

Notting Hill – Pinewood Tennis Club Incorporated
Established 1934 – Amalgamated 1980

Constitution & By-Laws

NOTTING HILL – PINWOOD TENNIS CLUB INCORPORATED

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NOTTING HILL – PINWOOD TENNIS CLUB INCORPORATED

1. STATEMENT OF PURPOSES AND RULES

The name of the incorporated association is NOTTING HILL - PINWOOD TENNIS CLUB INCORPORATED (in these Rules called “the Association”).

2. INTERPRETATION

- (1) In these Rules, unless the contrary intention appears:
- ”Committee” means the Committee of Management of the Association.
 - ”Financial Year” means the year ending 30 June.
 - ”General Meeting” means a general meeting of members convened in accordance with Rules 11 & 12.
 - ”Member” means a member of the Association.
 - ”The Act” means the Association’s Incorporation Act 1981.
 - ”The Regulations” means regulations under the Act.
- (2) In these Rules, a reference to the Secretary of the Association is a reference:
- (a) where a person holds office under these Rules as Secretary of the Association to that person; and
 - (b) in any other case, to the Public Officer of the Association.
- (3) Words or expressions contained in these Rules shall be interpreted in accordance with the provisions of the Interpretation Act 1958 and the Act as in force from time to time.

3. OBJECTS

The aim of the Association shall be:

- (1) To provide adequate and proper facilities for the playing of tennis at both social and competitive levels.
- (2) To promote and foster tennis (senior & junior) in the City of Monash.

4. COLOURS

The colours of the Association shall be Royal Blue and White.

5. AFFILIATION

The association will be affiliated with such associations considered necessary, or desirable, by the Committee.

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6. MEMBERSHIP

- (1) A natural person who is nominated and approved for membership is eligible to be a member of the Association on payment of the entrance fee and annual subscription payable under these Rules.
- (2) A person who is not a member of the Association at the time of the incorporation of the Association (or who was such a member at that time but ceased to be a member) shall not be admitted to membership:
 - (a) unless he applied as provided in sub-clause (3) and
 - (b) his admission as a member is approved by the Committee
- (3) An application of a person for membership of the Association:
 - (a) shall be made in writing in the form set out in Appendix 1; and
 - (b) shall be lodged with the Assistant Secretary of the Association.
- (4) Provided a vacancy exists, then as soon as practicable after the receipt of a nomination, the Assistant Secretary shall place the names of the Applicants on the notice board of the Association's Club House at least 7 days before the application comes before the Committee.
- (5) Upon nomination being referred to the Committee, the Committee shall determine whether to approve or reject the nomination. If an application is rejected from Membership, he shall be advised accordingly in writing (result excluded).
- (6) Upon a nomination being approved by the Committee, the Assistant Secretary shall, with as little delay as possible, notify the nominee in writing that he is approved for membership of the Association and request payment within the period of 30 days after receipt of the notification of the sum payable under these Rules as the entrance fee and the first year's subscription.
- (7) Any offer of membership shall remain open for not more than thirty (30) days after the date the offer was made. After such period, any request for membership will result in the applicant's name being placed on any existing waiting list and will be subject to the Committee's determination at its next meeting.
- (8) The Assistant Secretary shall, upon payment of the amounts referred to in sub-clause (6) within the period referred to that clause, enter the nominee's name in the register of members kept by him and, upon the name being so entered, the nominee becomes a member of Association.
- (9) A right, privilege, or obligation of a person by reason of his membership of the Association:
 - (a) is not capable of being transferred to another person.
 - (b) terminates upon cessation of this membership whether by death, resignation or otherwise.

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- (10) The categories of Members shall be:
- (a) Senior Full Members
 - (b) Week Day Members
 - (c) Juniors Members (under the age of 18 years)
 - (d) Senior Non-Playing Members
 - (e) Junior Non-Playing Members
 - (f) Life Members
 - (g) Honorary Members
 - (h) Family members (Senior Full Members and Junior Members)
 - (i) Student Members
 - (j) Night Tennis Members
 - (k) Tennis Victoria Pennant Members

Categories (a), (b), (d), (h) (Senior Full Members) and (i) may be referred to as Senior Members elsewhere in these Rules.

- (11) The rights of Members shall be:
- (a) Senior Full Members, Life Members, Honorary Members and Student Members are entitled to use the Association's premises and courts at any time provided that there is no conflict with the By-Laws as set down by the Committee from time to time.
 - (b) Week Day Members are entitled to use the Association's premises at any time and are entitled to use the courts at all times other than Saturdays, Sundays and Public Holidays provided that there is no conflict with the By-Laws as set down by the Committee from time to time.
 - (c) Junior Members are entitled to use the Association's premises and courts at such times as laid down by the By-Laws.
 - (d) Non-Playing Members are entitled to use the Association's premises at any time provided that there is no conflict with By-Laws as set down by the Committee from time to time.
 - (e) Night Tennis Members are entitled only to represent the Association in teams playing in the W.D.T.A. Night Tennis competitions. They are not entitled to use the courts at other times.
 - (f) Tennis Victoria Pennant Members are entitled to use the Association's premises and courts between the 1st April and 30th September inclusive provided that there is no conflict with the By-Laws as set down by the Committee from time to time.

- (12) Life Membership may be bestowed on any person. Any financial Senior Full Member, Week Day Member or Student Member shall be entitled to propose a member or any person for Life Membership. Such proposal shall be made in writing and submitted to the Committee no later than April for ratification by them and to be put as a recommendation to the next Annual General Meeting. The nomination for Life Membership must be carried by two-thirds majority of these present and eligible to vote at a General Meeting of the Association. Life Membership may be cancelled if the person concerned is notified of the proposed resolution and the resolution for the cancellation is approved by two-thirds majority of those present and eligible to vote in a General Meeting of the Association.

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- (13) Honorary Membership may be bestowed to any person from time to time as may be considered necessary by the Committee.
In extenuating circumstances the Executive of the Committee of Management shall have the authority to bestow Honorary Membership for that period of time until the next meeting of the Committee of Management.
- (14) Senior Life and Honorary Members will enjoy all rights of Full Members without the payment of annual subscription. Not more than one (1) Life Member shall be elected in any financial year.
- (15) The Committee shall have the power to grant leaves of absence, but any member granted leave shall be the same as that fixed for Non-Playing Members. Reinstatement to Full Membership will be at the discretion of the Committee who will, at the time of request, take into consideration the general membership situation within the Association. A Member who is reinstated will be liable for the difference in fees between Senior Non-Playing Members and Senior Full Members. Pro rata fees may be determined by the Committee if appropriate.
- (16) Only Senior Full Members and Student Members whose fees for the current Financial year are in order are entitled to vote at General Meeting(s). Senior Full Members, Week Day Members and Student Members who were financial in the Fiscal Year just ended are those entitled to vote at the Annual General Meeting.
- (17) Any un-financial member will be debarred from participating in any competitive tournament or championship events conducted by the Association and shall have no voice in the affairs of the Association.
- (18) Payment of fees by a member shall be deemed acceptable of the Rules of the Association.
- (19) Notwithstanding (12) above, all Life Members of the Association prior to incorporation shall automatically be granted Life Membership at the date of incorporation.

7. FEES

- (1) All Joining Fees and Annual Subscriptions will be determined at the Annual General Meeting on the recommendation of the Committee. The scale of fees proposed for the ensuing year will be advised in the notice of the Annual General Meeting.
- (2) A Member will be considered financial when the fees due have been paid.
- (3) If a member has not paid the fees due, by the end of September and has not entered into a special arrangement with the Committee, the membership may cease at that date at the discretion of the Committee.
- (4) Any new or existing Member who has paid a joining fee, (if applicable) shall only be liable to pay pro rata annual fees as appropriate. This will be determined by the Committee.

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- (5) In the event of a new Member being unable to discharge his financial obligations, he may make written application to the Committee to enter into a special arrangement for payment. The Committee will consider all the relevant facts and will make arrangements as will be of benefit to the Association as well as the member. When such arrangement has been made, the Member will not be considered un-financial.

8. REGISTER OF MEMBERS

The Assistant Secretary shall keep and maintain a Register of Members in which shall be entered the full name, address and date of entry of the name of each member and the register shall be available for inspection by members at the address of the Public Officer.

9. RESIGNATION OF MEMBER

- (1) A Member of the Association who has paid all monies due and payment by him to the Association may resign from the Association by first giving one month notice in writing to the Assistant Secretary of his intention to resign and upon the expiration of notice, the Member shall cease to be a Member.
- (2) Upon the expiration of a notice given under sub-clause (1), the Assistant Secretary shall make in the Register of Members an entry recording the date on which the Member by whom the notice was given, ceased to be a member.

10. EXPULSION OF MEMBER

- (1) The Committee shall have the power to request in writing the resignation of any Member whose membership the Committee believes is prejudicial to the interests of the Association. The reason for the request shall be advised.
- (2) In the absence of such resignation within fourteen days of the written request, the Committee shall consider the expulsion of the member, who shall be permitted to offer an explanation of the conduct considered prejudicial either verbally or in writing, and if a vote for expulsion is then carried by a two-thirds (2/3) majority of the Committee members present at the meeting, the membership of the member shall be cancelled forthwith.

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11. ANNUAL GENERAL MEETING

- (1) The Association shall in each calendar year and not later than 31 July, convene an Annual General Meeting of its Members.
- (2) The Annual General Meeting shall be held on such day as the Committee determines.
- (3) The Annual General Meeting shall be specified as such in the notice convening it.
- (4) The Ordinary Business of the Annual General Meeting shall be:
 - (a) to confirm the Minutes of the last preceding Annual General Meeting and of any General Meeting held since that Meeting.
 - (b) to receive from the Committee reports upon the transaction and Financial Statements for the Association during the last preceding financial year.
 - (c) to receive and consider the statement submitted by the Association in accordance with Section 30 (3) of the Act.
- (5) The Annual General Meeting may transact special business of which notice is given in accordance with these Rules.

12. SPECIAL GENERAL MEETING

- (1) The Committee may, whenever it thinks fit, convene a Special General Meeting of the Association.
- (2) The Committee shall, on requisition in writing of members representing no less than 10 members, convene a Special General Meeting of the Association.
- (3) The requisition for a Special General Meeting shall state the objects of the meeting and shall be signed by the members making the requisition and sent to the address of the Secretary.
- (4) If the Committee does not cause a Special General Meeting to be held within one month after the date on which the requisition is sent to the address of the Secretary, the members making the requisition, or any of them, may convene a Special General Meeting to be held no later than 3 months after that date.

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13. NOTICE OF MEETING

- (1) The Secretary of the Association shall, at least 14 days before the date fixed for holding a General Meeting of the Association cause to be sent to each Member of the Association at the member's addresses appearing in the Register of Members, a notice by pre-paid posting stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (2) No business other than that set out in the notice convening the meeting shall be transacted at the meeting.
- (3) A Member desiring to bring any business before an Annual General Meeting shall give 30 days notice of that business in writing to the Secretary, who shall cause the agenda for the Annual General Meeting to be displayed on the notice board 14 days prior to the Annual General Meeting.

14. PROCEEDINGS AT MEETINGS

- (1) All business that is transacted at a Special General meeting and all business that is transacted at the Annual General Meeting with the exception of that specially referred to in these rules as being ordinary business for the Annual General Meeting shall be deemed to be special business.
- (2) No item of business shall be transacted at a General Meeting unless a quorum of Members entitled under these Rules to vote is present during the time when the meeting is considering the item.
- (3) Ten per cent (10%) of financial Senior Full Members, Week Day Members and Student Members (three of whom must be members of the Committee) constitute a quorum for the transaction of the business of a General Meeting.
- (4) If within half an hour after the appointed time for the commencement of a General Meeting, a quorum is not present, the meeting convened upon the requisition of Members shall be dissolved and in any other case shall stand adjourned to the same day next week at the same time and (unless another place is specified by the chairman at the time of the adjournment or by written notice to Members given before the day to which the meeting is adjourned) at the same place and if at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the Members present shall be a quorum.

15. CHAIRMAN AT MEETINGS

- (1) The President, or in his absence, the Vice-President, shall preside as Chairman at each General Meeting of the Association.
- (2) If the President and the Vice-President are absent from a General Meeting, the Members present shall elect one of their number to preside as Chairman of the meeting.

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16. ADJOURNING OF MEETINGS

- (1) The Chairman of a General Meeting at which a quorum is present may, with the consent of the Members, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) Where a meeting is adjourned for 14 days or more, a like notice of the adjourned meeting shall be given as in the course of the General Meeting.
- (3) Except as provided in sub-clauses (1) and (2), it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting.

17. RESOLUTION OF QUESTIONS

A question arising at a General Meeting of the Association shall be determined on a show of hands and unless before or on declaration of the show on hands a poll is demanded, a declaration by the Chairman that a resolution has, on a show of hands, been carried unanimously or carried by a particular majority or lost, and an entry to that effect in the Minute Book of the Association is evidence of the fact, without any proof of the number of the votes recorded in favour of or against that resolution.

18. VOTING AT MEETINGS

- (1) Upon any question arising at a General Meeting of the Association, a financial Senior Full Member, Week Day Member or Student Member (excluding the Chairman) has one vote only.
- (2) All votes shall be given personally.
- (3) In the case of an equality of voting in question, the Chairman of the meeting is entitled to exercise a casting vote.

19. TAKING OF POLLS

- (1) If at a meeting a poll on any question is demanded by Members, it shall be taken at that meeting in such manner as the Chairman may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
- (2) A poll that is demanded on the election of a Chairman or on a question of an adjournment shall be taken forthwith and a poll that is demanded on any other question shall be taken as such time before the close of the meeting as the Chairman may direct.

20. ENTITLEMENT TO VOTE

A member is not entitled to vote at any General Meeting unless all monies due and payable by him to the Association have been paid, other than the amount of the annual subscription payable in respect of the current membership year.

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21. COMMITTEE OF MANAGEMENT

(1) The affairs of the Association shall be managed by a Committee of Management constituted as provided in Rule 21.

(2) The Committee:

- (a) shall control and manage the business of the Association;
- (b) may, subject to these Rules, the Regulations and the Act, exercise all such powers and functions as may be exercised by the Association other than those powers and functions that are required by these Rules to be exercised by General Meeting of the members of the Association; and
- (c) subject to these Rules, the Regulations and the Act, has power to perform all such acts and things as appear to the Committee as essential for proper management of the business and affairs of the Association.
- (d) may, from time to time, make, repeal, and amend such By-Laws (not inconsistent with these Rules) as it shall think expedient for the internal management, use of courts and well being of the Association. All sub By-Laws shall be binding upon the Members until repealed by the Committee or set aside by a resolution of a General Meeting of the Association. Any new, repealed or amended By-Laws will be published in the succeeding month's Newsletter of the Association.
- (e) shall have the power to make arrangements for holding on the courts matches (graded or otherwise) tournaments or other like competitions, to impose a charge for the admission of non-members to the grounds, to provide out of the funds of the Associations cups and other prizes for the competition and to reserve such courts as it may in its discretion think necessary for any particular occasion (s).
- (f) shall have the power to deal with any complaint or misconduct or infringement of any of the Rules or By-Laws by any Member and after calling upon such member by notice in writing under the hand of the Secretary for an explanation and considering such explanation tendered, or, if no explanation be tendered, may either exonerate, censure, expel such Member or request such Member to resign before a specified date, without giving any reason for such action. In the event of a member who has been requested to resign failing to do so before the specified date, such Member may be forthwith expelled from the Association. The Member shall have the right to appeal to his peers as per Rules 11 & 12 of these Rules.
- (g) shall have the power to determine the total number of Members of the Association.
- (h) shall, notwithstanding the provisions contained in sub-clause 21 (2(e)), have the power to control the uses of the Association's premises and courts at all times.

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22. OFFICERS OF THE ASSOCIATION

- (1) The Officers of the Association must be Senior Full Members or Student Members and shall consist of:
 - President
 - Vice-President
 - Secretary
 - Treasurer
 - Assistant Secretary
 - Tournament Secretary
 - Social Activities Convenor
 - Junior Convenor
 - Week Day Members Convenor
 - Maintenance Convenor
 - Night Tennis Convenor
 - Social Tennis Convenor

The President, Vice-President, Secretary and Treasurer shall be termed the Executive and the President and Secretary shall be Ex Officio Members of all Sub-Committees formed.

- (2) All officers shall be elected for a term of two (2) years, but the terms shall rotate so that the President, Treasurer, Assistant Secretary, Social Activities Convenor, Maintenance Convenor, Social Tennis Convenor shall retire during the same year while the Vice-President, Secretary, Tournament Secretary, Week Day Members Convenor, Night Tennis Convenor and Junior Convenor shall retire the same year and will be eligible for re-election.
- (3) In the event of a casual vacancy occurring on the Committee (due to resignation or any other reason), any replacement appointed to the position will serve out the remainder of the two (2) year term. Only two such casual vacancies can be filled by the Committee at any time. Any appointment made to fill casual vacancies will be published in the next month's newsletter of the Association.
- (4) The Secretary and Treasurer shall each receive an honorarium as determined by the membership at an Annual General Meeting on a recommendation from the Committee.
- (5) The Committee may at any time co-opt the services of any member of the Association. The resolution resolving such appointment shall state the reason therefore, and the length of time during which such co-option shall extend. A co-opted members shall be entitled to take part in such proceeding only of the Committee that lies within the scope of the matter(s) for which he has been co-opted. The term of the appointment shall cease at the time of the next Annual General Meeting of the Association.

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23. ELECTION OF OFFICERS

- (1) Nominations of candidates for election of retiring/vacant positions of the Committee:
 - (a) shall be made in writing, signed by two (2) members of the Association and accompanied by written consent of candidate (which may be endorsed on the form of nomination); and
 - (b) shall be delivered to the Returning Officer of the Association not less than 7 days before the date fixed for the holding of the Annual General Meeting.
- (2) If insufficient nominations are received to fill vacancies on the Committee, the candidates nominated shall be deemed to be elected and further nominations shall be received at the Annual General Meeting.
- (3) If the number of nominations is equal to the number of vacancies to be filled the members nominated shall be deemed to be elected.
- (4) If the number of nominations exceeds the number of vacancies to be filled, a secret ballot shall be held. The exhaustive system of ballot shall be used.

24. OFFICE VACANCIES

For the purpose of these Rules, the office of an officer of the Association becomes vacant if the officer:

- (1) ceases to be a member of the Association;
- (2) becomes an insolvent under administration within the meaning of the Companies (Victoria) Code;
- (3) resigns his office by notice in writing given to the Secretary; or
- (4) failed to fulfil the requirement of Rule 25 (5).

25. PROCEEDINGS OF COMMITTEE

- (1) The Committee shall meet at least four (4) times in each year at such place and such time as the Committee may determine.
- (2) Special meetings of the Committee may be convened by the Secretary after receipt of a requisition in writing from the President or by any 3 of the members of the Committee.
- (3) Notice shall be given to members of the Committee of any special meeting specifying the general nature of the business to be transacted and no other business shall be transacted at such meeting.
- (4) Any 7 members of the Committee (two (2) of them from the Executive) constitute a quorum for the transaction of the business of a meeting of the Committee.
- (5) Any member of the Committee absenting himself from three (3) consecutive meetings shall, unless a satisfactory explanation is forwarded in writing to the Committee through the Secretary within three (3) days after the date of the last of such three (3) meetings, be deemed to have vacated his office.

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- (6) No business shall be transacted unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present the meeting shall stand adjourned to the same place and at the same hour of the same day in the following week unless the meeting was a special meeting in which case it lapses.
- (7) At meetings of the Committee:
 - (a) the President or in his absence the Vice-President shall preside; or
 - (b) if the President and the Vice-President are absent, such one of the remaining members of the Committee as may be chosen by the members may preside.
- (8) Questions arising at the meeting of the Committee or of any Sub-Committee appointed by the Committee shall be determined by show of hands or, if demanded by a member, by a poll taken in such manner as the person presiding the meeting may determine.
- (9) Each member present at a meeting of the Committee or of any Sub-Committee appointed by the Committee (excluding the person presiding at the meeting) is entitled to one vote and, in the event of an equality of votes on any question, the person presiding may exercise a casting vote.
- (10) Written notice of each Committee meeting shall be served on each member of the Committee by delivering it to him at a reasonable time before the meeting or by sending it by pre-paid post addressed to him at his usual or last known place of abode at least two (2) business days before the date of the meeting.
- (11) Subject to sub-clause (4) the Committee may act notwithstanding any vacancy on the Committee.

26. PRESIDENT

The President shall preside at the Annual Meetings and at General Meetings and at Committee Meetings throughout the year.

27. VICE-PRESIDENT

The Vice-President, in the absence of the President, shall preside at the Annual Meeting, at General Meetings and at Committee Meetings throughout the year.

28. SECRETARY

- (1) The Secretary of the Association shall keep the minutes of resolutions and proceedings of each General Meeting and each Committee Meeting in books provided for that purpose together with a record of the names of persons present at Committee Meetings.
- (2) The Secretary shall be responsible for notification of all meetings as per the Rules of the Association.

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29. TREASURER

- (1) The Treasurer of the Association:
 - (a) shall collect and receive all monies due to the Association and make all payments authorised by the Association; and
 - (b) shall keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditures connected with the activities of the Association.
- (2) The accounts and books referred to sub-clause (1) shall be available for inspection by members.

30. SOCIAL ACTIVITIES CONVENOR

The Social Activities Convenor shall be responsible for the organisation of functions either Social or Fund Raising as agreed by the Committee.

31. ASSISTANT SECRETARY

- (1) The Assistant Secretary shall perform such duties as delegated by the Committee or as mutually agreed with the Secretary. The Assistant Secretary shall hold ex officio positions only when acting in lieu of the Secretary.
- (2) The Assistant Secretary shall maintain the Register of Members as per rule 8.

32. TOURNAMENT SECRETARY

The Tournament Secretary shall be responsible for all competitive tennis within the Club and also inter club competition other than Night Tennis, Mid Week Ladies and Juniors.

33. JUNIOR CONVENOR

The Junior Convenor shall be responsible for all Junior Tennis both social and competitive within the Club.

34. WEEK DAY MEMBERS CONVENOR

The Week Day Members Convenor shall represent all Week Day Members at both social and competitive level on the Committee.

35. MAINTENANCE CONVENOR

The Maintenance Convenor shall be responsible for the upkeep of Club House, Courts and Surrounds.

36. NIGHT TENNIS CONVENOR

The Night Tennis Convenor shall be responsible for conducting all night tennis, both competitive and social.

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37. SOCIAL TENNIS CONVENOR

The Social Tennis Convenor shall be responsible for the running of Sunday organised social tennis.

38. SUB-COMMITTEES

- (1) The Committee may from time to time appoint from among their members such Sub-Committees as they may deem necessary or expedient, and may depute or refer to such of the powers and duties of the Committee as the Committee may determine. Such Sub-Committees shall, at such times as the Committee shall require, report their proceedings to the Committee and shall conduct their business in accordance with the directions of the Committee.
- (2) The Committee shall have the power to direct the function, dismiss or expand any Sub-Committee duly formed.

39. AUDITOR

At every Annual General Meeting an Auditor or Auditors (not being a member of the Committee) shall be elected for the ensuing year. A vacancy occurring in the office of the Auditor(s) during the year shall be filled by the Committee.

40. REMOVAL OF MEMBER OF COMMITTEE

- (1) The Association in General Meeting may by resolution remove any member of the Committee before the expiration of his term of office and appoint another member in his stead to hold office until the expiration of the term of office of the first-mentioned member.
- (2) Where the member to whom a proposed resolution referred to in sub-clause (1) makes representations in writing to the Secretary or President of the Association (not exceeding a reasonable length) and requests that they be notified to the members of the Association, the Secretary or the President may send a copy of the representations to each member of the Association or, if they are not sent, the member may require that they be read out at the meeting

41. MEMBERSHIP YEAR

The financial year of the Association shall begin on the 1st July and end on the 30th June in the following year.

For the purposes of the payment of Annual Subscriptions by Members, the membership year of the Association shall begin on 1st October and end on 30th September of the following year.

42. CHEQUES

All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any two of the President, Secretary and Treasurer.

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43. SEAL

- (1) The Common Seal of the Association shall be kept in the custody of the Secretary.
- (2) The Common Seal shall not be affixed to any instrument except by the authority of the Committee and the affixing of the Common Seal shall be attested by the signatures of two members of the Committee or of one member of the Committee and of the Public Officer of the Association.

44. ALTERATION OF RULES AND STATEMENT OF PURPOSE

These Rules and Statement of Purposes of the Association shall not be altered except in accordance with the Act.

45. NOTICES

- (1) Subject to clause 13 (1) a notice may be served by or on behalf of the Association upon any member either personally or by sending it by post to the member at his address shown in the Register of Members.
- (2) Where a document is properly addressed pre-paid and posted to a person as a letter, the document shall, unless the contrary is proved, be deemed to have been given to the person at the time at which the letter would have been delivered in the ordinary course of a post.

46. INDEMNITY

- (1) The Association shall obtain a policy of insurance for Members against accidents which may arise out of or in the course of the performance of any duty as members of the Association and for the public against any accident or damage to property which may arise out of or in the course of performance of any activity of the Association.
- (2) The Trustees, Officers of the Association and members of the Committee shall be indemnified out of the funds of the Association against all losses and expenses incurred personally on behalf of the Association, and it shall be the duty of the Committee, out of the funds of the Association to pay all losses, damages and expenses, costs and charges which they shall respectively incur or be put to the execution of their respective offices or by reason or on account of any contract deed matter or thing which shall be permitted, entered into and executed by them respectively on behalf of or bona-fide in the interest of or with the view of benefiting the Association and any such member of the Committee or Officer shall be chargeable only for so much money as he shall actually receive and they shall not be answerable for any banker, broker, collector or other persons appointed by the Committee with whom or into whose hands any property or monies of the Association may be deposited or come not insufficiency of any title of the estate or property which from time to time be purchased by order of the Committee nor for any loss or damage which may happen in the execution of their respective offices unless the same happens through their own respective wilful neglect.

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47. WINDING UP OR CANCELLATION

- (1) The Association may be disbanded only by circulation of Notice of Motion to all members and at a Special General Meeting called for the purpose.
- (2) In the event of the winding up or the cancellation of the Incorporation of the Association, the assets of the Association shall be disposed of in accordance with the provision of the Act. After disposing of assets any surplus of funds will not be shared amongst members but will be distributed to other Clubs and/or Associations as the members so nominate.

48. CUSTODY OF RECORDS

Except as provided in these Rules, the Secretary shall keep in his custody or under his control all books, documents and securities of the Association.

49. FUNDS

The funds of the Association shall be derived from entrance fees, annual subscriptions, donations and such other sources as the Committee determines.

50. CO-OPERATIVES

- (a) All members who hold shares in the Pinewood Tennis Club Co-Operative Society Limited (or any other Co-Operative which may be set up in the future) will be held equally liable for the guaranteeing of repayments of any loan agreement entered into by the Association and/or made under the Co-Operative Societies of Victoria Act, and must be prepared to sign appropriate papers connected with a loan.
- (b) All Adult members must be prepared to take out shares in any future Co-Operative set up to provide facilities or amenities for the Association as approved at a General Meeting.

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BY-LAWS

These By-Laws are subject to review by the Management Committee which has the right to alter the By-Laws at any time. The Management Committee will decide on any points which are not specifically covered by the By-Laws.

COURT AVAILABILITY

1. Courts in use for competition and tournament matches will not be available for the use of other members.
For the purpose of this By-Law court availability shall mean that senior members have preference for social play unless specific playing times have been granted pursuant to this By-Law.
Playing times may vary from day to day but will always be posted on the club notice board.

VISITORS

2. Any member may introduce to the Club a visitor who wishes to participate in social play. The appropriate visitor's fee must be paid and the appropriate details entered in the visitor's book.

CORRECT ATTIRE

3. Correct tennis attire shall be worn by players at all times whilst on the court and shall include tennis shoes approved for use on synthetic courts.

CARE OF COURTS

4. Courts must be cared for by all players in accordance with common sense and directions issued by the Committee, and displayed on the Club notice board and/or courts. E.g. No black or ripple soled shoes.

TEAM SELECTION

5. (A) SELECTION COMMITTEES

A Selection Sub-Committee may exist for each day and/or Association. The Selection Committees will in general consist of 1 member for every two teams entered in the season prior to the selectors being appointed. The Chairperson for each Selection Sub-Committee will be:

1. For Saturday, Senior and Tennis Victoria Pennant, the Tournament Secretary.
2. For Junior tennis, the Junior Convenor.
3. For Week Day Members, as elected by that Association's eligible players.

The members of a Selection Sub-Committee shall be elected in the following manner:

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SATURDAY SENIOR

Each team is required to nominate from their team a senior club member to stand for election as a selector. In the event that no team member is prepared to stand then that team may choose an un-nominated candidate, from either the team above, the team below or a team of equivalent grading.

Each player will then be required to vote to elect one selector from every consecutive pair of teams as listed. This is to be achieved by commencing with the highest listed pair of teams and working down through the list until all selectors have been elected.

(Note: Consecutive teams will be listed, for this purpose only, as follows: Mixed over Mens over Ladies, Rubbers over sets).

Nominations and elections must take place every two seasons. The nominations must be returned to the chairperson of the relevant Selection Sub-Committee by the fourth match of the season following the Club's Annual General Meeting.

Elections are then to be held by secret ballot and finalised in the ensuing four weeks. Selectors are restricted to two consecutive 12 month terms in any 36 month period.

JUNIOR TENNIS

The Junior Selection Sub-Committee will consist of members nominated by the Junior Convenor and approved by the Management Committee. These nominations and approvals must take place no later than two months after the Annual General Meeting.

WEEK DAY MEMBERS

Each Player is to be given a list of all team members for the current season or if between seasons then for the preceding season. Each player is then required to vote for one selector from every consecutive pair of teams listed. In the case of an uneven number of teams then either the three middle teams will be bracketed together and two selectors elected from this bracket or in the event of less than four teams in any one particular day and/or Association then the method of choosing selectors shall be left to the Week Day Members Sub-Committee.

Elections must take place every two seasons, be held by secret ballot and be completed by the eighth match of the season following the Club's Annual General Meeting. Selectors are restricted to two consecutive 12 month terms in any 36 month period.

TENNIS VICTORIA PENNANT

The Tennis Victoria Pennant Selection Sub-committee shall consist of members appointed by the Management Committee.

These appointments shall take place not later than two months after the Annual General Meeting. Selectors are restricted to two consecutive 12 month terms in any 36 month period.

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COMPLAINTS

Any complaints concerning selection are to be in writing and addressed to the relevant Chairperson of Selectors with a copy to the Club Secretary. Each complaint must be replied to, in writing within seven days by the relevant Selection Sub-Committee and a copy of that reply is to be sent to the Club Secretary.

NOTE: Only the President and Secretary of the Management Committee are the authorised ex-officio members of any Selection Sub-Committees.

RESPONSIBILITIES AND DUTIES OF SELECTORS

- (1) In general selectors are required to grade players according to their tennis playing ability with regard to the relevant day and/or Association. Where singles competition is played, then players must be graded according to singles ability and in the case of doubles, according to doubles ability. Individual gradings are to be detailed such that they reflect the standard within that grade.
- (2) Results from the current or previous season are to be used as a guide for any regrading. Selectors may also at any time arrange for any group of members to play one or more sets to decide gradings or alterations thereto.
- (3) Competition teams are then to be selected in accordance with tennis playing ability and gradings, commencing with top team.
- (4) The Chairperson of a Selection Sub-Committee shall be responsible for determining:
 - (a) The number of teams to be selected at any one time.
 - (b) The appropriate selectors for selecting those teams.
- (5) The various Selection Sub-Committee must maintain any necessary records and arrange emergencies as required.
- (6) Team lists are to be published on the notice board within one day of the elimination of all NHPTC teams competing in the current season for that day and/or Association, or after final selection and submission to the relevant Association, whichever is the latest.
- (7) Having submitted his/her name for an inter-club competition season, the withdrawal of his or her services after the Club's closing date for that day and or Association will render that player liable for suspension from all inter-club competition. The period of suspension is to be for the remainder of that current season and the entire following season with a maximum of 12 months.
- (8) Any player who behaves in a manner not befitting the general expectations of the club or the Association may be called before the appropriate Selection Sub-Committee.
- (9) In respect of Clauses (7) & (8) above, the relevant Selection Sub-Committee must investigate the situation and then recommend to the Management Committee what action should be taken.
- (10) A player incurring a suspension has the right of appeal to the Management Committee. Any such appeal must be in writing to the Secretary within 7 days of notification of suspension.

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- (11) Unless otherwise approved by the Junior Selection Sub-Committee a junior shall be ineligible to play W.D.T.A. Saturday afternoon Senior tennis unless he/she makes themselves available for the concurrent Junior season. In the event of any junior nominating to play Tennis Victoria pennant on a Saturday morning, or same being suggested to said junior, then the Junior Selection Sub-Committee must be consulted prior to approval being given and teams being selected.
- (12) Any Chairperson of any Selection Sub-Committee may request of the Management Committee that an Independent review Sub-Committee be appointed to review the selection under consideration.

JUNIOR SUB-COMMITTEE

6. The Junior Sub-Committee shall select and control all junior teams and attend to all duties pertaining thereto. They shall arrange tournaments, organise round robins, arrange sets on social days, arrange transport for junior teams and organise a roster for supervision of Saturday morning play.
Regular information reports are to be submitted to the Committee.

WEEK DAY MEMBERS SUB-COMMITTEE

7. The Week Day Members Sub-Committee shall select and control all Week Day Members teams and attend to all duties pertaining thereto. They shall arrange tournaments, organise round robins, and arrange sets on social days.
Regular information reports are to be submitted to the Committee.

POWERS AND DUTIES OF THE TOURNAMENT COMMITTEE

8. The Tournament Secretary and two other members appointed by the Management Committee will be known as the Tournament Committee.
 - A. It shall be the responsibility of the Tournament Committees to:
 - (i) Consider, publicise and conduct a programme of tournaments.
 - (ii) Recommend to the Management Committee any special arrangements for the utilisation of the Club's courts for the purpose of carrying out the proposed programme of matches.
 - (iii) Report the results of all Tournaments and Club Championships events to the Management Committee.
 - B. The Tournament Committee must ensure that:
 - (i) Every member is given an equal opportunity of participating in Tournament concerned.
 - (ii) When possible Tournament expenses should be met by a charge, failing this the expenses should be borne by the Club.
 - (iii) A court captain is appointed when required.

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POWER AND DUTIES OF COURT CAPTAIN

9. A court captain shall take charge of the playing arrangements of members whenever organised social tennis is played.
When no appointed court captain is in attendance, the members shall elect one of their number to act as court captain.

It is the responsibility of the court captain to:

- (i) Ensure that each player participates in a number of sets commensurate with the time of arrival and duration of attendance at the courts.
- (ii) Arrange sets so as to ensure that each member has varied tennis (so far as numbers present will permit).
- (iii) That with the exception of competition or tournament matches, no court shall be monopolised by two players when four-handed games are possible and desired by any members present.

In addition a court captain shall have the right to:

- (a) Co-opt the services of any member to assist with the arranging of sets or any other matters in which assistance is required.
- (b) Supervise and direct members in their observance of Club rules as to court maintenance and the like.
- (c) Limit the duration of any set whenever considered necessary.
- (d) Assess suitability of playing surface for play.

POWERS AND DUTIES OF TEAM CAPTAINS

10. A. The captain (and vice-captain) of each team must become thoroughly familiar with:
- (i) The official rules of Lawn Tennis.
 - (ii) The Constitution and By-laws of the pennant competition in which his/her team is entered; and
 - (iii) The Constitution and By-Laws of the Club.
- B. It is his/her responsibility to:
- (i) Maintain harmony among the members of the team.
 - (ii) Record and report to the Tournament Secretary as to the results of matches played, the relative ability and performance of the players and such other matters as he/she thinks fit.
 - (iii) Ensure that a full team is available for each state.
 - (iv) Ensure that, where appropriate, players participate in an equal number of matches in proportion to the number of match days on which each player is available to play.
 - (v) Ensure that Club rules as to court preparation are observed and the team is ready to commence play at appointed time.
 - (vi) Make whatever arrangements as considered appropriate for the orders of play and pairings of players, subject only to the rules of the pennant competition.
 - (vii) Where necessary, and in conjunction with the appropriate members of the Selection Committee, select the team to represent the Club in finals.
- C. It is the duty of the Captain to report promptly any dispute between the players in the team to the Management Committee.

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COMPLAINTS

11. Any complaints shall be in writing and lodged with the Secretary, who shall refer the matter to the Committee if the Secretary is unable to satisfy the complaint forthwith.

HIRING OF COURTS AND CLUBHOUSE

12. Club facilities may be hired by responsible clubs, organisations or individuals.

CLUB COURTS

In the first instance, the contact must be made to the Secretary. Where time permits the Secretary must consult the Management Committee for a decision.

Where a quick decision is required the Secretary shall consult with the President, and the Convenor of the Sub-Committee which is most likely to be affected by the decision.

The Secretary will convey to the club, organisation or individual the hiring conditions. The conditions of hire must be signed by both parties.

A suitable fee shall be decided on by the Committee taking into consideration, number of courts requested, number of players involved, and use of the Clubhouse.

Non member court hire is \$8 per hour per court (daylight hours).

Member court hire under lights is \$6 per hour.

Non member court hire under lights is \$14 per hour (includes court hire).

CLUBHOUSE

In the first instance, the contact must be made to the Clubhouse booking officer. If the booking officer is unable to reach agreement with the organisation, club or individual then this must be referred to the Management Committee, through the Secretary, for resolution.

NOTES

There is no charge for Club functions but the above processes must be followed.

A Club function is one that is open to members and non members, has been advertised in Courtside and is generally published as a Club function.

A Closed function is where admittance is by invitation only. A fee will be charged by the Club for all Closed functions.

Team celebrations are expected to be held but would generally occur immediately after winning a flag or something similar. No time limit is imposed except where there is a clash with a previously confirmed booking for the same facility.

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LIFE MEMBERSHIP

13. (1) The proposed member may come from any section of the club and must have served the club over a long period of time. The length of service to be at the discretion of the Committee, but should be a period of no less than ten (10) years.
- (2) It would be expected that the member should have served the club in some capacity at Committee or Management level, although failure to meet this requirement need not rule out a member as he or she may have made a considerable contribution to the Club in some other areas.
- (3). As well as meeting the above requirement the proposed member should be seen to have conducted himself or herself in a manner that has only brought credit to themselves and the Club they represent.