

**THE RULES OF BUCKLANDS AND EASTERN
BEACHES TENNIS CLUB (INCORPORATED)**

JULY 2002

1 NAME

- 1.1** The name of the Club is "Buckland's and Eastern Beaches Tennis Club Incorporated".

2 OBJECTS

- 2.1** The primary objects of the Club are to:

- (a) Promote the playing of tennis,
- (b) Provide facilities for members to play tennis, and
- (c) Do any act or thing incidental or conducive to the attainment of any of the above objects.

- 2.2** Without detracting from the primary objects, the secondary objects of the Club are to:

- (a) Promote functions of a social nature for the enjoyment of members, and
- (b) Make regulations or bylaws to advance the attainment of any of the above objects.

- 2.3** Notwithstanding the above objects:

- (a) The Club shall be limited in furthering or attaining its objects to the advancement of sports or charitable purposes in New Zealand, and

- (b) No member of the Club shall derive any personal pecuniary gain from membership of the Club.

3 POWERS

- 3.1** In addition to its statutory powers, the Club may:

- (a) Use its funds to pay the costs and expenses of furthering or carrying out its objects, and for that purpose may employ such people as may seem expedient, and
- (b) Borrow money secured or unsecured and subject to such conditions as may seem expedient for the purpose of furthering or carrying out its objects.
- (c) Exercise all the powers a trustee might exercise, and
- (d) Invest in any investment in which a trustee might invest.

4 MEMBERSHIP

- 4.1** The classes of membership and the method by which Members are admitted to different classes are as follows:

(a) Senior Member

A Senior Member is a member of the Club admitted under Rule 5.

(b) Intermediate Member

An Intermediate Member is either a member of the Club who is aged between 15 years and under 18 years or is a full time school student.

(c) **Junior Member**

A Junior Member is a member of the Club who is aged under 15 years.

(d) **Associate Member**

An Associate Member is an incorporated or unincorporated body supportive of the objects of the Club admitted to membership by the Management Committee and shall be subject to such matters as fees and playing rights as set by the Management Committee.

(e) **Life Member**

A Life Member is a person honoured for meritorious services to the Club after recommendation by the Management Committee and election as a Life Member by resolution of a General Meeting passed by a two-thirds majority of those present and voting. A Life Member shall have all the rights and privileges of a Senior Member and shall be subject to all the duties of a Senior Member except those of paying subscriptions and levies.

(f) **Limited Member**

A Limited Member is a member of the Club admitted to membership by the Management Committee subject to special conditions as to such matters as fees, payments and playing rights.

4.2 Where qualification for a membership class is dependent upon age or status then that age or status shall be determined as at the 31st December in that season unless otherwise determined by the Management Committee.

4.3 Members shall advise the Secretary of any change of address or telephone number.

4.4 The Secretary shall keep a register of Members recording their names, addresses and telephone numbers.

4.5 All Members shall promote the interests and the objects of the Club and shall do nothing to bring the Club into disrepute.

5 Admission of Members

5.1 Applicants for membership shall complete an application form provided (and supply such information as may be required) by the Management Committee.

5.2 Membership applications shall be considered by the Management Committee who may interview the membership applicant.

5.3 The Management Committee shall have complete discretion whether or not to admit a membership applicant, and shall advise the applicant of its decision, and that decision shall be final and binding on the membership applicant.

5.4 The Management Committee may from time to time in its absolute discretion transfer members between the classes of membership, and any such decision shall be final.

6 SUBSCRIPTIONS AND LEVIES

6.1 The annual subscription and due date for payment for different classes of Member, and any amount payable on joining the Club, shall be set by resolution of a General Meeting.

6.2 Any Member failing to pay the annual subscription by the due date for any season shall be considered as un-financial and shall (without being released from the obligation of

payment) have no membership rights and shall not be entitled to participate in any Club activity until all the arrears are paid, and shall be deemed to have ceased to be a Member until all arrears are paid in full.

7 CESSATION OF MEMBERSHIP

7.1 Any Member may resign from that Member's class of membership by written notice to the Secretary, and each such resignation shall take effect from the end of the season during which the notice is given.

7.2 The Management Committee may declare that a Member is no longer a Member (from the date of that declaration or such date as may be specified) if that Member is convicted of any offence for which a convicted person may be imprisoned.

7.3 After due enquiry and having given the Member the right to be heard, the Management Committee may by letter invite any Member within a specified time to resign from membership for failure to comply with these Rules or any of the other duties of a Member. If the Member does not so resign, the Management Committee may recommend to a General Meeting that the Member be expelled, and after the Member has been given the opportunity of being heard by or providing written comments to the General Meeting, that Meeting may expel the Member by resolution passed by a two-thirds majority of those present and voting.

7.4 A Member whose membership is terminated under Rules 7.1, 7.2 or 7.3 shall remain liable to pay all subscriptions and levies to the end of the season during which the membership is terminated.

8 RE-ADMISSION OF FORMER MEMBERS

8.1 Any former Member may apply for re-admission in the

manner prescribed for new applicants, but if the former Member's membership was terminated under either of Rules 7.2 or 7.3 the applicant shall not be readmitted without the approval of a General Meeting.

9 ELECTION OF OFFICERS AND MANAGEMENT COMMITTEE

9.1 The Annual General Meeting shall elect a President, Vice-President, Secretary and Treasurer and four other Management Committee members all of whom shall be the Club's Management Committee.

9.2 The Annual General Meeting shall also elect a Club Captain, Interclub Controller, Junior/Intermediate Convener and Midweek Convener who shall not be precluded from contemporaneously holding a position as an officer of the Club or member of the Management Committee.

9.3 Written nominations for nominees under Rule 9.1 signed by a Member entitled to vote at General Meetings and accompanied by the written consent of the nominee shall be received by the Secretary not less than 14 clear days before the date of the Annual General Meeting. In the absence of sufficient valid nominations being received (and remaining current at the date of the Annual General Meeting) nominations may be made from the floor at the Annual General Meeting.

9.4 The office of Secretary and Treasurer may be held by one person in which case the number of Management Committee Members who are not officers of the Club shall be increased to five.

9.5 If the position of any Management Committee member becomes vacant between Annual General Meetings that vacancy shall be filled by the Management Committee.

9.6 Management Committee members shall be members entitled to vote at General Meetings.

10 MANAGEMENT BY THE MANAGEMENT COMMITTEE

10.1 From the end of each Annual General Meeting until the end of the next, the Club shall be administered, managed and controlled by the Management Committee.

10.2 Subject to these Rules and the resolution of any General Meeting, the Management Committee may exercise all the Club's powers, other than those required by statute or by these Rules to be exercised by the Club in General Meeting.

10.3 The Management Committee shall meet at such times and places and in such manner as it may determine and otherwise where and as convened by the President or Secretary. All financial members except junior members may attend and speak at Management Committee meetings but shall not be entitled to vote.

10.4 All Management Committee meetings shall be chaired by the President or in the President's absence by the Vice-President, or in the absence of both of them by some other Management Committee member elected for the purpose by the meeting, and any such chairperson shall have a deliberative and casting vote.

10.5 The Management Committee may co-opt any member to the Management Committee for a specific purpose, or for a limited period, or generally until the next Annual General Meeting.

10.6 The quorum for Management Committee meetings is at least half the number of the Management Committee members.

10.7 Only Management Committee members elected under Rule 9.1 or appointed under Rule 9.6 shall be counted in the quorum and be entitled to vote.

10.8 The Management Committee may appoint subcommittees consisting of such persons as it thinks fit and with or without power to co-opt, but such subcommittees shall have no power to commit the Club to any financial expenditure without express authority by resolution of the Management Committee.

10.9 The Management Committee may from time to time make regulations for the conduct and control of Club activities.

10.10 The President (and, in the absence of the President, the Vice-President) shall, in addition to all other duties described in these rules, generally oversee and direct the affairs and business of the Club.

10.11 Other than as prescribed by statute or these Rules, the Management Committee may regulate its proceedings as it thinks fit.

10.12 Subject to statute, these Rules and the resolutions of General Meetings, the decisions of the Management Committee on the interpretation of these Rules and all matters dealt with by it in accordance with these Rules and on matters not provided for in these Rules shall be final and binding on all Members.

10.13 Each officer shall within one calendar month of submitting a resignation or ceasing to hold office deliver to that officer's successor all books, papers and other property of the Club possessed by such former officer.

11 SECRETARY

- 11.1 The Secretary shall record the minutes of all General Meetings and Management Committee meetings, and all such minutes when confirmed by the next such meeting and signed by the chairperson of that meeting shall be *prima facie* evidence that that meeting was duly called and shall *prima facie* be a true and correct record of what occurred at that meeting.
- 11.2 The Secretary shall hold the Club's records, documents, and books.
- 11.3 The Secretary shall deal with and answer correspondence and perform such other duties as directed by the Management Committee.
- ## 12 REGISTERED OFFICE
- 12.1 The Registered Office of the Club shall be at such place as the Management Committee from time to time determines.
- ## 13 FINANCE
- 13.1 The Treasurer shall keep such books of account as may be necessary to provide a true record of the Club's financial position, report on the Club's financial position to each Management Committee meeting, and present an annual Statement of Accounts (Income and Expenditure Account and Balance Sheet) to the Annual General Meeting.
- 13.2 The Management Committee shall maintain bank accounts in the name of the Club, and all cheques and withdrawal forms shall be signed by any two of the Treasurer, President, Vice-President or Secretary.
- 13.3 All money received on account of the Club shall be banked

within 14 days of receipt.

- 13.4 All accounts paid or for payment shall be submitted to the Management Committee for approval of payment.
- 13.5 The Club's financial year shall commence on 1st June of each year and end on 31 May of the following year unless otherwise determined by the Management Committee.
- 13.6 The Club at the Annual General Meeting each year may appoint an auditor (who is a member of The Institute Of Chartered Accountants and not a Member of the Club) to audit the annual accounts of the Club and provide a certificate of correctness of the same, and if any such auditor is unable to act the Management Committee shall appoint a replacement auditor.
- ## 14 EXECUTION OF DOCUMENTS
- 14.1 The Common Seal of the Club, if any, shall be retained by the Secretary.
- 14.2 Documents shall be executed for the Club pursuant to a resolution of the Management Committee by affixing the Common Seal, if any, witnessed by any two of the President, Vice-President, Treasurer or Secretary.
- ## 15 SEASON
- 15.1 The Club tennis season shall be from 1st August in each year to 31st July the following year unless otherwise determined by the Management Committee.
- ## 16 GENERAL MEETINGS
- 16.1 The Annual General Meeting shall be held before the 31st

July in each year at a time and place fixed by the Management Committee.

- 16.2** Special General Meetings may be called by the Management Committee.
- 16.3** At least 14 days before any General Meeting the Secretary shall post to all Members entitled to vote at General Meetings written notice of the business to be conducted at the General Meeting (including in the case of Annual General Meetings copies of the Annual Report, Statement of Accounts, and list of and information about nominees, and notice of any motions and the Management Committee's recommendations in respect thereof), and the failure for any reason of any Member to receive such notice shall not invalidate the meeting or its proceedings.
- 16.4** General meetings may be attended by all Members of whatever class of membership, and all members except limited members and junior members are entitled to vote.
- 16.5** A Senior Member shall be entitled to vote by written proxy in favour of another Senior Member who is present, but no other proxy voting shall be permitted.
- 16.6** The quorum for General Meetings is 12 Members entitled to vote.
- 16.7** All General Meetings shall be chaired by the President or in the President's absence by the Vice-President or in the absence of both of them by some other Management Committee member elected for the purpose by the Meeting, and any such chairperson shall have a deliberative and casting vote.
- 16.8** Voting at General Meetings shall be by voices, by show of hands or, on demand of the chairperson or of any Member present, by secret ballot. On any secret ballot each Member

entitled to vote shall have one vote.

16.9 The business of the Annual General Meeting shall be:

- (a) Minutes of the previous General Meeting(s),
- (b) Annual Report of the President,
- (c) Statement of Accounts,
- (e) Election of Officers and Management Committee,
- (f) Election of Club Captain and Conveners,
- (g) Appointment of Auditor,
- (h) Motions of which notice has been given, and
- (i) General business.

16.10 Any Member wishing to give notice of any motion for consideration at any General Meeting shall forward written notice of the same to the Secretary not less than 14 clear days before the date of the meeting. The Management Committee may consider all such notices of motion and provide recommendations to Members in respect thereof.

16.11 The Secretary shall call a special general meeting to be held within 30 days of receipt of a written requisition by not less than nine senior members. Such requisition shall include notice of any motion for consideration at the meeting and an explanation (not exceeding one side of an A4 sheet of paper). The Management Committee may include its recommendations in respect thereof in the notice to members of the meeting.

17 SELECTORS

- 17.1** The Management Committee shall appoint a Selection Committee of three for each season.
- 17.2** The Management Committee may fill any vacancy in the Selection Committee.
- 17.3** The Management Committee may dismiss any selector from the Selection Committee.

18 PROCEEDINGS

- 18.1** If any irregularity occurs in the convening or holding of any meeting or in an election or appointment or proceedings at a meeting and the irregularity is not noticed and no objection is raised at the time then all proceedings at the meeting shall be of the same force and validity as if no such irregularity had occurred.

19 PERSONAL BENEFIT

- 19.1** The income and property of the Club shall be used and applied solely in the promotion of its objects and in the exercise of its powers and no part thereof shall be distributed paid or transferred directly or indirectly by way of a dividend bonus or otherwise by way of profit to or amongst the members of the Club.
- 19.2** Nothing in the rules shall prevent the payment in good faith of interest to any member in respect of monies advanced to the Club or otherwise owing by the Club to the member or remuneration to any employees of the Club or to any member of the Club for services actually rendered to the Club.

- 19.3** Nothing in the rules shall be construed so as to prevent the payment or repayment to any member of out of pocket expenses, money lent and proper charges for goods hired by the Club or for premises let to the Club.

20 ALTERATION OF RULES

- 20.1** These Rules may be amended or replaced by resolution of any General Meeting passed by a two-thirds majority of those Members present and entitled to vote at a General Meeting.

- 20.2** Any proposed motion to amend or replace these Rules shall be signed by at least 12 Members entitled to vote at a General Meeting and given in writing to the Secretary at least 28 clear days before the General Meeting at which the motion is to be considered, and accompanied by a written explanation of the reasons for the proposal.

- 20.3** At least 14 days before the General Meeting at which any such proposal is to be considered the Secretary shall post written notice of the proposed motion, of the reasons for the proposal, and of any recommendations from the Management Committee in respect thereof to all Members entitled to vote at a General Meeting.

- 20.4** No addition to or alteration or recession of the rules shall be approved if it permits a member to derive personal pecuniary gain from membership of the Club or if it affects the winding up rules.

21 WINDING UP

- 21.1** The Club may be wound up under the provisions of the Incorporated Societies Act 1908.

If the Club is wound up, the surplus assets after payment of

all debts, costs and liabilities shall be transferred to Auckland Tennis Incorporated or such other charitable organisation or body which encourages tennis in the Bucklands and Eastern Beach area as may be determined by the Club in general meeting or in accordance with the Incorporated Societies Act 1908, but no distribution shall be made to any Member.