

RULES OF GRACE PARK HAWTHORN CLUB INC.

2 Hilda Crescent, Hawthorn, VIC, 3122, Australia



1 December 2025

RULES OF GRACE PARK HAWTHORN CLUB INC.

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RULES OF GRACE PARK HAWTHORN CLUB INC.¹

PART 1—PRELIMINARY

1 Name and colours of the Club

- (1) The name of the Club is “Grace Park Hawthorn Club Inc.”²
- (2) The colours of the Club are royal blue and gold.

2 Purposes of the Club

- (1) The purposes of the Club are —
 - (a) to provide high quality tennis, squash, snooker, and other sporting and social facilities for members; and
 - (b) to foster tennis, squash, snooker and other sporting competitions for members; and
 - (c) to promote the games of tennis, squash and snooker among members and the broader community; and
 - (d) to facilitate friendship and social activity among members; and
 - (e) to do anything incidental or complementary to any of the purposes in (a) to (d).
- (2) The purposes of the Club may only be altered by a special resolution of members.

3 Financial year

The financial year of the Club is each period of 12 months ending on 31 July.

4 Definitions and interpretation

- (1) In these Rules—

absolute majority means a majority of the Committee members currently holding office and entitled to vote at the time (as distinct from a majority of Committee members present at a Committee meeting);

Act means the *Associations Incorporation Reform Act 2012*;

Chairperson, of a general meeting or Committee meeting, means the person chairing the meeting as required under rule 46;

Club means the Grace Park Hawthorn Club Inc.;

Committee means the Committee having management of the business of the Club;

Committee meeting means a meeting of the Committee held in accordance with these Rules;

Committee member means a member of the Committee elected or appointed under Division 3 of Part 5;

¹The persons who from time to time are members of the Club are an incorporated association by the name given in rule 1 of these Rules. Under section 46 of the *Associations Incorporation Reform Act 2012*, these Rules are taken to constitute the terms of a contract between the Club and its members.

² Under section 23 of the Act, the name of the Club and its registration number must appear on all its business documents.

disciplinary appeal meeting means a meeting of the members of the Club convened under rule 23(3);

disciplinary meeting means a meeting of the Committee convened for the purposes of rule 22;

disciplinary subcommittee means the subcommittee appointed under rule 20;

financial year means the 12 month period specified in rule 3;

general meeting means a general meeting of the members of the Club convened in accordance with Part 4 and includes an annual general meeting, a special general meeting and a disciplinary appeal meeting;

liquor licensing law means the *Liquor Control Reform Act 1998*;

member means a member of the Club;

member entitled to vote means a member who under rule 13(2) is entitled to vote at a general meeting;

relevant document means a record and other document, however compiled, recorded or stored, that relates to the incorporation and management of the Club and includes the following—

- (a) its membership records; and
- (b) its financial statements; and
- (c) its financial records; and
- (d) records and documents relating to transactions, dealings, business or property of the Club;

special resolution means a resolution that requires not less than three-quarters of the members voting at a general meeting, whether in person or by proxy, to vote in favour of the resolution; and

Registrar means the Registrar of Incorporated Associations.

(2) In these Rules—

- (a) a reference to a statute or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them; and
- (b) a reference to a statutory body includes any body replacing it or performing its functions; and
- (c) the singular includes the plural and vice versa; and
- (d) the cover, table of contents, headings and footnotes are inserted for convenience and do not form part of and do not affect the interpretation of these Rules.

PART 2—POWERS OF CLUB

5 Powers of the Club

(1) Subject to the Act, the Club has power to do all things incidental or conducive to achieve its purposes.

(2) Without limiting rule 5(1), the Club may—

- (a) acquire, hold and dispose of real or personal property; and
- (b) open and operate accounts with financial institutions; and

- (c) invest its money in any security in which trust monies may lawfully be invested; and
 - (d) raise and borrow money on any terms and in any manner as it thinks fit; and
 - (e) secure the repayment of money raised or borrowed, or the payment of a debt or liability; and
 - (f) appoint agents to transact business on its behalf; and
 - (g) enter into any other contract it considers necessary or desirable.
- (3) The Club may only exercise its powers and use its income and assets (including any surplus) for its purposes.

6 Not for profit organisation

- (1) The Club must not distribute any surplus, income or assets directly or indirectly to its members.
- (2) Rule 6(1) does not prevent the Club from paying a member—
 - (a) reimbursement for expenses properly incurred by the member; or
 - (b) for goods or services provided by the member—
 if this is done in good faith on terms no more favourable than if the member was not a member.³

PART 3—MEMBERS, DISCIPLINARY PROCEDURES AND GRIEVANCES

Division 1—Membership

7 Becoming a member

- (1) To become a member, a person must be proposed and the proposal must be approved by the Committee in accordance with this Division.
- (2) Except as provided in rule 7(1), there are no general qualifications for membership. However, the Committee may set qualifications for classes of membership.⁴

8 Proposal for membership

- (1) Any member may propose a person for membership.
- (2) Subject to rule 8(3), proposals for membership must be in the form determined by the Committee.
- (3) Proposals for membership must be seconded by another member and, if so required by the Committee, must be supported by 2 additional referees, both of whom must also be members and both of whom must attest to the character and suitability of the person being proposed for membership.
- (4) Proposals for membership must be lodged with the Club Secretary.

³Section 33 of the Act provides that an incorporated association such as the Club must not secure pecuniary profit for its members. Section 4 of the Act sets out in more detail the circumstances under which an incorporated association such as the Club is not taken to secure pecuniary profit for its members.

⁴ For example, minimum or maximum ages may be specified for classes of membership such as Junior Members having to be less than 18 or Senior Members having to be 70 or older and having 10 years consecutive full adult membership prior

- (5) Proposals for membership must be accompanied by the fee determined by the Committee under rule 12.

9 Notification of proposals for membership

- (1) Proposals for membership made in accordance with rule 8 must be notified to members on the Club website or in a conspicuous place in the Club's premises (or both) as soon as practicable after receipt by the Club Secretary.
- (2) The notification must include the name and address of the person proposed.
- (3) The notification must be made at least 7 days (or such shorter period as the Committee agrees) before the proposal is considered by the Committee.

10 Consideration of proposal

- (1) After the 7 days (or such shorter period as the Committee agrees) have elapsed, the Committee must decide whether to approve the proposal for membership.
- (2) The Committee must notify the person proposed or the proposer, or both, in writing of its decision as soon as practicable after the decision is made.
- (3) If the Committee rejects the proposal for membership, the fee paid under rule 8(5), less any amount determined by the Committee, must be repaid.
- (4) No reason need be given for the rejection of a proposal for membership.

11 New membership

- (1) If a proposal is approved by the Committee the secretary must ensure—
 - (a) the resolution to accept the membership must be recorded in the minutes of the Committee meeting; and
 - (b) the name and address of the new member, and the date of becoming a member, is entered in the register of members.
- (2) A person becomes a member of the Club and, subject to rule 13(2), is entitled to exercise her or his rights of membership from the date, whichever is the later, on which—
 - (a) the Committee approves the proposal for membership; or
 - (b) the person pays the joining fee.

12 Annual subscriptions, joining fees and other payments by members

- (1) The Committee must determine—
 - (a) the amount of the joining fees for each class of member; and
 - (b) the amount of the annual subscription for each class of member for each financial year the date for payment of the annual subscription⁵; and
 - (c) the amount the members are required to pay to use club facilities.
- (2) The Committee may waive the joining fee in relation to a particular person or a particular class of members.⁶
- (3) The Committee may offer members the option of paying a subscription in advance for a period of more than one financial year. That period may be for a fixed number of years or for the lifetime of the member.

⁵ Note that if a member accepts an offer to pay a subscription in advance from more than one financial year under rule 12(3), the member is thereafter exempted from paying annual subscriptions for that period.

⁶ For example, where the proposal is to readmit a person who was previously a member, the Committee may waive the joining fee.

- (4) The Committee may offer members the option of paying annual subscriptions and/or joining fees in instalments. The instalments may be monthly, quarterly, semi-annually or at any other interval determined by the Committee. The instalments need not be equal.⁷ Where payment may be made by instalments, the total amount may be increased to cover administration and other costs.
- (5) The Committee may set concessional annual subscriptions and concessional joining fees where more than one member of a family is joining or is a member of the Club.⁸
- (6) The Committee may set concessional annual subscriptions, or waive annual subscriptions altogether for members who have reached a particular age or have been a members for a particular length of time.⁹
- (7) The Committee may set concessional annual subscriptions for members who are students or who live a certain distance from the Club.¹⁰
- (8) The Committee may determine that any new member who joins after the start of a financial year must, for that financial year, pay a fee equal to—
 - (a) the full annual subscription; or
 - (b) a pro rata annual subscription based on the remaining part of the financial year; or
 - (c) a fixed amount determined from time to time by the Committee.
- (9) The rights of a member (including the right to vote) who has not paid the annual subscription by the due date are suspended until the subscription is paid.
- (10) Life Members and Veterans are exempt from paying annual subscriptions and joining fees.

13 General rights of members

- (1) A member who is entitled to vote has the right—
 - (a) to receive notice of general meetings and of proposed special resolutions in the manner and time prescribed by these Rules; and
 - (b) to submit items of business for consideration at a general meeting; and
 - (c) to attend and be heard at general meetings; and
 - (d) to vote at a general meeting; and
 - (e) to have access to the minutes of general meetings and other documents of the Club as provided under rule 75; and
 - (f) to inspect the register of members.
- (2) A member is entitled to vote if—
 - (a) the member is in a class of members that has voting rights; and
 - (b) the member's membership rights are not suspended for any reason.

⁷ For example, the Committee may make the first instalment larger so as to cover out-of-pocket costs incurred by the Club in connection with a person's membership (such as insurance).

⁸ For example, where 2 adult members and 2 junior members are from the same family or an adult member and 3 or more junior members are from the same family, the Committee may allow a discount on the total fee.

⁹For example, the Committee may set a 50% discount on annual subscriptions for members who have reached 65.

¹⁰ For example, the Committee may set lower fees for members who are full or part-time students or whose principal residence is more than 100 kilometres from the Club.

14 Classes of members and rights attaching to classes

- (1) The classes of membership are set out in Schedule 1 to these Rules.
- (2) The classes of membership may be changed from time to time but all changes must be approved by a special general meeting of members.
- (3) The rights attaching to the classes of membership are set out in Schedule 1 to these Rules.
- (4) The rights attaching to classes of membership may be changed from time to time but all changes to the rights must be approved by a special general meeting of members.

15 Rights not transferable

The rights of a member are not transferable and end when membership ceases.

16 Ceasing membership

- (1) The membership of a person ceases on resignation, expulsion or death.
- (2) If a person ceases to be a member of the Club, the Secretary must, as soon as practicable, ensure the date the person ceased to be a member is entered in the register of members.

17 Resigning as a member

- (1) A member may resign by notice in writing given to the Club.¹¹
- (2) A member is taken to have resigned if—
 - (a) the member's annual subscription is more than 3 months in arrears; or
 - (b) where no annual subscription is payable—
 - (i) the Secretary has made a written request to the member to confirm that she or he wishes to remain a member; and
 - (ii) the member has not, within 3 months after receiving that request, confirmed in writing that she or he wishes to remain a member.

18 Register of members

- (1) The Secretary must ensure a register of members and former members is maintained that includes—
 - (a) for each current member—
 - (i) the member's name; and
 - (ii) the address for notice last given by the member; and
 - (iii) the date of becoming a member; and
 - (iv) the member's class of membership; and
 - (v) any other information determined by the Committee; and
 - (b) for each former member, the date of ceasing to be a member.
- (2) Any member may, at a reasonable time and free of charge, inspect the register of members.¹²

¹¹Rule 74(3) sets out how notice may be given to the Club. It includes by post or email.

¹²Under section 59 of the Act, access to the personal information of a person recorded in the register of members may be restricted in certain circumstances. Section 58 of the Act provides that it is an offence to make improper use of information about a person obtained from the Register of Members.

Division 2—Disciplinary action

19 Grounds for taking disciplinary action

The Club may take disciplinary action against a member in accordance with this Division if it is determined that the member—

- (a) has failed to comply with these Rules; or
- (b) refuses to support the purposes of the Club; or
- (c) has engaged in conduct prejudicial to the Club.

20 Disciplinary subcommittee

- (1) If the Committee is satisfied that there are sufficient grounds for taking disciplinary action against a member, the Committee must appoint a disciplinary subcommittee to hear the matter and determine what action, if any, to take against the member.
- (2) The members of the disciplinary subcommittee—
 - (a) may be Committee members, members of the Club or anyone else; but
 - (b) must not be biased against, or in favour of, the member concerned.

21 Notice to member

- (1) Before disciplinary action is taken against a member, the Secretary must give written notice to the member—
 - (a) stating that the Club proposes to take disciplinary action against the member; and
 - (b) stating the grounds for the proposed disciplinary action; and
 - (c) specifying the date, place and time of the meeting at which the disciplinary subcommittee intends to consider the disciplinary action; and
 - (d) advising the member that she or he may do one or both of the following—
 - (i) attend the disciplinary meeting and address the disciplinary subcommittee at that meeting; and
 - (ii) give a written statement to the disciplinary subcommittee at any time before the disciplinary meeting; and
 - (e) setting out the member's appeal rights under rule 23.
- (2) The notice must be given no earlier than 28 days, and no later than 14 days, before the disciplinary meeting is held.

22 Decision of Disciplinary subcommittee

- (1) At the disciplinary meeting, the disciplinary subcommittee must—
 - (a) give the member an opportunity to be heard; and
 - (b) consider any written statement submitted by the member.
- (2) After complying with rule 22(1), the disciplinary subcommittee may—
 - (a) take no further action against the member; or
 - (b) subject to rule 22(3)—
 - (i) reprimand the member; or
 - (ii) suspend the membership rights of the member for a specified period; or

- (iii) expel the member from the Club.
- (3) The disciplinary subcommittee may not fine the member.
- (4) The suspension of membership rights or the expulsion of a member by the disciplinary subcommittee under this rule takes effect immediately after the vote is passed.

23 Appeal rights

- (1) A person whose membership rights have been suspended or who has been expelled from the Club under rule 22 may give notice to the effect that she or he wishes to appeal against the suspension or expulsion.
- (2) The notice must be in writing and given—
 - (a) to the disciplinary subcommittee immediately after the vote to suspend or expel the person is taken; or
 - (b) to the Secretary not later than 48 hours after the vote.
- (3) If a person has given notice under rule 23(2), a disciplinary appeal meeting must be convened by the Committee as soon as practicable, but in any event not later than 21 days, after the notice is received.
- (4) Notice of the disciplinary appeal meeting must be given to each member of the Club who is entitled to vote as soon as practicable and must—
 - (a) specify the date, time and place of the meeting; and
 - (b) state—
 - (i) the name of the person against whom the disciplinary action has been taken; and
 - (ii) the grounds for taking that action; and
 - (iii) that at the disciplinary appeal meeting the members present must vote on whether the decision to suspend or expel the person should be upheld or revoked.

24 Conduct of disciplinary appeal meeting

- (1) At a disciplinary appeal meeting—
 - (a) no business other than the question of the appeal may be conducted; and
 - (b) the Committee must state the grounds for suspending or expelling the member and the reasons for taking that action; and
 - (c) the person whose membership has been suspended or who has been expelled must be given an opportunity to be heard.
- (2) After complying with rule 24(1), the members present and entitled to vote at the meeting must vote by secret ballot on the question of whether the decision to suspend or expel the person should be upheld or revoked.
- (3) A member may not vote by proxy at the meeting.
- (4) The decision is upheld if not less than three quarters of the members voting at the meeting vote in favour of the decision.

Division 3—Grievance procedure

25 Application

- (1) The grievance procedure set out in this Division applies to disputes under these Rules between—

- (a) a member and another member; or
 - (b) a member and the Committee; or
 - (c) a member and the Club.
- (2) A member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed.

26 Parties must attempt to resolve the dispute

The parties to a dispute must attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.

27 Appointment of mediator

- (1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 26, the parties must within 10 days—
- (a) notify the Committee of the dispute; and
 - (b) agree to or request the appointment of a mediator; and
 - (c) attempt in good faith to settle the dispute by mediation.
- (2) The mediator must be—
- (a) a person chosen by agreement between the parties; or
 - (b) in the absence of agreement—
 - (i) if the dispute is between a member and another member—a person appointed by the Committee; or
 - (ii) if the dispute is between a member and the Committee or the Club—a person appointed or employed by the Dispute Settlement Centre of Victoria.
- (3) A mediator appointed by the Committee may be a member or former member of the Club but in any case must not be a person who—
- (a) has a personal interest in the dispute; or
 - (b) is biased in favour of or against any party.

28 Mediation process

- (1) The mediator to the dispute, in conducting the mediation, must—
- (a) give each party 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 throughout the mediation process.
- (2) The mediator must not determine the dispute.

29 Failure to resolve dispute by mediation

If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

PART 4—GENERAL MEETINGS OF THE CLUB

30 Annual general meetings

- (1) The Committee must convene an annual general meeting of the Club to be held within 5 months after the end of each financial year.
- (2) The Committee may determine the date, time and place of the annual general meeting.
- (3) The ordinary business of the annual general meeting is as follows—
 - (a) to confirm the minutes of the previous annual general meeting and of any special general meeting held since then;
 - (b) to receive and consider—
 - (i) the annual report of the Committee on the activities of the Club during the preceding financial year; and
 - (ii) the financial statements of the Club for the preceding financial year submitted by the Committee in accordance with Part 7 of the Act; and
 - (c) to elect the members of the Committee.
- (4) The annual general meeting may also conduct any other business of which notice has been given in accordance with these Rules.

31 Special general meetings

- (1) Any general meeting of the Club, other than an annual general meeting or a disciplinary appeal meeting, is a special general meeting.
- (2) The Committee may convene a special general meeting whenever it thinks fit.
- (3) No business other than that set out in the notice under rule 33 may be conducted at the meeting.¹³

32 Special general meeting held at request of members

- (1) The Committee must convene a special general meeting if a request to do so is made in accordance with rule 32(2) by at least 10% of the total number of members entitled to vote.
- (2) A request for a special general meeting must—
 - (a) be in writing; and
 - (b) state the business to be considered at the meeting and any resolutions to be proposed; and
 - (c) include the names and signatures of the members requesting the meeting; and
 - (d) be given to the Secretary.
- (3) If the Committee does not convene a special general meeting within one month after the date on which the request is given to the Secretary, the members making the request (or any of them) may convene the special general meeting.
- (4) A special general meeting convened by members under 32(3)—
 - (a) must be held within 3 months after the date on which the original request was given to the Secretary; and

¹³ General business may be considered at the meeting if it is included as an item for consideration in the notice under rule 33 and the majority of members at the meeting agree.

- (b) may only consider the business stated in that request.
- (5) The Club must reimburse all reasonable expenses incurred by the members convening a special general meeting under rule 32(3).

33 Notice of general meetings

- (1) The Secretary (or, in the case of a special general meeting convened under rule 32(3), the members convening the meeting) must give to each member of the Club—
 - (a) at least 21 days' notice of a general meeting if a special resolution is to be proposed at the meeting; or
 - (b) at least 14 days' notice of a general meeting in any other case.
- (2) The notice must—
 - (a) specify the date, time and place of the meeting; and
 - (b) indicate the general nature of each item of business to be considered at the meeting; and
 - (c) subject to rule 33(3), in the case of a meeting where, there is to be an election of office holders, include the information provided (if any) with the nomination under rule 51(3); and
 - (d) if a special resolution is to be proposed—
 - (i) state in full the proposed resolution; and
 - (ii) state the intention to propose the resolution as a special resolution; and
 - (e) comply with rule 34(5).
- (3) If the Committee reasonably believes that information provided with a nomination is defamatory or materially false or misleading, it may redact that defamatory or materially false or misleading material and must notify the nominee that this has been done.
- (4) This rule does not apply to a disciplinary appeal meeting.¹⁴

34 Proxies

- (1) A member may appoint another member as her or his proxy to vote and speak on her or his behalf at a general meeting other than at a disciplinary appeal meeting.
- (2) The appointment of a proxy must be in writing and signed by the member making the appointment. The Committee may approve a particular form of appointment of proxy and, if it does so, this must be published on the Club's website and a copy must be provided to any member entitled to vote who requests it.
- (3) The member appointing the proxy may give specific directions as to how the proxy is to vote on her or his behalf, otherwise the proxy may vote on behalf of the member in any matter as she or he sees fit.
- (4) Even if the Committee has approved a form for the appointment of a proxy, the member may use any other form that clearly identifies the person appointed as the member's proxy and that has been signed by the member.
- (5) Notice of a general meeting given to a member under rule 33—
 - (a) must state that the member may appoint another member as a proxy for the meeting; and

¹⁴ Rule 23(4) sets out the requirements for notice of a disciplinary appeal meeting.

- (b) may include a copy of any form that the Committee has approved for the appointment of a proxy.
- (6) A form appointing a proxy sent by post or electronically is of no effect unless it is received by the Club no later than 24 hours before the commencement of the meeting.

35 Use of technology

- (1) A member not physically present at a general meeting may be permitted by the Chairperson to participate in the meeting by the use of technology that allows that member and the members present at the meeting to clearly and simultaneously communicate with each other.
- (2) For the purposes of this Part, a member participating in a general meeting as permitted by the Chairperson under rule 35(1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

36 Quorum at general meetings

- (1) No business may be conducted at a general meeting unless a quorum of members is present.
- (2) The quorum for a general meeting is the presence (physically, by proxy or as allowed under rule 35) of 30 members entitled to vote or 10% of the members entitled to vote (whichever is less).
- (3) If a quorum is not present within 30 minutes after the notified commencement time of a general meeting—
 - (a) in the case of a meeting convened by, or at the request of, members under rule 32—the meeting must be dissolved;¹⁵
 - (b) in any other case—
 - (i) the meeting must be adjourned to a date not more than 21 days after the adjournment; and
 - (ii) notice of the date, time and place to which the meeting is adjourned must be given at the meeting and confirmed by written notice given to all members as soon as practicable after the meeting.
- (4) If a quorum is not present within 30 minutes after the time to which a general meeting has been adjourned under rule 36(3)(b), the members present at the meeting (if not fewer than 3) may proceed with the business of the meeting as if a quorum were present.

37 Adjournment of general meeting

- (1) The Chairperson of a general meeting at which a quorum is present may, with the consent of a majority of members present at the meeting, adjourn the meeting to another time at the same place or at another place.
- (2) Without limiting rule 37(1), a meeting may be adjourned—
 - (a) if there is insufficient time to deal with the business at hand; or
 - (b) to give the members more time to consider an item of business.¹⁶

¹⁵ If a meeting convened by, or at the request of, members is dissolved under this rule, the business that was to have been considered at the meeting is taken to have been dealt with. If members wish to have the business reconsidered at another special meeting, the members must make a new request under rule 32.

¹⁶ For example, the members may wish to have more time to examine the financial statements submitted by the Committee at an annual general meeting.

- (3) No business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished when the meeting was adjourned.
- (4) Notice of the adjournment of a meeting under this rule is not required unless the meeting is adjourned for 14 days or more, in which case notice of the meeting must be given in accordance with rule 33.

38 Voting at general meeting

- (1) On any question arising at a general meeting—
 - (a) subject to rule 38(3), each member who is entitled to vote has one vote; and
 - (b) members may vote personally or by proxy; and
 - (c) except in the case of a special resolution, the question must be decided on a majority of votes.
- (2) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.
- (3) If the question is whether or not to confirm the minutes of a previous meeting, only members who were present at that meeting may vote.
- (4) This rule does not apply to a vote at a disciplinary appeal meeting conducted under rule 24.

39 Special resolutions

A special resolution is passed if not less than three quarters of the members voting at a general meeting (whether in person or by proxy) vote in favour of the resolution.¹⁷

40 Determining whether resolution carried

- (1) Subject to rule 40(2), the Chairperson of a general meeting may, on the basis of a show of hands, declare that a resolution has been—
 - (a) carried; or
 - (b) carried unanimously; or
 - (c) carried by a particular majority; or
 - (d) lost—and an entry to that effect in the minutes of the meeting is conclusive proof of that fact.
- (2) If a poll (where votes are cast in writing) is demanded by three or more members on any question—
 - (a) the poll must be taken at the meeting in the manner determined by the Chairperson of the meeting; and
 - (b) the Chairperson must declare the result of the resolution on the basis of the poll.
- (3) A poll demanded on the election of the Chairperson or on a question of an adjournment must be taken immediately.
- (4) A poll demanded on any other question must be taken before the close of the meeting at a time determined by the Chairperson.

41 Minutes of general meeting

¹⁷ In addition to certain matters specified in the Act, a special resolution is required—

- (a) to remove a Committee member from office; and
- (b) to alter these Rules, including changing the name or any of the purpose of the Club.

- (1) The Chairperson must ensure that minutes are taken and kept of each general meeting.
- (2) The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.
- (3) In addition, the minutes of each annual general meeting must include—
 - (a) the names of the members attending the meeting; and
 - (b) proxies lodged in accordance with rule 34; and
 - (c) the financial statements submitted to the members in accordance with rule 30(4)(b)(ii); and
 - (d) the certificate signed by two Committee members certifying that the financial statements give a true and fair view of the financial position and performance of the Club; and
 - (e) any audited accounts and auditor's report or report of a review accompanying the financial statements that are required under the Act.

PART 5—COMMITTEE

Division 1—Powers of Committee

42 Role and powers

- (1) The business of the Club must be managed by or under the direction of the Committee.
- (2) The Committee may exercise all the powers of the Club except those powers that these Rules or the Act require to be exercised by general meetings of the members of the Club.
- (3) The Committee may—
 - (a) appoint and remove staff; and
 - (b) establish subcommittees consisting of members and others with terms of reference it considers appropriate¹⁸.

43 Delegation

- (1) The Committee may delegate to a member of the Committee, a subcommittee or staff, any of its powers and functions other than—
 - (a) this power of delegation; or
 - (b) a duty imposed on the Committee by the Act or any other law.
- (2) The delegation must be in writing and may be subject to the conditions and limitations the Committee considers appropriate.
- (3) The Committee may, in writing, revoke a delegation wholly or in part.

Division 2—Composition of Committee and duties of members

44 Composition of Committee

- (1) The Committee consists of—
 - (a) the President; and
 - (b) the Vice-President; and
 - (c) the Secretary; and

¹⁸ For example, the Committee may establish sub-committees to organise, supervise and promote participation by Club members in tennis, squash and/or snooker competitions.

- (d) the Treasurer; and
- (e) up to six other members.

45 General Duties

- (1) As soon as practicable after being elected or appointed to the Committee, each Committee member must become familiar with these Rules and the Act.
- (2) The Committee is collectively responsible for ensuring that the Club complies with the Act and that individual members of the Committee comply with these Rules.
- (3) Committee members must exercise their powers and discharge their duties with reasonable care and diligence.
- (4) Committee members must exercise their powers and discharge their duties—
 - (a) in good faith in the best interests of the Club; and
 - (b) for a proper purpose.
- (5) Committee members and former Committee members must not make improper use of—
 - (a) their position; or
 - (b) information acquired by virtue of holding their position—so as to gain an advantage for themselves or any other person or to cause detriment to the Club.¹⁹
- (6) In addition to any duties imposed by these Rules, a Committee member must perform any other duties imposed from time to time by resolution at a general meeting.

46 President and Vice-President

- (1) Subject to rule 46(2), the President or, in the President's absence, the Vice-President is the Chairperson for any general meetings and for any Committee meetings.
- (2) If the President and the Vice-President are both absent, or are unable to preside, the Chairperson of the meeting must be—
 - (a) in the case of a general meeting—a member elected by the other members present; or
 - (b) in the case of a Committee meeting—a Committee member elected by the other Committee members present.

47 Secretary

- (1) The Secretary must perform any duty or function required under the Act to be performed by the secretary of an incorporated association.²⁰
- (2) The Secretary must—
 - (a) ensure the register of members is maintained in accordance with rule 18; and
 - (b) ensure the common seal (if any) of the Club and, except for the financial records referred to in rule 70(3), all books, documents and securities of the Club are kept in safe custody in accordance with rules 72 and 75; and

¹⁹ See also Division 3 of Part 6 of the Act which sets out the general duties of the office holders of an incorporated association such as the Club.

²⁰ For example, under the Act, the secretary of an incorporated association such as the Club is responsible for lodging documents of the Club with the Registrar.

- (c) subject to the Act and these Rules, ensure members are provided with access to the register of members, the minutes of general meetings and other books and documents; and
 - (d) perform any other duty or function imposed on the Secretary by these Rules.
- (3) The Secretary must give to the Registrar notice of her or his appointment within 14 days after the appointment.

48 Treasurer

- (1) The Treasurer must—
- (a) ensure all moneys paid to or received by the Club are safely received and receipts for those moneys are issued in the name of the Club; and
 - (b) ensure that all moneys received are paid into the account of the Club within 5 working days after receipt; and
 - (c) arrange for any payments authorised by the Committee or by a general meeting of the Club from the Club's funds; and
 - (d) ensure payments are authorised either by:
 - (1) at least 2 Committee members; or
 - (2) at least 1 Committee member, not being the Treasurer, and a person nominated by the Treasurer, who may be an employee of the Club.
- (2) The Treasurer must—
- (a) ensure that the financial records of the Club are kept in accordance with the Act; and
 - (b) coordinate the preparation of the financial statements of the Club and their certification by the Committee prior to their submission to the annual general meeting of the Club.
- (3) The Treasurer must ensure that at least one other Committee member has access to the accounts and financial records of the Club.

Division 3—Election of Committee members and tenure of office

49 Eligibility to be a Committee member

A member is eligible to be elected or appointed as a Committee member if the member—

- (a) is 18 or over; and
- (b) has a class membership under which they are eligible to hold office²¹.

50 Retirement by rotation

- (1) At each annual general meeting of the Club, after the annual report and financial statements of the Club have been received, all members of the Committee who were not elected at the last preceding annual general meeting (including any who were appointed under rule 57) cease to hold office.²²
- (2) If more than half of the members were elected at the last preceding annual general meeting (including any who were elected under rule 55), the members may agree which of them is to cease to hold office and, if they are unable to agree which of them will cease

²¹ Schedule 1 shows whether a class of membership confers eligibility to hold office.

²² This means that if a member of the Committee was elected at the annual general meeting two years before or if they were appointed to fill a casual vacancy under rule 57, they cease to hold office. They are eligible to be re-elected if they have been nominated under rule 51.

to hold office, this will be determined by the toss of a coin, drawing straws or drawing a name out of a hat. This must be done in sufficient time before the annual general meeting so that the members who will cease to hold office have time to nominate for re-election to the Committee.

51 Nominations

- (1) At least 30 days before the despatch of the notice of meeting, the Committee must send a notice to all members seeking nominations to fill the available positions on the Committee. In addition to the positions of President, Vice-President, Treasurer and Secretary, there must be a minimum of 4 and a maximum of 6 other available positions. The notice must also be published on the Club's website and in a prominent position in the Club's premises. The notice must specify a date, not less than 14 days after publication of the notice, by which nominations must be lodged with the Secretary.
- (2) An eligible member of the Club may—
 - (a) nominate herself or himself; or
 - (b) with the member's consent, be nominated by another member.
- (3) Nominations must be lodged with the Secretary by the date specified in the notice in rule 51(1). The nominations may include a short (no more than 200 word) description of the candidate and their reasons for seeking election.
- (4) All nominations of eligible members must be included in the notice of meeting in accordance with rules 33(2) and 33(3).

52 Election of office bearers

- (1) At the annual general meeting, separate elections must be held for whichever of the following positions will be vacant—
 - (a) President; and
 - (b) Vice-President; and
 - (c) Secretary; and
 - (d) Treasurer.
- (2) If only one member is nominated for the position, the Chairperson of the meeting must declare the member elected to the position.
- (3) If more than one member is nominated, a ballot must be held in accordance with rule 54.
- (4) On her or his election, the new President must take over as Chairperson of the meeting.

53 Election of other Committee members

- (1) In addition to the office bearers elected under rule 52, up to six other Committee members may be elected.
- (2) A single election may be held to fill all of those positions.
- (3) If the number of members nominated for the position of ordinary Committee member is less than or equal to the number to be elected, the Chairperson of the meeting must declare each of those members to be elected to the position.
- (4) If the number of members nominated exceeds the number to be elected, a ballot must be held in accordance with rule 54.

54 Ballot

- (1) If a ballot is required for the election for a position, the Chairperson of the meeting must appoint a member to act as returning officer to conduct the ballot.
- (2) The returning officer must not be a member nominated for the position.

- (3) Before the ballot is taken, each candidate may make a short speech in support of her or his election.
- (4) The election must be by secret ballot.
- (5) The returning officer must give a piece of paper to—
 - (a) each member present in person; and
 - (b) each proxy holder.

Where a proxy holder holds more than one proxy, one piece of paper must be given for each proxy held as well as one piece for the member themselves.²³
- (6) If the ballot is for a single position, the voter must write or indicate on the ballot paper the name of the candidate for whom they wish to vote.
- (7) If the ballot is for more than one position—
 - (a) the voter must write or indicate on the ballot paper the name of each candidate for whom they wish to vote; and
 - (b) the voter must not write or indicate the names of more candidates than the number to be elected.
- (8) Ballot papers that do not comply with rule 54(7) must not be counted.
- (9) Each ballot paper on which the name of a candidate has been written counts as one vote for that candidate.
- (10) The returning officer must declare elected the candidate or, in the case of an election for more than one position, the candidates who received the most votes.
- (11) If the returning officer is unable to declare the result of an election under rule 54(10) because 2 or more candidates received the same number of votes, the returning officer must—
 - (a) conduct a further election for the position in accordance with rules 54(4) to 54(10) to decide which of those candidates is to be elected; or
 - (b) with the agreement of those candidates, decide by lot which of them is to be elected.²⁴

55 Term of office

- (1) Subject to rule 55(3) and rule 56, a Committee member holds office until they cease to hold office under rule 50.
- (2) A Committee member may be re-elected.
- (3) A general meeting of the Club may—
 - (a) by special resolution remove a Committee member from office; and
 - (b) elect an eligible member of the Club to fill the vacant position in accordance with this Division.
- (4) A member who is the subject of a proposed special resolution under rule 55(3)(a) may make representations in writing to the Secretary or President of the Club (not exceeding a reasonable length) and may request that the representations be provided to the members of the Club.

²³ For example, if a member has been appointed the proxy of 5 other members, the member must be given 6 ballot papers—one for the member and one each for the other members.

²⁴ For example, the choice of candidate may be decided by the toss of a coin, drawing straws or drawing a name out of a hat.

- (5) The Secretary or the President may give a copy of the representations to each member of the Club or, if they are not so given, the member may require that they be read out at the meeting at which the special resolution is to be proposed.

56 Vacation of office

- (1) A Committee member may resign from the Committee by written notice addressed to the Committee.
- (2) A person ceases to be a Committee member if she or he—
 - (a) ceases to be a member of the Club; or
 - (b) fails to attend 3 consecutive Committee meetings (other than special or urgent Committee meetings) without leave of absence under rule 67; or
 - (c) otherwise ceases to be a Committee member by operation of section 78 of the Act.²⁵

57 Filling casual vacancies

- (1) The Committee may appoint an eligible member of the Club to fill a position on the Committee that—
 - (a) has become vacant under rule 56; or
 - (b) was not filled by election at the last annual general meeting.
- (2) If the position of President, Vice-President, Secretary or Treasurer becomes vacant, the Committee must appoint a member to the position within 30 days after the vacancy arises.
- (3) Rule 55 applies to any Committee member appointed by the Committee under rule 57(1) or 57(2).
- (4) The Committee may continue to act despite any vacancy in its membership.

Division 4—Meetings of Committee

58 Meetings of Committee

- (1) The Committee is expected to meet approximately once per calendar month and must meet at least 4 times in each calendar year.
- (2) The dates, times and places of the meetings are as determined by the Committee.
- (3) Special meetings may be convened by the President or by any 4 members of the Committee.

59 Notice of meetings

- (1) Notice of each Committee meeting must be given to each Committee member no later than 7 days before the date of the meeting.
- (2) Notice may be given of more than one Committee meeting at the same time.
- (3) The notice must state the date, time and place of the meeting.
- (4) If a special meeting is convened, the notice must include the general nature of the business to be conducted.
- (5) The only business that may be conducted at a special meeting is the business for which the meeting is convened.

60 Urgent meetings

²⁵ Note that a Committee member may not hold the office of secretary if they do not reside in Australia.

- (1) In cases of urgency, a meeting can be held without notice being given in accordance with rule 59 provided that as much notice as practicable is given to each Committee member by the quickest means practicable.
- (2) Any resolution made at the meeting must be passed by an absolute majority of the Committee.
- (3) The only business that may be conducted at an urgent meeting is the business for which the meeting is convened.

61 Procedure and order of business

- (1) The procedure to be followed at a meeting of a Committee must be determined from time to time by the Chairperson.
- (2) The order of business may be determined by the Chairperson.

62 Use of technology

- (1) A Committee member who is not physically present at a Committee meeting may participate in the meeting by the use of technology that allows that Committee member and the Committee members present at the meeting to clearly and simultaneously communicate with each other.
- (2) For the purposes of this Part, a Committee member participating in a Committee meeting as permitted under rule 62(1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

63 Quorum

- (1) No business may be conducted at a Committee meeting unless a quorum is present.
- (2) The quorum for a Committee meeting is the presence (in person or as allowed under rule 62) of a majority of the Committee members holding office.
- (3) If a quorum is not present within 30 minutes after the notified commencement time of a Committee meeting—
 - (a) in the case of a special meeting—the meeting lapses;
 - (b) in any other case—the meeting must be adjourned to a date no later than 14 days after the adjournment and notice of the time, date and place to which the meeting is adjourned must be given in accordance with rule 59.

64 Voting

- (1) On any question arising at a Committee meeting, each Committee member present at the meeting has one vote.
- (2) A motion is carried if a majority of Committee members present at the meeting vote in favour of the motion.
- (3) Rule 64(2) does not apply to any motion or question which is required by these Rules to be passed by an absolute majority of the Committee.
- (4) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.
- (5) Voting by proxy at a Committee meeting is not permitted.

65 Conflicts of interest

- (1) A Committee member who has a material personal interest in a matter to be considered at a Committee meeting must disclose the nature and extent of that interest to the Committee before the matter is considered.²⁶
- (2) The member—
 - (a) must not be present while the matter is being considered at the meeting; and
 - (b) must not vote on the matter.
- (3) This rule does not apply to a material personal interest—
 - (a) that exists only because the member belongs to a class of persons for whose benefit the Club is established; or
 - (b) that the member has in common with all, or a substantial proportion of, the members of the Club.

66 Minutes of meeting

- (1) The Secretary must ensure that minutes are taken and kept of each Committee meeting.
- (2) The minutes must record the following—
 - (a) the names of the members in attendance at the meeting; and
 - (b) the business considered at the meeting; and
 - (c) any resolution on which a vote is taken and the result of the vote; and
 - (d) any material personal interest disclosed under rule 65.

67 Leave of absence

- (1) The Committee may grant a Committee member leave of absence from Committee meetings for a period not exceeding 3 months.
- (2) The Committee may grant leave of absence retrospectively.

PART 6—FINANCIAL MATTERS

68 Source of funds

The funds of the Club may be derived from joining fees, annual subscriptions, bar and catering revenue, fees for use of Club's social and sporting facilities, donations, fund-raising activities, grants, interest and any other sources approved by the Committee.

69 Management of funds

- (1) The Club must maintain an account or accounts with a financial institution from which all expenditure of the Club is made and into which all of the Club's funds are deposited.
- (2) Subject to any restrictions imposed by a general meeting of the Club, the Committee may approve expenditure on behalf of the Club.
- (3) The Committee may authorise the Treasurer to expend funds on behalf of the Club up to a specified limit without requiring approval from the Committee for each item on which the funds are expended.
- (4) All forms of payment must be authorised in accordance with clause 48(1)(d).

²⁶ Note that under section 81(3) of the Act, if there are insufficient committee members to form a quorum because a member who has a material personal interest is disqualified from voting on a matter, a general meeting may be called to deal with the matter.

- (5) All funds of the Club must be deposited into the financial account of the Club no later than 5 working days after receipt.
- (6) With the approval of the Committee, the Treasurer may maintain a cash float provided that all money paid from or paid into the float is accurately recorded at the time of the transaction.

70 Financial records

- (1) The Club must keep financial records that—
 - (a) correctly record and explain its transactions, financial position and performance; and
 - (b) enable financial statements to be prepared as required by the Act.
- (2) The Club must retain the financial records for 7 years after the transactions covered by the records are completed.
- (3) The Treasurer must keep in her or his custody, or under her or his control—
 - (a) the financial records for the current financial year; and
 - (b) any other financial records as authorised by the Committee.

71 Financial statements

For each financial year, the Committee must ensure that the requirements under the Act relating to the financial statements of the Club are met.²⁷

PART 7—GENERAL MATTERS

72 Common seal

- (1) The Club may have a common seal.
- (2) If the Club has a common seal—
 - (a) the name of the Club must appear in legible characters on the common seal; and
 - (b) a document may only be sealed with the common seal by the authority of the Committee and the sealing must be witnessed by the signatures of two Committee members; and
 - (c) the Secretary must ensure common seal is kept in the custody.

73 Registered address

The registered address of the Club is 2 Hilda Crescent, Hawthorn, Victoria, 3122.

74 Notice requirements

- (1) Any notice required to be given to a member or a Committee member under these Rules may be given—
 - (a) by handing the notice to the member personally; or
 - (b) by sending it by post to the member at the address provided by the member to the Club; or

²⁷Note that as at the date of adoption of these rules, those requirements include—

- (a) the preparation of the financial statements;
- (b) if required, the review or auditing of the financial statements;
- (c) the certification of the financial statements by the Committee;
- (d) the submission of the financial statements to the annual general meeting of the Club;
- (e) the lodgement with the Registrar of the financial statements and accompanying reports, certificates, statements and fee.

- (c) by email to the email address provided by the member to the Club.
- (2) Rule 74(1) does not apply to notice given under rule 60.
- (3) Any notice required to be given to the Club or the Committee may be given—
 - (a) by sending the notice by post to the registered address of the Club; or
 - (b) by leaving the notice at the registered address of the Club; or
 - (c) by emailing it to the email address of the Club.

75 Inspection and custody of books and records

- (1) Members may on request inspect free of charge—
 - (a) the register of members; and
 - (b) the minutes of general meetings; and
 - (c) subject to rule 75(2), the financial records, books, securities and any other relevant document of the Club, including minutes of Committee meetings.²⁸
- (2) The Committee may refuse to permit a member to inspect records of the Club that relate to confidential, personal, employment, commercial or legal matters or where to do so would in the reasonable opinion of the Committee be prejudicial to the interests of the Club.
- (3) The Committee must on request make copies of these rules available to members and applicants for membership free of charge. This may be done by placing these rules on the Club's website.
- (4) Subject to rule 75(2), a member may make a copy of any of the other records of the Club referred to in this rule and the Club may charge a reasonable fee for provision of a copy of such a record.
- (5) The Secretary is responsible for the custody of the documents referred to in rule 75(1).

76 Winding up and cancellation

- (1) The Club may be wound up voluntarily by special resolution.
- (2) In the event of the winding up or the cancellation of the incorporation of the Club, the surplus assets of the Club must not be distributed to any members or former members of the Club.
- (3) Subject to the Act and any court order made under section 133 of the Act, the surplus assets must be given to a body that has similar purposes to the Club and which is not carried on for the profit or gain of its individual members.
- (4) The body to which the surplus assets are to be given must be decided by special resolution.

²⁸See footnote 12 for details of access to the register of members and see rule 4 for definition of 'relevant document'.

77 Alteration of Rules

These Rules may only be altered by special resolution of a general meeting of the Club.²⁹

PART 7—LIQUOR LICENCE MATTERS³⁰

78 Deemed rules to comply with liquor licensing laws

Where the Club holds a licence under liquor licensing laws, these Rules are deemed to include all matters that are required to be included in the rules of a club holding a licence of that type.

79 Payment of officers and servants of the Club

The officers and servants of the Club must not be paid any amount by way of commission or allowance from the receipts of the Club for the sale and disposal of liquor.

80 Supply of liquor to visitors

Liquor must not be supplied to a visitor to the Club unless the visitor is a guest in the company of a member.

81 Admission of Honorary Members and Temporary Members

A person must not be admitted as an honorary member or a temporary member or exempted from the obligation to pay a subscription for membership unless the person is of a class of person specified in these Rules and admission or exemption is in accordance with these Rules.

²⁹ Note that an alteration of these Rules does not take effect unless or until it is approved by the Registrar. If these Rules (other than rule 1, 2 or 3) are altered, the Club is taken to have adopted its own rules, not the model rules.

³⁰ See Schedule 1 to the Liquor Control Reform Act 1998.

Schedule 1
Classes of members – Clause 14

Until the Committee determines otherwise, the classes of members are as set out in the table below. The notes following the table form part of it and qualify the eligibilities, restrictions and rights of members as indicated.

Class of membership	Eligibility and restrictions		Fees	Rights		
	Age (see note 1)	Other		Voting	Use of sports facilities (tennis courts, squash courts, snooker tables and gym)	Holding Office
Life (see note 2)	Any age	None	Exempt	✓	✓	✓
Veteran (see note 2)	Any age	Must have been a member of the Club for 35 or more years (see note 3)	Exempt	✓	✓	✓
Member	25 years and older	None	. Members who were previously 'Gold' members are exempt from paying fees. Fees may be waived for players competing on behalf of the Club.	✓	A member may nominate which facilities they wish to use.	✓
Youth	18 to 24 years	None		✓	A youth member may nominate which facilities they wish to use	✓
Junior	17 years and younger	None		May vote if 18 or over	A junior member may nominate which facilities they wish to use	May hold office if 18 or over

Class of membership	Eligibility and restrictions		Fees	Rights		
	Age (see note 1)	Other		Voting	Use of sports facilities (tennis courts, squash courts, snooker tables and gym)	Holding Office
Social	18 years and older	None		×	×	×
Corporate	Any age	None	The fee is set by negotiation with the Corporate member depending on how many employees are to be covered and what facilities they are entitled to use	×	A Corporate member may nominate which facilities they wish their employees to be able to use.	×

Notes to Schedule 1

1 Age based eligibility is determined by age as at 01 August. However, when:

- (a) a Youth Member turns 25; or
- (b) a Student Member ceases to be a full time student or turns 30

they automatically become a Member for the balance of the financial year but are not required to pay any additional fee.

2 For the purposes of these Rules, a Life Member or a Veteran Member is also a Member.

3 For the purposes of these Rules, a period of non-concurrent membership of Club Hawthorn is treated as a period of membership of the Club, and the 35 years must be consecutive as a full Member.

4 May not use any Club facilities other than the bar facilities.

[This check list does not form part of the rules]

Check list of requirements for matters to be provided in the rules of an incorporated association under the Associations Incorporation Act 1981 section 6 and Schedule

No.	Matter	Rule(s)
1	The qualifications (if any) for membership of the incorporated association.	7
2	The register of members of the incorporated association	18
3	The entrance fees, subscriptions and other amounts (if any) to be paid by members of the incorporated association	12
4	The name, constitution, membership and powers of the Committee or other body having the management of the incorporated association (in this paragraph referred to as the Committee) and—	42, 43, 44
	(a) the election or appointment of members of the Committee;	52, 53, 54
	(b) the terms of office of members of the Committee;	55
	(c) the grounds on which, or reasons for which, the office of a member of the Committee shall become vacant;	56
	(d) the filling of casual vacancies occurring on the Committee;	57
	(e) the quorum and procedure at meetings of the Committee.	63
5	The quorum and procedure at general meetings of members of the incorporated association and whether members are entitled to vote by proxy at general meetings	34, 36, 37, 38
6	The time within which, and manner in which, notices of general meetings and notices of motion are to be given, published or circulated	33, 34(5), 36(3)(b)(ii), 37(4), 74
7	The sources from which the funds of the incorporated association are to be or may be derived	68 - 69
8	The manner in which the funds of the association are to be managed and, in particular, the mode of drawing and signing cheques on behalf of the incorporated association	48
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