

ADVISORY COMMITTEE PAMPHLET NO.019

RECOMMENDATION REGARDING BY-LAWS

THESE DRAFT BY-LAWS COVER AS MANY ASPECTS OF A BOWLING CLUB AS COULD BE ENVISAGED. THESE BY-LAWS ARE DRAFTED TO BE APPLICABLE TO A BOWLING CLUB WHICH IS AN ENTITY STANDING ON ITS OWN AND IS NOT A SECTION OF A MAIN CLUB (e.g. Workers, RSL etc.)

WARNING: These draft by-laws however need to be read bearing in mind the peculiar circumstances of their own club.

The By-laws of a club are the written rules for conduct of a corporation, association, partnership or any organisation. They should not be confused with the Articles of Corporation/Constitution / Rules (*as the case may be*) which only state the basic outline of the club. By-laws generally provide for those matters which may be considered of a dynamic nature – those that can and perhaps should be amended from time to time. They will include such matters as are not included in the Articles of Corporation/Constitution / Rules such as the types of committees, types and duties of officers, committees, assessments and other routine conduct. By-laws are, in effect a contract among members, and can be amended as require by a formal meeting of the Board of Directors.

The recommended by-laws shown in this document should be read in conjunction with the aforesaid Articles of Corporation/Constitution / Rules. By-laws set by a club cannot supersede the Articles of Corporation / Constitution / Rules. It is strongly recommended that Clubs should address the issues raised herein. If a matter is not covered in your club's Articles of Corporation/Constitution / Rules, it should be covered in your By-Laws. Your club will be unable to enforce any rule which has not been correctly promulgated.

The purpose of the By-Laws are to provide the Board and the club members with a set of rules under which they may form committee to manage such things as gaming machines, entertainment, marketing, audit and such other committees as are appropriate to the particular club.

There are many facets to these draft by-laws which will not apply to a particular club. In such a case the club concerned needs only to delete the appropriate section. Similarly, there may be some matters which are not covered herein. Using the format of other sections of these by-laws, any club may add a by-law unique to its particular circumstances.

Be aware that these draft By-Laws are drafted in such a way that they cover as many aspects of club life as can be envisaged. Clubs should use them as a guide to their own peculiar circumstances by deleting, amending or adding to the parts which may apply to their club.

XYZ BOWLING CLUB CO-OP. LTD

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BY-LAWS

1. INTRODUCTION & PRELIMINARY

INTRODUCTION

The purpose of these By Laws is to provide a policy and operating manual for the management of “The XYZ Bowling Club”.

The Club is expected to provide a highly respected not for profit bowling, social and community club in (district) for the benefit of members and visitors. Encouragement of the game of Bowls and other sports will always remain the Club’s major focus. Every member is expected to uphold a code of conduct that will be the benchmark by which the whole Club is judged.

The Club aims to provide the following facilities;

- Bowling greens
- Members and visitors lounge and kitchen
- Other peculiar to the club.

The following By-laws will assist the Club to operate within the bounds of the Rules of the Club in the successful operation of the Club. These By Laws may be revised and updated from time to time as the Board considers necessary by ordinary resolutions at Board Meetings.

PRELIMINARY.

- 1, These By-Laws are made by the Board of the XYZ Bowling Club Co-op Ltd (hereinafter known as the “Club”) pursuant to the power conferred on them by Article X (y) (a) of the Rules of the Club
2. The Board may alter, add or repeal a By-law as it may deem necessary or expedient for proper conduct and management of the affairs of the Club.
3. These By-laws shall come into force and be duly operative upon the posting of these By-laws on the Notice Board of the Club.
4. These By-laws are to be read subject to the Rules of the Club / Memorandum and Articles of Association / Constitution (as the case may be) and in the event of any inconsistency, the Rules of the Club shall prevail.
5. These By-laws are binding on each member of the Club in the same manner as if each member had subscribed his/her name hereto.
6. A copy of the Rules of the Club is available on request in writing from the Secretary.

2. FUNCTION OF THE PRESIDENT

For details of the duties of the President, please refer to -
NDBA ADVISORY COMMITTEE PAMPHLET NO.3

3. FUNCTION OF SECRETARY/ CEO

For details of the duties of the Club Secretary / CEO, please refer to -
NDBA ADVISORY COMMITTEE PAMPHLET NO.16
DUTIES OF A CLUB SECRETARY

4. FUNCTION OF THE TREASURER

For details of the duties of the Club Treasurer, please refer to –
NDBA ADVISORY COMMITTEE PAMPHLET NO.9
THE DUTIES OF A CLUB TREASURER

5. MANAGEMENT OF THE CLUB: SUB COMMITTEES:

Please Refer to Advisory Pamphlet No. 19A

6. CONFLICT OF INTEREST

Directors have a duty to avoid any actual or potential conflict between their own interests and those of the Club, and between their duty to the Club and their duties to third parties (such as the duties owed by them to other companies or bodies of which they are also Directors or Officers).

There is a potential conflict of interest where a reasonable person, looking at the relevant facts and circumstances, would consider there to be a real possibility of conflict.

In this context it is also necessary to consider what is permitted by the Rules of the Club. All Directors have a duty to act in the best interests of the Club.

7 PRIVATE POLICY STATEMENT

Please refer to Advisory Committee pamphlet 19C.

8 CODE OF CONDUCT

Please refer to Advisory Pamphlet 19D

9 DRESS STANDARDS

To maintain the high standard enjoyed by our Club we request the Dress Rules be abided by. The following dress is NOT permitted at any time...

- Football Shorts
- Training Apparel
- Swimwear
- Men's Headwear
- Men's Singlets
- Bare Feet

Obscene or Offensive Language or Clothing will NOT be tolerated.

Appearance must be Clean, Neat and Tidy at all times.

Management decision shall be final in all matters relating to Dress and Behaviour.

10 TRADING HOURS

Subject to the provisions of Liquor Licensing Legislation or any amendment or re-enactment thereof the Club rooms shall be open during the times and on the conditions from time to time decided on by the Board.

Note: These hours are subject to variation according to circumstances and particular events.

During Twilight Bowls evenings whilst Daylight Saving is in place, hours will be extended to suit and during Championship events and Pennants events, hours may also be extended either side of the hours shown.

11. DISCIPLINARY POLICIES

Members must understand both the discipline procedure and the repercussions of breaching the Clubs Code of Conduct as outlined below:

i. Serious breaches of behaviour will see a bowler immediately reported to the Chairperson of the Board who will then convene the disciplinary committee to investigate the alleged behaviour.

ii. The disciplinary committee shall consist of three persons appointed by the Board

iii. For less serious breaches where an official has had to speak to a bowler regarding their behaviour, but does not believe any further action is necessary, the incident will be noted by the Chairperson of the Board and the incident recorded in the Clubs member incident register.

iv. The disciplinary committee will have the power to recommend:

- Censure
- Issue a warning and seek an apology
- Fine
- Temporarily suspend
- Suspend indefinitely

vi. In the case of a serious breach, a bowler shall be entitled to seven (7) days notice of the charge against them and to be present at the hearing of the disciplinary committee.

vii. Any bowler suspended by the disciplinary committee shall be entitled to appeal against the decision under the provisions of the Rules of the Club.

Where a bowler has a specific concern regarding the administration / operation of bowling related activities or events and/or club operations specifically:

Bowlers are to refer any specific concern they have regarding the administration of bowling activities and/or the administration of club operations to the President. The President will then determine the most appropriate course of action necessary.

Respect for an Officials' decision:

Bowlers are expected to respect and not challenge decisions made by Club officials (including selectors).

**See also By-Law 5.5 and reference should be made to:
NDBA ADVISORY COMMITTEE PAMPHLET NO.12
SUGGESTED PROCEDURAL STRUCTURE FOR CLUBS WITH
JUDICIAL COMMITTEE REQUIREMENTS.**

**NDBA ADVISORY COMMITTEE PAMPHLET NO.13
SUGGESTED PROCEDURAL STRUCTURE FOR CLUBS WITH
AN APPEAL SITUATION CONVENING AN APPEAL HEARING**

**NDBA ADVISORY COMMITTEE PAMPHLET NO.14
PROCEDURAL FAIRNESS**

12 JUNIOR BOWLERS

Junior bowlers are considered to be boys and girls under the age of 18. The XYZ Bowling Club encourages the participation of Junior Bowls in the game of bowls.

This club supports and encourages the principles of child protection and recognises that protection of children from abuse and neglect is a moral and ethical imperative.

This Club shall at all times comply with the *Commission for Children and Young People Act 1998* and the *Child Protection (Prohibited Employment) Act 1998*.

The Club is aware that certain behaviours and language is unacceptable when around and playing with Junior Bowlers. Senior members should be aware that they are in the company of juniors and should ensure that their behaviour and language is acceptable.

Please refer to Advisory Pamphlet 19G for detailed information on Junior Bowlers.

13 MEMBERSHIP FEES

Prior to the start of the financial year the Finance Committee will recommend to The Board the fee structure for each membership category.

As at the day of, 201x, the following fees for the year ended ... (month) (year) will apply:

- A Joining Fee will not be required from any person wishing to join the Club.
- Life Member – No fee will be required.
- Full Bowling Membership - \$xx.00. This fee includes capitation fees.
- Junior Bowling Member – \$xx.00
- Social Member – \$xx.00.
- Honorary member – No fee will be required.
- Locker Hire – \$x.00.

14 BOWLS

Please refer to Advisory Pamphlet 19 B

15 DONATIONS, RAFFLES, PAMPHLETS

14.1. No person shall solicit donations or offer raffle tickets for sale on the club premises without the prior approval of the Board of Directors.

14.2. No pamphlet notice or other material will be displayed or exhibited in or upon the Club premises without the prior approval of the Board of Directors.

16 SUGGESTIONS, COMPLAINTS

15.1. The Board welcomes constructive suggestions to improve the operation of the Club.

15.2. All suggestions or complaints should be in writing and delivered to the CEO.

15.3. The CEO shall raise at the next Board meeting any notice received in accordance with the By-Laws.

17 SUNSMART POLICY

Please refer to Advisory Pamphlet 19E.

18 SMOKE- FREE POLICY

There is a 100% ban on smoking indoors at any programme of the Club and prohibition of smoking outdoors in the presence of members.

Smoking in the Club is only permitted in designated areas.

The policy of Bowls Australia regarding smoking is as follows:

1. PHILOSOPHY

Bowls Australia is a body responsible for the sport of bowls in Australia and recognises the importance of health and fitness. This policy enables players, coaches, team managers and all other officials to participate in the game of bowls in a smoke-free environment whilst on the green.

2. INTERPRETATION

Unless the context otherwise requires, the terms “controlling body”, “the green”, “the bank” and “the end” shall have the same meaning as in the Laws of the Sport of Bowls in Australia.

3. NON SMOKING

(1) Bowls Australia prohibits any player, umpire, measurer, law umpire or any other person to smoke cigarettes, or any other tobacco product, on the green whilst a bowls event, for which Bowls Australia is the controlling body, is in progress.

(2) Bowls Australia does not condone the smoking of cigarettes, or any other tobacco product, by any player, umpire, measurer, law umpire or spectator or any other person whilst on the bank during an event for which Bowls Australia is the controlling body.

4. PENALTIES

If any player, umpire, measurer, law umpire or any other person is found to be smoking cigarettes or any other tobacco product whilst on the green, the following penalties apply:

(1) for a first offence, the person will be given a warning; and

(2) for a subsequent offence, in respect of the person or the person’s team, deduction of the maximum number of shots allowable for the end then in play, in accordance with the Laws of the Sport of Bowls in Australia, or if the offender is an independent party (not associated with a person or a team participating in the game then in play), a fine not exceeding \$100.00.

There is a 100% ban on smoking indoors at any programme of the Club and prohibition of smoking outdoors in the presence of members.

Smoking in the Club is only permitted in the designated areas.

19 HEAT POLICY

Please refer to Advisory Pamphlet 19F.