

**BURNSIDE PARK TENNIS CLUB (INCORPORATED)**

# **RULES OF THE CLUB**

Approved at the  
86<sup>th</sup> AGM, 23rd July, 2011

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## **RULES OF THE CLUB**

### **1. NAME**

The Club shall be called "BURNSIDE PARK TENNIS CLUB (INCORPORATED)".

### **2. AFFILIATION**

The Club shall affiliate with Canterbury Tennis Incorporated and such other organisations as shall be decided by the members at the Annual General Meeting.

### **3. OBJECTS**

The objects of the Club shall be:

- (a) to promote the game of tennis;
- (b) to provide and maintain courts and associated facilities for enjoyment of the game of tennis;
- (c) to promote associated sporting, recreational and charitable activities.

### **4. DRESS**

Members are required to wear apparel that complies with the standard of dress determined by the Management Committee.

### **5. COLOURS**

The prime colours of the Club shall be light navy blue and **white**.

### **6. REGISTERED OFFICE**

The Registered Office shall be at the Club's Pavilion in Burnside Park, or at such other places as may from time to time be determined by the Management Committee. Due notice of every change shall be given to the Registrar of Incorporated Societies by the Secretary.

### **7. MEMBERSHIP**

#### **A. New Members**

All candidates for membership shall be elected by the Management Committee. All applications for membership shall be submitted on a form prescribed by the Management Committee and shall be signed by the

candidate. The application for a Junior member or Young Junior member must be signed by his or her parent or guardian.

Membership shall commence from acceptance of an application by the Management Committee and shall cease upon notice being received by the Club of resignation, or upon non payment of subscriptions and levies by the due date, or if the membership is terminated under these rules.

**B. Classification**

Membership of the Club shall be classified as follows:

- (i) **Senior Members**  
Members of the Club aged 19 years and over.
- (ii) **Full-time Tertiary Student Members**  
Members who are full-time adult students. Full-time Tertiary Student Members shall have the playing rights of Senior Members but shall pay a reduced base subscription.
- (iii) **Junior Members**  
Members aged 12 – 18 years inclusive.
- (iv) **Young Junior Members**  
Members aged 11 years and under.
- (v) **Social Members**  
Retiring members or others who care to maintain ties with the Club, but who are not able to remain active players, may opt to pay a Social subscription which will entitle them to attend Club functions and to receive Club communications.
- (vi) **Life Members**  
Life Members may be elected at any General Meeting, on the nomination only of the Management Committee, being members whom the Club desires to so elect to show appreciation for their past services. Life Members shall be entitled to all privileges of Senior membership without being called upon for any subscriptions or levies charged by the Club or by any Association to which the Club is affiliated.
- (vii) **Honorary Members**  
Honorary Members shall consist of members who are reimbursed for particular services rendered to the Club by the provision of a free subscription (including levies) in lieu of an account. Such memberships shall be approved by the Management Committee. Such members shall be entitled to all privileges of Senior membership without being called upon for any subscriptions or levies charged by the Club or by any Association to which the Club is affiliated, and shall have full voting rights.
- (viii) **Gratis Members**  
Gratis Members shall consist of members who are:
  - (a) employees of, and contractors to, the Club who receive free subscriptions as part of their contract;

- (b) interclub players and others who receive free subscriptions.

Such free subscriptions shall be approved by the Management Committee. Such members shall be entitled to all privileges of Senior membership without being called upon for any subscriptions or levies charged by the Club or by any Association to which the Club is affiliated, but will not have voting rights.

- (ix) **Non-playing Members**

Non-playing Members are those who are either injured or, who are prevented from playing tennis due to exceptional circumstances, and who have either had their dues refunded or been granted a waiver of subscription by resolution of the Management Committee, after written application.

Except as otherwise provided for in these Rules the definition of each classification, the numbers of members in each classification, and the conditions and privileges pertaining thereto shall be determined by the Management Committee.

**C. Playing Rights of Members**

Subject to the requirements for organised play (including any Club competitions, inter-club and coaching), as determined by the Management Committee from time to time, Senior and Full-time Tertiary Student members shall have full playing rights. Junior, Young Junior and any other membership classification members shall have such playing rights as the Management Committee shall from time to time determine. Any by-laws made by the Management Committee concerning playing times, conduct on the courts, organised periods of play, or any matters concerning court usage shall protect the rights of all members to have reasonable access to the courts and facilities.

**D. Resignation of Members**

- (i) Senior members wishing to resign shall do so by giving written notice to the Secretary. Such notice must be given before the Annual General Meeting or the member shall be liable for the subscription for the ensuing season.
- (ii) Junior memberships terminate automatically at the end of the Club's year. In all cases re-registration is required if membership is to be maintained.

**E. Financial Membership Definition**

- (i) A **financial** member is any person who has been accepted by the Management Committee to join the Club and who has paid any annual subscriptions, levies and any other fees due to the Club.
- (ii) Life, Honorary and other members (excluding employees and contractors) whose subscriptions have been waived by resolution of the Management Committee shall be considered to be fully financial members of the Club, unless otherwise determined by the Management Committee.

## **F. Termination of Membership**

- (i) If at any time the Management Committee shall be of the opinion that there has been misconduct such that it is in the best interests of the Club that a member's membership should be terminated, at least seven days' prior notice to propose such resolution shall be given to both the member concerned and to all members of the Management Committee.
- (ii) Before the resolution to terminate membership shall be put to the vote the member concerned shall be entitled to appear before and be heard by the Management Committee if either the member so requests.
- (iii) The Management Committee shall consider the matter and determine whether or not the membership of the member concerned shall be terminated
- (iv) In the event that the membership is terminated, the resolution shall be processed forthwith by the Management Committee advising the member concerned in writing accordingly.
- (v) Any member whose membership is terminated in accordance with this Rule shall forfeit any subscription paid for the balance of the current financial year.
- (vi) The Management Committee shall be the final judge of whether or not the conduct of the member amounts to misconduct justifying the termination of the membership, and its decision on this question shall not be the subject of appeal to any other meeting.

## **8. SUBSCRIPTIONS**

- (i) The annual subscription, entry fee, Club levies and other fees for each classification of membership (except Life members) shall be determined at the Annual General Meeting in each year. A rebate shall be determined which shall apply if the all fees are paid by the due date. Such due date shall be determined at the Annual General Meeting.
- (ii) The amount of any levies payable by the Club from time to time to any association with which it is affiliated shall be in addition to any amount payable under sub-clause (i) hereof. The amount of the levies payable to another association shall be added on a per capita basis to the Club subscription and for the purposes of these Rules deemed to be a part thereof.
- (iii) The total amount provided for in the foregoing sub-clauses shall become due and payable in each year on a date determined at the Annual General Meeting and shall be rebated or reduced in the manner set out in (i) above.
- (iv) The Management Committee shall have power to make, and from time to time to revoke and remake, by-laws providing for further reduction of the above subscriptions in any case where more than one member of any one family group are concurrently members of the Club, and all matters arising from the administration and interpretation of any such by-laws shall be decided by the Management Committee whose decisions in all cases shall be final.

- (v) The subscriptions (but not levies and other fees) payable by a new member for the balance of the financial year current when the member was elected shall, unless the Management Committee in its discretion otherwise decides, be reduced by one-tenth for each completed month which has expired between the Annual Subscription due date and the date of election to membership.
- (vi) The Management Committee shall have power to cancel the membership of any member whose fees **have** not been paid in full within three months from the date on which the same was due and payable in accordance with these Rules. Seven days notice in writing shall be given to the member concerned prior to the cancellation of his or her membership.
- (vii) No member whose subscription remains unpaid after the due date thereof and regardless of the three months tolerance referred to above, shall be eligible to play in Club or InterClub competitions except with the permission of the Management Committee.
- (viii) No unfinancial member shall be eligible to remain an Officer of the Club or member of any Committee.

## 9. FINANCES

### A. Financial Year

The Financial Year shall terminate on the 30<sup>th</sup> day of April in each year.

### B. Disposition of Funds

All monies received by or on behalf of the Club shall be forthwith paid to the credit of the Club in such bank accounts as may be fixed by the Management Committee from time to time. All payments by or on behalf of the Club shall be first passed for payment by the Management Committee, and all cheques drawn in the name of the Club shall be signed by any two of the Officers of the Club appointed by the Management Committee for this purpose. The Club may authorise the Management Committee to invest any surplus moneys not for the time being required for its purposes in such investments and at such rate of interest as the Club may direct with power to vary such investments and in respect of investment withdrawal and reinvestment of surplus funds in any Bank or financial institution such power is granted to the Management Committee.

### C. Borrowing Powers

If at any time the Club in general meeting shall pass a resolution authorising the Management Committee to borrow money, the Management Committee shall thereupon be empowered to borrow for the purposes of the Club such amount of money either at one time or from time to time and at such rate of interest and in such form and manner and upon such security as shall be specified in such resolution, and thereupon the Management Committee may make all such dispositions of the Club property or any part thereof and enter into such arrangements in relation thereto as the Management Committee may deem proper for giving security for such loan and interest. All members of the Club whether voting on such resolution or not, and all persons becoming members of the Club after the passing of such resolution shall be deemed to have assented to the same as if they had voted in favour of such

resolution. The power to borrow contained in this Rule shall be deemed to include the power to give and execute all such mortgages or other documents as shall be necessary to secure the repayment of any money so borrowed as aforesaid.

**D. Audit**

The accounts of the Club shall be audited at the end of each financial year, and the Auditor shall be elected at the Annual General Meeting.

**E. Property**

The land, buildings and other assets of the Club shall be vested in the name of the Club and, other than land and buildings, the Management Committee shall have power subject to the Rules for the time being of the Club to make such dispositions thereof and to adopt such measures in relation thereto as may appear to it to be in the interest of the Club. The acquiring or disposition of land and buildings shall require a resolution of the Club in general meeting authorising the Management Committee to act in accordance with such resolution.

**10. OFFICERS AND COMMITTEES**

**A. Officers**

The Officers of the Club shall consist of President, Vice-President, Treasurer, Club Captain(s), and Vice-Club Captain(s). A Patron (if desired) may be appointed but unless otherwise elected under these Rules shall not be an Officer solely by virtue of holding the position of Patron.

**B. Executive**

The Executive shall consist of the President, Vice-President, Treasurer, and the Immediate Past President.

**C. Management Committee**

The Management Committee shall consist of five elected members of the Club plus the Officers and the Immediate Past President as ex-officio members.

**D. Elections**

Except where the function of an Officer is held by an employee of the Club the foregoing Officers and Management Committee shall hold office as such until the next succeeding Annual General Meeting of the Club when they shall automatically retire but remain eligible for re-election.

**E. Eligibility for Election**

No person may be nominated for election as an Officer or member of the Management or other Committee unless he or she is a financial member of the Club (excluding Social, Junior and Young Junior members) and he or she is either personally present or has consented to such nomination. Social, Junior and Young Junior members are not eligible for election.

**F. Election of Officers and Management Committee**

(i) The election of Officers and the Management Committee shall take each year at the Annual General Meeting.

- (ii) Nomination in writing for the position of each Officer and the members of the Management Committee shall be received no later than two days prior to the date nominated for the Annual General Meeting. Nominations shall be on a form approved by the Management Committee, signed by the nominee and by a nominator and seconder, each of whom must be financial members of the Club.
- (iii) If the nominations for each Officer and for the positions on the Management Committee do not exceed the number required for the positions available, the nominations so received shall be declared elected by the President at the Annual General Meeting.
- (iv) If the number of nominations for any position exceed the number of positions available, the election shall be determined by a written ballot at the Annual General Meeting.
- (v) If there are no nominations received for any of the positions of Officer, or there are fewer than four nominations received for the other members of the Management Committee, nominations may be received from the floor at the Annual General Meeting. In the event of the nominations exceeding the number required for the position of any Officer or for the Management Committee, there shall be a ballot for the election from such nominees.
- (iv) In the event of any vacancy occurring in any Office or within the Management Committee for whatever reason, including a shortage of nominees, the Management Committee at its next meeting may appoint a person or persons to hold such Office or position on the Management Committee until the next Annual General Meeting.

## **11. DUTIES OF OFFICERS**

### **A. President**

The President shall preside at all meeting, co-ordinate all functions and activities of the Club, be an ex-officio member of all Sub- Committees, represent the Club at official functions and perform other duties as directed by the Management Committee or by a General Meeting.

### **B. Vice-President**

The Vice-President shall deputise for the President when required, shall be responsible for the decorum of the Club and the enforcement of the Rules and by-laws and shall perform other duties as directed by the Management Committee or by a general meeting.

### **C. Treasurer**

The Treasurer shall collect and account for all subscriptions and dues and shall at once pay them into the Club's banking account, pay all accounts passed by the Management Committee, furnish a report of the financial position, together with the duly audited balance sheet, statement of income and expenditure of the preceding financial year (for presentation at the Annual General Meeting), and generally in all matters carry out the instructions of the Management Committee. No moneys shall be paid out except as authorised by a Management Committee meeting.

**D. Club Captain(s)**

The Club Captain(s) and Vice-Club Captain(s) shall be responsible for all Club and inter-club competitions, team selection, handicapping, ladders and organised play as directed by the Management Committee.

**12. DUTIES AND POWERS OF THE EXECUTIVE**

**A. General Powers**

The Executive shall have the duties and powers to carry out the ordinary functions of the Management Committee which need to be carried out at short notice or in situations where it is not possible or practicable to convene a meeting of the Management Committee.

**B. Specific Powers**

- (i) The Executive shall have responsibility for formulating policies of the Club for approval and adoption by the Management Committee.
- (ii) The Executive shall have the responsibility for the preparation of contracts for employees and contractors engaged by the Club for approval and adoption by the Management Committee.

**13. DUTIES AND POWERS OF THE MANAGEMENT COMMITTEE**

**A. General Powers**

The Management Committee, as constituted in Rule 10, shall attend to the affairs of the Club, shall exercise a general supervision over the properties and members, shall keep the whole of the insurable property of the Club insured as deemed appropriate including insurance against loss or damage by fire and earthquake, shall authorise all purchases and order such repairs, alterations and additions as are deemed necessary, shall elect delegates to associations with which the Club is affiliated and shall exercise the power to appoint any employee or contractor on such terms and conditions as it thinks fit, to define their duties, to fix and pay their remuneration and to remove or suspend any employee or contractor.

**B. By-laws**

The Management Committee shall have power to make by-laws for the carrying out and enforcing of these Rules as long as they are not repugnant to the Incorporated Societies Act 1908 or the Rules of the Club, and to alter or repeal such by-laws. They shall also have power to remit dues under such by-laws and to revise or remit subscriptions in special cases.

**C. Sub-Committees**

The Management Committee shall have power to appoint Sub-Committees which need not necessarily consist of members elected to the Management Committee. The powers and duties of any Sub-Committee so appointed shall be determined from time to time by the Management Committee which shall have power to revoke any appointments and remake the same. The Management Committee shall also be empowered to appoint a Secretary or other Officers to any Sub-Committee as may be considered necessary.

**14. REMOVAL OF OFFICERS AND VACANCIES**

- A.** Any Officer (other than an employee carrying out the function of an Officer of the Club) or member of the Management **or other** Committee may be removed from office by three-fifths of the votes recorded at a General Meeting called for the purpose.
- B.** Notwithstanding the provisions of Rule 14A above, any officer (other than an employee carrying out the function of an Officer of the Club) or any member of the Management Committee who shall without special leave, be absent from three consecutive meetings shall, at the discretion of the Management Committee, cease to hold office.
- C.** Notwithstanding the provisions of Rule 14A above, any Officer (other than an employee carrying out the function of an Officer of the Club) or any member of the Management or other Committee who becomes unfinancial shall cease to hold office.
- D. Vacancies**  
The Management Committee shall have the power, by resolution, to fill any vacancies created under Rule 14A and Rule 14B during the season.

## **15. MEETINGS**

- A. Notice**  
Notice of all General and Annual General Meetings shall either be advertised in the local newspaper or given to each member in accordance with Rule 17 and shall in either case be posted in the pavilion. Any such notices shall be issued not later than seven clear days prior to the date of such meeting and shall state the business to be transacted at such meeting. Notice for Management Committee meetings shall be given in terms of Rule 15C below.
- B. Annual General Meeting**  
The Annual General Meeting shall be held not later than 31<sup>st</sup> August when the regular business which shall take precedence over all other business shall be:

  - (i) Minutes of the last meeting;
  - (ii) Consideration and adoption of the President's Annual Report and the treasurer's Statement duly audited;
  - (iii) Election of Officers;
  - (iv) Election of Management Committee;
  - (v) Determination of annual subscription and fees;
  - (vi) Election of auditor;
  - (vii) Consider motions of which notice has been given or which any member may with the permission of the meeting introduce;
  - (viii) Consider any other general business which may under the Club's Rules be introduced at such meeting.

**C. Management Committee Meetings**

The Management Committee shall hold meetings from time to time as it shall determine but shall hold a meeting within seven days of the receipt by the Secretary or President of a requisition signed by either the President or three members of the Management Committee. Notice of such meetings shall be sent to each member of the Management Committee not later than three days (exclusive of the day of the meeting) before the date thereof.

**D. General Meetings**

General Meetings shall be called by the Management Committee or on the requisition of ten members. Such requisitions shall be in writing addressed to the President or Secretary and shall state the purpose of the meeting which shall be held within twenty one days of receipt of the requisition. Should such meeting not be convened within the said twenty one days then in such case the requisitioning members shall have power to convene a meeting, notice of which shall be given in the manner herein provided.

**E. Voting**

At all meetings every member aged **19** years **and** over, present in person shall be entitled to one vote, and voting shall be on the voices or by a show of hands unless at least three members shall demand a poll. Such voting rights shall not apply to unfinancial, Social, Gratis or Non-playing members. Notwithstanding the foregoing a poll shall be required for the election of the Officers and Management Committee. No proxies shall be allowed. All resolutions shall (unless otherwise specified) be passed by simple majority. In the event of an equality of votes the Chairman shall have a second or casting vote in addition to his or her deliberative vote.

**F. Quorums**

At any General Meeting twelve members entitled to vote shall form a quorum. At any Management Committee meeting five shall form a quorum. If within thirty minutes of the time fixed for any meeting of the Club or Management Committee there are insufficient members present to form a quorum the meeting shall be automatically adjourned for up to fourteen days to be reconvened at the same time and place. The members present at the reconvened meeting shall form a quorum at such reconvened meeting notwithstanding that there may still be less than the requisite number present. Notice to members of such adjourned and reconvened meeting shall be provided in terms of these Rules.

**G. Meetings of Executive and Sub- Committees**

- (i) Meetings of the Executive and Sub-Committees held as required from time by the President or convenor of the respective Sub-Committee shall be conducted in such manner as the President or convenor shall determine.
- (ii) The President or convenor of the respective Sub-Committee, may invite any other person with particular experience or expertise to attend a meeting of the Executive or Sub-Committee, as the case may be, to assist the meeting.

**H. Conduct of Meetings**

- (i) At the discretion of the President, or Sub-Committee convenor, a meeting of the Management Committee, Executive or Sub-Committee may be conducted by linking together of members by telephone or

other means of audible communication of enough of the members of the respective committee to constitute a quorum, so long as the following conditions are met:

- (a) each of the members of the respective committee must have received notice of the meeting (or have waived notice);
  - (b) each of the members of the respective committee taking part in the meeting must be able to hear each of the other members throughout the meeting;
  - (c) each of the other members of the respective committee must acknowledge his or her presence to all of the other members taking part in the meeting.
- (ii) **Resolution in lieu of meeting**  
In lieu of a meeting on a particular matter, a matter can be resolved by a written resolution signed on behalf of each of the members of the Management Committee, Executive or Sub-Committee, with the same effect as if it had been passed at a meeting. Such a resolution may consist of confirmation signed on behalf of the members of the respective committee and sent by facsimile, email or other electronic transmission.

## **16. EMPLOYEES AND CONTRACTORS**

### **A. Appointment of Employees or Contractors**

Without in any way limiting the powers as provided in Clause 13A of these Rules the Management Committee has the power to appoint, remove or suspend any secretaries, managers, secretary/managers, Officers, clerks, agents, servants or other persons employed by or contracted to the Club, to direct and control them, to define their duties and to fix and pay their remuneration.

### **B. Duties of Employees and Contractors**

- (i) Any contract in force from time to time with any employee of, or contractor to, the Club shall be prima facie evidence of the duties and obligations as agreed between the Club and the employee or contractor and where any ambiguity shall arise between such contract and these Rules the matter of any such ambiguity shall be resolved by the Management Committee whose decision shall be final.
- (ii) Where any employee or contractor is carrying out the function of an Officer of the Club then the duties of such employee or contractor shall include those stated for the respective Officer in these Rules under the clause "Duties of Officers" together with any other duties as directed by the Management Committee or covered within any contract in force from time to time.

### **C. Elections**

Should any employee or contractor be carrying out the function of an Officer of the Club there will be no election for the position of such Office at the Annual General Meeting of the Club.

## **17. NOTICES TO MEMBERS**

- A.** Any notice to be given to any member may be given in any of the following ways:
  - (i) by post to the postal address recorded for the member;
  - (ii) by personal delivery;
  - (iii) by email to an email address provided by the member;
  - (iv) by facsimile.
- B.** Any notice shall be deemed to be served on the next working day after the date of posting or electronic transmission.
- C.** The accidental omission to give notice of any meeting to any member or the non receipt of notice by any member with voting rights shall not invalidate the proceedings at that meeting.

## **18. ALTERATION TO RULES**

- A.** Any of the Rules of the Club may be altered or added to, or any new Rules introduced, by the vote of a three-fifths majority of members present at an Annual General Meeting or a General Meeting of the Club called for that purpose provided such alterations shall have been posted in the pavilion not less than seven clear days before the date of such meeting, and subject thereto it shall not be necessary to give notice to each member of the actual wording of any such alteration.
- B.** The members shall not alter any of Rules 3, this Rule 18, 21 or 22 without prior approval in writing of the Inland Revenue Department and the Charities Commission.

## **19. SEAL**

The Club shall have a Common Seal which shall be kept in the custody of the Secretary. The Seal shall not be affixed to any deed or other instrument except pursuant to a resolution of the Club or Management Committee and in the presence of any two members of the Executive who shall at the same time sign the document to which the Seal has been so affixed. The Seal shall consist of a circle enclosing the words "The Common Seal of" and shall have the words "Burnside Park Tennis Club (Incorporated)" round the margin thereof.

## **20. MATTERS NOT PROVIDED FOR IN THE RULES**

In the event of any difficulty or question not provided for in these Rules arising, it shall be referred to the Management Committee to decide and their decision shall be final.

## **21. PECUNIARY GAIN**

No member shall derive any pecuniary gain from any of the property or operations of the Club. Pecuniary gain does not include the winning of trophies or prizes, nor does it include payments made to members for work done for the Club whether as an employee or otherwise.

## **22. DISSOLUTION**

Members present at a meeting convened for the purpose may resolve that the Club be dissolved from the date to be named in such resolution and if upon winding up or dissolution of the Club there remains, after the satisfaction of all debts and liabilities, any property whatsoever, the same shall not be paid or distributed amongst the members, but shall be given or transferred to some other organisation or body having objects similar to the objects of the Club, or to some other charitable organisation or purpose within New Zealand.