

CONSTITUTION AND RULES
FOR THE
LANGWARRIN TENNIS CLUB INCORPORATED

Registered No. A0007714D

Incorporated on 18/12/85

Amended on .../...../.....

Signed:

Ross Eddy
President

.....

Jenny Pearson
Secretary

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CONSTITUTION AND RULES FOR THE LANGWARRIN TENNIS CLUB INC

Registered No. A0007714D

1. *Name*

The name of the incorporated Association is The Langwarrin Tennis Club Incorporated (in these Rules called "**the Club**").

2. *Definitions*

(1) In these Rules, unless the contrary intention appears—

"**Act**" means the **Associations Incorporation Act 1981**;

"**Committee**" means the Committee of management of the Club;

"**financial year**" means the year ending on 30 June;

"**general meeting**" means a general meeting of members convened in accordance with rule 13.

"**member**" means a member of the Club;

"**ordinary member of the Committee**" means a member of the Committee who is not an officer of the Club under Rule 22;

"**Regulations**" means regulations under the Act;

"**relevant documents**" has the same meaning as in the Act.

(2) In these Rules, a reference to the Secretary of the Club is a reference—

(a) if a person holds office under these Rules as Secretary of the Club—to that person; and

(b) in any other case, to the public officer of the Club.

3. *Purposes*

The objects for which the Club is established are:

(1) To maintain and conduct a Club of a non-political character and to provide a Clubhouse, Tennis Courts and other conveniences for the use and recreation of the members at such place or places as decided by the members.

(2) To raise and borrow any moneys required for the purposes of the Club upon such terms and conditions and/or on such securities as may be determined.

(3) To purchase, take, lease, exchange, hire, or otherwise acquire any real or personal property and other rights and privileges necessary or convenient for the purpose of the Club.

(4) To construct, alter, add to, or maintain all buildings and other property belonging to the Club.

(5) To sell, mortgage, improve, manage, develop, lease, dispose of, turn to account or otherwise deal with any part of property of the Club except that the Club is prohibited from making any distribution whether in money, property or otherwise to its members.

(6) To affiliate with relevant Associations including Tennis Victoria and Tennis Australia, and District Tennis Associations.

(7) To apply for, hold and renew a Club licence pursuant to the Liquor Control Act 1968 and any permit or authority thereunder, if decided upon by the members.

(8) To formulate and put into effect such other objects as the members shall determine, but always to have in mind the advancement and best interests of the game of Tennis and the engendering by Club of a fraternal feeling amongst tennis players.

(9) To do all such things as are incidental or necessary for the purposes of the above objects.

4. Membership, entry fees and subscriptions

- (1) The Club shall consist of the following classes of members:
 - (a) Family Members
 - (b) Single Members
 - (c) Junior Members
 - (d) Life Members
 - (e) Honorary Members
- (2) Family, Single and Life Members, who alone shall be eligible to hold office in the Club, shall be entitled to all the privileges of the Club, while Junior Members and Honorary Members shall be entitled to only the privileges set out in these Rules.
- (3) Any group of persons (being a child or children under the age of nineteen years and/or full-time students plus a parent or parents or legal guardian of that child or those children which constitute a family) being of good character may apply for Family Membership under these Rules. No more than two adults (other than full-time students) may be included in a Family Membership.
- (4) Any person of good character aged no more than eighteen years (or who is a full-time student) may apply for Junior Membership under these Rules. Junior Members shall not be entitled to hold office or vote at any meeting of the Club. On attaining the age of nineteen years and ceasing as a full-time student a Junior Member shall be eligible to continue as a Junior Member until the end of that current financial year, and be eligible for nomination and election to another class of membership as provided in these Rules without delay. .
- (5) A person who applies and is approved for membership as provided in these Rules is eligible to be a member of the Club on payment of the entrance fee and annual subscription payable under these Rules.
- (6) A person who is not a member of the Club at the time of the incorporation of the Club (or who was a member at that time but has ceased to be a member) must not be admitted to membership unless—
 - (a) he or she applies for membership in accordance with sub-rule (5); and
 - (b) the admission as a member is approved by the Committee.
- (7) An application of a person for membership of the Club must—
 - (a) be made in writing in the form set out in Appendix 1; and
 - (b) be lodged with the Secretary of the Club.
- (8) As soon as practicable after the receipt of an application, the Secretary must refer the application to the Committee.
- (9) The Committee must determine whether to approve or reject the application.
- (10) If the Committee approves an application for membership, the Secretary must, as soon as practicable—
 - (a) notify the applicant in writing of the approval for membership; and
 - (b) request payment within 28 days after receipt of the notification of the sum payable under these Rules as the entrance fee and the first year's subscription.
- (11) The Secretary must, within 28 days after receipt of the amounts referred to in sub-rule (10(b)), enter the applicant's name in the register of members.
- (12) 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.
- (13) If the Committee rejects an application, the Committee must, as soon as practicable, notify the applicant in writing that the application has been rejected.
- (14) A right, privilege, or obligation of a person by reason of membership of the Club—
 - (a) is not capable of being transferred or transmitted to another person; and
 - (b) terminates upon the cessation of membership whether by death or resignation or otherwise.

- (15) The entrance fee is the relevant amount as decided and published by the Committee from time to time.
- (16) The annual subscription is the relevant amount as determined at the Annual General Meeting and is payable in advance on or before 30 September in each year, to cover the year from 1 October to 30 September the following year.
- (17) If a new member joins the Club after 1 March in any year the subscription for the remaining portion of the year shall be determined at the discretion of the Committee.
- (18) If any member fails to pay the annual subscription by 31 October his or her membership shall henceforth cease, but should a sufficient explanation be provided to the Committee it shall have the power to restore his or her name to the register upon payment of the amount due, either in full or by agreed instalments. If membership ceases because of failure to pay the subscription, that member shall no longer be entitled to play inter-Club competition tennis.
- (19) Any person who shall have rendered special service or services to the Club may at any Annual or Special General Meeting on the unanimous recommendation of the Committee and on receiving the votes of at least three-quarters of the members present at such meeting, be elected a Life Member without payment of any subscription provided that there shall not be at any time more than 15 Life Members of the Club.
- (20) A Life Member shall not be relieved of any financial obligation other than his or her own Annual Subscription.
- (21) Upon unanimous agreement by the Committee, the Club Coach may be elected an Honorary Member. An Honorary Member is not required to pay a joining fee or annual subscription, and may not hold office or vote at any meeting of the Club. An Honorary Member may be elected to one or more Selection sub-Committees as specified in Rule 45.

5. Register of members

- (1) The Secretary must keep and maintain a 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.
- (2) The register is available for inspection free of charge by any member upon request.
- (3) A member may make a copy of entries in the register.

6. Ceasing membership

- (1) A member of the Club who has paid all moneys due and payable by a member to the Club may resign from the Club by giving one month's notice in writing to the Secretary of his or her intention to resign.
- (2) after the expiry of the period referred to in sub-rule (1)—
 - (a) the member ceases to be a member; and
 - (b) the Secretary must record in the register of members the date on which the member ceased to be a member.

7. 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 Club, the Committee may by resolution—
 - (a) fine that member an amount not exceeding \$500; or
 - (b) suspend that member from membership of the Club for a specified period; or
 - (c) expel that member from the Club.
- (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 Club under this rule, the Club confirms the

resolution in accordance with this rule.

- (3) A meeting of the Committee to confirm or revoke a resolution passed under sub-rule (1) 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 Club 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 Club 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 Club to be held within 21 days after the date on which the Secretary received the notice.
- (8) At a general meeting of the Club 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 vote in person, or by proxy, in favour of the resolution. In any other case, the resolution is revoked.

8. *Disputes and mediation*

- (1) The grievance procedure set out in this rule applies to disputes under these Rules between—
 - (a) a member and another member; or
 - (b) a member and the Club.
- (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.
- (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.
- (4) The mediator must be—

- (a) a person chosen by agreement between the parties; or
- (b) in the absence of agreement—
 - (i) in the case of a dispute between a member and another member, a person appointed by the Committee of the Club; or
 - (ii) 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).
- (5) A member of the Club can be a mediator.
- (6) The mediator cannot be a member who is a party to the dispute.
- (7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (8) The mediator, in conducting the mediation, must—
 - (a) give the parties to the mediation process every opportunity to be heard; and
 - (b) allow due consideration by all parties of any written statement submitted by any party; and
 - (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- (9) The mediator must not determine the dispute.
- (10) 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 or otherwise at law.

9. Annual general meetings

- (1) The Committee may determine the date, time and place of the annual general meeting of the Club, to be held in July each year.
- (2) The notice convening the annual general meeting must specify that the meeting is an annual general meeting.
- (3) The ordinary business of the annual general meeting shall be—
 - (a) to confirm the minutes of the previous annual general meeting and of any general meeting held since that meeting; and
 - (b) to receive from the Committee reports upon the transactions of the Club during the last preceding financial year; and
 - (c) to elect officers of the Club and the ordinary members of the Committee including coordinators for Seniors, Juniors, Mid-week and Night tennis and delegates to district Associations as required and selection sub-Committees in accordance with Section 45; and
 - (d) to determine annual membership subscriptions; and
 - (e) to receive and consider the financial statements submitted by the Club in accordance with section 30(3) of the Act.
- (4) The annual general meeting may conduct any special business of which notice has been given in accordance with these Rules.

10. Special general meetings

- (1) In addition to the annual general meeting, any other general meetings may be held in the same year.
- (2) All general meetings other than the annual general meeting are special general meetings.
- (3) The Committee may, whenever it thinks fit, convene a special general meeting of the Club.
- (4) If, but for this sub-rule, more than 15 months would elapse between annual general meetings, the Committee must convene a special general meeting before the expiration of that period.
- (5) The Committee must, on the request in writing of members representing not less than 5 per cent of the total number of voting members, convene a special general meeting of the Club.
- (6) The request for a special general meeting must—

- (a) state the objects of the meeting; and
 - (b) be signed by the members requesting the meeting; and
 - (c) be sent to the address of the Secretary.
- (7) If the Committee does not cause a special general meeting to be held within one month after the date on which the request is sent to the address of the Secretary, the members making the request, or any of them, may convene a special general meeting to be held not later than 3 months after that date.
- (8) If a special general meeting is convened by members in accordance with this rule, it must be convened in the same manner so far as possible as a meeting convened by the Committee and all reasonable expenses incurred in convening the special general meeting must be refunded by the Club to the persons incurring the expenses.

11. Special business

All business that is conducted at a special general meeting and all business that is conducted at the annual general meeting, except for business conducted under the rules as ordinary business of the annual general meeting, is deemed to be special business.

12. Notice of general meetings

- (1) The Secretary of the Club, at least 14 days, or if a special resolution has been proposed at least 21 days, before the date fixed for holding a general meeting of the Club, must cause to be sent to each member of the Club, a notice stating the place, date and time of the meeting and the nature of the business to be conducted at the meeting.
- (2) Notice may be sent—
- (a) by prepaid post to the address appearing in the register of members; or
 - (b) if the member requests, by facsimile transmission or electronic transmission.
- (3) No business other than that set out in the notice convening the meeting may be conducted at the meeting.
- (4) A member intending to bring any business before a meeting may notify in writing, or by electronic transmission, the Secretary of that business, who must include that business in the notice calling the next general meeting.

13. Quorum at general meetings

- (1) No item of business may be conducted at a general meeting unless a quorum of members entitled under these Rules to vote is present at the time when the meeting is considering that item.
- (2) Five members personally present (being members entitled under these Rules to vote at a general meeting) constitute a quorum for the conduct of the business of a general meeting.
- (3) If, within half an hour after the appointed time for the commencement of a general meeting, a quorum is not present—
- (a) in the case of a meeting convened upon the request of members—the meeting must be dissolved; and
 - (b) in any other case—the meeting shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairperson at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (4) If at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members personally present (being not less than 3) shall be a quorum.

14. Presiding at general meetings

- (1) The President, or in the President's absence, the Vice-President, shall preside as Chairperson at each general meeting of the Club.
- (2) If the President and the Vice-President are absent from a general meeting, or are unable to preside,

the members present must select one of their number to preside as Chairperson.

15. Adjournment of meetings

- (1) The person presiding may, with the consent of a majority of members present at the meeting, adjourn the meeting from time to time and place to place.
- (2) No business may be conducted at an adjourned meeting other than the unfinished business from the meeting that was adjourned.
- (3) If a meeting is adjourned for 14 days or more, notice of the adjourned meeting must be given in accordance with rule 12.
- (4) Except as provided in sub-rule (3), it is not necessary to give notice of an adjournment or of the business to be conducted at an adjourned meeting.

16. Voting at general meetings

- (1) Upon any question arising at a general meeting of the Club, each member (other than Junior and Honorary Members), and including those adults covered by Family Membership, has one vote only.
- (2) All votes must be given personally or by proxy.
- (3) In the case of an equality of voting on a question, the Chairperson of the meeting is entitled to exercise a second or casting vote.
- (4) A member is not entitled to vote at a general meeting unless all moneys due and payable by the member to the Club have been paid.

17. Poll at general meetings

- (1) If at a meeting a poll on any agenda item is demanded by not less than 3 members, it must be taken at that meeting in such manner as the Chairperson may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
- (2) A poll that is demanded on the election of a Chairperson or on a question of an adjournment must be taken immediately and a poll that is demanded on any other question must be taken at such time before the close of the meeting as the Chairperson may direct.

18. Manner of determining whether resolution carried

If a question arising at a general meeting of the Club is determined on a show of hands—

- (a) a declaration by the Chairperson that a resolution has been—
 - (i) carried; or
 - (ii) carried unanimously; or
 - (iii) carried by a particular majority; or
 - (iv) lost; and
- (b) 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.

19. Proxies

- (1) Each member is entitled to appoint another member as a proxy by notice given to the Secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.
- (2) The notice appointing the proxy must be—
 - (a) for a meeting of the Club convened under rule 8(7), in the form set out in Appendix 2; or
 - (b) in any other case, in the form set out in Appendix 3.

20. Committee of Management

- (1) The affairs of the Club shall be managed by the Committee of management.
- (2) The Committee—
 - (a) shall control and manage the business and affairs of the Club; and
 - (b) may, subject to these Rules, the Act and the Regulations, exercise all such powers and functions as may be exercised by the Club other than those powers and functions that are required by these Rules to be exercised by general meetings of the members of the Club; and
 - (c) subject to these Rules, the Act and the Regulations, has power to perform all such acts and things as appear to the Committee to be essential for the proper management of the business and affairs of the Club; and
 - (d) may from time to time delegate any of their powers to such Sub-Committee consisting of members of the Club as they shall appoint, and
 - (i) may recall or revoke any such delegation or appointment.
 - (ii) all Sub-Committees shall, in the exercise of powers delegated, conform to any regulation that may be prescribed by the Committee and shall be subject and subordinate to the Committee.
- (3) Subject to section 23 of the Act, the Committee shall consist of—
 - (a) the officers of the Club; and
 - (b) not less than two and not more than five ordinary members—
each of whom shall be elected at the annual general meeting of the Club in each year.

21. Office holders

- (1) The officers of the Club shall be—
 - (a) a President;
 - (b) a Vice-President;
 - (c) a Treasurer; and
 - (d) a Secretary.
- (2) The provisions of rule 24, so far as they are applicable and with the necessary modifications, apply to and in relation to the election of persons to any of the offices referred to in sub-rule (1).
- (3) Each officer of the Club shall hold office until the annual general meeting next after the date of his or her election but is eligible for re-election.
- (4) In the event of a casual vacancy in any office referred to in sub-rule (1), 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.

22. Ordinary members of the Committee

- (1) Subject to these Rules, each ordinary member of the Committee shall hold office until the annual general meeting next after the date of election but is eligible for re-election.
- (2) In the event of a casual vacancy occurring in the office of an ordinary member of the Committee, the Committee may appoint a member of the Club to fill the vacancy and the member appointed shall hold office, subject to these Rules, until the conclusion of the annual general meeting next following the date of the appointment.

23. Election of officers and ordinary Committee members

- (1) Nominations of candidates for election as officers of the Club or as ordinary members of the Committee must be—
 - (a) made in writing, signed by two members of the Club and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and

- (b) delivered to the Secretary of the Club not less than 7 days before the date fixed for the holding of the annual general meeting.
- (2) A candidate may only be nominated for one office, or as an ordinary member of the Committee, prior to the annual general meeting.
- (3) If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated shall be deemed to be elected and further nominations may be received at the annual general meeting.
- (4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- (5) If the number of nominations exceeds the number of vacancies to be filled, a ballot must be held.
- (6) 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.

24. Vacancies

The office of an officer of the Club, or of an ordinary member of the Committee, becomes vacant if the officer or member—

- (a) ceases to be a member of the Club; or
- (b) becomes an insolvent under administration within the meaning of the Corporations Law; or
- (c) resigns from office by notice in writing given to the Secretary.

25. Meetings of the Committee

- (1) The Committee must meet at least 10 times in each year at such place and such times as the Committee may determine.
- (2) Special meetings of the Committee may be convened by the President or by any 4 members of the Committee.

26. Notice of Committee meetings

- (1) Written notice of each Committee meeting must be given to each member of the Committee at least 2 business days before the date of the meeting.
- (2) Written notice must be given to members of the Committee of any special meeting specifying the general nature of the business to be conducted and no other business may be conducted at such a meeting.

27. Quorum for Committee meetings

- (1) Any 4 members of the Committee constitute a quorum for the conduct of the business of a meeting of the Committee, provided that at least one of those present is an Office holder.
- (2) No business may be conducted unless a quorum is present.
- (3) If within half an hour of the time appointed for the meeting a quorum is not present—
 - (a) in the case of a special meeting—the meeting lapses;
 - (b) in any other case—the meeting shall stand adjourned to the same place and the same time and day in the following week or to a suitable day in the following week.
- (4) The Committee may act notwithstanding any vacancy on the Committee.

28. Presiding at Committee meetings

At meetings of the Committee—

- (a) the President or, in the President's absence, the Vice-President presides; or
- (b) if the President and the Vice-President are absent, or are unable to preside, the members present must choose one of their number to preside.

29. Voting at Committee meetings

- (1) Questions arising at a meeting of the Committee, or at a meeting of any sub-Committee appointed by the Committee, shall be determined on a show of hands or, if a member requests, by a poll taken in such manner as the person presiding at that meeting may determine.
- (2) Each member present at a meeting of the Committee, or at a meeting of any sub-Committee appointed by the Committee (including the person presiding at the meeting), is entitled to one vote and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.

30. Removal of Committee member

- (1) The Club in general meeting may, by resolution, remove any member of the Committee before the expiration of the member's term of office and appoint another member in his or her place to hold office until the expiration of the term of the first-mentioned member.
- (2) A member who is the subject of a proposed resolution referred to in sub-rule (1) may make representations in writing to the Secretary or President of the Club (not exceeding a reasonable length) and may request that the representations be provided to the members of the Club.
- (3) The Secretary or the President may give a copy of the representations to each member of the Club or, if they are not so given, the member may require that they be read out at the meeting.

31. Minutes of meetings

The Secretary of the Club must keep minutes of the resolutions and proceedings of each general meeting, and each Committee meeting, together with a record of the names of persons present at Committee meetings.

32. Funds

- (1) The Treasurer of the Club must—
 - (a) collect and receive all moneys due to the Club and make all payments authorised by the Club; and
 - (b) keep correct accounts and books showing the financial affairs of the Club with full details of all receipts and expenditure connected with the activities of the Club.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by two members of the Committee. No two members of the same family shall be authorised signatories.
- (3) The funds of the Club shall be derived from entrance fees, annual subscriptions, donations and such other sources as the Committee determines.
- (4) All expenses incurred by any Office holder, Committee member or other Club member on behalf of the Club (e.g. postage, telephone calls) shall be reimbursed by the Club. No Office holder, Committee member or other Club member shall be entitled to any reduction or elimination of subscriptions, competition fees or any other fees normally payable, other than as provided under Sections 5(20) and 5(21).
- (5) An honorarium may be paid to an Office holder, Committee member or Club member to help defray out of pocket expenses, if approved at the Annual General Meeting.
- (6) No expenditure exceeding \$100, other than for ongoing Club expenses (e.g. balls), shall be entered into without the consent of the Committee, and all accounts against the Club shall be passed by the Committee before payment is made unless otherwise authorised by the Committee.

33. Seal

- (1) The common seal of the Club must be kept in the custody of the Secretary.
- (2) The common seal must not be affixed to any instrument except by the authority of the Committee and the affixing of the common seal must 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.

34. Notice to members

Except for the requirement in rule 13, any notice that is required to be given to a member, by on behalf of the Club, under these Rules may be given by—

- (a) delivering the notice to the member personally; or
- (b) sending it by prepaid post addressed to the member at that member's address shown in the register of members; or
- (c) facsimile transmission, if the member has requested that the notice be given to him or her in this manner; or
- (d) electronic transmission, if the member has requested that the notice be given to him or her in this manner.

35. Winding up

In the event of the winding up or cancellation of the incorporation of the Club, the net assets of the Club will not be distributed to members but will be distributed to:

- (a) a fund with similar objectives to those of the club; or
- (b) a fund which has a philanthropic or benevolent purpose, including the promotion of art, culture, science, religion, education or charity, and including the benefiting of a fund certified to be a patriotic fund under section 24 of the Patriotic Funds Act 1958 or the fund or part of the fund of the Australian Red Cross Society; or
- (c) a community or charitable organization.

36. Custody and inspection of books and records

- (1) Except as otherwise provided in these Rules, the Secretary must keep in his or her custody or under his or her control all books, documents and securities of the Club.
- (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.
- (3) A member may make a copy of any accounts, books, securities and any other relevant documents of the Club.

37. Control over property

- (1) Except that the negotiation of a loan, the issuing of debentures, the giving of any security over any property of the Club, the selling or purchasing of realty, the leasing of any land or buildings the property of the Club for any term exceeding three years, and all other measures in any way extending the liabilities beyond the assets and estimated revenues of the Club shall require the previous sanction of a general meeting of the Club, the property of the Club shall be subject to the control and disposition of the Committee, who are empowered to negotiate loans, issue debentures and sell or purchase any realty and lease any land or buildings of the Club for any term not exceeding three years subject to such sanction aforesaid.
- (2) The orders in writing of a quorum of those assembled at the meetings and signed by the Chairperson of the day and attested by the Secretary, shall indicate anything done or purported to be done by them in pursuance of such direction, and no person not being a member of the Club shall be entitled to inquire into the regularity of such direction beyond the verification of the signature of the Secretary, except as specified under the Act.

38. Borrowing Powers

- (1) If at any time the Club in Annual General Meeting or Special General Meeting shall pass a resolution authorising the Committee to borrow money, the Committee shall thereupon be empowered for the purpose of the Club to borrow such amount of money, either at one time or from time to time, and at such rate of interest, and in such form or manner and upon such security as shall

be specified on such resolution and thereupon the Committee shall make all dispositions of the Club property, or any part thereof, and enter into such agreements in relation thereto as the Committee may deem proper for giving security for such loans and interest.

- (2) All members of the Club shall be bound by the decision of the meeting.

39. Audit

An Auditor shall be appointed by the Committee as specified in section 30B of the Act.

40. Alteration of Rules and Statement of Purposes

- (1) These Rules and Statement of Purposes shall not be altered except in accordance with the Act.
- (2) No new rule shall be made nor any existing rule nor the statement of purposes of the Club altered or repealed except at a General Meeting and then only upon the motion being carried by a minimum of 75% of the members voting.
- (3) A by-law may be repealed by a simple majority of the members present called for that purpose.
- (4) A copy of the proposed new rule, alteration or repeal shall be delivered to the Secretary at least 21 days before such meeting, and shall be inserted in the Notice convening the meeting at which such proposed new rule alteration or repeal is to be brought and notice thereof shall be posted on the noticeboard of the Club ten clear days before such meeting.

41. Visitors

Every member shall be allowed to introduce visitors to the Club, subject to such regulations as the Committee shall from time to time determine, provided that no person shall be introduced as a visitor who has been expelled from membership of a Tennis Club or whose conduct or presence on the Club's premises shall be considered objectionable or prejudicial to the interests of the Club.

42. Tennis or Playing Area Supervisor

- (1) The Committee shall have the power to appoint a Tennis or Playing Area Supervisor
- (2) The Playing Area Supervisor shall have full control and supervision of the playing area and the power to prevent play at any time when it is considered that there is significant risk of player injury or court damage thereby and notice posted by the Supervisor shall be sufficient.
- (3) All players must wear approved non-marking soled tennis shoes.
- (4) In the absence of the Playing Area Supervisor, any two members shall have power to prevent play at any time.
- (5) In all other respects the supervision and control of the playing area and surrounds shall be in the hands of the Committee whose ruling thereon shall be final.

43. Club Delegates

- (1) Club delegates to relevant Associations shall be elected by the Annual General Meeting, the number of whom shall be as required by each Association. At least one delegate to each Association shall be a member of the Committee.
- (2) Any delegate who fails to attend two consecutive Association meetings without good and valid reason to the satisfaction of the Committee shall be held to have vacated office.
- (3) The Committee shall have power to fill any vacancy.

- (4) The delegates shall report to the Committee relevant outcomes of each Association meeting.

44. Selection Sub-Committees

- (1) A Seniors Selection sub-Committee comprising 5 adult financial members, one of whom must be a Committee member, shall be elected by the members at the Annual General Meeting of the Club. A Seniors Co-ordinator, whose duties shall be as defined by the Club Committee from time to time, shall be appointed to lead the Selection sub-Committee.
- (2) A Juniors Selection sub-Committee comprising 5 adult financial members, one of whom must be a Committee member, shall be elected by the members at the Annual General Meeting of the Club. A Juniors Co-ordinator, whose duties shall be as defined by the Club Committee from time to time, shall be appointed to lead the Selection sub-Committee.
- (3) A Mid-week Selection sub-Committee comprising 5 adult financial members, one of whom must be a Committee member, shall be elected by the members at the Annual General Meeting of the Club. A Mid-week Co-ordinator, whose duties shall be as defined by the Club Committee from time to time, shall be appointed to lead the Selection sub-Committee.
- (4) The duties of the selection sub-Committees shall be:
 - (a) to select teams and sides to represent the Club; and
 - (b) to select or recommend other playing representatives of the Club.
- (5) In the event of a casual vacancy on a selection sub-Committee, the Club Committee may appoint a financial member to fill such vacancy.
- (6) The selection sub-Committee shall have power to co-opt any financial member to assist in its duties but a final decision on any matter within its duties shall rest entirely with the selection sub-Committee.

45. By-laws

- (1) The Committee shall have power from time to time to make by-laws and regulations not inconsistent with these Rules for the efficient working of the Club and to alter, amend or rescind same as occasion may require.
- (2) All by-laws shall be entered by the Secretary in a book to be kept for the purpose and be available for inspection by the members.

46. Laws of the Game of Tennis

- (1) The Laws of the game of Tennis as adopted from time to time by Tennis Victoria shall apply to all games played under the control of the Club, except when specifically stated otherwise.
- (2) Failure to observe any such laws will render the offending player liable to disqualification from the Competition or Match.

47. Indemnity of Officers

If an Office holder in his or her office as such has paid or is liable to pay money for any act, default or omission of any other person, such money shall be refunded by the Club or be paid by the Club consistent with section 15 of the Act.

APPENDIX 1

APPLICATION FOR MEMBERSHIP OF LANGWARRIN TENNIS CLUB INC.

Reg No A0007714D

To: The Secretary
Langwarrin Tennis Club Inc
PO Box 4017
Langwarrin 3910

I,
of
.....Postcode..... Tel No.....

Occupation..... desire to become a

Family member*)
Single member*)
Junior member*) of the Langwarrin Tennis Club Inc.

*Delete membership categories which do not apply to you

I have not been a member of another Tennis Club / I have previously been a member of the following Tennis Club(s)*:

Club.....Date last affiliated.....

Club.....Date last affiliated.....

*Delete the statement that does not apply to you

In the event of my admission as a member, I agree to be bound by the rules of the Club for the time being in force.

Signature of Applicant Date/...../.....

I,, a member of the Club,
(name)
nominate the applicant, who is personally known to me, for membership of the Club.

Signature of Proposer Date/...../.....

I,, a member of the Club, second
(name)
the nomination of the applicant, who is personally known to me, for membership of the Club.

Signature of Seconder Date/...../.....

Date of Lodgement Date of Election/...../..... Result
.....

Payment Dates: Entrance Fee/...../..... Amount \$.....

Subscription/...../..... Amount \$.....

Receipt No.

Signature of Secretary Date/...../.....

APPENDIX 1 (CONTD)

APPLICATION FOR MEMBERSHIP OF LANGWARRIN TENNIS CLUB INC.

Reg No A0007714D

FAMILY MEMBERSHIP - DETAILS

Name and Address of person who is to receive club correspondence:

.....
..... Postcode

Names of those covered by the Family Membership:

NAME	DATE OF BIRTH
Father	N/A
Mother	N/A
Child 1	
Child 2	
Child 3	
Child 4	
Child 5	
Child 6	

APPENDIX 2

FORM OF APPOINTMENT OF PROXY FOR MEETING OF CLUB CONVENED UNDER RULE 8(7)

I,

(name)

of

(address)

being a member of the Langwarrin Tennis Club Inc.

appoint

(name of proxy holder)

of

(address of proxy holder)

being a member of that Incorporated Club, as my proxy to vote for me on my behalf at the appeal to the general meeting of the Club convened under rule 8(7), to be held on—

(date of meeting)

and at any adjournment of that meeting.

I authorise my proxy to vote on my behalf at their discretion in respect of the following resolution (insert details of resolution passed under rule 8(1)).

Signed

Date
