

**CONSTITUTION
OF THE
COCKBURN JUNIOR CRICKET CLUB (INC.)**

1. GENERAL

- 1.1 This Club shall be called and be known henceforth as the COCKBURN JUNIOR CRICKET CLUB until such a time as may otherwise be determined by a notice at a Special Meeting for such a purpose with a full Quorum present.
- 1.2 The colours of the club shall be blue and gold
- 1.3 This constitution and the playing conditions hereunder are the only constitution and playing conditions recognised by the Cockburn Junior Cricket Club (Inc.) ("the Club").
- 1.4 The club shall be affiliated with the South West Metropolitan Junior Cricket Council (referred to as SWMJCC).

2. DEFINITIONS

In these rules, unless the contrary intention appears:

- 2.1 'annual general meeting' is the meeting convened under rule 15;
- 2.2 'Committee meeting' means a meeting referred to in rule 14;
- 2.3 'Committee member' means person referred to in rule 13;
- 2.4 'convene' means to call together for a formal meeting;
- 2.5 'department' means the government department with responsibility for administering the Associations Incorporation Act (1987);
- 2.6 'general meeting' means a meeting to which all members are invited;
- 2.7 'member' means member of the Club;
- 2.8 'ordinary resolution' means resolution other than a special resolution;
- 2.9 'poll' means voting conducted in written form (as opposed to a show of hands);
- 2.10 'special general meeting' means a general meeting other than the annual general meeting;
- 2.11 'special resolution' has the meaning given by section 24 of the Act, that is:
A resolution is a special resolution if it is passed by a majority of not less than three-fourths of the members of the Club who are entitled under the rules of the Club to vote and vote in person or, where proxies or postal votes are allowed by the rules of the Club by proxy or postal vote, 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.

In 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 in accordance with the rules of the Club or, if the rules do not make provision as to the manner in which a poll may be demanded, by at least three members of the Club present in person or, where proxies are allowed, by proxy.

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.

- 2.12 “the Act” means the Associations Incorporation Act 1987;
- 2.13 “the Club” means the Club referred to in rule 1;
- 2.14 “the President” means in relation to the proceedings at a Committee meeting or general meeting, the person presiding at the Committee meeting or general meeting in accordance with rule 11
- 2.15 “the Commissioner” means the Commissioner for Consumer Protection exercising powers under the Act;
- 2.16 “the Committee” means the Committee of Management of the Association referred to in rule 11;
- 2.17 “the Secretary” means the Secretary referred to in rule 13;
- 2.18 “the Vice President” means the Vice President referred to in rule 12.

3. OBJECTS OF THE CLUB

- 3.1 The Club shall administer, promote and foster junior cricket in the locality of the City of Cockburn and the surrounding localities.
- 3.2 To purchase or otherwise acquire any real or personal property for the purpose of the Club.
- 3.3 To develop, encourage and educate players to be fair and proficient cricketers.
- 3.4 The Club will prepare junior players for their entry into more senior grades and promote and encourage parent participation in the activities of the Club.
- 3.5 The Club may perform such other functions as may be requested by the South West Metropolitan Junior Cricket Council (SWMJCC) in order to achieve any other nominated aims.

4. 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 may do all things necessary or convenient for carrying out its objects and purposes, and in particular, may:

- 4.1 acquire, hold, deal with, and dispose of any real or personal property;
- 4.2 open and operate bank accounts;
- 4.3 Invest its money:
 - a. in any security in which trust monies may lawfully be invested; or
 - b. in any other manner authorised by the rules of the Club.
- 4.4 borrow money upon such terms and conditions as the Club thinks fit;
- 4.5 give such security for the discharge of liabilities incurred by the Club as the Club thinks fit;
- 4.6 appoint agents to transact any business of the Club on its behalf;
- 4.7 enter into any other contract it considers necessary or desirable; and
- 4.8 act as 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.

5. MEMBERSHIP

5.1 Membership of the Club shall be open to all persons or interested in the objectives of the Club provided that the Committee may refuse to approve any membership application.

- a) Players participating in any competition, event or gathering, either singly or as a member of a recognised team or club, do so at their own risk. Neither the committee, members of the executive, nor their staff, accepts any responsibility for any act or consequence, caused as a result of a player's participation.

5.2 Members shall be classified as:

a) Full Members

A Full Member shall be a person who is eligible to play cricket under this Constitution and whose application for membership has been accepted but he/she will not be eligible to vote at any meetings of the Club.

b) Parent Members

A Parent Member shall be the parent/parents or legal guardian/guardians of a financial Full Member ("Parent Member"). A Parent Member shall be deemed to be a member or members as the case may be of the Club and shall not be liable to pay any additional fees provided that membership under this classification is limited to no more than 2 persons per Full Member and satisfactory proof of the relationship of the person or persons concerned may be required by the Committee.

A Parent Member shall cease to be a member of the Club in the event that the Full Member of whom he/she is the parent or legal guardian ceases to be a member of the Club.

(c) Life Members

Any member of the club, who by reason of long Membership or Special Outstanding Services to the Club, can be invited to become a Life Member by three fourths majority of the committee and Life Members. Nomination of Life Members shall be tabled at the General Meeting preceding the Annual General Meeting. A Life Member of the Club shall only be proposed and seconded by two members of the Committee and be agreed upon by unanimous vote of the Committee and ratified at the Annual General Meeting.

Life Membership can be bestowed:

- i) At the Annual General Meeting
- ii) At the Trophy Presentation Dinner, or
- iii) At any meeting specially convened for such a purpose.
- iv) Life Members shall be entitled to and enjoy all the privileges of Membership of the Club.
- v) Only one life member shall be elected during any one year or season.

(d) Honorary Members:

The club may elect any person as an Honorary Member as for a term that they may determine.

5.3 Voting Rights

Each member classified above (except for Full Members) is entitled to vote at any Annual General Meeting or Special General Meeting of the Club and any resolution put to the vote at any such meeting shall (except for any resolution altering the Constitution) be decided by a majority of votes cast on a show of hands.

5.4 Proxies

A member eligible to vote may appoint in writing another member to be the proxy of the appointing member and to attend and vote on behalf of the appointing member at any meeting of the Club.

6. REGISTER OF MEMBERS OF CLUB

- 6.1. The Registrar, on behalf of the Club, must comply with section 27 of the Act by keeping and maintaining in an up to date condition a register of the members of the Club and their postal or residential addresses and, upon the request of a member of the Club, shall make the register available for the inspection of 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.
- 6.2. The register must be so kept and maintained at the Registrar's place of residence, or at such other place as the members at a general meeting decide.
- 6.3. The Registrar must cause the name of a person who dies or who ceases to be a member under rule 8 to be deleted from the register of members referred to in sub-rule (6.1).

7. SUBSCRIPTIONS OF MEMBERS OF CLUB

- 7.1 The Committee shall from time to time determine the amount of annual subscription fee to be paid by each member classified under Rules 5.2(a).
- 7.2 Each member must pay to the Treasurer, annually on or before 1 July or such other date as the Committee from time to time determines, the amount of the subscription determined under sub-rule 7.1.
- 7.3 Subject to sub-rule 7.4, a member whose subscription is not paid within three months after the relevant date fixed by or under sub-rule 7.2 ceases on the expiry of that period to be a member, unless the Committee decides otherwise.
- 7.4 A person exercises all the rights and obligations of a member for the purposes of these rules if his/her subscription is paid on or before the relevant date fixed by or under sub-rule 7.2 or within three months thereafter, or such other time as the Committee allows.

8. DISPUTES AND MEDIATION

- 8.1 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 Club; or
 - c) if the Club provides services to non-members, those non-members who receive services from the Association, and the Association.
- 8.2 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.

- 8.3 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.
- 8.4 The mediator must be:
- a) a person chosen by agreement between the parties; or
 - b) in the absence of agreement:
 - (i) in the case of a dispute between a member and another member, a person appointed by the Committee of the Association;
 - (ii) in the case of a dispute between a member or relevant non member (as defined by sub-rule (1) (c) and the Association, a person who is a mediator appointed to, or employed with, a not for profit organisation.
- 8.5 A member of the Association can be a mediator.
- 8.6 The mediator cannot be a member who is a party to the dispute.
- 8.7 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- 8.8 The mediator, in conducting the mediation, must:
- a) give the parties to the mediation process every opportunity to be heard;
 - 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.
- 8.9 The mediator must not determine the dispute.
- 8.10 The mediation must be confidential and without prejudice.
- 8.11 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 or otherwise at law.

9. TERMINATION OF MEMBERSHIP FROM CLUB

- 9.1 Any member in arrears of fees for three (3) months will cease to be a member provided that the particular member has been notified of the outstanding amount. That member's name shall be struck off the Register of Members but he/she shall not be free from arrears due and shall not be granted clearance to play until full payment has been received by the Club Treasurer.
- 9.2 Any member leaving the Club and having paid all fees, fines, dues or levies may be granted a clearance or a certificate showing that he/she is a financial member of the Club.
- 9.3 Any member expelled, resigning or in any way ceasing to be a member shall forfeit all claims to any monies paid in respect to membership.
- 9.4 expulsion of a member in accordance with rule 10.

10. SUSPENSION OR EXPULSION OF MEMBERS FROM CLUB

- 10.1 If the Committee considers that a member should be suspended or expelled from membership of the Association because his/her conduct is detrimental to the interests of the Association, the Committee must communicate, either orally or in writing, to the member:

- (a) notice of the proposed suspension or expulsion and of the time, date and place of the Committee meeting at which the question of that suspension or expulsion will be decided; and
 - (b) particulars of that conduct, not less than 30 days before the date of the Committee meeting referred to in paragraph (a).
- 10.2 At the Committee meeting referred to in a notice communicated under sub-rule 10.1, the Committee may, having afforded the member concerned a reasonable opportunity to be heard by, or to make representations in writing to, the Committee, suspend or expel or decline to suspend or expel that member from membership of the Association and must, forthwith after deciding whether or not to suspend or expel that member, communicate that decision in writing to that member.
- 10.3 Subject to sub-rule 10.5, a member has his/her membership suspended or ceases to be a member 14 days after the day on which the decision to suspend or expel a member is communicated to him or her under sub-rule 10.2.
- 10.4 A member who is suspended or expelled under sub-rule 10.2 must, if he or she wishes to appeal against that suspension or expulsion, give notice to the Secretary of his/her intention to do so within the period of 14 days referred to in sub-rule 10.3.
- 10.5 When notice is given under sub-rule 10.4:
- a) the Club in a general meeting must either confirm or set aside the decision of the Committee to suspend or expel the member, after having afforded the member who gave that notice a reasonable opportunity to be heard by, or to make representations in writing to, the Association in the general meeting; and
 - b) the member who gave that notice is not suspended or does not cease to be a member unless and until the decision of the Committee to suspend or expel him or her is confirmed under this sub-rule.

11. COMMITTEE

- 11.1 The Affairs of the Club shall be managed by a Committee consisting of:
- 11.1.1 President
 - 11.1.2 Vice President
 - 11.1.3 Registrar
 - 11.1.4 Secretary
 - 11.1.5 Treasurer
 - 11.1.6 Such number of Committee members as determined by the Executive but not less than two other persons, all of whom (except for the Coaches and Team Managers) shall be members of the Club elected to membership of that Committee at an Annual General Meeting or appointed under Rule 5.4
- 11.2 Members of the Executive shall be elected annually at the Annual General Meeting and their term of office shall commence on the 1st April annually and conclude on the following 31st March annually.
- 11.3 Positions on the Executive not filled at the Annual General Meeting, will be filled by the Committee at the next meeting of the Committee immediately following the Annual General Meeting.
- 11.4 The Committee will fill any casual vacancy on the Executive. Appointments filled in this manner will terminate in terms of Rule 5.2
- 11.5 Delegates to the SWMJCC meetings will be nominated by the Committee. On all matters brought before such meetings they shall vote in accordance with the Committee's instructions and in absence of any such instructions, then they shall

vote in accordance with good conscience and what they feel is in the best interests of the Club.

- 11.6 The committee has the power to appoint any Sub-Committee for any specific purpose.

12. PRESIDENT AND VICE PRESIDENT

- 12.1 Subject to this rule, the President must preside at all general meetings and Committee meetings.
- 12.2 Act in accordance with the constitution of the Club.
- 12.3 In the event of the absence from a meeting of:
- (a) the President, the Vice-President; or
 - (b) both the President and the Vice President, a member elected by the other members present at the general meeting, must preside at the general meeting.
- 12.4 In any case of votes on any business matter the President shall have a casting vote.

13. SECRETARY

- 13.1 The Secretary shall keep or cause to be kept a record of minutes of Committee Meetings, Annual General Meetings and Special General Meetings.
- 13.2 The Secretary shall, on behalf of the Club, keep and maintain the register of members.

14. ATTENDANCE AT COMMITTEE MEETINGS

- 14.1 Unless excused by the Committee each Executive member must attend at least 75% of all Committee Meetings.
- 14.2 At a Committee meeting 4 Committee members constitute a quorum
- 14.3 The Committee shall meet together for the dispatch of business not less than once every three calendar months but the President may convene a Committee Meeting at any time.
- 14.4 Each Committee member has a deliberative vote.
- 14.5 A question arising at a Committee Meeting shall be decided by a majority of votes, but, if there is an equality of votes, the person presiding at the Committee meeting shall have a casting vote in addition to his or her deliberative vote.
- 14.6 Subject to these rules, the procedure and order of business to be followed at a Committee Meeting shall be determined by the Committee members present at the Committee Meeting.
- 14.7 The committee has the power and right to veto any proposed action or actions by any member, that are unconstitutional or are liable to bring unwarranted liability or disgrace to the club.

15. ANNUAL GENERAL MEETING

- 15.1 The Annual General Meeting of the Club shall be convened on a date determined by the Committee but such date shall be between the 1st March and the 31st July annually.
- 15.2 The Committee will announce the date of the Annual General Meeting, in any manner it may determine, but not less than 30 days prior to the date set for the Annual General Meeting.
- 15.3 The Committee must give at least 7 days notice of the date and venue of the Annual General Meeting to members.

15.4 At an Annual General Meeting 15 members constitute a quorum.

16. SPECIAL GENERAL MEETING

16.1 The Committee may at any time convene a Special General Meeting by giving at least 7 days notice to members of its intention to do so.

16.2 The Committee shall within 30 days of receiving a request in writing to do so from not less than 5 members, convene a Special General Meeting for the purpose specified in that request.

16.3 The Committee shall within 30 days of receiving an appeal against expulsion convene a Special General Meeting for the further purpose of dealing with that appeal.

16.4 At a Special General Meeting 15 members constitute a quorum.

17. ALTERATION

Altering the Constitution requires two thirds majority of members at an Annual General Meeting or a Special General Meeting convened for that purpose. At least thirty days notice must be given to the members of the Club of any proposed change to the Constitution.

18. AUDIT

The Treasurer shall keep or cause to be kept properly the financial accounts of the club) and such accounts of the Club will be submitted to the Annual General Meeting and be audited by an auditor appointed by the Committee, as required

19. ELIGIBILITY OF PLAYERS

19.1 Every player must be registered with the Club by no later than the Tuesday following completion of the first match in which they play. Non-financial members will only be permitted to play at the sole discretion of the Committee.

19.2 Eligibility to play in an age group is determined by SWMJCC rules.

20. TROPHIES

20.1 All financial players shall receive a trophy.

20.2 The Club shall present trophies in three categories in each grade namely, best aggregates in batting and bowling and Coaches trophy. Coaches trophy to be at sole discretion of the particular Coach of the team.

To be eligible for the best batting average and best bowling average a player must meet the following criteria over the season;

a. Under 13 and 14: Played at least 5 games and scored more than 125 runs or taken more than 8 wickets.

b. Under 15 and 17: Played at least 5 games and scored more than 200 runs or taken more than 10 wickets.

20.3 Champion Cricketer of the Year Award for the Under 13 to Under 17 teams are to be awarded to the player who accumulates the highest number of points at the competition of the qualifying season based on the following criteria:

1 point per run

10 points per catch or stumping

15 points per wicket

20.4 The President shall check the final statistics prior to allocating trophy winners.

20.5 All monies donated for the purpose of trophy purchase shall be paid into general revenue for the benefit of all members.

20.6 The Committee may in its discretion award other trophies as it sees fit.

21. COACHES

21.1 Applications for coaching positions will be called for and will close on a date specified by the committee.

21.2 The committee shall appoint all successful applicants for the position of coaches.

21.3 Any applicants shall not preside at the said meeting.

21.4 Coaching appointments will be made for each season.

21.5 Coaching appointments can be cancelled by the committee at any time.

22. DISTRIBUTION OF SURPLUS PROPERTY ON WINDING UP OF THE ASSOCIATION

If upon the winding up or dissolution of the Club there remains after satisfaction of all its debts and liabilities any property whatsoever, the same must not be paid to or distributed among the members, or former members. The surplus property must be given or transferred to another Club incorporated under the Act which has similar objects and which is not carried out for the purposes of profit or gain to its individual members, and which Club shall be determined by resolution of the members.

23. NON PROFIT

The income and property of the Club shall be applied solely towards the promotion of the Objects of the Club. No proportion of the income or property shall be paid, transferred or distributed directly or indirectly to the members of the Club, provided that nothing shall prevent the payment in good faith of remuneration to any officer or employee of the Club or to any person in return for services rendered to the Club.

24. FUNDS

24.1 All funds of the Club shall be deposited in the name of the Club in an account maintained at a bank or building society nominated by the Treasurer and approved by the Executive.

24.2 The funds of the Club shall be used only for purposes connected with and incidental to the Objects of the Club, including liabilities incurred in the organising of social events and the purchase of cricket gear.

24.3 The funds of the Club may be invested provided that such investments are in the name of the Club and in such a manner as the Committee may from time to time, determine.

24.4 All monies withdrawn shall be withdrawn by electronic transfer and must be approved and signed by any two (2) of the following:

President

Vice President/Registrar

Secretary

Treasurer

24.5 The financial year shall end on the 31st March each year.

24.6 Any persons, donating monies, properties etc., to the Club for any purpose shall become donors to the Club and shall be recorded as such in the minute book.

25. INSPECTION OF RECORDS

A member may at any reasonable time inspect without charge the books, accounts, documents, records and securities of the Club, subject to the Privacy Act (1988).

26. 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 used or affixed to any Deed or other document except pursuant to the resolution of the Committee and in the presence of the President and two members of the Committee both of whom shall subscribe their names as witnesses.

I hereby certify the foregoing to be a true and correct copy of the Constitution.

Signed