



Barton Tennis Club Incorporated

Corner Telopea Park and Wentworth Avenue
BARTON ACT 2600

ABN 74 671 140 745

RULES OF THE CLUB DATED 14 NOVEMBER 2021

RULES OF THE CLUB IN ACCORDANCE WITH THE ASSOCIATIONS INCORPORATION ACT 1991

The rules, replace the former Constitution of the Barton Tennis Club Incorporated, dated 9 December 2009, which was in accordance with the Associations Incorporation Act 1991.

1. Name

The name of the incorporated association is the Barton Tennis Club Incorporated (in these Rules called "the Club"). The Club carries on its activities at Section 19, Block 4, Barton ACT. 2600

2. Definitions

1) In these Rules, unless the contrary intention appears:

"Act" means the Associations Incorporation Act 1991 and includes any regulations made under that Act

"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 31.

"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 6;

"public officer" of the Club is the secretary

"Regulations" means regulations under the Act.

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

"By-laws" means any By-laws made pursuant to the provision of these Rules.

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

a) if a person holds office under these Rules as Secretary of the Club, to that person

b) in any other case, to the Public Officer of the Club.

"Special resolution of members" is a resolution that is passed if not less than three quarters of the members voting at a general meeting (whether in person or by proxy) vote in favour of the resolution.

3. Alteration of the rules

These rules and the statement of purposes of the Club may only be altered by a special resolution at either a special general meeting or an annual general meeting of the Club.

4. Statement of Purposes

- 1) To provide for the playing and general advancement of the game of tennis.
- 2) To provide for the playing of tennis or any other athletic games the General Committee may decide
- 3) To provide and maintain from the funds of the Club, facilities and accommodation for members and their guests upon the premises.

5. Committee of Management

- 1) The affairs of the Club shall be managed by the committee of management. A member is eligible to be elected or appointed as a committee member if the member is 18 years or over and is entitled to vote at a general meeting.
- 2) The committee:
 - a) shall control and manage the business and affairs of the Club and its decisions shall be binding on all members.
 - 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.
 - 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.
 - d) shall have the power to borrow money in order to provide funds for the general running of the Club or for capital works.
 - e) may appoint sub committees, consisting of any members of the Club with such powers as they deem expedient for carrying out the objectives of the Club.
 - f) have jurisdiction over all committees and sub committees of the Club.
 - g) have the power to frame By-laws consistent with these Rules of the Club, for the general management of the Club and conduct of its members, and to alter, amend or rescind such By-laws.
- 3) The Committee shall consist of:
 - a) the officers of the Club as per Clause 6
 - b) up to six ordinary members – the number to be determined at the Annual General Meeting (AGM) and these persons elected at the AGM may also be elected at the AGM to hold some of the Positions as set out in Clause 17, otherwise the Committee will determine the Positions held by these members of the Committee.

Each of whom in (a) and (b) above shall be elected at the annual general meeting of the Club in each year.

In addition a mid week ladies representative who would be nominated as an ordinary member by the mid week ladies members prior to the Annual General Meeting and who then automatically becomes a member of the Committee.

6. Office holders

- 1) The officers of the Club shall be:
 - a) President
 - b) Vice-President
 - c) Treasurer
 - d) Secretary (also called Public Officer under the Act)

- e) Membership Secretary
- f) Club Coach

2) 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.

3) In the event of a casual vacancy in any office referred to in sub-rule (1) above or in Section 17, the committee may appoint one of its Committee members or any other eligible member of the Club 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.

7. Ordinary Members of the Committee

1) 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 any 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.

8. 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 prior to the time for the holding of the annual general meeting, or
- c) nominated and seconded at the AGM.

2) A candidate may only be nominated for one office, or as an ordinary member of the committee, at 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 by secret ballot at the annual general meeting in such manner as the committee may direct. The Returning Officer must not be a member nominated for a position that is the subject of the vote.

7) Each Committee member must:

- a) become familiar with these Rules,
- b) exercise their powers and discharge their duties in good faith in the best interests of the Club and for a proper purpose,
- c) not make improper use of their position or information acquired by virtue of holding their position so as to gain an advantage for themselves or any other person or to cause detriment to the Club . This also applies to past Committee members.

9. Committee 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, or
- d) fails to attend 3 consecutive committee meetings unless leave of absence has been granted by the Committee.

10. Meetings of the Committee

- 1) The committee must meet at least 6 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
- 3) Any resolution made at a Special meeting must be passed by an absolute majority of the Committee.

11. Notice of Committee Meetings

- 1) Notice of each committee meeting must be given to each member of the committee at least 7 days before the date of the meeting.
- 2) Where the Committee agrees that meetings will be held on the same day in each month no specific notice of each meeting is required.
- 3) For Special Meetings as much notice as is practical is to be given to each Committee member by the quickest means practicable and the only business conducted may be that for which the meeting is convened.

12. 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.
- 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 a place and time determined by the Committee.
- 4) The committee may act notwithstanding any vacancy on the committee.

13. Presiding at Committee Meetings

At meetings of the committee:

- a) the President or, in the President's absence, the Vice-President presides as Chairperson, 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.

14. 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.

15. 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.

16. The Secretary and Minutes of Meetings

- 1) The Committee must ensure that minutes are taken and kept of each committee meeting and each general meeting. The minutes must record the following:
 - a) the names of the members in attendance at the meeting;
 - b) the business considered at the meeting;
 - c) any resolution on which a vote is taken and the result of the vote;
 - d) any material personal interest disclosed .
- 2) The Secretary must perform any duty or function required under the Act to be performed by the secretary of an incorporated association.

Example: Under the Act, the secretary of an incorporated association is responsible for lodging documents of the association with the Registrar.

- 3) The Secretary must:
 - a) ensure that the register of members is maintained by the Membership Secretary and includes all information required in Clause 26;
 - b) ensure that the Treasurer maintains all the financial books and records as per Rule 39 ;
 - c) keep custody of the common seal of the Club and, except for the items referred to in (a) and (b), keep custody of all other books, documents and securities of the Club ;
 - d) subject to the Act and these Rules, ensure that members have access to documents and records as per Rule 43;
 - e) perform any other duty or function imposed on the Secretary by these Rules
 - f) give to the Registrar notice of his or her appointment within 14 days after the appointment.

17. Committee Appointed Positions

The Committee has the power to appoint Club members to the following positions, who shall report to the Committee at least once every 3 months:

- a) Club Captain
- b) Publicity Officer
- c) Social Secretary
- d) Works and Maintenance Officer
- e) Assistant Works and Maintenance Officer
- f) Night Tennis Representative
- g) Junior Representative
- h) Ball Steward
- i) Tournament Director
- j) Team Selection Committee

18. Team Selection Committee

The Team Selection Committee shall comprise 3 members appointed by the committee, together with any Club Captain and Coach.

19. Privileges of Membership

- 1) Admission to the Clubhouse in accordance with the By-laws laid down by the General Committee.
- 2) Use of the Club's courts in accordance with the By-laws laid down by the General Committee.
- 3) To be elected as Honorary Patrons, Honorary Life Members and Members of the General Committee as recommended by the Committee of Management and Members at an Annual General Meeting
- 4) To receive notice of General Meetings and proposed resolutions and attend and vote at all General Meetings of the Club.

20. Membership

Any person who supports the purposes of the Club in Clause 4 is eligible for membership subject to the Committee having the right to require a member to have a reasonable standard of ability to play tennis, as determined by the Committee. The members shall be divided into the following classes, and the numbers of members in each class may be limited to such numbers as the Committee may from time to time decide:

- a) Adult Members must be persons over the age of 18 years, and they shall be entitled to all the privileges of membership as defined in Rule 19 (1-4).
- b) Junior Members must be persons under the age of 18 years at the beginning of the financial year for which the subscription has been paid unless otherwise authorized by the General Committee, and are entitled to the privileges defined in Rule 19 (1-2).
- c) Non-playing Members are members who have paid their entrance fee and subscription applicable to this class of member, but who are excluded from privileges defined in Rule 19 (2-4).
- d) Special Members, upon recommendation of the Committee any person who has rendered special service to the Club may be elected an Honorary Patron and/or an Honorary Life Member at any Annual General Meeting or at a Special General Meeting of the Club. A majority of 75% of those present is required to elect a Life Member or 50% to elect a Patron.

- e) Visiting Membership: At the discretion of the Committee, persons who are existing members of a Tennis Club affiliated with a local or international tennis Club may be offered visiting Membership on a short term basis in the membership categories defined in Rule 20 (a), (b) and (c), but shall have no voting rights nor hold any position within the Club.

21. Proposal for Membership

- 1) 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 joining fee and annual subscription payable under these Rules.
- 2) An application of a person for membership of the Club must be:
 - a) in writing using the prescribed application form; and
 - b) be lodged with the Membership Secretary of the Club.
- 3) As soon as practicable after the receipt of an application, the Membership Secretary must refer the application to the committee.
- 4) The committee must determine whether to approve or reject the application.
- 5) If the committee approves an application for membership, the Membership 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 joining fee and the first year's annual subscription.
- 6) The Membership Secretary must, within 28 days after receipt of the amounts referred to in sub-rule (5) enter the applicant's name in the register of members.
- 7) If any member does not pay the prescribed fee within 28 days of election, such election shall be void unless the General Committee agrees to an extension of time.
- 8) An applicant for membership becomes a member and is entitled to exercise the rights of membership when all fees have been received.
- 9) If the committee rejects an application, the Membership Secretary must, as soon as practicable, notify the applicant in writing that the application has been rejected. No reason need be given for the rejection of an application but any money received must be returned to the applicant.

22. Ceasing Membership

- 1) Any member may resign their membership at any time by notification in writing to the Membership Secretary, and there upon shall cease to be a member of the Club, but no such resignation or cancellation of membership under Rule 25 or Rule 27 (1) shall relieve any member from payment of any subscription or other money due or payable at the time of resignation.
- 2) A right, privilege or obligation of a person by reason of membership of the Club is not transferable to another person and terminates on cessation of membership.
- 3) The membership of a person ceases on resignation, expulsion or death. The Membership Secretary must as soon as practical enter the date the person ceased to be a member in the register of members.
- 4) A member is taken to have resigned if the member's annual subscription is more than one month in arrears (refer also to Clause 25 – Subscriptions in Arrears).

23. Joining Fee

The joining fee shall be such sums determined by the General Committee from time to time.

24. Annual Subscriptions

- 1) The annual subscriptions shall be such sums determined by the Committee of Management.
- 2) Annual subscription may be reduced on a pro rata basis for new members joining mid-year, at the Committee's discretion.
- 3) The Committee has the right to set a maximum annual subscription for a family unit.
- 4) Annual subscriptions shall be due and payable immediately following the end of the financial year.
- 5) The subscription rate payable by a person given Visiting membership shall be at monthly rate equivalent to the appropriate annual subscription, or at a rate as determined by the committee.

25. Subscriptions in Arrears

Any member whose subscription is in arrears, after receiving one month's notice, will be deemed to be unfinancial until the same has been paid, and may be excluded by the General Committee from the privileges of membership, or membership may be cancelled.

26. Register of members

- 1) The Membership Secretary must keep and maintain a register of members containing
 - a) the name and address of each member.
 - b) class of membership.
 - c) financial status.
- 2) All notices and letters to members will be sent by email, or posted in writing at the Clubhouse, and the notice shall be considered as duly delivered.

27. Conduct 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) reprimand, 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 stating the following:

- a) setting out the resolution of the committee and the grounds on which it is based
- 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
- c) stating the date, place and time of that meeting
- 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
- b) give due consideration to any written statement submitted by the member
- 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 (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.

8) At a general meeting of the Club convened under sub-rule (6):

- a) no business other than the question of the appeal may be conducted
- b) the committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution
- c) the member, or his or her representative, must be given an opportunity to be heard
- 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.

28. 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.
- 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
 - ii. in the case of a dispute between a member and the Club, a person who is a mediator appointed or employed by the Conflict Resolution Service ACT (https://www.mycommunitydirectory.com.au/Australian_Capital_Territory/Canberra/Legal_Assistance_Info rmation_Services/Mediation_Ombudsman_Support/24729/150516/Conflict_Resolution_Service).
- 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
 - b) allow due consideration by all parties of any written statement submitted by any party
 - 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.

29. Annual General Meetings

- 1) The committee may determine the date, time and place of the annual general meeting of the Club, but no later than October each year as the financial year ends on 30 June 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 minutes of the previous annual general meeting & of any general meeting held since that meeting.
 - b) to receive and consider committee reports upon the transactions of the Club during the last preceding financial year.
 - c) to elect officers of the Club and the ordinary members of the committee and an honorary Auditor.
 - d) to set the rate of Annual Subscriptions and Joining fees as per Rule 24.
 - e) to receive and consider the annual financial statements of the Club for the preceding financial year submitted by the Treasurer in accordance with Part 7 of the Act.

- 4) The annual general meeting may conduct any special business of which notice has been given in accordance with these Rules.
- 5) Minutes must be kept of the Annual General Meeting as per Rule 16.

30. 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,
 - 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.

31. 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 these Rules as ordinary business of the annual general meeting, is deemed to be special business.

32. 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 email; or
 - b) posted in writing at the Clubhouse.
- 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 the Secretary in writing or by email the detail of that business, who then must include that business in the notice calling the next general meeting.

33. 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) Twelve 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.
- b) in any other case, the meeting shall stand adjourned to a place and time specified by the Chairperson at the time of the adjournment.

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 10) shall be a quorum.

34. 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.

35. Adjournment of General 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 32.

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.

36. Voting at General Meetings

1) Upon any question arising at a general meeting of the Club, a member 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, other than the amount of the annual subscription payable in respect of the current financial year.

37. 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 is to be made by the Chairperson that a resolution has been:
 - i) carried, or
 - ii) carried unanimously, or
 - iii) carried by a particular majority, or
 - iv) lost.
- 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.

38. 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 27 (7) – Conduct of a member, in the form set out in Appendix 1.
 - b) in any other case, in the form set out in Appendix 2.

39. Funds

- 1) The Club must have a bank account with a recognized financial institution into which all Club revenue is deposited and from which all Club expenditure is paid.
- 2) The Club must retain all the financial records for 7 years after the end of each year.
- 3) The Treasurer of the Club must:
 - a) Account for all money received and due to the Club and make all payments authorised by the Club Committee, subject to any restrictions imposed by a general meeting of the Club.
 - 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.
- 4) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by two Members of the Committee, or such other persons as the Committee may appoint for the purpose.
- 5) The Committee may authorise the Treasurer to expend funds on behalf of the Club (including by electronic transfer) up to a specified limit without requiring prior approval from the Committee for each item on which funds are expended.
- 6) The funds of the Club shall be derived from joining fees, annual subscriptions, donations and such other sources as the Committee determines.
- 7) Every member shall pay any levy which may be made, provided by a resolution to that effect shall have been carried at an Annual General Meeting or a Special General Meeting convened for that purpose.

8) The financial year shall commence on the 1st July and the Treasurer shall prepare and submit financial statements for each year ending on 30th June for the Club as required by the Act and for the approval by the Committee. Such Statements shall be audited by an Honorary Auditor and then submitted for adoption at the Annual General Meeting of members. The audited and adopted financial statements must be certified by the Committee and lodged with the Registrar together with accompanying reports, certificates, statements and fee.

40. 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.

41a. Notice to members or Committee members

Any notice that is required to be given to a member or a Committee member by on behalf of the Club, under these Rules may be given by:

- a) handing the notice to the member personally; or
- b) email

NB. The above do not apply to an urgent Special Committee meeting – refer to Rule 11(3).

41b. Notice by members to Club

Any notice required to be given to the Club by a member may be given:

- a) by handing the notice to a member of the Committee;
- b) by sending the notice to the registered address of the Club;
- c) by leaving the notice at the registered address of the Club;
- d) if the Committee determines that it is appropriate in the circumstances, by email to the email address of the Club.

42. Winding up and Cancellation and Restrictions on Distribution

1. The Club may be wound up voluntarily by special resolution.
2. The Club is hereby prohibited from making any distribution whether in property, money or otherwise to its members provided however that this rule shall not prevent payment in good faith of remuneration to any officers or servants of the club.
3. In the event of the winding up or the cancellation of the incorporation of the Club, the assets of the Club must be disposed of in accordance with the provisions of the Act. In particular surplus assets of the Club must not be distributed to any members or former members of the Club. Subject to the Act and any court order under section 133 of the Act, the surplus assets must be given to a body that has similar purposes to the Club and which is not carried on for the profit or gain of its individual members.

43. Custody 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. In accordance with these Rules the Treasurer has custody of all the financial records and the Membership Officer has custody of the membership records.

2) All accounts, books, securities, general meeting and committee minutes and any other relevant documents of the Club must be available for inspection free of charge by any member upon request but this is subject to (4) below. As the Membership records are in electronic format then the member can only have access to their own membership record which may be provided in hard copy format.

3) A member may make a copy of any accounts, books, securities and any other relevant documents of the Club but this is subject to (4) below. The Club may charge a reasonable fee for providing a copy of any record or document. No fee may be charged for a copy of these Rules which will be included on the Club's website.

4) The Committee may refuse to permit a member to inspect or copy records of the Club that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the Club.

44. Interpretation

Should any questions arise as to the interpretation of these Rules, it shall be decided by the Committee.

APPENDIX #1

Form of Appointment of Proxy for Meeting of Club convened under Rule 27(7)

(re: Conduct of a Member)

I,

(name)

of

(address)

being a member of

(name of Incorporated Club)

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 7(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 7(1)).

.....

Signed

Date

APPENDIX #2

Form of Appointment of Proxy
(for a General Meeting)

I,

(name)

of

(address)

being a member of

(name of Incorporated Club)

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 annual/special* general meeting of the Club to be held on

.....

(date of meeting)

and at any adjournment of that meeting.

My proxy is authorised to vote in favour of/against* the following resolution (insert details of resolution).

.....

Signed

Date

** Delete if not applicable*