

**CONSTITUTION AND RULES**  
of  
**SUTHERLAND DISTRICT CRICKET CLUB**  
**INCORPORATED**

**1. NAME**

The name of the Association shall be **SUTHERLAND DISTRICT CRICKET CLUB INCORPORATED** (referred to in these rules as "the Club").

**2. OBJECTS**

(a) To promote the game of cricket, in particular within the Shire of Sutherland.

(b) To organise and select teams to represent the Club in games of cricket to be played against teams representing other clubs and associations, including, but not limited to, teams representing other clubs and associations participating in competitions arranged and/or conducted by the Sydney Cricket Association Incorporated or any replacement body thereof or any body affiliated therewith.

(c) To organise and conduct training or practice sessions with the aim of improving the cricketing skills of the participants.

(d) To promote and encourage social activities amongst members.

**3. INTERPRETATION**

(a) In these rules, except insofar as the context or subject matter otherwise indicates or requires -

"the Act" means the Associations Incorporation Act, 1984;

"the Commission" means the Corporate Affairs Commission constituted by the Corporate Affairs Commission Act, 1981;

"Secretary" means -

(i) The person holding office under these rules as Secretary of the Club; or

(ii) Where no such person holds that office - the Public Officer of the Club;

"property" includes real and personal property, any estate or interest in any property, real or personal, any debt, any thing in action, and any other right or interest, whether in possession or not;

"special general meeting" means a general meeting of the Club other than an annual general meeting.

(b) In these rules -

(i) Words importing one gender include any other gender;

(ii) A reference to a function includes a reference to a power, authority or duty;

(iii) A reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

#### **4. CLUB COLOURS AND PLAYING DRESS**

- (a) The colours of the Club will be sky blue and white.
- (b) All members participating in games of cricket on behalf of the Club will appear in proper cricketing attire. All boots, shoes, trousers, shirts, jumpers and hats worn by players representing the Club will be white in colour, provided that jumpers may contain bands of sky blue in a design as approved by the management committee.
- (c) Caps will contain the Club's colours and be of such design as approved by the management committee.
- (d) The design of emblems and badges permitted to be fixed to a player's dress will be as approved by the management committee and the New South Wales Cricket Association.
- (e) Subject to the approval of the New South Wales Cricket Association, the management committee shall have the power to authorise or approve the wearing of apparel not in accordance with clause (b) hereof, provided that the management committee shall not be empowered to authorise or approve any alteration of the Club's colours.

#### **5. MEMBERSHIP**

- (a) Subject to these rules, the members of the Club shall be comprised of the members of the Club immediately prior to incorporation together with such other persons as the management committee admits to membership or who are elected to life membership pursuant to rule 23.
- (b) Membership is open to all individuals who accept the objects and agree to be bound by the rules of the Club.
- (c) Members shall fall within the following classifications:
  - (i) playing member
  - (ii) non-playing member
  - (iii) life member
  - (iv) cadet member - who will be under the age of twenty-one (21) and who is not otherwise a member referred to in sub-clauses (i), (ii) and (iii) hereof and is selected as a member of the squads from which the teams to represent the Club in the Poidevin-Gray Shield and A.W.Green Shield competitions conducted by the Sydney Cricket Association Incorporated are selected or any other junior competitions conducted or authorised by either the New South Wales Cricket Association or the Sydney Cricket Association Incorporated. A cadet member will be an honorary member and will be entitled to use the facilities of the Club and will have all other rights and privileges attaching to membership except the right to vote at any meeting of the Club.
- (d) Except in the case of life members and cadet members application for membership shall be made in writing signed by the applicant, and shall be in such form and contain such information as the management committee from time to time prescribes.
- (e) As soon as practicable after the receipt of an application for membership, such application shall be considered by the management committee which shall thereupon determine upon the admission or rejection of the applicant.
- (f) A register of members shall be kept by the Club showing the name, address and date of commencement of membership for each member.
- (g) Members shall pay membership subscription fees as are determined by the Club at a general meeting.

- (h) Membership shall cease upon resignation, expulsion, or failure to pay membership subscription fees within two (2) months of the due date.
- (i) Membership subscription fees shall fall due on the first day of September in each year.
- (j) The twelve (12) months commencing on 1st September each year shall constitute the "cricket year".
- (k) When a person is admitted to membership for part only of the cricket year such member will pay membership fees for membership up to the end of that cricket year as determined by the management committee, but not exceeding the membership fees payable in respect of a full year.
- (l) The management committee may at its discretion waive payment of any membership subscription or playing fee payable by a member.
- (m) The financial year shall commence on 1st June of each year or such other date as is determined by the management committee and approved by the New South Wales Cricket Association.
- (n) A person elected to life membership pursuant to rule 23 will thereafter not be required to pay any membership subscription fees.

## **6. MEMBERS' LIABILITY**

- (a) The members of the Club shall have no liability to contribute towards the payment of debts and liabilities of the Club or the costs, charges and expenses of the winding up of the Club except to the amount of any unpaid membership fees.

## **7. MANAGEMENT - BY COMMITTEE**

- (a) The Club shall have its affairs controlled and managed by a committee consisting of the office bearers and five (5) other members of the Club (not being cadet members) who collectively will be known as the management committee.
- (b) The office bearers shall consist of a President, a Deputy President, a Secretary and a Treasurer.
- (c) The office bearers and the other members of the management committee and the two (2) delegates to the Sydney Cricket Association Incorporated will be elected at each Annual General Meeting.
- (d) Nominations for the positions set out in clause (c) hereof shall be in writing and shall be received by the Secretary at least seven (7) days before the Annual General Meeting. Nomination forms shall be in such form and contain such information as the management committee from time to time prescribes except that the form must be signed by both the nominee and his or her proposer. A nominee who unsuccessfully stands for a particular position shall be entitled to stand for any other position (apart from the position of Auditor) the vote in respect of which is held after the vote for the position for which he or she was nominated.
- (e) Any casual vacancy occurring in the management committee or the two (2) delegates to the Sydney Cricket Association Incorporated may be filled by a member appointed by the management committee.
- (f) Each member of the management committee shall hold office from the date of his or her election or appointment until the conclusion of the next Annual General Meeting.
- (g) Retiring members of the management committee are eligible for re-election.
- (h) A member of the Club holding any salaried office of the Club or any office of the Club paid by fees will not be eligible for election to the management committee.

- (i) No remuneration or other benefit in money or money's worth shall be paid or given by the Club to any member of the management committee except -
  - (i) Repayment of out-of-pocket expenses;
  - (ii) Interest at a rate not exceeding interest at the rate for the time being which is or would be charged by the Club's bankers for money lent to the Club; and
  - (iii) Reasonable and proper rent for premises let to the Club.
- (j) A person who is not a member of the Club is not eligible for election to the management committee.
- (k) The Patron is eligible for election to the management committee and to hold a position on the management committee concurrently with the position of Patron.
- (l) In the event no nomination or insufficient nominations for any of the positions set out in clause (c) hereof are received by the Secretary within the time specified in clause (d) hereof nominations received for such position or positions after the time specified in clause (d) hereof will be accepted.
- (m) Subject to the Act and the Regulations made thereunder, to these Rules, and to any resolution passed by the Club in general meeting the management committee -
  - (i) shall control and manage the affairs of the Club;
  - (ii) may exercise all such functions as may be exercised by the Club other than those functions that are required by these Rules or the Act to be exercised by a general meeting of members of the Club;
  - (iii) has power to perform all such acts and do all such things as appear to be necessary or desirable for the proper control and management of the affairs of the Club.

## **8. MANAGEMENT COMMITTEE - PROCEDURE AT MEETINGS AND POWERS**

- (a) The management committee shall meet as often as is necessary to conduct the business of the Club, but not less than once every two (2) months.
- (b) The quorum for meetings of the management committee shall be five (5). If within half an hour of the time appointed for the meeting a quorum is not present the meeting will stand adjourned to the same place and at the same hour of the same day in the following week. If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting shall be dissolved.
- (c) In the event of a vacancy or vacancies in the members of the management committee, the remaining members may continue to act but if the number of remaining members is not sufficient to constitute a quorum at a meeting of the management committee, they may act only for the purpose of appointing new members of the management committee to at least the number of members required to constitute a quorum.
- (d) Notice of management committee meetings shall be given at the previous management committee meeting or by such other means as the management committee may determine.
- (e) At a meeting of the management committee -
  - (i) The President shall preside as chairman of the meeting; or
  - (ii) If the President is absent or unwilling to act as chairman then the Deputy President shall preside as chairman.
  - (iii) If both the President and Deputy President are absent or unwilling to act as chairman, then such one of the remaining members of the management

committee as may be chosen by the members present at the meeting shall preside as chairman.

(f) Questions arising at any meeting of the management committee shall be decided by the majority of votes of those members of the management committee present. In the case of an equality of votes the chairman of the meeting shall have a second or casting vote.

(g) Any person may attend a meeting of the management committee at the invitation of any of the office bearers or at the invitation of the management committee.

(h) The management committee shall have the power to invite one (1) delegate from each of the Sutherland Shire Cricket Association and the Sutherland Shire Junior Cricket Association or any other association, club or body, to attend meetings of the management committee.

(i) The management committee shall appoint such delegates to the Sutherland Shire Cricket Association and the Sutherland Shire Junior Cricket Association or any other association, club or body as may be required in the Club's interests and activities.

(j) The management committee has the power to establish sub-committees for specific purposes. Any sub-committee so established shall act at all times only in an advisory capacity to the management committee.

(k) The management committee has the power to elect Honorary Vice-Presidents of the Club, who need not be members of the Club. Honorary Vice-Presidents shall be elected annually, the term of their election to accord with the cricket year of the Club. Honorary Vice-Presidents will not be entitled to vote at meetings of the Club unless they are members of the Club.

(l) Any act or thing done or suffered, or purporting to have been done or suffered, by the management committee is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member of the management committee.

## **9. MANAGEMENT COMMITTEE - VACATION OF OFFICE**

The office of a member of the management committee shall become vacant if the member -

(a) Dies;

(b) Ceases to be member of the Club;

(c) Becomes an insolvent under administration within the meaning of the Companies (New South Wales) Code;

(d) Resigns office by notice in writing given to the Secretary;

(e) Is removed from office under rule 10;

(f) Becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health; or

(g) Is absent from three (3) successive management committee meetings without reasonable excuse and/or without the approval of the management committee.

## **10. MANAGEMENT COMMITTEE - REMOVAL OF MEMBER**

(a) The Club in a general meeting may by resolution remove any member of the management committee from the office of member of the management committee before the expiration of the member's term of office and may by resolution appoint another person to hold office in lieu of the member so removed until the expiration of the term of office of the member so removed.

## 11. GENERAL MEETINGS

- (a) The quorum for general meetings of the Club shall be twenty (20) members.
- (b) Except where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Club, the Secretary shall, at least fourteen (14) days before the date fixed for the holding of the general meeting, serve on each member a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (c) Where the nature of the business proposed to be dealt with at the general meeting requires a special resolution of the Club, the Secretary shall, at least twenty-one (21) days before the date fixed for the holding of the general meeting, serve on each member a notice specifying, in addition to the information required under clause (b) hereof, the intention to propose a resolution as a special resolution.
- (d) No business other than that specified in the notice convening a general meeting shall be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted pursuant to clause (u) hereof.
- (e) A member desiring to bring any business before a general meeting may give notice in writing of that business to the Secretary who shall include that business in the next notice calling a general meeting given after receipt of the notice from the member.
- (f) No item of business shall be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.
- (g) If within half an hour after the appointed time for commencement of a general meeting a quorum is not present, the meeting if convened upon the requisition of members shall be dissolved and in any other case shall stand adjourned to the same day in the following week at the time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (h) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for commencement of the meeting, the members present (being not less than fifteen (15)) shall constitute a quorum.
- (i) The President shall preside as chairman at each general meeting of the Club.
- (j) If the President is absent from a general meeting or unwilling to act as chairman, then the Deputy President shall act as chairman. If both the President and Deputy President are absent or unwilling to act as chairman, then the members present shall elect one of their number to preside as chairman of the meeting.
- (k) The chairman of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (l) Where a general meeting is adjourned for fourteen (14) days or more, the Secretary shall give written or oral notice of the adjourned meeting to each member of the Club stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (m) Except as provided in clause (l) hereof, notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

- (n) A question arising at a general meeting of the Club shall be determined on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the chairman that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, and an entry to that effect in the minute book of the Club, will constitute evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution. All voting shall be carried out by the member personally, and no voting by proxy will be permitted.
- (o) At a general meeting of the Club, a poll may be demanded by the chairman or by not less than five (5) members present in person at the meeting.
- (p) Where a poll is demanded at a general meeting, the poll shall be taken:
- (i) Immediately in the case of a poll which relates to the election of the chairman of the meeting or to the question of an adjournment; or
  - (ii) In any other case, in such manner and at such time before the close of the meeting as the chairman directs,
- and the resolution of the poll on the matter shall be deemed to be the resolution of the meeting on that matter.
- (q) Upon any question arising at a general meeting of the Club a member has one (1) vote only.
- (r) All votes shall be given personally.
- (s) In the case of an equality of votes on a question at a general meeting, the chairman of the meeting shall have a second or casting vote.

### **Annual General Meetings**

- (t) An annual general meeting of the Club shall be held in June or July of each year at such time and on such date as the management committee may determine, but no later than the date specified from time to time by the New South Wales Cricket Association.
- (u) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting shall be -
- (i) To confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting;
  - (ii) To receive from the management committee reports upon the activities of the Club during the last preceding financial year;
  - (iii) To elect the Patron of the Club;
  - (iv) To elect the office-bearers of the Club and the five (5) other members of the management committee;
  - (v) To elect two (2) delegates to the Sydney Cricket Association Incorporated;
  - (vi) To elect an auditor or auditors; and
  - (vii) To receive and consider the statement which is required to be submitted to members pursuant to Section 26(6) of the Act.
- (v) An annual general meeting shall be specified as such in the notice convening it.

### **Special General Meetings**

- (w) The management committee may, whenever it thinks fit, convene a special general meeting of the Club.
- (x) The management committee shall, on the requisition in writing of not less than five per cent (5%) of the total number of members, convene a special general meeting of the Club.
- (y) A requisition of members for a special general meeting -
  - (i) Shall state the purpose or purposes of the meeting;
  - (ii) Shall be signed by the members making the requisition;
  - (iii) Shall be lodged with the Secretary; and
  - (iv) May consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- (z) If the management committee fails to convene a special general meeting to be held within one (1) month after the date on which a requisition of members for the meeting is lodged with the Secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than three (3) months after that date.
- (aa) A special general meeting convened by a member or members as referred to in clause (z) hereof shall be convened as nearly as is practicable in the same manner as general meetings are convened by the management committee and any member who thereby incurs expense is entitled to be reimbursed by the Club for any expenses so incurred.

## **12. DISCIPLINING OF MEMBERS**

- (a) Where the management committee is of the opinion that a member of the Club has refused or neglected without reasonable cause to comply with a provision or provisions of these rules or has wilfully acted in a manner prejudicial to the interests of the Club, the management committee may, by resolution, either -
  - (i) Issue a warning in the nature of a reprimand to the member;
  - (ii) Suspend any or all of the privileges attaching to membership of the Club in respect of the member for a specified period;
  - (iii) Suspend or disqualify the member from membership of the Club for a specified period;
  - (iv) Expel the member from the Club; or
  - (v) Otherwise deal with the member.
- (b) Where the management committee passes a resolution under clause (a) hereof the secretary shall, as soon as practicable, cause a notice in writing to be served on the member -
  - (i) Setting out the resolution of the management committee and the grounds on which it is based;
  - (ii) Stating that the member may address or make written representations to the management committee at a meeting to be held not later than twenty-one (21) days after the service of the notice: and
  - (iii) Informing the member that the member may do either or both of the following -
    - (A) attend and speak at that meeting;
    - (B) submit to the management committee at or prior to the date of that meeting written representations relating to the resolution.



- (c) A meeting of the management committee shall be convened by the Secretary within the time mentioned in sub-clause (b)(ii) hereof upon receipt by the Secretary from the member of a request in writing that such a meeting be held. The Secretary shall advise the member of the date, place and time of such meeting.
- (d) At a meeting of the management committee held as referred to in clause (c) hereof the management committee shall -
  - (i) Give to the member an opportunity to make oral representations;
  - (ii) Give due consideration to any written representations submitted to the management committee by the member at or prior to the meeting; and
  - (iii) By resolution determine whether to confirm or to revoke the resolution.
- (e) Where the management committee confirms a resolution under clause (d) hereof the Secretary shall, within seven (7) days after that confirmation, by notice in writing inform the member of the fact and of the member's right to appeal under clause (f) hereof.
- (f) A member may appeal to the Club in general meeting against a resolution of the management committee which is confirmed under clause (d) hereof within seven (7) days after notice of the resolution is served on the member, by lodging with the Secretary a notice to that effect.
- (g) Upon receipt of a notice from a member under clause (f) hereof, the Secretary shall notify the management committee which shall convene a general meeting of the Club to be held within twenty-one (21) days after the date on which the Secretary received the notice.
- (h) At a general meeting convened under clause (g) hereof -
  - (i) No business other than the question of the appeal shall be transacted;
  - (ii) The management committee and the member shall be given the opportunity to state their respective cases orally or in writing, or both; and
  - (iii) The members present shall vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (i) If at the general meeting the Club passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

### **13. SPECIAL RESOLUTIONS**

- (a) A special resolution must be passed by a general meeting of the Club to effect the following changes:
  - (i) An alteration of the Club's name;
  - (ii) An alteration of the Club's rules;
  - (iii) An alteration of or addition to the Club's objects;
  - (iv) An alteration of the Club's colours;
  - (v) An amalgamation with another incorporated body;
  - (vi) To voluntarily wind up the Club and distribute its property;
  - (vii) To apply for registration as a company or a co-operative.
- (b) A resolution of the Club is a special resolution if:
  - (i) It is passed by a majority which comprises not less than three-quarters of such members of the Club as, being entitled under these rules so to do, vote in person at a general meeting of which not less than twenty-one (21) days' written notice specifying the intention to propose a resolution as a special resolution was given in accordance with these rules; or

- (ii) Where it is made to appear to the Commission that it is not possible or practicable for the resolution to be passed in the manner specified in sub-clause (i) hereof - the resolution is passed in a manner specified by the Commission.

**14. PUBLIC OFFICER**

- (a) The management committee shall ensure that a member of the Club is appointed as Public Officer.
- (b) The first Public Officer shall be the person who completes the application for incorporation of the Club.
- (c) The management committee may at any time remove the Public Officer and appoint a new Public Officer provided the member appointed is eighteen (18) years of age or older and a resident of New South Wales.
- (d) The Public Officer shall be deemed to have vacated his position if he -
  - (i) Dies;
  - (ii) Resigns;
  - (iii) Is removed by the management committee or at a general meeting;
  - (iv) Becomes bankrupt or financially insolvent;
  - (v) Suffers mental illness;
  - (vi) Takes up residence outside New South Wales; or
  - (vii) Ceases to be a member of the Club.
- (e) When a vacancy occurs in the position of Public Officer the management committee shall within fourteen (14) days notify the Commission by the prescribed form and appoint a new Public Officer.
- (f) The Public Officer may be a member of the management committee or any other person eligible for election to the management committee.

**15. INSURANCE**

- (a) The Club shall effect and maintain insurance pursuant to Section 44 of the Act.
- (b) In addition to the insurance required under clause (a) hereof, the Club may effect and maintain other insurance either on its own account or through policies held by the New South Wales Cricket Association or the Sydney Cricket Association Incorporated (or any successor body or bodies thereto or body or bodies affiliated therewith).

**16. FUNDS**

- (a) The funds of the Club shall be derived from membership subscription fees, playing fees, donations, subsidies, grants, and such other sources determined or approved by the management committee.
- (b) The fee payable by a member as a playing fee will be as determined by the management committee.
- (c) All money received by the Club shall be deposited as soon as practicable in any account opened in the Club's name with a bank, building society or corporation, deposits in which have been prescribed as authorised securities pursuant to the Trustee Act, 1925.
- (d) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any two (2) of the President, Deputy President, Secretary or Treasurer.

(e) **Fund Raising**

(i) The raising or obtaining in the name of the Club of all moneys, donations, sponsorships, incentives, trophies or the like for the Club or for a member or members of the Club in their capacity as members of the Club must be approved or ratified by the management committee or its duly appointed nominee(s).

(ii) The allocation, appropriation and disbursement of all moneys, donations, sponsorships, incentives, trophies or the like received or obtained by or made available or promised to the Club, whether in the form of money or otherwise, shall be the exclusive jurisdiction of the management committee.

(iii) The management committee is to have due regard to the expressed wishes of such donors or sponsors regarding the allocation, appropriation or disbursement of such moneys, donations, sponsorships, incentives, trophies or the like.

(iv) Any member who contravenes this sub-rule shall be liable to expulsion, disqualification or suspension for such period and subject to such conditions as the management committee may resolve and the provisions of rule 12 shall apply.

**17. AUTHORISATION OF ACCOUNTS**

(a) All accounts shall be presented to and approved for payment at a meeting of the management committee and full details of the payment shall be entered in the Minute Book.

**18. COMMON SEAL**

(a) The common seal of the Club shall be kept in the custody of the Secretary or the Public Officer.

(b) The common seal shall not be affixed to any instrument except by the authority of the management committee and the affixing of the common seal shall be attested by the signatures either of two (2) members of the management committee or of one (1) member of the management committee and the Public Officer.

**19. SERVICE OF NOTICES AND DOCUMENTS**

(a) For the purpose of these rules, a notice or document may be served by or on behalf of the Club upon any member either personally or by sending it by post or delivering it to the member's address shown in the register of members.

(b) Where a notice or document is sent to a person by post, the notice or document shall, unless the contrary is proved, be deemed for the purposes of these rules to have been served on the person at the time at which the notice or document would have been delivered in the ordinary course of post.

(c) Service of notices or documents on the Club is effected by serving them on the Public Officer or by serving them personally on two (2) members of the management committee.

**20. MINUTES**

(a) A member of the management committee or such other person as the management committee may determine shall cause minutes to be made of any and all meetings of the management committee and any and all general meetings of the Club.

(b) The minutes of a meeting shall be signed by the chairman of the meeting to which the minutes relate or by two (2) members of the management committee present at the meeting to which the minutes relate.

**21. KEEPING CUSTODY AND INSPECTION OF BOOKS**

(a) The Treasurer shall ensure that correct books and accounts are kept showing the financial affairs of the Club. These records shall be available for inspection by any member and shall be held in the custody of the Treasurer.

(b) Except as otherwise provided by these rules, the Secretary shall keep in his or her custody or under his or her control all records, books and other documents relating to the Club. Such records, books and other documents shall be open to inspection, free of charge, by any member of the Club at any reasonable hour.

**22. AUDITOR(S)**

(a) The Club shall elect an auditor or auditors;

(i) The auditor or auditors shall be elected at the Annual General Meeting. The auditor or auditors elected by the members shall prior to the Annual General Meeting every year audit the accounts, vouchers, receipts, books, etc, and the report of such audit shall be presented to the Annual General Meeting;

(ii) An auditor shall not be a member of the management committee;

(iii) Notice of the intention to nominate an auditor to replace the current auditor shall be given to the Secretary at least twenty-one (21) days before the Annual General Meeting. The Secretary shall send a copy of the nomination to the current auditor at least seven (7) days before the Annual General Meeting and if he so wishes he may be heard at such meeting.

**23. LIFE MEMBERSHIP**

(a) The Club shall have the power to elect a person to life membership in recognition of special service or contribution given by such person to the Club. Life members may only be elected at an Annual General Meeting pursuant to a special resolution provided that the nominee for life membership has first been approved as a candidate for life membership by the management committee and a record of the service or contribution of the person nominated for life membership is presented to the meeting.

**24. SELECTION OF TEAMS**

(a) For the first two rounds of the grade competition conducted by the Sydney Cricket Association Incorporated teams will be selected by a provisional selection committee, which will be appointed by the management committee.

(b) Teams for all games other than those comprising the first two rounds of the grade competition conducted by the Sydney Cricket Association Incorporated will be selected by a selection committee which for each team will be constituted as follows:

**1st Grade:** The captains of the 1st and 2nd Grade Teams and the Chairman of Selectors.

**2nd Grade:** The captains of the 2nd and 3rd Grade Teams and the Chairman of Selectors.

**3rd Grade:** The captains of the 3rd and 4th Grade Teams and the Chairman of Selectors.

**4th Grade:** The captains of the 4th and 5th Grade Teams and the Chairman of Selectors.

**5th Grade:** The captains of the 4th and 5th Grade Teams and the Chairman of Selectors.

- (c) The Chairman of Selectors will be appointed by the management committee.
- (d) The basis of selection of any other team representing the Club will be as determined by the management committee.
- (e) In the absence of a team captain from a selection meeting his nominated representative shall act in his stead.
- (f) In the absence of the Chairman of Selectors from a selection meeting a member of the management committee will act in his stead.

**25. SELECTION OF TEAM CAPTAINS**

- (a) The management committee shall elect a captain for each team representing the Club. If the members of a team desire to protest against the captain elected by the management committee they may do so by handing to the Secretary a requisition signed by at least four (4) members asking that the election be reviewed by the management committee.

**26. PATRON**

- (a) The Patron of the Club shall be elected at the Annual General Meeting.
- (b) Clauses (d) and (l) of rule 7 will apply in respect of nominations for the position of Patron.

**27. ALTERATION OF RULES**

- (a) Where practicable the Secretary shall notify, and seek the concurrence of, the New South Wales Cricket Association in respect of any proposed addition to or deletion or amendment of these Rules.

**28. SURPLUS PROPERTY**

- (a) In the event of the winding up or cancellation of the incorporation of the Club, any surplus property of the Club shall be distributed in accordance with Section 53(2) of the Act.

## **EXPLANATORY NOTES**

Provisions of the Associations Incorporation Act, 1984 referred to in the rules -

### **Section 26(6) :**

"At the annual general meeting of an incorporated association, the committee of the association shall submit to members of the association a statement which is not misleading and which gives a true and fair view of the following :-

- (a) the income and expenditure of the association during its last financial year;
- (b) the assets and liabilities of the association at the end of its last financial year;
- (c) the mortgages, charges and other securities of any description affecting any of the property of the association at the end of its last financial year;
- (d) in respect of each trust of which the association was trustee during a period, being the whole or any part of the last financial year of the association -
  - (i) the income and expenditure of the trust during that period;
  - (ii) the assets and liabilities of the trust during that period; and
  - (iii) the mortgages, charges and other securities of any description affecting any of the property of the trust at the end of that period."

### **Section 44 :**

"(1) An incorporated association shall effect and maintain insurance with an approved insurer against liability of the incorporated association arising out of -

- (a) An occurrence causing death or bodily injury to a person or damage to property; and
  - (b) such other occurrences as may be prescribed.
- (2) Sub-section (1) does not apply to or in respect of an incorporated association if the members of the association are each liable to contribute in a winding up of the association in respect of a liability referred to in sub-section (1)(a) or (b) to an amount which is not less than the amount of the cover required in respect of the liability under sub-section (3).
- (3) Insurance effected pursuant to sub-section (1) shall be for a cover -
- (a) In respect of an occurrence referred to in sub-section (1)(a) - of not less than \$2,000,000 or, where some other amount is prescribed, not less than that other amount; and
  - (b) In respect of an occurrence prescribed for the purposes of sub-section (1)(b) - of not less than the amount prescribed in respect of that occurrence."