



# Women's Bowls NEW SOUTH WALES

## **BY-LAWS**

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## TABLE OF CONTENTS

1. INTRODUCTION AND DEFINITIONS .....	3
2. BOWLING SEASON.....	3
3. REGIONS .....	3
4. DISTRICTS.....	3
5. COMPLIANCE OF MEMBER CLUBS AND DISTRICTS .....	3
6. DISPUTES AND DISCIPLINARY PROCEDURES .....	4
7. GREENS UNFIT FOR PLAY .....	4
8. PLAYER MEMBERSHIP WITH A MEMBER CLUB.....	5
9. PLAYER STATUS AND INVOLVEMENT .....	6
10. CHAMPIONSHIPS AND OTHER COMPETITIONS.....	6
11. CLUB TOURNAMENTS OR SPONSORED EVENTS .....	6
12. INTERSTATE CLEARANCES.....	7
13. FINANCE.....	7
14. ANNUAL GENERAL MEETING .....	9
15. NOMINATIONS FOR DIRECTORS .....	10
16. COMMITTEES.....	12
17. VACANCIES .....	15
18. VESTING OF PROPERTY HELD BY THE BOARD OF THE ASSOCIATION .....	16
19. LAWS OF THE SPORT OF BOWLS .....	16
ANNEXURE A Disciplinary By-Law .....	17
ANNEXURE B Minutes of meeting.....	26

## **1. INTRODUCTION AND DEFINITIONS**

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**1.01** In pursuance of the powers conferred on it by Article 41 of the Constitution of New South Wales Women's Bowling Association Inc. (trading as Women's Bowls NSW) (the Association), the Board makes the following By-Laws (By-Laws) for the regulation of the business and affairs of the Association.

**1.02** For the purposes of these By-Laws, meanings shall apply to words and expressions and capitalised terms used but not separately defined in these By-Laws as specified in the interpretation provisions of the Constitution, unless the context otherwise requires or as defined below.

**1.03** "Annual Basic Subscription" means the annual subscription fee payable in accordance with By-Law 13.4.

## **2. BOWLING SEASON**

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The bowling season shall commence on the 1st day of January of any given year and shall end on 31st day of December in each year unless the majority of clubs in a District vote to start from another date. The beginning of the season must not start before the state finals playoffs for competitions that are referred to in By-Law 11.1 (for the previous season) have been completed.

## **3. REGIONS**

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**3.01** The Board shall organise the District Associations within the State of New South Wales into Regions for playing New South Wales State Championships and any other Association Fixture or other Bowls the Board shall determine and upon such terms and conditions as the Board shall approve.

**3.02** Any new District formed shall be added to such Region as determined by the Board. The composition of the Regions may be varied from time to time.

## **4. DISTRICTS**

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**4.01** The Board shall organise Districts within the State of New South Wales for administering the conduct of Bowls in each District and any other Association Fixture or other Bowls the Board shall determine and upon such terms and conditions as the Board shall approve.

**4.02** Any new District formed shall be added to such Region as determined by the Board. The composition of the Districts may be varied from time to time.

## **5. COMPLIANCE OF MEMBER CLUBS AND DISTRICTS**

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**5.01** Member Clubs (and where applicable Districts) will take all reasonable steps necessary to ensure their constitution and by-laws documents conform to the Constitution.

**5.02** The Constitution and By-laws of each Member Club and District will, clearly reflect the Objects and recognise the Association as the authority for women's bowls in New South Wales and BA as the national authority for Bowls in Australia.

**5.03** Member Clubs and Districts shall provide to the Association a copy of their Constitution and By-laws documents. All amendments to these documents must be

submitted to the Association for approval before the relevant Member Club or District can accept them.

## **6. DISPUTES AND DISCIPLINARY PROCEDURES**

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**6.01** Where a dispute falls within the authority of the BA Member Protection Policy (MPP) it must be dealt with in accordance with the procedures provided in the MPP. All other disputes relating to the Association or its Members must be dealt with in accordance with these By-Laws.

**6.02** Subject to By-Law 6.1, disputes and grievances of Members are to be resolved in accordance with the Disciplinary By-Law provided as Annexure A to these By-Laws.

**6.03** Where the Board is advised, or considers that a Member has allegedly:

- (a) breached, failed, refused, or neglected to comply with a provision of this Constitution, the By-Laws or any resolution or determination of the Board or any duly authorised committee; or
- (b) acted in a manner unbecoming of a Member or prejudicial to the Objects and interests of the Association and/or Bowls; or
- (c) brought the Association or Bowls into disrepute,

the Board may commence or cause to be commenced disciplinary proceedings against that Member, and that Member will be subject to, and submits unreservedly to the authority, procedures, penalties, and appeal mechanisms of the Association as set out in the Disciplinary By-Law provided as Annexure A to these By-Laws.

**6.04** A Member Club must notify its District and the Chief Executive Officer of the name and address of any Member Player or Member Club suspended or expelled under the Disciplinary By-Law.

**6.05** Should any Member Club or District knowingly permit

- (a) any expelled or suspended Member Player,
- (b) any team from any expelled or suspended Member Club; or
- (c) any Member Player or Member Club called upon to resign membership as provided herein; to play on its green or use its amenities such Member Club or District shall be liable to be suspended under the Disciplinary By-Law for breach of these By-Laws and

such District shall be reprimanded or otherwise dealt with by the Board upon such terms and conditions as the Board shall in its absolute discretion determine.

## **7. GREENS UNFIT FOR PLAY**

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**7.01** Where any Member Player is drawn to play a match in an Association event at the green of a Member Club which they consider unfit for play, the match shall be played, notwithstanding that the Member Player retains the right to lodge a subsequent objection against such green if:

- (a) verbal notice of intention to lodge such an objection shall promptly be given to the Member Club.

- (b) verbal notice of intention to lodge such an objection shall be given to the opponent within a period of thirty (30) minutes after the commencement of play.
- (c) such written objection shall be lodged with the Secretary of the District controlling the Member Club; and
- (d) such objection shall be lodged with the Association within forty-eight (48) hours after the commencement of play.

**7.02** Where opposing Players both lodge an objection to the condition of the green, the Board may rule the match to be replayed.

## **8. PLAYER MEMBERSHIP WITH A MEMBER CLUB**

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**8.01** For these By-Laws, a person shall only be deemed to be a Member Player upon their Member Club notifying the Association of their name and that they have paid the Annual Basic Subscription and all other proper fees in full.

**8.02** Any Member Player who upon severing their connection with, and, fulfilling their financial obligations to any Member Club may apply for a Certificate of Clearance from such Member Club in the form prescribed by the Board from time to time. A Certificate of Clearance is issued immediately when a Member Player of any Member Club:

- (a) resigns.
- (b) dies; or
- (c) does not renew their membership thereof.
- (d) Any Member Player who is or has been a member of any Member Club may apply for membership with another Member Club and will be admitted as an intending player until they have lodged with the Secretary of the intending Member Club a Certificate of Clearance from the Member Club for which they formerly played.
- (e) Such Certificate of Clearance referred to in By-Law 8.3(a) must be made available to the new Member Club not later than fourteen (14) days after the acceptance of the Member Player as an intending player of the Member Club.
- (f) Once a Member Player is admitted as an intending player of a Member Club, when their Certificate of Clearance is made available, that Member Club must admit such Member Player to its membership.
- (g) If such Certificate of Clearance is not available or its issue has been withheld, the Board must investigate the matter and give its decision as to whether the Member Player may be admitted to the membership of such other Member Club during which time the Member Player's membership will remain in abeyance.
- (h) Upon admission to membership of the Member Player to the new Member Club:
  - (i) the Secretary of that Member Club must notify the Secretary of the District to which that Member Club belongs for their admission.

- (ii) the Member Player must pay such further fees for the current year to the Association or District concerned.

## **9. PLAYER STATUS AND INVOLVEMENT**

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**9.01** Any Member Player or Member Club may:

- (a) compete in any Bowls event for cash and/or kind; and
- (b) receive financial reward from any source associated with the game of Bowls including journalism (full or part time), authorship and media commentaries.

**9.02** The Association in events, matches or trials under its authority may, at its discretion, pay or approve payment of travelling expenses at a rate determined by the Board together with a daily meal allowance approved by the Board to Member Players and reserve Member Players participating in national events, international matches, or trials, or in visits between state associations.

**9.03** No Member Player shall be selected to represent New South Wales in an interstate match unless they have held membership of a Member Club or Member Clubs for the twelve (12) months immediately prior to such selection.

## **10. CHAMPIONSHIPS AND OTHER COMPETITIONS**

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**10.01** The Association shall arrange annual championship events open to Member Players and to Member Clubs and other bowlers or persons as specified by the Board and provide monetary and/or trophy awards for competing in those events. The Association shall also arrange State Pennants and other events and provide monetary and/or trophy awards for competing in those events. Monetary awards shall not be used for the purchase of Badges or Brooches bearing the name of the Association, District, or Member Club in any form.

**10.02 *No Member Player shall:***

- (a) play in any Association pennant match during the season for more than one (1) Member Club without written permission from the Match Committee, and such permission shall not be given unless that Member Player has first transferred their membership from the Member Club for which they formerly played to the new Member Club; or
- (b) play in any Association Event or other Bowls match, game, event, or competition unless they are a Member of the Member Club from which their entry was received.

## **11. CLUB TOURNAMENTS OR SPONSORED EVENTS**

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**11.01** No Member Club shall conduct any championship or event which disadvantages a Member Player, or on any day which would interfere or clash with the playing of a competition arranged by Bowls Australia, the Association or any State, Territory, Interstate, or International fixture of a like nature.

**11.02** Tournaments or sponsored events conducted by Member Clubs on a Saturday or Sunday shall be subject to the conditions of play of the Association.

## **12. INTERSTATE CLEARANCES**

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Any Member Player desiring to transfer from one State or Territory association to the Association shall apply to the State or Territory association which they are leaving for a Certificate of Clearance, and until such Certificate of Clearance has been issued, that Member Player shall not be eligible to take part in any fixture controlled by the Association. A Member Player may be accepted provisionally by the Association for a period not exceeding three (3) months pending receipt of the Certificate of Clearance from the Authority of the State or Territory association from which they are transferring

## **13. FINANCE**

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**13.01** The Finance Director is the principal accounting officer of the Association and has the authority to transfer moneys between the Association's bank accounts and to set up any new accounts and term deposits as may be required from time to time to facilitate the smooth function of the Association.

**13.02** The role of the Finance Director is to ensure that all financial details are kept in a proper and transparent manner, properly audited, and presented to the Board at each Board meeting and to the Members at the Annual General Meeting.

**13.03** In the absence of an appointed Finance Director the Board shall act jointly as the Finance Director.

### **13.04 Subscriptions**

- (a) All bodies applying for membership of, or Member Clubs holding membership of the Association shall pay the following fees:
  - (i) an Annual Basic Subscription of that sum approved by the Board at its January meeting each year, having regard to a basic subscription, expected expenditure of the Association, publication of Bowls Matters, BA fee, test match fee, and such other matter or matters as may be considered appropriate by the Board and calculated per the number of Member Players of each Member Club.
  - (ii) in the case of a body being designated an Isolated Club (as per Rule 6.1 (b) of the Constitution), the Annual Basic Subscription shall be paid directly to the Association.
- (b) The Annual Basic Subscription shall be due and payable on the 1st July each year and if such payment is not made within thirty (30) days of that date, membership of any Member Club failing to make such payment will be revoked by the Association.
- (c) On or before 1 May each year the Association shall forward a list of the names of all its Member Players and their respective addresses, dates of birth and other relevant information to the Member Club to be updated. The Association shall then invoice each Member Club the amount to be paid for the Annual Basic Subscription including regional fees, based on the number of Member Players of each Member Club in accordance with the updated Member Player list.

- (d) All Member Clubs shall advise the Secretary of their respective District immediately of any increase in membership during any year and remit the appropriate adjustment of the Annual Basic Subscription for each additional Member Player accordingly. The Secretary of such District must notify the Chief Executive Officer of the Association of the details of any such increase in membership and remit to the Association any additional moneys.
- (e) All or any fees or subscription payable by Member Clubs shall be increased by at least CPI each year, plus all increases imposed by BA and/or World Bowls, unless otherwise determined by the Board.
- (f) The Board may, at any time, impose a levy on all Member Clubs for any specific purpose provided 90 days' notice of intention to impose the levy is notified to Member Clubs.
- (g) If any sum of money remains due owing and payable by any Member Club, the Board may at its discretion recover that sum of money in such fashion as it deems appropriate.
- (h) The Board may in its discretion waive the payment of any Annual Basic Subscription by any Member Club upon such terms and conditions and for such period as it shall from time to time determine or upon such terms and conditions it otherwise thinks fit and appropriate.

### **13.05 Duties**

The Finance Director must:

- (a) receive all moneys and keep current accounts in the name of the Association in such financial institutions as the Directors of the Association shall from time to time determine.
- (b) invest any excess funds with any bank, trustee investment or public utility authorised by the Board so long as those alternative investments are in capital guaranteed investments.
- (c) maintain a sinking fund/holdings account as a term deposit in a financial institution.
- (d) present prior to or at each meeting of the Board, for approval, a reconciled statement of income & expenditure, together with the profit & loss and balance sheet for the period.
- (e) furnish properly audited accounts and a balance sheet to accompany the annual report.
- (f) submit a review of staff wages (in line with staff appraisal) to a November or December Board Meeting.
- (g) submit to each January Board Meeting:
  - (i) a recommendation for approval for the amount to be fixed for the Annual Member Player Fee together with the Annual Member Club Subscription Fee.
  - (ii) a review and recommendation for out of pocket expenses of the Association for the current year; and

(iii) a review of travel expenses of the Association.

### **13.06 General**

Forums/clinics shall be self-funded or as determined by the Board.

### **13.07 Expenses associated with State Events attended by officials (Officials)**

- (a) Meals for personnel required to attend events as officials and volunteers, if not part of sponsorship of the event, shall be paid by the Association.
- (b) Travel cost incurred by Officials shall be reimbursed at the current travel reimbursement rate.
- (c) If accommodation is required, it shall be paid for and organised in accordance with the Associations current travel policy. Provided no extra expense is incurred by a spouse/ partner/travelling companion, they may stay with the Official without needing to contribute to the cost of the accommodation.
- (d) At certain events the Board may, at its discretion, if not part of sponsorship of the event, cover the cost of meals for designated officials, volunteers and sponsors.
- (e) On days approved by the Association in advance a daily meal allowance, as determined by the Board from time to time, shall be reimbursed to approved individuals after completion of each event, in accordance with current policy.
- (f) Expense claims must be submitted to the office by no later than the 15th of the month following the month of travel otherwise reimbursement may not occur.

## **14. ANNUAL GENERAL MEETING**

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**14.01** Where practical, the Annual General Meeting of the Association shall be held in Sydney during the month of September.

- (a) A preliminary notice of the Annual General Meeting shall be forwarded by the Chief Executive Officer to all Districts and Member Clubs at least 42 days prior to the Annual General Meeting. Such notice shall set forth the usual business and call for nominations for the Board and expressions of interest for members of Committees.
- (b) The solicitor and auditor of the Association are eligible (with their consent) to stand for re-appointment at each Annual General Meeting.
- (c) The names of the nominees standing for election to the Board at the Annual General Meeting together with a brief resume of experience and ability along with the final agenda, formal notice of the Annual General Meeting and any other motions will be sent to Member Clubs at least 28 days prior to the Annual General Meeting.

**14.02** At the Annual General Meeting the order of business shall be as follows:

- (a) The roll shall be signed by those attending the Annual General Meeting and eligible to vote.
- (b) The reading and confirmation of minutes of the previous Annual General Meeting and of Special General Meetings (if any) since held.
- (c) Consideration of the Association's annual report and balance sheet.
- (d) Announcement of the results of the election by secret ballot of the Directors of the Board.
- (e) Announcement for the Committee appointments, and the appointment of the solicitor and the auditor of the Association; and
- (f) any other business of which due notice has been given.

## **15. NOMINATIONS FOR DIRECTORS**

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### **15.01** Nominations for Directors, members for the Committees of the Association.

- (a) Expressions of Interest for positions on the Committees when called for by the Chief Executive Officer must be in writing accompanied by a resume of the interested candidate stating their experience, aims and abilities relevant to the position. The candidate must meet the relevant criteria essential for all appointed positions.

### **15.02 Director Portfolios**

- (a) All portfolios shall be for one (1) year and will be allocated at the first meeting following the AGM each year. A Director may have several consecutive years holding the same portfolio.
- (b) The position of President shall be elected by members of the board.
  - (i) Only elected directors shall be eligible to vote.
  - (ii) Only an elected director who has served at least a year on the Board may hold the position of President.
  - (iii) The voting shall be conducted at a special meeting of elected directors immediately following the Annual General Meeting on the same day. The voting shall be conducted at a Special Meeting of elected directors immediately following the Annual General Meeting on the same day.
  - (iv) The election will be organised by the CEO or nominated officer who will act as Returning Officer together with a Scrutineer.
  - (v) The election procedure for the State President will be organised by the Returning Officer as follows: The Nomination Form will be available at the end of the AGM for elected directors to complete if they wish to nominate a director and must be returned to The Returning Officer before the commencement of the Special Meeting.
  - (vi) The Returning Officer shall announce the result of the election to the Board immediately.

- (vii) Following the declaration of the poll, the Returning Officer shall cause a notice to be posted to all member clubs of the outcome of the election within 48 hours.

**15.03** Postal voting for Directors of the Board – if there are a greater number of nominations for Director positions received than there are positions available on the Board, an election will take place via postal voting following the process detailed at By-Law 15.4.

**15.04** The voting method to be used when electing Directors is as follows (Election Process):

- (a) The Election Process is to be conducted as a ballot.
- (b) Only those candidates who have been validly nominated are an eligible candidate for election under this Election Process.
- (c) Ballot papers shall be prepared and distributed to each Member Club. The ballot papers must list each validly nominated candidate for election and a box in which votes for that candidate may be cast; and
- (d) The order that candidates will appear on the ballot paper will be determined by lot.
- (e) Each member club shall vote by marking in the square opposite the candidates name an "X" to the equal (or less but not more) number of positions vacant. Any ballot paper with more preferences than available positions will be deemed invalid.
- (f) Should the equal number of votes be cast for candidates that exceed the number of available positions, the candidates with the clear highest vote total will attain a position until an equal number of votes occurs that exceeds the remaining available positions.
- (g) The remaining candidates with equal votes will be elected by a show of hands by the member clubs present at the AGM and who are eligible to vote until all remaining positions are filled.
- (h) Only those candidates with equal votes after the first count will be deemed eligible to be elected by the members at the AGM.

**15.05 Process of Voting**

- (a) Without altering the method of voting noted above, the Directors retain the right to adopt an electronic online voting process should it be desired. Electronic online voting must be undertaken fulfilling the following requirements:
  - (i) That the decision to adopt Electronic Online voting must be adopted by decision of most of the board prior to the July 1st of each year and noted within the minutes of a properly constituted meeting as a resolution.
  - (ii) That the resolution must expire at the culmination of the election process for the year.
  - (iii) That the process is administered by an independent third-party provider.

## **16. COMMITTEES**

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### **16.01 Committees**

- (a) The Match Committee shall consist of no more than five (5) Member Players or such number as determined by the Board.
- (b) The Umpires' Committee shall consist of no more than three (3) Member Players or such number as determined by the Board. Eligible Member Players must have previously passed the required examination and been re-accredited at least once.
- (c) The Coaching Committee shall consist of no more than four (4) Member Players or such number as determined by the Board. Eligible Member Players must have previously passed the required examination.
- (d) The Selection Committee shall consist of no more than five (5) Member Players (including the appointed State Coach) or such number as determined by the Board.
- (e) The Governance Committee shall consist of no more than three (3) Member Players or such number as determined by the Board.
- (f) The Risk and Policy Committee shall consist of no more than five (5) Member Players or such number as determined by the Board.
- (g) Other Committees may be established from time to time as determined by the Board for a specific purpose.
- (h) Upon written application being made, the Board may grant leave of absence to members of the Committees.
- (i) Board Committees may be established from time to time to meet strategic objectives. Board Committees may be established for a specified period. Board Directors may hold a position on a Committee in addition to a Board Appointed Committee.

### **16.02 Committee Terms of Reference**

- (a) No Member Player shall be appointed to more than one (1) Committee.
- (b) Member Clubs shall not be permitted to have more than two (2) of its Member Players appointed to any one of the Committees at any time.
- (c) Committee members to nominate the Chair from amongst themselves prior to AGM. Nominated Chair to be approved by the Board prior to AGM. The President shall be an ex-officio member of all Committees except for the Selection Committee when selecting.
- (d) No Committee may expend any Association moneys without being authorised by the Board.

- (e) All Committees shall come under the authority and direction of the Board through the CEO/EO.
- (f) The duties of each Committee are as set out in the Terms of Reference which the Board shall from time to time determine.
- (g) The Committee shall provide articles to be included in the "Bowls Matters" and "Roll Up" as required.
- (h) Decisions will be made by majority vote. If the vote is even the motion is lost. The Chair shall not have a casting vote.
- (i) Meetings can be held face to face or via technology as deemed appropriate and agreed upon by Committee members.
- (j) All communications with members to be documented and kept on H drive.
- (k) All committees to provide a written report to the Board monthly.
- (l) All committee members are required to sign a Confidentiality and Code of Conduct agreement annually.
- (m) All Committees are expected to work as a team in and of themselves but more importantly, across the breadth of other State Committees meaning that communication and cooperation are paramount.
- (n) Committees are expected to respond to member queries in a timely manner.

### **16.03 Duties of Committees**

- (a) The duties of the Match Committee shall be:
  - (i) formulate the Calendar of Events each year to enable Club and Districts to conduct their events which culminate in the State Finals in all disciplines.
  - (ii) receive all entries for State organised events and competitions, complete the draw and allocate greens for all games.
  - (iii) settle all disputes arising about Conditions of Play Pennant and other Association events (subject to appeal to the Association by any Member Club or any District).
  - (iv) deal with all matters relevant to Match Committee and report as required.
  - (v) be responsible for the program of events being run per the Laws of Bowls and the Conditions of Play as set down by WBNSW.
  - (vi) review / respond to any reports received from Clubs / Districts as to the suitability / unsuitability of green/s for games.
  - (vii) ensure that all green/s are deemed fit to play on during the progress of any Association event. If green/s become unsuitable make recommendations

to stop play, until they can be declared fit to resume. Member Clubs may have to forfeit games until green/s are satisfactory to resume play.

- (viii) ensure Conditions of Play are reviewed annually to maintain player interest and meet changes in participation requirements.
  - (ix) all venue clubs used for Association events should be given as much information as is available to assist them in making the event run as smoothly as possible. The Match Committee should forward any information at regular intervals to keep interested parties updated. Advise numbers participating each day and numbers of Officials (including umpires, markers, and match officials) for catering requirements. The CEO/EO needs to be cc'd into any updates. In the event of a forfeit, advice should also be forwarded as soon as possible to enable adjustments if necessary.
  - (x) the Match Committee is always responsible for the running of all Association events therefore all Match Committee members should discuss feasibility of their entering state events with the Chair.
- (b) The duties of the Umpires' Committee shall be:
- (i) assessment and processing of umpires, measurers and markers (new and re- accreditation in NSW).
  - (ii) conduct courses for umpires, measurers, markers under the National Accreditation Scheme as required.
  - (iii) work with the Education Coordinator and Umpire Educators to ensure consistency in courses being run.
  - (iv) if required be available to umpire at all State events, but must umpire at State Carnival, State Pennants Playoffs, and State Championships; and
  - (v) be responsible for implementing the Laws of the Sport of Lawn Bowls as set out by World Bowls and Bowls Australia.
- (c) The duties of the Coaching Committee shall be:
- (i) to promote and conduct coaching clinics.
  - (ii) to promote and conduct club coach courses and selection & competition modules.
  - (iii) to provide recommendations, resources, and programs for coaching in NSW; and
  - (iv) to provide coaching articles for Association publications including "Bowls Matters" and "Roll Up."
- (d) The duties of the Selection Committee shall be:
- (i) to select Member Players to play in all interstate events; and
  - (ii) to report immediately such selections to the Chief Executive Officer who will notify the Board and (following approval by the Board) shall notify the selected Member Players in writing.
- (e) The duties of the Governance Committee shall be:

- (i) to examine the Constitution and By-Laws of every Member Club and District to ensure that they comply with all requirements of the Association.
- (ii) to maintain an up-to-date copy of the Constitution and By-Laws of the Association; and
- (iii) to assist and advise the Board, Districts, and Member Clubs of interpretation of:
  - the State Constitution, By-Laws, Policies, and Standing Orders.
  - District Constitutions, and By-Laws
  - Club Constitutions and By-Laws.
- (f) The duties of the Risk and Policy Committee shall be to:
  - provide recommendations to the Board on financial processes, outputs, and application of accounting policies.
  - provide recommendations on risk management processes and status of risks.
  - provide recommendations on the adequacy of the Association's system of internal controls.
  - provide recommendations on appointment, removal, and performance of the External Auditor and the audit of the organisation.
  - provide recommendations on business policies and practices.
  - provide recommendations on the protection of the Association's assets.

## **17. VACANCIES**

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**17.01** The position of any Member Player on the Committees may be terminated, and their position declared vacant if the Member Player:

- (a) dies.
- (b) becomes bankrupt.
- (c) becomes of unsound mind.
- (d) resigns their office in writing to the Association.
- (e) fails to fulfil their obligations for a period of three (3) months.
- (f) holds any office of employment with the Association.
- (g) is directly or indirectly interested in any contract or proposed contract with the Association and fails to declare the nature of her interest; and
- (h) in the opinion of the Board:

- (i) has acted in a manner unbecoming or prejudicial to the Objects and/or interests of the Association and/or Bowls; or
- (ii) has brought themselves the Association or Bowls into disrepute; or
- (iii) breaches any rule, By-Law, or code of conduct of the Association.

**17.02** The Board may at its discretion enlist the aid of any Member Player or other person to assist it or any of the Committees as it deems appropriate in fulfilling its or their respective functions

## **18. VESTING OF PROPERTY HELD BY THE BOARD OF THE ASSOCIATION**

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**18.01** All real and personal property now or hereafter held or acquired by the Association or by any person for or on its behalf shall become and be vested in and held by the Board thereof on trust for the Association. The Board for the time being of the Association shall be empowered to:

- (a) purchase, take on, lease or otherwise acquire for and on behalf of the Association, any property rights, and privileges at such price and generally on such conditions as may be deemed advisable.
- (b) sell, exchange, lease, mortgage or encumber all or any portion of the real and personal property of the Association upon such terms and generally on such conditions as may be deemed advisable.
- (c) institute, conduct, defend, compound or abandon any legal proceedings by or against the Association or otherwise concerning its affairs and compound and allow time for payment of any debts due and of any claims or demands by or against the Association; and
- (d) generally, make, do, and execute all acts, deeds, matters and things necessary or expedient for the above purposes.

## **19. LAWS OF THE SPORT OF BOWLS**

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**19.01** For the purposes of the Association, the "Laws of the Sport of Bowls" shall be those adopted by BA from time to time. Should the Association withdraw from BA, the Association reserves the right to make its own conditions for the playing of all matches within its authority.

**19.02** Any dispute as to the interpretation of the "Laws of the Sport of Bowls" as adopted by BA shall be referred, in the case of State matters, to the Association, and, in the case of interstate matters, to BA whose respective decisions shall be final and binding.

## **ANNEXURE A**

### **Disciplinary By-Law**

#### **PART 1.**

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##### **1.01 Authority**

- (a) This disciplinary By-Law (By-Law) is expressly made as a By-Law of the Association under Article 13 (Discipline) and 41 of the Constitution.
- (b) This document:
  - (i) establishes the process by which the Association may take disciplinary action against a Member.
  - (ii) is subject to the Constitution.
  - (iii) is consistent with the Constitution; and
  - (iv) when in force, is binding on all Members and has the same effect as a provision in the Constitution.
- (c) Words and phrases in the Constitution have the same meaning in this Disciplinary By- Law and this document is to be read in conjunction with and subject to the Constitution and the By-Laws.
- (d) The interpretation of this document is solely the province of the Board.

##### **1.02 Purpose**

The purpose of this By-Law is to detail how the disciplinary procedures that govern the Association are to be conducted and how disciplinary action is to be taken. If this By-Law is considered not sufficiently detailed for those seeking to apply it, those persons are to refer all questions of clarification or amplification to the Board of the Association.

##### **1.03 Authority of The Disciplinary Panel**

The Board delegates the power of investigating or determining allegations against members to its Disciplinary Panel which is established by this By-Law.

- (a) It is an offence under this By-Law for any person to:
  - (i) breach, fail, refuse or neglect to comply with a provision of:
    - the Constitution.
    - any By-Laws made by the Board.
    - BA's Member Protection Policy.
    - any rules made by any relevant international federation governing the sport of Bowls; or
    - any other resolution or determination of the Board or duly authorised commission or committee.

- (b) as such documents are from time to time amended.
  - (i) act in a manner unbecoming of a Member or prejudicial to the interests of the Association and/or Bowls; or
  - (ii) prejudice the Association or Bowls or bring the Association or Bowls into disrepute.
  - (iii) The Disciplinary Panel may also deal with any other matter referred to it for adjudication by the Association
  - (iv) The Disciplinary Panel must always act independently and impartially in carrying out its duties in accordance with this By-Law.

#### **1.04 Membership of Disciplinary Panel**

- (a) The Disciplinary Panel shall be appointed by the Board from time to time and for each hearing shall comprise the following persons:
  - (i) a Chair who shall be a person of experience and skills suitable to the function of chairing a Disciplinary Panel and discharging the responsibilities set out under clause (Part 3) of this By-Law; and
  - (ii) two additional Disciplinary Panel members.
- (b) A Disciplinary Panel member may hold another position within the Association, or with a Member of the Association.
- (c) No Disciplinary Panel decision shall be invalidated by any irregularity in the appointment of a Disciplinary Panel member.
- (d) No member of the Disciplinary Panel shall hear any matter in which he or she has an actual or perceived conflict of interest that might reasonably call into question the impartiality of the Disciplinary Panel.
- (e) All decisions made by the Disciplinary Panel will be by majority vote.

## **PART 2. INVESTIGATIONS AND NOTIFICATIONS**

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### **2.01 Investigations**

- (a) A Member who wishes to make a complaint about an incident, may do so to the Disciplinary Panel.
- (b) Where the Association believes an offence under these Disciplinary By-Laws may have been committed, or the Association receives a letter of complaint about an incident, the Association may investigate, or appoint a person to investigate the alleged offence and establish whether a report should be filed.
- (c) Following an investigation, the Association (or the person appointed to investigate) may make a report if he/she considers it appropriate to do so, in that person's sole discretion.
- (d) The person conducting the investigation shall have all powers reasonably required for the purposes of the investigation, including but not limited to calling and viewing any evidence, inspecting documents or questioning witnesses.

### **2.02 Duties of Hearings Officer Upon Receiving a Report**

- (a) The Association shall appoint an officer to be responsible for the receipt of reports made under these Disciplinary By-Laws and to carry out the duties about such reports (Hearings Officer). The Hearings Officer may hold another position within the Association. Unless another person is appointed to this role, the Hearings Officer shall be the Chief Executive Officer of the Association.
- (b) Upon receiving a report made under this By-Law that necessitates convening the Disciplinary Panel, the Hearings Officer shall have the following duties:
  - (i) schedule the venue, time, and date to be set aside for a hearing of the Disciplinary Panel.
  - (ii) convene hearings of the Disciplinary Panel to deal with matters referred to it.
  - (iii) ensure that three members of the Disciplinary Panel are present to deal with any matters referred to it for determination.
  - (iv) receive and refer to the Disciplinary Panel all material relating to any reports made under this By-Law.
  - (v) provide written notice to the Member of:
    - the date, time, and place of the Disciplinary Panel hearing.
    - the nature of the proceedings and the matters or alleged offences the subject of the investigation or determination.

- state that the Member concerned is required to appear and in what capacity; and
  - the possible penalty or penalties.
- (vi) notify any official or witnesses required to be in attendance, of the date, time, and place of the Disciplinary Panel hearing.
- (vii) notify each of the above persons of the consequences of non-attendance at the Disciplinary Panel hearing and the procedure to be followed in each case; and
- (viii) notify the Chair (or his/her delegate) of the Disciplinary Panel that a report has been received and deliver to the Chair (or his/her delegate) all information relevant to the hearing.

### **2.03 Convening Disciplinary Panel Hearings**

- (a) The Disciplinary Panel will be convened as soon as is practicable.
- (b) A Member appearing before the Disciplinary Panel shall be entitled to all membership benefits until the Disciplinary Panel has heard and determined the matter, unless the Disciplinary Panel considers that the gravity of the charge is so serious that it warrants a provisional suspension of the Member until the matter is determined by the Disciplinary Panel.

## **PART 3. CONDUCT OF PANEL HEARINGS**

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### **3.01 Responsibilities of Disciplinary Panel Chair**

Without limiting any other duties of the Disciplinary Panel Chair set out under this By-Law, the person appointed as Disciplinary Panel Chair shall have the following responsibilities:

- (a) to chair hearings of the Disciplinary Panel or to ensure that such task is delegated to a member of the Disciplinary Panel.
- (b) to ensure accurate records are kept of all the Disciplinary Panel's proceedings and decisions using the form set out in these By-Laws.
- (c) to communicate to the Association, the results of hearings of the Disciplinary Panel and provide a copy of the record to the Association as soon as reasonably practicable following the hearing; and
- (d) to raise with any proposed Disciplinary Panel member any potential or possible conflict of interest which may arise from time to time.

### **3.02 Attendance at Disciplinary Panel Hearings**

- (a) The following persons shall be required to attend the Disciplinary Panel hearing conducted under this By-Law:
  - (i) the Member who is facing a charge at the Disciplinary Panel hearing.
  - (ii) witnesses as indicated by the Association; and
  - (iii) any other witness required by the Disciplinary Panel.
- (b) The following persons shall be entitled to attend a Disciplinary Panel hearing as required by the Association or the Member:
  - (i) witnesses called to give evidence by the Member; and
  - (ii) witnesses called to give evidence by the Association.
- (c) The following persons shall be entitled to attend the Disciplinary Panel hearing with the permission of the Chair:
  - (i) the Association representatives; and
  - (ii) any other person
- (d) Legal representatives or legal advocates are not permitted to appear before the Disciplinary Panel.
- (e) The Chair may invite any other person he/she believes will assist the Disciplinary Panel.
- (f) Each party to the Disciplinary Panel shall bear their own costs.

### **3.03 Non-Attendance at Disciplinary Panel Hearings**

- (a) If any Member fails to attend a Disciplinary Panel hearing at which they face charges without reasonable cause, the hearing may proceed, and a determination may be made by the Disciplinary Panel in the absence of the Member, if the Disciplinary Panel is satisfied that all notification procedures under this By-Law have been carried out.
- (b) A Member may apply to the Hearings Officer to have a Disciplinary Panel hearing:
  - (i) adjourned; or
  - (ii) convened in another way (e.g. teleconference)
- (c) If there are compelling circumstances which warrant such steps being taken to avoid costs, hardship, or significant inconvenience to the Member. The Hearings Officer (or the Disciplinary Panel if already convened) has sole discretion on whether to grant the application.
- (d) If any witness fails to attend a Disciplinary Panel hearing, the hearing may continue in his/her absence at the discretion of the Disciplinary Panel. However, if the Hearings Officer have notified such witness as being a required person at a Disciplinary Panel hearing, such witness may be liable to penalty by the Disciplinary Panel for obstructing the Disciplinary Panel procedures.

### **3.04 Procedures of A Disciplinary Panel**

- (a) If a Member (who is not being a natural person) is the subject of a Disciplinary Panel hearing, one person from that Member shall act as spokesperson for the Member.
- (b) At the commencement of a Disciplinary Panel hearing, the Chair shall identify the members of the Disciplinary Panel and determine whether the Member is present to answer the allegation(s).
- (c) The Member and the reporting official shall be notified of their right to remain in the Disciplinary Panel hearing until all evidence is presented but not to be present whilst the Disciplinary Panel considers its findings and determines an appropriate penalty (if any).
- (d) The matter(s) the subject of proceedings shall then be read to the Member concerned. The Association shall be given the opportunity to report the circumstances of those matter(s). The Member concerned will be given the opportunity to respond to this report and present evidence and submissions as to their view of the circumstances of those matter(s). Any witnesses called by either the Association or the Member concerned will be given the opportunity to give evidence or make submissions. Witnesses may be questioned on their evidence. Evidence and/or submissions may be tendered in writing.

- (e) The Disciplinary Panel will consider the evidence presented. The Disciplinary Panel may adjourn the hearing if necessary, to do so.
- (f) If the Disciplinary Panel is satisfied that an allegation has been established on the balance of probabilities (i.e. more probable than not) it shall find the allegation proved. Otherwise the allegation shall be dismissed.
- (g) If the Disciplinary Panel is not satisfied that the allegation has been proved but is satisfied that a lesser allegation has been established, then the Disciplinary Panel may find such a lesser allegation established and shall apply the penalty applicable.
- (h) The decision of the Disciplinary Panel shall be given in the presence of all, by the Disciplinary Panel Chair. The Disciplinary Panel shall determine the penalty to be imposed (if any) and shall advise the Member of the penalty. Every decision of a Disciplinary Panel shall be conveyed in writing to the parties concerned (within a reasonable period).
- (i) The Chair shall also notify the Hearings Officer of the decision and any penalty imposed by the Disciplinary Panel.
- (j) The Disciplinary Panel is not obliged to give oral or written reasons for any decision made by it under this By-Law.

## **PART 4. OFFENCES AND PENALTIES**

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### **4.01 Penalty**

- (a) The Disciplinary Panel shall have the power to suspend, disqualify, reprimand, fine, bond, ban or otherwise deal with any Member found to have committed an offence under this By-Law. Penalties which may be imposed include:
  - (i) a reprimand.
  - (ii) suspension, from such activities or events held by or under the auspices of the Association, including but not limited to competition, on such terms and for such period as the Disciplinary Panel thinks fit.
  - (iii) exclusion from a competition, activity, event, or events.
  - (iv) expulsion from the Association.
  - (v) suspension for a specified period and/or termination of any rights, privileges and benefits provided by the Association.
  - (vi) any other such penalty as the Disciplinary Panel considers appropriate.
- (b) A penalty handed down under this By-Law shall commence from the date of the Disciplinary Panel finding unless otherwise expressly directed by the Disciplinary Panel.
- (c) The Disciplinary Panel may consider any penalties previously ordered against the Member when determining the penalty to be handed down in each case.

### **4.02 No Right of Appeal**

- (a) In limited circumstances, the BA Disciplinary Policy allows WBNSW to refer matters to BA for their consideration.
- (b) Subject to matters referred to BA in (a) of this clause there is no right of appeal following a decision of a Disciplinary Panel. Any dispute must be solely and exclusively resolved by the Disciplinary Panel and the decision is final and binding on the parties.
- (c) A person shall exercise his/her rights under this By-Law and have any dispute heard and determined by the Disciplinary Panel before commencing any proceedings or becoming a party to any proceedings in a court of law or the Court of Arbitration for Sport.

## **PART 5. MISCELLANEOUS**

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### **5.01 Relationship with Criminal Matters**

- (a) If, during a Disciplinary Panel hearing or an investigation under these Disciplinary By-Laws, it becomes known that a criminal charge has been brought (as opposed to merely the subject of police investigation) arising out of the actions of the subject of the hearing or investigation, the Association, the Disciplinary Panel, or the Chairs of those bodies, may rule that further action be deferred until completion of the criminal matter.
- (b) In making a determination under clause 14 (a) of this By-Law, the relevant persons shall have regard to the need to ensure the ongoing safety of competitors, officials and other persons involved in the Association and Bowls.

### **5.02 Natural Justice**

To the extent that the principles of natural justice are not included in the provisions set out in this By-Law they are expressly excluded.

### **5.03 Miscellaneous**

For further clarification of procedures refer to Q & A Disciplinary Procedures fact sheet. <http://womensbowlsnsw.org/Members-Resources/Policies>



**ANNEXURE B**  
**Minutes of Meeting**

Minutes Of: Disciplinary Panel  
Held on the ..... / ..... / .....

Present:

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Member (*subject to hearing*):

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Statement of the incident:

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Notes:

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Decision:

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Chair's Signature: .....

Date: ..... / ..... / .....

[Attach additional pages where required]