



BYLAWS

These By-laws were passed by the Committee of Management on

8 March 2023

and comply with the requirements of the Association's Constitution (passed May 2022)

and replace all previous Association By-laws.

Date: 9/3/2023

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BY-LAW 1:

MEMBERSHIP & PLAYING RIGHTS OF THE CLUB

This By-Law is issued by Special Resolution from the Committee of Management and may from time to time be amended by the Committee, provided that the rules within the constitution of the club and the Associations Incorporation Act and amendments made thereafter are not contravened.

The Committee has the right under the Constitution to change types, costs and rights of membership.

1) PURPOSE OF BY-LAW

The purpose of this By-law is to convey to all members and visitors to the club the membership structure of the club, membership rights and the eligibility to enter club conducted events.

The rights and privileges of every member and guest of the club, shall be personal and shall not be in any manner transferable by their own act, or through any other person on their behalf, or by operation of law.

2) CATEGORIES OF MEMBERSHIP: Overview

General membership categories are '**Ordinary**' and '**Associate**' as laid out by the Associations Act. **Ordinary members** are full members for tennis participation, have voting rights at Annual General Meetings and can stand for and be elected as Committee members. Ordinary members contribute at various fee levels and are subject to differing court fees. (As defined by the Committee of Management from time to time.)

Associate members do not have the rights as described above. Associate members include Social and Honorary members.

Within those designations, the following current Membership sub-categories include:

Ordinary memberships: Gold; Discount Gold; Silver; Discount Silver; Bronze; Family; Junior; Life.

Associate memberships: Honorary and Social.

GENERAL PROVISIONS

(a) Full Gold Membership:

Any person 18 years or over may make an application for admission as a Gold Member of the club. The annual subscription **INCLUDES** playing levies, commonly referred to as "Court Fees" and **DOES NOT REQUIRE** the member to volunteer for additional duties for the club during the membership year. However, they are not precluded from doing so.

(b) Gold Discount Membership:

Any person 18 years or over may make an application for admission as a Gold Member of the club. The annual subscription **INCLUDES** playing levies, commonly referred to as "Court Fees" and **DOES REQUIRE** the member to volunteer for additional duties for the club during the membership year.

(c) Full Silver Membership:

Any person 18 years or over, may make an application for admission as a Silver Member of the club. The annual subscription **DOES NOT INCLUDE** playing levies, commonly referred to as "Court Fees" but **DOES NOT REQUIRE** the member to volunteer for additional duties for the club during the membership year. However, they are not precluded from doing so.

(d) Silver Discount Membership:

Any person 18 years or over may make an application for admission as a Silver Member of the club. The annual subscription **DOES NOT INCLUDE** playing levies commonly referred to as "Court Fees" and **REQUIRES** the member to volunteer for additional duties for the club during the membership year.

(e) Bronze Membership

Any person 18 years or over may make an application for admission as a Bronze Member of the club. The annual subscription DOES NOT INCLUDE playing levies commonly referred to as "Court Fees" and DOES NOT REQUIRE the member to volunteer for additional duties for the club during the membership year.

(h) Life Membership:

Life Membership of the club may be granted to a member of the club who the Committee of Management considers to be an appropriate person and who deserves to be recognised for his or her services to the club. The Membership retains the privileges of a "Full Gold Member" but without membership fees being payable.

Associate Memberships:

(f) Junior Membership:

Any person up to 18 years as at the 31st December in any year may make application for admission as a Junior Member. The annual subscription INCLUDES playing levies commonly referred to as "Court Fees". They may attend but not vote at AGMs and are not eligible for Committee membership.

(g) Social Membership:

Any adult person may make application for admission as a Social Member. This a non-playing membership with no voting rights. Social members may hire hard courts only as a member of the public.

(i) Honorary Membership:

Honorary Membership of the club may be granted to a person who the Committee of Management considers to be of special note and in recognition of his or her contribution to the club's functions. This would include the club's Patron for example.

They may attend but not vote at AGMs and are not eligible for Committee membership.

The Membership is a non-tennis playing category. Honorary members may be invited as Club guests to participate in specific tennis events. Separately, they may hire hard courts as a member of the public.

2) RIGHTS OF MEMBERSHIP:

The rights and privileges of every member shall be personal and shall not be in any manner transferable by their own act, or through any other person on their behalf, or by operation of law.

a) Membership Fees

Unless otherwise determined by the Committee of Management, all annual subscriptions shall become due 1 October each year.

Unless deemed otherwise by the Committee, any member of the club who has not paid his/her dues by 31 October and who intends to participate in any tennis on the clubs facilities shall be treated as a "Guest" or "Visitor" to the club.

All levies for courts and lights as assigned to that category and determined by the Committee of Management shall apply until such time as the membership fees are paid.

b) Discounted Fees

Gold and Silver : Discounts are provided to Full Gold and Silver memberships where the member volunteers for agreed duties during the membership year.

Family: An adult parent or parents may apply for a "Family Discount" wherein they pay for "ordinary" membership/s (e.g., Gold, Silver or Bronze), while their child or children under the age of 18 are provided Junior Membership free of fees. This is to be done by application to the Membership officer.

Injury: If a member has incurred an injury that stops them participating in the playing of tennis for a majority of the year, the club Committee will "if requested in writing by the member" consider a discount to fees for the following year for that member on an individual basis.

New Members only who join on or after 1st May in each year shall have their fees for the appropriate membership decreased by 50% for that year only.

(c) Rights of Memberships

Financial Ordinary Members shall have the following rights: (i) Gold, Silver, Bronze, Family and Life Members:

- Shall have access to the club's tennis courts for private play in accordance with the club's "Court Policy" which outlines the rules for court usage outside scheduled club tennis events.
- Be entitled to participate in Pennants, Club Championships, Tournaments, night tennis, and all other social and special events, subject to the rules of the event, as determined by the Committee of Management or, as delegated, to the Match Committee or Functions Committee.
- Have the right to attend, speak, nominate and vote at any Annual General Meeting or Extraordinary General Meeting of the club and to become a member of the Committee of Management.
- To attend all entertainment and social functions hosted by the Club.
- To host functions on the premises of the club after written approval from the Committee.

(ii) Junior Members:

- Shall have access to the club's tennis courts for private play in accordance with the club's "Court Policy" which outlines the rules for court usage outside scheduled club tennis events.
- Be entitled to participate in Pennants, Club Championships, Tournaments, night tennis, subject to the rules of the event, as determined by the Match Committee
- Shall have the right to attend and speak at any Annual General Meeting or Extraordinary General Meeting of the club. (Youth members under the age of 18 years shall not be eligible to vote at any such meeting and shall not be eligible to hold any office position.)

(iii) Associate Members - Social:

- Social Members shall be permitted to play tennis on club social days when paying Visitor Court Fees; and shall only be entitled to do this three times in any one season. If further participation is required, then the member shall apply for a more appropriate membership category of the club prior to any further participation in club events. Hiring of courts done as a Visitor.
- Shall not be eligible to represent the club in representative competition or Club Championship events.
- Shall be eligible to attend all entertainment and social functions.
- Social Members shall have the rights to attend and speak but not vote at any Annual General Meeting or Extraordinary General Meeting of the Club.
- Shall not be entitled to hold office in the Club.

(iii) Associate Members – Honorary (eg Patron):

- When Honorary Members are invited guests of the Club they would generally be hosted by a member of the Management Committee and be entitled to play tennis if they wish.
- They are also eligible to attend all entertainment and social functions at the Club.
- They shall not be eligible to represent the club in representative competition or club Championship events.
- Honorary Members shall have the rights to attend and speak but not vote at any Annual General Meeting or Extraordinary General Meeting of the club.
- Shall not be entitled to hold office in the club.

3) ELIGIBILITY AND RULES FOR PARTICIPATION IN CLUB EVENTS:

All tennis activities and events organised by the club and including informal play shall be carried out using the playing rules set by Tennis Australia and conducted in a manner that shall conform with both the "Member Protection By-Law" and "Code of Conduct" as issued and promoted by Tennis Australia.

Regular Playing Groups at the Club are coordinated by the Match Committee. Each playing group will have its own sub coordinator. It is the responsibility of this coordinator, prior to the commencement of their group's play, to register players, collect and record relevant "Court Fees" and ensure all monies are forwarded to the Treasurer, (according to each player's membership category.) and the player registration information is stored in the Captain's room.

(a) Social Tennis: Saturday afternoon and Wednesday morning organised events.

- Open to all categories of membership including guests and visitors.
- The event is subject to Court Fees, depending on membership category.
- The format of play is determined by the Match Committee and/or Duty Captain of the day.
- Tennis Pro computer program is the preferred way of making up sets for Social Tennis.

(b) Night Tennis:

Open to all categories of membership including guests and visitors. The event is subject to Court Fees (depending on membership category) and, in addition, a levy may be required to cover lighting costs as determined by the Committee of Management. The format of play is determined by the Playing Group Coordinator and in addition.

(c) Pennants:

SW Ladies Pennants:

The event is open to all female members of the Busselton Tennis Club within the Ordinary Membership categories.

- All players in SW Ladies Pennants must be a financial member of a duly recognized tennis club prior to the commencement of the pennant season.
- Members wishing to participate must nominate themselves and advise the grade they wish to play in to the BTC SW Ladies Thursday Pennant Coordinator.
- Selection of teams shall be determined by a Sub-Committee representing the BTC Ladies League. Formula of play is decided by the SW Ladies Pennants Committee comprising a representative of each participating club.
- A Court Fee is paid by each player (whether playing at home or away) to the host Club as stipulated by the SW Ladies League at the beginning of the season.
- Play takes place on Thursdays from October to April commencing at 9.30am

Sunday SW Mixed Pennants:

- Open to players from Busselton Tennis Club and other SW Tennis Clubs.
- Grades and Fixtures are determined so that players play at all participating clubs.
- Each week, names of players are registered by Team Coordinators.
- An agreed Court Fee is paid by each participating player prior to commencement of play to the host Club.
- Team fees for the season is determined by the SW Mixed Pennants league inter-club committee.
- Play takes place Sunday mornings over a determined number of weeks.

Sunday Junior Pennants:

- Competitive junior tennis that runs for approximately six (6) weeks during the period October to early December.
- The event is open to all Junior members of the club.
- Format of play and selection of teams is determined by the Junior Director.

d) Scroungers:

- A men's team competition played on Thursday afternoons throughout the year.
- Names and Court Fees to be collected depending on a player's membership category and provided to the Player Coordinator.

- Prior to the commencement of play, the Player Coordinator registers players, collects and records relevant “Court Fees” and ensure all monies are forwarded to the Treasurer, (according to each players membership category.) and the player registration information is stored in the Captain’s room.

e) Sunday Morning Mixed Tennis

- Played when SW Mixed Pennants is in recess Play organised by the BTC Sunday Play Coordinator
- The Coordinator is responsible for; collecting and recording, prior to the commencement of play, (and varying with membership category) all relevant player details and ensure all monies are forwarded to the Treasurer, and the player information is stored in the Captain’s room.

(f) Rights of Visitors/Guests,

- Guests of members shall be subject to Court Fees as determined by the Committee of Management.
- Guests shall not be eligible:
 - to represent the Club in representative competition
 - to participate in Club Championship events.

(g) Rights of Club Coach:

- The Club Coach contracted by the Club and this contract may or may not include a Membership and the rights of such membership.
- Two hard courts are set aside for the coach to use. (Currently courts 16 and 17). Access to other courts including grass shall be pre-booked in accordance with decisions by Committee of Management on a needs basis.
- Employees of the Coach are required to join the Club.

(h) Rights of Members of Other Tennis Clubs:

Full members of other clubs affiliated with Tennis West or members of clubs affiliated to and accepting the authority of the International Tennis Federation shall be deemed to be visitors and, as such, shall conform with the rights assigned to visitors and guests.

(i) Club Championship Events:

Open to all ‘Ordinary’ and Junior membership categories.

To play in club championships or annual handicap tournaments, a player must be a member one (1) month (30 days) prior to the handicap or championship tournament

Entry Fees according to their membership status are to be collected for each event/Championship from each entrant by Match Committee.

On the day of the event the Rules of the event will be posted on the noticeboard and participants will be directed to read them and seek clarification if necessary.

(j) Open Tournaments & Special Events:

Shall be subject to Tennis Australia/Tennis West criteria for entry and associated rules depending on the type of the event, and in addition, as determined by the event management Committee.

Tournaments are generally open to all financial Ordinary members of the club and, in addition, to those members of other clubs that are either affiliated with Tennis West or tennis associations affiliated to and accepting the authority of the International Tennis Federation.

BY-LAW No. 2:

FINANCIAL MANAGEMENT OF THE CLUB

This By-Law is issued by special resolution from the Committee of Management and may from time to time be amended by the Committee, provided that the rules within the constitution of the club are not contravened.

1) The purpose of this By-Law is to ensure that the club has in place a sound financial structure and maintains good risk management procedures.

There are specific financial responsibilities under the Associations Incorporations Act that require the club to ensure that:

- there is compliance in relation to financial accounting and reporting to members
- the club can pay all its expenses
- the conditions of any funding agreements are followed
- the financial records of the club are managed according to the Associations Legislation.
- there are good risk Management procedures in place.
- all property and income of the club will apply solely to the promotion of the objects of the club and no part of that property or income shall be paid or otherwise distributed, directly, or indirectly, to members, except in accordance with the legislation and constitution.

2) Receiving revenue:

All monies received by the club shall ultimately be received by the treasurer and immediately paid into such bank or recognised financial institution as the Committee of Management may determine from time to time. The treasurer shall be responsible for the proper accounting of income and expenditure.

3) Paying Regular Accounts:

- No expenditure shall be incurred without the authority of the Committee of Management. The Committee of Management may delegate the payment of accounts to any of the following Committee of Management members: President, Vice President, Treasurer, Secretary or Captain.
- The Committee of Management shall have no fewer than two (2) Committee members delegated to counter sign approval of regular payments. Payments made by EFT direct with the bank shall also be entered by one and authorised by another.
- All accounting transactions and banking details shall be reported at the next Management Committee meeting as part of the Treasurers report.

4) Approvals Required for Expenditure in Excess of \$10,000:

- **Capital expenditure and individual items of non-recurring expenditure in excess of \$10,000:** Expenditure of this nature must receive approval of the members at an Annual General Meeting or a Special General Meeting.
- **Recurring budgeted expenditure less than \$10,000:** Expenditure of this nature may be incurred and approved by any two (2) of the nominated Committee Members.
- **Expenditure less than \$10,000 and not budgeted for:** The Committee of Management must approve expenditure of this nature in advance.

5) Account Reconciliations:

The Treasurer shall:

- keep proper records as required under the Associations Incorporation Act and keep records of all monies received and expended.
- obtain bank statements as at the end of each month and reconcile the cashbook (MYOB). Any deficiencies shall be brought to the attention of the President and the Committee of Management immediately.
- table a statement showing the financial position of the club at each management Committee meeting.

- submit to the Annual General Meeting a statement of income, expenditure, assets and liabilities, and, in addition, ensure the reports are held by the secretary.

6) Investment of Funds:

The treasurer is responsible for ensuring that the club's surplus funds are securely and safely invested so as to attract a higher rate of interest than would be paid if left in an operating account.

7) Financial Planning:

The treasurer should maintain a running Annual Financial Plan that adequately forecasts the funds required for proper maintenance of the club.

8 Non - Discretionary Payments:

Each year, the treasurer will review and ensure that payments are made by the due date for recurrent payments such as:

Green keeper's contract fees, insurance premiums, membership affiliations, lease fees loans, GST business activity statements, IT and computer related licences and such other items that have been contracted.

9 Coordinators of Sub-Committees:

Coordinators of any sub-Committees established by the Committee of Management shall ensure that all monies received and expended by their sub-Committee are recorded including the matters in respect of which such receipt and expenditure took place. In particular, income from the bar, functions, court fees, tournaments, catering and such other fund raising events managed outside of the Committee of Management.

BY-LAW No. 3:

INDIVIDUAL RESPONSIBILITIES OF OTHER COMMITTEE MEMBERS

This By-Law is issued by special resolution from the Committee of Management, and may from time to time be amended by the Committee.

All Committee members must act according to the rules set out in Associations and Commercial legislation and in accordance with the details outlined in the Constitution of the Busselton Tennis Club.

Each Member of the Committee of Management will carry a specific portfolio/s aligned to the operations of the Club, thereby providing a direct line of communication between Committee and Membership operational responsibilities.

BY-LAW No. 4:

HIRE OF THE CLUB PREMISES & COURTS

This By-Law is issued by special resolution from the Committee of Management, and may from time to time be amended by the Committee, provided that the Rules within the Constitution of the club, the Liquor Licensing Act and the Associations Incorporation Act and amendments made thereafter are not contravened.

1) Hire of Club House and Associated Facilities:

The purpose of this By-law is to convey to all members and visitors to the club the rules for the hiring of the facilities of the club and, in addition, to ensure that the rules are applied in a consistent manner.

The following general conditions apply for the hiring of the club's premises:

- The hiring of the clubhouse and associated facilities shall be available for functions other than 18th and 21st birthday parties and, is at the discretion of the Committee of Management after recommendations from the club's Functions coordinator.

- The provisions of the Liquor Licensing Act 1988 must be strictly adhered to at all functions.
- A financial member of the club, a member of the public or a person representing an organisation may apply to hire the club premises for a private function.
- The applicant must attend and take full responsibility for the guests' and the club's property
- The hiring fee, booking fee and associated bonds and the manner of payment shall be determined by the club function coordinator on approval from the Committee of Management.
- The availability of the club's facilities for hire during the tennis season shall be determined by the Committee of Management but the hire shall not unreasonably encroach on members prime playing and/or social time or restrict members' reasonable access to club facilities.
- The club shall provide a bar person/s if required and all liquor consumed and supplied shall be purchased from the club in accordance within the club's Liquor License and at cost to the hirer.

2) Hire of the Hard Courts:

The following general conditions shall apply:

- The hard courts shall be available for hire by club members and members of the public.
- Courts MUST be booked through the ClubSpark booking system on the club website.
- When grass courts are unavailable, members may use the hard courts subject to membership level costs, providing they have not been booked by either another member or non- member.
- Use of the hard courts at night (under lights) by members are subject to normal booking arrangements and the payment of the appropriate fee.
- Fees payable for the hire of the courts shall be determined by the Committee of Management. The schedule of fees shall be displayed in the appropriate places for viewing.
- Block bookings of courts will be at the discretion of the Committee of Management on the recommendation of the Match Committee.

3) Hire of Grass Courts

- Grass courts shall not be made available to the public for hiring.
- Members shall be entitled to play on grass courts at any time outside normal club events provided they observe the rules set by the Committee of Management and pay any applicable court fees due for themselves and guests. At times, the grass courts will be under maintenance and unavailable for play.
- All special requests for use of the club's tennis courts by outside groups such as schools shall be made in writing (includes email) and submitted to the Captain of the club.
- The Captain shall communicate with the greenkeeper and any relevant coordinators to determine whether to approve or not approve the application.

BY-LAW No. 5:

DETERMINATION & ELIGIBILITY FOR LIFE MEMBERSHIP AWARD

- 1) The purpose of this policy is to provide to the Members of the Management Committee and to all Members of the club the minimum criteria required before any member is to be considered eligible for nomination of an award of "Life Membership" of the Busselton Tennis Club.
- 2) "Life Membership" is the highest award available to recognise the exceptional contribution of an individual who has extended their commitment to ensure the current and future existence of the Busselton Tennis Club and therefore it is only to be awarded in exceptional circumstances.
- 3) The criteria to be taken into account when considering any nomination for an award of "Life Membership" shall include:

- The general attitude and overall demeanor of the nominee.
- The nominee for Life membership must have given at least 10 years continuous membership to the Busselton Tennis Club and, unless exceptional circumstances can be cited, must be a current financial member of the club.
- The service to the club must have reflected favourably and brought credit upon the Busselton Tennis Club.

4) Nomination Process:

Any member may nominate another member to the category of Life Member providing that:

- The nominee is proposed and seconded by existing financial members of the Busselton Tennis club.
- The nomination is in writing and articulates the reasons why Life Membership should be considered appropriate and must cite examples of work or involvement which have significantly progressed the Busselton Tennis Club to ensure its current and future existence.

.5) Assessment Process:

All nominations shall be treated with the strictest of confidence. Once having received a nomination, the Committee of Management shall appoint a "Life Membership Sub-Committee" which shall:

- Verify that both proposer and seconder are financial members of the Busselton Tennis Club.
- Verify that the nominee has been a continuous financial member of the Busselton Tennis club for at least 10 years.
- Obtain a vote from all members of the Committee of Management either at meeting or by electronic mail or otherwise. If the nominee is a current member of the Committee of Management, then that person shall be excluded from the vote and associated communications.
- Present the decision on the nomination as being acceptable or otherwise to the Committee of Management. If the Committee of Management so accepts the validity of the nomination, then arrangements shall be made to present the nomination at the next AGM for voting by members in accordance with the Constitution.

BY-LAW 6:

WORKING WITH CHILDREN (CRIMINAL RECORD CHECKING) ACT 2004:

This Act was proclaimed on 1st January 2006 and was enacted to protect children under the age of 18 years.

There are significant penalties where individuals, and organisations, do not comply with their obligations under the Act resulting in fines and / or imprisonment.

All Members or non-member volunteers or contractors working with children at the club or for the club in other locations MUST HAVE a valid current Working With Children certification.

- It is the responsibility of the person wishing to carry out the "child related activities" to apply for a "Working With Children Check"
- It is the responsibility of the Committee of Management to ensure that any person who is engaged to carry out "child related activities" has and ~~in addition,~~ submits for proof a "Working With Children Check" (Prohibited Person Declaration).

The Committee of Management shall obtain a Working With Children certification from applicants for membership and from appointees in certain roles such the Club Coach, Junior Director, and any associated staff in positions where activities are likely to involve individual and unsupervised contact with members under 18 years of age.