

## PROPOSED CHANGES TO THE AUCKLAND BOWLS CONSTITUTION

### **MOTION ONE:**

That the name of the Centre in Clause 1.1 be changed from **Auckland Bowls Incorporated** to **Bowls Auckland Incorporated**.

The new clause to read:

The name of the Centre shall be “Bowls Auckland Incorporated”, which is abbreviated in this Constitution as “Bowls Auckland”.

**Reason for the change:** Of the 27 Centres affiliated to Bowls NZ, 24 of them have Bowls at the start of their name, this aligns our name with most other Centres as well as Bowls NZ.

For some time now the Auckland Bowling Club has fielded calls for Auckland Bowls and vice versa. Hopefully the name change will reduce the instances of this happening.

On paper the change appears quite simple. However, it may take some time before all livery, signage, uniforms, badges, monograms etc are changed. Most may not be changed until they need to be updated or replaced.

### **MOTION TWO:**

That in every clause in the Constitution where there is reference to “**Auckland Bowls or Auckland Bowls Incorporated**” be replaced with “**Bowls Auckland or Bowls Auckland Incorporated**”

**Reason for the change:** to ensure consistency of name throughout the Constitution.

### **MOTION THREE:**

That **Clause 9.4 Clearance Certificates** in **Rule 9 Individual Members**, which reads:

Any playing member who resigns, or has their membership terminated from a Club or Clubs in the Auckland Bowls District and wishes to join another club, upon clearing all outstanding financial obligations to the first Club/s, shall be given by such First Club/s, as applicable, a Clearance Certificate in the form proscribed by Bowls NZ confirming he is financial. No Club shall admit to membership and person who is or has been a playing member of another Club unless such a Clearance Certificate is produced.

be deleted.

**Reason for the change:** to align the Auckland Constitution with the Bowls NZ Constitution where this requirement deleted from the Bowls NZ Constitution at the 2021 AGM.

### **MOTION FOUR:**

That the words “**including a copy of the clearance certificate (if applicable)**” be removed from **Rule 8 Member Clubs, Clause 8.2 Obligations of a Club, Sub-Clause (k)**.

The new sub clause to read:

**k.** advise the Auckland Bowls Manager of any new members approved during the year, (either transfer or new) within fourteen days of such membership being granted, in accordance with Rule 9.2 (New Individual Members).

**Reason for the change:** assuming Motion Four passes a clearance certificate, is no longer required for a transferring member.

#### **MOTION FIVE:**

That **Sub Clause (h) in Rule 6 Obligations of Auckland Bowls**, which reads:

**h.** collects the Bowls NZ Affiliation Fee from Clubs in accordance with the Bowls NZ Constitution.  
be deleted.

**Reason for the change:** for the past two years Bowls NZ have invoiced clubs direct for the Bowls NZ Affiliation Fees. The Bowls NZ Constitution stipulates that “each year each Club shall pay to Bowls NZ (via their Centre) an Affiliation Fee”. Bowls NZ have indicated that they will amend their Constitution at their upcoming AGM to validate the current practice.

**This Motion, if passed, only becomes operative, if Bowls NZ, at their upcoming AGM, remove this obligation on Centres in their Constitution.**

#### **MOTION SIX:**

That **Rule 14 Membership Fees, Clause 14.1 Fixed Annually**, which reads:

At each AGM the delegates shall fix an annual fee per Playing Member that is payable to Auckland Bowls by each of the Clubs situated in the Auckland Bowls District (“Membership Fee(s)”). The Membership Fee per Playing Member fixed in any year cannot be greater than the equivalent fee for the preceding year unless the Auckland Bowls Board gives notice to all Clubs by the 30<sup>th</sup> Day of May prior to the AGM of the amount of the proposed increase together with a draft tentative budget of Auckland Bowls financial position for the succeeding year.

be replaced by the following:

##### **14.1 Membership Fee**

- a. each year each Club shall pay to Auckland Bowls a Membership Fee for each Full Playing Member as reported to Auckland Bowls in the Annual Return of the 31 December in the preceding year. Student Playing Members, up to 25 years of age, in a full-time course of education shall pay 50% of the Playing Member Fee.
- b. Each year the Membership Fee shall increase by the rate of inflation as recorded by the Consumer Price Index (CPI).
- c. If the Auckland Bowls Board proposes to increase the Membership Fee, by more than the increase permitted by CPI, must give notice to all Clubs by the 30th day of May prior to the AGM, of the amount proposed in excess of the permitted CPI increase, together with a draft tentative budget of the Auckland Bowls financial position for the succeeding financial year.

- d. If at the AGM the Delegates defeat the Board proposed extra increase, the CPI increase will still apply.

**Reason for the change:** every two or three years the Auckland Bowls Board proposes an increase in the Membership Fee which is presented to the Delegates at the AGM. The Delegates may pass or reject the motion. Several Centres, along with Bowls NZ have a provision in their Constitution for an automatic increase in the Membership Fee in line with CPI. While Membership Fees are not Auckland Bowls primary source of funding, that is the Blue Waters Community Trust, the certainty of a CPI increase does allow Auckland Bowls to budget more accurately.

While a Playing Member is described in Rule 2 (Interpretation) as also including Playing Life Members and Students, there has been no provision within the Auckland Bowls Constitution for a Student Playing Fee. The proposed change sets the Student Membership Fee at 50% of the Playing Member fee.

#### **MOTION SEVEN:**

That in **Rule 2 Interpretation** the following which reads:

**“Membership Fee”** means a fee fixed at the AGM in each year and payable to Auckland Bowls for each Full Playing Member recorded in the Annual Return in accordance with Rule 16 (Register of Members).

Be changed to read:

**“Membership Fee”** means a fee payable by each club to Auckland Bowls, as specified in Rule 14.1, for each Playing Member recorded in the Annual Return in accordance with Rule 16 (register of Members).

**Reason for the change** is needed following the passing of Motion Six which has done away with the fee needing to be fix annually at the AGM.

#### **MOTION EIGHT:**

That **Rule 14 Membership Fees, Clause 14.4 Notification to Clubs**, which reads:

As soon as possible after every AGM the Auckland Bowls Manager shall notify each club of the rate of the annual Membership Fee per Playing Member as fixed at the AGM, but any failure of the Auckland Bowls Manager to do so, or any non-receipt of such notice, shall not exempt the provisions of Rule 14.5 (Default).

be replaced by the following:

##### **14.2 Notification to Clubs**

- a. Each year the Auckland Bowls Manager shall notify each Club of the rate of the Membership Fee, not later than the 30 May.
- b. In any year, where the Board of Auckland Bowls, puts a Notice of Motion to the AGM to increase the Membership Fee by an amount greater the CPI, in accord with Rule 14.1 (c) (Membership Fee), the Auckland Bowls Manager shall notify each Club the Membership Fee as fixed at the AGM.

- c. Any failure of the Auckland Bowls Manager to do so, or any non-receipt of such notice, shall not exempt the Club from the provisions of Rule 14.5 (Default).

**Reason for the change:** if Motion Six is passed then in most years Clubs can be advised of the new Membership Fee much earlier than after the AGM. Clubs will only need to wait until after an AGM to be advised the new Membership Fee in years where the Board proposes a larger increase than just CPI.

#### **MOTION NINE:**

That **Rule 26.4 Application of Rule 26** that reads:

The Auckland Bowls Board has no jurisdiction to hear and determine any Dispute(s) and/or Misconduct heard and/or determined by a club.

be deleted.

**Reason for the change:** Bowls NZ have indicated that they will amend their Constitution at their upcoming AGM to pass the hearing of appeals against Club Judiciary decision to Centre Judiciaries to hear.

#### **MOTION TEN:**

That **Clause 26.1 Jurisdiction of the Auckland Bowls Board** which reads:

Subject to Rule 26.3 (Jurisdiction of the Bowls NZ Judicial Committee) and in accordance with the Auckland Bowls Regulations, the Auckland Bowls Board has jurisdiction to hear and determine Disputes and Misconduct at Centre Level. For the purposes of this Rule the Auckland Bowls Board includes any sub-committee of Auckland Bowls, including a judicial committee established by the Auckland Bowls Board in accordance with Rule 21 (Powers and Duties).

Become two Subclause (a) and (b), and a new clause (c) be added, the three Subclauses to read:

- a. For the purposes of this Rule the Auckland Bowls Board includes any sub-committee of Auckland Bowls, including a judicial committee established by the Auckland Bowls Board in accordance with Rule (Powers and Duties).
- b. Subject to Rule 26.3 (Jurisdiction of the Bowls NZ Judicial Committee) and in accordance with the Auckland Bowls Regulations, the Auckland Bowls Board has jurisdiction to hear and determine Disputes and Misconduct at Centre Level.
- c. Subject to Rule 26.3 (Jurisdiction of the Bowls NZ Judicial Committee) and in accordance with the Auckland Bowls Regulations, the Auckland Bowls Board has jurisdiction to hear and determine any appeals lodged any decisions on Dispute(s) and/or Misconduct heard and /or determined by club

**Reason for the change:** to make it clear Auckland Bowls can hear and determine appeals against the judiciary decisions of a club.

**These Motions Nine and Ten, if passed, only becomes operative, if Bowls NZ, at their upcoming AGM, transfer the ability to hear and determine appeals against Club Judiciary from the Bowls NZ Judiciary Committee to the Judiciary Committees of each Centre.**

#### **MOTION ELEVEN:**

That **Clause 27.2 Procedure** that reads:

In deciding any appeal under Rule 27.1a, the Regional Judicial Committee shall follow the procedures set out in the Bowls NZ Regulations.

Be amended to read:

In deciding any appeal under Rule 27.1a, the Bowls NZ Judicial Committee shall follow the procedures set out in the Bowls NZ Regulations

**Reason for the change:** this amendment should have been made last year but was overlooked. There are now no Regional Judicial Committees provided for in the Bowls NZ Constitution.

**Motions Twelve to Sixteen deal solely with Limited Playing Members and will be passed as a block.**

#### **MOTION TWELVE:**

That a new Member category definition called "**Limited Playing Member**" be added to **Rule 2 Interpretation**.

The New Clause to read:

**"Limited Playing Member"** means a person who wishes to play bowls at their Club only. The rights and privileges of membership as a Limited Playing Member shall be specified in the Constitution, Regulations and/or Rules of the Club, but cannot be extended beyond specific club tournaments and events. A Limited Playing member can only play in bowls events within the boundary of the physical club and may not participate in Club Championships, Centre, Regional and/or National Events, or at any other bowling club.

**Reason for the change:** Bowls NZ added this membership category to their Constitution three years ago. Persons who become members of Clubs, by default also become members of Auckland Bowls and Bowls NZ. To comply with the Incorporated Societies Act, every Club, Centre, and Bowls NZ needs a register of its members. This register is updated each year by the Annual Return conducted on the 31 December. The Annual Return must be made on the form prescribed by Bowls NZ. This form includes a section for Limited Playing Members. Several Auckland Clubs have been recording Limited Playing Members. Currently under our Constitution these Members cannot be members of Auckland Bowls. Technically these persons should be recorded as Playing Members, as by definition they play the game of bowls and consequently should be charged a Membership Fee. Auckland Bowls have so far not done this. This is the third AGM where this Membership Category has been put forward as a Notice of Motion for inclusion in the Auckland Bowls Constitution. Auckland Bowls is required by our membership of Bowls NZ to have a constitution, consistent with the Bowls NZ Constitution. We **MUST** add this new category to our Constitution to legitimise the Auckland Bowls

Membership of the Limited Playing Members being reported to Auckland Bowls and Bowls NZ in the Annual Return. By Auckland Bowls adding this category to its Constitution, **DOES NOT MEAN** Clubs must add it to theirs. It allows Clubs the flexibility, only if they wish to, to establish member sub-categories in their regulations for persons who would like to play bowls but who do not want to be full Playing Members.

#### **MOTION THIRTEEN:**

That the following change be made to **“Individual Member”** in **Rule 2 Interpretation**.

**“Individual Member”** that the current clause has the words **“Limited Playing Members”** added as a category so the clause will now read as:

**“Individual Member”** means a person who is a member of Auckland Bowls, and/or a Club pursuant to Rule 9 (Individual Members), and includes Playing Members, Limited Playing Members, Non-Playing Members and Casual Members.

**Reason for the change:** To have the Auckland Bowls definition mirror the definition in the Bowls NZ Constitution.

#### **MOTION FOURTEEN:**

That the following membership category **“Limited Playing Member”**, be added to **Rule 8 Member Clubs, Clause 8.2 Obligations of a Club, Sub-Clause (d)**.

The New Sub-Clause to now read:

8.2 (d) have as its members Playing Members, Limited Playing Members, Non-Playing Members, and Casual Members only, provided that such membership is consistent with the Bowls NZ Constitution, Bowls NZ Regulations, and this Constitution.

**Reason for the change:** It permits Clubs to accept as members persons who only want to play bowls according to the restricted conditions of the Limited Playing Member definition.

#### **MOTION FIFTEEN:**

That the following membership category **“Limited Playing Member”**, be added to **Rule 9 Individual Members, Clause 9.1 Individual Member Defined, Sub-Clause (a)**.

The New Sub-Clause to now read:

9.1 (a) a person who is a Playing Member, Limited Playing Member, Non-Playing Member, or a Casual Member of a Club in the Auckland Bowls District.

**Reason for the change:** this addition permits Auckland Bowls to have Limited Playing Members as members of Auckland Bowls. Currently this is not possible.

**MOTION SIXTEEN:**

That the following membership category “**Limited Playing Member**”, be added to **Rule 9 Individual Members, Clause 9.2 New Individual Members, Sub-Clause (a)**.

The New Clause to now read:

9.2 (a) In the case of a Playing Member, Limited Playing Member, Non-Playing Member or an umpire/official (as described in Rule 9.1 (f) i), upon such person satisfying the requirements for membership of a club as specified in the constitution of a Club, or, if no requirements are specified then upon such person paying any membership or other fees due to their Club and completion of the prescribed membership form. In the case of Playing, Limited Playing or Non-Playing Members upon them satisfying the requirements of membership, the Club shall inform the Auckland Bowls Manager, and in turn, Auckland Bowls shall inform Bowls NZ, of such membership. The Auckland Bowls Manager shall then amend the Auckland Bowls Register of members accordingly.

**Reason for the change:** this addition permits Auckland Bowls to accept Limited Playing Members as new members.

**Motions Seventeen and Eighteen are procedural and will be passed as a block.**

**MOTION SEVENTEEN:**

That the front page, and all numbering in the constitution be updated to reflect the above changes.

**MOTION EIGHTEEN:**

That the alterations to the Auckland Bowls Constitution, other than Motions Five, Nine and Ten be forward to the Registrar of Incorporated Societies as soon as practicable following this AGM and shall take effect from the registration of the alterations with the Registrar of Incorporated Societies. The alterations provided for in Motions Five, Nine and Ten will only be made and forward to the Registrar once the corresponding change is made to the Bowls NZ Constitution and shall take effect from the registration of the change by the Registrar of Incorporated Societies.