

**SCARBOROUGH
BOWLS CLUB INC.**

**Preamble
& Definitions**

**August 2017
(2020/21 Review)**

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1.0 PREAMBLE

The formation¹ of the Scarborough Bowls Club resulted from the response to an advertisement placed by Mr. A. C Short in the Redcliffe Herald. The inaugural meeting of male citizens interested in the formation of a bowls club was held on December 27th 1955.

A decision was made at the meeting to proceed with the formation of a bowls club. A special general meeting of all interested players met on 18th January 1956 to elect office bearers for 1956/7. At this meeting, a decision was made to purchase the four allotments now occupied by the club's greens and club house. The price of the land was £1,650.

Members have requested a review of the club's Constitution, By-Laws and associated operational policies and procedures. This has been done with a view to bringing its existing documents in line with new Model Rules and guidelines set out by the Queensland Office of Fair Trading and Bowls Queensland as well as modernising our documentation to reflect any changes required to foster continued growth within the club and the game of bowls within the broader community.

Our club is currently a "Level 1" Incorporated Association. However, all levels of incorporation under the Act have been included to make them available without the need to alter our Constitution should we ever change Incorporation Levels.

1.1 2020-21 REVIEW

In 2020, the Management Committee established a "Governance Sub-Committee" tasked with the responsibility to continually review the Club's governance documents, processes and procedures.

Their role is to determine appropriate alterations and corrections to existing arrangements and recommend the necessary actions required to ensure compliance with the State Government's Associations Incorporation and Other Legislation Amendment Act 2020 and best manage the impacts on the club associated with the global Pandemic and its diminishing membership base.

The Sub-Committee's initial 2020/21 review was specifically designed to reset the governance requirements to ensure the club's compliance with updated statutory requirements and is best placed to meet the challenges associated with the downturn in the economy due to the global pandemic, and meeting member and community expectations in delivery services and support for the game of bowls and social hub within the community.

While past governance arrangements were considered during the 2020/21 review, they do not establish any precedence for any recommended changes made during the review to the governance arrangements (established in 2017), including supporting any documents.

¹ (From the Scarborough Bowls Club 40th Anniversary 1955-95 – A brief history by Isabell Webster 1955)

2.0 MISSION STATEMENT²

To enhance the lifestyle of our community through active participation in the game of lawn bowls by providing resources and encouragement in a fully inclusive and harmonious way to enable all members of the community to experience the game in their chosen manner.

3.0 VISION STATEMENT

To be acknowledged as the pre-eminent, socially inclusive hub on the Redcliffe Peninsular for lawn bowls enthusiasts and the broader community in support of their social and business activities.

4.0 GOVERNANCE³

It is common for terms Constitution, Rules of Incorporation, and By-Laws to be confused. This section aims to give a snapshot of the differences.

Governance is sometimes defined as the overall guidance, direction, oversight and stewardship of the club. Regardless of what type or organisation we represent, the principles of Governance remain much the same, with different emphases dependent on whether or not staff are paid.

- A well-run organisation is attractive to new members
- All stakeholders are aware and supportive of the club's strategic plans and assist in meeting established performance indicators
- Good governance supports growth and development
- Funding agencies, potential sponsors and government look favourably on well managed organisations

Corporate governance is a system of policies, processes, and rules that direct and control the club's behaviour. It is the framework that defines the relationship between management, club members and other key stakeholders such as the club's sponsors and the general community.

The club's Management Committee plays a vital role in the development of corporate governance policies. It needs to engage with all operational areas of the club to provide clarity of strategic purpose. Developing and setting a clear strategy and then implementing it effectively are vital to the club's success. Members also play an important role in governance as they need to ensure the right persons are appointed to their committees.

² Approved by Management Committee 20 July 2021

³ <https://www.qld.gov.au/law/laws-regulated-industries-and-accountability/queensland-laws-and-regulations/associations-charities-and-non-for-profits/incorporated-associations/running-an-incorporated-association/rules-for-associations/>

5.0 DOCUMENTS

5.1 PREAMBLE

This Preamble is Part 1 of a 4 Part document that encompasses the Club's Constitution, By-Laws, and Policies and Procedures.

This document must be read in conjunction with Parts 2, 3 and 4, which provide an overview of the Corporate Governance utilised by the Club to run its operations and service its members and the broader community.

It also provides a list of definitions used within the other parts of the Club's documentation.

5.2 CONSTITUTION

Part 2 is our Constitution and outlines the rules the Club must follow to ensure compliance with the Rules of Incorporation.

An association must have a written set of rules (or 'constitution') to govern how it runs. The rules take effect as soon as the association is incorporated, and must set out:

- how the association operates
- how the management committee works
- how meetings will run
- the rights available to members.

5.3 BY-LAWS

Part 3 are our By Laws provide the Club with a management framework to ensure we meet our obligations under the Incorporations Act 1981.

By-Laws are Rules adopted by an Association to provide a framework for its operation and management. They must not contradict the Incorporations Act 1981 or the Association's Constitution.

They sit under the Association's Rules and reference must be made to them within the Constitution to give them legal status.

Changes to By-Laws can be made without applying to the OFT. However, they must be passed according to the Association's Constitution at a general meeting of the Association's members.

5.4 POLICIES AND PROCEDURES

Part 4 are the Club's Policies and Procedures and outline the requirements to be followed to ensure we comply with all relevant regulatory Acts and our own Rules and By Laws.

These documents are not By-Laws, they are instructions related to various activities undertaken by the club, its staff, members and visitors. However, they require staff⁴ and member compliance to ensure we meet our requirements set out within the Constitution and By-Laws.

5.5 BOWLS SECTION SPECIFIC INSTRUCTIONS AND DIRECTIONS

Bowls Section's Instructions and Directions are documents developed by the respective bowls section to meet their specific operational needs for their bowls section. They are specific instructions related to various activities undertaken by the ladies and men's bowls sections and do not form part of the club's formal Governance Documents.

The club's Constitution, By-Laws, Policies and Procedures take precedence over any specific instruction or direction developed and distributed by a bowls section.⁵

5.6 MODEL RULES

The model rules published by the Queensland Government provide guidelines to ensure compliance with government regulations. They automatically apply to any situations that our rules do not cover unless we have specifically excluded items from these rules. Our Constitution must specifically refer to these exclusions.

Incorporated Associations need to have adopted the Model Rules or aligned their own Rules to them which are then lodged with OFT QLD on incorporation or when changes are made.

An Association can make alterations to their Rules only by submitting proposed changes and fee to OFT QLD. Changes with OFT QLD will be approved only if legislative requirements are met.

5.7 AMENDMENTS TO GOVERNANCE DOCUMENTATION

Any amendments to the Associations Governance Documents are to be undertaken as follows:

- (1) – Preamble
Requires approval from 75% of the Management Committee.
- (2) – Constitution
Requires approval from 75% of the voting membership at a Special General Meeting, established for the discussion and voting of any proposed amendments. Amendments will also require the approval of the state's Office of Fair Trading.

⁴ Addition of staff approved by Management Committee on 20 July 2021

⁵ Clause 5.5 approved by Management Committee on 18 Oct 2021

- (3) - By-Laws

Requires approval from 75% of the voting membership at a Special General Meeting, established for the discussion and voting of any proposed amendments.

- (4) - Policies & Procedures

Requires approval from 75% of the Management Committee.

Other documentation or administrative instruction (developed to support any of the above documents) established for the running of the club will require approval from 75% of the Management Committee.

6.0 DEFINITIONS

- (a) “Act” means the Associations Incorporation Act 1981, as amended and its regulations⁶.
- (b) “OFT” means the Queensland Government’s Office of Fair Trading
- (c) “Association” means Scarborough Bowls Club Inc.
- (d) “Seal” means the common seal of the Association.
- (e) “Constitution” means the rules of the Association.
- (f) “By-Laws” are internal rules used to ensure compliance with the Constitution.
- (g) “Policies and Procedures” are the Club’s instructions related to various activities to ensure compliance with the Constitution and By-Laws.
- (h) A Mission Statement is intended to clarify the what, who, and why of an Association (Club). It is the roadmap for a vision statement.
- (i) A Vision Statement describes where the Association (Club) wants itself and the community to be as a result of its services.
- (j) “WB” means World Bowls.
- (k) “BA” means Bowls Australia Incorporated.
- (l) “BQ” means Bowls Queensland.
- (m) “DBA” means District Bowls Association.
- (n) “MBDBA” means the Moreton Bay District Bowls Association.
- (o) “AGM” means Annual General Meeting.
- (p) “Management Committee” means the members elected at an Annual General Meeting of the Association to be responsible for the governance of that Association.
- (q) “Controlling Body” means a body consisting of the respective President, Vice President, Secretary, Games Director and a National Umpire or their appointed representatives to control all games. The Controlling Body has authority to vary Conditions of Play if considered necessary or expedient (inclement weather or unforeseen circumstances).
- (r) “Member” means any member of the Association.
- (s) “Ladies Section” means the members of the Ladies Bowling Section.
- (t) “Men’s Section” means the members of the Men’s Bowls Section.
- (u) “SLBS” means the members of the Ladies Bowling Section.
- (v) “SMBS” means the members of the Men’s Bowls Section.
- (w) “PSBC” means the Peninsular Social Bowls Club, a community-based bowls club who use Scarborough Bowls Club premises to play their weekly bowls game.
- (x) “Day” means calendar day.
- (y) “Week” means calendar week.
- (z) “Month” means calendar month.
- (aa) “Year” means financial year, commencing on 1 July each year.

⁶ Alterations to Definitions approved by Management Committee 20 July 2021

- (bb) "Written Notice" means any notice used to advise members of any matter related to the Association and issued via Email, letter, flyer or (where prescribed in the By-laws or Club Policies) a notice posted on club notice board.
- (cc) "Mufti" is defined as non-uniform and the regulation for this dress code will be set out in the Club's Policies and Procedures.
- (dd) "Minor Offence" is defined as offensive or inappropriate language or activity that would not breach any State Act nor necessarily draw the attention of law enforcement, unless reported to them by the club or member who has been subjected to such event/s.

Examples are inappropriate language or behaviour. Recognising some events may occur in the heat of the moment; it will be up to the Club Manager and/or Management Committee Executive to determine whether to treat the incident as 'Minor' at the time of the offence being reported.

If there is a history of such breaches by a member or group of members, then such continuation cannot be treated as 'Minor', in line with the Disciplinary Process.

Harassment, bullying and victimisation are considered serious offences and must be reported to management.

- (ee) **Victimisation**^{7,8} is defined as being treated poorly or unfairly because you have made or proposing a complaint related to a member's breach of the Club's Rules, By-Laws or Policies, or you have helped someone else who has raised a complaint and are seen to be siding with them and are then treated badly.

Victimisation is against the law. It can also be a criminal offence. Concerns and complaints about discrimination and harassment should always be reported to the Club's Management for actioning as defined within our Disciplinary Process.

- (ff) "Suspension" is defined as a temporary cessation of a member's rights. A suspended member retains their Club Membership, but is ineligible to hold any office, participate in Club Events, Meetings, any other Club related activity or utilise any of the Club's facilities⁹ for the period of their suspension.
- (gg) "Termination" is membership being totally withdrawn. No re-application for membership is allowed. A terminated member is not permitted to participate in any Club Events, Meetings, any other Club related activity or utilise any of the Club's facilities¹⁰.
- (hh) "Indictable Offence" is defined as crimes and misdemeanours and include more serious offences, such as murder, rape, robbery, assault, and break and enter
- (ii) "Good Behaviour Bond" is a management direction requiring a member to be of **good behaviour** for a specified period. The Club will impose conditions that the member will have to obey during the term of the **good behaviour bond**.

These *bonds* are usually referred to as a recognisance which, is a promise to be of *good behaviour* for a set period. A Good Behaviour Bond can also be imposed without having served a suspension.

⁷ Australian Human Rights Commission - <https://humanrights.gov.au/quick-guide/12108>

⁸ Additional Definition approved by Management Committee 20 July 2021

⁹ Alteration to definition approved by Management Committee 20 July 2021

¹⁰ Alteration to definition approved by Management Committee 20 July 2021

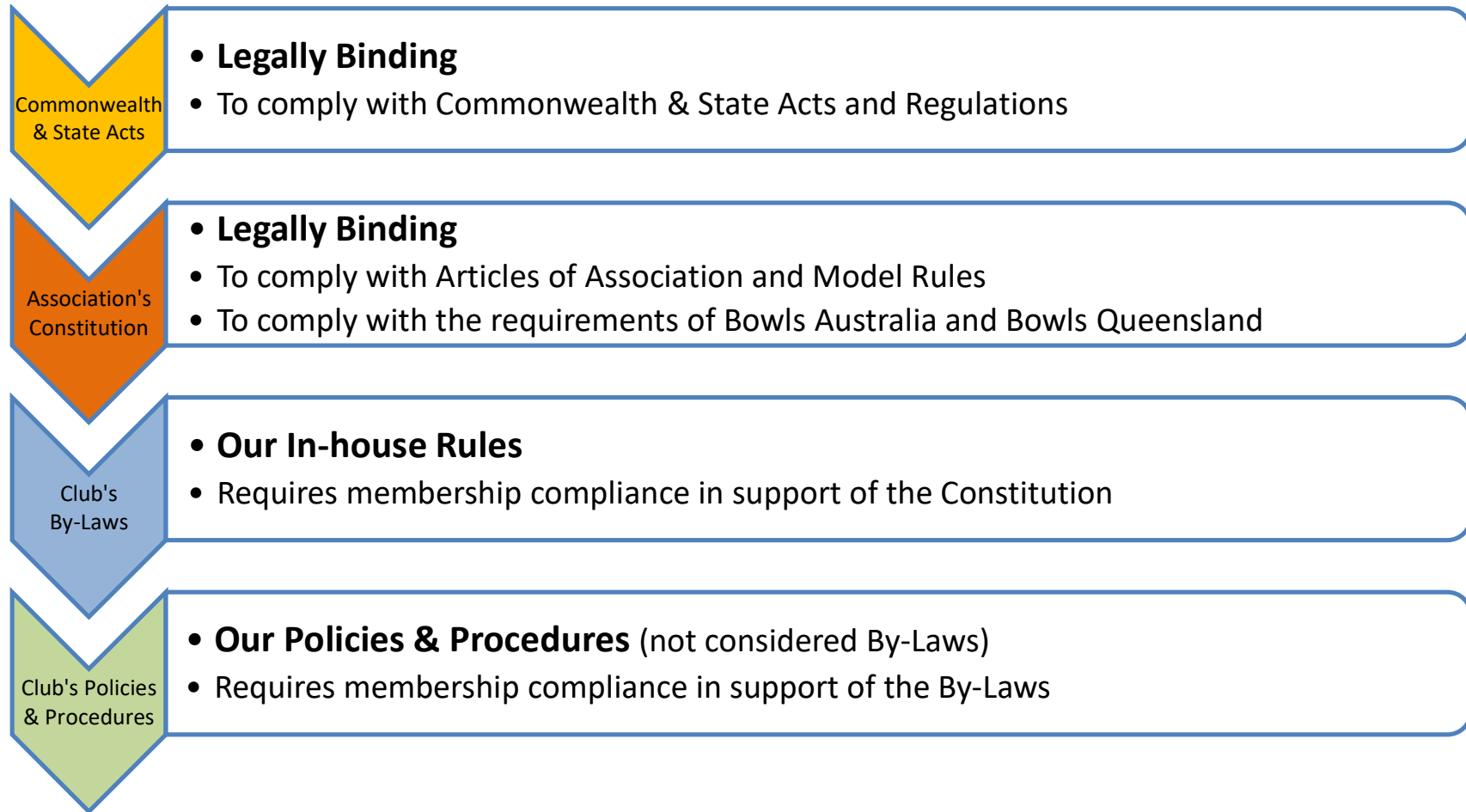
7.0 RECORDED ALTERATIONS TO (PART 1) PREAMBLE & DEFINITIONS

Approved changes are to be made within the document and recorded the following list.

Change - give details of change	Authority	Date
Original 2017 Version underwent full review by the Governance Sub-Committee in 2020/21.	Approved by the Management Committee.	20 July 2021
Clause 2.0 Mission Statement	Approved by the Management Committee.	20 July 2021
Clause 3.0 Governance. Addition of Paragraphs 3 and 4.	Approved by the Management Committee.	20 July 2021
Clause 4.4 Policies and Procedures. Addition of requirement for staff to comply.	Approved by the Management Committee.	20 July 2021
Clause 6 Definitions, (ii) "Act" Definition amended to include "as amended and its regulations".	Approved by the Management Committee.	20 July 2021
Clause 6 Definitions (dd) Victimisation. New definition added to comply with Human Rights Commission and extracts from BA and BQ.	Approved by the Management Committee.	20 July 2021
Clause 6 Definitions (ee) Suspension. Definition modified to provide more clarity on access to the Club during any suspension of membership.	Approved by the Management Committee.	20 July 2021
Clause 6 Definitions (ff) Termination. Addition explanation to definition related to cessation membership and forfeiture of access to events and facilities at the club.	Approved by the Management Committee.	20 July 2021
Clause 5.5 Bowls Section Instructions and Directions. Clause added to recognise the needs of the Bowls Sections to explain their specific needs not already covered by the Club's Governance Documents.	Approved by the Management Committee.	18 Oct 2021
Definitions: (dd) Minor Offence giving guidance to management on what could be considered minor when dealing with inappropriate behaviour.	Approved by the Management Committee.	18 Oct 2021

GOVERNANCE MODEL

8.0 GOVERNANCE MODEL



Governance Model for SBC – June 2017 (Ver 2)