

North Balwyn Tennis Club Inc.
Rules of The Constitution
(as amended 20th October, 2003)

1. NAME:

The name of the Club shall be the "North Balwyn Tennis Club Incorporated".

2. CLUB COLOURS:

The Club colours shall be GREEN and GOLD.

3. STATEMENT OF PURPOSE:

- (a) With the sanction of the City of Boroondara, to construct, maintain and control tennis courts on Hislop Reserve, North Balwyn, or on other such location as may be determined from time to time;
- (b) To conduct the activities of a tennis club;
- (c) To promote and foster the sport of tennis.

4. AFFILIATION:

The Club will be affiliated with such associations as the Committee may determine from time to time.

5. MEMBERSHIP:

The Club shall consist of the following classes of membership:

- (a) Adult
- (b) Junior - under the age of 17 years
- (c) Student - adults over 17 years of age doing full-time studies
- (d) Non -playing Adult
- (e) Honorary Life Member
- (f) Restricted

6. PRIVILEGES OF MEMBERSHIP:

- (a) Adult, Student and Honorary Life Members are permitted:
 - (i) Admission to Club premises and use of courts in accordance with the by-laws of the Club.
 - (ii) To attend, speak and vote at all General Meetings of the Club.
- (b) Junior Members are permitted:
 - (i) Admission to Club premises and use of courts on weekdays, Saturday and Sunday mornings (except in the afternoon of Public Holidays), in accordance with the by-laws of the Club.
 - (ii) To attend all General Meetings, but may only speak with the special permission of the Chairman. They may not vote on any matter, or hold office.
- (c) Non-playing Adult Members are permitted:
 - (i) Admission to Club premises in accordance with the by-laws of the Club.
 - (ii) To attend, speak and vote at all General Meetings of the Club
- (d) Restricted members are permitted:
 - (i) Admission to Club premises and use of courts when not required for competition or organised play, in accordance with the by-laws of the Club.
 - (ii) With approval of the Committee, to participate in competition or organised play.
 - (iii) To attend at General Meetings, but may only speak with the special permission of the Chairman. They may not vote on any matter or hold office.

7. MEMBERSHIP REGISTER:

The Secretary shall keep and maintain a register of members in which shall be entered the full name, address and date of entry of the name of each member and the register shall be available for inspection by members at the address of the Public Officer. The Public Officer shall be appointed by the Committee.

8. NOMINATION FEES AND SUBSCRIPTIONS:

- (a) The amount of nomination fee and annual subscriptions, for subscription year commencing 1st April of each year shall be determined at the Annual General Meeting.
- (b) Notices for annual subscriptions shall be posted to all members, at the address currently in the Club records, on or before the 1st April each year.
- (c) Any member whose annual subscription has not been paid by 1st June shall forfeit membership of the Club unless the Committee determines otherwise.
- (d) Upon admission to the Club, new members shall pay full nomination fee and pro rata annual subscription based on the number of complete months from the date of acceptance of their membership application to the following 1st April.
- (e)
 - (i) Subject to this rule a member may at any time change from one category of membership to another.
 - (ii) In the case of members of less than 5 years standing, the member must pay the difference in nomination fee and membership fee applicable to the category of membership to which that member is changing.
 - (iii) In no case shall a member changing category of membership be entitled to a refund.
- (f) The entrance fee is the relevant amount set out in Appendix 1.
- (g) The annual subscription is the relevant amount set out in Appendix 1 and is payable in advance on or before 1 June in each year.

9. RESIGNATION:

A member may resign his or her membership at any time by notification in writing to the Secretary. No refund of subscription will be made.

10. DISPUTES AND MEDIATION:

- (a) The grievance procedure set out in this rule applies to disputes under these rules between -
 - (i) a member and another member; or
 - (ii) a member and the Association.
- (b) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.
- (c) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
- (d) The mediator must be -
 - (i) a person chosen by agreement between the parties; or
 - (ii) in the absence of agreement -
 - (1) in the case of a dispute between a member and another member, a person appointed by the committee of the Association; or
 - (2) in the case of a dispute between a member and the Association, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).
- (e) A member of the Association can be a mediator.
- (f) The mediator cannot be a member who is party to the dispute.
- (g) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (h) The mediator, in conducting the mediation, must -
 - (i) give the parties to the mediation process every opportunity to be heard; and
 - (ii) allow due consideration by all parties of any written statement submitted by any party; and
 - (iii) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- (i) The mediator must not determine the dispute.
- (j) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance *with the Act otherwise at law*.

10A. DISCIPLINE, SUSPENSION AND EXPULSION OF MEMBERS:

(1) Subject to these Rules, if the committee is of the opinion that a member has refused or neglected to comply with these Rules, or has been guilty of conduct unbecoming a member or prejudicial to the interests of the Association, the committee may by resolution:

- (a) may reprimand that member; or
- (b) suspend that member from membership of the Association for a specified period; or
- (c) expel that member from the Association.

- (2) A resolution of the committee under sub-rule (1) does not take effect unless--
- (a) at a meeting held in accordance with sub-rule (3), the committee confirms the resolution; and
 - (b) if the member exercises a right of appeal to the Association under this rule, the Association confirms the resolution in accordance with this rule.
- (3) A meeting of the committee to confirm or revoke a resolution passed under sub-rule must be held not earlier than 14 days, and not later than 28 days, after notice has been given to the member in accordance with sub-rule (4).
- (4) For the purposes of giving notice in accordance with sub-rule (3), the Secretary must, as soon as practicable, cause to be given to the member a written notice--
- (a) setting out the resolution of the committee and the grounds on which it is based; and
 - (b) stating that the member, or his or her representative, may address the committee at a meeting to be held not earlier than 14 days and not later than 28 days after the notice has been given to that member; and
 - (c) stating the date, place and time of that meeting; and
 - (d) informing the member that he or she may do one or both of the following-
 - (i) attend that meeting;
 - (ii) give to the committee before the date of that meeting a written statement seeking the revocation of the resolution;
 - (e) informing the member that, if at that meeting, the committee confirms the resolution, he or she may, not later than 48 hours after that meeting, give the Secretary *a notice to the effect that he or she wishes to appeal to the Association in general meeting against the resolution.*
- (5) At a meeting of the committee to confirm or revoke a resolution passed under sub-rule (1), the committee must--
- (a) give the member, or his or her representative, an opportunity to be heard; and
 - (b) give due consideration to any written statement submitted by the member; and
 - (c) determine by resolution whether to confirm or to revoke the resolution.
- (6) If at the meeting of the committee, the committee confirms the resolution, the member may, not later than 48 hours after that meeting, give the Secretary a notice to the effect that he or she wishes to appeal to the Association in general meeting against the resolution.
- (7) If the Secretary receives a notice under sub-rule (6), he or she must notify the committee and the committee must convene a general meeting of the Association to be held within 21 days after the date on which the Secretary received the notice.
- (8) At a general meeting of the Association convened under sub-rule (7)--
- (a) no business other than the question of the appeal may be conducted; and
 - (b) the committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution; and
 - (c) the member, or his or her representative, must be given an opportunity to be heard; and
 - (d) the members present must vote by secret ballot on the question whether the resolution should be confirmed or revoked.
- (9) A resolution is confirmed if, at the general meeting, not less than two-thirds of the members present vote in person, or by proxy, in favour of the resolution. In any other case, the resolution is revoked.

11. ANNUAL & SPECIAL GENERAL MEETINGS:

- (a) The Annual General Meeting of the Club shall be held in the month of September, or as soon as possible thereafter. The purpose of this meeting will be:
- (i) To receive and adopt the Annual Report
 - (ii) To receive and adopt the Financial Statements
 - (iii) To elect office bearers
 - (iv) To appoint an auditor
 - (v) To fix annual subscriptions
 - (vi) To decide upon any notices of motion
 - (vii) To consider general business
- (b) Seven days at least before the Annual General Meeting or any Special General Meeting, a notice in writing of such meeting and of the business to be transacted thereat shall be sent to every member, and at any Special General Meeting no business other than that of which notice has been given shall be brought forward. Notice to a member may be given:
- (i) personally; or
 - (ii) by sending it by post to the address of the member in the register of members; or
 - (iii) by sending it to the fax number or electronic address (if any) nominated by the member.
- A notice sent by post is taken to have been given 3 days after it is posted. A notice sent by fax or other

electronic means is taken to have been given on the business day after it is sent.

- (c) At any General Meeting, twenty adult members present shall form a quorum.
- (d) At any General Meeting, the President, and in his absence, the Vice-President, or member selected by the meeting, shall take the Chair. Every member present and entitled to vote shall have one vote upon every motion, and in the case of equality of votes, the Chairman shall have a second or casting vote.
- (e) Any member desirous of moving a resolution at a General Meeting, for the addition to, repeal or amendment to the Constitution and Statement of Purposes, shall give notice in writing to the Secretary at least thirty days prior to such meeting.
- (f) The Secretary shall at any time by direction of the President, or upon receiving a requisition in writing signed by not less than 20 adult members, stating the purpose for which the meeting is required, forthwith call a Special General Meeting.
- (g) Proxy votes may be allowed at General Meetings at the discretion of and under conditions set by the Committee from time to time.

12. OFFICE BEARERS:

- (a) The office bearers of the Club must be members and shall consist of President, a Senior and Junior Vice-President, Secretary, Membership Secretary, Treasurer and a Junior Organiser. The office bearers and six members of the Club shall form a Committee of Management thereafter called the Committee.
- b) All members of the Committee shall be elected at the Annual General Meeting of the Club, and shall hold office until the next Annual General Meeting, or until such time as any member of the Committee ceases to be a member of the Club by reason of his or her resignation, suspension, expulsion or for any other reason.
 - (c) (i) Each candidate for office must be proposed by two financial members either at the Annual General Meeting, or in writing *at least 7 days* prior to the Annual General Meeting.
 - (ii) Any candidate for office not present at the meeting must previously have signified in writing his or her willingness to accept office if elected.
 - (iii) If the number of nominations exceeds the number of vacancies to be filled, a ballot must be held.
 - (iv) The ballot for the election of officers and ordinary members of the committee must be conducted at the annual general meeting in such manner as the committee may direct.

13. POWERS AND DUTIES OF THE COMMITTEE:

The Committee shall have power to:

- (a) Make by-laws and regulations and alter, rescind or amend them, as the occasion may require. Such by-laws and regulations shall have the same force as the Constitution, but shall not be inconsistent with it.
- (b) Authorise expenditure, receive all monies and subscriptions, appoint sub-Committees from members of the Club, and perform all acts and deeds as shall appear necessary or essential for the management of the Club.
- (c) Arrange tournaments, inter-Club matches and entertainments.
- (d) In the event of a casual vacancy in any office, the committee may appoint one of its members to the vacant office and the member appointed may continue in office up to and including the conclusion of the annual general meeting next following the date of the appointment.
- (e) Appoint a coach/or coaches who are required to be adult members.
- (f) Invite or request a member to attend a regular meeting.

14. MEETING OF THE COMMITTEE:

- (a) The Committee shall meet regularly each month when possible.
- (b) At all meetings of the Committee six shall form a quorum, and in the case of equality of votes, the Chairman shall have a casting vote in addition to his deliberative vote as a member of the Committee.
- (c) Should any member of the Committee be absent from three consecutive meetings without the consent of the Committee, his or her position may be declared vacant.
- (d) The Secretary may at any time for any special purpose, and shall within seven days after receipt by him/her from the President or any other three members of the Committee of a requisition in writing requesting him/her to do so, convene a special meeting of the Committee.

15. FUNDS AND ACCOUNTS:

- (a) The funds of the Club shall be under the absolute control of the Committee and all accounts shall be passed for payment by the Committee.

- (b) The funds of the Club shall be derived from entrance fees, annual subscriptions, donations and such other sources as the committee determines.
- (c) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any two of the following office bearers: President, Vice-Presidents, Secretary, Membership Secretary and Treasurer.
- (d) The Treasurer of the Club:
 - (i) shall collect or oversee the collection of all monies due to the Club and make all payments authorised by the Club;
 - (ii) shall keep correct accounts and books showing the financial affairs of the Club with full details of all receipts, expenditure, assets and liabilities connected with the activities of the Club;
 - (iii) shall be responsible for the management of funds of the Club subject to the direction of the Committee, including the payment of all Club funds into a bank, building society, credit union or trust account nominated by the Committee and invested in the name of the Club;
 - (iv) shall invest funds not required for the day to day management of the Club in such investments as are authorised by the Committee;
 - (v) shall make available the accounts and books referred to above for inspection by members at any reasonable hour, provided adequate notice is given. A member may make copies of such records at his/her own expense, but may not remove or take away such records.

16. AUDIT:

The accounts of the Club shall be audited at the end of each financial year by an auditor, who shall be appointed at the Annual General Meeting and who shall not be a member of the Committee.

17. FINANCIAL YEAR:

The financial year of the Club shall begin on the 1st September and end on the 31st August in each year.

18. COMMON SEAL:

- (a) The Common Seal of the Club shall be kept in the custody of the Secretary.
- (b) The Common Seal shall not be affixed to any instrument except by the authority of the Committee and the affixing of the Common Seal shall be attested by the signatures either of two members of the Committee or of one member of the Committee and of the Public Officer of the Club.

19. CUSTODY OF RECORDS:

- (a) Except as otherwise provided in these rules, the Secretary shall keep in the Secretary's custody or under the Secretary's control all books, documents, magnetic or electronic media, computer records, and securities of the Club.
- (b) The Secretary shall make available the records of the Club for inspection by members at any reasonable hour, provided adequate notice is given. A member may make copies of such records at his/her own expense, but may not remove or take away such records.

20. WINDING UP:

In the event of the winding up or the cancellation of the incorporation of the Club, its net assets will not be distributed to members. The assets of the Club shall be distributed to –

- (i) a fund with objectives similar to those of the Club; or
- (ii) a fund which is appropriated exclusively for a purpose referred to in paragraph (a) of the definition of "community purpose" in the Act; or
- (iii) a community or charitable organisation.

21. GENERAL:

- (a) Only financial members and their guests are permitted to participate in the Club's activities.
- (b) Payment of fees by a member shall be deemed acceptance of the rules of the Club.
- (c) Balls shall be provided for competition and organised social play.
- (d) The Committee shall have the power to deal with all matters not mentioned in the Constitution.
- (e) All players shall appear on the courts in approved tennis attire.
- (f) Minutes shall be taken of all proceedings at meetings.

- (g) Any complaints must be made in writing to the Secretary.
- (h) All nominations for Honorary Life Membership shall be determined by the Committee prior to the Annual General Meeting and shall be submitted to that meeting for approval.

22. AMENDMENT TO CONSTITUTION AND STATEMENT OF PURPOSES:

The Constitution and Statement of Purposes shall not be added to, repealed or amended except by resolution passed by a majority of at least 75% of the members entitled to vote under the Constitution and Statement of Purposes present and voting in person or, where proxies are allowed, by proxy at a General Meeting, of which notice specifying the intention to propose the resolution as a special resolution was given in accordance with the Constitution.