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# RULES AND CONSTITUTION

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OCEAN RIDGE TENNIS CLUB INCORPORATED

HEATHRIDGE

June 2010

**RULES AND CONSTITUTION**  
**OCEAN RIDGE TENNIS CLUB INCORPORATED**  
**HEATHRIDGE**

1. **NAME OF THE CLUB**

The name of the club shall be Ocean Ridge Tennis Club Incorporated ("the Club").

2. **COLOURS OF THE CLUB.**

The colours of the Club shall be Turquoise, Navy, Red & White.

3. **OBJECTS.**

The objects of the Club shall be:

- a) to promote, encourage and advance the game of tennis;
- b) to promote and preserve the best interests and tradition of the game of tennis;
- c) to acquire, take over, carry on, hold and satisfy all of the undertakings, assets and liabilities of the unincorporated body known as the Ocean Ridge Tennis Club;
- d) to provide and arrange social functions between members and their friends and generally to afford to them all the usual privileges, benefits and conveniences of a club; and
- e) to engage in such other activities, whether of a like nature or not, as may for the time being be permitted by law and determined by the Management Committee.

4. **POWERS.**

In pursuant of its objects, the Club shall have the following powers:-

- a) to purchase, take on lease or in exchange, hire or otherwise acquire, any real or personal property;
- b) to borrow or raise or secure the payment of money in such a manner as the Club thinks fit with power to issue debentures, grant mortgages charges or any other class of security upon or charging all or any property real or personal both present and future of the Club and to redeem or pay off any existing or future security;
- c) to invest and deal with the monies of the Club not immediately required in such manner as may from time to time be determined in accordance with these rules;
- d) to arrange tournaments and matches, to award prizes and trophies and to expend money in the purchase of prizes and trophies;
- e) to trade in the purchase and resale of all funds of liquor refreshments and provisions required or used by members and their friends in compliance with the Liquor Act 1970 as amended or any re-enactment or statutory modification thereof for the time being in force;
- f) to amalgamate with any other tennis club or clubs, and to become affiliated with any tennis association or associations; and

- g) to do any other act, matter or thing which may be deemed conducive to the interest of the Club in the furtherance of its objects or in the interest of the game of tennis.

5. NON-PROFIT.

The income and property of the Club shall be applied solely towards the promotion of the objects of the Club. No portion of the income or property shall be paid, transferred or distributed directly or indirectly to the members of the Club, provided that nothing shall prevent the payment in good faith of remuneration to any officer or employee of the Club or to any person other than a member in return for services rendered to the Club.

6. AFFILIATIONS.

The Club is affiliated with the Northern Districts Tennis Association and Tennis West, and recognises the Rules and Regulations of these associations, and plays under the rules and regulations adopted from time to time by these associations.

7. MEMBERSHIP.

The Club may admit persons for full membership provided they are the age of eighteen years or over. Persons below the age of eighteen years may be elected as junior members without a right to hold office or to exercise the power of voting.

The classes of membership shall be as follows:-

- a) Full Members
- b) Life Members
- c) Foundation Members
- d) Junior Members
- e) Non-playing Members
- f) Temporary Members
- g) Honorary Members

All members are associate members of N.D.T.A. and Tennis West.

All applications for membership shall be posted on the noticeboard of the club for a period of not less than seven days before election. An interval of not less than two weeks shall elapse between nomination and election.

8. MEMBERSHIP NUMBERS.

The number of members in any section will be as decided by the Management Committee from time to time.

9. LIFE MEMBERS.

AN HONORARY LIFE MEMBERSHIP may be confirmed upon a member who has rendered exceptional or outstanding service to the Club.

An Honorary Life Member shall be recommended by the Management Committee and submitted to the Annual General Meeting or a Special Meeting of members called for the purpose of electing such a member PROVIDED THAT not more than one (1) Life Member shall be elected in any Financial Year. If at such

meeting a resolution is passed by a two-thirds majority of those members present, such person shall thereupon be deemed to have been duly elected an Honorary Life Member.

#### 10. FOUNDATION MEMBERS.

Foundation members shall be those members who joined the Club in the first full year being:

- 21/5/75 to 8/8/76 (Mullaloo - Northshore) and;
- 13/9/76 to 14/9/77 (Whitfords - Ocean Ridge).

#### 11. VISITORS & TEMPORARY MEMBERS.

a person who is on any day visiting the club

- a) as a member or an official of, or a person assisting a team that is to contest a pre-arranged event in that sport on the day; or
- b) at the invitation of a member to engage in that sport on that day, may be taken to be a person who is accorded temporary membership on that day.

Visitors to the club will pay nominal ball fee, for the first four (4) visits only, after which time they shall be asked to nominate for membership. The maximum number of guests per member per day for the purposes of section 48 (4) (b) of the Act is three (3).

Members of the Club may bring visitors to practice on the Club courts on all days when the courts are open for practice PROVIDED THAT:

- a) the Member has obtained permission from the Management Committee; and
- b) a ball fee as nominated by the Management Committee be paid.

Any Member not complying with the provisions of this rule may be debarred by the Management Committee from bringing visitors to the Club for such period as they may think fit.

#### 12. MEMBERS RIGHTS.

The rights of the members shall be:-

- a) FULL MEMBERS shall have the right to attend and speak and vote at all General Meetings; to vote in the election of officers; to practice on the Club's courts on all days when the courts are open for practice, to participate in tournaments and matches, to attend all entertainment and social functions and to bring visitors to the Club as hereto provided ("Full Rights of the Club").
- b) HONORARY LIFE MEMBERS shall have Full Rights of the Club and may stand for office. They shall be exempt from payment of all fees. A suitable Life Membership badge shall be presented to every Honorary Life Member.
- c) FOUNDATION MEMBERS shall have Full Rights of the Club.
- d) JUNIOR MEMBERS shall have no voting power or right to be heard at meetings of the Club, but otherwise shall have Full Rights of the Club.
- e) Members will be entitled to inspect at any reasonable time the Club's Constitution, By-Laws books and documents held by members of the

Management Committee.

13. MISCONDUCT.

The Management Committee shall have the power to suspend, or expel any member of the Club:-

- a) who shall fail in the observance, or commit any breach of the Rules of the Club, or any By-Law of the Management Committee or of any order or direction of the Management Committee or of any General Meeting; or
- b) Or who shall in the sole judgment of the Management Committee have been guilty, either in or out of the club premises, of any act, conduct or action which in their opinion is injurious to the interests of the Club.

The Management Committee may appoint a Disciplinary Committee to investigate and make recommendations to the Management Committee. The Disciplinary Committee will consist of the President and two (2) other members of the Management Committee. The Disciplinary Committee has the power to temporarily suspend a member of the club during an investigation prior to a Management Committee decision.

Any member charged with misconduct under Section 13(a) or (b) above, shall be furnished with a written copy of the charge and summoned before the Disciplinary Committee, who shall, after hearing the accuser and the accused and taking such evidence as they may consider proper, if they find the charge proved, recommend to the Management Committee a penalty, suspension from all or any of the privileges of membership, for whatever period they think fit, or a fine not exceeding twenty dollars (\$20.00).

In any case the accused shall have the right to appeal to a Special General Meeting, called for the purpose, whose decision shall be final as decided by a three/quarter majority of members present and entitled to vote.

Any member who fails to pay a fine imposed upon them within ten (10) days after such imposition shall lose all privileges as a member until such fine is paid.

14. FINANCIAL YEAR.

The financial year for the Club ("the Financial Year") shall commence for the 1st June each year and the date of the Annual General Meeting will be held in June each year.

15. SUBSCRIPTIONS.

Nomination fees and subscriptions for the next ensuing year shall be determined by the Management Committee holding office in the immediate preceding Financial Year. Such fees shall be payable in advance and if not paid on or before June 30, in the current club year, continuance of membership shall be at the discretion of the Management Committee.

16. AUDITOR.

The accounts of the Club shall be audited at the end of each Financial Year and the Auditor shall be elected at the Annual General Meeting.

## 17. DUTY OF THE AUDITOR.

It shall be the duty of the Auditor:-

- a) to audit the accounts and other financial records of the Club at the end of each Financial Year; and
- b) to report to members as to every statement of receipts and expenditure, statement of assets and liabilities, and inventory of the property of the Club presented to members in General Meeting and every such report shall state whether in the opinion of the Auditor:-
  - 1) such statements and accounts are properly drawn up so as to give a true and fair view of the state of the Club's affairs; and
  - 2) the accounting and other records examined have been properly kept.
- c) Every Auditor appointed as such shall at all reasonable times have access to the accounting and other financial records of the Club and to the Minutes of meetings of the Committee and may require from any Committee member such information and explanations as he may reasonably require for the performance of his duties.
- d) Every duly appointed Auditor whether a member or not shall be entitled to receive all notices of and other communication relating to any general meeting of members and every Auditor not being a member shall have the right to attend any such meeting to be heard on any business of the meeting that may concern him as such Auditor.

## 18. BANK ACCOUNTS.

The Bankers of the Club shall be such Bank or Banks as the Management Committee may from time to time determine.

All bank accounts of the Club may be operated upon the signature of the Treasurer, counter signed by either the President or the Secretary.

Any surplus funds may be invested in such investments as may be authorized by the Management Committee and all expenditure by or on behalf of the Club shall first be passed for payment by the Management Committee.

## 19. MEETINGS.

The meetings of the Club shall be as follows:-

- a) Annual General Meeting: Shall be held annually in June on a date to be decided by the Management Committee
- b) Management Committee Meetings: The Management Committee shall meet regularly, as decided necessary for the efficient running of the club.
- c) Special Committee Meetings: May be convened at any time by the President, Secretary or any three Management Committee members, by giving notice to the Secretary in writing, who shall call a meeting within seven (7) days of receipt thereof.
- d) Sub-Committee Meetings: Will be called as necessary by the Chairman of the particular sub-committee. The President, Secretary and Treasurer shall be ex-officio members of all committees.
- e) Special or Extraordinary General Meetings: A special, or extraordinary

meeting shall be called by the Secretary whenever directed by the Management Committee, or on a written requisition signed by twenty (20) Club Members. Any requisition signed by twenty (20) Members shall state specifically the purpose for which they desire a Special General Meeting to be summoned.

Notice in writing of all such General Meetings of the Club shall be given to members at least seven (7) days prior to the meetings. Such notice shall set out the business to be transacted at the meeting and discussion shall be restricted to the matters set out in the notice of the meeting.

## 20. ANNUAL GENERAL MEETINGS.

Notice in writing of the date set for the Annual General Meeting shall be given to members at least four (4) weeks before the Annual General Meeting. Such notice shall set out the business to be transacted at the meeting.

### 20(a). PROXY VOTING

Proxy voting will be allowed at the AGM providing; a member is genuinely in absentia (ie on holiday away from Perth, attending a family wedding etc). A proxy nomination form can be requested from and should be returned to the club secretary 1 week prior to the AGM to be valid. This will then be verified by and acted upon by the committee through the chair of the AGM, one member can be a proxy for a maximum of one other member.

## 21 ORDER OF BUSINESS.

At the Annual General Meeting the order of business. shall be as follows:

1. Reading of Previous Minutes
2. Questions and business arising out of Minutes
3. President's Report
4. Treasurer's Report
5. Sub-Committee's Reports
6. Election of Chairperson
7. Election of Office Bearers
8. Election of Auditor
9. General Business
10. Close

At the meetings of the Management Committee the order of business shall be as follows:-

1. Acceptance of Previous Minutes
2. Questions and business arising out of Minutes
3. Correspondence
4. Reports
5. Accounts
6. Motions
7. Election of Members
8. Election of officers to vacate offices
9. General Business

10. Notices of Motion
11. Close

At the meetings of other Committees the order of business shall be such as the Chairman for the time being may determine.

## 22. QUORUM.

- a) At any Annual General Meeting, the number shall be twenty (20) members or such other number as may be determined by the Management Committee at least four (4) weeks prior to the Annual General Meeting.
- b) At any Management Committee meeting, five (5) members shall form a quorum.

## 23 ELECTION OF OFFICE BEARERS.

The officers of the Club shall be elected by Ballot at the Annual General Meeting and shall consist of the following:- .

President  
Vice-President  
Secretary  
Treasurer  
Club Captain  
Vice-Captain  
Social Secretary  
Mid-Week Captain  
Mid-week Vice-Captain  
N.D.T.A. Rep  
Junior Co-Ordinator  
Ladies Auxiliary Member;

Election of officers will be as follows:-

- a) The President will call for nominations and elect a returning officer who will then chair the meeting.
- b) Nominations will be called for the positions as listed in clause 23 and voted on singularly.
- c) If only one nomination is received that person shall be declared elected.
- d) If more than one nomination is received a secret ballot will decide the position.
- e) In case of any equality of votes being given, to two or more candidates, the Chairman shall decide by giving a casting vote.
- f) If there be insufficient nominations to fill the whole of the vacancies on the list of officers, those nominated and elected shall have the power to appoint Club members to fill the vacancies.
- g) A member may be nominated for as many offices as he or she desires. However, on being elected to a position, they cannot nominate for other positions.
- h) A member who is absent from the meeting when the election takes place is



not eligible for office unless they have notified the Secretary in writing that they are desirous of nominating.

- i) A member having been elected to the Management Committee may also be elected to any sub-committee.

#### 24. MANAGEMENT COMMITTEE.

The management of the Club is vested in a committee consisting of President, Vice-President, Secretary, Treasurer, Club Captain, Vice-Captain, Social Secretary, Mid-Week Captain, N.D.T.A. Rep, Junior Co-ordinator and membership secretary.

The Management Committee shall have the power:

- a) to meet and act on all club business;
- b) to make by-laws, which will become immediately operative for the benefit of the Club (provided such by-laws are not inconsistent with the Rules) and post a copy of the by-laws in the clubrooms;
- c) to enforce due carrying out of these Rules;
- d) to make arrangements for the carrying out of tournaments and matches;
- e) to fill any vacancy in its membership which may from time to time arise;
- f) to elect persons for membership of the Club;
- g) to construe and Interpret the Rules and any by-laws and such construction and interpretation shall be final unless revoked by a resolution carried at an Annual or Special General Meeting;
- h) to sanction all expenditure and to assess weekly fees to cover cost of balls and afternoon tea expenses;
- i) to suspend any member for breach of the Rules or By-Laws; and
- j) generally to manage and conduct the business of the Club subject to these Rules and take such action as may be considered necessary or incidental to the furtherance of the Club's objects.

Any financial member is eligible for any office provided they comply with clause 10. All Office-Bearers shall be elected at the Annual General Meeting and shall retire at the following Annual General Meeting and shall be eligible for re-election.

#### 25. SOCIAL COMMITTEE.

The Social Committee shall consist of the Social Secretary and as many committee members as requested. The Social Committee shall organise and conduct any entertainment and other social functions which shall from time to time be decided upon by the Social Committee or by the Management Committee.

#### 26. PRESIDENT.

The President shall preside at all Management Committee meetings, maintain order so that the business may be conducted in due form and propriety. The President shall have the same right to speak on any question under discussion and shall have a deliberative vote and in the event of equality of votes, will have a casting vote.

At all General Special and Committee Meetings, the President shall decide all

questions of order.

The President shall be an ex-officio member of all sub-committees. In the absence of the President, the Vice-President will preside, and if the Vice-President is not present, the meeting shall elect a chairman.

#### 27. SECRETARY.

The Secretary shall:-

- a) convene all meetings in accordance with the rules.
- b) keep a correct record of all resolutions and proceedings of General, Annual, Management and Special Meetings and duly record the same in a Minute Book kept for that purpose.
- c) receive, and dispatch all correspondence.
- d) if the Secretary should be absent by leave from the meeting, the meeting may appoint an acting Secretary.
- e) should the Secretary neglect or refuse to do anything required by the Committee, or the rules, the Management Committee shall have power to remove the Secretary from office and appoint an acting Secretary in his/her place.

#### 28. TREASURER.

The Treasurer shall:-

- a) collect and receive all moneys on behalf of the Club and shall give receipts for the same and shall deposit all such moneys in a banking account .in the name of the Club at a bank approved by the Management Committee.
- b) maintain to the satisfaction of the Management Committee a proper system of accounting for all moneys received and disbursed on behalf of the Club and shall present all accounts for payment to the Management Committee for approval.
- c) present a statement of receipts and expenditure and Bank Reconciliation in writing to the Management Committee at the monthly meeting relating to the accounts for the preceding month and shall have regard to any criticisms or advice in financial matters made or given by the auditors of the Club or by the Management Committee or by any sub-committee appointed by the Management Committee for that purpose.
- d) keep all vouchers for all moneys expended by the Club and all records and vouchers in respect of moneys received by the Club and shall present the same to the auditors whenever required so to do.
- e) prepare and submit to the auditors not later than sixty (60) days after the end of the financial year, statements of the financial affairs of the Club for the preceding financial year, ended on the 31st July. Such statements after audit shall be presented by the Treasurer to the next Annual General Meeting of the Club and he/she shall offer such explanations thereof and of all materials contained therein as may be required by him/her at such meeting. Such statements with the auditor's certificate annexed thereto shall be exhibited on the Club notice board at least two clear days before the Annual General Meeting on which day it is presented.

- f) Should the Treasurer neglect or refuse to do anything required by the Management Committee, or the Rules, the Management Committee shall have power to remove the Treasurer from office and appoint an acting Treasurer in his/her place.

#### 29. SELECTION COMMITTEE.

The Selection Committee will consist of the Captain, Mid-Week Captain, & 2 (two) Committee members as determined by Management Committee.

The Selection Committee shall select all players and teams to play in any matches in which the Club is a competitor and shall deal with any matter referred to it by the Management Committee relating to applications for membership of the Club. Should the Captain and Vice Captain or any of the committee members neglect or refuse to do anything required by the Management Committee or the Rules, the Management Committee shall have the power to remove such person from office and appoint another person in his/her place.

#### 30. ABSENTEES AND RESIGNATIONS AND VACANCIES.

Should any member of any committee fail to attend three (3) consecutive ordinary meetings without adequate apology, he or she shall be deemed to have vacated that office.

The respective committee shall fill any vacancy that may occur in their numbers whether by resignation, failure to attend, or death by appointing any financial Full Member of the Club to hold office until the next Annual General Meeting.

In the event of the resignation of the Committee, the Management of the affairs of the Club shall be vested in the President, Secretary and Treasurer who shall be competent to exercise all powers vested in the Committee until the holding of a Special General Meeting convened for the purpose of electing their successors. Such special meeting shall be held within 21 days after receipt of such resignation.

#### 31. ALTERATION OF RULES.

No new rule shall be adopted, and no existing rule shall be repealed or amended except by a resolution of a two-thirds majority of members entitled to vote and present at an Annual General Meeting, or Special General Meeting called for the purpose. Particulars shall be given of such repeal, or amendment, of an existing Rule, in the notice convening the meeting. and by posting of the same on the Notice Board of the Club at the time when such notice is given.

As soon as is practicable after the making of a change to the Constitution or Rules of the Club, the Secretary shall provide to the Director of Liquor Licensing, certified particulars of the change proposed. No effect will be given to the change without the prior approval of the Director.

#### 32. DISPUTES.

Any dispute between members may be referred by either disputant, in writing to the Management Committee, whose decision thereon, subject to the Rules shall finally settle the matter. The complainant shall, with their complaint,

deposit \$1 with the Secretary. If the Management Committee considers the complaint to be frivolous, they may order the amount to be forfeited to the funds of the Club.

### 33. COMMON SEAL.

The common seal of the Club engraved with the name of the Club shall be kept in the care of the President. The seal shall not be used or affixed to any deed or other document except pursuant to a resolution of the Management Committee and in the presence of the President and the Secretary and the Treasurer both of whom shall subscribe their names as witnesses.

### 34. TROPHIES.

Trophies shall be competed for under such regulations as the Management Committee may determine.

The presentation of trophies shall take place in the Club year in which they were competed for.

### 35. DISSOLUTION.

The Club may be dissolved or wound up by a resolution at any general meeting or at a special general meeting called for such purpose. If upon the dissolution or winding up of the Club there remains after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to, transferred or distributed amongst the members of the Club. It shall be given to some other club, association, institution or body having objects similar wholly or in part to the objects of the Club, provided that the club, association, institution or body having the same objects shall prohibit the distribution of its income and property among its members, or it shall be paid to or transferred to some charitable object, which club, association, institution, body or object shall be determined by the members of the Club at or before the time of dissolution or winding up. In default of any such resolution such payment, transfer or distribution shall be determined by a Judge of the District Court.

## BY-LAWS

### OCEAN RIDGE TENNIS CLUB INCORPORATED

#### 1. COURT PROCEDURE

- 1) No person shall play on the Club courts unless wearing the correct and proper tennis attire.
- 2) Smoking, drinking alcohol and eating on the Club courts shall not be permitted.

#### 2. CONDUCT OF MEETINGS

So as to maintain good order and facilitate the business at meetings, the following rules shall be observed:-

- 1) Every member giving notice of motion shall read it aloud and give a copy thereof to the Secretary together with his name and the day proposed for bringing on such motion.
- 2) No motion entered on the notice paper shall be proceeded with, unless the member -who has given such notice or some person authorised by him to present when the business is called in order. Notices not so proceeded with shall be struck out.
- 3) Any motion not seconded shall not be further debated but shall lapse.
- 4) As soon as a debate on a question is concluded, the Chairman shall put the question to the meeting in a distinct and audible manner.
- 5) The question being put shall be resolved in the affirmative or negative on the voices, but if so required by five members the question shall be decided by ballot.
- 6) A question having been proposed, may be amended by leaving out, substituting or adding words, but no amendment which amounts to a direct negative shall be accepted by the Chairman.
- 7) When an amendment, is declared carried, it shall take the place of the original motion, when a further amendment can be proposed until the question is finally decided.
- 8) If any case should arise not provided for in these standing orders, the same shall be decided in accordance; with the standing orders in practice in the Legislature of the State.
- 9) It shall be lawful for a majority of the members present at any meeting to suspend any standing order, provided that object of such suspension shall not be the rescinding of any resolution previously carried.

#### 3. ORDER OF DEBATE

- 1) Any member desiring to propose a motion or amendment, or to discuss any matter under consideration, must rise and address the officer occupying the chair. No member when speaking shall be interrupted unless when called to order, when he :shall sit-down and .the member so called to order shall be heard in preference to any other speaker, and the Chairman shall then decide without discussion upon the point of order before the subject is resumed or any other subject entered upon.

- 2) No member may speak to any motion or amendment after the same has been put to the meeting by the Chairman and has been voted upon.
- 3) When two or more members rise to speak the Chairman shall call upon the member who in his opinion rose first in his place.
- 4) The mover and seconder of any motion or amendment shall be held to have spoken to the same. In the discussion no member shall be allowed to speak more than once except strictly in explanation or in contradiction of a mis-statement, but the mover of the original motion shall have the right to reply before the discussion is concluded.
- 5) A member speaking, must confine his remarks to the subject under debate and avoid personalities. He shall not use any discourteous language or reflect on any member. Any member feeling dissatisfied with the decision of the Chairman may appeal to the members present, provided the appeal is seconded.

In cases of appeal from the ruling of the Chairman, the question shall be as follows:-

*"Shall the decision of the Chairman stand as the judgement of the Club",*

and this question shall be decided without debate.