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RULES AND BY-LAWS – (CONSTITUTION REGULATION 80)

1. PURPOSE

The purpose of the by-laws is to provide members, guests, contractors, volunteers and visitors with the standards of behaviour and conduct expected of them to ensure everyone can enjoy the amenities provided by the Club in a safe and enjoyable environment.

2. COMMITMENT

The by-laws demonstrate the shared commitment by the Board of Directors, Club management (staff and sub-committees) and members working together to achieve a social environment that enhances members', guests' and visitors' enjoyment of the Club's facilities and services.

3. AUTHORITY

The authority of the by-laws is vested in the Club's Constitution (Regulation 80), to support and regulate the smooth operations of the Club. In the event of inconsistency, provisions contained in the Club's Constitution take precedence over the by-laws.

4. APPLICATION

The by-laws apply to all members, guests and visitors when they are on Club premises or representing the Club at outside functions or activities. Subject to legal considerations, interpretations of the principles will be by the Board of Directors.

5. COMPLIANCE

Adherence to the by-laws is monitored by the Club. If a breach occurs the Club **may** initiate disciplinary action against the relevant member/s, guest/s and/or visitor/s concerned and consider appropriate sanctions that may include:

- the issuing of a formal warning
- withdrawal of certain privileges
- suspension or termination of membership
- denial of access to the Club.

Any disciplinary action under the by-laws will be in accordance with *Part 3 - Members, Disciplinary, Procedures and Grievances*, Regulations 20 – 30, of the Constitution.

6. GOVERNANCE

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The Board of Directors may provide for the creation of such Sub-Committees of Members of the Club for any purpose the Board of Directors may think desirable (Regulation 43). Sub-Committees will have such powers and functions as determined by the Board of Directors.

The decision of the Board of Directors on the construction and interpretation of any by-law or Regulation of the Club shall be implemented, unless such a decision shall be over-ruled by the majority of Members at an Annual General Meeting or a Special General Meeting in accordance with the Constitution.

Club staff manage the day-to-day operation of the Club and are empowered by the Board of Directors to require all members, guests and visitors to the Club to abide by its rules and by-laws.

6.1 Director's /Employee Duties

- i. A Director must be registered with the Australian Securities and Investment Commission as a Director of the Ranelagh Club Incorporated.
- ii. A Director must complete director ID registration.
- iii. A Director in addition to the above must also undertake a Police Check and not have been found guilty of fraud, theft or any other financial crime or an indictable offence. All other offences must be reviewed by the remaining board on an individual basis.
- iv. A Director in addition to the above must also undertake a Bankruptcy Check and not be or have been bankrupt.
- v. A Director, officer or employee must, at all times, act honestly in the exercise of his/her powers and the discharge of his/her duties.
- vi. A Director, officer or employee shall, at all times, exercise a degree of care and diligence in the exercising of his/her powers and in discharging his/her duties.
- vii. A Director, officer or employee shall not make improper use of information, which he/she is aware of because of his/her position in the Club to gain, either directly or indirectly, an advantage or benefit for himself/herself or associates.
- viii. A Director, officer or employee shall not use his/her position in the Club to gain for himself/herself, another person or section of membership, a benefit not available to all members or to cause detriment to the Club.
- ix. Board meetings are generally held monthly as agreed by the current Board of Directors. Special meetings can be called whenever required.
- x. All business conducted at Board Meetings is confidential and Directors should ensure all 'material discussions' are held within the confines of the formal Board meetings. Whilst acknowledging there may need to be some discussions held outside meetings these discussions should be limited to perfunctory or routine issues and are still subject to confidentiality requirements and prudential management. Meetings, whilst confidential, are not privileged and laws relating to defamation and privacy apply.
- xi. Subject to Part 5 - Regulation 56 of the Constitution, a Director may be removed by Special Resolution at an Annual General Meeting.
- xii. Unless otherwise provided in the Constitution it is the role and duty of the President to assign roles to Directors or for them to be specific contacts for portfolios or activities, allocate positions and functions and set meeting dates and times.

6.2 Sub-Committees

The Board currently has the following sub committees

- Finance

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- Sports
- Culture
- Remuneration
- Maintenance and Capital
- Temporary Ad Hoc – Centenary, AGM, Succession.

6.3 Reports

The reports to be submitted during the year to the Board at agreed intervals include:

- President
- Treasurer
- Secretary
- General Manager
- Compliance
- Sub Committees in line with by-law 6.2.

7. CODE OF CONDUCT FOR MEMBERS, GUESTS AND VISITORS

Access to the Club is a privilege to be valued and safeguarded. Accordingly, each member, guest and visitor shall:

- Respect the rights of others to enjoy the Club's facilities and services to the fullest extent.
- Interact with each other and with employees in a welcoming, respectful and courteous manner.
- Refrain from actions and behaviours that undermine the health and safety of others or create a risk to others' safety.
- Show due consideration for the needs of others and their property, including their right to privacy.
- Comply with Club policies, signage and lawful directions of directors, Club employees and sub-contractors.
- Access the Club with proper identification and fulfill sign-in requirements.
- Ensure children (14 years and under) and, as appropriate, members or visitors with special needs are safe and accompanied and supervised by a responsible adult.
- Abide by the dress code of the Club (see by-law 10.2).
- Not bring food or drinks into the Clubhouse for consumption on the clubhouse premises, without prior approval by the Board of Directors.
- Not bring onto Club premises, or have in their possession, any illegal materials or substances or be under the influence of illegal drugs.
- Handle properties belonging to the Club and other members with care and diligence. Compensation will be sought for any expense, repair or replacement brought about by any negligent activity of members or their guests.
- Not represent the Club in any dealings, unless authorised by the Board of Directors.
- Not pursue personal business activities on Club premises, without prior permission.
- Not tarnish the reputation of the Club, bring it into dispute or engage in negative or harmful public or social media discussion in relation to the Club.
- Abide by the Club's responsible service of alcohol policies (See by-law 10.5) and not be intoxicated or behave in a disorderly manner due to alcohol consumption while on Club premises.
- Members and guests who bring vehicles onto Club premises must ensure that those vehicles are appropriately registered and carry at least third-party property damage Insurance.

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8. CLUB MEMBERSHIP

An application for membership can be made to the Club via completion of an application form and provision of a driver's license showing the individual's proof of identity and current address. In the absence of a driver's license, a rates notice, or equivalent evidence, is acceptable. The application must include a current member proposer and seconder (Constitution - Regulation 9). The application is accepted or rejected by the Board of Directors, in writing. If rejected, no reason needs to be given.

Part 3 – Regulations 7 - 19 of the Constitution, among other membership administrative procedures, provides for the following categories of membership for the Ranelagh Club: Family, Couples, Single Plus, Single, Junior, Absentee and Honorary Life Members. The classes of membership are reaffirmed or amended each year.

The Board of Directors shall have the power to determine the Classes of Ordinary Membership:

Family – Defined as two adults living together in a married or de-facto relationship with children who are legally in their care and guardianship, until the children exceed the age of 18 years. Two access devices are included in each family membership. Both adults have voting rights.

Couple - Defined as two people living together in a married or de-facto relationship. Two access devices are included in each couple membership. Both members have voting rights, if at least 18 years of age.

Single Plus – Defined as one adult with children who are legally in their care and guardianship, until the children exceed the age of 18 years. One access device is included in each single plus membership. The adult members have voting rights.

Single - Defined as one single adult. One access device is included in each single membership. The member has voting rights.

Young Adult - Defined as one single adult aged 18-25 Years. One access device is included in each single membership. The member has voting rights.

Junior – Defined as a child under the age of 18 years. Children from the same family pay the joining fee once only. Junior membership includes an access device. A junior membership is intended for the express purpose of the child participating in sports and as such the child will always be supervised by an adult.

Absentee – Defined as Family, Couple, Single Plus, Single or Junior who is interstate or overseas and does not wish to resign the membership.

New Member Applicants - Who have paid the waiting list fee and have been proposed and seconded by current members may attend the Clubhouse on 6 occasions (a booking must be made) whilst awaiting membership. The visits can be unaccompanied by member proposer or seconder. Specific times will be defined and will exclude Friday and Sunday nights.

8.1 Honorary Life Members (Regulation 15 of the Constitution)

On the recommendation of the Board of Directors a member who has rendered special services to the Club may be elected as an Honorary Life Member by a two third majority of members attending a General Meeting of the Club.

An Honorary Life Member shall thereafter be entitled to all the privileges of membership without payment of the annual subscription.

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There shall be no more than six Honorary Life Members at any one time.

The criteria for Honorary Life Membership shall include but is not limited to the considerations below;

1. The current number of life members.
2. The length of the nominee's membership.
3. The financial record of the nominee.
4. The nominee's compliance with these by-laws.
5. The nominee's record of dispute with the club.
6. Financial donations made by the nominee to the club.
7. The nominee's donation of time and effort to the club.
8. Special services rendered to the club by the nominee. (Constitutional requirement).

8.2 Temporary Members

A person nominated by a Club member and approved by the Committee may become a Temporary Member for a period not exceeding three months in any one year. The name and address of the Temporary Member together with the name of the nominating member and the date of the Board approval are to be recorded in the Club Membership Register.

The nominating member shall be responsible and liable for the fees of temporary membership, which shall be fixed by the Board of Directors, and shall be responsible and liable for any other debt to the Club incurred by the Temporary Member.

Temporary Memberships shall automatically be granted to visiting members of clubs attending the Ranelagh Club for competitive interclub sporting activities controlled by the sporting association for the period of the day of the competition.

8.3 Member Access Device / Membership Number

Every member, on admission to membership, shall be supplied with a membership access device. Members may be asked to identify their membership number each time a member enters the Club or upon request by an officer/employee of the Club. Failure to do so may result in the member not being admitted or being asked to leave the Club premises.

Cards and keys are not transferable under any circumstances. Family, Couples and Single Members shall not allow other persons to use their card/key at any time.

Communication with members will be by email. Email addresses will not be provided to a third party without prior consent of the member.

8.4 Subscription Fees

Annual membership fees (Regulation 12) are non-refundable and payable in advance by 30 June each year.

If any member has not paid the subscription fee, levies and/or any other monies owed to the club, privileges of membership will be withdrawn.

If the subscription fee is not paid within 31 days from the date in which it falls due the member is taken to have resigned (Regulation 18).

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Should former members wish to re-apply within 5 years (subject to Board discretion and approval) an administration fee, in lieu of the joining fee, may be charged with the subscription fee. Where the Board does not exercise this discretion the full joining fee will be applied.

For members re-joining after more than 5 years they will be required to pay the joining fee together with the subscription.

Where a member wishes to change from a Single Membership to a Couples Membership, and the proposed partner has not been a Club member within the last five years, an entrance fee equal to 50% of the current standard entrance fee will apply'

8.5 Reciprocal Fee Reduction

The Board may grant a joining fee reduction of up to 50% to other Clubs that offer a reciprocal joining fee reduction for Ranelagh Club members in joining their club.

9. ENTRY TO CLUB PREMISES

Members can only gain access to the Club property by use of their membership access device. The main car access and pedestrian gates will be closed to aid security and ensure membership privileges are preserved.

Members are encouraged to ensure these gates are closed when not in use and to report any inappropriate activities or abuses to the Club Office, as this protects your rights as a member and reduces the likelihood of security breaches.

Members must use their assigned and issued access device at all times to enter the main or pedestrian gates. Access devices are not transferrable and ONLY the member who the device is issued to is authorized to use the device. Loss of a device must be reported immediately to the Club Office.

For known and planned events (e.g. club open days, weddings, non-member events, etc.) the main gate may be left open for a specified period (eg expected arrival duration) only through prior arrangement with the Club Office or Manager.

Non-members seeking to enter to the Club may gain access, at the discretion of club officers and staff, through the entry gates by:

- i. use of the buzzer, which will be answered by a member of staff who will assess the appropriateness of the request, or
- ii. coordinating with a hosting member to be met at the gate, or
- iii. prior appointment with Staff.

No tailgating of cars opening the main gate into the Club is permitted.

Should the gate malfunction, please report the event to the club house during business hours on 9787 0265 #4 or 0429 019 824. If outside of business hours and the restaurant is unattended, please contact one of the directors if the club mobile is unattended.

10. CLUBHOUSE

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10.1 Clubhouse hours of operation.

The Clubhouse will be open to members as advertised in the eNews and displayed on the club website.

10.2 Dress Code

No member or guest of a member may appear in the Clubhouse or on the deck unless properly attired. Proper attire requires the minimum standard of dress of shorts, shirt and footwear for men and comparable dress for ladies. Uncovered swimwear is not permitted.

10.3 Children

Children under 18 years of age are not permitted to remain in the Clubhouse unless accompanied and supervised by a parent, guardian or responsible adult.

10.4 Guest and Visitor Policy

To preserve member benefits, the availability of the Clubhouse to other member and to encourage family membership, membership according to family circumstances and participation, the following policy applies for members within the Clubhouse, Tennis Courts or Club Grounds.

A non-member may attend the Club, in a guest capacity, a maximum of 6 separate occasions (in total, regardless of the inviting member) per financial year.

Members may bring guests to the Club. The Class of Membership determines the number of guests on any one day:

- i. Single membership - maximum of 5
- ii. Couples' membership - maximum of 10
- iii. Family Membership - maximum of 15.

Members who wish to hold a lunch/dinner function with more than the prescribed number of guests may do so with approval from the Club Manager, or authorised officer, for an additional fee of \$10 per person.

All requests for more than 40 guests will be treated as a private function and the normal function room hire fees will apply.

Members must ensure, when they bring guests to the Club, the names of their guests are registered at the entrance of the Clubhouse and such entries are registered to the Member, in accordance with the Liquor Licensing laws and any other applicable laws.

Each Member is responsible for the behaviour of their guests and for the compliance of their guests with the Club Rules and by-laws.

A visitor may be denied entry to the Club, or be required to leave, if their conduct, behaviour or presence has been or is considered objectionable or prejudicial to the Club's interests or in contravention of any aspect of article 7 of these by-laws.

Any member of the Club Committee and the management of the Club shall have the power, without giving reason, to refuse admission to the Club to any person who is not a Member of the Club.

10.5 Liquor License – Responsible Alcohol Handling

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The Ranelagh Club has a full Club Licence, and all members, visitors and guests are required to abide by the statutory and regulatory framework of that legal license. Hours of opening for the Club from time to time will be displayed, along with the conditions of permit of the Liquor License, in the Clubhouse. The supply of intoxicating liquor shall be governed by the provisions of the [Liquor Control Reform Act 1998](#), or any amendment or re-enactment thereof.

No liquor shall be sold or supplied to any person under the age of 18 years of age.

No liquor shall be sold or supplied for consumption elsewhere than upon the premises unless such liquor is removed from the premises by the Club member (eg take-away).

The supply of liquor shall be under the control of the Board of Directors and it shall have the power, and shall be required to take action, as may be necessary to enforce and ensure compliance by members, and all other persons entering the Club premises, with the Rules and by-laws of the Club and the provisions of the *Liquor Control Reform Act 1998*, as amended from time to time.

A guest shall not be supplied with liquor unless in the company of a member. A visitor may be supplied with liquor on the Club premises when attending a function or on a particular occasion approved by the Board of Directors.

While and so long as the Club is licensed under the *Liquor Control Reform Act 1998* no alteration or variation of such rules shall have effect unless such alteration or variation has been approved by the [Victorian Commission for Gambling and Liquor Regulation](#).

No liquor shall be sold, disposed of or supplied to any person in the Club premises other than between the hours as determined by the Board of Directors and in accordance with the requirements of the *Liquor Control Reform Act 1998*.

Persons under the age of 18 can only be trained as wait staff and are not allowed to serve alcohol. All staff serving alcohol will hold Responsible Serving of Alcohol qualifications.

No payment, or part payment, to any secretary, manager or other officer or servant of the Club shall be made by way of commission or allowance from or upon the receipts of the Club for liquor supplied.

The word "Liquor" where appearing in these by-laws shall have the meaning "Liquor" as defined in the *Liquor Control Reform Act 1998*, as amended.

10.6 Non-Smoking Policy

The Ranelagh Club supports a policy of a smoke-free environment for its employees, members and visitors. The Ranelagh Club recognises that exposure of non-smokers to environmental tobacco smoke (passive smoking) is hazardous to health and non-smokers should be protected.

Current legislation and Duty of Care obligations provide clear reasons to have a smoke-free Club. Under common law, the Ranelagh Club has a legal duty of care to ensure employees, volunteers, members and officials are not exposed to potentially harmful situations.

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The [Occupational Health and Safety Act 2004](#) stipulates employees and working volunteers must have a safe environment to work in. Victorian legislation also states enclosed dining areas must be absolutely smoke-free. Smoking in the workplace is also a fire hazard.

This policy applies to all employees, contractors, members, visitors and volunteers of the Ranelagh Club.

Designated Smoke free Areas

The Ranelagh Club requires the following areas to be smoke-free:

- i. Clubhouse and social rooms, administration, office areas and deck area to a distance of 10 metres from the Clubhouse doors.
- ii. Club changing rooms, toilet blocks and beach boxes
- iii. The Tennis Cabana, the external deck, the children's play areas, spectator viewing areas and Motor Boatshed.
- iv. Near open windows, entries and exits of all buildings and facilities (Ten metre radius).

Areas where smoking is permitted

Smoking is only permitted in the Ranelagh Club Car Parking areas and roadways provided it is outside 10 metres of open doorways, windows and food and drink serveries.

Littering with tobacco products is also prohibited.

11. GENERAL

11.1 Betting, Gambling and the like.

No betting or gambling shall be permitted on Club premises unless authorised by the Board of Directors.

Sports tipping and similar competitions, that do not involve betting (this does not include a set fee or cost of entry to the competition), are not considered betting or gambling as per the Victorian Commission for Gambling and Liquor Regulation [guidelines](#).

11.2 Animals

No animals will be permitted in the Clubhouse or on the terrace premises other than those referred to in the [Disability Discrimination Act 1992](#) (e.g. guide dogs) and where members are specifically advised by Management, that dogs are allowed on the external terrace at certain specified times during certain specified days, which may be altered from time to time, or may be cancelled altogether by Management upon 7 days' notice.

Members are requested to keep dogs on the lead and demonstrate responsible ownership whilst walking their dogs through Club property. Dog owners must remain attentive and ensure all dog waste is cleaned up and appropriately removed.

11.3 Noise

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Members, guests and visitors shall not, when leaving the Club, make any noise or disturbance, which may cause annoyance to residents of the neighbourhood.

It is not permitted to loiter or wait outside the Club gates between the hours of 11pm and 7am.

The use of radios, microphones, amplifiers or other such devices (other than those under the control of the Board of Directors) are not permitted in the Clubhouse or on the deck.

11.4 Canvassing, Advertising, and the like.

No pamphlet, advertisement or notice of any kind shall be exhibited in any part of the Club premises without the permission of the Board of Directors.

No ticket for any form of entertainment or article for sale shall be displayed for sale, and no subscription list or raffle shall be canvassed or permitted on Club premises without the prior approval of the Board of Directors.

11.5 Property

The Club shall not be responsible for the loss, theft, or damage of any article brought onto Club premises by a member or a member's guest.

Members and their guests are required to take all reasonable care of Club property and other members property wheresoever located, at all times. Members may be liable for the payment of costs of replacement or repair for damage or breakage of Club property, if caused by the negligent actions of a member or their guest.

The Club shall have the right to dispose of or utilise all unidentified items of property left on the Club premises after one month.

11.6 Club Barbeques

Members using these facilities are required to ensure all equipment and furniture is cleaned and put away, lights and gas for the BBQ are turned off, returned and locked in the gas bottle cages. When using gas bottles members must ensure the current/open gas bottle is empty before engaging a new full bottle. Any concerns in relation to the functioning or safety of these facilities should be reported to the Club Ranger.

11.7 Rubbish

Members are required to place all their rubbish in the bins provided.

Where no bins are provided (e.g. Beach boxes, Clubhouse decking) members are requested to take their rubbish home or place it in bins on the Clubhouse site.

11.8 Security

The Club has electronic security and access systems and CCTV for the purposes of security, protection and safety of the club.

11.9 Safety

The safety of our members, guests, staff and others on our Club premises is paramount. All policies, procedures and projects should take into account safety as a critical component and likely pre-requisite to any action.

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12. TENNIS

Members must book their use of tennis courts via the club-sanctioned court booking method implemented at the time. Members are responsible for any and all guests they bring to play tennis at the Club; including payment of the current court fee for each guest.

The correct tennis dress is required, at all times, for members and guests using the courts. This requires: - Tennis shorts/skirts (Tracksuits for warm up in winter) and approved tennis runners only.

The following are prohibited:

- Shoes with ripple, or studded soles, “joggers,” track shoes or bare feet, swimwear, singlets, beach/surf shorts and jeans. (Note: Providing correct tennis shoes are worn, children attending coaching immediately after school may play in school sports uniform subject to the Coach’s approval).
- No food or alcoholic drink may be consumed on the courts. Water and fruit may be consumed on the area adjacent to the courts.
- Only persons playing tennis and the coaches are permitted on the courts.
- Parents are requested to ensure their children do not use the courts as a playground. Prams, and equivalents, are not permitted on the courts.

In the event all courts are occupied, single players are required to yield to waiting doubles players at the end of the set in progress (Note: This rule does not apply to Competition Tennis).

On Saturday during school terms between the hours of 8.30 am to 12 noon, all courts are for the exclusive use of junior players.

If all courts are occupied at the weekends or when the lights are required, juniors as defined above must vacate the courts in favour of senior members at the conclusion of the set in progress.

When a Peninsula Tennis Association or a Ranelagh Committee sanctioned competition is being played, the players involved have priority on all Club courts. All social play and coaching must give way to team play in these situations.

Court lights will not be used for a set to commence after 11.00 pm. Members and their guests are required to vacate the cabana by midnight with minimum noise and ensure all lights and power are switched off prior to locking up.

All members and their guests are requested to ensure their dress and behaviour on the courts complies with accepted standards of etiquette and manners.

13. RANELAGH YACHT SQUADRON

The Club sailing dinghies and rescue boats are only to be used on authorised Ranelagh Yacht Squadron activities. The rescue boats are to be operated with appropriately trained and licensed qualified members. Log-books and Incident logs must be completed on whenever squadron activities occur.

Club sailing dinghies are available for use by authorised Adult Club Members during daylight hours on any day. Club sailing dinghies are available to all other members only when Ranelagh Yacht Squadron supervisors are present and the Club Rescue/Training Boats have been deployed by qualified drivers.

All RYS Members are to comply with the OH&S Policies of the Club and the RYS Operations Manual which has been approved by Australian Sailing.

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The Director appointed by the Board to head up the sports program and/or the water activities program shall be responsible for appointing the Commodore, if any, and determining all issues regarding the position, subject to the Board retaining the authority to over-rule such appointment, dismissal etc as it, in its sole discretion, sees fit. The Commodore is to ensure the annual accreditation processes with Australian Sailing are complied with and the certificate is issued at the beginning of each sailing season.

Appropriately trained and licensed members qualified to use the Club's Rescue boats involves a boat licence obtained through an authorised training provider and demonstrates to the Commodore or their delegate, a satisfactory level of competence in the operation of the rescue boat. The qualified and authorised driver will record and log incidents appropriately and report to the Commodore.

Authorised Adult Club members will be authorised to sail the club sailing dinghies by demonstrating to the 'Sailing Captain' or their delegate, a satisfactory level of competence in the handling of a sailing dinghy and signing a 'Release of Liability' Waiver and agreeing to the liability of any damage sustained to Club property whilst operating the sailing dinghy.

Authorised Adult Club members must sign in and out in the appropriate log and be liable for the excess in any insurance claim resulting from an accident, but if found the sailor was negligent, be liable for the total cost repair of the club dinghy.

Members' vehicles must not be left on the foreshore Crown reserve after unloading /loading boats. Vehicles must be returned to the car park. Trailers, however, may be left.

Boat Safety Regulations as set out by the Victorian Government, Australian Sailing and the Ranelagh Yacht Squadron must be observed at all times.

14. RANELAGH BOAT, KAYAK AND PADDLEBOARD STORAGE

Items such as boats, sailing dinghy's, kayaks, paddle boards, canoes and Jet Ski's that are owned by members and stored by members at the Club, but storage is unpaid for within 3 months of due payment, will be deemed to be donated to the Club by those members, for the Club's sole right to use, sell, lend/lease, dispose of or donate. Any costs involved in exercising this authority by the Club, will be invoiced to the member for payment by the member within 30 days.

15. INSURANCE REQUIREMENTS FOR ACTIVITIES AND SERVICES

Persons providing approved activities or services at the Club, including instructors, coaches, entertainers and performers, must ensure they hold appropriate insurance, including public liability insurance for those activities or services. Evidence of insurance must be provided to the Club upon request.

Persons providing such services are responsible for ensuring the Club is protected from claims arising from their activities and must indemnify the Club against any loss, damage, claim or expense arising from those services..