

RULES OF THE NORTH BOX HILL TENNIS CLUB INCORPORATED

1.0 NAME:

The name of the Club is North Box Hill Tennis Club Incorporated hereinafter referred to as the “Club”.

2.0 STATEMENT OF PURPOSES:

- 2.1 To promote, encourage, control and advance the game of tennis at its premises in Frank Sedgman Reserve, 24 Elizabeth Street, North Box Hill in the State of Victoria.
- 2.2 To arrange, manage and/or sanction tournaments, championships and competitions and to regulate the dates thereof and all things that relate thereto.
- 2.3 To arrange or select representative tennis teams and to provide for their proper management.
- 2.4 To promote such other sports, games, amusements, recreations and entertainments as the Club may deem expedient.
- 2.5 To affiliate with and subscribe to the Victorian Tennis Association Incorporated and/or any other body whether incorporated or not formed for the purpose of promoting and controlling the game of tennis, and whose objects are similar to the purposes of the Club.

3.0 ATTAINING PURPOSES:

The Club shall be empowered to do all things necessary which are incidental to and necessary for the attainment of the purposes of the Club.

4.0 PROPERTY OF THE CLUB:

The Club must apply all property and income of the Club towards the promotion of the objects or purposes of the Club and no part of that property or income to be paid or otherwise distributed, directly or indirectly, to members of the Club, except in good faith in the promotion of those objects or purposes.

5.0 POWERS OF THE CLUB: (as conferred by Section 13 of the Associations Incorporation Act 1981).

- 5.1 To acquire, hold, deal with, and dispose of any real or personal property;
- 5.2 To open and operate bank accounts;
- 5.3 To invest its money –
 - (i) in any security in which trust moneys may be invested; or
 - (ii) in any other manner authorised by the rules of the Club;
- 5.4 To borrow money upon such terms and conditions as the Club thinks fit;
- 5.5 To give such security for the discharge of liabilities incurred by the Club as the Club thinks fit;
- 5.6 To appoint agents and employees to transact any business of the Club on its behalf for reward or otherwise;
- 5.7 To build construct erect maintain alter and repair any premises building or other structure of any kind and to furnish equip and improve the same for use by the Club;
- 5.8 Accept donations and gifts in accordance with the objects of the Club;
- 5.9 Print and publish any information by any media including newsletters, newspapers, articles or leaflets for promotion of the Club;
- 5.10 Provide gifts and prizes in accordance with the objects of the Club;
- 5.11 Organise social events for Members and the promotion of the Club; and
- 5.12 To enter into any other contract the Club considers necessary or desirable.

6.0 MEMBERSHIP:

- 6.1 Membership shall be open to any person who wishes to further the interests of the Club.
- 6.2 Any person seeking membership shall make application to the Management Committee on the form provided, and the Management Committee shall determine whether the application is successful or not. Each person admitted to membership shall be;
 - 6.2.1 Bound by the Rules and By-laws of the Club.
 - 6.2.2 Come liable for such fees and subscriptions as may be fixed by the Management Committee.
 - 6.2.3 Entitled to all advantages and privileges of membership.
- 6.3 Membership Categories:
 - 6.3.1 SENIOR MEMBER
Any person who is 18 years and over on the 1st day of the financial year, and a financial member of the Club, is entitled to have full voting rights and hold any office, and enjoy the privileges of the Club.
 - 6.3.2 STUDENT MEMBER
Any Senior Member who is under the age of twenty-six (26) on the 1st day of the financial year and engaged in full-time studies.
 - 6.3.3 JUNIOR MEMBER
Any person under the age of 18 years at the time of joining may become a Junior Member. Junior Members shall not have voting rights nor be entitled to hold any office.
 - 6.3.4 LIFE MEMBER
The Management Committee may elect as a Life Member any member who has given outstanding service to the Club. Any member may nominate a person to the Management Committee for consideration for Life Membership. Such members will have all the rights and privileges of a Senior Member.
- 6.4 An applicant for membership becomes a member and is entitled to exercise the rights of membership when his or her name is entered in the register of members. Such entry must be made within 28 days after receipt of all fees due according to the By-Laws of the Club.

7.0 REGISTER OF MEMBERS:

- 7.1 The Secretary must keep and maintain an up to date register of members containing –
 - a) The name and address of each member; and
 - b) The date on which each member's name was entered in the register.
- 7.2 The register is available for inspection free of charge by any member upon request.
- 7.3 A member may make a copy of entries in the register.

8.0 SUBSCRIPTIONS:

- 8.1 The annual subscription and fees levied according to the By-Laws are due and payable on the 1st day of June in each year. All subscriptions are liable for payment on June 1st, regardless of whether a subscription notice has been received or not.
- 8.2 Any member who has not paid their subscription within two months from the due date will be removed from the Membership Register unless the General Committee decides otherwise.

9.0 TERMINATION OF MEMBERSHIP:

- 9.1 Any person's membership may be terminated by the following events;
 - 9.1.1 Resignation
 - 9.1.2 Expulsion
 - 9.1.3 a Member's annual membership fee remains unpaid after two months of falling due

10.0 DISCIPLINE, SUSPENSION AND EXPULSION OF MEMBERS:

- 10.1 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 Club, the Management Committee shall have the power to suspend that member from membership of the Club for a specified period or expel any member of the Club, after having undertaken due inquiry, for:
 - 10.1.1 any of the events in Item 9.1
 - 10.1.2 False or inaccurate statements made in the member's application for membership of the Club,
 - 10.1.3 breach of any rule, regulation or by-law of the Club and,
 - 10.1.4 by any act detrimental to the Club.

- 10.2 A resolution of the committee under sub-rule (10.1) does not take effect unless:
- 10.2.1 at a meeting held in accordance with sub-rule (10.3.2), the committee confirms the resolution; and if the member exercises a right of appeal to the Club under this rule, the Club confirms the resolution in accordance with this rule.
 - 10.2.2 A meeting of the committee to confirm or revoke a resolution passed under sub-rule (10.2) 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 10.4).
- 10.3 For the purposes of giving notice in accordance with sub-rule (10.3.2), the Secretary must, as soon as practicable, cause to be given to the member a written notice:
- 10.3.1 setting out the resolution of the committee and the grounds on which it is based; and
 - 10.3.2 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
 - 10.3.3 stating the date, place and time of that meeting; and
 - 10.3.4 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;
 - 10.3.5 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 Club in general meeting against the resolution.
- 10.4 At a meeting of the committee to confirm or revoke a resolution passed under sub-rule (10.2), the committee must:
- 10.4.1 give the member, or his or her representative, an opportunity to be heard; and
 - 10.4.2 give due consideration to any written statement submitted by the member; and
 - 10.4.3 determine by resolution whether to confirm or to revoke the resolution.
- 10.5 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 Club in general meeting against the resolution.
- 10.6 If the Secretary receives a notice under sub-rule (10.5), he or she must notify the committee and the committee must convene a general meeting of the Club to be held within 21 days after the date on which the Secretary received the notice.
- 10.7 At a general meeting of the Club convened under sub-rule (10.6):
- 10.7.1 no business other than the question of the appeal may be conducted; and
 - 10.7.2 the committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution; and
 - 10.7.3 the member, or his or her representative, must be given an opportunity to be heard; and
 - 10.7.4 the members present must vote by secret ballot on the question whether the resolution should be confirmed or revoked.
- 10.8 A resolution is confirmed if, at the general meeting, not less than two-thirds of the members vote in person in favour of the resolution. In any other case, the resolution is revoked.

11.0 DISPUTES AND MEDIATION:

- 11.1 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 Club.
- 11.2 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.
- 11.3 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.
- 11.4 The mediator must be-
- (i) a person chosen by agreement between the parties; or
 - (ii) in the absence of agreement- in the case of a dispute between a member and another member, a person appointed by the committee of the Club; or
 - (iii) in the case of a dispute between a member and the Club, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).
- 11.5 A member of the Club can be a mediator.
- 11.6 The mediator cannot be a member who is a party to the dispute.

- 11.7 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- 11.8 The mediator, in conducting the mediation, must give the parties to the mediation process every opportunity to be heard; and allow due consideration by all parties of any written statement submitted by any party; and ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.

12.0 MANAGEMENT COMMITTEE:

- 12.1 Any financial member over the age of 17 (seventeen) years is eligible to hold office.
- 12.2 The officers of the Club, also known as “the Club Executive”, shall be:
 - 12.2.1 a President
 - 12.2.2 a Vice President
 - 12.2.3 a Secretary
 - 12.2.4 a Treasurer
- 12.3 Management of the Club shall be vested in the Management Committee, consisting of:
 - 12.3.1 the Club Executive; elected by the members at the Annual General Meeting;
 - 12.3.2 Seven (7) Committee Members; elected by the members at the Annual General Meeting;
 - 12.3.3 A Midweek Representative; elected by the Mid-Week Ladies’ Committee.
- 12.4 No person shall hold more than one position on the Management Committee at any one time. A person shall cease to be a member of the Management Committee at the conclusion of the Annual General Meeting that follows his/her election and he/she will be eligible for re-election.
- 12.5 The Committee shall meet at least six (6) times in each year at such place and such time as the Committee may determine. Meetings will follow standard meeting practices.
- 12.6 Any five (5) members of the Committee constitute a quorum for the conduct of the business of a meeting of the Committee.
- 12.7 No business may be conducted unless a quorum is present (12.6).
- 12.8 If the President or Vice President is unable to attend, then a chairperson nominated by the meeting shall chair that meeting.
- 12.9 A member of the management committee may lose his or her seat on the committee for any of the following:
 - Absence from three or more meetings without leave of absence; or
 - Ceases to be a financial member of the Club; or
 - Becomes an insolvent under administration within the meaning of the Corporation Law; or
 - Resigns from office by notice in writing given to the Secretary.

13.0 POWERS OF THE MANAGEMENT COMMITTEE:

- 13.1 The Management Committee shall carry out the day-to-day running of the Club and shall have the power to:
 - 13.1.1 Administer the finances, appoint bankers, and direct the opening of banking accounts for specific purposes and to transfer funds from one account to another, and to close any such account;
 - 13.1.2 Fix the manner in which such banking accounts shall be operated upon, providing the Management Committee passes all payments;
 - 13.1.3 Fix fees and subscriptions payable by members and decide such levies, fines and charges as is deemed necessary and advisable, and to enforce payment thereof;
 - 13.1.4 Adjudicate on all matters brought before it that in any way affect the Club.
 - 13.1.5 Cause minutes to be made of all proceedings at meetings of the Committee and General Meetings of members;
 - 13.1.6 Make, amend and rescind By-laws; rulings deleted
 - 13.1.7 Have the power to form and appoint any sub committee/s as required for specific purposes;
 - 13.1.8 May at their discretion employ a person or persons to carry out certain duties required by the Club, at salaries or remunerations for such period of time, as may be deemed necessary.
 - 13.1.9 Should a casual vacancy occur on the Management Committee during the season, the Management Committee shall appoint a successor until the next Annual General Meeting.

14.0 GENERAL MEETINGS:

- 14.1 Annual General Meeting. The meeting will follow standard meeting practices.
 - 14.1.1 The Annual General Meeting of the Club must be held within five (5) months of the end of the club’s financial year.

- 14.1.2 The Secretary shall give at least 14 days, or if a special resolution has been proposed at least 21 days, notice of the date of the Annual General Meeting to members by prepaid post to the address appearing in the register of members.
- 14.1.3 The Annual General Meeting may only transact special business of which notice has been given in accordance with these rules.
- 14.1.4 A member desiring to bring any business before the Annual General Meeting may give notice of that business in writing to the Secretary, who shall include that business in the notice calling the next General Meeting. Such notice in writing shall be provided to the Secretary not less than 28 days prior to the Annual General Meeting.
- 14.1.5 Nominations of candidates for election as new office bearers in the Management Committee:
- (a) shall be proposed and seconded in writing;
 - (b) such nominations to be placed on the Club notice board no later than 5.00 pm on the day prior to the Annual General Meeting.
- 14.1.6 Retiring office bearers shall be eligible for re-election without nomination.
- 14.1.7 A candidate may only be nominated for one office, or as an ordinary member of the Committee, prior to the Annual General Meeting.
- 14.1.8 If insufficient nominations are received to fill all vacancies on the Committee, further nominations may be called for at the Annual General Meeting.
- 14.1.9 The quorum at the Annual General Meeting shall be a minimum of fifteen (15) financial members. If, at the end of 30 minutes after the time appointed in the notice for the opening of the Meeting, there be no quorum the meeting shall stand and adjourn for one week. If at such meeting there is no quorum those members present shall be competent to discharge the business of the meeting.
- 14.1.10 The agenda for an Annual General Meeting shall be;
- Opening of Meeting
 - Apologies
 - Confirmation of Minutes of previous Annual General Meeting
 - Receive and Adopt Annual Report
 - Receive and Adopt Financial Report
 - Election of Office Bearers
 - Vote of thanks to outgoing Committee Members
 - Special Business
 - Closure
- 14.2 General Meetings
- 14.2.1 Meetings will follow standard meeting practices.
- 14.2.2 General Meetings may be called by the Management Committee or at the request of the President and Secretary or on the written request of ten (10) members of the Club.
- 14.2.3 The Secretary shall give at least 21 days notice, in writing, of the date of the General Meeting to the members. Notice of General Meetings shall set out clearly the business for which the meeting has been called. No other business shall be dealt with at that General Meeting.
- 14.2.4 The quorum at the General Meeting shall be a minimum of ten (10) members.

15.0 VOTING:

- 15.1 Voting powers at the Annual General Meeting and General Meetings:
- 15.1.1 The President shall be entitled to a deliberate vote, and, in the event of a tied vote, the President shall exercise a casting vote.
- 15.1.2 Each individual financial member over the age of seventeen (17) years present shall have one (1) vote.
- 15.1.3 All votes shall be given personally. Voting by proxy is not allowed.
- 15.1.4 A member is not entitled to vote at any general meeting unless all monies due and payable by the member to the Club have been paid.
- 15.1.5 A question arising at a general meeting of the Club shall be determined on a show of hands and, unless before or on the declaration of the show of hands, a poll is demanded, a declaration by the Chair that a resolution has, on a show of hands, been carried unanimously or carried by a particular majority or lost, and an entry to that effect in the Minute Book of the Club is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.

- 15.2 Voting powers at Management Committee Meetings;
- 15.2.1 The President shall be entitled to a deliberate vote, and, in the event of a tied vote, the President shall exercise a casting vote.
- 15.2.2 Each individual committee member present shall have one (1) vote.

16.0 FUNDS:

- 16.1 The funds of the Club shall be derived from annual subscriptions, donations and such other fees, levies and sources as the Management Committee determines.
- 16.2 All funds of the Club shall be deposited into the Club's accounts at such bank or recognised financial institution as the Management Committee may determine.
- 16.3 All accounts due by the Club shall be paid by cheque after having being passed for payment at the Management Committee Meeting and, when immediate payment is necessary, account/s shall be paid and the action endorsed at the next Management Committee Meeting.
- 16.4 A statement showing the financial position of the Club shall be tabled by the Treasurer at each Management Committee Meeting.
- 16.5 A statement of Income and Expenditure, Assets and Liabilities shall be submitted to the Annual General Meeting.
- 16.6 The financial year of the Club shall commence on 1st June each year.
- 16.7 The signatories to the Club's account/s will be any two (2) from the following;
- President
 - Vice President
 - Secretary
 - Treasurer
- 16.8 All property and income of the Club will apply solely to the promotion of the objects of the Club and no part of that property or income shall be paid or otherwise distributed, directly, or indirectly, to members, except in good faith in the promotion of these objects.
- 16.9 The Management Committee shall ensure that all Club property is properly insured as it deems fit.

17.0 COMMON SEAL:

- 17.1 The Common Seal of the Club shall be kept in the care of the Secretary.
- 17.2 The Common Seal shall not be affixed to any instrument except by the authority of the Management Committee and the affixing of the Common Seal shall be attested by the signatures either of two members of the Executive, or one member of the Committee and of the Secretary of the Club.

18.0 ALTERATION OF THE RULES AND BY-LAWS:

- 18.1 No alteration, repeal or addition shall be made to the Rules and the Objects of the Club except at the Annual General Meeting, or General Meeting, called for that purpose and notice of all motions to alter, repeal or add to the Rules shall be given to members 21 days prior to the Annual General Meeting, or a General Meeting called for such purpose.
- 18.2 Such motions, or any part thereof, shall be of no effect unless passed by a seventy five percent (75%) majority (Special Resolution) of those present and entitled to a vote at the Annual General Meeting or General Meeting.
- 18.3 Within 28 days of the passing of a Special Resolution, the Secretary shall notify the Department of Consumer and Employment Protection of the amendment.
- 18.4 Alterations to the By-laws can be made only at Management Committee Meetings provided notice of the proposed alteration/s has been duly notified to Committee Members, and passed by a seventy-five percent (75%) majority.

19.0 CUSTODY AND INSPECTION OF BOOKS AND RECORDS:

- 19.1 Except as otherwise provided in these Rules, the Secretary must keep in his or her custody or his or her control all books, documents and securities of the Club.
- 19.2 All accounts, books, securities and any other relevant documents of the Club must be available for inspection free of charge by any member upon request.
- 19.3 A member may make a copy of any accounts, books, securities and any other relevant documents of the Club.

20.0 DISSOLUTION:

In the event of the winding up or cancellation of the incorporation of the Club, the assets of the Club shall be disposed of in accordance with the provisions of the Associations Incorporation Act 1981.

BY-LAWS

As at 20th April, 2017



1. The colours of the Club shall be purple, green and wattle gold.
2. The Club's maintenance levy and annual subscriptions, as set by the Management Committee, are due and payable on the 1st day of June. A member's Maintenance Levy may be waived for one year if: - the member is serving on the Management or Mid-Week Ladies' Committee; attends a Club Working Bee; or provides assistance during the year with maintenance works.
3. Applicants for Student Memberships must provide evidence of their full-time studies, if requested.
4. Children 10 years and under who have a parent or older sibling who is a member are not required to pay membership fees. Parents must accept responsibility for the welfare and behaviour of children on Club premises, including visitors. Discounts may be offered to family groups living at one address comprising: two parents and any number of children; a single parent and two or more children; three or more junior siblings. Full time students under the age of 25 may be considered as part of a family group.
5. The Mid-Week Ladies' Tennis Committee shall remain an autonomous group within the Club and subject to Club rules, as has been the custom.
6. The Management Committee may designate individual committee members, or co-opt ordinary members, to particular positions as the need arises. Such positions may include those of:-
 - (a) Membership Secretary
 - (b) Teams Manager
 - (c) Junior Manager
 - (d) Maintenance Manager
7. The Management Committee may waive the payment of all or part of a subscription or levy in any situation where a member has fallen upon necessitous circumstances.
8. The following persons may each hold a petty cash advance as determined by the Management Committee –
 - (a) The Treasurer
 - (b) The Secretary
 - (c) The Secretary/Treasurer of the Mid-Week Ladies' Committee
9. The Teams Manager, or deputy, may collect and bank team monies, and buy and sell balls as required, and will keep records of such transactions.
10. The Management Committee may designate a non-playing person to be an Honorary Member if deemed appropriate. Honorary Members may be co-opted onto Committee in any position but will not have the right to vote at General Meetings.
11. Members may entertain visitors providing courts are not required by other members. The Management Committee has the right to set visitor fees. The member is liable for payment of such fees into the clubhouse safe. Any visitor playing more than a few times in a year is to be encouraged to become a member of the Club.
12. A team playing non-member emergencies in a home match is responsible for the payment of all visitor fees due.
13. A member, who allows Club access to other people, will be held responsible for those people
14. All players must wear appropriate tennis attire, in particular shoes that are suitable for red porous.
15. Junior members under the age of 15 must have an older junior member or adult present on the premises when entering the clubhouse, unless a parent has agreed to stand as guarantor.
16. Courts must be bagged and watered from fence to fence regularly and at the end of play. Play must not take place on dry courts or courts with surface water.
17. The Club coach and team/match play, senior and junior, have precedence on designated courts. Social doubles have precedence over singles. Courtesy must be extended to waiting players if courts are all occupied.
18. The Club may adopt the By-Laws, including the Code of Conduct, as promulgated from time to time by Tennis Australia as binding on the operations of the Club.
19. The Club adheres to the practices and procedures protecting its members, office bearers and coaches as set out in the Tennis Australia Member Protection By-Law.
20. Where a member makes a complaint against another member or the Club, on any matter to which the Tennis Australia Member Protection By-Law applies, the Club shall refer the matter to the Victorian Tennis Association Incorporated for resolution.
21. The Club must adhere to the terms and conditions as set down in its current City of Whitehorse Council lease.
22. A total smoking ban applies on Saturday and Sunday mornings from 8 am to noon during school terms.