



# CONSTITUTION OF MURDOCH UNIVERSITY MELVILLE CRICKET CLUB (INC)

Founded 1972

This document outlines the constitution of the Murdoch University Melville Cricket Club. The Club was originally founded in 1972 as Quarterdeck Cricket Club, and has most recently existed as Melville Cricket Club – Suburban Turf Division. The Club changed name to Murdoch University Melville Cricket Club in 2012.

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## 2. THE CLUB

### A. NAME

The Club shall be known as the Murdoch University Melville Cricket Club (Inc).

### B. DEFINITIONS

- I. The following words and expressions, unless inconsistent with the context, shall have the meanings hereinafter assigned to them:

**“The Act”** means the *Associations Incorporation Act 2015* [1] as amended or any Act hereinafter substitution of.

**“The Liquor Act”** means the *Liquor Control Act 1988* [2] as amended or any Act hereinafter substitution of.

**“The Club”** means the Murdoch University Melville Cricket Club (Inc).

**“General Meeting”** means a meeting to which all members are invited.

**“The Committee of Management”** means all persons elected to the Committee at the Annual General Meeting of the Club and those appointed by the President under Rule 4.F.

**“The Committee”** means the Committee of Management.

**“General Membership”** means the Financial Members of the Club.

**“Financial Year”** means the period of 12 months, commencing the first day of July of a year and ending on the Thirtieth day of June of the following year.



**“Financial Member”** means a member who is not in arrears of his or her subscription as set out in Rule 3.D.

**“Member”** means a person who is eligible and accepted to the membership of the Club under Section 3 of these Rules and whose name is entered into the Membership Register of the Club.

**“Office Bearers”** means the President, Vice President, Secretary and Treasurer as referred to in Rule 4.A.

**“Poll”** means voting conducted in written form (as opposed to a show of hands).

**“The President”** means the person referred to in Rule 4.A.I(1).

**“The Vice President”** means the person referred to in Rule 4.A.I(2).

**“The Honorary Secretary”** means the person referred to in Rule 4.A.I(3).

**“The Honorary Treasurer”** means the person referred to in Rule 4.A.I(4).

**“Special General Meeting”** means a General Meeting other than the Annual General Meeting.

**“Special Resolution”** A resolution is a special resolution if it is passed by a majority of not less than three-fourths of the members of the association who are entitled under the rules of the Club to vote and vote in person or by proxy, at a General Meeting of which notice specifying the intention to propose the resolution as a special resolution was given in accordance with those rules.

At a meeting at which a resolution proposed as a special resolution is submitted, a declaration by the person presiding that the resolution has been passed as a special resolution shall be evidence of the fact unless, during the



meeting at which the resolution is submitted, a poll is demanded by minimum of three financial members of the Club.

If a poll is held, a declaration by the person presiding as to the result of a poll is evidence of the matter so declared.

**“The Seal”** means the common seal of the Club.

**“Rules”** means the Rules of the Club, which are in force from time to time.

Words importing to the masculine gender shall be deemed and taken to include feminine, and the singular to include the plural.

## **C. OBJECTS**

### **I. The Objects of the Club are:**

- (1) To promote and develop sporting activities in Western Australia and especially within both the City of Melville and Murdoch University.
- (2) To take all steps necessary or expedient to promote the game of Cricket and facilitate the playing of the game and social meeting of members their families and friends.
- (3) To take all steps necessary or expedient to promote the development of Junior Cricket.
- (4) To affiliate with the Western Australian Suburban Turf Cricket Association (WASTCA) and conduct all activities of the Club in accordance with any Rule or Regulation that may be set out as part of the requirement of that affiliation.



- (5) To counsel, advise and assist, within the capabilities of the Club, its members, if so required in matters relating to their health and welfare.
- (6) To promote youth activities within the Club in keeping with existing objects of the Club.
- (7) To maintain a club license under the current *Liquor Act* and its amendments.

## II. Non Profit Clause

The assets and income of the Club shall be applied solely for the furtherance of the above mentioned objectives and no portion shall be distributed directly or indirectly to the members of the Club except as a bona fide compensation for services rendered or expenses incurred on behalf of the Club.

## III. Powers of the Club

The powers conferred on the Club are the same as those conferred by Section 13 of *the Act*, so that subject to *the Act* and any additions, exclusions or modifications inserted below, the Club:

- (1) May do all things necessary or convenient for carrying out its objects and purposes, and in particular, may:
    - (a) Acquire, hold, deal with, and dispose of any real or personal property;
    - (b) Open and operate bank accounts;
    - (c) Invest its money:
      - (i) In any security in which trust monies may lawfully be invested;
- or



- (ii) In any other manner authorised by the Rules of the Club;
- (d) Borrow money upon such terms and conditions as the Club thinks fit;
- (e) Give such security for the discharge of liabilities incurred by the club as the Club thinks fit;
- (f) Appoint agents to transact any business of the Association on its behalf;
- (g) Enter into any other contract it considers necessary or desirable;
- (h) Act as a trustee and accept and hold real and personal property upon trust, but does not have power to do any act or thing as a trustee that, if done otherwise than as a trustee, would contravene this Act or the Rules of the Club;
- (i) Affiliate with and actively participate in the activities of any other organization that will be of benefit to the membership;

### **3. THE MEMBERSHIP**

#### **A. MEMBERSHIP**

- I. Membership of the Club shall be open to all persons or bodies corporate interested in the objectives of the Club, subject to approval by the Committee.
- II. Application for Membership shall be made on the appropriate form available from the Committee. The form must bear the signatures of two Members of the Club who are entitled to vote, as a proposer and seconder. When the Secretary receives the application form, it shall then be placed on the notice board in the Club premises 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.



- III. Acceptance of a membership application can be made by any member of the Committee, subject to Rule 3.A.II. The Honorary Secretary shall notify the applicant in writing within 14 days if their membership application is declined.
- IV. No person shall have any of the rights of membership of the Club until his or her application has been accepted by the Committee, or in the case of an appeal to the General Membership of the Club as referred to in Rule 3.G, an appeal has been upheld and the applicant has been notified by the Honorary Secretary.
- V. All members who wish to have a copy of the Constitution of the Club may purchase a copy for a nominal fee from the Honorary Secretary, or access it on the Club's website. All new members, upon successful registration, will be supplied with an electronic copy of the Constitution of the Club or will be directed to obtain a copy from the Club's website.

## **B. CATEGORIES OF MEMBERSHIP**

- I. **Ordinary Member** – a person who is eligible to become an Ordinary Member of the Club.
- II. **Playing Member** – a person who is 18 years of age or over who is not a student or unemployed, representing the Club in sporting activities.
- III. **Student Playing Member** – a person who is 18 years of age and over who is apprenticed or is a full time student, unemployed part time student or overseas student who has acquired temporary residency, representing the Club in sporting activities.
- IV. **Junior Playing Member** – a person who is under the age of 18 representing the Club in sporting activities.
- V. **Honorary Member** – a distinguished person on whom the Committee confers Honorary Membership. Such Honorary Membership shall be for such period of





time as the Committee, in its discretion, determines. An Honorary Member shall not be entitled to vote or hold office.

VI. **Life Member** – Members on whom the Committee confers Life Membership. Life membership shall not be conferred on a member unless such recommendation has been endorsed by at least two thirds of committee members present at a Committee Meeting.

VII. **Social Member** – A person who is interested in promoting and attending the Club but does not wish to participate in the sporting activities of the Club. A Social Member shall not be eligible to vote on any Club matter or be nominated for the Committee of Management or any Office Bearer's position.

VIII. **Temporary Member:**

- (1) Members of other clubs who are visiting the Club for the purposes of prearranged competition,
- (2) An official of another club that is to:
  - (a) Engage in a prearranged event with the Club conducted for the purposes of one of the Club's principal objects; or
  - (b) Hold a pre-arranged function at the Club involving the use of the Club's sporting facilities.
- (3) Temporary Memberships may be revoked verbally at any time by any member of the Committee or Approved Bar Staff. A Temporary Member shall not be entitled to vote or be present at any meeting of the members of the Club, nor have any right, title or interest in or to any of the property of the Club, nor propose or second any candidate for admission as a member.



IX. **Affiliate Member** - For the purposes of Section 49(3)(c)(iv) of the *Liquor Act*, the following arrangements are prescribed in the *Liquor Control Regulations 1989* [3] regarding affiliate membership. The following Membership application exemptions apply:

- (1) At an intrastate level, affiliate arrangements may be offered to like clubs with same primary club objects;
- (2) At an interstate level, affiliate arrangements may be offered to any person who is a member of any bona fide club outside of Western Australia.

### C. MEMBERSHIP FEES

I. Members shall at any Annual General Meeting, determine the amount of membership fees to be paid by each member according to the category of membership listed below:

- (1) Ordinary Member
- (2) Playing Member
- (3) Student Playing Member
- (4) Junior Playing Member
- (5) Social Member

II. In the event that no determination is made under Rule 3.C.I, the Committee shall determine that amount of membership fees as set out therein.



#### **D. PAYMENT OF MEMBERSHIP FEES**

- I. Membership fees are (unless otherwise determined by the Committee) due annually prior to the commencement of the member's first game and shall be paid to the Honorary Treasurer who will issue a receipt to the member. The Honorary Secretary and the Honorary Treasurer shall jointly maintain an up to date register of financial members.
- II. Any member who is in arrears of his/her membership fees shall cease to be a member, unless he has made arrangements with the Honorary Treasurer for the payment of same.
- III. The names of all members in arrears shall be tabled by the Honorary Treasurer at each meeting of the Committee.
- IV. If any person who has ceased to be a member pursuant to Rule 3.D.II in any financial year applies to be a member in any subsequent financial year he/she shall be permitted to do so only if he/she pays the full annual membership fee for that year and any outstanding membership fees.
- V. Where a person other than a person referred to in Rule 3.D.II applies for membership after the 31<sup>st</sup> December, the annual membership subscription shall be half the amount payable.
- VI. Members who are pensioners shall be entitled to a 50% discount on their annual subscriptions.
- VII. Social memberships are valid for one year from the date of payment and due annually thereafter.



## **E. REGISTER OF MEMBERS**

- I. The Honorary Secretary shall on behalf of the Club keep and maintain the Register of the members in accordance with Section 27 of *the Act*, and the register shall be kept and maintained at the office of the Club.

The Register of Members shall be kept in an up to date condition and shall include the member's name, residential, postal or e-mail address and category of membership. Upon request of a member of the Club, the Honorary Secretary shall make the register available for the inspection of the member free of charge at such time and place as is mutually convenient to the Club and the member, and the member may make a copy of or take an extract from the register but shall have no right to remove the register for that purpose.

- II. The Honorary Secretary shall cause the name of a person who dies or who ceases to be a member under Rules 3.D, 3.F or 3.G to be deleted from the register of members.

## **F. TERMINATION OF MEMBERSHIP OF THE CLUB**

Membership of the Club may be terminated upon:

- I. Receipt by the Honorary Secretary or another Committee member of a notice in writing from a member of his or her resignation from the Club. Such person remains liable to pay to the Club the amounts of membership fees and other monies due and payable by that person to the Club but unpaid at the date of termination;
- II. Non-payment by a member of his or her membership fees within three months of the date fixed by the Committee for membership fees to be paid, unless the Committee decides otherwise in accordance with Rule 3.D.II.
- III. Expulsion of a member in accordance with Rule 3.H.



## **G. EXPULSION OF MEMBERS**

- I. If the Committee considers that a member should be expelled from membership of the Club because of his or her conduct which is detrimental to the interest of the Club, the Committee shall communicate in writing to the member:
  - (1) Notice of the proposed expulsion and of the time, date and place of the Committee meeting at which the question of the expulsion will be considered, and
  - (2) Particulars of the alleged conduct, not less than seven days before the date of the General Meeting referred to in Rule 3.G.I(1).
- II. At the Committee meeting referred to in the notice communicated under Rule 3.G.I, the Committee may, having offered the member concerned a reasonable opportunity to be heard by, or to make representations in writing to, the Committee, expel or decline to expel that member from membership of the Club and shall, forthwith after deciding whether or not to expel that member, communicate that decision in writing to that member.
- III. Subject to Rule 3.G.V, a member who is expelled under Rule 3.G.II from membership of the Club ceases to be a member 14 days after the day on which the decision to expel him or her is communicated to him or her.
- IV. A member who is expelled under Rule 3.G.II from membership of the Club shall, if he or she wishes, appeal against that expulsion, give notice to the Honorary Secretary of his intention to appeal within 14 days after the decision to expel was communicated to him or her.
- V. When notice is given under Rule 3.G.IV:
  - (1) The Club in a General Meeting may, after having afforded the member who gave that notice a reasonable opportunity to be heard by or to make



representation in writing, confirm or set aside the decision of the Committee to expel that member by a simple majority of members present and voting on that matter, and

- (2) The member who gave that notice does not cease to be a member unless and until the decision of the General Meeting to expel him or her is confirmed in writing by the Honorary Secretary.

## **H. DISCIPLINARY ACTION AGAINST MEMBERS**

- I. Any member who has infringed any of the Rules and regulations of the Club or any by-laws or conditions set out by the Committee from time to time or any rule or regulation of the Western Australian Suburban Turf Cricket Association, relevant to the game of cricket as played by playing members, shall be liable to be reprimanded, be expelled from the Club, be suspended from the Club for a period not more than three months or be fined a sum not exceeding two hundred dollars (\$200.00).
- II. The disciplinary action as set out in Rule 3.H.I shall be determined by a committee which shall be known as “The Disciplinary Committee” consisting of the Committee, the Chairman of Selectors, the Coach and the Captain of the appropriate team (where the infringement is by a player) or the Committee (where the infringement is by a non-playing member).
- III. Any member so dealt with may appeal to a General Meeting of the Club convened pursuant to Rules 3.G.IV and 3.G.V.
- IV. The President, Committee or Approved Manager in receiving a complaint from the Approved Manager or Approved Bar Staff, of a member’s behaviour which is considered a serious breach of *the Liquor Act* or unacceptable member behaviour or where police involvement is required, may suspend a member for a period of time until disciplinary action under Rules 3.H.I and 3.H.II can be taken.



## **I. DISPUTES**

- I. This rule applies to disputes between Members and disputes between the Club and one or more Members that arise under or relate to the Constitution of the Club. This does not include disciplinary matters undertaken with Members, which are covered under Rule 3.H.
- II. 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.
- III. If the parties are unable to resolve the dispute, any party to the dispute may initiate a procedure under this rule by giving written notice to the Secretary of the parties to, and details of, the dispute.
- IV. The Secretary must convene a Committee Meeting within 28 days after the Secretary receives notice of the dispute under Rule 3.H.III for the Committee to determine the dispute.
- V. At the Committee Meeting to determine the dispute, all parties to the dispute must be given a full and fair opportunity to state their respective cases orally, in writing or both.
- VI. The Secretary must inform the parties to the dispute of the Committee's decision and the reasons for the decision within seven days after the Committee Meeting referred to in Rule 3.I.V.
- VII. If any party to the dispute is dissatisfied with the decision of the Committee they may elect to initiate further dispute resolution procedures as set out in the Constitution.



## **J. MEDIATION**

- I. This rule applies where a person is dissatisfied with a decision made by the Committee under Rules 3.H.I or 3.I.VII, or where a dispute arises between a Member or more than one Member and the Club and any party to the dispute elects not to have the matter determined by the Committee.
- II. Where the dispute relates to a proposal for the suspension or expulsion of a Member this rule does not apply until the procedure under Rule 3.H.I in respect of the proposed suspension or expulsion has been completed.
- III. If the parties to a dispute are unable to resolve the dispute between themselves within the time required by Rule 3.I.II, or a party to the dispute is dissatisfied with a decision made by the Committee under Rule 3.I.VII a party to a dispute may:
  - (1) Provide written notice to the Secretary of the parties to, and the details of, the dispute;
  - (2) Agree to, or request the appointment of, a mediator.
- IV. The party or parties requesting the mediation must pay the costs of the mediation.
- V. The mediator must be:
  - (1) A person chosen by agreement between the parties; or
  - (2) In the absence of agreement:
    - (a) If the dispute is between a Member and another Member, a person appointed by the Committee; or
    - (b) If the dispute is between a Member or more than one Member and the Club, the Committee or a Committee Member then an independent





person who is a mediator appointed to, or employed with, a not for profit organisation.

- VI. A Member can be a mediator, but the mediator cannot be a Member who is a party to the dispute.
- VII. The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- VIII. The parties are to exchange written statements of the issues that are in dispute between them and supply copies to the mediator at least five days before the mediation session.
- IX. The mediator, in conducting the mediation, must:
  - (1) Give the parties to the mediation process every opportunity to be heard;
  - (2) Allow all parties to consider any written statement submitted by any party;  
and
  - (3) Ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- X. The mediator must not determine the dispute and the mediation must be confidential. Information provided by the parties in the course of the mediation cannot be used in any other legal proceedings that may take place in relation to the dispute.



## **K. INABILITY TO RESOLVE DISPUTES**

- I. If a dispute cannot be resolved under the procedures set out in the Constitution, any party to the dispute may apply to the State Administrative Tribunal to determine the dispute in accordance with *the Act* or otherwise at law.

## **4. MANAGEMENT**

### **A. OFFICE BEARERS**

- I. The Office Bearers of the Club shall be elected at each Annual General Meeting from nominations and shall consist of:
  - (1) The President
  - (2) Vice President
  - (3) Honorary Secretary
  - (4) Honorary Treasurer
- II. A person shall serve at least one year as a Committee member before becoming eligible to hold the office of President.
- III. A nomination for any position of office bearer or committee member shall be:
  - (1) Of and by any persons who are financial members of the Club.
  - (2) Be in writing or proposed and seconded at the Annual General Meeting from and by financial members present.



- (3) Written nominations, signed by the nominee and one other financial member and delivered to the Honorary Secretary not less than one day before the date of the Annual General Meeting at which the election is to take place.
- IV. Where there is more than one valid nomination for any post of office bearer, the member who receives the greatest number of votes at an election held at the Annual General Meeting shall be declared elected to that office, provided that the election is conducted in accordance with Rules 4.A.V and 4.A.VI.
- V. Any election of office bearers or committee members under this rule shall be by a majority of those financial members present and voting by an open show of hands or by a poll, if requested by any one of the nominees.
- VI. A tie shall be decided by the incoming President or, in the event of the tied position being that of President, by the incoming committee by a majority vote.

## **B. COMMITTEE OF MANAGEMENT**

- I. The Committee of Management (Committee) shall consist of:
  - (1) The four Office Bearers.
  - (2) A minimum of four committee members who shall be elected in the same manner as are the Office Bearers.
  - (3) The immediate Past President, if not elected to The Committee for the current year, shall remain an ex-officio member of the Committee of Management for the current year.
- II. The Committee shall meet at least once every two months provided that the Committee meets in the month of March.



- III. The quorum for a Committee meeting shall be five.
- IV. A member of the Committee shall be deemed to have vacated office if he or she is absent for three consecutive meetings of the Committee unless the President or if the absentee is President, the Vice President has been notified and has approved of his or her absence.
- V. The term of the Committee shall be from the Annual General Meeting to the next Annual General Meeting of the subsequent year.

### **C. POWERS OF THE COMMITTEE OF MANAGEMENT**

- I. The Committee shall control and manage the Club, subject to the rules and any direction by a General Meeting.
- II. The Committee may make, repeal and amend any by-law, not inconsistent with these Rules or with the provisions of *the Act*, to carry out the objects of the Club.
- III. As soon as practicable after the making of any proposal for a change to the Constitution or rules of the Club, the Honorary Secretary shall provide to the Director of Liquor Licensing, certified particulars of the change proposed. No effect will be given to the amendments without approval of the Director of Liquor Licensing. A copy of the amended Constitution shall also be provided to the Department of Commerce.
- IV. The Committee shall open and maintain an account with a bank or recognised financial institution into which all monies of the Club shall be paid.
- V. The Committee shall appoint all Captains, Coaches, Managers, Curators and any other officer deemed necessary to fulfil the Club's objectives and the proper running of the day-to-day activities of the Club.



#### **D. SUBCOMMITTEES**

- I. The Committee of Management may appoint subcommittees from within its members for any purpose necessary or expedient to promote the objects of the Club or its members. A subcommittee appointed under this Rule shall carry out its functions subject to the General Conditions and these Rules.
- II. The Chairperson of a subcommittee shall be appointed by the President.
- III. The President, Vice President, Honorary Secretary and Honorary Treasurer shall be ex officio members of any subcommittee and shall be given notice of each subcommittee meeting.
- IV. A subcommittee shall meet whenever the Chairperson of the subcommittee deems a meeting necessary.
- V. A written record of all business carried out at a meeting of a subcommittee shall be maintained and a written report submitted at the next Committee Meeting.
- VI. The quorum for a meeting of the subcommittee shall be three, provided that every member of the subcommittee has been notified of the meeting.
- VII. Every subcommittee shall have the power to co-opt any member or an adviser to give advice and /or assistance on any matter to the subcommittee's activities.

#### **E. DUTIES OF OFFICE BEARERS**

- I. President
  - (1) The President shall preside at all General Meetings and Committee Meetings. In his or her absence the Vice President shall preside and see the term through or if he/she is not present the Chairperson shall be selected by those present



at Committee meetings, and at General Meetings by those present, chosen from among members of the Committee present in person.

- (2) The Chairperson at all meetings shall have a deliberative vote and should there be an equality of votes, a casting vote.
- (3) The President shall represent the Club on all occasions wherever this is possible and maintain the prestige and promote the good name of the Club.

## II. Vice President

- (1) A Vice President shall preside at all General Meetings and Committee Meetings in the absence of the President and perform duties of the President and perform such other duties as are imposed on him/her by the Committee.

## III. Honorary Secretary

The Honorary Secretary shall:

- (1) Co-ordinate the correspondence of the Club.
- (2) Keep full and correct minutes of proceedings of General Meetings, Committee Meetings and Subcommittee meetings of the Club.
- (3) Comply on behalf of the Club with:
  - (a) Section 27 of *the Act* in respect of the register of members of the Club;
  - (b) Section 28 of *the Act* in respect of the Rules of the Club;
  - (c) Section 29 of *the Act* in respect of the record of the Office Bearers, and any Trustees of the Club.



- (4) Have custody of all books, documents, records and registers of the Club, including those referred to in Rules 4.E.III(1), 4.E.III(2) and 4.E.III(3), other than those in the custody of the Honorary Treasurer; and
- (5) Perform such other duties as are imposed by the Committee and these Rules on the Honorary Secretary.

#### IV. Honorary Treasurer

The Honorary Treasurer shall:

- (1) Be responsible for the receipts of all monies paid to or received by, or by him/her on behalf of the Club and shall issue receipts for those monies in the name of the Club.
- (2) Pay all monies referred to in Rule 4.E.IV(1) into such accounts of the Club as the Committee may from time to time direct.
- (3) Make payment from the funds of the Club with the authority of a General Meeting or of the Committee and in so doing ensure that all cheques are signed in compliance with Rule 6.II.
- (4) Comply on behalf of the Club with Sections 25 and 26 of *the Act* in respect of the accounting records of the Club.
- (5) Comply with Rules 3.D and 6.I and whenever directed to do so by the President, submit to the Committee a report, balance sheet or financial statement in accordance with that direction.
- (6) Prepare the annual income and expenditure statement and balance sheets on completion of each financial year and assist in preparation of the budget for the next financial year.



- (7) Have custody of all securities, books, electronic documents and records of a financial nature and accounting records of the Club, including those referred to in Rules 4.E.IV(4) and 4.E.IV(5).
- (8) Perform such other duties as are imposed by the Committee or by these Rules on the Honorary Treasurer.

## **F. VACANCIES IN THE MEMBERSHIP OF COMMITTEES**

- I. Whenever a vacancy occurs in a committee and such vacancy is required to be filled between the date of periodical elections, the following provisions shall apply:
  - (1) Where the vacancy is that of an Office Bearer of the Club, the President shall appoint a member of the Committee to the vacant position.
  - (2) Where the vacancy is that of a Committee member the President may appoint any financial member of the Club to fill such vacancy.
  - (3) Where the vacancy is that of the President then the Committee by a majority vote shall appoint the Vice President to fulfil the vacancy. Should the Vice President not receive the majority in such a vote the committee shall appoint a Committee Member to the position of President by way of a majority vote.
  - (4) The term of office of any person so appointed shall be for the remainder of the term of the person whose office is filled under the relevant provisions of this paragraph.





## **5. MEETINGS**

### **A. ANNUAL GENERAL MEETING**

- I. The Annual General Meeting of the Club shall be held within six months of the end of the Club's financial year, on a date to be fixed by the Committee of Management.
- II. Notice of the Annual General Meeting specifying the Agenda and any motion duly proposed and seconded shall be given in writing to all financial members by the Honorary Secretary not less than two weeks before the date of the Meeting.
- III. Only financial members shall be entitled to vote or accept office at a General Meeting.
- IV. At each Annual General Meeting:
  - (1) The President's Report for the financial year shall be tabled.
  - (2) The Honorary Treasurer shall present a statement of accounts current as at the Annual General Meeting date.
  - (3) The new Committee shall be elected.
  - (4) Special business, of which notice of motion has been given, and other business shall be heard.

### **B. SPECIAL GENERAL MEETING**

- I. At the request of the President or at the written request of not less than 15 financial members, the Honorary Secretary shall convene a Special General Meeting.



- II. Notice of a Special General Meeting shall be given in writing to all financial members by the Honorary Secretary, not less than one week before the date of the Meeting, giving details of the purpose of such a meeting.

### **C. QUORUM**

- I. The quorum of a General Meeting shall be 20 or one fifth of the number of financial members whichever is lesser.
- II. Where at any meeting the number of members prescribed under the relevant rule as a quorum in relation to that meeting is not present within thirty minutes of the time fixed in the notice calling the meeting, the meeting shall be adjourned to a date and time to be fixed by the Committee.
- III. The Honorary Secretary shall send notice in writing of such adjourned meeting to all financial members not later than seven days from the date of such meeting.
- IV. If at the adjourned meeting called pursuant to Rule 5.C.III the number of members prescribed under the relevant rule as a quorum in relation to that meeting is not present within thirty minutes of the time fixed in the notice calling the meeting, ten members then present shall constitute a quorum and may transact the business for which the meeting was called.
- V. A member eligible to vote may appoint in writing another member to be proxy of the appointing member and to attend and vote on behalf of the appointing member at any Meeting provided that the proxy document is shown to the Honorary Secretary prior to any meeting.

## **6. FINANCE**

- I. At each meeting of the Committee the Honorary Treasurer shall table a statement of receipts and payments for information and approval.



- II. All cheques issued on behalf of the Club shall be signed by two of the office bearers, one of whom shall be the Honorary Treasurer. In the absence of the Treasurer one of the signatories shall be the President.
- III. Upon the completion of each financial year, the Honorary Treasurer shall prepare an income and expenditure statement and balance sheet as required for tier 1 associations under *the Act*. This material shall also be used as an aid in creating a budget for the following financial year.

## **7. MISCELLANEOUS**

### **A. AFFILIATION**

- I. Any organization with aims similar, wholly or in part to the objects of the Club may after dialogue with the Club, lodge an application for affiliation which may be approved by the Committee.

### **B. NAME AND SEAL**

- I. The name of the club shall be mentioned in all notices, advertisements and any other publication of the Club.
- II. The Club shall have its name engraved in legible characters upon a seal, which shall be in the custody of the Honorary Secretary.
- III. The Seal shall be used only under the authority of a resolution of the Committee, the date whereof shall be mentioned on the instrument to which the Seal is attached.
- IV. The fixing of the Seal shall be attested by the signature of the President, or in the absence of that officer, the Vice President, and the counter signature of the Honorary Secretary or Treasurer.



- V. The Seal of the Club shall be a device circular in shape, enclosing in outline two crossed cricket bats. The name of the Club shall encircle the seal. The seal shall be blue in colour.
- VI. The Club colours shall be Royal Blue, Red and White.

### **C. ALTERATION TO NAME, OBJECTS AND RULES**

- I. Any alteration to the name, or any alterations variations or rescission or addition to the objects of the Club or to these rules may only be made by a Special Resolution at a General Meeting called for that purpose.
- II. Notice of the proposed amendment, addition to, variation, rescission or substitution and the reasons thereof shall be posted or delivered to each financial member at least 28 days prior to the General Meeting called for that purpose.
- III. In the notice to the members, the members are to be informed that they or any of them may object to any of the proposals by forwarding a written objection to the Honorary Secretary to reach him or her no later than 14 days from the date of notice.
- IV. Should a Special General Meeting convened in accordance with Rule 7.C lapse for want of a quorum, the proposed changes shall be considered at a meeting convened in accordance with the quorum requirements set out in Rule 5.C.IV.

### **D. INSPECTION OF BOOKS**

- I. Subject to Schedule 1 of *the Act*, persons authorised by *the Act* and any member of the Club are eligible to inspect books and documents of the Club, provided the Honorary Secretary or in his absence the President has been informed of such intention, in writing.



- II. The Honorary Secretary or the President shall call a Committee meeting not later than seven days and table the request.
- III. The committee shall decide on a date, time and location for the inspection.
- IV. The Honorary Secretary shall immediately inform the applicant in writing the date, time and place for the arranged inspection, and:
  - (1) Ensure that the documents requested are available for inspection
  - (2) Make necessary arrangements for supply of copies if requested.
  - (3) Ensure that at no stage of the inspection the documents leave his or her possession.

#### **E. NOTICE OF MEETINGS – GENERAL**

- I. Notice of General Meetings shall be addressed and be sent by post or sent by electronic mail or otherwise to the residential address or the electronic mailing address or the last specified address of the member to whom it is required to be sent. A member must advise the Honorary Secretary of his or her current address and changes thereto, failing which the last known residential address or the electronic mail address of the member concerned shall be deemed to be his or her current address.
- II. Where a notice is sent by post, service of notice shall be deemed to be properly effected if the envelope containing the notice is sufficiently addressed and posted to the member concerned by ordinary pre-paid post. Where a notice is sent by electronic mail, service of notice shall be deemed to be properly effected if an acknowledgement of receipt by return of mail is received, or if the electronic mail is not returned to the sender without delivery.



Delivery of notices in electronic format shall be sent only to those who have provided such electronic mailing address as a medium for delivery of information.

- III. The accidental failure to give any notice required by these Rules shall not affect the validity of any decision or action taken or made or any resolution passed at or by any meeting at which a quorum was present.
- IV. For the purpose of this rule the expression “these rules” shall not be deemed to include by-laws as made by the Committee from time to time.

#### **F. OBSERVATION OF THE LIQUOR ACT**

- I. The Club shall appoint and maintain an Approved Manager for the purposes of observing liquor licensing requirements and regulations.
- II. The Club shall be open for sale of liquor during such hours as the Committee shall from time to time determine and as permitted under the *Liquor Act*.
- III. Any member of the Club shall be at liberty to invite guests to the Club, but the number of guests shall not exceed the maximum number as contained in Section 48(4)(b) of the *Liquor Act*.
- IV. A member may hold private family and business functions without limit to number of guests, providing that the sale of liquor shall be:
  - (1) Ancillary to a meal supplied at the Club by or on behalf of the Club to a member and to each of the guests of that member being guests of whose attendance was given prior notice to the Club.
  - (2) To a member, for consumption by the guests of that member at a function held by or on behalf of that member at the Club.



- V. No liquor shall be sold or supplied for consumption other than on the Club's licensed premises.

## **G. DISSOLUTION**

- I. The Club may at any time, with the consent of a majority of three fourths of members present at a General Meeting called for the purpose, be dissolved.
- II. Upon dissolution of the Club, any property real or personal in excess of its liabilities shall not be distributed amongst the members but shall be paid or transferred to some other Club or Clubs having objects similar, wholly or in part and which is exempt from income tax under Section 23 of the *Income Tax Assessment Act 1997* [4], to be determined by the General Meeting called pursuant to Rule 7.G.I.

## **H. CONFLICT OF INTEREST**

- I. All officers, members of Committees and Subcommittees and all officers in the employ of the Club who have a pecuniary or other interest in any matter which conflicts, or can be reasonably shown to have potential to conflict, with the conduct of their official duties of the Club, shall provide a written statement disclosing the fact and nature of the interest to the Committee, as soon as practicable after the relevant facts have come to his or her attention.
- II. Any person mentioned in Rule 7.H.I shall not have voting rights when the Committees or Subcommittees of which he or she is a member is voting on a matter he or she can be shown to have a conflict of interest in.



## 8. REFERENCES

- [1] *Associations Incorporated Act 2015* (WA)(CKI),  
[https://www.slp.wa.gov.au/pco/prod/FileStore.nsf/Documents/MRDocument:28217P/\\$FILE/Associations%20Incorporation%20Act%202015%20-%20\[00-00-00\].pdf?OpenElement](https://www.slp.wa.gov.au/pco/prod/FileStore.nsf/Documents/MRDocument:28217P/$FILE/Associations%20Incorporation%20Act%202015%20-%20[00-00-00].pdf?OpenElement)
- [2] *Liquor Control Act 1988* (WA)(CI),  
[https://www.slp.wa.gov.au/pco/prod/FileStore.nsf/Documents/MRDocument:25308P/\\$FILE/Liquor%20Control%20Act%201988%20-%20\[07-g0-01\].pdf?OpenElement](https://www.slp.wa.gov.au/pco/prod/FileStore.nsf/Documents/MRDocument:25308P/$FILE/Liquor%20Control%20Act%201988%20-%20[07-g0-01].pdf?OpenElement)
- [3] *Liquor Control Regulations 1989* (WA)(CI),  
[http://www.slp.wa.gov.au/pco/prod/FileStore.nsf/Documents/MRDocument:25730P/\\$FILE/Liquor%20Control%20Regulations%201989%20-%20\[12-00-05\].pdf?OpenElement](http://www.slp.wa.gov.au/pco/prod/FileStore.nsf/Documents/MRDocument:25730P/$FILE/Liquor%20Control%20Regulations%201989%20-%20[12-00-05].pdf?OpenElement)
- [4] *Income Tax Assessment Act 1997* (Cwlth), <http://www.comlaw.gov.au/Details/C2012C00674>