

**Floreat Park Tennis Club
Club Rules**

Adopted at General Meeting 15 June 2019

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Part 1 - Preliminary

1 Terms used

In these rules, unless the contrary intention appears —

Act means *the Associations Incorporation Act 2015*

associate member means a member falling into a membership category determined by the committee to fall within the class of membership referred to in sub-rule 15(2).

books, of the Club, includes the following —

- (a) a register
- (b) financial records, financial statements or financial reports, however compiled, recorded or stored
- (c) a document
- (d) any other record of information

By-Laws means By-Laws made by the Club under rule 63

Club means the incorporated association to which these rules apply

Commissioner means the person for the time being designated as the Commissioner under section 153 of the Act

committee means the management committee of the Club

committee meeting means a meeting of the committee

committee member means a member of the committee

financial records includes —

- (a) invoices, receipts, orders for the payment of money, bills of exchange, cheques, promissory notes and vouchers; and
- (b) documents of prime entry; and
- (c) working papers and other documents needed to explain —
 - (i) the methods by which financial statements are prepared; and
 - (ii) adjustments to be made in preparing financial statements

financial statements means the financial statements in relation to the Club required under Part 5 Division 3 of the Act

financial year, of the Club, has the meaning given in rule 4

general meeting, of the Club, means a meeting of the Club that all members are entitled to receive notice of and to attend

member means a person who is a member of the Club of one of the classes described in rule 8

office holder means a committee member who holds an office of the Club referred to in sub-rule 32(3)

ordinary committee member means a committee member who is not an office holder of the Club under sub-rule 32(3).

ordinary member means a member with the rights referred to in sub-rule 15(1)

President means the Committee member holding office as the President of the Club

register of members means the register of members referred to in section 53 of the Act

regulations means the *Associations Incorporation Regulations 2016 - [00-d0-01]* and any future regulations made under section *183 Regulations* of the Act.

rules means these rules of the Club as in force for the time being.

Secretary means the committee member holding office as the Secretary of the Club

special general meeting means a general meeting of the Club other than the annual general meeting

special resolution means a resolution passed by the members at a general meeting in accordance with section 51 of the Act

voting member means a member described in sub-rule 8(1)(a) as an ordinary member or a life member

Part 2 - Club To Be Not For Profit Body

2 Name

The name of the Club shall be Floreat Park Tennis Club (Inc).

3 Objects

The objects of the Club shall be:

- (a) To promote and advance the game of tennis
- (b) To provide tennis courts and facilities for the playing of tennis
- (c) To hold, promote or participate in open or Club tennis tournaments and competitions
- (d) To provide coaching instruction in tennis
- (e) To provide social and recreational facilities

4 Financial year

The Club's financial year shall commence on the first day of July each year and shall end on the last day of June the following year.

5 Not-for-profit body

- (1) The income and property of the Club shall be applied solely towards the promotion of the objects of the Club and no portion of the income or property shall be paid, transferred or distributed directly or indirectly to the members of the Club, except in the following cases:
 - (a) Payment to a member of the committee as specified in rule 43;
 - (b) Payment to a member of the Club if authorised prior by the committee for the following:
 - (i) the payment in good faith to the member as reasonable remuneration for any services provided to the Club, excluding carrying out committee business, or for goods supplied to the Club, in the ordinary course of business; or
 - (ii) the payment of interest, on money borrowed by the Club from the member, at a rate not greater than the cash rate published from time to time by the Reserve Bank of Australia; or
 - (iii) the payment of reasonable rent to the member for premises leased by the member to the Club; or
 - (iv) the reimbursement of reasonable expenses properly incurred by the member on behalf of the Club.

6 Powers

For the purpose of achieving or furthering those objects, the Club shall have power:

- (a) To purchase, sell, hold, lease, or rent real or personal property
- (b) To borrow, raise, or secure the payment of money, to secure the repayment or performance of any debt, liability, contract or guarantee incurred or to be entered into by the Club
- (c) To enter into any agreements with any government or local authority or instrumentality
- (d) To employ, hire, or engage managers, clerks, secretaries, workers, curators, coaches or other persons – collectively known as ‘servants of the Club’
- (e) To invest the moneys of the Club
- (f) To make prizes or give prizes
- (g) To amalgamate or associate with any other tennis Club or other sporting Club
- (h) To do all such other things as are incidental or conducive to the objects of the Club

Part 3 - Members

7 Eligibility for membership

- (a) Any person who supports the objects or purposes of the Club is eligible to apply to become a member.
- (b) Any person who has not reached the age of 18 years (as at the start of the financial year) is not eligible to apply for a class of membership that confers full voting rights.

8 Classes of membership

- (1) The members of the Club shall be classified as follows:
 - (a) Ordinary Members
 - (b) Associate Members
 - (c) Junior Members: who shall be persons under the age of 18 years at the start of the Club financial year.
- (2) Life Members may be elected at a general meeting of the members on recommendation of the committee as recognition of services rendered to the Club, and after such election shall be entitled to enjoy all the privileges of ordinary membership of the Club without payment of any fee provided that not more than one Life Member shall be elected in any financial year.
- (3) Within the classification of ordinary and associate and junior members, various categories may be determined by the committee.
- (4) A person can only belong to one category of membership.

9 Applying for membership

- (1) A person who wants to become a member must apply in writing to the Club in the format determined by the Committee.
- (2) The application must be signed by the applicant. Applications for juniors must also be signed by a parent or guardian.
- (3) The applicant must specify in the application the class of membership.

10 Dealing with membership applications

- (1) The committee must consider each application for membership of the Club and decide whether to accept or reject the application.
- (2) The committee must not accept an application unless the applicant —
 - (a) is eligible under rule 7; and
 - (b) has applied under rule 9.
- (3) The committee may reject an application even if the applicant —
 - (a) is eligible under rule 7; and
 - (b) has applied under rule 9.
- (4) The committee must notify the applicant of the committee's decision to accept or reject the application as soon as practicable after making the decision.

- (5) If the committee rejects the application, the committee is not required to give the applicant its reasons for doing so.

11 Becoming a member

- (1) An applicant for membership of the Club becomes a member when the committee accepts the application, and the applicant pays the membership fees payable to the Club under rule 13.
- (2) A junior member who attains the age of 18 years during a financial year may continue as a junior member until the expiration of that financial year, but shall automatically become an Ordinary Member as from the start of the subsequent financial year.

12 When membership ceases

- (1) A person ceases to be a member when any of the following takes place:
 - (a) the person dies;
 - (b) the person resigns from the Club under sub-rule (3);
 - (c) the person is expelled from the Club under rule 20;
 - (d) the person ceases to be a member under sub-rule 13(4).
- (2) The Secretary or Membership Co-ordinator must keep a record, for at least 1 year after the person ceases to be a member, of the date on which the person ceased to be a member, and, if known, the reason why the person ceased to be a member.
- (3) A member may resign from membership of the Club by giving written notice of the resignation to the Secretary, or Membership Co-ordinator.
 - (a) The resignation takes effect when the notice is received or, if a later time is specified in the notice, at that later time.
 - (b) A person who has resigned from membership of the Club remains liable for any fees that are owed to the Club (the *owed amount*) at the time of resignation.
 - (c) The owed amount may be recovered by the Club in a court of competent jurisdiction as a debt due to the Association.
- (4) The rights of a member are not transferable and end when membership ceases.
- (5) A person who has ceased to be a member may reapply for membership.
- (6) A member may apply in writing to the committee for a temporary suspension of membership. The committee can accept or reject the application and can determine any adjustment to membership fees due to the temporary suspension of membership.

13 Membership fees

- (1) The committee must determine, prior to the start of the financial year, the entrance fee (if any) and the annual membership fee (if any) to be paid for membership of the Club.
- (2) The fees determined under sub-rule (1) may be different for different classes of membership.

- (3) A member must pay the annual membership fee to the Treasurer, or another person authorised by the committee to accept payments, by the date (the *due date*) determined by the committee.
- (4) Unless the circumstances exist by virtue of sub-rule (5), members shall pay their fees in advance. If a member has not paid the membership fee applicable to their category of membership within three months after the start of the financial year, the member ceases to be a member.
- (5) Should the committee determine that fees may be paid monthly in advance by direct debit, membership shall cease in the event that two consecutive payments are not made when scheduled under the terms of the direct debit agreement.
- (6) If a person who has ceased to be a member under sub-rule (4) offers to pay the membership fee after three months from the start of the financial year, the committee may, at its discretion, accept that payment; and, if payment is accepted, the person's membership is reinstated from the date the payment is accepted.

14 Register of members

- (1) The Secretary, or another person authorised by the committee, is responsible for the requirements imposed on the Club under section 53 of the Act to maintain the register of members and record in that register any change in the membership of the Club.
- (2) In addition to the matters referred to in section 53(2) of the Act, the register of members must include the class of membership (if applicable) to which each member belongs and the date on which each member becomes a member.
- (3) The register of members must be kept at the Secretary's, Membership Co-ordinator's, or other authorised person's place of residence, or at another place determined by the committee.
- (4) A member who wishes to inspect the register of members must contact the Secretary, Membership Co-ordinator, or other authorised person to make the necessary arrangements.
- (5) If a member inspecting the register of members wishes to make a copy of, or take an extract from, the register under section 54(2) of the Act; or a member makes a written request under section 56(1) of the Act to be provided with a copy of the register of members, the committee may require the member to provide a statutory declaration setting out the purpose for which the copy or extract is required and declaring that the purpose is connected with the affairs of the Club.

15 Privileges

The privileges of membership shall be as follows:

- (1) Ordinary members and life members shall have the right -
 - (a) to attend, speak and vote at all general meetings of the Club; and
 - (b) to play on the Club's courts at the times designated in the By-laws for their category of membership; and
 - (c) to participate in matches and tournaments organised for their particular category of membership; and
 - (d) to receive notices of all general meetings of the Club; and

- (e) to attend all entertainment and social functions organised for their category of membership; and
 - (f) any other rights conferred on members by these rules or approved by resolution at a general meeting or determined by the committee.
- (2) Associate members shall have the same privileges as ordinary members other than voting at general meetings of the Club.
- (3) Junior members shall have the same privileges as ordinary members other than voting at general meetings of the Club.

Part 4 - Visitors

16 Visitors

- (1) Visitors may be accepted to the Club in accordance with the By-laws.
- (2) Visitors fees shall be determined by the committee prior to the commencement of the Club financial year.

17 Visitors to clubhouse during operation of Club restricted licence

- (1) A member over the age of 18 may introduce visitors to the Club during the trading hours of the Club restricted license. The maximum number of guests per member per day for the purposes of section 48(4)(b) of the Liquor Control Act 1988 (WA) is 5.
- (2) A person who is on any day visiting the Club as a member, official of, or person assisting a team that is to contest a pre-arranged tennis event on that day; or at the invitation of a member to engage in a tennis event on that day, may be taken to be a person who is afforded temporary membership on that day.

Part 5 - Sale of liquor

18 Sale of liquor on Club premises

- (1) Liquor shall only be sold for consumption on the licensed premises only.
- (2) No member under the age of 18 may be admitted to the licensed premises, subject to the Club restricted licence, during the hours of operation of the licence, unless in the company of an adult person in authority over them.

Part 6 - Disciplinary Action, Disputes And Mediation

Division 1 -Term used

19 Term used: member

In this Part —

member, in relation to a member who is expelled from the Club, includes former member.

Division 2 -Disciplinary action

20 Suspension or expulsion

- (1) The committee may decide to suspend a member's membership or to expel a member from the Club if:
 - (a) the member contravenes any of these rules; or
 - (b) the member acts detrimentally to the interests of the Club.
- (2) The Secretary must give the member written notice of the proposed suspension or expulsion at least 28 days before the committee meeting at which the proposal is to be considered by the committee.
- (3) The notice given to the member must state:
 - (a) when and where the committee meeting is to be held; and
 - (b) the grounds on which the proposed suspension or expulsion is based; and
 - (c) that the member, or the member's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the proposed suspension or expulsion.
- (4) At the committee meeting, the committee must —
 - (a) give the member, or the member's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the proposed suspension or expulsion; and
 - (b) give due consideration to any submissions so made; and
 - (c) decide:
 - (i) whether or not to suspend the member's membership and, if the decision is to suspend the membership, the period of suspension; or
 - (ii) whether or not to expel the member from the Club.
- (5) A decision of the committee to suspend the member's membership or to expel the member from the Club takes immediate effect.
- (6) The committee must give the member written notice of the committee's decision, and the reasons for the decision, within 7 days after the committee meeting at which the decision is made.
- (7) A member whose membership is suspended or who is expelled from the Club may, within 14 days after receiving notice of the Committee's decision under sub-rule (6), give written notice to the Secretary requesting the appointment of a mediator under rule 28.

- (8) If notice is given under sub-rule (7), the member who gives the notice and the committee are the parties to the mediation.

21 Consequences of suspension

- (1) During the period a member's membership is suspended, the member —
- (a) loses any rights (including voting rights) arising as a result of membership; and
 - (b) is not entitled to a refund, rebate, relief or credit for membership fees paid, or payable, to the Club.
- (2) When a member's membership is suspended, the Secretary must record in the register of members —
- (a) that the member's membership is suspended; and
 - (b) the date on which the suspension takes effect; and
 - (c) the period of the suspension.
- (3) When the period of the suspension ends, the Secretary must record in the register of members that the member's membership is no longer suspended.

Division 3 -Resolving disputes

22 Terms used

In this Division —

grievance procedure means the procedures set out in this Division;

party to a dispute includes a person —

- (a) who is a party to the dispute; and
- (b) who ceases to be a member within 6 months before the dispute has come to the attention of each party to the dispute.

23 Application of Division

The procedure set out in this Division (the grievance procedure) applies to disputes —

- (a) between members; or
- (b) between one or more members and the Club.

24 Parties to attempt to resolve dispute

The parties to a dispute (either members; or a member or members and the Club) must attempt to resolve the dispute between themselves within 14 days after the dispute has come to the attention of each party.

25 How grievance procedure is started

- (1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 24, any party to the dispute may start the grievance procedure by giving written notice to the Secretary of —
- (a) the parties to the dispute; and
 - (b) the matters that are the subject of the dispute.

- (2) Within 28 days after the Secretary is given the notice, a committee meeting must be convened to consider and determine the dispute.
- (3) The Secretary must give each party to the dispute written notice of the committee meeting at which the dispute is to be considered and determined at least 7 days before the meeting is held.
- (4) The notice given to each party to the dispute must state —
 - (a) when and where the committee meeting is to be held; and
 - (b) that the party, or the party's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the dispute.
- (5) If —
 - (a) the dispute is between one or more members and the Club; and
 - (b) any party to the dispute gives written notice to the Secretary stating that the party —
 - (i) does not agree to the dispute being determined by the committee; and
 - (ii) requests the appointment of a mediator under rule 28,

the committee must not determine the dispute.

26 Determination of dispute by committee

- (1) At the committee meeting at which a dispute is to be considered and determined, the committee must —
 - (a) give each party to the dispute, or the party's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the dispute; and
 - (b) give due consideration to any submissions so made; and
 - (c) determine the dispute.
- (2) The committee must give each party to the dispute written notice of the committee's determination, and the reasons for the determination, within 7 days after the committee meeting at which the determination is made.
- (3) A party to the dispute may, within 14 days after receiving notice of the committee's determination under sub-rule (1)(c), give written notice to the Secretary requesting the appointment of a mediator under rule 28.
- (4) If notice is given under sub-rule (3), each party to the dispute is a party to the mediation.

Division 4 -Mediation

27 Application of Division

- (1) This Division applies if written notice has been given to the Secretary requesting the appointment of a mediator —
 - (a) by a member under sub-rule 20(7); or
 - (b) by a party to a dispute under sub-rule 25(5)(b)(ii) or 26(3).
- (2) If this Division applies, a mediator must be chosen or appointed under rule 28.

28 Appointment of mediator

- (1) The mediator must be a person chosen —
 - (a) if the appointment of a mediator was requested by a member under sub-rule 20(7) — by agreement between the Member and the committee; or
 - (b) if the appointment of a mediator was requested by a party to a dispute under sub-rule 25(5)(b)(ii) or 26(3)21(3) — by agreement between the parties to the dispute.
- (2) If there is no agreement for the purposes of sub-rule (1)(a) or (1)(b), then, subject to sub-rules (3) and (4), the committee must appoint the mediator.
- (3) The person appointed as mediator by the committee must be a person who acts as a mediator for another not-for-profit body, such as a community legal centre, if the appointment of a mediator was requested by —
 - (a) a member under sub-rule 20(7) or
 - (b) a party to a dispute under sub-rule 25(5)(b)(ii) or
 - (c) a party to a dispute under sub-rule 26(3) and the dispute is between one or more members and the Club.
- (4) The person appointed as mediator by the committee may be a member or former member of the Club but must not —
 - (a) have a personal interest in the matter that is the subject of the mediation; or
 - (b) be biased in favour of or against any party to the mediation.

29 Mediation process

- (1) The parties to the mediation must attempt in good faith to settle the matter that is the subject of the mediation.
- (2) Each party to the mediation must give the mediator a written statement of the issues that need to be considered at the mediation at least 5 days before the mediation takes place.
- (3) In conducting the mediation, the mediator must —
 - (a) give each party to the mediation every opportunity to be heard; and
 - (b) allow each party to the mediation to give due consideration to any written statement given by another party; and
 - (c) ensure that natural justice is given to the parties to the mediation throughout the mediation process.
- (4) The mediator cannot determine the matter that is the subject of the mediation.
- (5) The mediation must be confidential, and any information given at the mediation cannot be used in any other proceedings that take place in relation to the matter that is the subject of the mediation.
- (6) The costs of the mediation are to be paid by the party or parties to the mediation that requested the appointment of the mediator.

30 If mediation results in decision to suspend or expel being revoked

If —

- (a) mediation takes place because a member whose membership is suspended or who is expelled from the Club gives notice under sub-rule 20(7); and
- (b) as the result of the mediation, the decision to suspend the member's membership or expel the member is revoked,

that revocation does not affect the validity of any decision made at a committee meeting or general meeting during the period of suspension or expulsion.

Part 7 - Committee

31 Powers of the committee

- (1) The committee members are the persons who, as the management committee of the Club, have the power to manage the affairs of the Club.
- (2) The committee has the power to manage the affairs of the Club, and to do all things necessary or convenient for the proper management of the affairs of the Club. This includes, but is not limited to:
 - (a) Setting a budget for the financial year.
 - (b) Making By-Laws which are not inconsistent with the Act, and amending or rescinding any of such By-Laws, provided that any amendment to a by-law does not result in the amended version being inconsistent with Act or the Club rules.
 - (c) Appointing a member to fill a vacant committee position that is consistent with sub-rule 32(2)
 - (d) Electing members to the Club.
 - (e) Engaging and dismissing servants of the Club.
 - (f) Raising money on overdraft, by the issue of debentures and by any other lawful means on such terms and conditions as it may deem expedient to such amount as may be authorised by a resolution carried at a general meeting of the Club.
 - (g) Waiving or remitting membership subscriptions payable by any member in whole or in part for whatever reason considered appropriate.
 - (h) Doing any other act or thing which may be referred to the committee by any general meeting of the Club.
- (3) Subject to the Act, these rules, the By-Laws (if any) and any resolution passed at a general meeting, the committee has power to do all things necessary or convenient to be done for the proper management of the affairs of the Club.
- (4) The committee must take all reasonable steps to ensure that the Club complies with the Act, these rules and the By-Laws (if any).

32 Committee members

- (1) The committee members consist of —
 - (a) the office holders of the Club; and
 - (b) at least one ordinary committee member.
- (2) The committee must determine the maximum number of members who may be ordinary committee members.
- (3) The offices of the Club shall consist of the following: President, Vice-President, Captain, Secretary, Treasurer, Membership Co-ordinator, Social Convenor, and Property Manager.
- (4) Each committee member must have reached 18 years of age, be an ordinary member and not be ineligible by virtue of Section 39 of the Act.
- (5) A person must not hold 2 or more of the committee positions mentioned in sub-rules (1) and (3) at the same time.

33 Duties and responsibilities of office holders

- (1) The President
 - (a) shall ensure the wellbeing and objects of the Club;
 - (b) shall preside at all meetings of the Club and of the committee and ensure that business is conducted in a proper manner;
 - (c) may, at their discretion, call special meetings of the Club or of the committee;
 - (d) may give a casting vote at any meeting, in addition to an ordinary vote, in the event that a vote is tied;
 - (e) is appointed the Club's public officer to function as a point of contact with the Commissioner for Consumer Protection;
 - (f) is to carry out any other duty given them under these rules, or as outlined in the Club's by laws.
- (2) The Vice-President shall
 - (a) perform all the duties indicated for the President in the event the President, through illness or absence, is unable to perform them;
 - (b) carry out any other duty given them under these rules, or as outlined in the Club's By-Laws.
- (3) The Secretary shall
 - (a) deal with the Club's correspondence;
 - (b) consult with the President regarding the business to be conducted at each committee meeting and general meeting;
 - (c) prepare the notices required for meetings and for the business to be conducted at meetings;
 - (d) unless another member is authorised by the committee to do so, maintain on behalf of the Club the register of members, and recording in the register any changes in the membership, as required under section 53(1) of the Act;
 - (e) maintain an up-to-date copy of these rules, as required under section 35(1) of the Act;
 - (f) unless another member is authorised by the committee to do so, maintain a record of committee members and other persons authorised to act on behalf of the Club, as required under section 58(2) of the Act;
 - (g) ensure the safe custody of the books of the Club, other than the financial records, financial statements and financial reports;
 - (h) maintain full and accurate minutes of committee meetings and general meetings;
 - (i) carry out any other duty given to the Secretary under these rules or by the committee.
- (4) The Treasurer shall
 - (a) ensure that any amounts payable to the Club are collected and issue receipts for those amounts in the Club's name;
 - (b) ensure that any amounts paid to the Club are credited to the appropriate account of the Club, as directed by the committee;
 - (c) ensure that any payments to be made by the Club that have been authorised by the committee or at a general meeting are made on time;

- (d) ensure that the Club complies with the relevant requirements of Part 5 of the Act;
 - (e) ensure the safe custody of the Club's financial records, financial statements and financial reports, as applicable to the Club;
 - (f) co-ordinate the preparation of the Club's financial statements before their submission to the Club's annual general meeting;
 - (g) provide any assistance required by an auditor or reviewer conducting an audit or review of the Club's financial statements or financial report under Part 5 Division 5 of the Act;
 - (h) carry out any other duty given to them under these rules or by the Club's By-Laws.
- (5) The Captain shall
- (a) be responsible for all aspects relating to the actual playing and organising of tennis at the Club;
 - (b) carry out any other duty given to them under these rules or by the Club's By-Laws.
- (6) The Membership Co-Ordinator shall
- (a) be responsible for co-ordinating all matters relating to the membership of the Club, including the promotion of membership opportunities and the introduction of new members to the Club;
 - (b) carry out any other duty given to them under these rules or by the Club's By-Laws.
- (7) The Social Convenor shall
- (a) plan an appropriate social program for all members and ensure that the social and catering components of all Club activities including special events and functions are properly managed and organised;
 - (b) carry out any other duty given to them under these rules or by the Club's By-Laws.
- (8) The Property Manager shall
- (a) ensure the care, maintenance, management and improvement of all property owned or leased by the Club in accordance with any agreements with the local government authority;
 - (b) carry out any other duty given to them under these rules or by the Club's By-Laws.

34 How members become committee members

- (1) A member becomes a committee member if the member —
 - (a) is elected to the committee at a general meeting; or
 - (b) is appointed to the committee by the committee to fill a casual vacancy under rule 41.

35 Nomination of committee members

- (1) Members must nominate or be nominated to become a committee member of the Club.

- (2) Notices of an annual general meeting sent to members who are eligible for appointment under sub-rule 32(4) must include a call for nominations to become a committee member of the Club.
- (3) Written nominations from members who wish to be considered for election to the committee at the annual general meeting must be given to the Secretary before the annual general meeting.
- (4) The written nomination must include a statement by another member in support of the nomination.
- (5) A member may be nominated in writing for only one specified committee position.
- (6) A member whose nomination does not comply with this rule is not eligible for election to the committee unless the member is nominated under sub-rule 36(2) or 37(1).

36 Election of office holders

- (1) At the annual general meeting, a separate election must be held for each position of office holder.
- (2) The chairperson of the meeting may call for nominations from the ordinary members at the meeting. Nominations must be made by one ordinary member and seconded by another ordinary member. If the member nominated is not present at that meeting the nomination must be accompanied by their consent in writing.
- (3) If only one member has nominated for a position, the chairperson of the meeting must declare the member elected to the position.
- (4) If more than one member has nominated for a position, the voting members at the meeting must vote in accordance with procedures that have been determined by the committee to decide who is to be elected to the position.
- (5) Each voting member present at the meeting may vote for one member who has nominated for the position.
- (6) A member who has nominated for the position may vote for himself or herself,
- (7) On the member's election to the office of President, the new President of the Club may take over as the chairperson of the meeting.

37 Election of ordinary committee members

- (1) The chairperson of the meeting may call for nominations for the position of ordinary committee member from the ordinary members at the meeting. Nominations must be made by one ordinary member and seconded by another ordinary member. If the member nominated is not present at that meeting the nomination must be accompanied by their consent in writing.
- (2) If the number of members nominating for the position of ordinary committee member is not greater than the number to be elected, the chairperson of the meeting must declare each of those members to be elected to the position.

- (3) If the number of members nominating for the position of ordinary committee member is greater than the number to be elected the voting members at the meeting must vote in accordance with procedures that have been determined by the committee to decide the members who are to be elected to the position of ordinary committee member.
- (4) A member who has nominated for the position of ordinary committee member may vote in accordance with that nomination.

38 Term of office

- (1) The term of office of a committee member begins when the member —
 - (a) is elected at an annual general meeting or under sub-rule 39(3)(b); or
 - (b) is appointed to fill a casual vacancy under rule 41.
- (2) Subject to rule 40, a committee member holds office until the positions on the committee are declared vacant at the next annual general meeting.
- (3) A committee member may be re-elected.

39 Resignation and removal from office

- (1) A committee member may resign from their office by written notice given to the President or, if the resigning member is the President, given to the Secretary.
- (2) The resignation takes effect when the notice is received by the President or Secretary, or, if a later time is stated in the notice, at the later time.
- (3) At a general meeting, the Club may by resolution —
 - (a) remove a committee member from office; and
 - (b) elect a member who is eligible under sub-rule 32(4) to fill the vacant position.
- (4) A committee member who is the subject of a proposed resolution under sub-rule (3)(a) may make written representations to the committee and may ask that the representations be provided to the members.
- (5) The committee may give a copy of the representations to members or, if they are not so given, the committee member of the Club may require them to be read out at the general meeting at which the resolution for their removal is to be considered.

40 When membership of committee ceases

A person ceases to be a committee member if the person —

- (a) dies or otherwise ceases to be a member; or
- (b) resigns from the committee or is removed from office under rule 39; or
- (c) becomes ineligible to accept an appointment or act as a committee member under section 39 of the Act; or
- (d) becomes permanently unable to act as a committee member because of a mental or physical disability; or
- (e) fails to attend 3 consecutive committee meetings, of which the person has been given notice, without having notified the Committee that the person will be unable to attend.

41 Filling casual vacancies

- (1) The committee may appoint a member who is eligible under sub-rule 32(4) to fill a position on the committee that —
 - (a) has become vacant under rule 40; or
 - (b) was not filled by election at the most recent annual general meeting or under sub-rule 39(3)(b).
- (2) If the position of Secretary becomes vacant, the committee must appoint a member who is eligible under sub-rule 32(4) to fill the position within 14 days after the vacancy arises.
- (3) Subject to the requirement for a quorum under rule 48, the committee may continue to act despite any vacancy in its membership.
- (4) If there are fewer committee members than required for a quorum under rule 48, the committee may act only for the purpose of —
 - (a) appointing committee members under this rule; or
 - (b) convening a general meeting.

42 Validity of acts

The acts of a committee or of an office holder or a committee member, are valid despite any defect that may afterwards be discovered in the election, appointment or qualification of a committee member.

43 Payments to committee members

- (1) A committee member is entitled to be paid out of the funds of the Club for any out-of-pocket expenses for travel and accommodation properly incurred —
 - (a) in attending a committee meeting or
 - (b) in attending a general meeting; or
 - (c) otherwise in connection with the Club's business.
- (2) A payment to a committee member under sub-rule (1) can only be made if the payment is authorised prior by resolution of the Club at a general meeting.
- (3) A committee member is entitled to be paid out of the funds of the Club for performing committee business if and only if this is authorised prior by resolution of the Club at a general meeting.

44 Committee meetings

- (1) The committee shall meet at least once a month and when summoned by the President or Secretary.
- (2) The date, time and place of the first committee meeting must be determined by the committee members as soon as practicable after the annual general meeting at which the committee members are elected.

45 Notice of committee meetings

- (1) Notice of each committee meeting must be given to each committee member at least 48 hours before the time of the meeting.

- (2) The notice must state the date, time and place of the meeting and must describe the general nature of the business to be conducted at the meeting.
- (3) Unless sub-rule (4) applies, the only business that may be conducted at the meeting is the business described in the notice.
- (4) Urgent business that has not been described in the notice may be conducted at the meeting if the committee members at the meeting agree to treat that business as urgent.

46 Procedure and order of business

- (1) The President or, in the President's absence, the Vice-President must preside as chairperson of each committee meeting.
- (2) In the absence of the President and Vice-President, a chairperson from among members present must be chosen to chair the meeting.
- (3) The procedure to be followed at a committee meeting must be determined from time to time by the committee.
- (4) A member or other person who is not a committee member may attend a committee meeting if invited to do so by the committee. Any member or person so invited:
 - (a) has no right to any agenda, minutes or other document circulated at the meeting; and
 - (b) must not comment about any matter discussed at the meeting unless invited by the committee to do so; and
 - (c) cannot vote on any matter that is to be decided at the meeting.
- (5) A member of the committee who has a material personal interest in a matter being considered at a committee meeting must declare that interest in accordance with section 42 of the Act.
- (6) When a member of the committee is required to declare an interest in accordance with section 42 of the Act that committee member must not take part in any deliberations or decision of the committee with respect to that matter. However the committee member may be present to listen to the deliberations and discussions.

47 Use of technology to be present at committee meetings

- (1) The presence of a committee member at a committee meeting need not be by attendance in person but may be by that committee member and each other committee member at the meeting being simultaneously in contact by telephone or other means of instantaneous communication.
- (2) A member who participates in a committee meeting as allowed under sub-rule (1) is taken to be present at the meeting and, if the member votes at the meeting, the member is taken to have voted in person.

48 Quorum for committee meetings

- (1) Subject to sub-rule 41(4), no business is to be conducted at a committee meeting unless a quorum is present.
- (2) At meetings of the management committee, 4 committee members, including at least 3 office holders, shall form a quorum.

- (3) If a quorum is not present within 30 minutes after the notified commencement time of a committee meeting the meeting is adjourned to a date and time determined by the President and Secretary that is within 14 days of the original date.
- (4) If —
 - (a) a quorum is not present within 30 minutes after the commencement time of a committee meeting held under sub-rule (3), and
 - (b) at least 2 committee members are present at the meeting,those members present are taken to constitute a quorum.

49 Voting at committee meetings

- (1) Each committee member present at a committee meeting has one vote on any motion put to the meeting, except as otherwise prescribed by these rules.
- (2) A motion is carried if a majority of the committee members present at the committee meeting vote in favour of the motion.
- (3) If the votes are divided equally on a motion, the chairperson of the meeting has a second or casting vote.
- (4) A vote may take place by the committee members present indicating their agreement or disagreement or by a show of hands, unless the committee decides that a secret ballot is needed to determine a particular motion. If a secret ballot is needed, the chairperson of the meeting must decide how the ballot is to be conducted.

50 Minutes of committee meetings

- (1) The committee must ensure that minutes are taken and kept of each committee meeting. The minutes must record the following:
 - (a) the names of the committee members present at the meeting; and
 - (b) the name of any person attending the meeting under sub-rule 46(4); and
 - (c) the business considered at the meeting; and
 - (d) any motion on which a vote is taken at the meeting and the result of the vote.
- (2) The minutes of a committee meeting must be entered in the Club's minute book within 30 days after the meeting is held.
- (3) The chairperson must ensure that the minutes of a committee meeting are reviewed and signed as correct by —
 - (a) the chairperson of the meeting; or
 - (b) the chairperson of the next committee meeting.
- (4) When the minutes of a committee meeting have been signed as correct they are, until the contrary is proved, evidence that —
 - (a) the meeting to which the minutes relate was duly convened and held; and
 - (b) the matters recorded as having taken place at the meeting took place as recorded; and
 - (c) any appointment purportedly made at the meeting was validly made.

Part 8 - General Meetings

51 Annual general meeting

- (1) The Annual General Meeting of the Club shall be held every year within four months after the start of the financial year.
- (2) The committee must determine the date, time and place of the annual general meeting.
- (3) The ordinary business of the annual general meeting is as follows —
 - (a) to confirm the minutes of the previous annual general meeting and of any special general meeting held since then if the minutes of that meeting have not yet been confirmed; and
 - (b) to receive and consider the President's report on the Club's activities during the preceding financial year; and
 - (c) to receive and consider the Treasurer's report and the financial statements of the Club for the preceding financial year presented under Part 5 of the Act; and
 - (d) to receive and consider a copy of the reviewer's or the auditor's report on the financial statements and
 - (e) To elect office holders of the Club and other committee members; and
 - (f) To appoint a patron, should the committee determine to have one. Any patron appointed shall be entitled to participate in any general meeting of the Club but shall not be entitled to vote or otherwise participate in the business of the Club.
- (4) Any other business of which notice has been given in accordance with these rules may be conducted at the annual general meeting.
- (5) The President must chair the Annual General Meeting, and in their absence, the Vice-President. If neither the President nor the Vice-President is present, a chairperson from among committee members present must be chosen to chair the meeting.

52 Special general meetings

- (1) The President or committee may convene a Special General Meeting.
- (2) The committee must convene a Special General Meeting if at least 10% of members who are entitled to vote at such meetings require it to be convened.
- (3) The members requiring a Special General Meeting to be convened must:
 - (a) make the request by written notice given to the Secretary; and
 - (b) state in the notice the business to be considered at the meeting; and
 - (c) each sign the notice.
- (4) The Special General Meeting must be convened within 28 days after notice is given under sub-rule (3)(a).
- (5) If the committee does not convene a special general meeting within that 28 day period, the members making the requirement (or any of them) may convene the special general meeting.
- (6) A special general meeting convened by members under sub-rule (5) —

- (a) must be held within 3 months after the date the original requirement was made; and
 - (b) may only consider the business stated in the notice by which the requirement was made.
- (7) The Club must reimburse any reasonable expenses incurred by the members convening a Special General Meeting under sub-rule (5).
- (8) The President must chair the Special General Meeting, and in their absence, the Vice-President. If neither the President nor the Vice-President are present, a chairperson from among committee members present must be chosen to chair the meeting.

53 Notice of general meetings

- (1) The Secretary or, in the case of a special general meeting convened under sub-rule 52(5), the members convening the meeting, must give to each member —
- (a) at least 21 days notice of a general meeting if a special resolution is to be proposed at the meeting; or
 - (b) at least 14 days notice of a general meeting in any other case.
- (2) The notice must —
- (a) specify the date, time and place of the meeting; and
 - (b) indicate the general nature of each item of business to be considered at the meeting; and
 - (c) if the meeting is the annual general meeting, include a list of the committee positions to be filled at the meeting, including the maximum number of ordinary committee positions; and
 - (d) if a special resolution is proposed —
 - (i) set out the wording of the proposed resolution as required by section 51(4) of the Act; and
 - (ii) state that the resolution is intended to be proposed as a special resolution.
- (3) A notice that is to be given to a member under these rules is taken not to have been given to the member unless it is in writing and delivered by hand to the recorded address of the member; or sent by prepaid post to the recorded postal address of the member; or sent by facsimile or electronic transmission to an appropriate recorded number or recorded electronic address of the member.

54 Chairperson and quorum for general meetings

- (1) The President or, in the President's absence, the Vice-President must preside as chairperson of each general meeting.
- (2) If the President and Vice-President are absent or are unwilling to act as chairperson of a general meeting, the committee members at the meeting must choose one of them to act as chairperson of the meeting.
- (3) No business is to be conducted at a general meeting unless a quorum is present.
- (a) If a quorum is not present within 30 minutes after the notified commencement time of a general meeting —
 - (i) in the case of a special general meeting, the meeting lapses; or

- (ii) in the case of the annual general meeting , the meeting is adjourned to the same time and day in the following week; and the same place, unless the chairperson specifies another place at the time of the adjournment or written notice of another place is given to the members before the day to which the meeting is adjourned.
- (4) If a quorum is not present within 30 minutes after the commencement time of an Annual General Meeting held under sub-rule (3)(a)(ii); and at least 2 voting members are present at the meeting, those members present are taken to constitute a quorum.
- (5) At a general meeting, 10% of the members eligible to vote constitutes a quorum.

55 Adjournment of general meetings

- (1) The chairperson of a general meeting at which a quorum is present may, with the consent of a majority of the ordinary members present at the meeting, adjourn the meeting to another time at the same place or at another place.
- (2) Without limiting sub-rule (1), a meeting may be adjourned, if there is insufficient time to deal with the business at hand; or to give the members more time to consider an item of business.
- (3) No business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished when the meeting was adjourned.
- (4) Notice of the adjournment of a meeting under this rule is not required unless the meeting is adjourned for 14 days or more, in which case notice of the meeting must be given in accordance with rule 53.

56 Voting at general meetings

- (1) On any motion put to a general meeting, subject to sub-rules (4), (5) and (6), each ordinary member has one vote.
- (2) All members not specifically debarred by these rules shall be entitled to speak at all meetings at which they are entitled to be present.
- (3) Except in the case of a special resolution, a motion is carried if a majority of voting members present at a general meeting vote in favour of the motion.
- (4) If votes are divided equally on a motion, the chairperson of the meeting has a second or casting vote.
- (5) If the motion is whether or not to confirm the minutes of a previous general meeting, only members who were present at that meeting may vote.
- (6) For a person to be eligible to vote at a general meeting as an ordinary member, the ordinary member —
 - (a) must have been an ordinary member at the time notice of the meeting was given under rule 53; and
 - (b) must have paid any fee or other money payable to the Club by the member.

57 When special resolutions are required

- (1) A special resolution is required if it is proposed to alter these rules; approve the terms of an amalgamation with another incorporated Club; wind up the Club voluntarily or by the Supreme Court; cancel the Club's incorporation; or as otherwise specified by the Act.

58 Determining whether resolution carried

- (1) In this rule —
poll means the process of voting in relation to a matter that is conducted in writing.
- (2) Subject to sub-rule (5), the chairperson of a general meeting may, on the basis of general agreement or disagreement or by a show of hands, declare that a resolution has been —
 - (a) carried; or
 - (b) carried unanimously; or
 - (c) carried by a particular majority; or
 - (d) lost.
- (3) If the resolution is a special resolution, the declaration under sub-rule (2) must identify the resolution as a special resolution.
- (4) If the resolution is a special resolution then the resolution is carried only if it is passed by the votes of not less than three-fourths of the members of the Club who cast a vote at the meeting.
- (5) If a poll is demanded on any motion by the chairperson of the meeting or by at least 3 other ordinary members present—
 - (a) the poll must be taken at the meeting in the manner determined by the chairperson;
 - (b) the chairperson must declare the determination of the resolution on the basis of the poll.
- (6) If a poll is demanded on the election of the chairperson or on a motion of an adjournment, the poll must be taken immediately.
- (7) If a poll is demanded on any other motion, the poll must be taken before the close of the meeting at a time determined by the chairperson.
- (8) A declaration under sub-rule (2) or (5) must be entered in the minutes of the meeting, and the entry is, without proof of the voting in relation to the resolution, evidence of how the resolution was determined.

59 Minutes of general meeting

- (1) The Secretary, or a person authorised by the committee from time to time, must take and keep minutes of each general meeting.
- (2) The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.
- (3) In addition, the minutes of each annual general meeting must record —
 - (a) the names of the ordinary members attending the meeting; and

- (b) the financial statements or financial report presented at the meeting, as referred to in sub-rule 51(3)(c) and
 - (c) the report of the review or auditor's report on the financial statements or financial report presented at the meeting, as referred to in sub-rule 51(3)(d).
- (4) The minutes of a general meeting must be entered in the Club's minute book within 30 days after the meeting is held.
- (5) The chairperson must ensure that the minutes of a general meeting are reviewed and signed as correct by the chairperson of the meeting; or the chairperson of the next general meeting.
- (6) When the minutes of a general meeting have been signed as correct they are, in the absence of evidence to the contrary, taken to be proof that —
- (a) the meeting to which the minutes relate was duly convened and held; and
 - (b) the matters recorded as having taken place at the meeting took place as recorded; and
 - (c) any election or appointment purportedly made at the meeting was validly made.

Part 9 - Financial Matters

60 Source of funds

- (1) The funds of the Club may be derived from entrance fees, annual subscriptions, donations, fund-raising activities, grants, interest and any other sources approved by the committee.

61 Control of funds

- (1) The Club must open an account in the name of the Club with a financial institution from which all expenditure of the Club is made and into which all funds received by the Club are deposited.
- (2) Subject to any restrictions imposed at a general meeting, the committee may approve expenditure on behalf of the Club.
- (3) The committee may authorise the Treasurer to expend funds on behalf of the Club up to a specified limit without requiring approval from the committee for each item on which the funds are expended.
- (4) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments of the Club must be signed by —
 - (a) 2 committee members; or
 - (b) one committee member and a person authorised by the committee.
- (5) All funds of the Club must be deposited into the Club's account within 5 working days after their receipt.

62 Financial statements and financial reports

- (1) For each financial year, the committee must ensure that the requirements imposed on the Club under Part 5 of the Act relating to the preparation of the financial statements of the Club are met.
- (2) A reviewer or auditor, as determined by the committee, shall be appointed by the committee, and if considered appropriate, may be removed and replaced by the committee.
- (3) Without limiting sub-rule (1), those requirements include -
 - (a) the review or audit of the financial statements before presentation of those statements to the annual general meeting of the club; and
 - (b) the presentation to the annual general meeting of the financial statements, together with a copy of the report of the review or auditor's report, as applicable, on the financial statements.

Part 10 - General Matters

63 By-laws

- (1) The committee may amend or revoke By-Laws.
- (2) By-laws may —
 - (a) provide for the rights and obligations that apply to any categories of membership approved under sub-rule 8(3); and
 - (b) impose requirements relating to the financial reporting and financial accountability of the Club and the reviewing or auditing of the Club's accounts; and
 - (c) provide for any other matter the Club considers necessary or convenient to be dealt with in the By-Laws.
- (3) A by-law is of no effect to the extent that it is inconsistent with the Act, the regulations or these rules.
- (4) Without limiting sub-rule (3), a by-law made for the purposes of sub-rule (2)(b) may only impose requirements on the Club that are additional to, and do not restrict, a requirement imposed on the Club under Part 5 of the Act.
- (5) At the request of a member, the Club must make a copy of the By-Laws available for inspection by the member.

64 Executing documents and common seal

- (1) No document may be signed without prior approval of the committee.
- (2) The Club may execute a document without using a common seal if the document is signed by 2 committee members; or one committee member and a person authorised by the committee.
- (3) The name of the Club must appear in legible characters on the common seal.
- (4) A document may only be sealed with the common seal by the authority of the committee and in the presence of —
 - (a) 2 committee members; or
 - (b) one committee member and a person authorised by the committee,and each of them is to sign the document to attest that the document was sealed in their presence.
- (5) The Secretary must make a written record of each use of the common seal.
- (6) The common seal must be kept in the custody of the Secretary or another committee member authorised by the committee.

65 Giving notices to members

- (1) In this rule -
recorded means recorded in the register of members.
- (2) A notice or other document that is to be given to a member under these rules is taken not to have been given to the member unless it is in writing and —

- (a) delivered by hand to the recorded address of the member; or
- (b) sent by prepaid post to the recorded postal address of the member; or
- (c) sent by facsimile or electronic transmission to an appropriate recorded number or recorded electronic address of the member.

66 Custody of books and securities

- (1) Subject to sub-rule (2), the books and any securities of the Club must be kept in the Secretary's custody or under the Secretary's control.
- (2) The financial records and, as applicable, the financial statements or financial reports of the Club must be kept in the Treasurer's custody or under the Treasurer's control.
- (3) Sub-rules (1) and (2) have effect except as otherwise decided by the committee.
- (4) The books of the Club must be retained for at least 7 years.

67 Record of office holders

- (1) The record of committee members and other persons authorised to act on behalf of the Club that is required to be maintained under section 58(2) of the Act must be kept in the Secretary's custody or under the Secretary's control.

68 Inspection of records and documents

- (1) Members may inspect any records and documents held by the Club which it is under a statutory obligation to keep.
- (2) A member may inspect any other record or document of the Club.
- (3) A member who wants to inspect any records and documents must contact the Secretary to make the necessary arrangements for the inspection.
- (4) The inspection must be free of charge.
- (5) If the member wants to inspect a document that records the minutes of a committee meeting, the right to inspect that document is subject to any decision the committee has made about minutes of committee meetings generally, or the minutes of a specific committee meeting, being available for inspection by members.
- (6) The member may make a copy of or take an extract from a record or document referred to in sub-rules (1) and (2) but does not have a right to remove the record or document for that purpose.
- (7) A member must not use or disclose information in a record or document referred to in sub-rules (1) and (2) except for a purpose that is directly connected with the affairs of the Club; or that is related to complying with a requirement of the Act.

69 Publication by committee members of statements about Club business prohibited

- (1) A committee member must not publish, or cause to be published, any statement about the business conducted by the Club at a general meeting or committee meeting unless —
 - (a) the committee member has been authorised to do so at a committee meeting; and

- (b) the authority given to the committee member has been recorded in the minutes of the committee meeting at which it was given.

70 Distribution of surplus property on cancellation of incorporation or winding up

- (1) In this rule —

surplus property, in relation to the Club, means property remaining after satisfaction of —

- (a) the debts and liabilities of the Club; and
- (b) the costs, charges and expenses of winding up or cancelling the incorporation of the Club,

but does not include books relating to the management of the Club.

- (2) On the cancellation of the incorporation or the winding up of the Club, its surplus property must be distributed as determined by special resolution by reference to the persons mentioned in section 24(1) of the Act.

71 Alteration of rules

- (1) If the Club wants to alter or rescind any of these rules, or to make additional rules, the Club may do so only by special resolution and by otherwise complying with Part 3 Division 2 of the Act.