

Manly Bowling Club Incorporated

Incorporated Society No. [223324]



Club Regulations

incl.

Disciplinary Regulations

Commencement Date: 1st March 2014
Last amendment 22nd June 2015

Table of Contents

1.	<i>Definitions</i>	2
2.	<i>Commencement Date</i>	2
PART I – MEMBERSHIP		2
3.	<i>Playing Members</i>	2
4.	<i>Non-Playing Members</i>	3
5.	<i>Casual Members</i>	3
PART II – GOVERNANCE		3
6.	<i>Nominations for Board and other Committees</i>	3
7.	<i>Election of the Board and other Committees and Positions</i>	4
8.	<i>AGM Procedure</i>	4
9.	<i>The Board</i>	4 - 5
10.	<i>Committees and other Positions</i>	6 – 7
11.	<i>Financial</i>	7
12.	<i>Centre and Interclub Events</i>	7 - 8
PART III – ADMINISTRATION		8
13.	<i>Visitors</i>	8
14.	<i>Weekend Membership Criteria</i>	
14.	<i>Protection of Greens</i>	8
15.	<i>Bowling Attire</i>	8 - 9
16.	<i>Complaints</i>	9
17.	<i>Communication</i>	9
18.	<i>Alterations to Regulations</i>	9
19.	<i>Club Premises</i>	9
20.	<i>Club Property</i>	9
21.	<i>Exclusion from Liability</i>	10
22.	<i>Bar Regulations</i>	10
23.	<i>Data Protection</i>	10
24.	<i>Registered Office of the Club</i>	10
25.	<i>Interpretation</i>	10
	<i>List of Amendments to the regulations</i>	22

Manly Bowling Club Incorporated Regulations

1. Definitions

- 1.1 The words and phrases used in these Regulations shall have the same meaning as defined in the Constitution of the Club unless otherwise specified in these Regulations.

2. Commencement Date

- 2.1 Under Rule 28 of the Constitution, the Board has determined that these Regulations shall come into force on 1st March 2014 together with any subsequent amendments.
- 2.2 The Board has also determined that all previous by-laws, regulations, rules or policies of the Club are revoked with effect from the commencement date of these Regulations and from that date shall have no force or effect.

PART I – MEMBERSHIP

3. Playing Members

The Playing Members of the Club (as described in Rule 6.1 of the Constitution) shall be defined by the following subcategories of membership:

- a. Full Members: Shall be entitled to all the playing and other privileges and advantages of full membership of the Club.
- b. Limited Members: Any member who for a period of time, owing to illness, is unable to play bowls regularly throughout the year, may make application to the Board to be classified as a Limited Member in order to retain membership. These members will only be permitted to take part in a limited number of Club Roll-ups as determined by the Board. They do not have voting rights.
- c. Weekend Members: Any member who is unable to play bowls regularly throughout the year due to occupation commitments. These members will be eligible to take part in Club Roll-ups, once they have been deemed sufficiently proficient by a club coach, and in any non-Trophy event on Sundays. Practice is allowed on weekends only, and provided a Full or Limited club member is present to unlock and lock the club premises. Flat soled shoes must be worn at all times on the Club greens. They do not have any voting rights. (The criteria for this membership is listed under 'Administration')
- d. Student Members: Any member who is in full-time (incl. tertiary) education up to the age of 25 years. They are entitled to all the playing and other privileges and advantages of full membership of the Club.
- e. Playing Life Members: Shall be entitled to all the playing and other privileges and advantages of full membership of the Club.
- f. Associated Members: Any Full Member of any other Club affiliated to Bowls NZ shall be eligible for election as an Associate Member of this Club. Play will be limited to ten (10) official roll-ups per year, and unlimited individual practise sessions. They do not have any voting rights.

4. Non-Playing Members

The Non-Playing Members of the Club (as described in Rule 6.1 of the Club Constitution) shall be defined by the following subcategories of membership:

- a. Social Members: As described in Rule 2.1 (Interpretation). They do not have any voting rights;
- b. Honorary Members: If any Full Member is unable, through illness, to play bowls and has taken an active and prominent part in the affairs of the Club, the Board may classify such Member as an Honorary Member for such period as the Board shall think fit. They do not have any voting rights; and
- c. Non-Playing Life Members: Have the same voting rights as any Full Member.

5. Casual Members

The Casual Members of the Club (as described in Rule 6.1 of the Club Constitution) shall be defined by the following subcategories of membership:

- a) Casual Members;

Any person who is not a registered bowler, who requests to use the Club's greens on a casual basis or who wishes to participate in any social bowling activity organised by the Club must first apply for Casual Membership in accordance with Rule 8.2 of the Club Constitution.

They have no voting rights

- b) Weekend Community Bowlers;

For anyone from the Community who is unable to join the Club as a Playing Member to play bowls during the week due to full-time work commitments. These members will be eligible to take part in Club Roll-ups on Saturdays, social weekend events, and practice and coaching at weekends only.

They have no voting rights.

PART II – GOVERNANCE

6. Nominations for the Board and Other Committees

- 6.1 A notice calling for nominations of Elective Officers, Members of the Board, and other committees together with nomination forms, shall be displayed on the Notice Board of the Club before 30 April each year.
- 6.2 Every candidate other than for the President and the Vice-President, shall have been a Full Member of the Club for at least six (6) months prior to the closing of nominations.
- 6.3 No Full Member shall be elected as President or Vice-President unless she/he has been a member of the Club for at least two (2) years.

- 6.4 No Full Member shall be elected as President unless she/he has served on the Board for a minimum of one year.
- 6.5 Nominations for the positions of the Elective Officers, Members of the Board and other committees, shall be delivered to the Secretary no later than seven (7) days before the Annual General Meeting, and shall be proposed and seconded in writing by two Full Members of the Club. The nomination form must bear the signature of the candidate as evidence of her/his consent.
- 6.6 Should there be insufficient nominations for any vacancy further nominations shall be made at the Meeting.
No member shall be eligible for nomination from the floor and/or subsequent election to any office unless he/she is present at the meeting or has sent in a written consent to act.
- 6.7 A member co-opted to the Board for a specific task (as described in Rule 14.3 of the Constitution) shall have no voting rights on the Board.
A member co-opted to the Board to replace a Board Member (as described in Rule 15.2 of the Constitution) shall have voting rights on the Board.

7. Election of the Board, Other Committees and Positions

The Officers and other Members of the Board and other Committees shall be elected at each Annual General Meeting, and shall respectively hold office until the next succeeding Annual General Meeting, when they shall retire, but be eligible for re-election. All members are eligible to vote for each of the positions whether or not the position is to be held by a Female or a Male. The position of President need not alternate between Male/Female.

8. A.G.M. Procedure

- 8.1 Elections shall be conducted and declared in the following order (Rule 21.4(d) in the Club Constitution):
- President
 - Vice President
 - Secretary
 - Treasurer
 - Six other Board Members (three male / three female)
 - Bar Manager
 - Club Captain (The Club Captain shall not be a Board Member)
 - Green Superintendent
 - Green Committee
 - Match Committees (male and female)
 - Tournament Committee
 - Social Committee
 - Catering Committee
 - Pavilion Convenor
 - Works Committee
 - Selectors - Men (not more than three)
 - Women (not more than three)

9. The Board

9.1 The Board shall consist of:

President

Vice President

Secretary

Treasurer

Bar Manager

Other Board Members (no more than 6, three male / three female)

9.2 The Board members shall be assigned roles to ensure responsible governance of the Club.

The roles shall be as follows, although some adjustments can be made to suit the particular Board personnel after each AGM.

President	Overall oversight Disciplinary Committee Club Captain
Vice President	Assist where required
Secretary	Accessories and Uniforms Officers Petty Cash Fees/Subscriptions
Treasurer	Finance Committee Accounts / Budgets Insurance EFTPOS Utilities
Bar Manager	Bar

Other areas to be covered by the Board Members are:

Advertising – Handbook and
Green Signage

Bus. House Bowls

Catering

Club Hire

Coaches / Umpires

Cleaning

Delegate

Fundraising

Grant Applications

Greens

Ground Maintenance

Health and Safety

Juniors

Match Convenors / Committees

Pavilion/Works

Privacy

Prize Giving

Publicity / Newsletters

Raffles

Selectors / Gradings

Social

Sponsorship

Tournaments

Welfare

The responsibilities of each Board Member will be displayed on the Notice Board once finalised after

each A.G.M.

10. Committees and other Positions

10.1 Match Committees:

The Club shall have two (2) Match Committees, one for men and one for women, elected at the AGM.

The duties of the Match Committees shall be to conduct and regulate all Club Competitions with due regard to Rule 25 of Bowls New Zealand Constitution and settle disputes therewith, and generally to have control of all such games. Only financial Full Members shall be eligible to compete in Club Championship Competitions.

(a) Right of Appeal

Any Member dissatisfied with a decision of the Match Committee shall have the right of appeal to the Board provided that notice of such appeal to be lodged with the Secretary within three (3) days after the date on which the decision of the relevant Committee is communicated to the Member concerned.

10.2 Tournament Committee

The Club shall have one (1) Tournament Committee to be elected at the AGM each year.

10.3 Social Committee

The Club shall have a Social Committee elected at the AGM. The duties shall be to arrange all social activities, fund-raising functions, raffles, and the catering thereof.

10.4 Catering Committee

The Club shall have a Catering Committee, elected at the A.G.M. which is responsible for the catering requirements of the Club.

10.5 Pavilion Convenor

The Club shall have a Pavilion Convenor, elected at the A.G.M., who is responsible for the maintenance of the interior and exterior of the pavilion.

10.6 Works Committee

The Club shall have a Works Committee elected at the AGM.

Its duties shall be to organise all alterations, additions and general maintenance of buildings and surrounds.

10.7 Greens Committee

The Club shall have one (1) Greens Committee elected at the AGM. The duties shall be to assist the Greens Superintendent in preparation of the Synthetic and Natural Greens for play, and assist with any maintenance of the Greens.

10.8 Chairperson

With the exception of the Greens Committee, the Chairperson of all the aforementioned Committees will be elected by Committee Members from within the Committee membership.

10.9 Selectors and Grading Committees

The Selectors – Men, not more than three (3) and - Women, not more than three (3), shall be elected by the Members at the AGM. The duties of the Selector(s) shall be to select the teams for all Inter-Club matches, to make nominations in accordance with the Constitution of the Centre for Representative teams, and to classify and handicap players for competitions.

10.10 Coaches, Umpires

The Board may appoint and define the respective duties of the Club Coaches, and Club Umpires, and may fill any vacancy in any of these appointments during any particular year.

10.11 **Sub-Committees**

a. **Establishment**

The Board may from time to time appoint committees to undertake any one or more of its duties and functions;

b. **Composition**

Committees of the Board shall comprise of at least three members being one (1) current Board Member and two other persons with the appropriate skills and experience relevant to the work of the committee, appointed by the Board. In addition the President or their nominee shall attend meetings of the committee as an ex officio member. The Board shall appoint one of the members of each committee to be the Chairperson. The Board shall also fill any vacancy on any committee;

c. **Powers**

Committees shall, in respect of the matters for which they have been established, have the power to:

- i) Make enquiries on behalf of the Board including retaining advisors and experts to assist it in such enquiries, subject to (d) below;
- ii) Develop draft policies and procedures for approval by the Board;
- iii) Delegate its powers and functions to an individual or working group;
- iv) Only incur any expense (e.g. advisors fees) which is approved by the Board; and
- v) Make recommendations to the Board.

Committees shall have no powers to make decisions on behalf of the Board or the Club. They shall assist the Board as the governors of the Club and shall not be involved in the management of the Club, except to the extent they are directed to do so by the Board;

d. **Functions**

The functions of each committee shall be determined by the Board and recorded in a terms of reference document. This shall include any reporting requirements and a timeline for completion of the work for which it is established; and

e. **Procedures**

Committees shall meet at least once every quarter of the year and/or at such other times as are necessary to carry out their functions. Each member of the committee is expected to attend every meeting (whether in person or by teleconference). Each member shall be entitled to one vote and the Chairperson shall have both a deliberative and casting vote. Where there is any matter within its function which may give rise to a conflict of interest the relevant members of the committee shall not be entitled to vote and shall declare their conflict of interest to the Board and the committee. In this situation the Board may appoint person (s) to replace that committee member in respect of the matter which gives rise to the conflict of interest.

11. **Financial**

All cheques on the Club financial accounts (as described in Rule 25.3 of the Constitution) shall be signed by the Treasurer and one of either the President or Secretary.

12. **Centre / Interclub Events**

12.1 The Board shall decide what Inter-Club and Centre Matches and Competitions shall be entered for by the Club during the ensuing season but the Board shall have power to vary such decisions if, owing to subsequent circumstances it shall deem such variations to be in the best interests of the Club.

- 12.2 Should Bowls North Harbour award monetary prizes for any Interclub or other event (excluding Champ of Champs) for which the entry fees have been paid by the Club, the cost of those entry fees shall be retained by the Club and the balance awarded to the prize winners.
- 12.3 For Champ of Champs events (in which the players have already paid an entry fee to the Club) any monetary prizes given by Bowls North Harbour will be awarded to the prize winners.

PART III – ADMINISTRATION

13. Visitors

- 13.1 The Board may grant to a member of any Club which is a member of Bowls NZ and not within the Bowls North Harbour Centre District, permission to use the greens and premises of the Club for such time and on such conditions as to payment or otherwise as the Board think fit, but he/she shall not be eligible to represent the Club in outside competition or to play in any Club competition.
- 13.2 The Board may accord to any overseas visitor who is a member of a Bowling club affiliated to an Association in membership with World Bowls the privileges of Full membership of this Club for such period not exceeding 12 months and on such conditions as to payment or otherwise as the Board shall think fit.
- 13.3 Visitors for purposes other than the playing of bowls may be admitted to the Club Pavilion when accompanied by a member and in accordance with any legislation (such as the Sale of Liquor Act) such member to be responsible for the conduct of the visitor introduced by her or him.

14. Weekend Membership

- 14.1 Members allowed to play at roll-ups on Saturdays, and at any non Trophy event on Sundays.
- 14.2 Members should have coaching prior to joining roll-ups, and their proficiency should be assessed by a club coach before being allowed to play roll-up. Hopefully this will allay the current fears that full members will have to act as 'trainers' during their roll-up games. It will also ensure the new weekend players feel more confident before joining in teams with 'experienced' members.
- 14.3 Weekend members will be classified as Leads / handicap 8 for the purposes of arranging the roll-up teams.
- 14.4 They will NOT be included on the Saturday roll-up league tables and the resulting prize giving trophies. This will remain a privilege of full / limited members.
- 14.5 If small 'scratchy' prizes are introduced at roll-ups, the weekend members will be allowed to take part in these.
- 14.6 If the weekend members later join as full members of the club, they will enter as 2nd year players (i.e. due to their weekend experience they will not be eligible for 1st year status and competitions).
- 14.7 Coaching will be available on Saturday mornings by appointment.
- 14.8 Practicing – this will be available at weekends only and provided a club member is present to open the club and ensure bowls / mats / jacks etc. are taken out and put back in their correct places at the end of practice. Weekend members will not be given club keys.
- 17.9 Weekend members will be permitted to use the club bowls – on club premises unless/until they own their own bowls

14. Protection of Greens

- 14.1 The Club's Greens may be used at any time by Members and their guests provided:
- a. they have not been closed by the Green Keeper or the Green Superintendent; and

- b. they are not required for any Club or Centre Programme event.
- 14.2 All Members whilst engaged on the greens must wear shoes or sandals that are flat soled and heel-less.
- 14.3 Any player with a physical disability may use an appropriate support, wheelchair or bowling aid, provided that the same is so made that it causes no damage to the green.

15. Bowling Attire

- 15.1 Bowling attire shall be as defined by the Controlling Body and / or in the Club standards determined by the Board from time to time.
- 15.2 Club Colours
 - a. The Club is required to comply with Rule 28.2 in the Constitution of Bowls NZ relating to colours;
 - b. The colours of the Club shall be Cobalt Blue and White; and
 - c. Any change in the colours adopted by the Club shall be subject to prior approval of the Centre.
- 15.3 Sponsors Colours

Sponsors colours can be worn by teams (not individuals) under the following rules:

 - 15.3.1
 - a. The sponsor has to be approved by the Club Sponsorship Committee annually to ensure no conflict of interest with Tournament / Event sponsors.
 - b. The Sponsorship Committee is also to approve the style/design of the shirts, to ensure they meet Club standards.
 - c. The sponsored shirts are not to be worn at tournaments on days where the sponsor of that Tournament is in a similar trade, occupation or business.
 - d. The sponsorship to be \$300 + GST, renewable annually – the same as greenside signs, and
 - e. If completed the whole team must wear them, they cannot have two of the team with sponsors shirts and another team member in club shirt or white shirt.
 - 15.3.2 The sponsors colours may be worn at the following times:
 - a. Manly Club Tournaments
 - b. Other Club Tournaments – subject to their organizers approval
 - c. Roll-ups
 - d. Club Championships, and
 - e. Individually entered Centre Events – subject to the organizers approval re possible conflict of sponsor
 - 15.3.3 Sponsors colours are NOT permitted for:
 - a. Interclub e.g. Pennants, Cadness Cup etc., or
 - b. Champ of Champ events

At these times the player's prime representation is that of the Club not the sponsor.

16. Complaints

All complaints concerning the staff, green(s), domestic or other arrangements of the Club or in respect of the conduct of any Member shall be in writing, signed by the Member complaining and addressed to the Board, which shall enquire into the same at the earliest convenient opportunity. In no instance shall a servant of the Club be reprimanded or criticised directly by a Member.

17. Communication

Members shall correspond with Bowls NZ via the Club and then the Centre.

18. Alterations to Regulations

The Board, under powers given to it in Rule 28.3 of the Constitution may add to, delete or amend these Regulations as the Board deems appropriate.

19. Club Premises

An acceptable standard of behaviour and dress shall be maintained by all persons while on the Club's premises.

20. Club Property

Reparation of any deliberate loss or damage to Club property shall be made by the member causing it unless the Board decides otherwise.

21. Exclusion from Liability

The Club shall not be liable to any person for any loss of or damage to any property on the Club premises, not for any injury sustained by any person whilst on Club premises.

22. Bar Regulations

All Members and Visitors will be bound by the Licensing Regulations currently in force, and any amendments which may be made from time to time.

23. Data Protection

Members are advised that Club records are stored on computer files.

24. Club Registered Office

The Registered Office of Manly Bowling Club Incorporated is situated at:
56 Laurence Street, Manly, WHANGAPARAOA 0930

25. Interpretation

In these Regulations, unless the context otherwise requires:

“**AGM**” means an Annual General Meeting of the Club.

“**Board**” means the body that is responsible for the governance and management of the Club.

“**Board Member**” means any person elected or co-opted to the Board.

“**Bowls NZ**” means Bowls New Zealand Incorporated.

“**Centre**” and “**the Centre**” means Bowls North Harbour Incorporated.

“**Club**” means Manly Bowling Club Incorporated.

“**Constitution**” when used in relation to the Club means the Constitution of Manly Bowling Club Incorporated.

“**Secretary**” means the secretary or equivalent officer of the Club.

DISCIPLINARY REGULATIONS
of
MANLY BOWLING CLUB INCORPORATED

Contents

1.	<i>Purpose and Status of Regulation</i>	13
2.	<i>Commencement Date</i>	13
3.	<i>Interpretation</i>	13
4.	<i>Application of Regulation and Amendment</i>	13
5.	<i>Club Board</i>	13
5.1	<i>Disciplinary Functions of the Club Board</i>	13
5.2	<i>Conflicts and Confidentiality</i>	14
5.3	<i>No Personal Liability</i>	14
6.	<i>Proceedings</i>	14
6.1	<i>Commencement</i>	14
6.2	<i>Exception</i>	14
7.	<i>Service</i>	14
7.1	<i>Service of Documents</i>	14
7.2	<i>Delivery</i>	14
8.	<i>Procedure</i>	14
8.1	<i>Notice of Hearing</i>	14
8.2	<i>Procedure</i>	14
8.3	<i>Preliminary Matters</i>	15
8.4	<i>Interested Party</i>	15
8.5	<i>Absence</i>	15
8.6	<i>Hearing</i>	15
8.7	<i>Power to Inquire and Direct</i>	15
8.8	<i>Natural Justice</i>	15
8.9	<i>Filing Fee</i>	15
8.10	<i>Evidence in Proceedings</i>	15
8.11	<i>Representation</i>	16
8.12	<i>Minors</i>	16
8.13	<i>Applicable Law</i>	16
8.14	<i>Decisions</i>	16
8.15	<i>General</i>	16
8.16	<i>Mediation</i>	16
8.17	<i>Records</i>	16
8.18	<i>Costs</i>	16
9.	<i>Club Board Orders</i>	16
10.	<i>Appeals</i>	17
	Application for Proceedings Form	19 - 21

DISCIPLINARY REGULATIONS
of
MANLY BOWLING CLUB INCORPORATED

1. Purpose and Status of Regulation

- 1.1 The purpose of this Regulation is to set out the procedure for determining Disputes and Misconduct at Club Level.
- 1.2 This Regulation was adopted by the Club Board, in accordance with the Constitution on 1st March 2014

2. Commencement Date

- 2.1 This Regulation shall come into force on 1st March 2014 (“Commencement Date”). It shall continue in force until such time as it is revoked by the Club Board.

3. Interpretation

- 3.1 Every reference to the Constitution shall mean the Club Constitution unless specified otherwise.
- 3.2 The words and phrases used in this Regulation shall have the same meaning as defined in the Constitution of Manly Bowling Club Incorporated unless otherwise specified in this Regulation.
- 3.3 In addition to clauses 3.1 and 3.2 of this Regulation, the following words and phrases used in this Regulation shall mean as follows:

“**Club Board**” means the body that is responsible for the governance and management of the Club and includes any sub-committee of the Club, including a judicial committee. Any club judicial committee established by the Club Board shall comprise not less than three persons appointed by the Club Board who shall have the competencies as set out in the Constitution.

“**Proceeding**” means any proceeding brought under this Regulation.

4. Application of Regulation and Amendment

- 4.1 **Application:** This Regulation applies to all Club Board Members, Members, Appointed Personnel and Officers.
- 4.2 **Amendment:** This Regulation may be amended by the Club Board, in accordance with the Constitution, provided such amendments are not inconsistent with the Constitution.

5. Club Board

- 5.1 **Disciplinary Functions of the Club Board:** In accordance with the Constitution, the Club Board shall:
- a. hear and determine any allegation of Misconduct made to it under the Constitution;
 - b. hear and determine any Dispute made to it under the Constitution;
 - c. follow the procedure to determine any allegation of Misconduct or any Dispute in accordance with clause 8 (Procedure); and
 - d. generally take all steps necessary or desirable to achieve the purposes of this Regulation.

- 5.2 **Conflicts and Confidentiality:** All information received by the Club Board in accordance with this Regulation, and its deliberations, shall be kept confidential except to the extent required by law. Any Club Board Member who considers s/he may have a potential conflict of interest in determining a disciplinary matter in accordance with this Regulation shall declare that potential conflict of interest to the Chair and if the Chair considers it appropriate to do so, s/he may require that member to vacate their position on the Club Board. If the Chair considers s/he may have a potential conflict of interest, he or she shall notify the Club Board and if the Club Board considers it appropriate to do so, it may require the Chair to vacate their position on the Club Board.
- 5.3 **No Personal Liability:** No Club Board Member will be liable for any act done or omitted to be done by a Club Board Member in good faith pursuance or intended pursuance of the functions, duties, powers or authorities as specified in this Regulation.

6. Proceedings

- 6.1 **Commencement of Proceedings:** An application under this Regulation shall be commenced by a person alleging the Dispute or Misconduct (under clause 5.1a or clause 5.1b) filing the prescribed form (Form 1) and submitting it to the Club Board as soon as possible but no later than 14 days after the Dispute or alleged Misconduct occurred.
- 6.2 **Exception:** The Club Board, in its discretion, may accept an allegation after 14 days if exceptional circumstances, as determined by the Club Board, exist.

7. Service

- 7.1 **Service:** Every document which is filed with the Club Board shall also be served on all other parties in the Proceeding (including Interested Parties) at the address for service notified by that party in its documents in the Proceedings. If an Interested Party has not notified such an address, service shall be at the last known address of that party.
- 7.2 **Delivery:** Documents to be filed with the Club Board, or served on another party, shall be sent by post, courier, email, facsimile or delivered in person.

8. Procedure

- 8.1 **Notice of Hearing:** Prior to the commencement of any hearing, the Club Board shall ensure all parties in the Proceeding are provided with at least 7 days' notice of the hearing, unless the Club Board considers the matter must be determined urgently in which case it may vary the notice requirements in this clause. The notice of hearing must:
- a. Be in writing.
 - b. State whether the parties are required to appear in person or whether the matter will be determined on the papers.
 - c. State whether the matter is a Dispute or an allegation of Misconduct, the possible penalties and the date, place and time of the hearing.
- 8.2 **Procedure:** Except as provided for in the Constitution or this Regulation, the Club Board may determine its own practices and procedures for performing the functions specified in this Regulation, and may prescribe or

approve forms for the purposes of any Proceeding. The Chair shall explain the procedure to all those present at the hearing.

- 8.3 **Preliminary Matters:** Preliminary matters may be heard and determined by the Club Board as it thinks fit.
- 8.4 **Interested Party:** The Club Board may, either on its own motion or on the application of a person whom the Club Board determines has sufficient interest in the matter, add a further person or persons as parties to a Proceeding, or allow a person or persons to make submissions or provide evidence in any Proceeding. If this occurs, that person(s) will be bound by these Regulations as if that person(s) was a party to the Proceeding.
- 8.5 **Absence:** If any party is absent or fails to make submissions the Club Board may, in its discretion, make a decision in their absence or grant an adjournment. Before making a decision in the absence of any party, the Club Board must be satisfied that the person concerned had been notified of the hearing in accordance with this Regulation.
- 8.6 **Hearing:** The hearing shall take place as soon as practicable and may be held in person, telephone or video conference or by consideration of written submissions as determined by the Club Board. At the hearing all parties, including Interested Parties and witnesses (if any), shall be given an opportunity to be heard.
- 8.7 **Power to Inquire and Direct:** The Club Board shall have the power to inquire into the subject-matter of any Proceeding in accordance with this Regulation. For the purposes of any inquiry, the Club Board, or any person authorised in writing by it may:
- a. inspect and examine any papers, documents, records or items;
 - b. require any party or person bound by this Regulation, and request any other person, to produce for examination any papers, documents, records or things in that person's possession or under that person's control and to allow copies of or extracts from any such papers, documents or records to be made;
 - c. require any party or person bound by this Regulation, and request any other person, to provide, in a form approved by or acceptable to it, any information or particulars that may be required by it, and any copies of or extracts from any such papers, documents or records;
 - d. in respect of any Proceeding, hear evidence; and
 - e. make such inferences and draw such conclusions as it considers appropriate from the failure by any person or party to comply with any requirement made by the Club Board under this clause 8.7.
- 8.8 **Natural Justice:** The Club Board shall, in all matters, observe the principles of natural justice.
- 8.9 **Filing Fee:** The Club Board may, by resolution, set a filing fee for any Proceeding to be heard before the Club Board. The Club Board may, in its discretion, waive all or part of any fee if it considers appropriate to do so.
- 8.10 **Evidence in Proceedings:** The Club Board may:
- a. receive as evidence any statement, document, information, or matter that may, in its opinion, assist it to deal effectively with the matters before it, whether or not the same would be admissible in a court of law;
 - b. take evidence on oath, and for that purpose any Club Board Member may administer an oath; and

- c. permit a person appearing as a witness before it to give evidence by tendering a written statement and, if the Club Board thinks fit, verifying it by oath.
- 8.11 **Representation:** The parties, including any Interested Party, may be represented or assisted in the Proceeding by a person of their choice.
- 8.12 **Minors:** A person who has not attained the age of 18 years, (referred to in this Regulation as a “Minor”) may be a party to, and shall be bound by a Proceeding before the Club Board as if the Minor were a person of full age and capacity. Where a Minor is a party to any Proceeding, the Club Board may, if the Minor agrees and it considers it would be in the interests of the Minor to do so, at any time appoint a person to represent the Minor. The Minor shall be responsible for any costs incurred as a result of such representation.
- 8.13 **Applicable Law:** All Proceedings shall be determined according to the laws of New Zealand.
- 8.14 **Decisions:**
- a. A decision of the Club Board in any Proceeding shall be made by majority decision of the Club Board Members hearing the Proceeding.
 - b. In the event there is no majority decision of the Club Board Members hearing the Proceeding, the Chairperson shall decide the matter.
 - c. The Club Board may, in its discretion, give an oral decision, but shall also issue a written decision with reasons as soon as expedient.
 - d. The Club Board may also make non-binding recommendations to a Club, or any other party of any Proceeding.
 - e. Any decision of the Club Board made under this Regulation shall be enforceable, by any party to the Proceeding in which the order is made, in the courts of New Zealand under the law of contract.
- 8.15 **General:** Where any matter is not otherwise provided for in this Regulation, the Club Board shall have jurisdiction to make such orders or give such directions as it considers to be consistent with the just, speedy, and inexpensive determination of the Proceeding.
- 8.16 **Mediation:** The Club Board may, if requested by the parties, or on its own volition, order that the substantive issue in a Proceeding, or any sub-issue, be mediated before an independent person.
- 8.17 **Records:** The Club Board shall keep records of all Proceedings, including all investigations and decisions.
- 8.18 **Costs:** Unless otherwise determined by the Club Board, every party and person involved in any Proceeding shall bear their own costs.

9. Club Board Orders

- 9.1 **Orders:** The Club Board may make such orders as it considers appropriate to give effect to its decision, including imposing any of the following sanctions:
- a. a reprimand or warning;
 - b. suspension or termination from such activities of the Club including events, competitions, tournaments, meetings, and functions, on such terms and for such period as it thinks fit;
 - c. suspension or termination of the person’s membership of the Club;

- d. fines, imposed in such manner and in such amount as the Club Board thinks fit;
- e. such other penalty as the Club Board considers commensurate with the offence; and/or
- f. such combination of any of the above penalties as the Club Board thinks fit.

10. Appeals

- 10.1 **Appeal to a Regional Judicial Committee:** Any Member who is subject to a decision of the Club Board under this Regulation, may appeal the decision to a Regional Judicial Committee in accordance with the Bowls NZ Regulations.

Appendices of Forms

Reference	Explanation
Form 1	Application for Proceedings to be Heard by the Club Board

FORM 1

**APPLICATION FOR PROCEEDINGS
TO BE HEARD BY THE CLUB BOARD**

1. Details of Applicant

Name	TITLE	FIRST NAME	SURNAME
Postal Address	STREET		SUBURB
	CITY	POSTCODE	

Contact Person for this Application

Name	TITLE	FIRST NAME	SURNAME
Position			
Telephone	WORK	MOBILE	
Facsimile	WORK		
Email			

2. Details of Representative (if applicable)

Please insert the details of your legal representative or other person, if any, who will be representing you in these Proceedings.

Name of Representative	TITLE	FIRST NAME	SURNAME
Firm/Company			
Postal Address	STREET		SUBURB
	CITY	POSTCODE	

3. Alleged Dispute or Misconduct

(a) Give details of the alleged Dispute or Misconduct.

[Redacted area for details of the alleged Dispute or Misconduct]

(b) Summarise the evidence which will be produced in support of the alleged Dispute or Misconduct (the summary will not prevent further evidence being brought in accordance with any direction given by the Club Board).

[Redacted area for summary of evidence]

4. Result Sought

Please supply the outcome sought in accordance with the applicable rules/policies.

[Redacted area for result sought]

5. Authority

Name	TITLE	FIRST NAME	SURNAME
Signed			
Position			
Date			

Filing and Service Instructions

1. This application should be signed and filed with the Club Board at the address given below.
2. Where possible, a summary of the evidence to be brought in support of the allegations and a copy of documents evidencing the allegation should be attached.
4. The Applicant is to personally serve a copy of this application and attachments on the Respondent as soon as practical after the original has been filed with the Club Board and provide confirmation of this to the Club Board.

Manly Bowling Club Inc., P O Box 248, Whangaparaoa 0943

Phone: 09424 7396

Email: manlybowlingclub@xtra.co.nz

List of Amendments:

22 June 2015

- Change Clause 2.1 add words “together with any subsequent Amendments”
- Change Clause 3 (b) Limited Members – allow voting rights, and set number of Roll-ups per year as 20.
- Change Clause 6.3 Include the position of President
- Change Clause 8.1 Include the Club Captain as an elected position – as set by resolution at the May 2015 AGM.
- Change Clause 9.2 To allow flexibility of Board Member responsibilities – delete set groupings
- Change Clause 10.10 Delete Club Captain as a Board appointed position.

2019

- Change Clause 3(b) Limited members – no voting rights.