

**This is the annexure marked "A" referred to in the statutory declaration of:**

Name of public officer      JOAN GARNER

Made on (date)                25<sup>TH</sup> NOVEMBER 2024

Before me

*J Garner*

(signature of witness on statutory declaration)

## **Constitution of Bowls NT Incorporated**

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## Part 1 – Preliminary

### 1. Name

The name of the incorporated association is Bowls NT Incorporated ("the Association").

### 2. Objects and purposes

The Association is the Peak Body for the administration for the sport of bowls in the Northern Territory.

The objects and purposes of the Association are as follows:

- a) act as the Australian affiliated member of World Bowls Limited (WBL) in accordance with the Statutes and Regulations;
- b) encourage, promote, advance and administer all levels of Bowls in Australia interdependently with members and others;
- c) adopt, formulate, issue, interpret and amend clauses, regulations and policies for the control and conduct of Bowls in Australia;
- d) encourage the provision and development of appropriate facilities for participation in Bowls;
- e) maintain and enhance standards, quality and reputation of Bowls for the collective and mutual benefit and interests of members and Bowls;
- f) promote the sport of Bowls for commercial, government and public recognition and benefits;
- g) be the only body entitled to prepare, enter or endorse Australian teams in international Bowls competitions conducted under the auspices of WBL;
- h) promote, manage and conduct Bowls events, competitions and championships; and
- i) undertake other actions or activities necessary, incidental or conducive to advance these objects.

### 3. Minimum number of members

The Association must have at least five (5) members.

### 4. Definitions

In this Constitution, unless the contrary intention appears:

**Act** means the *Associations Act* and regulations made under that Act.

**Annual Membership Fee** means the Capitation Fee paid by each member as set by the Bowls NT Board, which includes the subscription payable to Bowls Australia.

**Board** means the Management Committee of the Association.

**Bowls Australia** means Bowls Australia Limited.

**Bowling Member** means a member of the member who pays the annual playing subscription of the member or is a Life Member of such member, and for whom the member has paid the necessary fees to the Association.

**Day** means working day.

**Delegate** means a Bowling Member appointed from time to time to act for and on behalf of a member.

**financial institution** means an ADI.

**general meeting** means a general meeting of members convened in accordance with clause 45.

**green ready** means a Bowls Club properly constituted, having access to a Club house and having a Bowling green OR access to a Bowling green and plans in place to obtain a Bowling green within a two-year period all of which must have been approved as complaint by Bowls NT.

**member** means a member of the Association being a bowls club properly constituted of seven (7) or more full members having a clubhouse, or access to a clubhouse, and a green ready for play, which has been laid down in conformity with the laws of the game.

**Member State** means a legal entity representing a State / or Territory admitted to Bowls Australia as a Member State / or Territory under the Bowls Australia Limited (ACN: 076 229 699) Constitution as amended from time to time.

**National Integrity Framework** or **NIF** means the set of "National Integrity Framework" integrity policies produced by Sport Integrity Australia (**SIA**) from time to time if and as adopted by BA.

**register of members** means the register of the Association's members established and maintained under section 34 of the Act.

**Special Resolution** means a resolution notice of which is given under clause 46 and passed in accordance with section 37 of the Act.

## **Part 2 – Constitution and Powers of Association**

### **5. Powers of Association**

- (1) For achieving its objects and purposes, the Association has the powers conferred by sections 11 and 13 of the Act.
- (2) Subject to the Act, the Association may do all things necessary or convenient for carrying out its objects or purposes, and in particular, may:
  - (a) acquire, hold and dispose of real or personal property;
  - (b) open and operate accounts with financial institutions;
  - (c) invest its money in any security in which trust monies may lawfully be invested;
  - (d) raise and borrow money on the terms and in the manner it considers appropriate;
  - (e) secure the repayment of money raised or borrowed, or the payment of a debt or liability;
  - (f) appoint agents to transact business on its behalf; and
  - (g) enter into any other contract it considers necessary or desirable.
- (3) The Association must not distribute any income or assets directly or indirectly to its members.

## **6. Effect of Constitution**

This Constitution binds every member and the Association to the same extent as if every member and the Association had signed and sealed this Constitution and agreed to be bound by it.

## **7. Inconsistency between Constitution and Act**

If there is any inconsistency between this Constitution and the Act, the Act prevails.

## **8. Altering the Constitution**

- (1) The Association may alter this Constitution by special resolution but not otherwise.
- (2) If the Constitution is altered, the public officer must ensure compliance with section 23 of the Act.

# **Part 3 – Members**

## ***Division 1 – Membership and Register of Members***

## **9. Register of members**

- (1) The Association must establish and maintain a register of members.
- (2) The register of members must be kept by the Executive Officer and must contain the members:
  - (a) Name;
  - (b) Address or an alternative address nominated by the member for the service of notices, and
  - (c) Date the member was entered on to the register and the date the member ceased to be a member.

## **10. Categories of Membership**

The Association will have the following category of membership:

- (1) Member

A Member has full rights and privileges as a member of the Association and will be entitled to vote.

## **11. Application for membership**

To apply to become a member of the Association a club must green ready:

- (1) submit an application for membership to the Board:
  - (a) in a form approved by the Board; and
  - (b) signed by the President of the Bowls Club.

## **12. Approval of Board**

- (1) The Board must consider any application made under clause 11 at the next available Board meeting and must accept or reject the application at that meeting or the next.

- (a) The Board may consider applications made under clause 11 using electronic means between meetings, the decision of which must be recorded in the minutes of the next Board meeting.
- (2) If an application is rejected, the applicant may appeal against the decision by giving notice to the Executive Officer within 14 days after being advised of the rejection.
- (3) If an applicant gives notice of an appeal against the rejection of the application, the Board must reconsider the application at the next Board meeting after receipt of the notice of appeal.
- (4) If after reconsidering an application the Board reaffirms its decision to reject the application, the decision is final.

### **13. Joining fee**

- (1) If an application for membership is approved by the Board, the applicant becomes a member on payment of the joining fee.
- (2) The joining fee is an amount determined from time to time by the Board.

### **14. Annual membership fees**

- (1) The annual membership fee is the amount determined from time to time by the Board.
- (2) Each member must pay the annual membership fee to the Executive Officer by the first day of each financial year or another date determined by the Board from time to time.
- (3) A member to be considered as a member must have paid the annual membership fee by the due date.
- (4) A member whose annual membership fee is not paid within 3 months after the due date ceases to be a member unless the Board determines otherwise.

## ***Division 2 – Rights of members***

### **15. General**

- (1) Subject to clause 12(2), a member may exercise the rights of membership when its name is entered in the register of members.
- (2) A right of membership of the Association:
  - (a) is not capable of being transferred or transmitted to another member; and
  - (b) terminates on the cessation of membership whether by resignation or otherwise.

### **16. Rights and Privileges of Categories of Membership**

- (1) Subject to clauses 14 and 23, a member of the Association has the following rights and privileges:
  - (a) such privileges and advantages of the Association as may be determined by the Board from time to time; and
  - (b) appoint two (2) delegates to attend and vote at general meetings (including Annual General Meetings) of the Association;
  - (c) vote in the election of the Board;

- (d) vote on any Special Resolution (including a Special Resolution to amend this Constitution);
- (e) propose, second, or nominate a Bowling member for any office of the Association.

#### **17. Voting**

- (1) Subject to clause 10, each member can appoint two delegates to attend the general meetings of the Association.
  - (a) Each delegate carries one (1) vote.

#### **18. Notice of meetings and special resolutions**

The Executive Officer must give all members notice of general meetings and special resolutions in the manner and time prescribed by this Constitution.

#### **19. Access to information on Association**

The following must be available for inspection by members:

- (1) a copy of this Constitution;
- (2) minutes of general meetings;
- (3) annual reports and annual financial reports; and
- (4) the Register of Members.

#### **20. Raising grievances and complaints**

- (1) A member may raise a grievance or complaint about a Board member, the Board or another member of the Association.
- (2) The grievance or complaint must be dealt with by the procedures set out in Part 8.

### ***Division 3 – Termination, suspension and expulsion***

#### **21. Termination of membership**

Membership of the Association may be terminated by:

- (a) a notice of resignation addressed and posted to the Association or given personally to the Executive Officer;
- (b) non-payment of the annual membership fee within the time allowed under clause 14(3); or
- (c) expulsion in accordance with this Division.

#### **22. Suspension or expulsion of members**

- (1) If the Board considers that a member should be suspended or expelled because of conduct considered detrimental to the interests of the Association, the Board must give notice of the proposed suspension or expulsion to the member.
- (2) The notice must:

- (a) be in writing and include:
  - (i) the time, date and place of the Board meeting at which the question of that suspension or expulsion will be decided; and
  - (ii) the particulars of the conduct; and
- (b) be given to the member not less than 10 days before the date of the Board meeting referred to in paragraph (a)(i).
- (3) At the meeting, the Board must afford the member a reasonable opportunity to be heard or to make representations in writing.
- (4) The Board may suspend or expel or decline to suspend or expel the member from the Association and must give written notice of the decision and the reason for it to the member.
- (5) Subject to clause 23, the decision to suspend or expel a member takes effect 14 days after the day on which notice of the decision is given to the member.

### **23. Appeals against suspension or expulsion**

- (1) A member that is suspended or expelled under clause 22 may appeal against that suspension or expulsion by giving notice to the Executive Officer within 14 days after receipt of the Board's decision.
- (2) The appeal must be considered at a general meeting of the Association and the member must be afforded a reasonable opportunity to be heard at the meeting or to make representations in writing prior to the meeting for circulation at the meeting.
- (3) The members present at the general meeting must, by resolution, either confirm or set aside the decision of the Board to suspend or expel the member.
- (4) The member is not suspended or does not cease to be a member until the decision of the Board to suspend or expel that member is confirmed by a resolution of the members.

## **Part 4 – Board**

### ***Division 1 – General***

### **24. Role and powers**

- (1) The business of the Association must be managed by or under the direction of a Board.
- (2) The Board may exercise all the powers of the Association except those matters that the Act or this Constitution requires the Association to determine through a general meeting of members.
- (3) As a Member State, the Board will:
  - (a) promulgate and enforce the Constitution and Policies of Bowls Australia and the Statutes and Regulations;
  - (b) at all times act for and on behalf of the interests of bowls in Australia, the Members, and bowls;
  - (c) work collaboratively and reflect the aims and objectives of Bowls Australia's strategic plan;



- (d) provide Bowls Australia with copies of its audited accounts, annual report and associated documents following the Association's annual general meeting;
  - (e) be bound by this Constitution, the Policies, any rules and regulations of Bowls Australia and the Statutes and Regulations;
  - (f) act in good faith and loyalty to maintain and enhance Bowls Australia and bowls, its standards, quality and reputation for the collective and mutual benefit of the Members and bowls;
  - (g) at all times operate with and promote mutual trust and confidence between Bowls Australia and the Members, promoting the economic and sporting success, strength and stability of each other and work cooperatively with each other in the pursuit of the Objects;
  - (h) maintain a register of members of the Association, officials and members registered with it in accordance with the Policies and provide a copy to Bowls Australia annually or upon request from time to time by the board in such means as may be agreed;
  - (i) not do or permit to be done any act or thing which might adversely affect or derogate from the standards, quality and reputation of Bowls Australia and of bowls and its maintenance and development;
  - (j) advise Bowls Australia as soon as practicable of any serious administrative, governance, operational or financial difficulties, assist Bowls Australia in investigating those issues and co-operate with Bowls Australia in addressing those issues;
  - (k) shall reflect the Objects (in whole or in such part as are applicable to the Member State) with such incidental variations as are necessary or appropriate, having regard to the Act; and
  - (l) take all steps necessary to ensure the Association's constituent documents are amended in conformity with future amendments made to the Constitution of Bowls Australia, subject to any prohibition or inconsistency in the Act.
- (4) The Board may appoint and remove staff.
- (5) The Board may establish one or more sub-committees consisting of persons the Board considers appropriate.

## **25. Composition of the Board**

- (1) The Board consists of:
- (a) a President;
  - (b) a Vice-President;
  - (c) five Bowling members;
  - (d) up to an additional two (2) appointed Board members who do not need to be bowling members.
- (2) The Board must appoint one board member to be the Association's public officer.

## **26. Delegation**

- (1) The Board may delegate to a sub-committee or staff any of its powers and functions other than –
  - (a) this power of delegation; or
  - (b) a duty imposed on the Board by the Act or any other law.
- (2) The delegation must be in writing and may be subject to the conditions and limitations the Board considers appropriate.
- (3) The Board may, in writing, revoke wholly or in part the delegation.

### ***Division 2 – Tenure of office***

## **27. Eligibility of Board members**

- (1) A Board member must be a person who is 18 years or over.
- (2) A Board member must be and continue to be a Bowling member, with the exception of the Board members appointed under clause 25(1)(d).
- (3) Board members must be elected to the Board at an Annual General Meeting or appointed under clauses 25(1)(d) or 35.
- (4) A Board member must at all times meet the Expected Standards of Behaviour provided in the Schedule.

## **28. Nominations for election to Board**

- (1) A Bowling member is not eligible for election to the Board unless the Executive Officer receives a written nomination for that Bowling member by another Bowling member not less than 7 days before the date of the next Annual General meeting.
- (2) The nomination must in a form approved by the Board and must be signed by:
  - (a) the nominator and a seconder; and
  - (b) the nominee to signify his or her willingness to stand for election.
- (3) A Board member who is eligible for election or re-election under this clause may propose or second himself or herself for election or re-election.

## **29. Retirement of Board members**

- (1) A Board member holds office until the next annual general meeting unless the Board member vacates the office under clause 33 or is removed under clause 34.
- (2) At each annual general meeting held the number of Board members required to fill vacancies on the Board will be elected and will, subject to provisions in this Constitution relating to early retirement or removal of Board members, hold office for three years (3) years.
- (3) The President of the outgoing Board must preside at the annual general meeting until a new member is elected as President.
- (4) After two (2) consecutive terms on the Board, the Board member should stand aside for a period of 12 months.

- (5) After two (2) consecutive terms, the President should stand aside for a period of 12 months.
- (6) The sequence of retirements under clause 29(2) to ensure rotational terms will be determined by the Board in accordance with clause 41.

### **30. Election by default**

- (1) If the number of persons nominated for election to the Board under clause 28 does not exceed the number of vacancies to be filled, the President must declare the persons to be duly elected as Board members at the Annual General meeting.

### **31. Election by ballot.**

- (1) If the number of nominations exceeds the number of vacancies on the Board, ballots for those positions must be conducted.
- (2) The ballot must be conducted immediately in a manner determined from time to time by resolution at a general meeting.
- (3) The Board members chosen by ballot must be declared by the President to be duly elected as Board members.

### **31. Appointed Board Members**

- (1) Up to two (2) Board members who may be appointed by the Board under clause 25(1)(d).
- (2) The appointed Board members may have specific skills in commerce, finance, marketing, law or business generally or such other skills which complement the Board composition.
- (3) Appointed Board member may be appointed by the elected Board under this Constitution for a term of up to three years (3).

### **32. Vacating office**

The office of a Board member becomes vacant if:

- (a) the Board member:
  - (i) is disqualified from being a Board member under section 30 or 40 of the Act;
  - (ii) resigns by giving written notice to the Board;
  - (iii) dies or is rendered permanently incapable of performing the duties of office by mental or physical ill-health; and
  - (iv) Subject to clause 25(1)(d) ceases to be a bowling member of the Association;
- (b) the Board member is absent from more than:
  - (i) 3 consecutive Board meetings; or
  - (ii) 3 Board meetings in the same financial year without tendering an apology to the President;

of which meetings the member received notice and the Board has resolved to declare the office vacant; or

- (c) The member breaches the Expected Standards of Behaviour of the Board, is insolvent under administration or convicted of a fraud or dishonesty.
- (d) These and any other actions which are deemed by the Board and/or members of the Association as bringing the Association into disrepute.

### **32. Removal of Board member**

- (1) The Association, through a Special General meeting of members, may remove any Board member before the member's term of office ends.
- (2) If the Board seeks to suspend or expel a Board member under clause 22, subject to clause 49(2) that member is automatically suspended from the Board from the date of the notice issued.
- (3) If a vacancy arises through removal under subclause (1), an election must be held to fill the vacancy.

### **33. Filling casual vacancy on Board**

- (1) If a vacancy remains on the Board after the application of clause 30 or if the office of a Board member becomes vacant under clause 33, the Board may appoint any Bowling member to fill that vacancy.
- (2) However, if the office of public officer becomes vacant, a person must be appointed under section 27(6) of the Act to fill the vacancy.

## ***Division 3 – Duties of Board members***

### **34. Collective responsibility of Board**

- (1) As soon as practicable after being elected to the Board, each Board member must become familiar with the Act and regulations made under the Act.
- (2) The Board is collectively responsible for ensuring the Association complies with the Act and regulations made under the Act.

### **35. President and Vice-President**

- (1) Subject to subclauses (2) and (3), the President must preside at all General meetings and Board meetings.
- (2) If the President is absent from a meeting, the Vice-President must preside at the meeting.
- (3) If the President and the Vice-President are both absent, the presiding Board member for that meeting must be:
  - (a) a Board member elected by the other board members present if it is a general meeting; or
  - (b) a Board member elected by the other Board members present if it is a Board meeting.

### **36. Executive Officer**

- (1) The Executive Officer must:
  - (a) coordinate the correspondence of the Association;

- (b) ensure minutes of all proceedings of General meetings and of Board meetings are kept in accordance with section 38 of the Act;
  - (c) maintain the register of members in accordance with section 34 of the Act;
  - (a) unless the members resolve otherwise at a general meeting – have custody of all books, documents, records and registers of the Association; receive all moneys paid to or received by the Association and issue receipts for those moneys in the name of the Association;
  - (b) pay all moneys received into an account of the Association within 5 working days after receipt;
  - (c) make any payments authorised by the Board or by a General meeting of the Association from the Association's funds; and
  - (d) ensure all transactions (electronic funds transfer, cheques, drafts, bills of exchange, promissory notes) and other negotiable instruments must be signed or approved in accordance with the schedule of delegations as approved by the Board.
- (2) The Executive Officer must ensure the accounting records of the Association are kept in accordance with section 41 of the Act.
  - (3) The Executive Officer must coordinate the preparation of the Association's annual statement of accounts.
  - (4) If directed to do so by the President, the Executive Officer must submit to the Board a report, balance sheet or financial statement in accordance with that direction.
  - (5) The Executive Officer has custody of all securities, books and documents of a financial nature and accounting records of the Association unless the members resolve otherwise at a general meeting.
  - (6) The Executive must perform any other duties imposed by this Constitution and as delegated by written instrument by the Board.

### **37. Public officer**

- (1) The Public Officer must ensure that documents are filed with the Commissioner of Consumer Affairs in accordance with sections 23, 28 and 45 of the Act.
- (2) The Public Officer must keep a current copy of the Constitution of the Association.

## **Part 5 – Meetings of Board**

### **38. Frequency and calling of meetings**

- (1) The Board must meet together for the conduct of business not less than four (4) times in each financial year.
- (2) The President, or at least half the Board members, may at any time convene a special meeting of the Board.
- (3) A special meeting may be convened to deal with an appeal under clause 23.

### **39. Voting, decision making and using technology to conduct a meeting**

- (1) Each Board member present at the meeting has a deliberative vote.

- (2) A question arising at a Board meeting must be decided by a majority of votes.
- (3) If there is no majority, the person presiding at the meeting has a casting vote in addition to a deliberative vote.
- (4) The Board may hold their meetings by using any technology (such as video or teleconferencing) that is agreed to by all of the Board members.
  - (a) A Board member attending a meeting by using any technology is taken to be present at the meeting.

#### **40. Quorum**

For a Board meeting, four (4) Board members constitutes a quorum. At least one of the following Board members must be present at all times in order to constitute a quorum:

- (1) President; or
- (2) Vice-President; and

#### **41. Procedure and order of business**

- (1) The procedure to be followed at a Board meeting must be determined from time to time by the Board.
- (2) The order of business may be determined by the Board members present at the meeting.
- (3) Only the business for which the meeting is convened may be considered at a Special meeting.

#### **42. Disclosure of interest**

- (1) A Board member who has a direct or indirect pecuniary interest in a contract, or proposed contract, with the Association must disclose the nature and extent of the interest to the Board in accordance with section 31 of the Act.
- (2) The Executive Officer must record the disclosure in the minutes of the meeting.
- (3) The President must ensure a Board member who has a direct or indirect pecuniary interest in a contract, or proposed contract, complies with section 32 of the Act.

### **Part 6 – General Meetings**

#### **43. Convening general meetings**

- (1) The Association must hold all annual general meetings within five (5) months after the end of the Association's financial year.
- (2) The Board:
  - (a) may at any time convene a Special General meeting;
  - (b) must, within 30 days after the Executive Officer receives a notice under clause 23(1), convene a special general meeting to deal with the appeal to which the notice relates; and
  - (c) must, within 30 days after it receives a request under clause 46(1), convene a Special General meeting for the purpose specified in that request.

- (3) The association may hold a general meeting at two or more venues using any technology that gives the members as a whole a reasonable opportunity to participate, including to hear and be heard.
- (4) Anyone using this technology is taken to be present in person at the meeting.

#### **44. Special General meetings**

- (1) Half the number of members constituting a quorum for a general meeting may make a written request to the Board for a special general meeting.
- (2) The request must:
  - (a) state the purpose of the Special General meeting; and
  - (b) be signed by the members making the request.
- (3) If the Board fails to hold a Special General meeting within the time allowed:
  - (a) for clause 45(2)(b) – the appeal against the decision of the Board is upheld; and
  - (b) for clause 45(2)(c) – the members who made the request may convene a Special General meeting as if they were the Board.
- (4) If a Special General meeting is convened under subclause (3)(b), the Association must meet any reasonable expenses of convening and holding the Special General meeting.
- (5) The Executive Officer must give to all members not less than 21 days notice of a Special General meeting.
- (6) The notice must specify:
  - (a) when and where the meeting is to be held; and
  - (b) the particulars of and the order in which business is to be transacted.

#### **45. Annual General meeting**

- (1) The Executive Officer must give to all members not less than 21 days notice of an Annual General meeting.
- (2) The notice must specify:
  - (a) when and where the meeting is to be held; and
  - (b) the particulars of and the order in which business is to be transacted.
- (3) The order of business for each Annual General meeting is as follows:
  - (a) First – the consideration of the accounts and reports of the Board;
  - (b) Second – the election of new Board members;
  - (c) Third – any other business requiring consideration by the Association at the meeting, which will include appointing the external auditor for the financial year.

#### **46. Special Resolutions**

- (1) A Special Resolution may be moved at any General meeting of the Association.

- (2) The Executive Officer must give all members not less than 21 days notice of the meeting at which a Special Resolution is to be proposed.
- (3) The notice must include the Resolution to be proposed and the intention to propose the resolution as a Special Resolution.

#### **47. Notice of meetings**

- (1) The Executive Officer must give a notice under this Part by –
  - (a) serving it on a member personally; or
  - (b) sending it by post to a member at the address of the member appearing in the register of members.
  - (c) sending it by email to a member at the email address of the member recorded by the Association.
- (2) If a notice is sent by post under subclause (1)(b), or by email under subclause (1)(c), sending of the notice is taken to have been properly effected if the notice is addressed and posted or emailed to the member by ordinary prepaid mail or email.

#### **48. Quorum at General meetings**

At a general meeting, 4 members present through the one or more nominated delegates constitutes a quorum.

#### **49. Lack of quorum**

- (1) If within 30 minutes after the time specified in the notice for the holding of a general meeting a quorum is not present –
  - (a) for an Annual General meeting or Special General meeting convened under clause 45(2)(a) – the meeting stands adjourned to the same time on the same day in the following week and to the same place;
  - (b) for a meeting convened under clause 45(2)(b) – the members who are present in person may proceed with hearing the appeal for which the meeting is convened; or
  - (c) for a meeting convened under clause 45(2)(c) – the meeting lapses.
- (2) If within 30 minutes after the time appointed by subclause (1)(a) for the resumption of an adjourned General meeting a quorum is not present, the members who are present in person may proceed with the business of that General meeting as if a quorum were present.
- (3) The President may, with the consent of a general meeting at which a quorum is present, and must, if directed by the members at the meeting, adjourn that General meeting from time to time and from place to place.
- (4) There must not be transacted at an adjourned General meeting any business other than business left unfinished or on the agenda at the time when the General meeting was adjourned.
- (5) If a general meeting is adjourned for a period of 30 days or more, the Executive Officer must give notice of the adjourned general meeting as if that general meeting were a fresh general meeting.



## **50. Voting**

- (1) Subject to clauses 10 and 16(2), each member delegate present at a general meeting is entitled to a deliberative vote.
- (2) At a general meeting:
  - (a) an ordinary Resolution put to the vote is decided by a majority of votes made; and
  - (b) a Special Resolution put to the vote is passed if three-quarters of the members who are present vote in favour of the Resolution.
- (3) A poll may be demanded by the President or by 3 or more members present.
- (4) If demanded, a poll must be taken immediately by way of a secret ballot.

## **Part 7 – Financial Management**

### **51. Financial year**

The financial year of the Association is the period of 12 months ending on 30 June.

### **52. Funds and accounts**

- (1) The Association must open an account/s with a financial institution from which all expenditure of the Association is made and into which all of the Association's revenue is deposited.
- (2) Subject to any restrictions imposed by the Association at a General meeting, the Board may approve expenditure on behalf of the Association within the limits of the budget.
- (3) All transactions (electronic funds transfer, cheques, drafts, bills of exchange, promissory notes) and other negotiable instruments must be signed or approved in accordance with the schedule of delegations as approved by the Board.
- (4) All funds of the Association must be deposited into the financial account of the Association no later than 5 working days after receipt or as soon as practicable after that day.
- (5) With the approval of the Board, the Executive Officer may maintain a cash float provided that all money paid from or paid into the float is accurately recorded at the time of the transaction.

### **53. Accounts and audits**

The responsibility of the Board under clause 36(2) for ensuring compliance with the Act includes meeting the requirements of Part 5 of the Act and regulations made for that Part relating to:

- (a) the keeping of accounting records;
- (b) the preparation and presentation of the Association's annual statement of accounts; and
- (c) the auditing of the Association's accounts.

## **Part 8 – Grievance and disputes**

### **54. Grievance and disputes procedures**

- (1) This clause applies to disputes between:
  - (a) a member and another member; or
  - (b) a member and the Board.
- (2) Within 14 days after the dispute comes to the attention of the parties to the dispute, they must meet and discuss the matter in dispute, and, if possible, resolve the dispute.
- (3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days after the meeting, hold another meeting in the presence of a mediator.
- (4) The mediator must be:
  - (a) a person chosen by agreement between the parties; or
  - (b) in the absence of agreement:
    - (i) for a dispute between a member and another member – a person appointed by the Board; or
    - (ii) for a dispute between a member and the Board – a person who is a mediator appointed or employed by the department administering the Act.
- (5) A member of a member of the Association can be a mediator.
- (6) The mediator cannot be a party to the dispute.
- (7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (8) The mediator, in conducting the mediation, must:
  - (a) give the parties to the mediation process every opportunity to be heard;
  - (b) allow due consideration by all parties of any written statement submitted by any party; and
  - (c) ensure natural justice is accorded to the parties to the dispute throughout the mediation process.
- (9) The mediator must not determine the dispute.
- (10) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

## **Part 9 – Miscellaneous**

### **55. Common seal**

- (1) The common seal of the Association must not be used without the express authority of the Board and every use of that common seal must be recorded by the Executive Officer.

- (2) The affixing of the common seal of the Association must be witnessed by any 2 of the following:
  - (a) the President;
  - (b) the Vice President;
  - (c) the Executive Officer.
- (3) The common seal of the Association must be kept in the custody of the Executive Officer or another person the Board from time to time decides.

**56. Distribution of surplus assets on winding up**

- (1) If on the winding up or dissolution of the Association, and after satisfaction of all its debts and liabilities, there remains any assets, the assets must not be distributed to the members or former members.
- (2) The surplus assets must be given or transferred to another association incorporated under the Act that:
  - (a) has similar objects or purposes;
  - (b) is not carried on for profit or gain to its individual members; and
  - (c) is determined by resolution of the members.

## **Schedule – Additional Details**

### **Eligibility of Board members (clause 28)**

In addition to the criterion specified in the Constitution, a Board member must meet the following criteria:

#### **Expected Standards of Behaviour for the Association Board members**

- (a) Act and operate within the rules and spirit of Bowls;
- (b) Be ethical, considerate, fair and honest in all dealings with other people and organisations;
- (c) Act with honesty, integrity and objectivity and be accountable for their own behaviour and actions;
- (d) Maintain appropriate, professional relationships with other Relevant Persons at all times;
- (e) Accept and respect the authority of Officials and not use offensive language or behaviour, show unnecessary dissension, displeasure or disapproval towards an Official, whether on or off the field of play;
- (f) Treat all Relevant Organisation representatives and other stakeholders with courtesy, respect, dignity and have proper regard for their rights and obligations;
- (g) Act with care and diligence to safeguard the health and safety of themselves, Relevant Organisation representatives and ensure their decisions and actions 4 contribute to a safe environment and provide a safe environment for the conduct of Activities;
- (h) Not engage in conduct that is defined as Prohibited Conduct under any policy of the BA NIF.

Subject always to relevant definitions in the NIF, Prohibited Conduct under the NIF includes, without limitation:

- (i) Abuse, bullying, harassment, sexual misconduct, unlawful discrimination, victimisation or vilification;
- (ii) Child abuse, grooming, misconduct with a child, failure to comply with child safe practices or with relevant obligations under child protection legislation including obligations relating to reporting, recruitment/screening and working with children checks;
- (iii) Improper manipulation of the result or course of a Sport activity or betting on a Sport activity;
- (iv) Inappropriate disclosure of inside information;
- (v) Use, possession or trafficking of illegal drugs; and
- (vi) Non-compliance with certain requirements relating to medications, injections and supplements.

Relevant Persons and Relevant Organisations should refer to the NIF policies for a full list of Prohibited Conduct captured by the NIF and detailed descriptions of such Prohibited Conduct.

- (vii) Respect and protect confidential information obtained through Activities, whether regarding individuals or organisational information;
- (viii) Not engage in behaviour that is:
  - (i) drunk and disorderly;
  - (ii) public or domestic violence;
  - (iii) continued or unreasonable disruption of Relevant Organisation representatives performing their duties; or
  - (iv) unlawful or unsafe;
- (ix) Not undertake any behaviour prohibited by a venue's ticketing or entry conditions, at, in or around that venue at which an Activity is taking place;

- (x) Not behave in a manner that creates a public nuisance and/or disturbance within or around a venue at which an Activity is taking place;
- (xi) Comply with all reasonable directions of, and accept all decisions of, Relevant Organisation representatives; and
- (xii) Not be in the possession or under the influence of an illegal drug, at, in or around a venue at which an Activity is taking place.