

*Scarborough  
(Mercantile) Cricket  
Club Inc.  
Constitution*



*December 2022*

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## 1. NAME

The name of the association is the Scarborough (Mercantile) Cricket Club Inc.

Certificate of Incorporation no: A0824654A

## 2. 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 incorporated association to which these rules apply;

**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;

**chairperson** means the Committee member holding office as the chairperson of the Association;

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

**committee** means the management committee of the Association;

**committee meeting** means a meeting of the committee;

**committee member** means a member of the committee;

**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;

**secretary** means the committee member holding office as the secretary of 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;

**treasurer** means the committee member holding office as the treasurer of the Association.

### **3. OBJECTS**

The object of the association is to carry on business as a sporting association, in particular a Cricket Association. The objects of the Association shall include:

- (i) To hold, promote and participate in the playing of Cricket competitively in the Scarborough and Doubleview area;
- (ii) To promote and advance the game of Cricket;
- (iii) To facilitate access to nets, pitches and facilities for the playing of Cricket;
- (iv) To provide coaching and instruction in Cricket; and
- (v) To provide social and recreational facilities.

The property and income of the association shall 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 members of the Association, except in good -faith in the promotion of those objects or purposes

### **4. COLOURS OF THE ASSOCIATION**

The colours of the association are black, green and gold

### **5. NOT-FOR-PROFIT-BODY**

- (1) 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.
- (2) A payment may be made to a member out of the funds of the Association only if it is authorised under subrule (5.3).
- (3) A payment to a member out of the funds of the Association is authorised if it is —
  - (a) 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
  - (b) 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
  - (c) the payment of reasonable rent to the member for premises leased by the member to the Association; or
  - (d) the reimbursement of reasonable expenses properly incurred by the member on behalf of the Association.

## **6. APPLICATION OF THE RULES OF THE ASSOCIATION**

The Constitution, Rules, Regulations or By-Laws of the association bind every member and the Association to the same extent as if every member and the Association had signed and sealed the Constitution and agreed to be bound by all their provisions.

## **7. EFFECTIVE DATE**

The Constitution will come into force:

- subject to the provisions in clause 6, upon approval at a General Meeting; &
- subsequent the grant of a liquor license pursuant to the act, on approval by the Director of Liquor Licensing.

## **8. FINANCIAL YEAR**

The association's financial year will be the period of 12 months commencing on 1 June and ending on 31 May of each year.

## **9. AMENDMENTS**

The constitution may be amended by special resolution and passed by a majority of 75% of members at a General Meeting provided fourteen (14) days' notice of the proposed amendment has been given to all members.

Subsequent the grant of a liquor license pursuant to the act , as soon as practicable after the making of any proposal for a change to the Constitution of the association, the Secretary shall provide to the Director of Liquor Licensing, certified particulars of the change proposed. No effect will be given to the change without the prior approval of the Director.

Amendments to the Constitution of the Association must also be in accordance with the procedures set out in sections 17, 18 and 19 of the Associations Incorporations Act 1987.

Amendments include, but are not limited to, alteration, rescinding or additional rules.

## **10. QUALIFICATIONS FOR MEMBERSHIP OF THE ASSOCIATION**

### **10.1 Eligibility for membership**

- (1) Any person who supports the objects or purposes of the Association is eligible to apply to become a member.

- (2) An individual who has not reached the age of 15 years is not eligible to apply for a class of membership that confers full voting rights.

## **10.2 Applying for membership**

- (1) A person who wants to become a member must apply in writing to the Association.
- (2) The application must include a member's nomination of the applicant for membership.
- (3) The application must be signed by the applicant and the member nominating the applicant.
- (4) The applicant must specify in the application the class of membership, if there is more than one, to which the application relates.

## **10.3 Dealing with membership applications**

- (1) The committee must consider each application for membership of the Association and decide whether to accept or reject the application.
- (2) Subject to subrule (3), the committee must consider applications in the order in which they are received by the Association.
- (3) The committee may delay its consideration of an application if the committee 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 committee must not accept an application unless the applicant —
  - (a) is eligible under rule 4; and
  - (b) has applied under rule 5.
- (5) The committee may reject an application even if the applicant —
  - (a) is eligible under rule 4; and
  - (b) has applied under rule 5.
- (6) The committee 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 committee rejects the application, the committee is not required to give the applicant its reasons for doing so.

## **10.4 Becoming a member**

- An applicant for membership of the Association becomes a member when —
- (a) the committee accepts the application; and
  - (b) the applicant pays any membership fees payable to the Association under rule 12.



## 10.5 Classes of membership

- (1) The Association consists of ordinary members and any associate members provided for under subrule (2).
- (2) The Association may have any class of associate membership approved by resolution at a general meeting, including junior membership, senior membership, social membership and life membership. This shall be included in the Scarborough Sharks Cricket Club Bylaws as amended.
- (3) An individual who has not reached the age of 15 years is only eligible to be an associate member.
- (4) A person can only be an ordinary member or belong to one class of associate membership.
- (5) 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.
- (6) An associate member has the rights referred to in subrule (5) other than full voting rights.
- (7) The number of members of any class is not limited unless otherwise approved by resolution at a general meeting.

## 10.6 When membership ceases

- (1) A person ceases to be a member when any of the following takes place —
  - (a) for a member who is an individual, the individual dies;
  - (b) for a member who is a body corporate, the body corporate is wound up;
  - (c) the person resigns from the Association under rule 10;
  - (d) the person is expelled from the Association under rule 15;
  - (e) the person ceases to be a member under rule 12(4).
- (2) The secretary must keep a record, for at least one year after a person ceases to be a member, of —
  - (a) the date on which the person ceased to be a member; and
  - (b) the reason why the person ceased to be a member.

## 10.7 Resignation

- (1) A member may resign from membership of the Association by giving written notice of the resignation to the secretary.
- (2) The resignation takes effect —
  - (a) when the secretary receives the notice; or
  - (b) if a later time is stated in the notice, at that later time.
- (3) 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.

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

### **10.8 Rights not transferable**

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

## **11. REGISTER OF MEMBERS**

The secretary, or another person authorised by the committee, 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.

- (1) 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.
- (2) The register of members must be kept at the secretary's place of residence, or at another place determined by the committee.
- (3) An ordinary member who wishes to inspect the register of members must contact the secretary to make the necessary arrangements.
- (4) If —
  - (a) An ordinary 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
  - (b) An ordinary member makes a written request under section 56(1) of the Act to be provided with a copy of the register of members,

the committee 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.

## **12. TEMPORARY MEMBERS**

A person who is on any day visiting the association as a member or an official of another association-:

1. That is to engage in a pre-arranged event with the host association conducted for the purposes of one of the host associations principal objects; or
2. That is to hold a pre-arranged function at the host association involving the use of the host association's sporting facilities;
3. Or any other temporary member as defined in the Scarborough Sharks Cricket Club Bylaws as amended.

may be taken to be a person who is accorded temporary membership on that day.

### 13. GUESTS

The maximum number of guests per member per day for the purposes of section 48(4)(b) of the Liquor control Act 1988 (The Act) is five (5).

Members may introduce guests to the association at any time provided that:

- No member may introduce more than two (2) guests to the association at any one time.
- A guest shall not be supplied with liquor in the association premises except on invitation and in the company of that member.
- A guest shall be supplied liquor to be consumed on the association premises only.
- The member introducing the guest shall be responsible for the proper conduct of that guest whilst on the association premises.
- A member may, at their expense, and with the approval of the association committee, supply liquor to guests, without limitation to number, at a function held by or on behalf of that member, at the association premises.

### 14. MEMBERSHIP FEES

- (1) The committee 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 committee.
- (4) If a member has not paid the annual membership fee within the period of 3 months after the due date 1 October, 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 —
  - (a) the committee may, at its discretion, accept that payment; and
  - (b) if the payment is accepted, the person's membership is reinstated from the date the payment is accepted.

## **15. LIFE MEMBERSHIP**

The committee has the power to reward any member past or present for special services rendered to the association by electing him or her life member. The criteria for nomination for life membership shall be as detailed in the Scarborough (Mercantile) Cricket Club Inc. Rules Regulations and By-Laws, as amended. Life members shall be considered as an ordinary member for the purpose of Rule 10.5.5

## **16. INTERPRETATION**

Any doubt arising as to the application or meaning of any clause shall be decided by the Committee whose decision will remain until altered by a vote of a General Meeting, whose decision shall then be final and conclusive.

If any case occurs which, in the opinion of the Committee, is not provided for in this constitution, it shall be determined by the Committee in such manner as deemed expedient.

## **17. COMMITTEE OF MANAGEMENT**

The Association shall be managed by a Committee of Management and shall consist of the following officers:

- (i) President
- (ii) Vice President
- (iii) Secretary
- (iv) Treasurer
- (v) Facilities Manager
- (vi) General Committee Members( appointed as required by the committee)

The committee shall be elected at the annual general meeting and subject to termination of office by resignation, expulsion, or otherwise shall remain in office until their successors are elected at the annual general meeting next following their appointment.

The committee must determine the maximum number of members who may be ordinary committee members

A person may be a committee member if the person is —  
(a) an individual who has reached 18 years of age; and  
(b) an ordinary member.

A person must not hold 2 or more of the offices mentioned above at the same time.

The committee shall have the power to fill any vacancy that may occur. The retiring officers shall be eligible for re-election.

## **17.1. COMMITTEE OF MANAGEMENT JOB DESCRIPTIONS:**

The committee of management job descriptions shall be as follows, but may be amended as required by the committee so that the administration of the association can continue as set out in this constitution.

### **President**

The President shall

- (i) act as Chairperson for any Meeting of the Association, General or otherwise, and any Committee and Executive Committee meetings convened for the dispatch of business of the Association.
- (ii) ensure that the business of the Association is conducted in accordance with this Constitution and in the best interest of the Associations Membership.
- (iii) not abdicate from or delegate any of the above responsibilities without resigning unless such delegation is provided for within this Constitution.
- (iv) in conjunction with the Secretary and any of the office bearers of the Committee as appropriate, shall co-operate, co-ordinate, comply with and conduct all business arising from and/or with any relevant Senior Cricket Competition

### **Vice President**

The Vice President shall in the absence of the President, act as Chairperson for any Meeting of the Association, General or otherwise, and any Committee and Executive Committee meetings convened for the dispatch of business of the Association.

The Vice President('s)

- (i) primary role is assist the President in all ways to ensure that the business of the Association is conducted in accordance with this Constitution and in the best interest of the Associations Membership.
- (ii) shall also provide support to the President in any other roles and responsibilities of the President as is required by the President and/or the Executive Committee.

### Secretary

The Secretary shall;

- (i) shall coordinate the correspondence of the Association
- (ii) consulting with the President regarding the business to be conducted at each committee meeting and general meeting;
- (iii) Keep full and correct minutes of all resolutions and proceedings of every General Meeting and of all committee meetings in books provided for that purpose together with a record of the names of members present at all such meetings or delegate to the Registrar either or both of the above duties. The minutes of these meetings shall be copied to all Committee Members and other members as appropriate
- (iv) The Secretary shall have custody of all books, documents, records and registers of the Association other than those required to be kept by or in the custody of the Treasurer.
- (v) maintaining on behalf of the Association an up-to-date copy of these rules, as required under section 35(1) of the Act;
- (vi) unless another member is authorised by the committee to do so, maintaining on behalf of the Association a record of committee members and other persons authorised to act on behalf of the Association, as required under section 58(2) of the Act;
- (vii) ensuring the safe custody of the books of the Association, other than the financial records, financial statements and financial reports, as applicable to the Association;
- (viii) maintaining full and accurate minutes of committee meetings and general meetings;
- (ix) Perform such other duties as the committee may prescribe.

### Treasurer

The Treasurer has the following duties;

- (i) ensuring that any amounts payable to the Association are collected and issuing receipts for those amounts in the Association's name;
- (ii) ensuring that any amounts paid to the Association are credited to the appropriate account of the Association, as directed by the committee;
- (iii) 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;
- (iv) ensuring that the Association complies with the relevant requirements of Part 5 of the Act;
- (v) ensuring the safe custody of the Association's financial records, financial statements and financial reports, as applicable to the Association;
- (vi) 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;

Which includes a:

- statement of receipts and payments;
  - reconciled statement of bank account balances; and
  - a statement of assets and liabilities.
- (vii) 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;
  - (viii) 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;
  - (ix) carrying out any other duty given to the treasurer under these rules or by the committee.

### **Facilities Manager**

The Facilities Manager shall;

- (i) Control running of bar
- (ii) Responsibility for pricing, sale & ordering of stock
- (iii) Responsibility for Bar reconciliation to Treasurer

- (iv) Responsible for Bar roster
- (v) Responsible for all food sales, & menu
- (vi) Responsible for Sponsors day with Vice President & President

### **General Committee**

General Committee Members responsibilities include;

- (i) To aid Vice President in running all special event nights.
- (ii) Sponsorship roster & special food night roster.
- (iii) Application and maintenance of licensing or authorities
- (iv) Constitution
- (v) Respond to Government and other statutory bodies requirements
- (vi) Other

## **18. ELECTION OF COMMITTEE OF MANAGEMENT**

The election of the committee shall take place in the following order:

- (i) President
- (ii) Vice President
- (iii) Secretary
- (iv) Treasurer
- (v) Facilities Manager
- (vi) General Committee Members

In case no more than the required number of candidates shall be nominated for any office, those so nominated shall be declared elected.

In the event of there being more than the required number of candidates for office or offices, an election to fill such office or offices shall be held by a show of hands.

A scrutineer shall be appointed to tally the votes and report to the President who shall announce the result to the meeting. In the case of the election of the office of President, the Vice President shall receive and announce the result to the meeting.



Whenever the number of candidates who receive an equal number of votes exceeds the number of vacancies to be filled, the President whether they be a candidate or not, shall have a casting vote for as many candidates as there are vacancies to be filled.

## **19. POWERS OF THE COMMITTEE OF MANAGEMENT**

The committee shall have the power to do any one or more or all of the following things:

- (a) To remit the whole or any part of the subscriptions of any member absent from Perth for a longer period than three months at any one time and also remit the whole or any part of subscriptions of any member.
- (b) To delegate (subject to conditions as it thinks fit) any of its powers to sub committees consisting of such members of the committee and other members of the Association co-opted for that purpose as it may determine and to make such regulations as to the proceedings of such sub committees as may be thought desirable.
- (c) To regulate and control their own meetings and the transactions of business threat.
- (d) To fine, suspend or expel any member.
- (e) To appoint from time to time any two or more members of the Association to be a subcommittee for a particular purpose and to revoke their appointment.
- (f) To make, alter and repeal by-laws not inconsistent with the constitution regulating the use of the Association's equipment, the admission of members and the conduct of the Association and Its affair's generally.
- (g) To do and perform any other acts, matters and things in connection with or relative to the management of the Association as shall not by the constitution require to be done by the Association in General Meeting.

## **20. VACANCY ON COMMITTEE**

A vacancy occurs in the membership of the Committee when a Committee Member:

- (a) Dies
- (b) Resigns by notice in writing delivered to the President.
- (c) Is convicted of an offence under the Associations Incorporations Act 1987.
- (d) Is permanently incapacitated by mental or physical ill health.
- (e) is absent from more than;
  - i. Three consecutive committee meetings
  - ii. Three committee meetings in the same financial year, of which he or she has received notice without tendering an apology to the person presiding at each of those Committee, meetings; or
- (f) Ceases to be a member of the Association.

## **21. FILLING A VACANCY**

When a vacancy within the meaning of rule 16 occurs in the membership of the Committee –

- (a) The Committee may appoint a member to fill that vacancy; and
- (b) A member appointed under this subrule shall –
  - (i) Hold office until commencement of; and
  - (ii) Be eligible for election to membership of the committee at the next following Annual General Meeting.

## **22. REMOVAL OF COMMITTEE MEMBERS**

The Association in General Meeting may by special resolution remove any committee members before the expiration of their period of office and appoint another person in their stead this must be passed by no less than a 75% majority vote of eligible members at said meeting. The person so appointed shall for all purpose be treated as if they were appointed to a vacancy under rules 16 and 17.

## 23. MEETINGS OF THE COMMITTEE

- (a) The committee shall meet together for the dispatch of business so often as the President shall deem necessary. At least three days' notice (if possible) shall be given to each committee member and the committee may adjourn and otherwise regulate its meetings as it thinks fit.
- (b) At a committee meeting three committee members shall constitute a quorum.
- (c) At every meeting the President, and in his or her absence, the Vice-President shall preside.
- (d) Each committee member has a deliberate vote. A question arising at a committee meeting shall be decided by a majority of votes, but, if there is an equality of votes, the person presiding at the committee meeting shall have a casting vote in addition to his or her deliberate vote.
- (e) The President or any two committee members may at any time summon a meeting of the committee on any notice.

## 24. PAYMENTS TO COMMITTEE MEMBERS

In this rule —

- committee member*** includes a member of a subcommittee;
- committee meeting*** includes a meeting of a subcommittee.

A committee member is entitled to be paid out of the funds of the Association for any out-of-pocket expenses for travel and accommodation properly incurred —

- (a) in attending a committee meeting or
- (b) in attending a general meeting; or
- (c) otherwise in connection with the Association's business.

## 25. GENERAL MEETINGS

- (a) The Annual General Meeting of the Association shall be held between the first day of June and the last day of August each year on such date as the committee may determine.
- (b) The following shall be the order of business at every Annual General Meeting:
  - i) Members present and apologies

- (ii) Confirmation of the minutes of the last Annual General Meeting ( and of any General Meeting or meetings) held since the preceding Annual General Meeting.
  - (iii) Receipt of the Treasurer's report and the financial activities of the Association since the preceding Annual General Meeting. To be accompanied by a written detailed record of the Association's transactions since the preceding Annual General Meeting including opening and closing balances. Copies to be presented to all members.
  - (iv) The election of the committee.
  - (v) Any special business of which notice has been given or which is brought forward by the committee.
  - (vi) General business.
- (c) At all General Meetings 20% of members present in person, or by approved electronic means as defined in the Scarborough Sharks Cricket Club Bylaws as amended, shall constitute a quorum and if fifteen (15) minutes from the time appointed for the meeting, a quorum is not present, the meeting shall stand for a further fifteen (15) minutes. If, after this time, there is no quorum those members present shall be competent to discharge the business of the meeting subject to the number of members being a minimum of 5 five including at least 50% of the executive. If a quorum is still not present, the meeting shall stand adjourned to the same day and time in the next week and at such adjourned meeting those present shall form a quorum for all purposes. The meeting can also stand adjourned at the discretion of the executive if the minimum 20% quorum is not met.
- .
- (d) Resolutions must be carried by a majority of members present at any meeting. In the case of equality in votes, the President shall have a casting vote.
- (e) Every financial & life member shall be entitled to vote at every General Meeting & may appoint any other Financial & Life member to act as proxy, providing that this proxy is provided to the secretary in writing not less than 24 hours prior to the commencement of the General meeting.
- (f) No member shall be entitled to vote at any meeting or poll unless all monies due from him to the Association shall have been paid other than sums due for subscriptions for the current year.
- (g) Minutes of the proceedings of every General Meeting (whether annual or special) shall be entered and kept on-line on the clubs cloud storage platform and such minutes when approved by the President shall be conclusive evidence

that the proceedings minuted therein were regular and actually took place as minuted at a meeting duly convened and held and shall be binding on all the members of the Association except as to any Irregular proceedings so declared and annulled at a Special General Meeting called for that purpose and hold within three months after the holding of such a meeting.

## **26. NOTICE OF MEETINGS**

The Secretary shall give to all members not less than fourteen days' notice of a general meeting, extraordinary meeting or annual general meeting and of any motions or resolutions to be moved at the general meeting.

Notice shall be by email, text or mail, dependent on the member's preference recorded in the Register of Members. (Clause 8)

## **27. EXTRAORDINARY GENERAL MEETING**

An Extraordinary General Meeting may be called in one of the following ways:

- By resolution
- By petition in writing to the Secretary by no fewer than 20% of eligible ordinary members of the Association;
- By the President; or
- By resolution at a previous Annual General Meeting or Extraordinary General Meeting

The quorum shall consist of 20% members.

## **28. MINUTES**

The committee shall keep a log of minutes showing the resolutions proposed & passed & all other proceedings at their meetings.

- (1) The minutes must record the following —
- (a) the names of the committee members present at the meeting;
  - (b) the name of any person attending the meeting under rule 43(5);
  - (c) the business considered at the meeting;
  - (d) any motion on which a vote is taken at the meeting and the result of the vote.

- (2) The minutes of a committee meeting must be entered in the Association's minute book within 30 days after the meeting is held.
- (3) The chairperson must ensure that the minutes of a committee meeting are reviewed and signed as correct by —
  - (a) the chairperson of the meeting; or
  - (b) the chairperson of the next committee meeting.
- (4) When the minutes of a committee meeting have been signed as correct they are, until the contrary is proved, evidence that —
  - (a) the meeting to which the minutes relate was duly convened and held; and
  - (b) the matters recorded as having taken place at the meeting took place as recorded; and
  - (c) any appointment purportedly made at the meeting was validly made.

## **29. INSPECTION OF RECORDS**

Any ordinary member may at any reasonable time inspect without charge the books, documents and records of the Association.

## **30. VALIDATION OF ACTS OF COMMITTEE**

All acts done at any meeting of the committee shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment of the committee or any member thereof or that any member was disqualified, be as valid as if every such member had been properly appointed and was qualified to act as a committeeman.

## **31. DISSOLUTION**

The Association may be dissolved or wound up by a special resolution at any General Meeting called for such purpose and must be passed by no less than a 75% majority vote of eligible members at said meeting. At this time, the assets of the Association will be sold off to meet any liabilities incurred at the point of dissolution and the moneys distributed to charitable organization as approved by the Association members.

## **32. RULES FOR THE SALE OF LIQUOR**

In regard to the grant of a Association Restricted License pursuant to the Act, the following rules shall apply:

- No payment or part payment to any secretary, treasurer, manager or other officer or servant of the association shall be made by way of commission or allowance

from or upon the receipts of the association for liquor.

- No liquor shall be sold or supplied to any juvenile (i.e. any person under the age of 18)
- No stranger shall be permitted to use the association premises and no member or other person shall admit any stranger to use the association premises.
- No liquor may be sold or disposed of on Christmas day, Good Friday or before noon on Anzac day except as permitted under the provisions of the act.
- The association shall nominate a person as the approved manager/s pursuant to the provisions of section 100 of the Act.
- Where the approved manager is absent for periods in excess of those specified in section 100 of the Act, the association shall appoint a temporary manager and the relevant application shall be lodged with the Director of Liquor Licensing.

All staff occupying supervisory positions and staff engaged in the sale and supply of liquor are required to have successfully completed a course of training, approved by the Director of Liquor Licensing, in the responsible service of liquor, within a time frame as determined by the Director.

## 33. DISCIPLINARY ACTION, DISPUTES AND MEDIATION

### 33.1 Division 1 — Term used

#### Term used: member

In this Part —

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

### 33.2 Division 2 — Disciplinary action

#### 33.2.1 Suspension or expulsion

- (1) The committee may decide to suspend a member's membership or to expel a member from the Association if —
  - (a) the member contravenes any of these rules; or
  - (b) the member acts detrimentally to the interests of the Association.
- (2) The secretary 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 committee.
- (3) The notice given to the member must state —
  - (a) when and where the committee meeting is to be held; and
  - (b) the grounds on which the proposed suspension or expulsion is based; and
  - (c) 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;
- (4) At the committee meeting, the committee must —
  - (a) 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
  - (b) give due consideration to any submissions so made; and
  - (c) 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.
- (5) A decision of the committee to suspend the member's membership or to expel the member from the Association takes immediate effect.



- (6) The committee must give the member written notice of the committee's decision, and the reasons for the decision, within 7 days after the committee meeting at which the decision is made.
- (7) A member whose membership is suspended or who is expelled from the Association may, within 14 days after receiving notice of the Committee's decision under subrule (6), give written notice to the secretary requesting the appointment of a mediator under rule 23.
- (8) If notice is given under subrule (7), the member who gives the notice and the committee are the parties to the mediation.

### **33.2.2 Consequences of suspension**

- (1) During the period a member's membership is suspended, the member —
  - (a) loses any rights (including voting rights) arising as a result of membership; and
  - (b) is not entitled to a refund, rebate, relief or credit for membership fees paid, or payable, to the Association.
- (2) When a member's membership is suspended, the secretary must record in the register of members —
  - (a) that the member's membership is suspended; and
  - (b) the date on which the suspension takes effect; and
  - (c) the period of the suspension.
- (3) When the period of the suspension ends, the secretary must record in the register of members that the member's membership is no longer suspended.

## **33.3 Division 3 — Resolving disputes**

### **33.3.1 Terms used**

In this Division —

***grievance procedure*** means the procedures set out in this Division;

***party to a dispute*** includes a person —

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

### **33.3.2 Application of Division**

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

- (a) between members; or
- (b) between one or more members and the Association.

### **33.3.3 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.

### **33.3.4 How grievance procedure is started**

- (1) 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 secretary of —
  - (a) the parties to the dispute; and
  - (b) the matters that are the subject of the dispute.
- (2) Within 28 days after the secretary is given the notice, a committee meeting must be convened to consider and determine the dispute.
- (3) The secretary must give each party to the dispute written notice of the committee meeting at which the dispute is to be considered and determined at least 7 days before the meeting is held.
- (4) The notice given to each party to the dispute must state —
  - (a) when and where the committee meeting is to be held; and
  - (b) 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 committee about the dispute.
- (5) If —
  - (a) the dispute is between one or more members and the Association; and
  - (b) any party to the dispute gives written notice to the secretary stating that the party —
    - (i) does not agree to the dispute being determined by the committee; and
    - (ii) requests the appointment of a mediator under rule 23,the committee must not determine the dispute.

### **33.3.5 Determination of dispute by committee**

- (1) At the committee meeting at which a dispute is to be considered and determined, the committee must —
  - (a) give each party to the dispute, or the party's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the dispute; and
  - (b) give due consideration to any submissions so made; and
  - (c) determine the dispute.
- (2) The committee must give each party to the dispute written notice of the committee's determination, and the reasons for the determination, within 7 days after the committee meeting at which the determination is made.

- (3) A party to the dispute may, within 14 days after receiving notice of the committee's determination under subrule (1)(c), give written notice to the secretary requesting the appointment of a mediator under rule 23.
- (4) If notice is given under subrule (3), each party to the dispute is a party to the mediation.

### **33.4 Division 4 — Mediation**

#### **33.4.1 Application of Division**

- (1) This Division applies if written notice has been given to the secretary requesting the appointment of a mediator —
  - (a) by a member under rule 15(7); or
  - (b) by a party to a dispute under rule 20(5)(b)(ii) or 21(3).
- (2) If this Division applies, a mediator must be chosen or appointed under rule 23.

#### **33.4.2 Appointment of mediator**

- (1) The mediator must be a person chosen —
  - (a) if the appointment of a mediator was requested by a member under rule 15(7) — by agreement between the Member and the committee; or
  - (b) if the appointment of a mediator was requested by a party to a dispute under rule 20(5)(b)(ii) or 21(3) — by agreement between the parties to the dispute.
- (2) If there is no agreement for the purposes of subrule (1)(a) or (b), then, subject to subrules (3) and (4), the committee must appoint the mediator.
- (3) The person appointed as mediator by the committee must be a person who acts as a mediator for another not-for-profit body, such as a community legal centre, if the appointment of a mediator was requested by —
  - (a) a member under rule 15(7); or
  - (b) a party to a dispute under rule 20(5)(b)(ii); or
  - (c) a party to a dispute under rule 21(3) and the dispute is between one or more members and the Association.
- (4) The person appointed as mediator by the committee may be a member or former member of the Association but must not —
  - (a) have a personal interest in the matter that is the subject of the mediation; or
  - (b) be biased in favour of or against any party to the mediation.

#### **33.4.3 Mediation process**

- (1) The parties to the mediation must attempt in good faith to settle the matter that is the subject of the mediation.
- (2) 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.
- (3) In conducting the mediation, the mediator must —
  - (a) give each party to the mediation every opportunity to be heard; and
  - (b) allow each party to the mediation to give due consideration to any written statement given by another party; and
  - (c) ensure that natural justice is given to the parties to the mediation throughout the mediation process.
- (4) The mediator cannot determine the matter that is the subject of the mediation.
- (5) 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.
- (6) The costs of the mediation are to be paid by the party or parties to the mediation that requested the appointment of the mediator.

#### **33.4.5 If mediation results in decision to suspend or expel being revoked**

If —

- (a) mediation takes place because a member whose membership is suspended or who is expelled from the Association gives notice under rule 15(7); and
- (b) 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 committee meeting or general meeting during the period of suspension or expulsion.