



THE CONSTITUTION OF THE NORTH SYDNEY DISTRICT CRICKET CLUB

2023 (DRAFT for approval)θ

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1. Name

The name of the Association shall be "NORTH SYDNEY DISTRICT CRICKET CLUB INCORPORATED" (the Club).

2. Objects

The objects of the Club shall be to control, promote and govern ~~games of~~ cricket ~~matches~~ in which teams representing the Club participate, including but without limiting the generality thereof, ~~games organised~~, conducted or managed by the Sydney Cricket Association.

3. Interpretation

In these ~~R~~rules, except so far as the context or subject matter otherwise indicates or requires:

- i) ~~W~~words importing the singular include the plural and vice versa;
- ii) ~~Words importing one gender include the any other gender;~~
- iii)ii) "The Act" means the Associations Incorporations Act, 2009¹; ~~(changed by Special Resolution AGM 27/07/2013).~~
- iv)iii) "The Commission" means ~~the NSW Fair Trading, a division of the NSW Department of Finance, Services and Innovation NSW Office of Fair Trading constituted by the Associations Incorporations Act, 2009 and certified as the form of that legislation that is correct under section 45C of the Interpretation Act, 1987² (changed by Special Resolution AGM 27/07/2013);~~
- iv) "~~Member~~" means any member of the Club, incorporating all classes of membership listed in clause 5(c);
- v) "Honorary Secretary" means:
 - A. The person holding office under these ~~R~~rules as Secretary of the Club; or
 - B. Where no such person holds that office, ~~the~~ the Public Officer of the Club;
- vi) "Sydney Cricket Association" means the Sydney Cricket Association Incorporated;
- vii) "property" includes real and personal property, any estate or interest in any property, real or personal, any debt, anything in action, and any other right or interest, whether in possession or not;
- viii) "~~s~~Special ~~G~~general ~~m~~Meeting" means a ~~general meeting~~ General Meeting of the Club other than an Annual General Meeting; ~~and~~
- ix) Incapacitated means unable to fulfil duties as required by this Constitution or the Act, including being unable to:

¹ changed by Special Resolution AGM 27/07/2013

² changed by Special Resolution AGM 27/07/2013

- A. understand the information relevant to the decisions that will have to be made in the role of a member of the Management Committee;
- B. retain that information to the extent necessary to make those decisions;
- C. use or weigh that information as part of the decision making process; or
- ~~A-D.~~ communicate the decisions in some way.-

4. Club Colours and Playing Dress

- (a) The colours of the Club will be RED, BLACK and WHITE³ ~~(colours were changed by Separate Special Resolution at AGM in July, 2000).~~
- (b) All ~~m~~Members participating in games of cricket on behalf of the Club will appear in proper cricketing attire. ~~All boots, shoes, trousers, shirts, jumpers and hats worn by players representing the Club will be white in colour, provided that jumpers may contain bands of the Club's colours in a design as approved by the Management Committee.~~
- (c) ~~Caps~~ All playing and training apparel worn by players representing the Club will contain the Club's colours, ~~will and~~ be of such design as approved by the Management Committee and will be approved by the New South Wales Cricket Association as required.
- (d) The design of emblems and badges permitted to be fixed to a player's dress will be as determined by the Management Committee and approved by the New South Wales Cricket Association.
- (e) Subject to the approval of the New South Wales Cricket Association, the Management Committee may ~~authori~~size the wearing of apparel not in accordance with clause (b) hereof provided that the Management Committee shall not be empowered to ~~authori~~size or approve any alteration of the Club's colours.

5. Membership

- (a) Subject to these ~~R~~rules the ~~m~~Members of the Club shall be comprised of the members of the Club immediately prior to incorporation together with such other persons as the Management Committee admits to membership or who are elected to life membership pursuant to Rule ~~66~~.
- (b) Membership is open to all persons who accept the objects and agree to be bound by the ~~R~~rules of the Club.
- (c) Members shall consist of the following classes:
 - i) ~~Aa~~ **Patron**, a **President** and an unlimited number of **Vice Presidents** who shall be entitled to attend and vote at all General Meetings of the Club~~:-~~
 - ii) **Active Members** - those persons who have paid a membership subscription fee in accordance with clause (h) and who shall have full rights and privileges of the Club~~:-~~

³ colours were changed by Separate Special Resolution at AGM in July 2000

- iii) **Life Members** - those persons who have been elected as Life Members of the Club in accordance with Rule 6 and who shall have full rights and privileges of the Club;
 - iv) **Associate ~~&~~ Practice Members** - those persons who pay a membership subscription fee in accordance with clause (h) but do not have all rights and privileges of Active Members; ~~and~~
 - v) **Honorary Members** - those persons who each year are approved by the Management Committee to have the rights and privileges of Associate Members without the payment of a membership subscription fee.
- (d) The Patron, President and all Vice Presidents shall be elected by all the eligible ~~m~~Members of the Club at the Annual General Meeting each year. A Senior Vice President will be elected to represent all Vice Presidents on the Management Committee of the Club at the Annual General Meeting each year.
 - (e) Except in the case of the Patron, President, all Vice Presidents, Life and Honorary Members, applications for membership shall be made in ~~writing signed by the applicant and shall be in~~ such form and contain such information as is determined from time to time by the Management Committee.
 - (f) As soon as practicable after the receipt of an application for membership, such application shall be considered by the Management Committee who shall thereupon determine upon the admission or rejection of the applicant. The Management Committee shall not be required to give any reason or explanation for rejecting any application for admission.
 - (g) A register of ~~m~~Members shall be kept by the Secretary of the Club, showing the name, address and date of commencement of membership for each ~~M~~member.
 - (h) Both Active and Associate Members shall pay such membership subscription fees as are determined from time to time by the Management Committee.
 - (i) Membership shall cease upon resignation, expulsion, or failure to pay membership subscription fees by 30th November in each year or such other date as may be determined by the Management Committee.
 - (j) Membership subscription fees shall fall on the last Saturday of September in each year or such other date as may be determined by the Management Committee.
 - (k) The 12 months commencing on 1st September each year will constitute the "cricket year".
 - (l) When a person is admitted for part only of the cricket year such ~~M~~member will pay membership fees for membership up to the end of that cricket year as determined by the Management Committee.
 - (m) The Management Committee may at its discretion waive payment of any membership subscription or playing fee payable by a ~~m~~Member.
 - (n) The financial year of the Club shall commence on 1st May of each year or on such other date as approved by the New South Wales Cricket Association.

6. Life Members

A person may be elected a Life Member of the Club at any Annual General Meeting by a majority of 75 per cent of those Members of the Club entitled to vote, present and voting. No person shall be elected as a Life Member of the Club unless his or her nomination for such election is recommended by the Management Committee.

7. Members' Liability

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

8. Management by Committee

- (a) The affairs of the Club shall be controlled and managed by a Management Committee consisting of the Office-bearers and a maximum of 8 other Active or Life Members of the Club.
- (b) The Office-bearers of the Club shall consist of the President, a Senior Vice President, Honorary Secretary, Assistant Honorary Secretary, Honorary Treasurer, Assistant Honorary Treasurer and the Delegates to the Sydney Cricket Association, who will be elected by eligible Members at each Annual General Meeting.
- (c) The Office-bearers and the other members of the Management Committee will be elected at each Annual General Meeting. Any casual vacancy occurring in the Management Committee may be filled by a Member appointed by the Management Committee and such Member shall hold office until the conclusion of the immediately following Annual General Meeting.
- (d) Members of the Management Committee shall hold office from the conclusion of the Annual General Meeting at which they were elected until the conclusion of the immediately following Annual General Meeting.
- (e) Retiring members of the Management Committee are eligible for re-election.
- (f) A Member of the Club holding any salaried office of the Club or any office of the Club paid by fees will not be eligible for election to the Management Committee⁴. ~~(changed by Special Resolution AGM 27/07/2013)~~
- (g) No remuneration or other benefit in money or money's worth shall be paid or given by the Club to any member of the Management Committee except:
 - i) repayment of out-of-pocket expenses;
 - ii) interest at a rate not exceeding interest at the rate for the time being which is or would be charged by the Club's bankers for money lent to the Club; and
 - iii) reasonable and proper rent for premises let to the Club.

⁴ changed by Special Resolution AGM 27/07/2013

- (h) Subject to clause (i) a person who is an elected Office-bearer of the Club and is not an Active or Life Member of the Club is not eligible for election to the Management Committee.
- (i) The ~~p~~Patron is eligible for election to the Management Committee and to hold a position on the Management Committee concurrently with the position of Patron.
- (j) The Management Committee has the power to elect Vice Presidents of the Club, who need not be ~~M~~Members of the Club. Vice Presidents shall be elected annually, the term of their election to accord with the cricket year of the Club.
- (k) Subject to the Act and the Regulations made there under, to these Rules, and to any resolution passed by the Club in ~~a general meeting~~General Meeting, the Management Committee:
 - i) may exercise all such functions as may be exercised by the Club other than those functions that are required by these Rules or the Act to be exercised by a ~~general meeting~~General Meeting of ~~m~~Members of the Club~~;~~ and
 - ii) has power to perform all such acts and do all such things as appear to the Management Committee to be necessary or desirable for the proper control and Management of the affairs of the Club.
- (l) The Management Committee may appoint any ~~S~~alaried ~~o~~Officer of the Club to ~~at~~the Grading Committee⁵ ~~(approved by Special Resolution AGM 27/07/2013)~~.

9. Delegates to the Sydney Cricket Association

~~There shall be two delegates of the~~The Club shall elect the number of delegates to the Sydney Cricket Association ~~as~~ provided ~~for~~ by the ~~present~~ rules of the Association as at the date of each Annual General Meeting.

10. Meetings of the Management Committee Procedure

- (a) The Management Committee shall meet as often as is necessary to conduct the business of the Club, but in any event not less than once every 2 months.
- (b) The quorum for meetings of the Management Committee shall be 7.
- (c) In the event of a vacancy or vacancies in the members of the Management Committee, the remaining members may continue to act, but if the number of remaining members is not sufficient to constitute a quorum at a meeting of the Management Committee, they may act only for the purpose of appointing new members of the Management Committee to at least the numbers of members required to constitute a quorum.
- (d) Notice of Management Committee meetings shall be given at the previous Management Committee meeting or by such other means as the Management Committee may determine.
- (e) At a meeting of the Management Committee:
 - i) ~~T~~he President shall preside as chair~~person~~man of the meeting; or

⁵ approved by Special Resolution AGM 27/07/2013

- ii) ~~if~~ the President is absent or unwilling to act as a chairperson such one of the remaining members of the Management Committee as may be chosen by the members present at the meeting shall preside as chairperson.
- (f) Questions arising at any meeting of the Management Committee shall be decided by the majority of votes of those members of the Management Committee present. In the case of an equality of votes the person presiding as chairperson of the meeting shall have a second or casting vote.
- (g) A person may attend a meeting of the Management Committee at the invitation of any of the Office-bearers or at the invitation of the Management Committee.
- (h) The Management Committee shall have the power to invite ~~4~~any external delegate from: ~~LANE COVE CRICKET CLUB (M & S) and NORTH SYDNEY LADIES CRICKET ASSOCIATION~~ to attend meetings of the Management Committee. Such delegates will have no power to vote on matters appertaining to the business of the Club.
- (i) Any act or thing done or suffered, or purporting to have been done or suffered, by the Management Committee is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any members of the Management Committee.

11. Management Committee – Vacation of Office

The office of a member of the Management Committee shall become vacant if the member:

- i) ~~D~~dies;
- ii) ~~c~~Ceases to be ~~m~~Member of the Club;
- iii) ~~b~~Becomes an insolvent under administration within the meaning of the Companies (New South Wales) Code;
- iv) ~~R~~esigns office by notice in writing given to the Honorary Secretary;
- v) after reasonable consideration, is determined by the Management Committee to have become Incapacitated and the Management Committee reasonably expects the Director will remain Incapacitated for a period exceeding 3 months, provided always that:
 - A. the member is first given the opportunity to make written or oral submissions to the Management Committee before a determination is made; and
 - B. any determination made under this clause v) shall be made with the Management Committee acting reasonably.
- ~~v) Becomes of unsound mind or a person who is or whose estate is liable to be dealt with in any way under the law relating to mental health~~
- vi) ~~h~~is absent from 3 successive Management Committee meetings without reasonable excuse or without the approval of the Management Committee.

12. General Meeting

- (a) The quorum for ~~general meeting~~General Meetings of the Club shall be 20 ~~financial~~Members.
- (b) Except where the nature of the business proposed to be dealt with at a ~~general meeting~~General Meeting requires a special resolution of the Club, the Honorary Secretary shall, at least 14 days before the date fixed for the holding of the ~~general meeting~~General Meeting, serve on each ~~M~~Member a notice, specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (c) Where the nature of the business proposed to be dealt with at a ~~general meeting~~General Meeting requires a special resolution of the Club, the Honorary Secretary shall, at least 21 days before the date fixed for the holding of the ~~general meeting~~General Meeting, serve a notice on each ~~M~~Member specifying in addition to the information required under clause (b) the intention to propose the resolution as a special resolution.
- (d) No business other than specified in the notice convening a ~~general meeting~~General Meeting shall be transacted at the meeting except, in the case of an Annual General Meeting, business which may be transacted pursuant to ~~R~~rule 13(b)14(b).
- (e) A ~~M~~Member desiring to bring any business before a ~~general meeting~~General Meeting may give notice in writing of that business to the Honorary Secretary who shall include that business in the next notice calling a ~~general meeting~~General Meeting given after receipt of the notice from the ~~M~~Member.
- (f) No item of business shall be transacted at a ~~general meeting~~General Meeting unless a quorum of ~~M~~Members entitled under these ~~R~~rules to vote is present during the time the meeting is considering that item.
- (g) If within half an hour after the appointed time for commencement of a ~~general meeting~~General Meeting a quorum is not present, the meeting if convened upon the requisition of ~~M~~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 ~~M~~Members given before the day to which the meeting is adjourned) at the same place.
- (h) If ~~at~~ the adjourned meeting a quorum is not present within half an hour after the time appointed for commencement of the meeting, the ~~M~~Members present (being not less than 15) shall constitute a quorum.
- (i) The President shall preside as chair~~person~~man at each ~~general meeting~~General Meeting of the Club.
- (j) If the President is absent from a ~~general meeting~~General Meeting or unwilling to act as chair~~person~~man, the ~~M~~Members present shall elect one of their number to preside as chair~~person~~man at the meeting.
- (k) The chair~~person~~man of a ~~general meeting~~General Meeting at which a quorum is present may, with the consent of the majority of ~~M~~Members present at the meeting adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

- (l) Where a ~~general meeting~~General Meeting is adjourned for 14 days or more, the Honorary Secretary shall give written or oral notice of the adjourned meeting to each ~~Member of the Club~~ stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (m) Except as provided in ~~C~~clause (l)(4), notice of an adjournment of a ~~general meeting~~General Meeting or of the business to be transacted at an adjourned meeting is not required to be given.
- (n) A question arising at a ~~general meeting~~General Meeting of the Club shall be determined on a ~~means determined by the chairperson but such that all votes are able to be made available to any Member on request. show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a~~A declaration by the chair~~person~~man that a resolution has~~, on a show of hands,~~ been carried or carried unanimously or carried by a particular majority or lost and an entry to that effect in the ~~minute book of the Club~~minutes of the General Meeting will constitute evidence of the fact without proof of the number o~~r~~f proportion of the votes recorded in favour of or against that resolution.
- (o) At a ~~general meeting~~General Meeting of the Club, a poll may be demanded by the chair~~person~~man or by not less than 5 ~~M~~members present ~~in person~~ at the meeting.
- (p) Where a poll is demanded at a ~~general meeting~~General Meeting, the poll shall be taken.
- (q) Upon any request arising at a ~~general meeting~~General Meeting of the Club only Active and Life Members shall be entitled to vote and shall have one vote only.
- (r) All votes shall be given personally.
- (s) In the case of an equality of votes on a question at a ~~general meeting~~General Meeting, the chair~~person~~man of the meeting shall have a second or casting vote.

13. Annual General Meeting

- (a) An Annual General Meeting of the Club shall be held in June or July of each year at such time and on such date as the Management Committee may determine but no later than the last Friday in July, such date to comply with the requirements of the Sydney Cricket Association⁶ ~~(changed by Special Resolution AGM 27/07/2013)~~.
- (b) In addition to any other business which may be transacted at an Annual General Meeting, the business of an Annual General Meeting shall be to:
 - i) confirm the minutes of the last preceding Annual General Meeting held ~~since~~before that meeting;
 - ii) receive from the Management Committee reports upon the activities of the Club during the last preceding financial year;
 - iii) elect the Patron of the Club;
 - iv) elect Office-bearers of the Club and a maximum of 8 other members of the Management Committee;

⁶ ~~changed by Special Resolution AGM 27/07/2013~~

- v) elect the Club's delegates to the Sydney Cricket Association pursuant to clause 9;
- vi) elect two (2) selectors to the Men's Grading Committee and two (2) selectors to the Women's Grading Committee to select teams for grade competitions pursuant to clause 26, subject to the following conditions:
- A. ~~of, all both members of each Grading Committee of whom~~ must be Members or Office-bearers of the Club; and. The Grading Committee of two shall select all Club teams for the first round of each season's competition fixtures, and any trial matches or pre-season fixtures as required. After completion of the first round of competitive fixtures in each season, the Grading Committee will be augmented by the Captain of each grade side being selected, and that Captain shall have a vote only in the selection of the team of which he is the captain. The selection of any individual player to a particular grade side will be decided by simple majority of votes among the two Grading Committee members and the team Captain. A Chairman of the Grading Committee will be appointed by the Management Committee. If on any occasion voting is deadlocked on an individual's selection the Chairman may execute a casting vote
- B. ~~If~~ in accordance with ~~section clause 8(l)8k(iii)~~ the Management Committee has appointed a salaried officer of the Club to ~~the a~~ Grading Committee, then the number of selectors to be elected to the relevant Grading Committee in accordance with clause v) shall be one; in all other cases, the number of selectors to be elected shall be two:-
- vii) elect an Hhonorary aAuditor or aAuditors;
- ~~v)iii)~~ receive and consider any financial statement or report required to be submitted to members under the Act;
- ~~vi)~~ carry out the requirements of By-Laws 13.3(a), 13.6(a) and 13.6(b) 34 of the Sydney New South Wales Cricket Association which requires that:
- ~~vii)~~ On or before the first day of August in each year, the Secretary of each affiliated club, association or other organization shall supply to the Association a written list of defaulters to his organization or affiliate thereof in respect of amounts owing by any of its members at 31st May of that year and still unpaid. Such list will state the full name of each person concerned, his last registered address and details of the amount owing to the affiliated organization and still unpaid and shall be accompanied by a statement that a written communication has been previously forwarded to each of the listed defaulters advising particulars of the amounts due to the affiliated organization and the date by which such amounts were required to be paid to the organization.
- ;
- the provision of the Club's financial information and the Annual Report to the Sydney Cricket Association by 31 July each year; and
- the provision of a list of defaulters to the Club, in respect of amounts owing by any of its members at 31 May of that year, and still unpaid, to the New South Wales Cricket Association by 1 August each year.

~~viii) Prior to the last Monday in July of each year the Secretary of each affiliated club shall cause to be received by the Executive Director or Secretary-Grace of the Association a Statement of Income and Expenditure for the year ended on the previous 31st May, together with a statement of Assets and Liabilities or a Balance Sheet as at that date. Such statements or statement and balance sheet shall have been audited by a competent auditor or auditors and, together with the report of the auditor or auditors shall have been presented to the Annual General Meeting of the club held that year.~~

~~A. On or before the 31st day of August of each year the Secretary of each affiliated club shall advise the Association in writing whether or not the statements or statement and balance sheet referred to in (a) above were received and adopted by the Annual General Meeting of the Club and if not so received and adopted the reasons why.~~

~~B. With the prior approval of the Executive Committee of the Association a club may change the date on which its financial year shall end from 31st May to 30th April in each year. When such change is made the statements or statement and balance sheet required to be received by the Executive Director or Secretary-Grace of the Association in accordance with (2)(a) above shall be made up to and at 30th April of each year thereafter.~~

(c) Method of Election of Office-bearers and Committees at the Annual General Meeting

- i) Only ~~Financial~~, Active Members, Life Members, the Patron, the President, the Senior Vice Presidents and ~~a~~Active Office-bearers shall be entitled to vote, and no person shall be entitled to more than one vote, and no person shall have more than vote, for the Annual Election of Office-bearers or other Committees of the Club.
- ii) Nominations for Office-bearers for the ensuing year may be made in writing by informing the Honorary Secretary before the annual General Meeting or by verbal nomination to the Honorary Secretary at the Annual General Meeting. All nominations must be seconded. Each nominator and seconder must be a person eligible to vote.
- iii) ~~Scrutineers~~. The President shall appoint two scrutineers acceptable to the Meeting and who are not candidates for any position among the Office-bearers or various Committees of the Club.
- iv) The Method of ~~e~~Election shall be:
 - A. ~~e~~Each eligible voter shall vote for the exact number to be elected; ~~and~~.
 - B. ~~t~~The number of votes obtained by each candidate shall be written in descending order. This descending order shall decide the successful candidates beginning from the top of this list a candidate shall be declared elected until the total number required shall be elected. ~~(For e~~Example, ~~-if~~ four (4) are to be elected from seven (7), those occupying positions 1 to 4 on the list in descending order shall be elected.

14. Special General Meetings

- (a) The Management Committee may, whenever it thinks fit, convene a Special General Meeting of the Club.

- (b) The Management Committee shall, on the requisition in writing of not less than 15 Active or Life Members of the Club, convene a Special General Meeting of the Club.
- (c) A requisition of Mmembers for a Special General Meeting:
 - i) shall state the purpose or purposes of the meeting;
 - ii) shall be signed by the Mmembers making the requisition;
 - iii) shall be lodged with the Honorary Secretary; and
 - iv) may consist of several documents in a similar form, each signed by one or more of the Mmembers making the requisition.
- (d) The Management Committee shall convene a Special General Meeting within 1 month after the date on which a requisition of Mmembers for the meeting is lodged with the Honorary Secretary, and each Mmember shall be advised by notice in writing at least 7 clear days before the day appointed for the Special General Meeting of the nature of the business to be conducted at the meeting and no other business shall be conducted at the meeting.

15. Disciplining of Members

- (a) Where the President or the Honorary Secretary are of the opinion that a Mmember-~~of the Club~~:
 - i) has refused or neglected without reasonable cause to comply with a provision or provisions of these Rules;~~-or~~
 - ii) has acted in a matter prejudicial to the interests of the Club; or
 - iii) has breached a condition of any code of behavior of the Club as determined from time to time by the Management Committee;~~;~~

~~T~~he President or Honorary Secretary may refer the matter to a Judiciary Committee being a sub-committee of three members of the Management Committee ("Judiciary Committee").
- (b) The Judiciary Committee~~-who~~ may, after hearing the matter:
 - i) ~~i~~ssue a warning in the nature of a reprimand to the Mmember;
 - ii) ~~s~~Suspend any or all of the privileges attaching to membership of the Club for a specified period;
 - iii) ~~S~~suspend or disqualify the member from membership of the Club for a specified period; ~~or~~
 - iv) ~~e~~Expel the Mmember from the Club; or
 - v) ~~o~~therwise deal with the member
- (c) Where the President or Honorary Secretary refers a matter to the Judiciary Committee under clause (a) the Honorary Secretary shall, within 48 hours or as soon as practicable thereafter, notify the member, that he or she is to appear before the Judiciary Committee and serve the member with a notice advising:

- i) the nature of any complaint and the grounds on which it is based;
 - ii) that the Mmember is required to appear before the Judiciary Committee at a meeting to be held not earlier than 3 days and not later than 14 days after service of the notice;
 - iii) the date, place and time of that meeting; and
 - iv) that the Mmember may at that meeting:
 - A. make oral representation;
 - B. ask any question of the complaint or any witnesses called to give evidence on the matter;
 - C. submit any written material or evidence;
 - D. produce any witnesses on his or her behalf; and
 - E. be represented.
- (d) Where a mMmember is required to appear before the Judiciary Committee of the Sydney Cricket Association (“the Association Judiciary”) in relation to a complaint which is the subject of a matter referred to the Judiciary Committee of the Club under clause (a):
- i) the Mmember will not required to appear before the Judiciary Committee of the Club until the matter has been heard and determined by the Association Judiciary; and
 - ii) ~~Where a member is required to appear before the Association Judiciary,~~ the time as specified in clause ~~(c)(b)~~ for the notification of a Mmember and the service of a notice thereunder, shall not commence until the matter has been heard and determined by the Association Judiciary.
- (e) The Judiciary Committee may adjudicate in the absence of the Mmember who is the subject of the complaint should that mMmember fail to attend before the Judiciary Committee as required.
- (f) Where the Judiciary Committee imposes a penalty under clause (a) the Honorary Secretary shall, within 7 days after that decision has been given, by notice in writing, inform the Mmember of the decision and of the mMmember’s right to appeal under clause ~~(h)(g)~~.
- (g) Any penalty imposed upon a Mmember by the Judiciary Committee under clause ~~(b)(a)~~ shall have effect immediately upon its imposition, notwithstanding the rights of a Mmember to appeal against the decision of the Judiciary Committee under clause ~~(h)(g)~~.
- (h) Any Mmember may appeal against the decision of the Judiciary Committee within 7 days after the receipt of a notice issued under clause ~~(f)(e)~~ by lodging with the Honorary Secretary a notice to that effect.
- (i) Upon receipt of a notice from a Mmember under clause ~~(h)(g)~~, the Honorary Secretary shall notify the Management Committee which shall appoint 5 of its members to form an Appeals Committee which shall hear the appeal within 7 days after the date on which the Honorary Secretary received the notice. The members of the Management

Committee who were members of the Judiciary Committee which dealt with the matter in the first instance shall be excluded from appointment to the Appeals Committee.

- (j) The Appeals Committee may confirm, amend or reverse any decision of the Judiciary Committee.
- (k) A ~~Member~~ Member who has been suspended or has had any of his or her privileges suspended by the Judiciary Committee under ~~Clause (b)(a)~~ clause (b)(a), and who has not been completely exonerated on appeal, if any, by the Appeals Committee shall be prohibited from acting in any administration position or as an Office-bearer of the Club or as a captain of any team controlled by the Club until the next Annual General Meeting of the Club held after the expiration of such suspension.

16. Special Resolutions

- (a) A special resolution must be passed by a ~~general meeting~~ General Meeting of the Club to effect any of the following changes:
 - i) an alteration to the Club's name;
 - ii) an alteration to the Club's ~~R~~rules;
 - iii) an alteration of or addition to the Club's objects;
 - iv) an alteration to the Club's colours;
 - v) an amalgamation with another incorporated or unincorporated association;
 - vi) to voluntarily wind up the club and distribute its property; or
 - vii) to apply for registration as a company or a co-operative society.
- (b) A resolution of the Club is a special resolution if-
 - i) it is passed by a majority which comprises not less than 75 per cent of such ~~Members~~ Members of the Club as, being entitled under these ~~R~~rules so to do, vote at a ~~general meeting~~ General Meeting of which not less than 21 days written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these ~~R~~rules; or
 - ii) where it is made to appear to the Commission that it is not possible or practicable for the resolution to be passed in the manner specified by the Commission.

17. Public Officer

- (a) The Management Committee shall ensure that a person is appointed as Public Officer.
- (b) The first Public Officer shall be the person who completes the application for incorporation of the Club.
- (c) The Management Committee may at any time remove the Public Officer and appoint a new Public Officer provided the person appointed is 18 years of age or older and a resident of New South Wales.
- (d) The Public Officer shall be deemed to have vacated his or her position if he or she:

- i) dies;
 - ii) resigns;
 - iii) is removed by the Management Committee or at a ~~general meeting~~General Meeting;
 - iv) becomes bankrupt or financially insolvent;
 - ~~v) suffers mental illness;~~
 - ~~vi) takes up residence outside of New South Wales; or~~
 - ~~vii) ceases to be a M~~member of the Club.
- (e) When a vacancy occurs in the position of Public Officer the Management Committee shall within 14 days notify the Commission in the prescribed form and appoint a new Public Officer.
- (f) The Public Officer may be a member of the Management Committee or any other ~~m~~Member eligible for election to the Management Committee.

18. Insurance

- (a) In respect of the insurance required to be maintained by the Club pursuant to Section 44 of the Act, it shall be a function of the Management Committee to ascertain whether or not the Club is covered by a policy held by the New South Wales Cricket Association or the Sydney Cricket Association every year and if not so covered prior to the commencement of the cricket year to effect such insurance forthwith and ensure that the Club maintains such insurance either on its own account or by a policy held by the New South Wales Cricket Association or the Sydney Cricket Association.
- (b) In addition to the insurance required under clause (a) the Management e~~C~~Committee may effect and maintain such other insurance as it deems necessary either on its own account or through policies held by the New South Wales Cricket Association or the Sydney Cricket Association.

19. Funds

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

(e) **Fund Raising**

- i) The raising or obtaining in the name of the Club of all moneys, donations, sponsorships, incentives, trophies or the like for the Club or for a Mmember or Mmembers of the Club in their capacity as Mmembers of the Club must be approved or ratified by the Management Committee or its duly appointed nominee(s).
- ii) The allocation, appropriation and disbursement of all moneys, donations, sponsorships, incentives, trophies, or the like received or obtained by or made available or promised to the Club, whether in the form of money or otherwise, shall be the exclusive jurisdiction of the Management Committee.
- iii) The Management Committee shall have due regard to the expressed wishes of such donors or sponsors regarding the allocation, appropriation or disbursement of such moneys, donations, sponsorships, incentives, trophies or the like.
- iv) The provisions of Rule 1546 shall apply to any Mmember who contravenes this clause.

20. Authorisation of Accounts

All accounts shall be presented to and approved for payment at a meeting of the Management Committee and details of the payment shall be entered in the minutes of that meeting.

21. Official Documents

Official Documents of the Club shall be attested by the signatures either of 2 members of the Management Committee or of 1 member of the Management Committee and the Public Officer⁷ ~~(changed by Special Resolution AGM 27/07/2013)~~.

22. Services of Notices and Documents

- (a) For the purpose of these Rules, a notice or document may be served by or on behalf of the Club upon any Mmember personally or by sending it electronically or by post or delivering it to the Mmember's address shown in the register of Mmembers.
- (b) Where a notice or document is sent to a person electronically or by post, the notice or document shall, unless the contrary is proved, be deemed for the purposes of these Rules to have been delivered in the ordinary course of events⁸ ~~(changed by Special Resolution AGM 27/07/2013)~~.

23. Minutes

- (a) The Honorary Secretary or the Assistant Honorary Secretary or such other person as the Management Committee may determine shall cause minutes to be made of any and all meetings of the Management Committee and any and all general meetingGeneral Meetings of the Club.

⁷ changed by Special Resolution AGM 27/07/2013

⁸ changed by Special Resolution AGM 27/07/2013

- (b) The minutes of a meeting shall be ~~signed-ratified in writing~~ by the chair~~person~~~~man~~ of the meeting at which the proceedings were held or by the chair~~person~~~~man~~ of the next succeeding meeting.

24. Keeping, Custody and Inspection of Books

- (a) The Honorary Treasurer shall ensure that correct books and accounts are kept showing the financial affairs of the Club. Such records shall be available for inspection by any ~~M~~members and shall be held in the custody of the Honorary Treasurer.
- (b) Except as otherwise provided by these ~~R~~rules, the Honorary Secretary shall keep in his ~~or her~~ custody or under his ~~or her~~ control all records, books and other documents relating to the Club. Such records, books and other documents shall be open to inspection, free of charge, by any ~~M~~member ~~of the Club~~ at any reasonable hour.

25. Audit

The Honorary Auditor or Auditors appointed by the ~~M~~members ~~of the Club~~ shall, prior to the Annual General Meeting each year, audit the books, accounts and records of the Club and the report of such audit shall be presented to the Annual General Meeting.

26. Selection of Teams

- (a) For the first round of ~~the each~~ grade competition conducted by the Sydney Cricket Association in any cricket season, ~~male~~ teams to represent the Club will be selected by a ~~Men's~~ Grading Committee ~~and female teams to represent the Club will be selected by a Women's Grading Committee. Each Grading Committee will~~ comprising 2 members appointed by the Annual General Meeting.

- ~~(a)(b)~~ ~~The Each~~ Grading Committee shall appoint a captain for each team and present the appointed captains at least 1 week prior to the first round of ~~the relevant~~ grade competition to the Management Committee. ~~The Management Committee may remove any appointed captain at any time by a majority vote of no less than 75 per cent.~~

- ~~(b)(c)~~ Teams to represent the Club after Round 1 of ~~the each~~ grade competition will be selected by a Selection Committee, comprising the ~~relevant~~ Grading Committee together with the ~~C~~captain of the team being selected, ~~or the coach in place of the captain of a team predominantly comprising players aged under 18. The captain (or coach) of the team below the team being selected may offer advice, but will have no voting rights.~~

- ~~(e)(d)~~ The captain of any team representing the Club may be removed ~~and replaced~~ at any time by the ~~relevant~~ Grading Committee.

- ~~(d)(e)~~ The chair~~person~~~~man~~ of ~~the each~~ Grading Committee ~~and the Selection Committee~~ shall be appointed by the Management Committee ~~and shall act as chairperson of all Selection Committees for the Club's teams of the relevant gender.~~

- ~~(e)(f)~~ The basis of selection of any other team representing the Club will be as determined by the Management Committee.

- ~~(f)(g)~~ In the absence of a team captain from a ~~S~~selection ~~e~~Committee meeting his ~~or her~~ nominated representative shall act in his ~~or her~~ stead.

~~(g)~~(h) Should a Grading Committee member vacate ~~their~~ his or her position during the cricket year the Management Committee will appoint a replacement for the current cricket year.

27. Compliance with New South Wales Cricket Association Obligations of Affiliates Alteration of Rules

- (a) The Club shall comply with all obligations of affiliates of the New South Wales Cricket Association set out in the New South Wales Cricket Association By-Laws. The Management Committee is responsible for ensuring such compliance.
- (b) In particular, Any addition to or alteration or amendment of any of these Rules shall be of no effect until and unless approved by the Board of the New South Wales Cricket Association in respect of any proposed addition to or deletion or amendment of any of these Rules.
- (c) Where practicable the Honorary Secretary shall notify, and seek the approval of, the Board of the New South Wales Cricket Association in respect of any proposed addition to or deletion or amendment of these Rules.

28. Surplus Property

In the event of the winding up or cancellation of the incorporation of the Club, all the surplus property of the Club pursuant to Section 53 (2) of the Act shall vest in the New South Wales Cricket Association.

29. Duties of the Honorary Secretary and Assistant Honorary Secretary

- (a) The Honorary Secretary shall keep ~~a Minute Book~~ written minutes of all proceedings of the Club and such ~~book minutes~~ shall be available at all meetings of the Management Committee and General Meetings of the Club. He or she shall also receive all correspondence and submit same to the next Management Committee or Annual General Meeting, record names and addresses of all ~~M~~members, keep all records of the Club and carry out such duties as from time to time are directed by the Management Committee and or a General Meeting.

~~(b) — DUTIES OF THE HONORARY ASSISTANT SECRETARY~~

~~(c)~~(b) The ~~Honorary~~ Assistant Honorary Secretary shall assist the Honorary Secretary to carry out all duties as set out in regard to the position of Honorary Secretary.

30. Duties of the Honorary Treasurer and Assistant Honorary Treasurer

- (a) The Honorary Treasurer shall receive all revenues of the Club and have charge of all its property, which he or she shall not lend or dispose of without the consent of the Management Committee.
- (b) The Honorary Treasurer shall keep an account of receipts and expenditure of the Club in ~~a book~~ an appropriate electronic form which shall be available for inspection at all Management Committee and General Meetings of the Club. At all meetings of the Management Committee, Hhe or she shall submit a financial statement and detailed

~~listing of all [players who have represented the Club and whose playing fees are due but have not been paid](#) ~~unfinancial members of the Club~~ at all ~~Meetings of the Management Committee~~. All moneys belonging to the Club shall at first opportunity after receipt be lodged in a bank to the credit of the North Sydney District Cricket Club, and all cheques issued on behalf of the Club must be first approved by a meeting of the Management Committee and must be signed by any two of the following Office-bearers of the Club: the President, the Honorary Secretary, the Honorary Treasurer, the Honorary Assistant Treasurer.~~

- (c) The Honorary Treasurer will also be responsible for preparing the Annual Financial Statements of the Club. A Profit and Loss Statement and a Balance Sheet will be prepared. The Balance Sheet is to clearly show ~~thean~~ assets and due but unpaid liabilities of the Club at Balance Sheet close each year.

~~(d) — DUTIES OF THE HONORARY ASSISTANT TREASURER~~

- ~~(e)~~(d) ~~The Assistant Honorary Treasurer will~~To assist the Honorary Treasurer to carry out all the duties of the position of Honorary Treasurer and to present all information required of the Honorary Treasurer when that person is unable to attend Management Committee ~~M~~meetings or the Annual General Meeting.