

# BY-LAWS (formerly the Rules)

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# BY LAWS (formerly the Rules)

## SECTION 1 – PURPOSES, POWERS AND INTERPRETATION

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### 1-1 Name

The name of the Club is Mornington Civic Bowls & Social Club Incorporated, described as “**the Club**” in these BY LAWS (formerly the Rules) and also in the RULES (formerly the CONSTITUTION),

### 1-3 Interpretation and Enforceability

- a) **THE BOARD MAY DETERMINE KEY POLICY PROCEDURES AND GUIDELINES DESCRIBED AS BY LAWS OF THE CLUB AND ALTER, AMEND OR RESCIND THE SAME AS OCCASIONS MAY REQUIRE, AND ENFORCE PENALTIES FOR THEIR BREACH.**
- b) **SUCH BY LAWS SHALL HAVE THE SAME FORCE AND EFFECT** as the RULES (formerly Constitution), but shall not in any way oppose or be in conflict with the Rules.
- c) Such By Laws shall be available for inspection on the Club premises.
- d) Amendments, alterations, interpretation or other changes to By Laws of the Club shall be advised to members by means of notice approved by the Board. Such Notices shall be binding upon all members.

## SECTION 2 – MEMBERSHIP

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### 2-1 Categories of Members

As described in the Rules, the members shall be categorised as Full members, Life members and Social members.

Other categories of members may be determined by the Board from time to time and their entitlements documented in these By Laws as and when introduced.

Subject to the Rules Section 2-1 the following also applies -

#### a) **Life Members**

With reference to Section 2-3 of the Rules, Life members shall have the right to be present, debate and vote at General Meetings. As described in the Rules Section 2-3, any person who has rendered exceptional service to the Club over a period of at least ten years may be elected a Life member of the Club and at any Annual General Meeting, on the unanimous recommendation of the Board and the votes of at least three-quarters of the members present at such meeting, be elected with full privileges without payment of any annual subscription.

- a) A Life member shall not be relieved of any financial obligation other than the annual subscription and bowls regulator’s fees.
- b) The number of Life members shall be considered and determined by the Board from time to time.

**b) Social Members**

Social members shall be entitled to all the privileges of the Club, but do not have the right to vote or hold office or to take part in bowling on the Club's greens. Any person over the age of eighteen (18) years may be elected a Social member of the Club subject to application in writing on the current "Membership Application Form" lodged with the Board Secretary unless exception made within these Rules.

- a) The sum payable for a Social member is for the first year's annual subscription.
- b) The Tax Invoice for a new Social member will itemise the sum payable as "Annual Subscription for Social Member" for the nominated year.
- c) Such invoice will include the term "Membership is confirmed upon payment of the fee within 28 days".

**c) Honorary Members**

Honorary members shall not be entitled to take part or vote in any General Meeting or have any right, title or interest in any property of the Club.

- a) Members of other bowls clubs, as well as Barefoot, Corporate and Tri-Bowls visitors and partners who are present at the Club for the purpose of playing bowls are Honorary Members for that day.
- b) The Board shall have the power to withdraw any privileges from Honorary members.
- c) An Honorary Member shall not be relieved of any financial obligation other than the annual subscription, except as provided by these By-Laws.

**d) Special Members**

Special Members shall not be eligible to hold office or to vote at any meeting of the Club nor to participate in official bowls fixtures, but shall be entitled to use the Clubhouse facilities.

- a) Special members of the Club may be elected by the Board on such conditions and for such period as the Board shall determine.
- b) Special members may be Public Officials, Civic or Parliamentary dignitaries.
- c) The number of Special Members shall be considered and determined by the Board from time to time.

**e) First Year New Bowls Members**

Any person over the age of eighteen (18) may be elected as a First Year New Bowls Member (**FYNBM**) of the Club, subject to application in writing by completing the current "Membership Application Form" unless excepted within these Rules.

- a) FYNBMs of the Club shall have the right to be present, debate and vote at General Meetings and shall be entitled to all of the privileges of the Club, except holding office unless otherwise approved by the Board.
- b) Under these Rules, the sum payable for the first year's annual subscription of FYNBMs shall be equal to 50% of that of a full member, plus the Bowls Regulators' fees.
- c) Being a FYNBM is seen as an intermediate step to Full membership status and as such is not available to persons who have been Full members of a bowls club.
- d) A person may only be a FYNBM for one (1) year unless an extension is granted by the Board.

- e) The Tax Invoice of a FYNBM will itemise the sum payable as -
    - i. Annual Subscription for FYNBM for the nominated year.
    - ii. Bowls Regulators' Fees.
  - f) Such invoice will include the term "Membership is confirmed upon payment of the fee within 28 days".
- f) **Junior Member**
- No person under the age of eighteen (18) years shall be admitted as a member other than as a Junior Member, subject to application in writing by completing the current "Application for Membership Form", unless exception made within these Rules.
- a) The Tax invoice for a Junior Member will itemise the sum payable as
    - i. Annual Subscription for Junior Member for the nominated year.
    - ii. Bowls Regulators' Fees.
  - b) Junior Members shall not be entitled to purchase or consume liquor on the premises of the Club, nor shall they be eligible to hold office or vote at any meeting of the Club, but shall be entitled to participate in such bowls activities on the greens as the Board shall determine from time to time.
  - c) On attaining the age of eighteen (18) years, Junior Members shall be ineligible to continue in such membership class but shall be eligible for nomination and election to other membership as provided in these Rules without delay.
- g) **Honorary Former Member**
- Any person who, as a member, rendered significant service to the Club over a considerable period of time (normally ten years, or such time as determined by the Board of Management) and is now unable to be involved in any other membership category due to ill health or other condition(s), shall be entitled at the discretion of the Board of Management to become an Honorary Former Member. This membership category is in recognition of their prior service to the Club, and there is no financial or other encumbrance to persons so selected by the Board. Such members will not be entitled to take part or vote in any Annual, General or Special meetings, or hold office, bowl or have any right, title or interest in any property of the Club.

## 2-2 Membership

### 2-2.1 Application

As described in the Rules to be eligible for membership of the Club, the applicant must meet any criteria set by the Board from time to time.

Subject to the By Laws Section 2-2 the following also applies -

- a) The Board Secretary shall post the Application form on the Club's noticeboard for at least seven (7) days prior to the day of election by the Board.
- b) The Board Secretary shall endeavour to ensure that no more than fourteen (14) days shall elapse between the date of nomination and election. This may be subject to respective dates of meetings of the Board or sooner as determined by the Board from time to time.

**2-2.2 Acceptance/Non-Acceptance of Applicants**

All Club members shall be elected by the Board by ballot or a show of hands.

- a) The decision of the Board as to whether any candidate has been duly elected or not shall be final and recorded accordingly by the Board Secretary.
- b) Any person whose application for membership is rejected or whose election is voided shall not again be nominated for a period of at least six months from the date of rejection or voidance of membership.
- c) Any person whose application is rejected shall be notified in writing within seven (7) days. No reason for the rejection of the application is required to be stated in the notification.

**2-2.3 Approval and Registration**

Upon a nomination being approved by the Board, the Board Secretary shall notify the nominee in writing –

- a) that they are approved for membership of the Club.
- b) include a Tax Invoice for payment of fees within the period of twenty-eight (28) days after receipt of the notification.
- c) Under these By-Laws the sum payable is for the first year's annual subscription plus the Bowls Regulator's fees.
- d) Any sum payable as a proportion of the annual fee may only be approved by the Board.
- e) The Tax Invoice for a new Full member will itemise the sum payable as –
  - i) Annual Subscription for the nominated year
  - ii) Bowls Regulator's Fees
- f) Such invoice shall include the term "Membership is confirmed upon payment of the fee within 28 days.

Upon payment of the amounts referred to in Section 2-2.3 the Board Secretary shall

- a) enter the nominee's name in the Register of Members.
- b) advise the nominee's name to the Administration Officer of the Morningside Peninsula Bowls Region (MPBR).
- c) The payment of the subscription or using the Club's property shall imply a member's agreement of and compliance with the Rules and By-Laws of the Club.
- d) The membership shall be void until the newly elected member pays their subscription, unless they can justify the delay to the satisfaction of the Board.
- e) Any unfinancial member cannot enjoy the privileges as a member of the Club or enter or be entered into any events.

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**SECTION 3 – ANNUAL SUBSCRIPTIONS**

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As described in the Rules, Section 3, the annual subscriptions and any other fees payable by each of the categories of membership of the Club, the benefits which apply, the time for, and manner of payment shall be determined by the Board from time to time.

**3-1 Renew Annual Membership**

To renew annual membership, the Treasurer shall prepare a Tax Invoice for each current member with the notations –

- a) The sum payable for the category of membership.
- b) 'To be paid within thirty (30) days of the commencement of the membership annual subscription year'.
- c) 'For non-payment by the due date this membership could be suspended by the Board'. The member shall be notified of such suspension in writing.
- d) Any unfinancial member cannot enjoy his privileges as a member of the Club or enter or be entered into any events.

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**SECTION 4 – REGISTER OF MEMBERS**

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As described in the Rules Section 4

**4-1 Register**

Further to Section 4-1 of the Rules (formerly the Constitution), the following shall also apply –

- a) Every member shall communicate in writing addressed to the Club by letter, on the form provided, or by appropriate electronic means any change of address or contact details.

**4-3 Number of members limited**

Unless the Board shall otherwise decide, the total number of members of the Club shall be seven hundred and fifty (750).

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**SECTION 5 – LIABILITY OF MEMBERS**

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As described in the Rules (formerly the Constitution) Section 5.

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**SECTION 6 – RESIGNATION OF MEMBERS**

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As described in the Rules (formerly the Constitution) Section 6.

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**SECTION 7 – EXPULSION, SUSPENSION OR FINING OF MEMBERS**

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As described in the Rules (formerly the Constitution) Section 7.

## SECTION 8 – GENERAL MEETINGS

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As described in the Rules (formerly the Constitution) - Section 8, the Board may convene and hold General Meetings and an Annual General Meeting in accordance with the provision of the Act.

### 8-4 Notice of Meeting Procedure

- a) A "Notice of Meeting shall be distributed by the appropriate Secretary to the members entitled to vote at least fourteen (14) days before the date fixed for holding a General Meeting. Notice may be given in any form permitted under the Rules - Section 13-4 and these By Laws.

### 8-7.5 Absentee Voting

- a) A member who is eligible to vote and who is unable to attend a General Meeting may submit an absentee vote on the voting form approved by the Board from time to time as outlined in 8-7.5 of the Rules.
- b) THE voting form must be obtained from the appropriate Secretary, completed as instructed and returned personally in a sealed envelope to the appropriate Secretary not later than forty-eight (48) hours prior to the scheduled date of the meeting.

The appropriate Secretary shall -

- c) In the presence of the member, record receipt of the envelope on the Register of Members approved to vote at that meeting by indicating date and time received adjacent to the member's name.
- d) Have the member sign the Register adjacent to his name.
- e) Retain all absentee votes in a secure location until required by the tally officials.
- f) If the vote has been sent electronically, then a print-out showing the selected candidates and the member's domain address is sufficient proof of voting.

### 8-7.6 Tally Officials

On the nominated time and date of the General Meeting, the tally officials shall –

- a) Confirm that, where applicable, the name and signature of the member making the absentee vote has been recorded on the Register of Members.
- b) Open the envelope and confirm that the voting form has been completed as instructed.
- c) If correct, include the voting intention in the poll as nominated by the member.
- d) If the voting form has not been completed as instructed, the vote is informal and shall not be included in the poll.

### 8-8 Auditors

- a) The Auditors shall be appointed at each Annual General Meeting, and shall not be office bearers of the Club.
- b) The Auditors shall have the power at all times to examine the books and documents of the Club and shall, as soon as conveniently possible after the close of every financial year, provide a Statement of Income and Expenditure and a Balance Sheet setting forth the financial business of the Club since the end of the preceding financial year as prepared by the Treasurer.



- c) Any report of the Auditors shall be submitted to the Annual General Meeting.
- d) A "Schedule 1 Regulation 15 Form 1 – Associations Incorporation Reform Act 2012" document shall be completed, and presented to the members with the financial statements at the Annual General Meeting.

## **SECTION 9 – BOARD OF MANAGEMENT**

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As described in the Rules (formerly the Constitution) - Section 9.

### **9-1 Powers and Duties of Board**

#### **9-1.1 Chairman**

Except as otherwise provided in these By-Laws the Chairman shall -

- a) Preside at all Board meetings.
- b) Regulate and keep order in all proceedings.
- c) Carry into effect the Regulations and By-Laws of the Club as stipulated in the Rules and By Laws.

#### **9-1.2 Board Secretary**

Except as otherwise provided in these By Laws, the Board Secretary shall -

- a) Be the Executive Officer of the Board and perform any duties conferred or imposed under the Act.
- b) Keep Minutes of the Resolutions and proceedings of each General Meeting, each Board Meeting and each Annual General Meeting in books provided for this purpose together with a record of the names of persons present at Board Meetings.
- c) Conduct all correspondence in connection with the general business of the Club.
- d) Prepare for submission to the Annual General Meeting the report of the Board and on the activities of the Club during the year.
- e) Ensure that the Treasurer maintains proper accounts and records of the transactions and affairs of the Club and such other records as will sufficiently explain the financial operations and financial position of the Club.
- f) Shall keep in custody or under control all books, documents and securities of the Club, except as otherwise provided in these By-Laws.
- g) And in any other respect carry out the duties usually associated with the office of Secretary.

#### **9-1.3 Treasurer**

Except as otherwise provided in these By-Laws the Treasurer shall -

- a) Collect and receive all monies due to the Club and make all payments authorised by the Board.
- b) Keep correct accounts and books showing the financial affairs of the Club with the particulars usually shown in books of a like nature and full details of all income and expenditure connected with the activities of the Club.
- c) Arrange for the deposit of all monies belonging to the Club with the Club's bankers as shall from time to time be appointed by the Board.
- d) Prepare and submit financial statements to each Annual General Meeting.
- e) Submit a statement of cash transactions and of the financial position of the Club, including bank balances, at each ordinary meeting of the Board.

- f) All cheques drawn on the account and all drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by two of the Chairman, the Treasurer, or Secretary, provided that should any of these officers be absent through illness or other cause and a substitute or acting appointment be made by the Board, then such person acting in the place of any one of the officers, mentioned shall be empowered to sign in like manner.
- g) Subject to the Act, any member wishing to inspect the accounts, books, securities and other relevant documents of the Club must receive authorisation in writing from the Board.
- h) If the Board Executive has paid or is liable to pay money for any act, default or omission of any other person, such monies shall be refunded by the Club or be paid by the Club.
- i) No expenditure exceeding \$100 shall be entered into without the consent of the Board Executive. Payment of recognized accounts for regular goods and services shall be automatic unless deemed otherwise and requiring special authorization by the Board.

#### **9-1.4 Greens Manager**

The Board shall have power to appoint a Greens Manager.

Except as otherwise provided in these Rules, the Greens Manager shall -

- a) Have full control and supervision of the playing area and power to prevent play at any time when it is considered the area may be damaged thereby; and notice posted by the Greens Manager shall be sufficient.
- b) No person shall be allowed to play on the playing area unless wearing approved smooth-soled and heel-less bowling shoes, or bare feet.
- c) In the absence of the Greens Manager, any two members of the Board shall have power to prevent play at any time.
- d) In all other respects, the supervision and control of the playing area and lawns shall be in the hands of the Board whose ruling thereon shall be final.
- e) The Greens Manager shall present to the Board a monthly, written Report.

#### **9-2 Composition of the Board (Executive)**

- a) The Board Executive shall comprise of the Chairman, Treasurer and Board Secretary.
- b) The Board Executive shall have the right to attend all meetings of the Club.

### **SECTION 10 – BOWLS COMMITTEE**

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There shall be a Bowls Committee, as described in the Rules (formerly the Constitution) - Section 10.

#### **10-1 Acts and Responsibilities**

THE Bowls Committee shall be responsible to the Board for -

- a) The management and conduct of all bowls activities, including the development of proposed events, the Club's final annual bowls program and any competitions arranged on behalf of the Bowls Regulators.
- b) Arranging teams and controlling all fixtures.

- c) Making the draw and determining in conjunction with Selection Committee the handicaps for competitions.
- d) In the event that any member(s) of the Bowls Committee vacate their position for any reason whatsoever, then Section 10.6 Vacancy shall apply.
- e) Bowls Committee shall have the power to co-opt any financial member to assist it where and when necessary in any activity.

## **10-2 Composition of Bowls Committee**

- a) Shall comprise of nine affiliated and financial members and shall be elected by the members at the Annual General Meeting.
- b) Shall comprise of a President, Vice President, Secretary, Bowls Committee Representative to the Board, Match Co-ordinator Social, Match Co-ordinator Competitions, Membership Co-ordinator and two committee members.

### **10-2.1 President**

Except as otherwise provided in these By-Laws, the President shall -

- a) Preside over all Annual and General Bowls Committee meetings.
- b) Regulate and keep order in all proceedings.
- c) Carry into effect the regulations and by-laws of the Club as stipulated in the Rules and Rules.

### **10-2.2 Vice President**

Except as otherwise provided in these By-Laws, the Vice President shall

- a) Carry out the duties in the absence of the President.
- b) Carry out any other duties as determined from time to time by the Bowls Committee.

### **10-2.3 Bowls Committee Secretary**

Except as otherwise provided in these By-Laws, the Bowls Committee Secretary shall -

- a) Keep Minutes of the Resolutions and proceedings of each and every Bowls Committee meeting together with a record of the names of persons present.
- b) Conduct all correspondence in connection with the general business of the Bowls Committee.
- c) In every other respect carry out the duties usually associated with the office of Bowls Committee Secretary.
- d) Perform any other duties as determined necessary from time to time by the Bowls Committee.

**10-2.4 Bowls Committee Representative to Board**

Except as otherwise provided in these By-Laws, the Bowls Committee Representative shall

- a) Attend each and every Bowls Committee meeting to provide connection and liaison on bowls-related matters from and to the Board of Management.
- b) Shall be nominated and voted to this position at the Annual Meeting at the same time as the other candidates for the Board of Management to comply with the Liquor Licensing Reform Act.

**10-2.5 Match Co-ordinator Social Bowls**

The Social Bowls Co-ordinator is responsible for the organising and running of all Social Bowls Competitions including both setting up of the greens and the Clubhouse and all administrative tasks involved. (Refer to Procedures Manual)

**10-2.6 Match Co-ordinator Competitions**

The Competitions Co-ordinator is responsible for the organising and running of all Competitions/Events including both setting up of the greens and the Clubhouse and all administrative tasks involved. (Refer to Procedures Manual)

**10-2.7 Membership Co-ordinator**

The BOM Secretary is responsible for new membership administration. The Membership Co-ordinator is responsible for the new member's introduction to bowls including liaison with Coaching Co-ordinator. (Refer to Procedures Manual).

**10-3 Club Delegates**

Further to Section 10-2 of the Rules (formerly the Constitution), the following shall also apply -

- a) Any Delegate absent from two consecutive meetings of the Bowls Regulator shall be deemed to have vacated the office.
- b) The Bowls Committee shall have the power to fill such vacancy.
- c) The Delegates shall report to the Bowls Committee following attendance at Bowls Regulator's meetings.

**10-4 Selection Committee**

- a) The Selection Committee shall report to, either verbally or written report, and be responsible to the Bowls Committee for all their activities in regard to planning, control and arrangement of all Club-selected bowls activities. However, they must retain their independence in regard to final decisions on selection of members to represent the Club.

As Pennant is two separate and independent competitions – Midweek and Saturday – two separate Selection Committees shall be elected by the members at the Bowls Committee Annual Meeting to form -

- i. a Midweek Selection Committee to comprise of up to five affiliated and financial members, and
  - ii. a Saturday Selection Committee to comprise of up to 5 affiliated and financial members.
- b) The duties of the Selection Committee shall be –
    - i. to select teams and sides to represent the Club in Pennant fixtures;

- ii. to select or recommend other playing representatives of the Club;
  - iii. to determine the number of Pennant sides to be entered in all types of Pennant competitions, but on the resolution of the members at the Annual Meeting this matter may be referred to the Bowls Section Committee with power to act.
- c) In the event that any member or members of the Selection Committee vacate their position for any reason whatsoever, then Section 10-6 Vacancy shall apply.
  - d) The Selection Committee shall have the power to co-opt any financial member to assist but a final decision on any matter within its duties shall rest entirely with the Selection Committee.
  - e) The elected Selection Committee shall select a Chairperson from their numbers. The Midweek Selection Committee shall select a Chairperson from those elected for the Midweek Committee, and the Saturday Selection Committee shall select a Chairperson from those elected for the Saturday Committee.

### **10.5 Proceedings of Bowls Committee**

- a) The Bowls Committee shall meet periodically at least six (6) times in each year, and at such place and such times as the Committee may determine.
- b) A minimum of five (5) constitute a quorum for the transaction of the business of a meeting of the Bowls Committee.
- c) No business shall be transacted unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present the meeting shall stand adjourned to a date, time and place reappointed.
- d) The Bowls Committee shall be guided by Section 9-6.3 of the Rules (formerly the Constitution) with modifications as applicable.

### **10-6 Vacancy**

- a) With the exception of the Bowls Committee Representative, in the event of a casual vacancy in any office, the Bowls Committee may appoint a member to the vacant office; and that member may continue in office up to the next date of elections.
- b) If the Bowls Committee Representative vacates office, then the Bowls Committee may make recommendations to the Board as to his replacement. The Board will confirm the appointment of the appropriate Bowls Committee Representative at the earliest opportunity.
- c) For the purpose of these By-Laws, a vacancy on any committee occurs if the member –
  - i. Ceases to be an affiliated member of the Club.
  - ii. Is absent from two consecutive meetings without a reason deemed valid by the Bowls Committee.
  - iii. Is unable to continue due to illness.
  - iv. Resigns office by notice in writing to the Bowls Committee Secretary.

### **10-7 Bowls Committee Annual and General Meetings**

- a) The Bowls Committee may hold such ordinary meetings of its members as may be convened under these Rules, but shall hold a Bowls Committee Annual Meeting no later than 31 May.
- b) A quorum of thirty (30) affiliated members shall apply to Bowls Committee General and Annual Meetings.

### **10-7.1 Business of the Bowls Committee Annual Meeting**

The business of the Bowls Committee Annual Meetings shall be –

- a) To confirm the Minutes of the last preceding Bowls Committee Annual Meeting or any Bowls Committee General Meetings held since that meeting.
- b) To receive from the Bowls Committee President a report on the transactions of the Bowls Committee during the past period or preceding year.
- c) The Bowls Committee shall be guided by Section 9-4 of the Rules (formerly the Constitution) with modifications as applicable to elect the Bowls Committee to include –
  - i. The Bowls Committee Office Bearers and Committee member.
  - ii. A number of affiliated members to form a Selection Committee.
- d) To elect two affiliated members to act as the Club delegates to attend meetings and events held by the Bowls Regulators from time to time.
- e) To transact any other business of which notice has been given.
- f) To transact any other general business, but any Resolutions arising from such business shall be recommendations only to the Bowls Committee.

### **10-7.2 Election of Bowls Committee Office Bearers and Committees**

The Bowls Committee shall adopt the policy of the Club with regard to protocols and procedures as per Section 8 of the Rules (formerly the Constitution), suitably modified, to provide for the election of Bowls Committee Office Bearers and Committees.

## **SECTION 11 – LIQUOR LICENCE**

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As described in the Rules (formerly the Constitution).

## **SECTION 12 – GRIEVANCE PROCEDURES – DISPUTES AND MEDIATION**

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As described in the Rules (formerly the Constitution).

## **SECTION 13 – GENERAL**

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As described in the Rules (formerly the Constitution).

## **SECTION 14 – BY-LAWS OF THE CLUB**

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As described in the Rules (formerly the Constitution).

**SECTION 15 - MODIFICATION TO BY-LAWS**

<b>Date of Board Meeting</b>	<b>Section #</b>	<b>Amendment/Addition</b>
11 March 2019	10-4	New amendments have been inserted. Refer to previous Rules dated 10/10/2017 for previous wording.
15 May 2022	3-1 b)	New amendments have been inserted. Refer to previous Rules dated 11/3/2019 for previous wording
4 February 2024	Section 10 (Bowls Committee Name change throughout) Item 10.2 - rewritten	New amendments have been inserted. Refer to previous changes (By-Laws formerly known as Rules) dated 15/5/2022 for previous wording. Note: The Constitution is now known as the Rules.
19 April 2024	Section 10 Bowls Committee	New amendments have been inserted. Refer to previous changes dated 4 February 2024 for previous wording.