

MELBOURNE UNIVERSITY TENNIS CLUB CONSTITUTION

1. Name

The name of the affiliated club is Melbourne University Tennis Club (in these Rules called "the Club").

2. Definitions

(1) In these Rules, unless the contrary intention appears-

- "committee" means the committee of management of the Club;
- "financial year" means the year ending on 30 December;
- "general meeting" means a general meeting of members convened in accordance with rule 12.
- "associate" or "social member" means a student or eligible non-student of the social division of the Club;
- "full member" means an associate member of the Club who meets the requirements to either represent the Club in regional competition or participate in internal Club competitions;
- "volunteer club coordinator" means a member of the committee who is not an officer of the Club under Rule 21;

3. Alteration of the rules

These Rules and the statement of purposes of the Club must not be altered unless approved during in a general meeting of the Club.

4. Membership, entry fees and subscription

1. A person who applies and is approved for membership as provided in these Rules is eligible to be an associate of the Club on payment of the annual subscription payable under these Rules.
2. A person who applies and is approved to play in competitions for the Club as provided in these Rules is eligible to be a full member of the Club on payment of the annual competition membership payable under these Rules.
3. An application of a person for membership of the Club must- be made in writing on the MUTC Membership Application Form;
 - (b) be lodged with the Membership Coordinator of the Club or proxy;
 - (c) be lodged with the full subscription fee.
4. As soon as practicable after the receipt of an application, the Membership Coordinator must refer the application to the committee.
5. The committee must determine whether to approve or reject the application.
 - (a) If the committee approves an application for membership, the Membership Coordinator must, as soon as practicable:-
 - (i) notify the applicant in writing via email of the approval for membership;
 - (ii) provide proof of membership; and
 - (iii) provide tax receipt if requested.
 - (b) If the committee rejects an application for membership, the Membership Coordinator must, as soon as practicable,
 - (i) notify the applicant in writing via email of the rejection of membership, including the reasons;
 - (c) reimburse any fees submitted with the membership application
6. The Membership Coordinator must, within 28 days after receipt of the amounts referred to in sub-rule (6), enter the applicant's name in the register of members.
7. An applicant for membership becomes a member and is entitled to exercise the rights of membership when his or her name is entered in the register of members.
8. A right, privilege, or obligation of a person by reason of membership of the Club-

- (a) is not capable of being transferred or transmitted to another person;
- (b) terminates upon the cessation of membership whether by death or resignation or on the last day of February in the year following the membership start date.
- 9. The associate subscription fee and competition membership fee is the relevant amount set out in the Competition Schedule of Fees.
- 10. The annual membership cycle is based on the academic year.
 - (a) anyone subscribing between the first day of January and last day of Semester 2 is entitled to membership until the first day of February in the following year.
 - (b) those who subscribe after the end of Semester 2 in a given year are entitled to membership for up to 14 months but not longer than the last day of February in the year after next (eg. subscribing in November 2003 entitles membership until the last day of February 2005).
 - (c) the length of annual membership should not be less than 4 months and not more than 14 months; this can vary greatly depending on the time of subscription
 - (d) pro-rated membership should not be offered, unless special approval is given by the Committee.

5. Register of members

1. The Membership Coordinator must keep and maintain a register of members containing-
 - (a) the contact details of each member (including name, postal address, email address, phone numbers);
 - (b) the date of birth of each member;
 - (c) the student number or eligible non-student number of each member; and
 - (d) the date on which each member's name was entered in the register.
2. The register is available for inspection free of charge by any member upon request.

6. Ceasing membership

1. A member of the Club who has paid all fees due and payable by a member to the Club may resign from the Club by giving one month's notice in writing to the Membership Coordinator of his or her intention to resign.
2. After the expiry of the period referred to in sub-rule (1)-
 - (a) the member ceases to be a member;
 - (b) the Membership Coordinator must record in the register of members the date on which the member ceased to be a member; and
 - (c) all paid fees are forfeited to the Club.
3. If a student member ceases to be a student of the University of Melbourne or is found to be fraudulantly posing as a student of the University of Melbourne, all membership privileges will be revoked immediately and all fees paid will be forfeited to the Club. However, the member can appeal membership cessation and pay the additional fee to become an Eligible Non-Student Member.

7. Discipline, suspension and expulsion of members

1. Subject to these Rules, if the committee is of the opinion that a member has refused or neglected to comply with these Rules, or has been guilty of conduct unbecoming a member or prejudicial to the interests of the Club, the committee may by resolution-
 - (a) fine that member an amount not exceeding \$500; or
 - (b) suspend that member from membership of the Club for a specified period; or
 - (c) expel that member from the Club.
2. A resolution of the committee under sub-rule (1) does not take effect unless-
 - (a) at a meeting held in accordance with sub-rule (3), the committee confirms the resolution; and
 - (b) if the member exercises a right of appeal to the Club under this rule, the Club confirms the resolution in accordance with this rule.

3. A meeting of the committee to confirm or revoke a resolution passed under sub-rule (1) must be held not earlier than 14 days, and not later than 28 days, after notice has been given to the member in accordance with sub-rule (4).
4. For the purposes of giving notice in accordance with sub-rule (3), the Membership Coordinator must, as soon as practicable, cause to be given to the member a written notice-
 - (a) setting out the resolution of the committee and the grounds on which it is based; and
 - (b) stating that the member, or his or her representative, may address the committee at a meeting to be held not earlier than 14 days and not later than 28 days after the notice has been given to that member; and
 - (c) stating the date, place and time of that meeting; and
 - (d) informing the member that he or she may do one or both of the following-
 - (i) attend that meeting;
 - (ii) give to the committee before the date of that meeting a written statement seeking the revocation of the resolution;
 - (e) informing the member that, if at that meeting, the committee confirms the resolution, he or she may, not later than 48 hours after that meeting, give the Membership Coordinator a notice to the effect that he or she wishes to appeal to the Club in general meeting against the resolution.
5. At a meeting of the committee to confirm or revoke a resolution passed under sub-rule (1), the committee must-
 - (a) give the member, or his or her representative, an opportunity to be heard; and
 - (b) give due consideration to any written statement submitted by the member; and
 - (c) determine by resolution whether to confirm or to revoke the resolution.
6. If at the meeting of the committee, the committee confirms the resolution, the member may, not later than 48 hours after that meeting, give the Membership Coordinator a notice to the effect that he or she wishes to appeal to the Club in general meeting against the resolution.
7. If the Membership Coordinator receives a notice under sub-rule (6), he or she must notify the committee and the committee must convene a general meeting of the Club to be held within 21 days after the date on which the Membership Coordinator received the notice.
8. At a general meeting of the Club convened under sub-rule (7)-
 - (a) no business other than the question of the appeal may be conducted; and
 - (b) the committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution; and
 - (c) the member, or his or her representative, must be given an opportunity to be heard; and
 - (d) the members present must vote by secret ballot on the question whether the resolution should be confirmed or revoked.
9. A resolution is confirmed if, at the general meeting, not less than two-thirds of the members vote in person, or by proxy, in favour of the resolution. In any other case, the resolution is revoked.

8. Disputes and mediation

1. The grievance procedure set out in this rule applies to disputes under these Rules between-
 - a. a member and another member; or
 - b. a member and the Club.
2. The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.
3. If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.

4. The mediator must be-
 - a. a person chosen by agreement between the parties; or
 - b. in the absence of agreement-
 - (i) in the case of a dispute between a member and another member, a person appointed by the committee of the Club; or
 - (ii) in the case of a dispute between a member and the Club, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).
5. A member of the Club can be a mediator.
6. The mediator cannot be a member who is a party to the dispute.
7. The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
8. The mediator, in conducting the mediation, must-
 - a. give the parties to the mediation process every opportunity to be heard; and
 - b. allow due consideration by all parties of any written statement submitted by any party; and
 - c. ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
9. The mediator must not determine the dispute.
10. If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

9. Annual general meetings

1. The committee may determine the date, time and place of the annual general meeting of the Club.
2. The notice convening the annual general meeting must specify that the meeting is an annual general meeting.
3. The ordinary business of the annual general meeting shall be-
 - a. to confirm the minutes of the previous annual general meeting and of any general meeting held since that meeting; and
 - b. to receive from the committee reports upon the transactions of the Club during the last preceding financial year; and
 - c. to elect officers of the Club and the volunteer club coordinators; and
 - d. to receive and consider the statement submitted by the Club in accordance with section 30(3) of the Act.
4. The annual general meeting may conduct any special business of which notice has been given in accordance with these Rules.

10. Special general meetings

1. In addition to the annual general meeting, any other general meetings may be held in the same year.
2. All general meetings other than the annual general meeting are special general meetings.
3. The committee may, whenever it thinks fit, convene a special general meeting of the Club.
4. If, but for this sub-rule, more than 15 months would elapse between annual general meetings, the committee must convene a special general meeting before the expiration of that period.
5. The committee must, on the request in writing of members representing not less than 5 per cent of the total number of members, convene a special general meeting of the Club.
6. The request for a special general meeting must-
 - (a) state the objects of the meeting; and
 - (b) be signed by the members requesting the meeting; and
 - (c) be sent to the address of the Membership Coordinator.
7. If the committee does not cause a special general meeting to be held within one month after the date on which the request is sent to the address of the Membership Coordinator,

the members making the request, or any of them, may convene a special general meeting to be held not later than 3 months after that date.

8. If a special general meeting is convened by members in accordance with this rule, it must be convened in the same manner so far as possible as a meeting convened by the committee and all reasonable expenses incurred in convening the special general meeting must be refunded by the Club to the persons incurring the expenses.

11. Special business

All business that is conducted at a special general meeting and all business that is conducted at the annual general meeting, except for business conducted under the rules as ordinary business of the annual general meeting, is deemed to be special business.

12. Notice of general meetings

1. The Membership Coordinator of the Club, at least 14 days, or if a special resolution has been proposed at least 21 days, before the date fixed for holding a general meeting of the Club, must cause to be sent to each member of the Club, a notice stating the place, date and time of the meeting and the nature of the business to be conducted at the meeting.
2. Notice may be sent-
 - (a) by facsimile transmission or electronic transmission ; or
 - (b) if the member requests, by prepaid post to the address appearing in the register of members;
3. No business other than that set out in the notice convening the meeting may be conducted at the meeting.
4. A member intending to bring any business before a meeting may notify in writing, or by electronic transmission, the Membership Coordinator of that business, who must include that business in the notice calling the next general meeting.

13. Quorum at general meetings

1. No item of business may be conducted at a general meeting unless a quorum of members entitled under these Rules to vote is present at the time when the meeting is considering that item.
2. Five members personally present (being members entitled under these Rules to vote at a general meeting) constitute a quorum for the conduct of the business of a general meeting.
3. If, within half an hour after the appointed time for the commencement of a general meeting, a quorum is not present-
 - (a) in the case of a meeting convened upon the request of members - the meeting must be dissolved; and
 - (b) in any other case - the meeting shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairperson at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place.
4. If at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members personally present (being not less than 3) shall be a quorum.

14. Presiding at general meetings

1. The President, or in the President's absence, the Vice-President, shall preside as Chairperson at each general meeting of the Club.
2. If the President and the Vice-President are absent from a general meeting, or are unable to preside, the members present must select one of their number to preside as Chairperson.

15. Adjournment of meetings

1. The person presiding may, with the consent of a majority of members present at the meeting, adjourn the meeting from time to time and place to place.
2. No business may be conducted at an adjourned meeting other than the unfinished business

from the meeting that was adjourned.

3. If a meeting is adjourned for 14 days or more, notice of the adjourned meeting must be given in accordance with rule 12. (4) Except as provided in sub-rule (3), it is not necessary to give notice of an adjournment or of the business to be conducted at an adjourned meeting.

16. Voting at general meetings

1. Upon any question arising at a general meeting of the Club, a member has one vote only.
2. All votes must be given personally or by proxy.
3. In the case of an equality of voting on a question, the Chairperson of the meeting is entitled to exercise a second or casting vote.
4. A member is not entitled to vote at a general meeting unless all moneys due and payable by the member to the Club have been paid, other than the amount of the annual subscription payable in respect of the current financial year.

17. Poll at general meetings

1. If at a meeting a poll on any question is demanded by not less than 3 members, it must be taken at that meeting in such manner as the Chairperson may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
2. A poll that is demanded on the election of a Chairperson or on a question of an adjournment must be taken immediately and a poll that is demanded on any other question must be taken at such time before the close of the meeting as the Chairperson may direct.

18. Manner of determining whether resolution carried

1. If a question arising at a general meeting of the Club is determined on a show of hands-
 - (a) a declaration by the Chairperson that a resolution has been-
 - (i) carried; or
 - (ii) carried unanimously; or
 - (iii) carried by a particular majority; or
 - (iv) lost; and
 - (b) an entry to that effect in the minute book of the Club-
 - (i) is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.

19. Proxies

1. Each member is entitled to appoint another member as a proxy by notice given to the Records Officer no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.
2. The notice appointing the proxy must be-
 - (a) for a meeting of the Club convened under rule 7(7), in the form set out in Appendix 2; or
 - (b) in any other case, in the form set out in Appendix 3.

20. Committee of Management

1. The affairs of the Club shall be managed by the committee of management.
2. The committee-
 - (a) shall control and manage the business and affairs of the Club; and
 - (b) may, subject to these Rules, the Act and the Regulations, exercise all such powers and functions as may be exercised by the Club other than those powers and functions that are required by these Rules to be exercised by general meetings of the members of the Club; and
 - (c) subject to these Rules, the Act and the Regulations, has power to perform all such acts and things as appear to the committee to be essential for the proper management of the business and affairs of the Club.

3. Subject to section 23 of the Act, the committee shall consist of-
 - (a) the officers of the Club; and
 - (b) two volunteer club coordinators-
 - (c) each of whom shall be elected at the annual general meeting of the Club in each year.

21. Office holders

1. The officers of the Club shall be-
 - (a) a President (or Co-Presidents);
 - (b) a Vice-President/Records Officer;
 - (c) a Membership Officer;
 - (d) a Communications Officer (and Website Developer);
2. The provisions of rule 23, so far as they are applicable and with the necessary modifications, apply to and in relation to the election of persons to any of the offices referred to in sub-rule (1).
3. Each officer of the Club shall hold office until the annual general meeting next after the date of his or her election but is eligible for re-election.
4. In the event of a casual vacancy in any office referred to in sub-rule (1), the committee may appoint one of its members to the vacant office and the member appointed may continue in office up to and including the conclusion of the annual general meeting next following the date of the appointment.

22. Volunteer club coordinators

1. There shall also be volunteer club coordinators with the following titles:-
 - (a) Competition Coordinator/s
 - (b) Social and Fundraising Coordinator/s;
 - (c) General Committee Coordinator/s
 - (d) Club Development Coordinator
2. Subject to these Rules, each volunteer club coordinator shall hold office until the annual general meeting next after the date of election but is eligible for re-election.
3. In the event of a casual vacancy occurring in the office of a volunteer club coordinator, the committee may appoint a member of the Club to fill the vacancy and the member appointed shall hold office, subject to these Rules, until the conclusion of the annual general meeting next following the date of the appointment.

23. Election of officers and ordinary committee members

1. Nominations of candidates for election as officers of the Club or as volunteer club coordinators must be-
 - (a) made in writing, signed by two members of the Club and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and
 - (b) delivered to the Membership Coordinator of the Club not less than 7 days before the date fixed for the holding of the annual general meeting.
2. A candidate may only be nominated for one office, or as a volunteer club coordinator, prior to the annual general meeting.
3. If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated shall be deemed to be elected and further nominations may be received at the annual general meeting.
4. 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.
5. If the number of nominations exceeds the number of vacancies to be filled, a ballot must be held.
6. The ballot for the election of officers and volunteer club coordinators must be conducted at the annual general meeting in such manner as the committee may direct.

24. Vacancies

1. The office of an officer of the Club, or of a volunteer club coordinator, becomes vacant if the officer or member-
 - (a) ceases to be a member of the Club; or
 - (b) becomes an insolvent under administration within the meaning of the Corporations Law; or
 - (c) resigns from office by notice in writing given to the Membership Coordinator.

25. Meetings of the committee

1. The committee must meet at least 3 times in each year at such place and such times as the committee may determine.
2. Special meetings of the committee may be convened by the President or by any 4 members of the committee.

26. Notice of committee meetings

1. Written notice of each committee meeting must be given to each member of the committee at least 2 business days before the date of the meeting.
2. Written notice must be given to members of the committee of any special meeting specifying the general nature of the business to be conducted and no other business may be conducted at such a meeting.

27. Quorum for committee meetings

1. Any 4 members of the committee constitute a quorum for the conduct of the business of a meeting of the committee.
2. No business may be conducted unless a quorum is present.
3. If within half an hour of the time appointed for the meeting a quorum is not present-
 - (a) in the case of a special meeting - the meeting lapses;
 - (b) in any other case - the meeting shall stand adjourned to the same place and the same time and day in the following week.
4. The committee may act notwithstanding any vacancy on the committee.

28. Presiding at committee meetings

1. At meetings of the committee-
 - (a) the President or, in the President's absence, the Vice-President presides; or
 - (b) if the President and the Vice-President are absent, or are unable to preside, the members present must choose one of their number to preside.

29. Voting at committee meetings

1. Questions arising at a meeting of the committee, or at a meeting of any sub-committee appointed by the committee, shall be determined on a show of hands or, if a member requests, by a poll taken in such manner as the person presiding at that meeting may determine.
2. Each member present at a meeting of the committee, or at a meeting of any sub-committee appointed by the committee (including the person presiding at the meeting), is entitled to one vote and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.

30. Removal of committee member

1. The Club in general meeting may, by resolution, remove any member of the committee before the expiration of the member's term of office and appoint another member in his or her place to hold office until the expiration of the term of the first-mentioned member.
2. A member who is the subject of a proposed resolution referred to in sub-rule (1) may make representations in writing to the Membership Coordinator or President of the Club (not exceeding a reasonable length) and may request that the representations be provided to the members of the Club.

3. The Membership Coordinator or the President may give a copy of the representations to each member of the Club or, if they are not so given, the member may require that they be read out at the meeting.

31. Minutes of meetings

1. The Records Coordinator of the Club must keep minutes of the resolutions and proceedings of each general meeting, and each committee meeting, together with a record of the names of persons present at committee meetings.

32. Funds

1. The Records Officer of the Club must-
 - (a) collect and receive all moneys due to the Club and make all payments authorised by the Club; and
 - (b) keep correct accounts and books showing the financial affairs of the Club with full details of all receipts and expenditure connected with the activities of the Club.
2. All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by two members of the committee.
3. The funds of the Club shall be derived from entrance fees, annual subscriptions, donations and such other sources as the committee determines.

33. Seal

1. The common seal of the Club must be kept in the custody of the President.
2. The common seal must not be affixed to any instrument except by the authority of the committee and the affixing of the common seal must be attested by the signatures either of two members of the committee or, of one member of the committee and of the public officer of the Club.

34. Notice to members

1. Except for the requirement in rule 12, any notice that is required to be given to a member, by or on behalf of the Club, under these Rules may be given by-
 - (a) delivering the notice to the member personally; or
 - (b) sending it by prepaid post addressed to the member at that member's address shown in the register of members; or
 - (c) facsimile transmission; or
 - (d) electronic transmission.

35. Winding up

1. In the event of the winding up of the Club, the assets of the Club must be disposed of in accordance with the rules of Melbourne University Sport and the Act (if applicable).

36. Custody and inspection of books and records

1. Except as otherwise provided in these Rules, the Records Coordinator must keep in his or her custody or under his or her control all books, documents and securities of the Club.
2. All accounts, books, securities and any other relevant documents of the Club must be available for inspection free of charge by any member upon request.
3. A member may make a copy of any accounts, books, securities and any other relevant documents of the Club.
4. The Records Officer should ensure that all books, documents and securities of the Club are maintained and deposited into the University's Archives (as applicable) for future generations of Tennis Club Administrators.