

WEST AUSTRALIAN SUBURBAN TURF CRICKET ASSOCIATION (INCORPORATED)

CONSTITUTION

2022 EDITION

PART 1 — PRELIMINARY

1. Terms used

In these rules, unless the contrary intention appears —

Act means the *Associations Incorporation Act 2015*;

Associate Member means a member with the rights referred to in rule 8(6);

Association means the West Australian Suburban Turf Cricket Association (Incorporated);

Board means the management committee of the Association;

Board Meeting means a meeting of the Board;

Board Member means a member of the committee;

Books, of the Association, includes the following —

- (a) a register;
- (b) financial records, financial statements or financial reports, however compiled, recorded or stored;
- (c) a document;
- (d) any other record of information;

By Laws means by-laws made by the Association under rule 64;

Chair means the chairperson of the Board of Management and Cricket Council;

Chairperson of the Finance Committee means the committee member holding office as the treasurer of the Association;

Club or Associated Club means any cricket club admitted to membership of the Association;

Commissioner means the person for the time being designated as the Commissioner under section 153 of the Act;

Council means the Cricket Council which consists of the Club Presidents or Club proxy's;

Delegate means a person appointed by an Associated Club as its representative on the Council;

Financial Records includes —

- (a) invoices, receipts, orders for the payment of money, bills of exchange, cheques, promissory notes and vouchers; and
- (b) documents of prime entry; and
- (c) working papers and other documents needed to explain —
 - (i) the methods by which financial statements are prepared; and
 - (ii) adjustments to be made in preparing financial statements;

Financial Report, of a tier 2 association or a tier 3 association, has the meaning given in section 63 of the Act;

Financial Statements means the financial statements in relation to the Association required under Part 5 Division 3 of the Act;

Financial Year, of the Association, has the meaning given in rule 2;

General Meeting, of the Association, means a meeting of the Association that all members are entitled to receive notice of and to attend;

Member means a person (including a body corporate) who is an ordinary member or an associate member of the Association;

Ordinary Committee Member means a committee member who is not an office holder of the Association under rule 27(3);

Ordinary Member means a member with the rights referred to in rule 8(5);

Register of Members means the register of members referred to in section 53 of the Act;

Rules means these rules of the Association, as in force for the time being;

Season means the period during which matches are played in a cricket competition conducted by the Association;

Special General Meeting means a general meeting of the Association other than the annual general meeting;

Special Resolution means a resolution passed by the members at a general meeting in accordance with section 51 of the Act;

Subcommittee means a subcommittee appointed by the committee under rule 48(1)(a);

Tier 1 Association means an incorporated association to which section 64(1) of the Act applies;

Tier 2 Association means an incorporated association to which section 64(2) of the Act applies;

Tier 3 Association means an incorporated association to which section 64(3) of the Act applies.

1. Objects

The objects of the Association are;

- (1) To advance, promote and develop the game of cricket in Western Australia and provide facilities to do so.
- (2) To engender by Association a fraternal feeling amongst cricketers and all those associated with the game of cricket in a playing, umpiring or administrative capacity and to promote and preserve the best interests and traditions of the game.
- (3) To foster and preserve the playing status of the game and in particular an attitude of sportsmanship amongst those connected with the game either in a playing, umpiring or administrative capacity.
- (4) To provide competition for both male and female participants
- (5) To provide the facilities and environment for social contact between members and their friends and generally to afford to them all the usual privileges, benefits and conveniences of an Association of like nature.
- (6) To engage in such other activities whether of a like nature or not as may for the time being be permitted by law and determined by the Board of Management.
- (7) To do all such things as are incidental or conducive to the attainment of all or any of the aforesaid objects and those contained in the current WASTCA Strategic Plan (Appendix A).

2. Financial Year

- (1) The first financial year of the Association is to be the period notified to the Commissioner under section 7(4)(e) or, if relevant, section 29(5)(e) of the Act.
- (2) Each subsequent financial year of the Association is the period of 12 months commencing at the termination of the first financial year or the anniversary of that termination. The financial year shall be from 1 July to 30 June.

3. Not-for-Profit Body

The property and income of the Association must be applied solely towards the promotion of the objects or purposes of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to any member, except in good faith in the promotion of those objects or purposes.

Upon the dissolution or winding up of the Association where should there remain after satisfaction of all its debts, liabilities, costs, charges and expenses of that winding up, that property shall be distributed to another incorporated Association having objects similar to those of the Association.

A payment may be made to a member out of the funds of the Association only if it is authorised under subrule (3).

A payment to a member out of the funds of the Association is authorised if it is —

- (1) the payment in good faith to the member as reasonable remuneration for any services provided to the Association, or for goods supplied to the Association, in the ordinary course of business; or
- (2) the payment of interest, on money borrowed by the Association from the member, at a rate not greater than the cash rate published from time to time by the Reserve Bank of Australia; or
- (3) the payment of reasonable rent to the member for premises leased by the member to the Association; or
- (4) the reimbursement of reasonable expenses properly incurred by the member on behalf of the Association.

4. Eligibility for Membership

Membership of the Association is for 12 months on receipt of a nomination fee.

Classes of Membership

- (1) The Association consists of ordinary members and associate members.
- (2) The Association may have any class of associate membership approved by resolution at a general meeting, including junior membership, senior membership, honorary membership and life membership.
- (3) An ordinary member has full voting rights and any other rights conferred on members by these rules or approved by resolution at a general meeting or determined by the Board.
- (4) The number of members of any class is not limited unless otherwise approved by resolution at a general meeting.

The membership of the Association shall be made up as follows:

Ordinary Members

- (1) Associated clubs (Clubs with one vote at general and special general meetings)

Associate Members

- (1) Any Association of Cricket Umpires and their members
- (2) Any person elected to life Membership

Members to be bound by the rules of the Association.

Each member shall be bound by the Constitution, By-Laws, Conditions of Play, Code of Conduct and Rules of the Association.

5. Applying for membership

Any cricket club not associated with the Association may by its own motion apply for membership of the Association. Such application shall be in writing addressed to the Executive Officer or equivalent position of the Association and signed by the President and Secretary of the unaffiliated club or persons holding equivalent positions therein.

6. Dealing with membership applications

- (1) The Board must consider each application for membership of the Association and decide whether to accept or reject the application.
- (2) Subject to subrule (4), the committee must consider applications in the order in which they are received by the Association.
- (3) The Board may delay its consideration of an application if the Board considers that any matter relating to the application needs to be clarified by the applicant or that the applicant needs to provide further information in support of the application.
- (4) The Board must not accept an application unless the applicant —
 - is eligible under rule 4; and
 - has applied under rule 5.
- (5) The Board may reject an application even if the applicant —
 - Is eligible under rule 4; and
 - Has applied under rule 5.
- (6) The Board must notify the applicant of the committee's decision to accept or reject the application as soon as practicable after making the decision.
- (7) If the Board rejects the application, the committee is not required to give the applicant its reasons for doing so.

7. Becoming a member

An applicant for membership of the Association becomes a member when —

- (1) the Board accepts the application; and
- (2) the applicant pays any membership fees payable to the Association under rule 12.

8. Classes of membership

- (1) The Association consists of ordinary members and any associate members provided for under subrule (4).
- (2) The Association may have any class of associate membership approved by resolution at a general meeting, including senior membership, honorary membership and life membership.

- (3) An individual who has not reached the age of 15 years is only eligible to be an associate member
- (4) An ordinary member has full voting rights and any other rights conferred on members by these rules or approved by resolution at a general meeting or determined by the committee.
- (5) An associate member has the rights referred to in subrule (4) other than full voting rights.
- (6) The number of members of any class is not limited unless otherwise approved by resolution at a general meeting

9. When membership ceases

A person ceases to be a member when any of the following takes place —

- (1) for a member who is an individual, the individual dies;
- (2) for a member who is a Club, the Club is wound up;
- (3) the person resigns from the Association under rule 10;
- (4) the person is expelled from the Association under rule 15;
- (5) the person ceases to be a member under rule 12(4).

The Executive Officer must keep a record, for at least one year after a person ceases to be a member, of —

- (1) the date on which the person ceased to be a member; and
- (2) the reason why the person ceased to be a member.

10. Resignation

A member may resign from membership of the Association by giving written notice of the resignation to the secretary.

The resignation takes effect —

- (1) when the Executive Officer receives the notice; or
- (2) if a later time is stated in the notice, at that later time.

A person who has resigned from membership of the Association remains liable for any fees that are owed to the Association (the **owed amount**) at the time of resignation.

The owed amount may be recovered by the Association in a court of competent jurisdiction as a debt due to the Association.

11. Rights not transferable

The rights of a member are not transferable and end when membership ceases.

12. Membership fees

- (1) The Board must determine the entrance fee (if any) and the annual membership fee (if any) to be paid for membership of the Association.
- (2) The fees determined under subrule (1) may be different for different classes of membership.

- (3) A member must pay the annual membership fee to the treasurer, or another person authorised by the committee to accept payments, by the date (the *due date*) determined by the Board.
- (4) If a member has not paid the annual membership fee within the period of 3 months after the due date, the member ceases to be a member on the expiry of that period
- (5) If a person who has ceased to be a member under subrule (4) offers to pay the annual membership fee after the period referred to in that subrule has expired —
 -
 - the committee may, at its discretion, accept that payment; and
 - if the payment is accepted, the person's membership is reinstated from the date the payment is accepted.

13. Register of members

- (1) The Executive Officer, or another person authorised by the Board, is responsible for the requirements imposed on the Association under section 53 of the Act to maintain the register of members and record in that register any change in the membership of the Association.
- (2) In addition to the matters referred to in section 53(2) of the Act, the register of members must include the class of membership (if applicable) to which each member belongs and the date on which each member becomes a member.
- (3) The register of members must be kept at the Executive Officer's place of residence, or at another place determined by the committee.
- (4) A member who wishes to inspect the register of members must contact the Executive Officer to make the necessary arrangements.
- (5) If a member inspecting the register of members wishes to make a copy of, or take an extract from, the register under section 54(2) of the Act; or a member makes a written request under section 56(1) of the Act to be provided with a copy of the register of members,

the Board may require the member to provide a statutory declaration setting out the purpose for which the copy or extract is required and declaring that the purpose is connected with the affairs of the Association.

14. Term used: member

In this Part —

member, in relation to a member who is expelled from the Association, includes former member.

15. Suspension or expulsion

The Board may decide to suspend a member's membership or to expel a member from the Association if —

- (1) the member contravenes any of these rules; or
- (2) the member acts detrimentally to the interests of the Association.

The Executive Officer must give the member written notice of the proposed suspension or expulsion at least 28 days before the committee meeting at which the proposal is to be considered by the Board.

The notice given to the member must state —

- (1) when and where the Board meeting is to be held; and
- (2) the grounds on which the proposed suspension or expulsion is based; and
- (3) that the member, or the member's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the proposed suspension or expulsion;

At the Board meeting, the Board must —

- (1) give the member, or the member's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the proposed suspension or expulsion; and
- (2) give due consideration to any submissions so made; and
- (3) decide -
 - (i) whether or not to suspend the member's membership and, if the decision is to suspend the membership, the period of suspension; or
 - (ii) whether or not to expel the member from the Association.

A decision of the Board to suspend the member's membership or to expel the member from the Association takes immediate effect.

The Board must give the member written notice of the Board's decision, and the reasons for the decision, within 7 days after the Board meeting at which the decision is made.

A member whose membership is suspended or who is expelled from the Association may, within 14 days after receiving notice of the Board's decision under subrule (6), give written notice to the Executive Officer requesting the appointment of a mediator under rule 23.

If notice is given under subrule (7), the member who gives the notice and the Board are the parties to the mediation.

16. Consequences of suspension

During the period a member's membership is suspended, the member —

- (1) loses any rights (including voting rights) arising as a result of membership; and

- (2) is not entitled to a refund, rebate, relief or credit for membership fees paid, or payable, to the Association.

When a member's membership is suspended, the Executive Officer must record in the register of members —

- (3) that the member's membership is suspended; and
- (4) the date on which the suspension takes effect; and
- (5) the period of the suspension.

When the period of the suspension ends, the Executive Officer must record in the register of members that the member's membership is no longer suspended.

17. Terms used

In this Division —

grievance procedure means the procedures set out in this Division;

party to a dispute includes a person —

- (1) who is a party to the dispute; and
- (2) who ceases to be a member within 6 months before the dispute has come to the attention of each party to the dispute.

18. Application of Division

The procedure set out in this Division (the grievance procedure) applies to disputes —

- (1) between members; or
- (2) between one or more members and the Association.

19. Parties to attempt to resolve dispute

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.

20. How grievance procedure is started

If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 19, any party to the dispute may start the grievance procedure by giving written notice to the Executive Officer of —

- (1) the parties to the dispute; and
- (2) the matters that are the subject of the dispute.

Within 28 days after the Executive Officer is given the notice, a Board meeting must be convened to consider and determine the dispute.

The Executive Officer must give each party to the dispute written notice of the Board meeting at which the dispute is to be considered and determined at least 7 days before the meeting is held.

The notice given to each party to the dispute must state —

- (1) when and where the Board meeting is to be held; and
- (2) that the party, or the party's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the Board about the dispute.

If —

- (1) the dispute is between one or more members and the Association; and
- (2) any party to the dispute gives written notice to the Executive Officer stating that the party —
 - (i) does not agree to the dispute being determined by the Board; and
 - (ii) requests the appointment of a mediator under rule 23

the Board must not determine the dispute.

21. Determination of dispute by Board

At the Board meeting at which a dispute is to be considered and determined, the Board must

- (1) 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 Board about the dispute; and
- (2) give due consideration to any submissions so made; and
- (3) determine the dispute

The Board must give each party to the dispute written notice of the Board's determination, and the reasons for the determination, within 7 days after the Board meeting at which the determination is made.

A party to the dispute may, within 14 days after receiving notice of the Board's determination under subrule (1) C, give written notice to the Executive Officer requesting the appointment of a mediator under rule 23.

If notice is given under subrule (3), each party to the dispute is a party to the mediation.

22. Application of Division

This Division applies if written notice has been given to the Executive Officer requesting the appointment of a mediator —

- (1) by a member under rule 15 or
- (2) by a party under rule 20 or 21

If this Division applies, a mediator must be chosen or appointed under rule 23.

23. Appointment of mediator

The mediator must be a person chosen —

- (1) if the appointment of a mediator was requested by a member under rule 15 — by agreement between the Member and the Board; or

- (2) if the appointment of a mediator was requested by a party to a dispute under rule 20) or 21 — by agreement between the parties to the dispute.

If there is no agreement for the purposes of subrule (1)(a) or (b), then, subject to subrules (3) and (4), the Board must appoint the mediator.

The person appointed as mediator by the Board shall be a legal practitioner admitted in Western Australia, if the appointment of a mediator was requested by —

- (1) member under rule 15 or
- (2) a party to a dispute under rule 20 or
- (3) a party to a dispute under rule 21 and the dispute is between one or more members and the Association.

The person appointed as mediator by the Board may be a member or former member of the Association but must not —

- (1) have a personal interest in the matter that is the subject of the mediation; or
- (2) be biased in favour of or against any party to the mediation.

24. Mediation process

The parties to the mediation must attempt in good faith to settle the matter that is the subject of the mediation.

Each party to the mediation must give the mediator a written statement of the issues that need to be considered at the mediation at least 5 days before the mediation takes place.

In conducting the mediation, the mediator must —

- (1) give each party to the mediation every opportunity to be heard; and
- (2) allow each party to the mediation to give due consideration to any written statement given by another party; and
- (3) ensure that natural justice is given to the parties to the mediation throughout the mediation process.

The mediator cannot determine the matter that is the subject of the mediation.

The mediation must be confidential, and any information given at the mediation cannot be used in any other proceedings that take place in relation to the matter that is the subject of the mediation.

The costs of the mediation are to be paid by the party or parties to the mediation that requested the appointment of the mediator.

25. If mediation results in decision to suspend or expel being revoked

If —

- (1) mediation takes place because a member whose membership is suspended or who is expelled from the Association gives notice under rule 15; and

- (3) as the result of the mediation, the decision to suspend the member's membership or expel the member is revoked,

that revocation does not affect the validity of any decision made at a Board meeting or general meeting during the period of suspension or expulsion.

26. Disciplinary Tribunal

At the first meeting of the Board following the Annual General Meeting the Board shall invite persons practising as Barristers and/or Solicitors in the State of Western Australia to act in an honorary capacity as members of a disciplinary tribunal. There may be more than one such tribunal and each tribunal shall be constituted by one Barrister or Solicitor acting as Chair and two members. Where the Board is unable to arrange the honorary services of a Barrister or Solicitor to act as Chair of a disciplinary tribunal then such tribunal shall be constituted by members of the Association appointed by the Board and shall comprise a Chair and two members.

- (1) The disciplinary tribunal shall have the power to hear and determine all and any charges laid against any member provided that such charge shall have been laid against such member in the manner described in this Constitution or in the by-laws of the Association.
- (2) All appeals shall be heard at the office of the Association or at such other location determined by the Executive Officer. The Appeal Board shall at minimum comprise of a Chair. The Board at its discretion may also nominate two (2) members to be part of the Appeal Board. No person on the Appeal Board shall have been associated with the original tribunal hearing.
- (3) The disciplinary tribunal may take evidence in such manner as it thinks fit but it shall not administer any oath to any witness. Members may not be represented by legal practitioners or law clerks, unless it is granted by the tribunal. The disciplinary tribunal shall have the power to suspend, disqualify, reprimand, fine, bond, ban, deduct premiership points or otherwise deal with any member.
 - Any member found guilty by the disciplinary tribunal of any charges laid against them shall have the right of appeal. Any such appeal must be lodged in writing with the Executive Officer by 3pm on the Friday following the tribunal's decision and shall be accompanied by a bond payment of \$250 which will be forfeited by the appellant should such appeal be deemed frivolous by the appeal Board. Upon receipt of any such appeal application the Executive Officer shall convene the hearing as soon as possible to do so. The findings of any such appeal shall be binding and the determination of such shall be reported to the Board.
 - All appeals shall be heard at the office of the Association or at such other location determined by the Executive Officer. The Appeal Board shall comprise a Chair appointed by the Board and two members, none of whom were associated with the original tribunal hearing.
- (4) Upon completion of a hearing conducted by the disciplinary tribunal the tribunal shall report to the Board on the nature of the charge heard by it and its determination thereon.

27. Board

The Board members are the persons who, as the Management Board of the Association, have the power to manage the affairs of the Association.

Subject to the Act, these rules, the by-laws (if any) and any resolution passed at a general meeting, the Board has power to do all things necessary or convenient to be done for the proper management of the affairs of the Association.

The Board must take all reasonable steps to ensure that the Association complies with the Act, these rules and the by-laws (if any).

Management of the Association

- (1) The management of the Association and all business of the Association shall be conducted by a Board of Management which shall consist of 9 directors.
- (2) The directors of the Board of Management shall be elected from members of the Association provided that no more than one person enjoying membership in the same Associated Club are eligible for election as a director of the Association.
- (3) Directors of the Board of Management shall be elected with their consent at the Annual General Meeting of the Association and shall thereafter hold office for a term of three (3) consecutive years, except in the case of a new Board of Management as is herein after provided
- (4) The Executive Officer of the association shall call for nominations to the position of director at the time of the notice of the Annual General Meeting of the Association. Such nominations shall close at the Annual General Meeting when called for by the Chairman or presiding member.
- (5) Where there is a retirement or dissolution of an entire Board of Management of the Association then a new Board of Management shall be elected at an annual or Special General meeting of the Association called for that purpose and three of their number shall retire at the next Annual General Meeting of the Association, another three of their number shall retire at the second Annual General Meeting following their election and the remaining three of their number shall retire at the third Annual General Meeting following their election. There after the directors of the Board of Management shall retire in lots of three respectively at the Annual General Meetings held after. Where a new Board of directors of the Association has been elected those to retire at the next Annual General Meeting and subsequent Annual General Meetings shall be chosen by lot.
- (6) Following each Annual General Meeting the directors of the Board of Management elected thereat shall themselves choose and appointment a Chairperson from among their number who shall preside at all meetings of the Board of Management and in the event that a vote on any motion before the Board of Management is tied then the Chairperson shall have a first and casting vote to determine the issue. The Chairperson shall not otherwise be entitled to vote.

- (7) Unless the Board of Management decides otherwise any director who absents themselves from three consecutive meetings of the Board of Management or six meetings thereof during any one year of their term of office shall forfeit their membership of the Board of Management and be ineligible for re-election during the remainder of their term.
- (8) In the event of any director becoming ineligible to continue in office or in the event of the resignation of a director, the Board of Management shall declare casual vacancy and there upon call for nominations to fill the vacancy.

In the event of there being more than one nomination a by-election shall be held by postal ballot within twenty-one (21) days of the close of nominations. If only one nomination received the nominee shall be declared elected and in the event of a ballot being required the candidate receiving the greatest number of first votes shall be declared elected and in either case the person declared elected shall hold office for the unexpired portion of the term of office of the director the termination of whose office occasioned the casual vacancy.

- (9) The Board may exercise all powers of the Association and shall carry into effect all the objects of the Associations and without limiting the generality of the foregoing the Board shall have power:

To make such by-laws not being inconsistent with this Constitution as it may from time to time deem necessary or expedient to give effect to the Constitution and in particular to administer, regulate and control all and any games of cricket played between Clubs. To amend any by-law so made.

To co-opt and member or members to any sub-committee to assist it in the execution of its duties and from time to time to form any sub-committee or sub-committees for the like purpose and to disband and such sub-committee.

To appoint any member not already being a member of the Board as a temporary, member thereof during the absence on approved leave of an elected member of the Board.

To employ and Executive Officer and such other employees as it may deem necessary and to determine the remuneration conditions of employment and duties of any such Executive Officer or other employees.

To delegate to any of its members or to any employee of the Association the executive of such duties and powers within the competence of the Board of Management as it may deem necessary.

Generally manage and conduct the business of the Association subject to this Constitution.

28. Chair

- (1) The Chair shall preside at all meetings of members of the Board of Management of the Association and of the Council.
- (2) The Chair shall represent the Association on all occasions requiring official representation and shall be the Association spokesperson on all matters relating to the activities, business and objects of the Association.
- (3) The Chair shall present to the members at the Annual General Meeting a report in writing in respect of the activities and business of the Association and of any events

that have significantly affected the state of affairs of the Association during the preceding year.

- (4) The Chair shall be an ex-officio member of all committees and sub-committees which may be appointed.

29. Executive Officer

- (1) The Executive Officer shall attend and record the names of members present at and take minutes of the proceedings of all meetings of the Board and Council and shall properly enter such minutes in a book kept for that purpose and in consultation with the Chairperson shall prepare an agenda for all such meetings.
- (2) The Executive Officer shall maintain a register of members and a register of all members of the council, Board of Management and of any sub-committee thereof.
- (3) The Executive Officer shall issue all notices of meetings of Council, members and the Board of Management and such other notices as she/he may be directed to issue by the Board.
- (4) The Executive Officer shall present to the Board all correspondence directed to the Association which may be received by her/him and shall prepare and sign all outward correspondence as she/he may be directed by the Board.
- (5) The Executive Officer need not attend any meetings of any sub-committee of the Board but shall incorporate any report prepared by any sub-committee in the minutes of the meeting of the Board to which such report or reports have been presented.
- (6) The Executive Officer may be a paid servant of the Association and in the event that a paid Executive Officer holds the position of Executive Officer of the Association such Executive Officer shall not be required to be a member of the Association and such Executive Officer shall not have a right to vote at any meeting of the Association.
- (7) The duties of the Executive Officer may be carried out in his absence by any person appointed by the Board to the position of acting Executive Officer. (refer Appendix B – Executive Officer’s job description)

30. Chairperson of the Finance Committee

The Chairperson of the Finance Committee has the following duties —

- (1) ensuring that any amounts payable to the Association are collected and issuing receipts for those amounts in the Association’s name;
- (2) ensuring that any amounts paid to the Association are credited to the appropriate account of the Association, as directed by the committee;
- (3) ensuring that any payments to be made by the Association that have been authorised by the committee or at a general meeting are made on time;
- (4) ensuring that the Association complies with the relevant requirements of Part 5 of the Act;
- (5) ensuring the safe custody of the Association’s financial records, financial statements and financial reports, as applicable to the Association;
- (6) if the Association is a tier 1 association, coordinating the preparation of the Association’s financial statements before their submission to the Association’s annual general meeting;
- (7) if the Association is a tier 2 association or tier 3 association, coordinating the preparation of the Association’s financial report before its submission to the Association’s annual general meeting;

- (8) providing any assistance required by an auditor or reviewer conducting an audit or review of the Association's financial statements or financial report under Part 5 Division 5 of the Act;
- (9) carrying out any other duty given to the Chairperson of the Finance Committee under these rules or by the Board. The Chairperson of the Finance Committee shall collect and receive all monies on behalf of the Association and shall give receipts for the same and shall deposit all such monies in a banking account in the name of the Association at a bank approved by the Board.
- (10) The Chairperson of the Finance Committee shall maintain to the satisfaction of the Board a proper system of accounting for all monies received and disbursed on behalf of the Association and shall present all accounts for payment to the Board for approval. She/he shall present monthly financial statements to the Board and shall have regard to any criticisms or advice on financial matters made or given by the Auditors of the Association or by the Board or by any sub-committee appointed by the Board for that purpose. She/he shall direct the adoption and supervise the operation of appropriate accounting procedures to be observed by any employee of the Association.
- (11) The Chairperson of the Finance Committee shall keep all vouchers for all money expended by the Association and all records and vouchers in respect of monies by the Association and shall present the same to the auditors whenever required to do so.
- (12) The Chairperson of the Finance Committee shall prepare and submit to the Auditors of the Association not later than fourteen (14) days prior to the date fixed for the next succeeding Annual General Meeting of the members, statements of the financial affairs of the Association during the previous year. Such statements after audit shall be presented by the Chairperson of the Finance Committee to the next Annual General Meeting of the Association.
- (13) The Chairperson of the Finance Committee shall prepare all cheques upon the bank account of the Association and shall present the same for signature by any two members of the Board or by a member of the Board and her/himself.

31. The Seal Holders

There shall be a common seal of the Association which shall be affixed to any document, the execution of which by the Association has been authorised by the Board. Such common seal shall only be affixed by the Chairperson and the Executive Officer who shall affix the common seal in accordance with the directions of the Board of Management.

32. Sub – Committees

There shall be the following permanent sub-committees of the Board of Management:

- (1) Executive Committee
- (2) Rules and Competition Committee
- (3) Protest and Disputes Committee
- (4) Grounds Committee
- (5) Finance Committee
- (6) Marketing and Communications Committee
- (7) WASTCA Representative Committee

The Board may in its sole discretion convene any other sub-committees for any purpose which it deems necessary.

The Board shall elect from its number a director who shall act as Chair of each of the standing sub-committees aforementioned.

33. The Rules and Competition Committee

The Rules and Competition Committee shall deal with and report to the Board upon matters following that is to say:

- (1) Registration of players
- (2) The granting or refusing of a permit or clearance for any player pursuant to this Constitution
- (3) The granting or refusing of a permit or clearance for any player where such a permit or clearance has been refused or withheld by a Club pursuant to this Constitution
- (4) Umpires reports and the scrutiny of the appointment of umpires
- (5) Generally such other matters or issues referred to the committee by the board
- (5) The committee shall also arrange the dates and manner by which all games of cricket played under the auspices of the Association are played and shall to this end present to the Board for publication prior to the commencement of each Season, a set of fixtures for the competition.

The Rules and Competition Committee shall prepare a report of all business transacted by it at each meeting thereof and shall furnish a copy of that report to the Board.

34. The Grounds Committee

The Grounds Committee shall be responsible for the acquisition of playing areas from Associated Clubs, local government councils and other organisations whether public or private. The committee shall also ensure that all playing areas meet the standards required by the Association.

35. The Finance Committee

The Finance Committee shall be responsible for reporting to the board on the following matters;

- (1) Estimates of the receipts and expenditure of the Association for the forthcoming year.
- (2) Ways and means of revenue gathering.
- (3) Applications for grants and loans by Associated Clubs and its recommendations thereon.

36. The WASTCA Representative Committee

The WASTCA Representative Committee shall be responsible for the selection of all teams to represent the Association in matches.

37. Association Colours and Emblem

The Association colours shall be black and gold and the emblem shall be as follows:



38. The Cricket Council

The Cricket Council of the Association shall comprise one delegate from each Associated Playing Club. Each Associated Club shall immediately following the Annual General Meeting of the Association, notify the Association in writing of the name, address and work and home telephone numbers of its delegate who shall thereafter be the delegate of the Club for the ensuing year.

A club may at its option nominate an alternate delegate and shall likewise advise the Association of the name, address and work and home telephone numbers of the alternative delegate.

- (1) The Chair of the Board shall be Chair of the Council and shall therefore conduct the meetings of the Council
- (2) At the first meeting of the Council following each Annual General Meeting of the Association the Board shall determine the date and times and place at which the Council Meetings shall be held but they shall be no less than one per annum. (refer Appendix D - WASTCA Annual Calendar)
- (3) The Council shall have no power to conduct any business on behalf of the Association but shall make recommendations to the Board upon such matters as affect the conduct of Associated Clubs in the administration of the Association or the Associated Clubs or the mode and manner of play in games of cricket conducted under the auspices of the Association.
- (4) At each meeting of the Council, should the Executive Officer of the Association not be available to act in that capacity, the Chair shall direct a Director there present shall act as Executive Officer to that meeting and the Executive Officer shall keep minutes of the meeting of the Council.
- (5) No recommendation may be made by the Council to the Board unless it has been passed by not less than a majority of 75% of those delegates present at the meeting at which it was moved that such recommendation be made to the Board.

39. Expulsion

The Board, by vote of not less than two thirds of those present and voting at any meeting of the Board may expel any Club from the Association on the following grounds:

- (1) That the Club's membership fees are twenty-eight (28) days in arrears; or
- (2) That the Club has failed to comply with any lawful requirement of the Association;
or
- (3) That the Club either of itself or through any of its members has conducted itself in such a way that the Board concludes that such conduct has brought or has tended to bring the Association or the game of cricket into disrepute.

Upon the expulsion of any Club from the Association the expelled Club shall no longer be entitled to field any team in any competition run by the Association. In the event such expulsion takes place after the commencement of the cricket Season, all games involving the expelled Club shall be

thereafter a bye unless the fixtures committee is able to produce an amended fixtures list. Where games have already been played involving the expelled Club, no points shall be awarded and all premierships tables shall be amended accordingly.

An expelled Club may appeal against its expulsion to either the next Annual General Meeting of the Association or to any Special General Meeting which it may of its own motion call for that purpose giving not less than twenty-one (21) days' notice thereof if such expulsion takes place outside of the cricket Season or three (3) days' notice thereof in a cricket Season. Such appeal shall be by way of notice to such Annual General Meeting or Special General Meeting that the expulsion be rescinded. A simple majority of those present and voting in favour of a recession of the expulsion shall affect such a recession of the expulsion.

40. Life Membership

At the Annual General Meeting three quarters of those present and voting may elect not more than two life members of the Association. A life membership of the Association shall only be conferred on a person for outstanding services rendered to the Association provided that no person shall be proposed life membership without the prior approval of the Board having been first obtained. A life membership does not confer any voting rights. A life member shall have the right to be heard on any motion at any Annual General Meeting or Special General Meeting of the Association. (Appendix E – Life Membership Terms of Reference)

41. Meetings: Procedure and Standing Orders

The Annual General Meeting:

The Annual General Meeting of the Association shall be held not later than the 17th day of August in each year. Notice of the Annual General Meeting shall be distributed by the Executive Officer to all members not later than twenty-one (21) days prior to each Annual General Meeting and an agenda shall accompany the notice.

The order of business at the Annual General Meeting shall be as follows:

- (1) To receive the minutes of the preceding Annual General Meeting
- (2) To receive the Chair's report
- (3) To receive the Chair of the Finance Committee's treasury report
- (4) To conduct the election of directors of the Board of Management
- (5) To deal with motions of which notice has been given
- (6) To deal with general business

The Annual General Meeting may by resolution passed by simple majority direct the Board to do any act or thing consistent with the objects of the Association save that no motion expressing a lack of confidence in the Board shall be accepted by the Chair unless notice thereof has been given as hereinafter provided.

Any member of the Association being a club may not less than 28 days prior to the Annual General Meeting give notice to the Executive Officer of their intention to move at the Annual General Meeting a motion of no confidence in the Board of the Association. Upon receipt of any such notice the Executive Officer shall include the same agenda for the Annual General Meeting and distribute the same to the members. Such a notice of intention to move a motion of lack of confidence in the Board shall not be accepted by the Executive Officer unless not less than 2 other member Clubs shall endorse the notice of motion in writing.

Special General Meetings:

A Special General Meeting may be convened by the Chair, or by any 5 Clubs who shall together petition the Executive Officer in writing to convene such a Special General Meeting and who shall in such written petition give notice of the motion or motions which such Clubs intend to move at such Special General Meeting. Upon receipt of a request from the Chair or a written requisition from 5 Clubs as aforesaid, the Executive Officer shall no later than 28 days from the date of receipt thereof, convene such Special General Meeting by giving notice thereof to all of the members of the Association together with an agenda specifying the notices of motion received.

A Special General Meeting of the Association shall not conduct any business other than that set out in the notice(s) of motion.

No notice of motion given to either an Annual General Meeting or a Special General Meeting of the Association may be removed by that meeting to any committee of the Association for a decision by that committee but such a motion may be removed to any committee of the Association for the purpose of that committee gathering information for presentation to an adjourned Annual General Meeting or Special General Meeting.

Meetings of the Board of Management:

The order of business at meetings of the Board of Management shall be as follows:

- (1) To receive the minutes of the previous meeting
- (2) To receive any correspondence received by the Executive Officer
- (3) To receive the Chair of the Finance Committee's treasury report
- (4) To receive all sub-committee reports
- (5) To deal with general business/orders of business as set by the circulated agenda

Council Meetings:

The order of business at Council meetings shall be as follows:

- (1) To receive the minutes of the previous meeting
- (2) To receive a report from the Board

42. Voting Rights

At each Annual General Meeting of the Association and any special general meeting of the Association, associated playing Clubs shall be entitled to one vote on any motion or amendment put forward at such meetings. Any other member of the Association not being an associated playing Club shall not be entitled to vote.

43. Quorum

An Annual General Meeting, Special General Meeting or Council Meeting of the Association may not proceed unless there are present not less than 1 representative from at least one half of the member Clubs of the Association.

The quorum at Board meetings shall not be less than that number of directors which is equal to more than half the number of currently serving directors.

44. Standing Orders

At all meetings of the Association whether Annual General Meeting, Special General Meetings or Board Meetings, the following will apply:

- (1) If minutes of a previous meeting are presented to the meeting they shall before the meeting shall pass onto any other business be accepted as presented or accepted with modifications
- (2) All reports received at any meeting may be the subject of questions from the body of the meeting and no further business may be transacted until such questions have been answered or an undertaking to answer the question when further information is to hand has been given.
- (3) The Chair shall still be the servant of all meetings and except at sub-committee meetings shall not, as Chair speak to any motion. If the Chair wishes to speak to any motion s/he shall ask the meeting to appoint another Chair, vacate the chair, and not resume as Chair until the motion to which s/he spoke has been disposed of.
- (4) All speaks must address the Chair. The Chair shall not allow any speaker to be heard who does not speak through her or him. The Chair shall alone determine who shall be heard and in what order they shall be heard.
- (5) All speakers must stand to address any meeting (except a Board Meeting where all may remain seated)
- (6) Only one speaker may be heard at a time and the speaker having the floor shall be heard without interruption unless called to order by the Chair.
- (7) No speaker may speak twice to the same question, except the proposer of a motion who may reply to the meeting after all speakers contrary to the question before the meeting have been heard.
- (8) No proposer or seconder of any motion or amended motion may propose or second any amendment or further amendment of a motion
- (9) Where possible the Chair shall alternatively call for speakers for, then against, the question before the meeting
- (10) No speaker shall be heard who shall use abusive or insulting language or behaviour of any type whether concerning a person or institution represented at the meeting or not.
- (11) The Chair shall be the sole judge of what constitutes abusive or insulting language or behaviour and should s/he determine that any speaker is guilty of the same s/he shall forthwith call the speaker to order and demand an apology and/or retraction and should the same not be given the Chair may expel the speaker from the meeting or order that s/he not be heard for the balance of the meeting or admonish her/him whichever s/he deems appropriate.
- (12) A speaker may rise to make a point of order at any time during a debate up to the time when the Chair orders that the question then before the meeting be put.

- (13) A speaker making a point of order shall be heard. There shall be no debate on a point of order. The Chair shall rule on the point of order before the debate progresses any further.
- (14) Notice of a motion requiring the giving of notice may be given at one General Meeting for consideration at the next General Meeting and if so given the Executive Officer shall transcribe the same and include it in its full terms in the agenda for the next General Meeting
- (15) A motion “that the motion be put” shall be accepted at any time during debate by the Chair who shall immediately call for a seconder. If seconded, such motion is put to the vote without debate and if carried, the question then before the meeting shall be put to the vote. If lost, the debate may continue.
- (16) A motion “that this meeting disagrees with the ruling of the Chair” or motions of that ilk if seconded, shall be put to the meeting without debate.
- (17) Should any case arise not provided for in these standing orders then the same shall be decided in accordance with the standing orders of the Legislative Assembly of Western Australia
- (18) The standing orders may be suspended at any time upon the vote of a simple majority at any meeting but the motion to suspend standing orders does not carry over from anyone meeting to the next.

45. Distribution of surplus property on cancellation of incorporation on winding up

71. Distribution of surplus property on cancellation of incorporation or winding up

(1) In the rule –

Surplus property, in relation to the Association, means property remaining after satisfaction of –

- (a) the debts and liabilities of the Association; and
- (b) the costs, charges and expenses of winding up or cancelling the incorporation of the Association

but does not include the books relating to the management of the Association

(2) On the cancellation of the incorporation or the winding up of the Association, its surplus property must be distributed as determined by special resolution by reference to the persons mentioned in section 24(1) of the Act.

46. Amendment of Constitution

This Constitution may be amended only if:

- (1) A written notice of motion is delivered to the Executive Officer signed by a proposer and a seconder
- (2) The notice of motion is read to the next General Meeting following the giving of the notice but shall not be voted upon until the second General Meeting following the giving of notice.

- (3) Where a Special General Meeting is convened in accordance with this Constitution and the notice of motion given therewith is to amend the Constitution the Special General Meeting may proceed to vote on the amendments so proposed.
- (4) Where a vote is taken on any proposed amendment to this Constitution it shall pass only if 75% of delegates from Associated Clubs vote for the amendment.