

Proposed changes Section 10 of the TBA Constitution

Introduction

This document details proposed changes to the constitution of the Tasmanian Bridge Association Inc to address the following issues with the timing and process for the payment of the annual membership fees:

- There have been ongoing disagreements about when members are expected or required to play their annual subscription. This may be partly due to the difference between the TBA membership year (ending 31 December) and the ABF registration year (ending 31 March).
- The current wording could be construed as allowing a non-financial member to vote at the TBA AGM.
- The current wording does not detail how a person who loses their membership due to non payment of their subscription can regain their membership. The constitution as is stands requires such people to go through the full membership application process again.
- The current wording does not reflect the current practices for the treatment of new members joining towards the end of the membership year.

Current wording

Section 10 of the TBA Constitution governs membership renewals.

10. ANNUAL SUBSCRIPTION AND LEVIES

- 10.1 The annual subscription of the Association and the State Bridge levy shall remain fixed at their current rates unless changed at a General Meeting after due notice of motion has been given in advance in the Agenda of such meeting. A simple majority of members present will suffice to pass such motion.
- 10.2 The annual subscription and, if applicable, the State Bridge levy and any ABF fees become due on 1st January in any year, or, in the case of newly elected members, within one (1) month of election.
- 10.3 Any member who has not duly paid his/her annual subscription and, if applicable, the State Bridge levy and any ABF fees by 31st March in any year shall not be eligible to compete in any TBA Club, Tasmanian State or National Championship event, or vote at any meeting or be a member of the Committee.
- 10.4 If any member shall fail to pay his/her subscription when due, the Secretary shall notify the defaulting member. If payment is not received within thirty (30) days of such notification, the member shall thereupon cease to be a member of the Association, but such cessation of membership shall not relieve the member from payment of the subscription or other money due or payable to the Association.

Proposed principles

The following points detail the principles behind the proposed wording changes:

1. Subscriptions for a membership year are due on 1st January (as per current 10.2).
2. On or after the due date all members who have not paid their subscriptions will receive a notice that their subscriptions are due and specifying a date (set by the Committee) by which payment is required.

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3. The required payment date would be no earlier than 30 days from the date of the notice (as per current 10.4) and no later than 10 days prior to the proposed date of the AGM (to be consistent with the proposed nomination regime).
4. Failure to pay by the required date will result in loss of membership (as per current 10.4).
5. If a person loses their membership due to failure to pay their subscription by the required date they can reinstated their membership by payment of their full year subscription plus a late payment fee (set by the Committee) at any time up until the end of that membership year. This is as per current practice. Beyond that period they would need to go through the normal new membership application and approval process.
6. The TBA will notify any member who loses their membership in this manner.
7. For new members joining the TBA prior to 1 October their subscription for the remainder of the membership year will be the full annual subscription, due on notification of the acceptance of their membership. Their membership will not commence until payment is received (as per clause 7.7). If payment is not received before 1 January of the following year acceptance of their membership application is withdrawn.
8. For new members joining the TBA between 1 October and 30 November, their subscription for the remainder of the membership year will be a reduced amount (as set by the Committee), due on notification of the acceptance of their membership. Their membership will not commence until payment is received. If payment is not received by 1 January of the following year acceptance of their membership application is withdrawn.
9. That for new members joining the TBA in December their subscription will be due on notification of the acceptance of their membership and will cover the period from their acceptance to the end of the subsequent membership year. Their membership will not commence until payment is received.

Proposed Constitution wording

It is proposed that the following wording replace the current section 10 in the Constitution:

10. ANNUAL SUBSCRIPTION AND LEVIES

- 10.1 The annual subscription of the Association and the State Bridge levy shall remain fixed at their current rates unless changed at a General Meeting after due notice of motion has been given in advance in the Agenda of such meeting. A simple majority of members present will suffice to pass such motion.
- 10.2 In the case of members current as at 31 December in any year the annual subscription and, if applicable, the State Bridge levy and any ABF fees for the subsequent year become due on 1st January.
- 10.3 If any member shall fail to pay his/her subscription and fees when due in accordance with Clause 10.2, the Secretary shall notify the defaulting member. The notice will specify a date by which payment is required (“Required Payment Date”) as determined by the Committee. The Required Payment Date will be at least 30 days after the date of the notice, and no later than 10 days prior to the Annual General Meeting.
- 10.4 If payment is not received by the Required Payment Date, the member shall thereupon cease to be a member of the Association, but such cessation of membership shall not relieve the member from payment of the subscription or other money due or payable to the Association. The Secretary shall notify the defaulting member of the cessation of their membership.

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- 10.5 If a person's membership has ceased in accordance with Clause 10.4 the membership will be reinstated if payment of the outstanding amount plus a late payment fee as determined by the Committee is made by 31st December of that year.
- 10.6 In the case of newly elected members elected before 1st October of any year, their subscription and fees will be as for a full membership year and will be due on notification of the approval of their membership. If payment is not received before 31st December of the that year the approval of the membership application will be withdrawn.
- 10.7 In the case of newly elected members elected on or after 1st October of any year and before 1st December of that year, their subscription and fees will be an amount determined by the Committee not to exceed the amount for a full membership year and will be due on notification of the approval of their membership. If payment is not received by 31st December of that year the approval of the membership application will be withdrawn.
- 10.8 In the case of newly elected members elected after 1st December of any year their subscription and fees will be as for for a full membership year and will cover the period until 31st December of the following year. The subscription and fees will be due on notification of the approval of their membership. If payment is not received by 31st December of the following year the approval of the membership application will be withdrawn.

Notes on proposed wording

1. Clause 7.7 specifies that for a new member "Upon payment, the member shall become entitled to the benefits and privileges of the Association ...". Clause 7.1 also states "A person who is nominated and approved as provided in these rules is eligible to be a member of the Association on payment of the annual subscription and fees fixed under these rules". Effectively these mean that membership does not start until payment of their first subscription and fees. Clauses 10.6-8 do not then need to include such a provision.
2. Clause 7.7 includes the requirement that "The Secretary shall notify the nominee in writing if he/she has been approved for membership of the Association and the amount payable for subscription and fees". This is the notification referenced in the proposed clauses 10.6-8.
3. The existing clause 10.3 has been deleted and not replaced. This clause covered cases where a member fails to pay their subscription and fees by 31st March. In the proposed regime this case should never occur as:
 - a. The Required Payment Date for an existing member will be before 31st March, so any person who has not paid by 31st March will no longer be a member.
 - b. Newly elected members who have not paid their subscription and fees on 31st March are not entitled to "the benefits and privileges of the Association" as per clause 7.7.
4. The concept of a "Required Payment Date" has not been applied to newly elected members. as there is no effective sanction that could be enforce for non-payment. As they are not members until they pay their membership can not cease for failure to pay. The wording as drafted keeps the option of becoming a member open until the end of the membership year.