

GOSFORD DISTRICT TENNIS
ASSOCIATION

INCORPORATED



CONSTITUTION

May 2001

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GOSFORD DISTRICT TENNIS ASSOCIATION

INCORPORATED

PART ONE:

1.1 NAME:

1.1.1 The name of the Association shall be the Gosford District Tennis Association Incorporated.

1.2 ASSOCIATION COLOURS

1.2.1 The colours of the Association will be Sky Blue and Royal Blue.

1.3 INTERPRETATION.

1.3.1 In these rules except in so far as the context or subject matter otherwise indicates or requires:-

- (a) "Association" means the GOSFORD DISTRICT TENNIS ASSOCIATION INCORPORATED (G.D.T.A.)
- (b) "Member" means an Honorary Life Member or a person irrespective of age who has paid an annual membership fee.
- (c) "Ordinary Member" means a Member of the Committee who is not an office bearer of the Association, as referred to in rule (3.2.2)
- (d) "Committee" means the Management Committee.
- (e) "Public Officer" means a person appointed to that position by the Committee.
- (f) "Secretary" means:-
 - i The person holding office under these rules as Secretary of the Association; or
 - ii Where no such person holds office, the Public Officer of the Association.
- (g) "Special General Meeting" means a General Meeting of the Association other than an Annual General Meeting.
- (h) Words importing the masculine gender include the feminine gender and vice versa unless specifically indicated otherwise.
- (i) "The Act" means the Association Incorporation Act 1984.
- (j) "The Regulation" means the Association Incorporation Regulation, 1985.

1.3.2 In these rules:-

- (a) A reference to a function includes a reference to a power, authority and duty; and
- (b) A reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

1.3.3 The provisions of the Interpretation Act, 1897, apply to and in respect of these rules in the same manner as those provisions would apply if these rules were an instrument made under the Act.

1.4 **BOUNDARY:**

1.4.1 The Boundary of the Association shall be the Gosford City Council Boundary.

1.5 **OBJECTS:**

1.5.1 The objects of the Association are:-

- (a) To sponsor, promote and control Tennis Competitions and Tournaments and tennis in general particularly within the boundaries of the Association and to encourage and promote goodwill in tennis.
- (b) To co-operate with other bodies for the purpose of furthering the interest in the game of tennis.
- (c) To purchase, take on lease, exchange, hire or otherwise acquire, and to lease, sell, exchange or otherwise deal with land, freehold and/or leasehold.
- (d) To construct tennis courts and/or buildings and to lease or purchase or otherwise acquire, and to lease, sell, exchange or otherwise deal with tennis courts, grounds, buildings and accessories thereto.
- (e) To form any club in connection with the Association for the purpose of furthering the social or private comfort of the Membership.
- (f) To borrow, raise and lend money on security or without security in the interests of the Association.
- (g) To settle all questions or disputes or matter relating to tennis which may be submitted for its adjudication.
- (h) To affiliate with or accept affiliation from other bodies as may, from time to time be decided upon in the interest of tennis.

PART TWO:

2.1 MEMBERSHIP

2.1.1 The Association shall consist of Life Members and individuals who have paid the prescribed membership fees.

2.1.2 The Association reserves the right to refuse Membership to any person without assigning any reason thereto.

2.2 MEMBERSHIP QUALIFICATIONS

2.2.1 A person is qualified to be a Member of the Association if, but only if:-

- (a) The person is a person referred to in section 15 1 (a) (b) or (c) of the Act and has not ceased to be a Member of the Association at any time after incorporation of the Association under the Act; or
- (b) The person is a natural person who:-
 - i Has made application for Membership of the association as provided by rule 2.3; and
 - ii Has been approved for Membership of the Association by the Committee of the Association.

2.3 NOMINATION FOR MEMBERSHIP:

2.3.1 Individuals wishing to become Members of the Association shall apply to the Committee for Membership

2.3.2 The Committee shall determine whether or not to accept an application for Membership.

2.4 CESSATION OF MEMBERSHIP

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

- (a) Dies.
- (b) Resigns that Membership.
- (c) Is expelled from the Association.
- (d) **Does not renew Membership by such date as is prescribed by the Rules.**

2.5 MEMBERSHIP ENTITLEMENTS NOT TRANSFERABLE:

2.5.1 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.

2.6 RESIGNATION OF MEMBERSHIP:

- 2.6.1 A Member of the Association is not entitled to resign that Membership except in accordance with this rule.
- 2.6.2 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 notice (being not less than 1 month or not less than such other period as the Committee may determine) in writing to the Secretary of the Member's intention to resign and, upon the expiration of the period of notice, the Member ceases to be a Member.
- 2.6.3 Where a Member of the Association ceases to be a Member pursuant to clause (2.6.2) and in every other case where a Member ceases to hold membership, the Secretary shall make an appropriate entry in the Register of Members recording the date on which the Member ceased to be a Member.

2.7 REGISTER OF MEMBERS:

- 2.7.1 The Association shall establish and maintain a register of Members of the Association specifying the name and address of each person who is a Member of the Association together with the date of which the person became a Member.
- 2.7.2 The register of Members shall be kept at the principal place of administration of the Association and shall be open for inspection, free of charge, by any Member of the Association at any reasonable hour. The name of the Member ONLY will be available for inspection.

2.8 FEES, SUBSCRIPTIONS, ETC.:

- 2.8.1 A Member of the Association shall, upon admission to Membership, pay to the Association a fee of one dollar (\$1) or, where some other amount is determined by the Committee, of that other amount.

2.9 MEMBERS LIABILITIES:

- 2.9.1 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 2.8.

2.10 DISCIPLINING OF MEMBERS:

- 2.10.1 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
 - (b) Has wilfully acted in a manner prejudicial to the interests of the Association.
- 2.10.2 The Committee may, by resolution:-
- (a) Issue a warning or reprimand to the Member; or
 - (b) Expel the member from the Association; or

- (c) Suspend the Member from membership of the Association for a specified period.

2.10.3 A resolution of the Committee under clause (2.10.1) is of no effect unless the Committee, at a meeting held not earlier than 14 days and not later than 28 days after service on the Member of a notice under clause (2.10.4 (c)), confirms the resolution in accordance with this rule.

2.10.4 Where the Committee passes a resolution under clause (2.10.), 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 that meeting.
- (d) Informing the Member that the Member may do either or both of the following:-
 - i Attend and speak at that meeting.
 - ii Submit to the Committee at or prior to the date of that meeting written representations relating to the resolution.
- (e) **Informing the Member that at the absolute discretion of the Chairperson, the Member may be legally represented and further informing the Member that if legal representations is not allowed by the Chairperson, the Member may be represented by another person not so qualified.**

2.10.5 At a meeting of the Committee held as referred to in clause (2.10.4), 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.

2.10.6 Where the Committee confirms a resolution under clause (2.10.5 (c)), the Secretary shall, within 7 days after that confirmation, by notice in writing inform the Member of the fact and of the Member's right of appeal under Rule 2.11.

2.10.7 A resolution confirmed by the Committee under clause (2.10.5 (c)) 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 2.10 4(d).

2.11 RIGHT OF APPEAL:

- 2.11.1 A Member may appeal to the Association in General Meeting against a resolution of the Committee which is confirmed under Rule 2.10.4(d), within 7 days after notice of the resolution is served on the Member, by lodging with the Secretary a notice to that effect.
- 2.11.2 Upon receipt of a notice from a Member under clause (2.11.1), 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.
- 2.11.3 At a General Meeting of the Association convened under clause (2.11.2)
- (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) **At the absolute discretion of the Chairperson, the Member may be legally represented, provided that if legal representation is not allowed by the Chairperson, the Member may be represented by another person not so qualified; and**
 - (d) The Members present shall vote by secret ballot on the question of whether the resolution would be confirmed or revoked.
- 2.11.4 If at the General Meeting the Association passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.
- 2.11.5 **The Member may lodge an appeal to the New South Wales Tennis Association Limited with the Secretary of the Association within seven (7) days of the date on which the resolution is confirmed and the Secretary shall forthwith send such appeal to the Executive Director of the New South Wales Tennis Association for consideration by its Board. The decision of the Board of New South Wales Tennis Association Limited on any such appeal shall be final and no further appeal shall be made to any other body or Court other than on a point of law.**

2.12 LIFE MEMBERSHIP

- 2.12.1 At the Annual General Meeting, Life Member/s may be elected by secret ballot carried with the support of at least two thirds of all present and entitled to vote.
- 2.12.2 Nominations for Life Members, together with supporting evidence documenting the qualifications of the person/s so nominated shall be forwarded in writing and signed by two Members, to reach the Secretary in time for announcement at the last meeting of the Management Committee prior to the Annual General Meeting.
- 2.12.3 The Management Committee shall decide by majority voting the nomination or nominations which shall be submitted with the nominee or

nominees qualifications to the Annual General Meeting for ballot for election as a Life Member.

2.12.4 Only Members of the Association who have rendered distinguished service to the Association shall be eligible to be nominated for election as a Life Members of the Association.

2.12.5 Life Members shall enjoy the full rights, privileges and responsibilities of a Member, and in addition shall have free access to social and/or tennis functions organised directly by the Association.

2.13. ACCEPTANCE OF THE RULES:

2.13.1 The payment of the prescribed fees shall be deemed to be an acceptance of these Rules and any other By-Laws adopted from time to time by the Association.

PART 3

3.1 COMMITTEES:

3.1.1 POWERS OF COMMITTEE:

- (a) The Committee shall be called the Committee of Management of the Association and, subject to the Act, the regulations and these Rules and to the resolution passed by the Association in General Meeting:-
- i Shall control and manage the affairs of the Association.
 - ii 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
 - iii May make such administrative regulations not inconsistent with the Act, the Regulation or with these Rules as in the opinion of the Committee are necessary or desirable for the proper control, administration and management of the Association's finances, affairs, interests, property and activities, including without limiting the generally thereof the specification of the powers, duties and responsibilities of delegated positions, selection policies, practice, the use of Association's grounds, gear and facilities, standing orders for all meeting of the Association, it's Committees and sub-committees and the recognition of the suspensions and disqualifications of sports persons and sports officials and for the resolution of any disputes or protests and may amend and rescind from time to time any such regulations. Provided the Committee shall within 14 days of the enactment of the same or their alterations (as the case may be) notify the Members.

- iv. **Subject to prior compliance with the relevant provisions of the constituent document of the New South Wales Tennis Association Limited, shall approve the constituent document of all Clubs, Groups or other bodies with are either directly or indirectly affiliated with the Association and may direct any such affiliated Club, Association or other body to ament repeal any of the clauses of it's constituent document or insert into such constituent document such clause as it deems necessary for the orderly regulation of the game in the Gosford District provided that no such amendment, repeal or insertion may be required that would be repugnant to or inconsistent with any requirements of any Act or Code under which such affiliated Club, Association or other body is incorporated.**
- v. Has power to perform all such other acts and to all such other things as appear to the Committee to be necessary or desirable for the proper management of the affairs of the Association

3.2 CONSTITUTION AND MEMBERSHIP:

3.2.1 **The Committee of Management shall consist of:-**

- (a) The Office-bearers of the Association; and
- (b) **Nine (9)** ordinary members.

each of whom shall be elected at the Annual General Meeting of the Association pursuant to Rule 3.3.

3.2.2 The Office-bearers of the Association shall be:-

- (a) The President.
- (b) The Vice-President
- (c) The Treasurer
- (d) The Secretary

3.2.3 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.

3.2.4 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.

3.2.5 **The Executive Committee shall make urgent decisions for the Association and report to the Committee thereon at its next meeting.**

3.2.6 **All Members of the Committee shall be Members 18 years of age and over.**

3.3 NOMINATIONS AND ELECTION OF OFFICER BEARERS AND MEMBERS OF COMMITTEE.

3.3.1 Nominations of candidates for election as President, Vice President, Secretary and Treasurer:

- (a) Shall be made in writing, signed by two (2) Members of the Association and accompanied by written consent of the candidate (which may be endorsed on the form of the nomination).
- (b) Shall be delivered to the Secretary of the Association **14 days prior to the date of the Annual General Meeting.**
- (c) **If only one nomination is received for any of the four (4) positions identified in clause 3.3.1 above, that nominee shall be declared elected to the vacant position.**
- (d) **The remaining Office-bearers and nine (9) all Ordinary Members of the Committee shall be nominated and elected at each Annual General Meeting.**
- (e) **If insufficient nominations are received any vacant positions remaining on the Committee shall be deemed to be casual vacancies.**
- (f) 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.
- (g) If the number of nominations received exceeds the number of vacancies to be filled, a ballot shall be held.
- (h) 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.
- (i) **A person may be nominated for more than one office in the Association as well as for Ordinary Membership of the Committee. The ballot for the election of various offices shall be conducted in the order in which the Office-bearers are listed in 3.2.2., followed by the election of the Ordinary Members of the Committee. A person may only hold one (1) office except as provided in (3.5.4. e. vii).**

3.4 EXECUTIVE:

3.4.1 The Executive of the Association shall consist of the President, Vice President, Secretary, Treasurer and Public Officer.

3.4.2 The Executive shall have the power to decide any matter which is in its opinion is one of urgency and shall report its decision any action taken to the next meeting of the Management Committee.

3.5 DUTIES:

3.5.1. PRESIDENT:

- (a) It shall be the duty of the President to act as the chairperson at all Meetings of the Association. He shall

be responsible to uphold the rules of the Association at all times and to ensure that all bona fide decisions of properly constituted meetings are implemented. It shall also be the responsibility of the President to represent the Association at all meetings and functions which he may, from time to time, be directed to attend.

3.5.2 SECRETARY:

- (a) 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.
- (b) It is the duty of the Secretary to keep minutes of:-
 - i All appointments of Office-bearers and Members of the Committee;
 - ii The names of Members of the Committee present at the Committee or a General Meeting; and:
 - iii All proceedings at Committee Meetings and General Meetings.
- (c) Minutes of proceedings at a meeting shall be signed by the Chairperson of the meeting or by the Chairperson of the next succeeding meeting.
- (d) **It shall be the duty of the Secretary to:**
 - i **Answer all correspondence and communications.**
 - ii **Maintain a register of Members of the Association.**
 - iii **Attend to other duties that may be delegated to her from time to time by the Management Committee.**

3.5.3 TREASURER:

- (a) It is the duty of the Treasurer of the Association to ensure that:-
 - i All money due to the Association is collected and received and that all payments authorised by the Association are made;
 - ii 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.
 - iii **A bank statement, a statement of income and expenditure, and all accounts, certified by the Officer responsible for the expenditure, are submitted for payment at each meeting of the Management Committee.**
 - iv **The audited Financial Statement, including receipts and expenditure is prepared and presented to the Annual General Meeting of the Association.**

- v Reviews of all fees charged by the Association are submitted and recommended to the Management Committee.
- vi Any other duties as may be delegated to her from time to time by the Management Committee are undertaken.

3.5.4 PUBLIC OFFICER:

- (a) The Committee shall ensure that a person is appointed as Public Officer.
- (b) The Committee may at any time remove the Public Officer and appoint a new Public Officer provided the person appointed is 18 years of age or older and a resident of New South Wales.
- (c) The Public Officer shall be deemed to have vacated his position in the following circumstances:
 - i Death.
 - ii Resignation.
 - iii Removal by the Committee or at a General Meeting.
 - iv Bankruptcy or financial insolvency.
 - v Mental illness.
 - vi Residency outside New South Wales.
- (d) When a vacancy occurs in the position of Public Officer the Committee shall within 14 days notify the Corporate Affairs Commission by the prescribed form and appoint a new Public Officer.
- (e) The Public Officer is required to notify the Corporate Affairs Commission by the prescribed form in the following circumstances:-
 - i Appointment (within 14 days).
 - ii A change of residential address (within 14 days).
 - iii A change in the Associations objects or rules (within one month).
 - iv A change in the Membership of the Committee (within 14 days).
 - v A change of the Associations financial affairs (within one month after the Annual General Meeting).
 - vi A change in the Associations name (within one month).
 - vii The Public Officer may be an Office Bearer, Committee Member or any other person regarded as suitable for the position by the Committee.

3.6 CASUAL VACANCIES:

- 3.6.1 For the purposes of these rules, a casual vacancy in the office of a Member of the Committee occurs if the Member:-
- (a) Dies.
 - (b) Ceases to be a member of the Association.
 - (c) Becomes an insolvent under administration within the meaning of the Companies (New South Wales) Code.
 - (d) Resigns office by notice in writing given to the Secretary.
 - (e) Is removed by office under Rule 3.7
 - (f) Becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to Mental Health.
 - (g) Is absent without the consent of the Committee from **three consecutive meetings of the Committee.**

3.7 REMOVAL OF MEMBER:

- 3.7.1 The Association in a General Meeting may by resolution remove any Member of the Committee from the office of Member before the expiration of the Member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the Member so removed.
- 3.7.2 Where a Member of the Committee to whom a proposed resolution referred to in clause (3.7.1) relates, makes representations in writing to the Secretary or President (not exceeding a reasonable length) and requests that the representations 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 so sent, the Member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

3.8 MEETINGS AND QUORUM:

- 3.8.1 The committee shall meet at least **once** in each period **three** months at such place and time as the Committee may determine.
- 3.8.2 Additional meetings of the Committee may be convened by the President or by **any Member of the Committee.**
- 3.8.3 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 (or such other period as may be unanimously agreed upon by the Members of the Committee) before the time appointed for the holding of the meeting.
- 3.8.4 Notice of a meeting given under clause (3.8.3) 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.

- 3.8.5 Any 5 members of the Committee constitute a quorum for the transaction of the business of a meeting of the Committee.
- 3.8.6 No business shall be transacted by the Committee 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 stands adjourned to the same place and at the same hour of the same day in the following week.
- 3.8.7 If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting shall be dissolved.
- 3.8.8 At a meeting of the Committee:-
- (a) The President or, in the President's absence, the Vice-President shall preside; or
 - (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.
- 3.8.9 No Committee Member shall disclose to any person who is not a Member thereof any details of any discussion or individual Member's voting in connection with the business dealt with at any meeting of the Management Committee**

3.9 DELEGATION BY COMMITTEE TO SUB-COMMITTEE:

- 3.9.1 The Committee may, by instrument in writing, delegate to one or more sub-committees (consisting of such Member or Members of the Association as the Committee thinks fit) the exercise of such of the functions of the Committee as are specified in the instrument, other than:-
- (a) This power of delegation; and
 - (b) A function which is a duty imposed on the Committee by the Act or by any other law.
- 3.9.2 A function the exercise of which has been delegated to a sub-committee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
- 3.9.3 A delegation under this section may be made subject to such conditions of limitations as to the exercise of any function the subject thereof, or as to time or circumstances, as may be specified in the instrument of delegation.
- 3.9.4 Notwithstanding any delegation under this rule, the Committee may continue to exercise any function delegated.
- 3.9.5 Any act of thing done or suffered by a sub-committee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done or suffered by the Committee.
- 3.9.6 The Committee may, by instrument in writing, revoke wholly or in part any delegation under this rule.
- 3.9.7 A sub-committee may meet and adjourn as it thinks proper.
- 3.9.8 The President and the Treasurer or their nominees shall be ex officio members of each sub-committee.**

3.10 VOTING AND DECISIONS:

- 3.10.1 Questions arising at a meeting of the Committee or of any sub-committee appointed by the Committee shall be determined by a majority of the votes of Members of the Committee or sub-committee present at the meeting.
- 3.10.2 Each Member present at a meeting of the Committee or of any sub-committee appointed by the Committee (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- 3.10.3 Any act or thing done or suffered, or purporting to have been done or suffered, by the Committee or by a sub-committee appointed by the Committee, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any Member of the Committee or sub-committee.

3.11 STANDING COMMITTEES:

3.11.1 There is hereby established the following Standing Committee:

- (a) A Judiciary Committee constituted by two (2) Members of the Committee, plus one (1) co-opted Association Member.
- (b) Appeals Board constituted by those Members of the Committee who are not members of the Judiciary Committee.

3.11.2 No member of a Standing Committee, including the Chairperson, shall have any right to publish in any manner the proceedings or decisions of a Standing Committee, which shall be notified by the Chairperson to the Secretary of the Association who alone shall have the right to publish proceedings or decision of Standing Committee.

3.11.3 Judiciary Committee:

- (a) To investigate, hear and determine all protests and disputes submitted to the Committee by Members. All questions relating to the qualification and eligibility of players and all charges of misconduct prior to, during or subsequent to any match, or bringing the game of tennis or the Association or any body affiliated with it or with which it is affiliated, into disrepute and all other matters in respect to offences or complaints or requiring adjudication referred to it by the Committee.
- (b) The Judiciary Committee may after hearing the matter:
 - i Issue a warning in the nature of a reprimand to the person appearing before it or,
 - ii Suspend or disqualify the person for a specific time, or
 - iii Any combination of (i) and (ii), or
 - iv In the case of a player member – expel such

person from the Association, or

v Otherwise deal with the person.

3.11.3 The Regulation of the Procedures of the Judiciary Committee:

- (a) The Committee shall ensure that the party appearing before the Judiciary Committee, is granted a fair hearing provided that nothing contained in these Rules shall grant a right of legal representation to a party at a Judiciary Committee hearing, unless the other party is also legally represented and then only at the discretion of the Chairperson.
- (b) The proceedings before the Committee shall be recorded in such a manner as the Chairperson, or Chairperson's nominee directs. Such recordings shall be made by the Secretary of the Association or his nominee. Any person summoned to appear before the Committee who neglects to appear without proper explanation to the Chairperson, shall be dealt with in accordance with (3.11.1. (a) ii).
- (c) A person appearing before the Committee may call witnesses in his support.
- (d) In the exercise of their function, The Judiciary Committee shall do all such things as may be necessary to ensure:
 - i That all matters are set down for hearing with as much expedition as is reasonably possible.
 - ii That all hearings are concluded within as short a period as is reasonably possible.
- (e) At a hearing by the Judiciary Committee the case of the party appearing shall be presented as decided by the Chairperson, but nothing herein removes from any person the onus of providing any ground on which he relies.
- (f) Subject to the next sub-clause, the Judiciary Committee is not bound by the rules and practices as evidence.
- (g) The Judiciary Committee shall not inform itself on, or take into consideration any matters which have not been disclosed in evidence at a sitting of the Judiciary Committee unless the matter is one which ought, in the interests of justice, be taken into account or consideration by the Judiciary Committee.
- (h) In relation to any hearing the Chairperson of the Judiciary Committee by instructions in writing or verbally:
 - i May require any person to be present at a sitting of the Judiciary Committee for the purposes of hearing to produce, on or before such date as is specified in the instruction, the inspection of any other such persons so specified, any documents or exhibit relevant to the hearing and which is so specified.
 - ii May require a person referred to in paragraph (I) Above to do either or any of the following things

namely:

- (a) To lodge with the Judiciary Committee on or before such date as is specified in the instruction, a written case setting out the arguments on which the person relies in relation to the offence, appeal or complaint.
- (b) To serve, on or before such date as is specified in the instrument, on any other such person so specified, a copy of a written case referred to in sub paragraph (a).
- iii. May require the persons referred to in paragraph (i) to lodge with the Judiciary Committee on or before such date as is specified in the instruction, a statement of such facts or matters as are agreed upon between them in relation to the offence, appeal or complaint.
- iv. May require any person to produce before the Judiciary Committee any document or exhibit relevant to the offence, appeal or complaint.
- v. May require any person to appear before the Judiciary Committee to give evidence.
- (i) Any person who fails or neglects to comply with requirements made to him under sub-clause (i) shall be deemed to be guilty of misconduct and shall be liable to such penalty as the Judiciary Committee determines.
- (j) The Judiciary Committee may from time to time adjourn any hearing until such times, dates and places for such reasons as it thinks fit.
- (k) The Association and Committee subject to sub-clause (l), shall be entitled to publish in the public press or in any other manner they shall think fit, reports of their proceedings, acts, resolution and findings, whether the same shall or shall not reflect on the conduct of any Member, Player or Official and all evidence tendered on such enquires and all such enquires and reports shall be privileged and every such Member, Player or Official shall be deemed to have assented to such enquiry and publication as to accept the same as privileged in Law.
- (l) No Member of the Judiciary Committee, including the Chairperson, shall have any right to publish in any manner the decisions of the Judiciary Committee, which shall be notified to the Secretary of the Association who alone shall have the right to publish in the manner determined by the Committee, a decision of the Judiciary Committee.

3.11.4 Appeal From Decision of Judiciary Committee:

- (a) A person aggrieved with the decision of the Judiciary Committee shall have the right exercisable within fourteen (14) days of the decision to appeal the decision to the Appeals Board.
- (b) The Appeals Board shall have full power to vary, modify or set aside the decision or finding of the Judiciary Committee and to

set aside, increase or decrease the period of any suspension or to order a new hearing.

- (c) Any party aggrieved by the decision of the Appeals Board may lodge an appeal to the Board of New South Wales Tennis Association Limited with the Secretary of the Association within seven (7) days of the date on which the Appeals Board hands down its decision and the Secretary shall forthwith send such appeal to the Chief Executive of New South Wales Tennis Association for consideration by its Board. The decision of the New South Wales Tennis Association's Board on any such appeal shall be final and no further appeal shall be made to any other body or Court other than on a point of law.

3.12 PECUNIARY INTEREST:

- 3.12.1 Matters of pecuniary interest to any Member shall be discussed and determined in her absence.

3.13 BY LAWS:

- 3.13.1 The Management Committee may create, rescind or amend By Laws to deal with matters covered by these rules.

PART FOUR:

4.1 GENERAL MEETINGS:

4.1.1. ANNUAL GENERAL MEETINGS:

- (a) With the exception of the first Annual General Meeting of the Association, the Association shall, at least once in each calendar year and within the period of 6 months after the expiration of each financial year of the Association, convene an Annual General Meeting of its members.
- (b) The Association shall hold its first Annual General Meeting:-
- i Within the period of eighteen months after its incorporation under the Act; and
 - ii Within the period of two months after the expiration of the first financial year of the Association.
- (c) Clauses (a) and (b) have effect subject to any extensions or permission granted by the Commission under Section 26 (34) of the Act.

4.1.2 CALLING OF BUSINESS AT ANNUAL GENERAL MEETING:

- (a) The Annual General Meeting of the Association shall, subject to the Act and to Rule 4.1 be convened on such date **in the month of SEPTEMBER in each year**, and at such place and time as the Committee thinks fit.

- (b) In addition to any other business which may be transacted at an Annual General Meeting, the business of an Annual General Meeting shall be:-
- i To confirm the minutes of the last preceding Annual General Meeting and of any Special General Meeting held since that meeting.
 - ii To receive from the Committee reports upon the activities of the Association during the last preceding financial year.
 - iii **To receive and consider the statement which is required to be submitted to Members pursuant to Section 26 (6) of the Act.**
 - iv **The election of a maximum of three Patrons who shall be nominated for such position/s by the Committee.**
 - v To elect office bearers of the Association and ordinary Members of the Committee.
 - vi **The acceptance of nominations for all Standing Committee of the Association.**
 - vii **To appoint Auditors.**
 - viii **Any other business brought forward in accordance with these Rules.**
- (c) An Annual General Meeting shall be specified as such in the notice convening it.

4.2 SPECIAL GENERAL MEETING - CALLING OF:

- 4.2.1 The Committee may, whenever it thinks fit, convene a Special General Meeting of the Association.
- 4.2.2 The Committee shall, on the requisition in writing of not less than **15** Members, convene a Special General Meeting of the Association.
- 4.2.3 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.
- 4.2.4 If the Committee fails to convene a Special General Meeting to be held within one month after that date on which a requisition of Members for the meeting is lodged with the Secretary, any one or more of the Members who made the requisition may convene a Special General Meeting to be held not later than three months after that date.
- 4.2.5 A Special General Meeting convened by a Member or Members as referred to in clause (4.2.4) shall be convened as nearly as is practicable in the same manner as General Meetings are convened by the Committee and any Member who thereby incurs expense is entitled to be reimbursed by the Association for any expense so incurred.

4.3 NOTICE

- 4.3.1 Notice of General Meeting shall be displayed on the Association Notice Board specifying time, date, place and business of the meeting.
- 4.3.2 At least 21 days notice of all General Meetings and notices of motions shall be given to Members.
- 4.3.3 In the case of General Meetings where a special resolution is to be proposed, notice of the resolution shall be given to Members at least 21 days before the Meeting.
- 4.3.4 No business other than that specified in the notice convening a General Meeting shall be transacted at the Meeting except, in the case of an Annual General Meeting, business which may be transacted pursuant to Rule 4.1.2. (b)
- 4.3.5 A Member desiring to bring any business before a General Meeting may give notice in writing of that business to the Secretary who shall include that business in the next notice calling a General Meeting given after receipt of the notice from the Member.

4.4 PROCEDURE:

- 4.4.1 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 the meeting is considering that item.
- 4.4.2 **Fifteen** (15) Members present in person (being Members entitled under these rules to vote at a General Meeting) constitute a quorum for the transaction of the business of a General Meeting.
- 4.4.3 If within half an hour after the appointed time for the commencement of a General Meeting a quorum is not present, the Meeting if convened upon the requisition of Members, shall be dissolved and in any other case shall stand adjourned to the same day the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the Meeting or communicated by written notice to Members given before the day to which the Meeting is adjourned) at the same place.
- 4.4.4 If at the adjourned Meeting a quorum is not present within half an hour after the time appointed for the commencement of the Meeting, the Members present (being not less than **twelve**) shall constitute a quorum.

4.5 PRESIDING MEMBER:

- 4.5.1 The President or, in the President's absence, the Vice-President, shall preside as chairperson at each General Meeting of the Association.
- 4.5.2 If the President and the Vice-President are absent from a General Meeting or unwilling to act, the Members present shall elect one of their number to preside as chairperson at the Meeting.

4.6 ADJOURNMENT:

- 4.6.1 The Chairperson of a General Meeting at which a quorum is present may, with the consent of the majority of Members present at the Meeting, adjourn the Meeting from time to time and place to place, but

no business shall be transacted at an adjourned Meeting other than the business left unfinished at the Meeting at which the adjournment took place.

- 4.6.2 Where a General Meeting is adjourned for fourteen (14) days or more, the Secretary shall give written or oral notice of the adjourned Meeting stating the place, date and time of the Meeting and the nature of the business to be transacted at the Meeting.
- 4.6.3 Except as provided in clauses (4.6.1) and (4.6.2), notice of an adjournment of a General Meeting or of the business to be transacted at an adjourned Meeting is not required to be given.

4.7 MAKING OF DECISIONS:

- 4.7.1 At any General Meeting of the Association, only those Members who are 18 years of age and over shall be entitled to vote.
- 4.7.2 Voting at General Meetings shall be by show of hands unless a secret ballot is demanded.
- 4.7.3 Decisions shall be made by a simple majority vote except for those matters which must be decided by special resolution where a three quarter majority is required.

4.8 SPECIAL RESOLUTION:

- 4.8.1 A special resolution must be passed by a General Meeting of the Association to effect the following changes:-
- (a) A change of the Associations name.
 - (b) A change of the Associations Rules.
 - (c) A change of the Associations objects.
 - (d) An amalgamation with another Incorporated Association
 - (e) To voluntarily wind up the Association and distribute its property.
 - (f) To apply for registration as a Company or a Co-operative.
- 4.8.2 A special resolution shall be passed in the following manner:-
- (a) Notice must be given advising that a General Meeting is to be held to consider a special resolution.
 - (b) The notice must give details of the proposed special resolution and give at least twenty one (21) days notice of the meeting.
 - (c) A quorum must be present at the Meeting.
 - (d) At least three-quarters of those present must vote in favour of the resolution.
 - (e) In situations where it is not possible or practicable for a resolution to be passed as described above, a request may be made to the Corporate Affairs Commission for permission to pass the resolution in some other way.

4.9 VOTING:

- 4.9.1 Upon any question arising at a General meeting of the Association a Member has one vote only.
- 4.9.2 All votes shall be given personally.
- 4.9.3 In the case of an equality of votes on a question at a General Meeting, the Chairperson of the meeting is entitled to exercise a second or casting vote.
- 4.9.4 A member is not entitled to vote at any General Meeting of the Association unless all money due and payable by the Member to the Association has been paid, other than the amount of the annual subscription payable in respect of the then current year.

PART FIVE:5.1 MISCELLANEOUS:5.1.1 INSURANCE:

- (a) The Association shall effect and maintain insurance **as is required under the Associations Incorporation Act together with any other insurance which may be required by law or regarded as necessary by the Association.**

5.1.2 FUNDS - SOURCE:

- (a) The funds of the Association shall be derived from **registration fees, match fees, sponsorships, court hire, donations and investments and subject to any resolution passed by the Association in a General Meeting, such other sources as the Committee determines.**
- (b) All money received by the Association shall be deposited as soon as practicable in any account **opened in the Associations name with a bank or building society.**
- (c) The Association shall, as soon as practicable after receiving any money, issue an appropriate receipt.

5.1.3 FUNDS - MANAGEMENT:

- (a) Subject to any resolution passed by the Association in a General Meeting, the funds of the Association shall be used in pursuance of the objects of the Association in such manner as the Committee determines.
- (b) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any two Members of the Committee of the Association, being Members authorised to do so by the Committee.
- (c) **All funds of the Association shall be banked and/or invested in the name of the Association. All payments shall be made by cheque signed by any two of the**

President, Secretary or Treasurer or as otherwise directed by the Committee.

- (d) No liability or expenditure shall be incurred without the sanction of the Executive or the Committee.
- (e) The Committee shall cause true accounts to be kept of the moneys received and expended, and all accounts of the Association shall be closed annually on 30th June of each year.
- (f) The Committee shall cause to be prepared a statement of accounts of the Association up to the end of the financial year and shall submit it, with the auditors report thereon to the Annual General Meeting of the Association.
- (g) An Auditor shall be appointed at each Annual General Meeting to hold office until the next Annual General Meeting. If such appointment is not made, the Committee shall appoint an Auditor of the Association for the current year.
- (h) No member of the Committee or employee of the Association shall be qualified for appointment or to act as Auditor of the Association.
- (i) The Committee shall cause the Auditor to have access to all books, accounts, vouchers, securities and documents of the Association, and to be furnished with such information and explanation by themselves or any other Officers as may be necessary for the performance of the duties of Auditor.

5.1.4 COMMON SEAL:

- (a) The Common Seal of the Association shall be kept in the custody of the Public Officer.
- (b) The Common Seal shall not be affixed to any instrument except by the authority of the Committee and the **signatures either** of two **Members** of the Committee **and** of the Public Officer or Secretary.

5.1.5 CUSTODY OF BOOKS:

- (a) 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.

5.1.6 INSPECTION OF BOOKS:

- (a) 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.

5.1.7 SERVICE OF NOTICES:

- (a) For the purpose of these rules, 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 the Member's address shown in the register of Members.

- (b) Where a document is sent to a person by properly addressing, prepaying and posting to the person a letter containing the document, the document shall, unless the contrary is proved, be deemed for the purpose of these rules to have been served on the person at the time at which the letter would have been delivered in the ordinary course of post.

5.1.8 SURPLUS PROPERTY:

- (a) In the event of the winding up or the cancellation of the Incorporation of the Association all the surplus property of the Association pursuant to Section 53 (2) of the Act shall vest in the New South Wales Tennis Association Limited.

5.1.9 TENNIS YEAR:

- (a) The Associations Tennis year shall commence on the first day of April and shall conclude on the last day of March of the following year.

5.1.10 ALTERATION TO OBJECTS AND RULES:

- (a) The statement of objects and these rules may be altered, rescinded and added to only by special resolution of the Association.

5.1.11 INTERPRETATION OF RULES:

- (a) The Committee is hereby empowered to deal as it may think fit with Members, affiliated Club or Associations and their Members thereof, in respect to complaints and offences and any other matters or circumstances not otherwise specifically provided for or covered in these rules or the rules of competition.
- (b) The Committee shall be the sole authority for the interpretation of these rules and the rules of competition and its decision upon any question of interpretation or upon any other matter affecting the Association shall be final and binding upon Members thereof and the Members of Standing Committees and all other persons affected by these rules and the administrative regulations and rules of competition.

5.1.12 IGNORANCE OF THE RULES:

- (b) A plea of ignorance of the rules shall not be accepted.

5.1.13 SANCTION OF EVENTS:

- (a) No affiliated Club or Association or team shall conduct an Open Tournament or competition for players other than its Club or team Members without the sanction of the Committee.

5.1.14 RULES OF DEBATE:

- (a) Where not indicated in these rules, the rules of debate, procedure and conduct as set out in N.E. Renton "Guide for meetings and organisations' shall be adopted at all meetings.

5.1.15 RULES OF PLAY:

- (a) The rules of play shall be those adopted by The New South Tennis Association as per their handbook.

5.1.16 AFFILIATED BODIES:

- (a) The Gosford District Ladies Mid-Week Tennis Association **is an** affiliated body of the Gosford District Tennis Association.
- (b) The Executive Committee of the Gosford District Ladies Mid-Week Tennis Association shall consist of President, Vice President, Secretary, Treasurer and **other Committee Members as elected at their Annual General Meeting in accordance with the Gosford District Ladies Mid-Week Association Rules.**
- (c) The Annual Meeting of the Gosford District Ladies Mid-Week Tennis Association **shall** be held prior to the **Annual General Meeting of the** Gosford District Tennis Association
- (d) The accounts of the Gosford District Ladies Mid-Week Tennis Association shall be audited **and submitted to** the Annual Meeting of the Gosford District Tennis Association
- (e) **The Gosford District Ladies Mid-Week Tennis Association shall be bound by all the rules of the Gosford District Tennis Association Incorporated.**

5.1.17 DISPUTES BETWEEN MEMBERS AND THE ASSOCIATION:

- (a) In the event of a dispute arising between the Member (in their capacity as Members) or between a Member and the Association, or a Member and the Committee, the following procedure will apply:-
- i Each side of the dispute shall nominate a representative who is not directly involved in the dispute. Those representatives shall then attempt to settle the dispute by negotiation.
- ii Should the nominated representatives be unable to resolve the dispute within 14 days (or such period as may agree upon) the dispute shall be referred to a person appointed by the President of the New South Wales Tennis Association Limited for mediation. The mediator shall determine the form and procedure of the mediation process.