

CONSTITUTION

OF

MANGAWHAI BOWLS

INCORPORATED

Society Number 221634



16th October 2025

Constitution and Rules of Mangawhai Bowls Incorporated

1. INTERPRETATION

In this Constitution unless the context otherwise requires:

“Bowls NZ” means Bowls New Zealand Incorporated.

“Centre” means the Bowls Northland Inc or if the context requires, any other Bowling Centre which is a member of Bowls NZ.

“Club” means the Mangawhai Bowls incorporated, or if the context requires, any other Bowling Club which is a member of a Centre and is affiliated to Bowls NZ.

“Delegate” means a Full Member qualified under the Constitution of Bowls NZ to act as a representative of a Club at Centre level.

“Executive” means the Executive Committee of the Club.

“Full Member” shall have the meaning set out in Clause 4 of this Constitution.

“Game of Bowls” means the game played on outdoor or indoor flat greens and defined in more detail by the Laws of the Game and Associated Regulations.

“Judicial Committee” means the body established under that name and having the functions as outlined in the Constitution of Bowls NZ.

“Laws of the Game and Associated Regulations” means the laws for playing the Game of Bowls in New Zealand and Associated Regulations as approved by the Council of Bowls NZ from time to time.

“Mangawhai Club” and “Chartered Club” shall mean Mangawhai Club Incorporated (MCI).

“Officers” mean those officers of the Club described in Clause 6.2.

2. NAME AND OFFICE

2.1 Name: The name of the Club shall be “MANGAWHAI BOWLS INCORPORATED”. Hereinafter referred to as ‘the Club’.

2.2 Office: The registered office of the Club shall be situated at Molesworth Drive, Mangawhai Heads.

2.3 Contact Person: For the purposes of Section 114 of the Incorporated Societies Act 2022, the Club’s contact persons shall be the President and the current Secretary.

The names and contact details of the contact persons, and any changes in those details, shall be provided to the Registrar of Incorporated Societies as required by Section 116 of the Incorporated Societies Act 2022.

3. OBJECTIVES

The Objectives of the Club are to:

- a) Promote good fellowship and foster the game of bowls for members and other interested persons.
- b) Promote, organise, regulate, hold and conduct tournaments, matches, competitions, games and other events, and give, provide or contribute towards trophies and prizes.
- c) Acquire or purchase or raise sums of money to hire or otherwise any real or personal property which may be considered necessary as the Members in General Meeting consider proper or expedient in accomplishing the object and well being of the Club members.
- d) Use the funds of the Club for and do all things as may be incidental and conducive to the attainment of the foregoing objects or any of them.
- e) From time to time lease the land, chattels including two lawn bowling greens and any other facility for the operation as a Chartered Club, provided that:
 - i) The entire complex and facilities are maintained to the complete satisfaction of the Bowling Club.
 - ii) The use of the complex by the Chartered Club will not detrimentally affect the use of the facilities by the Bowling Club.
- f) Co-operate with the Executive of the Mangawhai Club (Incorporated) and to further the best interests of both Clubs.

4. MEMBERSHIP

4.1 Classes of Membership:

- a) The membership of the Club shall consist of such numbers in each or the classes thereof as the Executive shall from time to time determine.
- b) The Classes of membership of the Club upon the adoption of this constitution are as follows:
 - i) Full Members
Shall be entitled to all the playing and other privileges of Full Membership of the Club.
 - ii) Life Members
Any Full Member of not less than ten years membership who has rendered outstanding services to the Club may be elected as a Life Member. Every proposal for a Life Membership shall first be considered by the Executive and if approved by it, submitted to a ballot at a General Meeting. A three-fourths majority of those Full Members present and entitled to vote thereon shall be necessary to affect such election. A Life Member shall not be liable for payment of any annual subscription.

iii) Limited Members shall:

- a) Be entitled to compete in Club days and practice only
- b) Not be eligible to compete in other club tournaments or Centre or National events
- c) Not be eligible to compete at other clubs unless they have received a specific invitation from the host club

iv) Student Members

School students and those who are in tertiary education under the age of 18.

c) Only Full members and Life Members shall be entitled to speak and vote at Meetings and to hold office in the Club.

d) All members aged 18 years and over must also be financial members of the Mangawhai Chartered Club.

4.2 Applications for Membership:

a) Applications for membership shall be in writing addressed to the Secretary and in making such application the applicant shall be deemed to have agreed to be bound by this Constitution and by the Constitution of the Centre and Bowls NZ.

b) Every candidate for admission to membership of the Club shall be proposed and seconded by two Full Members of the Club.

c) The application shall be in writing addressed to the Secretary setting forth on the form provided the full name of the candidate, their email address and phone number, the class of membership to which he/she desires admission and such particulars as the form may require and shall be signed by the candidate and their proposer and seconder.

d) After particulars of the application have been posted on the Club notice Board for not less than seven days, the candidate shall be submitted to election under paragraph 4.2(h).

e) The membership application form shall include an acknowledgement by the applicant that, as a condition of membership of the Club, the applicant consents, pursuant to the Privacy Act 2020, to personal information in the form of their name, office held (if necessary) and telephone number (if necessary) being included in a membership list for display in the Clubhouse and/or circulation to the members and including in the annual statistical return supplied by the Club to the Centre for one or more of the following purposes:

- i) The Centre's membership records including Centre Levy purposes
- ii) For publication and distribution in the Centre handbook (if necessary)
- iii) For distribution by the Centre pursuant to arrangements entered into with sponsors

- iv) For forwarding to Bowls NZ for its records including capitation fee purposes and/or for distribution by Bowls NZ pursuant to arrangements entered into with sponsors.
- f) if the application form omits to include the acknowledgement referred to in sub-clause (d) or if the acknowledgement is unsigned then it shall be the duty of the Proposer, Secunder, and Secretary of the Club to ensure that the applicant is made aware of this provision of the Constitution.
- g) Where an applicant is, or has been previously, a member of another Bowling Club affiliated to Bowls NZ, the Executive shall require the production of a Clearance Certificate on the approved form from such Club, before the candidate is submitted to election.
- h) The election shall be by the Executive and may be by show of hands but shall be by ballot if so required by one Member of the Executive.
- i) The Executive shall have the power to reduce the first annual Subscription of any Full Member elected after the 1st day of January in any Club year.
- j) The Executive shall have the power to reduce the Subscriptions for School Students up to and including the age of 18 years of age.

4.3 Termination of Membership

- a) Any Member who shall be desirous of ceasing to be such, he/she shall give notice in writing to the Secretary who, after acceptance by the Executive of such resignation, shall at once inform the Member, but the Executive shall not accept the resignation until all moneys due to the Club by the member in their capacity as a Member shall have been paid.
- b) All resignations shall be in the hands of the Secretary 14 days prior to the commencement of the season. In the absence of such notice Members will be liable for the current year's subscription unless reasons satisfactory to the Executive are given.
- c) If any Member shall make default in payment of their subscription and other (if any) moneys due by them to the Club for a period of one month after written Notice requiring them to pay the same shall have been given to them by the Secretary, the Executive shall have the power to determine their membership and to report them to the Centre as a non-member.

4.4 Suspension or Termination of Membership on Complaint regarding conduct

- a) If, after following the Complaint and Dispute Resolution Procedure specified in Clause 27, the Executive determines that a complaint regarding the conduct of a Member is upheld, the Executive may:-
 - i) Suspend the Member's rights and privileges as a member for such period as the Executive considers appropriate or,
 - ii) Terminate the Member's Membership.

b) In either case the Member shall be given written notice ("Notice") by email, which shall advise the Executive's decision and the date from which it is effective.

The notice shall also advise the Member's right to appeal the decision and how any appeal shall be made.

c) If a member wishes to appeal the decision they must within 7 days of the Notice send to the Secretary by email a Notice of Appeal.

d) If a Notice of Appeal is lodged, the Executive's determination is suspended until a final determination in terms of the following provision has been made.

e) Upon receipt of the Notice of Appeal the Executive shall within 10 days convene a Special General Meeting of Members at which the Executive shall present a report, and the Member shall have a right to attend and, if they wish, address the meeting. The Meeting shall by majority ballot (cast by Full Members who are fully financial) decide whether the suspension or termination is upheld. If the Executive's decision is endorsed the Northland Centre shall be notified.

4.5 Appeal to Bowls NZ Judicial Committee

Mangawhai Bowls Inc acknowledges the role and jurisdiction of the Judicial Committee of Bowls NZ as specified in the Constitution of Bowls NZ in relation to disputes or complaints in relation to conditions of play or application of the rules in a game of bowls organised by Mangawhai Bowls Inc and held at Mangawhai Bowls' facilities.

Any bowls player who is dissatisfied with a decision by Mangawhai Bowls in respect of such a dispute or complaint may appeal to Bowls NZ Judicial Committee in accordance with the process defined by Bowls NZ.

For clarification, this right of appeal does not apply to a decision of the Executive on any dispute and complaint relating to Mangawhai Bowls members, which are governed by the procedure specified in Clause 27 of this Constitution.

4.6 Mangawhai Bowls Inc Disciplinary Committee

a) The Executive may, at any time, appoint pursuant to Clause 7(1) (a) of Schedule 2 of the Incorporated Societies Act 2022, a Disciplinary Committee for the purposes of conducting the Complaint and Dispute Resolution procedure adopted in Clause 27 of this Constitution.

b) The Executive may direct the Disciplinary Committee to make a recommendation to the Executive or to make a final decision following completion of the procedure.

c) The Disciplinary Committee shall consist of three Full Members of the Club, two of whom shall be members of the Executive and one who shall not be a member of the Executive.

5. PATRON(S)

On the recommendation of the Executive the Club may elect a Patron(s) at the Annual General Meeting.

6. EXECUTIVE

6.1 The management of the affairs and business of the Bowling Club shall be vested in an Executive Committee of Management of nine, consisting of the Officers, as herein after defined, the Chairpersons of the women and men Match Committees, plus three committee members. In the event of any Elected Officer of the Club filling two positions, an additional Executive Member shall be elected to bring the total number back to nine.

6.2 The Officers of the Club shall be the President, the Vice-President, the Secretary, and the Treasurer.

6.3 The Office of an Officer or Member of the Executive shall be vacated if the Holder thereof:

- a) Ceases to be a Full Member of the Club.
- b) Resigns their office.
- c) Dies.
- d) Without being excused by the Executive, absents themselves from three consecutive meetings or the Executive.
- e) Is removed from Office by resolution of the Full Members present and voting at a Special General Meeting convened for that purpose.

6.4 The Executive shall have the power to fill any casual vacancy occurring through to the next election.

7. NOMINATIONS FOR EXECUTIVE

7.1 Notice calling for nominations of Elective Officers and other Members of the Executive, together with nomination forms, shall be displayed on the Notice Board of the Club before (30 April) each year.

7.2 Nominations for the positions of the Elective Officers and other Members of the Executive shall be delivered to the Secretary on or before (30 May) immediately preceding the Annual General Meeting. Every candidate shall have been a Full Member of the Club for at least six months prior to the closing of nominations and shall be nominated in writing by two Full Members of the Club. The nomination form must include the Names and signatures of the Candidate, Proposer and Seconder. Should

there be insufficient nominations for any vacancy further nominations shall be made at the meeting.

8. ELECTION OF COMMITTEE

8.1 The Officers and other Members of the Executive 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.

8.2 Elections shall be conducted and declared in the following order:

- Patron(s)
- President
- Vice-President
- Secretary
- Treasurer
- Ladies' chairperson of the match committee
- Men's chairperson of the match committee
- 3 Executive committee members
- Green Superintendent
- Selector/s
- Coaches

8.3 Should the meeting fail to receive a nomination for Secretary; the Executive have the power to employ a person to carry out this function. Such a person would not have voting rights.

8.4 When more candidates are nominated than there are positions available, the election shall be conducted by ballot. Members may vote for up to the number of candidates to be elected. Any ballot paper with votes exceeding the number of available positions shall be deemed invalid.

8.5 Any indication on a ballot paper of the status or qualification of any Candidate shall render such ballot paper and vote invalid.

8.6 The Immediate Past President shall be co-opted to the Executive Committee for a period of one year, to provide continuity and support in an advisory capacity.

9. PROCEEDINGS OF EXECUTIVE

9.1 The Executive may meet for the dispatch of business, adjourn and otherwise regulate its Meetings as it shall think fit. A Meeting of the Executive may be convened by the President or the Secretary, or by any two other Members of the Executive.

9.2 The President, or in their absence, the Vice President, shall preside at all Meetings of the Executive at which he/she is present. In the absence of these Officers the Meeting shall appoint its own Chairperson.

9.3 Except as otherwise required by this Constitution, all questions shall be determined by a bare majority of votes. Each Member personally present and entitled to vote shall

on each question have one vote, and in the case of an equality of votes, the Chairperson shall have a further or casting vote which shall have due regard to the status quo. No proxies shall be allowed.

9.4 The quorum for any Executive Meetings shall be one more than a half of the number of Financial Full Members on the Executive entitled to vote. No business shall be transacted at any Executive Meeting unless a quorum shall be present, except that those present may fix a date and venue for the re-convening of the Meeting.

9.5 If a quorum is not present within an hour after the appointed time for it, the meeting, if convened upon the requisition of Members shall be dissolved. In every other case it shall stand adjourned to a time and place to be fixed by the Chairperson on adjourning the Meeting. If at the adjourned Meeting a quorum is not present within half an hour after the appointed time, the Members entitled to be present shall be a quorum.

9.6 The executive shall record minutes of every meeting and those minutes shall be made available to any member on the bowling club website.

10. POWERS OF EXECUTIVE

10.1 Without prejudice to the general powers conferred upon it by this Constitution the Executive shall have the power to do all acts and things which it may consider proper or expedient for accomplishing the objects and carrying on the affairs of the Club and in particular shall have the specific power to:

- a) Control, manage or expend the funds of the Club, including power to invest or otherwise deal with any such funds not currently required, borrow or raise such sums of money, and to incur such liability on behalf of the Club as it may think necessary or expedient in the furtherance of the objects or purposes of the Club.
- b) Appoint from its own Members or otherwise such sub-Committees as it may from time to time deem necessary or proper. The President or in their absence the Vice-President, shall be ex-officio a Member of every such Committee.
- c) Make, alter and repeal such conditions as are not required by this Constitution and the Rules of the Club associated therewith to be submitted to a General Meeting as it may consider necessary or proper for the well-being of the Club.
- d) Waive, reduce or remit subscriptions.

10.2 Every resolution of the Executive, which is not inconsistent with, or does not purport to repeal or alter anything contained in the respective Constitution of Bowls NZ, the Centre and this Club, or any resolution of any General Meeting of the Club, shall be binding on all Members of the Club unless and until set aside by a resolution of a General Meeting of the Club.

11. SECRETARY AND TREASURER

11.1 The Secretary shall:

- a) Summon and attend all General Meetings and Meetings of the Executive, keep Minutes of the proceedings thereof and record the attendance at Meetings of the Executive (particulars of which shall be included in the Annual Report).
- b) Conduct all correspondence and generally perform such duties required under the Constitution of Bowls NZ and the Centre and/or this Constitution and any rules promulgated pursuant thereto and such other duties as are usual to the office.

11.2 The Treasurer shall:

- a) Collect and account for all subscriptions and other moneys payable to the Club, bank to the credit of the Club's banking account, disburse the moneys of the Club under the authority of the Executive, and keep proper accounts of the financial affairs of the Club.
- b) Submit accounts payable by the Club for the approval of the Executive before payment, report to each Meeting of the Executive the state of the finances of the Club.
- c) Keep a Register of Members in accordance with and furnish to the Register of Incorporated Societies the Annual Statement required by "The incorporated Societies Act 2022".
- d) Immediately after the close of each financial year, prepare the Statement of Accounts and Balance Sheet for the year and submit them for financial review or audit in accordance with Clause 19 of this Constitution and any statutory requirements. Present these, together with a budget of estimated Income and Expenditure for the ensuing year, to the Annual General Meeting.
- e) Will file all returns required under the Act (including future amendments to the Act)

12. GENERAL MEETINGS

12.1 Annual General Meeting

The Annual General Meeting of the Club shall be held in the month of June in each year, on such day and at such place and hour as the Executive shall fix and determine.

The business of the meeting shall be to receive the Annual Report, Statement of Accounts and Balance Sheet for the preceding year; to elect and appoint Office Bearers for the ensuing year; to consider and deal with Notices of Motion (which shall have been received by the Secretary not less than fifteen days before the Meeting and must include a proposer and seconder, be signed by both, and dated); and to transact any other general business of the Club.

12.2 Special General meeting

- a) A Special General Meeting at which only the business for which the Meeting is convened shall be dealt with, may at any time be summoned upon the initiative and order of the Executive.

b) Conversely a Special General Meeting shall be held within 12 working days after the receipt by the Secretary of a written requisition signed by at least (10) financial Full Members and setting forth in the form of a motion(s) the object(s) of such Meeting.

c) If the Executive does not within seven days convene a Special General Meeting the requisitions or any of them may, subject to the provisions of this Constitution as to notice, convene it, to be held at the pavilion of the Club.

12.3 Notices of Meetings

At least seven clear days' notice in writing of every General Meeting, specifying the place, day and hour of the Meeting and the nature of the business to be considered thereat, shall be given by the Secretary to every financial Full Member of the Club. The accidental omission to give any such Member notice of the Meeting, or their non-receipt of same, shall not invalidate the proceedings of any General Meeting.

12.4 Chairperson

The president of the Executive, or if he/she is absent or unwilling to act, the Vice President, shall preside at all General Meetings, provided however that if neither of these Officers is present or willing to act, the Meeting shall appoint any financial Full Member present to act as its Chairperson.

12.5 Procedure

a) At all General Meetings every financial Full Member personally present shall on each question have one vote, and in the case of an equality of votes the Chairperson shall have a further or casting vote which, if exercised, shall be cast with regard to the status quo.

b) Except for contested elections of Office-bearers or as otherwise provided by this Constitution, voting at General Meetings shall be on the voices or, if the Chairperson or any two Members present and entitled to vote shall so require, by show of hands or by secret ballot as the case may be.

12.6 Minutes

a) The Chairperson shall declare the result of the voting. An entry to that effect shall be made in the Minutes of the proceedings and duly confirmed as hereinafter provided. Such evidence shall be conclusive of the terms of any resolution of a General Meeting and of its being passed or rejected.

b) The Secretary shall forward a copy of the minutes of the General Meeting to all Executive Committee Members as soon as possible after the conclusion of the meeting. The minutes shall be confirmed at the next Annual General Meeting.

13. CENTRE DELEGATES

The delegate to the Centre AGM and SGM in respect of the current year of the Club shall be the chairperson elected at the first meeting of the Executive following the

Annual General Meeting and shall assume office in accordance with provisions in the Centre Constitution. In the event of the President being unavailable to attend a Delegates meeting, the Executive shall elect a substitute Delegate who may act as the Club Delegate on the Centre. The Delegate shall, when specific instructions are given, vote at meetings of the Centre in accordance with the directions given them by the Executive and/or any General Meeting. The delegate shall report to the executive all decisions of the Centre affecting or of interest to the Club.

14. QUORUM

14.1 The quorum for all Club General Meetings shall be one more than a quarter of the number of financial Full members entitled to vote provided that should such number not be a whole number, the quorum shall be the following whole number.

14.2 No business shall be transacted at any General Meeting unless a quorum shall be present, except that those present may fix a date and venue for the re-convening of the Meeting.

14.3 If a quorum is not present within an hour after the appointed time for it, the Meeting, if convened upon the requisition of Members shall be dissolved. In every other case it shall stand adjourned to a time and place to be fixed by the Chairperson on adjourning the Meeting. If at the adjourned Meeting a quorum is not present within half an hour after the appointed time, the Members present shall be a quorum.

15. SUBSCRIPTIONS

15.1 The annual subscriptions due and payable by Members on the first day of October in every year shall be such as shall from time to time be prescribed by the Club in General Meeting.

15.2 If the annual subscription of any Member and any other moneys owing by them to the Club shall remain unpaid after the first day of November in any year, he/she shall be deemed to be unfinancial and shall not thereafter, unless the Executive shall otherwise determine in special circumstances, be entitled to exercise or enjoy any right, privilege or advantage of membership until all such moneys have been paid.

16. AFFILIATION TO BOWLS NZ

The Club and all members shall, as a condition of the continuance of its affiliation to Bowls NZ at all times and in all respects conform to and be bound by the constitution of Bowls NZ.

17. LAWS OF THE GAME

All games, matches, tournaments and championships shall be played in accordance within the Laws of the Game and Associate Regulations.

18. VISITORS

18.1 The Executive may grant to a Member of any Club affiliated to Bowls NZ and not within the Centre, permission to use the greens and Premises of the Club for such time and on such conditions as to payment or otherwise as the Executive thinks fit, but he/she shall not be eligible to represent the Club in outside Competition or to play in any Club championship.

18.2 The Executive may accord to any overseas visitor who is a Member of a Bowling Club affiliated to an Association in membership with the International Bowling Board or World Bowls Board the privileges of Full Membership of this Club for such period not exceeding twelve months and, on such conditions, as to payment or otherwise as the Executive shall think fit.

18.3 Visitors for purposes other than the playing of bowls may be admitted to the Club Pavilion when accompanied by a Member, such Member to be responsible for the conduct of the visitor introduced by them.

19. AUDITOR

An Auditor who shall not be a member of the Executive shall be appointed at the Annual General meeting, to undertake a financial review or audit or as required by statute and report on the annual Statement of Accounts and Balance Sheet. The Auditor shall at all times have reasonable access to the books of the club and shall be entitled to any information required relating thereto or to any matter deemed necessary or desirable for audit purposes.

20. PROTECTION OF GREENS

20.1 All members whilst engaged on the greens must wear heel-less shoes or sandals and having soles of smooth rubber of pliable material with rounded edges.

20.2 Any maimed or limbless player must use a support and/or artificial limb provided that the same be suitably shod with rubber or other pliable material.

21. MATCH COMMITTEE

21.1 The Club shall have two Match Committees, one ladies and one men's, comprising the Chairperson, and Full Members appointed by the Chairperson. The duties of the Match Committee shall be to conduct and regulate all Club Competitions with due regard to Clause 24 and settle disputes in connection therewith and generally to have control of all such games.

21.2 Any member dissatisfied with a decision of the Match Committee shall have the right of appeal to the Executive provided that notice of such appeal is lodged with the Secretary within three days after the date on which the decision of the Match Committee is communicated to the Member concerned.

22. SELECTORS

One or more Selectors shall be appointed at the Annual General Meeting. The duties of the Selector(s) shall be to select the teams for all Inter-club matches, to classify and handicap players for competitions, and to make nominations in accordance with the constitution regulations of the Centre for representative teams.

23. COACHES, UMPIRES

The Executive may appoint and define the respective duties of the qualified Club Coaches and Club Umpires.

24. FINANCIAL

24.1 The Club's current banking account shall be kept at a bank as may be decided upon by the Executive. All electronic payments from this account shall be authorised by two of the following signatories – Treasurer, President, Vice-President or Secretary.

24.2 The financial year of the Club shall end on the 31st day of March in each year. The Executive shall ensure true and complete accounts be kept of the income and expenditure and assets and liabilities of the Club. A Statement of Accounts and Balance Sheet, in the form approved by the Executive and duly audited shall, together with the Annual Report, be forwarded to each financial Full Member with the notice of the Annual General Meeting.

25. MATCHES

The Executive shall decide what Inter-Club, Matches and Competitions shall be entered for by the Club during the ensuing season, but the Executive 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.

26. NOTICES

Any notice required to be given under this Constitution shall be in writing and may be served either by email if available, personally or by posting it in a prepaid letter addressed to the Member at the address last notified by them to the Secretary. If given by post it shall be deemed to have been given at the time when the letter containing the same would be delivered in the ordinary course of post.

27. COMPLAINT AND DISPUTE RESOLUTION PROCEDURE

27.1 The Club adopts the definitions of "Dispute" and "Complaint" as set out in Section 38 Incorporated Societies Act 2002

27.2 Pursuant to Section 40 of the Incorporated Societies Act 2022, the Club adopts the procedures set out in Clauses 2-8 of Schedule 2 of that Act for dealing with any dispute or complaint. The provisions of Clauses 2-8 of Schedule 2 are annexed to this Constitution.

27.3 Any complaint by an individual Member must be made in writing, signed by the Member, and addressed to the Executive Committee. Complaints are to be submitted to the Secretary, preferably by email.

27.4 In no instance shall a Member directly criticise or reprimand a Member of the Executive, the Greenkeeper (who is an employee of Mangawhai Club Inc), or the Greens Superintendent. All such criticisms or complaints must be made in accordance with Clause 27.3.

28. PRIVACY ACT 2020

It is a condition of membership of the Club that each Member irrevocably consents, pursuant to the Privacy Act 2020, to personal information in the form of their name, and telephone number, and office held (if necessary), being included in a membership list for display in the Clubhouse and/or circulation to other Members, and inclusion in the annual statistical return supplied by the Club to the Centre, for any one or more of the following purposes:

1. The Centre's membership records, including Centre levy purposes;
2. For publication and distribution in the Centre handbook (if necessary);
3. For distribution by the Centre pursuant to arrangements entered into with sponsors;
4. For forwarding to Bowls NZ for its records, including capitation fee purposes and/or for distribution by Bowls NZ pursuant to arrangements entered into with sponsors.

29. COMMON SEAL

The Common Seal of the Club shall bear the registered name of the Club and shall be kept in the custody of the Secretary. It shall, after a resolution of the Executive in that behalf, be affixed to any instrument, deed or document in the presence of two Members of the Executive, one of whom shall be the President or the Secretary, who shall subscribe their names and offices thereto as witnesses.

30. INDEMNITY

The Executive and other Officers of the Club shall be indemnified by the Club against all disbursements, expenses, liabilities and losses incurred by them in or about the discharge of their duties except such as happen from their own wilful act, neglect or default.

31. ALTERATIONS TO CONSTITUTION

This Constitution shall be amended, added to, or rescinded only by a majority of the Full Members present and voting at an Annual General Meeting or a Special General Meeting convened for that purpose, provided that written notice of the proposed amendment, addition or rescission shall have been given to the Secretary not less

than (thirty) days before the Meeting. No such amendment, addition or rescission shall be valid unless and until approved (by the Liquor Licensing Authority and) by the Centre and accepted by the Registrar of Incorporated Societies. No addition to or alteration or rescission of this Constitution shall be adopted if it in any way affects Liquidation Clause 32 hereof unless it shall be approved by the Inland Revenue Department.

32. DISTRIBUTION OF SURPLUS ASSETS ON LIQUIDATION

On the liquidation of the Club by resolution of the members or by the Registrar of Incorporated Societies, the surplus assets and funds of the Club remaining after payment of all debts and liabilities and the costs and expenses of liquidation shall be distributed to such not-for-profit entity or entities whose primary purpose is the promotion of the game of bowls as a majority of the members in General Meeting shall determine.

33. MATTERS NOT PROVIDED FOR

If any matter shall arise which is not, or which in the opinion of the Executive is not provided for, by or under this Constitution, the same shall be determined by the Executive in such manner as it shall deem fit, and every such determination shall be binding upon the Club and its Members unless and until set aside by a resolution of a General Meeting.

34. REPEALS AND SAVINGS

The Constitution and Rules of the Club operative at the date of adoption of this Constitution are hereby repealed, but all existing appointments to Office and all acts of authority which originated hereunder and are subsisting or in force on the coming into operation of this Constitution shall ensure as if they had originated under this Constitution.

Schedule 2
Optional dispute resolution procedures

s 40

1 Overview of this schedule

- (1) Section 39 requires the procedures in a society's constitution relating to disputes to be consistent with the rules of natural justice.
- (2) A society may choose (but is not required) to include the procedures in this schedule in its constitution.
- (3) The procedures in a society's constitution must be treated as being consistent with the rules of natural justice if those procedures consist of—
 - (a) all of the procedures in this schedule; and
 - (b) any additional procedures that are consistent with those procedures.

2 How complaint is made

- (1) A member or an officer may make a complaint by giving to the committee (or a complaints subcommittee) a notice in writing that—
 - (a) states that the member or officer is starting a procedure for resolving a dispute in accordance with the society's constitution; and
 - (b) sets out the allegation to which the dispute relates and whom the allegation is against; and
 - (c) sets out any other information reasonably required by the society.
- (2) The society may make a complaint involving an allegation against a member or an officer by giving to the member or officer a notice in writing that—
 - (a) states that the society is starting a procedure for resolving a dispute in accordance with the society's constitution; and
 - (b) sets out the allegation to which the dispute relates.
- (3) The information given under subclause (1)(b) or (2)(b) must be enough to ensure that a person against whom an allegation is made is fairly advised of the allegation concerning them, with sufficient details given to enable them to prepare a response.
- (4) A complaint may be made in any other reasonable manner permitted by the society's constitution.

3 Person who makes complaint has right to be heard

- (1) A member or an officer who makes a complaint has a right to be heard before the complaint is resolved or any outcome is determined.
- (2) If the society makes a complaint,—
 - (a) the society has a right to be heard before the complaint is resolved or any outcome is determined; and

- (b) an officer may exercise that right on behalf of the society.
- (3) Without limiting the manner in which the member, officer, or society may be given the right to be heard, they must be taken to have been given the right if—
 - (a) they have a reasonable opportunity to be heard in writing or at an oral hearing (if one is held); and
 - (b) an oral hearing is held if the decision maker considers that an oral hearing is needed to ensure an adequate hearing; and
 - (c) an oral hearing (if any) is held before the decision maker; and
 - (d) the member's, officer's, or society's written statement or submissions (if any) are considered by the decision maker.

4 Person who is subject of complaint has right to be heard

- (1) This clause applies if a complaint involves an allegation that a member, an officer, or the society(the respondent) —
 - (a) has engaged in misconduct; or
 - (b) has breached, or is likely to breach, a duty under the society's constitution or bylaws or this Act; or
 - (c) has damaged the rights or interests of a member or the rights or interests of members generally.
- (2) The respondent has a right to be heard before the complaint is resolved or any outcome is determined.
- (3) If the respondent is the society, an officer may exercise the right on behalf of the society.
- (4) Without limiting the manner in which a respondent may be given a right to be heard, a respondent must be taken to have been given the right if—
 - (a) the respondent is fairly advised of all allegations concerning the respondent, with sufficient details and time given to enable the respondent to prepare a response; and
 - (b) the respondent has a reasonable opportunity to be heard in writing or at an oral hearing (if one is held); and
 - (c) an oral hearing is held if the decision maker considers that an oral hearing is needed to ensure an adequate hearing; and
 - (d) an oral hearing (if any) is held before the decision maker; and
 - (e) the respondent's written statement or submissions (if any) are considered by the decision maker.

5 Investigating and determining dispute

(1) A society must, as soon as is reasonably practicable after receiving or becoming aware of a complaint made in accordance with its constitution, ensure that the dispute is investigated and determined.

(2) Disputes must be dealt with under the constitution in a fair, efficient, and effective manner.

6 Society may decide not to proceed further with complaint

Despite clause 5, a society may decide not to proceed further with a complaint if—

- (a) the complaint is trivial; or
- (b) the complaint does not appear to disclose or involve any allegation of the following kind:

- (i) that a member or an officer has engaged in material misconduct:
- (ii) that a member, an officer, or the society has materially breached, or is likely to materially breach, a duty under the society's constitution or bylaws or this Act:
- (iii) that a member's rights or interests or members' rights or interests generally have been materially damaged:
- (c) the complaint appears to be without foundation or there is no apparent evidence to support it; or
- (d) the person who makes the complaint has an insignificant interest in the matter; or
- (e) the conduct, incident, event, or issue giving rise to the complaint has already been investigated and dealt with under the constitution; or (f) there has been an undue delay in making the complaint.

7 Society may refer complaint

- (1) A society may refer a complaint to—
 - (a) a subcommittee or an external person to investigate and report; or
 - (b) a subcommittee, an arbitral tribunal, or an external person to investigate and make a decision.
- (2) A society may, with the consent of all parties to a complaint, refer the complaint to any type of consensual dispute resolution (for example, mediation, facilitation, or a tikanga-based practice).

8 Decision makers

A person may not act as a decision maker in relation to a complaint if 2 or more members of the committee or a complaints subcommittee consider that there are reasonable grounds to believe that the person may not be—

- (a) impartial; or
- (b) able to consider the matter without a predetermined view.