

# Special Resolution 1 – Voluntary wind up of the ACTTBA

I, Alan Dyer in my role as President of the ACTTBA Board, move that the ACT Tenpin Bowling Association Incorporated (ACTTBA) (ACT Association number: A04055, ABN: 32 906 680 197) be voluntarily wound up in accordance with the ACTTBA Constitution Rule 185.

Alan Dyer

President, ACTTBA Board

29<sup>th</sup> August 2021

## Background

### **ACTTBA Board does not comply with the ACT**

The Australian Capital Territory Associations Incorporation Act 1991 (“the Act”) prescribes that an “incorporated association must have a committee of at least 3 members of the association”<sup>1</sup>.

Prior to the Annual General Meeting (AGM), efforts were made to source Directors from the ACTTBA membership through the nomination processes described in the ACTTBA Constitution. This process was unsuccessful and no nominations for the advertised vacancies were received prior to the AGM.

At the AGM, held in May 2021, one nomination was accepted from the floor, leaving the Board with only two active Directors. This has placed the Association in potential breach of the Act.

Efforts to source Directors external to the current ACTTBA membership have not been successful. The recent resignation of the Treasurer has reduced the number of Directors on the Board to only one (1) – the President. As such the Association remains potentially in breach of the ACT.

As the Association is unable to function without an effective Board, it is my view that the Association and the Members are best served by voluntarily winding up the Association.

I have consulted with TBA, ACT Sports and Recreation and the ACT Office of Regulatory Services (ORS) about the consequences of the diminished Board. ORS have recommended the conduct of the Special General Meeting and the special resolution to wind up that Association in lieu of voluntary administration. ORS still have the authority to issue a notice for ‘show cause’ to ACTTBA and commence involuntary cancellation.

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<sup>1</sup> Australian Capital Territory Associations Incorporation Act 1991 (A1991-46, Republication No 34, effective: 26 February 2021) Part 4 [Management], Division 4.1 [Appointment of Public Officer and Committee], Section 60 [Committee] (1).

Supported by





### **Effect of passing or not passing this resolution**

The following remarks are based on the ACTTBA continuing to not have an effective Board.

Failure to pass this resolution is likely to result in the ACT Government cancelling the Association and controlling the distribution of surplus assets.

The future of tenpin bowling in the ACT is unknown with the cancellation (voluntary or otherwise) of the Association.

- Some aspects may be governed through TBA, but this is uncertain and the timeframe for implementing such management is also unknown.
- Coordinated engagement with local centres about conditions and the conduct of leagues and tournaments will cease.
- ACT Championships and State Team selection are unlikely unless managed through TBA.