

THE CONSTITUTION OF
NARARA-WYOMING
CRICKET CLUB INCORPORATED

30 July 1989
7 October 1998 (Amendment 1)
18 June 2017 (Amendment 2)

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1. INTERPRETATION

1.1 In these rules, except in so far as the context or subject matter otherwise indicates or requires :-

- (a) NWCC - means Narara-Wyoming Cricket Club Incorporated.
- (b) Ordinary Member - means an ordinary member of the committee who is not an office bearer of the NWCC as referred to in rule 11.2.
- (c) Secretary - means the person holding office under these rules as secretary of the NWCC; or where no such person holds that office - the public officer of the NWCC.
- (d) Special General Meeting - means a general meeting of the NWCC other than the Annual General Meeting.
- (e) The Act - means the Incorporated Associations Act 2009.

1.2 In these rules,

- (a) A reference to a function includes a reference to a power, authority and duty; and,
- (b) A reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

2. MEMBERSHIP OF THE NWCC

2.1 Categories of membership.

- (a) Office bearers.
- (b) Committee members.
- (c) Delegate members.
- (d) Life members.
- (e) Playing members.
- (f) Non playing members.
- (g) Patron(s).

2.2 Qualification.

A person is a member of the NWCC if that person is described under rule (1.1) above, and is subject to rule (3).

- (a) Office bearer - elected as per rule (11.2).
- (b) Committee members - elected as per rule (11.1).
- (c) Delegate members - these are sub-committee members appointed by any sub-committee of the NWCC which are under the control and direction of the NWCC.
- (d) Life members - elected as per NWCC's by-laws.
- (e) Playing members - persons who have signed the Central Coast Cricket Association (CCCA) registration form (this includes parents or guardians who have signed on behalf of a player who is under the age of 18yrs).
- (f) Non playing members - any person that abides by the objects, constitution and by-laws of the NWCC.
- (g) Patron - elected as per NWCC's by-laws.

2.3 Membership is granted to those mentioned in rule (1.3) dependent upon them fulfilling the requirements as per rule (7).

2.4 The committee shall determine whether or not to accept any nomination from a person mentioned in rule (1.3)(e) and (f).

3. CESSATION OF MEMBERSHIP

3.1 A person ceases to be a member of the NWCC if the person :-

- (a) dies;
- (b) resigns that membership;
- (c) is expelled from the NWCC; or,
- (d) fails to renew membership.

4. MEMBERSHIP ENTITLEMENTS NOT TRANSFERABLE

4.1 A right, privilege or obligation which a person has by reason of being a member of the NWCC :-

- (a) is not capable of being transferred or transmitted to another person; and,
- (b) terminates upon cessation of the person's membership.

5. RESIGNATION OF MEMBERSHIP

5.1 A member of the NWCC is not entitled to resign that membership except in accordance with this rule.

5.2 A member of the NWCC who has paid all amounts payable by the member to the NWCC in respect of the member's membership may resign from membership of the NWCC by first giving notice (being not less than 1 month or not less than such other period as the committee may determine) in writing to the secretary of the member's intention to resign and, upon the expiration of the period of notice, the member ceases to be a member.

5.3 Where a member of the NWCC ceases to be a member pursuant to clause (3.1), and in every other case where a member ceases to hold membership, the secretary shall make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

6. REGISTER OF MEMBERS

6.1 The secretary of the NWCC shall establish and maintain a register of members of the NWCC specifying the name, address, date of birth and phone number of each person who is a member of the NWCC together with the date on which the person became a member.

6.2 The register of members shall be kept at the principal place of administration of the NWCC, and shall be open for inspection free of charge, by any member of the NWCC at any reasonable hour. The register of members may be kept in an electronic format.

7. FEES AND SUBSCRIPTIONS

7.1 A member of the NWCC shall, upon admission to membership, pay to the NWCC a fee in accordance with the Fee Payment Schedule.

7.2 The liability of a member of the NWCC to contribute towards the payment of the debts and liabilities of the NWCC or the cost, charges and expenses of the winding up of the NWCC is limited to the amount, if any, unpaid by the member in respect of membership of the NWCC as required by rule (32).

8. DISCIPLINING OF MEMBERS

8.1 Where the committee is of the opinion that a member of the NWCC has allegedly:

- (a) Breached, failed, refused or neglected to comply with a provision of this Constitution, the By-laws or any resolution or determination of the committee or any duly authorised committee; or
- (b) acted in a manner unbecoming of a member, or prejudicial to the purposes and interests of the Club and/or Cricket; or
- (c) brought the Club, any other member or Cricket into disrepute;

The committee may, by resolution, expel the member from the NWCC or suspend the member from membership of the NWCC for a specified period.

8.2 Where the committee passes a resolution under clause (8.1), the secretary shall, as soon as practicable, cause a notice in writing to be served on the member:-

- (a) setting out the resolution of the committee and the grounds on which it is based;
- (b) stating that the member may address the committee at a meeting to be held not earlier than fourteen (14) days and not later than twenty eight (28) days after service of the notice;
- (c) stating the date, place and time of that meeting; and,
- (d) informing the member that the member may do either or both of the following:
 - (i) attend and speak at that meeting;
 - (ii) submit to the committee at or prior to the date of that meeting, written representations relating to the resolution.

8.3 At a meeting of the committee held as referred to in clause (8.2), the committee shall:-

- (a) give to the member an opportunity to make oral representations;
- (b) give due consideration to any written representations submitted to the committee by the member at or prior to the meeting; and,
- (c) by resolution determine whether to confirm or to revoke the resolution.

8.4 Where the committee confirms a resolution under clause (8.3), the secretary shall, within 7 days after that confirmation, by notice in writing inform the member of the fact and of the member's right of appeal under rule 11.

8.5 A resolution confirmed by the committee under clause (8.3) does not take effect:-

- (a) until the expiration of the period within which the member is entitled to appeal against the resolution where the member does not exercise the right of appeal within that period; or,
- (b) where within that period the member exercises the right of appeal, unless and until the NWCC confirms the resolution pursuant to clause (8.3).

9. RIGHT OF APPEAL OF DISCIPLINED MEMBER

9.1 A member may appeal to the NWCC in general meeting against a resolution of the committee which is confirmed under rule (8.3), within seven (7) days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.

9.2 Upon receipt of a notice from a member under clause (8.4), the secretary shall notify the committee which shall convene a general meeting of the NWCC to be held within twenty one (21) days after the date on which the secretary received the notice.

9.3 At a general meeting of the NWCC convened under clause (9.2):-

- (a) no business other than the question of the appeal shall be transacted;
- (b) the committee and the member shall be given the opportunity to state their respective cases orally or in writing; or both; and,
- (c) the members present shall vote by secret ballot on the question of whether the resolution should be confirmed or revoked.

9.4 If at the general meeting the NWCC passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

10. POWERS OF THE COMMITTEE

10.1 The committee shall be called the Committee of Management of the NWCC, subject to the Act, the Regulation and these rules, and to any resolution passed by the NWCC in general meeting:-

- (a) shall control and manage the affairs of the NWCC;
- (b) may exercise all such functions as may be exercised by the NWCC other than those functions that are required by these rules to be exercised by a general meeting of members of the NWCC; and,
- (c) has power to perform all such acts and do such things as to appear to the committee to be necessary or desirable for the proper management of the affairs of the NWCC.

11. COMMITTEE AND MEMBERSHIP

11.1 The Committee shall comprise:

- (a) the office bearers of the NWCC: and,
- (b) no less than six (6) ordinary members, each of whom shall be elected at the annual general meeting of the NWCC pursuant to rule (18.3).

11.2 The office bearers of the NWCC shall be:

- (a) the president;
- (b) the vice president;
- (c) the treasurer;
- (d) the secretary; and,
- (e) the recorder.

11.3 Roles and responsibilities of roles are described in the document NWCC Policy Document, Position Requirements and Descriptions.

12. ELECTION OF COMMITTEE MEMBERS

12.1 Nominations of candidates for election as office bearers of the NWCC or as ordinary members of the committee:-

- (a) shall be in writing, signed by two (2) members of the NWCC and accompanied by the written consent of the candidate (which) may be endorsed on the form of nomination; and,
- (b) shall be delivered to the secretary of the NWCC not less than seven (7) days before the date fixed for the holding of the annual general meeting at which the election is to take place.

12.2 If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated shall be deemed to be elected and further nominations shall be received at the annual general meeting.

12.3 If insufficient further nominations are received, any vacant positions remaining on the committee shall be deemed to be casual vacancies.

12.4 If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.

12.5 If the number of nominations received exceeds the number of vacancies to be filled, a ballot shall be held.

12.6 The ballot for election for office bearers and ordinary members of the committee shall be conducted at the annual general meeting in such usual and proper manner as the committee may direct.

12.7 A nomination of a candidate for election under this clause is not valid if that candidate has been nominated for election to another office at the same election.

13. CASUAL VACANCIES

13.1 For the purposes of these rules, a casual vacancy in the office of a member of the committee occurs if the member:

- (a) dies;
- (b) ceases to be a member of the NWCC;
- (c) resigns office by notice in writing given to the secretary;
- (d) is removed from office under rule (14);
- (e) becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health; or,
- (f) is absent without the consent of the committee from three (3) consecutive meetings all held during a period of three (3) months.

14. REMOVAL OF A MEMBER

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

14.2 Where a member of the committee to whom a proposed resolution referred to in clause (14.1) relates makes representations in writing to the secretary or president (not exceeding a reasonable length) and requests that the representations be notified to the members of the NWCC, the secretary or president may send a copy of the representations to each member of the NWCC, or if the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

15. COMMITTEE MEETINGS AND QUORUM

15.1 The committee shall meet at least three (3) times in each period of twelve (12) months at such place and time as the committee may determine for the purpose of a general meeting.

15.2 Additional meetings of the committee may be convened by any member of the committee.

15.3 Written or oral notice of a general meeting or special general meeting of the committee shall be given by the secretary to each member of the committee at least forty eight (48) hours before the time appointed for the holding of the meeting.

15.4 Notice of a special general meeting given under clause (19) shall specify the general nature of the business to be transacted at the meeting and no business other than that business shall be transacted at the meeting, except business which the committee members present at the meeting unanimously agree to treat as urgent business.

15.5 For the transaction of the business of a meeting of the committee, a number greater than 50% of the elected committee (executive and ordinary members) in attendance shall constitute a quorum.

15.6 No business shall be transacted by the committee unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present, the meeting stands adjourned until the time and place as advised by the Secretary.

15.7 If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting shall be dissolved.

15.8 At a meeting of the committee:-

- (a) the president or, in the president's absence, the vice president shall preside; or,
- (b) if the president and the vice president are absent or unwilling to act such, one of the remaining members of the committee as may be chosen by the members present at the meeting shall preside.

16. DELEGATION BY COMMITTEE TO SUB-COMMITTEE

16.1 The committee may, by Instrument in Writing, delegate to one or more sub-committee's (consisting of such member or members of the NWCC as the committee thinks fit) the exercise of such of the functions of the committee as are specified in the Instrument, other than:-

- (a) this power of delegation; and,
- (b) a function which is a duty imposed on the committee by the Act, or by any other law.

16.2 A function the exercise of which has been delegated to a sub-committee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of delegation.

16.3 A delegation under this section may be made subject to such conditions or limitations as to the exercise of any function the subject thereof, or as to time or circumstances, as may be specified in the Instrument of Writing.

16.4 Notwithstanding any delegation under this rule, the committee may continue to exercise any function delegated.

16.5 Any act, or thing done or suffered by a sub-committee acting in the exercise of a delegation under this rule has the same force and effect as it would if it had been done or suffered by the committee.

16.6 The committee may, by Instrument in Writing, revoke wholly or in part any delegation under this rule.

16.7 A sub-committee may meet and adjourn as it thinks proper.

16.8 One of the sub-committees formed shall be a sub-committee formed for the purposes of the management and promotion of junior cricket. That sub-committee shall be known as the Narara-Wyoming Junior Cricket Club (NWJCC).

17. VOTING, DECISIONS & PROXIES

17.1 Questions arising at a meeting of the committee or of any sub-committee appointed by the committee shall be determined by a majority of the votes of members of the committee or sub-committee present at the meeting.

17.2 Each member of the committee or of any sub-committee appointed by the committee is entitled to one vote. This vote may be submitted to the Secretary electronically no less than 24 hours prior to the commencement of the meeting, either by email or SMS. In the event of an equality of votes on any matter, the chairperson may exercise a casting vote. If the chairperson does not exercise a casting vote the motion will be lost.

17.3 Subject to clause (13), the committee may act notwithstanding any vacancy on the committee.

17.4 A member shall be entitled to appoint in writing a natural person who is also a Member of the club to be their proxy, and attend and vote at a general meeting of the club. No member may hold more than five (5) proxies.

18. ANNUAL GENERAL MEETING

18.1 The NWCC shall, once in each calendar year and within the period of six (6) months after expiration of each financial year of the NWCC, convene an annual general meeting of its members. The meeting shall, in accordance with the Act and this Constitution, be convened on such date, time and place that the committee determines.

18.2 The financial year of the NWCC shall be from 1 June to 31 May each year.

18.3 In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting shall be:-

- a) to confirm the minutes of the preceding annual general meeting and of any special general meeting held since that last meeting;
- b) to receive from the committee, reports upon the activities of the NWCC during the last preceding financial year;
- c) to elect office bearers of the NWCC and ordinary members of the committee.

19. SPECIAL GENERAL MEETINGS

19.1 The committee shall, whenever it thinks fit, convene a special general meeting of the NWCC.

19.2 The committee shall, on the requisition in writing of not less than five (5) per cent of the total number of members, convene a special general meeting of the NWCC.

19.3 A requisition of members for a special general meeting:-

- (a) shall state the purpose of the meeting;
- (b) shall be signed by the members making the requisition;
- (c) shall be lodged with the secretary; and,
- (d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.

19.4 If the committee fails to convene a special general meeting to be held within one (1) month after that date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than three (3) months after that date.

19.5 A special general meeting convened by a member or members as referred to in clause (18.2) shall be convened as nearly as is practicable in the same manner as general meetings are convened by the committee and any member who thereby incurs expense is entitled to be reimbursed by the NWCC for any expense incurred.

20. SPECIAL RESOLUTIONS

20.1 A resolution of the NWCC is a special resolution if:

- (a) It is passed by a majority which comprises not less than three-quarters of such members of the NWCC as, being entitled under these rules so to do, vote in person or by proxy at a general meeting of which not less than twenty one (21) days written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these rules; or,
- (b) where it is made to appear to the committee that it is not possible or practicable for the resolution to be passed in the manner specified in paragraph (a) - the resolution should not be changed.

21. NOTICE

21.1 The secretary shall, at least twenty one (21) days before the date fixed for the holding of a general meeting, send to each member at the member's address appearing in the register of member, a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.

21.2 Notice of a General Meeting shall be given to those Members entitled to receive notice, together with;

- a) The agenda for the meeting; and
- b) Any notice of motion received from Members entitled to vote.

21.3 A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who shall include that business in the next notice calling a general meeting given after receipt of the notice from the member.

21.4 Notices can be sent by pre-paid post, facsimile transmission, electronic email or SMS to the Member's relevant contact address or phone number. Service of postal notices shall be deemed to be effective three (3) days after posting. Facsimile transmission, electronic email and SMS service of notices shall be deemed to be effective one (1) days after it was sent.

22. PROCEEDINGS AT GENERAL MEETINGS

22.1 No item of business shall be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.

22.2 Ten (10) members present in person (being members entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.

22.3 If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than three (3)) shall constitute a quorum.

23. PRESIDING MEMBER

23.1 The president or, in the president's absence, the vice president shall preside as chairperson at each general meeting of the NWCC.

23.2 If the president and the vice president are absent from a general meeting or unwilling to act, the members present shall elect one of their number to preside as chairperson at the meeting.

24. ADJOURNMENT

24.1 If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting if convened upon the requisition of members shall be dissolved and in any other case shall stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.

24.2 The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

24.3 Where a general meeting is adjourned for fourteen (14) days or more, the secretary shall give written or oral notice of the adjourned meeting to each member of the NWCC stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.

24.4 Except as provided in clauses (24.1) and (24.2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

25. MAKING OF DECISIONS

25.1 A question arising at a general meeting of the NWCC shall be determined on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to the effect in the minute book of the NWCC, is evidence of the fact without proof of the number or proportion of votes recorded in favour of or against that resolution.

25.2 At a general meeting of the NWCC, a poll may be demanded by the chairperson or by not less than three (3) members present in person or by proxy at the meeting.

25.3 Where the poll is demanded at a general meeting, the poll shall be taken:-

- (a) immediately in the case of a poll which relates to the election of the chairperson of the meeting or to the question of the adjournment; or,
- (b) in any other case, in such manner and at such time before the close of the meeting as the chairperson directs, and the resolution of the poll on the matter shall be deemed to be the resolution of the meeting on that matter.

26. VOTING AND PROXIES AT GENERAL MEETINGS

26.1 Upon a question arising at a general meeting of the NWCC, a member has one (1) vote only.

26.2 All votes shall be given personally, by proxy, or submitted to the Secretary electronically no less than 24 hours prior to the commencement of the meeting either by email or SMS. No member may hold more than five (5) proxies.

26.3 In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.

26.4 A member or proxy is not entitled to vote at any general meeting of the NWCC unless all money due and payable by the member or proxy to the NWCC has been paid, other than the amount of the annual subscription payable in respect of the then current year.

26.5 Each member shall be entitled to appoint another member as proxy by notice given to the secretary no later than twenty four (24) hours before the time of the meeting in respect of which the proxy is appointed.

26.6 The notice appointing the proxy shall be in the form set out in Appendix 1 to these rules.

27. INCOME

27.1 The funds of the NWCC shall be derived from entrance fees and annual subscriptions of members, donations and, subject to any resolution passed by the NWCC in general meeting, such sources as the committee determines.

27.2 All money received by the NWCC shall be deposited as soon as practicable and without deduction to the credit of the NWCC's bank accounts.

27.3 The NWCC shall, as soon as practicable after receiving any money, issue an appropriate receipt.

27.4 Subject to any resolution passed by the NWCC in general meeting, the funds of the NWCC shall be used in pursuance of the objects of the NWCC in such manner as the committee determines.

27.5 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any two (2) members of the committee or employees of the NWCC, being members or employees authorised to do so by the committee.

27.6 The A properly qualified auditor or auditors shall be appointed by the Club in a general meeting. The auditor's duties shall be regulated in accordance with the Act. If no relevant provisions exist under the Act the duties shall be regulated in accordance with the Corporations Act 2001 (Cth.) and generally accepted principles and/or any applicable code of conduct. The auditor may be removed by the Club in a general meeting.

28. ALTERATIONS TO CONSTITUTION

28.1 The statement of objects and these rules may be altered, rescinded or added to only by special resolution of the NWCC.

29. COMMON SEAL

29.1 The common seal of the NWCC shall be kept in the custody of the public officer or secretary, as may be deemed appropriate by the committee.

29.2 The affixing of the common seal shall not take place except by the authority of the committee, and the affixing of the common seal shall be attested by the signatures either of two (2) members of the committee or of one (1) member of the committee and of the public officer or secretary.

30. RECORDS AND ACCOUNTS

30.1 Except as otherwise provided by these rules, the Secretary shall keep in his or her custody or under his or her control all records, books and other documents relating to the NWCC. These may be kept in an electronic format.

30.2 The records, books and other documents of the NWCC shall be open to inspection, free of charge, by a member of the NWCC at any reasonable hour.

31. WINDING UP

31.1 Subject to this Constitution, the Club may be wound up in accordance with the Act.

31.2 The liability of the Members of the Club is limited.

31.3 Every Member undertakes to contribute to the assets of the Club in the event of it being wound up while a Member, or within one year after ceasing to be a Member, for payment of the debts and liabilities of the Club contracted before the time at which they ceased to be a Member and towards the costs, charges and expenses of winding up the Club, such an amount not exceeding one dollar (\$1.00).

31.4 In the event of the winding up of the NWCC, or the cancellation of its incorporation, all surplus property of the NWCC in accordance with this Constitution and the Act will vest in the Central Coast Cricket Association (CCCA).

32. INDEMNITY

32.1 Every director and employee of the Club will be indemnified out of the property and assets of the Club against any liability incurred by them in their capacity as director or employee in defending any proceedings, civil or criminal, in which judgement is given in their favour or in which they are acquitted or connected with any application in relation to any such proceedings in which relief is granted by the Court.

32.2 Subject The Club shall indemnify its directors or employees against all damages and losses (including legal costs) for which any such director or employee may be or become liable to pay any third party in consequence of any act or omission, except willful misconduct:

- a) In the case of a director, performed or made while acting on behalf of and with the authority, express or implied, of the Club; or
- b) In the case of an employee, performed or made in the course of, and within the scope of, their employment of the Club.

APPENDIX 1

FORM OF APPOINTMENT OF PROXY

I, (full name)

of (full address)

being a member of **Narara-Wyoming Cricket Club Incorporated**

hereby appoint (full name of proxy)

of (full address of proxy)

being a member of that Incorporated Association, as my proxy to vote for me on my behalf at the General meeting of the Club (Annual General Meeting or Special General meeting as the case may be), to be held on theday of....., 20..... and at any adjournment of that meeting.

* My proxy is authorised to vote in favour/against (delete as appropriate) the resolution (insert details).

.....

*** To be inserted as desired.**

..... Signature of member appointing proxy.

..... date.

NOTE : **A proxy vote may not be given to a person who is not a member of the Club.**