

Dalyellup Cricket Club Inc



Constitution

Updated 2022

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Not-for-profit clauses

- A. The property and income of the Club must be applied solely towards the promotion of the objects or purposes of the Club and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to any member, except in good faith in the promotion of those objects or purposes.

- B. A payment to a member out of the funds of the Association is authorised only if it is —
 - (I) the payment in good faith to the member as reasonable remuneration for any services provided to the Club, or for goods supplied to the Club, in the ordinary course of business; or
 - (II) the reimbursement of reasonable expenses properly incurred by the member on behalf of the Club.

Note

Dalyellup Cricket Club Inc is a **Tier 1 association** which means an incorporated association which has revenue of less than \$250,00pa (s64(1) of the Act).

THE ASSOCIATION

1. Name and motto

- (1) The name of the Association is **Dalyellup Cricket Club Inc** hereinafter referred to as the 'Association' or 'Club'.
- (2) The Club's motto shall be: *Community, Culture, Commitment*.

2. Affiliations

- (1) The Club shall be affiliated with the Bunbury and District Cricket Association Inc at a local level and Western Australian Cricket Association as the State's peak body.
- (2) Additional affiliations will be allowed only by decision of the Committee to meet the Objects of the Associations.

3. Objects

- (1) Dalyellup Cricket Club Inc is a not-for-profit body that exists to:
 - (a) Promote and foster the game of cricket generally while encouraging all cricketers to play at their best with both passion and integrity;
 - (b) Support Sub-Rule 1(a) in respect of age, gender, disability and cultural background;
 - (c) Support skills development, sportsmanship and leadership as expressed by the Club motto; and
 - (d) Promote/host higher level competitions.
- (2) The Association may additionally undertake to:
 - (a) Engage in social events; and
 - (b) Work with other bodies to promote the interests of the Association.

4. Powers of the Association

Subject to s14 of the Act, the Club may do all things necessary or convenient for carrying out its objects and in particular may –

- (a) Acquire, hold, deal with, and dispose of any real or personal property;
- (b) Open and operate bank accounts, invest its money, borrow money;
- (c) Appoint agents or employees to transact business on behalf of the Association; and
- (d) Enter into any contract it considers necessary or desirable.

CLUB MEMBERS

5. Eligibility for membership

Any person who supports the objects or purposes of the Association is eligible to apply to become a member.

6. Membership period

Club memberships run from October 1 to September 31 each year but dates may be changed for practical purposes at the discretion of members at an annual general meeting.

7. Applying for membership

- (1) A person who wants to become a member must apply in writing to the Club –
 - (a) on a form provided for that purpose; or
 - (b) electronically via a designated online application process.
- (2) The applicant should nominate their class of membership.

8. Dealing with membership applications

- (1) The Committee, or their appointed representatives, must consider each application and decide whether to accept or reject the application.
- (2) At its discretion, the Committee may accept an application from a member who is also a member of another club.
- (3) The Committee may delay its consideration if the Committee considers that any matter relating to the application needs to be clarified, such as a playing clearance from another club.
- (4) The Committee must not accept an application unless the applicant —
 - (a) is eligible under Rule 5; and
 - (b) has applied under Rule 7.
- (5) The Committee may reject an application even if the applicant is eligible and it is not required to give the applicant its reasons for doing so.
- (6) The Committee must notify the applicant of the Committee's decision to accept or reject the application as soon as practicable after making the decision.
- (7) Successful applicants shall have a copy of these rules provided on the website or by another form if requested.

9. Becoming a member

Members are bound by the rules of the Association and applicants become members when —

- (a) The Committee accepts the application; and
- (b) The applicant pays membership fees payable to the Club under Rule 13.

10. Classes of membership

- (1) The Association consists of any class of membership, including –
 - (a) Senior player (including Masters);
 - (b) Junior player (Under 18 years);
 - (c) Masters player only;
 - (d) Social (non-player);
 - (e) Life Membership; or
 - (f) any other category as approved from time to time.
- (2) All members have full voting rights, except:
 - (a) members who have not yet reached the age of 18 years;
 - (b) members who owe fees after the due date.
- (3) Any member of the Club may recommend that a financial member becomes a Life Member and, at its discretion, the Committee may consider bestowing a Life Membership on a member who has:
 - (a) given at least seven years' outstanding service to the club; and
 - (b) been a member for at least 15 years.

11. When membership ceases

- (1) A person ceases to be a member when any of the following takes place —
 - (a) the individual dies;
 - (b) the person resigns;
 - (c) the person is expelled;
 - (d) the person is cleared to play for another club.
- (2) The Secretary must keep a record, for at least one year after a person ceases to be a member, of —
 - (a) the date on which the person ceased to be a member; and
 - (b) the reason why the person ceased to be a member.
- (3) The rights of a member are not transferable and end when membership ceases.

12. Resignation

- (1) A member may resign by giving written notice to the Secretary.
- (2) The resignation takes effect —
 - (a) when the Secretary receives the notice; or

- (b) if a later time is stated in the notice, at that later time.
- (3) A person who has resigned remains liable for any fees that are owed (the *owed amount*) at the time of resignation and will not be granted clearance to play for another team until the owed amount is paid.
- (4) Any player granted clearance to play for another club forfeit all membership rights.
- (5) The owed amount may be recovered by the Club in a court as a debt due.
- (6) Should a Life Member resign from playing and seek clearance to play for another club, they shall remain a Life Member but other rights as a participating member shall lapse unless otherwise reinstated by the committee on a case by case basis.

13. Membership fees

- (1) The Committee shall determine new member fees and the annual membership fee to be paid for different membership classes.
- (2) A member must pay annual fees to the Treasurer, or in a manner authorised by the Committee to accept payments, by the date (the *due date*) determined by the Committee in order to enjoy –
 - (a) voting rights as a member; and
 - (b) be eligible to be elected to the Committee.
- (3) If a member has not paid the annual membership fee within a month of the due date, or has not made financial arrangements with the Treasurer, the member ceases to be eligible for selection to play.
- (4) Any outstanding fees by the regular season's end, will render the member ineligible to play in any finals matches.
- (5) Players who owe the Club money, will not be cleared to play for another team.
- (6) In cases of hardship, the Committee may, at its discretion, accept alternative payment plans and in exceptional cases may waive fees.
- (7) Life Members are not required to pay annual fees, but will be liable to pay match fees.

14. Register of members

- (1) The Secretary, or another person authorised by the Committee, is responsible for the requirements imposed under s53 of the Act to maintain the register of members and record any changes – all backed up electronically.
- (2) In addition, the register must include the class of membership to which each member belongs and the date on which that person became a member.
- (3) The register must be kept at the Secretary's place of residence, or at another place determined by the Committee.
- (4) A member who wishes to inspect the register of members must contact the Secretary to make the necessary arrangements.
- (5) If a member wishes to inspect the register of members or other documents – see Rule 48.

THE COMMITTEE

15. Committee and management of the Club

- (1) Referred to as the Management Committee, or simply Committee, the group appointed are those persons entrusted with the power to manage the affairs of the Club.
- (2) Subject to the Act, the Committee has power to do all things necessary or convenient to be done for the proper management of the affairs of the Club.
- (3) The Committee must take all reasonable steps to ensure compliance with the Act, these rules and any policies and procedures as agreed.

16. Committee members

- (1) The Committee members consist of —
 - (a) the office holders of the Association; and
 - (b) a maximum of five other voting Committee members.
- (2) The Committee will determine the maximum number of members comprising the body managing the Association, and their job roles.
- (3) The following are the office holders of the Association —
 - (a) President (chairperson);
 - (b) Vice President (Seniors);
 - (c) Vice President (Juniors);
 - (d) Secretary;
 - (e) Treasurer.
- (4) A person may be a Committee member if the person is —
 - (a) an individual who has reached 18 years of age; and
 - (b) a paid member.
- (5) A person must not hold more than one office (Sub-Rule 3) at the same time.
- (6) A person cannot be a Committee member if they have:
 - (a) been convicted of any criminal offences;
 - (b) are a declared bankrupt; or
 - (c) whose affairs are under insolvency laws.
- (7) Committee members must exercise their powers:
 - (a) with care and diligence that a reasonable person would exercise if they held that position; and
 - (b) in good faith.

17. President and Vice Presidents

- (1) It is the duty of the President (chairperson) to consult with the Secretary and Committee Members regarding the business to be conducted at Club meetings.

- (2) The chairperson has the power and duty to convene and preside at Committee and general meetings.
- (3) The President shall represent the Club's interests in the general and broader cricketing community or shall delegate another Committee Member to do so.
- (4) The President shall represent the views and sentiment of the Committee.
- (5) In the event of the President's absence, the Vice President (Seniors) shall undertake the President's duties.
- (6) Unless otherwise directed by the Committee, the President and Vice President (Seniors) have specific duties noted in the Association's policies and procedures documents.
- (7) The Vice President (Junior Section) has special responsibilities co-ordinating all junior activities and providing a Junior Section link into the Committee, providing holistic advice and recommendations.
- (8) The Vice President (Junior Section) shall represent the Club's junior interests in the general and broader junior cricketing community or shall delegate another Committee Member to do so.

18. Secretary

The Secretary has the following duties —

- (1) Co-ordinate all Club correspondence.
- (2) Consult with the chairperson regarding a business agenda to be conducted at meetings.
- (3) Prepare the notices required for meetings.
- (4) Unless another member is authorised by the Committee to do so, maintain the register of members, and recording in the register any changes in the membership as required under s53(1) of the Act.
- (5) Maintain an up-to-date copy of these rules, as required under s35(1) of the Act.
- (6) Unless another member is authorised by the Committee to do so, maintain a record of Committee members and other persons authorised to act on behalf of the Club, as required under s58(2) of the Act.
- (7) Ensure the safe custody of Club books and documents, other than the financial record.
- (8) Maintain accurate minutes of meetings, recording resolutions and actions.
- (9) Carry out any other duty given to the Secretary under these rules or by the Committee.

19. Treasurer

The Treasurer has the following duties —

- (1) Ensure that amounts payable are collected and receipts issued in the Club's name.
- (2) Ensure that authorised payments are made on time.
- (3) Ensure the Club complies with the relevant requirements of Part 5 of the Act.
- (4) Ensure the safe custody of the Club's financial records and documents.
- (5) Preparing and submitting financial statements to each Committee meeting.
- (6) Preparing and submitting annual statements to the AGM.

- (7) Provide any assistance required by any auditor or reviewer.
- (8) Carrying out any other duty under these rules or given by the Committee.

20. How members become Committee members

A member becomes a Committee member if the member is financial, and —

- (a) is elected to the Committee at a general meeting; or
- (b) is appointed to the Committee by the Committee to fill a casual vacancy under Rule 26.

21. Nomination of Committee office holders

- (1) At least 28 days before an AGM, the Secretary must send written notice to all the members —
 - (a) calling for nominations for election to the Committee as an office holder; and
 - (b) stating the date by which nominations must be received by the Secretary to comply with Sub-Rule (2).
- (2) A member who wishes to be considered for election as an office holder must nominate by sending written notice to the Secretary at least 14 days before the AGM.
- (3) Nominations must be seconded either at the time of nomination or from the floor at the AGM.
- (4) A member whose nomination does not comply with Sub-Rules (2)(3) will not be eligible for election as a Committee office holder unless Rule 22(2) applies.

22. Election of office holders

- (1) At the AGM, a separate election must be held for each Committee position.
- (2) If there is no nomination for a position, the chairperson of the meeting may call for nominations from members attending the AGM.
- (3) If only one member has nominated for a position, the chairperson of the meeting must declare the Member duly elected but if there is more than one nomination then a vote must be taken.
- (4) On the election of the new President of the Association, that person shall take over as the chairperson of the meeting.

23. Election of ordinary Committee members

- (1) Nominations for Ordinary Committee positions will be taken from the floor from members present at the AGM.
- (2) If the number of members nominating for the position of ordinary Committee member is not greater than the number to be elected, the chairperson of the meeting must declare each of those nominees duly elected.
- (3) If the number of members nominating for the position of ordinary Committee member is greater than the number to be elected the ordinary members at the meeting must vote.

24. Term of office

- (1) The term of office of a Committee member begins when the member —
 - (a) is elected at an AGM; or
 - (b) is appointed to fill a casual vacancy.
- (2) Committee members hold office until the positions are declared vacant at the next AGM.
- (3) A Committee member may be re-elected.

25. Resignation and removal from office

- (1) A Committee member may resign by written notice given to the Secretary or, if the resigning member is the Secretary, given to the President.
- (2) At a general meeting, the Club may by resolution —
 - (a) remove a Committee member from office; and
 - (b) elect a replacement member.
- (3) A member who ceases to be a Committee member must return all documents and records to the Association as soon as is practicable as per s41 of the Act.

26. Filling casual vacancies

- (1) The Committee may appoint an eligible member to fill a position on the Committee that —
 - (a) has become vacant; or
 - (b) was not filled by election at the most recent AGM.
- (2) If the position of Secretary becomes vacant, the Committee must appoint a member who is eligible within 14 days of the vacancy arising.
- (3) Subject to the requirement for a quorum under Rule 32, the Committee may continue to operate despite any vacancy in its membership.
- (4) If there are fewer Committee members than required for a quorum, the Committee may act only for the purpose of —
 - (a) appointing Committee members under this rule; or
 - (b) convening a general meeting.

27. Validity of acts

The acts of a Committee or Sub-Committee, or of a Committee member or member of a Sub-Committee, are valid despite any defect that may afterwards be discovered in the election, appointment or qualification of a Committee member or member of a Sub-Committee.

28. Payments to Committee members

- (1) In this rule —
 - Committee member* includes a member of a Sub-Committee;
 - Committee meeting* includes a meeting of a Sub-Committee.
- (2) A Committee member is entitled to be paid from Club funds only for any out-of-pocket expenses for travel properly incurred, or in connection with other Club business and only if pre-approved by the Committee.

29. Committee meetings

- (1) The Committee must meet at least 6 times in each year.
- (2) The date, time and place of the first Committee meeting must be determined by the Committee members as soon as practicable after the AGM.

30. Notice of Committee meetings

- (1) Notice of each Committee meeting must be given to each Committee member at least 48 hours before the time of the meeting.
- (2) The notice must state the date, time and place of the meeting and must describe the general nature of the business to be conducted.
- (3) Unless Sub-Rule (4) applies, the only business that may be conducted at the meeting is that described in the notice.
- (4) Urgent or arising matters that were not included in the notice may be conducted at the meeting only if Committee members unanimously agree to treat that business as urgent.

31. Procedure and order of business

- (1) The President or, in their absence, the Vice President (Senior) shall chair each meeting.
- (2) If the President and both Vice Presidents are absent or unwilling to chair a meeting, the Committee members at the meeting must choose one of them to chair the meeting.
- (3) The general order of business shall be: apologies, minutes, matters arising, correspondence in and out, reports (including financial), general business, next meeting date, close.
- (4) A Committee member who has a material interest in a matter to be discussed must, as soon as they are aware of the interest:
 - (a) disclose their conflict of interest (actual or perceived);
 - (b) remove themselves from the room while the matter is discussed (s42 of the Act);
 - (c) excuse themselves from voting on the matter discussed; and
 - (d) the Secretary must record the declared interest in the minutes (s43 of the Act).
- (5) A Club member or other person who is not a Committee member may attend a Committee meeting if invited to do so by the Committee.
- (6) A person invited under Sub-Rule (4) to attend a Committee meeting —
 - (a) has no right to any agenda, minutes or other document circulated at the meeting; and
 - (b) cannot comment about matters discussed unless invited by the Committee; and
 - (c) cannot vote.

32. Use of technology to be present at Committee meetings

- (1) The participation of a Committee member at a meeting need not be in person but may be by telephone or other means of instantaneous communication.

- (2) A member who participates in a Committee meeting as allowed under Sub-Rule (1) is taken to be present at the meeting and may have their vote recorded.

33. Quorum for Committee meetings

- (1) No business is to be conducted at a Committee meeting unless a quorum of 50% of members are present.
- (2) If a quorum is not present within 30 minutes of the start time of a Committee meeting —
 - (a) the meeting lapses; or
 - (b) otherwise, the meeting is adjourned to the same time, day and place in the following week unless other alternatives are agreed by the majority of members.
- (3) If —
 - (a) a quorum is not present within 30 minutes after the commencement time of a Committee meeting held under Sub-Rule (2)(b); and
 - (b) at least 4 Committee members are present at the meeting,those members present are taken to constitute a quorum.

34. Voting at Committee meetings

- (1) Each Committee member present at a Committee meeting has one vote on each question arising.
- (2) A motion is carried by majority vote of the Committee members present.
- (3) If the votes are divided equally on a question, the chairperson of the meeting has a second or casting vote.
- (4) A vote may take place by the Committee members present indicating their agreement or disagreement or by a show of hands, unless the Committee decides that a secret ballot is required to determine a particular question.
- (5) If a secret ballot is needed, the chairperson of the meeting must decide how the ballot is to be conducted.
- (6) Proxies will not be permitted.

35. Circular resolutions

- (1) A resolution (other than a special resolution) initiated by the chairperson and agreed to in writing by a majority of members shall have the same effect as if it was passed at a general meeting.
- (2) Voting must be in writing to any such resolution may be transmitted by email or text message.
- (3) Committee members must be made aware of decisions and overall voting as soon as is practicable.
- (4) Decisions must be recorded in the next meeting agenda and recorded in the minute book.

36. Minutes of Committee meetings

- (1) The Committee must ensure that minutes are taken and kept of each meeting.
- (2) The minutes must record the following —
 - (a) the names of the Committee members present at the meeting;
 - (b) the name of any person attending the meeting;
 - (c) the business considered at the meeting;
 - (d) any motion on which a vote is taken at the meeting and the result of the vote;
 - (e) any interests declared or noted;
 - (f) any actions to be undertaken;
 - (g) the name/s of persons accountable for undertaking the actions;
 - (h) any deadlines and follow up.
- (3) The minutes of a Committee meeting must be entered in the minute book within 30 days of the meeting.
- (4) The chairperson must ensure that the minutes of a Committee meeting are reviewed and signed as correct by —
 - (a) the chairperson of the meeting; or
 - (b) the chairperson of the next Committee meeting.
- (5) When the minutes of a Committee meeting have been signed as correct they are, until the contrary is proved, evidence that —
 - (a) the meeting to which the minutes relate was duly convened and held; and
 - (b) matters were accurately recorded.

37. Sub-Committees

- (1) To help the Committee in the conduct of Club business, the Committee may, in writing, appoint one or more Sub-Committees.
- (2) A Sub-Committee may consist of a designated number of people, including persons who are not members of the Association, that the Committee considers appropriate.
- (3) The Committee must make clear, in writing –
 - (a) the Sub-Committee’s task and duties;
 - (b) the limits of any delegated authority;
 - (c) any conditions;
 - (d) timeframes; and
 - (e) a reporting framework.
- (4) The delegation does not prevent the Committee from exercising or performing at any time the power or duty delegated.
- (5) Any act performed by a Sub-Committee, under the delegation has the same force and effect as if it had been done by the Committee.
- (6) The Committee may, in writing, amend or revoke the delegation.
- (7) Sub-Committees must be chaired by an elected Committee member.

GENERAL MEETINGS

38. Annual general meeting

- (1) The Committee must determine the specific date, time and place of the AGM which is to be held in April each year, giving members 28 days' notice of the meeting.
- (2) If it is proposed to hold the AGM more than 6 months after the end of the Club's financial year (qv Rule 46), the Secretary must apply to the Commissioner for permission under s50(3)(b) of the Act within 4 months after the end of the financial year.
- (3) The ordinary business of the AGM is as follows —
 - (a) to confirm the minutes of the previous AGM and of any special general meeting held since then if the minutes of that meeting have not yet been confirmed;
 - (i) to receive and consider the Committee's annual report; and
 - (ii) financial statements for the preceding financial year.
 - (b) to elect the office holders and other Committee members;
 - (c) if applicable, to appoint or remove a reviewer or auditor.
- (4) Any other business of which notice has been given may be conducted at the AGM.

39. Special general meetings

- (1) The Committee may convene a special general meeting.
- (2) In any case, the Committee must convene a special general meeting if at least 20% of the members require a special general meeting to be convened.
- (3) The members requiring a special general meeting to be convened must —
 - (a) make the requirement by written notice given to the Secretary; and
 - (b) state in the notice the business to be considered at the meeting; and
 - (c) each sign the notice.
- (4) The special general meeting must be convened within 28 days after notice is given under Sub-Rule (3)(a).
- (5) If the Committee does not convene a special general meeting within that 28-day period, the members making the requirement (or any of them) may convene the special general meeting.
- (6) A special general meeting convened by members under Sub-Rule (5) —
 - (a) must be held within 3 months after the date the original requirement was made; and
 - (b) may only consider the business stated in the notice by which the requirement was made.
- (7) Special general meeting resolutions must be passed by a 75% of members present.

40. Notice of general meetings

- (1) The Secretary or, in the case of a special general meeting, the members convening the meeting under Rule 38, must give to each member 21 days' notice of a general meeting and must note if a special resolution is to be proposed.
- (2) The notice must —
 - (a) specify the date, time and place of the meeting; and
 - (b) indicate the general nature of each item of business to be considered at the meeting; and
 - (c) if the meeting is the AGM, include the names of the members who have nominated for election to the Committee; and
 - (d) if a special resolution is proposed —
 - (i) set out the wording of the proposed resolution as required by s51(4) of the Act; and
 - (ii) state that the resolution is intended to be proposed as a special resolution.

41. Presiding member and quorum for general meetings

- (1) The chairperson or, in the chairperson's absence, the deputy chairperson must preside as chairperson of each general meeting.
- (2) If the chairperson and deputy chairperson are absent or are unwilling to act as chairperson of a general meeting, the Committee members at the meeting must choose one of them to act as chairperson of the meeting.
- (3) No business is to be conducted at a general meeting unless a quorum of at least 25% of members are present.
- (4) If a quorum is not present within 30 minutes after the notified commencement time of a general meeting —
 - (a) in the case of a special general meeting — the meeting lapses; or
 - (b) in the case of the annual general meeting — the meeting is adjourned to —
 - (i) the same time and day in the following week; and
 - (ii) the same place, unless the chairperson specifies another place at the time of the adjournment or written notice of another place is given to the members before the day to which the meeting is adjourned.
- (5) If —
 - (a) a quorum is not present within 30 minutes after the commencement time of an annual general meeting held under Sub-Rule (4)(b); and
 - (b) at least 5 ordinary members are present at the meeting, those members present are taken to constitute a quorum.

42. Voting at general meeting

- (1) On any question arising at a general meeting, subject to the chairperson's second or casting vote in the event of a tie, each ordinary member has one vote.
- (2) Except in the case of a special resolution, a motion is carried by a majority of the ordinary members present.
- (3) Minutes of a previous general meeting can only be accepted by members who were present at that meeting.
- (4) For a person to be eligible to vote at a general meeting as an ordinary member, they must have been a fully paid ordinary member at the time notice of the meeting was given.

43. When special resolutions are required

- (1) A special resolution is required if it is proposed at a general meeting —
 - (a) alter its rules;
 - (b) change the name of the Association;
 - (c) approve the terms of an amalgamation with one or more other Clubs;
 - (d) be wound up voluntarily.
- (2) Where there are changes to Sub-Rules (b) or (c), or a decision to wind up, then the Department of Consumer Protection, or other body fulfilling those duties, must be informed within 30 days.

44. Minutes of general meeting

- (1) The Secretary must ensure that minutes are taken and kept of each meeting, recording —
 - (a) the names of the members present at the meeting;
 - (b) the business considered at the meeting;
 - (c) any motion on which a vote is taken at the meeting and the result of the vote;
 - (d) any actions to be undertaken;
 - (e) the name/s of persons accountable for undertaking the actions;
 - (f) any deadlines and follow up.
- (2) The minutes of the meeting must be entered in the Association's minute book within 30 days of the meeting.
- (3) The chairperson must ensure that the minutes of the meeting are reviewed and signed as correct by —
 - (a) the chairperson of the meeting; or
 - (b) the chairperson of the next general meeting.
- (4) When the minutes have been signed as correct they are, until the contrary is proved, evidence that —
 - (a) the meeting to which the minutes relate was duly convened and held; and
 - (b) matters were accurately recorded.

FINANCIAL AND GENERAL MATTERS

45. Source of funds

The funds of the Association may be derived from charges, annual subscriptions, donations, fund-raising activities, grants, interest and any other sources approved by the Committee.

46. Control of funds

- (1) Financial arrangements must operate within the context of the Club Finance Policy endorsed by a general meeting and reviewed at every AGM.
- (2) The operational context of financial controls will consider –
 - (a) opening and closing accounts;
 - (b) depositing funds in recognised financial institutions;
 - (c) transaction security and payment authorisation;
 - (d) delegated limits of authority;
 - (e) reimbursements;
 - (f) petty cash;
 - (g) payments by electronic transfer.
- (3) Subject to any restrictions imposed at a general meeting, the Committee may all approve expenditure on behalf of the Club.
- (4) The Association must keep financial records for at least 7 years that –
 - (a) correctly record and explain its transactions and financial position and performance; and
 - (b) enable true and fair financial statements to be prepared.

47. Association financial year

The Club's financial year shall run from April 1 to March 31.

48. Executing documents and Common Seal

- (1) The Association may execute a document without using a Common Seal if the document is signed by —
 - (a) 2 Committee members; or
 - (b) one Committee member and a person authorised by the Committee.
- (2) If the Association has a Common Seal —
 - (a) the name of the Association must appear in legible characters on the common seal; and
 - (b) a document may only be sealed with the Common Seal by the authority of the Committee and in the presence of —
 - (i) 2 Committee members; or
 - (ii) one Committee member and a person authorised by the Committee,

and each of them is to sign the document to attest that the document was sealed in their presence.

49. Inspection of records and documents

- (1) Sub-Rule (2) applies to a member who wants to inspect —
 - (a) the register of members under s54(1) of the Act; or
 - (b) the record of the names and addresses of Committee members, and other persons authorised to act on behalf of the Association, under s58(3) of the Act; or
 - (c) any other record or document of the Association.
- (2) The member must contact the Secretary to make the necessary arrangements for the inspection which must be free of charge.
- (3) If the member wants to inspect a document that records the minutes of a Committee meeting, the right to inspect that document is subject to any decision the Committee has made about minutes of Committee meetings generally, or the minutes of a specific Committee meeting, being available for inspection by members.
- (4) The member may make a copy of or take an extract from a record or document referred to in Sub-Rule (1)(c) but does not have a right to remove the record or document.
- (5) The member must not use or disclose information in a record or document referred to in Sub-Rule (1)(c) except for a purpose —
 - (a) that is directly connected with the affairs of the Association; or
 - (b) that is related to complying with a requirement of the Act.

50. Publication by Committee members of statements about Association business prohibited

A Committee member must not publish, or cause to be published, any statement about the business conducted by the Association at a general meeting or Committee meeting unless —

- (a) the Committee member has been authorised to do so at a Committee meeting; and
- (b) the authority given to the Committee member has been recorded in the minutes of the Committee meeting at which it was given.

51. Distribution of surplus property upon winding up

- (1) In this rule —

surplus property, in relation to the Club, means property remaining after satisfaction of —

 - (a) the debts and liabilities of the Club; and
 - (b) the costs, charges and expenses of winding up,

but does not include books relating to the management of the Association.
- (2) On the winding up of the Association, its surplus property must be distributed to another Association which shares similar objects of Dalyellup Cricket Club Inc.

DISCIPLINARY ACTION, DISPUTES AND MEDIATION

52. Term used: member

For the purposes of this section of the rules – *member*, in relation to a member who is expelled from the Association, includes former member.

53. Suspension or expulsion

- (1) The Committee may decide to suspend a member's membership or to expel a member from the Association if —
 - (a) the member contravenes any of these rules; or
 - (b) the member acts detrimentally to the interests of the Club,the Secretary must give the member written notice of the proposed suspension or expulsion at least 28 days before the Committee meeting at which the proposal is to be considered.
- (2) The notice given to the member must state —
 - (a) when and where the Committee will meet; and
 - (b) the grounds on which the proposed suspension or expulsion is based; and
 - (c) that the member, or the member's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both) submissions to the Committee about the proposed action;
- (3) At the meeting, the Committee must —
 - (a) give the member, or member's representative, a reasonable opportunity to make submissions regarding the proposed suspension or expulsion; and
 - (b) give due consideration to any submissions so made; and
 - (c) decide —
 - (i) whether or not to suspend the member's membership and, if the decision is to suspend the membership, the period of suspension; or
 - (ii) whether or not to expel the member from the Association.
- (4) A decision of the Committee to suspend the member's membership or to expel the member from the Association takes immediate effect.
- (5) In the case of a Life Member, the Committee, at its discretion, may cancel Life Membership of that person who is expelled or suspended.
- (6) The Committee must give the member written notice of the Committee's decision, and the reasons for the decision, within 7 days after the Committee meeting at which the decision is made.
- (7) A member whose membership is suspended or who is expelled may, within 14 days after receiving notice of the decision under Sub-Rule (6), give written notice to the Secretary requesting the appointment of a mediator under Rule 59.
- (8) If notice is given, the member who gives the notice and the Committee are the parties to the mediation.

54. Consequences of suspension from the Association

- (1) During the period a member's membership is suspended, the member —
 - (a) loses any rights (including voting rights); and
 - (b) is not entitled to a refund, rebate, relief or credit for membership fees paid, or payable.
- (2) When a member's membership is suspended, the Secretary must record in the register of members —
 - (a) that the member's membership is suspended;
 - (b) the date on which the suspension takes effect; and
 - (c) the period of the suspension.
- (3) When the period of the suspension ends, the Secretary must record in the register of members that the member's membership is no longer suspended.

55. Application of Rules 55-57

The procedure (the grievance procedure) applies to disputes —

- (a) between members; or
- (b) between one or more members and the Club; and
- (c) may involve a person who ceases to be a member within 6 months before the dispute came to the attention of each party to the dispute.

56. Parties to attempt to resolve dispute

The parties to a dispute must attempt to resolve the dispute between themselves within 14 days after the dispute has come to the attention of each party.

57. How grievance procedure is started

- (1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by Rule 55, any party to the dispute may start the grievance procedure by giving written notice to the Secretary of —
 - (a) the parties to the dispute; and
 - (b) the matters that are the subject of the dispute.
- (2) Within 14 days after the Secretary is given the notice, a Committee meeting must be convened to consider and determine the dispute.
- (3) The Secretary must give each party to the dispute written notice of the Committee meeting at which the dispute is to be considered and determined at least 7 days before the meeting is held.
- (4) The notice given to each party to the dispute must state —
 - (a) when and where the Committee meeting is to be held; and
 - (b) that the party, or the party's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both) submissions to the Committee about the dispute.

- (5) If —
- (a) the dispute is between one or more members and the Club; and
 - (b) any party to the dispute gives written notice to the Secretary stating that the party —
 - (i) does not agree to the dispute being determined by the Committee; and
 - (ii) requests the appointment of a mediator,
- the Committee must not determine the dispute.

58. Determination of dispute by Committee

- (1) At the Committee meeting at which a dispute is to be considered and determined, the Committee must —
- (a) give each party to the dispute, or the party's representative, a reasonable opportunity to make written or oral (or both) submissions to the Committee about the dispute; and
 - (b) give due consideration to any submissions so made; and
 - (c) determine the dispute.
- (2) The Committee must give each party to the dispute written notice of the determination, and the reasons for the determination, within 7 days after the meeting at which the determination is made.
- (3) A party to the dispute may, within 14 days after receiving notice of the Committee's determination under Sub-Rule (1)(c), give written notice to the Secretary requesting the appointment of a mediator under Rule 59.
- (4) If notice is given under sub-rule (3), each party to the dispute is a party to the mediation.

59. Application of mediation

- (1) This applies to Rules 55-57 if written notice has been given to the Secretary requesting the appointment of a mediator —
- (a) by a member under Rule 52(7); or
 - (b) by a party to a dispute under Rule 56(5)(b)(ii) or 57(3).
- (2) If this applies, a mediator must be chosen or appointed under Rule 59.

60. Appointment of mediator

- (1) The mediator must be a person chosen —
- (a) if the appointment of a mediator was requested by a member under Rule 52(7) — by agreement between the Member and the Committee; or
 - (b) if the appointment of a mediator was requested by a party to a dispute under Rule 56(5)(b)(ii) or 57(3) — by agreement between the parties to the dispute.
- (2) If there is no agreement for the purposes of Sub-Rule (1)(a) or (b), then, subject to Rub-Rules (3) and (4), the Committee must appoint the mediator.

- (3) The person appointed as mediator by the Committee must be a person who acts as a mediator for another not-for-profit body, such as a community legal centre, if the appointment of a mediator was requested by —
 - (a) a member under Rule 52(7); or
 - (b) a party to a dispute under Rule 56(5)(b)(ii); or
 - (c) a party to a dispute under Rule 57(3) and the dispute is between one or more members and the Club.
- (4) The person appointed as mediator by the Committee may be a member or former member of the Association but must not —
 - (a) have a personal interest in the matter that is the subject of the mediation; or
 - (b) be biased in favour of or against any party to the mediation.

61. Mediation process

- (1) The parties to the mediation must attempt in good faith to settle the matter.
- (2) Each party to the mediation must give the mediator a written statement of the issues that need to be considered at the mediation at least 5 days before the mediation takes place.
- (3) In conducting the mediation, the mediator must —
 - (a) give each party every opportunity to be heard; and
 - (b) allow each party to give due consideration to any written statement given by another party; and
 - (c) ensure that a fair hearing is given to the parties throughout the process.
- (4) The mediator cannot determine the matter that is the subject of the mediation.
- (5) The mediation must be confidential, and any information given at the mediation cannot be used in any other proceedings that take place in relation to the matter at hand.
- (6) The costs of the mediation are to be paid by the party or parties that requested the appointment of the mediator.

62. If mediation results in decision to suspend or expel being revoked

If mediation takes place because a member whose membership is suspended or expelled gives notice under Rule 52(7), and as the result of the mediation, the suspension/expulsion is overturned, that revocation does not affect the validity of any decision made at a Committee meeting or general meeting during the period of suspension or expulsion.

GLOSSARY

Terms used

In these rules, unless the contrary intention appears —

Act means the *Associations Incorporation Act 2015*;

AGM means annual general meeting;

Association or **Club** means Dalyellup Cricket Club Inc to which these rules apply;

Books, of the Association, includes the following —

- (a) a register;
- (b) financial records, financial statements or financial reports, however compiled, recorded or stored;
- (c) a document;
- (d) any other record of information;

Chairperson means the Committee member holding office as the **President** of the Association;

Commissioner means the person for the time being designated as the Commissioner under s153 of the Act;

Committee means the Management Committee of the Association;

Committee member means a member of the Committee;

Financial records include —

- (a) invoices, receipts, orders for the payment of money, bills of exchange, cheques, promissory notes and vouchers; and
- (b) documents of prime entry; and
- (c) working papers and other documents needed to explain —
 - (i) the methods by which financial statements are prepared; and
 - (ii) adjustments to be made in preparing financial statements;

Financial year, of the Association will be April 1 to March 31;

General meeting, of the Association, means a meeting of the Association that all members are entitled to receive notice of and to attend;

Member means a person (including a body corporate) who is a member of the Association;

Register of members means the register of members referred to in s53 of the Act;

Special general meeting means a general meeting of the Association other than the annual general meeting;

Special resolution means a resolution passed by the members at a general meeting in accordance with s51 of the Act;

Sub-Committee means a sub-Committee appointed by the Committee under Rule 36;

Tier 1 association means an incorporated association which has revenue of less than \$250,00pa (s64(1) of the Act);

