



Cottesloe Tennis Club (Inc)

By-Laws

23 September 2021

**Adopted by the Management Committee:
Approved by the General Meeting Held on:**

**6 Sept 2021
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1 THE BY-LAWS

1.1 Status of the By-laws

These are the By-laws of the Cottesloe Tennis Club (Inc). They form part of a suite of governance documents that provide for the operation and management of the Club. The full suite of governance documents in descending order of precedence is:

- *Associations Incorporation Act (2015)*;
- Constitution of the Cottesloe Tennis Club (Inc.);
- These By-laws; and
- Policies and Procedures.

In the event that there is any inconsistency between these By-laws and either the Act or the Constitution, the provisions of the Act and then the Constitution will have precedence over these By-laws.

1.2 Availability to Members

An up-to-date copy of these By-laws is to be kept on display on the noticeboard inside the Clubhouse. A copy will also be made available to any member upon request.

1.3 Amendments to the By-laws

The Club may amend the By-laws by Resolution carried by a majority of members present and entitled to vote at a General Meeting of the Club. Full particulars shall be given of any proposed amendment in the notice convening the meeting. Any amendment approved shall take effect immediately.

1.4 Policies and Procedures

Consistent with the Constitution and the By-laws the Committee may make, amend, promulgate and enforce policies and procedures from time to time at its discretion. These policies and procedures are to be collated into a manual that is to be made available to members on request.

1.5 Definitions

“**Accounts**” means the records of the financial transactions of the Club.

“**Act**” means the *Associations Incorporation Act 2015*

“**By-laws**” are additional arrangements or processes adopted by members by Ordinary Resolution of the Club to supplement the Constitution. They do not form part of the Constitution and are not required to be lodged with the Commissioner.

“**Constitution**” means the Constitution of the Cottesloe Tennis Club (Inc).

“**Commissioner**” means the person designated as the “Commissioner” from time to time under the Act;

“**Committee**” means the Management Committee referred to in clause 18 of the Constitution.

“**Committee Member**” means a member of the Committee referred to in clause 18 of the Constitution.

“**Financial Records**” has the meaning given to it in section 62 of the Act and includes:

- a) invoices, receipts, orders for the payment of money, bills of exchange, cheques, promissory notes and vouchers;

- a) documents of prime entry; and
- b) working papers and other documents needed to explain:
 - i. the methods by which financial statements are prepared; and
 - ii. adjustments to be made in preparing financial statements;

“Financial Report” has the meaning given to it in sections 62 and 63 of the Act;

“Financial Statements” has the meaning given to it in section 62 of the Act;

“Financial Year” has the meaning given to it in Clause 32.1 of the Constitution;

“League” replaces the earlier term “pennants” traditionally used by the Club;

“LCA” Liquor Control Act 1988. Alternative Citation: Liquor Licensing Act 1988;

“Membership Year” has the meaning given to it in Clause 11.1 of the Constitution;

“Office holders” means members of the Committee;

“Poll” means voting **conducted** in written form which may include, but is not limited to, a secret ballot (as opposed to general agreement or a show of hands).

2 MEMBERSHIP

2.1 Honorary Life Membership

Honorary Life Members may be appointed at a General Meeting of Members of the Club on the recommendation of the Management Committee as recognition of services rendered to the Club and after such appointment shall be entitled to enjoy all the privileges of the Club without payment of the annual subscription PROVIDED ALWAYS THAT not more than one Honorary Life member shall be elected in any Membership Year.

2.2 Ordinary Classes of Membership

The following classes of membership are defined for the purpose of determining Club entitlements and fees. It is not intended that these definitions restrict members over the age of 18 years from entering tournaments as juniors where they meet the age requirements for that tournament.

2.2.1 Full Members

Full Members are persons over the age of 18 years and who pay the full amount of the annual membership fee.

2.2.2 Student Members

Student Members are full-time students from the age of 18 years up to and including 25 years who provide a current student ID card from a recognised Tertiary Institution.

2.2.3 Young Adult Members

Young Adult Members are those from the age of 18 years up to and including the age of 30 years.

2.2.4 Family Membership

Family Membership applies to adults with children under the age of 18 years.

2.2.5 Mid-week Members

Mid-Week members are those persons over the age of 18 years who elect to play only mid-week tennis.

2.2.6 Temporary Members

Any person not a permanent resident of the Perth Metropolitan area may be admitted as a Temporary Member for a period not exceeding five (5) months and shall pay a fee of 15% of the annual subscription for each month of the tenure of their temporary membership. The proposed dates of temporary membership are to be notified in advance on the Membership Application Form.

2.2.7 Social / Non-Playing Members

Social / Non-playing Members are those that do not participate in the game of tennis at the Club.

2.2.8 Junior Members

Junior Members are persons who have not yet attained the age of 18 years.

2.2.9 Supernumerary Members

The Committee may on application in writing from any member grant leave of absence and such member's name shall be placed on the list of Supernumerary Members for such period as the Management Committee shall from time to time decide. When applications are made after the commencement of the Membership Year, applicants may be called upon to pay part or all of the current year's subscription at the discretion of the Management Committee. Such members may re-join the Club without payment of nomination fee.

2.2.10 Trial Membership categories

The Management Committee may trial alternative Membership categories for the duration of one season and that category must cease to operate if not approved at the next following Annual General Meeting.

2.3 Membership Fees

2.3.1 Determination of Annual Fees

The Committee shall determine the fees applicable to each class of membership for the coming year and shall promulgate them as part of the budget at the AGM.

2.3.2 Payment Date of Fees

Fees shall be due on the 1st of October each year.

2.3.3 New Members joining after 1st January

A Member joining the Club for the first time after the 1st of January shall pay the nomination fee (if any) and a pro-rata portion, calculated on a monthly basis, of the relevant annual subscription for that year.

2.4 Member Entitlements

2.4.1 Members with Full Entitlements

Those Members entitled to the full "Privileges of Membership" as set down in Clause 12 of the Constitution include Honorary Life Members and adult Members in the Classes detailed in Clauses 2.2.1, 2.2.2, 2.2.3, 2.2.4, and 2.2.5 of these By-laws.

2.4.2 Other Classes of Member

Temporary Members, Non-Playing Members, Junior Members and Supernumerary Members shall have no voice in the management of the Club and shall not be entitled to hold office or vote at any poll of the Club but shall in other respects conform to and be bound by the Constitution and By-laws of the Club for the time being in force.

2.5 Applications for Membership

2.5.1 Management Committee to Approve Applications

The Management Committee may at its absolute discretion approve or reject an application by a member to change his or her membership classification.

2.5.2 Applicants Under 18 Years of Age

No person under the age of 18 years will be admitted to any class of membership other than Junior Membership.

2.5.3 Application Form

Application for membership shall be made in writing and shall be signed by the applicant and shall be in such form as the Management Committee may prescribe from time to time. Each application shall be accompanied by the appropriate nomination fee (if any) and shall be subject to the approval of the Management Committee.

2.5.4 Application for Membership

The Management Committee will define the application procedure for membership of the Club, which may be amended from time to time to comply with external requirements (e.g. Tennis West rules or State Legislation).

Applications for membership of the Club:

- a) must be supported by a Full Member or Honorary life member of the Club;
- b) must be formally submitted using the approved membership application form;
- c) the names of persons proposed shall be displayed in a conspicuous place on the Club premises for a period of at least 7 days prior to their election and, further to this, a period of not less than fourteen (14) days shall elapse between nomination and election;
- d) applications shall be presented to the next available Management Committee meeting for consideration;
- e) successful applicants will be notified within 7 days of the decision of the Management Committee meeting where their application is considered.

2.5.5 Termination of Membership

A person's membership of the Club will terminate:

- a) Upon receipt by the Secretary of a written notice of resignation;
- b) On the 31st of December if the member has not paid annual subscription fees; or
- c) On expulsion by resolution of the Committee under the terms of Constitution Clause 23.

3 CLUB MANAGEMENT

3.1 Management Committee

The Management Committee will consist of the following positions:

- a) President

- b) Vice President
- c) Secretary
- d) Finance Director
- e) Captain
- f) House and Grounds Director
- g) Members' Director
- h) Social Director
- i) Junior Director
- j) Mid-Week Director
- k) League Director, and
- l) Additional members as may from time appointed by the Management Committee to fulfil specific responsibilities or roles.

3.2 Responsibilities of Committee Members

The primary responsibilities of the officers of the Club's Management Committee are detailed below. From time to time, the Management Committee may agree additional responsibilities, which shall be recorded in the Minutes of the Meeting where such responsibilities were agreed.

3.2.1 President

The President has the following responsibilities:

- a) The President has the powers and duties relating to convening and presiding at Committee meetings and presiding at general meetings provided for in the Club's Constitution;
- b) The President is to consult with the Secretary and members of the Management Committee regarding the business to be conducted at each Committee meeting and general meeting, and with the Secretary, to prepare notices required for meetings and for the business to be conducted at meetings;
- c) With the Secretary, deal with the Club's correspondence;
- d) Ensure effective management of contracts between the Club and service providers.

3.2.2 Vice President

The Vice President shall:

- a) Deputise for the President when necessary;
- b) If a Finance sub-committee is established, be a member of the sub-committee.

3.2.3 Secretary

The Secretary has the following responsibilities:

- a) Maintain an up-to-date copy of the Club's Constitution as required under section 35(1) of the Act;
- b) Maintain an up-to-date copy of the Club's By-laws;
- c) Maintain up-to-date copies of the Club's Policies and Procedures Manual;
- d) Consult with the President regarding the business to be conducted at each Committee meeting and general meeting;
- e) Prepare notices required for meetings and for the business to be conducted at meetings;
- f) Maintain full and accurate minutes of committee meetings and general meetings;
- g) Ensure the safe custody of the books of the Club, other than the financial records, financial statements and financial reports, applicable to the Club;
- h) Unless another member is authorised by the Committee to do so:

- i. maintain the register of members, and record in the register any changes in the membership, as required under section 53(1) of the Act;
- ii. maintain a record of Committee members and other persons authorised to act on behalf of the Club, as required under section 58(2) of the Act;
- i) Deal with the Club's correspondence;
- j) Maintain a risk and hazard register including a record of incidents, the investigations arising, and the actions taken.

3.2.4 Finance Director

The Finance Director has the following responsibilities:

- a) Ensure that the Club complies with the relevant requirements of Part 5 of the Act;
- b) Ensure that amounts payable to the Club are collected and that receipts are issued for those amounts in the Club's name;
- c) Ensure that amounts paid to the Club are credited to the appropriate account of the Club;
- d) Ensure that authorised payments to be made by the Club are made on time;
- e) Ensure the safe custody of the Club's financial records, financial statements and financial reports;
- f) Prepare the Club's financial report before its submission to the Club's annual general meeting;
- g) Provide necessary assistance to an auditor or reviewer conducting an audit or review of the Club's financial statements or financial report under Part 5 Division 5 of the Act;
- h) Examine and report to each meeting of the Management Committee on the Accounts, and tender recommendations thereof;
- i) The Finance Director may convene and chair a finance sub-committee, and through that sub-committee, lead the preparation of annual operating and capital expenditure budgets.

3.2.5 Club Captain

The Club Captain has the following responsibilities:

- a) Appoint and chair a Captain's Sub-Committee, comprising:
 - a. Vice-Captain – Social Tennis to include
 - i. Duty Captains
 - ii. Sets Operators
 - iii. Grading – Men
 - iv. Grading - Women;
 - b. Vice-Captain – Tournaments.
- b) Ensure that all adult Social Tennis play is effectively run and managed at all times;
- c) To ensure that player grading's are reviewed regularly and accurately reflect each player's current standard of play;
- d) Ensure that Club Championships are efficiently run each year and to co-ordinate any interclub or other club tournaments that may be arranged from time to time;
- e) Ensure that Players' Dress Code and Behaviour Code as proposed by Tennis West is adhered to;
- f) Develop and implement, in consultation with the Director, House and grounds, the League Director, and the Groundsman, policies for the allocation of courts to the different types of play and different groups, and may delegate day-to-day implementation of these policies to the Groundsman;
- g) Positively contribute to the effective running and enjoyment of tennis at the Club.

3.2.6 Director, House and Grounds

The Director, House and Grounds has the following responsibilities:

- a) Maintain the Club's gardens, grounds, utilities and buildings (together 'the Club's facilities');
- b) Manage the Curator/Groundsman's contract;
- c) Maintain the Club's hard courts and lawn courts (subject to the Curator / Groundsman's contract);
- d) Oversee court management and availability, including the preparation of an annual lawn courts management plan;
- e) Arrange the provision of goods and services necessary for the proper functioning of the Club premises;
- f) Advise on and direct the planning and future development of the Club's facilities;

and for these purposes shall:

- a) Liaise with Club contractors, ground and administration staff and with other Members of the Management Committee as necessary for the day-to-day maintenance and upkeep of the Club's facilities;
- b) Appoint and chair a House and Grounds Sub-committee as necessary, to assist in these functions;
- c) Prepare and maintain a rolling three-year facilities management plan and budget to support the maintenance, upkeep and development of the Club's facilities.

3.2.7 Social Director

The Social Director has the following responsibilities:

- a) Chair a social sub-committee;
- b) Prepare a social calendar for the Membership Year;
- c) Be responsible for and arrange food catering and provision of bar facilities by Bar Manager for tennis, social and other events as listed on the social calendar or as otherwise subsequently arranged;
- d) Report to the Management Committee as soon as practicable after the conclusion of each event detailing receipts and expenditure and any recommendation or comments in respect thereto.

3.2.8 Junior Director

The Junior Director has the following responsibilities:

- a) Chair a Junior Club sub-committee;
- b) In consultation with the Club Coach, arrange Junior Club social play, intra-club tournaments and inter-club events and arrange Junior Club League teams as organised by Tennis West;
- c) Participate in the management of the Club Coach's contract;
- d) Arrange other activities to promote and develop Junior Club members within the Club and community.

3.2.9 Mid-Week Director

The Mid-Week Director has the following responsibilities:

- a) Chair a mid-week sub-committee, and;
- b) Arrange social play and social functions for mid-week organised playing days.

3.2.10 Members' Director

The Members' Director has the following responsibilities:

- a) Manage public relations and new membership;
- b) Deal with membership problems and represent any such member at any Committee or sub-committee meeting;
- c) Collect information and organise the publication of the Club newsletter;
- d) Be responsible for recruitment of and liaison with new members.

3.2.11 League Director

The League Director has the following responsibilities:

- a) Appoint and Chair a League Sub-Committee comprising those coordinators and assistants considered necessary to manage League competition effectively;
- b) Ensure that League teams are selected, entered and managed effectively at all times;
- c) Liaise with Tennis West on matters as required to support the Club's League activities;
- d) Lead negotiations on contracts for State League players, refer contract proposals to the Management Committee for approval, and ensure the rights and obligations of both the Club and players are carried out;
- e) Participate in the Sub-Committee chaired by the Captain and advocate for the allocation and priority of courts to suit the needs of League teams;
- f) Support the Captain by ensuring that all League players are familiar with and comply with the relevant Codes of Behaviour of the Club and Tennis West;
- g) Liaise with the Treasurer to ensure all fees for League teams are paid by those teams in a timely manner.

3.3 Other Responsibilities

Other responsibilities that may be allocated to members of the Management Committee or sub-committees, or to individual members include:

- a) Member Protection Officer
- b) Club Licensee
- c) Bar Manager
- d) Delegate of the Club to another association
- e) Manage Club's Social Media and Website
- f) Compile and edit the monthly newsletter ("Top Spin") or other publications
- g) Sponsorship management
- h) State League player contracts
- i) Health and Safety.

3.4 Association Delegates

When a delegate is elected on to the executive of an association, a new delegate may need to be elected to represent the Club on that association.

4 FINANCIAL MANAGEMENT

4.1 Annual Budgets

Management Committee, through the Treasurer/Finance Director, will prepare the following annual budgets for tabling to members at the Annual General Meeting;

- a) **Operating Budget:** The Management Committee is to prepare an operating budget for the Club for the coming financial year. The budget is to be tabled at the Annual General Meeting of the Club. The budget is to include a schedule of proposed Annual Fees for the information of members. The General Meeting may provide advice on the budget for the consideration of the Committee.
- b) **Capital Budget:** The Management Committee is to prepare a budget of proposed capital expenditure for the coming financial year and table it at the Annual General Meeting. Any project or group of associated projects with an estimated expenditure totalling more than the Committee's approval limit set down in Clause 34.5 of the Constitution shall be itemised separately in the budget papers and submitted to the Annual General Meeting seeking approval of the membership.

4.2 Financial Reporting to Annual General Meeting

The Management Committee is to prepare a statement of income and expenditure of the Club, both for operations and capital expenditure, and table this at the Annual General Meeting. The statement is to show against each item, both the budget prepared for the year and the actual income or expenditure for the year.

4.3 Reimbursement of Expenses

Members who incur expenses on Club business, are entitled to be reimbursed. Appropriate records or receipts must be kept and provided at the time of reimbursement.

4.4 Reimbursement of Estimated Expenses.

Where a Member who is not a Member of the Management Committee, incurs frequent costs of a recurring nature, such as in the regular use of their own vehicle for transporting goods for the Club, and there is an advantage to the Club in reducing the administrative work of reimbursing the member for those costs, the Management Committee may decide and direct the payment of an annual or monthly sum to the Member that reflects the estimated total of the recurring expenses. The decision to make such a payment and the amount and frequency of payments is to be recorded in the Minutes of the Management Committee.

4.5 Petty Cash

At the discretion of the Management Committee Petty cash advances may be granted to the Secretary and any other Officer approved by the Management Committee as required. The amount advanced can only be changed with the sanction and consent of the Management Committee.

5 COURT USE AND AVAILABILITY

5.1 Rules of Tennis

The Rules of Tennis, as adopted by the governing body of tennis in Western Australia, shall apply to all matches unless otherwise specified by the relevant association or match committee. This shall also apply to tennis etiquette, dress and code of conduct.

5.2 Tennis Attire

All persons using the Club courts shall be appropriately attired for the game of tennis. A Player who is not properly attired may be refused access to the courts by any member of the Committee or a person authorised by the Committee.

5.3 Tennis Footwear

At all times players shall wear suitable tennis shoes that do not damage the courts. Shoes with non-marking soles must be worn on the hard courts.

5.4 Court Use and Priority

- a) Courts may be used by Members and their Visitors for individually organised play, except during organised social and competition play, or where courts are allocated for use for the benefit of the Club's Coach. During social and competition play periods, members may not use courts allocated for social or competition play for private matches and are expected to participate in social play unless given specific permission by the duty Captain.
- b) At all times other than for competition play, singles players must give way to doubles unless adequate courts are available.
- c) Junior members must relinquish courts to senior members, if required, after 5.00pm on weekdays.
- d) Non-members may hire courts when not required by Members.

5.5 Coaching

Courts are allocated for use by the Club's Coach in accordance with the schedule detailed in the Contract between the Club and the Club's Coach.

5.6 Weekend Play

- a) On Saturday and Sunday mornings, Junior members and group coaching have priority court usage.
- b) On Saturday and Sunday afternoons, League competition and Social Play will share priority over available courts. If there are spare courts available after meeting the needs of both League competition and Social Play, and at the Duty Captain's discretion, courts may be hired to visitors.

5.7 Closure of Courts due to Surface Condition

In the absence of the Club Captain and the Groundsman, any team captain or Member of the Management Committee has the power to declare the courts unplayable if, in their opinion, the courts will be damaged or there is the potential for a player to be injured if they are played upon.

5.8 Closure of Courts for Maintenance/Repair

- a) Lawn court bays will be closed in line with the Club's lawn courts' management plan to ensure that lawn court playing quality is maintained at a level suitable for State Grade play. Additionally, high-use courts located on 'open' bays may from time to time, be rested. During such times, members shall not use the Bays/courts that are being rested.
- b) From time-to-time hard courts may be closed for maintenance and/or repair. During such time, members shall not use the courts.

5.9 Visiting Players

- a) Visitors may hire courts, when available, or play at the invitation of, and together with, a Member.
- b) Members bringing visitors to the Club for other than organised social play are responsible for their behaviour and for the payment of any fees for court hire on behalf of their visitors.

- c) Court hire fees payable by visitors shall be as determined from time to time by the Management Committee.
- d) The mode of payment of court hire fees shall be as determined by the Management Committee.
- e) Visitors will be asked to give way to Club Members when all courts are in use, except when invited by a Member to join social play.
- f) Visiting players participating in organised Social Tennis may play a maximum of three sessions in any one Club year, after which, if they wish to continue with organised social play, they shall be required to become members of the Club.

5.10 Access to Club Premises

No person is entitled to enter, remain upon or utilise the premises of the Club and its facilities unless explicitly or implicitly authorised by the Management Committee.

6 COMPETITION TENNIS

6.1 Association Rules and By-Laws

Competition tennis shall be played as specified by the Rules and By-laws of the relevant tennis association.

6.2 Eligibility for Teams

All competition players must be financial members of the Club unless otherwise provided for by the Tennis West tennis league rules.

6.3 Selection of Teams

Teams for League competition shall be determined by the appropriate selection committee (as appointed by the Captain under By-law 4.2.5(b)). All selection committees may directly approach potential team members if there are not enough names entered on lists to field a team in the appropriate section.

6.4 Teams for Finals

Where a team is made up of rotating players and no agreement can be reached regarding team players for finals, the players with the best personal scores throughout the season shall play. If any team member has any further objections, the final decision rests with the appropriate selection committee.

6.5 Team Fines

Teams incurring fines may, at the discretion and direction of the Management Committee, be responsible for paying those fines. Fines incurred by individual players for breaches of the Association Rules, such as not meeting the dress code, are the responsibility of the individual player.

7 ALCOHOL

7.1 Consumption of Alcohol

Alcohol is permitted to be consumed on the Club premises in accordance with the Restricted Liquor Licensing Permit.

7.2 Abuse of Alcohol

- a) If, in the opinion of any Management Committee Member or a duly authorised bar staff person, a person is adversely affected by alcohol, the Management Committee Member has the obligation and power to reprimand the person and ask the person to leave the premises and surrounds of the Club.
- b) The event must be reported to and discussed at the next Management Committee meeting where a decision should be taken whether to overlook the event, to further reprimand the person if a member, in writing, to suspend the member or in the ultimate, to terminate the member's membership of the Club.

7.3 Restricted Licence Conditions

- a) The Management Committee shall appoint a trustee to hold the licence on behalf of the Club (The Licensee). The trustee must be approved by the liquor licensing authority prior to the appointment.
- b) The Management Committee shall, in consultation with the Licensee, appoint a Bar Manager who shall assume the role of the Approved Manager under the LCA and be qualified in accordance with the requirements of LCA 1988.
- c) The Bar Manager may, with approval of the Management Committee, delegate to club members the running of the bar, subject to compliance by those members with the requirements of LCA 1988. The Bar Manager shall maintain an up-to-date register of all members approved to run the bar.
- d) No payment or part payment to any secretary, treasurer, manager or other officer or servant of the club shall be made by way of commission or allowance from or upon the receipts of the club for liquor.
- e) Liquor shall be sold for consumption on the premises only and in accordance with the conditions of the Club Restricted Licence. No member under the age of 18 years may be admitted to the premises subject to the Club Restricted Licence during the operation of the licence unless in the company of an adult person in authority over him/her.
- f) A Member may introduce up to five (5) guests to the Club during the trading hours while in the Member's company.
- g) A person who is on any day visiting the club as a member or an official of another club:
 - (i) that is to engage in a pre-arranged event with the host club conducted for the purposes of one of the host club's principal objects; or
 - (ii) that is to hold a pre-arranged function at the host club involving the use of the host club's sporting facilities;may be taken to be a person who is accorded temporary membership on that day.
- h) A member may, at their expense, and with the approval of the club committee, supply liquor to guests, without limitation as to number, at a function held by or on behalf of that member, at the club premises.
- i) As soon as is practicable after the making of any proposal for a change to the By-Laws of the Club, the Secretary shall provide to the Director of Liquor Licensing, certified particulars of the change proposed. No effect will be given to any change proposed to By-laws 1, 2, 3.3, or 7 without the prior approval of the Director.¹

¹ Note: The notification and approval referred to in this sub-clause (7.3 i)) are no longer required and hence the deletion of this sub-clause should be the subject of a resolution at an AGM.