



CONSTITUTION AND RULES

2006

As amended at the Annual general Meeting 27 November 2007

INDEX

	Clause Number	Page Number
Bank Account	12	7
Board of Directors	4	3
Clubhouse	16	10
Complaints	22	11
Compliance with Rules	21	11
Dissolution	24	11
Election of Board Members	9	6
Election of Members	13	7
Further powers of the Board	6	4
General Meetings	10	6
General Powers of the Board	5	4
Green Fees	18	10
Guests	17	10
Locker Fees and Affiliation Fees	19	10
Membership	3	3
Membership Rights and Categories	14	7
Name of the club	1	3
Objects of the Club	2	3
Patron	8	4
Playing Rules	20	10
Property of Members	23	11
Responsibility of Directors	7	5
Rules	11	7
Subscriptions, Nomination Fees and Membership Status	15	9

CONSTITUTION AND RULES

1. THE NAME OF THE CLUB;

The club shall be called 'The Busselton Golf Club (Incorporated)'.

2. THE OBJECTS OF THE CLUB;

- 2.1 To provide for the Members a Golf Course and Club House.
- 2.2 To provide, at the discretion of the Board all things incidental to the playing of Golf for the benefit of members.
- 2.3 To provide and maintain facilities for other sports and pastimes which may conveniently be carried on for the benefit of the Members. Provided that:
 - (a) Any pastime or sport other than Golf shall only be provided as a means of recreation and no other Clubs, except for the playing of Golf, shall be formed within the Busselton Golf Club.
 - (b) No pastime shall be provided that may interfere with the playing of Golf.
- 2.4 To maintain a club license under the current Liquor Control Act 1988 and its amendments.

3. MEMBERSHIP;

The total Membership of the Club shall be left to the discretion of the Board of Directors. The club shall maintain an up to date register of members in respect of each class of membership. The register must be continually available for inspection at the club premises.

4. BOARD OF DIRECTORS;

- 4.1 The management of the Club shall be vested in a Board all of whom shall be Ordinary Members.
- 4.2 The Board shall consist of:
 - Chair of Directors who shall also be Club President.
 - Deputy Chair of Directors who shall also be Club Vice-President.
 - Director of Match who shall also be club Captain.
 - Deputy Director of Match who shall also be Club Vice-Captain.
 - Director of Finance who shall also be Club Treasurer.
 - Director of Course.
 - Director of Marketing.
 - Director - Women Members.
- 4.3 A Director shall hold office from the time of his/her election until elections in:
 - (a) Even numbered years for the Chair, Deputy Chair, Director of Course and Director Women Members, and
 - (b) Odd numbered years for the Director of Match, Deputy Director of Match, Director of Finance and Director of Marketing.
- 4.4 Any vacancy occurring during the period of office of the Directors shall be filled by the Board and any person so appointed shall retain office until the next Annual General Meeting when an election shall be held.
- 4.5 Should any Director be absent from three [3] consecutive monthly meetings of the Board without explanation, the Directorship may be declared vacant by the Board.

- 4.6 The Board may appoint any such Committees as it thinks fit provided that such Committees shall report and be responsible to the Board and no decision on any Committee shall be binding unless ratified by the Board.
- 4.7 The Board shall facilitate the appointment of a Finance Committee, Match Committee, a Course Committee, a Marketing Committee and a Women's Committee.
- 4.8 A member of the Board who has any direct or indirect pecuniary interest in any matter under consideration by the Board, shall, as soon as he/she becomes aware of his/her interest disclose the nature and extent of such interest to the Board and shall not take any part in any deliberations or decision of the Board with respect to that matter.
- 4.9 Every member of the Board shall be indemnified against any loss, expenses or liability incurred by reason of any act or deed performed by him/her in good faith on behalf of the Board and the Board may use the funds of the Club for any such purpose required, together with any reasonable expenses incidental to Board activities.

5. GENERAL POWERS OF THE BOARD;

- 5.1 The Board shall have the sole right to interpret the Rules and to give direction in cases not provided for herein, and all orders, by-laws or regulations made by them shall be binding, until set aside by a General meeting. The President or any two Members of the Board shall have power to instruct the Executive Officer to call a meeting of the Board. Board Meetings will be held at least once in each calendar month.
- 5.2 The Board in addition to the powers hereinafter especially conferred upon them, shall have the control of the Finances of the Club, power to engage, control and dismiss the Executive Officer and all such administration powers as may be necessary for properly carrying out the objects of the Club, in accordance with these Rules.
- 5.3 The Board shall have the power to appoint any other officials or servants of the Club and to remove them as occasions may require at their discretion and to define their respective duties.

6. FURTHER POWERS OF THE BOARD;

- 6.1 In addition to all other powers contained in these Rules, the Board shall have the power from time to time: -
- (a) To borrow to a limit of 10% of budgeted annual gross revenue and make financial arrangements as they think necessary in the interest of the Club. Any borrowings in excess of the 10% limit, in the financial year, to be approved by the Members in a General meeting.
 - (b) To purchase, take or lease any land or building or part thereof for the purpose of the Club upon such terms as they may think fit.
 - (c) To make all necessary arrangements for the supply to the Club of wines, spirits, malt liquors, viands, and provisions as may be required to obtain the same on credit or otherwise.
 - (d) To make all necessary arrangements as it may decide for reciprocity of members with other golf clubs.
 - (e) To make such by-laws as may be necessary for the management of their own proceedings and of the Club, provided that no such by-laws shall be made which are inconsistent with this Constitution.
 - (f) To make and from time to time alter or repeal local playing rules for the game of golf.
 - (g) To arrange all tournaments, competitions and matches and to fix the dates thereof and to alter such dates if occasion shall require and to settle all disputes in connection therewith.
 - (h) To elect Members as provided in clause 13.
 - (i) To fill a casual vacancy arising from the resignation of the Club's Auditors.
 - (j) To accept the resignation of any Officer of the Club, or Member of the Board and to fill any vacancy so caused as provided in Clause 5.
 - (k) To re-elect in their discretion without Entrance Fee ex-members who may wish to re-join as members.
 - (l) To expel and/or suspend Members as provided in Clause 22.

- (m) On passing by them, of a resolution to that effect, or on receipt of a requisition signed by at least twelve [12] Ordinary Members of the Club, stating the purpose for which such Meeting shall be called, to call a Special General meeting of the Club.
- (n) To take and defend all legal proceedings by or on behalf of the club and to appoint all necessary Attorneys for any such purpose.

7. PATRON;

The Board shall appoint a Patron who shall hold office until replaced.

8. RESPONSIBILITIES OF DIRECTORS;

8.1 Chair of Directors

The Chair of Directors shall be responsible to co-ordinate the activities of the Board and the overall administration of the club.

- 8.2 **Deputy Chair of Directors** The Deputy Chair of Directors shall assist the Chair of Directors and, in the absence of the Chair of Directors take the chair at all General, Special and Board Meetings.

8.3 Director of Match

The Director of Match: -

- (a) Shall ensure that all play is conducted in accordance with the Rules of Golf.
- (b) Shall ensure that all competitions are subject to the regulations of the Board.
- (c) Is responsible for the playing of golf and may vary or waive local rules and conditions of play as is deemed desirable.

8.4 Deputy Director of Match

The Deputy Director of Match shall assist the Director of Match.

8.5 Director of Finance

The Director of Finance: -

- (a) Shall ensure that correct accounts and books are kept in accordance with generally accepted accounting practices and shall make up the Annual Statement of Accounts and Balance Sheet of the Club as at the end of the September Financial Period in each year, which shall after audit, be printed and circulated amongst the members of the Club by the Executive Officer before the Annual General meeting.
- (b) Shall ensure that income and expenditure budgets and cash flow projections are maintained for the Club.

8.6 Director of Course

The Director of Course shall ensure that the Golf Course is acceptably presented for the playing of social and competitive golf and shall, with the Executive Officer, be the immediate Board Consultant with the Course Superintendent.

8.7 Director of Marketing

The Director of Marketing shall be responsible for the Club's Marketing plan and shall ensure that the clubhouse amenities and social activities are provided for members.

8.8 Director – Women Members

The Director - Women Members shall be responsible for ensuring that the ladies interests are represented to the Board and Board decision-making rationale is communicated back and be the immediate Board consultant to the Women's President.

8.9 Executive Officer

- (a) The Executive Officer shall be appointed by the Board under such terms and conditions as laid down by the Board to carry out such duties as the Board from time to time direct including that of Secretary of all Board Meetings.
- (b) The Executive Officer shall at all times be responsible to the Chairman of Directors.
- (c) The Executive Officer shall be an Ex Officio Member of the Board without voting rights.

9. ELECTION OF BOARD MEMBERS;

The election of Board Members shall take place in the following manner: -

- 9.1 All candidates for election as a Director must be nominated by two (2) Ordinary members of the club with the consent of the nominees, in writing and these nominations must be in the hands of the Executive Officer by 5.00 pm, seven [7] days before the date of the Annual General Meeting. The Nomination shall state for which directorship the candidate is being nominated. They shall take Office immediately after their election at the time of the meeting.
- 9.2 The Executive Officer shall make out lists of Candidates for each Directorship being contested and display on the Club's notice board one week before the Annual General Meeting at which elections are held.
- 9.3 Balloting lists shall be prepared, containing the names of the candidates only, and each Member present at the General Meeting must vote for as many candidates as there are vacancies, other wise his vote shall be invalid.
- 9.4 In case there shall not be a sufficient number of candidates nominated, the members may then nominate candidates at the Meeting for the remaining vacancies. If two [2] or more candidates obtain an equal number of votes, the Chairman of the meeting shall have a casting vote in addition to his deliberative vote.

10. GENERAL MEETINGS;

- 10.1 The Annual General Meeting of the club shall be held on the fourth Tuesday in November of every year for the following purposes: -
 - (a) To receive the Board's Report and Annual Statement of Accounts for the year ended the end of the September financial period.
 - (b) To elect the Board of Directors.
 - (c) To transact such other business as shall be brought forward and of which due notice has been given.
 - (d) The date of the meeting shall be displayed on the notice board for twenty-eight [28] days before such Meeting.
 - (e) To receive the Women's Report.
 - (f) To appoint Auditors for the next twelve [12] months.
- 10.2 Twenty eight [28] days notice of the time and place of any General Meeting and of any proposal to alter the Constitution and Rules of the Club shall be given in writing by the Executive Officer to all Ordinary Members.
- 10.3 At any General Meeting of the Club, the Chair of Directors, or if absent the Deputy Chair of Directors, or in the absence of both, a Chairperson elected by those present, shall preside. In case of the equality of votes the Chairperson shall have a casting vote. Unless the poll is demanded by at least two [2] members, a declaration by the chairperson, that a resolution has been carried or lost, shall be conclusive. If the poll is demanded as above, it shall be taken in such manner and at such time as the Chairperson shall direct.
- 10.4 Twenty five [25] members shall form a quorum at all General Meetings and no resolution shall be carried except by a majority of Members present and voting at such Meeting.
- 10.5 Any member wishing to bring forward any special business at the Annual General Meeting must give twenty one [21] days notice in writing, setting out such business, to the Executive Officer.

11. RULES;

- 11.1 The Constitution and Rules of the club, except local playing rules, shall not be altered, added to, or rescinded, except at the annual General Meeting or Special General Meeting of members called for the purpose and except by a majority vote of 75% of the members present and voting at such a meeting. The nature of such alteration must be shown on the notice calling such meeting. (Amended 27 Nov 2007)
- 11.2 As soon as is practicable after making any proposal for a change to the constitution and Rules of the club, the Executive Officer shall provide to the Director of Liquor Licensing, certified particulars of the change proposed. No effect will be given to the change without the prior approval of the Director of Liquor Licensing.

12. BANK ACCOUNT;

The Director - Finance, Members of the Board and the Executive Officer may sign cheques on behalf of the club and every cheque shall bear the signature of two [2] of these people.

13. ELECTION OF MEMBERS;

- 13.1 Candidates for election as Members shall be duly proposed and seconded in writing by two [2] Ordinary Members and the election or rejection of candidates shall be vested in the Board.
- 13.2 Candidates for election as members shall be elected by the Board on a day to be notified and a record kept by the Executive Officer of the names of the members of the Board present at such election.
- 13.3 The Executive Officer shall: -
- (a) In writing notify all new members of their election and request them to pay their first subscription, and
 - (b) Furnish new members with copies of documents relating to their category of membership.
- 13.4 No newly elected member shall enjoy any of the benefits or privileges of the Club until such payment has been made; and if such payment be not made within one [1] calendar month from the date of the Executive Officer's notice, the election may be declared void unless the member shall show sufficient cause for such delay to the satisfaction of the Board.
- 13.5 All applications shall be posted on the noticeboard of the club for a period of not less than seven days before election, provided also that an interval of not less than two weeks shall elapse between nomination and election.

14. DEFINITION OF MEMBERSHIP RIGHTS AND CATEGORIES;

All members have the right to use the clubhouse facilities in compliance with these rules and the current Liquor Licensing Act and its amendments.

Unless a person is an Ordinary or Life member of the Club they shall have no say in the management of the club, they cannot vote at a General meeting, hold office or propose or second any application for membership.

14.1 MEMBERSHIP WITH FULL PLAYING RIGHTS

Ordinary - Open to any person aged 18 years or over elected as per clause 13. Ordinary members have the right to:

- (a) Vote at General Meetings
- (b) Play in Club competitions for which they are eligible upon the payment of the prescribed competition fee, and
- (c) Play socially, without cost, subject to availability of the course.

Intermediate – Open to any person aged 18 to 20 years inclusive. Intermediate members have the same rights as ordinary members except they cannot:

- (a) Vote at a General Meeting

(b) Propose or second candidates for election as members.

Life- Life Members may be elected by the Board in recognition of services rendered to the Club and have conferred on them all the privileges of an Ordinary Member, subject to the annual payment of a Life membership fee of not less than two [2] dollars.

14.2 MEMBERSHIP WITH RESTRICTED PLAYING RIGHTS

Regional – Open to any person aged 18 years or over with a domicile address outside a 50-kilometre radius of central Busselton, provided they do not work or live more than 100 days within that radius.

International – Open to any person aged 18 years or over who is domiciled outside Australia: available for a minimum of 3 and a maximum of six consecutive months.

Legends – Open to any person aged 75 years or over who has been a member of the Busselton Golf Club for a minimum of 15 years.

The above 3 categories are ineligible to play in Club Championships and shall be granted a “club” handicap if Busselton is the home club.

Sunday – Open to any person aged 18 years or over. Sunday members may play in normal Sunday competitions, excluding Honour Board events and socially on Sundays. They may play socially at other times upon payment of the “evening” green fee.

Junior- Open to any person aged 13 to 17 years inclusive

Sub-Junior – Open to any person aged 8 to 12 years inclusive.

Temporary – Persons who are a member of or an official of, or a person assisting a team that is to play in a pre-arranged golf game, or is invited by a member to play golf.

Juniors participate in a Junior Coaching programme and may play golf socially in the company of seniors. Permission may be granted to individual juniors to enter Club Competitions and play socially without supervision.

Honorary Members The Board may grant Honorary Membership to the Club’s Patrons, and Sponsors, selected Government officials and any other person the Board may decide from time to time.

14.3 Corporate Membership

A commercial entity may become a Corporate Member entitled to:

- 2 or more corporate membership cards issued to the Member entitling 2 or more persons to play golf without payment of green fees and such other benefits and corporate arrangements as the Board may from time to time determine, other than the right to vote.
- The maximum number of commercial entities admitted membership as a Corporate Member should not exceed approximately 5% of the total number of ordinary members, unless there are special circumstances.
- Nominations for election as Corporate Members shall be considered in a manner similar to that undertaken for election of ordinary members (see clause 13). (Amended 27 Nov 2007)

14.4 Non Playing Members

Social Member: Any person aged eighteen years [18] and over may be elected a **Social Member**. Social Members are not eligible to play in Club Competitions and may only play golf at other than competition times upon payment of the prescribed Green Fee for Visitors.

Non-Playing List – Ordinary members unable to play golf due to injury or ill health may transfer to this list for a minimum period of three months and a maximum period of twelve

months. Members transferred to the list are entitled to a credit equal to the difference between the fees for Ordinary and Social membership for the period they hold this status.

Provisional Member:

- (a) Persons who are a member, an official or a person assisting a group that is to participate in a pre-arranged golf activity for the day.
- (b) Is a visitor who is a full financial member of any other Golf Club located more than 15 kms from our club and is duly affiliated with Clubs WA or Clubs Australia and New Zealand.
- (c) Persons who for age, ill health or infirmity and distance from the Club have retired from active participation in golf but desire to retain an association with the Club.
- (d) Provisional memberships shall form no more than 5% of total club membership.'

Non-playing members are ineligible to play in Club Competitions but may play socially at other than competition times upon payment of the green fee for visitors.

14.5 Reciprocal Membership

The Board from time to time may approve a reciprocal membership from other Golf Clubs. This will allow members of reciprocal clubs to play in club competitions.

15. SUBSCRIPTIONS, NOMINATION FEES AND MEMBERSHIP STATUS;

- 15.1 All members on the Membership Roll shall pay a subscription for a year commencing the first day of March on which day the subscription shall become due.
- 15.2 The subscriptions for all categories of membership shall be not less than two [2] dollars and the annual fees shall be set by the Board and shall be subject to ratification by the members at the Annual General Meeting.
- 15.3 Ordinary members have the option of paying their annual subscriptions in advance in instalments provided such payments comply with the Liquor Act. Such payments shall be made by a direct debit authority duly signed by the member and shall attract an instalment levy as prescribed by the Board.
- 15.4 A new member's first subscription may be pro-rated, in which case, it shall be equal to the subscription for the balance of the subscription year remaining at the time of application and the month of application shall be considered a whole month, provided:
 - (a) The first subscription shall be for a minimum of three [3] months.
 - (b) Members secure all membership rights due to them after election and upon payment of the first subscription plus the current Nomination Fee and said nomination fee is then non-refundable.
 - (c) In the event an applicant is not elected to membership the initial subscription is refundable.
- 15.5 Any member in arrears shall not be entitled to membership rights and privileges. Written Notices of Arrears will be issued in which case the notified member has fourteen (14) days from the date of issue to settle their account or their name shall be removed from the Membership Roll. Any member in arrears shall pay a service charge prescribed by the Board and not greater than 5% of the Ordinary members' annual subscription.
- 15.6 Members with restricted playing rights shall pay an annual fee equivalent to the fee for a Social member and shall also purchase a golf playing package appropriate to their membership. Such playing packages and their associated fees are detailed in the Club's By Laws.
- 15.7 Upon submission of notice in writing any member may resign from the Club. In the case of change of domicile address to a place outside a fifty [50] kilometres radius of central Busselton or injury or ill health or death the Board may authorise a refund provided the refund does not exceed the credit held for the subscription year.
- 15.8 Any Regional or Social Member may apply to transfer to Ordinary membership on payment of the current nomination fee and when elected on or after the first day of April the subscription shall be equal to the difference between the Ordinary and the Regional/Social subscription rates

per month times the number of months remaining in the subscription year and the month of election shall be considered to be a whole month.

16. CLUBHOUSE;

- 16.1 No liquor shall be sold or supplied for consumption elsewhere than the Club premises, unless such liquor is removed from the premises of the Club by or on the instructions of the member purchasing the same. No liquor shall be sold or supplied to person under eighteen [18] years of age, and no member under the age of eighteen [18] years shall be admitted to any portion of the Club premises where liquor is sold or consumed, unless accompanied by an adult person.
- 16.2 All members and guests shall dress in the manner prescribed by the Board from time to time and such directions may apply on the course as well as in the clubhouse.

17. GUESTS;

- (a) A person who is on any day visiting the club as a member or an official of, or a person assisting a team/individual that is to contest a prearranged event in that sport on that day; or at the invitation of a member to engage in that sport on that day; may be taken to be a person who is afforded temporary membership on that day.
- (b) For the purposes of section 48(4)(b) of the Liquor Control Act 1988 the maximum guests per member per day is three [3].
- (c) A member introducing a temporary member or guest shall be responsible for any fees or charges payable by the temporary member or guest.
- (d) The Board shall have the power to limit the number of Honorary Members, temporary members or guests and to withdraw the privileges of introducing them if they consider it advisable.
- (e) A temporary member or guest shall not be supplied with liquor to be consumed other than in the club premises.

18. GREEN FEES;

The Board shall have the power to modify or increase fees charged from time to time as, may appear to them to be both necessary and expedient.

19. LOCKER FEES AND AFFILIATION FEES;

- 19.1 An annual rent will be charged for lockers and buggy space. Members requiring lockers and/or buggy space must send their names to the Executive Officer and in the event of all being occupied they shall be allocated to members in order of application
- 19.2 Each member shall pay the prescribed affiliation fee as laid down by the Western Australian Golf Association and the South West District Golf Association to the Executive Officer at the time of paying the annual subscription.

20. PLAYING RULES;

All play shall be conducted in accordance with the Rules of Golf, as settled or approved from time to time by the Royal and Ancient Club, St. Andrews, with such alterations and additions as the Board may from time to time deem expedient. Notice of any local playing rules made by the Board under the powers herein contained shall be kept posted on the notice board in the clubhouse.

21. COMPLIANCE WITH RULES;

Upon payment of the nomination fee and subscription a member is considered thereby to have submitted to the Rules of the Club and to have had notice of the agreement under which the clubhouse and course are held and on these conditions is entitled to enjoy the advantages and privileges of the Club.

22. COMPLAINTS;

- 22.1 All complaints shall be made in writing to the Executive Officer who shall submit them to the board if the complaint remains unsatisfied.
- 22.2 It shall be the duty of the Board, if at any time they are of the opinion that the interests of the Club so require, by letter to notify any Member of the Club or an Honorary Member, to withdraw from the Club within a time specified in such letter and in default of such withdrawal to submit the question of expulsion of such member to a Special General Meeting held within one month after the date specified in such letter.
- 22.3 At such meeting the member whose expulsion is under consideration shall be allowed to offer an explanation verbally or in writing and if thereupon two thirds of the full members of the Club then present shall vote for expulsion, such Member shall there upon be expelled and shall forfeit all privileges.
- 22.4 Voting at any such Special General Meeting shall be by ballot and no proxy voting shall be allowed.
- 22.5 The Board shall have power in its discretion to exclude such Member from the clubhouse and course until such Special General Meeting shall be held.

23. PROPERTY OF MEMBERS;

All property left at the clubhouse by a Member shall be at such Member's own risk and the Club will accept no responsibilities thereof.

24. DISSOLUTION;

- 24.1 The Club may be dissolved or wound up by a resolution at any General meeting of the Club called for such purpose at which not less than three quarters of those members who are present and who enjoy voting rights and entitled to do so resolve that the Club be dissolved or wound up.
- 24.2 If upon the winding up or dissolution of the Club there remains after satisfaction of all its debts and liabilities any property whatsoever, the same must not be paid to or distributed among the members, or former members. The surplus property must be given or transferred to another association incorporated under the Act which has similar objects and which is not carried out for the purposes of profit or gain to its individual members, and which association shall be determined by resolution of the members. (Amended 27 Nov 2007)