



**ST PATRICK'S CRICKET CLUB INCORPORATED**

# **CONSTITUTION**

**ST PATRICK'S CRICKET CLUB INCORPORATED****CONSTITUTION****Name**

1. The name of the Club shall be St Patricks Cricket Club Incorporated.

**Objects**

2. The objects of the Club shall be to control and govern games of cricket in which teams representing the Club participate, including but without limiting the generality thereof games organised, conducted or managed by the Albury and Border Cricket Association Incorporated.

**Interpretation**

3. In these rules, except in so far as the context or subject matter otherwise indicates or requires -
  - (a) words importing the singular include the plural and vice versa;
  - (b) words importing one gender include any other gender;
  - (c) "the Act" means the Associations Incorporation Act, 1984;
  - (d) "the Commission" means the Corporate Affairs Commission constituted by the Corporate Affairs Commission Act, 1981;
  - (e) "Honorary Secretary" means -
    - (i) the person holding office under these rules as Secretary of the Club; or
    - (ii) where no such person holds that office - the Public Officer of the Club;
  - (f) "The Association" means the Albury and Border Cricket Association Incorporated;
  - (g) "property" includes real and personal property, any estate or interest in any property, real or personal, any debt, any thing in action, and any other right or interest, whether in possession or not;
  - (h) "special general meeting" means a general meeting of the Club other than an Annual General Meeting.

## Club Colours and Playing Dress

4. (a) The colours of the Club will be Green and White.
- (b) All members participating in games of cricket on behalf of the Club will appear in proper cricketing attire. All boots, shoes, trousers, shirts, jumpers and hats worn by players representing the Club will be white in colour, provided that jumpers may contain bands of the Club's colours in a design as approved by the Management Committee.
- (c) Caps will contain the Club's colours and be of such design as approved by the Management Committee.
- (d) The design of emblems and badges permitted to be fixed to a player's dress will be as determined by the Management Committee and approved by the Association.

## Membership

5. (a) Subject to these rules the members of the Club shall be comprised of the members of the Club immediately prior to incorporation together with such other persons as the Management Committee admits to membership or who are elected to life membership pursuant to Rule 6.
- (b) Membership is open to all persons who accept the objects and agree to be bound by the rules of the Club.
- (c) Members shall consist of the following classes:
  - (i) Playing Members - those persons who have paid a membership subscription fee in accordance with Clause (g) as a player and who shall have full rights and privileges of the Club.

Clause 5(c)(i) amended at the Annual General Meeting held on 6 May 2003.

Formerly read:

"5(c)(i) Active Members - those persons who have paid a membership subscription fee in accordance with Clause (g) and who shall have full rights and privileges of the Club."

- (ii) Life Members - those persons who have been elected as Life Members of the Club in accordance with Rule 6 and who shall have full rights and privileges of Playing Members.

Clause 5(c)(ii) amended at the Special General Meeting held on 14 July 2003.

Formerly read:

"5(c)(ii) Life Members - those persons who have been elected as Life Members of the Club in accordance with Rule 6 and who shall have full rights and privileges of Active Members."

- (iii) Honorary Members - those persons who each year are approved by the Management Committee to have the rights and privileges of Non Playing Members without the payment of a membership subscription fee.

Former Clause 5(c)(iii) deleted and subsequent clauses re-numbered at the Special General Meeting held on 14 July 2003.

Formerly read:

"5(c)(iii) Associate Members - those persons who pay a membership subscription fee in accordance with Clause (g) but do not have all rights and privileges of Active Members."

Clause 5(c)(iii) amended at the Special General Meeting held on 14 July 2003.

Formerly read:

"5(c)(iii) Honorary Members - those persons who each year are approved by the Management Committee to have the rights and privileges of Associate Members without the payment of a membership subscription fee."

(iv) Non Playing Members – those persons who have paid a membership subscription fee in accordance with Clause 5(g) as a non player and who shall have full rights and privileges of the Club.

Clause 5(c)(iv) inserted at the Annual General Meeting held on 6 May 2003.

(d) Except in the case of Life and Honorary Members, application for membership shall be made in writing signed by the applicant, and shall be in such form and contain such information as determined from time to time by the Management Committee.

(e) As soon as practicable after the receipt of an application for membership, such application shall be considered by the Management Committee who shall thereupon determine upon the admission or rejection of the applicant. The Management Committee shall not be required to give any reason or explanation for rejecting any application for admission.

(f) A register of members shall be kept by the Club showing the name, address and date of commencement of membership for each member.

(g) (i) All members shall be required to pay such fees as shall be determined annually at the Annual General Meeting.

(ii) The Club shall also determine a set of fines and penalties at this meeting for breaches by members of the Constitution or Rules.

(iii) Any player(s) of the Club wishing to transfer to another Club must first obtain a financial clearance from this Club.

(h) Membership shall cease upon resignation, expulsion, or failure to pay membership subscription fees on such date as may be determined by the Management Committee.

(i) Membership subscription fees shall fall due on such date as may be determined in meeting in accordance with Rule 5(g).

(j) The 12 months commencing on 1st September each year will constitute the "cricket year".

(k) When a person is admitted to membership for part only of the cricket year such member will pay membership fees for membership up to the end of that cricket year as determined by the Management Committee.

(l) The Management Committee may at its discretion waive payment of any membership subscription or playing fee payable by a member.

(m) The financial year of the Club shall commence on 1st May of each year.

Clause 5(m) amended at the Annual General Meeting held on 28 May 1996.

Formerly read:

"5(m) The financial year of the Club shall commence on 1st July of each year."

### **Life Members**

6. (a) Any member or past member of the Club who has rendered meritorious service may be elected a Life Member at any time at the discretion of the Committee. Nominations for Life Membership are to be presented to the Committee for approval.

Clause 6(a) amended at the Annual General Meeting held on 28 May 1996.

Formerly read:

"6(a) Any member or past member of the Club who has rendered meritorious service may be elected a Life Member at the Annual General Meeting each year. Nominations for Life Membership are to be presented to the Committee and if approved, the nomination will be brought before the Annual General Meeting."

(b) To be elected, a nominee shall receive at least three-fourths of the votes cast in the ballot.

(c) A record of Life Membership shall be maintained by the Secretary.

(d) Life Members shall be entitled to attend and vote at all meetings of the Club.

### **Members' Liability**

7. The members of the Club shall have no liability to contribute towards the payment of debts and liabilities of the Club or the costs, charges and expenses of the winding up of the Club except to the amount of any unpaid Membership fees.

### **Management - By Committee**

8. (a) The affairs of the Club shall be controlled and managed by a Management Committee consisting of the Office-bearers, and one other.

Clause 8(a) amended at the Special General Meeting held on 14 July 2003.

Formerly read:

"8(a) The affairs of the Club shall be controlled and managed by a Management Committee consisting of the Office-bearers, Chairman of Selectors and Coach."

(b) The Office-bearers of the Club shall consist of the following:-

President  
Vice President  
Secretary  
Treasurer

Duties of Office-bearers:-

(i) **President:** The President shall preside over all General Meetings of the Club ensuring they are properly conducted.

(ii) **Secretary:** The Secretary shall attend to secretarial duties involved in the control and management of the Club, convene meetings of all Committees, keep records of proceedings and attendance of Club meetings, prepare and present an Annual Report.

(iii) **Treasurer:** The treasurer shall keep a proper record of monies received and dispersed, regularly bank or invest monies as may be directed by the Club, pay all accounts as authorised by the Club, prepare and present an Annual Financial Statement or any other financial statement as may be required by the Club.

(c) The Office-bearers and the other members of the Management Committee will be elected at each Annual General Meeting. Any casual vacancy occurring in the Management Committee may be filled by a member appointed by the Management Committee and such member shall hold office until the conclusion of the immediate following Annual General Meeting.

(d) Members of the Management Committee shall hold office from the conclusion of the Annual General Meeting at which they were elected, until the conclusion of the immediate following Annual General Meeting.

(e) Retiring members of the Management Committee are eligible for re-election.

(f) No remuneration or other benefit in money or money's worth shall be paid or given by the Club to any member of the Management Committee except -

(i) repayment of out of pocket expenses;

(ii) interest at a rate not exceeding interest at the rate for the time being which is or would be charged by the Club's bankers for money lent to the Club; and

(iii) reasonable and proper rent for premises let to the Club.

(g) Subject to clause (h), a person who is not a Player, Non Player or Life Member of the Club is not eligible for election to the Management Committee.

Clause 8(g) amended at the Special General Meeting held on 14 July 2003.

Formerly read:

"8(g) Subject to clause (h), a person who is not an Active or Life Member of the Club is not eligible for election to the Management Committee."

(h) A Patron is eligible for election to the Management Committee and may hold a position on the Management Committee concurrently with the position of Patron.

### **Delegates to the Albury and Border Cricket Association**

9. There shall be one delegate of the Club to the Association as and if required from time to time.

### **Meetings of the Management Committee - Procedure**

10. (a) The Management Committee shall meet as often as is necessary to conduct the business of the Club.
- (b) The quorum for meetings of the Management Committee shall be 3.
- (c) In the event of a vacancy or vacancies in the members of the Management Committee, the remaining members may continue to act, but if the number of remaining members is not sufficient to constitute a quorum at a meeting of the Management Committee, they may act only for the purpose of appointing new members of the Management Committee to at least the number of members required to constitute a quorum.
- (d) Notice of Management Committee meetings shall be given at the previous Management Committee meeting or by such other means as the Management Committee may determine.
- (e) At a meeting of the Management Committee -
- (i) the President shall preside as chairman of the meeting,  
or
- (ii) if the President is absent or unwilling to act as chairman such one of the remaining members of the Management Committee as may be chosen by the members present at the meeting shall preside as chairman.
- (f) Questions arising at any meeting of the Management Committee shall be decided by the majority of votes of those members of the Management Committee present. In the case of an equality of votes the status quo shall remain.
- (g) Any person may attend a meeting of the Management Committee at the invitation of any of the Office-bearers or at the invitation of the Management Committee.
- (h) Any act or thing done or suffered, or purporting to have been done or suffered, by the Management Committee is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any members of the Management Committee.

### **Management Committee - Vacation of Office**

11. The office of a member of the Management Committee shall become vacant if the member -
- (a) dies;
  - (b) ceases to be a member of the Club;
  - (c) becomes an insolvent under administration within the meaning of the Companies (New South Wales) Code;
  - (d) resigns office by notice in writing given to the Honorary Secretary;
  - (e) becomes of unsound mind or a person who is or whose estate is liable to be dealt with in any way under the law relating to mental health; or
  - (f) is absent from 3 successive Management Committee meetings without reasonable excuse or without the approval of the Management Committee.

### **Management Committee - Removal of Member**

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

### **Delegation by Committee to Sub-Committee**

13. (a) The Committee may, by instrument in writing, delegate to one or more sub-committees (consisting of such member or members of the club as the committee thinks fit) the exercise of such of the functions of the Committee as are specified in the instrument, other than -
- (i) this power of delegation; and
  - (ii) a function which is a duty imposed on the Committee by the Committee by the Act or by any other law.
- (b) A 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.
- (c) 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.

- (d) Notwithstanding any delegation under this rule, the Committee may continue to exercise any function delegated.
- (e) 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 and effect as it would have if it had been done or suffered by the Committee.
- (f) The Committee may, by instrument in writing, revoke wholly or in part any delegation under this rule.
- (g) A sub-committee may meet and adjourn as it thinks proper.

### **General Meetings**

- 14. (a) Ordinary General Meetings shall be held monthly within the Cricket Season.

(b) Quorum for a Club meeting shall be five (5) members including at least two (2) members of the Management Committee who shall be in attendance at the commencement of the meeting. In the case of Annual General Meetings and Special General Meetings, a quorum shall be eight (8) members including at least three (3) members of the Management Committee who shall be in attendance at the commencement of the meeting.

Clause 14(b) amended at the Annual General Meeting held on 28 May 1996.

Formerly read:

"14(b) Quorum for a Club meeting shall be eight (8) members including at least three (3) office bearers who shall be in attendance at the commencement of the meeting. The date of all meetings for the year shall be set at the first General Meeting after the Annual General Meeting."

Clause 14(b) amended at the Special General Meeting held on 14 July 2003.

Formerly read:

"14(b) Quorum for a Club meeting shall be five (5) members including at least two (2) office bearers who shall be in attendance at the commencement of the meeting. In the case of Annual General Meetings and Special General Meetings, a quorum shall be eight (8) members including at least three (3) office bearers who shall be in attendance at the commencement of the meeting."

(c) Except where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Club, the Honorary Secretary shall, at least 7 days before the date fixed for the holding of the general meeting, serve on each member a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.

Clause 14(c) amended at the Special General Meeting held on 14 July 2003.

Formerly read:

"14(c) Except where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Club, the Honorary Secretary shall, at least 14 days before the date fixed for the holding of the general meeting, serve on each member a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting."

(d) Where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Club, the Honorary Secretary shall, at least 21 days before the date fixed for the holding of the general meeting, serve a notice on each member specifying in addition to the

information required under clause (c), the intention to propose the resolution as a special resolution.

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

(f) No item of business shall be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.

(g) If within half an hour after the appointed time for commencement of a general meeting a quorum is not present, the meeting if convened upon the requisition of members shall be dissolved 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 communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.

(h) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for commencement of the meeting, the members present (being not less than 2) shall constitute a quorum.

(i) The President shall preside as chairman at each general meeting of the Club.

(j) If the President is absent from a general meeting or unwilling to act as chairman, the members present shall elect one of their number to preside as chairman at the meeting.

(k) The chairman 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 business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

(l) Where a general meeting is adjourned for 14 days or more, the Honorary Secretary shall give written or oral notice of the adjourned meeting to each member of the Club stating the place, date and time of the meeting and nature of the business to be transacted at the meeting.

(m) Except as provided in clause (l), 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.

(n) A question arising at a general meeting of the Club shall 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 chairman that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost and an entry to that effect in the minute book of the

Club will constitute evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.

(o) At a general meeting of the Club, a poll may be demanded by the chairman or by not less than 5 members present in person at the meeting.

(p) Where a poll is demanded at a general meeting, the poll shall be taken:

(i) immediately in the case of a poll which relates to the election of the chairman of the meeting or to the question of an adjournment; or

(ii) in any other case, in such manner and at such time before the close of the meeting as the chairman directs;

and the resolution of the poll on the matter shall be deemed to be the resolution of the meeting on that matter.

(q) Upon any question arising at a general meeting of the Club only Players, Non Players and Life Members shall be entitled to vote and shall have one vote only. Members shall be deemed to be in arrears and shall temporarily lose their voting rights if accounts rendered by the Club have not been satisfied within thirty (30) days of the date of the account.

Clause 14(q) amended at the Special General Meeting held on 14 July 2003.

Formerly read:

"14(q) Upon any question arising at a general meeting of the Club only Active and Life Members shall be entitled to vote and shall have one vote only. Members shall be deemed to be in arrears and shall temporarily lose their voting rights if accounts rendered by the Club have not been satisfied within thirty (30) days of the date of the account."

(r) All votes shall be given personally.

(s) In the case of an equality of votes on a question at a general meeting, the status quo shall remain.

### **Annual General Meetings**

15. The Annual General Meeting shall be held each year at a time of no more than one month prior to the Annual General Meeting of the Association or a time set by the Executive for the following purposes:

- (a) Presidents Remarks
- (b) Apologies
- (c) Minutes of previous Annual General Meeting
- (d) Annual Report
- (e) Election of Life Members

- (f) Election of Management Committee (Nominations may be in writing or called from the floor)

Clause 15(f) amended at the Special General Meeting held on 14 July 2003.

Formerly read:

"15(f) Election of Office Bearers (Nominations may be in writing or called from the floor)."

- (g) Election of Auditor

- (h) Receive and consider the statement which is required to be submitted to members pursuant to Section 26(6) of the Act

- (i) Motions affecting the Constitution

- (j) Election of Delegates to the Association

- (k) Election of Sub Committees

Clause 15(k) amended at the Special General Meeting held on 14 July 2003.

Formerly read:

"15(k) Election of Committee Members."

- (l) Setting of Fines and Fees

Clause 15(l) added at the Special General Meeting held on 14 July 2003.

General Meetings of the Club may be called at any time by the President or Secretary.

The order of business at General Meetings shall be:

- (a) Call for Apologies
- (b) Confirmation of Minutes of previous General Meeting
- (c) Business Arising
- (d) Correspondence and action thereon
- (e) Reports
- (f) General Business

Clause 15(f) added at the Special General Meeting held on 14 July 2003.

### **Special General Meetings**

- 16.
  - (a) The Management Committee may, whenever it thinks fit, convene a special general meeting of the Club.
  - (b) The Management Committee shall, on the requisition in writing of not less than 4 Players, Non Players, or Life Members of the Club, convene a

special general meeting of the Club.

Clause 16(b) amended at the Special General Meeting held on 14 July 2003.

Formerly read:

"16(b) The Management Committee shall, on the requisition in writing of not less than 4 Active or Life Members of the Club, convene a special general meeting of the Club."

- (c) A requisition of members for a special general meeting -
- (i) shall state the purpose or purposes of the meeting;
  - (ii) shall be signed by the members making the requisition;
  - (iii) shall be lodged with the Honorary Secretary; and
  - (iv) may consist of several documents in similar form, each signed by one or more of the members making the requisition.
- (d) The Management Committee shall convene a special general meeting within 14 days after the date on which a requisition of members for the meeting is lodged with the Honorary Secretary, and each member shall be advised by notice in writing at least 7 clear days before the day appointed for the special general meeting of the nature of the business to be conducted at the meeting and no other business shall be conducted at the meeting.

### **Disciplining of Members**

17. (a) Where any member of the Management Committee or other member of the Club are of the opinion that a member of the Club -

Clause 17(a) amended at the Special General Meeting held on 14 July 2003.

Formerly read:

"17(a) Where any office bearer or member of the Club are of the opinion that a member of the Club -"

- (i) has refused or neglected without reasonable cause to comply with a provision or provisions of these rules; or
- (ii) has acted in a manner prejudicial to the interests of the Club, or
- (iii) has breached a condition of any code of behaviour of the Club as determined from time to time by the Management Committee;

the matter shall be referred to the Management Committee who may, after hearing the matter -

- (1) issue a warning in the nature of a reprimand to the member;
- (2) suspend any or all of the privileges attaching to membership of the Club in respect of the member for a specified period;

(3) suspend or disqualify the member from membership of the Club for a specified period;

(4) expel the member from the Club; or

(5) otherwise deal with the member.

(b) Where the matter is referred to the Management Committee under clause (a) the Honorary Secretary shall, within 48 hours or as soon as practicable thereafter, notify the member that he is to appear before the Management Committee and serve the member with a notice advising -

(i) the nature of any complaint and the grounds on which it is based;

(ii) that the member is required to appear before the Management Committee at a meeting to be held not earlier than 3 days and not later than 14 days after the service of the notice;

(iii) the date, place and time of that meeting; and

(iv) that the member may at that meeting:

(a) make oral representations;

(b) ask any question of the complainant or any witness called to give evidence on the matter;

(c) submit any written material or evidence;

(d) produce any witness on his behalf; and

(e) be represented.

(c) (i) Where a member is required to appear before the Committee of the Association ("the Association Judiciary") in relation to a complaint which is the subject of a matter referred to the Management Committee of the Club under clause (a), the member will not be required to appear before the Management Committee of the Club until the matter has been heard and determined by the Association.

(ii) Where a member is required to appear before the Association, the time as specified in clause (b) for the notification of a member and the service of a notice thereunder, shall not commence until the matter has been heard and determined by the Association.

(d) The Management Committee may adjudicate in the absence of the member who is the subject of the complaint should that member fail to attend before the Management Committee as required.

(e) Where the Management Committee imposes a penalty under Clause (a) the Honorary Secretary shall, within 7 days after that decision has been given, by notice in writing, inform the member of the decision and of the member's right to appeal under clause (g).

(f) Any penalty imposed upon a member by the Management Committee under clause (a) shall have effect immediately upon its imposition, notwithstanding the rights of a member to appeal against the decision of the Management Committee under clause (g).

(g) A member may appeal against the decision of the Management Committee within 7 days after the receipt of notice issued under clause (e) by lodging with the Honorary Secretary a notice to that effect together with deposit as set down annually by the Club.

(h) Upon receipt of a notice from a member under clause (g), the Honorary Secretary shall notify the Management Committee which shall appoint an Appeals Committee which shall hear the appeal within 7 days after the date on which the Honorary Secretary received the notice. The members of the Management Committee which dealt with the matter in the first instance shall be excluded from appointment to the Appeals Committee.

(i) The Appeals Committee may confirm, amend or reverse any decision of the Management Committee.

(j) A member who has been suspended or has had any of his privileges suspended by the Management Committee under Clause (a), and who has not been completely exonerated on appeal, if any, by the Appeals Committee shall be prohibited from acting in any administrative position or as a member of the Management Committee of the Club or as a captain of any team controlled by the Club until the next Annual General Meeting of the Club held after the expiration of such suspension.

Clause 17(j) amended at the Special General Meeting held on 14 July 2003.

Formerly read:

"17(j) A member who has been suspended or has had any of his privileges suspended by the Management Committee under Clause (a), and who has not been completely exonerated on appeal, if any, by the Appeals Committee shall be prohibited from acting in any administrative position or as an Office-bearer of the Club or as a captain of any team controlled by the Club until the next Annual General Meeting of the Club held after the expiration of such suspension."

Clause 17 amended at the Special General Meeting held on 14 July 2003 to add the word "Management" before every word "Committee".

## Special Resolutions

18. (a) A special resolution must be passed by a general meeting of the Club to effect the following changes:
- (i) an alteration of the Club's name;
  - (ii) an alteration of the Club's rules;

- (iii) an alteration of or addition to the Club's objects;
  - (iv) an alteration of the Club's colours;
  - (v) an amalgamation with another incorporated or unincorporated association;
  - (vi) to voluntarily wind up the Club and distribute its property; or
  - (vii) to apply for registration as a Company or a co-operative society.
- (b) A resolution of the Club is a special resolution if -
- (i) it is passed by a majority which comprises not less than 75% of such members of the Club as, being entitled under these rules so to do, vote at a general meeting of which not less than 21 day's written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these rules; or
  - (ii) 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 sub-clause (i) hereof - the resolution is passed in a manner specified by the Commission.

### **Public Officer**

19. (a) The Management Committee shall ensure that a person is appointed as Public Officer.
- (b) The first Public Officer shall be the person who completes the application for incorporation of the Club.
- (c) The Management Committee may at any time remove the Public Officer and appoint a new Public Officer provided the person appointed is 18 years of age or older and a resident of New South Wales.
- (d) The Public Officer shall be deemed to have vacated his position if he:
- (i) dies;
  - (ii) resigns;
  - (iii) is removed by the Management Committee or at a general meeting;
  - (iv) becomes bankrupt or financially insolvent;
  - (v) suffers mental illness;

- (vi) takes up resident outside New South Wales; or
- (vii) ceased to be a member of the Club.

(e) When a vacancy occurs in the position of Public Officer the Management Committee shall within 14 days notify the Commission in the prescribed form and appoint a new Public Officer.

(f) The Public Officer may be a member of the Management Committee or any other member eligible for election to the Management Committee.

### **Insurance**

20. (a) In respect of the insurance required to be maintained by the Club pursuant to Section 44 of the Act, it shall be a function of the Management Committee to ascertain whether or not the Club is covered by a policy held by the New South Wales Cricket Association every year and if not so covered prior to the commencement of the cricket year to effect such insurance either on its own account or by a policy held by the New South Wales Cricket Association.

(b) In addition to the insurance required under Clause (a) the Committee may effect and maintain such other insurance as it deems necessary either on its own account or through policies held by the New South Wales Cricket Association.

### **Funds**

21. (a) The funds of the Club shall be derived from the membership subscription fees, playing fees, donations, subsidies, grants, and such other sources determined or approved by the Management Committee.

(b) 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 corporation, deposits in which have been prescribed as authorised securities pursuant to the Trustee Act, 1925.

(c) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any 2 of the Management Committee.

Clause 21(c) amended at the Special General Meeting held on 14 July 2003.

Formerly read:

“21(c) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any 2 of the President, Honorary Secretary, and Honorary Treasurer.”

(d) Fund Raising

(i) The raising or obtaining in the name of the Club of all moneys, donations, sponsorships, incentives, trophies or the like for the Club or for a member or members of the Club in their capacity as members of the Club must be approved or ratified by the Management Committee or its duly appointed nominee(s).

(ii) The allocation, appropriation and disbursement of all moneys, donations, sponsorships, incentives, trophies, or the like received or obtained by or made available or promised to the Club, whether in the form of money or otherwise, shall be the exclusive jurisdiction of the Management Committee.

(iii) The Management Committee shall have due regard to the expressed wishes of such donors or sponsors regarding the allocation, appropriation or disbursement of such moneys, donations, sponsorships, incentives, trophies or the like.

(iv) The provisions of Rule 17 shall apply to any member who contravenes this clause.

**Authorisation of Accounts**

22. All accounts shall be presented to and approved for payment at a meeting of the Management Committee and details of the payment shall be entered in the minutes of that meeting.

**Common Seal**

23. (a) The common seal of the Club shall be kept in the custody of the Honorary Secretary or the Public Officer.

(b) The common seal shall not be affixed to any instrument except by the authority of the Management Committee and the affixing of the common seal shall be attested by the signatures either of 2 members of the Management Committee or of 1 member of the Management Committee and the Public Officer.

**Services of Notices and Documents**

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

(b) Where a notice or document is sent to a person by post, the notice or 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 notice or document would have been delivered in the ordinary course of post.

## Minutes

25. (a) A member of the Management Committee or such other person as the Management Committee may determine shall cause minutes to be made of any and all meetings of the Management Committee and any and all general meetings of the Club.
- (b) The minutes of a meeting shall be signed by the chairman of the meeting at which the proceedings were held or by the chairman of the next succeeding meeting.

## Keeping, Custody and Inspection of Books

26. (a) The Honorary Treasurer shall ensure that correct books and accounts are kept showing the financial affairs of the Club. Such records shall be available for inspection by any member and shall be held in the custody of the Honorary Treasurer.
- (b) Except as otherwise provided by these rules, the Honorary Secretary shall keep in his custody or under his control all records, books and other documents relating to the Club. Such records, books and other documents shall be open to inspection, free of charge, by any member of the Club at any reasonable hour.

## Audit

27. The Honorary Auditor or Auditors appointed by the members of the Club, shall prior to the Annual General Meeting each year, audit the books, accounts and records of the Club and the report of such audit shall be presented to the Annual General Meeting.

## Selection of Teams

28. (a) The Selectors shall select such teams as required to represent the Club at all relevant fixtures.
- (b) Qualification of Players
- (i) Any person residing outside the Association's boundaries shall be ineligible to play for the Club without clearance from the Association.
- (ii) No player shall play for more than one Club in any one season without a permit from the Association.
- (c) No player who has taken part in a competition being run simultaneously with the Association's competition, will be eligible to play in the Association's competition without a permit or permission from the Association.

(d) An application for registration of players transferring from one district to another shall carry the endorsement in form of a clearance from a member of the Management Committee.

Clause 28(d) amended at the Special General Meeting held on 14 July 2003.

Formerly read:

“28(d) An application for registration of players transferring from one district to another shall carry the endorsement in form of a clearance from a member of the Executive of the Club.”

(e) Failure of any player selected by the selectors to play in a match without notifying the selectors personally of his inability to participate within a reasonable amount of time and without furnishing a reasonable excuse shall be fined (refer rule 5 (g)(ii)). The decision on the reasonableness of the time and the players excuse shall be decided upon by the Management Committee within five (5) days of the offence.

Clause 28(e) amended at the Special General Meeting held on 14 July 2003.

Formerly read:

“28(e) Failure of any player selected by the selectors to play in a match without notifying the selectors personally of his inability to participate within a reasonable amount of time and without furnishing a reasonable excuse shall be fined (refer rule 5 (g)(ii)). The decision on the reasonableness of the time and the players excuse shall be decided upon by the Executive within five (5) days of the offence.”

### **Matches**

29. The Club shall enter into matches sanctioned by the Association and abide by any Rules, Conditions and Standards of Conduct or Dress as set by that Association.

### **Registration**

30. The Secretary shall forward to the District Recorder, completed registration details as required under the rules of the Association.

### **Surplus Property**

31. In the event of the winding-up of the Club, all surplus property of the Club pursuant to Section 53(2) of the Act shall vest in the Albury and Border Cricket Association Incorporated.

Constitution adopted upon Incorporation on 4<sup>th</sup> February 1991.

Amendments:

- \* Annual General Meeting held on 28<sup>th</sup> May 1996:
  - Clause 5 (m)
  - Clause 6 (a)
  - Clause 14 (b)
  
- \* Annual General Meeting held on 5<sup>th</sup> May 2003:
  - Clause 5(c)(i)
  - Clause 5(c)(v)
  
- \* Special General Meeting held on 14<sup>th</sup> July 2003:
  - Clause 5(c)(ii)-(v)
  - Clause 8(a)
  - Clause 8(g)
  - Clause 14(b)-(c)
  - Clause 14(q)
  - Clause 15(f)
  - Clause 15(k)-(l)
  - Clause 16(b)
  - Clause 17
  - Clause 21(c)
  - Clause 28(d)-(e)