



# CUNNINGHAM DISTRICT BOWLS ASSOCIATION Inc.

## BY LAWS

### 1. MEETINGS

#### (a) Council:

- (i) Notice of any Council or General Meeting and the business to be conducted shall be posted or delivered to Clubs by the Management Committee at least fourteen (14) days before the date of such meeting.
- (ii) An alternative Councillor, who shall be a financial member of the same affiliated club, may represent an elected Councillor. A Management Committee member shall not be entitled to an alternate representative.
- (iii) A Councillor may represent only one Club.
- (iv) Voting at Council Meetings shall be in accordance with Constitution clauses 22 and 38. A Councillor in addition to his/her own vote shall not exercise any vote/s on behalf of any other entity. In the case of an equality of votes, the status quo shall be maintained.
- (v) Where a Councillor has missed three successive meetings of the Council without written explanation, the „CDBA“ may write to the club requesting a change of club delegate.

#### (b) Management Committee:

- (i) The Management Committee shall meet at least once every 2 months.
- (ii) Notice of such meetings shall be given, wherever practicable, in writing.
- (iii) The Management Committee shall select Clubs for „CDBA“ matches.
- (iv) The Management Committee shall receive all decisions and recommendations from any committee appointed by the Council for confirmation and submission with or without recommendation to the Council.
- (v) Each Management Committee member shall exercise one vote on any question. Where two positions are combined e.g. Secretary / Treasurer, only one vote shall be exercised. In the case of an equality of votes, the status quo shall be maintained.

### 2. RETURNING OFFICER

- (a) At the regular Council Meeting immediately prior to the date set for the Annual General Meeting each year, the Management Committee shall appoint a Returning Officer whose duties shall be to control the issuing of the Ballot papers and subsequent collection and counting of same at the Annual General Meeting. In the case where committees are to be elected earlier than the Annual General Meeting, a Returning Officer will be appointed in sufficient time prior to the close of nominations as determined by the Council.
- (b) The Returning Officer shall ensure that only those entitled to vote are issued with the necessary ballot papers
- (c) The Management Committee shall enlist the services of 2 Tellers to assist the Returning Officer in conducting the ballot. Neither the Returning Officer nor any Teller shall be a candidate in any such ballots.

- (d) Each candidate in a ballot may appoint one or more members to act as his/her scrutineer.
- (e) The Returning Officer shall advise the Chairman of the meeting the result of the Teller's count and the Chairman shall announce the result to the meeting.
- (f) The ballot material shall not be destroyed without the authority of a motion passed at the meeting, and it shall be the duty of the Returning Officer to carry out such destruction.

### **3. ELECTION AND BALLOT PROCEDURE**

- (a) Nominations for Office Bearers and all permanent Committees shall be made in accordance with Clause 2(ii) of the Constitution. The election of an Office Bearer/ Committee person shall take effect from the close of the general meeting at which the ballot takes place.
- (b) Voting where necessary shall be by secret ballot, and shall be conducted in accordance with the Constitution. Each Councillor present at the meeting shall vote in accordance with Constitution clauses 22 and 38.
- (c) The method of voting shall be to delete the name/s of the candidate/s not required, in accordance with the Constitution.
- (d) The results of each ballot shall be determined on the "first past the post principle". If there is an equal number of votes for two or more candidates for the last remaining position in a ballot, a further ballot shall be conducted between the candidates who tied.
- (e) If insufficient nominations are received for election to any of the permanent committees, then those candidates so nominated shall be declared elected. The meeting shall then proceed to fill any remaining vacancies and, if necessary, conduct a ballot in accordance with this by-law, with nominations from the floor of the meeting in accordance with Clause 26 (iii) of the Constitution.
- (f) Candidates nominated for election shall be entitled to attend the general meeting. If present at the meeting at which the ballot is to take place, they shall be entitled to address the meeting for a period not exceeding three (3) minutes unless the meeting has agreed to give all candidates a longer period.
- (g) Ballot papers may be issued to those entitled to vote prior to the meeting being opened but the votes shall not be collected by the Returning Officer until the Chairman of the Meeting announces the closing of the ballots. All votes will be deemed to have been made after the opening of the meeting and before the closure of the ballots.

### **4. OFFICE BEARERS, COMMITTEE AND OTHER PERSONS**

- (a) The office of an elected or appointed person shall become immediately vacant if the person:
  - (i) Is a person to which clause 28 of the constitution refers; or
  - (ii) Becomes a bankrupt or makes any arrangement or composition with his/her creditors generally, or
  - (iii) Is directly or indirectly interested in any contract or proposed contract with the "CDBA" and fails to declare the nature of his/her interest
  - (iv) The person's club has an unpaid financial commitment to the "CDBA";

- (v) Is or becomes a full time permanent employee of a District Association or the State Body or an elected/appointed member of another District Bowls Association.
- (b) (i) In addition, any Office Bearer, member of the Council or other elected person, may be removed from office by a three-quarters majority of the members present and entitled to vote at a Special Meeting called for that purpose setting out the reason for the removal. The member affected shall have due notice of such meeting and shall be afforded reasonable facilities for making such representation to the meeting as the person shall think fit. The person shall be entitled to be accompanied by a legal representative or other agent; and
  - (ii) Any person appointed to a position by the Council or the Management Committee may be removed from that appointment by a three-quarters majority of the members present and entitled to vote at a Special Meeting called for that purpose setting out the reason for the removal. The member affected shall have due notice of such meeting and shall be afforded reasonable facilities for making such representation to the meeting as the person shall think fit. The person shall be entitled to be accompanied by a legal representative or other agent.

## **5. PRESIDENT**

The President shall -

- (a) Preside at all meetings of the Association, the Council, Management Committee and its Executive and to regulate and keep order in proceedings and carry into effect their decisions;
- (b) Be an ex-officio member of all committees and sub-committees of the Association;
- (c) Be responsible for and to carry out the duties expected of a person holding this position.

## **6. VICE PRESIDENTS**

The Vice President shall –

- (a) Understudy and assist the President and act in his/her stead when required;
- (b) On behalf of the President represent the District at significant events.

## **7. SECRETARY**

In addition to the duties contained in the Constitution, the Secretary shall -

- (a) Issue notices of all meetings connected with the Association in accordance with the District Constitution.
- (b) Prepare Agendas, Minutes, and Reports (including the Annual Report)
- (c) Keep a record of Clubs with the addresses of their respective Presidents and Secretaries and a membership record of every affiliated Club.
- (d) Receive all correspondence and reply thereto as directed
- (e) Inform the President (or in his/her absence an available Vice-President) of all urgent matters requiring attention.
- (f) Subject to the directions of the Executive Committee, supervise the working of any staff employed.

## **8. TREASURER**

In addition to the duties contained in the Constitution, the Treasurer shall –

- (a) Prepare a Budget for each upcoming year
- (b) Prepare a Statement of Accounts for the Management Committee and Council Meetings
- (c) Monitor revenue and expenditure
- (d) Prepare books for audit
- (e) Produce a Statement of Audited Accounts for the Annual Report
- (f) Bank all money received by the Association

## **9. COMMITTEE PERSON (Men's Bowls)**

- (a) An affiliated male member shall be elected to the position of Committee person (Men's Bowls) by male bowls clubs of the District.
  - (i) Manage the activities of and advise policy decisions to the (male) Match, Selection and Junior Committee;
  - (ii) Liaise with the Committee person (Ladies Bowls) to implement a playing calendar for the District year.
  - (iii) Prepare a report to Management and Council on the activities of the committees under his control;
  - (iv) Implement the instructions and policies of the District as advised *by* the Management Committee and/or the Council/ General Meetings.

## **10. COMMITTEE PERSON (Ladies Bowls)**

- (a) An affiliated Lady member shall be elected to the position of Committee person (Ladies Bowls) by female bowls clubs of the District.
  - (i) Manage the activities of and advise policy decisions to the (Ladies) Match, Selection and Junior Committee;
  - (ii) Liaise with the Committee person (Men's Bowls) to implement a playing calendar for the District year.
  - (iii) Prepare a report for Management Committee and Council on the activities of the committees under her control
  - (iv) Implement the instructions and policies of the district as advised from the Management Committee and/or the Council/ General Meetings.

## **11. COMMITTEE PERSON (Common Services)**

- (a) An affiliated member shall be elected by the annual general meeting of the "CDBA "to the position of Committee person (Common Services).
  - (i) To oversee the activities of and advise policy decisions to the joint Umpires, Coaching and Sponsorship Committees;
  - (ii) Prepare a report for Management Committee and Council on the activities of the committees under his/her control,
  - (iii) Implement the instructions and policies of the district as advised by the Management Committee and/or the Council/ General Meetings.

## **12. DEALINGS WITH OTHER ORGANISATIONS**

### **Authority to represent the interests of the District:**

- (a) The Association shall have the power to join with and be a member of such organisations as may be determined by the Management Committee provided that membership of any organisation to which a membership fee is paid must first be approved by the District Council.

Currently approved organisations are –

- (i) Bowls Queensland;
  - (ii) Combined South East Queensland District Bowls Association
- (b) The Management Committee shall represent the interests of the District, its Clubs and bowls generally at organisations and when considered necessary, and unless otherwise provided, shall have the power to appoint any suitably qualified person to represent the District's interests.

### **Delegates to Bowls Queensland**

- (a) Two Delegates to the State Body (one male and one female) shall be elected annually by the Council from persons nominated by the Management Committee. The persons shall be a financial member of a Cunningham District affiliated Club and a member of the Management Committee. In the case of a vacancy in this appointment, the President shall have the power to temporarily appoint a replacement to serve until the Council can ratify the appointment of a replacement. Where a Delegate to the State Body is unable to attend State Body meetings the person shall advise the President who, in conjunction with the Secretary, shall appoint a proxy.
- (b) The Delegates to the State Body shall represent the views of the „CDBA“ at State Body meetings. Where no specific instruction has been issued by the Council, the Councillors shall act on the instructions of and report to the Management Committee.

## **13. COMMITTEES**

- (i) The President shall be “ex-officio” members of all Committees.
- (ii) The Council may, at its option, determine that the election of committee members be held prior to the 1<sup>st</sup> of January each year to give each committee a full 12 months term of office in line with the District year. Where the Council makes such a decision, the procedure for calling of nominations and conduct of any ballots shall follow as far as is practical the provisions of Constitution Clause 26 and By-Law 3.
- (iii) Each Committee shall have authority to co-opt persons additional to its specified number subject to the approval of the Management Committee.
- (iv) The Management Committee shall have the role of co-ordinating the activities of Committees on behalf of the Council. All Committees appointed by the Council shall submit a report to the Management Committee at least monthly. Within seven (7) days of the election/appointment of a committee, the Committee shall appoint from their numbers one person to be the Chairman of that Committee.

### **(a) SELECTION COMMITTEE (Men/Ladies):**

- (i) There shall be separate Men's and Ladies Selection Committees. Each Selection Committee shall consist of three (3) members where at least two shall be from different clubs.
- (ii) Two members of the Committee shall form a quorum. (iii)  
The duties of the Committee are
  - (a) To select players to represent the District in inter-district and other selected events.
  - (b) Where necessary coordinate the activities of other committees in the attainment of this objective.
  - (c) Within the first month of appointment, provide ongoing plans to the Management Committee to meet objectives for the year.
- (iii) The Committee shall have the power to second and appoint persons to positions that assist the Committee in achieving its objectives.
- (iv) The Management Committee shall appoint the „**District Team Manager**“ from recommendations made by the Selection Committee.

The duties of the Manager include:

- (a) Attends Manager's Meetings at events;
- (b) Attends to scorecards, shirts, jackets, needs of players e.g. water;
- (c) Provide for the players' comfort, safety and well-being at all times during the playing and staging of events;
- (d) Where necessary, allocate accommodation and travel arrangements etc.
- (e) Prepares a report for Management.
- (f) The Manager may, if requested by the Selectors and District Coach, assist in team selection once the competition commences.

The Chairman of the Committee or the Chairman's representative shall attend Management Committee Meetings (as required), Council Meetings and provide a written report on the activities of the Committee.

**(c) MATCH COMMITTEE: (Men/ Ladies)**

- (i) There shall be separate Men's and Ladies Match Committees. Each Match Committee may consist of no less than three (3) and up to a maximum of five (5) members, where at least three are members of different Clubs.
- (ii) Three (3) members shall form a quorum.
  - (a) Organise and control all Association/State Body/District level competitions except where the Council decides to set up a special committee to organise and control a specific competition such as the State District Sides Championships;
  - (b) Allocate events to Clubs taking due account of the current greens assessments furnished by the Greens Committee. Notwithstanding the foregoing, the Council or Management Committee, duly authorised by Council may decide the allocation(s) associated with a particular event;
  - (c) Review competition "Conditions of Play" recommending any changes to the Management Committee for subsequent ratification by the Council;
  - (d) Investigate and resolve other matters referred to it by the Management Committee or the Council.
  - (e) Within the first month of appointment, provide ongoing plans to the Management Committee to meet objectives for the year.

The Chairman of the Committee or the Chairman's representative shall attend Management Committee Meetings (as required), Council Meetings and provide a written report on the activities of the Committee.

**(d) UMPIRES COMMITTEE**

- (i) The Umpires Committee shall consist of a minimum of three (3) men and three (3) ladies where at least two men and two ladies are each from different Clubs. They must be accredited National Umpires who have held a valid certificate for not less than four (4) years at the date of appointment. Such members must have met or be able to meet any requirements as set out by the State Umpires Committee.
- (ii) A majority of the number of appointments shall form a quorum.
  - (a) To conduct, training and examinations as required for the accreditation and re-accreditation of National Umpires and Measurers.
  - (b) To report on such questions, interpretations or decisions on the Laws of the Game as may be referred to it by the Association Secretary from the Management Committee, Council or a District Committee.
  - (c) To carry out such other duties as may be directed by the State Authority through the District Secretary.
  - (d) To liaise with the Match Committees for the appointment of Umpires for games under District control.
  - (e) Within the first month of appointment, provide ongoing plans to the Management Committee to meet the objectives for the year.
  - (f) Such other duties as may be allocated by the Management Committee or Council.

The Chairman of the Committee or the Chairman's representative shall attend Management Committee Meetings (as required), Council Meetings and provide a written report on the activities of the Committee.

**(e) COACHING COMMITTEE**

- (i) The Coaching Committee shall consist of not less than three (3) men and three (3) ladies where at least two men and two ladies are each from different clubs. All of whom shall be at least Level 1 standard of the National College of Sport and be capable of meeting Examiners' standards. Committee Members shall have held a current Coaches' accreditation for at least 2 years.
- (ii) A majority of the number of appointments shall form a quorum.
  - (a) The Coaching Committee is responsible for the education of coaches within the District

- (b) Assist Club Coaches in coaching programs at Club level;
- (c) Arrange for the examination and accreditation of Coaches (at Level 1 standard)
- (d) Within the first month of appointment, provide ongoing plans to the Management Committee to meet objectives for the year.
- (e) Liaise with BQ Coaching Committee for accreditation and re-accreditation of Level II and Level III Coaches.

The Chairman of the Committee or the Chairman's representative shall attend Management Committee Meetings (as required), Council Meetings and provide a written report on the activities of the Committee.

**(f) DISTRICT COACH (1 male and 1 female) \***

- (a) Guide direct and nurture District Teams, Junior Teams and Development Squads and conduct Coaching Programs for these Teams and Squads
- (b) Prepares a report for Council Meetings and the Annual Report
- (c) The District Coach shall not participate in the District Sides as a player

**(g) JUNIOR BOWLERS COMMITTEE (COMBINED)**

- (a) The registration of all Junior Bowlers with the District Affiliated Clubs.
- (b) Liaison with the State Body in relation to State and Interstate games and the dissemination of information between the State Body and Junior Bowlers in the „CDBA“.
- (c) Liaison with other District Association Liaison Officers in organising Inter-District games.
- (d) The organisation and playing of games between Junior Bowlers at local Club level.
- (e) Select players for Junior competitions and act as the Team Manager for those teams.

The Chairman of the Committee or the Chairman's representative shall attend Management Committee Meetings (as required), Council Meetings and provide a written report on the activities of the Committee.

**(h) PUBLIC RELATIONS/ SPONSORSHIP COMMITTEE**

- (i) The Public Relations/Sponsorship Committee shall consist of up to three (3) members.
  - (a) Cultivate harmonious relations with the community at large,
  - (b) Canvas the support of sponsors for Association competitions as directed by the Management Committee,
  - (c) Organise hospitality arrangements in connection with Association activities,
  - (d) Carry out such other duties as may be referred to it by the Management Committee or Council.
  - (e) Within the first month of appointment, provide ongoing plans to the Management Committee to meet objectives for the year;
  - (f) Liaises with media – print, electronic, radio and TV
  - (g) Liaises with Clubs, other Districts and BQ.

The Chairman of the Committee or the Chairman's representative shall attend Management Committee Meetings (as required), Council Meetings and provide a written report on the activities of the Committee.

**14. PLAYING ELIGIBILITY**

**(a) MEMBERS OF TWO CLUBS OR MORE:**

Members of two or more Clubs must declare at the beginning of the year the Club for which they intend to represent in Club Championships. Members of more than 2 Clubs can play Pennants in accordance with the Bowls Australia “Affiliation, Eligibility To Play & Player Clearance” Policy referred to on page 114 of the Laws of the Sport of Bowls.

**(b) ELIGIBILITY TO PLAY IN DISTRICT EVENTS:**

- (i) In accordance with the Bowls Australia “Affiliation, Eligibility To Play & Player Clearance” Policy referred to on page 114 of the Laws of the Sport of Bowls, a member of

two clubs or more shall "declare" the Club for which the person wishes to be associated for the playing of eligible events by 1 January each year and such declaration shall apply for the ensuing District calendar year.

- (ii) A player may only play in Cunningham District (not including Pennants) and above level events such as Champion of Club Champions, District Championships and such other events as may be so classified by the Management Committee-
  - (a) From their „declared" Club, and
  - (b) Provided that they are a current financial member at all of their Clubs.  
A person who is a fee "Defaulter" or "unfinancial" at any Club will be ineligible to nominate or play in any of the above District events.
- (iii) If a player joins a Cunningham District Club from another District or another Cunningham Club, (whether they have resigned or continue to maintain their membership at that other Club), the player shall generally be permitted to do so provided he/she shall:
  - (1) Firstly obtain a clearance from the original Club. A Club must not unreasonably withhold a clearance sought by a member and which must be made available to the member in a timely manner.
  - (2) participate in identical championship events of more than one State, Territory Authority or District during a 12 month cycle where a cycle shall be described as the financial year of the State or Territories from which the player is transferring from or to.
  - (3) Subject to the Bowls Australia "Affiliation, Eligibility To Play & Player Clearance" Policy referred to on page 114 of the Laws of the Sport of Bowls if the player wishes to represent a Club which is subject to the control of another State or Territory Authority.
- (iv) Any member who contravenes any part of this By-Law shall be disqualified from nominating or playing in any District events for the remainder of that District year and may be fined or suspended as the Management Committee, at its absolute discretion, may determine.

#### **(c) ELIGIBILITY TO BE SELECTED IN DISTRICT TEAMS**

- (i) To be eligible to nominate for and to be selected to play in a District Team/Side, a player must be a financial member (not under suspension or expulsion) at all of their Clubs.
- (ii) In special circumstances with the written approval of the Management Committee, a member of this District may be released to play for another District in the State District Side's competition.

### **15. CLUB MEMBERS**

- (a) Any member who holds membership with two (2) or more Clubs shall pay all affiliation, Capitation Fees and any other levies for each Club of which they are a member.
- (b) Any person who is a member of an affiliated Bowls Club may, on severing their connection, apply for a clearance. (Bowls Queensland form No. 1).
- (c) Any person who is or has been a member of a Club/s shall not be admitted to membership of another Club unless the person lodges with the Secretary of the latter Club seven (7) days prior to the date of election, a clearance from all Club/s of which the player is or was last a member, together with a statement from the Secretary of such Club/s certifying that the player is not under suspension or expulsion. Any Club admitting a member on clearance from outside this Association shall notify the Association of such clearance. A Member shall declare to each club their membership in other clubs.
- (d) Except in special circumstances, persons who are not members of a Club affiliated or provisionally affiliated with the Australian Bowls Council shall not be permitted to play on the greens of any Club affiliated with this Association.
- (e) The Constitution of all Clubs shall contain a clause requiring that all resignations must be received and acknowledged in writing by the Secretary of the Club. No person shall be deemed to have resigned from a Club unless their resignation is in writing and delivered to the Club and until any outstanding discipline or other proceedings being undertaken against the member are concluded.



## **16. ATTIRE**

In all matches under the jurisdiction of the "CDBA" or any of its members, players shall wear attire provided by the District and which shall not be worn at any other time without the consent of the District.

## **17. UNIFORM**

The official District uniform shall be as prescribed by the Management Committee.

## **18. APPEALS AND DISPUTES**

- (a) Appeals and disputes between affiliated Clubs and/or Club members shall be submitted to the District Secretary in writing. The decision of the Management Committee shall be final.
- (b) Any decision made by the Match Committee in relation to the Conditions of Play or a penalty awarded against a player or a Club, where ratified by the Management Committee of the District shall not be the subject of any appeal.
- (c) In the case where 18 (b) does not apply, any appeal shall be lodged in writing with the Secretary of the Association. It will be reviewed by the Management Committee whose decision shall be final.
- (d) Any request for an interpretation of the Bowls Australia Inc. Laws of the Sport of Bowls shall be made in writing to the Secretary of the Association who may submit same to the Umpires Committee for examination and the Committee will report their opinion to the Secretary.

## **19. AFFILIATION**

- (a) Subject to the State Body Constitution and By-Laws, the Council shall have power to vary the terms and conditions of, or to suspend or cancel any affiliation or provisional affiliation granted under the Rules of the Association.
- (b) In accordance with the Constitution Clause 9, applicants for affiliation with the district may consist of Bowls Clubs within the District's defined geographical area and incorporated or otherwise whose membership may consist of men solely, ladies solely or combined men and ladies Bowls Clubs.

## **20. ALTERATION TO BY-LAWS**

Alterations and/or additions to these By-Laws may be made by a simple majority vote of the Management Committee and submitted to Council for approval.

## **21. STANDING COMMITTEES**

No Councillor of this Association may be an elected member of more than two (2) Standing Committees.

## **22. COLOURS**

The colours of the Association shall be Gold and Sky Blue.

## **23. SELECTION POLICY**

The District Management Committee shall determine the Selection Policy and Criteria following consultation with the Selectors and the District Coach. The Selectors shall select teams when required following full consideration of the approved policy and criteria.

The guiding principle in all determinations shall be the advancement of the sport of bowls and the continuous improvement in the standard of performance in all aspects by all players in the District.

Successful results in all competitions are desirable, but of equal importance is the development of the team.

Listed below are some of the items that will be utilized when considering the selection of a prospective team/squad member. The list is not necessarily complete and other aspects may be considered when required. The items are not necessarily listed in order of importance.

### Selection Criteria

- (A) **Compatibility** – Relationship with all other team members must be good.
- (B) **Attitude** – A desire to compete and achieve as a team member. A ready willingness to accept and follow direction from those in authority.
- (C) **Dress Code and Presentation** – To be neat, clean and tidy at all times.
- (D) **Etiquette** – All aspects of etiquette to be adhered to at all times.
- (E) **Commitment** – To be available for all District representation.
- (F) **Behaviour** – Behaviour both on and off the green to be beyond reproach.
- (G) **Ambitions** – To have the desire to continually improve and achieve greater results.
- (H) **Development** – A commitment to attend training sessions as required and to pursue personal training programmes as directed by the District Coach.

Following favourable consideration of the above, consideration will then be given to the **ability, prospects and past performance** of the prospective team member to enable a decision to be made. Performance at all levels will be taken into account.

Any player who feels he/she has missed selection may request a meeting with the Selectors and appeal that decision. Decisions with respect to the holding of any such meeting and hearing of any such appeal shall be made by the Chairman of Selectors and that decision shall be final.

## 24. DISCIPLINARY BY-LAW

In accordance with the constitution of Cunningham District Bowls Association Inc. this By-Law is adopted by the Management Committee (hereinafter referred to as “the Committee”).

This By-Law applies to discipline which is not specifically referred to in the Bowls Queensland Members Protection By-Law.

In this By-law the "Cunningham District Bowls Association Inc" shall be referred to "CDBA".

In this By-Law both Clubs that are affiliated with CDBA and affiliated members of those Clubs shall be referred to as “a” or “the member”.

### 1 ESTABLISHMENT OF DISCIPLINARY PANEL

- 1.1 The Committee may establish a Disciplinary Panel as required to deal with all disciplinary actions against *a member* which come to their notice by any means.

### 2 COMPOSITION OF DISCIPLINARY PANEL

- 2.1 A Disciplinary Panel of up to a maximum of six (6) persons may be appointed by the Committee for the purpose of hearing disciplinary actions and other matters under this By-Law. The Committee shall also appoint a member of the Disciplinary Panel to act as the Chairperson. Three (3) members of the Disciplinary Panel shall normally hear a matter but in an emergency two (2) members of the Disciplinary Panel shall constitute a quorum.
- 2.2 No member of the Committee shall be appointed to the Disciplinary Panel.
- 2.3 A person that has been directly involved in or affected by the matter in dispute, or where a conflict of interest would otherwise arise, shall not be eligible to be a member of the Disciplinary Panel.

## DISCIPLINARY BY-LAW FOR DEALING WITH MEMBERS

### 3 NOTICE OF ALLEGED BREACH

3.1 Where the Committee is advised or considers that *a member* has allegedly:

- (a) intentionally breached, failed, refused or neglected to comply with a provision of the Constitution, By-Laws or any resolution or determination of the Committee or any other duly authorised sub-committee which is not of a trivial nature;
- (b) breached any Code of Conduct;
- (c) acted in a manner prejudicial to the objects and interests of CDBA;
- (d) brought CDBA or the game of Bowls into disrepute;

the Committee shall determine to:

- dismiss the matter; or
- refer the matter to the Disciplinary Panel pursuant to clause 4.

### 4 DISCIPLINARY PANEL PROCESSES RE MEMBERS

4.1 The Committee may refer the matter to a Disciplinary Panel and nominate a Chairperson of the Disciplinary Panel in accordance with Rule 2 of this By-Law.

4.2 The Secretary of CDBA shall, as soon as practicable following the appointment of a Disciplinary Panel, serve on *the member* a notice in writing:

- 4.2.1 setting out the specific details alleged breach by *the member*;
- 4.2.2 setting out the facts and grounds on which the alleged breach is based;
- 4.2.3 stating that *the member* or representative (who must not be a "legal" representative) may address the Disciplinary Panel at a hearing to be held not earlier than 7 days and not later than 14 days after service of the notice (Where a *member* brings a representative the *member* must also appear if a natural person);
- 4.2.4 stating the date, place and time of that hearing;
- 4.2.5 informing *the member* that it may do one or more of the following:
  - 4.2.5.1 attend the hearing;
  - 4.2.5.2 give the Disciplinary Panel, before the date of that hearing, a written statement regarding the alleged breach.
- 4.2.6 informing *the member* that if it does not attend the hearing and/or provide a written statement prior to the hearing, the hearing will proceed and the matter will be determined in its absence.

4.3 Despite Rule 4.2.6 of this By-Law, the hearing may be held at any other time that the Chairperson of the Disciplinary Panel and *the member* agree.

4.4 At a hearing of the Disciplinary Panel, the Disciplinary Panel shall:

- 4.4.1 give *the member* every opportunity to be heard;
- 4.4.2 give other aggrieved parties and any witnesses the right to be heard, present evidence or submit a written statement;
- 4.4.3 give due consideration to any written statement submitted by *the member*;
- and
- 4.4.4 by resolution determine whether the alleged breach occurred.

4.5 CDBA and *the member* shall not be entitled to any representation (legal or otherwise) at the hearing although witnesses for all parties may be heard.

4.6 The Disciplinary Panel shall hear and determine the alleged breach in whatever manner it considers appropriate in the circumstances and shall determine what evidence shall be admissible at the hearing, provided that it does so in accordance with the principles of natural justice.

- 4.7 The Disciplinary Panel will make its decision immediately following the conclusion of the hearing if possible, but otherwise it shall inform *the member* of its decision within seven (7) days of the hearing.
- 4.8 If the Disciplinary Panel considers that the alleged breach did not occur, the matter shall be dismissed.
- 4.9 If the Disciplinary Panel considers that the alleged breach occurred, it may impose any one or more of the penalties set out in Rule 5 of this By-Law.
- 4.10 The Disciplinary Panel shall not be required to but may provide reasons for its decision.
- 4.11 Each party shall be responsible for their own costs associated with the Disciplinary Panel hearing. The Disciplinary Panel has no power to award costs to a party.

## **5 PENALTIES**

- 5.1 If the Disciplinary Panel considers that the alleged breach occurred, the Disciplinary Panel may impose any one or more of the following penalties:
  - 5.1.1 impose a warning;
  - 5.1.2 direct *the member* to make a verbal or written apology;
  - 5.1.3 where there has been damage to property, direct that *the member* pay restitution to the relevant person or organisation that controls or has possession of the damaged property;
  - 5.1.4 withdrawal of any awards, placings, records or achievements bestowed upon *the member* in any tournaments, activities or events held or sanctioned by CDBA;
  - 5.1.5 direct that any rights, privileges and benefits provided to *the member* by CDBA be suspended for a specified period and/or terminated;
  - 5.1.6 reprimand *the member*;
  - 5.1.7 suspend *the member* from membership or affiliation to CDBA for a specified period;
  - 5.1.8 expel *the member* from membership or affiliation to CDBA;
  - 5.1.9 impose a suspended penalty;
  - 5.1.10 any other such penalty that the Disciplinary Panel considers appropriate.

## **6 APPEALS**

- 6.1 There shall be a right of appeal from the decision of the Disciplinary Panel to an Appeals Tribunal.
- 6.2 An appellant must seek leave to appeal against the decision of the Disciplinary Panel by applying to The Committee with reasons for the appeal within seven days of written receipt of the decision of the Disciplinary Panel. Such application for leave to appeal shall be lodged together with an appeal fee of \$250.00 which is refundable only in the event that any appeal by *the member* is upheld. The Committee shall make a decision on whether it grants leave to appeal at the next Committee meeting after the application for leave is made.
- 6.3 If the above leave is approved The Committee shall appoint an Appeal Tribunal of three (3) persons to hear the appeal with any such hearing to be held within 7 days of such appointment being made but no later than 14 days. Any decision of the Appeal tribunal to uphold, overturn or alter a decision of the Disciplinary Panel shall be advised immediately following the hearing if possible but no later than 7 days. All decisions of the Appeal Tribunal are final and not subject to further appeal.

## **STANDING ORDERS**

1. Except as extended by the meeting by simple majority:-
  - (a) the Mover of a proposition may speak on the proposition for not more than ten minutes;
  - (b) subsequent speakers may speak on the proposition for not more than five minutes;
  - (c) the Mover of the proposition may speak in reply for not more than five minutes.
2. Whenever an amendment is proposed to an original proposition, a second or subsequent amendment shall not be taken into consideration until the first amendment is disposed of.
3. If an amendment to a proposition is carried, the amended proposition shall displace the original proposition and become itself the proposition to which any further amendments may be moved;
4. Not more than one amendment to a proposition shall be submitted to the meeting for discussion at the one time;
5. Each proposition shall be put by the Chairman after the Proposer has had the right of reply;
6. A person other than a Proposer shall not, except with the permission of the Chairman or where the attention of the Chairman is called to a point of order, speak more than once on one proposition or proposed amendment to a proposition;
7. Propositions and amendments shall be submitted in writing when requested by the Chairman;
8. Any discussion may be closed by a resolution that „the question be now put“ and the resolution will then be put to the meeting without further debate;
9. Any member dissatisfied with the Chairman's ruling on any matter may move a motion that the Chairman's ruling is dissented from, in which case .....
  - (a) The mover shall be permitted to speak for not more than five minutes;
  - (b) The Chairman shall in not more than five minutes state the reasons for his ruling;
  - (c) The motion shall thereupon be put in the affirmative by the Vice Chairman if available, or a person (other than the Chairman) elected by the members to act temporarily as Chairman;
  - (d) The meeting shall decide by simple majority; and
  - (e) The decision of the meeting shall be final.
10. Except where six months has elapsed since a motion was adopted -
  - (a) A notice of motion to alter or rescind a previously adopted motion, or a notice of motion that has the same effect as a motion that has been negated by the Council, shall not be accepted;
  - (b) Where a motion to rescind or to alter a motion has been negated or when a motion which has the same effect as a previously negated motion is negated, no similar motion shall be accepted and the effect of this provision shall not be evaded by a substitution of words.