

Crestwood Tennis Association



Rules and By-Laws Effective On and From 1 March 2013

(These Rules and By-Laws were adopted effective 1 March 2013 by a special resolution of the Members at a *General Meeting* of the Members on 3rd February 2013 and replace all previous Rules and By-Laws)

www.crestwoodtennis.org.au

Rules of Crestwood Tennis Association

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Rules of Crestwood Tennis Association

1. Name

The Association shall be known as the CRESTWOOD TENNIS ASSOCIATION INCORPORATED (hereafter referred to as 'the Association').

2. Objective

The Objective of the Association shall be to promote tennis for its Members.

3. Activities

The principal activities of the Association shall be to conduct social doubles tennis and social functions. Singles tennis and competition tennis may also be facilitated from time to time as secondary activities.

4. Location

The Courts are situated in Crestwood Reserve between Peel Road and Chapel Lane, Baulkham Hills.

5. Membership and Financial Years

Membership and Financial Years will commence on 1st July and end on the following 30th June each year.

6. Membership Qualifications

- (i) A person is qualified to be an Adult Member or Junior Member of the Association if the person:
 - (a) has been nominated for membership of the Association as provided by Rule 7; and
 - (b) has been approved for membership of the Association by the Committee of the Association.
- (ii) Adult membership for persons over age 18 will entitle the Member to play as indicated in the By-Laws and have full voting rights.
- (iii) Junior membership will entitle the Member up to the age of 18 years to play as indicated in the By-Laws, but shall have no voting rights.

7. Nomination of Membership

- (i) A nomination of a person for membership of the Association:
 - (a) shall be made by Members of the Association in writing in the form decided by the Committee from time to time ; and
 - (b) shall be lodged with the Secretary of the Association.

- (ii) As soon as practicable after receiving a nomination for membership, the Secretary shall refer the nomination to the Committee, which shall determine whether to approve or to reject the nomination using whatever principles have been set by the Committee at the time for this purpose.
- (iii) Where the Committee determines to approve a nomination for membership, the Secretary shall, as soon as practicable after that determination, notify the nominee of that approval and request the nominee to pay within the period of 14 days, the sum payable under these rules by a Member as joining fee and annual fee.
- (iv) The Secretary shall, on payment by the nominee of the amounts referred to in clause (iii), arrange for the nominee's name to be entered in the Register of Members at which time the nominee then becomes a Member of the Association.
- (v) Membership will be renewed each 1 July subject to the provisions of these Rules and By-Laws.

8. Cessation of Membership

A person ceases to be a Member of the Association if the person:

- (a) dies;
- (b) resigns that membership;
- (c) is not offered membership renewal by the Committee;
- (d) does not pay their annual fee by the time specified by the Committee; or
- (e) is expelled from the Association.

9. Membership Entitlements Not Transferable

A right, privilege or obligation which a person has by reason of being a Member of the Association:

- (a) is not capable of being transferred or transmitted to another person; and
- (b) terminates upon cessation of the person's membership.

10. Resignation of Membership

- (i) A Member of the Association is not entitled to resign that membership except in accordance with this Rule.
- (ii) A Member of the Association who has paid all amounts payable by the Member to the Association in respect of the Member's membership may resign from membership of the Association by first giving at least one month's notice in writing to the Secretary of the Member's intention to resign. Upon the expiration of the period of notice, the Member ceases to be a Member. Any refunds of fees shall be made to the resigning Member in terms

of the refunds policy established by the Committee unless in exceptional circumstances decided otherwise by the Committee.

- (iii) Where a Member of the Association ceases to be a Member pursuant to clause (ii), and in every other case where a Member ceases to hold membership, the Secretary shall arrange for an appropriate entry to be made in the Register of Members recording the date on which the Member ceased to be a Member.

11. Non Renewal of Membership

- (i) The Committee may decide to not offer membership renewal to nominated members of the Association, in which case membership for those nominated will terminate at the end of the current membership year.
- (ii) The Committee shall apply the same principles to the offering or non-offering of membership renewal as applied to prospective new members in terms of Rule 7.

12. Register of Members

- (i) The Public Officer of the Association shall establish and maintain a Register of Members of the Association specifying name, address & date of membership.
- (ii) The Register of Members shall be kept at the residence of the Association Captain and shall be open for inspection, free of charge, by any Member of the Association at any reasonable hour.

13. Fees

Fees shall be as laid down in the current By-Laws.

14. Members' Liabilities

- (i) The liability of a Member of the Association to contribute towards the payment of the debts and liabilities of the Association or the costs, charges and expenses of the winding up of the Association is limited to the amount, if any, unpaid by the Member in respect of membership of the Association as required by Rule 13.
- (ii) This does not exclude the Association's option of legal recourse to recover reasonable costs associated with the negligence, carelessness or vandalism by a Member or former Member.

15. Disciplining of Members

- (i) Where the Committee is of the opinion that a Member of the Association:

- (a) has refused or neglected to comply with a provision or provisions of these Rules or current By-Laws; or
- (b) has wilfully acted in a manner prejudicial to the interests of the Association;

the Committee may, by resolution expel the Member from the Association or suspend the Member from membership of the Association for a specified period. No refund of fees shall be made to the expelled or suspended Member except in exceptional circumstances as decided by the Committee.

- (ii) Where the Committee passes a resolution under clause (i), the Secretary shall, as soon as practicable, cause a notice in writing to be served on the Member:
 - (a) setting out the resolution of the Committee and the grounds on which it is based;
 - (b) stating that the Member may address the Committee at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice;
 - (c) stating the date, place and time of the meeting; and
 - (d) informing the Member that the Member may do either or both of the following:
 - attend and speak at that meeting
 - submit to the Committee at or prior to the date of that meeting written representations relating to the resolution.
- (iii) At a meeting of the Committee held as referred to in clause (ii), the Committee shall:
 - (a) give to the Member an opportunity to make oral representations;
 - (b) give due consideration to any written representations submitted to the Committee by the Member at or prior to the meeting; and
 - (c) by resolution determine whether to confirm or to revoke the resolution.
- (iv) Where the Committee confirms a resolution under clause (iii), the Secretary shall, within seven days after that confirmation, by notice in writing inform the Member of the fact and of the Member's right of appeal under Rule 16.
- (v) A resolution confirmed by the Committee under clause (iii) does not take effect:
 - (a) until the expiration of the period within which the Member is entitled to appeal against the resolution where the Member does not exercise the right of appeal within that period; or

- (b) where within that period the Member exercises the right of appeal, unless and until the Association confirms the resolution pursuant to rule 16(iv).

16. Right of Appeal of a Disciplined Member

- (i) A Member may appeal to the Association in a general meeting against a resolution of the Committee which is confirmed under rule 15(iv), within seven days after notice of the resolution is served on the Member by lodging with the Secretary a notice to that effect.
- (ii) Upon receipt of a notice from a Member under clause (i), the Secretary shall notify the Committee, which shall convene a general meeting of the Association to be held within 21 days after the date on which the Secretary received the notice.
- (iii) At a general meeting of the Association convened under clause (ii):
 - (a) no business other than the question of the appeal shall be transacted;
 - (b) the Committee and the Member shall be given the opportunity to state their respective cases orally or in writing, or both; and
 - (c) the Members present shall vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (iv) If at a General Meeting the Association passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

17. Committee Powers

The Committee of Management of the Association (Committee), subject to the Associations Incorporation Act 2009, the related Regulations (collectively called the Act) and these Rules and to any resolution passed by the Association in general meeting:

- (a) shall control and manage the affairs of the Association;
- (b) may exercise all such functions as may be exercised by the Association other than those functions that are required by these Rules to be exercised by a general meeting of Members of the Association; and
- (c) has the power to perform all such acts and do all such things as appear to the Committee to be necessary or desirable for the proper management of the affairs of the Association.

18. Committee Constitution and Membership

- (i) Subject in the case of the first Members of the Committee to the Act, the Committee shall consist of:
 - (a) the office-bearers of the Association; and

- (b) not less than four and no more than eight ordinary Members, each of whom shall be elected at the Annual General Meeting of the Association pursuant to Rule 19.
- (ii) The office-bearers of the Association shall be the:
 - (a) President;
 - (b) Vice-President;
 - (c) Treasurer;
 - (d) Secretary; and
 - (e) Association Captain.
- (iii) Each Member of the Committee shall, subject to these Rules, hold office until the conclusion of the Annual General Meeting following the date of the Member's election, but is eligible for re-election.
- (iv) In the event of a casual vacancy occurring in the membership of the Committee, the Committee may appoint a Member of the Association to fill the vacancy and the Member so appointed shall hold office, subject to these Rules, until the conclusion of the Annual General Meeting next following the date of the appointment.
- (v) All Members of the Committee are required to undertake the duties of Court Captain in accordance with the Court Captain Roster. This Roster may contain other Association Members who are not part of the Committee.

19. Committee - Election of Members

- (i) Nominations of candidates for election as office-bearers of the Association or as ordinary Members of the Committee:
 - (a) shall be made in writing, signed by two Members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and
 - (b) shall be delivered to the Secretary of the Association not less than seven days before the date fixed for the holding of the Annual General Meeting at which the election is to take place.
- (ii) If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated shall be deemed to be elected and further nominations may be received at the annual general meeting.
- (iii) If insufficient further nominations are received, any vacant positions remaining on the Committee shall be deemed to be casual vacancies.
- (iv) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.

- (v) If the number of nominations received exceeds the number of vacancies to be filled, a ballot shall be held.
- (vi) The ballot for the election of office-bearers and ordinary Members of the Committee shall be conducted at the Annual General Meeting in such usual and proper manner as the Committee may direct.
- (vii) A nomination of a candidate for election under this clause shall lapse if that candidate has been elected to another office at the same election.

20. Secretary

- (i) The Secretary of the Association shall, as soon as practicable after being appointed as Secretary, lodge notice with the Association of his or her address.
- (ii) It is the duty of the Secretary to keep minutes of:
 - (a) all appointments of office-bearers and Members of the Committee;
 - (b) the names of Members of the Committee present at a Committee meeting or a General Meeting; and
 - (c) all proceedings at Committee meetings and General Meetings.
- (iii) Minutes of proceedings at a meeting shall be signed by the Chairperson of the meeting or by the Chairperson of the next succeeding meeting.

21. Treasurer

It is the duty of the Treasurer of the Association to ensure that:

- (a) all money due to the Association is collected and received and that all payments authorised by the Association are made; and
- (b) correct books and accounts are kept showing the financial affairs of the Association including full details of all receipts and expenditure connected with the activities of the Association.

22. Association Captain

It is the duty of the Association Captain to ensure that:

- (a) the conduct and standard of dress of the Members is maintained in accordance with the Rules and By-Laws;
- (b) in the first instance of a breach in the Association's standards of behaviour or of any minor breach or non-compliance of these rules, a verbal warning is issued to the offending Member in the presence of another Committee Member with details being noted and reported at the next Committee meeting; and
- (c) the Court Captain Roster is produced and notified to Members.

23. Public Officer (see also Rules 12, 35, 36)

- (i) The Public Officer is appointed by the Committee, but is not required to be a Member of either the Committee or the Association.
- (ii) The Responsibilities of the Public Officer are to:
 - (a) ensure that Committee membership register changes are made;
 - (b) lodge the annual statement (as required by the Act) within one month after the date of each annual general meeting and include with this statement:
 - a summary of the year's financial transactions including liabilities, mortgages and securities held; and
 - a certificate of currency of public liability insurance (minimum \$2 million); and
 - (c) obtain and make available a copy of the Associations Incorporation Act 2009 and related Regulations.

24. Committee Meetings and Quorum

- (i) The Committee shall meet at least 6 times in each period of 12 months at such place and time as the Committee may determine.
- (ii) Additional meetings of the Committee may be convened by the President or by any Member of the Committee.
- (iii) Oral or written notice of a meeting of the Committee shall be given by the Secretary to each Member of the Committee at least 48 hours before the time appointed for the holding of the meeting.
- (iv) Notice of a meeting given under clause (iii) shall specify the general nature of the business to be transacted at the meeting and no business other than that business shall be transacted at the meeting, except business which the Committee Members present at the meeting unanimously agree to treat as urgent business.

- (v) Any four Members of the Committee, one of whom must be an office-bearer, constitute a quorum for the transaction of the business of a meeting of the Committee.
- (vi) At a meeting of the Committee:
 - (a) the President, or in the President's absence, the Vice-President, shall preside; but
 - (b) if the President and the Vice-President are absent or unwilling to act, such one of the remaining Members of the Committee as may be chosen by the Members present at the meeting shall preside.
- (vii) Any Member of the Committee who is absent for more than three consecutive meetings without reasonable excuse shall have their seat declared vacant and be notified in writing.

25. Responsibilities of the Committee (see also Rules 12, 17, 20, 35)

- (i) Provide the following signatures when signing documents :
 - (a) two Members of the Committee; or
 - (b) one Member of the Committee and the Public Officer or the Secretary.
- (ii) Prepare an agenda for each meeting of the Association's Members.
- (iii) Keep proper accounting records and minutes for all Committee meetings and general meetings. Minutes must be signed by the Chairperson, being the President, or in his/her absence the Vice-President or another elected person.
- (iv) Take out public liability insurance for a minimum of \$2 million (as per the Act).
- (v) Keep a Register of Members containing:
 - (a) the name and residential address of each Committee Member;
 - (b) the date on which that person became a Member; and
 - (c) any other particulars that may be prescribed.
- (vi) Notify the Commissioner for Fair Trading as required by the Act and within 14 days of:
 - (a) the position of Public Officer becoming vacant; and
 - (b) the appointment of a new Public Officer.

26. Annual General Meetings - Calling and Holding

The Annual General Meeting of the Association shall be held on the first Sunday in August each year. Notice of the Annual General Meeting will be displayed at the Tennis Courts not later than 3 weeks prior to the meeting.

27. Annual General Meetings - Business

In addition to any other business that may be transacted at an Annual General Meeting, the business of an Annual General Meeting shall be to:

- (a) confirm the minutes of the last preceding annual general meeting and of any Special General Meetings held since that meeting;
- (b) receive from the Committee reports upon the activities of the Association during the last preceding financial year;
- (c) elect office-bearers of the Association and ordinary Members of the Committee; and
- (d) receive and consider the statement which is required to be submitted to Members pursuant to section 26(6) of the Act.

28. Special General Meeting - Calling

- (i) The Committee may, whenever it thinks fit, convene a Special General Meeting of the Association.
- (ii) The Committee shall, on the requisition in writing of not less than 5 per cent of the total number of Members, convene a Special General Meeting of the Association.
- (iii) A requisition of Members for a Special General Meeting:
 - (a) shall state the purpose or purposes of the meeting;
 - (b) shall be signed by the Members making the requisition;
 - (c) shall be lodged with the Secretary; and
 - (d) may consist of several documents in a similar form, each signed by one or more of the Members making the requisition.

29. General Meetings - Notice

- (i) The Secretary shall, at least 14 days before the date fixed for the holding of a General Meeting, ensure that notice is given to all Members. The notice will specify place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (ii) A General Meetings will be held on the first Sunday in November, February and May.

30. Meetings of Members - Procedure

- (i) No item of business shall be transacted at any Meetings of Members (Annual General Meetings, Special General Meetings and General Meetings) unless a quorum of members entitled under these Rules to vote is present during the time the meeting is considering that item.
- (ii) Members shall have one ordinary vote, however the Chairperson shall also have a casting vote, if necessary.
- (iii) Ten Members present in person, two of whom must be office-bearers, constitute a quorum for the transaction of the business of a Meeting of Members.

31. Voting at Committee Meetings and Meetings of Members

- (i) All voting will be conducted by show of hands.
- (ii) No voting will be allowed by electronic means, proxies or postal voting unless decided otherwise in exceptional circumstances by the Committee.

32. Funds - Source

- (i) The funds of the Association shall be derived from joining fees and annual fees of Members, donations and from such other sources and such other activities as the Committee determines.
- (ii) All money received by the Association shall be deposited as soon as practicable and without deduction to the credit of the Association's bank account.
- (iii) The Association shall, as soon as practicable after receiving any money, issue an appropriate receipt where required.

33. Funds - Management

- (i) Subject to any resolution passed by the Association in a general meeting, the funds of the Association shall be used in pursuance of the objectives of the Association in such manner as the Committee determines.
- (ii) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any two of the President, Vice-President, Secretary or Treasurer. Any one of the above may endorse.
- (iii) The financial records of the Association maintained by the Treasurer in terms of Rule 21 shall be subject to whatever checks are decided by the Committee from time to time.

- (iv) The Committee or a majority of Members at a Meeting of Members may request an Audit of the financial records by a suitably experienced/qualified person at any time.

34. Alteration of Objectives and Rules

- (i) The Statement of Objectives and these Rules may be altered, rescinded or added to only by a special resolution of the Association.
- (ii) A special resolution is one which:
 - (a) is passed by not less than three-quarters of such Members of the Association as being present and entitled under these Rules to vote in person at a General Meeting of which not less than 21 days' written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these Rules; or
 - (b) where it is made to appear to the Commissioner for Fair Trading that it is not possible or practicable for the resolution to be passed in the manner specified in paragraph (a), the resolution is passed in a manner specified by the Commissioner.

35. Common Seal

- (i) The common seal of the Association shall be kept in the custody of the Public Officer.
- (ii) The common seal shall not be affixed to any instrument except by the authority of the Committee.
- (iii) The affixing of the common seal shall be attested by the signatures either of two Members of the Committee or of one Member of the Committee and of the Public Officer or Secretary.

36. Custody of Books

Except as otherwise provided by these Rules, the Public Officer shall keep in his or her custody or under his or her control all records, books and other documents relating to the Association.

37. Inspection of Books

The records, books and other documents of the Association shall be open to inspection, free of charge, by a Member of the Association at any reasonable hour, given reasonable notice.

38. Payment of Office Bearers and Members

A Member of the Committee shall not be appointed to any salaried office of the Association or any office of the Association paid by fees, and no remuneration or other benefit in money or money's worth shall be given by the Association to any Member of the Committee except:

- (a) repayment of out-of-pocket expenses;
- (b) interest at a rate not exceeding interest at the rate for the time being which is or would be charged by the Association's bankers for money lent to the Association; and
- (c) reasonable and proper rent for premises let to the Association.

39. Termination of the Association

- (i) At least 75% of the Members of the Association present at a Special General Meeting convened to discuss the termination of the Association may decide to terminate the Association.
- (ii) In that event the Association will terminate after all outstanding financial transactions have been completed on a date decided by the Committee.
- (iii) All of any remaining assets of the Association shall, subject to the provisions of the Act, be either paid to a not for profit entity selected by the Committee, or if decided by the Committee distributed between all those persons who were members in the 12 months preceding the passing of the resolution to terminate the Association on a fair and equitable basis as decided by the Committee.

40. By- Laws

The Committee shall have the power to make By-Laws for the purpose of managing the affairs of the Association. Interpretation of the By-Laws shall rest with the Committee.

By-Laws of Crestwood Tennis Association

1. Fees for Members

Annual Fees for Members will be set by the Committee and will fall due on 1st July and be payable by 14th July each year.

Concessional Fees may be set for Family Memberships and Junior Members.

A Family includes parents and the parent's children who are living at home and are full time students up to the age of 25 (at the commencement of the membership year).

A Junior is defined as being under age 18 (at the commencement of the membership year) and not part of a Family membership.

New Members who join during the year will pay a Joining Fee (if applicable) and a proportionate fee for the remainder of the year on the basis determined by the Committee from time to time.

All Fees will be subject to review from time to time by the Committee and may be increased or decreased by the Committee provided all changes are effective at a future date set by the Committee at the time.

2. Fees and Conditions for Visitors Playing with the Association

Fees

Fees for Visitors will be set and reviewed by the Committee from time to time.

Conditions

Visitors may play with the Association during Association hours provided they are of an acceptable playing standard.

Such Visitors may visit the Association up to a maximum of 6 sessions after which they must apply for membership of the Association, unless the Committee waives this limit in the case of infrequent Visitors.

3. Fees for Visitors Playing on a Group Basis

Fees for Visitors playing on a group basis will be set and reviewed by the Committee from time to time.

4. Tennis Attire

The guideline is that any tennis attire that can be purchased as recognised tennis attire will be acceptable. Approved tennis shoes must be worn during play (no heels or heavy tread). Hats or caps may be worn.

5. Association Session Playing Times

<u>Session</u>	<u>Times</u>
Saturday afternoon	1 p.m. to 5:00 p.m.
Sunday morning	8:00 a.m. to 12:30 p.m.
Sunday afternoon	12:30 p.m. to 5:00 p.m.

6. Unfinancial Members

If the Annual Fee is not paid by 31st July, the membership is automatically terminated. To be re-instated after this date, the Joining Fee (if applicable) will have to be paid in addition to the Annual Subscription.

7. Tournaments and Competitions

Tournaments will only be open to Members. Where age is a condition of entry, a competitor's age will be taken as their age on the date of the commencement of the tournament. For adult tournaments, the age of a competitor must be 14 years and over, or at the discretion of the Committee.

During a tournament, if there are four or more Members (not in the tournament) wishing to play social tennis, a court will be made available for their use.

