

Cunningham District Bowls Association Inc.

CONSTITUTION

Cunningham District Bowls Association Inc.
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Cunningham District Bowls Association Inc.

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SECTION A – THE ASSOCIATION

1 DEFINITIONS

- i. "Affiliated Club" and "Bowls Club" and "Club" means any combined or single gender bowls Section or Division that is affiliated with Bowls Queensland and has been accepted as a Member of the CDBA.
- ii. "Affiliation Fee" means the annual fee payable by an affiliated Club under Rule 46(b).
- iii. "Annual General Meeting" means the Annual General meeting of the Association.
- iv. "Association" means the Cunningham District Bowls Association Inc.
- v. "BA" means Bowls Australia Ltd.
- vi. "BQ" means Bowls Queensland Ltd.
- vii. "By Laws" means the subsidiary set of rules of the CDBA as set by the Management Committee and ratified by Council in force for the time being.
- viii. "Calendar Year" means the twelve (12) month period commencing on the first (1st) January and concluding on the thirty-first (31st) December each year..
- ix. "CDBA" means the Cunningham District Bowls Association Inc
- x. "Constitution" means the rules of the CDBA in force for the time being.
- xi. "Councillor" means any financial member of an affiliated Club elected by their Club to represent that Club at Council Meetings of the Association, and shall include any alternate Club Member.
- xii. "Financial Year" means the twelve (12) months period commencing on the first of January each year and ending on the thirty first of December following
- xiii. "General Meeting" includes, Annual General Meeting, General Meetings and Special General Meetings. These may also be referred to as Council Meetings or meetings of Council.
- xiv. "Junior Bowler" means a person up to 18 years of age who is a member of a CDBA Affiliated Club.
- xv. "Laws of the Game" means the 'Laws of the Sport of Bowls' as amended from time to time.
- xvi. "Management Committee" means the members for the time being of the management committee of the CDBA as constituted in accordance with these rules and by-laws and is the controlling body of the Association subject only to any direction of Council at a general meeting.
- xvii. "Member of a Club" , "Club Member" , "Person" and "Bowler" 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, BQ and BA.
- xviii. "Member" means any Club which is an "Affiliated Club" that has been accepted as a member of the CDBA.
- xix. "Month" means calendar month.
- xx. "Seal" means the common seal of the Association.
- xxi. "WB" means World Bowls.

2 INTERPRETATION

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

3 NAME

The name of the incorporated association is Cunningham District Bowls Association Inc. (CDBA).

4 OBJECTS OF THE ASSOCIATION

The objects of the association are-

- a) To advance and promote the Game of Bowls.
- b) To promote and develop activities that is from time to time deemed appropriate to provide good fellowship between members of the clubs within the CDBA and Bowls Queensland.
- c) To promote and enhance the game of bowls in the local community

5 POWERS OF THE ASSOCIATION

1. The Association has the powers of an individual.
2. The Association may, for example—
 - a) enter into contracts; and
 - b) acquire, hold, deal with and dispose of property; and
 - c) make charges for services and facilities it supplies; and
 - d) do other things necessary or convenient to be done in carrying out its affairs.
 - e) 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;
 - f) To appoint, employ, remove or suspend managers, clerks, secretaries, servants, workmen and other persons as may be necessary or convenient for the purposes of the Association.
 - g) Pay “honorariums”.
 - h) 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;
 - i) 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
 - j) 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;
 - k) 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;
 - l) 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;
 - m) 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;

- n) To make donations for patriotic, charitable or community purposes;
- o) 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;

1. The Association specifically has power to:

- a) select and control teams or sides to represent the CDBA;
- b) settle all questions or disputes on all matters pertaining to the sport of Bowls within the CDBA which are submitted to the CDBA for its adjudication;
- c) approve and/or design the attire and/or uniform to be worn by all players, markers, umpires and officials of the CDBA Members and Affiliated Clubs;
- d) represent the interests of its Members, bowlers and bowls generally in any appropriate forum;
- e) do all acts and things and enter into and make any arrangements as are incidental, conducive or subsidiary to the advancement of these objects and solely for the above purposes, to do anything allowed by the operation of the Act.

4 The Association may, in any manner permitted by the Act, exercise any power, take any action or engage in any conduct or procedure, if authorised by its Constitution.

6 MEMBERS OF THE ASSOCIATION

1. The Members of Cunningham District Bowls Association are:

- a) Bowls Clubs affiliated with the CDBA which, subject to this Constitution, shall be represented by their Delegate/s who will have the right to be present, debate and exercise voting rights at General Meetings;
- b) CDBA Life Members who, subject to this Constitution, will have the right to be present and speak at General Meetings, but will have no voting rights

2. All Members must be financial with (i.e. pay affiliation fees to) the CDBA, Bowls Queensland and Bowls Australia.

7 BOWLS QUEENSLAND

- (1) 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.
- (2) 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) councilor elected by the members of the affiliated Club at a general meeting of that Club.
- (3) The CDBA shall elect/appoint delegates to Bowls Queensland at its Annual General or a Special General Meeting as its representative on the Council.
- (4) The Association shall provide advice to Bowls Queensland within thirty (30) days of any changes or amendments to the District Bowls Association constitution.
- (5) 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 Bowls Queensland or Bowls Australia.

- (6) 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.
- (7) Be prepared to support and promote the welfare of BQ and the Game of Bowls.

8 TERMINATION OF MEMBERSHIP

- (1) The management committee may terminate a member's membership if the member:
 - (a) does not comply with any of the provisions of these rules; or
 - (b) has membership fees in arrears for at least thirty-one(31) days will be deemed unfinancial; or
 - (c) conducts itself in a way considered to be injurious or prejudicial to the character or interests of the association.
- (2) Before the management committee terminates a member's membership, the committee must give the member a full and fair opportunity to show why the membership should not be terminated. If, after considering all representations made by the member, the management committee decides to terminate the membership, the secretary of the committee must give the member a written notice of the decision.

9 RESPONSIBILITY FOR OUTSTANDING MONIES

- (1) No termination of membership shall relieve any member club from the payment of any subscription, levy fine or other money due or payable by them at the time of termination.
- (2) The termination of any member shall involve automatic forfeiture of all rights and privileges in respect to all association matters.

10 REGISTER OF MEMBERS

- (1) The management committee must keep a register of members (Clubs) of the Association.
- (2) The register must include the following particulars for each member:
 - (a) the full name of the club;
 - (b) the postal and physical address of the club;
 - (c) the date of admission as a club;
 - (d) the date of cessation of the member club;
 - (e) details about the termination or reinstatement of membership; and
 - (f) details of the Club's President, Secretary and Councillor, and
 - (g) any other particulars that the Management Committee or the members at a General Meeting decide.
- (3) A member club's secretary must contact the association's secretary to arrange an inspection of the register.
- (4) However, the management committee may, on the application of a member of the association, withhold information about the member (other than the members full

name) from the register available for inspection if the management committee has reasonable grounds for believing the disclosure of the information would put the member at risk of harm.

11 PROHIBITION ON USE OF INFORMATION ON REGISTER OF MEMBERS

- (1) A Member of the Association or a Club Member must not:
- (a) use information obtained from the register of members of the association to contact, or send material to, another member of the association for the purpose of advertising for political, religious, charitable or commercial purposes; or
 - (b) disclose information obtained from the register to someone else, knowing that the information is likely to be used to contact, or send material to, another member of the association for the purpose of advertising for political, religious, charitable or commercial purposes.
- (2) Sub-rule (1) does not apply if the use or disclosure of the information is approved by the Association.

SECTION C – GOVERNANCE OF THE CDBA

12 GENERAL MEETINGS

(1) Annual General Meetings

Each annual general meeting must be held:

- (a) at least once each year; and
- (b) within 3 months after the end date of the association's reportable financial year.

(2) Business of Annual General Meeting

The business of the Annual General Meeting shall include:

- (a) Minutes of previous meeting, presentation, consideration and adoption of the Annual Report of the Council including the Financial Report and Balance Sheets accompanied by the Auditor's Report;
- (b) Election of the Management Committee of the Association;
- (c) Appointment of a Patron; (Optional).
- (d) Election or nomination of a Delegate/s to BQ.
- (e) To appoint an Auditor
- (f) Election of Life Members of the Association

(3) Business of General Meeting

- (a) The confirmation of minutes of business arising from the previous General Meeting
- (b) Dealing with Notices of Motion
- (c) Committee Reports
- (d) General Business

13 NOTICES OF MOTION

The Secretary shall receive notices of Motion to be included on the agenda of the Annual General Meeting or any General Meeting at least twenty-eight (28) days prior to the meeting at which they will be discussed.

14 NOTICE OF GENERAL MEETING

- (1) The secretary may call a general meeting of the association.
- (2) The secretary must give at least fourteen (14) days notice of the meeting.
- (3) If the secretary is unable or unwilling to call the meeting, the chairperson must call the meeting.
- (4) The management committee may decide the way in which the notice must be given.
- (5) However, notice of the following meetings must be given in writing:
 - (a) a meeting called to hear and decide the appeal of a Member against the management committee's decision to terminate the Member's membership of the association;
 - (b) a meeting called to hear and decide a proposed special resolution of the association.
- (6) A notice of a general meeting must state the business to be conducted at the meeting.

15 QUORUM FOR AND ADJOURNMENT OF GENERAL MEETING

- (1) The quorum for a general meeting is at least the number of persons elected or appointed to the management committee at the close of the association's last general meeting, plus one (1).
- (2) No business may be conducted at a general meeting unless there is a quorum of members when the meeting proceeds to business
- (3) If there is no quorum within 30 minutes after the time fixed for a general meeting called on the request of members of the management committee or the club, the meeting lapses.
- (4) If there is no quorum within 30 minutes after the time fixed for a general meeting called:
 - (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.
- (5) The chairperson 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.
- (6) 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.
- (7) 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 31 days.

- (8) If a meeting is adjourned for at least 31 days, notice of the adjourned meeting must be given in the same way notice is given for an original meeting.

16 PROCEDURE AT GENERAL MEETING

- (1) At each general meeting:
- (a) the association's President is to preside as chairperson;
 - (b) in the absence of the President, the Vice President shall preside or if the President or Vice President is not present within 10 minutes after the time appointed for the holding of the meeting or is unwilling to act, the Members present shall elect one of their number to be Chairperson of the meeting
 - (c) the chairperson must conduct the meeting in a proper and orderly way.

17 VOTING AT GENERAL MEETING

- (1) At a general meeting, each question, matter or resolution, other than a special resolution, must be decided by a majority of votes of the member councillors and management committee members present.
- (2) Each councillor and management committee member present is eligible to vote and is entitled to one (1) vote only and, if the votes are equal, the chairperson has a casting vote as well as a primary vote.
- (3) A councillor is not entitled to vote at a general meeting if the member's annual subscription is in arrears at the date of the meeting.
- (4) The method of voting is to be decided by the management committee.
- (5) However, if at least 20% of the councillors present demand a secret ballot, voting must be by secret ballot.
- (6) If a secret ballot is held, the chairperson must appoint 2 members of a club to conduct the secret ballot in the way the chairperson decides.
- (7) The result of a secret ballot as declared by the chairperson is taken to be a resolution of the meeting at which the ballot was held.

18 SPECIAL GENERAL MEETING

- (1) The secretary must call a special general meeting by giving each member of the association notice of the meeting within fourteen (14) days after:
- (a) being directed to call the meeting by the management committee; or
 - (b) be given a written request signed by:
 - (i) a majority of members of the management committee when the request is signed; or
 - (ii) at least the number of ordinary members of the association equal to double the number of members of the association on the management committee when the request is signed plus one (1); or

- (c) being given a written notice of an intention to appeal against the decision of the management committee to terminate a club's membership.
- (2) A request mentioned in sub-rule (1)(b) must state
 - (a) why the special general meeting is being called; and
 - (c) the business to be conducted at the meeting.
- (3) A special general meeting must be held within forty-five (45) calendar 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)(b); or
 - (c) is given the written notice of an intention to appeal mentioned in sub-rule (1)(c).
- (4) If the secretary is unable or unwilling to call the special meeting, the chairperson must call the meeting.

19 SPECIAL RESOLUTIONS

Special resolutions are required to change the legal status of the Association, including changing the name, adding, removing or changing rules (alterations to the Constitution) or bringing the association to an end. Special Resolutions shall be resolved by the affirmative vote of at least three-quarters of the Members present at the meeting and entitled to vote.

20 MINUTES OF GENERAL MEETINGS

- (1) 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.
- (2) To ensure the accuracy of the minutes:
 - (a) the minutes of each general meeting must be signed by the chairperson of the meeting, or the chairperson of the next general meeting, verifying their accuracy; and
 - (b) the minutes of each annual general meeting must be signed by the chairperson of the meeting, or the chairperson of the next meeting of the Association that is a general meeting or annual general meeting, verifying their accuracy.
- (3) If asked by the secretary of a member of the Association, the secretary must, within 28 days after the request is made:
 - (a) make the minute book for a particular general meeting available for inspection by the member at a mutually agreed time and place; and
 - (b) give the member a copy of the minutes of the meeting.
- (4) The association may require the member to pay the reasonable costs of providing copies of the minutes.

SECTION D – MANAGEMENT OF THE ASSOCIATION

21 THE MANAGEMENT COMMITTEE

- (1) The business and operations of the Association shall be controlled by a Management Committee comprising the following:

President, Vice President, Secretary, Treasurer, and three (3) ordinary Members all of whom shall be financial and declared members of a Club affiliated with the Association.

- (2) The position of Secretary and Treasurer may be combined. Should this occur then there may be four (4) ordinary Members all of whom shall be financial and declared members of a Club affiliated with the Association.
- (3) All offices shall be honorary and elective. Every financial Ordinary and Life Member of a CDBA member club shall be eligible to hold any office.

22 THE MANAGEMENT COMMITTEE TO BE ELECTED ANNUALLY

Save as otherwise provided in this Constitution, and subject thereto, each Member of the Management committee shall be elected at the Annual General Meeting of the Association and shall hold office from the conclusion of the election at which they were elected until the conclusion of the election held at the next ensuing Annual General Meeting of the Association, but shall be eligible for re-election. A contested election for any position shall be resolved by ballot in accordance with the By-laws.

23 ELECTION OF THE MANAGEMENT COMMITTEE

- (1) A member of the management committee may only be elected as follows:
- (a) any 2 club members of the association may nominate any other club member (the ***candidate***) to serve as a member of the management committee subject to sub-rule (2);
 - (b) the nomination must be:
 - (i) in writing; and
 - (ii) signed by the candidate and the club members who nominated the candidate; and
 - (iii) given to the secretary at least 21 days before the annual general meeting at which the election is to be held;
 - (c) each Councillor of a member club present and eligible to vote at the annual general meeting may vote for 1 candidate for each vacant position on the management committee;
 - (d) if, at the start of the meeting, there are not enough candidates nominated, nominations may be taken from the floor of the meeting.
 - (e) Any vacancy of the Management Committee continuing to remain at the conclusion of the general meeting may be filled by the Management Committee.

- (2) A person may be a candidate only if the person:
 - (a) is an adult;
 - (b) is a financial and declared member of a CDBA affiliated Club and
 - (c) is not under suspension or expulsion
- (3) A list of the candidate's names in alphabetical order, with the names of the members who nominated each candidate, must be forwarded to all member clubs at least fourteen (14) working days before the meeting
- (4) Balloting lists must be prepared containing the names of the candidates in alphabetical order.

24 RESIGNATION, REMOVAL OR VACATION OF OFFICE OF MANAGEMENT COMMITTEE MEMBER

- (1) A member of the management committee may resign from the committee by giving written notice of resignation to the secretary.
- (2) 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.
- (3) A person may be removed from office at a general meeting of the association if:
 - (a) A notice of Motion has been placed according to section 13 above, and
 - (b) A majority of the members present and eligible to vote at the meeting vote in favour of removing the person.
- (4) Before a vote of members is taken about removing the member from office, the member must be given a full and fair opportunity to show cause why he or she should not be removed from office.
- (5) A person has no right of appeal against the member's removal from office under this rule.
- (6) A person immediately vacates the office of member in the circumstances mentioned in section 64(2) of the Act.

25 THE MANAGEMENT COMMITTEE TO FILL VACANCIES

- (1) The Management Committee (or the remaining Member or Members of the Management Committee) shall have power at any time to appoint any properly qualified person to fill any vacancy on the Management Committee until the next Annual General Meeting.
- (2) The continuing Member or Members of the Management Committee may act notwithstanding any vacancy in the Management Committee, but if and so long as their number is not reduced below the number fixed by or pursuant to this Constitution as the necessary quorum of the Management Committee, the continuing Member or Members may act for the purpose of increasing the number of Members of the Management Committee to that number prescribed as a quorum or for summoning a General Meeting of the Association, but for no other purpose

- (3) Provided however that in the event of a vacancy occurring in the office of President between Annual General Meetings the office shall only be filled by Members of the Association present and entitled to vote at a Special General Meeting called for that purpose.

26 FUNCTIONS OF THE MANAGEMENT COMMITTEE

- (1) Subject to these rules or a resolution of the members of the association carried at a general meeting, the management committee has the general control and management of the administration of the affairs, property and funds of the association.
- (2) The management committee has authority to interpret the meaning of these rules and any matter relating to the association on which the rules are silent, but any interpretation must have regard to the Act, including any regulation made under the Act.
- (3) The management committee may exercise the powers of the association to
 - (a) To invest in such manner as the Members of the Association may from time to time determine.
 - (b) To control its membership, finances, meetings and program.
 - (c) To transact and authorise expenditure, provided that the Management committee is not empowered to authorise any single item of expenditure in excess of \$10,000.00 without prior approval of a General Meeting of the Association.
- (4) To appoint committees.
- (5) To call General Meetings of Members.
- (6) To arrange meetings of the Management committee.
- (7) To charge fees.
- (8) To make, vary and revoke By-laws from time to time but not inconsistent with these rules. Until varied or revoked, the By-Laws attached to this constitution will be the By Laws of the Association.
- (9) To appoint assistants to Members of the Management Committee, such assistants not being able to exercise any power unless they have otherwise been elected on to the Management Committee by the Association.
- (10) To do anything required or permitted under this constitution, the By-Laws or any law.
- (11) To otherwise act in the interest of Members.

27 MEETINGS OF MANAGEMENT COMMITTEE

- (1) Subject to this rule, the management committee may meet and conduct its proceedings as it considers appropriate.

- (2) The management committee must meet at least once every two months to exercise its functions.
- (3) The management committee must decide how a meeting is to be called.
- (4) Notice of a meeting is to be given in the way decided by the management committee.
- (5) The management committee may hold meetings, or permit a committee member to take part in its meetings, by using any technology that reasonably allows the member to hear and take part in discussions as they happen.
- (6) A committee member who participates in the meeting as mentioned in sub-rule (5) is taken to be present at the meeting.
- (7) A question arising at a management 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.
- (8) 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 members vote must not be counted.
- (9) The association's president is to preside as chairperson at a management committee meeting.
- (10) In the absence of the President, the Vice-President shall preside or if the President or the Vice-President is not present within 10 minutes after the time appointed for the holding of the meeting or is unwilling to act, the Members present shall elect one of their number to be Chairperson of the meeting.

28 QUORUM FOR, AND ADJOURNMENT OF, MANAGEMENT COMMITTEE MEETING

- (1) Fifty per cent (50%) of the management committee plus one (1) will constitute a quorum for a Management Committee meeting.
- (2) If there is no quorum within thirty (30) minutes after the time fixed for a management committee meeting called on the request of members of the committee, the meeting lapses.
- (3) If there is no quorum within thirty (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 one (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.
- (4) If, at an adjourned meeting mentioned in sub-rule (3), there is no quorum within thirty (30) minutes after the time fixed for the meeting, the meeting lapses.

29 SPECIAL MEETING OF MANAGEMENT COMMITTEE

- (1) If the secretary receives a written request signed by at least three (3) members of the management committee, the secretary must call a special meeting of the management committee by giving each member of the management committee notice of the meeting within 14 days after the secretary receives the request.
- (2) If the secretary is unable or unwilling to call the special meeting, the chairperson must call the meeting.
- (3) 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.
- (4) 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.
- (5) 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.

30 MINUTES OF MANAGEMENT COMMITTEE MEETINGS

- (1) 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.
- (2) 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.

31 SUB- COMMITTEES

- (1) The Management Committee may, as required, establish any standing Committees or other Committees from time to time. All such committees will be Sub-Committees of the Management Committee.

32 MEMBERSHIP OF SUB- COMMITTEES

- (1) Each Sub-Committee will comprise of such persons as appointed by the Management Committee.
- (2) The President shall be an ex officio member of all appointed Sub-Committees.
- (3) If a casual vacancy occurs in a Sub-Committee the Management Committee shall approve the appointment of a suitable person to fill the vacancy.

33 DUTIES AND QUALIFICATIONS OF SUB-COMMITTEES/SUB-COMMITTEE MEMBERS

The duties and qualifications of Sub-Committees/committee members shall be set out in the By-Laws.

34 DISMISSAL OF SUB-COMMITTEE MEMBERS

- (1) The Management Committee may dismiss a Management Committee appointed sub-committee member:
 - (a) if the sub-committee member has failed to properly discharge their duties in accordance with the Constitution or By-Laws;
 - (b) if the sub-committee member is guilty of misconduct or action detrimental to CDBA or the sport of bowls; or
 - (c) on the written recommendation of the Sub-Committee Chairperson if, in the opinion of the Management Committee, the recommendation was made for sufficient reason.
- (2) A Sub-Committee member under consideration by the Management Committee for dismissal has the right to be personally present or present a submission in writing to the Management Committee prior to the Management Committee making its decision.

35 PROCEEDINGS OF SUB-COMMITTEES

- (1) Except as otherwise provided by this Constitution a Sub-Committee shall have control over its own proceedings.
- (2) Where a Sub-Committee meeting is held if the Chairperson is not present within ten (10) minutes after the time appointed for the holding of the meeting or is unwilling to act, the Sub-Committee members present may elect one of their number to be Chairperson of the meeting.
- (3) Sub-Committees shall meet as required.

36 QUORUM OF SUB-COMMITTEE

- (1) No business shall be transacted at any Sub-Committee meeting unless a quorum is present at the time when the meeting proceeds to business.
- (2) A quorum for any Sub-Committee meeting shall be constituted when the Sub-Committee members present represent a majority of the Sub-Committee membership.
- (3) A quorum is not present within thirty (30) minutes of the time appointed for the meeting then the meeting will be rescheduled.

37 VOTING AT SUB-COMMITTEE MEETINGS

- (1) Questions arising at a meeting of a Sub-Committee shall be determined by a majority of votes of the members present and voting.
- (2) In the case of an equality of votes, the Chairperson, in addition to his/her deliberative vote, has a casting vote.

38 ACTS NOT AFFECTED BY DEFECTS OR DISQUALIFICATIONS

- (1) An act performed by the management committee, a sub-committee or a person acting as a member of the management committee is taken to have been validly performed.
- (2) Sub-rule (1) applies even if the act was performed when:
 - (a) there was a defect in the appointment of a member of the management committee, sub-committee or person acting as a member of the management committee; or
 - (b) a management committee member, sub-committee member or person acting as a member of the management committee was disqualified from being a member.

39 RESOLUTIONS OF MANAGEMENT COMMITTEE WITHOUT MEETING

- (1) A written resolution signed by each member of the management committee is as valid and effectual as if it had been passed at a committee meeting that was properly called and held.
- (2) A resolution mentioned in sub-rule (1) may consist of several documents in like form, each signed by one or more members of the committee.

40 BY LAWS

- (1) The Management Committee may make, amend or repeal by-laws, but such changes must be consistent with these rules.
- (2) The By Laws for the time being in force shall be binding on Members and Affiliated Clubs as if they formed part of this Constitution and shall have full effect accordingly.
- (3) A by-law may be set aside by a vote of members at a general meeting of the association.

41 COMMON SEAL

- (1) The management committee must ensure the association has a common seal.
- (2) The common seal must be:
 - (a) kept securely by the management committee; and
 - (b) used only under the authority of the management committee.
- (3) 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 authorised by the management committee.

42 ALTERATIONS TO THIS CONSTITUTION

- (1) Subject to the provisions of the Associations Incorporation Act, 1981 (as amended), these Rules may be amended, rescinded, or added to from time to time by a special resolution carried at any general meeting.
- (2) However, an amendment, repeal or addition, is valid only if it is registered by the Chief Executive.
- (3) The Association shall provide advice to B.Q. within thirty (30) days of any changes or amendments to the Constitution.

43 VALIDITY OF ACTIONS

All acts done by any meeting of the Management committee, or of a sub-committee, or by any person acting as a Member of the Management committee shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment of any such Member of the Management committee, or person acting as aforesaid, or that the Members of the Management committee, or any of them were disqualified, be as valid if every such person had been duly appointed and was qualified to be a Member of the Management committee.

44 INDEMNITY OF MEMBERS

In the event of any proceedings being taken against a person or persons of the Association 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 person/s, 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 compelled to pay in the course or as a result of such proceedings.

45 FINANCE

(a) Financial Year

The Financial Year of the Association shall end on the thirty-first of December each year.

(b) Affiliation Fees

- (1) Affiliation fees shall be payable by all Member Clubs based on the BQ and BA charging models.
- (2) Such Fees shall be determined at a General Meeting of Council and shall continue in force until altered at a subsequent General Meeting. When so determined affiliation fees shall be applicable from the first day of the commencement of the new financial year and shall apply for that financial year. The due date of the fees will be determined by the Management Committee.
- (3) Such Fees shall be payable on or before the due date.

- (4) The fees, as fixed, shall be payable by new Members joining the association. Any person taking up club membership subsequent to the commencement of the financial year shall pay their affiliation and capitation fees where applicable.
- (5) If a Member fails to pay their fees by the due date they shall be deemed to be in arrears. If the invoice remains unpaid thirty-one (31) days after the due date then the Member shall be deemed to be unfinancial.

(c) Bowls Events and Other Fees

- (1) The Management Committee shall have power to set green fees and nomination fees to be charged for CDBA Competitions. These fees are payable by the Member, or by an individual Bowler if nominating an event.
- (2) Generally payment of fees on nomination to the event is required. In the instance that the CDBA forwards an invoice for fees or any other service provided then those monies are payable by the due date stated on the invoice. If the invoice remains unpaid thirty-one (31) days after the due date, then the member and/or bowler will be deemed unfinancial.

(d) Special Levies

- (1) The CDBA may at any time strike a Special Levy on all Members at an Annual or Special General Meeting of the Association, of which prior notice of at least fourteen (14) days has been given by the Management Committee.
- (2) The levy shall only be payable to the CDBA if it has been passed majority of the Members present and entitled to vote at that meeting.
- (3) Each Member shall be advised in writing of any levy struck as aforesaid. If a Member fails to pay the levy within one thirty-one (31) days of the day following the posting of the written advice, they shall be deemed unfinancial.

(e) Unfinancial Members

- (1) A member becomes unfinancial when any invoice forwarded by the Association remains unpaid after thirty-one (31) days of the due date of that invoice.
- (2) Any member who becomes unfinancial shall forthwith be deprived of all privileges of membership of the Association, including:
 - (a) The right of any person who is a "declared" member of that Member Club's to hold office
 - (b) The right of any person who is a "declared" member of that Member Club's to speak or vote at any meetings of the Management committee or at any General Meeting of the Association.
 - (c) The right of any person who is a "declared" member of that Member Club's to nominate any person for office or be nominated for office in the Association
 - (d) The right of any person who is a "declared" member of that Member Club's to enter for and play in Association matches, events or social play.
- (3) All privileges shall be restored to a previously unfinancial Member upon the payment of all subscriptions, levies, fees fines and monies due to the Association.
- (4) The above conditions apply to an individual Bowler who fails to pay applicable fees.

46 GENERAL FINANCIAL MATTERS

(1) Funds And Accounts

- (a) 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.
 - (b) Records and accounts must be kept in the English language showing full and accurate particulars of the financial affairs of the Association.
 - (c) All amounts must be deposited in the financial institution account as soon as practicable after receipt.
 - (d) A payment by the Association must be made by cheque, debit/credit card or electronic funds transfer.
 - (e) If a payment that 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.
 - (f) However, one (1) of the persons who signs the cheque must be the President, the Secretary or the Treasurer.
 - (g) Cheques, other than cheques for wages, allowances or petty cash recoupment, must be crossed not negotiable.
 - (h) 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.
 - (i) All expenditure must be approved or ratified at a Management Committee meeting.
- (2) A detailed financial report, as well as monthly bank statements, shall be presented to each regular Management Committee meeting
 - (3) As soon as practicable after the end of each financial year the Treasurer shall prepare a statement containing particulars of the income and expenditure for the financial year just ended for presentation to the Association, and for incorporation into the accounts of the Association,.
 - (4) All such statements shall be examined by the Auditor, who shall present a report upon such audit to the Secretary prior to the holding of the Annual General Meeting next following the financial year in respect of which the audit was made.

47 DOCUMENTS

The Management Committee shall provide for the safe custody of records, books, documents, instrument of title and securities of the Association.

48 DISCIPLINARY PROVISIONS

- (1) Any member of a bowls club affiliated with the CDBA who fails to observe any rules or by-laws of the association or who is deemed guilty of an act, practice or conduct which brings discredit on the game of bowls, the CDBA or BQ or its members, renders themselves liable to expulsion or suspension
- (2) All discipline and complaint related procedures be governed by the Bowls Queensland Member Protection Policy.
- (3) Any member of the club who is suspended, or expelled, shall be ineligible to:
 - (a) play bowls in any club, district, state or national event; and
 - (b) play bowls at any affiliated club, during the period of suspension, or expulsion, as the case may be, and
 - (c) hold office or act as a delegate at club, district, state or national level.
- (4) In the case of a junior member being called before the management committee on a charge or complaint such member shall be entitled to be accompanied by a parent or guardian.
- (5) Pending determination of any appeal (as per the current Member Protection Policy) the appellants must be allowed all membership privileges.

49 PLAYER COMMITMENTS

- (1) When a member of the club has been called to fulfil a BA, BQ, DBA or Club commitment in a match or on official business, on any day on which they have been drawn to play in a BA, BQ, DBA or club commitment, the onus shall be on the player to notify BA, BQ, the DBA or Club, as the case may be.
- (2) Provisions consistent with this clause shall be deemed to be a condition of competitions conducted by the CDBA.

50 DISTRIBUTION OF SURPLUS ASSETS TO ANOTHER ENTITY

- (1) This rule applies if the association—
 - (a) is wound-up under part 10 of the Act; and
 - (b) has surplus assets.
- (2) The surplus assets must not be distributed among the members of the association.

- (3) The surplus assets must be given to another entity—
 - (a) having objects similar to the association's objects; and
 - (b) the rules of which prohibit the distribution of the entity's income and assets to its members.
- (4) In this rule— **surplus assets** see section 92(3) of the Act.

51 EXCLUSION FROM ASSOCIATIONS INCORPORATION ACT

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

52 ACTIVITIES TO BE LAWFUL

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