

# **THE CONSTITUTION OF THE PRESTONS HORNETS CRICKET CLUB (INCORPORATED)**

[As Amended 1 January 2017]

1. (a) The **PRESTONS HORNETS CRICKET CLUB (INCORPORATED)**, also known as the Prestons Cricket Club, hereafter called "**the Club**", shall play in cricket competitions organised by the Fairfield-Liverpool Cricket Association (Incorporated), or any organisation that supersedes that Association.
  - (b) The Club shall play cricket under the Laws of Cricket, as defined in the M.C.C. Rulebook & under the by-laws of CricketNSW, the NSW District Cricket Association & the Fairfield-Liverpool Cricket Association.
  - (c) The Club shall be bound by the provisions of the "Associations Incorporation Act 2009" as amended..
  - (d) The colours of the Club shall be maroon and gold.
  - (e) The emblem of the Club shall be shown as a Hornet.
  - (f) The objective of the Club shall be to foster both junior & senior sport, in particular cricket, and to promote public opinion & recreational activities within the Club.
2. **The Committee of the Club:**
- (a) Shall consist of
    - i) the President
    - ii) the Vice-President/s
    - iii) the Secretary
    - iv) the Treasurer
    - v) the Public Officer
  - (b) Shall not consist of any member who has not been a member for a minimum of twelve months, though not necessarily the previous twelve months.
3. The Committee of the Club shall:
- (a) Control & manage the affairs of the Club;
  - (b) Exercise all such functions that are required to be exercised by the Club, other than those functions that are required by these rules to be exercised by a General Meeting of the members of the Club;
  - (c) Have the power to perform all such acts & to do all such things as appear necessary for the proper management of the affairs of the Club.
  - (d) Must apply the funds and assets of the Club to be consistent with its objectives.
4. Other than the regularly scheduled monthly General Meeting of the Club, or any Special General Meeting of the Club, the Committee may meet as often as is deemed necessary to the Committee; at a time & place to be decided by the Committee. If technology allows, such meetings may be held concurrently in more than one location, provided each available Committee member has a reasonable opportunity to participate. All Committee members participating in a Committee meeting using such technology shall have the same rights as those present at the meeting, including voting rights.
5. At any meeting of the Committee, any three members shall constitute a quorum; however, if the number of Committee members present is not sufficient to make a quorum, then the existing Committee members may appoint enough Club members to establish a quorum.

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**The Office Bearers** shall be:

- i) Any Patrons as are elected from time to time;
  - ii) the President;
  - iii) the Vice-President/s;
  - iv) the Secretary;
  - v) the Treasurer;
  - vi) the Co-ordinator of Junior Cricket;
  - vii) the Communication Officer;
  - viii) the Records Officer
  - ix) the elected Auditor;
  - x) two, or any other number as may from time to time be required, delegates to the FLCA;
  - xii) the Public Officer, who shall ensure that the provisions of the "Association Incorporation Act 2009 as amended", are met by the Club, including establishing and maintaining a Register of Members of the Club. The Public Officer does not need be a member of the Club, but the position may not be vacant any longer than twenty-eight days.
7. (a) Where two or more members of the Club are nominated for the same Office, then those members present at the Annual General Meeting shall decide who shall hold the Office by secret ballot.
- (b) The appointment of a member to an Office must be performed by nomination & no Office shall be filled as the result of being runner-up in a ballot for any other Office.
8. (a) Each Office Bearer shall, subject to these rules, hold Office until the conclusion of the Annual General Meeting of the Club following their election, but is eligible for re-election. In the event that a Casual Vacancy arises, the Committee shall appoint someone to fill that vacancy, subject to the ratification of the next General Meeting of members.
- (b) Unless this Constitution is amended as per its framework, there shall be no maximum number of consecutive terms for which an office-bearer may hold office.
9. Where a member cannot be present at the Annual General Meeting at which the election of Office Bearers is to take place, but intends to be nominated for an Office, then they may advise the Secretary of their intentions, in writing, not less than fourteen days before the date of the AGM.
10. **The Annual General Meeting** of the Club shall be held on the fourth Sunday in July each year at a time & place to be decided by the Committee. The Secretary shall advise all known members of the date, time & venue of the Annual General Meeting in writing.
11. (a) The business of the Annual General Meeting shall be to adopt the report of the Elected Auditor, to elect the Office Bearers of the Club for the coming season & to propose any changes to these rules.
- (b) i) The only people eligible to vote upon the appointment of Office Bearers shall be financial playing &/or social members from the previous season & Life Members.
- ii) A member of the Club shall be defined as any person who is financial as either a player, or one of the parents of a player who has not reached 18 years of age, or another person of social member designation, who is involved in the activities of the Club.
12. **The Adjourned Annual General Meeting** of the Club shall be held in the second week of August at a time & venue to be decided by the Committee.

13. The business of the Adjourned Annual General Meeting shall be to deal with any proposed changes to the rules, to complete any business not completed at the Annual General Meeting & to deal with General Business.
14. **Special General Meetings.**
  1. The Committee may, whenever it thinks fit, convene a Special General Meeting of the Club.
  - 2.(a) The Committee shall, on the request of not less than five members of the Club, convene a Special General Meeting.
    - (b) Such a request as in (a) shall:
      - i) Be in writing; which may be via electronic means.
      - ii) Be lodged with the Secretary;
      - iii) State the reason/s for the meeting;
      - iv) Be signed by the members making the request;
      - v) May consist of several documents of a similar form, each signed by one or more of the members making the request.
  3. The Secretary, once the Committee has convened the meeting, shall advise all members of the date, time & place of the Special General Meeting & of the business to be transacted at the meeting. Such notice shall be in writing, not less than seven days before the date of the meeting.
  4. No business, other than that specified in the notice convening the meeting shall be transacted at the meeting.
  5. A quorum for a Special General Meeting shall be not less than 25% of the membership of the Club, including at least three members of the Committee.
  6. A Special Resolution on any motion so moved at a Special General Meeting must carry a two-thirds majority or it will be deemed to have been defeated.
15. (a) **The General Meetings** of the Club shall be held in the first week of each month at a time & place to be decided. **The quorum** for a General Meeting of the Club shall be seven members, at least two of whom shall be members of the Committee.
  - (b) If the Committee of the Club deems it appropriate, technology to allow participation by members in more than one location and electronic voting shall be available for the Annual, Adjourned Annual, Special or General meetings of the Club. Members participating at a General Meeting using such technology shall have the same rights as those members present at the meeting, including voting rights.
16. The membership of the Club may, from time to time if there is a need or special project, elect people to sit on sub-committees to assist the Committee. Such sub-committees shall meet as they see fit and report all activity to the Committee and membership during the General Meetings of the Club.
17. The President, or in his absence, the Vice-President, shall preside over all meetings. If the President & Vice-President are both absent or unwilling to preside, then the meeting shall nominate another member of the Committee to chair the meeting.
18. The Secretary shall have the Minutes of each meeting signed by the Chair of that meeting, or by the Chair of the next meeting, when the Minutes have been adopted. The Minutes may be kept in either paper or electronic form and the Chairman may sign those minutes electronically
19. When any question arising from any meeting of the Club requires a vote, each member shall have one vote only.

20. In the case of an equality of votes on any question arising from any meeting of the Club, the Chair shall then have a casting vote.
21. Any member who becomes unfinancial to the Club at any time shall not:
- i) have a vote at any meeting of the Club;
  - ii) be eligible for selection in any team;
  - iii) be eligible to receive any trophy or award for on-field performance.
22. Any member who becomes unfinancial to the Club at any time shall be listed, after the following by the Club of such procedures as set down from time to time, with the Secretary of the Fairfield-Liverpool Cricket Association as a defaulter until such monies are paid.
23. **Funds - Source and Management**
- (a) The Club shall derive its funds through the charging of members a playing fee or a social (non-playing) membership fee; through application for government or commercial grants; and through donations.
  - (b) The Club is a not-for-profit organization and will not distribute funds to its membership as dividends.
  - (c) All drafts, cheques, bills of exchange, promissory notes & other negotiable instruments shall be signed by at least two of the Committee.
  - (e) All monies received in the Club's name become the property of the Club & shall be deposited into the Club's bank account as soon as is practicable;
  - (f) The Club shall reimburse any member for personal expenditure made on behalf of the Club, providing appropriate records are forwarded to the Treasurer. The Committee must be made aware of any such expenditure before it is made.
  - (g) The Treasurer shall issue an appropriate receipt for all monies received as soon as is practicable; such receipts may be issued electronically.
  - (h) The Treasurer shall get prior approval from a General meeting for any major expenditure & ratification of any minor expenses from a General Meeting after those expenditures have been made. The members shall decide as to what constitutes a major expenditure at the AAGM each year.
- 24.(a) The Treasurer shall close off the Club's books at 30<sup>th</sup> June each year. The books shall be audited by the Elected Auditor & the report of the auditor shall be made available to the Committee before the date of the Annual General Meeting.
- (b) The books, records & accounts of the Club shall be kept in the principle place of administration for the Club & shall be able to be inspected by any member, free of charge, at any reasonable hour.
  - (c) The Secretary is responsible for maintaining a Register of Members, which may also include an email address for each member, and can be kept in written or electronic form. If kept in electronic form, a current hard copy must be kept in the principle place of administration & shall be able to be inspected by any member, free of charge, at any reasonable hour.
- 25.(a) **Members Liabilities.**  
The liability of a member to contribute to the payment of debts & liabilities of the Club; or the cost, charges & expenses of the winding up of the Club; shall be limited to the amount, if any, unpaid by the member in respect to membership of the Club.
- (b) **Insurance**  
The Club may effect and maintain any insurance as is deemed necessary by the Committee.

**26. Disciplining of Members**

- (a) Where the Committee is of the opinion that a member or members have acted wilfully in a manner prejudicial to the interests of the Club, the Committee will convene a Special General Meeting & recommend by Special Resolution that:
    - i) the member be removed from any position of Office;
    - ii) the member be suspended from the Club for a specified period, or
    - iii) the member be expelled from the Club.
  - (b) Any recommendation put as in (a) must give those named the chance to address the membership if they so desire.
  - (c) Any member disciplined under this rule has a *Right of Appeal*. The disciplined member/s must advise the Secretary in writing within seven days of the date of the disciplinary action taken by the Club & such an appeal must be either on the grounds of new evidence or severity of sentence. The secretary shall convene a Special General Meeting to hear the appeal/s. The membership shall decide whether to uphold or dismiss such appeals. In the event that the membership dismisses the appeal/s, there shall be no further avenue of appeal within the Club.
  - (d) Any member undertaking an appeal shall retain all rights as a member of the Club until such an appeal has been heard.
27. Should the Club field junior sides, then those wishing to apply to be coaches or managers must do so in writing. Such coaches are required to have completed, or be willing to complete as soon as is practicable, a certified Level 1 standard of Coaching and a NSW Police Check. The Committee shall decide who holds the position of coach or manager in the event there is more than one applicant for any position.
28. To win an "averages" trophy or award for on-field performance in a senior grade, the minimum figures required shall be 150 runs or 20 wickets in seven games. For the purposes of the Club's records, those players who play in more than one grade in a season shall have their total figures allotted to the grade in which they played the most games. However, the decision of the Committee remains absolute in any case.
- 29. Life Memberships.**
- (a) The Club may elect any member, who has been of service to &/or played for the Club for at least ten years, to the position of Life Member of the Club, such as to entitle them to take part in any matter brought before the Club.
  - (b) A nomination for Life Membership shall be in writing, with both a nominator & a seconder signing the nomination, & shall reach the Secretary not less than one calendar month before the date of the Annual General Meeting.
  - (c) Such nominations will be discussed by the Committee & the Secretary will advise both the nominator & the seconder whether or not that nomination will be recommended to the membership at the Annual General Meeting.
  - (d) Should the Committee decide that the nomination has merit, it will then recommend that the nominee be elected to the position of Life Member of the Club.
  - (e) The membership present at the Annual General Meeting shall vote, by secret ballot & a two-thirds majority will carry the nomination.

**30. Selection.**

- (a) The Club shall ensure that the Selection Procedures as handed down by the FLCA are abided by in the case of junior teams.
- (b) Each season an initial Selection Committee will select the Club's senior teams. This Committee will consist of one of the elected representatives from each side from the previous season & the Club President for the coming season.
- (c) During the season, teams will be selected at a selection meeting, to be held before each match at a time & place to be decided by the Selection Committee, which shall consist of the Club Committee & a representative from each side, being the Captain, Vice-Captain or a third nominated selector.
- (d) Each team shall elect a Captain, Vice-Captain & a selector to act as the team's selectors & to advise the Club's Selection Committee in its decisions. Such elections will take place before the start of play on the first day's play of the season. No team shall elect a member who has not been a member for at least twelve months, though not necessarily the previous twelve months.
- (e) The Secretary shall advise all players concerned should there be any change in gradings from the previous match.
- (f) Selection Committee meetings need not be held if the Club Committee & the team Captains are in agreement that this is the case.

**31. Dissolution.**

- (a) The Club shall not dissolve at any time without a Special Resolution to do so.
- (b) No member of the Club has any rights, title or interest, whether legal or equitable, in the assets or property of the Club.
- (c) Upon dissolution of the Club, the public officer of the Club shall follow the procedures outlined in the Association Incorporation Act 2009 as amended, to the satisfaction of the relevant government bodies. Any surplus property of the Club is to be transferred to another organisation with similar objectives and which is not carried on for the profit or gain of its individual members.

- 32.** This Club Constitution & the rules within it may only be added to, rescinded or re-worded under the provisions of rules **11(a)** and **13**, listed herein.