

WYONG DISTRICT CRICKET CLUB INC. CONSTITUTION

The Management Committee has the discretionary power to re-number clauses in the constitution, sort clauses and references to other clauses within clauses under the appropriate headings in order to provide continuity and clarity.

PART 1 - PRELIMINARY

1 NAME

The Name of the Organisation to which this constitution relates shall be “Wyong District Cricket Club Incorporated” (hereinafter referred to as “the Association”)

2 INTERPRETATION

2.1 In these rules, except in so far as the context or subject matter otherwise indicates or requires -

“Secretary” means -

[a] the person holding office under these rules as Secretary of the Association;

[b] where no such person holds that office -
Public Officer of the Association.

“Extraordinary General Meeting” means a general meeting of the Association other than the Annual General Meeting.

“Where Committee is referred to it means Management Committee”

“The Act” means the Association’s Incorporation Act 1984 (as amended) and the regulation under the Act.

2.2 In these Rules:

[a] a reference to a function includes a reference to a power authority and duty;

[b] a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

2.3 In these Rules words importing the singular or plural number shall be deemed to include:

The plural or singular number respectively, and words importing the masculine gender only

Shall include the feminine or neuter gender and vice versa as the case may require.

- 2.4 All references to statutes in these Rules shall include all statutes amending consolidating or replacing the statutes referred to.
- 2.5 The provisions of the Interpretation Act, 1987 (as amended), apply to and in respect of these Rules in the same manner as those provisions would so apply if these Rules were an instrument made under the Act.

3 OBJECTS

3.1 The Objects of the Association shall be:

[a] To promote, develop and encourage, in all its forms, the sport of cricket, particularly within the area of Wyong Shire.

[b] To assist in the promotion of cricket competition at all levels through the provision of various teams, the organisation of competitions with teams from other clubs, and to all activities associated with competition between cricket teams.

[c] To take part in cricket competitions under the auspices of the Central Coast Cricket Associations such other organisation as arranges such competitions in which the Association takes part.

[d] To purchase, lease, rent, accept donations of, or otherwise acquire plant, stock and equipment, and material and replacements and duplicates thereof, and to maintain the same for the use of the Association.

[e] To provide such facilities for cricket, including a club house, cricket ground and such other buildings or works as may be necessary, or convenient for the purposes of the Association as decided upon by the Committee from time to time.

[f] To raise funds as may from time to time be required for the purposes of the Association.

[g] To apply for, and maintain current at all times, membership as required, of Cricket Australia

[h] profits and other income of the Association shall be allocated to the establishment and maintenance of the Association, and no dividend of any nature whatsoever shall be paid, either directly or indirectly to any member of the Association, provided that nothing hereinbefore contained shall preclude the payment of interest upon money or any other thing borrowed, or rental upon any property real or personal leased by the Association from any member.

4 POWERS

4.1 In the furtherance of the Association's objects under this Constitution, the Association shall have the following powers:

[a] To pursue any aim as may be considered appropriate by the Committee in the interests of promoting the sport of cricket through the activities of the Association

[b] To buy, sell and deal in all kinds of apparatus and all kinds of provisions, liquid and solid, required by members of the Association or persons frequenting the Association's premises

[c] To purchase, take on, lease or in exchange, hire and otherwise acquire any lands, building, easements or property, real and personal and rights or privileges which may be requisite for the purposes of, or capable of being conveniently used in connection with any of the objects of the Association

[d] To enter into any arrangements with any government or authority, supreme, municipal, local or otherwise, that may seem conducive to the Association's objects or any of them and to obtain from any such government or authority any rights, privileges and concessions which the Association may think it desirable to obtain, and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions

[e] To appoint, employ, remove or suspend such managers, clerks, teachers, servants, workmen and other persons as may be necessary or convenient for the purposes of the Association

[f] To invest and deal with the money of the Association not immediately required in such manner as may be permitted by law for the investment of trust funds

[g] To operate bank accounts and to make, draw, accept, endorse, discount, execute and issue promissory notes, cheques, bills of exchange and other negotiable or transferable instruments

[h] To borrow, raise or secure the payment of money in such manner as the Association may think fit, and to secure the same or the repayment or performance of any debt, liability, contract, guarantee or other engagement incurred, or to be entered into by the Association in any way

[i] To sell, improve, manage, develop, exchange, lease, dispose of, turn to account, or otherwise deal with all or any part of the property and rights of the Association

4.1 [j] To take or hold mortgages, liens and charges to secure payment of the purchase price or any unpaid balance of the purchase price, of any part of the Association's property of whatsoever kind sold by the Association, or any money due to the Association from purchasers and others

[k] To take such steps by personal or written appeals, public meetings or otherwise, as may from time to time be deemed expedient for the purpose of procuring contributions to the funds of the Association, in the shape of donations, annual subscriptions, or otherwise

[l] To print and publish any newspapers, periodicals, books, leaflets, and display on website articles that the Association may think desirable for the promotion of its objects

[m] To make donations for patriotic or charitable purposes

[n] To lend money to any other organisation with similar objects to the Association on such terms and conditions as the Committee thinks fit.

PART II - MEMBERSHIP

5 MEMBERSHIP QUALIFICATIONS

5.1 The Association shall have the following classes of membership:

[a] Full Membership

[b] Junior Membership

[c] Social Membership

[d] Life Membership

The qualifications for which are set out in this Constitution.

5.2 Any person who is interested in the furtherance of the objects of the Association and who shall have agreed to observe the terms and conditions of this Constitution may apply for membership of the Association

5.3 Any person applying for membership in any of the categories referred to in clause 5.1 whose application is accepted and agreed to, shall become a member of the Association upon payment of the annual membership fee herein prescribed as is applicable to the relevant category of membership

- 5.4 Each member of the Association shall be deemed to have agreed to observe the terms and conditions of this Constitution upon payment of the fees herein provided for the class of membership to which the member belongs
- 5.5 Upon payment of the fees herein prescribed for the applicant's class of membership, the appropriate membership shall be given to the applicant

6 CLASSES OF MEMBERSHIP

6.1 Full Membership

[a] The qualification for Full membership shall be set down by the Committee from time to time, including such requirements as are set down by the Central Coast Cricket Association for persons wishing to play cricket

[b] Full members shall be over the age of 18 years, and shall attend such training sessions, exercises, lectures and competitions as shall be laid down by the Committee, and any failure to so attend shall give the Committee reason to give consideration to whether the member is qualified as a Full member

[c] Full members are to have full voting rights at all general meetings of the Association and shall be eligible for election to any office within the Association

6.2 Junior Membership

[a] The qualification for Junior membership shall be set down by the Committee from time to time, but junior members shall be under the age of 18 years

[b] Junior members shall attend such training sessions, exercises, lectures, and competitions as shall be laid down by the Committee and any failure to so attend shall give the Committee reason to give consideration to whether the junior member is qualified.

[c] Junior members are to have no voting rights at any general meeting of the Association and shall be disqualified from election to any office within the Association

6.3 Social Membership

[a] The qualification of Social membership shall be set down by the Committee from time to time

b] Social members shall be over the age of 18 years

[c] Social members shall have full voting rights at all general meetings of the Association, and shall be eligible for election to any office within the Association

6.4 Life Membership

[a] Any three (3) financial Members of the Association may by writing to the Secretary, nominate for Honorary Life membership any member of the Association (other than a junior member) who has given meritorious service to the Association and meets with the following criteria

- (i) Has never in their time with the association been listed as an outstanding fee defaulter with CricketNSW
- (ii) Must have served a minimum of 15 years concurrently as a full playing senior member or
- (iii) Has served a minimum of 10 years concurrently as a full playing senior member as well as each of those 10 seasons as an active committee member or coach or
- (iiii) Has served a minimum of 12 years concurrently as an active committee member, but not as a full playing member

[b] Nominations for Life membership are to be in the hands of the Secretary of the Association 21 days prior to the Annual General Meeting

[c] Any such nomination for honorary Life membership will be considered active Honorary Life membership

[d] Upon receipt of any such nomination, The Secretary shall refer every such nomination to a pre-determined panel of Life Members for ratification.

- (i) Once a nomination is reviewed by the panel of Life Members and an Executive Member, The Secretary shall refer every such nomination to the next AGM of the Association for election
- (ii) A panel chosen to ratify or decline any such Life Membership nomination, has the right to overlook any section of the documented criteria, if that panel determines that the nominee, has a valid reason to have not met the set criteria

[e] An Annual General Meeting of the Association may, by not less than 50% + 1, of the members present and voting at such meeting, elect as honorary Life member of the Association, any such member whose nomination has been so recommended

[f] Honorary Life membership shall entitle the holder thereof, subject to clause 6.4 [g] to all privileges of any member of the Association, without payment of non playing membership fee, or annual subscription

[g] Life members are to have full voting rights at all general meetings of the Association, and shall be entitled to seek election to all Committee positions, and may be chosen by the Committee to fill any position as it is within the power of the Committee to choose

6.4.1 Removal of Life Membership

[a] The Association shall have the right to remove a person's Honorary Life Membership if the following occur

- (i) A Life Member becomes a financial defaulter as reported to Cricket NSW
- (ii) A Life Member brings the club into disrepute as determined by the Executive Committee at that time

[b] Should a Life Member breach clause 6.4.1(a)(i), then the Executive Committee shall have the right to cancel that person's Life Membership immediately

[c] Should a Life Member be deemed to have brought the club into disrepute, then a Special General Meeting of members is required to be held, where the Executive will submit their case and then the Life Member be given the opportunity to defend themselves. The matter is then voted upon (via secret ballot) by the members in attendance.

- (i) Any such Special General Meeting must be called with 21 days notice to members

6.5 Hall of Fame

[a] The Association shall establish a Hall of Fame to acknowledge the contribution of members both on and off the field

[b] Any member added to The Hall of Fame does not have to a Life Member

[c] The Association shall establish a panel of five (5) Life Members who will ratify any nomination for a member to be added to the Hall of Fame

- [i] The Hall of Fame panel is not elected at an AGM, and is only altered if there has been a resignation, or the Executive Committee has determined that a panellists conduct no longer warrants a position on the panel

[d] Any decision on a Hall of Fame nominee made by the panel of selectors, is final. Successful nominations are not submitted to the AGM for voting.

- [i] Should a nominee be unsuccessful, the name cannot be resubmitted for a period of two (2) years

[e] Any person anointed into the Hall of Fame is to be invited to the next End of Season presentation where they are presented with a memento to commemorate the achievement

6.6 Number of Games achievements

[a] The club is to maintain an ongoing recognition board for;

- First-Grade Caps;

- Life Members;
- Club games starting from 100 and every subsequent 100 thereafter;
Wickets starting from 100 and every subsequent 100 thereafter and
- Runs starting from 1,000 and every 1,000 thereafter

[i] All formal Central Coast Cricket Association (CCCA) games, regardless of format are to be counted towards a players personal tally.

[ii] Any fixture washed out, where competition points or result is acknowledged as a draw or win (finals series etc), are counted towards a players personal tally

[b] Any senior member whose playing games who surpass these milestones is to be acknowledged at the next End of Season presentation where they are presented with a memento to commemorate the achievement

[c] Reaching the status of a number of games club, does not provide any player with automatic Life Membership or Hall of Fame nomination.

7 NOMINATION FOR MEMBERSHIP

- 7.1 A nomination of a person for membership of the Association –
- 7.2 As soon as practicable after receiving a nomination for membership, the Secretary shall refer the nomination to the Committee which shall determine whether to approve or reject the nomination
- 7.3 Where the Committee chooses to reject the nomination it shall not have to give the nominee or any other person reasons for such rejection
- 7.4 Where the Committee determines to approve a nomination for membership, the Secretary shall, as soon as practicable after that determination, notify the nominee of that approval and request the nominee to pay within a period of 28 days after receipt by the nominee of the notification of the sum payable under this Constitution by a member of the class of membership to which the applicant has been nominated as the entrance fee and annual subscription
- 7.5 The Secretary shall, on payment by the nominee of the amounts referred to in clause 12 herein within the period referred to in that clause, enter the nominee's name in the Register of Members in the class of membership to which the nominee has been accepted and upon the name being so entered, the nominee becomes a member of the Association

8 CESSATION OF MEMBERSHIP

- 8.1 A person ceases to be a member of the Association if the person:

[a] dies

[b] is declared by a qualified medical practitioner to be mentally ill within the provisions of the Mental Health Act

[c] resigns that membership

[d] is expelled from the Association

9 MEMBERSHIP ENTITLEMENTS NOT TRANSFERABLE

9.1 A right, privilege or obligation which a person has by reason of being a member of the Association –

[a] is not capable of being transferred or transmitted to another person

[b] terminates upon cessation of the person's membership

10 RESIGNATION OF MEMBERSHIP

10.1 A member of the Association is not entitled to resign that membership except in accordance with this clause 10

10.2 A member of the Association who has paid all amounts payable by such member to the Association in respect of that member's membership, may resign from membership of the Association by first giving notice in writing (being not less than one month or not less than such other period as the Committee may determine from time to time), to the Secretary of the member's intention to resign and, upon the expiration of the period of notice, the member ceases to be a member

10.3 Where a member of the Association ceases to be such a member, pursuant to the provisions of this Constitution, and in every other case where a member ceases to hold membership for whatsoever reason, the secretary shall make an appropriate entry in the registry of members recording the date on which the member ceased to be a member

11 REGISTER OF MEMBERS

11.1 The register of members (indicating class of membership to which each member belongs) shall be kept and maintained by the secretary at his residential premises, or if the office of the secretary shall be vacant for any reason, then by the Association's Public Officer

12 FEES, SUBSCRIPTIONS, ETC.

- 12.1 The entrance fee for every full and social member of the Association shall be \$2.00, or such other amount as may be determined by the Association in a General meeting by an Ordinary Resolution
- 12.2 The annual subscription payable by each full and social member of the Association (excepting Life members) shall be \$10.00, or such other amount as may be determined by the Association in a general meeting by an Ordinary Resolution
- 12.3 The entrance fee for every junior member of the Association shall be \$1.00, or such amount as may be determined by the Association in a general meeting by an ordinary resolution
- 12.4 The annual subscription payable by a junior member of the Association shall be \$4.00, with each brother and/or sister of a junior member who subsequently joins the Association, paying an annual subscription fee of \$2.00, and these amounts may be so amended as determined by the Association in a general meeting by an ordinary resolution
- 12.5 Each full and junior member shall pay such registration and/or match fees as are determined by the Management Committee, before commencement of playing season in every year. Further, each full and junior member shall also pay such registration and/or match fees as shall be required from time to time by Central Coast Cricket association, or by any other organisation having the control of any competitions in which the Association takes part
- 12.6 Each annual subscription and registration fee as aforesaid shall relate to the financial year of the Association for which it is paid

13 MEMBERS' LIABILITIES

- 13.1 The liability of any member of the Association to contribute towards the payment of the debts and liabilities of the Association or the costs, charges and expenses of the winding up of the Association shall be limited to the amount, if any, unpaid by the member as required by clause 12 herein

14 CODE OF CONDUCT

- 14.1 The Central Coast Cricket Association Code of Conduct applies to all registered players, parents or guardians of minor players, club members, Life Members, team officials and members of all committees. The full Code of Conduct document is found within the By-Laws and Policies of the CCCA Blue Manual which is held by Club Secretary and on the CCCA website.

15 DISCIPLINING OF MEMBERS

- 15.1 The Executive, as described in Clause 22.1 hereof, may take such action as the Executive deems fit in the event, that in the opinion of the Executive any registered player/s, parents or guardians of minor players, club members, teams, Life Members, team officials and members of all committees, does any act or thing which in the opinion of the Executive is contrary to the laws or spirit of the game or is detrimental to the Association or brings the game into disrepute. This shall include willfully refusing or neglecting to comply with the terms and conditions of this constitution. The Executive has the power to fine, censure, suspend, disqualify or expel any such person or persons subject to the provisions of this Clause and Clause 16.
- 15.2 A resolution of the Executive under Clause 15.1 shall be of no effect unless the Executive, at a meeting held not earlier than 7 days and not later than 14 days after service on the member of a notice in accordance with Clause 15.3, confirms the resolution in accordance with this clause.
- 15.3 Where the Executive passes a resolution in accordance with Clause 15.1, the Association Secretary/ Executive Officer shall as soon as practicable, cause notice in writing to be served on the member:-
- (a) setting out the resolution of the Executive and the grounds on which it is based;
 - (b) stating that the member may address the Executive at a meeting to be held not earlier than 7 days and not later than 14 days after service of the notice;
 - (c) stating the date, place and time of that meeting; and
 - (d) informing the member that the member may do either or both of the following:-
 - (i) attend and speak at the meeting;
 - (ii) submit to the Executive at or prior to the date of that meeting written representations relating to the resolution.
- 15.4 At a meeting of the Executive held as referred to in Clause 15.3, the Executive shall:-
- (a) give to the member an opportunity to make oral representations;
 - (b) give due consideration to any written representations submitted to the Executive by the member at or prior to the meeting; and

- (c) by resolution determine to confirm or to revoke the resolution.
- 15.5 Where the Executive confirms a resolution under Clause 15.4 the Association Secretary/Executive Officer shall, within 7 days after that confirmation, by notice in writing inform the member of the fact and of the member's right of appeal under Clause 16.
- 15.6 A resolution confirmed by the Executive under Clause 15.4 does not take effect:-
- (a) until the expiration of the period within which the member is entitled to appeal against the resolution where the member does not exercise the right of appeal within that period; or
 - (b) where within that period the member exercises the right of appeal, unless and until the Committee confirms the resolution pursuant to Clause 15.4

16 RIGHT OF APPEAL OF DISCIPLINED MEMBER

- 16.1 A member may appeal to the Committee in general meeting against a resolution of the Executive which is confirmed under Clause 15.4 within 7 days after notice of the resolution is served on the member, by lodging with the Association Secretary/Executive Officer a notice in writing to that effect.
- 16.2 Upon receipt of a notice from a member under Clause 16.1 the Executive which shall convene a general meeting of the Committee to be held within 14 days after the date on which the Association Secretary/Executive Officer received the notice.
- 16.3 At a general meeting of the Committee convened under Clause 16.2:-
- (a) no business other than the question of the appeal shall be transacted;
 - (b) the Executive and the member shall be given the opportunity to state their respective cases orally or in writing, or both; and
 - (c) the members present shall vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- 16.4 If at the general meeting of the Committee passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.
- 16.5 The decision of the Committee of the Association on any such appeal shall be final and no further appeal shall be made to any other body or Court.

PART III - MEETINGS OF THE ASSOCIATION

17 MEETINGS OF THE ASSOCIATION

17.1 Meetings of the Association shall be deemed to be general meetings, and may be Annual or Extraordinary

17.2 [a] Annual General Meetings of the Association shall be held in the month of June each year

[b] The business of each Annual General Meeting shall be:

{i} to receive the Reports of the following officers of the Association:

- President
- Secretary
- Treasurer
- Publicity Officer
- Club Coach
- Curator
- Recorder
- Senior Cricket Co-coordinator
- Junior Cricket Co-coordinator

(ii) To receive the audited financial statement of the Association for the Financial year last ended

(iii) To elect the Executive for the forthcoming year

(iv) To elect remaining 3 Management Committee members

(v) To elect the Auditor for the forthcoming year

(vi) To consider, and fix membership fees if required

(vii) To transact such other business as the meeting may decide

17.3 [a] Extraordinary General Meetings of the Association shall be held at such time and place as the Management Committee may direct

[b] Any member of the Association, possessing voting rights, may convene an extraordinary general meeting by requisition of not less than 10% of the members of the Association who have rights to vote at a general meeting of the Association (provided that the requisition must be signed by at least 12 members), provided

the member seeking such extraordinary general meeting notifies the other members of the Association of the reasons for such requisition in writing

- 17.4 The Secretary shall cause notices of every general meeting, to be given by post, or email to each member of the Association at least 7 days prior to the date appointed for such meeting. Each such notice shall specify:
- the date, time and place at which each such meeting is to be held
 - the nature of the business to be transacted thereat

[a] The Secretary shall give notice to members 21 days prior to each AGM of the Association. The Secretary shall cause a notice to be forwarded to each member, inviting nominations in writing from members, in accordance with sub-clauses (b) & (c) hereof for the positions (other than Auditor) to be filled at such AGM.

[b] Each such nomination shall specify the position or positions for which the nomination is made, shall bear the signature of a member (other than the nominee) as proposer, and of other member (other than the nominee) as seconder, and shall bear the signature of the nominee by way of consent to such nomination (providing that the proposer and the seconder must be members possessing voting rights

[c] Each such nomination shall be deposited with the secretary at an address, or in a manner specified by the Secretary in the notice inviting nominations not later than 72 hours prior to the time appointed for the commencement of such AGM

[d] A person whose written nomination does not comply fully with the provisions of sub-clauses (b) & (c) of this clause shall not be deemed to have been duly nominated in writing, and each such purported nomination not so complying shall for all purposes be disregarded.

[e] Nominations received in writing prior to the AGM are to be considered with nominations received from the floor of the AGM

[f] If there shall be more nominations (whether in writing, or from the floor of the meeting) for any position or positions to be filled, or remaining to be filled at such AGM, the person, or persons to be elected to such position, or positions shall be determined by secret ballot of the members present at such meeting

[g] Such secret ballot shall be conducted on a “first past the post” system. Each ballot paper shall be marked with the names of as many of the nominees as there are vacancies, or vacancies remaining for each such position, and with no further or other names. Each name so marked shall be deemed to receive one vote, and the person or persons receiving the greatest number of votes shall be declared elected. In the event of 2 or more nominees receiving an equal number of votes to fill the last remaining vacancy for any position, the nominees (if any) receiving more than such equal numbers of votes shall be declared elected, and the filling of

the last remaining vacancy for such position shall be determined by further ballot between the nominees receiving such equal number of votes. Such further ballot shall also be conducted and declared in accordance with this sub-clause, and if after such further vacancy, the result shall be determined by lot

[h] This clause shall have effect subject to the proviso 17.1 [a] hereof:

(i) Clause 19 shall not apply to ballots for elections

*The accidental omission to give notice of any AGM to any member, or members of the Association, and non-receipt of such notice by any such member or members, shall not affect validity of business transacted at such meeting

18 QUORUMS, VOTING, CHAIRPERSON

- 18.1 The President of the Association shall be the Chairperson of each meeting of the Association, and of each meeting of the Management Committee. If the President is not in attendance at any such meeting, the Vice-President shall be the Chairperson, and if neither the President nor the Vice-President is in attendance, the members in attendance at the meeting, and entitled to vote, shall elect a Chairperson for that meeting from their number
- 18.2 The Chairperson of every general meeting of the Association, and of every meeting of the Management Committee shall have a casting vote, as well as a deliberative vote
- 18.3 [a] The Quorum required for general meetings of the Association shall be 7 members of the Association, 4 of whom must be full members
- [b] The Quorum required for meetings of any committee of the Association shall comprise at least 2 members of such sub - committee.
- [c] Regardless of the provisions of clause 16.3(b) herein, the Quorum required for meetings of the Selection Committee shall be 2 members of such Selection Committee
- 18.4 At all General meetings of the Association, and of all meetings of the Management Committee, each motion put to the vote of the meeting shall be decided on a show of hands, unless a poll is demanded by the Chairperson, or not less than 2 members present. Unless a poll is so demanded, a declaration by the Chairperson that a resolution has or has not on a show of hands been carried, and Any entry to that effect in the books containing the minutes of the proceedings of the meeting shall be final evidence of the result of the voting on each such motion

- 18.5 Unless otherwise provided by the provisions of this Constitution, all matters shall be decided upon by Ordinary Resolution. Any Ordinary Resolution shall be passed if not less than one half of the members in attendance at such meeting, and entitled to do so, vote in favour of the motion therefor. A Special Resolution shall be passed if not less than three-quarters of the members in attendance at such meeting, and entitled to do so, vote in favour of the motion therefor.
- 18.6 [a] No person, other than a member of the Association possessing voting rights, shall be entitled to vote at general meetings of the Association
- [b] No person, other than a member of the Management Committee, shall be entitled to vote at meetings of the Management Committee

19 PROXIES

- 19.1 A member possessing voting right may vote in person, or by proxy, or by attorney, and on a show of hands every person present who is a member possessing voting rights, or a representative shall have one vote
- 19.2 A member possessing voting rights who is of unsound mind, or whose person or estate is liable to be dealt with in any way under the law relating to mental health may vote, whether on a show of hands, or on a poll, by his committee or by his trustee, or by such other person as properly has the management of his estate, and any such committee, trustee or other person may vote by proxy, or by attorney
- 19.3 A proxy may only be given to a financial member of the Association possessing voting rights
- 19.4 The instrument appointing a proxy shall be in writing, under the hand of the appointer, or of his attorney duly authorised in writing
- 19.5 The instrument appointing a proxy shall be deemed to confer authority to demand, or join in demanding a poll
- 19.6 A member shall be entitled to instruct his proxy in favour of, or against any proposed resolution
- 19.7 The instrument appointing a proxy shall be in the form set out in Appendix ii of these rules
- 19.8 The instrument appointing a proxy and the power of attorney, or other authority, is any under which it is signed, or a notarially certified copy of that power of attorney or authority, which shall be deposited at the registered office of the Association, or at such other place as is specified for that purpose in the notice convening the meeting, not less than 7 days before the time of holding the

meeting, or adjourned meeting set which the person named in the instrument proposes to vote

19.9 A vote given in accordance with the terms of an instrument of proxy, or attorney, shall be valid notwithstanding the previous death, or unsoundness of mind of the principal, or revocation of the instrument or of the authority under which the instrument of proxy was executed, if no written intimation of such death, unsoundness of mind, or revocation as aforesaid, has been received by the Association at the registered office before the commencement of the meeting, or adjourned meeting at which instrument is used

19.10 Clause 19 of this constitution shall not apply to voting for election of members of any committee. In such circumstances, voting may only be by those members present in person at such general meeting of the Association where such election takes place

PART IV - THE MANAGEMENT COMMITTEE

20 MANAGEMENT COMMITTEE

20.1 [a] No person shall be eligible for election to, or remain a member of Management Committee:

- (i) unless he shall, at the time of his election, be a financial member of the Association possessing voting rights
- (ii) if he shall then be a paid employee of the Association, provided that no person shall be deemed to be an employee of the Association merely on the grounds that he is then in receipt of an honorarium from the Association

[b] Hereof and to any direction given to the contrary by the Association in general meeting, the whole of the administration of the Association, shall be vested in and shall be controlled by a Management Committee elected for that purpose at each AGM of the Association (and in such officers chosen for specific administrative duties, by the Management Committee from time to time). The Management Committee shall comprise of the following persons:

- One President
- One Vice-President
- The Secretary
- The Treasurer
- Three General Committee Members

- Senior Cricket Co-coordinator
- Junior Cricket Co-coordinator

No person shall be eligible for election to the Management Committee unless he shall, at the time of his election, be a financial member of the Association possessing voting rights

20.2 [a] The Management Committee shall meet not less frequently than once in each month, at each time and place as it shall for that purpose appoint:

[b] The business of the meetings of the Management Committee shall be as directed by the Management Committee

21 SELECTION COMMITTEE

21.1 The Selection Committee shall be responsible for the selection of all cricket teams playing under the auspices of the Association, such teams to partake in cricket competitions conducted by the Central Coast Cricket Association, or any other organisation conducting cricket competitions in which the Association takes part, and the Selection Committee shall report and be responsible to the Management Committee.

21.2 The Selection Committee shall be elected at each AGM of the Association, and such Selection Committee shall consist of 3 (three) members, one of which is to be elected by such AGM, to be Chairman of the Selection Committee for the duration of such Selection Committee

21.3 [a] No person shall be eligible for election to, or remain a member of Selection Committee:

- (i) unless he shall, at the time of his election, be a financial member of the Association possessing voting rights
- (ii) if he shall then be a paid employee of the Association, provided that no person shall be deemed to be an employee of the Association, merely on the grounds that he is then in receipt of an honorarium from the Association.

21.4 The Selection Committee shall meet as often as necessary for the purposes of clause 21.1 herein

21.5 No person shall be eligible for election to, or to remain a member of the Selection Committee unless he shall, at the time of his election, and during his period as a member of the Selection Committee, be and remain a member of the Association possessing voting rights

- 21.6 Upon the selection of any cricket team by the Selection Committee, such team shall be published in any manner decided upon by the Selection Committee
- 21.7 The business of meetings of the Selection Committee shall be as directed by the Selection Committee and/or the Management Committee

22 ELECTED OFFICE BEARERS

- 22.1 The Executive of the Association shall comprise the President; Vice-President; Secretary; Treasurer, for the time being of the Association
- 22.2 The President will preside at all meetings in which he is in attendance, and he shall be responsible for the orderly conduct of proceedings.
- 22.3 The Vice-President will deputise for the President in his absence. and acting in his stead, shall have all the rights, duties, and responsibilities of the President
- 22.4 The Secretary shall be the Association's Executive Officer, and shall be responsible for keeping an accurate record of all Association proceedings
- 22.5 The Secretary shall, as soon as practicable after being appointed, lodge notice with the Association of his residential address
- 22.6 It is the duty of the Secretary, or his delegate, to keep minutes of:
- [a] all appointments of office-bearers and members of the Committee
 - [b] the names of members of the Committee present at general/committee meetings
 - [c] all proceedings at committee meetings and general meetings
- 22.7 The Secretary of the Association shall cause to be made and kept, a book set aside that purpose full and accurate minutes of:
- [a] all appointments of office-bearers
 - [b] members present at each meeting of the Association and Management Committee
 - [c] all proceedings of every meeting of the Association and Management Committee
 - [d] all minutes of each meeting shall be sent to the committee 21 days (7 days post the meeting) before the next meeting of the Association or Management Committee, as the case may be, from which such minutes were taken, for the

purpose of confirmation. Upon confirmation by such meeting, the Chairperson of that meeting shall sign the minutes, and shall thereupon be prima facie evidence of the business transacted at the meeting to which such minutes refer

[e] the Secretary shall also fill the role of the Association's Public Officer, and as such he shall report to the Committee from time to time on his activities in such role

22.8 It is the duty of the Treasurer of the Association to ensure that:

All money due to the Association is collected and received, and that all payments authorised by the Association are made

22.9 All office-bearers of the Association shall retain office (subject to the provisions of this constitution) until immediately prior to the election of office-bearers of the Association at the AGM

22.10 Every casual vacancy occurring shall be filled by a person appointed for that purpose by Management Committee

22.11 The office of any member of the Management Committee shall become vacant if:

[a] he resigns that position in writing

[b] he becomes bankrupt or insolvent

[c] he becomes of unsound mind

[d] he dies whilst in office

[e] he ceases to be a member of the Association

[f] at a general meeting of the Association, an appropriate special resolution in that regard and of which due notice has been given is passed

22.12 [a] a member of the Management Committee is required to attend a minimum of 6 meetings of the Management Committee during the term of office of the committee

[b] any member of the Management Committee who is unable to attend a meeting of the committee must tender an apology for such absence to the Secretary prior to the meeting, indicating reason for absence

[c] should any member of the Management Committee fail to comply with clause 22.12 herein on 3 or more consecutive occasions without an accepted apology, the Management Committee shall have the discretion and authority to review such

member's continuing membership of the Management Committee, and the committee shall have the power to dismiss the member from the Management Committee and the position of such member on the Committee shall be declared vacant in the event of such dismissal

22.13 In the event of a casual vacancy occurring on the Selection Committee, the Management Committee shall fill such vacancy in any manner in which it thinks fit (including leaving the position vacant)

22.14 Any person appointed to fill a casual vacancy pursuant to clause 22.10 or 22.13 herein, shall hold office until the next following AGM

23 SUB-COMMITTEES

23.1 The Committee may, by instrument in writing, delegate to one or more sub-committees (consisting of such members of the Association as the Committee thinks fit) the exercise of such of the functions of the committee as are specified in the instrument, other than:

[a] this power of delegation

[b] a function which is a duty imposed on the committee by the Act, or by any other law

23.2 A function, the exercise of which has been delegated to a sub-committee under this rule 21 may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation

23.3 A delegation under this rule 23 may be made subject to such conditions or limitations as to the exercise of any function the subject thereof, or as to time or circumstances, as may be specified in the instrument of delegation

23.4 Notwithstanding any delegation under this rule 23, the committee may continue to exercise any function delegated

23.5 Any act or thing done, or suffered by a sub-committee acting in the exercise of a delegation under this rule 23 has the same force and effect as it would have if it had been done or suffered by the committee

23.6 The committee may, by instrument in writing, revoke wholly or in part any delegation under this rule 23

23.7 A sub-committee may meet and adjourn as it thinks proper

24 OFFICE-BEARERS CHOSEN BY THE MANAGEMENT COMMITTEE

- 24.1 The Management Committee may appoint any member of the Association to fill the positions of Assistant Secretary; Assistant Treasurer; Recorder; Publicity Officer; Gear Steward; Delegates; and any other position which the Management Committee from time to time, in its absolute discretion, choose to create
- 24.2 All such persons referred to in clause 24.1 holding any such position, shall do so at the discretion of the Management Committee, which may terminate, in writing at any time
- 24.3 The Assistant Secretary will deputise for the Secretary in his absence, and at such times shall have the duties and responsibilities of the Secretary. The Assistant Secretary will also generally assist the Secretary where and when required
- 24.4 The Assistant Treasurer will deputise for the Treasurer in hi absence, and at such times shall have the duties and responsibilities of the Treasurer. The Assistant Treasurer will also generally assist the Treasurer when and where required
- 24.5 The Recorder shall keep an accurate record of all cricket matches involving teams of the Association, and shall maintain a record of all gradings and re-gradings
- 24.6 The Publicity Officer shall be responsible for the dissemination of information concerning results of competitions in which the Association takes part, any information concerning other activities of the Association (including social events), and any other items of interest to members of the Association. Such dissemination shall be made through the print, and electronic media, and any other reasonable means of publicity, as authorised by the Management Committee from time to time. In fulfilling his duties, the Publicity Officer shall expend such sums as are authorised by the Management Committee, and he shall produce receipts for any such sums expended to the Treasurer within 7 days of the expending of any such sums
- 24.7 The Gear Steward shall be responsible for the keeping of any inventory of all Association sporting kits during the cricket season, and he shall report, as and when required, upon the condition and contents of such kits. The Gear Steward shall be responsible for the safe and secure storage of such kits (although the Secretary shall be responsible for any and all insurance over such kits)
- 24.8 The Management Committee shall have the power to amend the duties and responsibilities of any person appointed pursuant to this clause 24, provided that such amendment is notified to the person concerned in writing
- 24.9 The appointment of any person under this clause 24 shall be terminated upon the holding of an AGM, and these positions may be filled at an AGM or at any subsequent meeting of the Management Committee.

PART VI - MISCELLANEOUS

25 FUNDS, ACCOUNTS, AUDIT

- 25.1 [a] All monies received by the Association, or by any person on behalf of the Association, shall be transmitted forthwith to the Treasurer of the Association, who shall deposit the same, without deduction, to the banking account of the Association, and shall issue a receipt of all such monies received
- 25.2 The payment of all accounts of the Association shall be approved by the Management Committee, and full details of all such approvals shall be entered in the minute book of the Management Committee
- 25.3 Each financial year of the Association shall commence on 1st June, and end on 31st May of that year
- 25.4 [a] There is no requirement for the Association to submit their financial statement for official audit unless the clubs turns over more than \$250,000 in a single financial year.
- [b] Should an audit be required under 25.4(a), the Management Committee has the authority to appoint an auditor
- [c] An auditor may not be a member of the Management Committee
- (d) Should there be a need under 25.4(a) to have a financial statement audited, the returned statement must bear the Certificate of the Auditor appointed by the Association.

26 AMENDMENT OF THIS CONSTITUTION

- 26.1 This Constitution, and any part thereof, may be amended by a Special Resolution of the Association, passed at an Extraordinary General Meeting of the Association, convened for that purpose, or for purposes including that purpose

27 INSURANCE

- 27.1 The Association shall effect and maintain insurance pursuant to section 44 of Act
- 27.2 In addition, the Association may effect other insurances as committee thinks fit.

28 DISSOLUTION

- 28.1 The organisation shall be dissolved in the event of, and according to the tenor of the Special Resolution for that purpose passed at general meeting of the Association, convened for that purpose or purposes including that purpose

28.2 Upon passage of resolution, in accordance with the provisions of clause 26.1 herein, all assets and funds of the Association shall, after payment of all expenses and liabilities, be handed over to such registered or exempted charity or charities, which meet the purpose of 63a of the Sales Tax Exemption & Classification Act, as a simple majority of the members at such general meeting so convened, may decide or shall be otherwise disposed of in accordance with the provisions of any undertaking

28.3 So soon as may be after passage of a special resolution, mentioned in clause 26.1 herein, notification of the passage of that resolution shall be given to the Department of Sport & Recreation, or such other Department of the Government of New South Wales as shall be responsible from time to time, for the finding and administration of the sport of cricket.

29 COMMON SEAL

29.1 The Committee shall provide for the safe custody of the seal, which shall only be used by the authority of the committee, or of a sub-committee of members of the committee authorised by the committee in that behalf

29.2 Every instrument to which the seal is affixed shall be signed by a member of the committee, and shall be countersigned by the Secretary, or by a second member of the Committee, or by some other person appointed by the committee for that purpose

30 CUSTODY OF BOOKS ETC.

30.1 The custody of books, documents and securities of the Association shall be kept in such manner as determined by the committee from time to time

31 INSPECTION OF BOOKS ETC.

31.1 Any member of the Association may seek inspection of books and documents of the Association, by the service of a notice in writing upon the Secretary, who shall arrange for such inspection as soon as practicable.

32 SERVICE OF NOTICES

32.1 For the purpose of these rules, a notice may be served by, or on behalf of the Association upon any member, either personally, by post, or by electronic media to the member at the member's address shown in the Register of Members

32.2 Where a document is sent to a person by properly addressing, pre-paying, and posting to the person, a letter containing the document, the document shall, unless the contrary is proved, be deemed for the purposes of these rules, to have been

served on the person at the time at which the letter would have been delivered in the ordinary course of post.

33 SURPLUS PROPERTY

33.1 At the first general meeting of the Association, the Association shall pass a Special Resolution, nominating an incorporated association as the association in which to vest its surplus property, pursuant to section 53(2) of the Act, in the event of the winding up, or the cancellation of the incorporation of the Association

33.2 The incorporated association so nominated shall be one which fulfills the requirements specified in section 53(2) (9) [c] of the Act.

34 PAYMENT ETC. OF OFFICE-BEARERS AND MEMBERS

34.1 A member of the committee shall not be appointed to any salaried office of the Association, or any office of the Association paid by fees, and no remuneration, or other benefit in money, or money's worth, shall be given by the Association to any member of the Committee except:

[a] repayment of out-of-pocket expenses

[b] interest not at a rate exceeding interest at the rate for the time being which is, or would be charged by the Association's bankers, for money lent to the Association

[c] reasonable and proper rent for premises let to the Association

35 ANNEXES

At any given time, the Association may have Annexes of Job Descriptions; Club Policies, and any other materials that the Management Committee deems fit. All such changes/updates/reviews are to be recorded as Annexes to this Constitution.