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| Rules and Regulations |

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BALLARAT DISTRICT BOWLS DIVISION Inc.

ABN: 65 166 925 360

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Regulations

PART I – STATUS OF REGULATIONS

# REGULATIONS BINDING

### These Regulations are made under of the Constitution. Without limiting the Board's power under the Constitution, these Regulations or otherwise, the Board may review, amend and enforce these Regulations as it deems necessary or appropriate.

### These Regulations are binding on all Members.

# INTERPRETATION

## Interpretation

These Regulations shall be interpreted in a manner consistent with the Constitution. Any word or phrase which is defined in the Constitution will have the corresponding meaning in these Regulations unless otherwise set out.

## Definitions

Words which are defined in the Constitution have not been redefined here.

**Act** means the *Associations Incorporation Act 1981* (Vic) as amended or replaced from time to time.

**Affiliated Member** means a natural person recognised by Bowls Victoria and a Club as a member under their respective constitutions from time to time.

**Bowler** means a person participating in the sport of Bowls affiliated to BV, another State Bowls organisation, Bowls Australia or World Bowls. For the avoidance of doubt, this includes the Affiliated Members.

**BDBD means Ballarat District Bowls Division Incorporated.**

**BV** means Bowls Victoria Incorporated.

**Clearance** means the approval process undertaken in accordance with regulation 11 to allow a Bowler to transfer between Clubs.

**Constitution** means the constitution of the BDBD as amended from time to time.

**Disciplinary Committee** means the committee of people established under regulations to hear and determine disciplinary matters under these Regulations.

**Event** means any Club, Division, Region or State competition or tournament in the sport of bowls or such other competition or tournament as is governed by the BDBD

**Game** means a game of Bowls played at or as part of an Event.

**Official** means any Director, Region or Division board or committee member, coach, umpire, team or squad manager, official bowls tester, authorised bowls inspector, promoter, match committee member or representative, medical officer, or any other person directly associated with a Game.

**Terms of Reference** means the terms of reference for Committees approved by the Board as amended from time to time. Such terms of reference will set out the authority of such Committees as delegated by the Board.

PART II – DIVISIONS

# DIVISIONS

## Definition and Structure

### With the approval of BV, Regions may establish Divisions. Divisions will be sub-ordinate to Regions and act within them to manage a cluster of Clubs within the Region. For the avoidance of doubt, Regions do not have to establish Divisions.

### Any Divisions established will have the boundaries set out in Annexure B as amended by the Board from time to time. Each Division will comprise such Clubs as approved by the Board from time to time.

### Each Division will incorporate under the Act. The name and constitution of a Division, and any amendments to it, must be approved by BV prior to being adopted.

### Subject to continued recognition by BV and compliance with the Constitution, these Regulations and any other directions issued by BV, each Division will be accepted as a Member of BV under sub-rule 6.1(d) of the Constitution. Divisions will not have the right to attend, debate or vote at General Meetings.

### Divisions are not authorised, entitled or empowered to legally bind BV or to incur liabilities on BV's behalf. However, as incorporated bodies, Divisions will be entitled to enter into legal arrangements or otherwise act on their own behalf within the powers provided by BV.

## Delegation

### Within its respective jurisdiction, BV delegates the power to each Division to assist BV and the relevant Region to:

#### manage, promote and control Bowls, Clubs and any Affiliated Members;

#### consider and deal with all matters submitted to it by any Member;

#### cooperate with other Regions and Divisions in any Bowls related matters;

#### promote the health and safety of all its Members, athletes, officials and other individuals participating in Bowls in any capacity;

#### pursue through itself or others such commercial arrangements, including sponsorship and marketing opportunities, as are appropriate to further the purposes of the Division;

#### promote the game and development of players; and

#### do all such things or activities which may be necessary for the accomplishment of these objectives.

### The delegation of power to each Division is expressly subject to the requirement that a Division must follow all lawful directions of BV.

## Function

In addition to performing functions which derive from performing the duties noted in regulation, Divisions:

### must ensure that in all activities they abide by the "Laws of the Sport of Bowls" as amended from time to time and adopted by World Bowls and/or Bowls Australia;

### may impose a levy on Affiliated Members of the Clubs within their jurisdiction; and

### must ensure that effective communication is maintained between itself, its Region and Clubs, and also BV.

### shall conduct Meetings of Delegates representing the affiliated clubs within the division boundaries.

### shall call for a General Meeting subject to clauses 12.2 and 13 of the Division’s constitution.

## Transfer of Clubs between Divisions

Any Club wishing to transfer from one Division to another shall adhere to this procedure:

### Write to the Division with which it is affiliated, expressing desire to transfer and stating reasons.

### Write to the Division to which it desires to be transferred, expressing the desire to transfer and stating reasons.

### Each Division concerned shall promptly send to the Region Board a copy of the correspondence received from the Club desiring to transfer together with a report regarding the proposed transfer.

### The Region Board shall promptly consider the request for transfer and forward a copy of their report and reports from the concerned Divisions to the BV Chief Executive for consideration by the Board.

### The Board shall, after further consultation approve or reject the transfer. If rejected the Board shall advise the Region Board, the Divisions and the Club involved and give reasons for that rejection. There shall be no appeal from a decision of the Board.

PART III – BDBD COMMITTEES

# COMMITTEES

## Establishment of BDBD Committees

### Under rule 21.1of the Constitution, the Board is entitled to establish Committees and to delegate functions, power and duties to such Committees. All Committees must act in accordance with their Terms of Reference, the Constitution and these Regulations, in particular this regulation.

### The Board will establish the following Committees:

#### Finance Committee; and

### The Board will also establish the following operational Committees:

#### Coaching Committee;

#### Disputes, Appeals, Grievance & Disciplinary Committee;

#### Greens Committee;

#### Laws, Umpiring and Rules Committee;

#### Match Committee;

#### **Under 18 Development Committee** (Junior Committee)

#### Sponsorship, Marketing, Media Committee;

#### Selection Committee;

#### Disciplinary Committee

### The Board reserves its right to establish additional Committees at any time in accordance with the Constitution. Further, other than for any Committee which the Constitution requires it maintain, the Board reserves its right to wind up any Committee or revoke its delegation to such Committee, including those Committees listed in this regulation 4.1.

### It is understood that it will not always be possible to have equal gender representation on each committee, however it is expected that each gender will be represented on each committee.

### Division committees are empowered by the Divisions, not by BV. For the avoidance of doubt, BV is not delegating any power to the Division committees under this Regulation.

### No person shall be the chairperson of more than one committee

### No club shall have more than one representative on the match or selection committees for each section.

## Delegation to BDBD Committees

### The Board will establish Roles of Division Committees including but not limited to those listed in regulation

### The Board delegates to each of the Committees listed in regulation 4.1 (and any others established by the Board from time to time) the functions, powers and duties which are set out in the particular Committee's Terms of Reference.

## Organisation of Committees

### Subject to anything in the Constitution, this Regulation or in the Terms of Reference, Committees:

#### will have as ex-officio members, the Directors, who will be entitled to attend any Committee meeting but not vote;

#### must conduct their meetings in the same manner as the Board would according to the procedures set out in the Constitution, subject to any necessary or incidental amendment;

#### must have a majority of the members of the Committee at a meeting for there to be a quorum for the transaction of the business;

#### must, within seven days of any meeting, send a copy of the minutes and any supporting documents to the Divisions Administrative Secretary (or their nominee); and

#### are not authorised, entitled or empowered to legally bind the BDBD or to incur liabilities on the BDBD ‘s behalf, unless specifically authorised in its Terms of Reference.

### The Board will determine how Committee members will be elected and/or appointed from time to time. “A sub-committee shall have the power to recommend to the board a person or persons to fill casual vacancy/ies on their committee.”

PART IV – MEMBERSHIP

# Life Members

Under rule 6.1 (b) of the Constitution, the Board may determine to grant a person life membership of the BDBD. The Board will consider awarding a Life Membership according to the following procedure.

### The Board shall receive in writing, via a member club whose committee has recommended, the proposal for a Life Membership

### The Board may recommend to Members at a General Meeting that any Affiliated Member who has rendered distinguished service to Bowls be appointed as a Life Member. The Affiliated Member must have rendered service which the Board has deemed to have assisted the BDBD, the BRBA or the BDLBA, whether as a player, administrator or otherwise.

### Subject to sub-regulation 5(d), Life Membership will be granted where the recommendation:

#### is approved by a resolution of 75% of the Board; and

#### is then approved by a resolution of the Annual General Meeting where 75% of those present and entitled to vote are in favour of the resolution.

### An Affiliated Member must accept or reject the BDBD resolution to confer Life Membership in writing. Upon written acceptance, the individual’s details shall be entered upon or updated in the Register.

### Subject to the provisions contained in the Constitution, Life Members of The Ballarat Regional Bowls Association Inc. and the Ballarat District Ladies Bowling Association Inc. shall be deemed to be Life Members of the Ballarat District Bowls Division Inc.

# Honorary Members

The membership category of "Honorary Members" is created by the Board under rule 6.1 (b) of the Constitution. Honorary Members shall have the right to be present and to debate at General Meetings, but do not have voting rights at General Meetings. The Board will consider accepting individuals as Honorary Members of the BDBD according to the following procedure.

### The Board shall receive any proposals for Honorary Membership.

### The Board may recommend to Members at a General Meeting that any person (not being an Affiliated Member) has rendered distinguished service to Bowls be appointed as an Honorary Member. The person must have rendered service which the Board has deemed to have assisted the advancement of Bowls in the Ballarat Division.

### Subject to sub-regulation 6(d), Honorary Membership will be granted where the recommendation:

#### is approved by a resolution of 75% of the Board; and

#### is then approved by a resolution of a General Meeting where 75% of those present and entitled to vote are in favour of the resolution.

### The individual must accept or reject the BDBD’s resolution to confer Honorary Membership in writing. Upon written acceptance, the individual’s details shall be entered upon or updated in the Register.

PART v – CODES OF CONDUCT, PROHIBITED CONDUCT AND DISCIPLINE

# CODE OF ETHICS AND CODE OF CONDUCT FOR SPORT

### Bowlers shall at all times (both on and off the green) conduct themselves in a manner that reflects favourably on Bowls, fellow Bowlers, the BDBD and BV. Failure to do so will render the Bowler liable to disciplinary action under these Regulations.

### All Members and Clubs shall abide by the Victorian "Code of Conduct for Community Sport". This code requires all to have a responsibility to ensure participation in any community sport event is free from any anti-social behaviour both on and off the green which prevents others from taking part and getting active. The BDBD strongly endorses the principle that every person (be they a spectator, player, club member, official, participant, administrator, coach, parent or member of the community) involved with Bowls should work to ensure:

#### inclusion of every person regardless of their age, gender or sexual orientation;

#### inclusion of every person regardless of their race, culture or religion;

#### opportunities for people of all abilities to participate in the sport and develop to their full potential;

#### respect is shown towards others, the club and the broader community;

#### a safe and inclusive environment for all;

#### elimination of violent and abusive behaviour; and

#### protection from sexual harassment or intimidation.

People that fail to meet these standards may be subject to action by BV.

# BETTING AND MATCH FIXING

## Prohibited Conduct

It will be a breach of these Regulations for any Bowler or Official to directly or indirectly (through an associate or otherwise), alone or in conjunction with another:

### bet (which will include, but is not limited to, financial wagering) on any Game in which he or she, or any associate or Official, is involved; or

### participate (whether by act or omission) in Match Fixing. The term "Match Fixing" means offering or receiving a bribe, inducement or otherwise to cause or attempt to cause a game to be determined otherwise than on its merits.

## Reporting and confidentiality

### Where a Bowler or Official becomes aware of conduct which they suspect represents a breach or attempted breach of regulation, they must report such conduct to the Division’s Administrative Secretary as soon as practicable. Such Bowler or Official must not otherwise report or discuss the alleged conduct, except as required by the BDBD or in accordance with these Regulations.

### The BDBD may request any person making a report to provide the particulars in writing. If so requested, the Bowler or Official involved shall provide such written responses within the time period specified by the BDBD

### Unless otherwise required or permitted under the Regulations, the "Laws of the Sport of Bowls" or unless the issue is already in the public domain, any report made in accordance with this regulation shall be dealt with confidentially by the BDBD until the matter is determined in accordance with these Regulations.

# DOPING AND DRUG REGULATIONS AND POLICY

The anti-doping and drugs policies of Bowls Australia, as amended from time to time, will apply to all BDBD Members and Officials with such amendment as is necessary.

# DISCIPLINARY PROCEDURES

## Establishment of Disciplinary Committee

### The Disciplinary Committee of the BDBD is established by the board. The Disciplinary Committee will, unless otherwise determined by the Board, comprise three persons appointed by the Board from time to time. These people shall not be Board members.

### If any matter to be determined by the Disciplinary Committee gives rise to a conflict of interest on the part of any member of the Disciplinary Committee, then the Board may appoint another independent person in their place for the determination of that matter.

### The Board may, in its discretion, remove and/or replace a Disciplinary Committee member at any time and for any reason, including but not limited to if it considers there would be a conflict of interest in such person determining a matter.

## Breach of Rules

Where a Member, Bowler, Official or other person or organisation within the jurisdiction of the BDBD from time to time:

### breaches or fails to follow any provision of the Constitution or these Regulations (including but not limited to rule of the Constitution and regulations); or

### breaches or fails to follow any provision of "Laws of the Sport of Bowls"; or

### acts in a manner prejudicial to the objects and interests of the BDBD or Bowls, or which brings the BDBD, Bowls or themselves into disrepute,

they will have committed an offence under these Regulations and are subject to the power of the Disciplinary Committee.

## Report and Investigation of Disciplinary Matter

### The Board or any person (including but not limited to a Member, Official, Director) (**Complainant**) may give written notice to the Division of a complaint relating to the conduct of a Member or other relevant person or organisation (**Defendant**) where they consider such conduct represents a breach of regulation 10.2.

### Unless otherwise determined by the Board, the Divisions Administrative Secretary shall as soon as practicable, but within seven (7) days of receipt of a notice of complaint, forward written details of the complaint to the Chairman of the Disciplinary Committee.

### The Board, through the Divisions Administrative Secretary may also investigate any matter to determine whether it considers there exists conduct which may represent a breach of regulation 10.2. This may be done prior to referring a matter to the Disciplinary Committee.

## Consideration of Matter by Disciplinary Committee

### The Disciplinary Committee shall, as soon as practicable after receiving a referral under regulation investigate and consider the matter, and shall within fourteen (14) days of receiving such notice:

#### dismiss the matter, because there has been no relevant breach of discipline or the complaint is otherwise vexatious or trifling in nature; or

#### agree to proceed to determination of the matter.

### If the Disciplinary Committee dismisses the matter under this regulation, it shall, as soon as practicable, give written notice to the Complainant of this dismissal.

### If the Disciplinary Committee agrees the matter warrants further review under it shall, as soon as practicable, serve a notice in writing on the Defendant and the Complainant:

#### stating that the Defendant and the Complainant may address the Disciplinary Committee at a meeting to be held not earlier than fourteen (14) and not later than twenty eight (28) days after service of the notice;

#### stating the date, place and time of that hearing;

#### informing the Defendant that they or it may do one or more of the following:

##### attend that hearing and make oral submissions; and

##### give Disciplinary Committee, before the date of that hearing a written statement setting out relevant information surrounding the complaint.

### The Disciplinary Committee may conduct the hearing convened in accordance with this regulation in such manner as it sees fit, but in all cases it must:

#### give to the Defendant and the Complainant every opportunity to be heard, either through oral submissions they make personally or through submissions on their behalf by an adult representative who is not being legally accredited, trained or qualified;

#### give due consideration to any written statement submitted by the Defendant and the Complainant; and

#### by resolution determine whether to dismiss or uphold the complaint.

### Having had regard to any submission or evidence of the Defendant and the Complainant, if the Disciplinary Committee considers that the Defendant has committed breach of regulation 10.2 it may by resolution:

#### expel the Defendant from the Association;

#### suspend the Defendant from membership of the Association for a specified period;

#### fine the Defendant;

#### reprimand the Defendant; or

#### otherwise impose such penalty or arrive at such other resolution as considered appropriate in the circumstances. This may include, but is not limited to, loss of competition points, suspension from competition or forfeiture of matches or awards.

The Disciplinary Committee must give the Member written notice of such resolution within seven days of passing the resolution. The decision takes effect immediately, unless otherwise determined by the Disciplinary Committee.

## Appeal

There shall be no appeal from a decision of the Disciplinary Committee.

PART VI – BOWLER REGISTRATION

# CLEARANCES

## Guiding Principle

No person who is or has been an Affiliated Member of a Club within the preceding two years and who wishes to transfer to another Club, shall be eligible to play pennant, BV or Bowls Australia events, championships or tournaments for that Club until obtaining a clearance in writing:

### signed by the Administrative Secretary or President of the clearing Club; and

### signed by the Administrative Secretary or President of the new Club; and

### subsequently approved by BV.

## Transfers between Clubs within Victoria

### A Clearance is required for:

#### any person who is currently an Affiliated Member of a Club and wishes to change his/her Nominated Club to another Club within Victoria, or

#### any person who has been an Affiliated Member of a Club affiliated with BV in the past two years and wishes to change his/her Nominated Club to another Club within Victoria.

This type of Clearance is known as a "Club Clearance". For the avoidance of doubt, in this clause 11, the term "Nominated Club" has the same meaning as in Bowls Australia Domestic Regulation 9.2.

### A Club Clearance is not required for a person that has not been registered as an Affiliated Member at a Club affiliated with BV in the past two years.

### A Club Clearance is required regardless of whether an Affiliated Member has played in any BV Event during the past two years, or whether an Affiliated Member or player is a registered member at both Clubs that they wish to change between if neither Club was previously the player's Nominated Club.

### Prior to the Clearance Form being submitted, the Affiliated Member or player must provide evidence that he/she is registered with the Club to which he/she is transferring as the Nominated Club.

### A Club Clearance will not be considered as processed until payment and a completed clearance form is received by Bowls Victoria.

### No Club shall unduly delay or fail to issue a Clearance to the detriment of an applicant without just cause.

## Interstate Clearances

### A player relocating from another State who is or has been a registered player within the preceding two year period shall produce a bona fide clearance from the relevant State or Territory Bowls association.

### BV will follow Bowls Australia Domestic Regulation 9.3 which states that any player wishing to represent a club other than the player’s Nominated Club in a championship event must obtain a transfer to that other club before he or she is eligible to play in that championship event.

### BV will follow Bowls Australia Domestic Regulation 9.4 which states that a State or Territory Bowls Association should not unreasonably withhold a transfer sought by a player.

## Refusal of Clearance

Any person who is refused a Clearance by a Club may appeal to Bowls Victoria who shall require that the Club state in writing the reason for such refusal. The Board (or its nominee) shall hear any evidence adduced by the appellant and the refusing Club and may:

### determine that the Clearance has been refused without reasonable cause and may grant the clearance;

### determine that the Clearance was validly denied and may support the Club’s refusal; or

### make any other determination it deems fit.

## Failure to Comply

No Club shall knowingly allow any person for whom a Clearance is required under these Regulations to play in any pennant match, BV or Bowls Australia event or tournament for that Club until a Clearance has been obtained. If a Club breaches this clause, the Board may, subject to appeal, impose on that Club such penalty as it deems fit.

## International Clearances

Any person transferring from a Member National Authority of World Bowls will comply with the requirements of the current Bowls Australia policy.

## Club Mergers, Amalgamations and Relocations

### Clearances resulting from the merger/amalgamation of Clubs, the closure of a Club, or the relocation of a Club to another existing Club, not having been arranged prior to the merger/amalgamation, closure or relocation taking place shall be dealt with as follows:

#### If a Club merges/amalgamates with an existing Club, a member of the Club which loses its identity and who wishes to transfer to another Club, including the merged/amalgamated Club, must obtain a clearance to be eligible to play matches for that Club; and

#### If two or more Clubs merge/amalgamate to form a totally new Club, the members of the merging/amalgamating Clubs who wish to transfer to the new Club must obtain a clearance to be eligible to play matches for that Club; and.

#### If a Club closes, the members of that Club who join another Club must obtain a clearance to be eligible to play pennant for that Club.

### No clearance is required if the Affiliated Bowler’s Nominated Club was a Club other than the Club/s closing or merging.

## Fees

The fee payable to Bowls Victoria for processing Clearances shall be as determined by the Board from time to time.

# PENNANT PERMITS

### A Bowler who is a full member of more than one Club shall be permitted to play pennant at more than one Club, subject to Bowls Victoria pennant permit regulations.

### Such Bowlers will register at the commencement of each pennant season the Clubs at which they will play pennant and the class of pennant they wish to enter at each Club. That is, an Affiliated Member cannot play for more than one Club in Saturday Pennant or more than one Club in Mid-week Pennant.

### A Bowler may not register for the same class of pennant at more than one Club.

### Should a Bowler wish to change the previously registered details during the course of the season those details must be notified to BV on the relevant form. BV may determine that a fee applies to such changes.

### Should a Bowler play in any side in a different class of pennant to that previously designated without notification to BV, the Club will forfeit any points earned in that Game and may be liable to other penalties determined by BV.

# DUAL MEMBERS

Where a person has paid their full annual capitation fees at a Club and are an Affiliated Member of that Club (that is their Nominated Club, as defined in regulation 11), they are not eligible to play in Region, Division or Club Championship matches for another Club (the "Second Club"). Such a person is not eligible to enter club Championships with the Second Club, vote on Region, Division or BV matters or hold office of the Second Club.

# ELIGIBILITY OF PLAYERS

A Player is qualified to represent Victoria in any relevant event if

### they are not currently under disqualification or suspension by World Bowls, Bowls Australia, or any other National State or Territory Authority;

### they satisfy the eligibility criteria of Bowls Victoria from time to time;

### if they comply with applicable rules and regulations of Bowls Victoria.

# RECIPROCITY OF MEMBERSHIP

### A Bowler who is affiliated to a Bowls Australia Association or a World Bowls National Authority should be granted reciprocal rights when visiting BV Clubs.

### Visiting players who are currently affiliated and in good standing with their home State Association or National Authority should obtain a letter or other suitable form of introduction to present to the Club visited. The letter should be sent initially to the headquarters of BV and a copy carried to present to each Club that is visited.

PART VII – GENERAL

# ELECTION OF ELECTED DIRECTORS –

The following procedure for the election of the Elected Directors will be followed when an election is required under the provisions of rule 17 of the Constitution.

### Where applicable, voters will be asked to tick/select two boxes for males and two boxes for females on the ballot paper and this must be done for the vote to be counted as a formal vote.

### Where applicable, the two male and two female candidates with the highest number of votes will be determined elected as the Elected Directors of BV.

### In the event of an equality of votes between two or more candidates, the returning officer will determine the result by drawing lots to determine the outcome.

### Each candidate shall be eligible to appoint a scrutineer at the count of votes.

### The details of the votes cast for each candidate will be posted on the Bowls Victoria website following the declaration of the poll.

### Prior to the election, the Board will determine any additional regulations required for the conduct of the election.

# INTELLECTUAL PROPERTY AND TRADE MARKS

### The Board shall have sole rights to approve the use of the BDBD intellectual property and trademarks and may, at its discretion, set a fee for such use.

### Any person (including Regions, and Clubs) who wish to use of BDBD’s intellectual property and trademarks must first receive approval in writing from the Board (or its nominee). In exercising this approval, the Board shall pay due regard to the purpose and intent of the other party in requesting such use and the ramifications of such usage.

### Applications to use any BDBD intellectual property and trade mark shall be submitted to the Divisions Administrative Secretary, in writing, stating full details of its intended usage.

### Use of the BDBD intellectual property and trademarks without the prior approval of the Board may lead to legal action or such penalty as determined by the Board.