



AUBURN DISTRICT CRICKET CLUB INC.

ABN No. 44 587 371 782

# CONSTITUTION

Version 4.2

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## **1 INTERPRETATIONS**

- 1.1 In these rules, except in so far as the context or subject matter otherwise indicates or requires:
- 1.2 “Ordinary Member” means a member of the Club who is not a Life Member or an elected office bearer or as referred to in Clause 3.
- 1.3 “Executive Officer” means –
- 1.3.1 The person holding office under these rules as what was formerly Secretary the Club, although if required be the Sydney Cricket Association or other governing body the title Secretary is used conjointly; and
- 1.3.2 Where no such person holds that office, the Club’s Management Committee will delegate the duties that the Executive Officer would normally perform.
- 1.4 “Special General Meeting” is a meeting of all Club members other than the Annual Special General Meeting (see clause 27).
- 1.5 “The Act” means the Associations Incorporation Act, 1984 and any relevant amendments.
- 1.6 “The Regulation” means the Associations Incorporation Regulation 1985.
- 1.7 In these laws –
- 1.7.1 A reference to a function includes a reference to a power, an authority and duty, and:
- 1.7.2 A reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.
- 1.8 The provisions of the Interpretation Act 1987 apply to and in respect of these laws in the same manner as those provisions would so apply if these laws were an instrument made under the Act.
- 1.9 The name of the Club shall be “Auburn District Cricket Club Inc.” (Hereon referred to as “the Club”).
- 1.10 **OBJECTS OF THE CLUB**
- 1.10.1 The object of the Club is to promote, foster, encourage, and support the playing of cricket within the district as determined by the Sydney Cricket Association (or appropriate body), with the emphasis on good sportsmanship and gentlemanly conduct by all teams;
- 1.10.2 To hold, provide, conduct, manage and carry out any sport, pastime, social function, business activity or game for any purpose associated with or incidental to or for the benefit of the Club;
- 1.10.3 To do all such things which are conducive to attaining and furthering the objects, interests and reputation of the Club.

## **2 THE MANAGEMENT COMMITTEE AND ITS POWERS**

- 2.1 The Club’s managing body shall be called the Management Committee and subject to the Act, the Regulation and these rules and to any resolution passed by the Club in Special General Meeting:
- 2.2 Shall control and manage the affairs of the Club;
- 2.3 Has power to perform all such acts and do all such things as appear to the Committee to be necessary or desirable for the over management

## **3 MANAGEMENT COMMITTEE MEMBERSHIP**

- 3.1 Subject in the case of the first members of the Management Committee to section 21 of the Act, the Management Committee shall consist of:



- 3.1.1 The office bearers of the Club;
  - 3.1.2 Life Memberships of the Club who have indicated a desire to actively participate on a regular basis;
  - 3.1.3 four (4) ordinary members, these four (4) ordinary members shall be elected at the Annual Special General Meeting of the Club pursuant to clause 26; and
  - 3.1.4 The office bearers of the Club after the election at the annual Special General Meeting shall become part of the Management Committee as do the persons in Law 13.1.2 and 13.1.3 and 13.1.4
- 3.2 The Office bearers of the Club are:
- 3.2.1 The President
  - 3.2.2 The Executive Officer
  - 3.2.3 Director - Finance
  - 3.2.4 Director -Information Technology
  - 3.2.5 Director - Juniors and Player Development
  - 3.2.6 Four (4) Ordinary Committee Members
  - 3.2.7 General Management Committee position, the duties of which may be assigned by the Management Committee as required for the good management of the club.
- 3.3 From time to time a role as defined directly above may become redundant and/or a new function may become necessary, the Management Committee has the ability to make such adjustments during the season and have them ratified by either a Special General Meeting or the Annual General meeting.
- 3.4 Each member of the Management Committee shall, subject to these laws, hold office until the date of the Annual Special General Meeting approximately twelve (12) months from the date that the member was elected. Any member is eligible for re-election.
- 3.5 In the event of a casual vacancy occurring the Management Committee may appoint a member of the Club to fill the vacancy and the member so appointed shall hold office, subject to these laws, until the next Annual Special General Meeting after the date of such appointment.
- 3.6 All office bearing positions shall be filled by election except as allowed in sub-clause 3.5 Such positions being voted on at the Annual Special General Meeting each year. All members must be financial members of the Club to qualify for election to a position.

#### **4 OTHER MANAGEMENT COMMITTEE POSITIONS**

- 4.1 Division of responsibilities of those acting for or on behalf of the relevant Director shall be decided upon by the relevant Director of each unit at the first meeting which shall be as soon after the Annual Special General Meeting as practicable but not later than four (4) weeks after such meeting.
- 4.2 Ideally every elected Management Committee member shall have a specific brief for which the Member will be responsible and upon which the Member will regularly report to the Committee for the ensuing season and this shall carry with it a descriptive title.
- 4.3 The following are examples of duties and responsibilities which merit direct responsibility for supervision along with the obligation to report on the responsibility to the Committee. These may be supervised by others as needs Change.
  - Marketing
  - Sponsor Relations
  - Public Relations
  - Communication
  - Statistics
  - Special Activities & Fund Raising
  - Player Development
  - Grounds & facilities
- 4.4 The Executive Officer will assign duties and activities to various members of the Executive Committee, as required, in order to spread the workload more equitably throughout the membership, including the playing membership.



4.5 Two of these responsibilities can be combined as required.

## **5 ELECTION OF MANAGEMENT COMMITTEE**

5.1 Nominations for all positions of Executive Office Bearers, President, Executive Officer, Director-Information Technology, Director Finance, Director Facilities/Grounds, Director Juniors & Development and four (4) Committee Members; "Management Committee"; excepting that of Life Members, Patron/s and Vice President/s must be in submitted in writing, signed by a Proposer and Secunder both of whom must be financial members of the club and endorsed by the member so nominated.

5.2 Such nomination must be received by the Executive Officer not later than 14 days prior to the date of the Annual Special General Meeting and only financial members shall be eligible for election as an Office Bearer.

5.2.1 If the number of candidates nominated is equal or less than the number required to be elected to a particular Committee Member's position then the candidate or candidates shall be declared to be elected at the Annual Special General Meeting and further nominations at the Annual Special General Meeting may be orally received from members present at the Annual Special General Meeting.

5.3 If insufficient nominations are received to fill all vacancies on the Management Committee the candidates nominated shall be deemed to be elected pursuant to in clause 27

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

5.5 The ballot for the election of a position on the Management Committee shall be conducted at the Annual Special General Meeting in such usual and proper manner as the Chairperson may direct all voting for positions at the Annual Special General Meeting may be by secret ballot.

## **6 DUTIES OF THE PRESIDENT**

6.1 The President of the Club shall chair all Management Committee meetings. The President shall have a vote - see clause 26 and will control the meetings in accordance with the accepted parliamentary rules of debate. He or she shall be an ex-officio member of all/any subcommittee(s) formed from time to time. If the President is absent from a meeting refer to clause 31 and 32.1.

6.2 The President is also responsible for overseeing and advising on players recruitment, with the Executive Officer and is also tasked with driving the club strategy both long and short term.

6.3 The President is also tasked with maintaining and fostering strong relationships with key stakeholders, such as major sponsors and the local Council.

## **7 DUTIES OF EXECUTIVE OFFICER**

7.1 The Executive Officer reports to the Club President. The Executive Officer of the Club shall as soon as possible after being appointed as Executive Officer lodge notice with the Sydney Cricket Association of his or her address and home and work telephone numbers. The Sydney Cricket Association may from time to time request the name, address, and telephone numbers of other Club office bearers. This request shall be complied with by the Executive Officer as soon as possible after the annual Special General Meeting.

7.2 It is the duty of the Executive Officer to keep minutes of:

7.2.1 All appointments of office bearers and members of the Club Management Committee;

7.2.2 The names of members of the Management Committee present at a Club Management Committee meeting or a Special General Meeting;

7.2.3 All proceedings at Management Committee meetings, Special General Meetings and annual Special General Meetings.

7.3 Minutes of proceedings at a meeting shall be scrutinised at or before the next succeeding meeting, and accepted (or declined) by means of a motion and vote by the Management Committee.

7.4 It is also the duty of the Executive Officer to attend to the general business of the Club under the direction of the Management Committee, attend to all correspondence, issue Notices of Meetings -



see Law 19 and carry out such duties as the Management Committee may from time to time direct.

- 7.5 The Executive Officers shall also keep and maintain all Club records other than those relating to the position of Director - Finance.
- 7.6 The Executive Officer may at his discretion delegate any of his duties as he sees fit.
- 7.7 The Executive Officer is responsible for all external communication from the Club, including email, written correspondence and social media.
- 7.8 The Executive Officer is responsible along with the President for overseeing and advising on player recruitment.
- 7.9 For the purposes of the Associations Incorporation Act, the Executive Officer of the Club shall also be the public officer as required, unless the Management Committee appoints some other member of the committee to that position and notifies all relevant government bodies of the change.

## **8 DUTIES OF DIRECTOR - FINANCE**

- 8.1 Reports to the Executive Officer. This position shall also make recommendations to the Management Committee as required and with its approval supervise fund raising activities of the club.
- 8.2 It is the duty of the Director – Finance of the Club to ensure that:
  - 8.2.1 All money due to the Club (including player fees) is collected and received and that all payments authorised by the Club are made;
  - 8.2.2 Correct books and accounts are kept showing the financial affairs of the Club including full details of the Club banking account(s);
  - 8.2.3 The Director - Finance shall ensure all monies received are paid into the Club's banking account. The Director - Finance shall also present at each Management Committee meeting a balance of the Club's finances including any up to date bank statement. The books of accounts shall be audited annually by the appointed auditor - see clause 49.
- 8.3 All fundraising activities report to the Director – Finance.
- 8.4 The financial year for the Club shall be from 1 July to 30 June each year.

## **9 DUTIES OF DIRECTOR - INFORMATION TECHNOLOGY**

- 9.1 Reports to the Executive Officer. This position is responsible for all facets of the Club relating to technology and media. The role is responsible for but not limited to:
- 9.2 The Club website, Facebook and any online activity;
- 9.3 Club email;
- 9.4 Maintenance of Club statistics, archives and historical data;
- 9.5 All social Media streams;
- 9.6 Electronic payment systems;
- 9.7 Strategies for implementation of any new systems and processes;
- 9.8 Management of My Cricket;
- 9.9 Player database records; and
- 9.10 Email account- Hotmail

## **10 RESPONSIBILITIES OF DIRECTOR – Juniors and Player Development**

- 10.1 Reports to the Executive Officer. The responsibility of this role encompasses all facets of junior cricket within the Club, including the Woolworth Blast Program and also working with the Club Coach, in conjunction with the Executive Officer. Responsibilities of the role include:



- 10.1.1 Ensuring the Junior Coordinator is managing all this section;
  - 10.1.2 Managing and develop strategies around junior development growth within the region, including developing relationships with schools, relevant association bodies and programmes;
  - 10.1.3 Ensuring the Woolworths Cricket Blast Coordinator is managing all the responsibilities associated with the program;
  - 10.1.4 Working with Club Coach to oversee training and development programmes for both seniors and juniors;
  - 10.1.5 Develop advertising and promotional avenues for all junior cricket; and
  - 10.1.6 Ensure all Working With Children Guidelines are being met in respect of junior players.
- 10.2 All club Members and Management Committee Members who are to have any contact with players under the age of eighteen (18) years must have a current Working With Children Certificate.

## **11 CASUAL VACANCIES ON THE MANAGEMENT COMMITTEE**

For the purpose of these Laws, a casual vacancy in the office of a member of the Management Committee or any other Club committee or subcommittee occurs if an elected member:

- 11.1 Dies;
- 11.2 Becomes insolvent or under Administration within the meaning of Federal Laws administered by the Australian Financial Security Authority "AFSA";
- 11.3 Resigns office by notice in writing given to the Executive Officer;
- 11.4 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;
- 11.5 Is removed from office under 12; and/or
- 11.6 Is absent without the consent of the Management Committee from all meetings of the committee for three (3) consecutive meetings.

## **12 REMOVAL OF A MANAGEMENT COMMITTEE MEMBER**

- 12.1 The Club at a Special General Meeting may by resolution remove any Management Committee member from office 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.
- 12.2 Where a member of the Management Committee who is being removed, objects in writing to the Executive Officer or President, a Special General Meeting shall be held to determine the facts and make a final decision.

## **13 MANAGEMENT COMMITTEE MEETINGS—NOTICES AND QUORUMS**

- 13.1 The Management Committee shall meet a least six (6) times during the period 1 September to 31 March, at least once during the period from 1 April to the date of the annual Special General Meeting, and at least once during the period from the date of the annual Special General Meeting to 31 August.
  - 13.1.1 The meeting dates, place of meeting and time shall be left to the discretion of the Executive Officer, taking into account the availability of other Management Committee members.
  - 13.1.2 The Executive Officer shall give to those members as much prior notice as possible.
- 13.2 The quorum for a Management Committee meeting shall consist of at least five (5) members including a Chairperson. At least one of: the President, Executive Officer, or Director - Finance must be in attendance to allow a meeting to commence.
- 13.3 The Management Committee shall transact no business unless the quorum as set down in clause 26 is present, thirty (30) minutes after the time appointed for the meeting. If a quorum is not present the meeting stands adjourned to a time, day and place convenient to a majority of Management Committee members.
- 13.4 If at the adjourned meeting a quorum is not present thirty (30) minutes after the time appointed for the meeting, the meeting shall be dissolved. At a meeting of the Management Committee:



- 13.4.1 In the President's absence, the President will nominate prior to the meeting, one of the Directors to act as Chairperson.
- 13.4.2 If the President or Directors are absent or unwilling to act such then one of the remaining Officers of the Club or if none are willing, an ordinary member of the Management Committee chosen by the members present at the meeting shall preside.
- 13.5 Any member shall be entitled to attend a Club Management Committee meeting as a visitor. He shall not be allowed to speak unless the chairperson invites that person to do so. Visitors at any Management Committee meeting cannot vote on any subject but may express their view within the bounds of normally accepted meeting procedures.

## **14 DELEGATION TO SUB-COMMITTEES**

- 14.1 The Management Committee may, by instrument either verbally or in writing, delegate to one or more sub-committees (consisting of such member or members of the Club as the Management Committee thinks fit) the exercise of such of the functions of the Management Committee as are specified in the instrument, other than:
  - 14.1.1 This power of delegation; and
  - 14.1.2 A function, which is a duty imposed on the Management Committee by legislation or by any other law.
- 14.2 A function the exercise of which has been delegated to a sub-committee under this law may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
- 14.3 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.
- 14.4 Notwithstanding any delegation under this law, the Management Committee may continue to exercise any function delegated;
- 14.5 Any act or thing done or suffered by sub-committee acting in the exercise of a delegation under this law has the same force and effect as it would have if had been done or suffered by the Management Committee.
- 14.6 The Management Committee may, by instrument either verbally or in writing, revoke wholly or in part any delegation under this law.
- 14.7 A sub-committee may meet and adjourn, as it thinks proper.

## **15 VOTING AND DECISIONS**

- 15.1 Questions arising at a meeting of the Management Committee or of any subcommittee appointed by the Management Committee or at a meeting of the general membership at any Special General Meeting shall be determined by a majority of the votes of members present at such a meeting.
- 15.2 Each Management Committee member present at a meeting of the Management Committee or of any sub-committee appointed by the Management Committee or at any Special General Meeting (including the presiding Chairperson at any meeting) is entitled (subject to being financial at the time of any meeting) to one vote. In the event of an equality of votes on any question, the person presiding in the chair may exercise a second and casting vote.
- 15.3 Any act or thing done or suffered, or purporting to have been done or suffered, by the Management Committee or by a sub-committee appointed by the Management Committee, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member of the Management Committee or sub-committee.

## **16 MEMBERSHIP QUALIFICATIONS**

- 16.1 A person is qualified to be a member of the Club, if that person is:





- 16.1.1 A current player; or
  - 16.1.2 A Officer shall; or
  - 16.1.3 An Associate Member.
- 16.2 Membership of the Club shall be open to all persons interested in playing or promoting cricket. As a member of the Club, that person shall then be subject to the Club rules as laid down in this Constitution.

### 16.3 FULL PLAYING MEMBERSHIP

Shall be granted to any player wishing to play in the current season. Full membership players must pay a membership fee as set down in Law 8.2.1 of this Constitution.

### 16.4 ASSOCIATE MEMBERSHIP

Shall be granted to non-players wishing to support and assist the Club. Associate Members must pay a one-off only membership fee each season as set down in Law 8 of this Constitution.

### 16.5 LIFE MEMBERSHIP

Shall be granted to any person of the Club in recognition of long and/or outstanding service to the Club. See Law 3 on eligibility for Life Membership.

## 17 NOMINATION FOR MEMBERSHIP

- 17.1 Full Playing Membership or Associate Membership does not require any nomination but is not a Member until Membership Fees have been paid or an arrangement for paying in instalments is agreed to and adhered to.
- 17.2 **Life Membership requires nomination as follows.**
- 17.2.1 Nomination be made in writing by a financial member. This written advice shall also be seconded on the same letter by another financial member, and;
  - 17.2.2 Shall be lodged with the Executive Officer of the Club by no later than 30th April prior to the Annual General Meeting each year or if a Special General Meeting is to be held for the purpose of electing a Member to be a Life Member such notice shall be not less than four weeks before the Special General Meeting. Executive Officer shall refer any nominations for Membership to the Management Committee who shall meet at least fourteen (14) days prior to the Annual or Special General Meeting to determine whether to approve or reject any such nomination(s). This fourteen (14) day lead time may be waived with the approval of the majority of the Management Committee in exceptional circumstances.
- 17.3 The Management Committee shall receive any nominations lodged for Life Membership and if approved by a majority of the Management Committee, a Special General Meeting shall be convened for approval of the nomination or when suitable the elevation can be held over for the Annual General Meeting. A period of 4 weeks shall pass between the meeting ratifying the granting to a Member the privilege of Life Membership" and the Annual General Meeting or the Special General Meeting at which the Club Members can vote for the Life Membership(s) proposed.
- 17.4 After discussion amongst Club membership concludes (such discussion to be limited to a Maximum of fifteen (15) minutes the Chairperson will put the question "that the person (person's name) be awarded Life Membership to the Auburn District Cricket Club".
- 17.5 Two thirds (2/3) of voting members must be in favour of the motion for the motion to be carried. The nominated member will then be invited back in to the room and advised of the Club's decision by the chairperson. Voting by Club membership on any Life Membership motion may if requested by a Member in attendance, can be by secret ballot; otherwise a simple counting of hands will suffice.
- 17.6 Where the Management Committee determines to approve a nomination for Life Membership, the Executive Officer shall as soon as possible, after such determination, notify the nominee in writing and verbally of such decision to refer a Life Membership nomination to the Annual Special General Meeting.
- 17.7 If a nomination for Life Membership is received and the nominee is a current member of the Management Committee, the Executive Officer shall convene a Management Committee meeting and not inform the nominee of the existence of such nomination.



- 17.8 If someone wishes to nominate the Club Executive Officer for Life Membership any such nomination should be sent to the President who shall follow the same procedure as used for all other nominations.
- 17.9 Life Members are exempt from any membership fees and have full voting rights at ALL Club meetings.
- 17.10 If by 30<sup>th</sup> April the Executive Officer is not in possession of any nominations for Life Membership, the Executive Officer will still call a Management Committee meeting as per Clause 13. At this meeting The Management Committee MUST peruse the Club's Register of Members. After such perusal the Management Committee has the option (if they see fit) to refer to the Annual Special General Meeting any nomination for Life Membership.

## **18 CESSATION OF MEMBERSHIP**

A person ceases to be a member of the Club if the person:

- 18.1 Resigns membership or plays with another Club in the same competition;
- 18.2 Is expelled from the Club;
- 18.3 If fees are not paid by the due date set by the Management Committee.

## **19 MEMBERSHIP ENTITLEMENTS NOT TRANSFERABLE**

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

- 19.1 Is not capable of being transferred or transmitted to another person; and
- 19.2 Terminates upon cessation of the person's active involvement and lapse in payment of fees.

## **20 RESIGNATION OF MEMBERSHIP**

- 20.1 A Member of the Club who has paid all amounts payable by the Member to the Club in respect of the Member's Membership fee may resign from membership of the Club by first giving notice either by way of written communication or by verbal communication to the Executive Officer. Such intention to resign shall be reported to the next scheduled Management Committee Meeting at which time the Management Committee may or may not allow a clearance to that member to play elsewhere.
- 20.2 Where a Member of the Club ceases to be a Member pursuant to Clause 20, the Executive Officer will make an appropriate entry in the Register of Members recording the date on which the Member ceased to be a Member.

## **21 REGISTER OF MEMBERS**

- 21.1 The Executive Officer of the Club shall establish and maintain a Register of Members of the Club specifying the name and address of each person who is a member of the Club together with the date on which the person became a Member.
- 21.2 The Register of Members shall be kept at the principal place of administration of the Club (or the Executive officer's home).
- 21.3 any or all of his/her details contained within the register shall be met at all times.

## **22 FEES, SUBSCRIPTIONS, ETC.**

- 22.1 The Club fees (membership or match) structure shall be determined by the incoming Management Committee each year. Fees may be paid in full prior to the first round. Any Member may pay fees in full or by instalments as arranged with the Club Director - Finance, Executive Officer, or President, with the only restriction being that all final membership payments being due as determined by the Management Committee..
- 22.2 Persons who are unfinancial may become ineligible for selection in any matches until all fees are paid. In cases of this nature the ineligibility of such player(s) to be left for determination by the Management Committee.
- 22.3 Any person who still unfinancial at the end of a season shall be ineligible for selection the following season and deemed to be a defaulter with the governing body until all of the outstanding fees are paid.



- 22.4 The Management Committee has the right to waive, reduce or adjust membership fees of any member if the Management Committee is satisfied that such members have a serious financial problem or circumstances that warrant such member's fees being adjusted, reduced or waived.
- 22.5 The Management Committee shall also determine each season the amount of fees payable by members who do not play a full season.

### 23 MEMBERS' LIABILITIES

The liability of a member of the Club to contribute towards the payment of the debts and liabilities of the Club or the cost, charges and expenses of the winding up of the Club is limited to the amount, if any, unpaid by the member in respect of membership fees of the Club as required in Clause 16.

### 24 DISCIPLINING OF MEMBERS

Where the Management Committee is of the opinion that a member of the Club:

- 24.1 Has refused or neglected to comply with a provision or provisions of this constitution; or
- 24.2 Has persistently and wilfully acted in a manner prejudicial to the interests of the Club.

The Management Committee may by resolution:

- 24.2.1 Expel the member from the Club; or
- 24.2.2 Suspend the member from membership of the Club or from playing in any grade for a specified period of time; or
- 24.2.3 Reprimand the member for the action.
- 24.3 Before considering any member's behaviour, the Management Committee must first have received a complaint detailing such member's alleged behaviour. Such complaint **MUST** be **either** in writing or email and can be submitted by any person or persons (within or outside of the Club) who have cause to make complaint about the alleged behaviour of any member. Such complaint must be lodged with the Executive Officer (or President if the complaint is against the Executive Officer) who shall table this complaint at the next scheduled Management Committee meeting, or a meeting specially convened for the purpose.
- 24.4 When a written complaint is tabled at a Management Committee meeting or a meeting specially convened for this purpose, the Management Committee may take two choices of action:
- 24.4.1 Disregard the complaint if considered unwarranted; or
- 24.4.2 Direct the Executive Officer to write to the member against whom the complaint has been lodged. Such letter shall:
- Set out the details of the complaint;
  - State that the member may address the Management Committee at a meeting to be held not earlier than seven (7) days and not later than twenty-eight (28) days after the service of the letter (clause 13);
  - State the date, place and time of that meeting;
  - Inform the member that the member may do either or both of the following: -
    - Attend and speak at that meeting,
    - Submit to the Management Committee at or prior to the date of that meeting written representations relating to the complaint.
- 24.5 At a meeting of the Management Committee held as referred to in clause.13 the Management Committee shall:
- 24.5.1 Give to the member an opportunity to make oral representations;
- 24.5.2 Give due consideration to any written representations submitted to the Management Committee by the member at or prior to the meeting;
- 24.5.3 Consider the complaint and take whatever action they deem fit; and
- 24.5.4 If the person who is the subject of the complaint is a member of the Management Committee he or she shall disqualify him or herself from voting on any disciplinary matter.
- 24.6 Where the Management Committee has resolved to discipline a member either by expulsion or



suspension under Law 10 clauses 1, 2, 3, and 4, the Executive Officer shall within seven (7) days after the confirmation, by notice in writing inform the member's right of appeal under Law 11 of this constitution.

- 24.7 A decision by the Management Committee under clauses 13, does not take effect:
- 24.7.1 Until the expiration of the period within which the appeal against the decision made pursuant to Law 10; or
  - 24.7.2 Where within that period the member exercises the right of appeal, unless and until the Club confirms the decision pursuant to clause 25; or
  - 24.7.3 Unless the Management Committee determines the complaint to be of a serious enough nature to warrant immediate suspension or in the best interests of the Club that the player should stand down until the matter is resolved.

## **25 RIGHT OF APPEAL OF DISCIPLINED MEMBER**

- 25.1 A member may appeal within seven (7) days of receipt of the notice from the Executive Officer under Law 10.4.2 to the appeals committee comprised of a minimum of three (3) of the office bearers of the Club as defined in clause 3.2.
- 25.2 Upon receipt of a notice from a member under clause 24.3, the Executive Officer shall notify the Management Committee, which shall convene a hearing of the Appeals Committee to be held within twenty-one (21) days after the date on which the Executive Officer received the notice.
- 25.3 At a hearing of the Appeals Committee under clause 25.1:
- 25.3.1 The Management Committee or its representative(s) and the member shall be given the opportunity to state their respective cases orally or in writing, or both; and
  - 25.3.2 The Appeals Committee shall vote in private on the question of whether the decision set down by the Management Committee should be confirmed, altered or revoked and a majority vote will decide.
- 25.4 If, at the hearing the Appeals Committee votes to confirm the Management Committee's original decision, then said decision will be confirmed and any suspension or expulsion from the Club will take effect immediately from the date of such hearing.

## **26 GENERAL MEETING CONVENING, QUORUMS AND VOTING**

- 26.1 The quorum shall be eight (8).
- 26.2 At least once in each calendar year and the Club will convene an Annual Special General Meeting of its members. The Annual Special General Meeting shall subject to this law be convened on such date and such place and time as the Management Committee thinks fit.
- 26.3 Voting rights at an Special General Meeting shall be granted to all financial full and associate members for the season just passed plus all Vice Presidents and Officers shall have voting rights;
- 26.4 Unfinancial members are not eligible to receive any trophy or award. Any trophy or award not presented due to the proposed recipients being unfinancial shall lapse for the season. Any trophy recipient may make himself financial at any time up to the chairman calling the Annual Special General Meeting open at which time the trophy or award will lapse for the season.

## **27 GENERAL MEETING--FORMAT OF BUSINESS**

- 27.1 In addition to any other business which may be transacted at an Annual General Meeting, the business shall be:



- 27.1.1 To confirm the minutes of the last preceding Annual Special General Meeting and of any Special General Meeting held since that meeting;
  - 27.1.2 To receive any motions as notified to the Members under the provisions of clause 29, for consideration by the Members present and if appropriate voted upon.
  - 27.1.3 To receive from the Management Committee, reports upon the activities of the Club during the last preceding financial year;
  - 27.1.4 To elect Office Bearers of the Club and ordinary members of the Management Committee; and
  - 27.1.5 To receive and consider the statement, which is required to be submitted to members pursuant to Section 26(6) of the Act.
- 27.2 At the point where the Election of Office Bearers of the Club is to be held, the President or other person acting as Chairman shall vacate the chairmanship and a Member of the Club shall take the Chair and declare all positions vacant. He will then conduct the election of Officers. Once this has been done the Chairman Pro Tem shall vacate the Chair for the newly elected President.

## **28 SPECIAL GENERAL MEETING—CONVENING**

- 28.1 The Management Committee may, whenever it thinks fit, convene a Special General Meeting of the Club.
- 28.2 The President solely may call a Special General Meeting for any reason provided he has given the Executive Officer adequate notice.
- 28.3 A Special General Meeting may be called on the requisition in writing from eight (8) financial members.
- 28.4 The Notice of Special General Meeting:
  - 28.4.1 Shall state the purpose or purposes of the meeting
  - 28.4.2 Shall be signed by the 8 members making the requisition
  - 28.4.3 Shall be lodged with the Executive Officer, and
  - 28.4.4 May consist of several documents in a similar form, each signed by one or more members making the requisition.
- 28.5 If the Management Committee fails to convene a Special General Meeting to be held within twenty-one (21) days after the date on which a requisition of members 28.3 is lodged with the Executive Officer, any one or more of the members who made the requisition may themselves convene the Special General Meeting to be held no later than 21 days after that date.
- 28.6 A Special General Meeting convened by a member or members as referred to in clause (4) shall be convened as nearly as is practicable in the same manner as Management Committee or Annual Special General Meetings are convened by the Management Committee and any member who thereby incurs reasonable expense is entitled to be reimbursed by the Club for any expense so incurred. Expenses are defined as being, stationery, telephone, postage costs only.

## **29 NOTICE OF SPECIAL GENERAL MEETING**

- 29.1 Except where the nature of the business proposed to be dealt with at a Special General Meeting requires a special resolution of the Club, the Executive Officer shall, at least seven (7) days before the date fixed for the holding of the Special General Meeting, cause to be sent by post to each member at the member's address appearing in the Register of Members, a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting. Advice of the above may also be done by personal contact with each member.
- 29.2 Where the nature of the business proposed to be dealt with at a Special General Meeting requires a special resolution by the Club, the Executive Officer shall, at least fourteen (14) days before the date fixed for the holding of the Special General Meeting, cause notice to be sent to each member in the manner provided in clause (1), the intention to propose the resolution as a special resolution.
- 29.3 No business other than that specified in the notice convening a Special General Meeting shall be transacted at the meeting except, in the case of an Annual Special General Meeting, business which



may be transacted pursuant to clause 27.1.

- 29.4 A member desiring to bring any business before a Special General Meeting may give notice in writing of that business to the Executive Officer who shall include that business in the next notice calling a Special General Meeting given after receipt of the notice from the member. Such notice should be provided to the Executive Officer at least five (5) working days prior to the date of the Special General Meeting.

### **30 SPECIAL GENERAL MEETING--PROCEDURE AND QUORUMS**

- 30.1 No items of business shall be transacted at a Special General Meeting unless a quorum of members entitled to vote at such a meeting, are present during the time the meeting is considering that item.
- 30.2 Eight (8) members present in person (being members entitled under these laws to vote at a Special General Meeting - refer clause Law 30) constitute a quorum for the transaction of the business of a Special General Meeting.
- 30.3 If within half an hour after the appointed time for the commencement of a Special General Meeting a quorum is not present, the meeting if convened upon the requisition of members shall be dissolved and in any other case shall stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- 30.4 If at an adjourned Special General Meeting a quorum is not present within 30 minutes after the time appointed for the commencement of the meeting, the members present (being not less than 5 in person) shall constitute a quorum.

### **31 PRESIDING MEMBER AT A SPECIAL GENERAL MEETING**

- 31.1 The President or, in the President's absence, the appointed Director shall preside as Chairperson at each Special General Meeting of the Club.
- 31.2 If the President and any Directors are absent from a Special General Meeting or are unwilling to act, the members present shall elect one of their number to preside as the Chairperson at the meeting.

### **32 ADJOURNMENT OF A SPECIAL GENERAL MEETING**

- 32.1 The Chairperson of a Special General Meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- 32.2 Where a Special General Meeting is adjourned for 14 days or more, the Executive Officer shall give written or oral notice of the adjourned meeting to each member of the Club stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.

### **33 MAKING OF DECISIONS AT A SPECIAL GENERAL MEETING**

- 33.1 A question arising at a Special General Meeting of the Club shall be determined on a show of hands, unless before or on the declaration of the show of hands a ballot or poll is demanded. A declaration by the Chairperson that a motion or question has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, with an entry to that effect in the minute book of the Club, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against any motion or question.
- 33.2 Any motion or question put at a Special General Meeting will be carried or defeated on a majority vote of members that are eligible to vote personally at such a meeting.
- 33.3 At a General Meeting of the Club, a poll may be demanded by the Chairperson or by not less than 3 members present in person.
- 33.4 Where a poll is demanded at a Special General Meeting, the poll shall be taken:



33.4.1 Immediately in the case of a poll which relates to the election of a Chairperson of the meeting or to the question of an adjournment; or

33.4.2 In any other case, in such manner and at such time before the close of the meeting as the chairperson directs.

### **34 VOTING AT A GENERAL MEETING**

34.1 Upon any question arising at a General Meeting of the Club a member has only one vote.

34.2 All votes must be given in person.

34.3 In the case of an equality of votes on a question at a Special General Meeting, the Chairperson of the meeting is entitled to exercise a second and casting vote.

34.4 A member is not entitled to vote at any Special General Meeting of the Club unless all money due and payable by the member to the Club has been paid, other than the amount of the annual subscription payable in respect of the then current year if not yet due.

### **35 APPOINTMENT OF PROXIES**

The appointment of proxies is not permissible at any form of Club meeting, Management Committee meeting or Special General Meeting.

### **36 INSURANCE**

36.1 The Club shall effect and maintain insurance pursuant to Section 44 of the Act.

36.2 In addition to the insurance required by the Sydney Cricket Association the Club may maintain other insurance it deems suitable for its needs.

### **37 SOURCE OF CLUB FUNDS**

37.1 The funds of the Club shall be derived from match fees and annual subscriptions of members, donations, sponsorship and, subject to any decisions passed by the Club in any Special General Meeting, such other sources as the Management Committee determines;

37.2 All money received by the Club shall be deposited within 72 hours and without deduction to the credit of the Club's bank account;

37.3 The Club may, as soon as practicable after receiving any money, issue an appropriate receipt.

### **38 MANAGEMENT OF CLUB FUNDS**

38.1 Subject to any decisions passed by the Club in any Special General Meeting the funds of the Club shall be used in pursuance of the objects of the Club in such manner as the Management Committee determines.

38.2 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any 2 of the following members: President, Executive Officer, and Director - Finance. These shall be the only members allowed to sign on the Club's bank accounts. No withdrawal may be made from the Club's account unless ratified at a Management Committee meeting.

### **39 AMENDMENTS AND ALTERATIONS TO THIS CONSTITUTION**

39.1 This constitution may be altered, rescinded or added to, only by a special resolution by the Club.

39.2 Any member wishing to amend, alter, rescind, or add to this constitution must lodge his submission in writing to the Club Executive Officer. Such submission must be received by no later than 30 April if such submission is to be put to the Annual Special General Meeting. Any submission must be signed by two financial members.

39.3 Any request to amend, alter, rescind, or add to this constitution may be done at any Special General Meeting provided that Laws 24 and 25 have been adhered to.

### **40 COMMON SEAL**

40.1 The common seal of the Club shall be kept in the custody of the Executive Officer.

40.2 The common seal shall not be affixed to any instrument except by the authority of the Management



Committee and the affixing of the common seal shall be attested by the signatures either of two (2) members of the Management Committee or of one (1) member of the Management Committee and the public officer or Executive Officer.

#### **41 CUSTODY OF BOOKS ETC**

Except as otherwise provided by these Laws, the Executive Officer shall keep in his or her custody or under his or her control all minute books and other correspondence, documents and other records which relate to the Club.

#### **42 INSPECTION OF BOOKS ETC.**

Books, records and other documents are open to inspection free of any charge by a member of the Club at a time and place convenient to the Executive Officer.

#### **43 SERVICE OF NOTICES**

- 43.1 For the purpose of these rules, a notice may be served by or on behalf of the Club upon any member either personally or by sending it by post or email to the member at the member's address shown in the Register of Members;
- 43.2 A document containing a Notice is sent to a person by properly addressing, prepaying and posting or emailing the recipient with the Notice either attached as a readable file or contained in the main email message, to the person.
- 43.3 A letter or an email containing the document, shall unless the contrary is proved, be deemed for the purposes of these laws to have been served on the person at the time at which the letter would have been delivered in the ordinary course of the post or in the case of email, upon evidence of download to the recipient from the recipient's email server.

#### **44 SURPLUS PROPERTY**

At the first annual Special General Meeting of the Club, the Club shall pass a decision nominating an incorporated association in which to invest its surplus property pursuant to section 53(2) of the Act in the event of the winding up or the cancellation of the incorporation of the Club.

#### **45 PATRONS**

The patrons of the Club shall be nominated and voted on at the annual Special General Meeting. The number of patrons should not exceed five (5);

#### **46 PROVISIONAL SELECTION COMMITTEE**

This committee shall consist of up to five (5) members and shall be appointed by the Management Committee prior to the start of the official selection trials. The duties of this Committee is to select the teams for the first match of the season or as determined by the Management Committee. After such selection the duties of this Committee will cease.

#### **47 DELEGATES TO SYDNEY CRICKET ASSOCIATION**

Shall be elected at the Annual Special General Meeting to represent the Club by attending all meetings of the Sydney Cricket Association.

#### **48 SOCIAL COMMITTEE**

A Social Committee may be formed by the Executive Committee. The committee's function being to organise and liaise with the Executive Officer on any social functions and fund raising activities.

#### **49 HONORARY AUDITOR(S)**

- 49.1 Shall be elected by the Management Committee. The Auditor's function is to oversee the end of financial year monetary statements, Club bank accounts and chequebooks as maintained and provided by the Director - Finance.
- 49.2 The Auditor, may twice between the months of October and February with no more than twelve (12) hours' notice to the Director - Finance demand to sight all financial records of





- 49.3 the Club at avenue determined by the auditors. The results of these spot checks must be reported to the next meeting of the Management Committee with any unusual or out of place transactions being detailed in the auditor's report.
- 49.4 The auditor must also produce a report of approval or disapproval for publication in the Annual Report. The Management Committee must also produce an audited statement on the Club's assets and liabilities for publication in the Annual Report.
- 49.5 There need only be one (1) Honorary Auditor provided such Auditor is independent of the active playing membership of the Club, not active on the Management Committee and is accredited by one of the recognised Australian professional accounting bodies. For example, a retired player or a Officer shall may be appointed provided such person does not take any active part in proceedings of the Management Committee other than as required to fulfil the responsibilities of Honorary Auditor.
- 49.6 Under extreme circumstances, the need for the Auditor to be independent of the Club may be waived if efforts to locate and appoint a completely independent auditor has been unsuccessful. Under such circumstances not less than two (2) active playing members or members of the public who are not professionally qualified and not on the Management Committee may be Honorary Auditors.

## **50 SELECTORS**

Other than during the commencement of a season as set out in Section 42.2 the selectors shall be the Captains of each team. In the absence of a Captain, that particular Captain will nominate his Vice-Captain to attend the selection meeting in his place. If the Vice-Captain is unable to attend, the captain shall then nominate another player from that team to act on his behalf. The selectors (Captains) are elected by the Management Committee; and will also been responsible for selecting the Frank Gray Shield (U/24) team.

## **51 TEAM CAPTAINS**

The Club Team Captains shall be elected as early as possible after the holding of the Annual Special General Meeting. The election of Vice Captains is left to the discretion of the Captain of each individual team. If the Captain of a side is temporarily unavailable for a period of no more than one (1) match then the Vice-Captain will take over in his absence. If the absence of the Captain is for more than one (1) match then the Management Committee should meet to elect a temporary Captain while the elected Captain is unavailable. The Club's Frank Gray Shield U/24 team Captain shall also be elected by the Management Committee.

## **52 CLUB CAPTAIN**

- 52.1 To provide guidance to new and established players in understanding the tradition history and spirit of the club, as well as ensuring an avenue for the club's Management Committee to be made aware of issues that may arise from time to time, that are of concern to players.
- 52.2 Role and Responsibilities
- Liaising with all players and serving as a link to represent their issues, suggestions and interests to the club's Management Committee.
  - Take young player/new players to the club 'under his wing' and make them feel welcome and relaxed at Auburn.
  - Assist in generating club spirit and participation in all areas of the club's activities, particularly social and fund raising.
  - Act as a mentor to young players or assist in the establishment of such relationship with other senior players in the club.
  - Provide assistance to the Club Coach/Coaches regarding coaching and development programs when required.
  - Attend Management Committee meetings when required but does not become a member of the Management Committee unless he already holds another office or position that qualifies him onto such Committee.
  - To provide feedback to players on player related issues when required.
  - Liaise with Chairman of Selectors/Selection Committee should any concerns be raised by a player/s over selection issues.



- Whilst not a requirement it would be a preferable option that the appointed Club Captain does not hold the position of Captain of one of the club's teams.
- Club Captain is to be appointed by the Management Committee at a time deemed appropriate prior to the start of the official competition.

### **53 CHAIRMAN OF SELECTORS:**

- 53.1 Before the start of the season a Chairman of Selectors shall be elected by the Management Committee. The Chairman may come from one of the selectors or from outside of the selectors. If elected from outside of the selectors this person shall sit in on selection meetings with a full vote.
- 53.2 The Chairman shall participate fully in the deliberations of the meeting. If elected from the ranks of the Captains, the Chairman of Selectors shall have only one vote in selection meetings. The function of the Chairman of selectors is to keep an ongoing record of the make-up of all selected sides, to co-ordinate in liaison with the captains any changes to the sides during the week because of pull outs, and to ensure that no person is inadvertently overlooked for selection at a selection meeting.
- 53.3 This person should also maintain and keep updated a full and comprehensive listing of all Club members' phone numbers and also should liaise with the captain of the lowest grade in ensuring that the lower grades always take the field with a full complement of eleven (11) players during times of high unavailability.

### **54 VICE PRESIDENTS**

- 54.1 Awarded to long serving players or Club supporters in recognition of service to the Club;
- 54.2 Vice Presidents do not have any voting powers at Club meetings, other than as Club Members at Special General Meetings provided that such person is a financial member.

### **55 CLUB STATISTICIAN**

At the first Management Committee meeting after the Annual Special General Meeting, the Management Committee shall appoint a person to collect, update and maintain the Club's statistics. This shall be under the general supervision of the Director – Information Technology, who shall ensure that all data held in computer readable format is backed up away from the premises from which the Club Statistician works. Unless the Club Statistician holds a Management Committee position independent of being Club Statistician, this position does not confer membership of the Management Committee.

### **56 SELECTION POLICY**

- 56.1 It is the policy of the Club to select the best available teams by grade according to merit with due consideration being given to players ability, attitude, commitment, service and financial status pertaining to Club fees;
- 56.2 If during the selection meetings a deadlock occurs, the captain of the team on which the deadlock occurs has a second and casting vote;
- 56.3 The selectors may meet on the evening following the conclusion of a match or at another designated time to pick the sides for the following round;
- 56.4 Generally, if a player withdraws from a side after the teams have been selected the procedure is for the 1<sup>ST</sup> Grade Captain to discuss on the phone with the 2<sup>nd</sup> Grade Captain which player he wishes to take. The 2<sup>nd</sup> Grade Captain would then ring the 3<sup>rd</sup> Grade Captain and do the same. The 3<sup>rd</sup> Grade Captain would then ring the 4<sup>th</sup> Grade Captain and do the same. The 4<sup>th</sup> Grade Captain would then ring the 5<sup>th</sup> Grade Captain and do the same.
- 56.5 The 5<sup>th</sup> Grade Captain does not have to contact the other three (4) captains for a consensus on the 5<sup>th</sup> Grade replacement. In all cases the wishes of the higher-grade captain should be met. The 5<sup>th</sup> Grade Captain does not need to ring the other four (4) captains for a consensus if all available players have a match and a fill in player will be used;
- 56.6 The selection policy for the Frank Gray Shield U/24 side will be decided upon by the incoming Management Committee from year to year.



## **57 TROPHIES AND END OF SEASON AWARDS**

The Club may award a trophy of some description at the annual genera/meeting to the following persons provided they are financial members - see Law 22.2. The figures in brackets represent the minimum qualifications to be eligible to win the award:

- 57.1 Batting Aggregate (minimum of 8 innings and 250 runs)
- 57.2 Batting Average (minimum of 8 innings)
- 57.3 Bowling Aggregate (minimum of 20 wickets and 6 matches)
- 57.4 Bowling Average (minimum of 20 wickets and 6 matches)
- 57.5 Any century (100 runs in an innings) scorers
- 57.6 10 wickets taken in match
- 57.7 Persons playing in a premiership side (awarded cap and trophy)
- 57.8 Duck Club award (player scoring most ducks in a season)
- 57.9 Any hat-trick taken
- 57.10 All Club members in a Club championship winning year (award cap)
- 57.11 George Parry Player of the Year (point allocation as set down by the committee)
- 57.12 Lindsay Rees Fielder of the year award (point allocation as set down by the committee)
- 57.13 Brian Moore Slow Bowler trophy (awarded to the spin bowler taking the most wickets in a season)
- 57.14 President's trophy (awarded by the President to the player who makes the best contribution to the running of the Club), also called "Dave Tribolet Clubman of the Year".
- 57.15 Best U/21 Player trophy awarded to a player who must be Under 21 years of age at the commencement of the first match of the season, in his first full season with the club, and also qualified and play in the U/24 representative team. The award shall be to the player who contributes the most to the success of the teams in which he has played. The contribution may be in batting, bowling, fielding or all three.

The Management Committee shall consider nominations and decide on the winners.

57.16 Any other award that the Management Committee deems fit to award.

If a batsman wins both batting awards (1 & 2) the award may be combined into one trophy. The same will apply if a bowler wins both bowling awards (3 & 4). These are the only awards where the trophy may be combined.

Any person winning the George Parry Player of the Year Award will be given a trophy to keep.

## **58 SPECIAL ACHIEVEMENT AWARDS**

58.1 Achievement awards are given to members who attain the following milestones in their career with the Club. The milestones that must be reached are as follows:

BRONZE MEDALLION	50 Matches or 100 Wickets or 1000 Runs
SILVER MEDALLION	100 Matches or 200 Wickets or 2000 Runs
GOLDEN MEDALLION	150 Matches or 300 Wickets or 3000 Runs

58.2 A match must actually commence to be attributed to a player's record.



- 58.3 The Management Committee has the power to award a further award in any format as they see fit from time to time for any advancement of the Golden Medallion i.e. 400/500/600 wickets. Whenever an advanced achievement is reached it is up to the Management Committee in office at the time to further award this member if they deem it warranted.
- 58.4 All achievement medallions and awards can be presented at either a Club Annual Dinner/Presentation event or the Annual Special General Meeting each year.
- 58.5 The Management Committee may decline to make such award based on misbehaviour or other similar sound reason.

## **59 INDEMNITY**

No official of the Club or member of the Management Committee shall be liable for loss or damage to the Club resulting from the acts or omissions of any other officer or member of the Management Committee unless he has knowingly been a part to the act or omission occasioning such loss or damage and every officer and member of the Management Committee shall be indemnified for any act done by him or her in discharge of his or her duty to the Club.