNUAL GENERAL MEETING SECTION COMMITTEE

- 9.1. The Annual General Meeting of the Ladies and Men's Sections must be held at least one month (30 days) prior to the AGM of the Club.

- 9.2. The business of the Annual General Meeting must include:

- a. reading of the Notice convening the meeting;
- b. confirmation of the Minutes of the previous annual general meeting;
- c. confirmation of the minutes of a general meeting at which a special resolution is passed;
- d. consideration and adoption of the Annual Reports;
- e. election of the Section Committee;
- f. election of delegates to the District Associations;
- g. notice of motion;
- h. general business;

9.3. General Notice

A general notice advising members of the date of the Annual General Meeting and closing date for Notices of Motion shall be issued at least thirty (30) days prior to the proposed meeting in a manner determined by the CBMC

9.4. Notice of Motion for AGM

Notices of Motion to be included on the Agenda for the AGM must be received by the Secretary at least twenty-one (21) days prior to the meeting at which they shall be discussed.

9.5. Notices of Annual General Meeting and Agenda and Notices of Motion

- a. Each full member and life member must be given at least fourteen (14) days' notice electronically or in a manner determined by the CBMC, the date of the AGM and Notices of Motion for discussion at the meeting.
- b. An omission to give notice of an AGM to an eligible member will not invalidate the meeting or the proceedings of that meeting.

9.6. Eligibility

To be eligible to serve on a Section Committee, a member must:

- a. be a financial full member or life member of the Club;
- b. be a declared member of the Club;
- c. not be an office-bearer or employee in any other Mackay District Bowls Club;
- d. not be an employee of the Club;

97. Nominations for a Section Committee must be:
- a. Called at least twenty-eight (28) days prior to the annual general meeting of each Section
 - b. on the prescribed form;
 - c. signed by the nominee, and a proposer and seconder who must be financial, declared and full or life members of the Club in the hands of the Secretary no later than ten (10) days prior to the AGM of each section;
 - d. Prior to the commencement of pre-polling, and the Annual General Meeting of each Section, a list of candidate's in s u r n a m e alphabetical order shall be placed on the Notice Board.
98. Election of the Section Committees shall take place annually and in accordance with the election By-laws.

10. REMOVAL OF A SECTION COMMITTEE MEMBER

101. A member of the Section Committee may be removed by a majority of full and life members present and eligible to vote at a General meeting of the Section.
102. Before a vote of members is taken about removing a Section Committee Member from office, such member must be given a full and fair opportunity to show cause why he/she should not be removed from office.
103. There is no right of appeal under this Rule.

11. RESIGNATION OF A SECTION COMMITTEE MEMBER

- 11.1. A member of the Section Committee may resign from the Committee by giving written notice to the Section Secretary.
- 11.2. The resignation shall take effect at:
- a. the time the notice is received by the secretary; or
 - b. if a later time is stated in the notice, the later time will apply.

12. VACANCIES ON SECTION COMMITTEE

- 12.1. If a vacancy occurs on a Section Committee, the continuing members of the Committee may appoint another eligible member of the Section to fill the vacancy until the next annual general meeting.
- 12.2. If the office of President becomes vacant, the Section Committee shall appoint the Vice-President to fill the position until an election can be held. If the Vice- President is unwilling to act in the position of President, another suitable person may be appointed until an election can be held.

13. SECTION COMMITTEE MEETINGS

- 13.1. Each Section Committee:
- a. shall meet monthly, or as often as deemed necessary;
 - b. two (2) members of the Section Committee shall form a quorum;
 - c. a committee member who is absent from three (3) consecutive monthly meetings without leave of absence from the Committee shall be deemed to have vacated his/her office;
 - d. any member who is absent from two (2) consecutive monthly meetings and then applies for leave for a third (3rd) meeting must be present at the fourth (4th) monthly meeting or his/her position shall be deemed to be vacant.

14. GENERAL MEETINGS

- 14.1. General Meetings of each Section shall be called by the Section Secretary when:
- a. instructed to do so by the Section Committee. If the Secretary is unable to do so the

President or Chairperson must call the meeting;

- b. the Notice of a General Meeting must clearly state the business to be conducted;
- c. at least fourteen (14) days' notice of the meeting must be given to members;
- d. the CBMC may decide the way in which the notice is given.

15. NOTICES OF MOTION FOR A GENERAL MEETING

A notice of motion to be considered at a general meeting must be received by the Secretary at least seven (7) days prior to the date of the meeting.

16. SPECIAL GENERAL MEETINGS

161. The Secretary shall convene a Special General Meeting of the Section:

- a. when directed to do so by the Section Committee;
- b. by being given a written request signed by at least 20% of financial full and life members of the Section on the date when the request is signed.

162. The notice of meeting must state:

- a. why the special general meeting is being called; and
- b. the business to be conducted at the meeting.

163. If the Secretary is unable to call the special general meeting, the President or Chairperson must call the meeting.

164. A Special General Meeting must be held within two (2) months after the Secretary has been directed/requested to do so under By-Law 15.

165. The Section Committee shall decide the way in which the notice is to be given to members.

166. An omission to give a notice of the meeting to an eligible member will not invalidate the meeting or the proceedings of that meeting.

17. PROCEDURE FOR GENERAL MEETINGS

171. At each general meeting:

- a. the President or Chairperson is to preside as Chairperson;
- b. if the President or Chairperson is not in attendance within 15 minutes after the time fixed for the meeting or is unable to act, the members present must elect one of their number to chair the meeting;
- c. the meeting must be conducted in a proper and orderly way.

18. QUORUM FOR, AND ADJOURNMENT OF, A GENERAL MEETING

181. A quorum for a general meeting is at least double the number of members of the Section Committee, plus one.

182. No business may be conducted at a general meeting unless there is a quorum.

183. If there is no quorum within 15 minutes after the time fixed for the meeting, the Section Committee may adjourn the meeting to a date and time to be decided by them.

184. Notice of the adjourned meeting must be given to members in the same way as the notice for the original meeting.

19. VOTING AT SECTION GENERAL MEETINGS

191. At a general meeting:

- a. each question, matter or resolution must be decided by the majority of votes of members

present and eligible to vote;

- b. each member present and eligible to vote is entitled to one (1) vote only and, if the votes are equal, the status quo remains;
- c. only full financial, life and declared members are entitled to vote;
- d. the method of voting will be decided by the Section Committee, however, if at least 20% of the members present demand a secret ballot - voting must be by secret ballot;
- e. the result of a secret ballot as declared by the chairperson is taken to be the resolution of the meeting at which the ballot is held.

20. MINUTES OF MEETINGS

- 201. The Secretary must ensure that full and accurate minutes of all proceedings and resolutions of a Section Committee and general meetings are entered into an official record.
- 202. The minutes of each meeting must be verified by the chairperson of the meeting, or the chairperson of the next meeting.
- 203. Access to these records shall be limited to financial full members and life members of the Club.

PART C - BOWLS MANAGEMENT

21. COMBINED BOWLS MANAGEMENT COMMITTEE (CBMC).

- 21.1. The CBMC, in association with the BOM shall be responsible for the promotion and organisation of bowls in the Club.
- 21.2. The CBMC, shall consist of Deputy Chair BOM, President Ladies Bowls Section, President Mens Bowls Section and Greens Coordinator.
- 21.3. All bowling activities will be under the jurisdiction of the CBMC.
- 21.4. Should the President of either Section be unavailable, then the section Vice President will act in the roll.
- 21.5. Should no member be eligible to fill either of the Men's/ladies section roles, then the BOM will appoint a member to fill that role.

22. FUNDING and EXPENDITURE

- 22.1. Representing the CBMC, the BOM Deputy Chairperson will be required to submit to the BOM for approval expenditure of any proposed activities.
- 22.2. Following approval by the BOM, the CBMC is authorised to operate in accordance with the approved budget items.
- 22.3. Approval of capital expenditure is at the sole discretion of the BOM.

23. PLAYER COMMITMENTS

- 23.1. A player who qualifies for more than one event under the control of the same controlling body and is instructed to play in any event, must not be penalised for failing to attend any other event which is set down to be played at the same time.
- 23.2. When a player is scheduled to play in a championship event being conducted by BA, State, District, or a Club and is not able to do so because of:
 - a. selection to play or take part in a selection trial for BA, BQ, District, or Club events;
 - b. appointment to officiate at an international or national event to be played at the same time for such an event, reasonable time being allowed for travel, then -

- c. The controlling body should use their best endeavours to re-schedule the championship event, or
- d. if the event cannot be re-scheduled, then the player should decide which event to contest.

24. CONTROLLING BODY

- 241. The Controlling Body for all Bowls events controlled by the Club shall be the CBMC.
- 242. The Controlling Body for other events, such as MDMBA, MDLBA, BQ and BA shall be in accordance with their Conditions of Play.

25. ELIGIBILITY TO COMPETE

- 251. Only declared members of North Mackay Bowls Club Inc shall be eligible to play in Club Championships which advance to a higher level.
- 252. Non-Declared members shall be eligible to nominate for all other Club arranged events.

26. ATTIRE

- 261. The BOM shall set a minimum standard of dress for members and visitors to the Club and display these requirements on the Club Notice Board.
- 262. Bowling attire shall be in accordance with requirements of the Conditions of Play for each event.

PART D - MISCELLANEOUS

27. CODE OF CONDUCT

- 271. This Code describes a common set of expectations for the conduct of Members, Guests and Visitors, a key element of which is that we abide by club rules and policies and in the broader sense applicable laws and regulations. The BOM, GM and CBMC has a zero tolerance policy toward members, guests or visitors who breach this Code of Conduct.
- 272. Members, Guests and Visitors have a right to:
 - a. Be treated equitably and with respect.
 - b. Participate in an environment free from all forms of harassment or discrimination.
 - c. Have their privacy and confidentiality treated lawfully.
 - d. Not be subject to malicious gossip, innuendo, slander, bullying, aggressive, rude, intimidating or violent behaviour.

Any member found to be displaying any of these behaviours or who brings the club into disrepute will face disciplinary action.

- 273. Dress Code
 - a. All members and visitors are asked to maintain a neat, tidy appearance at all times while at the Club.
 - b. Dirty, ragged or unkempt clothing or clothing containing offensive slogans are not permitted within the club. Members or guests will be asked to cover up any such clothing and if they refuse will be asked to leave the Club.
- 274. Responsible serving of alcohol & Liquor License Regulations
 - a. The Club promotes and practices the Responsible Service of Alcohol.
 - b. Excessive or binge drinking is discouraged and members, guests or visitors showing signs of intoxication or drunkenness will have service refused and be asked to leave the Club.

28. DISCIPLINE

- 28.1. Where a complaint or incident report is received about a member's conduct or actions:
- a. Bowls Related
The incident will be reviewed and investigated by the CBMC. The CBMC may determine the outcome and penalty in accordance with these Bylaws.
 - i. If the CBMC cannot make a determination or find a resolution, the CBMC will refer the incident to the BOM for investigation.
 - b. Club Related
Should the complaint be not related to Bowls, the incident will be reviewed and investigated by the GM.
 - i. If the GM cannot make a determination or find a resolution, he/she will refer the incident to the BOM for investigation.
- 28.2. At the completion of the investigation, the CBMC or GM will notify the member in writing of their decision.

29. DISCIPLINE APPEALS

- 29.1. A member may not appeal a disciplinary decision except if the decision was to:
- a. suspend the member;
 - b. cancel a members membership.
- 29.2. If a member appeals the decision, they must:
- a. Give notice to the BOM in writing within 7 days;
 - b. Outline in writing the reasons for the appeal and give grounds that support the appeal.
- 29.3. When an appeal is received, the BOM will refer the appeal to the Commissioner.
- 29.4. The Commissioner will investigate and review the appeal.
- 29.5. When the Commissioner has concluded the investigation, he will notify the BOM of his recommendation.
- 29.6. The BOM will notify the member in writing of their decision.
- 29.7. Once the decision is handed down it is final. No appeal will be granted.

30. ALTERATION TO BY-LAWS

The BOM may make, amend, or repeal by-laws in accordance with Clause 52 of the Constitution.

31. CLUB COLOURS

Club colours shall be White, Green & Gold

32. CLUB LOGOS

A Corporate Logo, as approved by the Board from time to time, may be utilised for marketing and image purposes.

APPENDIX A DISCIPLINE / APPEALS

