



Kilsyth Cricket Club

Constitution

A.B.N. 38 975 613 147

INCORPORATED IN VICTORIA: A0007341K

PINKS RESERVE KILSYTH

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<https://www.kilsythcricketclub.com.au/>

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Revision history

Re-written on 9th May, 2005 and amended on 1st June, 2005, to comply with Section 6(a)(i)(ii) of the Associations Incorporations Act, 1981, Amended in 1998, Schedule 5.

Re-written on 17th July, 2014 to comply with Associations Incorporation Reform Act, 2012

Re-written on 29th May, 2020 for the addition of an Executive Committee member

Re-written on 26th June, 2024, for the alignment to the Consumer Affairs Victoria model rules, the removal of a games threshold for life membership, and the addition of a requirement to minute any expenditures exceeding \$5,000 at an executive meeting.

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Note

The persons who from time to time are members of the Association are an incorporated association by the name given in rule 1 of these Rules.

Under section 46 of the **Associations Incorporation Reform Act 2012**, these Rules are taken to constitute the terms of a contract between the Association and its members.

Club Colours

Black and Red

PART 1—PRELIMINARY

1. Name

- (1) The name of the incorporated association is 'The Kilsyth Cricket Club Incorporated (*in these Rules called "the Association"*)'.

2. Purposes

- (1) The purpose and objectives of the Kilsyth Cricket Club Inc. shall be to:
- promote cricket in the area at both junior and senior level, and to be non-sectarian and non-political;
 - provide such social and recreational activities as may be decided from time to time;
 - participate in the Ringwood and District Cricket Association and/or any other Association or Associations selected by the General Committee.

3. Financial Year

- (1) The financial year of the Association is each period of 12 months ending on 30th April

4. Definitions

- (1) In these Rules, unless the contrary interpretation appears:

"Act" means **Associations Incorporation Reform Act 2012** and includes any regulations made under that Act;

"committee" means the General Committee of the Association;

"executive" means the Executive Committee of the Association;

"financial year" means the 12 month period specified in rule 3

"general meeting" means a general meeting of the members convened in accordance with Part 4 and includes an annual general meeting, a special general meeting and a disciplinary appeal meeting;

"member" means a member of the Association;

"ordinary member of the committee" means a member of the committee who is not an officer of the Association under Rule 21;

"Regulations" means regulations under the Act;

"relevant documents" has the same meaning as in the Act.

- (2) In these Rules, a reference to the Secretary of an Association is a reference:

- if a person holds office under these Rules as Secretary of the Association - to that person; and
- in any other case, to the public officer of the Association.

PART 2 – POWERS OF ASSOCIATION

5. Powers of Association

- (1) Subject to the Act, the Association has power to do all things incidental or conducive to achieve its purposes.
- (2) Without limiting subrule (1), the Association may—
 - a. acquire, hold and dispose of real or personal property;
 - b. open and operate accounts with financial institutions;
 - c. invest its money in any security in which trust monies may lawfully be invested;
 - d. raise and borrow money on any terms and in any manner as it thinks fit;
 - e. secure the repayment of money raised or borrowed, or the payment of a debt or liability;
 - f. appoint agents to transact business on its behalf;
 - g. enter into any other contract it considers necessary or desirable.
- (3) The Association may only exercise its powers and use its income and assets (including any surplus) for its purposes.

6. Not for profit organisation

- (1) The Association must not distribute any surplus, income or assets directly or indirectly to its members.
- (2) Subrule (1) does not prevent the Association from paying a member—
 - a. reimbursement for expenses properly incurred by the member; or
 - b. for goods or services provided by the member—
 - c. if this is done in good faith on terms no more favourable than if the member was not a member.

PART 3 – MEMBERS, DISCIPLINARY PROCEDURES AND GRIEVANCES

7. Membership, entry fees and subscriptions

- (1) The entrance fee and annual subscription shall be determined at the annual general meeting.
 - a. The annual subscription is payable as per the setting of subscriptions under Rule 19(1).
- (2) Membership of the Association shall be of the following categories:
 - a. Patrons: those persons appointed as a patron by the committee, or at an annual general meeting
 - b. Life Members:
 - b.i. life membership may be awarded for exemplary service (in addition to playing) to the Association and to the game of cricket in general, or after 10 years of service to the club
 - b.ii. nominations for life membership are to be referred by the members to the executive for decision
 - c. Veteran Members: those persons actively participating in veteran cricket
 - d. Senior Playing Members: those persons actively participating in senior cricket
 - e. Junior Playing Members: those persons eligible to participate in junior cricket
 - f. Social Members: those persons who pay the social membership fee as determined at an annual general meeting
- (3) All Junior Playing members, only playing Senior Cricket, are required to pay Senior Playing Member subscriptions as set under Rule 50 (2);
 - a. Subscription for a member as set out in Sub rule-4, may be eligible to be included in a Family Subscription package as set out in Rule 50 (2).
- (4) The Association must have a minimum of 5 members.
- (5) To apply to become a member of the Association, a person must either register online or submit a written application to a committee member stating that the person—
 - a. wishes to become a member of the Association; and
 - b. supports the purposes of the Association; and
 - c. agrees to comply with these Rules.
- (6) The Application—
 - a. must be signed by the applicant; and
 - b. may be accompanied by the joining fee.
- (7) **Note:** The joining fee is the fee (if any) determined by the Association Rule 19(1).

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8. General rights of members

- (1) A member of the Association who is entitled to vote has the right—
 - a. to receive notice of general meetings and of proposed special resolutions in the manner and time prescribed by these Rules; and
 - b. to submit items of business for consideration at a general meeting; and
 - c. to attend and be heard at general meetings; and
 - d. to vote at a general meeting; and
 - e. to have access to the minutes of general meetings and other documents of the Association as provided under Rule 46; and
 - f. to inspect the register of members.
- (2) A member is entitled to vote if—
 - a. the member is a member other than an associate member; and
 - b. more than 10 business days have passed since the member became a member of the Association; and
 - c. the member's membership rights are not suspended for any reason.

9. Register of members

- (1) The Secretary must keep and maintain a register of members containing:
 - a. the name, email, and address (if required) of each member; and
 - b. the date on which each member's name was entered in the register.
- (2) The register is available for inspection free of charge by any member upon request.

10. Ceasing Membership

- (1) A member of the Association who has paid all moneys due and payable by a member to the Association may resign from the Association by giving one month's notice in writing to the Secretary of his or her intention to resign.
- (2) After the expiry of the period referred to in sub-rule (1)-
 - a. the member ceases to be a member; and
 - b. the Secretary must record in the register of members the date on which the member ceased to be a member.
- (3) A member who has not paid the annual subscription in full, provided in Rule 7, by the last Thursday, before the first game after Christmas shall cease to be a member.
 - a. membership and eligibility for selection will be re-instated once subscriptions have been paid in full.

11. Discipline, suspension and expulsion of members

- (1) Subject to these Rules, if the executive is of the opinion that a member has refused or neglected to comply with these Rules, or has been guilty of conduct unbecoming a member or prejudicial to the interests of the Association, the executive may by resolution:
 - a. fine that member an amount not exceeding \$500; or
 - b. suspend that member from membership of the Association for a specified period; or
 - c. expel that member from the Association.
- (2) A resolution of the executive under sub-rule (1) does not take effect unless-

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- a. at a meeting held in accordance with sub-rule (3), the committee confirms the resolution; and
 - b. if the member exercises a right of appeal to the Association under this rule, the Association confirms the resolution in accordance with this rule.
- (3) A meeting of the committee to confirm or revoke a resolution passed under sub-rule (1) must be held not earlier than 48 hours, and not later than 14 days, after notice has been given to the member in accordance with sub-rule (4).
- (4) For the purposes of giving notice in accordance with sub-rule (3), the Secretary must, as soon as practicable, cause to be given to the member a written notice:
 - a. setting out the resolution of the executive and the grounds on which it is based; and
 - b. stating that the member, or his or her representative, may address the committee at a meeting to be held not earlier than 14 days and not later than 28 days after the notice has been given to that member; and
 - c. stating the date, place and time of that meeting; and
 - d. informing the member that he or she may do one or both of the following:
 - d.i. attend that meeting;
 - d.ii. give to the Secretary before the date of that meeting a written statement seeking the revocation of the resolution;
 - e. informing the member that, if at that meeting, the committee confirms the resolution, he or she may not later than 48 hours after that meeting, give the Secretary a notice to the effect that he or she wishes to appeal to the Association in general meeting against the resolution.
- (5) At a meeting of the committee to confirm or revoke a resolution passed under sub-rule (1), the committee must:
 - a. give the member, or his or her representative, an opportunity to be heard; and
 - b. give due consideration to any written statement submitted by the member; and
 - c. determine by resolution whether to confirm or to revoke the resolution.
- (6) If at the meeting of the committee, the committee confirms the resolution, the member may, not later than 48 hours after that meeting, give the Secretary a notice to the effect that he or she wishes to appeal to the Association in general meeting against the resolution.
- (7) If the Secretary receives a notice under sub-rule (6), he or she must notify the committee and the committee must convene a general meeting of the Association to be held within 21 days after the date on which the Secretary received the notice.
- (8) At a general meeting of the Association convened under sub-rule (7):
 - a. no business other than the question of the appeal may be conducted; and
 - b. the committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution; and
 - c. the member, or his or her representative, must be given an opportunity to be heard; and
 - d. the members present must vote by secret ballot on the question whether the resolution should be confirmed or revoked.

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- (9) A resolution is confirmed if, at the general meeting, not less than two-thirds of the members vote in person, or by proxy, in favour of the resolution. In any other case, the resolution is revoked.

12. Disputes and mediation

- (1) The grievance procedure set out in this rule applies to disputes under these Rules between:
- (a) a member and another member; or
 - (b) a member and the Association.
- (2) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.
- (3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
- (4) The mediator must be:
- a. a person chosen by agreement between the parties; or
 - b. in the absence of agreement:
 - b.i. in the case of a dispute between a member and another member, a person appointed by the committee of the Association; or
 - b.ii. in the case of a dispute between a member and the Association, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).
- (5) A member of the Association can be a mediator.
- (6) The mediator cannot be a member who is a party to the dispute.
- (7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (8) The mediator, in conducting the mediation, must:
- a. give the parties to the mediation process 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 to the dispute throughout the mediation process.
- (9) The mediator must not determine the dispute.
- (10) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act otherwise at law.

PART 4 – GENERAL MEETINGS OF THE ASSOCIATION

13. Annual general meetings

- (1) The committee may determine the date, time and place of the annual general meeting of the Association.
- (2) The notice convening the annual general meeting must specify that the meeting is an annual general meeting.
- (3) The ordinary business of the annual general meeting shall be to:
 - a. confirm the minutes of the previous annual general meeting and of any general meeting held since that meeting;
 - b. receive from the committee reports upon the transactions of the Association during the last preceding financial year;
 - c. elect officers of the Association and the general members of the committee;
 - d. receive and consider the statement submitted by the Association in accordance with section 30(3) of the Act; and
 - e. elect members of the Association, as appropriate, to serve on the Kilsyth Cricket Club Committee of Management (and/or its successor) as representatives of the Association.
- (4) The annual general meeting may conduct any special business of which notice has been given in accordance with these Rules.

14. Special general meetings

- (1) In addition to the annual general meeting, any other general meeting may be held in the same year.
- (2) All general meetings other than the annual general meeting are special general meetings.
- (3) The committee may, whenever it thinks fit, convene a special general meeting of the Association.
- (4) If, but for this sub-rule, more than 15 months would elapse between annual general meetings, the committee must convene a special general meeting before the expiration of that period.
- (5) The committee must, on the request in writing of members representing not less than 5 per cent of the total number of members, convene a special general meeting of the Association.
- (6) The request for a special general meeting must:
 - a. state the objects of the meeting; and
 - b. be signed by the members requesting the meeting; and
 - c. be sent to the address of the Secretary.
- (7) If the committee does not cause a special general meeting to be held within one month after the date on which the request is sent to the address of the Secretary, the members making the request, or any of them, may convene a special general meeting to be held not later than 3 months after that date.

15. Special business

- (1) All business that is conducted at a special general meeting and all business that is conducted at the annual general meeting, except for business conducted under the rules as ordinary business of the annual general meeting, is deemed to be special business.

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16. Notice of general meetings

- (1) The Secretary of the Association, at least 7 days, or if a special resolution has been proposed at least 21 days, before the date fixed for holding a general meeting of the Association, must cause to be sent to each member of the Association, a notice stating the place, date and time of the meeting and the nature of the business to be conducted at the meeting.
- (2) (2) Notice may be sent:
 - a. by prepaid post to the address appearing in the register of members; or
 - b. by telephone or electronic transmission.
- (3) A member intending to bring any business before a meeting may notify in writing, or by electronic transmission, the Secretary of that business, who must include that business in the notice calling the next general meeting.

17. Quorum at general meetings

- (1) No item of business may be conducted at a general meeting unless a quorum of members entitled under these Rules to vote is present at the time when the meeting is considering that item.
- (2) Five (5) members personally present (being members entitled under these Rules to vote at a general meeting) constitute a quorum for the conduct of the business of a general meeting.
- (3) If, within half an hour after the appointment time for the commencement of a general meeting, a quorum is not present:
 - a. in the case of a meeting convened upon the request of members- the meeting must be dissolved; and
 - b. in any other case- the meeting shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairperson at the time of the adjournment or 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 the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members personally present (being not less than 3) shall be a quorum.

18. Presiding at general meetings

- (1) The President, or in the President's absence, the Vice-President, shall preside as Chairperson at each general meeting of the Association.
- (2) The President or one of the Vice-Presidents must be present at a general meeting for that meeting to go ahead. If neither are present, the meeting shall be adjourned until the following week.

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19. Meeting agenda at Annual General Meeting

- (1) The agenda for annual general meetings shall be as follows:
 - (1) Apologies
 - (2) Minutes of previous meeting
 - (3) Business arising from minutes
 - (4) Presentation of Annual Report (AGM)
 - (5) Correspondence
 - (6) President's Report
 - (7) Treasurer's Report
 - (8) Coach's Report
 - (9) Junior Co-ordinator's Report
 - (10) Women's Co-ordinators Report
 - (11) Election of office bearers (AGM)
 - (12) Setting of financial subscriptions for the coming season (AGM)
 - (13) General Business

20. Adjournment of meetings

- (1) The person presiding may, with the consent of a majority of members present at the meeting, adjourn the meeting from time to time and place to place.
- (2) No business may be conducted at an adjourned meeting other than the unfinished business from the meeting that was adjourned.
- (3) If a meeting is adjourned for 14 days or more, notice of the adjourned meeting must be given in accordance with Rule 16.
- (4) Except as provided in Rule 16, it is not necessary to give notice of an adjournment or of the business to be conducted at an adjourned meeting.

21. Voting at general meetings

- (1) Upon any question arising at a general meeting of the Association, a member (excluding junior playing members) has one vote only.
- (2) All votes must be given personally or by proxy.
- (3) In the case of an equality of voting on a question, the Chairperson of the meeting is entitled to exercise a second or casting vote.

22. Poll at general meetings

- (1) If at a meeting a poll on any question is demanded by not less than 3 members, it must be taken at that meeting in such manner as the Chairperson may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
- (2) A poll that is demanded on the election of a Chairperson or on a question must be taken at such time before the close of the meeting as the Chairperson may direct.

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23. Manner of determining whether resolution carried

- (1) A question arising at a general meeting of the Association shall be determined on a show of hands, unless before or on the declaration of the show of hands a poll is demanded:
 - a. a declaration by the Chairperson that a resolution has been:
 - a.i. carried; or
 - a.ii. carried unanimously; or
 - a.iii. carried by a particular majority; or
 - a.iv. lost; and
 - b. an entry to that effect in the minute book of the Association: is evidence of the fact, without proof of the number or proportion of the votes recorded in favor of, or against, that resolution.

24. Proxies

- (1) Each member is entitled to appoint another member as a proxy by written notice given to the Secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.
- (2) The notice appointing the proxy must state:
 - a. name and address of the person authorizing the proxy to act on their behalf
 - b. name of incorporation in question
 - c. Name and address of appointee
 - d. date and time of meeting
 - e. signature of member appointing proxy

25. Delegates

- (1) Delegates shall be appointed at the Annual General Meeting. The number of delegates shall be as required by the Ringwood and District Cricket Association (RDCA) rules, plus a proxy member.

PART 5 – COMMITTEE

26. Committee of Management

- (1) The affairs of the Association shall be managed by the committee except where duties are imposed upon the executive by these rules.
- (2) The committee:
 - a. shall control and manage the business and affairs of the Association; and
 - b. may, subject to these Rules, the Act and the Regulations, exercise all such powers and functions as may be exercised by the Association other than those powers and functions that are required by these Rules to be exercised by general meetings of the members of the Association or to be exercised by the executive; and
 - c. subject to these Rules, the Act and the Regulations, has power to perform all such acts and things as appear to the committee to be essential for the proper management of the business and affairs of the Association.
- (3) Subject to section 23 of the Act, the committee shall consist of:
 - a. the officers of the Association; and
 - b. up to eight ordinary members: each of whom shall be elected at the annual general meeting of the Association in each year.

27. Office holders

- (1) The officers of the Association shall be:
 - a. a President;
 - b. up to 2 Vice-Presidents;
 - c. a Treasurer;
 - d. a Secretary;
 - e. a Junior Co-ordinator;
 - f. and a Women's Co-ordinator
- (2) The provisions of Rule 29, so far as they are applicable and with the necessary modifications, apply to and in relation to the election of persons to any other offices referred to in sub-rule (1).
- (3) Each officer of the Association shall hold office until the annual general meeting next after the date of his or her election but is eligible for re-election.
- (4) In the event of a casual vacancy in any office referred to in sub-rule (1), the committee may appoint one of its members to the vacant office and the member appointed may continue in office up to and including the conclusion of the annual general meeting next following the date of the appointment.
- (5) The executive shall:
 - a. consist of the officers of the Association;
 - b. conduct the accrued or urgent business of the Association;
 - c. determine whether a coach is, or coaches are, to be appointed and, if so, the method of appointment; and
 - d. in consultation with the coach, appoint captains and, if considered appropriate, vice-captains for each senior team.
 - e. determine in which grades of the Association the Club will nominate teams

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- (6) Where it is impractical to call a meeting to consider emergency business, the full executive may act on behalf of the Association provided that any decision is unanimous and does not contravene Association policy.

28. Ordinary members of the committee

- (1) The General Committee shall consist of the Executive (as per Rule 26), delegates if not already elected members the Social President and as many general members as are nominated and voted onto the committee.
- (2) Subject to these Rules, each member of the committee shall hold office until the annual general meeting next after the date of election but is eligible for re - election.
- (3) In the event of a casual vacancy occurring in the office of a member of the committee, the committee may appoint a member of the Association to fill the vacancy and the member appointed shall hold office, subject to these Rules, until the conclusion of the annual general meeting next following the date of the appointment.
- (4) Any Executive Member or General Committee Member who fails to attend three (3) successive meetings without adequate reason, may be replaced by the committee.
- (5) All junior and senior coaches, senior captains, team managers and coordinators must possess a current Victorian Working with Children Check.

29. Election of officers and ordinary committee members

- (1) Nominations of candidates for election of officers of the Association or as ordinary members of the committee must be:
 - a. made in writing, signed by a member of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and
 - b. delivered to the Secretary of the Association not less than 7 days before the date fixed for the holding of the annual general meeting.
- (2) A candidate may nominate for as many offices as they choose, prior to the annual general meeting. Where a candidate has nominated for more than one position, all other nominations shall be deemed to have automatically lapsed upon the candidate's election to one of the positions to which they nominated.
- (3) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated shall be deemed to be elected and further nominations may be received at the annual general meeting.
- (4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- (5) If the number of nominations exceeds the number of vacancies to be filled, a ballot must be held.
- (6) The ballot for the election of officers and ordinary members of the committee must be conducted at the annual general meeting in such manner as the committee may direct.

30. Vacancies

- (1) The office of an officer of the Association, or of an ordinary member of the committee, becomes vacant if the officer or member:
 - a. ceases to be a member of the Association; or
 - b. is removed from office in accordance with Rule 40; or
 - c. resigns from office by notice in writing given to the Secretary.

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31. Filling casual vacancies

- (1) The Committee may appoint a member of the Association to fill a position on the Committee that—
 - a. has become vacant under Rule 30; or
 - b. was not filled by election at the last annual general meeting.
- (2) If the position of Secretary becomes vacant, the Committee must appoint a member to the position within 14 days after the vacancy arises.
- (3) The Committee may continue to act despite any vacancy in its membership.

32. Meetings of the executive

- (1) The executive must meet at least four (4) times in each year at such place and such times as the executive may determine.
- (2) Special meetings of the executive may be convened by the President or by any 2 members of the executive.
- (3) A member not physically present at a meeting may be permitted to participate in the meeting by the use of technology that allows that member and the members present at the meeting to clearly and simultaneously communicate with each other.
- (4) For the purposes of this Part, a member participating in a meeting as permitted under subrule (3) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

33. Notice of executive meetings

- (1) Notice of each executive meeting must be given to each member of the executive at least 2 business days before the date of the meeting. These notices may be communicated via telephone or electronic media (email).
- (2) Notice must be given to members of the executive of any special meeting specifying the general nature of the business to be conducted. These notices may be communicated via telephone or electronic media (email).

34. Quorum for executive meetings

- (1) Any 4 members of the executive constitute a quorum for the conduct of the business of a meeting of the executive.
- (2) No business may be conducted unless a quorum is present.
- (3) If within half of hour of the time appointed for the meeting a quorum is not present:
 - a. in the case of a special meeting- the meeting lapses;
 - b. in any other case - the meeting shall stand adjourned to the same place and the same time and day in the following week.
- (4) The executive may act notwithstanding any vacancy on the executive.

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35. Meetings of the committee

- (1) The committee must meet at least six (6) times in each year at such place and such times as the committee may determine.
- (2) Special meetings of the committee may be convened by the President or by any 4 members of the committee.
- (3) A member not physically present at a meeting may be permitted to participate in the meeting by the use of technology that allows that member and the members present at the meeting to clearly and simultaneously communicate with each other.
- (4) For the purposes of this Part, a member participating in a meeting as permitted under subrule (3) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

36. Notice of committee meetings

- (1) Notice of each committee meeting must be given to each member of the committee at least 2 business days before the date of the meeting. These notices may be communicated via telephone or electronic media (email).
- (2) Notice must be given to members of the committee of any special meeting specifying the general nature of the business to be conducted and no other business may be conducted at such a meeting. These notices may be communicated via telephone or electronic media (email).

37. Quorum for committee meetings

- (1) Any 4 members of the committee constitute a quorum for the conduct of the business of a meeting of the committee.
- (2) No business may be conducted unless a quorum is present.
- (3) If within half of hour of the time appointed for the meeting a quorum is not present:
 - a. in the case of a special meeting- the meeting lapses;
 - b. in any other case- the meeting shall stand adjourned to the same place and the same time and day in the following week.
- (4) The committee may act notwithstanding any vacancy on the committee.

38. Presiding at executive / committee meetings

- (1) At meetings of the executive / committee:
 - a. the President or, in the President's absence, one of the Vice-Presidents presides; or
 - b. if the President and the Vice-President are absent, or are unable to preside, the members present must choose one of their number to preside.

39. Voting at executive / committee meetings

- (1) Questions arising at a meeting of the executive / committee, or at a meeting of any sub-committee appointed by the executive / committee, shall be determined on a show of hands or, if a member requests, by a poll taken in such manner as the person presiding at that meeting may determine.
- (2) Each member present at a meeting of the executive / committee, or at a meeting of any sub-committee appointed by the executive / committee (including the person presiding at the meeting), is entitled to one vote and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.

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40. Removal of committee member

- (1) The Association in general meeting may, by resolution, remove any member of the committee before the expiration of the member's term of office and appoint another member in his or her place to hold office until the expiration of the term of the first mentioned member.
- (2) A member who is the subject of a proposed resolution referred to in sub-rule (1) may make representations in writing to the Secretary or President of the Association (not exceeding a reasonable length) and may request that the representations be provided to the members of the Association.
- (3) The Secretary or the President may give a copy of the representations to each member of the Association or, if they are not so given, the member may require that they be read out at the meeting.

41. Minutes of meetings

- (1) The Secretary of the Association must keep minutes of the resolutions and proceedings of each general meeting, each executive meeting and each committee meeting, together with a record of the names of persons present at executive / committee meetings.

PART 6 – FINANIAL MATTERS

42. Funds

- (1) The Treasurer of the Association must:
 - a. collect and receive all moneys due to the Association and make all payments authorised by the Association;
 - b. keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association, and
 - c. present a summary of all receipts and payments, for the financial year to date, to each committee meeting.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any two of the President, Vice President, Treasurer and Secretary.
- (3) The funds of the Association shall be derived from entrance fees, annual subscriptions, donations and such other sources as the committee determines.
- (4) The books referred to in sub-clause (b) shall be available for inspection by members.
- (5) No commitment to expenditure of the Association's funds in excess of \$5,000 shall be made without that commitment being taken to a meeting of the Executive Committee and the decision being minuted.

PART 7 – GENERAL MATTERS

43. Seal

- (1) The common seal of the Association must be kept in the custody of the Secretary.
- (2) The common seal must not be affixed to any instrument except by the authority of the committee and the affixing of the common seal must be attested by the signatures either of two members of the committee or, of one member of the committee and of the Secretary of the Association.

44. Notice to members

- (1) Except for the requirement in Rule 16, any notice that is required to be given to a member, by on behalf of the Association, under these Rules may be given by-
 - a. delivering the notice to the member personally; or
 - b. sending it by prepaid post addressed to the member at that member's address shown in the register of members; or
 - c. by telephone
 - d. via electronic transmission

45. Winding up

- (1) In the event of the winding up or the cancellation of the incorporation of the Association and there remains a surplus after the satisfaction of all debts and liabilities, the same shall be held in trust by the Association's bankers for a period not exceeding five (5) years and, in the case of the Association reforming within this period, shall be transferred by the bankers to the properly elected, reformed Association.
- (2) In the event of the Association not reforming within the stipulated time, the surplus assets shall be given to, or applied in the following priority:
 - a. to a similar sporting organisation,
 - b. to a charitable institution.

46. Custody and inspection of books and records

- (1) Except as otherwise provided in these Rules, the Secretary must keep in his or her custody or under his or her control all books, documents and securities of the Association.
- (2) All accounts, books, securities and any other relevant documents of the Association must be available for inspection free of charge by any member upon request.
- (3) A member may make a copy of any accounts, books, securities and any other relevant documents of the Association.

47. Trophies

- (1) Trophies shall be awarded for batting and bowling averages in all teams, and additional trophies may be awarded at the discretion of the executive.
- (2) A trophy shall be awarded for the best and fairest player in the club, as well as for club champion.
- (3) Qualifications for trophies shall be the same as is required under the existing rules of the RDCA. Should trophy qualifications not be met in any team, the executive is empowered to award the trophy.
- (4) A trophy shall also be awarded for best club person.

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48. Liquor Licensing Conditions

- (1) The club shall adhere to all liquor licensing rules and regulations, and
- (2) Any member disregarding these rules shall be asked to vacate the premises and may face disciplinary action
- (3) A record must be kept of all visitors attending the Association premises.
- (4) A visitor to the Association may not be supplied with liquor on the Association premises unless in the company of a member of the Association.
- (5) A person shall not be:
 - a. exempted from the obligation to pay the ordinary subscription for membership of the Association unless that person has been admitted as a life member in accordance with these rules.
- (6) Prior to 8pm on match days, all opposition players and Match officials will be considered members of the association
 - a. No other temporary members shall be admitted

49. Auxiliary Committees

- (1) The Association may constitute auxiliary committees as determined by the committee from time to time.
- (2) The rules for the administration of an auxiliary committee shall be:
 - a. determined by the committee from time to time;
 - b. maintained by the Secretary; and
 - c. available for inspection, free of charge, by any member upon request.
- (3) Each auxiliary committee shall:
 - a. remain accountable to the committee;
 - b. keep correct accounts and books showing the financial affairs of the committee with full details of all receipts and expenditure connected with the activities of the committee; and
 - c. present a financial and operating report to each committee meeting of the Association.

50. Saturday Participation

- (1) All members, including Junior Playing Members, are eligible to participate in the Senior teams on a Saturday afternoon, during the regular season.
- (2) The rules for selection shall be:
 - a. Must be a fully paid member;
 - b. All fully paid senior members are picked prior to a junior playing member is selected;
 - c. Fully paid Junior playing members can be selected, prior to a fully paid senior member in the top 3 grades at the discretion of the Selection Committee.
- (3) Selection of teams during Post Season matches will be at the discretion of the Selection Committee.

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51. Association Captains

- (1) Application for Captaincy of a senior side must be submitted to the Secretary or Coach.
- (2) Appointment as Captain will be determined by the Coach and the Executive Committee.
- (3) Responsibility of a Captain are as follows;
 - a. Ensure the team they are captain of play the game in the correct spirit of the game;
 - b. Adhere to the Laws of Cricket and any laws enforced by the Ringwood and District Cricket Association;
 - c. Ensure scores are submitted at the end of days play;
 - c.i. Failure to submit scores through will result in the Captain paying the club fine for late scores.
- (4) Any official report against the captain, or player in their team, may result in Discipline, suspension or expulsion as outlined in Rule 11.

52. Alteration of the rules

- (1) These Rules and the statement of purposes of the Association must not be altered except in accordance with the Act.

53. Key Register

- (1) A key register is to be maintained by the President or Secretary of the Association
- (2) All keys are to be signed for with date collected at the beginning of the cricket season; and
- (3) All keys are to be signed for with date returned at the end of the cricket season.

54. Hall of Fame

- (1) Kilsyth Cricket Club has a Hall of Fame Committee which abides by the "KCC Hall Of Fame Rules/Criteria" document for decisions on any member who may be inducted into the Hall of Fame, who may be elevated to Legend status and who may sit on the Committee.