



BUNBURY AND DISTRICTS CRICKET ASSOCIATION INC.

## **CONSTITUTION**

AS AT JULY 2011

**1. NAME**

The name of the Association is the “Bunbury & Districts Cricket Association Inc” hereinafter designated “the Association”.

**2. OBJECTS**

The object for which the Association is established shall be to promote and encourage the playing of cricket and for such purpose to do all or any of the following acts or things:

- a) To purchase, lease, hire or otherwise acquire any real or personal estate for the purpose of the Association.
- b) To lay out, construct, build, erect, alter or maintain upon the premises for the time being belonging to or occupied by the Association playing fields, grandstands, dressing rooms and other buildings and erection incidental thereto and to furnish, fit up and maintain the same for the use of the clubs comprising the Association and to provide all the necessary equipment, appliances and conveniences therefore.
- c) To promote and hold international, interstate and/or interclub matches and youth leadership training courses, lectures and activities.
- d) To become affiliated with or subscribe to any other Association or body whose objects are similar to the objects of the Association, and if thought fit, to withdraw or retire from any such Association or body.
- e) To invest and deal with the monies of the Association not immediately required upon such securities and in such manner as may be from time to time required.
- f) To improve, manage, develop, sell, mortgage, dispose of or surrender all or any part of the property or rights of the Association.
- g) To borrow or raise upon loan any sum or sums of money and for the purpose of securing repayment thereof to execute or give any mortgages, charges, bonds, debentures, bills of exchange, promissory notes or other securities over all or any of the property of the Association as may be deemed necessary and to liquidate, redeem or pay off such obligations and securities or any of them.

**3. MEMBERS (INDIVIDUALS)**

The Association shall consist of the following classes of Member:

- i) Ordinary Members
- ii) Ordinary Playing Members
- iii) Life Members
- iv) Junior Members
- v) Honorary Members
- vi) Honorary Life Members

**a) Nomination of Members**

- i) Any candidate for Ordinary Membership of the Association shall be proposed and seconded by any other Ordinary or Ordinary Playing Member of the Association and the proposed shall be posted on the notice board for a period of one week before election.
- ii) Ordinary Playing Members shall be those persons registered as players of nominated teams as in Regulation 26 of these rules.
- iii) Life Members - those persons who by payment of a subscription determined by the Association, shall become members for life.
- iv) Junior Members shall be those persons registered as players of teams making u the Junior Cricket Competition.
- v) Honorary Members shall be persons who are nominated by at least two ordinary members in recognition of services to the Association. Such a member shall be a member for the year in which the nomination was made, and must be ratified yearly by the Committee.
- vi) Honorary Life Members - in recognition of their outstanding service to the Association over a period of many years the Committee may by vote of two thirds majority of the persons present, appoint persons as Honorary Life Members of the Association.

**b) Voting of Members**

All members classified as Ordinary Members, Ordinary Playing Members and Life Members are entitled to vote at any Annual General Meeting or Special General Meeting of the Association and nominate any person to office in the Association.

**c) Termination of Membership - Individuals**

Once admitted a member other than a Life Member shall remain a member of the Association unless his membership is terminated by any of the following:

- i) Resignation.
- ii) Failure to pay fees by 28<sup>th</sup> February of the year of membership.
- iii) At the sole discretion of the Committee, notice of motion of termination of membership stating grounds for the motion shall be forwarded in writing to the last known address of the member, twenty one clear days before the meeting at which the motion of termination will be dealt with. The Member shall have the right to appear at the meeting to defend his case. Motion for termination of membership is carried by a two-third majority of those present and entitled to vote at that meeting of the Committee.

**4. MEMBERSHIP - CLUBS**

The Association shall consist of such Cricket Clubs as may be admitted to the Association in the manner hereinafter appearing.

**5. ADMISSION**

- a) The admission of the Cricket Club to membership of the Association shall be by ballot of the Committee of the Association.
- b) The following procedure shall apply:
  - i) Each Cricket Club seeking admission to membership of the Association shall apply in writing to the Secretary at or before the first meeting of the Committee following an Annual General Meeting.
  - ii) Application may be made by a Cricket Club irrespective of whether it has or has not been a member previously.
  - iii) In the case of a Cricket Club which has previously been a member and has had its membership terminated under Rule 6, the Committee may decide to admit the Cricket Club subject to such penalties, financial or otherwise as the Committee sees fit.
- c) Each application by a Cricket Club for admission to membership shall be submitted to the Committee meeting of the year following the annual general meeting and a motion to that effect passed by a simple majority of those present and eligible to vote shall be necessary for the admission of the Cricket Club.

## **6. TERMINATION OF MEMBERSHIP - CLUBS**

Once admitted a member Club shall remain a member of the Association unless its membership be terminated by any of the following events:

- a) Resignation.
- b) Failure to nominate at least one senior team by or at the first meeting of the Committee of the year following the Annual General Meeting called for the purpose of nomination of teams. In such a case its membership shall cease automatically as at the date of the first meeting of the Committee.
- c) Failure to play one Senior team during the first round of any competition for the Cricket Premiership.
- d) Failure to pay all accounts due by the Member Club to the Association by 31<sup>st</sup> January in any year provided that such amount due had previously been noted in the minutes of the Committee Meeting held not later than 1 January in the year concerned or otherwise notified to the Member Club.
- e) Motion of the Committee to that effect provided:
  - i) Such motion is carried by at least a two-third majority of those present and entitled to vote at the meeting of the Committee.

## **7. ANNUAL GENERAL MEETING**

**7.1** An Annual General Meeting of the Association shall be held in the Month of July of each year.

- 7.2 The Secretary for the time being of the Association shall within twenty-One (21) days of the Annual General Meeting cause to be published in the local newspaper a notice specifying the date, time and place at which the said meeting is to be held and inviting all members to attend.

The following business shall take precedence over all other business at the Annual General Meeting and be dealt with in the following order:

- a) Minutes of previous Annual General Meeting.
- b) Presentation of Annual Report and Balance Sheet.
- c) Election of Committee.
- d) Recommendations to the Committee.

## **8. MANAGEMENT**

The business and affairs of the Association shall be under the Management of the Executive Committee which shall be elected at the Annual General Meeting of the Association for not less than twelve (12) months in the manner hereinafter provided and which shall be the sole authority for the interpretation of the rules, regulations and by-laws of the Association.

## **9. EXECUTIVE COMMITTEE**

- a) Subject to paragraphs (b) hereof the Committee of the Association shall be elected at the Annual General Meeting in each year and shall consist of:
  - i) President
  - ii) 2 Vice Presidents
  - iii) Honorary Secretary
  - iv) 2 Honorary Treasurers (One from the Senior Division, the other from the Junior division)
  - v) Up to Six (6) members of the Committee
- b) All office holders of the Committee shall be elected for a period of twelve (12) months but shall be eligible for re-election.
- c) All office bearers in office at the date of adoption of these rules shall hold office until the next Annual General Meeting.

## **10. ELECTION OF OFFICERS OF COMMITTEE**

- a) A person shall be nominated in writing by at least two (2) financial members or Life Members and such nomination together with the written consent of the candidate shall be in the hands of the Secretary at five-o'clock on the evening of the day prior to the date fixed for the Annual General Meeting.

- b) The Chairman shall in his absolute discretion determine the method to be adopted in the election of each officer of the Committee provided that each financial member or Life Member present at the said meeting shall be entitled to vote.
- c) The Chairman shall in the case of a tie in the voting to the election of a candidate have a second or casting vote.
- d) No proxy shall be valid in the election of officers of the Committee.
- e) No Officer of the Committee shall be eligible to be elected to more than one office.

## **11. MEETINGS OF COMMITTEE**

The committee shall meet as required for the transaction of ordinary business and five (5) members or delegates, one of whom must be the President or a Vice President shall form a quorum. Except where otherwise in these rules expressly provided all questions arising at any meeting of the Committee shall be determined by majority of the votes of the members present.

The President or in his absence, Vice President, shall be the Chairman at every meeting of the Committee. Minutes of all resolutions and proceedings of such committee shall be recorded by the Secretary of the Association.

The President or any two (2) members of the Committee may at any time summons a meeting of the Committee.

## **12. POWERS OF THE COMMITTEE**

Without prejudice to or limiting the powers conferred by these rules the Committee shall have power to do any one or more of the following:

- a) To purchase or otherwise acquire any books, newspapers or periodicals and dispose of them as it may think fit.
- b) To control the finances of the Association.
- c) To delegate (subject to such conditions as it shall deem fit) any of its power to sub-committees consisting of such members or delegates of the Committee as it shall think fit and to make such regulations as to the proceedings of such sub-committee as it may think desirable provided that every such sub-committee shall be required to report and be responsible to the Committee and provided further that all decisions of the sub-committee shall be subject to ratification by the Committee.
- d) To allow any chosen a certain sum of money (the amount to be decided as the occasion arises) to the entertainment of visitors to the Association when, in the opinion of the Committee it is desirable to do so.
- e) To purchase or to enter and accept any lease, or tenancy of the premises whereon any furniture, goods and effect where with the business of the Association may be carried on as the Committee

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- may think fit and for such term and/or item and on such conditions and at such rent as it may expedient.
- f) To draw, make, accept, endorse and issue any actual securities or instruments of whatever kind or nature and to determine by which officers of the Association such negotiable securities or instruments shall be signed.
  - g) To take and defend all legal proceedings by or on behalf of the Association and to appoint all necessary Attorneys for any such purpose.
  - h) To register the Association under the Associations Incorporation Act 1895 - 1969.
  - i) With the consent of the Annual General Meeting to borrow, raise or secure the payment of money or to sell or dispose of the assets of the Association as may by such meeting be directed.
  - j) To determine from time to time the conditions on which and times when member clubs or members thereof may use the property of the Association or any part thereof in the manner, times and conditions how and when and under which the premises of the Association or any part thereof shall be used by the members or any of them.
  - k) Acts of an Administrative nature necessary for the good conduct of the affairs of the Association and for the carrying out of any objects of the Association in accordance with these rules.
  - l) To control and direct all matters relating to the competition for the Cricket Premiership and other competitions (Senior and Junior) which may be inaugurated and conducted by the Association including appointment of Coaches, Selectors, Managers as is deemed necessary.
  - m) To define the maximum age at which a person shall be entitled to participate in the Junior Cricket Competition.
  - n) To determine the amount of fees, registration fees, nomination fees, fines, or levies, subscriptions which shall be payable and the date for and the times for payment.
  - o) To call a Special General Meeting of the Association by giving the Secretary for the time being written notice of the same.
  - p) To make, alter and repeal by-laws of the Association.
  - q) To interpret the effect and scope of this constitution and the by-laws of the Association.
  - r) To accept nominations and grant membership to persons being nominated for members of the Association.

### **13. DUTIES OF OFFICERS OF THE EXECUTIVE COMMITTEE**

The duties of the members of the Committee shall be:

- a) **President**

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The President shall preside at all meetings of the Committee and at the Annual General Meeting until his successor is elected, and generally to perform all the normal functions required of the President.

b) **Vice President**

In the event of the President being absent a Vice-President shall preside at all meetings and shall assume the normal duties of the President.

c) **Vice President – Chairman of the Junior Committee**

Is to be Chairman of the Junior Committee and in his absence a nominee of the President of the Association shall assume the normal duties of the President.

d) **Secretary**

It shall be the duty of the Secretary to conduct the correspondence for the Association and also to keep full and accurate minutes of the proceedings of all meetings of the members of delegates and of the Committee. Any such minutes signed by any person purporting to be Chairman of any meeting of the members delegates or Committee shall be conclusive evidence that the proceedings minuted were regular and took place at a meeting duly convened and held. The Secretary shall, subject to the directions and control of the Committee, be responsible for the general management of the Association and supervision of its servants. The Secretary shall have the custody of all documents belonging to the Association.

e) **Treasurers**

The Treasurer's (Senior and Junior) shall receive all monies of behalf of the Association, give receipts therefore on the official receipt form of the Association, and to pay such monies into such account or accounts of such bank as the Committee may decide. Such account shall be operated upon as the Committee shall determine. The Treasurer shall keep correct accounts and books of the Association showing its financial affairs and the particular's usually shown in books of account of the like nature, and shall make up an annual statement of accounts and balance sheet of the Association up to such date as the Committee may decide in each year and the same shall, after audit, be circulated amongst members of the Association with notice of the Annual General Meeting.

All monies received by the treasurer's shall be deposited by them to the credit of the Association's bank account manifest by the receipt. All payments shall be made by cheque drawn on the Association's bank account's such cheque to be signed by such officers as the Committee shall from time to time decide.

## 14. CRICKET COUNCIL

A council of delegates of Clubs and the Junior Division and Nominees of the Committee shall be formed to deal with matters referred to it by the Committee and for the general conduct of cricket matches and competitions for the Association.

### **Members of Cricket Council**

Council shall consist of the president of the Association as Chairman or in his absence a nominee of the President, the Secretary and all members of the Committee



**Delegates on Council**

Delegates on Council shall be:

- i) Clubs with Senior Teams
  - a) A Club is entitled to have one (1) delegate only.

**Nomination of Delegates**

Each Delegate to Council shall be nominated by a Club and shall hold office. Each Club is to notify the Secretary in writing the name and address of its delegate.

**Proxy Delegate**

Each Club may nominate a Proxy Delegate in the absence of its Delegate and such Proxy Delegates shall have full voting powers.

**Duties of Cricket Council**

- a) Carry out such duties as are from time to time directed by the Committee.
- b) To determine the conditions and rules and by-laws for the conduct of Cricket within the Association.
- c) To make recommendations to the Committee for the benefit of the Association and cricket in general and particular.
- d) To draw up by-laws and rules for the conduct of its meetings subject to ratification by the Committee.

**15. JUNIOR CRICKET DIVISION**

The Association shall conduct a Cricket Competition for young cricketers within its districts.

The control of the junior competitions shall be by a Sub Committee of the Association. This committee is to be chaired by the Vice President (Junior Division) of the Executive Committee. This committee is to be called the Bunbury & Districts Cricket Association Junior Cricket Committee.

**Duties of the Junior Cricket Committee**

- a) Subject to the approval and direction of the Association to conduct and control competitions, matches and training for junior cricketers within the District.
- b) To draw up rules and by-laws for the conduct of its programs and meetings.
- c) To be responsible for its finance for the conduct of its programs.
- d) To determine the age limits of players within the competition.
- e) To arrange and organise Junior Country Week teams and matches of an inter-Association nature.
- f) To report annually to Association at the Annual General Meeting of the Association of its activities and finances.

- g) To recommend to the Executive Committee such matters as are for the benefit of the Association or Cricket in general and in particular.

## **16. SPECIAL GENERAL MEETING**

Special General Meetings shall be called by the Secretary whenever directed by the Executive Committee as hereinbefore referred to or upon receiving a requisition signed by one half of the delegates of the Member Clubs of the Association at any time setting out the object of the proposed meeting.

At all Special General Meetings no business shall be transacted other than that specified in the notice convening such meeting and other matters relevant thereto.

A Special General Meeting shall be called and convened in manner hereinbefore provided for the Annual General Meeting.

## **17. A QUORUM**

At the Annual General Meeting and Special General Meetings a total of fifteen (15) financial members from at least Fifty Percent (50%) of Member Clubs of the Association at any time shall constitute a quorum.

## **18. FINANCIAL YEAR**

The financial year of the Association shall commence on the 1st day of May and end on the 30th April in each year.

## **19. COMMON SEAL**

The Association shall have a Common Seal which shall be kept in the custody of the Secretary.

The Common Seal shall be affixed only by the authority of a simple majority at a meeting of the committee and shall be affixed by and in the presence of any two of the President, Secretary and Treasurer.

## **20. AUDITORS**

The accounts of the Association can be audited by request at the Annual General Meeting and if required by the Executive Committee.

## **21. REMOVAL OR INJURY OF PROPERTY**

No person shall take from the Associations premises any of the property of the Association without express approval of the Secretary; and any loss or damage resulting from any breach of this rule shall be made good by the person concerned.

The Committee shall assess the amount to be paid by the person and the assessment shall be final and conclusive.

## **22. LOSS OF/OR DAMAGE TO PROPERTY**

The Association shall not be responsible for the loss or damage to any article whatsoever brought into the Association premises by any person.

## **23. NOMINATIONS OF TEAMS**

- a) At determination of the Executive Committee in each year, each member club shall nominate in writing the Teams which it desires to have participate in the competitions of the Association in such year.
- b) With each Senior team nominated each member club shall deposit a nomination fee determined by the Executive Committee each year.
- c) In the event of any member club failing to field any of the teams nominated by it in any year it will forfeit the amount of the nomination fee in respect of each team nominated but not fielded.
- d) The Executive Committee may accept or reject the nomination of any team.

## **24. SUBSCRIPTIONS**

- a) The amount and dates due of such Annual Subscription shall be decided upon at the first meeting of the Executive Committee.
- b) In the event of the member club failing to pay either of the moieties of such subscription by the date when such moiety fell due the member club shall not score points in games played by the teams of that member club until such a time as the respective moiety is paid. The last time for payment by a member club prior to cricket game to enable points to be scored at that game shall be determined by the Executive Committee.

## **25. LEVIES (etc)**

- a) The Committee may fix such levies and fines and decide such charges as it sees fit, the amount of such levies, fines or charges, shall be as fixed by the Committee from time to time and shall be payable by member clubs on or before such date or dates in each year as the Committee may decide.
- b) In the event of a member club not paying in full all amounts due on or before the date or dates fixed for payment as provided in sub-clause (a) of this clause, the member club shall not score

points in any games played by teams of that member club until such time as the amount or amounts are paid in full. The last time for payment by a member club prior to cricket game to enable points to be scored at that game shall be determined by the Executive Committee.

## **26. REGISTRATION OF PLAYERS**

Prior to commencement of the first match of each year each member club shall register players as per guidelines set by the Executive Committee. The guidelines are to be set in the Local Laws of the Association.

## **27. TRANSFERS**

- a) The guidelines are to be set in the Local Laws of the Association

## **28. BREACH OF RULES**

- a) In the event of any member, player, official, being proved to the satisfaction of the Committee to have been guilty of any violation of the laws of the game, the constitution rules or by-laws of the Association or any decision or order of the Council or Committee or of any misconduct the Committee by a simple majority shall have the power to order the offending member, club, player, official to be removed from this Association, suspended for a stated period or fined, penalised, disqualified or dealt with in such other manner as the Committee may think fit and any member club or player after such removal or during the time of suspension shall also be suspended, fined, penalised, disqualified or dealt with in such a manner as the Committee shall think fit. Any person or member club when reporting a member, club, player, official must do so within 24 hours of the alleged offence or within such further time as shall be determined from time to time by the Executive Committee.
- b) Any protest, complaint or claims made by a member, club or individual shall be made in writing, shall be sent to the Secretary of the Association. The Executive Committee shall have the power to require a deposit of such amount as the it shall determine with any such protest, complaint or claim, to be forfeited or refunded the Committee shall determine.
- c)
  - i) All charges of offences committed against the Rules must be proved to the satisfaction of the Executive Committee. The Executive Committee may call upon any member of a club to attend any meeting and reply to such questions as may be put, and if such member, after receiving due notice, fails to appear to answer such questions as he may at the direction of the Executive Committee be disqualified from taking part in any match under Association Rules at the Executive Committee's pleasure or from holding any position in the Association or in any member club.
  - ii) Any decision reached by the Executive Committee in terms of this rule must be executed in writing, in duplicate and signed by Committee members authorising the decision and handed to the offending member club player or official within a reasonable time.
- d) The Committee shall have the power to adjudicate on all disputes and matters brought before it of any nature which in any way affect the Association or any officer thereof or a member club

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being a member of the Association or any member or such club and the power to delegate this power to the Protests Disputes and Appeal Board.

## **29. PROTESTS, DISPUTES AND APPEAL BOARD**

- a) There shall be a Protests Disputes and Appeal Board which shall consist of three persons not members of the Executive Committee and Council.
- b) The members of the Board shall be elected at the first meeting of the Executive Committee in each year after the Annual General meeting and shall hold office until the next Annual General Meeting. A casual vacancy in the Board shall be filled by resolution of the committee.
- c) The Board shall exercise the following function on any occasion when a matter is referred to it by the Executive Committee and all decisions given by the Board shall be final and binding on all parties concerned and shall not be subject to appeal or review by any other tribunal or Court of Law:
  - i) Hear and determine all protests, disputes, expulsions, disqualifications and charges against players, officials and member clubs.
  - ii) Impose such disqualifications and inflict such fines and other penalties upon member clubs, officials or players as the Board shall think fit in cases brought before this Board.
  - iii) Re-open and re-hear any case previously dealt with if the Board in its discretion shall consider such re-hearing to be justified.
- d) Every decision of this Board shall be conveyed to the Executive Committee under the hand of the Chairman of the Board who shall certify that the matter has been heard in accordance with the procedure laid down in the by-laws and shall be received without comment.
- e) The Secretary shall act as Secretary to the Board and record and matter the Board directs.
- f) The Executive Committee shall draw up any necessary by-laws to cover the procedure of the board.

## **30. DISSOLUTION**

The Association may be dissolved by the vote of at least two-thirds of the member clubs of the Association recorded at a special meeting called for such purpose and thereupon the assets of the Association shall be realised.

If upon the dissolution or winding up of the Association there remains after the satisfaction of all debts and liabilities any property whatsoever the same shall be paid or distributed to some other Association or institution having objects similar wholly or in part to the objects of the Association, and which shall prohibit the distribution of its or their income and property among its or their members, or to some charitable object to objects which association or institution shall be determined by the member clubs of the Association at or before the time of dissolution or winding up or in

default thereof or if and insofar as effect cannot be given to such determination by a Judge of the Supreme Court.

### **31. INTERPRETATION OF RULES**

The interpretation of these Rules or of any of the by-laws made thereunder shall be in the sole determination of the Executive Committee whose decision shall be binding on all clubs.

No alteration, amendment, inclusion or deletion to the constitution may be made except at an Annual General Meeting or Special Meeting called for that purpose, provided that the notice be duly advertised and a copy of the amendment be sent to all member clubs at least 21 days prior to the meeting. The amendment and alterations must be passed by a two-third majority of members attending.

The Special Meeting shall be as for the Annual General Meeting.