



Southern Tasmanian Bowls Association Inc

Trading as:

Bowls Tasmania South

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MINUTES OF A SPECIAL GENERAL MEETING **HELD AT 1.00 PM ON MONDAY 27 SEPTEMBER 2021** **AT BUCKINGHAM BOWLS CLUB**

Welcome

The President, Peter Kirby, opened the meeting at 1.00pm, welcomed members to the meeting and advised that a quorum was present.

Attendance and Apologies

37 delegates, representing 20 of 27 clubs, and four BTS Board members attended the meeting. This represents a quorum in accordance with section 25 of the constitution. Apologies were received from Bruny, Cygnet and Rosny Park, and from Bernard Knight. **Clubs represented:** Beltana, Brighton, Buckingham, Claremont, Cremorne, Dover, Franklin, Glenorchy City, Glenorchy Rodman, Howrah, Huonville, Kingborough, New Norfolk, North Hobart, Oatlands, Royal Hobart, Sandy Bay, St. John's Park, Taroon and Tasman.

Special Resolutions

Pauline Connell (Kingborough) moved, and Don McVilly (Cremorne) seconded that, by special resolution of the members of the association, Section 8 of the constitution be amended as described in Annex A.

CARRIED by absolute majority (100% for)

Don McVilly (Cremorne) moved, and Ross Bannister (North Hobart) seconded that, by special resolution of the members of the association, Section 32 of the constitution be amended as described in Annex B.

CARRIED by absolute majority (100% for)

Don McVilly (Cremorne) moved, and Peter Krstic (Cremorne) seconded that, by special resolution of the members of the association, Section 33 of the constitution be amended as described in Annex C.

CARRIED by absolute majority (100% for)

Leigh McAdam (Glenorchy City) moved, and Neale Hall (Glenorchy City) seconded that, by special resolution of the members of the association, Section 41 of the constitution be amended as described in Annex D.

CARRIED by absolute majority (100% for)

Close

The President thanked Buckingham for hosting the meeting, and thanked members for their attendance, and closed the meeting at 1.15pm.

Peter Kirby
President

Paul Matthews
Secretary

Love this bowls

Annex A – Details of Special Resolution 1

That, by special resolution of the members of the association, Section 8 of the BTS Constitution (2016) be deleted and replaced by the following:

8 MEMBERSHIP AND CAPITATION FEES

8.1 The annual membership and/or capitation fees for Clubs and Provisional Clubs shall be determined by the Board.

8.2 The secretary of each Club shall maintain an accurate membership database in a format prescribed by the Board.”

Reasons:

1. The current Rule 8 is no longer compatible with current practice in regard to the manner in which Bowls Tasmania calculates and charges annual fees to the regions.
2. Bowls Tasmania no longer uses a per capita model for calculating annual subscription fees to the regions, as referred to in current Rule 8.2. Bowls Tasmania’s annual fee charged to regions becomes part of the region’s annual expenditure budget.
3. There is no need to reference, in the BTS Constitution, annual fees that Bowls Tasmania charges to regions. The BTS annual budget advises the revenue required to bring BTS finances into balance and this amount determines the total funds required to be raised from capitation fees BTS charges to clubs. It is not necessary for these matters to be articulated in this rule.
4. Current Rule 8.3, which requires club secretaries to forward to BTS a list of each club’s playing members to be registered, is no longer relevant and has been superseded by the BowlsLink database.
5. Bowls Tasmania is using the BowlsLink database already to calculate the proportion of funds to be paid by each region in the form of an annual capitation fee. It is vital that the database contains accurate information in regard to actual numbers and the proposed new Rule 8.2 instructs Club secretaries of their responsibility in this regard.
6. The proposed new Rule 8.1 retains the power granted to the Board to set annual fees that it charges to its affiliated Clubs but permits flexibility in the manner in which annual fees are calculated as well as the date by which payment is due. For flexibility of operation it is appropriate that these matters should be omitted from the constitution to permit the ability to adjust to changing circumstances without coming into conflict with specific rules of the constitution.

Annex B – Details of Special Resolution 2

That, by special resolution of the members of the association, Section 32 of the BTS Constitution (2016) be deleted and replaced by the following:

32. POWER TO DISCIPLINE MEMBERS

32.1 Where the Board is of the opinion that a Member:-

- (a) has refused or neglected to comply with a provision of these rules; or
- (b) has acted in a manner prejudicial to the interests of the Association; or
- (c) has committed an act of misconduct,

then the Board may by resolution refer the matter to the Tribunal Panel for determination under the Association's Disciplinary Policy.

32.2 Where the Board by resolution accepts the determination of the Tribunal Panel to expel a member, the Secretary shall, within 7 days thereof, by notice in writing, inform the Member of that resolution and of the Member's right of appeal under Rule 33.

32.3 The expulsion of a Member under Rule 32.2 does not take effect until whichever of the following occurs later:

- (a) the fourteenth day after the day on which a notice is served on the member under Rule 32.2;
- (b) if the Member exercises his or her right of appeal under this rule, the conclusion of the special general meeting convened to hear the appeal.

Reasons:

1. Current Rule 32 of the BTS Constitution, which gives the Board the direct power to reprimand, fine, suspend or expel members, is redundant as these powers have been transferred to the BTS Tribunal Panel, as described in the BTS Disciplinary Policy.
2. The proposed change to Rule 32 grants to the Board the power to refer matters to the BTS Tribunal Panel, which is independent of the Board, for its consideration.
3. The proposed change to Rule 32 removes the Board from all disciplinary procedures, with the exception being in the event that the BTS Tribunal Panel recommends that a member be expelled from the Association.
4. The intent of the proposed change to Rule 32 is to align the BTS Constitution with current practice, as well as to remove anomalies, duplication and contradictions that currently exist between the constitution, relevant BTS policies and Conditions of Play, as well as to eliminate technical issues that may impinge on the decisions and penalties imposed by the BTS Tribunal Panel.

Annex C – Details of Special Resolution 3

That, by special resolution of the members of the association, Section 33 of the BTS Constitution (2016) be deleted and replaced by the following:

33. APPEAL AGAINST EXPULSION

33.1 A Member may appeal against an expulsion under Rule 32 by serving on the Secretary, within 14 days after the service of a notice under Rule 32.2, a requisition in writing demanding the convening of a general meeting for the purpose of hearing the appeal.

33.2 On receipt of a requisition, the Secretary is to immediately notify the Board of the receipt.

33.3 The Board is to cause a general meeting to be held within 21 days after the day on which the requisition is received.

33.4 At a general meeting convened for the purpose of hearing an appeal under this rule:

- (a) no business other than the question of the expulsion is to be transacted; and
- (b) the Board may place before the meeting details of the grounds of the expulsion and the Board's reasons for the expulsion; and
- (c) the expelled Member must be given an opportunity to be heard; and
- (d) the Members of the Association who are present are to vote by secret ballot on the question of whether the expulsion should be lifted or confirmed.

33.5 If at the general meeting a majority of the Members present vote in favour of the lifting of the expulsion:

- (a) the expulsion is lifted; and
- (b) the expelled Member is entitled to continue as a Member of the Association.

33.6 If at the general meeting a majority of the Members present vote in favour of the confirmation of the expulsion:

- (a) the expulsion takes effect; and
- (b) the expelled Member ceases to be a Member of the Association.

Reasons:

1. Current Rule 33 (Right of Appeal of Disciplined Member) requires the BTS Secretary to convene a general meeting of the Association whenever an appeal is received from a member subject to a penalty imposed under current Rule 32. In effect, this rule has not been invoked in recent memory and has been replaced by an appeals process described in the BTS Disciplinary Policy.
2. The proposed change to Rule 33, including a name change to "Appeal Against Expulsion", recommends that in the event that the BTS Tribunal Panel's determination is that the member should be expelled from the Association then it should be the responsibility of the members of the Association to hear the appeal and to make the final judgment.
3. The purpose of the proposed change to Rule 33 is to align this rule with the proposed change to Rule 32, and to the BTS Disciplinary Policy.

Annex D – Details of Special Resolution 4

That, by special resolution of the members of the association, Section 41 of the BTS Constitution (2016) be deleted and replaced by the following:

41. BY-LAWS, CONDITIONS OF PLAY AND POLICIES

The Board may make, repeal, amend or alter such By-Laws and Policies as considered necessary for the proper conduct of the operations of the Association. Such By-Laws and Policies must be consistent with the Objects contained in Rule 4 of these Rules.

Reasons:

- 1.** While current Rule 41 grants to the Board the power to make changes to BTS By-Laws at any time it does not make any reference to either BTS policies or Conditions of Play.
- 2.** Rule 41 recognises that By-Laws are necessary implements by which the Board is able to ensure that it can adapt quickly to changing circumstances while still functioning within the broad framework of the constitution.
- 3.** BTS policies and Conditions of Play, as with By-Laws, require regular review to ensure that they remain relevant to current practice and need. They are subservient to the constitution which enables them to be amended at any time.
- 4.** The proposed change to Rule 41 is recommended to ensure removal of any doubt as to the powers of the Board to make changes to policies and Conditions of Play in the same manner in which it is able to do with By-Laws currently.