



## LEEDERVILLE CRICKET CLUB INCORPORATED - CONSTITUTION

### 1. NAME

- 1.1 The name of this body shall be the Leederville Cricket Club Incorporated and shall be hereinafter referred to as the "Club".

### 2 INTERPRETATION

- 2.1 The Following terms shall bear the respective meanings wherever used in these Rules, unless inconsistent with the context:
- "Association" shall mean the Perth Cricket Association.
- "Management Committee" shall mean the Management Committee elected in accordance with this Constitution and in a manner hereinafter provided.
- "Sub-Committee" shall mean any Sub-committee appointed by and from the Management Committee.
- "Members" shall mean the members of the Club and shall include Life Members, Playing Members, Non-Playing Members and Junior Members as defined by Section 8.6
- "Licensee" shall mean that person appointed by the Management Committee as Trustee to hold the liquor license for the Club in accordance with Section 48 of the Liquor Control Act 1988.

### 3 HEADQUARTERS

- 3.1 The headquarters of the Club shall be the Britannia Road Reserve, Leederville.

### 4 COLOURS and EMBLEM

- 4.1 The colours of the Club shall be Black and Gold and the emblem used by the Club shall be the rampant lion which is represented at the top of this page.

### 5 OBJECTS

- 5.1 To operate as an affiliate cricket club of the Association for the playing of cricket in the district or area for the time being approved by the Association.
- 5.2 To encourage and foster the game of cricket.
- 5.3 To promote good fellowship among those interested in cricket.
- 5.4 To educate, train, encourage and coach members of the Club.
- 5.5 To do all such things and acts conducive to the furtherance of the objects and interests of the Club.



## 2. LEEDERVILLE CRICKET CLUB INCORPORATED - CONSTITUTION

### 6 POWERS

The Club shall have the power to do all such things as are necessary, incidental or conducive to the attainment of the Club, including:

- 6.1 To acquire, hold, deal with, and dispose of any real or personal property;
- 6.2 To open and operate bank accounts;
- 6.3 To invest its money - (i) in any security in which trust moneys may be invested; or  
(ii) in any other manner authorised by the rules of the Club;
- 6.4 To borrow money upon such terms and conditions as the Club thinks fit;
- 6.5 To give such security for the discharge of liabilities incurred by the Club as the Club thinks fit;
- 6.6 To appoint agents and employees to transact any business of the Club on its behalf for reward or otherwise;
- 6.7 To build, construct, erect, maintain, alter and repair any premises, building or other structure of any kind and to furnish, equip and improve the same for use by the Club;
- 6.8 Accept donations and gifts in accordance with the objects of the Club;
- 6.9 Print and publish any information by any media including, but not limited to, the internet, e-mail, newsletters, newspapers, articles or leaflets for promotion of the Club;
- 6.10 Provide gifts and prizes in accordance with the objects of the Club;
- 6.11 Organise social events for Members and the promotion of the Club;
- 6.12 To operate a bar/social club in accordance with the club restricted license under Section 48 of the Liquor Control Act 1988; and
- 6.13 To enter into any other contract that the Club considers necessary or desirable.

### 7 PATRON

- 7.1 The Club may, at its discretion, elect a patron/s or vice patron/s of the Club for such period as may be deemed necessary. Such patron/s or vice patron/s shall not be eligible to vote unless they are current members of the Club under another category of membership.



### 3. LEEDERVILLE CRICKET CLUB INCORPORATED - CONSTITUTION

#### 8 MEMBERSHIP

- 8.1 Membership of the Club shall be open to any person who wishes to further the interests of the Club;
- 8.2 Nomination procedures for new members require the new member to be nominated and seconded by an ordinary member of the Club. The nomination form to be posted on the notice board of the Club for seven 7 days, with the Management Committee to determine whether the application is successful or not, after a further 14 days;
- 8.3 Each person admitted to membership shall be
- 8.3.1 Bound by the Constitution and By Laws of the Club;
  - 8.3.2 Come liable for such fees and subscriptions as may be fixed by the Club;
  - 8.3.3 Entitled to all advantages and privileges of that membership.
- 8.4 The Management Committee shall appoint a Registrar to maintain an up to date register of members of the Club.
- 8.5 A member may at any reasonable time inspect the records and documents of the Club.
- 8.6 Membership Categories:
- 8.6.1 ORDINARY MEMBER: Any person who is a financial member of the Club is entitled to hold any office and enjoy the privileges of the Club:
  - 8.6.2 JUNIOR MEMBER:
    - (i) Any person under the age of 18 years may make application for admission to the Club as a Junior Member.
    - (ii) Junior members may be registered as members of the Leederville Mount Hawthorn Junior Cricket Club which is operated as an affiliate of the Leederville Cricket Club.
    - (iii) Shall not be entitled to hold office, attend Meetings of any description or hold any voting rights, but shall in other respects conform to and be bound by these Rules and By Laws of the Club for the time being in force.
  - 8.6.3 LIFEMEMBER: An Ordinary Member of no less than 15 years standing may be nominated by the Management Committee for Life Membership in consideration of special services rendered to the Club. Written nominations for Life membership, with evidence to support the nomination, must be forwarded by the nominator to the Management Committee. The Management Committee shall create a special sub-committee, consisting of no less than 4 current life members, to consider and recommend on the nomination. If the sub-committee consider that the nominee is worthy of Life Membership, the Management Committee may propose that the nominee receives the honour at the next Annual Wind Up of the Club. Life members have full voting rights.



## LEEDERVILLE CRICKET CLUB INCORPORATED - CONSTITUTION

### 8.6.4 Associate Member

- (i) Any person over the age of 18 years may make application for admission to the Club as an Associate Member.
- (ii) The registering Parent(s) or Guardian(s) of any financial junior member(s), each season, will be automatically allocated Associate Membership as part of the registration process.
- (iii) Any non-parent/guardian wishing to be directly involved in any junior club activities, e.g. Coach, Team Manager etc, will be required to apply for Associate Membership.
- (iv) Associate Members shall not be entitled to hold office, attend meetings of any description, hold any voting rights or exercise the privileges of Ordinary Membership other than the use of facilities, but shall in all other respects conform to and be bound by these Rules and By Laws of the Club for the time being in force.

## 9 TERMINATION OF MEMBERSHIP

- 9.1 Any persons membership may be terminated by the following events:
  - 9.1.1 resignation;
  - 9.1.2 expulsion;
  - 9.1.3 a members annual membership fee remains unpaid after 3 months from the due date.
- 9.2 Any member may resign from the Club and such resignation must be in writing and forwarded to the Secretary of the Club.
- 9.3 Upon any person ceasing to be a member of the Club for any reason whatsoever, he/she shall not be entitled to the return of his/her membership subscription or any portion thereof.

## 10 DISCIPLINING OF MEMBERS

- 10.1 The Management Committee shall have the power to suspend or expel any member of the Club for:
  - (a) any of the events in Item 9.1
  - (b) false or inaccurate statements made in the member's application for membership of the Club,
  - (c) breach of any rule, regulation or by-law of the Club and
  - (d) by any act detrimental to the Club after having undertaken due inquiry.
- 10.2 The Committee may expel from the Club or otherwise punish or penalise any member whose conduct, in the opinion



of the Committee, is discreditable or injurious of the Club.

- 10.3 Before any member is expelled or otherwise punished or penalised, his/her conduct shall be enquired into by the Management Committee and the Member, having been provided written notice at least 7 days prior, shall be given the opportunity to defend himself/herself and then justify or explain his/her conduct.
- 10.4 Provided that a quorum is established as per section 13.5 and the majority is of the opinion that the Member has been guilty of such conduct or action as aforesaid, then the Committee may expel or suspend him/her from membership or otherwise punish or penalise him/her as deemed fit.
- 10.5 Should any member fail to appear at an enquiry conducted under Clause 10.3 hereof, or any adjournment thereof, the Committee may proceed in that Member's absence, to conduct the enquiry and make its findings as herein before empowered.
- 10.6 The committee shall provide written notice of the decision within 7 days of the meeting at which the sanction is handed down.
- 10.7 Any member who is expelled, or otherwise disciplined, shall have the right to appeal the decision by presenting their case to a Special General Meeting called for such purpose, and the decision of this Meeting shall be final.



#### **4. LEEDERVILLE CRICKET CLUB INCORPORATED - CONSTITUTION**

##### **11 DISPUTES BETWEEN MEMBERS**

- 11.1 The parties to a dispute must attempt to resolve the dispute between themselves within 14 days after the dispute has come to the attention of each party.
- 11.2 If the parties to a dispute are unable to resolve the dispute between themselves within the time required by item 11.1, any party to the dispute may start a grievance procedure by giving written notice to the secretary of -
  - (a) the parties to the dispute; and
  - (b) the matters that are the subject of the dispute.
- 11.3 Within 28 days after the secretary is given the notice, a committee meeting must be convened to consider and determine the dispute. Written notice of the meeting is to be provide to all parties as per item 11.2(a) at least 7 days prior to it being conducted. Any or all of the parties to the dispute may be represented by a proxy at this meeting.
- 11.4 At the meeting, the committee must -
  - (a) give each party to the dispute, or the party's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the dispute; and
  - (b) give due consideration to any submissions so made; and
  - (c) determine the dispute.
- 11.5 The committee must give each party to the dispute written notice of the committee's determination within 7 days of the conclusion of the meeting.
- 11.6 Any party to the dispute may, within 14 days of receipt of the determination, arrange for a Special General Meeting to be called to appeal the determination. The results of this Meeting shall be final.

##### **12 SUBSCRIPTIONS**

- 12.1 The annual membership fee for all classes of membership shall be determined by the Management Committee prior to the start of the season.
- 12.2 Payment of such annual fees shall become due at the start of the season and shall be paid to the Treasurer before November 30th each year.
- 12.3 Any person joining after November 30th shall be required to pay on a pro-rata basis, at the discretion of the Treasurer, before being accepted as a member.



## 5. LEEDERVILLE CRICKET CLUB INCORPORATED - CONSTITUTION

### 13 MANAGEMENT COMMITTEE

- 13.1 Management of the Club is vested in a Management Committee, elected at the Annual General Meeting, consisting of:
- 13.1.1 President
  - 13.1.2 Vice President
  - 13.1.3 Secretary
  - 13.1.4 Treasurer
  - 13.1.5 Juniors Director
  - 13.1.6 4 to 6 General Members
- 13.2 All members of the Management Committee must be financial members of the Club.
- 13.3 No person shall hold more than one position as per Item 13.1
- 13.4 The term of office of a Management Committee member begins when elected at the AGM as per Items 15.5 or 15.6, or appointed to fill a casual vacancy as per Item 13.9. The term ends when positions are declared vacant at the subsequent AGM. A committee member may be re-elected.
- 13.5 A quorum of the Management Committee shall be half of its members plus one.
- 13.6 If the President or Vice President is unable to attend, a Chairperson nominated by the meeting shall chair that meeting.
- 13.7 A member of the Management Committee may be removed from their position on the committee for any of the following:
- (a) Absence from three or more meetings without leave of absence.
  - (b) Found not to be a financial member.
  - (c) Becomes ineligible to accept an appointment or act as a committee member under the Associations Incorporation Act.
- 13.8 A committee member may resign from the committee by written notice given to the secretary or, if the resigning member is the secretary, given to the president. The resignation takes effect either on receipt or from the time specified in the written notice.
- 13.9 Casual vacancies arising as per Items 13.7 or 13.8 may be filled by the Management Committee or may be left vacant subject to the requirements of rule 13.5 other than for positions 13.1.1, 13.1.3, 13.1.4 and 13.1.5. The term of the casual appointee shall then proceed as for an elected member as per Item 13.4.

### 14 POWERS OF MANAGEMENT COMMITTEE

- 14.1 The Management Committee shall carry out the day-to-day running of the Club and shall have the power to:
- 14.1.1 Make, alter and rescind any by-laws that it considers necessary for the effective administration of the club, where such by-laws are not inconsistent with the Constitution of the Club and Constitution and By-Laws of affiliated associations.



## 6. LEEDERVILLE CRICKET CLUB INCORPORATED - CONSTITUTION

- 14.1.2 Administer the finances, appoint bankers and direct the opening of banking accounts for specific purposes and to transfer funds from one account to another and, to close any such account;
- 14.1.3 Fix the manner in which such banking accounts shall be operated upon, provided the Management Committee passes all payments;
- 14.1.4 Decide the fees and subscriptions to be payable by members each season and to decide such levies, fines and charges as is deemed necessary and advisable, and to enforce payment thereof;
- 14.1.5 Adjudicate on all matters brought before it which in any way affect the Club;
- 14.1.6 Cause minutes to be made of all proceedings at meetings of the Committee and general meetings of members;
- 14.1.7 Make, amend and rescind rulings and By-laws;
- 14.1.8 Have the power to form and appoint any sub-committee/s as required for specific purposes;
- 14.1.9 Employ a person or persons to carry out certain duties required by the Club, at salaries or remunerations for such period of time, as may be deemed necessary;
- 14.1.10 Appoint a Registrar to manage the player registration, playing permits and match reports of the Club;
- 14.1.11 Appoint a Chairperson of Selectors;
- 14.1.12 Appoint a Sponsorship Manager;
- 14.1.13 Appoint a Property Manager;
- 14.1.14 Appoint a Social Manager;
- 14.1.15 Appoint, as required, a Delegate(s) to the Perth Cricket Association;
- 14.1.16 Appoint a trustee to hold the Club liquor licensee under Section 48 of the Liquor Control Act 1988;
- 14.1.17 Appoint an officer/s or agent of the Management Committee to have custody of the Club's records, documents and securities;
- 14.1.18 Co-opt Management Committee members on a temporary basis for a specific purpose.

## 15 GENERAL MEETINGS

- 15.1 The Annual General Meeting of the Club shall be held within 2 months of the end of the Club's financial year;
- 15.2 The Secretary shall give at least 15 days notice of the date of the Annual General Meeting, to all voting members.
- 15.3 Notice of the Annual General Meeting shall be accompanied by copies of Minutes of the previous Annual General Meeting, notice of any proposed alterations or additions to the Constitution and an agenda for the meeting.
- 15.4 All financial members may attend the Annual General Meeting;
- 15.5 Nominations for positions on the Management Committee should be in writing and submitted to the Secretary at least 7 days prior to the meeting. The written notice must include a statement by another member in support of the nomination. Written nominations shall be submitted by the member nominating for the position;





## **7. LEEDERVILLE CRICKET CLUB INCORPORATED - CONSTITUTION**

- 15.6 Should there not be sufficient nominations prior to the meeting, seconded nominations can be taken from the floor of the meeting;
- 15.7 Where the number of nominations exceeds the number of positions available, there shall be a ballot on a “first past the post” basis. Nominees shall leave the meeting during this process;
- 15.8 The quorum for the Annual General Meeting shall be 10% of current financial members present. If there be no quorum within 30 minutes of the time appointed for the meeting, the meeting shall adjourn for a period not exceeding 15 days. If there be no quorum within 30 minutes of the time appointed for the adjourned meeting, then those members present shall be competent to discharge the business of the meeting.
- 15.9 The agenda for the Annual General Meeting shall be:
- Opening of the meeting
  - Apologies
  - Confirmation of minutes of previous Annual General Meeting
  - Presentation of Annual Report
  - Adoption of Annual Report
  - Presentation of Treasurer’s Statement
  - Election of New Executive and appointment of Auditor
  - Determination of Annual Membership Fee
  - Notice/s of Motion
  - General Business
  - Closure

## **16 SPECIAL MEETINGS (EXTRAORDINARY)**

- 16.1 Special Meetings may be held:
- (a) at the request of the President and/or Secretary;
  - (b) at the written request of any 12 members of the Club. Such meeting shall be held within 30 days of such request;
- 16.2 The Secretary shall give at least 14 days notice of the date of Special Meetings, to all voting members of the Club;
- 16.3 Notice of a Special Meeting shall set out clearly the business for which the meeting has been called. No other business shall be dealt with at that Special Meeting;
- 16.4 The quorum for a Special Meeting shall be 12 members present;



## **8. LEEDERVILLE CRICKET CLUB INCORPORATED - CONSTITUTION**

### **17 MANAGEMENT COMMITTEE MEETINGS**

- 17.1 The Management Committee shall meet at such time as may be deemed advisable for the efficient running of the Club.
- 17.2 A Meeting of the Management Committee shall be called
  - (a) at the direction of the President or, in his absence, the Vice President, or
  - (b) on the written request of three members of the Management Committee.
- 17.3 The Secretary shall give each Management member at least 7 days notice of the date of any Management meeting, except in unforeseen circumstances when it is impossible to give the time stated.
- 17.4 The accidental omission to give notice to any member, or the non receipt of any member of any notice required by this Constitution, shall not invalidate or affect the proceedings at such meeting.

### **18 VOTING**

- 18.1 Voting powers at the Annual General Meeting and Special Meetings:
  - 18.1.1 The President shall have a casting vote only.
  - 18.1.2 Each member present shall be entitled to vote.
  - 18.1.3 When a Management Committee position ballot is required in accordance with 15.7, each position is to be subject to a separate ballot.
- 18.2 Voting powers at Management Committee Meetings:
  - 18.2.1 The President shall be entitled to a deliberate vote in addition to a casting vote.
  - 18.2.2 Each member present shall have one vote.
- 18.3 Voting powers at Sub-Committee Meetings:
  - 18.3.1 Each member present shall be entitled to vote.
  - 18.3.2 The President and Secretary shall be ex-officio members of all sub-committees but shall not, unless specifically elected or appointed as a member of a sub-committee, be entitled to vote.

### **19 METHOD OF VOTING**

- 19.1 Voting shall be by voice or show of hands unless a ballot be requested by any person present.

### **20 COMMITTEES**

- 20.1 The Management Committee shall have the power to appoint special standing Sub-Committees as required and delegate to such sub-committees such powers as it may deem necessary.
- 20.2 The Chairman of each Sub-Committee shall be appointed by the Management Committee.



## LEEDERVILLE CRICKET CLUB INCORPORATED - CONSTITUTION

### 21 FINANCE

- 21.1 All funds of the Club shall be deposited in the accounts of the Club at such Bank or Building Society as the Management from time to time direct.
- 21.2 The Management Committee to designate the signatures at least 2 to the accounts of the Club;
- 21.3 All accounts due by the Club shall be passed for payment at Management Committee Meetings;
- 21.4 When immediate payment is necessary, accounts shall be paid with the approval of the President and Treasurer, and the action endorsed at the next Management Meeting.
- 21.5 A statement showing the financial position of the Club shall be tabled at each Management Committee Meeting.
- 21.6 The Management Committee shall submit to the Annual General Meeting a statement of Income and Expenditure, and a Balance Sheet of Assets and Liabilities. The Auditors' Report shall be attached to such financial report if extant.
- 21.7 The Financial Year of the Club shall be from 1st July to the 30th June.
- 21.8 The accounts, books and all financial records of the Club, if deemed necessary, may be audited by an auditor appointed by resolution at the Annual General Meeting.

### 22 ALTERATIONSTOCONSTITUTION

- 22.1 This shall be the only Constitution of the Club and shall come into force forthwith and shall not be altered, varied, added to or repealed unless two-thirds of financial members present at the Annual General Meeting, or at a meeting especially convened for that purpose, are in favour of such alteration, variance, addition or repeal;
- 22.2 Notice in writing of all motions to alter, add or repeal to the Constitution, shall be signed by the proposer and seconder, and be sent to the Secretary for subsequent presentation to the Annual General Meeting in accordance with section 15.2;
- 22.3 In accordance with the requirements of the Department of Racing, Gaming and Liquor, prior approval must be obtained before any changes to the Constitution;
- 22.4 The Secretary shall forward such notices of motion to each member at least 14 days prior to the meeting;
- 22.5 Within 14 days after making any amendment or alteration or addition to the Constitution, the Secretary shall notify the Department of Commerce and provide confirmation advice to the Department of Racing, Gaming and Liquor.



## LEEDERVILLE CRICKET CLUB INCORPORATED - CONSTITUTION

### 23 ASSETS

- 23.1 The property, assets and income of the Club, wherever derived, shall be applied towards the promotion of the objects of the Club, and no portion thereof shall be paid or transferred either directly or indirectly, by way of dividend, bonus or otherwise by way of profit to members generally of the Club. Provided that nothing herein contained shall prevent the payment in good faith of remuneration to any officers or servants of the Club or any member in return for services actually rendered.

### 24 DISSOLUTION

- 24.1 The Club may be dissolved or wound up by resolution at any General Meeting or Special Meeting called for such purpose. The Club may not be dissolved or wound up without the consent of three fourths of its members. If upon the dissolution or winding up of the Club there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to, transferred or distributed amongst the members of the Club.
- It shall be given to some other Association, Club, Institution or body having objects similar wholly or in part to the objects of the Club, provided that the association, club, institution or body shall prohibit the distribution of its income and property among its members. In default of any such resolution, such payment, transfer or distribution shall be determined by a judge of the District Court.

### 25 LIQUOR LICENCE

- 25.1 Liquor sold for consumption on the premises shall be in accordance with Section 48 of the Liquor Control Act 1988. The Trustee to hold the liquor license for the Club shall be appointed by the Management Committee - refer section 14.1.16.

### 26 COMMON SEAL

- 26.1 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 pursuant to a resolution of the Management Committee and in presence of the President and 2 members of the management, both of whom shall subscribe their names as witnesses.