

CONSTITUTION and RULES of GLENBROOK- BLAXLAND CRICKET CLUB INCORPORATED

ABN 33 933 818 528

Part 1 Preliminary

Preamble

As a result of the merging of Glenbrook Junior Cricket Club Incorporated, Glenbrook Senior Cricket Club and Blaxland Cricket Club Incorporated, the Glenbrook-Blaxland Cricket Club Incorporated has been formed. As such all rights, property, player and club records, prior service including Life Membership from the merged clubs shall carry forward to Glenbrook-Blaxland Cricket Club Incorporated.

All members shall recognise and adhere to the following codes of conduct adopted by the club:

- (a) Cricket Australia's "Well Played – Codes of Behaviour" which outlines codes of behaviour for coaches, teachers, umpires, players and parents.
- (b) Cricket NSW's code of conduct
- (c) Plus any other code of conduct applied by registered competitions which the club participates in, including but not limited to:
 - a. Penrith Junior Cricket Association (PJCA)
 - b. Nepean District Cricket Association (NDCA)
 - c. Sydney Morning Cricket Association (SMCA)

1 Name

The name of the organisation shall be the **Glenbrook-Blaxland Cricket Club Incorporated**, here in after called the **Club**.

2 Objectives

The objectives of the Club shall be:

- (a) to promote, develop, coach, and administer junior and senior cricket by maintaining the highest possible standards in the Spirit of the game.
- (b) to provide teams, where possible for all ages, so that players may play, develop appropriate skills and progress from junior to senior teams while enjoying the game of cricket.
- (c) to provide teams in the Penrith Junior Cricket Association and Nepean District Cricket Association competitions, or other competitions as appropriate from time to time.
- (d) to ensure equal opportunities for all players/members in all aspects of cricket, and to provide players with programs to assist them reaching their full potential as cricketers.
- (e) to use such funds available to the Club to achieve the Club's objectives as stated above.

3 Definitions

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

- . **words** importing the singular include the plural and vice versa;
- . **words** importing on gender include any other gender;
- . **the Act** means the *Associations Incorporation Act*.
- . **Department Secretary** means the Secretary of the Department of Fair Trading.
- . **the Regulation** means the *Associations Incorporation Regulations*.
- . **committee member** means a member of the Management Committee who is not an office-bearer of the Club, as referred to in rule 12(2).
- . **Secretary** means:
 - (a) the person holding office under these rules as Secretary of the Club, or
 - (b) if no such person holds that office – the Public Officer of the Club.
- . **special general meeting** means a general meeting of the Club other than an annual general meeting.
- . **property** includes real and personal property, any estate or interest in any property real or personal, any debt, anything in action, and any other right or interest, whether in possession or not;

4 Colours of the Club

The colours of the Club will be dark blue, light blue and white.

Part 2 Membership

5 Membership qualifications

- (1) Subject to these rules, the first members of the Club shall be comprised of the members of the Club immediately prior to incorporation together with those persons who have been elected to life membership.
- (2) Members shall consist of the following classes:
 - (a) Playing members who apply for membership with the Club with a view to participating in the competition for junior or senior cricket teams.
 - (b) Active members (Coaches, Managers and other officials) who shall be non playing persons who apply for membership of the Club.
 - (c) Life members being those persons who have been elected as life members of the Club and who shall have such rights and privileges of the Club as referred to in these rules.

6 Nomination for membership

- (1) Except in the case of Life members, application for membership shall be made in writing signed by the applicant (and signed by a parent/guardian if applicant under eighteen (18) years), and shall be in such form and contain such information as is determined from time to time by the Management Committee to be essential.
- (2) As soon as practicable after receiving an application for annual membership, the Secretary must refer the application to the Management Committee which is to determine whether to approve or to reject the nomination. The Management Committee shall on request give its reasons for rejecting any application for admission.

7 Register of members

- (1) The Secretary and/or Public Officer of the Club must establish and maintain a register of members of the Club specifying the category of membership, name and address of each member of the Club together with the date the person became a member.
- (2) The register of members must be kept at the principal place of administration of the Club and must be open for inspection, free of charge, by any member of the Club at any reasonable hour.
- (3) A member of the Club may obtain a copy of any part of the register on payment of a fee of not more than \$1 for each page copied.
- (4) If a member requests that any information contained on the register about the member (other than the member's name) not be available for inspection, that information must not be made available for inspection.
- (5) A member must not use information about a person obtained from the register to contact or send material to the person, other than for—
 - a. the purposes of sending the person a newsletter, a notice in respect of a meeting or other event relating to the Club or other material relating to the Club, or
 - b. any other purpose necessary to comply with a requirement of the Act or the Regulation
- (6) If the register of members is kept in electronic form
 - a. it must be convertible into hard copy, and
 - b. the requirements in subclause (2) apply as if a reference to the register of members is a reference to a current hard copy of the register of members.

8 Fees and subscriptions

- (1) Both Playing and Active members shall pay such membership fees as are determined from time to

time by the Management Committee.

- (2) Player membership fees should be paid with the application form or by the time competition commences, otherwise the player will not be able to compete until the membership fee has been paid.
- (3) Active membership fees are payable with the application for membership.
- (4) The Management Committee may at its discretion waive, reduce or vary payment of any membership fees payable by a member.
- (5) Any Playing member who has their membership fees, including membership fees varied as per rule 8 (4), still outstanding by the third Monday in April is liable to be defaulted with the New South Wales Cricket Association, and shall remain a defaulter until such time as the outstanding monies are paid.
- (6) Junior players will not incur any additional membership fees or other fees if they also play in a senior team during the season.

9 Life members

- (1) The Club shall have the power to elect Life members (maximum of two (2) per year).
- (2) Any person shall be eligible for election to Life membership provided he or she has met the following criteria:
 - (a) an office bearer or committee member of the Management Committee for a minimum of five (5) years, and/or
 - (b) a person who has contributed meritorious service to the Club for a equivalent length of time.
- (3) Life members may only be elected at the annual general meeting and the vote shall be a two thirds majority of the members present and eligible to vote provided that the name has been nominated and approved by a two thirds majority of the Management Committee and such nomination has been submitted two (2) months before the annual general meeting.

10 Members' liabilities

The liability of a member of the Club to contribute towards the payment of the debts and liabilities of the Club or the costs, charges and expenses of the winding up of the Club is limited to the amount, if any, unpaid by the member in respect of membership fees of the Club as required by rule 8 (1).

Part 3 The Management Committee

11 Powers of the Management Committee

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

- (a) is to control and manage the affairs of the Club, and
- (b) may exercise all such functions as may be exercised by the Club, other than those functions that are required by these rules to be exercised by a general meeting of members of the Club, and
- (c) has power to perform all such acts and do all such things as appear to the Management Committee to be necessary or desirable for the proper management of the Club.
- (d) and may approve By-Laws for the day to day administration of the Club.

12 Composition of Management Committee

- (1) Subject in the case of the first members of the Management Committee to section 21 of the Act, the Management Committee is to consist of:
 - (a) the office-bearers of the Club, and
 - (b) three (3) committee members from senior players
 - (c) three (3) committee members representing junior players,
 - (d) up to three (3) general committee memberseach of whom is to be elected at the annual general meeting of the Club under rule 13.
- (2) The office-bearers of the Club are to be:
 - (a) the President
 - (b) the Vice-President for senior players
 - (c) the Vice-President for junior players
 - (d) the Treasurer
 - (e) the Secretary, and
 - (f) the Assistant Secretary
- (3) The Executive Committee of the Club are to be:
 - (a) the President
 - (b) the Secretary and
 - (c) the Treasurer.
- (4) Each member of the Management Committee is, subject to these rules, to hold office until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.
- (5) In the event of a casual vacancy occurring in the membership of the Management Committee, the Management Committee may appoint a member of the Club to fill the vacancy and the member so appointed is to hold office, subject to these rules, until the conclusion of the annual general meeting next following the date of the appointment.
- (6) The elected committee members will be expected to perform various functions such as Registrar, Competition Secretary and Equipment Officer for either the junior or senior members of the Club.
- (7) The Executive Committee must have at all times three (3) members duly appointed to the roles as described in 12(3) of this Constitution.

13 Election of members

- (1) Nominations of candidates for election as office-bearers of the Club or as committee members of the Management Committee:
 - (a) must be made in writing, signed by two (2) members of the Club and accompanied by written consent of the candidate (may be endorsed on the nomination form), and
 - (b) must be delivered to the Secretary of the Club at least seven (7) days before the date fixed for

the annual general meeting at which the election is to take place.

- (2) If insufficient nominations are received to fill all vacancies on the Management Committee, the candidates nominated are taken to be elected and further nominations are to be received at the annual general meeting.
- (3) If insufficient further nominations are received, any vacant positions remaining on the Management Committee are taken to be casual vacancies.
- (4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
- (5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.
- (6) The ballot for the election of office-bearers and committee members of the Management Committee is to be conducted at the annual general meeting in such usual and proper manner as the Management Committee may direct.
- (7) A person who is not a financial Active member, a financial Playing member (aged eighteen (18) years or over) or a Life member, is not eligible for election to the Management Committee.

14 Delegates

The Management Committee shall have the power to appoint such Delegates as are necessary to represent the Club.

15 Secretary

- (1) It is the duty of the Secretary to maintain:
 - (a) a record of all appointments of office-bearers and committee members of the Management Committee,
 - (b) a record of the names of members of the committee present at a committee meeting or a general meeting, and
 - (c) a record of all proceedings at committee meetings and general meetings.
- (2) Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting as to verifying their correctness.

16 Treasurer

It is the duty of the Treasurer to:

- (a) verify that all money due to the Club is collected and received and that all payments authorised by the Club are made, and
- (b) ensure correct books and accounts are kept of the financial affairs of the Club, including full details of all receipts and expenditure connected with the activities of the Club.

17 Public Officer

- (1) The Management Committee shall ensure that a person is appointed as Public Officer.
- (2) The first (1st) Public Officer shall be the person who completes the application for incorporation of the Club.
- (3) The Management Committee may at any time remove the Public Officer and appoint a new Public Officer provided the person is eighteen (18) years of age or older and a resident of N.S.W.
- (4) The Public Officer shall be deemed to have vacated his position if he:
 - (a) dies;
 - (b) resigns;
 - (c) is removed by the Management Committee or at a general meeting;
 - (d) becomes bankrupt or financially insolvent;
 - (e) suffers mental illness;

- (f) takes up residence outside N.S.W. or
 - (g) ceases to be a member of the Club.
- (5) When a vacancy occurs in the position of Public Officer, the Management Committee shall within fourteen (14) days notify the “department” and appoint a new Public Officer.
- (6) The Public Officer may be a member of the Management Committee or any other member eligible for election to the Management Committee.

18 Club Historian

The Management Committee shall ensure that a person is appointed as Club Historian, who will maintain statistics for the club and be responsible for the keeping of all completed club records and information including score books.

19 Patron

The annual general meeting may select a prominent person/s to be the Patron of the Club, subject to that person’s acceptance of the position.

20 Casual vacancies

For the purposes of these rules, a casual vacancy in the office of a member of the Management Committee occurs if the member:

- (a) dies, or
- (b) ceases to be a member of the Club, or
- (c) becomes an insolvent under administration within meaning of *Corporations Law*, or
- (d) resigns office by notice in writing given to the Secretary, or
- (e) is removed from office under rule 21, or
- (f) becomes a mentally incapacitated person, or
- (g) is absent without the consent of the Management Committee from all meetings of the Management Committee held during a period of three (3) months.

21 Removal of member

- (1) The Club in general meeting may by resolution remove any member of the Management Committee from the office before the expiration of the member’s term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.
- (2) If a member of the Management Committee to whom a proposed resolution referred to in clause (1) relates makes representations in writing to the Secretary or President (not exceeding a reasonable length of time) and requests that the representation be notified to the members of the Club, the Secretary or the President may send a copy of the representations to each member of the Club or, if the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

22 Meetings and quorum

- (1) The Management Committee must meet at least six (6) times in each period of twelve (12) months at such place and time as the Management Committee may determine.
- (2) Additional meetings of the Management Committee may be convened by the President or by any three (3) members of the Management Committee.
- (3) Oral or written notice of a meeting of the Management Committee must be given by the Secretary to each member of the Management Committee at least 48 hours (or such other period as may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting.
- (4) Notice of a meeting given under clause (3) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which members of the committee present at the meeting unanimously agree to treat as

urgent business.

- (5) Any six (6) members of the Management Committee constitute a quorum for the transaction of the business of a meeting of the Management Committee.
- (6) No business is to be transacted by the Management Committee unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to the same place and at the same hour of the same day in the following week.
- (7) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.
- (8) At a meeting of the Management Committee:
 - (a) the President or, in the President's absence, the Vice-President is to preside, or
 - (b) if the President and the Vice-President are absent or unwilling to act, one of the remaining members of the Management Committee, may be chosen to act as chairperson by a majority of the members present at the meeting.
- (9) A meeting may be held at 2 or more venues using any technology approved by the Management Committee that gives each of the committee's members a reasonable opportunity to participate.
- (10) A committee member who participates in a meeting using that technology is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

23 Delegation by Management Committee to sub-committee

- (1) The Management Committee may, by instrument in writing, delegate to one or more sub-committees (consisting of such member or members of the Club as the Management Committee thinks fit) the exercise of such of the functions of the Management Committee as are specified in the instrument, other than:
 - (a) this power of delegation, and
 - (b) a function which is a duty imposed on the Management Committee by the Act or any other law.
- (2) 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.
- (3) A delegation under this section may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.
- (4) Despite any delegation under this rule, the Management Committee may continue to exercise any function delegated.
- (5) 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 Management Committee.
- (6) The Management Committee may, by instrument in writing, revoke wholly or in part any delegation under this rule.
- (7) A sub-committee may meet and adjourn, as it thinks proper.

24 Voting and decisions

- (1) Questions arising at a meeting of the Management Committee or of any sub-committee appointed by the Management Committee are to be determined by a majority of the votes of members of the Management Committee or sub-committee present at the meeting.
- (2) Each member present at a meeting of the Management Committee or of any sub-committee appointed by the Management Committee (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second

or casting vote.

- (3) Subject to rule 22 (5), the Management Committee may act despite any vacancy on the Management Committee.
- (4) Any act or thing done or suffered, or purporting to have been done or suffered, by the Management Committee or by a sub-committee appointed by the Management Committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the Management Committee or sub-committee.
- (5) Urgent decisions affecting the operation of the Club may be made by the Executive Committee, but the decisions must be ratified by the next Management Committee meeting.

Part 4 General Meeting

25 Annual general meetings – holding of

- (1) With the exception of the first annual general meeting of the Club, the Club must, at least once in each calendar year and within the period of six (6) months after the expiration of each financial year of the Club, convene an annual general meeting of its members.
- (2) The Club must hold its first annual general meeting:
 - (a) within period of eighteen (18) months after its incorporation under the Act, and
 - (b) within period of six (6) months after the end of the first financial year of Club.
- (3) Clauses (1) and (2) have effect subject to any extension or permission granted by the Department Secretary under section 26(3) of the Act.
- (4) A General Meeting may be held at 2 or more venues using any technology approved by the Management Committee that gives each of the committee’s members a reasonable opportunity to participate.
- (5) A committee member who participates in a General Meeting using that technology is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

26 Annual general meetings – calling of and business at

- (1) The annual general meeting of the Club is, subject to the Act and to rule 25, to be convened on such date, at such place and time the Management Committee thinks fit.
- (2) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting is to include the following:
 - (a) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting,
 - (b) to receive from the Management Committee reports on the activities of the Club during the last preceding financial year,
 - (c) to elect new office-bearers of the Club and committee members of the Management Committee,
 - (d) to receive and consider the statement which is required to be submitted to members under section 26(6) of the Act.
- (3) An annual general meeting must be specified as such in the notice convening it.

27 Special general meetings – calling of

- (1) The Management Committee may, whenever it thinks fit, convene a special general meeting of the Club.
- (2) The Management Committee must, on the requisition in writing of at least five (5) per cent of the total number of members, convene a special general meeting of the Club.
- (3) A requisition of members for a special general meeting:
 - (a) must state the purpose or purposes of the meeting, and
 - (b) must be signed by the members making the requisition, and
 - (c) must be lodged with the Secretary, and
 - (d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- (4) If the Management Committee fails to convene a special general meeting to be held within one (1) month after that date on which a requisition of members for the meeting is lodged with the Secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than three (3) months after that date.

- (5) A special general meeting convened by a member or members as referred to in clause (4) must be convened as nearly as is practicable in the same manner as general meetings are convened by the Management Committee and any member who consequently incurs expenses is entitled to be reimbursed by the Club for any expense so incurred.
- (6) For the purposes of subclause (3)—
 - (a) a requisition may be in electronic form, and
 - (b) a signature may be transmitted, and a requisition may be lodged, by electronic means.

28 Notice

- (1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Club, the Secretary must, at least fourteen (14) days before the date fixed for the holding of the general meeting, give a notice to each member specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (2) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Club, the Secretary must, at least twenty-one (21) days before the date fixed for the holding of the general meeting, cause notice to be given to each member specifying, in addition to the matter required under clause (1), the intention to propose the resolution as a special resolution.
- (3) No business other than that specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under rule 26(2).
- (4) A member desiring to bring any business before a general meeting may give notice in writing of that business to the Secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

29 Procedure

- (1) No item of business is to 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.
- (2) Fifteen (15) members present in person (being members entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- (3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:
 - (a) if convened on the requisition of members, is to be dissolved, and
 - (b) in any other case, is to 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.
- (4) 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 at least ten (10)) is to constitute a quorum.

30 Presiding member

- (1) The President or, in the President's absence, the Vice-President, is to preside as chairperson at each general meeting of the Club.
- (2) If the President and the Vice-President are absent or unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.

31 Adjournment

- (1) The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place,

but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

- (2) If a general meeting is adjourned for fourteen (14) days or more, the Secretary must 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 the nature of the business to be transacted at the meeting.
- (3) Except as provided in clauses (1) and (2), 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.

32 Making of decisions

- (1) A question arising at a general meeting of the Club is to be determined on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the Club, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (2) At a general meeting of the Club, a poll may be demanded by the chairperson or by at least three (3) members present in person at the meeting.
- (3) If a poll is demanded at a general meeting, the poll must be taken;
 - (a) 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
 - (b) in any other case, in such manner and at such time before the close of the meeting as the chairperson directs,and the resolution of the poll on the matter is taken to be the resolution of the meeting on that matter.

33 Special resolution

A resolution of the Club is a special resolution:

- (a) if it is passed by a majority which comprises at least three-quarters of such members of the Club as, being entitled under these rules to do so, vote in person, or as otherwise provided in this Constitution at a general meeting of which at least twenty-one (21) days written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these rules, or
- (b) where it is made to appear to the Department Secretary that it is not practicable for the resolution to be passed in the manner specified in paragraph (a) if the resolution is passed in a manner specified by the Department Secretary.
- (c) Any such Special Resolution must be passed in accordance with Section 39 of the Act.

34 Voting

- (1) On any question arising at a general meeting of the Club a member has one vote only.
- (2) All votes must be given personally.
- (3) In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
- (4) A member is not entitled to vote at any general meeting of the Club unless all money due and payable by the member to the Club has been paid, other than the amount of the annual subscription payable in respect of the upcoming season.
- (5) Proxy voting must not be undertaken at or in respect of a general meeting
- (6) The Club may hold a postal or electronic ballot (as the committee determines) to determine any issue or proposal (other than an appeal under clause 36).
- (7) A postal or electronic ballot is to be conducted in accordance with Schedule 3 to the Regulation.

Part 5 Member Conduct

35 Code of Conduct

To underpin the club objectives, all members shall recognise and adhere to

- (a) the constitution, rules and by-laws, and
- (b) best interests and intentions of the Club.
- (c) the following codes of conduct adopted by the club:
 - (a) Cricket Australia's code of conduct for amateur level cricket which outlines codes of behaviour for coaches, teachers, umpires, players and parents.
 - (b) Cricket NSW's code of conduct
 - (c) Plus any other code of conduct applied by registered competitions which the club participates in, including but not limited to:
 - i. Penrith Junior Cricket Association (PJCA)
 - ii. Nepean District Cricket Association (NDCA)
 - iii. Sydney Morning Cricket Association (SMCA)

These shall be adhered to at the following events:

- (a) At all games, including pre and post match activities, held by
 - a. any competition that the club has registered players for, or
 - b. the club, or
 - c. Club registered events
- (b) Social activities organised or supported by the Club

36 Disciplining of Members

Any transgression of the code of conduct by a member(s) shall be dealt with under the processes and provision outlined in the by-laws

Part 6 Grievance Procedure

37. Application

- (1) The grievance procedure set out in this Division applies to disputes under these Rules between—
 - (a) a member and another member;
 - (b) a member and the Committee;
 - (c) a member and the Club.
- (2) A member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed.

38. Parties must attempt to resolve dispute

The parties to a dispute must attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.

39. Appointment of Mediator

- (1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 38, the parties must within 10 days—
 - (a) notify the Committee of the dispute; and
 - (b) agree to or request the appointment of a mediator; and
 - (c) attempt in good faith to settle the dispute by mediation.
- (2) The mediator must be—
 - (a) a person chosen by agreement between the parties; or
 - (b) in the absence of agreement—

- (i) if the dispute is between a member and another member—a person appointed by the Committee; or
 - (ii) if the dispute is between a member and the Committee or the Club— a person appointed or employed by the Community Justice Centres, NSW
- (3) A mediator appointed by the Committee may be a member or former member of the Club but in any case must not be a person who—
 - (a) has a personal interest in the dispute; or
 - (b) is biased in favour of or against any party.

40. Mediation Process

- (1) The mediator to the dispute, in conducting the mediation, must—
 - (a) give each party every opportunity to be heard; and
 - (b) allow due consideration by all parties of any written statement submitted by any party; and
 - (c) ensure that natural justice is accorded to the parties throughout the mediation process.
- (2) The mediator must not determine the dispute.

41. Failure to resolve dispute by mediation

If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

Part 7 Miscellaneous

42 Funds – Source

- (1) The funds of the Club are to be derived from annual membership fees, donations, sponsorships and, subject to any resolution passed by the Club in general meeting, such other sources as the Management Committee determines.

43 Banking and Finance

- (1) On behalf of the Club, the Treasurer is to-
 - a. Ensure that all monies received and paid into the Club’s Bank account are accounted for; and
 - b. Where a written request is received from a Club Member for an official receipt, one is provided to the Club Member; and
 - c. Where the Treasurer or another Member of the Management Committee is in receipt of Monies for and on behalf of the Club, cause the money to be paid into the account opened in accordance with subrule (2) as soon as practicable after it is received.
- (2) The Management Committee is to open with an authorised deposit-taking institution an account in the name of the Club.
- (3) The Management Committee may –
 - a. Receive from an authorised deposit-taking institution a cheque drawn by the Club on any of the Club’s accounts with the authorised deposit-taking institution; and
 - b. Release or indemnify the authorised deposit-taking institution from or against any claim, or action or proceeding, arising directly or indirectly out of the drawing of that cheque.
- (4) Except with the authority of the Management Committee, a payment of an amount exceeding \$20 is not to be made from the funds of the Club other than –
 - a. By cheque drawn on the Club’s account; or
 - b. By the electronic transfer of funds from the Club’s account to another account at an authorised deposit-taking institution.
- (5) The Management Committee may provide the Treasurer of the Club with an amount of money to meet urgent expenditure, subject to any conditions the Management Committee may impose in relation to the expenditure.
- (6) A cheque is not to be drawn on the Club’s account, and an amount is not to be electronically transferred from the Club’s account to another account at an authorised deposit-taking institution, except for the purpose of making a payment that has been authorised by the Management Committee.
- (7) A cheque, draft, bill of exchange, promissory note or other negotiable instrument is to be-
 - a. Signed by the treasurer of the club or, in the treasurer’s absence, by any other member, or members, of the Management Committee the Management Committee nominates for that purpose; and
 - b. Countersigned by another member of the Executive Committee, or in the member’s absence, by any other member, or members, of the Management Committee the Management Committee nominates for that purpose.
- (8) An electronic transfer of an amount from the Club’s account to another account at an authorised deposit-taking institution must have dual authorisations and –
 - a. May only be authorised by the treasurer of the Club or, in the treasurer’s absence, by any other member, or members, of the Management Committee the Management Committee nominates for that purpose; and
 - b. May only be co-authorised by another member of the Executive Committee, or in the member’s absence, by any other member, or members, of the Management Committee the Management Committee nominates for that purpose.

44 Insurance

- (1) The Club must effect and maintain insurance under section 44 of the Act.

- (2) In addition to the insurance required under clause (1), the Club may effect and maintain other insurance necessary for the safeguarding assets and public liabilities of the Club.

45 Financial Year

The financial year of the Club shall be from 1 May to 30 April of the following year.

46 Membership Year

The membership year of the Club shall be from 1 September to 31 August of the following year.

47 Custody of books

- (1) Except as otherwise provided by these rules, the Public Officer must keep in his or her custody or under his or her control all records, books and other documents relating to the Club.
- (2) Score books and official records remain the property of the Club and when not in use are to be held by the Club Historian.

48 Inspection of books

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

49 Audit

The honorary Auditor 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 report of the result of such to the annual general meeting.

50 Common seal

- (1) The common seal of the Club must be kept in the custody of the Public Officer.
- (2) The common seal must not be affixed to any instrument except by the authority of the Management Committee and the affixing of the common seal must be attested by the signatures of any two (2) of the Executive Committee - President, Secretary or Treasurer during a duly constituted meeting of the Management Committee.

51 Service of notices

- (1) For the purpose of these rules, a notice may be served on or given to a person:
- (a) by delivering it to the person personally, or
 - (b) by sending it by pre-paid post to the address of the person, or
 - (c) by sending it by facsimile transmission or other form of electronic transmission to an address specified by the person for giving or serving the notice.
- (2) for the purpose of these rules, a notice is taken, unless the contrary is proved, to have been given or served:
- (a) in the case of a notice given or served personally, on the date on which it is received by the addressee, and
 - (b) in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
 - (c) in the case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent, or if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

52 Remuneration of office bearers

No member of the Management Committee shall be appointed to any salaried office of the Club or any office of the Club paid by fees and no remuneration or other benefit in money or monies worth shall be given by the Club to any member of the Management Committee except as repayment of out-of-pocket expenses.

53 Alteration of constitution and rules

The statement of constitution and rules may be altered, rescinded or added to only by a special resolution at a special general meeting of the Club.

54 Winding up of Club

- (1) A special general meeting must be called if it is contemplated to wind up or cancel the incorporation of the Club which must be approved by a special resolution.

In the event of the winding up or cancellation of the incorporation of the Club, all surplus property of the Club pursuant to section 53 (2) of the Act shall be vested with the New South Wales District Cricket Association Incorporated.

NOTES:

This Constitution was approved at the Special General Meeting 13 June 2001.

Modification to this constitution were made at the Special General Meeting on 5 July 2017 to include ABN, codes of conduct to preamble, and replacement of Part 5 section 35 and section 36.

Further modifications were made to this constitution at the Special General Meeting on 29 June 2022 (details are tabled in the Notice of Special Resolutions Document).