

ASSOCIATIONS INCORPORATION ACT 1981

**RULES
Of the
EASTERN SUBURBS RACQUETBALL ASSOCIATION INCORPORATED**



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Table of Contents

Rules of the EASTERN SUBURBS RACQUETBALL ASSOCIATION INCORPORATED	4
1. NAME	4
2. DEFINITIONS	4
3. MEMBERSHIP, ENTRY FEES AND SUBSCRIPTION	4
4. REGISTER OF MEMBERS	5
5. CEASING MEMBERSHIP	5
6. DISCIPLINE, SUSPENSION AND EXPULSION OF MEMBERS	5
7. ANNUAL GENERAL MEETING	6
8. SPECIAL GENERAL MEETINGS	7
9. NOTICE OF GENERAL MEETINGS	8
10. PROCEEDINGS AT MEETINGS	8
11. PROCEEDINGS AT MEETINGS, Chairperson	8
12. PROCEEDINGS AT MEETINGS, Adjournment	9
13. PROCEEDINGS AT MEETINGS, Voting	9
14. PROCEEDINGS AT MEETINGS	9
15. COMMITTEE OF MANAGEMENT	10
16. COMMITTEE OF MANAGEMENT, Composition	10
17. COMMITTEE OF MANAGEMENT, Term	10
18. ELECTION OF COMMITTEE MEMBERS	11
19. PROCEEDINGS OF COMMITTEE OF MANAGEMENT	11
20. DISCIPLINARY TRIBUNAL PROCEEDINGS	12
21. EXPULSION OF A COMMITTEE MEMBER FROM OFFICE	12
22. REMOVAL OF A COMMITTEE MEMBER FROM OFFICE	13
23. SECRETARY	13
24. TREASURER	13
25. CHEQUES	13
26. SEAL	13
27. ALTERATION OF RULES AND STATEMENT OF PURPOSES	14
28. NOTICES	14
29. WINDING UP OR CANCELLATION	14
30. CUSTODY OF RECORDS	14
31. FUNDS	14
32. REMUNERATIONS	14
33. AUDIT	15
34. INDEMNITY OF MEMBERS OF COMMITTEE	15
35. BY-LAWS	15
36. RULES OF PLAYING AUSTRALIAN RACQUETBALL	15
37. DISPUTES AND MEDIATION	15
APPLICATION FOR MEMBERSHIP	17

**STATEMENT of PURPOSES
of the
EASTERN SUBURBS RACQUETBALL ASSOCIATION INCORPORATED**

The name of the incorporated Association is the Eastern Suburbs Racquetball Association

The purposes of the Association are to promote and regulate the game of Australian Racquetball in the Eastern suburbs region of Melbourne which may include the following activities

- To arrange and control Australian Racquetball championships, tournaments, matches, competitions, exhibitions etc., including the appointment of markers and referees.
- To delegate the management of any Australian Racquetball tournament, match, championship, competition or exhibition, etc., to any member or body.
- To hear and determine appeals from members and/or individuals on matters of dispute, reference and/or behavior and to reprimand, fine or suspend the affiliation of any member and/or individual.
- To do all such things as are incidental or conducive to the above objects and which in the opinion of the Association are conducive to the encouragement of the game of Australian Racquetball.

Rules of the EASTERN SUBURBS RACQUETBALL ASSOCIATION INCORPORATED

1. NAME

The name of the incorporated Association is Eastern Suburbs Racquetball Association Incorporated (in these rules called “the Association”).

2. DEFINITIONS

2.1. In these rules, unless the contrary intention appears:

- “Committee” means the committee of management of the Association.
- “Financial Year” means the year ending 30 June.
- “General Meeting” means a general meeting of members convened in accordance with Rule 10
- “Member” means a member of the Association
- “Ordinary Member of the Committee” means a member of the Committee who is not an officer of the Association under Rule 18
- “Elected Committee Member” means a member of the committee who is elected in accordance with Rule 18.
- “Regulations” means Regulations under the Act.
- “Relevant Documents” has the same meaning as in the Act.
- “The Act” means the Associations Incorporation Act 1981.

2.2. In these rules, a reference to the secretary of the Association is a reference:

- (a) where a person holds office under these rules as secretary of the Association, to that person; and
- (b) in any case, to the public officer of the Association.

Words or expressions contained in these rules shall be interpreted in accordance with the provisions of the Acts Interpretation Act 1958 and the Act as in force from time to time.

3. MEMBERSHIP, ENTRY FEES AND SUBSCRIPTION

3.1. A person who competes in either the Eastern Suburbs Racquetball Association Spring Pennant or Autumn Pennant competitions shall be considered to be a member of the Association.

3.2. A portion of the team entry fee for either of the competitions specified in 4.1 shall be deemed to be the annual subscription for the members of the team for the financial year in which the competition is conducted.

3.2 A person who has not previously played in an Eastern Suburbs Racquetball Association Pennant competition, or who has not played in a Pennant competition in either of the two previous financial years shall not be admitted to membership unless –

- (a) he or she completes an application in writing in the form set out in Appendix1;and

- (b) the application is lodged with the Secretary of the Association.
- 3.3 As soon as possible after the receipt of an application, the Secretary must refer the application to the committee.
- 3.4 The committee must determine whether to approve or reject the application.
- 3.5 If the committee approves the application for membership, the Secretary must as soon as possible notify the applicant in writing of the approval for membership.
- 3.6 The Secretary must enter the successful applicant's name in the register of members.
- 3.7 A portion of the team entry fee for the first competition in which the successful applicant participates shall be deemed to be the entry fee for the applicant.
- 3.8 If the committee rejects an application, the committee must as soon as practicable, notify the applicant in writing that the application has been rejected.
- 3.9 A right, privilege, or obligation of a person by reason of membership of the Association –
 - (a) is not capable of being transferred or transmitted to another person; and,
 - (b) terminates upon the cessation of membership, whether by death or resignation or otherwise.

4. REGISTER OF MEMBERS

- 4.1. The Secretary shall keep and maintain a register of members in which shall be entered the full name, address, and date of entry of each member. The register shall be available for inspection by members at the registered address of the Association.

5. CEASING MEMBERSHIP

- 5.1. A member of the Association may resign from the Association by giving notice in writing to the Secretary of their intention to resign and from the date of receipt of that notice by the Secretary the member shall cease to be a member.
- 5.2. Upon the receipt of a notice given under sub-clause 1, the Secretary shall make in the register of members an entry recording the date on which the member by whom the notice was given, ceased to be a member.
- 5.3 A member of the Association who does not play in a Pennant competition for a period of two (2) financial years shall be deemed to have resigned his or her membership of the Association, and may be readmitted as a member subject to the provisions of 4.3 above.

6. DISCIPLINE, SUSPENSION AND EXPULSION OF MEMBERS

- 6.1. Subject to these rules, the Committee may by resolution:
 - (a) expel a member from the Association, or
 - (b) suspend a member from membership of the Association for a specified period; or

- (c) fine a member if the Committee is of the opinion that the member:
 - (i) has refused or neglected to comply with these rules; or
 - (ii) has been guilty of conduct unbecoming a member or prejudicial to the interests of the Association.
 - (d) A resolution of the Committee under sub-clause 1 takes effect immediately unless the committee receives notice of appeal under sub-clause 2(b).
- 6.2. Where the Committee passes a resolution under sub-clause 1, the secretary shall, within fourteen (14) days cause to be served on the member notice in writing:
- (a) setting out the resolution of the Committee and grounds on which it is based
 - (b) stating that the member may exercise a right of appeal, such appeal to follow one of the following actions:
 - (i) Attend a Committee meeting convened not earlier than fourteen (14) and not later than twenty-eight (28) days after the service of the Notice,
 - (ii) Give to the Committee before the date of the meeting, a written statement seeking the revocation of the resolution;
 - (iii) Not later than twenty-four (24) hours before the date of the meeting, lodge with the Secretary a notice of appeal to the Association in general meeting against the resolution.
- 6.3. At a meeting of the Committee held in accordance with sub-clause 2, the Committee:
- (a) shall give to the member an opportunity to be heard;
 - (b) shall give due consideration to any written statement submitted by the member and
 - (c) shall by resolution determine whether to confirm or revoke the resolution.
- 6.4. Where the Secretary receives a notice under sub-clause 2(b)(iii) the Secretary shall notify the committee and the committee shall convene a general meeting of the Association to be held within twenty-one (21) days after the date on which the Secretary received the notice.
- 6.5. At a general meeting of the Association convened under sub-clause 4:
- (a) no business other than the question of the appeal shall be transacted;
 - (b) the committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution;
 - (c) the member shall be given an opportunity to be heard; and
 - (d) the members present shall vote by secret ballot on the question whether the resolution should be confirmed or revoked.
- 6.6. If, at the general meeting:
- (a) not less than two-thirds of the members vote in person, or by proxy in favour of the resolution, the resolution is confirmed, and
 - (b) in any other case, the resolution is revoked

7. ANNUAL GENERAL MEETING

- 7.1. The Association shall in each calendar year and within three (3) months after the close of the association's financial year convene an annual general meeting of its members.

- 7.2. The annual general meeting shall be held on such day as the Committee determines.
- 7.3. The annual general meeting shall be specified as such in the notice convening it.
- 7.4. The Ordinary Business of the annual general meeting shall be:
 - (a) to confirm the minutes of the last preceding annual general meeting and any general meeting held since that meeting;
 - (b) to receive from the Committee reports upon the transactions of the Association during the last preceding financial year;
 - (c) to elect the officers and ordinary members of the Committee
 - (d) to receive and consider the statement submitted by the Association in accordance with section 30(3) of the Act. This statement shall have been duly audited
 - (e) appoint an auditor to audit the accounts of the Association for the next financial year in accordance with rule 33.
- 7.5. The annual general meeting may transact special business of which notice is given in accordance with these rules. Such business shall be stated on the circulated Agenda paper seven (7) days prior to the meeting.
- 7.6. The annual general meeting shall be in addition to any other general meetings that may be held in the same year.

8. SPECIAL GENERAL MEETINGS

- 8.1. All general meetings other than the Annual General Meeting shall be called special general meetings.
- 8.2. The Committee may, whenever it thinks fit, convene a special general meeting of the Association and, where, but for this sub-clause, more than fifteen (15) months would lapse between annual general meetings, shall convene a special general meeting before the expiration of that period.
- 8.3. The Committee shall, on the requisition in writing of members representing not less than ten per cent (10%) of members of the Association convene a special general meeting of the Association.
- 8.4. The requisition for a special general meeting shall state the objects of the meeting and shall be signed by the members making the requisition and be sent to the address of the Secretary and may consist of several documents in a like form, each signed by one or more of the members making the requisition.
- 8.5. If the Committee does not cause a special general meeting to be held within one month after the date on which the requisition is sent to the address of the Secretary, the members making the requisition, or any of them, may convene a special general meeting to be held not later than three (3) months after that date. Not less than fourteen (14) days notice of such meetings shall be given by the Secretary to members and such notice shall specify the purpose of the said special general meeting.
- 8.6. A special general meeting convened by members in pursuance of these rules shall be convened in the same manner as nearly as possible as that in which those meetings are convened by the Committee and all reasonable expenses incurred in convening the meeting shall be refunded by the Association to the persons incurring the expenses.

9. NOTICE OF GENERAL MEETINGS

- 9.1. The Secretary of the Association shall, at least fourteen (14) days, or if a special resolution has been proposed at least twenty one (21) days, before the date fixed for holding a general meeting of the Association, must cause to be sent to each member of the Association, a notice stating the place, date and time of the meeting and the nature of the business to be conducted at the meeting.
- 9.2. Notice may be sent –
- (a) by electronic transmission to the email address appearing in the register of members; or
 - (b) if the member requests, by prepaid post.
- 9.3. No business other than that set out in the notice convening the meeting shall be transacted at the meeting.
- 9.4. A member wanting to bring any business before a meeting may give notice of that business in writing to the secretary, who shall include that business in the notice calling the next general meeting after the receipt of the notice.

10. PROCEEDINGS AT MEETINGS

- 10.1. All business that is transacted at a special general meeting and all business that is transacted at the general meeting with the exception of that specially referred to in these rules as being the ordinary business of the annual general meeting shall be deemed to be special business.
- 10.2. No item of business shall be transacted at a general meeting unless a quorum of delegates entitled under these rules to vote is present personally during the time when the meeting is considering that item.
- 10.3. Delegates representing ten percent (10%) of the members (being members entitled under these rules to vote at a general meeting as per clause 15.1.) shall constitute a quorum for the transaction of the business of a general meeting.
- 10.4. If within half an hour after the appointed time for the commencement of a general meeting, a quorum is not present, the meeting if convened upon the requisition of members shall be dissolved and in any other case shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairman 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 and if at the adjournment meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the meeting shall be dissolved.

11. PROCEEDINGS AT MEETINGS, Chairperson

- 11.1. The president, or in his absence, an Office Bearer elected by the delegates present, shall preside as Chairman at each General Meeting of the Association.

- 11.2. If the President and Office Bearers are absent from the general meeting, the delegates present shall elect one of their number to preside as Chairman at the meeting.

12. PROCEEDINGS AT MEETINGS, Adjournment

- 12.1. The Chairman of a general meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- 12.2. Where a meeting is adjourned for fourteen (14) days or more, a like notice of the adjournment meeting shall be given as in the case of the general meeting.
- 12.3. Except as provided in sub-clause 1 and 2, it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting.

13. PROCEEDINGS AT MEETINGS, Voting

- 13.1. Upon any question arising at a general meeting of the Association, a member has one vote only.
- 13.2. All votes shall be given personally or by a properly completed form of appointment of proxy and shall be decided on a show of hands unless before or on the declaration of the result of the show of hands a poll is demanded pursuant to clause 15.2.
- 13.3. In the case of an equality of voting on a question, the Chairman of the meeting is entitled to exercise a second or casting vote.

14. PROCEEDINGS AT MEETINGS

- 14.1. A question arising at a general meeting of the Association shall be determined on a show of hands and unless before or on the declaration of the show of hands a poll is demanded. A declaration by the Chairman that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, and an entry to that effect in the Minute Book of the Association is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.
- 14.2. If at a meeting a poll on any question is demanded by not less than three members present at the meeting, it shall be taken at that meeting in such manner as the Chairman may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
- 14.3. A poll that is demanded on the election of a Chairman or on a question of an adjournment shall be taken forthwith and a poll that is demanded on any other question shall be taken at such time before the close of the meeting as the Chairman may direct.

15. COMMITTEE OF MANAGEMENT

15.1 The affairs of the Association shall be managed by the Committee of Management.

15.2 The Committee:

- (a) shall control the business and affairs of the Association.
- (b) may, subject to these Rules, the regulations and the Act, exercise all such powers and functions as may be exercised by the Association other than those powers and functions that are required by these rules to be exercised by general meetings of the members of the Association,
- (c) subject to these Rules, the Regulations and the Act, 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 Association.

16. COMMITTEE OF MANAGEMENT, Composition

16.1 The Committee shall consist of seven (7) members, all of whom shall be elected at the Annual General Meeting in accordance with the provisions of Rule 18. Five (5) of the elected members shall be elected to hold the Office Bearer positions of:

- (a) President
- (b) Vice President
- (c) Secretary
- (d) Treasurer
- (e) Match & Pennant Coordinator

while the other two (2) members shall be the ordinary members of the Committee.

16.2 The Committee shall appoint one of its Committee members, other than the Match & Pennant Coordinator, to be its representative at tribunal hearings.

16.3 All the positions of Office Bearers shall be held separately.

16.4 Each officer of the Association shall hold office until the annual general meeting next after the date of their election but is eligible for re-election.

16.5 In the event of a casual vacancy in any office referred to in sub-clause 1, the Committee may appoint one of its committee members to the vacant office and that member so appointed may continue in office up to and including the conclusion of the annual general meeting next following the date of the appointment.

17. COMMITTEE OF MANAGEMENT, Term

17.1 Each ordinary member of the Committee shall, subject to these rules, shall hold office until the next annual general meeting.

17.2 Any casual vacancy among the ordinary members of the committee may be filled by the committee from the members of the Association, and the member so appointed

shall hold office, subject to these rules, until the conclusion of the annual general meeting next following the date of the appointment.

18. ELECTION OF COMMITTEE MEMBERS

- 18.1 Nomination of candidates for election as members of the Committee:
- (a) shall be made in writing, signed by two members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and
 - (b) Shall be delivered to the secretary of the Association not less than seven (7) days before the date fixed for the holding of the annual general meeting.
- 18.2 If there is only one nomination for a vacancy to be filled, then that candidate shall be deemed duly elected. If there are more than one nominations for a vacancy to be filled, then a ballot shall be conducted to determine the duly elected candidate. If there is no nomination for a vacancy to be filled, then further nominations may be sought at the meeting.
- 18.3 A candidate may be nominated for more than one Office Bearer position, but shall not be elected to more than one Office Bearer position.
- 18.4 The ballot for the election of the members of the Committee shall be conducted at the annual general meeting in such usual and proper manner as the Committee may direct.

19. PROCEEDINGS OF COMMITTEE OF MANAGEMENT

- 19.1 The Committee shall meet at least six (6) times in each calendar year at intervals of no more than two (2) calendar months at such place and such time as the Committee may determine.
- 19.2 Special meetings of the Committee may be convened by the President or on the written request of any three (3) members of the Committee.
- 19.3 Notice shall be given to members of the Committee of any special meeting specifying the general nature of the business to be transacted and no other business shall be transacted at such a meeting.
- 19.4 The Secretary shall give at least seven (7) days notice of meeting of the Committee.
- 19.5 A meeting summoned at shorter than seven (7) days notice shall nevertheless be constitutional if written notice of the meeting has been served on all members of the Committee and at least four (4) members of the Committee are present and vote to ratify the short notice of meeting.
- 19.6 A quorum for the transaction of the business of a meeting of the Committee shall consist of four (4) members of the Committee.
- 19.7 No business shall be transacted unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present, the meeting shall stand adjourned to the same place and at the same hour of the same day in the following week unless the meeting was a special meeting in which case it lapses.

- 19.8 At meetings of the Committee:
- (a) the President or in his absence the Vice President shall preside; or
 - (b) If the President and the Vice President are absent, such one of the remaining members of the Committee as may be chosen by the members present shall preside.
- 19.9 Questions arising at a meeting of the Committee or of any sub-committee appointed by the Committee shall be determined on a show of hands or if demanded by a member, by a poll taken in such manner as the person presiding at the meeting may determine.
- 19.10 Each member present at a meeting of the Committee or 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.
- 19.11 Written notice of each Committee Meeting shall be served on each of the Committee Members by delivering it to him or her electronically, or at his or her request by pre-paid post.
- 19.12 Subject to sub-clause 6 the Committee may act notwithstanding any vacancy on the committee.
- 19.13 A resolution passed by the Committee shall not be rescinded or altered unless at least seven (7) days prior to the next meeting, notice of the intention to rescind or alter the resolution is given in writing to all members of the committee.
- 19.14 The Committee may appoint sub-committees for any purpose and may invest such sub-committees with any power consistent with this Constitution. The President and The administrator may be ex-officio members of any sub-committee, excepting the disciplinary tribunal under clause 20.

20. DISCIPLINARY TRIBUNAL PROCEEDINGS

- 20.1 The match and pennant Coordinator shall appoint a disciplinary tribunal to hear and settle alleged contraventions of the Rules of Australian Racquetball as adopted by this Association as submitted on a properly completed Match Report Form.
- 20.2 This tribunal shall consist of three (3) persons, appointed by the Match and Pennant Coordinator as required, one of whom shall be the Committee's appointed tribunal representative; other members of the general committee shall be ineligible to serve on this tribunal.
- 20.3 Any appeal against a decision of this tribunal must be made in writing and received by the Secretary within seven (7) days from the date of the tribunal's decision being notified to the appellant, and the appeal shall be heard by the general committee within fourteen (14) days of the Secretary receiving the appeal. The Committee's appointed tribunal representative shall be allowed to attend, but shall have no voting rights.

21. EXPULSION OF A COMMITTEE MEMBER FROM OFFICE

- 21.1 For the purposes of these rules, the office of an officer of the Association or of an ordinary member of the Committee becomes vacant if the officer or ordinary member:
- (a) ceases to be a member;

- (b) becomes an insolvent under administration within the meaning of the Companies (Victoria) Code;
- (c) resigns his office by notice in writing given to the Secretary; or
- (d) is absent from three consecutive committee meetings, unless the reason for the absence is given to the Committee and is accepted by the Committee.

22. REMOVAL OF A COMMITTEE MEMBER FROM OFFICE

- 22.1 The Association in general meeting may, by resolution, remove any member of the Committee before the expiration of their term of office. Another member shall be elected to hold office until the expiration of the term of the first-mentioned member.
- 22.2 Where the member to whom a proposed resolution referred to in sub-clause 1 makes representations in writing to the Secretary or President of the Association (not exceeding a reasonable length) and requests that this be notified to the members of the Association, the Secretary shall send a copy of the representations to each member of the Association, or if they are not so sent, the member may require that they be read out at the meeting.
- 22.3 A removed member shall be ineligible to be a Committee Member until the original resolution is rescinded by The Association in General Meeting.

23. SECRETARY

- 23.1 The Secretary of the Association shall keep minutes of the resolutions proceeding of each general meeting and each committee meeting in books provided for that purpose together with a record of the names of persons present at committee meetings.

24. TREASURER

- 24.1 The Treasurer of the Association:
- (a) shall collect and receive all moneys due to the Association and make all payments authorised by the Association; and
 - (b) shall keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association.
- 24.2 The accounts and books referred to in sub-clause 1 shall be available for inspection by members upon reasonable notice being given to the Treasurer.

25. CHEQUES

- 25.1 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by two (2) office bearers of the Association.

26. SEAL

- 26.1 The Common Seal of the Association shall be kept in the custody of the Secretary. The Common Seal shall not be affixed to any instrument except by the authority of the Committee and the affixing of the Common Seal shall be attested by the signatures of two Office Bearers of the Committee.

27. ALTERATION OF RULES AND STATEMENT OF PURPOSES

- 27.1 These Rules and the Statement Of Purposes of the Association shall not be altered except in accordance with the Act.

28. NOTICES

- 28.1 Notice may be served by or on behalf of the Association upon any member either personally or by sending it:
- (a) by electronic transmission to the email address appearing in the register of members; or
 - (b) if the member requests, by prepaid post.

Where a document is properly addressed, pre-paid, and posted to a person as a letter, the document shall, unless the contrary is proved, be deemed to have been given to the person at the time at which the letter would have been delivered in the ordinary course of post.

29. WINDING UP OR CANCELLATION

- 29.1 In the event of the winding up or the cancellation of the incorporation of the Association, the assets of the Association shall be disposed of in accordance with the provisions of the Act.
- 29.2 If upon a winding up or dissolution of the Association there remains after satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid or distributed amongst the members of the Association but shall be applied only to any charitable purpose or for the promoting of any community benefit.

30. CUSTODY OF RECORDS

- 30.1 Except as otherwise provided in these Rules, the Secretary shall keep the custody or control of all books, documents and securities of the Association.

31. FUNDS

- 31.1 The funds of the Association shall be derived from entrance fees, annual subscriptions, donations and such other sources as the Committee determines.

32. REMUNERATIONS

- 32.1 The income and property of the Club whencesoever derived shall be applied solely towards the promotion of the objects of the Association, and no portion thereof shall be paid or transferred, directly or indirectly, by way of dividends, bonus or otherwise howsoever by way of profit or gain to the individual members of the Association. Provided that nothing herein shall prevent the payment, in good faith, of reasonable and proper

remuneration to any officer or servant or to any member of the Association in return for services actually rendered to the Association nor prevent the payment for out of pocket expenses, interest on money lent or reasonable and proper rent for premises demised or let by any officer or servant of the Association or member of the Association.

33. AUDIT

- 33.1 At the Annual general meeting in each year a registered auditor or auditors shall be appointed for the ensuing year. Should a casual vacancy occur, a replacement shall be appointed by the Committee.
- 33.2 The auditor appointed shall not be a member of the Committee.

34. INDEMNITY OF MEMBERS OF COMMITTEE

- 34.1 Every officer or committee member of the Association and/or any other duly appointed person shall be indemnified by the Association against all costs, losses and expenses which he may incur whilst acting, without negligence, in any authorised manner, on any authorised Association business. It shall be the duty of the Association to pay any such costs, losses or expenses so incurred.

35. BY-LAWS

- 35.1 The Committee shall have power from time to time to make, delegate or amend By-Laws as it deems fit for the orderly administration and regulation of the affairs of the Association. Any such By-Laws amendments must be notified in writing by the Secretary to members within twenty-eight (28) days from the date of the amending resolution.

36. RULES OF PLAYING AUSTRALIAN RACQUETBALL

- 36.1 The Association shall adopt the Rules of the Game of Australian Racquetball as Approved by the Australian Racquetball Rules Committee and the Eastern Suburbs Racquetball Association Incorporated, for the conduct of racquetball matches conducted by it.

37. DISPUTES AND MEDIATION

37.1 The grievance procedure set out in this rule applies to disputes under these Rules between –

- (a) a member and another member
- (b) a member and the Association

37.2 The parties to the dispute must meet and discuss the matter in dispute, and if possible, resolve the dispute within fourteen (14) days after the dispute comes to the attention of all of the parties.

37.3 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 ten (10) days, hold a meeting in the presence of a mediator

- 37.4 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 Association; or
 - (ii) in the case of a dispute between a member and the Association, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice)
- 37.5 A member of the Association can be a mediator
- 37.6 The mediator cannot be a member who is a party to the dispute
- 37.7 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- 37.8 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 in the dispute throughout the mediation process
- 37.9 The mediator must not determine the dispute.
- 37.10 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.

APPLICATION FOR MEMBERSHIP

I; _____
(full name of applicant)

of; _____
(residential address)

or; _____
(postal address)

and; _____
(email address)

and; _____
(home / mobile phone)

desire to become a member of the

Eastern Suburbs Racquetball Association Incorporated.

By providing an email address the applicant acknowledges that Notice of General Meetings and other relevant communications shall be provided electronically.

In the event of admission as a member, the abovementioned party agrees to be bound by the Rules of the Eastern Suburbs Racquetball Association Incorporated, for the time being in force.

(Signature of Applicant) _____

(Printed Name of Applicant) _____

(Date) _____