

# CONSTITUTION

## NEWCASTLE DISTRICT CRICKET ASSOCIATION INC.

### PART I .PRELIMINARY

#### Interpretation

- 1 (1) In this constitution, except in so far as the context or subject-matter otherwise indicates or requires-

“the Act” means the *Associations Incorporation Act 2009* (NSW);

“administrative regulations” means the administrative regulations and measures and the prescription of forms and procedures made by the committee pursuant to this constitution.

“affiliated organization”, means the Newcastle District Cricket Umpires Association which were affiliated with the former association immediately before its incorporation and which shall upon the incorporation of the association.

- (a) be thereby affiliated with the association, and
- (b) entitled to have their delegate admitted to membership of the association, and also includes any other cricket organization granted affiliation with the association pursuant to this constitution.

“affiliates” means the district clubs and other cricket organizations affiliated with the former association or granted affiliation with the Association pursuant to this constitution.

“association” means the “Newcastle District Cricket Association Inc.”, incorporated under the Act.

“constituent document” means:

- (a) in the case of a company incorporated under the *Corporations Act 2001* (Cth) - its constitution,
- (b) in the case of a co-operative society registered under the *Co-operatives Act 1992* (NSW), or an association incorporated under the Act - its rules or constitution, or
- (c) in the case of an unincorporated body - its constitution, and includes any by-laws or other subsidiary regulations made under any such document

“district club” or “club” means the following district cricket clubs - Belmont, Cardiff-Boolaroo, Charlestown, Hamilton-Wickham, Merewether, Newcastle City and Eastern Districts, Southern Lakes, Stockton and Northern Districts, Wallsend, Waratah-Mayfield and Wests Cricket Club, plus the University of Newcastle Cricket Club - which were affiliated with the former association immediately before incorporation and which shall upon the incorporation of the association.

- (a) be thereby affiliated with the association, and
- (b) entitled to have their delegates admitted to Membership of the association, and

- (c) entitled, subject to this constitution, the administrative regulations and the rules of competition, to enter teams in district cricket, and includes any other cricket club granted affiliation with the association.

“delegate member” means a member of the association pursuant to clause 2

“district cricket” means cricket matches and competitions played under the control and jurisdiction of the association

“executive member” means an individual who is an office-bearer of the association or an ordinary member of the committee.

“former association” means the unincorporated association known as the “Newcastle District Cricket Association”.

“full member” means a member of the association who is entitled under this constitution;

- (a) to receive notice of, and  
(b) to attend, and  
(c) to vote at

a meeting of the association.

“ordinary member” means a member of the committee who is not an office-bearer of the association, as referred to in clause 14(1) (b);

“life member” means an individual who was immediately before the incorporation of the association a life member of the former association, or, who is admitted, under this constitution, to life membership of the association.

“Newcastle District” means the territory constituted by the Council of the City of Newcastle and the Council of the City of Lake Macquarie or such other part of the State of New South Wales over which the New South Wales Cricket Association grants the association control and jurisdiction over the game of cricket.

“primary delegate” means one of the delegates referred to in clause 2(2), and the delegate referred to in clause 2(2), nominated annually by a district club or organization to represent it on the club advisory committee.

“the Regulation” means the *Associations Incorporation Regulation 2010* (NSW).

“constitution” means the constitution of the association for the time being in force.

“player member” means an individual who is registered by a club with the association to play district cricket.

“secretary” means

- (a) the person holding office under this constitution as secretary of the association; or  
(b) where no such person holds that office - the public officer of the association;

“rules of competition” means the playing rules, conditions, laws and regulations for the control, conduct and management of district cricket.

“secondary delegate” means one of the three delegate members, other than the primary delegate, nominated by an affiliated club.

“special general meeting” means a general meeting of the association other than an annual general meeting;

“person” includes an unincorporated affiliate.

- 2 The affiliation of a club or organization with the association effected by the admission of their delegates as members of the association shall constitute a several recognition that this constitution, the administrative regulations and the rules of competition have the same binding force and effect on each of them as this constitution has by the Act on each member of the Association and a several acknowledgment by the affiliates and their respective members of the exclusive control of district cricket by the Association and an agreement to refer all protests, claims and disputes between the association and the affiliates and between each other to the association for hearing and determination pursuant to this constitution.
- 3 The provisions of the *Interpretation Act 1987* (NSW), apply to and in respect of this constitution in the same manner as those provisions would so apply if this constitution was an instrument made under the Act.

## PART II- MEMBERSHIP

### Types of Membership

- 2 (1) The association shall consist of members as follows:
  - (a) executive members;
  - (b) three (3) delegates nominated annually by each district club;
  - (c) one (1) delegate nominated annually by each affiliated organization;
  - (d) player members,
  - (e) life members.
- (2) Each delegate member shall be appointed annually by his or her affiliate, and shall hold membership from the commencement of the next ensuing annual general meeting until the commencement of the annual general meeting of the association held in the year next following. No delegate shall have the right of voting or privilege of taking part in any question arising in the association unless a notification of his or her appointment, endorsed by the secretary of the affiliate which he or she represents, shall previously have been received by the secretary of the association.

### Admission to Membership and Affiliation

- 3 (1) New delegates of new affiliated clubs or organizations:
  - (a) Any club or organization seeking affiliation with the association shall make application in writing in a form determined by the committee and shall lodge the same with the secretary of the association.
  - (b) The application shall be submitted to a general meeting of the association for approval. If the nomination is approved, the association shall have the right to attach such conditions to the affiliation as may be provided for in the administrative regulations of the association provided that no such condition or conditions contravene the provisions of the Act or the Regulation or this

constitution.

- (c) Where the association determines to approve a nomination for affiliation, the secretary shall, as soon as practicable after that determination, notify the nominee of the approval.
  - (d) Upon a grant of affiliation, the new club or organization shall thereupon be entitled to nominate in the case of a club three (3) delegates, and in the case of an organization, one delegate, as members of the association and the secretary of the association shall upon receipt of the nomination enter the delegates names in the register of members and the name and address of the secretary of the new club or organization in the register of affiliates.
  - (e) The association shall not be required to give any reason or explanation for rejecting any application for affiliation.
- (2) Executive Membership
- (a) An individual upon his or her election taking effect as an office bearer or ordinary member of the committee, shall thereby be admitted to executive membership.
- (3) Player Membership
- (a) An application for player membership of the association shall be made annually in writing in a form determined by the committee and shall be lodged with the secretary of the association by the player's club.
  - (b) Subject in the case of the University Club to compliance with the Regulations of NUSport, a person may elect to register as a player with any district club.
  - (c) A player shall be ineligible to play for a district club unless such player is currently registered with the association.
  - (d) A player who has not renewed his registration for two successive years shall be deemed to have resigned.
- (4) Life Members
- (a) The committee may in its sole discretion nominate for life membership any person considered by it to have rendered exceptional or outstanding service for a minimum of 10 years to the association irrespective of whether such person is or has been an office-bearer of or delegate to the association.
  - (b) Proposed life members shall be nominated in writing by the committee which shall call a general meeting of the association for the purpose of considering such nomination and upon the committee certifying to the necessary qualifications the name of the nominee shall be submitted to the association for election and such nominee shall be elected by a resolution carried by a three-fourths majority of members present and entitled to vote.

#### **Cessation of Membership**

- 4 (1) Delegate Members

- (a) A delegate member shall cease to be a member of the association if the member
  - i dies;
  - ii resigns that membership, or
  - iii is expelled from the association, or
  - iv ceases to be the delegate of the club or organization which nominated him or her, or
  - v fails to attend without leave three consecutive meetings of the association;
- (b) A member shall cease to be a delegate member if that member becomes an executive member.  
PROVIDED THAT
- (c) a cessation of membership under clause 4(1)(a)(i)-(v) shall not be effective until the relevant club or organization nominates another delegate in his or her place for the balance of the year, and,
- (d) in the event of the death of a delegate his or her club or organization shall within 28 days thereof nominate another delegate as a member of the association for the rest of the year.

(2) Executive Member

- (a) An executive member ceases to be a member of the association if that person ceases to hold office under this constitution as an office-bearer or as an ordinary member of the committee.
- (b) A member shall cease to be an executive member if that member becomes a delegate member.

(3) Life Member

A life member of the association ceases to be a member of the association if the person

- (a) dies,
- (b) resigns that membership, or
- (c) is expelled from the association.

(4) Player Member

A player member ceases to be a member of the association if the player

- (a) dies,
- (b) resigns that membership, or
- (c) is expelled from the association, or
- (d) is granted a clearance by his or her club and the association to play cricket for another cricket controlling authority, or
- (e) ceases for any other reason to be a member of a district club, or
- (f) if the club with which the player is registered disaffiliates from the association or its affiliation with the association is terminated or suspended.

**Membership Entitlements not Transferable**

- 5 A right privilege or obligation which a person has by reason of being a member of the association –
- (a) is not capable of being transferred or transmitted to another person; and
  - (b) terminates upon cessation of the person's membership.

#### **Resignation of Membership**

- 6 (1) Subject to clause 3(3) (d), a member of the association is not entitled to resign that membership except in accordance with this clause.
- (2) A member of the association who has paid all amounts (if any) payable by the member to the association in respect of the member's membership, may resign from membership of the association by first giving notice in writing to the secretary of the member's intention to resign. Upon the receipt of the notice, the member ceases to be a member.
- (3) Where a member of the association ceases to be a member pursuant to sub-clause 2, 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.

#### **Register of Members and Affiliates**

- 7 (1) The secretary of the association shall establish and maintain a register of members of the association specifying the name and address of each person who is a member of the association together with the date on which the person became a member.
- (2) The secretary shall also record therein which of the delegate members are primary delegates and secondary delegates.
- (3) The secretary shall establish and maintain a register of affiliates and record therein the name and address of the secretary of each affiliate.
- (4) The register of members and of affiliates shall be kept at the principal place of administration of the association and shall be open for inspection, free of charge, by any member of the association at any reasonable hour.

#### **Fees, Subscriptions, etc**

- 8 (1) No member shall be required to pay any joining fees upon admission to the association.
- (2) Executive members and delegate members shall not be liable to pay an annual subscription.
- (3) A club shall pay to the association an annual affiliation fee. The affiliation fee shall be determined by the committee and shall be paid in each year by the date determined by the committee.

#### **Members' liabilities**

- 9 The liability of a member of the association to contribute towards the payment of the debts and liabilities of the association or the costs,

charges and expenses of the winding up of the association is limited to an amount of \$1 and every person who becomes a member of the association is deemed to have undertaken to pay such amount, if so required, in the event that the association is wound up while such person is a member or within a period of one year after ceasing to be a member thereof.

#### **Disciplining of Members (Not Being a Player)**

- 10
- (1) A complaint may be made by any member of the association that some other member of the association:
    - (a) has persistently refused or neglected to comply with a provision or provisions of this constitution; or
    - (b) has persistently and wilfully acted in a manner prejudicial to the interests of the association.
  - (2) On receiving such a complaint, the committee:
    - (a) must cause notice of the complaint to be served on the member concerned; and
    - (b) must give the member at least 14 days from the time the notice is served within which to make submissions to the committee in connection with the complaint; and
    - (c) must take into consideration any submissions made by the member in connection with the complaint.
  - (3) The committee may, by resolution, expel the member from the association or suspend the member from membership of the association if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved.
  - (4) If the committee expels or suspends a member, the secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the committee for having taken that action and of the member's right of appeal under clause 11.
  - (5) The expulsion or suspension does not take effect:
    - (a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned: or
    - (b) if within that period the member exercises the right of appeal, unless and until the association confirms the resolution under clause 11 (4), whichever is the later.

#### **Right of Appeal of Disciplined Member**

- 11
- (1) A member may appeal to the association in general meeting against a resolution of the committee under clause 10, within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
  - (2) The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.

- (3) On receipt of a notice from a member under sub-clause (1), the secretary must notify the committee which is to convene a general meeting of the association to be held within 28 days after the date on which the secretary received the notice.
- (4) At a general meeting of the association convened under sub-clause (3):
  - (a) no business other than the question of the appeal is to be transacted; and
  - (b) the committee and the member must be given the opportunity to state their respective cases orally or in writing, or both; and
  - (c) the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (5) If at the general meeting the association passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

**Application of Certain Clauses to and Special Provisions Relative to Affiliates**

- 12 (1) The following clauses shall apply mutatis mutandis to affiliates
  - (a) Clause 6 - resignation of affiliation  
PROVIDED THAT the club shall pay to the association any amount outstanding in respect to affiliation fees and any other monies due and payable by it to the association.
  - (b) Clauses 10 and 11 - termination or suspension of affiliation or other disciplinary measures.
- (2) The failure of a district club or an affiliated organization to appoint delegate members in accordance with the provisions of this constitution shall be deemed to be conduct prejudicial to the interests of the association within the meaning of clause 10.
- (3) The affiliation of a district club or an affiliated organization shall cease:
  - (a) if it resigns;
  - (b) if the affiliation is terminated;
  - (c) if being an incorporated body, it is wound up or, being an unincorporated body, becomes (in the opinion of the committee) defunct, disbanded or dissolved.
  - (d) If it does not within 28 days after written notice from the association to do so, comply with a direction of the committee to amend or repeal any of the clauses of its constituent document.
- 4 (a) The affiliation of a district club is subject to the district club meeting the criteria as set out in the Criteria Document dated July 2008 and annexed to this constitution and marked "A".
  - (b) In determining whether a district club meets the criteria as set out in the Criteria Document, the NDCA will request that each district club submit a written submission every three (3) years to the NDCA detailing how that district club meets the criteria and how that district club proposes to continue to meet the criteria for the next three (3) years.
  - (c) The written submissions referred to in 12(4)(b) above will be



required to be in writing to the NDCA on or before the Annual General Meeting of the NDCA every three (3) years commencing in 2009 and every three (3) years thereafter.

### **PART III COMMITTEES**

#### **SECTION (A) MANAGEMENT COMMITTEE**

##### **Powers, etc, of the Committee**

- 13                    The committee shall be called the committee of management of the association and, subject to the Act, the Regulation and this constitution and to any resolution passed by the association in general meeting –
- (1)                   shall control and manage the affairs of the association;
  - (2)                   may exercise all such functions as may be exercised by the association other than those functions that are required by the Act, the Regulation or this constitution to be exercised by a general meeting of members of the association or by the club advisory committee or by a standing committee of the association;
  - (3)                   may make such administrative regulations not inconsistent with the Act, the Regulation or with this constitution as in the opinion of the committee are necessary or desirable for the proper control, administration and management of the association's finances, affairs, interests, property and activities, including without limiting the generality thereof the specification of the powers, duties and responsibilities of delegated positions, selection policies, practice, the use of the association's grounds, gear and facilities, standing orders for all meetings of the association, its committees and sub-committees and the recognition of the suspensions and disqualifications of sports persons and sports officials, for the resolution of disputes or protests and may amend and rescind from time to time any such regulations. Provided the committee shall within 14 days of the enactment of the same or their alteration (as the case may be) notify the Secretary of each affiliate.
  - (4)                   Subject to prior compliance with the relevant provisions of the constituent document of New South Wales Cricket Association, shall approve the constituent documents of all clubs associations or other bodies which are either directly or indirectly affiliated with the association and may direct any such affiliated club association, or other body to amend or repeal any of the clauses of its constituent document or insert into such constituent document such clause as it deems necessary for the orderly regulation of the game of cricket in the Newcastle District provided that no amendment, repeal or insertion may be required that would be repugnant to or inconsistent with any requirement of any Act under which such affiliated club association or other body is incorporated.
  - (5)                   has power to perform all such other acts and do all such other things as appear to the committee to be necessary or desirable for the proper management of the affairs of the association;
- 14                    (1)                   Subject in the case of the first members of the committee to section 21 of the Act, the committee shall consist of –
- (a)                   the officer bearers of the association; and

- (b) three (3) ordinary members;

and such persons referred to in sub paragraphs (a) and (b) above shall be elected pursuant to clause 15 at the annual general meeting of the association.

- (2) The office bearers of the association shall be –

- (a) the chairman;
- (b) the deputy chairman;
- (c) the secretary;
- (d) the financial controller;
- (e) the grade administrator.

- (3) Each member of the committee shall, subject to this constitution, hold office until the conclusion of the annual general meeting following the date of the member's election but is eligible for re-election, subject to the provisions of clause 15.

- (4) In the event of a casual vacancy occurring in the membership of the committee, the committee may appoint a person to fill the vacancy and the person so appointed shall hold office, subject to this constitution, until the conclusion of the annual general meeting next following the date of the appointment.

- (5) There shall be an executive committee which shall consist of the chairman, deputy chairman, secretary, grade administrator and financial controller. They shall run association business and report to the committee thereon at its monthly meetings.

- (6) The executive committee at its discretion can invite another member of the management committee to sit in as a member of the executive committee.

#### **Election of Members of the Committee**

- 15 (1) Not more than two members of or other persons holding a close association with, the same affiliate (excluding active members of the Newcastle District Cricket Umpires Association) shall, at the same time, be members of the committee.
- (2) Nominations of candidates (who need not be members of the association or of a district club or an affiliated organization) for election as office bearers of the association or as ordinary members of the committee or as members of the Standing Committees –
  - (a) shall be made in writing and signed by two full members and by the candidate; and
  - (b) shall be delivered to the secretary of the association ten days before the date of the annual general meeting. The secretary shall, at least seven days before the annual general meeting, notify the secretary of each affiliate of the names of the candidates.
- (3) If insufficient nominations are received to fill all vacancies on the committee or the Standing Committees, the candidates nominated shall be deemed to be elected and further nominations shall be received at the annual general meeting.

- (4) If insufficient further nominations are received, any vacant positions remaining on the committee or the Standing Committees shall be deemed to be casual vacancies.
- (5) 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.
- (6) If the number of nominations received exceeds the number of vacancies to be filled, a ballot shall be held.
- (7) The ballot for the election of office-bearers and ordinary members of the committee and the members of the Standing Committees shall be conducted at the annual general meeting in such usual and proper manner as the committee may direct.
- (8) A person may be nominated for more than one office in the association as well as for ordinary membership of the committee. The ballot for the election of the various offices shall be conducted in the order in which the office bearers are listed in clause 14(2), followed by the election of the ordinary members of the committee.

#### **Duties and Functions of Officials**

16

- (1) Secretary
  - (a) The secretary of the association shall, as soon as practicable after being appointed as secretary, lodge notice with the association of his or her address.
  - (b) The secretary will keep a record of details of all members of all committees and call all meetings as required. They shall also carry out the normal day to day duties required of them. All records, books and other documents relating to the association are to be kept in good order by the secretary at the association headquarters.
- (2) Financial Controller
 

It is the duty of the treasurer of the association to ensure that

  - (a) all money due to the association is collected and received and that all payments authorized by the association are made;
  - (b) correct books and accounts are kept showing the financial affairs of the association including full detail of all receipts and expenditure connected with the activities of the association.
- (3) Grade Administrator
  - (a) It is the duty of the grade administrator to keep minutes of –
    - (i) all appointments of the executive committee and ordinary members of the committee;
    - (ii) the names of members of the committee present at executive committee, management committee and club advisory committee meetings;
    - (iii) all proceedings at these meetings.
  - (b) minutes of proceedings at a meeting shall be signed by the chairperson of the next succeeding meeting.

- (c) Maintain the register of players affiliated with each district club and the University of Newcastle Cricket Club.

### **Casual Vacancies**

- 17 a (1) For the purposes of this constitution, a casual vacancy in the office of member of the committee occurs if the member –
- (a) dies;
  - (b) ceases to be a member of the association
  - (c) becomes an insolvent under administration within the meaning of *Corporations Act 2001* (Cth);
  - (d) resigns office by notice in writing given to the secretary;
  - (e) is removed from office under clause 18 herein;
  - (f) 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
  - (g) is absent without the consent of the committee from two (2) consecutive meetings of the committee.
  - (h) is disqualified by the operation of clause 15(1): the member disqualified shall be the one whose election, appointment or actions cause a breach of clause 15(1).

### **Removal of a Member of the Committee**

- 18 (1) The association in 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.
- (2) A member of the committee to whom a proposed resolution referred to in clause 18(1) relates, may appeal such resolution and such appeal shall be made and conducted in accordance with the provisions of clause 11 herein.

### **Meetings and Quorum**

- 19 (1) Meetings of the both the committee and the executive committee shall be held at such times and intervals as the members of those committees decide. Meetings shall be convened by the secretary or, in the absence of the secretary, by the chairman.
- (2) The secretary shall, upon receiving a request in writing signed by three (3) members of the committee, convene a special meeting of the committee. However, no such special meeting will be convened unless the requisition from the three members sets out, in writing, the purpose for which the special meeting is to be held.
- (3) Oral or written notice of a meeting of the committee shall be given by the secretary to each member of the committee at least 48 hours (or such other period as may be unanimously agreed upon by the members of the committee) before the time appointed for the holding of the meeting.

- (4) Notice of a meeting given under sub-clause (3) 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.
- (5) Three (3) members of the executive constitute a quorum for the transaction of business of the meeting of the executive committee. Five (5) members of the committee constitute a quorum for the transaction of business of the meeting of a committee.
- (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 to the same place and at the same hour of the same day in the following week.
- (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.
- (8) (a) At a meeting of the executive committee –
  - (i) the chairman or, in the chairman’s absence, the deputy chairman shall preside; or
  - (ii) if the chairman and deputy chairman 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.
- (b) At a meeting of the committee –
  - (i) the chairman or, in the chairman’s absence, the deputy chairman shall preside; or
  - (ii) if the chairman and deputy chairman 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.
- (9) the secretary shall within 14 days after the date of a meeting of the committee, send a copy of the minutes of that meeting and of the reports of standing committees tabled at that meeting, to the committee members and secretary of each affiliate.

**Delegation by Committee to Sub-Committee**

- 20 (1) The committee may, by instrument in writing, delegate to one or more sub-committees (consisting of such member or members of the association or such other persons 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.
- (2) A function, the exercise of which has been delegated to a sub

committee under this clause may, while the delegation remains unrevoked, be exercised from time to time by the sub committee in accordance with the terms of the delegation.

- (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 delegation.
- (4) Notwithstanding any delegation under this clause, the committee may continue to exercise any function delegated.
- (5) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this clause has the same force and effect as it would have if it had been done or suffered by the committee.
- (6) The committee may, by instrument in writing, revoke wholly or in part any delegation under this clause.
- (7) A sub-committee may meet and adjourn as it thinks proper.

#### **Voting and Decisions**

- 21
- (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.
  - (2) Each member present at a meeting of the committee or of any sub-committee appointed by the committee (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question the person presiding may exercise a casting vote.
  - (3) Subject to clause 19 (5), the committee may act notwithstanding any vacancy on the committee.
  - (4) Any act or thing done or suffered, or purporting to have been done or suffered, by the committee or by a sub-committee appointed by the committee, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or sub-committee.

#### **SECTION (B) – CLUB ADVISORY COMMITTEE**

- 22
- (2) The club advisory committee shall be constituted by
    - (a) The members of the committee.
    - (b) The President (or appointed delegate) of district clubs and affiliated organizations.
  - (3) The committee may, whenever it thinks fit, convene a meeting of the club advisory committee. The club advisory committee shall meet at least once annually. It shall do so on a requisition signed by five members of the club advisory committee.
  - (4) The provisions of clauses 19(6), (7) and (8), 21, 26(3), (4) and (5), 28, 29, 30, 31 and 33(4), (5), (6), (7) shall mutatis mutandis apply to a meeting of the club advisory committee PROVIDED THAT the number to constitute a quorum for the purposes of clause 28(4) shall be twelve (12).

- (5) Upon any question arising at a meeting of the club advisory committee each member thereof shall have one vote.
- (6) The functions of the club advisory committee are:-
  - (a) To receive reports from the committee on the activities of the association since the previous club advisory committee meeting.
  - (b) To make recommendations to the committee on any matter affecting the affairs of the association.

**SECTION (C) - STANDING COMMITTEES**

[A reference in this Section (C) to the "committee" means a reference to the committee of management established under clause 13]

23

There is hereby established the following standing committees:

- (1) (a) (i) The selection committee of three (3) members;
- (ii) The fixtures and permits committee of four (4) members, one of whom shall be the grade administrator;
- (iii) The junior committee of five (5) members;
- (iv) The umpires appointments committee of three (3) members, two (2) nominated by the association and one (1) by the Newcastle District Cricket Umpires Association;
- (v) The judiciary committee shall be composed of a panel of four (4) members; and
- (vi) The appeals committee of three (3) members, none of whom shall be a member of the committee.
- (b) A person shall not, at the same time, be a member of the judiciary committee and the appeals committee. A member of the Committee shall not, at the same time, be a member of the appeals committee nor, if an office-bearer of an affiliate, of the judiciary committee.
- (c) Members of the standing committees shall hold office until their successors are elected in the next year.
- (d) The provisions of clause 15 shall apply mutatis mutandis to the nomination of candidates for and the election of members of standing committees except that not more than one member or of the same club or organization shall, at the same time, be a member of a standing committee.
- (e) The Management Committee shall fill any casual vacancy which occurs in a Standing Committee.
- (3) Unless otherwise expressly provided in this constitution, a standing committee shall regulate its own procedures. The committee shall elect the chairperson of each standing committee.
- (4) Each member of a standing committee shall have one vote provided that in the event of the equality of votes, the chairperson shall have a second or casting vote. The chairperson may determine the manner in which the votes of members of the standing committee shall be ascertained.

- (5) A quorum for a standing committee shall be:
- (a) The selection committee - three members.
  - (b) The fixtures and permits committee - three members.
  - (c) The junior committee - three members.
  - (d) The umpires appointments committee – three members, - one being a representative of the Newcastle District Cricket Umpires Association.
  - (e) The judiciary committee - three members.
  - (f) The appeals committee - three members.

If, for reasons considered by the Committee to be exceptional, a quorum cannot be attained for the holding of a meeting of a standing committee, the committee or the Newcastle District Cricket Umpires Association, as the case may be, may appoint another person to that standing committee for the purposes only of the holding of that meeting.

- (6) Votes at a standing committee meeting shall be given personally. A member of a standing committee shall not be entitled to appoint a proxy. The chairperson of a standing committee (other than the judiciary committee and the appeals committee) may, if he or she considers a matter to be special and requiring immediate decision, conduct a vote by such means as the chairperson considers desirable. The determination of the chairperson that the matter is special requiring immediate decision, shall be conclusive.
- (7) All standing committees shall report to the committee.
- (8) No member of a standing committee, including the chairperson, shall have any right to publish in any manner the proceedings or decisions of a standing committee, which shall be notified by the chairperson to the secretary of the association who alone shall have the right to publish proceedings or decisions of standing committee.
- (9) The powers and functions of the standing committees are as follows:

(a) **Judiciary Committee**

- (i) To investigate, hear and determine all protests and disputes submitted to the committee by members or affiliated clubs or organizations or their respective members, all questions relating to the qualification and eligibility of players and all charges of misconduct prior to, during or subsequent to any match, or of bringing the game of cricket or the association or any body affiliated with it or with which it is affiliated, into disrepute, and all other matters in respect to offences or complaints or requiring adjudication referred to it by the committee.
- (ii) The judiciary committee may after hearing the matter:
  - (1) Issue a warning in the nature of a reprimand to the person appearing before it or,
  - (2) Impose a fine or
  - (3) Suspend or disqualify the person for a specified time or
  - (4) any combination of (1), (2) and (3), or
  - (5) in the case of a player member - expel such person from the association or
  - (6) otherwise deal with the person.
- (iii) Any penalty imposed upon a person by the judiciary committee shall have effect immediately upon its imposition,



notwithstanding the person's rights of appeal or further appeal under this constitution.

- (iv) The Judiciary Committee has plenary powers.
- (v) Unless the chairman otherwise directs, the Judiciary Committee shall meet on Thursdays at the time and place determined by the chairman.
- (b) **Selection Committee**  
To select teams for all district representative matches.
- (c) **Fixtures and Permits Committee**
  - (i) Shall arrange dates and grounds for the playing of all competition fixtures including all semi finals and finals and inspect existing grounds as required by the Rules of Competition.
  - (ii) To investigate and deal with all matters relating to the registration and eligibility of players.
- (d) **Junior Committee**  
To administer and manage all representative cricket for players under the age of 19, including the selection of junior representative teams up to and including Under 19's.
- (e) **Umpires Appointment Committee**
  - (i) To select and appoint umpires for the final of all First Grade competitions and the Under 21 competition conducted by the association and for all representative matches played under the control of the association.
  - (ii) The Umpires Appointments Committee shall nominate to the NDCUA a panel of four (4) umpires whom it regards as best qualified to stand in the First Grade Final and from amongst whom it will appoint the two (2) for the Final.
  - (iii) The NDCUA shall appoint the same four umpires to the First Grade Semi-Finals.
  - (iv) The selection of the two umpires for the First Grade Final shall be made after the completion of the semi-finals.
- (9A) **Reference of Matters to the Judiciary Committee**
  - (a) All clubs referring protests or disputes to the association shall forward the same in writing, within one week of the occurrence to both the secretary of the club complained against and the secretary of the association, together with such fee as determined by the committee which shall be returned if the matter be not considered frivolous. The association secretary shall refer the protests or disputes to the judiciary committee for hearing and decision.
  - (b) Any player charged with misconduct prior to, during or subsequent to the progress of a match, shall be liable to disqualification from taking part in any match played under the auspices of the association for such time as may be decided. The player so charged shall appear before the judiciary committee. Any charge under this clause shall be in writing and must be in the hands of the Code of Conduct Commissioner not later than 6.30 pm on the second business day following the incident.
- (9AB) **Code of Conduct Commissioner**

- (a) Each season the management Committee shall appoint a Code of Conduct Commissioner.
- (b) If, for any reason, the Commissioner is unable to so act, the Committee shall appoint an acting Commissioner.
- (c) The Commissioner shall:
  - (i) examine and consider any report made under the Code of Behaviour, which reports must be lodged with the Secretary by 6.30pm on the Tuesday following the incident.
  - (ii) if of the opinion that a breach of the Code has occurred, lay charges against the person reported and serve on them written notice to appear before the Judiciary. Service of the written notice on the player's club shall be deemed service on the player. Telephone advice of the details of the alleged breach of the Code shall be sufficient provided the written notice is served before the hearing. Written notice may be served by electronic means.
  - (iii) appear at the hearing before the Judiciary, to present the evidence relied upon to support the charge (including assisting the reporter/s in their presentation of their evidence) to test the defence case, to address the Judiciary, and, if applicable, to make submissions in respect to these matters and as to penalty.
  - (iv) in the case where a person charged under the Code appeals, appear before the Appeals Committee on the hearing of the appeal and make such submissions as are, in the circumstances, appropriate.
  - (v) appear for and represent the Association at the hearing of any matter by the Judiciary or the Appeals Committee, which comes before those committees otherwise than as a result of a charge under the Code of Behaviour.

(10) **The Regulation of the Procedures of the Judiciary Committee**

- (a) The committee shall ensure that the party appearing before the judiciary committee, is granted a fair hearing provided that nothing contained in this constitution shall grant a right of legal representation to a party at a judiciary committee hearing, unless the other party is also legally represented and then only at the discretion of the chairperson. A person may be represented by an official of the district club or affiliated organization of which the person is a member provided such representative does not hold legal qualifications unless legal representation is allowed by the chairperson.
- (b) A judiciary committee member shall not take part in any hearing which may involve a district club or organization or a player of a club or a member of an organization with which he holds office as a director or committee person or with which otherwise holds a close association.
- (c) The proceedings before the judiciary committee shall be recorded in such manner as the chairperson directs. Any person summonsed to appear before the judiciary committee who neglects to appear without proper explanation to the chairperson, shall be dealt with in terms of suspension, bond, fine or reprimand or a combination thereof as the judiciary

committee sees fit.

- (d) Any player who does not appear before the judiciary committee when ordered may be suspended by the judiciary committee until such time as the person appears before it.
- (e) A person appearing before the judiciary committee may call witnesses in his support.
- (f) In the exercise of their function, the judiciary committee shall do all such things as may be necessary to ensure:
  - (i) That all matters are set down for hearing with as much expedition as is reasonably possible.
  - (ii) That all hearings are concluded within as short a period as is reasonably possible.
  - (iii) All persons, other than the members of the judiciary committee, the official recorder, the parties and their representatives (if any) and their witnesses (but only before they give evidence), shall be excluded from the proceedings of the judiciary committee.
- (g) At a hearing by the judiciary committee the case of the parties shall be presented in the order decided by the chairperson, but nothing herein removes from any person the onus of proving any ground on which he relies. The standard of proof to be applied by the judiciary committee shall be that of the balance of probabilities.
- (h) Subject to the next sub-clause, the judiciary committee is not bound by the rules and practices as to evidence.
- (i) The judiciary committee shall not inform itself on, or take into consideration any matters which have not been disclosed in evidence at a sitting of the judiciary committee unless the matter is one which ought, in the interests of justice, be taken into account or consideration by the judiciary committee.
- (j) In relation to any hearing the chairperson of the judiciary committee by instruction in writing or verbally:-
  - (i) May request any person to be present at a sitting of the judiciary committee for the purposes of hearing to produce, on or before such date as is specified in the instruction, the inspection of any other such persons so specified, any document or exhibit relevant to the hearing and which is so specified.
  - (ii) May request a person referred to in paragraph a above to do either or any of the following things namely:
    - (1) to lodge with the judiciary committee on or before such date as is specified in the instruction, a written case setting out the arguments on which the person relies in relation to the offence, appeal or complaint.
    - (2) to serve, on or before such date as is specified in the instrument, on any other such person so specified, a copy of a written case referred to in sub paragraph 1.
  - (iii) May request the persons, referred to in paragraph (i)

to lodge with the judiciary committee on or before such date as is specified in the instruction, a statement of such facts or matters as are agreed upon between them in relation to the offence, appeal or complaint.

- (iv) May request any person to produce before the judiciary committee any document or exhibit relevant to the offence, appeal or complaint.
- (v) May request any person to appear before the judiciary committee to give evidence.
- (k) Any person who fails or neglects to comply with a request made to him or her under Sub-clause (j) may be deemed to be guilty of misconduct and may be liable to such penalty as the judiciary committee determines.
- (l) The judiciary committee may from time to time adjourn any hearing until such times, dates and places for such reasons as it thinks fit.
- (m) The association and judiciary committee subject to clause 23(8) shall be entitled to publish in the public press or in any other manner they shall think fit reports of their proceedings, acts, resolutions and findings whether the same shall or shall not reflect on the conduct of any member or affiliated club or organization or player or member or official of an affiliated club or organization and all evidence tendered on such enquiries and all such enquiries and reports shall be privileged and every such member or affiliated club or organization or player or member or official of an affiliated club or organization shall be deemed to have assented to such enquiry and publication so as to accept the same as privileged in law.

(11) **Appeal from Decision of Judiciary Committee**

- (a) A person aggrieved with the decision of the judiciary committee shall have the right within 14 days of the decision to appeal the decision to the appeals committee.
- (b) The provisions of clause 23(10) (a) to (m) (inclusive) shall apply mutatis mutandis to an appeal to the appeals committee.
- (c) The appeals committee must consider the written report and reasons (if any) provided by the chairperson of the judiciary committee in relation to the matter subject to appeal.
- (d) The appeals committee shall have full power to vary modify or set aside the decision or finding of the judiciary committee and to set aside, increase or decrease the period of any suspension or to order a new hearing where the appeals committee is of the opinion that there has been some defect or error in the application of this constitution or the rules of competition.
- (e) Any party aggrieved by the decision of the appeals committee may lodge an appeal to the New South Wales Cricket Association Cricket Board with the Chief Executive within 7 days of the date on which the appeals committee hands down its decision and the secretary shall forthwith

send such appeal to the Executive Director of the New South Wales Cricket Association for consideration by its Cricket Board. The decision of the New South Wales Cricket Association Cricket Board on any such appeal shall be final and no further appeal shall be made to any other body or Court other than on a point of law.

#### **PART IV - GENERAL MEETINGS**

##### **Annual General Meetings - holding of**

- 24
- (1) The association shall at least once in each calendar year and within the period of 6 months after the expiration of each financial year of the association, convene an annual general meeting of its members.
  - (2) Clause 1 has effect subject to any extension or permission granted by the Director-General or prescribed by the Regulation.

##### **Annual General Meetings - Calling of and Business at**

- 25
- (1) The annual general meeting of the association shall, subject to the Act and to clause 24, be convened on such date before the end of the month of August in each year, and at such place and time as the committee thinks fit.
  - (2) 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 last preceding annual general meeting and of any special general meeting held since that meeting;
    - (b) to receive from the committee reports upon the activities of the association during the last preceding financial year;
    - (c) to receive and consider the statement which is required to be submitted to members pursuant to Part 5 of the Act and Part 3 of the Regulation;
    - (d) The election of Patron/Patrons (if any) who shall be nominated for such position by the committee;
    - (e) to elect office-bearers of the association and ordinary members of the committee;
    - (f) to elect members of the standing committees of the association;
    - (g) To appoint auditors;
    - (h) The announcement of the date for the closing of team entries for the next season; and
    - (i) Any other business brought forward in accordance with this constitution.
  - (3) An annual general meeting shall be specified as such in the notice convening it.

### **Special General Meetings - calling of**

- 26
- (1) The committee may, whenever it thinks fit, convene a special general meeting of the association.
  - (2) The committee shall, on the requisition in writing of not less than 5 full members convene a special general meeting of the association.
  - (3) A requisition of members for a special general meeting –
    - (a) shall state the purpose or purposes of the meeting;
    - (b) shall be signed by the members making the requisition;
    - (c) shall be lodged with the secretary; and may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
  - (4) If the committee fails to convene a special general meeting to be held within 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 3 months after that date.
  - (5) A special general meeting convened by a member or members as referred to in sub-clause 4 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 association for any expense so incurred.

### **Notice**

- 27
- (1) Except where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary shall, at least 14 days before the date fixed for the holding of the general meeting, cause to be sent by pre-paid post or by electronic means to each full member at the member's address appearing in the register of members but in the case of a delegate member care of the secretary of his or her affiliate and, as well, to the secretary of each affiliate, a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
  - (2) Where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary shall, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be sent to each full member in the manner provided, in sub-clause 1 specifying, in addition to the matter required under sub-clause 1, the intention to propose the resolution as a special resolution.
  - (3) No business other than that specified in the notice convening a general meeting shall be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted pursuant to clause 25 (2).
  - (4) A full 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.

### **Procedure**

- 28
- (1) No item of business shall be transacted at a general meeting unless

a quorum of persons entitled under this constitution to vote is present during the time the meeting is considering that item.

- (2) A quorum for a general meeting shall be not less than fifty percent (50%) of all persons entitled under this constitution to vote at a general meeting of the association on the day that notice of the general meeting is issued.
- (3) 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 full members given before the day to which the meeting is adjourned) at the same place.
- (4) 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 full members present (being not less than 21) shall constitute a quorum.

#### **Presiding member**

- 29 (1) The chairman or, in the chairman's absence, the deputy chairman, shall preside as chairperson at each general meeting of the association.
- (2) If the chairman and the deputy chairman are absent from a general meeting or unwilling to act, the full members present shall elect one of their number to preside as chairperson at the meeting.

#### **Adjournment**

- 30 (1) The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of full 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.
- (2) Where a general meeting is adjourned for 14 days or more, the secretary shall give written or oral notice of the adjourned meeting to each full member and the secretary of each affiliate, of the association stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (3) Except as provided in sub-clauses 1 and 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.

#### **Making of Decisions**

- 31 (1) A question arising at a general meeting of the association 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 that effect in the minute book of the association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.

- (2) At a general meeting of the association, a poll may be demanded by the chairperson or by not less than 3 full members present in person or by proxy (if allowed) at the meeting.
- (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 an 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.

### **Special Resolution**

32 A resolution of the association is a special resolution if –

- (1) it is passed by a majority which comprises not less than three-quarters of such members of the association as, being entitled under this constitution so to do, vote in person or by proxy (if allowed) at a 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 this constitution; or
- (2) where it is not possible or practicable for the resolution to be passed in the manner specified in paragraph a - the resolution is passed in accordance with the Act and the Regulation.

### **Votes and Voting**

- 33 (1) Subject to sub-clauses 2 and 3, upon any question arising at a general meeting of the association, a member has one vote only.
- (2) A player member shall not be entitled to vote at any general meeting of the association, unless such member is also an executive member or a delegate member.
- (3) A life member shall be entitled to attend and enter into the discussion at any general meeting of the association but shall not, unless such life member is also an executive member or a delegate member, be entitled to vote at a general meeting of the association.
- (4) All votes shall be given personally. Postal ballots are not to be used to determine any matter, issue or proposal arising under this constitution.
- (5) A person shall not
  - (a) attend or vote at any meeting of the association; or
  - (b) vote at any election of a member of the committee, as the proxy of an executive member.
- (6) (a) A delegate member shall be entitled to appoint another person (not being another delegate member) as proxy by notice given to the secretary prior to the time set down for the commencement of the meeting in respect of which the proxy is appointed. Any person so appointed as a proxy must be a member of the club or organization which nominated the member of the association for whom the proxy is to act and the document appointing such proxy must be



countersigned by the secretary or other authorised officer of such club or organization.

- (b) The notice appointing the proxy shall be in the form prescribed by the administrative regulations of the association.
- (7) A proxy for a delegate member shall have the same rights of voting and privileges of taking part in any consideration debate or discussion on any question or matter arising in any meeting of the association, as if the delegate member were present in person.
- (8) 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.

## **PART V – MISCELLANEOUS**

### **Insurance**

- 34 (1) The association shall effect and maintain insurance as required by the Act and the Regulation.
- (2) In addition to the insurance required under sub-clause 1 the association may effect and maintain other insurance.

### **Funds-Source**

- 35 (1) The funds of the association shall be derived from registration fees, fines, sponsorships, donations and investments and subject to any resolution passed by the association in general meeting, such other sources as the committee determines.
- (2) All money received by the association shall be deposited as soon as practicable in any account opened in the association's name with a bank, building society or corporation, deposits in which have been prescribed as authorised securities pursuant to the Trustee Act, 1925.
- (3) The association shall, as soon as practicable after receiving any money, issue an appropriate receipt.

### **Funds-Management**

- 36 (1) Subject to any resolution passed by the association in general meeting, the funds of the association shall be used in pursuance of the objects of the association in such manner as the committee determines.
- (2) All accounts received shall be paid by the financial controller when due and signed off at the next meeting by the chairman of that meeting. All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall bear two signatures or authorisations. The only persons authorised to sign are the chairman, deputy chairman, secretary and financial controller unless otherwise directed by the committee.

### **Audit**

- 37 The auditor appointed by the members of the association, shall, audit the books, accounts and records of the association and the report of such audit shall be presented to members within six months of the conclusion of the financial year.

### **Alteration of Objects and Constitution**

- 38 The Statement of Objects and this constitution may be altered only by a special resolution of the association passed by the association in accordance with section 39 of the Act.

### **Common Seal**

- 39 (1) The common seal of the association shall be kept in the custody of the secretary or otherwise as the committee shall determine.
- (2) The common seal shall not be affixed to any instrument except by the authority of the committee and the affixing of the common seal shall be attested by the signatures either of 2 members of the committee or of 1 member of the committee and of the public officer or secretary.

### **Custody of Books etc**

- 40 Except as otherwise provided by this constitution, the public officer shall keep in his or her custody or under his or her control, all records, books and other documents relating to the association.

### **Inspection of Books etc**

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

### **Service of Notices**

- 42 (1) For the purpose of this constitution, a notice may be served on or given to a person:
- (a) by delivering it to the person personally, or
  - (b) by sending it by pre-paid post to the address of the person, or
  - (c) by sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or serving the notice.
- (2) For the purpose of this constitution, a notice is taken, unless the contrary is proved, to have been given or served:
- (a) in the case of a notice given or served personally, on the date on which it is received by the addressee, and
  - (b) in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
  - (c) in the case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent or, if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

### **Administrative Regulations and the Rules of Competition for District Cricket**

- 43 (1) Any changes, amendments or alterations to the rules of competition may be made at a general meeting convened on a date determined in accordance with the provisions of this constitution.
- (2) The administrative regulations and rules of competition of the association shall have the same force and effect as this constitution has by virtue of the Act PROVIDED THAT an administrative

regulation or a rule of competition is of no effect if it is inconsistent with the Act or this constitution or is contrary to law or is contrary to an applicable provision in the constituent document of the New South Wales Cricket Association.

#### **Matters Not Specifically Provided For and Interpretation of the Constitution and Rules of Competition of Association**

- 44 (1) The committee is hereby empowered to deal as it may think fit with members, affiliated clubs or organizations or the members thereof, in respect of complaints and offences and any other matters or circumstances not otherwise specifically provided for or covered in this constitution or the rules of competition.
- (2) The committee shall be sole authority for the interpretation of this constitution and the rules of competition and its decision upon any question of interpretation or upon any other matter affecting the association shall be final and binding upon members, affiliated clubs or organizations and the members thereof and the members of standing committees and all other persons affected by this constitution and the administrative regulations and rules of competition.

#### **Savings**

- 45 The repeal of the constituent document of the former association effected by its incorporation under the Act or by this constitution shall not, unless otherwise expressly provided herein, affect any right accrued, or obligation incurred, or suspension imposed, or any action, proceeding or thing pending or uncompleted under the constituent document of the former association and every such action proceeding and thing may be carried on as if the constituent document had not been replaced by this constitution, and all persons appointed or elected under the constituent document of the former association and holding office at the time of the incorporation of the association shall be deemed to have been appointed or elected hereunder. The generality of this clause shall not limit any saving in the *Interpretation Act 1987* (NSW).

#### **Financial Year**

- 46 The financial year of the association is:
- (a) the period of time commencing on the date of incorporation of the association and ending on the following 31 May, and
  - (b) each period of 12 months after the expiration of the previous financial year of the association, commencing on 1 June and ending on the following 31 May.

**CRITERIA FOR ASSESSMENT OF CLUBS AFFILIATED WITH THE  
NEWCASTLE DISTRICT CRICKET ASSOCIATION AND  
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REVISED JULY 2008**

**SECTION 1 – CLUB ADMINISTRATION**

1.1 AIMS

To provide off-field support of the highest possible standard for the Club's on-field activities, in order to enhance the Club's performances in the areas summarised in Sections 2, 3 & 4, raise the standard of NDCA competitions generally, and further assist in the preparation of players, officials and facilities for representative cricket.

1.2 INCORPORATION

Each Club must be incorporated under the Incorporations Act.

1.3 CONSTITUTION

Each Club must have a Constitution by which it will run its affairs.

1.4 ANNUAL FINANCIAL STATEMENT

Each Club must prepare an annual financial statement, in accordance with the Incorporations Act. The document must include an Auditor's Report and both documents must be presented to the Club AGM for approval and submitted to the NDCA immediately after the Club's AGM.

1.5 ANNUAL BUDGET

Each Club should prepare an annual budget for adoption by its Committee, to assist in the prudent financial management of the Club.

This should include an annual fund raising & sponsorship plan, and should seek to obtain the support of local business houses for its activities.

1.6 CLUB MANAGEMENT COMMITTEE

Each Club should be administered by a Management Committee in accordance with the requirements of the NDCA, NSWCA and the Club's constitution.

In addition each Club should encourage its administrators to participate in administration at NDCA, NSWCA & Cricket Australia levels.

1.7 Each Club must prepare Annual Reports and conduct Annual General Meetings in accordance with the requirements of the NDCA, the Incorporations Act and the Club's constitution.

1.8 Each Club should prepare a plan of management, covering the activities set out in Sections 1, 2, 3 & 4 of this document, in order to assist in the

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realisation of its long-term aims.

1.9 PROMOTION

Each Club should seek to promote awareness of, and support for, both itself and NDCA Competitions generally. Each Club should seek to use the following means of promotion;

- General Public, via ground advertising, Club promotions, Newsletters and publication of results and articles in local newspapers.
- Club Membership, via Newsletters, Noticeboard, season programme, social events and clothing and merchandise for playing, practice and casual wear.
- Sponsors, via recognition of Club and Competition sponsors in all areas outlined above.

1.10 LOCALGOVERNMENT

Each club should establish and maintain a strong working relationship with its relevant ground authorities for the grounds used by the Club.

1.11 NDCA& NSWCA

Each Club must promptly comply with all reasonable requests for information by the NDCA & NSWCA. The above information includes, but not be limited to: -Annual Reports, Financial Statements, notice of Annual General Meetings, **Criteria Document Submissions**, Advice of Office Bearers and Delegates, Coaching Programme Reports and all information necessary for the conduct of the various NDCA Competitions.

**SECTION 2- PLAYING**

2.1 AIMS

To measure and compare the Club's relative playing strength, in comparison to Other NDCA Clubs, in order to identify areas in which they may improve their on-field performances, raise the standard of NDCA competitions in general and further assist in the preparation of players and officials for representative cricket.

2.2 FIELDING OF TEAMS

Each Club must enter one **at least** (1) team in each relevant NDCA competition as described in the annual Rules of Competition and Fixtures booklet.

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**2.3 CLUBS PERFORMANCES**

The NDCA will monitor performances by all clubs, both annually and on a three-year basis. This will include on-field performance **across all Grades**, off-field management, maintenance of equipment, player registrations, financial analysis and junior coaching and development.

**2.4 SCORERS & MANAGERS**

Each Club must appoint a scorer and should appoint a manager to its First Grade team. Every effort should be made to appoint a scorer to all other Grade teams.

**2.5 MEMBERSHIP REGISTRAR**

Each club should prepare and maintain an accurate Membership Register, including name, date of birth, street address and e-mail address of each player.

**2.6 JUDICIARY COMMITTEE**

The constitution of each Club should provide for the formation of a Judiciary Committee, in order to hear any alleged breach of their constitution by a member of the Club.

**2.7 PLAYER RETENTION SUB-COMMITTEE**

Each Club should form a sub-committee for the purpose of retaining players over the medium to long term period.

**SECTION 3 – DEVELOPMENT & COACHING**

**3.1 AIMS**

To provide development and coaching programmes of the highest possible standard and accessibility, in order to identify and assist talented players and coaches, raise the standard of NDCA competitions generally and further assist in the preparation of players and officials for representative cricket.

**3.2 COACHES**

**CLUB COACH-**Each Club **must** appoint a Club coach with minimum NCCP Level 1 accreditation. **Clubs are expected to have at least 3 Level1 Coaches available in any season.**

**ACCREDITATION OF CLUB COACH-**Each Club should ensure that Club **Coaches** regularly update **their** coaching knowledge by attending courses and seminars presented by the Regional Director of Coaching.



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3.3 COACHING PLAN

Each Club should develop an annual coaching plan. The plan should outline the Club's Coaching and Development Programme for the twelve month period commencing at the end of each cricket season.

3.4 JUNIOR DEVELOPMENT

- RELATIONS WITH JUNIOR CLUBS- Clubs should form a close working relationship with either their own junior club or with junior clubs within their district. This is to ensure a flow-through of players from junior to senior grades.
- COACHING ASSISTANCE- Clubs should provide coaching days, organise skill sessions and provide Coaches to junior teams during each season.

3.5 SCHOOLS

Each Club should assist the **NSW Regional Cricket Manager and** Regional Director of Coaching in the promotion and development of cricket in schools and assist in the running of inter-school cricket matches.

**SECTION 4- FACILITIES**

4.1 AIMS

To provide match, practice and off-field facilities of the highest standard, in order to encourage the best available players and officials to participate in NDCA competitions, raise the playing standards in the competitions generally and further assist in the preparation of players, officials and facilities for representative cricket.

4.2 COMPETITION REQUIREMENTS

In order to participate in the NDCA competitions, a Club will **endeavour to** meet the following minimum requirements;

- TURF PITCHES- Provide a turf pitch ground for each scheduled days play of each scheduled home match in First, Second, Third and Fourth Grades, Tom Locker Cup, Under 21's and Denis Broad Cup.
- PLAYING SURFACE- Provide an evenly grassed and level match pitch, centre square and outfield for each match, of as high

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a quality as possible and with no unreasonable variation in playing characteristics for each day's play of a match.

- **GROUND PREPARATION**- Provide all equipment necessary to prepare and maintain the playing surface prior to and during each match. Also establish and maintain a strong working relationship with the Curator and Groundstaff, including encouraging them to attend during the days play, and assist in their on-going development.
- **PRACTICE FACILITIES**- Provide suitable turf practice facilities for all schedule club practice sessions. In addition seek to provide suitable synthetic pitch practice facilities and indoor venues during wet weather.
- **PITCH COVERS**- Provide suitable pitch covers on all wickets for 1st and 2nd Grade, Tom Locker Cup, Under 21 and Denis Broad Cup matches as required by NDCA rules. The material used shall be waterproof and with the size no less than 25 x 10 metres. Clubs are encouraged to provide covers on all their grounds.
- **SIGHT SCREENS**- Clubs **will endeavour to** provide white sight screens of suitable height and width at both ends of grounds used for matches in 1st and 2nd Grade, Tom Locker Cup, Under 21 and Denis Broad Cup.
- **SCOREBOARDS** – Clubs **will endeavour to** provide a scoreboard at each ground used for matches in 1st and 2nd Grade, Tom Locker Cup, Under 21 and Denis Broad Cup. Clubs are encouraged to provide scoreboards on all their grounds.
- **BOUNDARY MARKERS**- Clubs **will endeavour to** provide clearly defined boundary markings at each ground and provide circles and dot markings for Limited Overs matches as required.
- **ADDITIONAL EQUIPMENT**- Clubs **will endeavour to** provide a First Aid Kit **and an available telephone** at each 1st Grade ground.
- **SUPASOPPER**- Clubs **will endeavour to** provide a Supasopper Machine at grounds used for matches in 1st and 2nd Grade, Tom Locker Cup, Under 21 and Denis Broad Cup.

**SECTION 5 – PENALTIES FOR NON-COMPLIANCE WITH  
CRITERIA**

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5.1 CLUB ADMINISTRATION

- BREACH OF CLAUSE 1.2- cancellation of N.D.C.A. affiliation and immediate removal from all competitions.
- BREACH OF CLAUSE 1.3- cancellation of N.D.C.A. affiliation and immediate removal from all competitions.
- BREACH OF CLAUSE 1.4- fine of \$200.00 if the annual financial statement is not received by the N.D.C.A. within one month following the club's annual general meeting. Fine increased to \$1,000.00 if not received within three months following the club's annual general meeting. Cancellation of N.D.C.A. affiliation and immediate removal from all competitions, if not received within six months following the club's annual general meeting.
- BREACH OF CLAUSE 1.7- cancellation of N.D.C.A. affiliation and immediate removal from all competitions.
- BREACH OF CLAUSE 1.11 -fine of \$200.00 if requested information is not received by the N.D.C.A. within one month of being requested. Fine increased to \$1,000.00 if not received within three months of being requested. Cancellation of N.D.C.A. affiliation and immediate removal from all competitions, if not received within six months of being requested.
- **Any Club in breach of any of the above clauses will have 30 days, after service of a breach notice from the NDCA detailing such breach, to rectify such breach. In the event the club does not rectify the breach within the 30 day period then the fines and penalties as detailed in this clause will apply immediately.**

5.2 PLAYING

- BREACH OF CLAUSE 2.2- cancellation of N.D.C.A. affiliation and immediate removal from all competitions.
- CLAUSE 2.3- should the overall performance of a District Club be deemed to be unsatisfactory by the N.D.C.A. Management Committee, the cancellation of N.D.C.A. affiliation and future removal from all competitions may be recommended to the following N.D.C.A. Annual General Meeting.
- BREACH OF CLAUSE 2.4- \$100.00 fine to be imposed on the relevant Club for each and any day an official scorer is not provided for its First Grade Team.

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- Any Club in breach of any of the above clauses will have 30 days, after service of a breach notice from the NDCA detailing such breach, to rectify such breach. In the event the club does not rectify the breach within the 30 day period then the fines and penalties as detailed in this clause will apply immediately.

**5.3 DEVELOPMENT & COACHING**

- There are no areas in the Development and Coaching section in which penalties are to apply for non-compliance. However a Club's performance in this area will be taken into consideration in the assessment carried out under Section 2.3 of this criteria.

**5.4 FACILITIES**

- Fines for breaches of Competition Requirements will be shown in the annual Rules of Competition and Fixtures Booklet.