



Rules

Elsternwick Cricket Club Inc.

Rules

1. Name

1.1. The name of the Club shall be the “Elsternwick Cricket Club Inc.” (“the Club”).

2. Purposes

2.1. The purposes of the Elsternwick Cricket Club Inc. shall be: -

- 2.1.1. To foster the game of cricket both within the City Of Bayside and generally.
- 2.1.2. To participate in the Victorian Sub-District Cricket Association and any other Association or Associations selected by the Executive Committee.
- 2.1.3. To do all things conducive to or incidental to the attainment of the above purposes or any of them.

3. Membership

- 3.1. The Club shall consist of the members hereinafter specified. The number of such members or any class thereof shall be unlimited.
- 3.2. Any person may become a member upon being nominated by a member, and upon paying the required subscription.
- 3.3. The Executive Committee of the Club shall be the sole judge of the fitness of any person for membership, and may without assigning any reason therefore refuse any person membership of the Club.
- 3.4. The classes of members of the Club shall be: -
 - 3.4.1. Life Members.
 - 3.4.2. Patron Members.
 - 3.4.3. Honorary Members.
 - 3.4.4. Social Members.
 - 3.4.5. Senior Playing Members.
 - 3.4.6. Junior Playing Members.
 - 3.4.7. Associate Members.
- 3.5. Any member may nominate any other member for Life Membership of the Club.
- 3.6. A nomination for Life Membership of the Club shall be given to the Secretary at least seven days prior to the Executive Committee meeting at which that nomination is to be considered, and if approved by the Executive Committee, the name of the nominee shall appear on the Agenda of the forthcoming Annual General Meeting.
- 3.7. The Executive Committee shall not approve more than two nominations pursuant to sub-clause 3.6 prior to an Annual General Meeting.
- 3.8. Life Members shall be entitled to all the privileges of Club membership.



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- 3.9. The Executive Committee may appoint as Patron, Associate or Honorary Members of the Club for any period it thinks fit, any persons, having regard to the benefit whether financial or otherwise conferred on the Club by any such persons.
- 3.10. Patron Members shall be entitled to all privileges of Club membership other than the right to play cricket, vote or hold office.
- 3.11. Honorary and Social Members shall be entitled to all the privileges of Club membership, other than the right to play cricket.
- 3.12. Senior Playing Members shall be at least sixteen years of age on 1st September of the relevant year, and shall be entitled to all the privileges of Club membership.
- 3.13. Junior Playing Members shall be less than sixteen years of age on 1st September of the relevant year, and shall be entitled to all privileges of Club membership, other than the right to vote or hold office.
- 3.14. Associate Members shall not be entitled to any of the privileges of Club membership other than the right to access Club facilities at times nominated in the Club By-Laws.
- 3.15. The privileges of Club membership include the right to play cricket, vote, hold office and access Club facilities.
- 3.16. A member of the Club who is entitled to vote has the right: –
 - 3.16.1. To receive notice of general meetings and of proposed special resolutions in the manner and time prescribed by these Rules.
 - 3.16.2. To submit items of business for consideration at a general meeting.
 - 3.16.3. To attend and be heard at a general meeting.
 - 3.16.4. To vote at a general meeting.
 - 3.16.5. To have access to the minutes of general meetings and other documents of the Club as provided under rule 18.1.
 - 3.16.6. To inspect the register of members as provided under rule 18.1.

4. Subscriptions

- 4.1. The annual subscription in respect of each class of member shall be determined by the Executive Committee from time to time.
- 4.2. Annual subscriptions shall be due and payable on 1 October of the relevant year. Any member who has not before the 31 December of the relevant year paid the annual subscription due, shall at the discretion of the Executive Committee, cease to be entitled to any of the privileges of Club membership until such subscription is paid.
- 4.3. No trophy shall be awarded to any member of the Club who has not paid the subscription due in respect of the relevant year.
- 4.4. The Executive Committee may refuse a clearance to any member owing money to the Club.



5. Ceasing Membership

- 5.1. The membership of a person ceases on resignation, expulsion or death. If a person ceases to be a member of the Club, the Secretary must, as soon as practicable, enter the date the person ceased to be a member in the register of members.

6. Register Of Members

- 6.1. The Secretary shall keep and maintain a register of members in which shall be entered the full name, address and date of entry of the name of each member, together with the date of birth of Junior Playing Members, and the register shall be available for inspection by members at the address of the Secretary.

7. Executive Committee

- 7.1. The Executive Committee shall consist of: -

- 7.1.1. Members elected to the positions of
 - 7.1.1.1. President
 - 7.1.1.2. Vice-President (2)
 - 7.1.1.3. Secretary
 - 7.1.1.4. Assistant Secretary
 - 7.1.1.5. Treasurer
 - 7.1.1.6. General Committee (11)

- 7.1.2. Delegates not otherwise members of the Executive Committee.

- 7.2. All members of the Executive Committee shall retire annually, and the vacant positions shall be filled at each Annual General Meeting except as otherwise provided in these Rules. All retiring members of the Executive Committee shall be eligible for re-election. Nominations of members for any position on the Executive Committee shall be in writing and signed by two members of the Club, and must be lodged with the Secretary, not less than three days prior to the Annual General Meeting, provided that any retiring member of the Executive Committee shall ipso facto be deemed to have been duly nominated for any election in relation to his respective office, unless he has signified in writing his desire not to seek re-election prior to such election.

- 7.3. The Executive Committee shall exercise, subject to any direction from the Club, the full power of management of the Club, and shall have the power to: -

- 7.3.1. Fill any casual vacancy occurring in the office bearers of the Club until the next Annual General Meeting of the Club.
- 7.3.2. Appoint delegates to the Cricket Association(s) with which the Club is affiliated.
- 7.3.3. Appoint officers not provided for or contemplated at the time of these Rules.
- 7.3.4. Arrange to enter any of the Club's teams in any competitions.
- 7.3.5. Fine, suspend or expel members in accordance with these Rules.
- 7.3.6. Make levies on members.



- 7.3.7. Cause to be carried out any resolution passed at any General Meeting of the Club.
- 7.3.8. Remove from office any member who is considered to have failed to carry out his duties to the satisfaction of the Executive Committee.
- 7.3.9. Co-opt not more than two further members to join the Executive Committee.
- 7.3.10. Perform all other acts and deeds as it thinks fit for the full and proper control and management of the Club, its affairs, property and concerns.
- 7.4. The Executive Committee shall meet at least once a month during the cricket season.
- 7.5. Six members of the Executive Committee present at any meeting shall form a quorum.
- 7.6. At meetings of the Executive Committee, the chair shall be taken by the President, or in his absence, by a member of the Executive Committee elected under the Chairmanship of the Secretary.
- 7.7. Meetings of the Executive Committee shall be called by the Secretary giving at least two days notice in writing.
- 7.8. Any member of the Executive Committee failing to attend three consecutive meetings, shall forfeit his seat unless he gives to the Executive Committee a sufficient and acceptable reason for his failure to attend.
- 7.9. Where it is impractical to call an Executive Committee meeting to handle an emergency, the President, Secretary and Treasurer may act on behalf of the Club, provided that any decision is unanimous and does not contravene Club policy.
- 7.10. The results of any decision made under Rule 7.9 must be tabled in writing at the next Executive Committee meeting.
- 7.11. The Executive Committee must ensure that minutes are taken and kept of each Executive Committee meeting.
- 7.12. The minutes must record the following: -
 - 7.12.1. The names of the members in attendance at the meeting
 - 7.12.2. The business considered at the meeting
 - 7.12.3. Any resolution on which a vote is taken and the result of the vote
 - 7.12.4. Any material personal interest disclosed under rule 7.13
- 7.13. An Executive Committee member who has a material personal interest in a matter being considered at an Executive Committee meeting must disclose the nature and extent of that interest to the Executive Committee.
- 7.14. A general meeting of the Club may: -
 - 7.14.1. By special resolution remove an Executive Committee member from office.
 - 7.14.2. Elect an eligible member of the Club to fill the vacant position in accordance with these rules.
- 7.15. A member who is the subject of a proposed special resolution under subrule 7.14 may make representations in writing to the Secretary or President of the Club (not exceeding



a reasonable length) and may request that the representations be provided to the members of the Club.

- 7.16. The Secretary or the President may give a copy of the representations to each member of the Club or, if they are not so given, the member may require that they be read out at the meeting at which the special resolution is to be proposed.

8. Expulsion Of Members.

- 8.1. Where the Executive Committee has resolved to charge a member, or has received a written charge against a member, the Executive Committee shall: -
- 8.1.1. Give a copy of the charge to the member.
 - 8.1.2. Consider written and/or oral submissions from the accused member.
- 8.2. A charge against a member referred to in Rule 8.1 shall allege any or all of the following: -
- 8.2.1. Wilful infringement of these Rules or the Club By-Laws.
 - 8.2.2. Acting in a manner prejudicial to the interests of the Club.
 - 8.2.3. Dishonourable conduct, including disputing an umpires decision.
- 8.3. Where the Executive Committee is satisfied of the accused member's guilt, it may direct that a Special General Meeting be convened, and if it so directs, shall give notice to the accused member.
- 8.4. The Special General Meeting shall consider written and/or oral submissions from the accused member.
- 8.5. If at the Special General Meeting, a three fourths majority of members by secret ballot resolves to expel the accused member, he shall be expelled.

9. Grievance Procedure

- 9.1. The grievance procedure set out in this rule applies to disputes under these rules between: -
- 9.1.1. A member and another member.
 - 9.1.2. A member and the Executive Committee.
 - 9.1.3. A member and the Club
- 9.2. A member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed.
- 9.3. The parties to a dispute must attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.
- 9.4. If the parties to a dispute are unable to resolve the dispute between themselves within the time required by Rule 9.3, the parties must within 10 days: -
- 9.4.1. Notify the Executive Committee of the dispute, and
 - 9.4.2. Agree to or request the appointment of a mediator, and



- 9.4.3. Attempt in good faith to settle the dispute by mediation.
- 9.5. The mediator must be:-
 - 9.5.1. A person chosen by agreement between the parties, or
 - 9.5.2. In the absence of agreement and where the dispute is between a member and another member – a person appointed by the Executive Committee, or
 - 9.5.3. In the absence of agreement and where the dispute is between a member and the Executive Committee or the Club – a person appointed or employed by the Dispute Settlement Centre of Victoria.
- 9.6. A mediator appointed by the Executive Committee may be a member or former member of the Club but in any case must not be a person who:-
 - 9.6.1. Has a personal interest in the dispute, or
 - 9.6.2. Is biased in favour of or against any party.
- 9.7. The mediator to the dispute, in conducting the mediation, must:-
 - 9.7.1. Give each party every opportunity to be heard, and
 - 9.7.2. Allow due consideration by all parties of any written statement submitted by any party, and
 - 9.7.3. Ensure that natural justice is accorded to the parties throughout the mediation process, and
 - 9.7.4. Not determine the dispute
- 9.8. If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Associations Incorporation Reform Act 2012 or otherwise at law.

10. Sub-Committees

- 10.1. The Executive Committee may appoint Sub-Committees, together with respective Chairmen from Club members, for any purpose it thinks fit.
- 10.2. The President shall ex-officio be a member of all such Sub-Committees, other than the Selection Sub-Committee.
- 10.3. The Executive Committee shall appoint a Selection Sub-Committee which shall consist of: -
 - 10.3.1. The Captain of each eleven.
 - 10.3.2. The official Club Coach.
 - 10.3.3. A Chairman appointed by the Executive Committee.
- 10.4. Sub-committees may nominate additional persons to join the sub-committee as required. Only persons approved by the Executive Committee may serve on sub-committees.



11. Captains

11.1. The Captains and Vice-Captains of all senior elevens shall be appointed by the Executive Committee prior to the first match, and as early as practicable after the Annual General Meeting.

12. General Meetings

12.1. The Annual General Meeting of the Club shall be held prior to the 31st day of July of each year.

12.2. A Special General Meeting shall be held: -

12.2.1. Upon the direction of the Executive Committee at any time.

12.2.2. By requisition in writing, signed by at least fifteen members and stating the reason or reasons for calling the meeting.

13. Notice Of General Meeting

13.1. The Secretary shall at least fourteen days before the date fixed for holding a General Meeting of the Club, cause to be sent to each member at the address appearing in the register of members, a notice stating the date, place and time of the meeting, and the nature of the business to be transacted.

13.2. No business other than that set out in the notice convening the meeting shall be transacted at the meeting.

13.3. A member desiring to bring any business before a meeting may give notice of that business in writing to the Secretary, who shall include that business in the notice calling the next General Meeting after receipt of the notice.

14. Procedure At Meetings

14.1. At any meeting of the Club, one fifth of the eligible voting members shall constitute a quorum.

14.2. Proxy voting is not permitted at General Meetings.

14.3. The chairmanship of any General Meeting of the Club shall be determined in accordance with the procedure in Rule 7.6.

14.4. The Executive Committee must ensure that minutes are taken and kept of each general meeting.

14.5. The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.

14.6. In addition, the minutes of each annual general meeting must include: -

14.6.1. The names of the members attending the meeting.

14.6.2. Proxy forms given to the Chairman of the meeting under rule.

14.6.3. The financial statements submitted to the members in accordance with rule 15.3.3.



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- 14.6.4. The certificate signed by two Executive Committee members certifying that the financial statements give a true and fair view of the financial position and performance of the Club.
- 14.6.5. Any audited accounts and auditor's report or report of a review accompanying the financial statements that are required under the act.

15. Finance

- 15.1. The financial year of the Club shall end on 30 June of each year.
- 15.2. The funds of the Club shall be derived from entrance fees, annual subscriptions, donations and other such funds as the Executive Committee determines.
- 15.3. The Treasurer shall: -
 - 15.3.1. Collect and receive all moneys due to the Club, and shall pay such moneys into the bank at which the Club transacts its business.
 - 15.3.2. Make all payments authorised by the Club.
 - 15.3.3. Keep correct accounts and books showing the financial affairs of the Club with full details of all receipts and expenditure connected with the activities of the Club.
 - 15.3.4. Submit to the Executive Committee at its meetings, interim financial statements in such form as the Executive Committee requires.
 - 15.3.5. Submit to the Club at each Annual General Meeting, financial statements for the previous year in such form as the Executive Committee requires.
- 15.4. No payments on behalf of the Club shall be made except upon the direction of the Executive Committee and must be specifically authorised by any two of the Secretary, Treasurer and any such member of the Executive Committee as the Executive Committee may from time to time appoint for that purpose.
- 15.5. The accounts and books referred to in Rule 15.3.3 shall be available for inspection by members.

16. By-Laws

- 16.1. The Executive Committee may make, amend or revoke By-Laws.
- 16.2. By-Laws shall be posted in the Clubrooms during the cricket season.

17. Secretary

- 17.1. Except as otherwise provided in these Rules, the Secretary shall keep in his custody or under his control, all books, documents and securities of the Club.

18. Inspection of Books and Records

- 18.1. Members may on request inspect free of charge: -
 - 18.1.1. The register of members.
 - 18.1.2. The minutes of general meetings.



18.1.3. Subject to subrule 18.2, the financial records, books, securities and any other relevant document of the Club, including minutes of the Executive Committee meetings.

18.2. The Executive Committee may refuse to permit a member to inspect records of the Club that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the Club.

19. Colours

19.1. The colours, badges, monograms, caps, blazers, uniforms or other distinctive and distinguishing trappings of the Club and of the members, may be determined by the Executive Committee.

20. Seal

20.1. The common seal of the Club shall be kept in the custody of the Secretary.

20.2. The common seal shall not be affixed to any instrument except by the authority of the Executive Committee, and the fixing of the common seal shall be attested by the signatures of two members of the Executive Committee.

21. Liquor Licence Compliance

21.1. The Club is precluded from the payment of any amount to an officer or servant of the Club by way of commission or allowance from the receipts of the Club for the supply of liquor.

21.2. A visitor to the Club must not be supplied with liquor in the Club premises unless the visitor is a guest in the company of a member of the Club.

21.3. The Club must provide for the keeping of records of guests.

21.4. The Club shall ensure that the Executive Committee be elected by members of a class of members that constitutes not less than sixty percent (60%) of the total membership of the Club, excluding temporary or honorary members and persons who are members by reason only of reciprocal arrangements with another club and persons whose rights as members are limited to rights as social, gaming or neighbourhood members.

22. Alteration Of The Rules And Statement Of Purposes

22.1. No alteration to these Rules and the Statement Of Purposes shall be made except by vote of three fourths majority of members present at a General Meeting called for that purpose.

23. Dissolution Of The Club

23.1. The Club shall not be dissolved except by vote of three fourths majority of members present at a Special General Meeting called for that purpose.



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- 23.2. Upon dissolution, any moneys left after meeting all obligations, paying accounts and debts, shall be donated to a charity determined by the members at that Special General Meeting.