



Bowls Victoria

Inc A0054023D
ABN 60409686182

8 April 2010

MSC 042/10

CLUB COMMUNICATION OFFICERS
FOR BOARD CONSIDERATION

RE: Bowls Victoria Club Constitutions

Dear Club Board Members

This letter refers to the Bowls Victoria *pro forma* Club Constitution (Constitution) which we have had prepared by our lawyers, Lander & Rogers, for consideration by your Club. The purpose of this letter is to introduce you to the Constitution.

We have made the *pro forma* Constitution available in an electronic format at our website www.bowlsvic.org.au to enable your Club to adapt it to reflect your Club's specific content requirements. Whilst it is not compulsory for Clubs to adopt this Constitution, we consider there are advantages to Clubs adopting it. These advantages are outlined below, and we commend the Constitution to you.

The Constitution is a modern constitution. It is based upon the new Bowls Victoria constitution and deals with all required legal matters (some of which have changed in recent years), but does not include irrelevant material. We consider it is written in plain English and is structured in a way which allows it to be understood with relative ease. It is a constitution which promotes effective governance.

There may be a number of items previously included within earlier Club Constitutions which do not appear in this Constitution, such as defined Committee structures. Our advice is that any items that are not essential to the governance of the Club should not be included in the Constitution, but rather should be set out in Regulations (By-laws) made by the Board. These Regulations will generally include other important operational and policy information which have the same force and effect of this Constitution, but are able to be amended more easily to deal with operational issues as they arise.

Therefore, in adapting and then adopting this Constitution, the Club will meet its obligations under the Associations Incorporations Act 1981 (Vic) and will also strongly align itself to the governing body for bowls in this State, Bowls Victoria Inc., nationally to Bowls Australia Inc., and through them to World Bowls Inc.

Further, by adopting the Constitution and defining its Regulations, the Club will clearly enunciate its governance, its structure, its policies, and its procedures.

Finally, a cautionary note. This template Constitution is based on law which applies to Clubs that are associations incorporated in Victoria. If a Club is incorporated in another state, is registered as

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a company or is an unincorporated association, the Club should seek legal advice to ensure they comply with the legal requirements. Further, this is a template only; neither Bowls Victoria or its lawyers have been able to consider the particular requirements of individual Clubs. Therefore if you have specific questions, you should seek your own legal advice; or contact us and we can put you in touch with Lander & Rogers.

Adapting the document to your Club's needs

There are areas where this will need to be done. Clubs are free to obtain their own advice about this, however much of it is self-explanatory. You will see, for instance, that there are spaces in which you need to simply complete some information, such as under Rule 1 where the Club Name is to be inserted.

You will also see regularly throughout the document the inclusion of text boxes with explanatory statements or advice to assist when working through each section.

In some instances, such as under "Electing Directors" in Rule 16(f), there will be mention of the need to develop Regulations in addition to adopting the Constitution. These guidelines for these Regulations appear as Rule 32 with a further explanatory text box.

Liquor and Gaming

This constitution sets out the rules that must be included in a Club Constitution where that Club:

- (a) holds or intends to hold a Club Licence under the Liquor Licence Reform Act 1998; and/or
- (b) holds or intends to hold a venue operator's licence under the Gambling Regulation Act 2003.

These licenses are issued under subject to conditions that the rules of the Club comply with the requirements set out in the Act.

This document does not provide a comprehensive guide to the requirements for a liquor licence or venue operator's licence. It simply addresses the rules that must be included in a Club's Constitution. For further information on complying with liquor licensing or gaming legislation, your Club should seek legal advice.

Support

Please feel free to contact either of us at Bowls Victoria if you want further assistance in relation to adapting and adopting this template for your Club.

Yours sincerely



Peter Hanlon
Executive Officer (RVBA)



Leonie Schulz
Executive Officer (VLBA)