

**MANNING DISTRICT BOWLING ASSOCIATION**  
**INCORPORATED**



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**RULES**  
**AND**  
**CONSTITUTION**

AS REQUIRED BY SECTION 11  
SCHEDULE 1 OF THE ASSOCIATIONS INCORPORATION  
ACT, 1984

**As Amended 28<sup>th</sup> August 2007**

## **RULES**

### **NAME**

1. The name of the Association shall be the Manning District Bowling Association Incorporated.

### **INTERPRETATION**

2. (a) In these rules, except in so far as the context or the subject matter otherwise Indicated or requires:
  - “Affiliated member person” means a person who is registered financial Member Registered with the R.N.S.W.B.A.Inc. of a Member Club of this Association.
  - “B.A”. means Bowls Australia Inc.
  - “The Association” means the Manning District Bowling Association Incorporated.
  - “Association Match” means any match arranged by the Association.
  - “The Act” means the Association Incorporation Act 1984.
  - “Bowling Club” means a properly constituted body of sixteen (16) or more full members whose annual subscription is not less than that prescribed by law for the Registration of a club, having a bowling green ready for play of not less than four (4) rinks and which complies with the Laws of the game of bowls as provided by B.A.
  - “Member Club” means a club which has been granted affiliation with the District.
  - “Club Delegate means a representative of an affiliated or provisionally affiliated club as set forth in these rules.
  - “The Management Committee” means the Executive Committee, and two (2) delegates of affiliated clubs.
  - “Office Bearers” means the Executive Committee as defined under Rule 16(b).
  - “ Funds Management Officers” means the President, Secretary/Treasurer and two (2) Vice Presidents.
  - “Provisional Club” means a properly constituted body having at least sixteen (16) full members whose annual subscription is not less than that prescribed by law for the registration of a club, and having acquired the necessary site, intend to construct a bowling green of not less than four (4) rinks and which will comply with the laws of the game of bowls as provided by B.A.
  - “R.N.S.W.B.A.Inc.” means the Royal New South Wales Bowling Association Inc.
  - “The Regulation” means the Association Incorporation Regulation 1984.
  - “Secretary/Treasurer” means:
    - (i) The person holding the office under these rules as Secretary/Treasurer of Association or
    - (ii) If no such person holds that office - the Public Officer of the Association.
  - “Special General Meeting” means a general meeting of the Association other than an Annual General Meeting.
- (b) In these rules:
  - (i) A reference to a function includes a reference to a power, authority and a duty and
  - (ii) A reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.
- (c) The provisions of the Interpretations Act, 1987 apply to and in respect of these rules in the same manner as those provisions would so apply if the rules were an instrument made under the Act.

### **OBJECTS**

3. The objects of the Association shall be:
- (a) To affiliate with the R.N.S.W.B.A.Inc., as a District Association.
  - (b) To promote, advance and control the game of bowls in the area covered by the Association and adjacent areas.
  - (c) To promote, arrange, manage and control Inter-Association, Inter-District and other Association competitions and games.
  - (d) To consider and deal with any matter referred to it that may be considered to be relevant to the objects of the Association.
  - (e) To receive and expend the funds of the Association.
  - (f) To invest and deal with money of the Association not immediately required in such a manner as may be permitted by law for the investment of trust funds.

### **APPLICATION OF INCOME AND PROPERTY**

4. The income and property of the Association, whensoever derived, shall be applied solely towards the promotion of the objects of the Association as herein before set forth: and no portion thereof shall be paid, transferred directly or indirectly, by way of dividend, bonus or otherwise howsoever by way of profit, to the members of the Association. Provided however that nothing herein shall prevent the payment, in good faith, of reasonable and proper remuneration, to any officer or servant of the Association in return for any services actually rendered to the Association but so that no member of the Executive Committee or Management Committee shall be paid by fees and that no remuneration or other benefit in any money or monies worth shall be given by the Association to any member of such Committee except as provided in Rule 40.

### **MEMBERSHIP**

5. (a) Only those Bowling Clubs that are within the boundaries of the Association as determined from time to time by the R.N.S.W.B.A. Inc. may be granted membership of the Association..
- (b) Any Bowling Club that was recorded as a member of the unincorporated Association known as the Manning District Bowling Association immediately prior to the grant to the Association of the certificate under Section 10 of the Act together with any other Bowling Clubs who are accepted as members or provisional members shall be members of the Association.

### **APPLICATION FOR MEMBERSHIP**

6. (a) Application for membership of the Association shall be made in writing to the Secretary in the form set out in Appendix 1 accompanied by the Constitution or Memorandum and Articles of Association.
- (b) As soon as possible after receiving a nomination for membership, the Secretary must refer the nomination to the Management Committee which is to determine whether to approve or to reject the nomination.
- (c) Where the Committee determines to approve a nomination for membership, the Secretary/Treasurer as soon as practicable after the determination, notify the nominee of that approval and request the nominee to pay (within the period of 28 days after receipt by the nominee of the notification) the sum payable under these rules by a member as subscriptions and capitation fees.
- (d) The Secretary/Treasurer must, on payment by the nominee of the amounts referred to in clause (c) within the period referred to in that clause, enter the nominee's name in the register of members and the name being so entered, the nominee becomes a member of the Association.

### **CESSATION OF MEMBERSHIP**

7. A Bowling Club ceases to be a member of the Association if it:
- (a) Is dissolved or if it being a Company it resolves to go into voluntary liquidation or an order for the liquidation of the Company is made.
  - (b) Resigns the membership or

- (c) Become unfinancial or is expelled from the Association.

### **MEMBERSHIP ENTITLEMENTS NOT TRANSFERABLE**

8. A right, privilege or obligation which a member has by reason of being a member of the Association:
- (a) Is not capable of being transferred, or transmitted to another bowling club or person and
  - (b) Terminates upon cessation of membership of the Association.

### **RESIGNATION OF MEMBERSHIP**

- 9.
- (a) A member of the Association is not entitled to resign that membership except in accordance with this rule.
  - (b) A member of the Association who has paid all amounts payable by the member to the Association in respect of the member's membership may resign from membership of the Association by first giving to the Secretary written notice of at least one month (or such period as the Management Committee may determine) of the member's intention to resign and on the expiration of the period of notice the member ceases to be a member.
  - (c) Where a member ceases to be a member under clause (b) and in every other case where a member ceases to hold membership, the Secretary must make an appropriate entry in the register of members recording the date the member ceased to be a member.

### **REGISTER OF MEMBERS**

- 10.
- (a) The Public Officer of the Association shall establish and maintain a register of members of the Association specifying the name and address of each bowling club which is a member of the Association together with the date on which the bowling club became a member.
  - (b) The register of members shall be kept at the principal place of administration of the Association and shall be open for inspection, free of charge, by a delegate(s) of any member(s) of the Association during normal business hours (subject to appointment).

### **FEES AND SUBSCRIPTIONS**

- 11.
- (a) Every affiliated club or provisionally affiliated club shall pay to the Association an annual fee together with an annual capitation fee and any levies approved by the Management Committee for each of its affiliated bowling members, multiple members, junior members and life members.
  - (b) The amount of such affiliation fee, capitation fee and levies may from time to time be determined by the Management Committee.
  - (c) Such fee shall be paid to the Association Secretary/Treasurer on or before the 31st day of July each year.
  - (d) The Secretary/Treasurer of every affiliated or provisionally affiliated club shall pay to The Association the capitation fee of any additional bowling member, multiple member, and or junior member accepted for membership after 31st July each year. Such Fee to be paid no later than 30 days after membership of the club has been granted.
  - (e) Only financial members will be entitled to attend, speak and vote at any meeting of the association.

### **MEMBERS LIABILITIES**

12. The liability of a member of the Association to contribute towards the payment of the debts and liabilities of the Association or the costs, charges and expenses of the winding up of the Association is limited to the amount, if any, unpaid by the member in respect of membership of the Association as required by Rule 11.

## **DELEGATES**

13. (a) Each member of the Association may be represented at all meetings of the association (except Executive Meetings) by a delegate or delegates appointed in writing by the member and given to the Secretary/Treasurer. Such notification to be received by the Secretary/Treasurer on or before the 31st July each year or within fourteen (14) days of the member club's Annual General Meeting if such meeting is to be held after 31st July.
- (b) Should any appointed delegate fail to attend three (3) consecutive Management Committee meetings without leave of absence or being represented by an alternate delegate, his position shall become vacant and the member club shall be notified.
- (c) In the event of a delegate being unable to attend any Management Committee meeting, the member may appoint any other person to act as an alternate delegate and speak and vote at such meeting.
- (d) Delegates and alternate delegates must be persons affiliated with the R.N.S.W.B.A.Inc., the association and the member club.
- (e) The member may be represented by the following number of delegates:
- (i) Management Committee meetings - two (2)
  - (ii) Annual General Meeting and Special General Meeting - two (2).

## **DISCIPLINING OF MEMBERS**

14. (a) Where the Management Committee is of the opinion that a member of the association:
- (i) Has persistently refused or neglected to comply with a provision or provisions of the rules or
  - (ii) Has persistently or wilfully acted in a manner prejudicial to the interests of the Association. The committee will write to the member giving fourteen (14) days to reply. If no reply is received or the reply is not satisfactory, the Management Committee may, by resolution
  - (iii) Expel the member from the Association or suspend the member from membership of the Association for a specified period.
- (b) A resolution of the Management Committee under clause (a) is of no effect unless the Management Committee, at a meeting held not earlier than 14 days and not later than 28 days after service on the member of a notice under clause (c) confirms the resolution in accordance with this rule.
- (c) Where the Management Committee passes a resolution under clause (a), the Secretary shall, as soon as practicable, cause a notice in writing to be served on the member:
- (i) Setting out the resolution of the Management Committee and the grounds on which it is based,
  - (ii) Stating that a delegate or delegates of the member may address the Management Committee at a meeting to be held not earlier than 14 days not later than 28 days after service of the notice,
  - (iii) Stating the date, place and time of the meeting and
  - (iv) Informing the member that the member may do either or both of the following:
    - (1) Have its delegate or delegates attend and speak at that meeting;
    - (2) Submit to the meeting at or prior to the date of that meeting written representations relating to the resolution.
- (d) At a meeting of the Management Committee held as referred to in clause (c) of this rule the Management Committee shall:
- (i) Give to the delegate or delegates of the member an opportunity to make oral representations;
  - (ii) Give due consideration to any written representations submitted to the Management Committee by the member at or prior to the meeting and
  - (iii) By resolution determine whether to confirm or revoke the resolution.
- (e) Where the Management Committee confirms a resolution under clause (d) the Secretary shall within seven (7) days after that confirmation, by notice in writing inform the member of that fact.

## **DISCIPLINING OF AFFILIATED CLUB MEMBERS**

**14A** Should any affiliated member person as described in Rule 2 (a) of these rules, by his actions be deemed to bring the game into disrepute the Manning District Executive Committee may take action against the member in regard to the matter and may warn, suspend or expel such member. The member shall be given 14 days notice to appear before the Executive Committee to answer the charge.

The Notice shall set out the reason for the citation and the possible penalty that the Executive Committee may impose if the charge is proven.

The Affiliated member person shall have the right of appeal to the Management Committee of the Manning District Bowling Association Inc. of any decision made by the Executive Committee in the matter for which he was cited.

Any appeal must be lodged with the Secretary / Treasurer of the Association within 7 days of the original decision.

## **THE COMMITTEE OF MANAGEMENT POWERS**

**15.** The Committee of Management of the Association and subject to the Act in the Regulation and these rules and to any resolution passed by the Association in general meeting:

- (a) Shall control and manage the affairs of the association and
- (b) May exercise all such functions as may be exercised by the Association, other than those functions that are required by these rules to be exercised by a general meeting of members of the association and
- (c) Has power to perform all such acts and do all such things as appear to the committee to be necessary or desirable for the proper management of the affairs of the Association.
- (d) Has the power to make By-laws not inconsistent with these rules for the administration of the business and affairs of the Association. A By-law shall not be effective until a copy of the By-law certified under the hand of the Secretary/Treasurer has been sent to all members of the Association. A By-law may be rescinded or by resolution passed by a simple majority at a General Meeting.

## **CONSTITUTION AND MEMBERSHIP OF COMMITTEE OF MANAGEMENT**

- 16** (a) Subject in the case of the first members of the Committee of Management to Section 21 of the Act, the Management Committee shall consist of:
- (i) The Office - Bearers of the Association and
  - (ii) two (2) delegates from each member club.
- (b) The Office Bearers of the Association shall be known as the Executive Committee and shall comprise of the following:
- (1) The President:
  - (2) Two (2) Vice Presidents:
  - (3) The Secretary/Treasurer.
  - (4) Delegate to the R.N.S.W.B.A.Inc.  
who shall be elected at the Annual General Meeting of the Association in accordance with rule 17.
- (c) Each Office Bearer is subject to these rules, to hold office until the conclusion of the Annual General Meeting following the date of the member's election, but is eligible for re-election.
- (d) In the event of a singular casual vacancy occurring in the membership of the Executive, the remaining Executive Officers may appoint an affiliated member person of the Association to fill such vacancy. The person so appointed shall hold office, subject to these rules, until the next Annual General Meeting. In the event of the position of President becoming vacant the Senior Vice President shall act as President until the next Annual General Meeting.

## **ELECTION OF OFFICE BEARERS OF THE ASSOCIATION**

17. (a) Nomination of candidates for election as office-bearers of the Association:
- (i) Shall be made in writing, signed by two (2) affiliated member persons of the Association and accompanied by the written consent of the candidate (which may be endorsed on the nomination form) and
  - (ii) Must be delivered to the Secretary of the Association twenty eight (28) days prior to the Annual General Meeting.
- (b) If insufficient nominations are received to fill all vacancies, the candidates nominated are to be taken as elected and further nominations are to be received at the Annual General Meeting.
- (c) If insufficient nominations are received, any vacant positions remaining on the Management Committee are taken as casual vacancies.
- (d) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
- (e) If the number received exceeds the number of vacancies to be filled, a secret ballot shall be held.
- (f) The ballot for the election of the office-bearers is to be conducted at the Annual General Meeting in such usual and proper manner as the Management Committee may direct.
- (g) No Office Bearer shall hold more than one Office (other than one position on a sub-committee) with the exception of the Delegate to the R.N.S.W.B.A.Inc.
- (h) No person shall hold the position of President for more than four (4) consecutive years.
- (i) The Vice president receiving the most votes will be known as the Senior Vice President.
- (j) In the event a tied ballot for any office the result shall be determined by the drawing of lots.

## **SECRETARY/TREASURER**

18. (a) The Secretary/Treasurer of the Association must, as soon as practicable after being appointed as Secretary, lodge notice with the Association of his address.
- (b) It is the duty of the Secretary to keep minutes of;
- (i) All appointments of Office-Bearers and delegates of the Management Committee;
  - (ii) The names of members of the Management Committee present at all meetings of the Association; and
  - (iii) All proceedings at Management Committee meetings, Executive Committee meetings and General Meetings.
- (c) Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.
- (d) That all monies due to the Association is collected, received and that all payments authorised by the Association are made; and
- (e) That correct books and accounts and or electronic records are kept showing the financial affairs of the Association, including full details of all receipts and expenditure connected with the activities of the Association.

## **CASUAL VACANCIES**

19. For the purpose of these rules, a casual vacancy in position of Office-Bearer or sub-committee member occurs if the member:
- (a) Dies; or
  - (b) Ceases to be a member of the association
  - (c) Becomes an insolvent under administration within the meaning of the Corporation Law, or
  - (d) Resigns office by notice in writing given to the Secretary/Treasurer or,
  - (e) Is removed from office under Rule 20 or,
  - (f) Becomes a mentally incapacitated person or,

- (g) Is absent without the consent of the Management Committee from three (3) consecutive meetings of the Management Committee.
- (h) Casual Vacancies may be filled by the Executive in accordance with Rules 16 (d) and 45 (h)

### **REMOVAL OF MEMBER OF EXECUTIVE COMMITTEE**

20. (a) The Association in general meeting may by resolution remove any member of the Executive Committee from office before expiration of the term of office of that person and may by resolution appoint an affiliated member person to hold office until the expiration of the term of office of the person so removed.
- (b) Where a member of the Executive Committee to whom a proposed resolution referred to in Clause (a) relates, makes representations in writing to the Secretary or President (not exceeding a reasonable length) and requests that the representations be notified to the members of the Association, the Secretary or the President shall send a copy of the representations to each member of the Association. The member is also entitled to require that the representations be read out at the meeting at which the resolution is considered.

### **MEETINGS & QUORUM**

21. (a) The Management Committee shall meet Quarterly at such time or place as shall be fixed by the Management Committee.
- (b) Any twenty (20) members of the Management Committee constitute a quorum for the transaction of the business of a meeting of the Management Committee or A.G.M.
- (c) Additional meetings of the Management Committee may be convened by the President and any two (2) members of the Executive Committee.
- (d) The Executive Committee shall meet at such time and place as directed by the President or his nominee.
- (e) Any three (3) members of the Executive Committee constitute a quorum for the transaction of the business of a meeting of the Executive Committee.
- (f) No business shall be transacted by the Management Committee or the Executive Committee unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present the meeting stands adjourned to such date, time and place as may be determined by those present at the meeting. Such date, time and place of the adjourned meeting shall be advised by the Secretary/Treasurer to members absent at the original meeting at least fourteen (14) days prior to the adjourned meeting.
- (g) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting then those present are deemed to be a quorum.
- (h) At the Annual General Meeting or a meeting of either the Management Committee or Executive Committee:
- (i) The President or, in his absence, the Senior Vice President is to preside or
  - (ii) If the President and the Senior Vice President are absent or unwilling to act, such one of the remaining members of the committee as may be chosen by the members present at the meeting is to preside.

### **DELEGATION BY MANAGEMENT COMMITTEE TO SUB-COMMITTEE**

- 22 (a) The Management Committee shall delegate to one or more sub-committees (consisting of such member or members of the Association as the committee thinks fit) the exercise of such of the functions of the committee as are specified by the Management Committee, other than
- (i) This power of delegation; and
  - (ii) A function which is a duty imposed on the committee by the Act or by any other law.
- (b) A function the exercise of which shall be delegated to a sub-committee under this rule may, while the delegation remains unrevoked be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
- (c) A delegation under this section shall be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as shall be specified in the instrument of delegation.

- (d) Despite any delegation under this rule, the committee may continue to exercise any function delegated.
- (e) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done or suffered by the Management Committee.
- (f) The Management Committee shall revoke wholly or in part any delegation under this rule.
- (g) A sub-committee shall meet and adjourn as it thinks proper.

### **VOTING & DECISIONS**

- 23.**
- (a) Questions arising at a meeting of the Management Committee, Executive Committee or of any sub-committee are to be determined by the majority of the votes of members of the committee or sub-committee present at the meeting.
  - (b) Each member present at a meeting of a committee or any sub-committee appointed by the Management Committee (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting "vote".
  - (c) Subject to rule 21 (b), the Management Committee may act despite any vacancy on the Management Committee.
  - (d) Any act or thing done or suffered, or purporting to have been done or suffered, by the committee or sub-committee, appointed by the Management Committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or sub-committee.

### **ANNUAL GENERAL MEETINGS - HOLDING OF**

- 24.**
- (a) With the exception of the first Annual General meeting of the Association, the Association must at least once in each calendar year and within the period of six (6) months after the expiration of each financial year of the Association, convene an Annual General meeting of its members.
  - (b) The Association must hold its Annual General meeting:
    - (i) Within the period of eighteen (18) months after its incorporation under the Act; and
    - (ii) Within the period of six (6) months after the expiration of the first financial year of the association.
  - (c) Clauses (a) and (b) have effect subject to any extension of permission granted by the Commissioner under section 26 (3) of the Act.

### **ANNUAL GENERAL MEETING - CALLING OF AND BUSINESS AT**

- 25.**
- (a) The Annual General Meeting of the Association is subject to the Act and to rule 24, to be convened on the fourth (4) Monday of August in each year at a time and place to be decided.
  - (b) In addition to any other business which may be transacted at an Annual General meeting, the business of an Annual General meeting is to include the following:
    - (i) To confirm the minutes of the preceding Annual General Meeting and any Special General Meeting held since that meeting;
    - (ii) To receive and consider the statement which is required to be submitted to members pursuant to section 26 (6) of the Act namely a statement which is not misleading and which gives a true and fair view of the following:
      - (1) The Income and Expenditure of the Association during its last financial year;
      - (2) The assets and liabilities of the Association at the end of its last financial year;
      - (3) The mortgage, charges and other securities of any description affecting any property of the association at the end of its last financial year;
      - (4) In respect of each trust in which the Association was trustee during a period, being the whole or part of the last financial year of the Association such information as is required by section 26 (6) of the Act;

- (5) Statements required under section 26 (6) of the Act are to be audited
- (iii) To receive from the Executive Committee and Sub-Committees reports of the activities of the Association during the last preceding financial year;
- (iv) To elect a Returning Officer and scrutineers.
- (v) To elect Office-Bearers of the Association in accordance with rule 17;
- (vi) To review the Capitation and Affiliation fees and any Levies for the next financial year;
- (vii) To fix any Honoraria for the year;
- (viii) To fix the date of commencement of Pennants & District Championships;
- (ix) To appoint a Publicity Officer and a Recorder;
- (x) To confirm the appointment of the Patrons, Honorary Auditor and Solicitor.
- (xi) To consider business of which due notice has been given. The notice required shall be in writing and be in the hands of the Secretary/Treasurer of the Association at least twenty eight (28) days prior to the date of the Annual General Meeting.
- (c) An Annual General Meeting must be specified as such in the notice convening it.
- (d) The Secretary/Treasurer of the Association shall issue a notice of the Annual General Meeting and the names of the persons nominated as office-bearers together with any notice of special business at least twenty one (21) days before the date of the Annual General Meeting.

### **FINANCIAL YEAR**

**26.** The financial year of the association shall end on the 30th June in each year.

### **SPECIAL GENERAL MEETINGS - CALLING OF**

- 27**
- (a) The Management Committee may, whenever it thinks fit, convene a Special General Meeting of the Association.
  - (b) The Executive Committee may, whenever it thinks fit, convene a Special General Meeting of the association.
  - (c) The Management Committee must, on the requisition in writing of at least twenty (20) members of the Management Committee, convene a Special General Meeting of the association.
  - (d) A requisition of members for a Special General Meeting:
    - (i) Must state the purposes of the meeting; and
    - (ii) Must be signed by the members making the requisition; and
    - (iii) Must be lodged with the Secretary/Treasurer; and
    - (iv) May consist of several documents in a similar form each signed by one or more of the members making the requisition.
  - (d) If the Management Committee fails to convene a Special General Meeting to be held within one (1) month after that date on which a requisition of members for the meeting is lodged with the Secretary/Treasurer, any one or more of the members who made the requisition may convene a Special General Meeting to be held not later than three (3) months after that date.
  - (f) A Special General Meeting convened by a member or members as referred to in clause (d) must be convened as nearly as is practicable in the same manner as general meetings are convened by the Management Committee and any member who consequently incurs expense is entitled to be reimbursed by the association for any expense so incurred.

### **NOTICE OF SPECIAL GENERAL MEETINGS**

- 28.**
- (a) Where a meeting has been convened under rule 27 to call a Special General Meeting, the Secretary/Treasurer must, at least twenty one (21) days before the date fixed for the holding of the meeting cause notice to be sent to each member by pre-paid post specifying the place, date and time of the meeting, the nature of the business proposed to be dealt with at the meeting and the intention to propose the resolution as a special resolution.

- (b) No business other than that specified in the notice convening the Special General Meeting is to be transacted at the meeting.

### **SPECIAL RESOLUTION**

- 29. A resolution of the association is a special resolution;
  - (a) If it is passed by a majority which comprises at least three-quarters (75%) of such members of the Association as, being entitled under these rules so to do, vote in person at a general meeting of which at least twenty one (21) days written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these rules; or
  - (b) Where it is made to appear to the Commissioner that it is not practicable for the resolution to be passed in the manner specified in paragraph (a), if the resolution is passed in a manner specified by the Commissioner.

### **VOTING**

- 30. (a) At all General Meetings of the Association (including the Annual General Meeting) the following shall be entitled to one (1) vote:
  - (i) Office Bearers and
  - (ii) Two (2) delegates of every affiliated and provisionally affiliated Club.
- (b) All votes shall be given personally.
- (c) In the case of an equality of votes on a question, the Chairperson of the meeting is entitled to exercise a second or casting vote.
- (d) A delegate of a member is not entitled to vote at any meeting of the Association unless all money due or payable by the member to the Association has been paid.
- (e) All Office Bearers and Delegates must be financial members of a club affiliated with the Association.

### **INSURANCE**

- 31. (a) The Association must effect and maintain insurance under Section 44 of the Act.
- (b) In addition to the insurance under clause (a), the Association shall effect and maintain other insurance such as Professional Indemnity.
- (c) All property and office equipment belonging to the Association must be insured against fire, theft and burglary.

### **FUNDS SOURCE**

- 32. (a) The funds of the Association are derived from capitation fees, levies and affiliation Fees of members, donations, investment interest and subject to any resolution passed by the Association such other sources as the Management Committee determines.
- (b) All money received by the Association must be deposited as soon as practicable to the credit of the association's bank account.
- (c) The Association must, as soon as practicable after receiving any money, issue an appropriate receipt.

### **FUNDS MANAGEMENT**

- 33. (a) Subject to any resolution passed by the Association, the funds of the Association are to be used in pursuance of the Association in such manner as the Management Committee determines under rule 4.
- (b) All cheques, drafts, bills of exchange and other negotiable instruments must be signed by the President, two (2) Vice President, Secretary/Treasurer or any two (2) of them.
- (c) Any surplus funds may be invested in such bank or banks, building societies, credit unions or any other financial institution as may be determined by the Funds Management Officers.

### **AUDIT**

- 34. The Income and Expenditure Account and Balance Sheet shall be audited each year before being presented to the Annual General Meeting.

### **ALTERATION OF OBJECTS & RULES**

35. The Constitution and statement of objects and rules may be altered, rescinded or added to only by a special resolution of the Association in accordance with Rule 29 of these rules.

### **COMMON SEAL**

36. (a) The common seal of the Association must be kept in the custody of the Public Officer.  
(b) The common seal must not be affixed to any instrument except by the authority of the Management Committee and the affixing of the common seal must be attested to by the signatures of any two (2) of the President, two (2) Vice Presidents, Secretary/Treasurer.

### **CUSTODY OF BOOKS**

37. Except as otherwise provided by these rules, the Secretary/Treasurer must keep in his custody or under his control all records, books and other documents relating to the Association.

### **INSPECTION OF BOOKS**

38. The records, books and other documents of the Association must be open to inspection, free of charge, by a member of the association during normal business hours subject to appointment.

### **SERVICE OF NOTICES**

39. (a) For the purpose of these rules, a notice may be served by or on behalf of the Association on any member either personally or by sending it by post to the member at the member's address shown in the register of members.  
(b) If a document is sent to a person by properly addressing prepaying and posting to the person a letter containing the document, the document is, unless the contrary is proved, taken for the purposes of these rules to have been served on the person at the time at which the letter would have been delivered in the ordinary course of the post.

### **PAYMENT ETC OF OFFICE - BEARERS & MEMBERS**

40. A member of the Management Committee shall not be appointed to any salaried office of the Association or any office of the Association paid by fees, and no remuneration or other benefit in money or monies worth shall be given by the Association to any member of the Management Committee except;
- (a) Repayment of expenses incurred in carrying out official duties of the Association;  
(b) Interest at a rate not exceeding interest at the rate for the time being which is or would be charged by the association's bankers for money lent to the Association.  
(c) Reasonable and proper rent for premises let to the Association.

### **HEADQUARTERS OF THE ASSOCIATION**

41. The headquarters of the Association shall be fixed at each Annual General Meeting of the Association.

### **LIFE MEMBERS**

42. (a) Any Affiliated Member may be granted Life Membership of the Association in consideration of long and meritorious service, or any other reason accepted by the Management Committee.  
(b) Appointment of Life Members shall only be at an Annual General Meeting.  
(c) A nomination for Life Membership shall be proposed and seconded by two (2) persons who are affiliated members with the R.N.S.W.B.A.Inc. and the Association, and must be in the hands of the Secretary/Treasurer at least twenty eight (28) days before such Annual General Meeting.  
(d) Notice of such nomination shall be given to all members by the Association Secretary/Treasurer at least twenty one (21) days before such meeting.  
(e) Election of Life Members shall be by secret ballot and such nominee must receive at least seventy five percent (75%) of the votes cast.  
(f) The Association shall have no more than five (5) Life Members at any one time, and only

- one Life Member shall be elected in any one (1) year.
- (g) Should there be more than one (1) nomination received, the Management Committee shall decide by secret ballot, which nominee is to be submitted for election in accordance with sub-clause (e).

### **PATRON AND LIFE MEMBERS**

43. Patrons appointed under the provisions of clause 46 of these rules, and Life Members, granted Life Membership of the Association, under the provision of clause 42 of these rules, may attend meetings of the Management Committee of the Association and the Annual General Meeting of the Association and shall, unless elected as a Office Bearer of the Association or being the appointed Delegate or alternate Delegate of a Member Club, "have voice but no vote" at such meetings.

### **LAWS OF THE GAME OF BOWLS**

44. The laws of the game of bowls shall be those laws adopted by Bowls Australia from time to time.

### **PERMANENT SUB-COMMITTEES**

45. The Management Committee shall elect permanent sub-committees.
- The President shall be an ex-officio member of all Sub-Committees. Nominations for members of the permanent sub-committees (other than the Chairperson) will close with the Association Secretary/Treasurer twenty eight (28) days before the date of the Annual General Meeting. Nominees must be persons affiliated with the Association and need not be a delegate of a member club. No club may have more than two members on any sub-committee.
- The following Sub-Committees shall be elected annually in accordance with these rules.
- (a) The Match/Greens Committee of five (5) members.
  - (b) The Selection Committee of five (5) members.
  - (c) The District Umpires Panel of four (4) members
  - (d) The Coaching Committee of four (4) members.
  - (e) The Junior Bowls Committee of five (5) members plus a Junior Representative.
  - (f) If insufficient numbers are nominated to fill all sub-committee positions the Management Committee shall nominate and elect members from the floor of the meeting to fill the vacancies on each sub committee.
  - (g) If the vacancies caused by insufficient nominations cannot be filled from the floor of the meeting then the vacancy or vacancies shall be regarded as casual vacancies.
  - (h) Casual vacancies occurring shall be filled by appointment of the Executive Committee. Such appointments shall hold office till the next Annual General Meeting
  - (i) The Chairperson of any Permanent Sub-Committee shall be appointed by Sub-Committee members
  - (j) The Chairman and one other of each Sub-committee, elected under the provisions of this clause, may attend meetings of the Management Committee of the Association and may "have voice but no vote" on matters pertaining to their respective Sub-Committees
  - (k) Each permanent Sub-Committee may appoint a minute secretary to keep minutes of all meetings. Such minutes shall be supplied to the Association for filing with the Association records.
  - (l) It is expected the various Sub-Committees co-operate where necessary

### **PATRONS**

46. The office of Patrons of the Association shall be by appointment of the Management Committee. Such appointment to be confirmed by members at the Annual General Meeting.

## **WINDING UP**

- 47.** Subject to the section 53 of the Act any surplus property of the Association remaining after satisfaction of the debts and liabilities of the Association and the costs, charges & expenses of the winding up of the Association shall vest in an Association;
- (a) Has objects substantially similar to those of the Association being wound up.
  - (b) Is not carried on for the objects of trading or securing pecuniary gain to its members;
  - (c) Has provision in its rules requiring the property of the Association to be distributed in dissolution of the Association, to another Association which:
    - (i) Has objects substantially similar to those of the dissolved Association; and
    - (ii) Is not carried on for the object of trading or securing pecuniary gain for its members.
    - (iii) Is exempt from Income Tax under Section 23 of the Income Tax Assessment Act.

**APPENDIX 1**

Rule 6(a)

**APPLICATION FOR MEMBERSHIP OF ASSOCIATION**

**Manning District Bowling Association Inc.**

(Incorporated under the Association Incorporation Act 1984 )

The,.....  
( Full name of Bowling Club)

of.....  
( Address )

Post Code.....Phone No.....Fax No.....

Herby make application with the Manning District Bowling Association Inc. to become a member of the incorporated association, In the event of our admission as a member, We agree to be bound by the rules and regulations of the association for the time being in force.

.....  
Signature of Club Secretary

Date.....

A copy of your Constitution with the By-laws of your Club to be attached to this application.