



**CUNNINGHAM DISTRICT BOWLS ASSOCIATION INC.
CONSTITUTION**

Revised November 2007

(i)

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CONSTITUTION

THE RULES OF THE CUNNINGHAM DISTRICT BOWLS ASSOCIATION INC.

SECTION A - PREAMBLE

The words and expressions to have meaning in the Act.

A word or expression that is not defined in these rules, but is defined in the Associations Incorporation Act 1981 as amended has, if the context permits, the meaning given by the Act.

1 GENERAL INTERPRETATION

In this Constitution, unless the Contrary intention appears:

- (i) Headings are for convenience only and do not affect interpretation;

In a provision of this Constitution that deals with a particular provision of the Law, an expression has the same meaning as in that provision of the Law, and a reference to any legislation or to any provision of any Legislation includes any modification or re-enactment of it, any legislative provisions substituted for it and all regulations and statutory instruments issued under it.

2 ALL ACTIVITIES TO BE LAWFUL

CDBA shall comply with all lawful requirements of the Local, State and Commonwealth Governments and Authorities having any jurisdiction over any activity of the Association.

SECTION B - THE ASSOCIATION

3 THE NAME

The name of the Incorporated Association is the Cunningham District Bowls Association Inc ('CDBA' or 'the association').

4 DEFINITIONS

- (i) "Affiliated Club" and "Bowls Club" and "Club" means any combined or single gender bowls Section or Division that is affiliated with the "State Body" and been accepted as a Member of 'CDBA'
- (ii) "Affiliation Fee" means the annual fee payable by an affiliated Club under rule 15.
- (iii) "Annual General Meeting" means the Annual General meeting of the Association.
- (iv) "Councillor" means any financial member of an affiliated club elected by their Club to represent that Club at Council Meetings, and shall include any alternate Member;

- (v) "Calendar Year" means the twelve (12) month period commencing first January concluding on to the thirty first (31) December each year.
- (vi) "Executive" means the Executive Committee of the 'CDBA';
- (vii) "Financial Year" means the period of twelve (12) months commencing on the first of January each year and ending on the thirty first of December following;
- (viii) "General Meeting" includes, General and Special General Meetings.
- (ix) "Junior Bowler" means a person under 18 years of age who is a member of an Affiliated Club;
- (x) "Laws of the Game" means the 'Laws of the Sport of Bowls' as amended from time to time.
- (xi) "Management Committee" means the Management Committee of the 'CDBA'.
- (xii) "Member" means any Club which is an "Affiliated Club" that has been accepted as member of 'CDBA'.
- (xiii) "Member of a Club" means a person of eighteen (18) years and over who is a financial member of an 'affiliated club' and for whom an affiliation fee has been paid to the 'CDBA' and the 'State Body'.
- (xiv) "State Body" means Bowls Queensland or any successor.

5 OBJECTS OF THE ASSOCIATION

The objects of the association are-

- (i) the promotion and development of the game of bowls within the powers of the association and the encouragement of good fellowship between members of the clubs within the District
- (ii) the promotion, management, and control of games, competitions and such other matches as may be decided from time to time
- (iii) the provision, development and promotion of such other activities which from time to time are deemed to benefit the game of bowls, in the local community.

6 POWERS

The powers of the Association are:

- (i) To subscribe to, become a member of and co-operate with any other association, club or organisation, whether incorporated or not, whose objects are altogether or in part similar to those of the association provided that the association shall not subscribe to or support with its funds any club, association or organisation which does not prohibit the distribution of its income and property among its members to an extent at least as great as that imposed on the association.
- (ii) To purchase, take on lease or in exchange, hire and otherwise acquire any lands,

buildings, easements or property, real and personal, and any rights or privileges which may be needed for the purposes of or capable of being conveniently used in connection with, any of the objects of the association - provided that in case the association shall take or hold any property which may be subject to any Trusts the Association shall only deal with the same in such manner as is allowed by law having regard to such Trusts.

- (iii) To enter into any arrangements with any government or authority that are incidental or conducive to the attainment of the objects and the exercise of the powers of the association; to obtain from any such government or authority any rights, privileges and concessions which the Association may think it desirable to obtain; and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions;
- (iv) To appoint, employ, remove or suspend such managers, clerks, secretaries, servants, workmen and other persons as may be necessary or convenient for the purposes of the Association;
- (v) To remunerate any person or body corporate for services rendered, or to be rendered, and whether by way of brokerage or otherwise in placing or assisting to place or guaranteeing the placing of any unsecured notes, debentures or other securities of the Association, or in or about the Association or promotion of the Association or in the furtherance of its objects;
- (vi) To construct, improve, maintain, develop, work, manage, carry out, alter or control any houses, buildings, grounds, works or conveniences which may seem calculated directly or indirectly to advance the Association's interests, and to contribute to, subsidise or otherwise assist and take part in the constitution, improvement, maintenance, development, working, management, carrying out, alteration or control thereof;
- (vii) To invest and deal with the money of the association not immediately required in such manner as may from time to time be thought fit;
- (viii) To take, or otherwise acquire, and hold shares, debentures or other securities of Any company or body corporate;
- (ix) In furtherance of the objects of the Association to lend and advance money or give credit to any person or body corporate; to guarantee and give guarantees on indemnities for the payment of money or the performance of contracts or obligations by any person or Body Corporate, and otherwise to assist any person or Body Corporate;
- (x) To borrow or raise money either alone or jointly with any other person or legal entity in such manner as may be thought proper and whether upon fluctuating advance account or overdraft or otherwise to represent or secure any moneys and further advances borrowed or to be borrowed alone or with others as aforesaid by notes secured or unsecured, debentures or debenture stock perpetual or otherwise, or by mortgage, charge, lien or other security upon the whole or any part of the Association's property or assets present or future and to purchase, redeem or pay-off any such securities;

- (xi) To draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading and other negotiable or transferable instruments;
- (xii) In furtherance of the objects of the Association to sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Association.
- (xiii) To take or hold mortgages, liens or charges, to secure payment of the purchase price, or any unpaid balance of the purchase price, or any part of the Association's property of whatsoever kind sold by the Association or any money due to the Association from purchasers and others;
- (xiv) To take any gift or property whether subject to any special trust or not, for any one or more of the objects of the Association but subject to the proviso in Sub-Clause above;
- (xv) To take such steps by personal or written appeals, public meetings or otherwise, as may from time to time be deemed expedient for the purpose of procuring contributions to the funds of the Association, in the shape of donations, annual subscriptions or otherwise;
- (xvi) To print and publish any newspapers, periodicals, books or leaflets that the Association may think desirable for the promotion of its objects;
- (xvii) In furtherance of the objects of the Association to amalgamate with any one or more incorporated associations having objects altogether or in part similar to those of the Association and which shall prohibit the distribution of its or their income and property among its or their members to an extent at least as great as that imposed upon the Association.
- (xviii) In furtherance of the objects of the Association to purchase or otherwise acquire and undertake all or any part of the property, assets, liabilities and engagements of any one or more of the incorporated associations with which the Association is authorized to amalgamate;
- (xix) In furtherance of the objects of the Association to transfer all or any part of the property, assets, liabilities and engagements of the Association to any one or more of the incorporated associations with which the Association is authorised to amalgamate;
- (xx) To make donations for patriotic, charitable or community purposes;
- (xxi) To do all such other things as are incidental or conducive to the attainment of the objects and the exercise of the Powers of the Association.
- (xxii) To buy, sell and deal in all kinds of articles, commodities and provisions pertinent and consistent with the running of the Association.

7 QUALIFICATIONS FOR MEMBERSHIP OF BOWLS QUEENSLAND

- (i) The CDBA is a member of Bowls Queensland (BQ) and will abide by the constitution and by-laws of BQ and of Bowls Australia (BA) in regard to the playing of bowls.
- (ii) The CDBA shall comprise not less than eight (8) clubs in a defined area subject to Clause 27 of the Bowls Queensland constitution.
- (iii) The CDBA shall lodge with BQ a copy of its constitution which shall provide for every affiliated club within the District to be equally represented on the Council by at least one (1) councillor elected by the members of the affiliated club at a general meeting of that club.
- (iv) The CDBA will not make, amend or repeal any rule or by-law in relation to the playing of the game of bowls, which conflicts with the constitution and by-laws of BQ or BA.
- (v) The association shall provide such returns as are required by BQ including a list of Officers within thirty (30) days of the date of the Annual General Meeting and any changes or amendments to the District Bowls Association Constitution.
- (vi) Elect delegates to Bowls Queensland at its Annual General or a Special General Meeting as its representative on the Council.
- (vii) Be prepared to support and promote the welfare of BQ and the Game of Bowls.

8 DISTRICT VOTING FOR BOWLS QUEENSLAND OFFICE BEARERS

- (i) If time permits, which means one (1) clear month before the ballot papers are due back at Bowls Queensland, the Members will be asked to submit their preferences to the Secretary. There needs to be at least 50 percent of the members replying in the time allowed.
- (ii) The management Committee will summarize these and it will be the basis of the CDBA vote for the BQ office bearers.
- (iii) If there is not sufficient time to seek the member's opinions then the Management Committee will form a view on the people seeking Bowls Queensland Representative Status and advise them accordingly.
- (iv) The Secretary will then advise the Members the names that have been chosen by either the Members or the Management Committee on their behalf.

9 MEMBERSHIP OF CLUBS INTO THE ASSOCIATION

- (i) Any bowls club, or the division/section of an amalgamated bowls club which resolves to be a member of the CDBA, and which, in all respects conforms with the requirements of BQ, shall be eligible to apply for membership of the CDBA and, if duly accepted, shall be entitled to exercise the rights and privileges of a club which is a member of the CDBA.

- (ii) A club applying for membership shall support its application with certificate signed by its Secretary giving the following information;
 - (a) the name of the club
 - (b) a copy of the letter granting the club affiliation to BQ
 - (c) a copy of the club's constitution and rules
 - (d) the names of current office-bearers
 - (e) the names and addresses of the person/s elected by the club to represent the club as its Councillors.
- (iii) The CDBA Secretary must refer an application for membership to the next Council meeting held after they receive the application for membership.
- (iv) The CDBA Secretary must ensure that, as soon as possible after a club applies to become a member of the Association, and before the Council considers the club's application, the club is advised
 - (a) that the association through Bowls Queensland has public liability insurance; and
 - (b) The amount of the insurance cover.
- (v) The Council must decide at the meeting whether to accept or reject the application.
- (vi) If a majority of Councillors present at the meeting vote to accept the applicant as a member, the applicant must be accepted as a member.
- (vii) There is no right of appeal within these rules against a rejection for membership.
- (viii) The CDBA Secretary must, as soon as practicable after the Council decides to accept or reject an application, give the applicant a written notice of the decision.
- (ix) Each club shall provide details of the club's new office bearers within thirty (30) days of the Annual General Meeting of the club.

10 WHEN MEMBERSHIP ENDS

- (i) An affiliated Club may resign from the association by giving a written notice of resignation to the Secretary.
- (ii) The resignation takes 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.
- (iii) The Management Committee may terminate an affiliated club's membership if the affiliated club
 - (a) does not comply with any of the provisions of these rules; or
 - (b) has membership or other fees/charges in arrears for at least two months.
- (iv) Before the Management Committee terminates an affiliated club's membership, the committee must give the club a full and fair opportunity to show why the membership should not be terminated.

- (v) If, after considering all representations made by the affiliated club, the management committee decides to terminate the membership, the secretary must give the member a written notice of the decision.

11 AN APPEAL AGAINST TERMINATION OF MEMBERSHIP

- (i) An affiliated Club whose membership has been terminated may give the Secretary written notice of the Affiliated Club's intention to appeal against the decision.
- (ii) A notice of intention to appeal must be given to the Secretary within one month after the Affiliated Club receives written notice of the decision.
- (iii) If the Secretary receives a notice of intention to appeal, the Secretary must, within one month after receiving the notice, call a general meeting to decide the appeal.

12 GENERAL MEETING TO DECIDE APPEAL

- (i) The general meeting to decide an appeal must be held within one (1) month after the secretary receives the notice of intention to appeal.
- (ii) At the meeting, the applicant must be given a full and fair opportunity to show why the membership should not be terminated.
- (iii) Also, the management committee and the members of the committee who terminated the membership must be given a full and fair opportunity to show why the membership should be terminated.
- (iv) An appeal must be decided by a majority vote of the members present and eligible to vote at the meeting.

13 REGISTER OF MEMBERS

- (i) The management committee must keep a register of members.

The register must include-

- (a) The name and address of the member.
 - (b) The date of admission of the member.
 - (c) The date of resignation of the member.
 - (d) Details about the termination or reinstatement of the member
 - (e) Any other particulars the management committee or the members at a general meeting decide.
- (ii) The register must be open for inspection by members of the association at all reasonable times.
 - (iii) A member must contact the secretary to arrange an inspection of the register.

14 AFFILIATION FEES

- (i) The Association's Affiliation fee for Affiliated Club's shall be in the form of a capitation fee and shall be decided by the Council on the recommendations of the Management Committee at a Special general meeting called prior to the end of the

financial year, and

- (ii) When so determined, the affiliation fee shall be deemed to be due and payable on the first day of January immediately following the end of the financial year, and shall apply for that financial year.
- (iii) Fees for remission to BQ and BA (as determined by those organizations) shall be forwarded through this Association, as required by those bodies.
- (iv) The Association affiliation fee is based on all Ordinary and Life Members of clubs, as at 31st December each year, preceding the year for which the membership fee was fixed.
- (v) Any club which fails to pay any membership fee or any special levy within thirty (30) days of the due date shall be deemed to be unfinancial and shall immediately be deprived of all privileges of Membership to the Association including:
 - (a) The right of its Councillor to speak or vote at meetings; and
 - (b) The right of members of clubs to enter for and play in any Association matches or be selected to represent the Association; and
 - (c) The right to nominate any person for office; and
 - (d) The right to be nominated for office in the District

15 CONDUCT OF CLUBS, OFFICIALS AND PLAYERS AND THE PROCEDURE TO HANDLE COMPLAINTS

- (i) Any member of an affiliated club who fails to observe any of the constitution or by-laws of BQ or the Association, or who is deemed guilty of an act, practice or conduct calculated to bring discredit on the game of bowls, BQ or to the Association or who at any Association event engages in illegal betting or uses obscene or abusive language renders themselves liable to reprimand, suspension or expulsion. A written report from a member of any such breach or misconduct shall be investigated by the management committee who shall have power to demand and direct apologies, reprimand, suspend or expel a member of any affiliated club.
- (ii) A member of an affiliated club shall not be dealt with under this rule except upon a charge or complaint in writing, signed by the Secretary of the Affiliated Member, to the Secretary setting out the conduct which is the subject matter of the charge or complaint and bearing the signature of the complainant. Any member of an affiliated club so charged shall be notified in writing by the Secretary of the nature of the complaint and the member of an affiliated club charged shall be given the right of answering the charge by appearing before the management committee and of calling evidence and of questioning witnesses.
- (iii) Upon receipt of a Complaint as set out in rule 16(ii), a disciplinary Committee is formed for the purpose of handling the Complaint.

The President of the Association shall appoint two Members of the Management Committee and the Independent person as elected at the time of the AGM. If for any reason there was no person elected at the last AGM then the President must nominate an Independent Member in the District who has no relationship with either party in the dispute.

The disciplinary Committee shall have the power to:-

reprimand or
fine or
suspend or
expel or
set any other conditions as the Committee may consider appropriate.

If any Member or Member of an affiliated Club is found Guilty of the complaint then this needs to be confirmed or otherwise by the Management Committee.
A simple majority is sufficient to accept the Disciplinary Committees recommendation.

The decision of the Management Committee is then advised in writing within 10 days to the Affiliated Member. This written notice must advise the Member that they have the right of appeal.

- (iv) In the event of a junior member of an affiliated Club being called before the management committee of the Association on a charge or complaint, such member shall be entitled to be accompanied by a parent/guardian.
- (v) Any member of an affiliated club so reprimanded, suspended or expelled has the right of appeal within twenty eight (28) days of receiving written notice of reprimand, suspension or expulsion, to a Special General Meeting of the Association. Any appeal must be in writing, and addressed to the Secretary, signed by the appellant. Upon receipt by the Secretary of the appeal, a Special General Meeting shall be called by the Secretary, and the appellant shall be entitled to all District privileges until the appeal is determined. The appeal shall be deemed lost unless upheld by a three quarters majority of those members present and entitled to vote at the meeting. There shall be no further right of appeal.
- (vi) Any member of an affiliated club, who is suspended or expelled, shall during the period of suspension or expulsion, be ineligible to play bowls in any BQ or Association event or play bowls at any affiliated club
- (vii) All disputes between two or more members of a Club shall be resolved by that Affiliated Club.
- (viii) All discipline and complaint related procedures be governed by the BQ Member Protection Policy.
- (ix) The member has the right to appeal to BQ and in so doing acknowledges jurisdiction for the matter passes completely from the District Association to Bowls Qld.
- (x) Pending determination of such appeal, the appellant shall be allowed all membership privileges.

16 NOTICES

Any notice posted or electronically transmitted to the last address of a Councillor or Club as advised by the Affiliated Club to the Secretary shall be deemed to have been duly given.

- (i) It shall be the duty of each Affiliated Club to notify the Secretary of any change of address of any Councillor of that club.
- (ii) The omission to give notice to or to send a circular to any Councillor, or club shall not, on that account, invalidate the proceedings of any meetings. A meeting shall not be invalid by virtue of any Councillor or club not receiving a notice of meeting.

17 INDEMNITY OF MEMBERS

In the event of any proceedings being taken against a member or members of an Affiliated Club in respect of any matter, or thing done by them in the proper performance of their duties or by the direction or with the authority of the Association, the Association shall indemnify such member or members of an Affiliated Club so proceeded against in respect of their costs of such proceedings and in respect of all costs and damages and other sums which they may be adjudged to pay in the course of or as a result of such proceedings. Bowls Queensland's Insurance Cover insures the Association's legal liability to pay costs, damages and or compensation to the public for negligence whether real or alleged occurring during the period of insurance.

SECTION C - GOVERNANCE OF THE ASSOCIATION

18 ANNUAL GENERAL MEETING

- (i) The Annual General Meeting of the Association shall be held before the 31st March each year on a date and time fixed by the Management Committee, and advised to the members with the appropriate notice as set out in the Constitution.
- (ii) The business of the annual general meeting shall include;
 - (a) Receiving the Association's Signed financial statement, for the last reportable financial year
 - (b) Presenting the Signed Financial Statement to the meeting for adoption
 - (c) Electing members of the Management Committee
 - (d) Appointing an auditor,
 - (e) Electing Delegates to BQ
 - (f) Determining honoraria (If applicable)
 - (g) Dealing with any notices of motion
 - (h) Consideration of general business

19 NOTICE OF GENERAL MEETING

- (i) The Secretary may call a general meeting of the association and must give each Member of the association at least 14 days notice in writing.
- (ii) If the Secretary is unable or unwilling to call the meeting, the President must call the meeting.
- (iii) The management committee may decide the way in which the notice must be given.
- (iv) However, notice of the following meetings must be given in writing;—

- (a) a meeting called to hear and decide the appeal of a person against the management committee's decision—
 - (b) to terminate a club's membership of the association;
 - (c) a meeting called to hear and decide a proposed special resolution of the Association.
- (v) A notice of a general meeting must state the business to be conducted at the meeting.

20 QUORUM FOR, AND ADJOURNMENT OF A GENERAL MEETING

- (i) The quorum for a general meeting of the Council is twice the number of persons elected or appointed to the management committee at the close of the Association's last general meeting plus 1.
- (ii) No business may be conducted at a general meeting unless there is a quorum of Councillors when the meeting proceeds to business.
- (iii) If there is no quorum within 30 minutes after the time fixed for a general meeting called on the request of Affiliated Members, or the Management Committee or Councillors, the meeting lapses.
- (iv) If there is no quorum within 30 minutes after the time fixed for a general meeting called other than on the request of Members of the Management Committee of the Association
 - (a) the meeting is to be adjourned for at least 7 days; and
 - (b) the management committee is to decide the day, time and place of the adjourned meeting.
- (v) The Chair may, with the consent of any meeting at which there is a quorum, and must if directed by the meeting, adjourn the meeting from time to time and from place to place.
- (vi) If a meeting is adjourned under sub rule (5), only the business left unfinished at the meeting from which the adjournment took place may be conducted at the adjourned meeting.
- (vii) The Secretary is not required to give the members notice of an adjournment or of the business to be conducted at an adjourned meeting unless a meeting is adjourned for at least 30 days.
- (viii) If a meeting is adjourned for at least 30 days, notice of the adjourned meeting must be given in the same way notice is given for an original meeting.

21 PROCEDURE AT GENERAL MEETING

- (i) The President shall preside as Chair at every General Meeting or if at any meeting is not present within fifteen (15) minutes after the time appointed for holding the meeting, a Vice President shall be Chair or if a Vice President is not present at the meeting then the Councillors may choose a Chair for the Meeting.
- (ii) The Chair must conduct the meeting in a proper and orderly way.

- (iii) A Councillor may take part and vote in a general meeting in person.

22 VOTING AT A GENERAL MEETING

- (i) At a general meeting, each question, matter or resolution, other than a special resolution, must be decided by a majority of votes of the Councillors present.
- (ii) Each Councillor from an Affiliated Club present and eligible to vote is entitled to one vote only.
- (iii) A Councillor is not entitled to vote at a general meeting if the affiliated club that the Councillor represents is in arrears at the date of the meeting.
- (iv) The method of voting is to be decided by the management committee.
- (v) However, if at least 20% of Councillors demand a secret ballot, voting must be by secret ballot.
- (vi) If a secret ballot is held, the Chair must appoint 2 members to conduct the secret ballot in the way the Chair decides.
- (vii) The result of a secret ballot as declared by the Chair is taken to be a resolution of the meeting at which the ballot was held.

23 SPECIAL GENERAL MEETING

- (i) The secretary must call a Special General Meeting by giving each member of the Association notice of the meeting within 14 days after
 - (a) being directed to call the meeting by the Management Committee; or
 - (b) being given a written request signed by at least 33% of the number of members of the management committee when the request is signed; or
 - (c) at least double the number plus one on the Management Committee, of the Councillors present at the meeting or being given a written notice of an intention to appeal against the decision of the Management Committee;
 - (d) to reject an application for membership; or
 - (e) to terminate a person's membership.
- (ii) A request mentioned in sub rule (1)(b) must state why the special general meeting is being called and the business to be conducted at the meeting.
- (iii) A Special General Meeting must be held within 28 Days after the Secretary
 - (a) is directed to call the meeting by the Management Committee; or
 - (b) is given the written request mentioned in sub rule (1)(e); or
 - (c) is given the written notice of an intention to appeal mentioned in sub rule (1)(f).
- (iv) If the Secretary is unable or unwilling to call the special meeting, the President must call the meeting.

24 MINUTES OF GENERAL MEETINGS

The Secretary must ensure full and accurate minutes of all questions, matters, resolutions and other proceedings of each general meeting are entered in a minute book.

- (i) To ensure the accuracy of the minutes
 - (a) the minutes of each general meeting must be signed by the Chair of the meeting, or the Chair of the next general meeting, verifying their accuracy; and
 - (b) the minutes of each annual general meeting must be signed by the Chair of the meeting, or the Chair of the next meeting of the association that is a general meeting or annual general meeting, verifying their accuracy.
- (ii) If asked by a Councillor, the Secretary must, within 28 days after the request is made, make the minute book for a particular general meeting by the Councillor at a mutually agreed time and place, and give the Councillor copies of the minutes of the meeting.
- (iii) The Association may require the Councillor to pay the reasonable costs of providing copies of the minutes.

SECTION D - ADMINISTRATION OF THE ASSOCIATION

25 MEMBERSHIP OF MANAGEMENT COMMITTEE

The management committee of the association consists of a:

President
Vice President Male
Vice President Female
Secretary
Treasurer
Committee Person (Men's Bowls)
Committee Person (Women's Bowls)
Committee Person (Common Services)
Committee Person.

- (i) The management committee shall be elected at the annual general meeting of the Association.
- (ii) A member of the management committee must be a member of an affiliated club.
- (iii) At each annual general meeting of the Association, the members of the management committee must retire from office, but are eligible, on nomination, for re-election.
- (iv) A member of an affiliated club may be appointed to a casual vacancy on the management committee.
- (v) A casual vacancy can be filled by the Management Committee at any time and that person remains on the management Committee till the next Annual General Meeting.

26 ELECTING THE MANAGEMENT COMMITTEE

A member of the management committee may only be elected as follows:

- (i) Any 2 members of an affiliated club may nominate another member of an affiliated club (the candidate) to serve as a member of the management committee. The nomination must be in writing, and accompanied by a short list of skills and experience, signed by the candidate and the members who nominated and seconded him or her; and given to the secretary at least 28 days before the annual general meeting at which the election is to be held; and
- (ii) Each member of the association present and eligible to vote at the annual general meeting may vote for 1 candidate for each vacant position on the management committee;
- (iii) If, at the start of the meeting, there are not enough candidates nominated, nominations may be taken from the floor of the meeting.
- (iv) A person may be a candidate only if the person is an adult; and is a financial member of an affiliated Club.
- (v) A list of the candidate's names in alphabetical order, with the name of the members who nominated each candidate, together with the Candidates C.V. must be sent to all members at least 14 days immediately preceding the Annual General Meeting.
- (vi) If required balloting lists must be prepared containing the names of the candidates in alphabetical order.
- (vii) The management committee must ensure that, before a candidate is elected as a member of the management committee, the candidate is advised that the association is covered by Public Liability Insurance through Bowls Queensland.

27 FUNCTIONS OF MANAGEMENT COMMITTEE

Except as otherwise provided by this constitution, and the resolution of members of the Association carried at any general meeting, the management committee shall:

- (a) have the general control and management of the administration of the affairs, property, and funds of the Association
- (b) have authority to interpret the meaning of these Rules, and any matters relating to the Association on which these Rules are silent.
- (c) prepare a budget.
- (d) prepare District Programs.
- (e) appoint assistants to members of the management committee, such assistants not able to exercise any power unless they have been elected.
- (f) call general meetings of members.
- (g) arrange meetings of the management committee.
- (h) fill any vacancy in any office of the Association where such officer is not a member of the management committee.
- (i) grant leave of absence to members.
- (j) effect insurances against fire, burglary, as considered necessary to properly protect the Property of the Association.

28 MEETINGS OF MANAGEMENT COMMITTEE

- (i) Subject to this rule, the management committee may meet and conduct its proceedings as it considers appropriate.
- (ii) The management committee must meet at least once every two (2) months to exercise its functions.
- (iii) The management committee may decide how a meeting is to be called.
- (iv) Notice of a meeting is to be given in the way decided by the management committee.
- (v) The management committee may hold meetings, or permit a committee member to take part in its meetings.
- (vi) A question arising at a committee meeting is to be decided by a majority vote of members of the committee present at the meeting and, if the votes are equal, the question is decided in the negative.
- (vii) A member of the management committee must not vote on a question about a contract or proposed contract with the association if the member has an interest in the contract or proposed contract and, if the member does vote, the member's vote must not be counted.

The President is to preside as Chair at a management committee meeting.

- (viii) If there is no President or if the President is not present within 10 minutes after the time fixed for a management committee meeting, the members may choose 1 of their number to preside as Chair at the meeting.

29 QUORUM FOR MANAGEMENT COMMITTEE MEETING

- (i) At a management committee meeting, more than 50% of the members elected to the committee as at the close of the last general meeting of the members form a quorum.
- (ii) If there is no quorum within 30 minutes after the time fixed for a management committee meeting called on the request of members of the committee, the meeting lapses.
- (iii) If there is no quorum within 30 minutes after the time fixed for a management committee meeting called other than on the request of the members of the committee
 - (a) the meeting is to be adjourned for at least 1 day; and
 - (b) the members of the management committee who are present are to decide the day, time and place of the adjourned meeting.
- (iv) If, at an adjourned meeting mentioned in sub rule (3), there is no quorum within 30 minutes after the time fixed for the meeting, the meeting lapses.

30 SPECIAL MEETING OF MANAGEMENT COMMITTEE

- (i) If the Secretary receives a written request signed by least 33% of the members of the Management Committee, the Secretary must call a special meeting of the committee by giving each member of the committee notice of the meeting within 14 days after the Secretary receives the request.
- (ii) If the Secretary is unable or unwilling to call the special meeting, the President must call the meeting.
- (iii) A request for a special meeting must state
 - (a) why the special meeting is called; and
 - (b) the business to be conducted at the meeting.
- (iv) A notice of a special meeting must state
 - (a) the day, time and place of the meeting; and
 - (b) the business to be conducted at the meeting.
- (v) A special meeting of the management committee must be held within 14 days after notice of the meeting is given to the members of the management committee

31 MINUTES OF THE MANAGEMENT COMMITTEE MEETING

- (i) The Secretary must ensure full and accurate minutes of all questions, matters, resolutions and other proceedings of each management committee meeting are entered in a minute book.
- (ii) To ensure the accuracy of the minutes, the minutes of each management committee meeting must be signed by the chairperson of the meeting, or the chairperson of the next management committee meeting, verifying their accuracy.

32 APPOINTMENT OF SUBCOMMITTEES

- (i) The management committee may appoint a subcommittee consisting of members of affiliated clubs considered appropriate by the committee to help with the conduct of the Association's operations.
- (ii) A member of the subcommittee who is not a member of the management committee is not entitled to vote at a management committee meeting.
- (iii) A subcommittee may elect a chairperson of its meetings.
- (iv) If a chairperson is not elected, or if the chairperson is not present within 10 minutes after the time fixed for a meeting, the members present may choose 1 of their number to be chairperson of the meeting.
- (v) A subcommittee may meet and adjourn as it considers appropriate.
- (vi) A question arising at a subcommittee meeting is to be decided by a majority vote of the members present at the meeting and, if the votes are equal, the question is decided in the negative.
- (vii) All decisions of the sub committee must be passed to the Management Committee

for final approval and for written advice to the Members.

33 ACTS NOT AFFECTED BY DEFECTS OR DISQUALIFICATIONS

An act performed by the management committee, a subcommittee or a person acting as a member of the Management Committee is taken to have been validly performed.

- (1) Applies even if the act was performed when
 - (a) there was a defect in the appointment of a member of the management committee, or the sub committee or a person acting as a member of the management committee; or
 - (b) A management committee member, subcommittee member or person acting as a member of the management committee was disqualified from being a member.

34 THE COUNCIL

The Council of the 'CDBA' comprises Councillors elected by each affiliated club and the members of the management committee.

- (i) The Secretary of each affiliated club shall notify the Secretary of the 'CDBA' in writing of the appointment of its Councillor/s within fourteen days of their A.G.M., including their name, address and phone number, and shall notify any alterations immediately they occur.
- (ii) An affiliated club shall have power to appoint any financial Member of that Club to attend and vote as an 'alternate' to the Councillor at any meeting of the Council and the 'alternate' shall identify themselves at the Council meeting.
- (iii) No affiliated club shall appoint a management committee member or a member of another club as its alternate at a Council meeting.
- (iv) No Councillor shall attend any meeting of the Council when the affiliated club they represent has outstanding liabilities to the Association.

35 POWERS AND FUNCTIONS OF THE COUNCIL

Without limiting the powers of the Council as the Members in General Meeting, the Council is the policy making body of the Association whose role is to:

- (i) Determine the major strategic directions and policies of the Association;
- (ii) Review the Association's performance in achieving its pre-determined aims, objectives and policies;
- (iii) Be the final arbiter on any matter referred to it by the management committee;
- (iv) Borrow or raise or secure the payment of money in such manner as the Councillors may think fit and secure the same or the payment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Association in any way and in particular by the issue of debentures, perpetual or otherwise, charged upon all or any of the Association's property, both present and future, and to purchase, redeem or pay off any such securities

- (v) Borrow money from clubs at a rate of interest not exceeding interest at the rate for the time being charged by bankers for overdrawn accounts on money lent, whether the term of the loan be short or long, and to mortgage or charge its property or any part thereof and to issue debentures and other securities, whether outright or as security for any debt, liability or obligation of the Association, and to provide and pay off any such securities;
- (vi) Invest in such manner as the Councillors may, from time to time, determine.

36 RESIGNATION OF COUNCILLORS

Any Councillor may resign from the Council at any time by giving notice in writing to the Secretary of the Club but such resignation shall take effect at the time such notice is received by the Club Secretary unless a later date is specified in the notice when it shall take effect on that later date.

37 VACANCY OF CLUB COUNCILLOR

In the event of a casual vacancy of a Club Councillor, a replacement shall be elected or appointed by that Club.

38 COUNCIL MEETINGS

- (i) The Council will conduct regular meetings every two months during the Calendar year.
- (ii) Only Councillors are entitled to vote at Council meetings of the Association.
- (iii) The quorum for a Council meeting is double the number of members of the management committee plus one.
- (iv) Special meetings of the Council may be called by the Secretary on the request of the management committee or by the request in writing of at least seven affiliated clubs on at least fourteen (14) days notice, emergencies excepted.
- (v) Notice for a special meeting shall specify the reasons for the Meeting. Notices to Councillors may be written or verbal and shall be given, as practicably as possible, to all Councillors.
- (vi) A Councillor shall not vote in respect of any contract or proposed contract with the Association in which they are interested, or any matter arising thereout, and if they do so vote the vote shall not be counted.
- (vii) The President shall preside as Chair at every meeting of the Council or if at any meeting is not present within fifteen (15) minutes after the time appointed for holding the meeting, a Vice President shall be Chair or if a Vice President is not present at the meeting then the Councillors may choose one of their number to be Chair of the meeting.

- (viii) If within thirty (30) minutes from the time appointed for the commencement of a Council meeting a quorum is not present, the meeting, if convened upon the requisition of Members of the Council, shall lapse. In any other case it shall stand adjourned to the same day in the next week at the same time and place, or to such other day and at such other time and place as the Council may determine, and if at the adjourned meeting a quorum is not present within thirty (30) minutes from the time appointed for the meeting, the members present shall be a quorum.
- (ix) Subject as previously provided in this Clause, the Council may meet together and regulate its proceedings as it thinks fit.
- (xi) Questions arising at any meeting of the Council shall be decided by a majority of votes. However, the Chair may decide that matters involving solely men's bowls can only be decided by the votes of Councillors representing affiliated men's clubs and matters involving solely women's bowls only can only be decided by the votes of Councillors representing affiliated women's clubs. In the case of equality of votes, the status quo shall be maintained.

39 COUNCIL COMMITTEES

- (i) The Council may establish committees to organize and control various activities of the Association, in accordance with the by-laws. The committees shall meet and adjourn as they think proper.
- (ii) Questions arising at any committee meeting shall be determined by a majority of votes of the Members present and, in the case of an equality of votes, the status quo shall be maintained.
- (iii) All decisions shall be advised to the Management Committee who will have the final say in what is appropriate to advise the Members.

40 VALIDITY OF COUNCIL AND RESOLUTION

- (i) All acts done by any Meeting of the Council or of a Committee or by any person acting as a Member of the Council shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment of any such Member of the Council or person acting as aforesaid, or that the Members of the Council or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a Member of the Council or a Committee.
- (ii) A resolution in writing signed by all the Councillors for the time being entitled to receive notice of a Meeting of the Council shall be as valid and effectual as if it has been passed at a Meeting of the Council duly convened and held. Any such resolution may consist of several documents in like form, each signed by one or more Councillors.

41 BY-LAWS

The management committee may make, amend or repeal by-laws, not inconsistent with these rules, for the internal management of the association.

A by-law may be set aside by a vote of members at a general meeting of the association.

42 ALTERATION OF RULES

- (i) Subject to the Act, these rules may be amended, repealed or added to by a special resolution carried at a general meeting.
- (ii) However an amendment, repeal or addition is valid only if it is registered by the Chief Executive, and Bowls Queensland.

43 COMMON SEAL

- (i) The management committee must ensure the association has a common seal.
- (ii) The common seal must be kept securely by the management committee; and used only under the authority of the management committee.
- (iii) Each instrument to which the seal is attached must be signed by a member of the management committee and countersigned by
 - (a) the Secretary; or
 - (b) another member of the management committee; or
 - (c) someone authorized by the management committee.

44 FUNDS AND ACCOUNTS

- (i) The funds of the association must be kept in an account in the name of the Association in a financial institution decided by the management committee.
- (ii) Records and accounts must be kept in the English language showing full and accurate particulars of the financial affairs of the Association.
- (iii) All amounts must be deposited in the financial institution account as soon as practicable after receipt.
- (iv) A payment by the Association of \$100 or more must be made by cheque or electronic funds transfer.
- (v) If a payment of \$100 or more is made by cheque, the cheque must be signed by any 2 of the following
 - the President
 - the Secretary;
 - the Treasurer;
 - any 1 of 3 other members of the association who have been authorized by the management committee to sign cheques issued by the Association.
- (vi) However, 1 of the persons who signs the cheque must be the President, the Secretary or the Treasurer.
- (vii) Cheques, other than cheques for wages, allowances or petty cash recoupment, must be crossed not negotiable.

- (viii) A petty cash account must be kept on the imprest system, and the management committee must decide the amount of petty cash to be kept in the account.
- (ix) All expenditure must be approved or ratified at a management committee meeting.

45 GENERAL FINANCIAL MATTERS

- (i) On behalf of the management committee, the treasurer must, as soon as practicable after the end date of each financial year, ensure a financial statement for its last reportable financial year is prepared.
- (ii) The income and property of the association must be used solely in promoting the association's objects and exercising the association's powers.

46 EXCLUSION FROM ASSOCIATIONS INCORPORATION ACT

Section 47(1) of the Act is specifically excluded from the operation of these rules.

47 DISTRIBUTION OF SURPLUS ASSETS TO ANOTHER ENTITY

- (i) This rule applies if the association
 - (a) is wound-up under part 10 of the Act; and
 - (b) has surplus assets.
- (ii) The surplus assets must not be distributed among the members of the association.
- (iii) The surplus assets must be given to another entity
 - (a) having objects similar to the association's objects;
 - (b) and the rules of which prohibit the distribution of the entity's income and assets to its members.
 - (c) in this rule - surplus assets see section 92(3) of the Act.

48 JUNIOR BOWLS

- (i) A Liaison Officer for junior bowlers shall be elected at the December Council Meeting to organize junior bowlers within the District in accordance with the by-laws.
- (ii) A junior member of a club shall be under eighteen (18) years of age and shall be entitled to play bowls in any club or District competition, pursuant to the Laws of the Game and Conditions of Play laid down for the playing of the event.

49 PLAYER COMMITMENTS

- (i) When a member of a club has been called to fulfil a BA, BQ, District Bowls Association or club commitment in a match or on official business, on any day on which he is drawn to play in a Bowls Australia, BQ, District Bowls Association or club commitment, the onus shall be on the player to notify BQ, District Bowls Association or club, as the case may be.

- (ii) The controlling body may define circumstances that it will not accept as a valid reason for a player's unavailability. However, a substitute is not to be permitted if an intended player enters another competition scheduled to be played at the same time. If a substitute is refused on these grounds the Controlling Body shall declare the position of the absent player vacant and the provisions Domestic Regulation 6 shall apply.

50 ACTIVITIES SHALL BE LAWFUL

The District Association shall comply with all lawful requirements of the Commonwealth, State, Local Government and other Statutory Authorities having jurisdiction over any activity of the District Association.