

MANLY WARRINGAH
JUNIOR CRICKET ASSOCIATION Inc.



CONSTITUTION

The Rules of

MANLY WARRINGAH JUNIOR CRICKET ASSOCIATION

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PART 1 - PRELIMINARY

1. Interpretation

1.1 Name

The name of the Association is the “Manly Warringah Junior Cricket Association.”

1.2 Definitions

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

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

“**affiliated club or clubs**” means the cricket clubs which are entitled to have their delegates admitted to membership of the Association and, entitled, subject to these rules and the administrative regulations of the Association, to enter teams in competitions played under the jurisdiction of the Association and, includes any other cricket club granted affiliation with the Association.

“**affiliated Organisation**” means a cricket organisation (not being an affiliated club) which is entitled to have its delegate admitted to membership of MWJCA the Association, and also includes any other cricket organisation granted affiliation with Associations pursuant to these rules.

“**Association**” means the “Manly Warringah Junior Cricket Association”.

“**Code of Conduct**” means the Code of Conduct contained in the Rules and Regulations of the Association.

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

“**Financial year**” means the period commencing on 1 May of each year and finishing on 30 April in the following year.

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

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

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

“**Manly Warringah Junior Cricket Association**” means cricket matches and competitions played under the control and jurisdiction of the Association.

“**Player member**” and “**junior player**” means a player who, at 31st August (at the commencement of the playing season) has not reached the age of seventeen (17).

1.3 Objects

The objects for which the Association is established are to encourage and promote the game of cricket for all junior players in the Manly, Warringah and Pittwater Council areas, irrespective of skills, abilities, sex, race, religion or any other characteristic.

1.4 Colours

The official colours of the Association shall be sky blue and white.

1.5 Emblem

The official emblem of the Association shall be the Waratah.

PART II – MEMBERSHIP

2. Membership

2.1 The Association shall consist of members as follows:

Club member
Executive member
Ordinary member
Delegate member
Nominee member
Player member
Associate member
Life member

2.2 Club member

- (a) A cricket club approved as a member of the Association for the purposes of providing teams to compete in the Association's competition(s) shall on gaining entry be deemed a member club.
- (b) A cricket club or organisation seeking membership with the Association shall make application in writing in a form determined by the Committee and shall lodge the same with the secretary of the Committee.
- (c) The application shall be submitted to a meeting of the Committee for approval. If the application is approved, the Committee shall have the right to attach such conditions to the affiliation as may be provided for in the Association's administrative regulations, provided that no such condition or conditions contravene the provisions of the Act or the Regulation or these rules.
- (d) Where the Committee determines to accept or reject a nomination for membership the Secretary shall, as soon as practicable after that determination, notify the applicant of the approval or disapproval.
- (e) Upon admission to membership the new club or organisation shall be thereupon entitled to: participate in the competitions and functions of the Association; appoint, in the case of a club two (2) delegates, and in the case of an organisation one (1) delegate.
- (f) Upon admission to the Association, the members of the club shall become nonvoting members of the Association and by that affiliation be subject to the provisions of the Association's Rules and Regulations, and Code of Conduct.
- (g) The Management Committee shall have the power to disaffiliate any club or team or reject any application for affiliation if, in its absolute discretion, it considers it appropriate.
- (h) Neither the Committee nor the Association shall be required to give reason or explanation for rejecting any application for affiliation.
- (i) Acceptance as a member club of the Association, is recognition of its delegates as members of the Association and shall also constitute recognition and acceptance by the Club of the exclusive control and jurisdiction over junior cricket in the Manly Warringah and Pittwater area by the Association.
- (j) Acceptance as a member club is a commitment by that club to refer all protests, claims and disputes between it and the Association and between it and any other club/s, to the Committee for hearing and determination pursuant to these rules and the rules and regulations promulgated by the Association in the conduct of its affairs.

2.3 Executive member

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

2.4 Ordinary member

An Ordinary member shall be a person who having being elected to the Committee of the Association occupies a position within the Management Committee being a position other than one deemed an Executive position.

2.5 Delegate member

- (a) A Delegate member shall be a person appointed annually by his or her affiliated club or affiliated organisation, and shall hold membership from the time of appointment until the commencement of the Association's Annual General Meeting next following the appointment.
- (b) A Delegate member is subject to the Rules and Regulations and Code of Conduct of the Association.
- (c) In the event that a Delegate member cannot attend a meeting of the Association, the delegate's club can make a casual appointment.

2.6 Nominee member

- (a) A Nominee member means a person nominated by an organisation having an affiliation with the Association in the interests of promoting cricket. The Manly Warringah Cricket Association Inc., the Manly Warringah Cricket Umpires Association Incorporated, the Manly District Cricket Club Incorporated, Warringah Cricket Club and any other body or organisation having interests that meet this definition may be invited to nominate.
- (b) There shall be no more than one nominee from each organisation and that nominee shall hold office from the time of appointment until the commencement of the Association's Annual General Meeting in the year next following and is entitled to represent the parent body at any general meeting of the Association.
- (c) A Nominee member is subject to the Rules and Regulations and Code of Conduct of the Association in matters falling within the Association's jurisdiction.

2.7 Player member

- (a) A Player member is an individual who is registered with the Association by an affiliated club to play cricket under the auspices of the Association. Membership automatically carries with it responsibility to abide by the Rules and Regulations of the Association, the Laws of Cricket as applied by the Association, and the Code of Conduct as promulgated by the Association.
- (b) The Management Committee of the Association may decline to accept the registration of a player and shall not be obliged to give any reason or explanation for rejecting any application for registration.
- (c) A Player member shall have no right to vote at any meeting of the Association.

2.8 Associate Member

An Associate member means an individual who, while not a member of an affiliated club, and not holding membership of the Association in any other form, undertakes activities on behalf of the Association, in pursuance of the Association'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.

2.9 Life member

- (a) A Life member is a person who following nomination by the Committee has been elected to the honorary position of Life member in accordance with the process set out hereunder.
- (b) The Committee may, in its absolute discretion, nominate for life membership any person considered by it to have rendered exceptional or outstanding service to the Association, or the former Association, irrespective of whether such person has been an office bearer or delegate to, the Association or not.
- (c) The name of the nominee shall be submitted by the Secretary to the Annual General Meeting of the Association and shall be elected by a resolution carried by a three-fourths majority of members present and eligible to vote at such a meeting.
- (d) Not more than three (3) persons shall be nominated in any one year, unless the Committee determines a year to be of special significance in which case the limitation on the number of nominees may be suspended.
- (e) A Life member is subject to the Rules and Regulations and Code of Conduct of the Association.

3. Cessation of Membership

3.1 A Club or affiliated organisation

A club or affiliated organisation ceases to be a member when:

- ◆ it forwards advice to the Association stating its intention to withdraw or resign from the Association
- ◆ as a participating member in the MWJCA annual cricket competition(s), it fails to register at least one team
- ◆ it fails to respond to correspondence, or gives an inadequate response to correspondence, relating to its membership responsibilities, in particular, its financial obligations and the settlement of outstanding fees and/or fines.
- ◆ it does not nominate its delegates to the Association in accordance with Rule 2.2(e) the Affiliation is withdrawn by the Association.
- ◆ being an incorporated body, it is wound up.

3.2 Executive member

- (a) An Executive member ceases to be a member of the Association if that member ceases to hold office under these rules as an office bearer of the Committee.
- (b) A member shall cease to be an Executive member if that member becomes a Delegate member.

3.3 Ordinary member

An Ordinary member ceases to be a member of the Association if that member ceases to be a member of the Committee.

3.4 Delegate member

- (a) A Delegate member ceases to be a delegate member of the Association if
 - ◆ his/her club fails to re-appoint him/her prior to the Annual General Meeting of the Association.
 - ◆ He/she resigns as a delegate and that resignation is supplied to the Association, or ceases to be the delegate of the club or organisation which appointed him or her, and advice is given, or

- ◆ He/she is expelled or suspended from the Association. In the event of a suspension the member's club may appoint an alternative delegate for the period of the suspension.
- (b) In the event of the cessation, or death, of a delegate subsequent to his/her becoming a member, and prior to the Annual General Meeting of the Association, his or her club shall, within 28 days thereof, appoint another delegate as a member of the Association for the period remaining prior to the commencement of the Annual General Meeting.

3.5 Nominee Member

- (a) A Nominee Member ceases to be a member of the Association if his organisation withdraws his nomination.
- (b) A Nominee Member shall cease to be a member of the Association if his organisation ceases to be an affiliate of the Association.

3.6 Player Member

- (a) A player member of the Association ceases to be a member of the Association if the player dies, resigns that membership, or is expelled from the Association, 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 Association.
- (b) A player 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 through a club at the commencement of the following season.

3.7 Associate member

An Associate member of the Association 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.

3.8 Life Member

A Life member of the Association ceases to be a member of the Association if the Person Dies, Resigns that membership, or is expelled from the Association.

4. Membership Entitlements Not Transferable

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

5. Resignation of Membership

5.1 Period of Notice – Club/Player member

A Club member may resign from the Association 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 Club or Playing member will be deemed to have resigned if the Club or player fails to register prior to the commencement of the competition season.

5.3 Fee not refundable

Should a Player member resign from a club having paid fees, the Association is not bound to refund any part of the registration fee paid to it by the member club.

5.4 Period of Notice – Other than Club/playing member

Where a member other than a club or playing member resigns, two weeks notice is sought.

5.5 Deletion of membership from register

Where a member of the Association 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.

6. Register of Members

6.1 Contents of register

The Association shall establish and maintain a register of members of the Association specifying the name and address of each person who is a member of the Association together with the date on which the member became a member. The Association register of membership for Player members must contain the name and address of each player but need not contain the name and address of that player's parents.

6.2 Register of member clubs

The Secretary shall establish and maintain a register of clubs affiliated as a club member and shall record therein the names and addresses of the secretary of each affiliate.

6.3 Location of register

The register of members shall be kept at the principal place of administration of the Association or some such other place within the Manly, Warringah and Pittwater Council areas as approved by the Committee. It shall be open for inspection, free of charge, by any member of the Association, by prior arrangement, at any reasonable hour.

7. Fees, Subscriptions etc

7.1 Joining Fee

No member shall be required to pay a joining fee upon admission to the Association. Executive members, Delegate members, Life members, Nominee members and Associate members shall not be required to pay any annual subscription to the Association.

7.2 Club Annual Fee

A club shall pay to the Association an annual fee in respect of each team registered by it and each player registered to play in that team shall automatically become a Player member of the Association. The fee shall be determined by the Committee and shall be paid each year by a date determined and announced by the Committee.

8. Members' Liabilities

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

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

9.1 Code of Conduct

The Committee shall promulgate a Code of Conduct within its regulations that shall apply to all members. 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 Empowerment 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 Association,
- ◆ Neglects to comply with a lawful requirement or direction of the Association or the Committee, or a Committee empowered to act in the interests of the Association
- ◆ Acted in such a manner as to bring the game or Association into disrepute, or
- ◆ Breaches the Code of Conduct or neglects to take action to enforce that Code.

9.3 Penalties of the Committee

Where the Committee is of the opinion that a member of the Association 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 Player member, suspend playing privileges;
- ◆ expel the member from the Association, or suspend the member from membership of the Association for a specified period.

9.4 Requirement for written procedures

The Rules and Regulations of the Association shall contain specific written procedures for the management of all disciplinary matters. The procedures must 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 Appeal board embargo

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

9.7 Parental presence for playing members

No Player member will be the subject of a disciplinary hearing without a parent or responsible adult being present.

9.8 Witness 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.

10. Application of Certain Rules to, and Special Provisions relative to Affiliated Clubs and Affiliated Organisations

The following rules shall apply mutatis mutandis to affiliated clubs and organisations.

Rule 5 - Cessation of affiliation membership: The club shall pay to the Association any amount outstanding in respect to players' registration fees and fines and any other monies due and payable to the Association.

Rule 10 - The failure of an affiliated club or affiliated organisation to appoint Delegates in accordance with the provisions of these rules as set out in Clause 1.4 shall be deemed to be conduct prejudicial to the interests of the Association.

11. Appeal rights of Members

11.1 Initial appeal

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

11.2 Limitations on sub-Committee

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 Subsequent appeal

- (a) Any further appeal against the decision of the Management Committee must be made to a Special Meeting of the Delegates called for such purpose and such appeal must be lodged with the Secretary of the Association within 7 days of the notice of decision being passed to the member.
- (b) Any such appeal must be in writing and contain reasons in support. Any Special Meeting must be held no later than 21 days following notice of appeal being served to allow for all relevant documents concerning the subject matter to be forwarded to Delegates prior to the meeting.

11.4 Exclusion of other business at appeal hearing

- (a) At a Special General Meeting for the purposes of resolving an appeal no other business will be transacted.

- (b) Initial representation of the cases for and against shall be made by a spokesperson for either party. Following debate from the floor, the time frame of which shall be at the discretion of the Chair, the matter will be determined by a secret ballot in which the Delegates will vote to either Uphold or Disallow the appeal.

11.5 Penalty set aside pending resolution of appeal

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.

11.6 Finality of second appeal

A decision arising from the vote of delegates at a Special general 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.

11.7 Limitations on scope of appeal

An appeal board is limited to reviewing the basis of the decision made at the original hearing and the processes adopted in arriving at the decision(s) determined. The introduction of new evidence will not be permitted.

PART III – COMMITTEES

SECTION A - Management Committee

12. Management Committee

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

13. Powers of the Committee

13.1 Powers & Functions

The Committee shall control and manage the affairs and competitions of the Association. It may exercise all such functions as may be exercised by the Association other than those functions that are required by the Regulation or these Rules to be exercised by a general meeting of the Association.

13.2 Making of regulations

It may make any such administrative regulation (not being competition rules for Manly Warringah Junior Cricket) not inconsistent Regulation or with these rules as, in the opinion of the Committee, is necessary or desirable for proper control, administration and management of the Association'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 Association'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 secretary of each affiliated club or organisation.

13.3 Oversight of constitutions

The Committee shall approve the constituent documents of all clubs affiliated with the Association. It may direct any such affiliated club, to amend or repeal any of the clauses of its constituent documents or insert into such constituent documents such clause or clauses as deemed necessary for the orderly regulation of Manly Warringah Junior Cricket. No amendment, repeal or insertion may be required that would be repugnant to or inconsistent with any of the Act or code under which such an affiliated club, is incorporated.

13.4 Extent of power

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 Association and the promotion and interests of junior cricket.

13.5 Make-up of committee

The Committee shall consist of the Executive of the Association, Ordinary members, Delegate members and Nominee Members.

13.6 The Executive

The executive of the Association shall be: President, Vice President, Secretary, and Treasurer.

A quorum of the Executive may make urgent decisions for the Association 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) members.

13.7 Ordinary members of the committee

The Ordinary members of the Committee shall include: Registrar, Representative Committee Chairman, Assistant Secretary and any other position as the Committee may deem appropriate from time to time.

13.8 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 reelection subject to the provisions of Rule 15.

13.9 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. 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.

13.10 Duties and responsibilities

Members of the Committee shall fulfill 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.

14. Powers of Delegation of the Committee

14.1 Extent of 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.

- (a) A sub-Committee may consist of such member or members of the Association or such other persons as the Committee thinks fit.
- (b) 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.

14.2 Limits of power delegated

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.

14.3 Capacity of committee to exercise power delegated

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

14.4 Power of sub-Committee

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.

14.5 Revocation of delegated power

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

15. Election of Members of the Committee

15.1 Written nominations.

Nominations of candidates for election to a position as either an Executive member of the Association 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 limit on nominations

Such nomination(s) shall be delivered to the Secretary of the Association on or before the date of the Annual General Meeting and prior to the commencement of the meeting.

15.3 Nominee deemed 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 Nomination during course of Annual General Meeting

If following rules 15.3 and 15.4 there remains any position vacant further nominations shall be received at the Annual General Meeting.

15.6 Creation of casual vacancy

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

15.6 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.

16. Duties and Functions of Officials

16.1 Minutes of meetings 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 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 standing Committees.

16.3 Duty of Treasurer

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; correct books and accounts are kept showing the financial affairs of the Association including full detail of all receipts and expenditures connected with the activities of the Association.

16.4 Executive to determine duties

The Executive shall determine the duties and functions of the Assistant Secretary, the Registrar and the recorders and 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.

17. Casual Vacancies

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

- ◆ dies;
- ◆ ceases to be a member of the Association; 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.

18. Removal of a Member of the Committee

The Association 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. It may then by resolution appoint another person to hold that office until the expiration of the term of office of the person so removed.

19. Meetings and Quorum

19.1 Frequency

General meetings of the Association 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/her absence the President.

19.2 Calling of 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 Calling of Committee 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.

- (a) Notice of a meeting given under 19.3 shall specify the general nature of the business to be transacted at the meeting. No business other than that business shall be transacted at the meeting, except business that the Committee members present at the meeting unanimously agree to treat as urgent business.
- (b) Delegate members entitled to vote from a majority of affiliated clubs or organisations plus two (2) Executive members, shall constitute a quorum for the transaction of business at a meeting of the Committee.
- (c) The Committee shall transact no business unless a quorum is present. If within half an hour of the time appointed for the meeting to commence a quorum is not present that meeting stands adjourned to the same place and at the same hour of the same day of the following week.
- (d) If, at the adjourned meeting, a quorum is not present within half an hour of the time appointed for the meeting, those present shall constitute a quorum.
- (e) At a meeting of the Committee the president shall preside. If the president is absent or unwilling to act such one of the remaining members of the Executive as may be chosen by the members present at the meeting shall preside.
- (f) A sub-Committee may meet and adjourn, as it thinks proper and agreed upon by the members of the Executive.

20. Voting and Decisions

20.1 At Committee/sub-Committee meetings

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 Presidential casting vote

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 restraint on committee

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

20.4 Defects of no consequence

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

21. Representative Committee

21.1 Functions of the Representative Committee

- ◆ To organise selection trials for the purpose of selecting the Association's representative teams and/or squads
- ◆ To select coaches and managers for the representative teams and squads
- ◆ To organise trial matches with other Associations as deemed necessary from year to year.
- ◆ To develop players to a representative standard.
- ◆ To nominate representative teams to play in various competitions.
- ◆ To organise suitable representative clothing.
- ◆ To book and organise suitable fields for playing of matches.
- ◆ Collate results from all representative games.
- ◆ Present a report on all representative team and/or individual performances for the Annual Report of the Association.
- ◆ Any other such functions as may be necessary from time to time.

21.2 Membership of the Representative Committee

- ◆ To consist of interested people from the various clubs in the Association.
- ◆ The Committee is to elect a Chairman who is responsible for reporting to the Management Committee.

22. Judiciary Committee

22.1 Functions of the Judiciary Committee

The Judiciary Committee shall investigate hear and determine all charges of misconduct, prior to, during or subsequent to any match, or of bringing the Association, or anybody affiliated with it, into disrepute. Also, all other matters of offence or complaints including breaches of the Code of Conduct requiring adjudication as referred to it by the Committee or referable to it under the Administrative and other Association regulations.

22.2 Membership of the Judiciary Committee

- (a) The Judiciary Committee shall consist of 3 members namely, the President, and two other members of the Committee.
- (b) The Management Committee shall appoint a Secretary to the Judiciary Committee.
- (c) A quorum for the Judiciary Committee shall be three (3) members.

22.3 Decisions of the Judiciary Committee

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 Association, or otherwise deal with the person.

22.4 Method of reporting matters to the Judiciary Committee

All protests or disputes and all allegations or charges of misconduct shall be made in the manner laid down in the Association's Administrative Regulations and Competition Playing Regulations.

23. Proceedings of Standing Committees

23.1 No legal representation permitted to Standing Committees

The Committee shall ensure that the party appearing before the relevant Committee is granted a full and fair hearing provided that nothing contained in these rules shall grant the right of legal representation to a party at a relevant Committee hearing.

23.2 Avoidance of conflict of interests

A relevant Committee member shall not take part in a hearing that may involve an affiliated club or affiliated organisation or a player of a club or a member of an organisation with which he holds office as a director or Committee person or with which otherwise he holds a close association.

23.3 Recording of proceedings

- (a) The proceedings before a relevant Committee shall be recorded in such a manner as the chairperson directs.
- (b) Audio equipment may be used with the concurrence of participants and due regard for privacy laws.

23.4 Failure to appear when called before a Standing Committee

- (a) 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. Such person may be dealt with in terms of suspension, bond, fine or reprimand or a combination thereof as the relevant Committee so determines.
- (b) Any player 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.

23.5 Entitlement to witness

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

23.6 Responsibility on Standing Committees to exercise reasonable expediency

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.

23.7 Onus of proof

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.

23.8 Non-application of rules of evidence

- (a) The relevant Committee is not bound by the rules and practices as to the giving of evidence.
- (b) 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.

23.9 Direction to appear before a standing Committee.

- (a) 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.
- (b) 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.

23.10 Failure to comply

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

23.11 Adjournment of Standing Committee hearing or inquiry

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

23.12 Right of the Committee to make findings public

- (a) The Association and Committee, subject to Rule 22.4 shall be entitled to publish in the public press or in any other manner considered appropriate reports of proceedings, acts, resolutions and findings whether the same shall or shall not reflect on the conduct of any member, player or official.
- (b) 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.

24. Appeals from Decision of a Representative or Judiciary Standing Committee

24.1 Initial Appeal

A person or club seeking to disagree with the decision of a Representative or Judiciary Standing Committee shall have the right, exercisable within seven (7) days of the decision, to appeal the decision to the Management Committee.

24.2 Subsequent appeal

If that appeal is lost that person or club may make a final appeal to a General Meeting convened specially for the purpose of hearing such an appeal. Any appeal to a General Meeting must be in the hands of the Association Secretary within 7 days of the announcement of the loss of the appeal to the Management Committee.

24.3 Power of General Meeting to determine a final appeal

A general meeting of the Association convened under Rule 23.2 shall have full power to vary, modify or set aside a decision or finding of the Judiciary Committee or the Representative Committee and to set aside, increase or decrease the period of any suspension or to order a new hearing.

PART 1 V. – MEETINGS

25. Annual General Meetings

25.1 Frequency

The Association shall, at least once in each calendar year and within the period of six months after the expiration of each financial year of the Association, hold an Annual General Meeting of its members.

25.2 Capacity to vary

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

25.3 Business of AGM

In addition to any other business that may be transacted at an Annual General Meeting, the business of an Annual General Meeting shall be to: confirm the minutes of the last preceding Annual General Meeting and of any Extraordinary General Meeting held since that meeting; and receive from the Committee reports on the activities of the Association during the last preceding financial year; elect the office bearers of the Association and the ordinary members of the Committee and to confirm the nominees of the Committee as patrons of the Association for the ensuing financial year; receive and consider the audited financial statement of the Association, consider and vote on any changes to this constituent document or to the competition rules of the Association in accordance with these rules; and any other business brought forward in accordance with these rules.

26. General Meetings

26.5 Notice of a General Meeting

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

26.6 Meeting for the purpose of a Special Resolution

- (a) Where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Association, 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 26.5
- (b) That notice shall specify, in addition to the matter required under 26.5, the intention to propose the resolution as a special resolution.

26.7 Business at a General Meeting

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

26.8 Notice of intent.

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.

26.9 Procedure at a General Meeting

- (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 6 members entitled under these rules to vote at a General Meeting present in person or by proxy, if permitted.
- (c) If the meeting is convened upon the requisition of members then, if a quorum is not present within half an hour after the appointed time for the commencement of that meeting, it shall dissolve.
- (d) In any other case it shall stand adjourned to the same day in the following week at the same time and the same place.
- (e) Another place may be specified at the time of the adjournment by the person presiding at the meeting
- (f) 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 five, shall constitute a quorum.

26.10 Presiding Member

- (a) The president or, in the president's absence, the Vice President, shall preside as chairperson at each general meeting of the Association.
- (b) If the president and Vice President are 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.

26.11 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.
- (b) 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.
- (c) 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 Association stating the place, date and time of the meeting and the nature of the business to be transacted.
- (d) Except as provided in clauses (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
- (e) At a General Meeting of the Association, 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.
- (f) Where a poll is demanded at a General Meeting the poll shall 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 case, in such manner and in such time before the close of the meeting as the chairperson directs, and the resolution of the poll on the matter shall be deemed to be the resolution of the meeting to the matter.

26.12 Special Resolution

A resolution of the Association is a special resolution if:

- (a) it is passed by a majority which comprises not less than two thirds of such members of the Association 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 department 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 department.

26.13 Votes & Voting

- (a) Subject to clauses (b) and (c) of this rule, upon any question arising at a general meeting of the Association, a member has one vote only.
- (b) A Player member shall not be entitled to receive notice of, or attend, or vote at any General Meeting of the Association unless such a member is an Executive member or a Delegate member.
- (c) A life member shall be entitled to attend any General Meeting of the Association 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.

27. Extraordinary General Meetings

27.1 Definition of Extraordinary General Meeting

All general meetings, other than the Annual General Meeting and ordinary General Meetings, shall be Extraordinary General Meetings.

27.2 Members right to requisition an Extraordinary 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 Association), convene an Extraordinary General meeting of the Association.

27.3 Contents of requisition

A requisition of members for an Extraordinary 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.

27.4 Time Scale for holding an Extraordinary General Meeting

- (a) The Committee must convene an Extraordinary General meeting within 1 month after the date on which a requisition of members for the meeting is lodged with the secretary
- (b) If it fails to do so, 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.
- (c) An Extraordinary General meeting convened by a member or members as referred to above, shall be convened as nearly as is practicable in the same manner as general meetings are convened by the Committee. Any member who thereby incurs expense is entitled to reimbursement by the association.

PART V – MISCELLANEOUS

28. Insurance

27.1 Compulsory Insurance Cover

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

27.2 Voluntary insurance

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

29. Funds source

28.1 Derivation of funds

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

28.2 Use of Approved Financial Institutions

All money received by the Association shall be deposited as soon as practicable in any account opened in the Association'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 Association shall, as soon as practicable after receiving any money, issue an appropriate receipt.

30. Funds Management

29.1 Use of funds

Subject to any resolution passed by the Association in General Meeting, the funds of the Association shall be used in pursuance of the objects of the Association in such manner as the Committee determines.

29.2 Approval to expend funds

All accounts received shall be submitted to a General Meeting or a Committee meeting and, if approved, paid by an Association 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 unless otherwise directed by the Committee and the Association in General Meeting.

31. Alteration of Objects or Rules

The statement of objects and these rules may be altered only by a special resolution of the Association.

32. Common Seal

32.1 Custody of Common Seal

The common seal of the Association shall be kept in the custody of the secretary or otherwise as the Committee shall determine.

32.2 Approval to use 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 public officer of the Association.

33. Custody of Books etc

Except as otherwise provided by these rules, the secretary/public officer shall keep in his or her custody or under his or her control all records, books and other documents relating to the Association.

34. Inspection of Books etc

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

35. Service of Notices

For the purpose of these rules, a notice may be served by or on behalf of the Association upon any member either by hand, by post, by facsimile or by e-mail.

36. Administrative Regulations and Laws of Cricket

36.1 Definition of Administrative regulations

- (a) The Administrative regulations of the Association shall consist of the Administration regulations, the Competition Playing Regulations (excluding the Laws of Cricket as amended), the Representative Regulations.
- (b) The Committee may make such changes to the Administrative Regulations Competition Playing regulations, Representative regulations as it sees appropriate and notify all members of the Association and affiliated clubs within 14 days of such resolution.

36.2 Application of MCC Laws of Cricket

- (a) The M.C.C. Laws of Cricket (as amended) utilised by the Association in the playing of traditional cricket may only be repealed, altered, amended or added to by a two thirds majority vote of the Association members.
- (b) Such a vote may be made at a committee meeting, the annual general meeting, or at a Extraordinary general meeting called for the purpose. The secretary shall receive details of the relevant proposals in writing and promulgate the proposals for the information and consideration of all members of the Association and affiliated clubs at least 21 days prior to the date set for the meeting.

36.3 Power of Committee to make temporary changes to MCC Laws of Cricket

- (a) Acting on advice or direction from the NSWDCCA or other such authority, the Committee is empowered to amend the Laws of Cricket as a temporary measure pending ratification in accordance with the provisions of 35.3.
- (b) The committee may also make temporary changes to the Laws of Cricket in order to address safety or other issues impacting on the conduct of the competition.

36.4 Duration of temporary changes

Notwithstanding anything contained in this Rule, or elsewhere in these Rules, any temporary change to the Laws of Cricket introduced vide the provisions of rule 35.4 will lapse at the end of that season unless adopted by the members according to Rule 35.3.

37. Surplus Property

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

38. Matters not specifically provided for & Interpretation of the Rules & Administrative Regulations of the Association

38.1 Extent of Committee's Powers

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

38.2 Committee sole authority to interpret rules.

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