

# BRADDON TENNIS CLUB CONSTITUTION

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## Part 1 Preliminary

### 1 Constitution and relevant legislation

- (1) These rules comprise the Constitution of the Braddon Tennis Club Incorporated.
- (2) The rules are to be read in conjunction with the *Associations Incorporation Act 1991* and any regulations made under that Act.
- (2) The *Legislation Act 2001* applies to these rules in the same way as it would if they were an instrument made under the Act.

### 2 Definitions

*Note: A definition applies except so far as the contrary intention appears (see Legislation Act 2001, s 155).*

In these rules—

**club** means the Braddon Tennis Club Incorporated.

**code of conduct** means the rules of behaviour for the members of the club.

**committee member** means an office bearer of the club as mentioned in section 15.

**financial year** means the year ending on 30 June.

**member** means a member, however described, of the club.

**principal office bearer** means the president, secretary or treasurer of the committee of the club.

**secretary** means the person holding office under these rules as secretary of the club or, if no such person holds that office, the public officer of the club.

**the Act** means the *Associations Incorporation Act 1991*.

**the regulation** means the *Associations Incorporation Regulation 1991*.

## **Part 2 Objects**

### **3 Objects of the Club**

The objects of the club are to—

- (a) provide, enhance and maintain club facilities and services at 13 Elder Street, Braddon, ACT for the benefit of members and the local community
- (b) facilitate and promote the game of tennis and active participation in sport
- (c) be a valued and vibrant community hub for social interaction, recreation, learning and development.

### **4 Club colours**

Club colours are at the discretion of the Braddon Tennis Club Committee and may change from time to time.

## Part 3 Membership

### 5 Membership qualifications

A person is qualified to be a full member if the person—

- (a) has applied for membership in accordance with section 6 (1); and
- (b) has agreed to abide by the rules of the club and the code of conduct of the club; and
- (c) has been approved for full membership of the club by the committee of the club.

### 6 Application for membership

- (1) A membership application must be made in the form set out on the club website and lodged online.
- (2) As soon as the application for membership is lodged and the appropriate membership fee is received by the club—
  - (a) the applicant is a member of the club; but
  - (b) such membership is *provisional* pending the decision of the committee to approve or reject full membership.
- (3) Once the committee decides to approve or reject full membership, the membership secretary must as soon as practicable notify the provisional member of that decision.
- (4) If the committee decides to reject full membership, the treasurer must, as soon as practicable, refund any membership fee paid by the provisional member.
- (5) The membership secretary must ensure accurate registry of all provisional and full members of the club, including in relation to the decisions made by the committee.

## **7 Membership entitlements not transferable**

A right, privilege or obligation that a person has because of being a member of the club—

- (a) cannot be transferred or transmitted to another person; and
- (b) terminates on cessation of the person's membership.

## **8 Cessation of membership**

A person ceases to be a member of the club if the person—

- (a) dies or, for a corporation, is wound up; or
- (b) resigns from membership of the club; or
- (c) is expelled from the club; or
- (d) fails to renew membership of the club.

## **9 Resignation of membership**

(1) A member is not entitled to resign from membership of the club except in accordance with this section.

(2) A member who has paid all amounts payable by the member to the club may resign from membership of the club by first giving notice (of not less than 1 month or, if the committee has determined a shorter period, that shorter period) in writing to the membership secretary of the member's intention to resign and, at the end of the period of notice, the member ceases to be a member.

(3) If a person ceases to be a member, the membership secretary must make an appropriate entry in the register of members recording the date the member ceased to be a member.

## **10 Fees**

(1) Membership fees and any other fees payable by members and guests of the club shall—

- (a) be determined by the committee;
- (b) be made available on the Braddon Tennis Club website.

(2) The annual membership fee is due every 12 months from the date the membership expires.

(3) The use of club amenities and services by individuals or groups that are not members of the club shall be at the discretion of the committee, including any fees for accessing and using amenities and services of the club.

## **11 Members' liabilities**

The liability of a member to contribute towards the payment of the debts and liabilities of the club or the costs, charges and expenses of the winding up of the club is limited to the amount (if any) unpaid by the member in relation to membership of the club as required by section 10.

## **12 Disciplining of members**

(1) If the principal office bearers are of the opinion that a member—

(a) has refused or neglected to comply with a provision of these rules; or

(b) has refused or neglected to comply with the code of conduct of the club;

(c) has wilfully acted in a manner prejudicial to the interests of the club;

the principal office bearers may, by unanimous resolution—

(c) expel the member from the club; or

(d) suspend the member from the rights and privileges of membership of the club that the committee may decide for a specified period.

(2) A resolution of the principal office bearers under subsection (1) is of no effect unless the principal office bearers, at a meeting held not earlier than 14 days and not later than 28 days after service on the member of a notice under subsection (3), confirms the resolution in accordance with this section.

- (3) If the principal office bearers pass a resolution under subsection (1), the secretary must, as soon as practicable, serve a written notice on the member—
- (a) setting out the resolution of the principal office bearers and the grounds on which it is based; and
  - (b) stating that the member may address the principal office bearers at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice; and
  - (c) stating the date, place and time of that meeting; and
  - (d) informing the member that the member may do either or both of the following—
    - (i) attend and speak at that meeting;
    - (ii) submit to the principal office bearers at or before the date of that meeting written representations relating to the resolution.
- (4) Subject to the Act, section 50, at a meeting of the principal office bearers mentioned in subsection (2), the principal office bearers must—
- (a) give to the member mentioned in subsection (1) an opportunity to make oral representations; and
  - (b) give due consideration to any written representations submitted to the principal office bearers by that member at or before the meeting; and
  - (c) by unanimous resolution decide whether to confirm or to revoke the resolution of the principal office bearers made under subsection (1).
- (5) If the principal office bearers confirm a resolution under subsection (4), the secretary must, within 7 days after that confirmation, by written notice inform the member of that confirmation and of the member's right of appeal under section 13.



(6) A resolution confirmed by the principal office bearers under subsection (4) does not take effect—

(a) until the end of the period within which the member is entitled to appeal against the resolution if the member does not exercise the right of appeal within that period; or

(b) if within that period the member exercises the right of appeal—unless and until the committee confirms the resolution in accordance with section 13 (4).

### **13 Right of appeal of disciplined member**

(1) A member may appeal to the full committee against a resolution of the principal office bearers that is confirmed under section 12 (4), within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.

(2) On receipt of a notice under subsection (1), the secretary must notify the committee which must call a meeting to be held within 21 days after the date when the secretary received the notice or as soon as possible after that date.

(3) Subject to the Act, section 50, at a meeting of the committee called under subsection (2)—

(a) no business other than the question of the appeal may be transacted; and

(b) the member must be given the opportunity to make representations in relation to the appeal orally or in writing, or both; and

(c) the committee members present, other than the principal office bearers, must vote by secret ballot on the question of whether the resolution made under section 12 (4) should be confirmed or revoked.

(4) If the meeting passes a resolution in favour of the confirmation of the resolution made under section 12 (4), that resolution is confirmed.

## **Part 4 Committee**

### **14 Powers of committee**

The committee, subject to the Act, the regulation, these rules, and to any resolution passed by the club in general meeting—

- (a) controls and manages the affairs of the club; and
- (b) may exercise all functions that may be exercised by the club other than those functions that are required by these rules to be exercised by the club in general meeting; and
- (c) has power to perform all acts and do all things that appear to the committee to be necessary or desirable for the proper management of the affairs of the club and the conduct of members; and
- (d) may appoint members of the club to positions and/or subcommittees to carry out the objectives of the club, under the jurisdiction of the committee; and
- (e) may determine and set the different categories of membership, fees and privileges of members of the club; and
- (f) may borrow money to provide funds for the general running of the club or for capital works, upon informing members prior to borrowing.

### **15 Committee members**

(1) The committee consists of the office bearers of the club, each of whom must be elected under section 16 or appointed in accordance with subsection (5) or subsection (6).

(2) The office bearers of the club are the—

- (a) president;
- (b) treasurer;
- (c) secretary;
- (d) membership secretary;
- (e) communications and social media officer;
- (f) property management officer;
- (g) club coach (appointed as per subsection 5).

(3) Each member of the committee holds office, subject to these rules, until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.

(4) It is an expectation of the club that committee members play tennis at the club and also contribute to working bees and other club activities.

(5) The club coach position is—

(a) selected and appointed under agreement for a defined period, as determined by the appointed committee at time of agreement; and

(b) this agreement may extend over successive appointed committee periods.

(6) If there is a vacancy in the membership of the committee, the committee may appoint a member of the club to fill the vacancy and the member so appointed holds office, subject to these rules, until the conclusion of the next annual general meeting after the date of the appointment.

## **16 Election of committee members**

(1) Nominations of candidates for election as office bearers of the club—

(a) must be made in writing using the committee nomination form (see Appendix 1), signed by the candidate and 1 member of the club; and

(b) must be given to the secretary of the club not less than 3 days before the date fixed for the annual general meeting at which the election is to take place.

(2) If insufficient nominations are received to fill all vacancies on the committee, further nominations may be received at the annual general meeting.

(3) If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be vacancies.

(4) If the number of nominations received is equal to the number of vacancies to be filled—

(a) a ballot in favour or against a person holding a nominated position must still be held; and

(b) if the ballot is not in favour of that person holding the position, then the position is taken to be a vacancy.

(5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot must be held.

(6) The ballot for the election of office bearers must be conducted at the annual general meeting in the way the committee may direct.

(7) A person may nominate for more than one position but is not eligible to simultaneously hold more than 1 position on the committee.

## **17 Secretary**

(1) The secretary of the club must—

(a) as soon as practicable after being appointed as secretary, notify the club of his or her contact details and address; and

(b) give to the registrar general notice of his or her appointment or change of address, and notice of committee appointments or changes of address, no later than 1 month after the event, in accordance with the Act; and

(b) perform any duty or function required under the Act and regulations to be performed by the secretary or public officer of an incorporated association.

(2) The secretary must keep minutes of—

(a) all elections and appointments of office bearers; and

(b) the names of members of the committee present at a committee meeting or a general meeting; and

(c) all proceedings at committee meetings and general meetings, including any resolution in which a vote is taken and the result of the vote, and any material personal interest disclosed.

(3) Minutes of proceedings at a meeting must be signed by the person presiding at the meeting or by the person presiding at the next succeeding meeting.

## **18 Treasurer**

The treasurer of the club must—

- (a) as soon as practicable after being appointed as treasurer, notify the club of his or her contact details and address; and
- (b) facilitate the accounting, audit and annual return requirements of the club in accordance with part 5 of the Act; and
- (c) collect and receive all amounts owing to the club and make all payments authorised by the club; and
- (d) 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.

## **19 Membership Secretary**

The membership secretary of the club must—

- (a) as soon as practicable after being appointed as membership secretary, notify the club of his or her contact details and address; and
- (b) keep and maintain a register of members, including member details (name, address, contact), class of membership and financial status; and
- (c) send notice to members when membership fees are due as per section 10 (2), providing members at least 28 days to make payment and, if any member does not pay the membership fee undertake appropriate action to cease the membership unless the committee agrees to an extension of time.

## **20 Vacancies**

For these rules, a vacancy in the office of a member of the committee happens if the member—

- (a) dies; or
- (b) ceases to be a member of the club; or

- (c) resigns the office; or
- (d) is removed from office under section 21 (Removal of committee members); or
- (e) becomes bankrupt or personally insolvent; or
- (f) suffers from mental or physical incapacity; or
- (g) is disqualified from office under the Act, section 63 (1); or
- (h) is absent without the consent of the committee from all meetings of the committee held during a period of 4 months.

## **21 Removal of committee members**

- (1) If the principal office bearers are of the opinion that a committee member—
  - (a) has persistently and wilfully acted in a manner that is prejudicial to the committee and the interests of the club; or
  - (b) has neglected or failed to fulfil their appointed office bearer role

the principal office bearers may, by unanimous resolution—

- (c) remove any member of the committee before the expiration of the member's term of office; and
  - (d) appoint another member in his or her place to hold office until the expiration of the term of the first-mentioned member.
- (2) A resolution of the principal office bearers under subsection (1) is of no effect unless the principal office bearers, at a meeting held not earlier than 14 days and not later than 28 days after service on the committee member of a notice under subsection (3), confirms the resolution in accordance with this section.

(3) If the principal office bearers pass a resolution under subsection (1), the president must, as soon as practicable, serve a written notice on the committee member—

- (a) setting out the resolution of the principal office bearers and the grounds on which it is based; and
- (b) stating that the committee member may address the principal office bearers at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice; and
- (c) stating the date, place and time of that meeting; and
- (d) informing the committee member that the member may do either or both of the following:
  - (i) attend and speak at that meeting;
  - (ii) submit to the principal office bearers at or before the date of that meeting written representations relating to the resolution.

(4) Subject to the Act, section 50, at a meeting of the principal office bearers mentioned in subsection (2), the principal office bearers must—

- (a) give to the committee member mentioned in subsection (1) an opportunity to make oral representations; and
- (b) give due consideration to any written representations submitted to the principal office bearers by that committee member at or before the meeting; and
- (c) by unanimous resolution decide whether to confirm or to revoke the resolution of the principal office bearers made under subsection (1).

(5) If the principal office bearers confirm a resolution under subsection (4), the president must, within 7 days after that confirmation, by written notice inform the committee member of that confirmation and of the committee member's right of appeal under section 22.

(6) A resolution confirmed by the principal office bearers under subsection (4) does not take effect—

(a) until the end of the period within which the committee member is entitled to appeal against the resolution if the member does not exercise the right of appeal within that period; or

(b) if within that period the committee member exercises the right of appeal—unless and until the committee confirms the resolution in accordance with section 22 (4).

(7) If the subject of subsection (1) is a principal office bearer, then the two other principal office bearers may exercise this section.

## **22 Right of appeal of disciplined committee member**

(1) A committee member may appeal to the full committee against a resolution of the principal office bearers that is confirmed under section 21 (4), within 7 days after notice of the resolution is served on the committee member, by lodging with the president a notice to that effect.

(2) On receipt of a notice under subsection (1), the president must notify the committee which must call a meeting to be held within 21 days after the date when the president received the notice or as soon as possible after that date.

(3) Subject to the Act, section 50, at a meeting of the committee called under subsection (2)—

(a) no business other than the question of the appeal may be transacted; and

(b) the committee member must be given the opportunity to make representations in relation to the appeal orally or in writing, or both; and

(c) the committee members present, other than the principal office bearers and the subject of subsection (1), must vote by secret ballot on the question of whether the resolution made under section 21 (4) should be confirmed or revoked.

(4) If the meeting passes a resolution in favour of the confirmation of the resolution made under section 21 (4), that resolution is confirmed.



## **23 Committee meetings and quorum**

- (1) The committee must meet at least 6 times in each financial year at the place and time that the committee may decide.
- (2) Additional meetings of the committee may be called by the president or any 3 members of the committee.
- (3) Oral or written notice of a meeting of the committee must be given by the secretary to each member of the committee at least 48 hours (or any other period that may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting.
- (4) Notice of a meeting given under subsection (3) must specify the general nature of the business to be transacted at the meeting and no business other than that business may be transacted at the meeting, except business that the committee members present at the meeting unanimously agree to treat as urgent business.
- (5) Any 4 members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.
- (6) No business may be transacted by the committee unless a quorum is present and, if within half an hour after the time appointed for the meeting a quorum is not present, the meeting is dissolved.
- (7) At meetings of the committee the president or, in the absence of the president, one of the members of the committee may be chosen by the members to preside.

## **24 Delegation to appointed position or subcommittee**

- (1) The committee may, in writing, delegate to 1 or more appointed positions or subcommittees (consisting of the member or members of the club that the committee considers appropriate) the exercise of the functions of the committee that are specified in the instrument, other than—
  - (a) this power of delegation; and
  - (b) a function that is a function imposed on the committee by the Act or by any other Territory law.

- (2) A function, the exercise of which has been delegated to an appointed position or subcommittee under this section may, while the delegation remains unrevoked, be exercised from time to time by the appointed position holder or subcommittee in accordance with the terms of the delegation.
- (3) A delegation under this section may be made subject to any conditions or limitations about the exercise of any function, that may be specified in the instrument of delegation.
- (4) Despite any delegation under this section, the committee may continue to exercise any function delegated.
- (5) Any act or thing done or suffered by an appointed position holder or subcommittee acting in the exercise of a delegation under this section has the same force and effect as it would have if it had been done or suffered by the committee.
- (6) The committee may, in writing, revoke wholly or in part any delegation under this section.
- (7) An appointed position holder or subcommittee—
  - (a) may meet and adjourn as appropriate; and
  - (b) must report to the committee.

## **25 Voting and decisions**

- (1) Questions arising at a meeting of the committee or of any subcommittee appointed by the committee are decided by a majority of the votes of members of the committee or subcommittee present at the meeting.
- (2) Each member present at a meeting of the committee or of any subcommittee appointed by the committee (including the person presiding at the meeting) is entitled to 1 vote but, if the votes on any question are equal, the person presiding may exercise a second or casting vote.

## **Part 5 General meetings**

### **26 Annual general meetings—holding of**

- (1) The club must, at least once in each calendar year and within 5 months after the end of each financial year of the club, call an annual general meeting of its members.
- (2) Subsection (1) has effect subject to the powers of the registrar general under the Act, section 120 in relation to extensions of time.

### **27 Annual general meetings—calling of and business at**

- (1) The annual general meeting of the club must, subject to the Act, be called on the date and at the place and time that the committee considers appropriate.
- (2) In addition to any other business that may be transacted at an annual general meeting, the business of an annual general meeting is—
  - (a) to confirm the minutes of the last annual general meeting and of any general meeting held since that meeting; and
  - (b) to receive from the committee reports on the activities of the club during the last financial year; and
  - (c) to elect committee members; and
  - (d) to receive and consider the statement of accounts and the reports that are required to be submitted to members under the Act, section 73 (1).

(3) An annual general meeting must be specified as such in the notice calling it in accordance with section 29 (Notice).

(4) An annual general meeting must be conducted in accordance with the provisions of this part.

### **28 General meetings—calling of**

- (1) The committee may, whenever it considers appropriate, call a general meeting of the club.

(2) The committee must, on the requisition in writing of not less than 5% of the total number of members, call a general meeting of the club.

(3) A requisition of members for a general meeting—

(a) must state the purpose or purposes of the meeting; and

(b) must be signed by the members making the requisition; and

(c) must be lodged with the secretary; and

(d) may consist of several documents in a similar form, each signed by 1 or more of the members making the requisition.

(4) If the committee fails to call a general meeting within 1 month after the date when a requisition of members for the meeting is lodged with the secretary, any 1 or more of the members who made the requisition may call a general meeting to be held not later than 3 months after that date.

(5) A general meeting called by a member or members mentioned in subsection (4) must be called as nearly as is practicable in the same way as general meetings are called by the committee and any member who thereby incurs expense is entitled to be reimbursed by the club for any reasonable expense so incurred.

## **29 Notice**

(1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the club, the secretary must, at least 14 days before the date fixed for the holding of the general meeting, send notice to each member specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.

(2) Notice to members will be communicated using any contact details supplied by members recorded in the register of members, and any notices sent using any of these details will be considered duly delivered.

(3) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the club, the secretary must, at least 21 days before the date fixed for the holding of the general meeting, send notice to each member in the way provided in subsection (1) and subsection (2) specifying, in addition to the matter required under that subsection, the intention to propose the resolution as a special resolution.

(4) No business other than that specified in the notice calling a general meeting may be transacted at the meeting except, for an annual general meeting, business that may be transacted under section 27 (2).

(5) A member desiring to bring any business before a general meeting may give written notice of that business to the secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

### **30 General meetings—procedure and quorum**

(1) No item of business may be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.

(2) Five members present in person (who are entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.

(3) If within 30 minutes after the appointed time for the start of a general meeting a quorum is not present, the meeting if called on the requisition of members is dissolved and in any other case stands adjourned to the same day in the following week at the same time and (unless another place is specified at the time of adjournment by the person presiding at the meeting or communicated 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 a quorum is not present within 30 minutes after the time appointed for the start of the meeting, the members present (being not less than 3) constitute a quorum.

### **31 Presiding member**

(1) The president, or in the absence of the president, the secretary or treasurer, presides at each general meeting of the club.

(2) If the president, secretary or treasurer are absent from a general meeting, the members present must elect 1 of their number to preside at the meeting.

## **32 Adjournment**

(1) The person presiding at a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business may be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

(2) If a general meeting is adjourned for 14 days or more, the secretary must give written or oral notice of the adjourned meeting to each member of the club stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.

(3) Except as provided in subsections (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

## **33 Making of decisions**

(1) A question arising at a general meeting of the club is to be decided 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 person presiding that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or 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.

(2) At a general meeting of the club, a poll may be demanded by the person presiding or by not less than 3 members present at the meeting.

(3) If the poll is demanded at a general meeting, the poll must be taken—

(a) immediately if the poll relates to the election of the person to preside at the meeting or to the question of an adjournment; or

(b) in any other case—in the way and at the time before the close of the meeting that the person presiding directs, and the resolution of the poll on the matter is taken to be the resolution of the meeting on that matter.

## **34 Voting**

- (1) Subject to subsection (3), on any question arising at a general meeting of the club a member has 1 vote only.
- (2) All votes must be given personally and proxies are not allowed.
- (3) If the votes on a question at a general meeting are equal, the person presiding is entitled to exercise a second or casting vote.
- (4) A member is not entitled to vote at any general meeting of the club unless all money due and payable by the member to the club has been paid, other than the amount of the annual subscription payable for the then current year.

## **Part 6 Miscellaneous**

### **35 Funds—source**

(1) The funds of the club shall be derived from membership fees, donations and, subject to any resolution passed by the club in general meeting and subject to the Act, section 114, any other sources that the committee decides.

(2) All money received by the club must be deposited as soon as practicable and without deduction to the credit of the club's bank account.

(3) The club must, as soon as practicable after receiving any money, issue an appropriate receipt.

### **36 Funds—management**

(1) Subject to any resolution passed by the club in general meeting, the funds of the club must be used for the objects of the club in the way that the committee decides.

(2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 members of the committee or employees of the club, being members of the committee or employees authorised to do so by the committee.

(3) The committee may authorise the treasurer and other committee members to expend funds on behalf of the club up to a specified limit without requiring prior approval from the committee for each item on which funds are expended.

### **37 Alteration of objects and rules**

Neither the objects of the club mentioned in the Act, section 29 nor these rules may be altered except in accordance with the Act.

### **38 Common seal**

(1) The common seal of the club must be kept in the custody of the secretary.



(2) The common seal must not be attached to any instrument except by the authority of the committee and the attaching of the common seal must be attested by the signatures either of 2 members of the committee or of 1 member of the committee and of the secretary.

### **39 Custody of books**

Subject to the Act, the regulation and these rules, the secretary must keep in his or her custody or under his or her control all records, books, and other documents relating to the club.

### **40 Inspection of books**

The records, books and other documents of the club must be open to inspection at a place in the ACT, free of charge, by a member of the club at any reasonable hour.

### **41 Service of notice**

(1) For these rules, the club may serve a notice on a member by using any contact details supplied by members recorded in the register of members, and any notices sent using any of these details will be considered duly delivered.

*Note For how documents may be served, see the Legislation Act, part 19.5.*

(2) It is the responsibility of members to ensure their current contact details are provided to the club for recording in the register of members.

### **42 Surplus property**

(1) At the first general meeting of the club giving effect to these rules, the club must pass a special resolution nominating—

(a) another club for the Act, section 92 (1) (a); or

(b) a fund, authority or institution for the Act, section 92 (1) (b); in which it is to vest its surplus property in the event of the dissolution or winding up of the club.

(2) A club nominated under subsection (1) (a) must fulfil the requirements specified in the Act, section 92 (2).

### 43 Protection of members

- (1) The rules of the club and the code of conduct of the club shall be made available to members on the Braddon Tennis Club website.
- (2) The committee may alter or change the code of conduct of the club as necessary or desirable for the proper management of the conduct of members.
- (2) The club upholds the *Tennis Australia Member Protection By-law*, and any subsequent amendments thereto, as its policy for the protection of its members from harassment, vilification and other inappropriate behaviour.
- (3) Where the *Tennis Australia Member Protection By-law* is invoked, the committee shall have power to decide all matters in dispute.

### 44 Disputes and mediation

- (1) The grievance procedure set out in this section 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 appointed, employed or recommended by Tennis ACT.

- (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, in line with section 50 of the Act, is accorded to the parties to the dispute.
- (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 at law.

# Appendix 1

## Braddon Tennis Club Committee Nomination Form

I, .....  
 (full name)

of .....  
 (address)

a member of Braddon Tennis Club, nominate for the following officer-bearer position(s) on the club committee (circle one or more positions)—

1. President
2. Secretary
3. Treasurer
4. Membership Secretary
5. Communications and Social Media officer
6. Property Management Officer

*Note: members may nominate for more than one position on the committee but can only be appointed to one position (as per section 16 (7) of the club constitution).*

.....  
 (signature of nominating member)

Date .....

**Nomination seconded by:**

.....  
 (name of member of Braddon Tennis Club)

.....  
 (signature of member seconding this nomination)

Date .....

*Note: This nomination form must be given to the secretary of the club no less than 3 days before the date fixed for the annual general meeting at which the election is to take place (as per section 16 (1) of the club constitution).*

## Description of office bearer roles

The Braddon Tennis Club committee consists of 7 office bearer roles, including a Club Coach selected and appointed by the committee under agreement for a defined period (as per section 15 of the club constitution).

The following provides a generic description of the functions of each role. Roles are not limited to these functions only and may vary according to the decisions of the committee from year to year. It is an expectation of the club that committee members play tennis at the club and also contribute to working bees and other club activities.

<b>Position</b>	<b>Generic description of role</b>
President	<p>The president has the highest leadership position of the club and overall responsibility for the club's administration.</p> <p>The president's functions include—</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> serving as a representative and spokesperson for the club</li> <li><input type="checkbox"/> leading the annual planning of the club</li> <li><input type="checkbox"/> facilitating effective management of club/committee meetings</li> <li><input type="checkbox"/> guiding effective decisions for managing and operating the club</li> <li><input type="checkbox"/> ensuring members adhere to the rules of the club</li> <li><input type="checkbox"/> helping to build and maintain a positive culture within the club.</li> </ul>
Secretary	<p>The secretary (also public officer) is the person who maintains the records of the club, as required under the Associations Incorporation Act 1991.</p> <p>The secretary's functions include—</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> calling meetings of the club, including preparing notices of a meeting and of the business to be conducted at the meeting, in consultation with the president of the club</li> <li><input type="checkbox"/> keeping minutes of each meeting</li> <li><input type="checkbox"/> keeping copies of all correspondence and documents relating to the club</li> <li><input type="checkbox"/> maintaining the club's register of matters.</li> </ul>
Treasurer	<p>The treasurer is responsible for keeping the finances of the club healthy so the club can achieve its objectives.</p> <p>The treasurer's functions include—</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> collecting and receiving all amounts owing to the club and making all payments authorised by the club</li> <li><input type="checkbox"/> keeping correct accounts and books showing the financial affairs of the club, including all receipts and expenditure connected with the activities of the club</li> <li><input type="checkbox"/> tracking, projecting and reporting club finances.</li> </ul>

<p>Membership Secretary</p>	<p>The membership secretary is responsible for managing and growing the membership of the club.</p> <p>The membership secretary’s functions include—</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> communicating with prospective and current members regarding membership with the club, including when fees are due</li> <li><input type="checkbox"/> keeping and maintaining a register of members including member details (name, address, contact), class of membership and financial status</li> <li><input type="checkbox"/> helping to grow the membership of the club.</li> </ul>
<p>Communications and Social Media Officer</p>	<p>The communications and social media officer is responsible for stakeholder communications (internal and external) and profile raising for the club.</p> <p>The communications and social media officer’s functions include—</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> managing the club’s email inbox</li> <li><input type="checkbox"/> maintaining and developing content for the club’s online communication and engagement platforms (website, Facebook, etc)</li> <li><input type="checkbox"/> developing grant applications, correspondence and promotional material</li> <li><input type="checkbox"/> helping to raise the profile of the club.</li> </ul>
<p>Property Management Officer</p>	<p>The property management officer is responsible for managing and maintaining the property of the club, including the use of its facilities.</p> <p>The property management officer’s functions include—</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> parking management and inspection</li> <li><input type="checkbox"/> overseeing maintenance and repairs, including contractors</li> <li><input type="checkbox"/> developing and managing special projects to enhance the facilities and services of the club.</li> </ul>
<p>Club Coach</p> <p>*selected and appointed by the committee under agreement for a defined period.</p>	<p>The club coach plays a crucial role in building a culture of participation and development in the club, through tennis programs, skills development and advice.</p> <p>The club coach’s functions include—</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> providing tennis programs, incorporating individual and group coaching, and social and competitive tennis</li> <li><input type="checkbox"/> providing a positive environment for players to develop skills, tactics, teamwork and enjoyment of the game</li> <li><input type="checkbox"/> providing expert advice to the committee and players based on knowledge and experience in tennis</li> <li><input type="checkbox"/> ensuring courts and equipment are maintained for quality and safety</li> <li><input type="checkbox"/> actively increasing participation and development at the club.</li> </ul>