

CONSTITUTION OF AVOCA BEACH BOWLING CLUB

INTRODUCTION

1. This is the Constitution of the Avoca Beach Bowling Club, a Sub-Club of Wyong Rugby League Club Limited.

INTERPRETATION

2. In this Constitution: -

“**Club**” means Avoca Beach Bowling Club (ABBC).

“**Committee**” means the members for the time being of the Committee of the ABBC.

“**Month**” means calendar month.

“**Register of Members**” means a register of members kept by the Club showing the name, address, date of joining of each member and such details as the Committee may determine.

Words or expressions contained in these regulations shall be interpreted in accordance with the provisions of the Interpretation Act 1987 as in force at the date at which these regulations become binding on the Club.

PRELIMINARY

3. The Club is established for the purposes set out in this Constitution, being:
 - (a) to play and promote the sport of lawn bowls.
 - (b) To conform at all times with the requirements of the laws of the game as adopted by Bowls NSW.
 - (c) to encourage, foster and promote goodwill, social and family outings amongst members of the Club.

- (d) to affiliate and co-operate with such bodies as are necessary for the Club to pursue its objects.
 - (e) to conform at all times with the requirements of the Constitution of Wyong Rugby League Club Limited.
4. The Constitution shall be deemed to be the Rules of the Club.
5. (a) The Club shall be a non-proprietary Club.
- (b) All profits (if any) and other income of the Club shall be applied to the promotion of the purposes for which the members are associated together and no payment of dividends or distribution of profits or income shall be made to or amongst the members of the Club.
 - (c) Accommodation for members of the Club and their guests may be provided and maintained from the funds of the Club.
 - (d) No person shall be entitled to derive any profit, benefit or advantage from the Club which is not shared equally by every member.
 - (e) This Constitution will become effective from the date of the Extraordinary General Meeting held on the 14th December, 2019.

MEMBERSHIP

6. Such persons as the Committee shall admit to membership in accordance with this Constitution shall be members of the Club.
7. Applicants for membership must be financial members of Wyong Rugby League Club Limited.
8. The membership of the Club shall be divided into the following categories:
- (i) Full members – applicants 18 years of age and over;
 - (ii) Junior members – applicants under 18 years of age;
 - (ii) Life members:
 - (a) Any two members of the Club shall be at liberty to nominate any other member for life membership in writing outlining reasons to the Secretary at least three (3) calendar months prior to the next Annual General Meeting.
 - (b) Such nominations are to be shown on the Agenda for the Annual General Meeting.

- (c) Such nominations will be presented to the Annual General Meeting by the nominator and secondor and general discussion may follow.
- (d) The decision of life membership will be decided by the majority of those present at the Annual General Meeting.

APPLICATION FOR MEMBERSHIP

- 9. An application for membership of the Club shall be made in writing on the form provided by the Club and sent to the Secretary.
- 10. The Committee shall determine whether or not to accept an application for membership. The Committee shall not be required to supply a reason for rejecting an application, provided that the Committee shall not unreasonably reject an application.
- 11. If the Committee approves an application for membership the Secretary shall as soon as practicable notify the applicant.
- 12. Upon payment of the subscription, the Secretary shall enter the member's details in the Register of Members.

SUBSCRIPTIONS

- 13. The annual subscriptions payable by members of the Club shall be such as the Committee shall from time to time prescribe.
- 14. All annual subscriptions shall become due and payable in advance on the 1st day of July in every year.
- 15. The Committee may set special fees for tournament entries, championship entries, locker fees and such other purposes as it deems fit.

CESSATION OF MEMBERSHIP

- 16. If any member shall fail to pay their subscription within one month after it becomes due the secretary shall give notice in writing of such failure to such member and if payment is not made after such notice the Committee may resolve that the member concerned by reason of such failure shall be excluded from membership and thereupon such member shall cease to be a member of the Club.

17. (a) A member may at any time by giving notice in writing to the secretary resign their membership of the Club but shall remain liable for any annual subscriptions and all arrears due and unpaid at the date of their resignation and for all other moneys due by them to the Club.
- (b) The date of resignation of a member resigning in accordance with the provision of the Constitution shall be the date on which the notice of resignation is received by the Secretary and the provision of these articles regarding the giving of notices shall apply as if the notice of resignation was a notice to a member.
- (c) If any member shall willfully refuse or neglect to comply with the provision of this Constitution or of any rule or by-law of the Club or shall be guilty of any conduct which, in the opinion of the Committee, is unbecoming of a member or prejudicial to the interests of the Club or ceases to be a member of Wyong Rugby League Club Limited, the Committee shall have power to reprimand, suspend, or expel such member from the Club, provided that any such member shall have the right to appeal to the Committee so that the member may be heard as to any such reprimand, suspension or expulsion. The Committee shall in the event of such an appeal:
 - (i) give the appellant at least seven clear days notice in writing of the Committee meeting at which such an appeal is to be heard;
 - (ii) allow the appellant an opportunity of giving orally or in writing any explanation or defense as such appellant may think fit; and
 - (iii) no member who has appealed against expulsion from the Club shall have such appeal dismissed unless such dismissal is passed by a majority of two-thirds of those members of the Committee present and voting.
18. No appeal whatsoever shall lie from a decision of the Committee pursuant to this Constitution nor shall any member reprimanded, suspended or expelled have any right of action whether at law or in equity or other remedy whatsoever against the Club or the Committee or any member thereof by reason of such reprimand, suspension or expulsion by reason of any act done or notice given prior to or consequent on or incidental to the same.
19. Details of any reprimand, suspension or expulsion of a member of the Club will immediately be notified to Wyong Rugby League Club Limited.
20. In the event that a member is suspended or expelled by Wyong Rugby League Club Limited, that member shall also be suspended or expelled from the Club.

GENERAL MEETINGS

21. A general meeting termed the annual general meeting shall be held by 30th September in every year. All general meetings, other than the annual general meetings, shall be called extraordinary general meetings.
22. The Committee may whenever it thinks fit convene an extraordinary general meeting and extraordinary general meetings shall also be convened on requisition.
23. At least seven clear days notice specifying the place the day and the hour of meeting and in case of special business the general nature of that business shall be given to such persons as are entitled to receive such notices from the Club.

PROCEEDINGS AT GENERAL MEETINGS

24. No business shall be transacted at any general meeting unless a quorum of members is present at the time when the meeting proceeds to business. Save as herein otherwise provided, 30 members present in person shall be a quorum.
25. If within half an hour from the time appointed for the meeting a quorum is not present, the meeting shall stand adjourned to the same day in the next week at the same time and place or to such other day as the Committee may determine and if at the adjourned meeting a quorum is not present within half an hour after the time appointed for the meeting, the members present (being not less than three) shall be a quorum.
26. The President shall preside as chairperson at every general meeting of the Club or in that person's absence the Senior Vice President or Vice President. Should the President, the Senior Vice President or the Vice President not be present within fifteen minutes after the time appointed for the holding of the meeting or if they are unwilling to act, the members present shall elect one of their number to be chairperson of the meeting.
27. The chairperson may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting), adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. When a meeting is adjourned for thirty days or more, notice of the adjourned meeting shall be given as in the case of an original meeting. Save as aforesaid it shall not be necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.
28. (a) At any general meeting a resolution put to the vote of the meeting shall be decided on a show of hands unless a poll is (before or on the declaration of the result of the show of hands) demanded -
 - (i) by the chairperson; or
 - (ii) by at least three members present in person

- (b) Unless a poll is demanded as aforesaid, a declaration by the chairperson that a resolution has on a show of hands been carried or carried unanimously or by a particular majority or lost, and an entry to that effect in the book containing the minutes of the proceedings of the Club shall be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against the resolution.
 - (c) A demand for a poll may be withdrawn
29. If a poll is duly demanded it shall be taken in such manner and either at once or after an interval or adjournment or otherwise as the chairperson directs and the result of the poll shall be the resolution of the meeting at which the poll was demanded but a poll demanded on the election of the chairperson or on a question of adjournment shall be taken forthwith.
30. In the case of an equality of votes, whether on a show of hands or on a poll the chairperson of the meeting at which the show of hands takes place or at which the poll is demanded shall be entitled to a second or casting vote.
31. Every member eligible to vote shall both on a show of hands and on the taking of a poll have one vote.
32. No member other than a Life Member shall be entitled to vote at any general meeting or to be a member of the Committee if their annual subscription shall be unpaid at the date of the meeting.
33. Members may cast their vote on any matter listed in the notice of the Annual General Meeting by means of early voting, which may include pre poll voting, postal voting or secure electronic voting as determined and facilitated by the Committee.
Early voting must be completed by the deadline set by the Committee, which shall be no less than 24 hours before commencement of the AGM. Votes cast early shall be counted together with votes cast in person at the AGM. The Committee shall ensure that the appropriate measures are taken to verify the identity of members casting early votes and to maintain the integrity and confidentiality of the voting process.

OFFICERS AND COMMITTEE

34. The Committee shall, subject to this Constitution and the Constitution of Wyong Rugby League Club Limited, manage the affairs of the Club within the authority given to the Club by Wyong Rugby League Club Limited.
35. (a) The Committee shall consist of the office bearers of the Club each of whom shall be elected at the Annual General Meeting of the Club.
- (b) The office bearers of the Club shall be:

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- (i) President
 - (ii) Senior Vice President
 - (iii) Vice President
 - (iv) Secretary
 - (v) Treasurer
 - (vi) Bowls Secretary
 - (vii) Assistant Bowls Secretary
 - (viii) Elected Selector
 - (ix) Chair of Carnivals
 - (x) Chair of Promotions
 - (xi) Two Committee members
 - (c) Each office bearer shall hold office until the Annual General Meeting next following the date of the member's election but shall be eligible for re-election.
 - (d) In the event of a casual vacancy occurring in the membership of the Committee the Committee may appoint a member of the Club to fill the vacancy and the member so appointed shall hold office until the Annual General Meeting next following the date of appointment.
 - (e) A casual vacancy shall occur if a Committee member:
 - (i) dies;
 - (ii) ceases to be a member of the Club;
 - (iii) resigns office by notice in writing given to the Secretary;
 - (iv) becomes mentally incapacitated;
 - (v) is absent without the consent of the Committee for more than two consecutive meetings.
 - (f) Only full and life members of the Club shall be entitled to stand for office and to vote at any meetings of the Club.
- Details of any change to the Committee will immediately be notified to Wyong Rugby League Club Limited.
35. At the Annual General Meeting a representative of Wyong Rugby League Club Limited may fulfill the function of Returning Officer for the purpose of electing the Committee.

POWERS AND DUTIES OF THE COMMITTEE

37. The Committee shall cause minutes to be made -
- (a) of all appointments of officers;
 - (b) of names of members of the Committee present at all meetings of the Club and of the Committee and
 - (c) of all resolutions and proceedings at all meetings of the Club and of the Committee.

Such minutes shall be signed by the chairperson of the meeting at which the proceedings were held or by the chairperson of the next succeeding meeting and a copy provided to Wyong Rugby League Club Limited within seven (7) days of the date of the meeting.

38. The Committee shall, subject to this Constitution and the Constitution of Wyong Rugby League Club Limited, manage the affairs of the Club within the authority given to the Club by Wyong Rugby League Club Limited.

BY-LAWS

39. (a) The Committee may from time to time make application to Wyong Rugby League Club Limited to alter and repeal all such by-laws as it may deem necessary or expedient for the proper conduct and management of the Club or in any way in relation thereto and in particular but not exclusively it may by by-law regulate -
- (i) The general management control and activities of the Club;
 - (ii) The control and management of all competitions;
 - (iii) The conduct of members;
 - (iv) All requirements whatsoever relating to the transfer of members from one classification of membership to another; and
 - (v) Generally, all such matters as are commonly the subject matter of the Club rules or by-laws.

- (b) Any by-law made under this article or any alteration to or repeal of any such by-law shall come into force and have full effect and authority and be binding upon members of the Club after the following procedure has been followed:-
 - (i) The proposed by-law, alteration or repeal of any such by-law is ratified by the Club by Special Resolution at a General Meeting; and
 - (ii) The proposed by-law, alteration or repeal of any such by-law is approved by management of Wyong Rugby League Club Limited, the proposed by-law, alteration or repeal may be approved or refused in the absolute discretion of the management of Wyong Rugby League Club Limited.

PROCEEDINGS OF THE COMMITTEE

40. The Committee may meet together for the dispatch of business, adjourn and otherwise regulate its meetings as it thinks fit provided that it shall hold meetings at intervals not exceeding two months. A member of the Committee may at any time and the secretary shall on the requisition of a member of the Committee summon a meeting of the Committee.
41. Subject to this Constitution questions arising at any meeting of the Committee shall be decided by a majority of votes and a determination by a majority of the members of the Committee shall for all purposes be deemed a determination of the Committee. In case of an equality of votes the chairperson of the meeting shall have a second or casting vote.
42. A member of the Committee shall not vote in respect of any contract or proposed contract with the Club in which that person is interested in, or any matter arising thereout, and if they do so vote their vote shall not be counted.
43. The quorum necessary for the transaction of the business of the Committee shall be five (5) or such greater number as may be fixed by the Committee. Provided always that the number forming a quorum must include the President, Senior Vice President or Vice President.
44. The continuing members of the Committee may act notwithstanding any vacancy in the Committee, but if and so long as their number is reduced below the number fixed by or pursuant to these articles as the necessary quorum of the Committee the continuing member or members may act for the purpose of increasing the number of members of the Committee to that number or of summoning a general meeting of the Club, but for no other purpose.
45. The President shall preside as chairperson at every meeting of the Committee or in their absence the Senior Vice President or Vice President. Should the President, Senior Vice President or Vice President not be present within fifteen minutes after the time appointed for holding the meeting, then the members present shall elect one of their number to be chairperson of the meeting.
46. A resolution in writing signed by all the members of the Committee for the time being entitled to receive notice of a meeting of the Committee, shall be as valid and effectual as if it had been passed at a meeting of the Committee duly convened and held. Any such resolution may consist of several documents in like form, each signed by one or more members of the Committee.

SUB-COMMITTEES

47. The Committee may appoint from among its members or members of the Club subcommittees for any purpose whatsoever which from time to time it may think

desirable and may delegate to any such sub-committee such powers as it may think

fit provided that any sub-committee so formed shall in the exercise of the powers so delegated conform to any regulations that may be imposed on it by the Committee.

48. A sub-committee may elect a chairperson of its meetings. If no such chairperson is elected, or if at any meeting the chairperson is not present within ten minutes after the time appointed for holding the meeting, the members present may choose one of their number to be a chairperson of the meeting.
49. A sub-committee may meet and adjourn as it thinks proper. Questions arising at any meeting of a subcommittee shall be determined by a majority of votes of the members present and in the case of an equality of votes the chairperson shall have a second or casting vote.

ACCOUNTS

50. The Committee shall cause to be kept correct accounts and books in accordance with the requirements of Wyong Rugby League Club Limited showing the financial affairs of the Club and the particulars usually shown in the books of account of a like nature and shall prepare and submit to each annual general meeting or an extraordinary general meeting called for that purpose a statement of account and profit and loss account for the financial year ending immediately preceding such meeting and a report thereon.
51. The records, books and other documents of the Club shall be open for inspection free of charge by a member of the Club and a representative of Wyong Rugby League Club Limited at any reasonable hour and at a place nominated by the Secretary except as provided by this Constitution and the Constitution of Wyong Rugby League Club Limited.
52. The Club will not conduct a separate bank account. All income will be deposited with, and all expenses paid by, Wyong Rugby League Club Limited.

NOTICES

53. A notice may be given by the Club to any member either personally or by email or by sending it by post to them to the address supplied by them to the Club for the giving of notices to them. Where a notice is sent by post, service of the notice shall be deemed to be effected by properly addressing, prepaying and posting a letter containing the notice, and to have been effected in the case of notice of a meeting on the day after the date of its posting, and in any other case at the time at which the letter would be delivered in the ordinary course of post.

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54. Notice of every general meeting shall be given in any manner hereinbefore authorised to: -
- (a) every member except those members who have not supplied to the Club an address for the giving of notices to them and
 - (b) management of Wyong Rugby League Club Limited

No other person shall be entitled to receive notices of general meetings.

55. A representative of Wyong Rugby League Club Limited shall be entitled to attend any general meeting of the Club.

INSURANCE

56. Wyong Rugby League Club Limited will maintain insurance policies which insure a person who is or has been an officer of the Club against liability incurred by that person as such an officer which does not arise out of conduct involving a willful breach of duty in relation to the Club or a contravention of this Constitution or the Constitution of Wyong Rugby League Club Limited.

FINANCIAL YEAR

57. The financial year of the Club shall commence on the first day of July in each year.

APPOINTMENT OF OFFICIALS

58. The Committee shall appoint officials as it sees fit. Any application to the Committee for any official position shall be made in writing.

MISCELLANEOUS

59. The funds of the Club are at all times regarded as the property of Wyong Rugby League Club Limited.
60. The statement of objects, the name of the Club and this Constitution may be altered, rescinded or added to only by a special resolution of the Club which resolution is passed by a majority which comprises not less than three quarters of such financial members of the Club, as being present and entitled to do so, vote in favour 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 this Constitution.
61. If at an Extraordinary General Meeting of the Club convened for that purpose a majority of members for the time being entitled to vote on the affairs of the Club vote to duly wind up the activities of the Club, the Club shall be terminated forthwith and the assets of the Club will be dealt with from that time by Wyong Rugby League Club Limited.