

CORPORATIONS ACT 2001
A Public Company Limited by Guarantee and not having a Share Capital
CONSTITUTION EXCERPT OF
CARINGBAH BOWLING & RECREATION CLUB LIMITED ABN 41 000 253 878

20. DISCIPLINARY PROCEEDINGS

- 20.1 Subject to Rule 20.2, the Board shall have power to reprimand, fine, suspend, expel or accept the resignation of any member, if that member:
- (a) in the reasonable opinion of the Board, has wilfully refused or neglected to comply with any of the provisions of this Constitution or any By-Law; or
 - (b) is, in the reasonable opinion of the Board:
 - (i) guilty of any conduct prejudicial to the interests of the Club; or
 - (ii) guilty of conduct which is unbecoming of a member.
- 20.2 The following procedure shall apply to disciplinary proceedings of the Club:
- (a) A member shall be notified of:
 - (i) any charge against the member pursuant to Rule 20.1;
 - (ii) the particulars of the charge, including the alleged facts and circumstances which give rise to the charge against the member; and
 - (iii) the date, time and place of the meeting of the Board at which the charge is to be heard.
 - (b) The member charged shall be notified of the matters in paragraph (a) of this Rule 20.2 by notice in writing sent at least seven (7) days before the meeting of the Board at which the charge is to be

heard.

- (c) The member charged shall be entitled to:
 - (i) attend the meeting for the purpose of answering the charge;
 - (ii) submit to the meeting written representations for the purpose of answering the charge; and
 - (iii) call witnesses provided that:
 - (1) if a proposed witness fails to attend the hearing or provide evidence at the hearing, the Board can still hear and determine the charge; and
 - (2) the Club cannot and will not force any person (including a member) proposed by the member charged as a witness to attend and provide evidence at the hearing. The member charged must act in an appropriate manner at the meeting (and in particular and without limitation, the member must not act in an offensive or disruptive manner).
- (d) If the chairperson determines (in their absolute discretion) that the member charged is not acting in an appropriate manner, the chairperson may issue the member charged with a warning regarding the member's conduct and advise the member that if the member fails to comply with the warning, the member may be asked to leave the meeting and the Board will continue to consider and deal with the charge in the absence of the member.
- (e) If the member charged does not comply with the warning given in accordance with paragraph (d) of this Rule, the chairperson (in their absolute discretion) may exclude the member charged from the meeting and continue to consider and deal with the charge in his or her absence.
- (f) If the member fails to attend such meeting:
 - (i) the charge may be heard and dealt with and the Board

may decide on the evidence before it; and

(ii) the Board may impose any penalties,

the member's absence notwithstanding, but having regard to any representations which may have been made to it in writing by the member charged.

(g) After the Board has considered the evidence put before it, the Board may:

(i) immediately come to a decision as to the member's guilt in relation to the charge; or

(ii) advise the member that the Board requires additional time to consider the evidence put before it in order to determine whether or not the member is guilty of the charge.

(h) After the Board has come to a decision as to the member's guilt in relation to the charge it must:

(i) in the case of a decision under Rule 20.2(g)(i) of this Rule, immediately inform the member of the Board's decision; or

(ii) in the case of a decision under Rule 20.2(g)(ii), inform the member of the Board's decision in writing within seven (7) days of the date of the decision of the Board.

(i) If the member charged has been found guilty, the member must be given a further opportunity to address the Board in relation to an appropriate penalty for the charge of which the member has been found guilty. The Board shall, in its absolute discretion, determine whether or not the member will address the issue of penalty:

(i) at the meeting or afterwards; and

(ii) by way or verbal or written submissions or a combination thereof.

(j) After the Board has made a decision on the issue of penalty, the

Board must advise the member of its decision.

- (k) No motion by the Board to reprimand, fine, suspend or expel a member shall be deemed to be passed unless a majority of the directors present in person vote in favour of such motion.
- (l) The Board shall have the power to adjourn, for such period as it considers fit, a meeting pursuant to this Rule 20.
- (m) Any decision of the Board on such hearing shall be final and the Board shall not be required to give any reason for its decision.
- (n) The Board may authorise the Secretary and other persons to attend the meeting to assist the Board in considering and dealing with the charge but those persons shall not be entitled to vote at the meeting.

20.3 The outcome of disciplinary proceedings shall not be invalidated or voided if the procedure set out in Rule 20.2 is not strictly complied with provided that there was no substantive injustice for the member charged.

PROVISIONAL SUSPENSION PENDING DISCIPLINARY HEARING

20.4 If a notice of charge is issued to a member pursuant to Rule 20.2(a):

- (a) the Board by resolution; or
- (b) the Secretary (independently of the Board),

shall have power to suspend that member from all rights and privileges as a member of the Club until the charge is heard and determined. Such suspension shall be promptly notified in writing to the member concerned.

21. DISCIPLINARY COMMITTEE

21.1 The Board may by resolution delegate all of the powers and functions given to the Board by Rule 20 to a Disciplinary Committee comprising not less than three (3) directors of the Club selected by the Board.

21.2 The Disciplinary Committee shall conduct its activities in accordance with the procedures referred to in Rule 20 save that:

- (a) a quorum of the Disciplinary Committee shall be three (3) directors of the Club; and

- (b) all references to the Board in Rule 20, except in Rule 20.2(m) shall be read as being references to the Disciplinary Committee.

21.3 The Board shall have power to review a decision of the Disciplinary Committee or order a fresh hearing of any matter determined by the Disciplinary Committee and shall have the power to impose any penalty permitted by Rule 20 on the member charged in substitution for that imposed by the Disciplinary Committee provided that:

- (a) the procedure set out in Rule 2020 is followed; and
- (b) the member is notified that the Board is exercising the power under this Rule 21.3 within forty-two (42) days of the date on which the Disciplinary Committee meeting was held.

21.4 The Board shall have power by resolution to revoke any delegation to the Disciplinary Committee pursuant to Rule 21.1 and may hear and determine any charge against a member which by reason of the nature of or the seriousness of the allegations giving rise to the charge, or the identity of or the position or office held by the member, the Board considers that it would not be appropriate for the charge to be heard by the Disciplinary Committee.

21.5 This Rule 21 applies to Full/Ordinary members only and it does not limit or restrict the Club from exercising the powers contained in Rule 23 of this Constitution and the powers contained in section 77 of the Liquor Act.