

ENGADINE DRAGONS CRICKET CLUB



CONSTITUTION

The Rules of

Engadine Dragons Cricket Club

contained herein, are in accordance with Section 11

and contain those matters specified in Schedule 1

of the Associations Incorporation Act, 1984

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PART 1 PRELIMINARY

Rule 1 Interpretation

- 1.1 Name
- 1.2 Definitions
- 1.3 Objects
- 1.4 Colours

1.1 Name

The name of the Club is the “Engadine Dragons Cricket Club Incorporated.”

1.2 Definitions

In these rules, unless the subject matter or context otherwise indicates or requires -

“**Act**” means The Associations Incorporation Act, 1984.

“**Administrative regulations**” means the administrative regulations and measures and the prescription of forms and procedures made by the Committee pursuant to these rules.

“**Code of Conduct**” means the Code of Conduct contained in the Rules and regulations of the Club.

“**Committee**” means the Management Committee of the Club as elected annually at the Annual General Meeting and defined within these rules.

“**Constituent document**” means: in the case of a company incorporated under the Companies (New South Wales) Code - its memorandum and articles of Club.

In the case of an incorporated body, its Constitution, and includes any administrative regulations or other subsidiary regulations made under any such document.

“**Constitution**” refers to this document and where this Constitution is in conflict with any Rule or Regulation of the Club the Constitution shall take precedence.

“**Department**” refers to the Department of Fair Trading or that organisation or body appointed by and responsible to the Parliament of NSW for the oversight, administration, and implementation of the Associations Incorporation Act, 1984.

“**Special General Meeting**” means a general meeting of the Club convened under these rules.

“Financial year” means the period commencing on 1 April of each year and finishing on 31 March in the following year and spans the cricket playing season of September to March.

“Junior Association” means the “Sutherland Shire Junior Cricket Association Incorporated” incorporated under the Act.

“Member” means an individual as defined in this document falling within one of the categories of “Types of Membership” as defined in Part II “Membership”.

“Ordinary member” means a member of the Management Committee who is not an Executive of the Club as referred to in Rules 13.5 and 13.6.

“Powers of the Club” means the powers conferred upon the Club through the Constitution and the rules and regulations promulgated by the Club in the conduct of its affairs and the management of its activities as shall apply and be binding on all members.

“Rules and Regulations” means the rules and regulations of the Club for the time being in force, concerning the Management and activities of the Club, and the conduct of its competition(s).

“Senior Association” means the Sutherland Shire Cricket Association incorporated under the Act.

“The Regulations” means the Associations Incorporation Regulations, 1999.

“Treasurer/public officer” means the person holding that office, under these rules, as Treasurer/public officer of the Club.

“Umpires Association” means the Sutherland Shire Cricket Umpires Association incorporated under the Act.

1.3 Objects

The objects for which the Club is established are to encourage and promote the game of cricket for all players in the Engadine district, irrespective of skills, abilities, sex, race, religion, and/or any other characteristic.

1.4 Colours and Emblem

The official colours of the Club shall be red, light blue and dark blue and, the club emblem shall be a dragon.

PART 2 MEMBERSHIP

Rules

2. Membership
3. Cessation of membership
4. Membership not transferable
5. Resignation of Membership
6. Register of Members
7. Fees, subscriptions, etc
8. Members' liabilities
9. Expulsion from the Club, suspension from membership and other disciplinary measures
10. Application of certain rules to, and special provisions relative to affiliation
11. Appeal rights of Members

Rule 2 Membership

2.1 Make-up of membership.

The Club shall consist of members as follows:

- Playing member
- Non-playing member
- Executive member
- Ordinary member
- Associate member
- Life member

2.2 Playing Member

(a) A Playing Member is a person who, seeking to play cricket with the club, is approved as a member of the Club for the purposes of providing teams to compete in the Sutherland Shire Cricket competitions.

(b) In the case of a person under the age of sixteen registration must be effected by a parent or guardian and such person upon admittance shall be classified as a junior playing member.

(c) A person who seeks to be a playing member and has passed the age of sixteen but has yet to attain the age of eighteen may apply to play as a senior player but for the purposes of registration must make application in a form determined by the Committee.

(d) A person seeking membership with the Club as a player shall make written application in writing in a form determined by the Committee and shall lodge the same with the secretary of the Committee.

(e) The application shall be submitted to a meeting of the Committee for approval.

(f) Where the Committee determines to approve or not approve a nomination for membership the Secretary shall, as soon as practicable after that determination, notify the applicant of the approval or disapproval.

(g) Neither the Committee nor the Club shall be required to give reason or explanation for rejecting any application for affiliation.

2.3 Non-playing Member

Parents or guardians of a junior playing member, or, a playing member being less than eighteen years of age shall, upon the acceptance of that playing member, be deemed to be non playing members of the club and subject to this constitution, the rules and regulations of the club as promulgated from time to time, and the Club's Code of conduct.

2.4 Executive Member

An Executive member shall be a person who having being elected to the Committee of the Club occupies a position deemed within the structure of the organisation to be an executive position.

2.5 Committee Member

A Committee member shall be a person who having being elected to the Committee of the Club occupies a position within the Management Committee being a position other than one deemed an executive position.

2.6 Associate Member

(a) An Associate member is a person who, while not a playing or non-playing member of the club, and not necessarily holding membership of the Club in any other form, undertakes activities on behalf of the Club, in pursuance of the Club's functions and objectives and subsequent to a letter of appointment. An Associate member is subject to the rules and regulations and Code of Conduct as applies to

all other forms of membership. An Associate member is entitled to nominate for election to the Management Committee.

(b) A coach or team manager upon appointment who does not meet the requirements of membership under any other provision of membership shall be deemed to be an Associate Member and shall retain membership until such time as the coaching or manager role is relinquished or terminated.

2.7 Life Member

(a) A Life member is a club member awarded the honorary title of Life Member for outstanding services to the club.

(b) There shall be for the purposes of recognising outstanding service two streams of entry to Life Membership, playing service and administrative service.

(c) Consideration for Life Membership may only be exercised when the nominee has given no less than 25 years service to the club as a Playing Member (as defined in Rule 2.2) or, no less than 10 years service to the club as a Committee Member, or some other Club support service of a non-playing nature.

(d) Consideration for Life Membership will be undertaken in the first instance by the Management only upon receipt of a written nomination containing reasons in support. Any club members may make such nomination to any member of the Management Committee.

(e) The Management Committee will examine all such nominations and in exercising absolute discretion accept or reject any nomination. Any decision taken is neither subject to explanation nor appeal.

(f) The Management Committee determines for approval that the nominee is worthy of the honour proposed, shall advise members at the next general monthly meeting. That recommendation shall contain details of the service given by the nominee and justification for the action proposed. Approval being a majority vote.

(g) A Life Member whose award derives from 25 years playing service shall henceforth pay no playing fee to the Club beyond that which the Club will impose to cover costs associated with Association registration, insurance and any other like matter.

(h) A Life Member shall pay no fees to the Club (with the exception set out above in Rule 2.7(g)) and shall be entitled to vote at any club meeting and receive any special consideration as the Management Committee may determine.

(i) Each life member shall be presented with a suitably designed life member's badge.

(j) A Life member is subject to the rules and regulations and Code of Conduct of the Club.

Rule 3 Cessation of Membership

3.1 Executive Member

(a) An Executive Member ceases to be a member of the Club if that member ceases to hold office under these rules as an office bearer of the Committee, but may retain membership as a Player, Non player, Associate, Life Member, or Committee Member.

3.2 Committee Member

(a) A Committee Member ceases to be a member of the Club if that member ceases to be a member of the Committee, but may retain membership as a Player, Non player, Associate, Life Member, or Executive Member.

3.3 Playing Member

(a) A playing member of the Club ceases to be a member of the Club if the player

- dies,
- resigns that membership, or
- is expelled from the Club, or
- fails to register as a member of any team registered by an affiliated club, or
- if the club with which the player is registered is disaffiliated or suspended from the Club.

(b) A playing member is not deemed to have resigned at the completion of the season. Membership continues during the “off-season” unless the player submits a letter of resignation or fails to register at the commencement of the following season.

(c) A Playing member who ceases playing may retain membership as a club member if he/she satisfies the criteria for membership in another category.

3.4 Non-playing Member

A non-playing member, who is not a club member by any other means, ceases to be a member of the Club upon a junior playing member for whom the non-playing member is a parent or guardian ceases to be a member.

3.5 Associate Member

(a) An Associate member of the Club ceases to be a member upon the expiration of the activity or function for which contracted or utilised, or the expiration of the season, whichever first occurs.

(b) An Associate member of the club may retain membership as a club member if he/she satisfies the criteria for membership in another category.

3.6 Life Member

A Life Member of the Club ceases to be a member of the Club if the person

- Dies
- Resigns that membership
- Is expelled from the Club.

Rule 4 Membership Entitlements Not Transferable

A right, privilege or obligation which a person has by reason of being a member of the Club is not capable of being transferred or transmitted to another person; and terminates on cessation of the person's membership.

Rule 5 Resignation of Membership

5.1 Period of notice

A Club member may resign from the Club by giving two month's notice in writing but should that resignation occur in the period of competition it shall not take place until the completion of the round immediately following that two month's period as stated in the letter of intent.

5.2 Failure to register

A Playing member will be deemed to have resigned if the player fails to register prior to the commencement of the competition season.

5.3 No entitlement to refund

Should a playing member resign from the club having paid fees the club is not bound to refund any part of the registration fee paid.

5.4 Deletion of record

Where a member of the Club ceases to be a member pursuant to clause 5.1 and in every other case where a member ceases to hold membership, the secretary shall make an appropriate entry in the register of members recording the date on which the member ceases to be a member.

Rule 6 Register of Members

6.1 Maintenance of register

The Club shall establish and maintain a register of members of the Club specifying the name and address of each person who is a member of the Club together with the date on which the member became a member.

6.2 Data to be shown in register

The Club register of membership for playing members must contain the name and address of each player but need not contain the name and address of that player's parents.

6.3 Housing & inspection of register

The register of members shall be kept at the principal place of administration of the Club or some such other place within the Sutherland Shire as approved by the Committee. It shall be open for inspection, free of charge, by any member of the Club, by prior arrangement, at any reasonable hour.

Rule 7 Fees, Subscriptions

7.1 No joining fee

No member shall be required to pay a joining fee upon admission to the Club.

7.2 Exemption from annual subscription

Executive members, Committee members, Life members, Associate Members and Non Playing members shall not be required to pay any annual subscription to the Club.

7.3 Team registration fee

A Playing member shall pay to the Club an annual fee in respect of registration in a team.

7.4 Date and amount of payment

The fee shall be determined by the Committee and shall be paid each year by a date determined and announced by the Committee.

Rule 8 Members' Liabilities

The liability of any member of the Club to contribute towards debts and liabilities of the Club or the costs, charges and expenses of the winding up of the Club is limited to the amount of \$1 and every person who becomes a member of the Club is deemed to have undertaken to pay such an amount, if so required, in the event that the Club is wound up while he or she is a member or within a period of one year after ceasing to be a member thereof.

Rule 9 Expulsion from the Club, Suspension from Membership, and Other Disciplinary Measures.

9.1 Procedures and contents of system

The Committee shall within its regulations promulgate a Code of Conduct that shall apply to all members and that Code of Conduct shall contain elements to ensure the provision of procedural fairness, together with an independent and appropriate appeal mechanism so that no member may be denied natural justice and a fair hearing.

9.2 Powers of Committee

The Committee is empowered to take action if any member:

- Refuses or neglects to comply with a provision of these rules
- Acts in a manner which is unbecoming of a member
- Acts in a manner which is prejudicial and/or detrimental to the interests of the Club,
- Neglects to comply with a lawful requirement or direction of the Club or the Committee, or a Committee empowered to act in the interests of the Club
- acted in such a manner as to bring the game or Club into disrepute, or
- Breaches the Code of Conduct or neglects to take action to enforce the Code of Conduct.

9.3 Determinations of Committee

Where the Committee is of the opinion that a member of the Club has committed an offence within the meaning of Clause 9.2 it may:

- issue a warning or reprimand to the member;
- seek an apology from the member (be it verbal or written);
- impose a monetary penalty on the member;
- if a playing member suspend playing privileges;
- expel the member from the Club; or
- suspend the member from membership of the Club for a specified period.

9.4 Requirements for written procedures

The Rules and Regulations of the Club shall contain specific written procedures for the management of all disciplinary matters such as to preserve the rights of all members by following due process with regard for the requirements of procedural fairness, the provision of natural justice, the presumption of innocence until proven guilty, and the right of appeal to an independent body.

9.5 Limitation on hearing matters

No person having been appointed to act as a member of any board or committee to conduct a disciplinary hearing shall take part subsequently as a member of an appeal board, committee, or any such hearing of the same matter.

9.6 No legal representation

All such disciplinary matters will be conducted informally and no member shall have right to legal representation.

9.7 Protection for junior member

No junior playing member will be the subject of a disciplinary hearing without a parent/guardian or some other such responsible adult being present.

9.8 Witness/observer in attendance

Any member attending a disciplinary hearing shall be permitted to be accompanied by a witness who shall be an observer unless invited to do otherwise by the Chairperson of the hearing board.

Rule 10 Application of Certain Rules to, and Special Provisions relative to affiliation

10.1 Cessation of affiliation membership

(a) The club shall pay to the senior or junior association, or both as necessary, any amount outstanding in respect to players registration fees and fines and any other monies due and payable to the Association(s).

10.2 Responsibility of Club as an affiliated body

(a) Membership of the Senior and Junior Sutherland Shire Cricket Associations as an affiliated club requires that the club shall abide by the constitutional and regulatory requirements of the associations and seek to uphold the traditions of the game and Codes of conduct.

(b) The club accepts that management of cricket within the Sutherland Shire is vested in the Senior and Junior Associations and affiliation with these bodies acknowledges that the control of cricket within the Shire is an Association responsibility.

Rule 11 Appeal rights of Members

11.1 Time limit

A member may appeal to the management committee against a decision of a sub-committee within 7 days after notice of decision is passed to the member.

11.2 Limitations on material in an appeal

Members of the sub-committee are limited to stating the case on which the original decision was founded. They may not participate in the appeal decision making process.

11.3 Appeals meeting limitations

At a special committee meeting for the purposes of resolving an appeal no other business will be transacted.

11.4 No implementation of penalty pending appeal outcome

In any decision resulting in a penalty, any implementation of that penalty shall be set aside and have no effect, should an appeal be submitted within the specified time and pending the outcome of that appeal.

11.5 No further appeal.

A decision arising from the vote of members at a special committee meeting called for the purpose of determining an appeal is final and no further appeal may proceed to any other body or court other than on a point of law.

PART 3 COMMITTEES

SECTION A Committee of Management

Rules

- 12 Committee of Management
- 13 Powers of the Committee

- 14 Powers of Delegation of the Committee
- 15 Election of Members of the Committee
- 16 Duties and Functions of Officials
- 17 Casual vacancies
- 18 Removal of a Member of the Committee
- 19 Meetings and Quorum
- 20 Voting and Decisions

Rule 12 Committee of Management

The Committee shall be called the Management Committee of the Club and, is subject to the Act, the Regulation and these rules, and to any resolution passed by the Club Members in general meeting.

Rule 13 Powers of the Committee

13.1 Function

The Committee shall control and manage the affairs and activities of the Club.

13.2 Limits of functions

It may exercise all such functions as may be exercised by the Club other than those functions that are required by the Act, the Regulation or these Rules to be exercised by a general meeting of the Club.

13.3 Power to make regulations

It may make such administrative regulations (not being competition rules for Sutherland Shire Cricket) not inconsistent with the Act, the Regulation or with these rules as in the opinion of the Committee are necessary or desirable for proper control, administration and management of the Club's finances, affairs, interests, property and activities including, but without limiting the generality thereof the specification of powers, duties and responsibilities of office bearers, other officers or delegated positions, selection policies, practice, the use of the Club's grounds, gear or facilities and may amend or rescind from time to time any such administrative regulation PROVIDED THAT 14 days notice in writing of any amendment or rescission shall be given to the members.

13.4 Power to manage

The Committee has power to perform all such acts and do all such things as appear to the Committee to be necessary or desirable for the proper management of the affairs of the Club and the promotion and interests of cricket.

13.5 Composition of Committee

The Management Committee shall consist of:

- (a) the Executive of the Club, and
- (b) no less than 3 ordinary members

Such persons referred to in sub-paragraphs (a) and (b) above shall be elected, pursuant to Rule 15, at the annual general meeting of the Club.

13.6 The Executive

The Executive of the Club shall be:

- President,
- Vice President
- Secretary
- Treasurer/Public officer

13.7 Urgent decisions

The Executive may make urgent decisions for the Club and shall report to the Committee thereon at the next meeting of the Committee. A quorum for making such decisions shall be no less than three (3).

13.8 Other committee members

The ordinary members of the Committee shall be:

- Assistant Secretary (Senior Division)
- Assistant Secretary (Junior Division)
- Property Officers
- Publicity Officer
- Minutes secretary
- Other club members as determined by the Management Committee

13.9 Duration of office

Each member of the Committee who is a member of the Executive or an ordinary member shall, subject to these rules, hold office until the conclusion of the annual general meeting following the date of the member's election but is eligible for re-election subject to the provisions of Rule 15

13.10 Casual vacancy

In the event of a casual vacancy occurring in the membership of the Committee or of an elected position, the Committee may appoint another person to fill the vacancy and the person so appointed shall hold office, subject to these rules, until the conclusion of the annual general meeting next following the date of the appointment.

13.11 Function & Accountability statements

Members of the Committee shall fulfil the duties and responsibilities of the position to which elected or appointed in accordance with the requirements of that position's Function and Accountability statement. Responsibilities may be re-allocated from time to time at the direction of the Executive.

Rule 14 Powers of Delegation of the Committee

14.1 Written delegation

The Committee may, by instrument in writing, delegate to one or more sub-Committees the exercise of such of the functions of the Committee as are specified in the instrument other than this power of delegation; and a function which is a duty imposed on the Committee by the Act or by any other law.

14.2 Size of Sub-committee

A sub-committee may consist of such member or members of the Club or such other persons as the Committee thinks fit.

14.3 Duration of delegated power

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

14.4 Qualification on delegated power

A delegation under this section 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.

14.5 Committee's retention of delegated power

Notwithstanding any delegation under this rule, the Committee may continue to exercise any function delegated.

14.6 Decisions under delegated power binding

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

14.7 Revocation of delegation

The Committee may, by instrument in writing, revoke wholly or in part any delegation under this rule.

Rule 15 Election of Members of the Committee

15.1 Written nominations

Nominations of candidates (who need to be members of the Club as defined) for election to a position as either an Executive member of the Club or as an ordinary member of the Committee shall be made in writing. It shall nominate the position(s) for which nominating and be signed by the candidate and endorsed by two (2) members.

15.2 Time line for nominations

Such nomination(s) shall be delivered to the Secretary of the Club on or before the date of the annual general meeting and prior to the commencement of the meeting.

15.3 Deemed to be elected

If at the commencement of the Annual General Meeting no more than one nomination has been received by the Secretary for any position, the nominee shall be deemed to be elected to the position sought.

15.4 Need for ballot

If more than one nomination is received for any position, and at the Annual General Meeting each nominee declares his/her intention of remaining a candidate, a ballot shall be held for that position.

15.5 Verbal nominations

If following rules 15.3 and 15.4 there remains any position vacant further verbal nominations shall be received at the annual general meeting.

15.6 Casual Vacancy

If insufficient further nominations are received any vacant position remaining on the Committee shall be deemed to be a casual vacancy.

15.7 Method of ballot

Where a ballot is conducted for the election of executive and ordinary members of the Committee, it shall be conducted at the annual general meeting in such usual and proper manner as the Committee may direct.

Rule 16 Duties and Functions of Officials

16.1 Minutes to be signed

Minutes of proceedings at a meeting shall be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

16.2 Secretary's address

The Secretary shall, as soon as practicable after being appointed lodge notice with the Club of his or her address.

16.3 Duty of secretary

It is the duty of the Secretary to ensure that minutes are kept of:

- all appointments of office bearers and members of the Committee;
- the names of Committee members present at a general meeting or a Committee meeting; and all proceedings at Committee meetings and general meetings.

Note: For the purpose of this rule, “Committee meetings” includes meetings of the standing Committees.

16.4 Duty of Treasurer/Public Officer

It is the duty of the Treasurer/Public officer of the Club to ensure that:

- all money due to the Club is collected and received and that all payments authorised by the Club are made;
- correct books and accounts are kept showing the financial affairs of the Club including full detail of all receipts and expenditures connected with the activities of the Club.

16.5 Duties prescribed by Executive

The Executive shall determine the duties and functions of the Management Committee any other official to whom the Committee may delegate specified functions. The Executive may alter the duties of any official at any time that it is considered necessary to do so.

Rule 17 Casual Vacancies

17.1 Occurrence of casual vacancy

For the purpose of these rules a casual vacancy in the Committee occurs if the member:

- dies;
- ceases to be a member of the Club;
- becomes insolvent under administration within the meaning of the Companies (New South Wales) Code;
- resigns office by notice in writing given to the secretary;
- is removed from office under Rule 18 herein;
- becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health; or
- is absent without leave, from two (2) consecutive meetings of the Committee.

Rule 18 Removal of a Member of the Committee

The Club in general meeting may by resolution remove any member from the office held by the member before the expiration of the term of the member's office and may by resolution appoint another person to hold office until the expiration of the term of office of the person so removed.

Rule 19 Meetings and Quorum

19.1 Times for holding meetings

General meetings of the Club and meetings of the Committee shall be held at such times and intervals as the Committee shall decide. Meetings shall be convened by the Secretary or in his absence the President.

19.2 Special meeting

The Secretary shall, upon receiving a request in writing signed by three members of the Committee, convene a special meeting of the Committee. However no such special meeting will be convened unless the requisition from the three members sets out, in writing, the purpose for which the meeting is to be held.

19.3 Notice of special meeting

The Secretary shall give oral or written notice of a meeting of the Committee to each member of the Committee at least 48 hours before the time appointed for the holding of the meeting.

19.4 Specification of purpose of Special meeting

Notice of a meeting given under 19.3 shall specify the general nature of the business to be transacted at the meeting and no business other than that business shall be transacted at the meeting, except business which the Committee members present at the meeting unanimously agree to treat as urgent business.

19.5 Quorum

Fifty per cent (50%) plus one of the members of the Committee shall constitute a quorum for the transaction of the business of a meeting of the Committee.

19.6 Meeting to lapse/adjourned

No business shall be transacted by the Committee unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present the meeting stands adjourned to the same place and at the same hour of the same day of the following week.

19.7 Meeting dissolved

If, at the adjourned meeting, a quorum is not present within half an hour of the time appointed for the meeting, the meeting shall be dissolved.

19.8 Chairing of meeting

At a meeting of the Committee the President or, in the president's absence, the Vice President shall preside, or if the President and Vice President are both absent or unwilling to act one of the remaining members of the Executive as may be chosen by the members present at the meeting shall preside.

19.9 Meetings of Sub-committees

A sub-Committee may meet and adjourn, as it thinks proper.

Rule 20 Voting and Decisions

20.1 Majority of votes determinant

Questions arising at a meeting of the Committee or of any sub-Committee appointed by the Committee shall be determined by a majority of the votes of the members of the Committee or sub-Committee present at the meeting.

20.2 Casting vote of Chair

Each member present at a meeting of the Committee or of any sub-Committee appointed by the Committee (including the person presiding at the meeting) is entitled to one vote. In the event of an equality of votes on any question, the person presiding at the meeting may exercise a casting vote.

20.3 Vacancy no inhibitor of meeting

Subject to meeting the requirements for a quorum, the Committee may act notwithstanding any vacancy on the Committee.

20.4 Validity of decisions taken

Any act or thing done or suffered, or purporting to have been done or suffered, by the Committee or by a sub-Committee appointed by the Committee, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment qualification of any member of the Committee or sub-Committee.

SECTION B Standing Committees

Rules

- 21 Names of Standing Committees
- 22 Proceedings

A reference in this Section to the “Committee” means the Committee of Management.

Rule 21 Standing Committees

21.1 Grading & Selection Committees

(a) Grading & Selection Committees shall annually, and prior to the commencement of the season, assess players at both senior and junior level and recommend their placement in appropriate teams.

(b) Membership of such Committees shall consist of not less than three and not more than five members, including such members of the Management Committee who may choose to participate.

(c) The Grading & Selection Committees may make recommendations to the Management Committee who will have the final say on team compositions.

21.2 The Judiciary Committee

(a) Powers and Functions of the Judiciary Committee:

To investigate hear and determine all charges of misconduct, prior to, during or subsequent to any match, or of bringing the Club, or anybody affiliated with it, into disrepute, and all other matters including breaches of the Code of Conduct specified in the regulations, and all other matters of offence or complaints requiring adjudication as referred to it by the Committee or referable to it under the Club’s constitution and rules.

(b) The Judiciary Committee may, after hearing the matter:

- Issue a warning in the nature of a reprimand to the person appearing before it, or
- Impose a fine, or
- suspend or disqualify the person for a specified time, or
- any combination of the above, or in the case of a player member - expel such a person from the Club, or otherwise deal with the person.

(c) The Judiciary Committee shall consist of 3 members appointed by the Management Committee. The Management Committee shall determine the Chairperson.

Rule 22 Proceedings of Standing Committees

22.1 Appointment of secretary

Each of the Standing Committees shall appoint one of its members as Secretary before commencing any proceedings.

22.2 Replacement of member

In the absence of any member of a Standing Committee for whatever reason, the Committee shall appoint a suitable replacement member.

22.3 Committees self regulated

Subject to the provisions of Rule 22 a Standing Committee shall regulate its own procedures.

22.4 One vote/casting vote

Each member of a Standing Committee shall have one vote providing that in the event of equality of votes the chairman shall have a second or casting vote.

22.5 No proxy vote permitted

Votes at a Standing Committee shall be given personally and a member of a Standing Committee shall not be entitled to appoint a proxy.

22.6 Responsibility of Standing Committee to report

All Standing Committees shall report its decisions to the Committee. No member of any Standing Committee including the chairperson, shall have the right to publish in any manner the decisions of that Committee. All decisions shall be notified to the Secretary of the Club who alone shall have the right to publish, following consultation with the relevant Committee.

22.7 Failure to appear before a Standing committee

Any person summonsed to appear before a relevant Committee who fails to appear without proper explanation to the Chairperson, shall be deemed to have committed a breach of the Code of Conduct and shall be dealt with in terms of suspension, bond, fine or reprimand or a combination thereof as the relevant Committee so determines.

22.8 Liability to be suspended

Any playing member who does not appear before the relevant Committee when ordered to do so, may be suspended from participation in the Competition by the relevant Committee until such time as he/she appears before it.

22.9 Witness may be called

A person appearing before the relevant Committee may call witnesses in support of his/her defence.

22.10 Committee responsibility to act expeditiously

In the exercise of its function, the relevant Committee shall do all such things as may be necessary to ensure that all matters are set down for hearing with as much expedition as is reasonably possible, and concluded within as short a period as is reasonably possible.

22.11 Chair to determine method of presentation

At a hearing by the relevant Committee the case of the party appearing shall be presented as decided by the chairperson, but nothing herein removes from any person the onus of proving the ground on which he relies.

22.12 Rules of evidence not to apply

Subject to the next sub-clause, the relevant Committee is not bound by the rules and practices as to evidence.

22.13 Matters to be taken into consideration

The relevant Committee shall not inform itself on, or take into consideration, any matters which have not been disclosed in evidence at a sitting of the relevant Committee, unless the matter is one which ought, in the interests of justice, to be taken into account or consideration by the relevant Committee.

22.14 Chairpersons power to require evidence to be presented

The Chairperson of the relevant Committee by instruction in writing or verbally may require any person to be present at a sitting of the relevant Committee for the purposes of hearing or to produce, on or before such a date as is specified in the instruction, for the inspection of any other such persons so specified, any document or exhibit relevant to the hearing and which is so specified.

22.15 Lodgement of information/evidence

It may require such a person to do any or all of the following things;

- lodge with the relevant Committee on or before such a date as is specified in the instruction, a written case setting out the arguments on which the person relies in relation to the offence or complaint.
- serve, on or before such a date as is specified in the instrument, on any other person so specified, a copy of a written case referred to in 22.7(b)
- require the persons, referred to in 21.3(a), to lodge with the relevant Committee on or before such a date as specified in the instruction, a statement of such facts and matters as are agreed upon in relation to the offence or complaint.
- may require any person to produce before the relevant Committee any document or exhibit relevant to the offence or complaint.
- may require any person to appear before the relevant Committee to give evidence

22.16 Failure to comply with requests

Any person who fails or neglects to comply with the requirements made to him under the provisions contained in Rule 22 shall be deemed to be guilty of misconduct and shall be liable to such a penalty as the relevant Committee determines.

22.17 Committee right to retire/adjourn

The relevant Committee may from time to time adjourn any hearing until such times dates and places and for such reasons as it thinks fit.

22.18 Right to publish

The Club and Committee, subject to Rule 22.6, shall be entitled to publish in the public press or in any other manner they think fit reports of their proceedings, acts, resolutions and findings whether the same shall or shall not reflect on the conduct of any member, player or official. All evidence on such inquiries and reports shall be privileged and every member, player or official or club shall be deemed to have assented to such inquiry and publication as to accept the same as privileged in law.

Rule 23 Appeal from Decision of a Standing Committee

23.1 Right to appeal

A person seeking to disagree with the decision of a Standing Committee, shall have the right, exercisable within 14 days of the decision, to appeal the decision to the Management Committee.

23.2 Provisions

The provisions of Rule 22.7 to 22.18 shall apply mutatis mutandis to an appeal to the Management Committee.

PART 4 MEETINGS – HOLDING OF

Rules

- | | |
|---------|--------------------------|
| 24 & 25 | Annual General Meetings |
| 26 | Special General Meetings |

Rule 24 Annual General Meetings

24.1 Time line for A G M

The Club shall, at least once in each calendar year and within the period of three months after the expiration of each financial year of the Club, hold an annual general meeting of its members.

24.2 Extension of time line

Rule 24.1 above has effect subject to any extension or permission granted by the commission under section 26 (3) of the Act.

Rule 25 Annual General meetings – Calling of – Business at

25.1 Calling of A G M

The annual general meeting of the Club shall, subject to the Act and Rule 24, be convened on such a date in the months of May/June/July each year and at such place and time as the Committee thinks fit.

25.2 Business of A G M

In addition to any other business that may be transacted at an annual general meeting, the business of an annual general meeting shall be:

- (a) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting; and
- (b) to receive from the Committee reports on the activities of the Club during the last preceding financial year;
- (c) to elect the office bearers of the Club;
- (d) to receive and consider the statement which is required to be submitted to members pursuant to Section 26 (6) of the Act;
- (e) to consider and vote on any changes to this constituent document;
- (f) any other business brought forward in accordance with these rules.

25.3 Notice of A G M

An annual general meeting shall be specified as such in the notice convening it.

Rule 26 Special General Meetings - Calling of

26.1 Definition

All general meetings, other than the Annual General Meeting and Ordinary General Meetings, shall be Special General Meetings.

- (a) The Executive following consultation with the ordinary members of the Management Committee may whenever it thinks fit convene a Special General Meeting for purposes as set out in the instrument of advice informing members of the meeting.
- (b) No business other than that specified in the notice convening a Special General Meeting shall be transacted at the meeting.

26.2 Members may call Special General Meeting

The Committee shall, on the requisition in writing of not less than 10% of members (being members entitled to attend and vote at a general meeting of the Club), convene a Special General meeting of the Club.

26.2.1 Procedures for calling S G M

A requisition of members for an Special General meeting:

- shall state the purpose or purposes of the meeting;
- shall be signed by the members making the requisition;
- shall be lodged with the secretary; and
- may consist of several documents in similar form, each signed by one or more of the members making the requisition.

26.2.2 Committee to respond within one month

If the Committee fails to convene an Special General meeting to be held within 1 month after that date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who made the requisition may convene an Extraordinary General meeting to be held not later than three months after that date.

26.2.3 Entitlement to members calling an S G M

A Special General meeting convened by a member or members as referred to in 26.2.2 above, shall be convened as nearly as is practicable in the same manner as general meetings are convened by the Committee and any member who thereby incurs expense is entitled to be reimbursed by the Club for any expense so incurred.

27 Notices

(a) Except where the nature of the business proposed to be dealt with at a General Meeting requires a special resolution of the Club, notice of such a meeting shall be given at least 14 days prior to the date set for the holding of the meeting, and may be given in writing by the Secretary to each member, by announcement at a previous general meeting or by publishing details in an Club publication such as the annual report or any other publication approved by the Committee.

(b) Where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Club, the secretary shall, at least 21 days before the date fixed for the holding of the general meeting, cause a notice to be sent to each affiliate in the manner provided in 27 (a) specifying, in addition to the matter required under 27 (a) the intention to propose the resolution as a special resolution.

(c) No business other than that specified in the notice convening a general meeting shall be transacted at the meeting.

(d) A member desiring to bring any business before a general meeting may give notice in writing to the secretary who shall include that business in the next notice calling a general meeting after receipt of the notice from the member.

28 Procedure

- (a) No item of general business shall be transacted at a general meeting unless a quorum of persons entitled under these rules to vote is present at the time the meeting is considering that item.
- (b) A quorum for a general meeting shall be not less than 15 members entitled under these rules to vote at a general meeting, present in person or by proxy, if permitted.
- (c) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting if convened upon the requisition of members shall dissolve and in any other case shall stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or conveyed by written notice to members given the day before the meeting is adjourned) at the same place.
- d) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present, being not less than nine, shall constitute a quorum.

29 Presiding Member

- (a) The president or, in the president's absence, the vice-president, shall preside as chairperson at each general meeting of the Club.
- (b) If the president and vice-president are both absent from a general meeting or unwilling to act, the members present shall elect one of their number to act as chairperson at the meeting.

30 Adjournment

- (a) The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no other business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (b) Where a general meeting is adjourned for 14 days or more, the secretary shall give written or oral notice of the adjournment of the meeting to each affiliate of the Club stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.

(c) Except as provided in clause (a) and (b), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

(d) At a general meeting of the Club, a poll may be demanded by the chairperson or by not less than three (3) members present in person or by proxy at the meeting.

31 Making of Decisions

(a) A question arising at a general meeting of the club is to be determined on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular or lost, or an entry to that effect in the minute book of the club, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.

(b) At a general meeting of the club, a poll may be demanded by the chairperson or by at least 3 members present in person or by proxy at the meeting.

(c) If a poll is demanded at a general meeting, the poll must be taken:

- Immediately in the case of a poll which relates to the election of the chairperson of the meeting or to the question of an adjournment, or
- In any other case, in such manner and at such time before the close of the meeting as the chairperson directs.

32 Special Resolution

A resolution of the Club is a special resolution if:

(a) It is passed by a majority which comprises not less than two thirds of such members of the Club as, being entitled under these rules to do so, vote in person or by proxy at a meeting of which not less than 21 days written notice specifying the intention to propose the resolution was given in accordance with these rules; or

(b) Where it is made to appear to the commission that it is not possible or practicable for the resolution to be passed in the manner specified in paragraph (a) the resolution is passed in a manner specified by the commission.

33 Votes & Voting

(a) Subject to clause (e) of this rule, upon any question arising at a general meeting of the Club, a member has one vote only.

(b) A junior playing member, or a playing member under the age of eighteen years, shall not be entitled to

- receive notice of, or
- attend, or
- vote at any general meeting of the Club unless such a member is an office bearer.

(c) A life member shall be entitled to attend any general meeting of the Club and may enter into discussions and vote on any matter unless specifically prevented from doing so by a resolution of the meeting concerned.

(d) All votes must be given personally.

(e) In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.

34 Proxies

(a) A person may vote at a meeting as the proxy of another member.

(b) Each member of the club is to be entitled to appoint another member as proxy by notice given to the Secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.

(c) The notice appointing the proxy is to be in the form set out in Appendix 1 to these rules.

PART 5 MISCELLANEOUS

Rules

- 27 Insurance
- 28 Funds Source
- 29 Funds Management
- 30 Alterations of Objects & Rules
- 31 Common Seal
- 32 Custody of Books
- 33 Inspection of Books
- 34 Service of Notices
- 35 Surplus Property
- 36 Matters not specifically provided for & Interpretation of the Rules and Administrative Regulations of the Club

Rule 27 Insurance

27.1 Requirement for insurance

The Club shall effect and maintain insurance pursuant to Section 44 of the act.

27.2 Additional insurance if desired

In addition to the insurance required under Rule 27.1 the Club may effect and maintain other insurance.

Rule 28 Funds source

28.1 Source of funds

The funds of the Club shall be derived from registration and affiliation fees, competition fees, fines, donations, sponsorship and, subject to any resolution passed by the Club in general meeting, such other sources as the Committee determines.

28.2 Need for a Bank Account

All money received by the Club shall be deposited as soon as practicable in any account opened in the Club's name with a bank, building society or financial

institution, deposits in which have been prescribed as authorised securities pursuant to the Trustee Act 1925.

28.3 Issue of receipts

The Club shall, as soon as practicable after receiving any money, issue an appropriate receipt.

Rule 29 Funds Management

29.1 Committee to determine expenditure

Subject to any resolution passed by the Club in general meeting, the funds of the Club shall be used in pursuance of the objects of the Club in such manner as the Committee determines.

29.2 Authority to sign cheques

All accounts received shall be submitted to a general meeting or a Committee meeting and, if approved, paid by an Club cheque. All cheques, bills of exchange, promissory notes and other negotiable instruments shall bear two signatures. The only persons authorised to sign are the president, secretary and the treasurer/public officer unless otherwise directed by the Committee and the Club in general meeting

Rule 30 Alteration of Objects or Rules

The statement of objects and these rules may be altered only by a special resolution of the Club: PROVIDED THAT any such alteration shall have no effect until the Department is notified in the prescribed manner.

Rule 31 Common Seal

31.1 Custody of Common Seal

The common seal of the Club shall be kept in the custody of the public/officer or otherwise as the Committee shall determine.

31.2 Use of Common Seal

The common seal shall not be affixed to any instrument except by the authority of the Committee and the affixing of the common seal shall be attested by the

signatures of two members of the Committee and of the secretary/public officer of the Club.

Rule 32 Custody of Books etc

(a) Except as otherwise provided by these rules, the treasurer/public officer shall keep in his or her custody or under his or her control all records, books and other documents relating to the finances of the club.

(b) Except as otherwise provided by these rules, the secretary shall keep in his or her custody or under his or her control all records, books and other documents other than those relating to the club's finances.

Rule 33 Inspection of Books etc

The records, books and other documents of the Club shall be open to inspection by prior arrangement and free of charge, by any member of the Club at any reasonable hour.

Rule 34 Service of Notices

34.1 Method of serving notices

For the purpose of these rules, a notice may be served by or on behalf of the Club upon any member either personally or by sending it by post to the member's address shown in the register of members.

34.2 Recognition of time of dispatch

Where a document is sent to a person by properly addressing, prepaying 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 the post.

34.3 Use of Electronic systems

Where a notice is sent by facsimile or e-mail, service of the notice shall be deemed to be effected if the sender's facsimile or e-mail machine produces a transmission confirmation report indicating that the facsimile or e-mail was sent to the recipient's facsimile or e-mail and to have been effected at the time indicated on that report.

Rule 35 Surplus Property

In the event of the winding up or cancellation of the Club all surplus property of the Club pursuant to Section 52 (2) of the Act shall vest in the New South Wales Districts Cricket Association.

Rule 36 Matters not specifically provided for & Interpretation of the Rules & Administrative Regulations of the Club

36.1 Committee's authority

The Committee is hereby empowered to deal as it may think fit with members, in respect to complaints or offences and any other matters or circumstances not otherwise specifically provided for or covered in these rules or the administrative regulations.

36.2 Extent of Committee's authority

The Committee shall be the sole authority for the interpretation of these rules and the administrative regulations. Its decision on any question of interpretation or upon any other matter affecting the Club shall be final and binding upon the members, or the members of the standing Committees and all other persons affected by these rules and administrative regulations.

Appendix 1

(Rule 34)

APPOINTMENT OF PROXY

I,

(full name)

of

(address)

being a member of Engadine Dragons Cricket Club

hereby appoint

(full name of proxy)

of

(address)

being a member of Engadine Dragons Cricket Club, as my proxy to vote for me on my behalf at the general meeting of the Club (annual general meeting or special general meeting, as the case may be) to be held on the day of and at any adjournment of that meeting.

(month and year)

My proxy is authorised to vote in favour of / against (delete as appropriate) the resolution (insert details of resolution).

.....

Signature of Member appointing proxy

.....

Date

Note: A proxy vote may not be given to a person who is not a member of the Engadine Dragons Cricket Club