



# JOONDALUP KINROSS CRICKET CLUB

(INCORPORATED)

# CONSTITUTION

Founded 1994

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## CONSTITUTION

### PART 1

#### 1.1 Name:-

The name of the Club is the Joondalup Kinross Cricket Club (Incorporated) hereinafter designated "The Club".

#### 1.2 Colours:-

The official colours of "The Club" shall be Bottle or Emerald Green and Gold.

#### 1.3 Location:-

The Club will be based and located at Windermere Oval, Joondalup and utilise that ground and any other grounds made available by the City of Joondalup.

### PART 2 ARRANGEMENT

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### **PART 3 OBJECTIVES**

The Objectives of the Club shall be:-

- 3.1 To encourage, promote and foster the game of Cricket at all levels in every way possible in a safe and healthy environment.
- 3.2 To provide and maintain a Club House for the use of members of the Club.
- 3.3 To act, either alone or with other individuals and other bodies in the interests of sport generally.
- 3.4 To conduct activities for the raising of funds for the purpose of financing the achievement of the objectives of the Club.
- 3.5 To promote good fellowship and true sportsmanship.

### **PART 4 MEMBERSHIP**

The Membership of the Club shall be:-

- 4.1
  - 4.1.1 Any person shall be eligible for admission as a member of the Club upon application and approval of such application by the Club's General Committee. The applicant shall be declared a Member of the Club providing that he/she becomes a Financial Member as provided for in Part 8: Subscriptions and Match Fees, immediately upon approval.
    - 4.1.1.1 All applications for membership (for persons 18 years of age and over) shall be posted on the noticeboard of the Club for a period of not less than seven days before election, provided also that an interval of not less than two weeks shall elapse between nomination and election.
  - 4.1.2 Junior Playing Members shall be eligible to participate provided they qualify to the age limit of that grade as laid down by governing Cricket Association(s) to which the Club is affiliated, however they shall not have voting rights.
  - 4.1.3 Each Member, 18 years of age and over, shall be entitled to one (1) vote at any Annual or Special General Meeting of the Club.

#### **4.2 *Ordinary/Associate Members***

Any person who is not a playing member of the Club, as stated in Part 4.1, above, may be deemed eligible for Membership as an Ordinary/Associate Member of the Club, upon application to and approval by the General Committee, providing such the Ordinary/Associate Member pay the required Membership Fee, as determined by the Club.

### 4.3 **Temporary Members**

A person who is on any day visiting the club as a member or an official of another club:-

- that is to engage in a pre-arranged event with the host club conducted for the purposes of one of the host clubs principal objects; or
- that is to hold a pre-arranged function at the host club involving the use of the host club's sporting facilities.

may be taken to be a person who is afforded temporary membership on that day.

### 4.4 **Life Members**

The General Committee shall have the power to recommend Life Membership to the Club on any person they deem fit to receive it. Life membership shall only be granted for distinguished service to the Club.

4.4.1 Notice of any motion for such appointment shall be given to the secretary in writing and approved by a majority of the Executive Committee and then the General Committee at least twenty eight (28) days prior to the Annual General Meeting and then ratified by a seventy five percent (75%) majority of those members attending the AGM who are entitled to vote. The Nominator must have five (5) years associated membership to the Nominee. The Nominee must have had a minimum of ten (10) years active membership of the club.

4.4.2 Recommendation for Life Membership shall be voted upon by the Club at the next Annual General Meeting of the Club.

4.4.3 Life Members still playing in a Club shall not pay any Membership Fees but shall contribute Match Fees as decided by the General Committee as per any other playing member.

### 4.5 **Honorary Members**

4.5.1 A person may be elected as an Honorary Member of the Club by the General Committee of the Club.

4.5.2 Such membership will last for one year only.

4.5.3 Honorary Members shall not be entitled to vote at any meeting of the Club.

4.5.4 The General Committee may revoke the admission of any Honorary Member without any notice and without assigning any reason for doing so.

### 4.6 **Guests**

The maximum number of guests per member per day for the purposes of Section 48(4)b of the Liquor Control Act 1988, is five (5).

- 4.6.1 Members may introduce guests to the club at any time provided that:
- a guest shall not be supplied with liquor in the club premises except on invitation and in the company of that member.
  - A guest shall be supplied with liquor to be consumed on the club premises only.
  - The member introducing the guest shall be responsible for the proper conduct of that guest whilst on the club premises.
  - Any person who has been refused membership of the club or who is under the suspension or expulsion from the club shall not be admitted as a guest of any member of the club.
  - A member may, at their expense, and with approval of the club committee, supply liquor to guests, without limitation to number, a function held by or on behalf of that member, at the club premises.

#### 4.7 Juveniles

Pursuant to s120 of the Act, unaccompanied juveniles are generally prohibited from entering or remaining on licensed premises unless, in the case of a club, the presence of the juvenile:-

- does not contravene the constitution and the rules of the club;
- is permitted by the committee of the club; and
- does not contravene a condition of the licence.

- 4.7.1 No liquor shall be sold or supplied to any juvenile (ie any person under the age of 18)

#### 4.8 **General**

- 4.8.1 All such persons are hereinafter referred to collectively as “the Members”.

- 4.8.2 Every member shall be under continuing liability for subscriptions until he shall cease to be a member.

- 4.8.3 Any member who fails to pay his membership fee within two months of the same failing due shall cease to be a member of the Club.

- 4.8.4 The General Committee shall have the right to refuse to admit any person to membership without assigning any reason for so doing.

- 4.8.5 Communication to members of the Club will utilise the most convenient form possible. It is acceptable to send “written” communications via electronic media such as email, Facebook and the Club website providing the media chosen reaches the desired targets of the information sent.

#### 4.9 **Register of members**

- 4.9.1 The club shall keep a register of all members that includes the members name and either residential, postal or email address. This record shall be maintained by the club Registrar.
- 4.9.2 Members may request a copy of the register of members providing a statutory declaration setting out the purpose for the copy of register is provided and the General Committee deem that the request is of a suitable nature.
- 4.9.3 If a member requests a copy of the register, then the Club may charge the member a reasonable amount.
- 4.10 A copy of the constitution of the Club must be provided to each person who becomes a member of the club.

## **PART 5 CLUB PATRON**

Any person who in the opinion of the Club would foster the interests and aims of the Club may be appointed as Club Patron on receiving a seventy-five percent majority of all members of the Club present at any Annual General Meeting PROVIDED THAT only one Club Patron shall be appointed at any Annual General Meeting. The position of Club Patron is honorary. The number of Vice Patrons shall be determined by a **Two-thirds** majority of all members of the Club present at any Annual General Meeting.

## **PART 6 TERMINATION OF MEMBERSHIP**

6.1 A member may at any time, by giving notice to the Secretary in writing, resign his membership of the Club.

### **6.2 *Suspension***

If at any time a two thirds majority of the Executive Committee shall be of the opinion that the interests of the Club so require, they may suspend any member of the Club by letter for a period not exceeding twelve (12) weeks. Such letter shall also state the grounds on which his suspension is based. On passing of such resolution all privileges of that member shall be forfeited. Any member who is suspended may appeal against such a suspension in which case the Secretary shall call a General Meeting to discuss the issue. At such meeting the member whose suspension is under consideration shall be allowed to offer an explanation of the conduct either verbally or in writing, and if two thirds of the members present shall vote for his suspension he shall thereupon cease to be a member of the Club for the period of suspension specified.

### **6.3 *Expulsion***

If at any time a two thirds majority of the Executive Committee shall be of the opinion that the interests of the Club so require, they may by letter invite any member to resign from the Club within a time specified. Such letter shall also state the grounds on which his resignation is sought. In default of his resignation the question of his expulsion shall be submitted to a General Meeting to be held within three weeks after the date specified in such letter. It shall be in the power of the Executive Committee to exclude such member from the Club House, playing area and Club related events until such General Meeting shall be held. The member whose expulsion is sought shall have written notice of such meeting. At such meeting the Member whose expulsion is under consideration shall be allowed to offer an explanation of the conduct either verbally or in writing, and if two thirds of the Members present shall vote for his expulsion he shall thereupon cease to be a member of the Club.

6.4 Death

6.5 Dissolution of the Club. (Refer Part 25 of this Constitution)

## **PART 7 LIABILITY OF MEMBERS**

7.1 Every person ceasing to be a Member of the Club, whether by resignation, retirement or expulsion shall not be relieved of any indebtedness to the Club and shall remain liable for any subscription and any other monies due and unpaid at the date of his ceasing to be a member.

7.2 Any member who has ceased to be a Financial Member of the Club **shall not be granted a clearance until all dues are paid.**

7.3 Any person on ceasing to be a member of the Club shall forfeit right to and claim upon the Club, its property and funds.

## **PART 8 SUBSCRIPTIONS AND MATCH FEES**

8.1 The Annual Membership Fee and Daily Match Fees shall be amounts determined by the General Committee prior to commencement of the season.

8.2 Any person shall be eligible for Ordinary / Associate Membership of the Club in a non-playing capacity and the subscription payable shall be determined by the General Committee prior to the commencement of the season.

8.3 Junior Membership Fees and Daily Match Fees shall be amounts determined by the General Committee prior to commencement of the season.

- 8.4 All annual Membership Fees shall be payable to the Club by the 30<sup>th</sup> of November, of the current season, (unless special arrangements have been made with the Treasurer and approved by the General Committee provided that:
- 8.4.1 Upon application and approval of a person after the 30<sup>th</sup> November and on or before the 31<sup>st</sup> December of the current season the Membership Fee shall be assessed at two-thirds (2/3rds) of the Annual Membership subscription as determined in 8.1 and 8.2 above and rounded to the nearest dollar and shall become immediately due;
- 8.4.2 Upon application and approval of a person after the 31<sup>st</sup> December of the current season the Membership Fee shall be assessed at one-half ( ½) of the Annual Membership subscription determined in 8.1 or 8.2 above and rounded to the nearest dollar and shall become immediately due;
- 8.5 Match Fees**
- 8.5.1 Match Fees shall be payable prior to the completion of each days play (unless previously arranged with a club official);
- 8.5.2 Junior Match Fees are to be collected by Team Managers or a Club Official and given to the Treasurer who shall duly issue a receipt and record payment of the same with the registrar, who shall enter the record of such payment for each player.
- 8.6 Upon failure to pay Annual fee(s) and / or Match Fees in accordance with the above Rules, a person shall not play in any team of the Club, excepting if special arrangements for the payment(s) of such fees have been made with the Treasurer of the Club, who will receive such approval from the Executive Committee of the Club, for such arrangements to be made.
- 8.7 Any member who is not a financial member at the end of the current season, **shall not be** eligible to receive any Club trophy/trophies.

## PART 9 COMMITTEE STRUCTURES

- 9.1 Under section 39 of the Act the following person must not, without leave of the Commissioner for Consumer Protection, accept an appointment or act as a member of a General committee of a club:
- A person who is, according to the Interpretation Act 1984 section 13D, a bankrupt or person whose affairs are under insolvency laws;
  - A person who has been convicted, within or outside the state, of-
    - An indictable offence in relation to the promotion, formation or management of a body corporate; or
    - An offence involving fraud or dishonesty punishable by imprisonment for a period of not less than 3 months; or



- An offence under Part4Division3 or section 127 of the Act

Section 39 only applies to a person who has been convicted of the above offences only for a period of 5 years from the time of the person's conviction, or if the conviction results in a term of imprisonment, from the time of the person's release from custody.

9.2 The Executive Committee shall consist of:

- 9.2.1 President
- 9.2.2 Senior Vice President - Administration
- 9.2.3 Senior Vice President - Cricket
- 9.2.4 President - Juniors
- 9.2.5 Secretary
- 9.2.6 Treasurer
- 9.2.7 Registrar

9.3 The business and general affairs of the Club shall be the responsibility of the General Committee who shall have full control of the property of the Club and absolute authority regarding its disposition.

9.3 The General (Formerly Management) Committee shall consist of the Executive Committee plus any of the following positions:

- 9.3.1 Assistant Secretary / Treasurer
- 9.3.2 Club Coach
- 9.3.3 Chairman of Selectors
- 9.3.4 Social Convenor
- 9.3.5 Purchasing / Property Officer
- 9.3.6 Senior Association Delegates (2) Senior Vice President plus one
- 9.3.7 Junior Association Delegates (2) President - Juniors plus one
- 9.3.8 Club Statistician
- 9.3.9 Bar Manager
- 9.3.10 General Committee Member(s)

*The General Committee and any officers appointed by the General Committee for the Club shall be honorary. However, special approval may be given by the Executive Committee of the Club to any Member of the Club, for payment of services to the Club, provided any such payment is made in the interest of the Club.*

## **PART 10 POWERS OF THE GENERAL COMMITTEE**

10.1 Should any matter arise, or be brought to the notice of the President and/or Secretary which in their opinion does not warrant a decision by the full General Committee, the Executive Committee described in 9.2 of this constitution shall have the power to deal with such matters at their discretion, providing that discretion is consistent with Part 3 – Objectives of this constitution, and providing that such decision be minuted at the following meeting of the General Committee.

- 10.2 The General Committee shall at all times act for and be responsible for the daily running of the club.
- 10.3 To take and defend all legal proceedings by or on behalf of the Club and to appoint all necessary Attorneys for any such purpose.
- 10.4 To borrow, raise or secure the payment of money and to sell and dispose of the assets of the Club.
- 10.5 To make, alter and repeal By-Laws not consistent with these rules regulating the use and management of the Club premises and admission of Members and the conduct of the Club and its affairs generally.
- 10.6 To make such By-Laws as they may deem necessary for the carrying out of the objectives of the Club and to vary and rescind such By-Laws if necessary, provided they do not interfere with the parts of this constitution.
- 10.7 To arrange clearances to and from other Clubs and Associations, providing the player is financial in accordance with Part 8 of this Constitution.
- 10.8 The General Committee may appoint a sub-committee(s) as they may deem necessary and may repute or refer to them such powers and duties as the General Committee may determine.
- 10.9 The General Committee shall have the power to fill any vacancy that occurs on the General Committee between Annual General Meetings.
- 10.10 The General Committee may co-opt any Member onto the General Committee to assist the General Committee as required.
- 10.11 The General Committee shall have the power to annually appoint a Club Coach and/or Captain, prior to the commencement of the season and to negotiate remuneration and to arrange for a contract for same.
- 10.12 To appoint, remove and re-appoint the Club Coach and/or Captain, and/or any Member on the Selection Committee.
- 10.13 To appoint, remove and re-appoint the Playing Captains and Vice Captains of all grade teams fielded by the Club.
- 10.14 The General Committee can authorise the payment to a member of the committee from Club funds as reimbursement for a previously agreed expenditure or services rendered if the payment is authorised by a resolution of the committee, however no payment shall be made by way of commission or allowance from or upon the receipts of the club for liquor.

**10.15 *Removal of Committee Members***

- 10.15.1 The General Committee shall have the power to remove any committee member from his office for any reason whatsoever, providing that such

removal is agreed by the majority of the General committee Members at a properly convened committee meeting.

- 10.15.2 Any person who holds a General position and does not perform his duties as required or who misses three (3) consecutive meetings without first having obtained leave of absence from the Full General Committee or without due cause may be requested by a majority vote of the General Committee to tender his resignation.

## **PART 11 DUTIES OF PRINCIPAL OFFICE BEARERS**

- 11.1 Section 3 of the Act provides a definition of “officer”. The duties provisions will apply to committee members and to those persons who have the ability to influence the management committee but who do not hold a formal committee position.
- 11.1.1 Under section 44 of the Act an officer of a club must exercise his or her powers and discharge his or her duties with a degree of care and diligence that a reasonable person would exercise if that person-
- were an officer of the club in the club’s circumstances; and
  - occupied the office held by, and had the same responsibilities within the club as, the officer.
- 11.1.2 Under section 45 of the Act an officer of a club must exercise his or her powers and discharge his or her duties-
- in good faith in the best interests of the Club; and
  - for a proper purpose.
- 11.1.3 Under section 46 an officer of a club must not improperly use his or her position to-
- gain an advantage for the officer or another person; or
  - cause detriment to the Club.
- 11.1.4 Under section 47 a person who obtains information because the person is, or has been, an officer of a club must not improperly use the information to-
- gain an advantage for the person or another person; or
  - cause detriment to the Club.
- 11.2 ***President***
- The President shall:-
- 11.2.1 preside as Chairperson at all Meetings of the Club, maintaining order and shall be responsible for ensuring that business is conducted in a right and proper manner and for the smooth running of the Club;

- 11.2.2 call Executive or General Committee meetings in case of emergency;
- 11.2.3 generally ensure the attainment of the Club's objectives;
- 11.2.4 have the same right to speak on any question under discussion as any other Member;
- 11.2.5 only vote in the event of equality of votes in which case he may exercise a casting vote only. Except in the case of elections where he shall be entitled to vote but shall conduct such an election as specified in Part 13.4 of this Constitution; and
- 11.2.6 present an Annual General Report at the Annual General Meeting.

### 11.3 ***Senior Vice President- Administration***

The Senior Vice President - Administration shall:-

- 11.3.1 Assist the President with all matters pertaining to the administrative running of the Club; and
- 11.3.2 In the absence of the President, shall deputise and carry out the duties of the President.
- 11.3.3 Act as the Senior Delegate Representative of the Club, refer Part 11.14 of this constitution.

### 11.4 ***Senior Vice President- Cricket***

The Senior Vice President - Cricket shall:-

- 11.4.1 Assist the President with all matters pertaining to the playing of cricket of the Senior Teams of the Club; and
- 11.4.2 In the absence of the Senior Vice President - Administration, shall deputise and carry out the duties of the President.
- 11.4.3 Act as the Senior Delegate Representative of the Club, refer Part 11.14 of this constitution.
- 11.4.4 Liaise with the Club Coach, Club Captain and Chairman of Selectors to ensure that the Management Committee is informed of progress of the Senior Teams throughout the season.

### 11.5 ***President - Juniors***

The President - Juniors shall:-

- 11.5.1 assist the President with all matters pertaining to the Junior playing members of the Club and deputise for the president and/or Senior Vice Presidents in their absence;

- 11.5.2 be responsible for ensuring that business relating to the Junior playing members of the Club is conducted in the right and proper manner;
- 11.5.3 report to the General Committee on the affairs of the Junior playing members of the Club;
- 11.5.4 have the power to form sub committees to assist in the affairs of the Junior playing members of the Club;
- 11.5.5 be responsible to the General Committee of the Club; and
- 11.5.6 together with the Registrar/Club Statistician, ensure all Junior players are registered and Statistical information is kept up to date; and
- 11.5.7 act as the Junior Delegate Representative of the Club, refer Part 11.15 of this constitution.

## 11.6 **Secretary**

The Senior Secretary shall;

- 11.6.1 act as the executive officer of the Club and conduct the affairs of the Club under the direction of the General Committee;
- 11.6.2 conduct the correspondence of the Club as directed by the General Committee;
- 11.6.3 attend and keep a fully and accurate record of the proceedings of all meetings of the Club;
- 11.6.4 keep a list of the attendances of the Members present at those meetings of the Club;
- 11.6.5 send out required notices for calling of meetings as directed by the General Committee and/or the President of the Club; and
- 11.6.6 provide minutes of all meetings to the General Committee within one (1) week of the meeting, except the Annual General Meeting whereby the minutes of the previous AGM will be distributed at the meeting.

## 11.7 **Treasurer**

The Treasurer shall:-

- 11.7.1 be responsible for ensuring the Bank Account details and signatories are maintained correctly. The nominated signatories shall be the President, Senior Vice President – Administration, Senior Vice President – Cricket, Secretary and Treasurer. Any two nominated signatories to sign, one of which must be the Treasurer, refer Part 14 of this Constitution;

- 11.7.2 ensure all payments as authorised by the General Committee on behalf of the Club are made by cheque and are signed in accordance with the bank account authority;
- 11.7.3 submit to each meeting of the General Committee a statement of receipts and payments;
- 11.7.4 collect and receive in person or by appointed deputy all monies due to the Club and issue receipts for same. To cause all said monies to be deposited into a bank account in the name of the Club;
- 11.7.5 present all accounts for payment to the General Committee to be passed for payment;
- 11.7.6 maintain and keep all account books showing the Clubs' financial records and transactions;
- 11.7.7 Provide to the auditor all books of record, vouchers and other documents required by the Auditor; and
- 11.7.8 submit an Annual Report and Audited Financial Statements to the Annual General Meeting each year.

#### 11.8 ***Registrar***

The Registrar shall on behalf of the club:

- 11.8.1 keep an up to date register of members in respect of each class of membership. The register must be continually available for inspection at the Club premises;
- 11.8.2 keep an up to date record of all players names, ages, addresses and phone numbers, utilising the electronic module as directed by the governing body.
- 11.8.3 keep an up to date record of all transfers;
- 11.8.4 ensure all players are registered;

#### 11.9 ***Assistant Secretary/Treasurer***

The Assistant Secretary/Treasurer shall:-

- 11.9.1 conduct the affairs of the Club in relation to the Junior members of the Club, under the direction of the Secretary, Treasurer and the President – Juniors, of the Club;
- 11.9.2 conduct the outgoing correspondence of the Junior members of the Club as directed by the Secretary and/or the President - Juniors and may sign outward correspondence in relation to the Junior members of the Club;

- 11.9.3 assist the Secretary and the Treasurer with matters pertaining to the Junior members of the Club; and
- 11.9.4 in the absence of the Secretary and/or Treasurer, may deputise and carry out the administrative duties of the Secretary and/or Treasurer.

#### 11.10 **Club Coach**

The Club Coach shall:-

- 11.10.1 provide to the General Committee an up to date report on all teams, selections, and an overall guidance of the Clubs position;
- 11.10.2 be responsible for coaching the Senior Teams and assist the coaches of the Junior Teams of the Club;
- 11.10.3 be a member of the selection committee for Senior Teams;
- 11.10.4 be responsible for the supervision of training;
- 11.10.5 be the Coaches representative to the General Committee and shall act as advocate for any Coach appointed by the Club;
- 11.10.6 be responsible to the General Committee of the Club.

#### 11.11 **Chairman of Selectors**

The Chairman of Selectors shall:-

- 11.11.1 provide to the General Committee an up to date report on all teams, selections, and an overall guidance of the Clubs position;
- 11.11.3 be a member of the selection committee for Senior Teams and chair all meetings of that committee;
- 11.11.4 be responsible for the supervision of training in the absence of a Club Coach;
- 11.11.6 be responsible to the General Committee of the Club; and
- 11.11.7 together with the Registrar and Club Statistician ensure all players are registered and statistical information is kept up to date.

#### 11.12 **Social Convenor**

The Social Convenor shall:-

- 11.12.1 be deemed the responsible officer in regards to initiating and carrying through any fund raising efforts undertaken by the Club;

- 11.12.2 have the right to co-opt any Members of the Club, with their agreement, to ensure that any fundraising effort may have a reasonable chance of success;
- 11.12.3 present a Report to the General Committee at each Management Committee meeting of the Club, outlining the total expenditure and profit on all fundraising activities; and
- 11.12.4 organise and with the co-operation of the General Committee, shall run any Social Functions proposed by the Club;

### 11.13 ***Purchasing/Property Officer***

The Purchasing/Property Officer shall:-

- 11.13.1 be deemed the responsible officer for the purchasing of all equipment of the Club;
- 11.13.2 keep a register of all equipment of the Club;
- 11.13.3 be aware at all times of the condition of each bag of playing equipment and the whereabouts of such playing equipment;
- 11.13.4 keep the General Committee fully informed of the whereabouts of all equipment and its condition; and
- 11.13.5 not be responsible for the supplies required by the Social Committee unless requested to assist in Social Committee matters by the General Committee.

### 11.14 ***Senior Association Delegates (2) – Senior Vice President plus one***

The Senior Association (Delegate(s)) shall attend any Cricket Association meeting, to which the Club is affiliated, on behalf of the Club and shall vote on any matter pertaining to the Senior Association, as directed by the General Committee of the Club. The Senior Association Delegate(s) shall report to the General Committee of the Club, at each General Committee Meeting.

### 11.15 ***Junior Association Delegates (2) – Junior Vice President plus one***

The Junior Association Delegate(s) shall attend any Junior Cricket Council meeting, to which the Club is affiliated, on behalf of the Club and shall vote on any matter pertaining to the Junior Council, as directed by the General Committee of the Club. The Junior Association Delegate(s) shall return a written report to each General Committee Meeting of the Club

### 11.16 ***Club Statistician***



- 11.16.1 utilise electronic modules (eg My Cricket) as directed by the governing body to keep an up to date record of all statistical information of players, Games played, Runs made, Wickets and Catches taken and all other statistical information as advised by the General Committee for use in the Club's yearly Awards and various other Club Publications; and
- 11.16.2 provide the General Committee with all players achievements/milestones such as 50 games, 100 games, 50 wickets, 100 wickets, 500 runs, 1000 runs, etc.
- 11.17 ***Bar Manager***
- 11.17.1 Ensure the operation of the bar in accordance with WA Liquor Licensing requirements;
- 11.17.2 Create a roster for Responsible Service qualified persons to serve the bar when it is open.
- 11.17.3 Be aware of stock requirements and order to ensure that a suitable range of beverages is available to members.
- 11.18 ***General Committee member***
- 11.18.1 Assist where required at the discretion of the Executive Committee.
- 11.19 The term of office for a committee member begins when the member is elected at the Annual General Meeting or appointed as a casual vacancy and ceases when all committee positions are declared vacant at the next Annual General Meeting. A committee member may then be re-elected as long as they comply with Part 11.1 above.

## **PART 12 MEETINGS OF THE COMMITTEES**

### **General *Committee Meetings***

- 12.1 During their period of office the General Committee shall meet at least once every calendar month during the competition season, excepting where a Special Committee Meeting is deemed necessary or called by the President or by a majority of the General Committee to discuss exceptional business.
- The first General meeting being within one month after the Annual General Meeting.
- 12.2 The attendance of at least five (5) General Committee Members throughout the meeting shall constitute a quorum.
- 12.3 At least four (4) days notice of meeting in writing or other means shall be given to all members of the club. Notice may be delivered by hand, sent by post or sent electronically, or posted on the club noticeboard.

- 12.4 Each General Committee Member shall be entitled to an equal vote except the President, who shall have a casting vote only.
- 12.5 The Patron, Vice Patron, Honorary Life Members and Financial Members shall be admitted to the meetings of the General Committee with the right to move and second motions and speak for or against the motion, **but not to a vote.**
- 12.6 **The Agenda/Order of business of General Meeting(s) shall be:-**
- 12.6.1 Attendance and Apologies;
  - 12.6.2 Minutes of previous Meeting (Confirmed & seconded);
  - 12.6.3 Business Arising from Previous Minutes;
  - 12.6.4 Correspondence – Inwards & Outwards (Confirmed & seconded);
  - 12.6.5 Reports from all office bearers;
  - 12.6.6 Special Business;
  - 12.6.7 General Business.

### ***Special General Meetings***

- 12.7 The Secretary shall forthwith call a Special General Meeting of the Club upon receiving a written requisition from two members of the General Committee or by notice signed by at least 2.5% of membership; such notice shall state the business proposed to be dealt with and only that business may be discussed at the meeting. Such Special General Meeting shall be held not later than twenty-one (21) days immediately following receipt of such notice.
- 12.7.1 All members shall receive, in writing, with not less than fourteen (14) days days prior to the Special General Meeting notice of the meeting and such notification shall list the Agenda and particulars of the business to be dealt with. Notices may be delivered by hand, sent by post or sent electronically (fax or email).
  - 12.7.2 No person other than Financial Members of the Club shall be entitled to vote at the Special General Meeting.
  - 12.7.3 At least fifteen (15) of registered, financial Members of the Club, such Members to be determined as per part 4, of this Constitution, shall constitute a quorum at the Special General Meeting.

### ***Annual General Meetings***

- 12.8 The Annual General Meeting of members, shall be held not later than the third Wednesday of July of each year.
- 12.8.1 All members shall receive, in writing, with not less than twenty one (21) days prior to the Annual General Meeting notice of the meeting and such notification shall list the Agenda and particulars of the business to be dealt with. Notices may be delivered by hand, sent by post or sent electronically (fax or email).

12.8.2 Notices of motion must be submitted to the Secretary prior to the Agenda and particulars of business being distributed to members. ie at least 14 days prior to the Annual General Meeting.

12.9 **The Agenda/Order of business of the Annual General Meeting shall be:-**

12.9.1 Confirmation of Minutes of Previous A.G.M;

12.9.2 Presentation of all Annual Reports – Presidents, President - Juniors, Treasurers and Auditors, Secretary, Club Coach, Chairman of Selectors, Purchasing/Property Officer, Registrar, Delegates, Captain(s) and any other Reports deemed necessary by the General Committee.

12.9.3 To discuss any matters relating to the affairs of the Club, decide upon any matters included in the Agenda of the meeting (a copy of which shall be forwarded to all members of the Club, with the notice of the Annual General Meeting);

12.9.4 Election of Principal Office Bearers;

12.9.5 Election of Club Patron, Vice Patron, Life Members (if any);

12.9.6 Notices of Motions;

12.9.7 General Business.

12.10 All positions of the General Committee will be declared vacant at every Annual General Meeting after the presentation of the Annual Reports, Nominations and elections will be held in accordance with Part 13, of this Constitution.

12.11 Voting at the Annual General Meeting shall be by show of hands however, any five (5) members present may demand a poll which shall forthwith be taken by a secret ballot and a result declared by the Chairperson and witnessed by the Secretary. A majority vote shall decide the issue and in the case of equality of votes the Chairperson shall have a casting vote only. In the case of elections the procedure shall be carried out as stipulated in Part 13, of this Constitution.

12.12 No person other than Financial Members of the Club shall be entitled to vote at the Annual General Meeting.

12.13 At least fifteen (15) of registered, financial Members of the Club, such Members to be determined as per Part 4, of this Constitution, shall constitute a quorum at the Annual General Meeting.

12.14 In the event of a quorum not being present within thirty (30) minutes after the advertised or notified time of commencement of the meeting, the meeting shall be adjourned to a date fourteen (14) days thereafter and if a quorum of members not be present at the

adjourned meeting thirty (30) minutes after the notified time the members present shall be deemed to constitute a quorum.

**PART 13**  
**ELECTION OF PRINCIPAL OFFICE BEARERS AND VOTING**

- 13.1 The chairperson at the Annual General Meeting shall have the power on the day of the meeting to call for nominations for the positions vacant.
- 13.2 The Nominee, Nominator and Secunder shall be Financial Members of the Club.
- 13.3 Every person so nominated and seconded shall personally consent to such nomination.
- 13.4 In the event that there are more candidates nominated than the required number, the Chairperson of the Annual General Meeting together with the Secretary shall decide the issue on a secret ballot scored on a 3, 2, 1 basis and the Member polling the highest total will be elected.
- 13.5 In the event of the presiding President being a nominee he shall vacate the chair prior to such vote and the Meeting shall elect an Interim Chairperson for the purpose. The Interim Chairperson shall be entitled to a vote and in the event of an equal decision, shall have a further casting vote.
- 13.6 In the event of a tie, a count back will prevail between the Members who have tied, with the Member polling the most first votes elected. If a tie eventuates the Chairperson shall have the casting vote.
- 13.7 Should nominations be less than the required number of nominations to fill any vacancies on the General Committee the vacancies may be filled at the first or any subsequent meeting of the General Committee.
- 13.8 Each Principal Office Bearer shall hold office until he or she is dismissed by a three quarter majority of the General Committee or at a Special General Meeting requested by Members or until the next election of Principal Office Bearers when he retires. All Principal Office Bearers shall be eligible for re-election.
- 13.9 Only Financial Members of the Club and Life Members are entitled to vote and only one vote is allowed per Member, for each position to be filled.
- 13.10 With regards to voting on other matters at a General Committee Meeting, the President may exercise his discretion as to whether voting shall be by secret ballot or show of hands
- 13.11 Unless stated elsewhere in this Constitution a simple majority of those financial members present and voting shall carry a vote on any matter.

**PART 14**  
**BANK ACCOUNT (S)**

- 14.1 Bank, Credit Union or Society Accounts may be kept with any Bank, Credit Union or Building Society the General Committee may nominate. Any two (2) of the President, Junior Vice President, Secretary or Treasurer of the Club shall have the power to operate the said account.
- 14.2 A special Account (Term Deposit, etc) may be kept with any Bank, Credit Union or Building Society the General Committee may nominate. This Account shall be for the purpose of ensuring that any Special Funds raised by the Club shall be entitled to the highest Interest Rate available, Special regard shall be paid to the Financial Stability of any such Financial Institution, so used for this Account. Transfer of monies out of this account to be signed by each of the President, Treasurer and any 2 Life Members.

**PART 15**  
**AUDITOR**

- 15.1 The Auditor or Auditors shall be elected by the General Committee.
- 15.2 They shall audit the Annual Statement of Accounts and Balance Sheets and certify to their authenticity.
- 15.3 They shall have the power at any time to call forth production of all books, accounts, vouchers and other documents relative to the affairs of the Club.
- 15.4 The Auditor(s) shall not necessarily be Members of the Club.
- 15.5 The audit is to be completed prior to the Annual General Meeting of the Club each year.
- 15.6 The financial year for the Club shall commence on 1 July.

**PART 16**  
**RULES GOVERNING THE GAME OF CRICKET**

- 16.1 At all times the Club and its players shall be bound by the Rules of the game of cricket and the Regulations/By-Laws currently enforced by the governing Cricket Association(s) to which the Club is affiliated.
- 16.2 At all times members of the Club, including non-playing members shall conduct themselves according to the accepted Rules of behaviour and shall not bring the Club in to disrepute.

**PART 17**  
**SELECTION COMMITTEE(S)**

The Chairman of Selectors, Club Coach, the Team Captain of the highest Grade Team, who will be known as the Club Captain (provided the Club Coach is not the Captain of the Highest Grade Team), and the Captains of each other Grade Team, or their proxy, will form the Selection Committee for the respective Senior Teams. The Chairman of Selectors will chair all meetings of this committee. In the event of a decision not being agreed to then the Senior Vice President – Cricket shall have the casting vote.

## **PART 18 COMPLAINTS**

- 18.1 All complaints, disputes and/or protests relating to the Club, any member of the Club, or opposing Clubs and/or their players, officials or to Match Umpires, must be brought to the notice of the Secretary of the Club in writing on the day of the occurrence of the incident/s which prompted the complaint or protest.
- 18.2 The matter shall be dealt with either by an emergency meeting of the Executive Committee, or if they decide, by an emergency meeting of the full General Committee. The decision shall be final providing the right of appeal lies with a properly convened Special General meeting of the Club.

## **PART 19 INTERPRETATION OF THE RULES OF THE CONSTITUTION**

Interpretation of these rules relating to the Club shall:

- 19.1 Be in the sole determination of the General Committee whose decision shall be binding on all Members of the Club until set aside by the Annual General Meeting or a Special General Meeting.
- 19.2 Include all genders and any reference to a particular gender shall mean all genders.

## **PART 20 INSPECTION OF RECORDS**

- 20.1 A Member may at any reasonable time inspect without charge the books, documents, records and Securities of the Club, except Part 4.9 of this constitution.
- 20.2 The records above shall be kept by the Secretary for a period of 7 years with physical documents stored securely at the Windemere clubrooms and electronic records on the club laptop.

## **PART 21 ALTERATION TO THE CONSTITUTION**

- 21.1 Subject to the Associations Incorporation Act 2015 (section 30), as from time to time amended, this Constitution may be repealed or amended or added to by a notice of motion carried by a two-thirds majority of all Members present and eligible to vote, at

the Annual General Meeting or a Special General Meeting duly convened for that purpose. Changes to the Club Constitution must be lodged within 1 month of acceptance by members to the Department of Commerce via the Associations Online website.

- 21.2 As soon as is practicable after making of any proposal for a change to the Constitution or rules of the club, the Secretary shall provide to the Director of Liquor Licensing, certified particulars of the change proposed. No effect will be given to the change without the prior approval of the Director of Liquor Licensing.
- 21.3 The following procedures shall apply in relation to any proposed amendment to the Constitution.
- 21.3.1 Notice in writing of any proposed repeal or amendment of this Constitution shall be given to the Secretary not less than fourteen (14) days prior to the meeting at which it is to be considered.
- 21.3.2 Such notice of motion shall be signed by at least two Members.
- 21.3.3 The Secretary shall include in the notice of meeting at which the proposed repeal or amendment is to be presented a fully and true copy of such proposed repeal or amendment.
- 21.3.4 For changes to the Constitution to be accepted, 75% of members who cast a vote at the meeting must agree to the changes.

## **PART 22 NON-PROFIT**

The property and income of the Club must be applied solely towards the promotion of the objects or purposes of the Club and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to any member of the Club, except in good faith in the promotion of those objects or purposes.

## **PART 23 COMMON SEAL**

The Common Seal of the Club engraved with the name of the Club shall be kept in the care of the President. The Seal shall not be affixed to any deed or other document except pursuant to a resolution of the General Committee and in the presence of the President and two Members of the General Committee both of whom shall subscribe their names as witnesses.

## **PART 24 PROPERTY**

The property of the Club shall belong to the general body of Members and no person who resigns or is expelled from the Club shall have any claim whatsoever on the property or assets of the Club.

**PART 25**  
**DISSOLUTION OF THE CLUB**

25.1 If, on the dissolution of the Club, any property of the Club remains after satisfaction of the debts and liabilities of the Club and the costs, charges and expenses of that dissolution, that property shall be distributed -

- a) to another incorporated association having objects similar to those of the Club; or
- b) for charitable purposes,

which incorporated association or purposes, as the case requires shall be determined by resolution of the members when authorising and directing General Committee under section 24 of the Act to prepare a distribution plan for the distribution of the surplus property of the Club.

25.2 The Club may be dissolved or wound up by a Resolution of at least Three-quarters (3/4) of the financial members present at two Special General Meetings at least forty-two (42) days apart and duly convened for such purpose.

25.3 The assets of the Club, if any, shall be realised by a person or persons appointed for that purpose at the second of such Special General Meetings.



**Constitution of the Joondalup Kinross Cricket Club.**

**Accepted by a unanimous vote by all members present and voting at a Special General Meeting held on the 11 June 1995.**

*R.A. SUTCLIFFE  
(PRESIDENT)*

*Dated 12/9/1995*

*A.J. STURCKE  
(SECRETARY)*

*Dated 12/9/1995*

*S. SMITH  
(TREASURER)*

*Dated 12/9/1995*

**This constitution of the Joondalup Kinross Cricket Club was amended and accepted by a unanimous vote by all members present and voting at a Special General Meeting held on the 16 November 1997.**

*J Avenell: President*

*L Taylor: Secretary*

*W Cluney: Treasurer*

**This constitution of the Joondalup Kinross Cricket Club was amended and accepted by a unanimous vote by all members present and voting at the Annual General Meeting held on the 11 July 2017.**

*J Avenell: President*

*N Sharman: Secretary*

*N Sharman: Treasurer*