

CONSTITUTION
OF THE
GINNINDERRA CRICKET CLUB
INCORPORATED

Adopted 27 August 2007

CONSTITUTION OF THE GINNINDERRA CRICKET CLUB INCORPORATED

PART I - PRELIMINARY

Interpretation

1. This Constitution is to be read and construed in the light of the provisions of the Incorporation Act and as provided herein.

The Schedule to this Constitution forms part of the Constitution.

For the purposes of the Incorporation Act:

- (a) the objects of the Club are the objects set out in clause 3 of this Constitution, and
- (b) the rest of this Constitution, including the Schedule hereto, constitutes the rules of the Club.

A person who, immediately prior to the coming into operation of this Constitution, was an officer, delegate or committee member elected or appointed under the previous Constitution shall, subject to this Constitution, continue to have that status as though that person had been elected or appointed to that status under this Constitution.

In this Constitution, unless the contrary intention appears:

- (a) a word in the plural includes the singular, and a word in the singular includes the plural;
- (b) a word importing one gender imports, as necessary, each other gender;
- (c)
 - (i) a reference to a function includes a reference to a power, an authority and a duty; and
 - (ii) a reference to the exercise of a function includes, where the function is a power or an authority or a duty, a reference to the exercise or the power or authority or to the performance of the duty;
- (d) a reference in the main text of this Constitution to a clause, sub-clause, paragraph, sub-paragraph, Part or Division is a reference respectively to a clause, sub-clause, paragraph, sub-paragraph, Part or Division in the main text of this Constitution;
- (e) a general or a particular reference to:
 - (i) a member or category of membership,
 - (ii) an office, or officer or office-bearer, or
 - (iii) a committee,
 is a reference to a member, category or membership, office, officer, office-bearer or committee of the Club as the case may be and includes a reference to a person acting in an office or as a member or a committee;
- (f) 'ACT' means Australian Capital Territory,
 'ACTCA' means the Australian Capital Territory Cricket Association Incorporated,
 'AGM' means Annual General Meeting,
 'Annual General Meeting' means a meeting held in accordance with paragraph 2 of the Schedule hereto,
 'Chairperson' means Chairperson of a committee,
 'Club' means the Ginninderra Cricket Club Incorporated,
 'Incorporation ACT' means the *ACT Associations Incorporation ACT 1991* including any amendment to that act, and includes any regulations made under the Incorporation Act,

'match' means cricket match,

'officer' in relation the Club, has the same meaning as the word has in the Incorporation ACT,

'player' means cricket player,

'President' means the President of the Club, and therefore the Committee 'Secretary' in means the Secretary of the Club, and therefore the Committee

'special resolution' means a resolution of the voting members of the Club which is passed at a general meeting of the Club, being a meeting of which at least 21 days' notice, accompanied by notice of intention to propose the resolution as a special resolution, has been given to the voting members of the Club and which is passed by at least three quarters of those members who, being entitled to vote, vote in person at the meeting,

'Treasurer' means the Treasurer of the Club, and therefore the Committee

'voting members of the Club', shall comprise the management members, the playing members 18 years and over, and the life members, as defined under Part I of the Schedule to this document

'voting members of the Club for the purposes of Committee Meetings', shall comprise the members as defined under Part II of the Schedule to this document

- (g) Headings to clauses or parts of clauses are for ease of reference only and are not to be taken as affecting the construction or interpretation of this Constitution.

The Club

2. The name of this incorporated association is the Ginninderra Cricket Club Incorporated (referred to in this Constitution as 'the Club').

The Club shall continue in existence as an incorporated association under the Incorporation Act.

The common seal of the Club shall be kept in safe custody by the Secretary of the Club, or such other person as the Committee or the Club appoints and shall not be used except in accordance with a decision of the Committee or of the Club.

For the purposes of section 57 of the Incorporation Act the Secretary of the Club shall, subject to that Act, be the Public Officer of the Club.

Objects

3. The objects of the Club are:

- (a) as a Grade Club of the ACTCA to organise and to manage senior cricket teams in which eligible members and juniors maybe selected;
- (b) to organise and field teams in junior cricket competitions run by the ACTCA;
- (c) to promote the development of junior cricket players with the aim of providing junior cricketers with the ability to participate in senior cricket;
- (d) to provide, in relation to the game of cricket, recreational and social activities for the benefit of its members;
- (e) to promote the game of cricket within the ACTCA:
 - (i) for the purpose of encouraging and developing junior and other cricket players; and
 - (ii) generally for the advancement of the game of cricket;
- (f) to superintend and to prepare cricket grounds for which the ACTCA has been given the Club responsibility; and
- (g) to assist the ACTCA in furthering the objects of those Associations.

Powers

4. The Club has (but not so as to limit or diminish any power granted to the Club by the Incorporation Act or any other law) the power, which subject to any relevant law may be exercised both within and outside of the ACT:

- (a) to acquire, either exclusively or in conjunction with another party or other parties, property of any kind or interest in or in relation to property for the use and benefit of the Club or members of the Club;
- (b) to manage, to control, or to prepare grounds for the use or purposes of the ACTCA or the Club;
- (c) to make arrangements or agreements with other parties for the purpose of improving the financial resources of the Club;
- (d) to raise or to borrow money upon such terms and in such manner as the Club thinks fit and to secure the repayment of money so raised or borrowed or the repayment of any debt or liability of the Club by granting mortgages, charges, or securities upon or over any of the Club's real or personal property;
- (e) to employ full-time, part-time or casual staff for the purposes of the Club and to determine the terms and conditions of employment of staff so employed;
- (f) to make provision:
 - (i) for the registration of players participating or intending to participate in matches conducted by or on behalf of the ACTCA, or an affiliate; and
 - (ii) for a system of taking disciplinary action against players or other persons who contravene this Constitution or any of the ACTCA's or an affiliates Constitution and Competition Rules (including applicable Laws of Cricket); and
- (g) conformably with any relevant legal provisions of government or ACTCA or an affiliates' policy or as the Club decides, to establish, to operate and to participate in programmes for testing persons participating in matches conducted by, or on behalf of the ACTCA (including junior and youth matches) or an affiliate to detect the use of illegal drugs by any such person; and
- (h) to do as a principal or an agent, all things necessary, incidental or conducive to the attainment of any of the objects of the Club or to the exercise of any of its powers.

5
PART II - MEMBERSHIP

Members

5. The members of the Club shall comprise:-

- (a) playing members,
- (b) junior members,
- (c) parents/guardians of junior players,
- (d) management members,
- (e) social members,
- (f) Life members, and
- (g) honorary members.

The playing members of the Club at any given time shall comprise those persons (other than junior members) to each of whom registration as a player has been granted in accordance with this Constitution which registration is at that time still current.

The junior members of the Club shall comprise those persons registered as a junior player with the Club.

The parents/guardians of junior members (as defined above) shall comprise those persons each of whom has been accorded by the committee status similar to that of a social member (as defined below) and in respect of whom that status is, at that time, still current.

The management members of the Club at any given time shall comprise those persons (other than playing members or life members) each of whom is at that time an officer of the Club (including members of all committees, delegates or representatives and includes junior team coaches and managers).

The social members of the Club at any given time shall comprise those persons each of whom has been accorded by the committee status of social member and in respect of whom that status is, at that time, still current

The life members of the Club, at any given time, shall comprise those persons, living at that time, upon whom life membership has been conferred by the Club under this or any previous Constitution of the Club [or by the Ginninderra Cricket Club before it became an incorporated association].

An honorary member of the Club is a person who is not otherwise a member of the Club and who has a current honorary membership granted by the Committee on behalf of the Club.

- (a) Honorary membership shall not be granted to any person for a continuous period in excess of six months.
- (b) Honorary membership is a privilege which maybe withdrawn at any time, without any reason being given, by a decision of the Club or the Committee.

The voting members of the Club, upon the recommendation of the Committee, may at any Annual General Meeting confer life membership on any one person.

A Register of Members shall be maintained and is to be available upon written request to the Secretary.

Carry Over Membership

6. A person who immediately prior to the coming into operation of this Constitution:

- (a) was a playing member of the Club shall continue to have that status as though that person had become a playing member under this Constitution;
- (b) was not a playing member but continues to have the status of officer of the Club (including committee member or delegate) by reason of sub-clause 5(d) shall, subject to this Constitution, be a management member of the Club;

- (c) was a junior member of the Club shall continue to have that status as though that person had become a junior member under this Constitution; and
- (d) was a social member of the Club shall continue to have that status as though that person had become a social member under this Constitution.

A person who wishes to apply for any category of membership of the Club (other than management member, life member or honorary member) shall lodge with the Secretary a completed application in writing, specifying the category and giving reasons to justify this conferral of membership.

The Committee may from time to time determine the terms in which the application form to a category is to be printed.

Patrons

7. The Club may authorise the Committee to invite a person to be a Patron of the Club for such specified period as the Club determines.

Club Decisions

8. In this Constitution, a reference to a decision of the Club is a reference to a decision of voting members of the Club, as relevantly defined under Part 1 of Schedule to this document.

A decision of the Club, otherwise within its powers, is not valid unless it is made at a meeting of the voting members convened in accordance with this Constitution.

Any valid decision made by the Committee is to be regarded for the purpose of this Constitution, as a decision on behalf of the Club.

Any decision made by the Committee may, subject to this Constitution, be varied or revoked by a decision of the Club.

Meetings of the Club

9. A meeting of the voting members of the Club shall be convened and conducted in accordance with the provision of the Schedule hereto.

A decision of the Club may direct the Committee to arrange for the convening of a meeting of all or some categories of members of the Club.

PART III - OFFICERS AND COMMITTEES

Officers

10. The principal officers of the Club are:-

- (a) those to be elected annually at each AGM -
 - (i) the President,
 - (ii) the Secretary,
 - (iii) the Treasurer,
- (b) In addition to those officers referred to in paragraph 10(a) the following officers shall be elected annually at each AGM -
 - (i) Ordinary members of the Committee.
- (c) The Junior Committee will be elected annually at a Special General Meeting (SGM), and consist of the following members:
 - (i) the Junior President,
 - (ii) the Junior Secretary,
 - (iii) the Junior Treasurer,
 - (iv) the Junior Registrar,
 - (v) the delegate to ACTCA Junior Council.
- (d) In addition to those officers referred to in clause 10 (c) the following officers may be elected annually at the SGM:
 - (i) Age Group Coordinators (under 9 to under 16, under 18),
 - (ii) the Have-A-Go Coordinator,
 - (iii) the Junior Coaching Coordinator,
 - (iv) the Junior Property Officer,
 - (v) the Junior Publicity Officer,
 - (vi) the Junior First Aid Officer,
 - (vii) the Junior Results Coordinator,
 - (viii) the Junior Grounds Coordinator,
 - (ix) other roles as determined by the Junior Committee.

Length of Term

11. A person elected to an office specified in sub-clause 10 (a) or (b) shall take office immediately upon election and, subject to this Constitution, shall hold office until a successor is elected.

If an office referred to in the previous paragraph is not filled at the relevant election, the occupant of that office, if willing to do so, shall act in the office until it is filled in accordance with the Constitution.

Nominations

12. A nomination of a candidate for election to any office referred to in sub-clause 10 (a) or (b) shall be made in writing to the Secretary no later than three days before the day of the relevant meeting. In the event of there not being sufficient nominations, candidates can be nominated by a voting member at an Annual General Meeting provided they are seconded by another voting member.

A person who is ineligible may not be nominated as a candidate pursuant to this clause.

A person is ineligible to be nominated for or to hold an office of the Association if that person:

- (a) has not attained the age of 18 years;

- (b) suffers from mental incapacity;
- (c) becomes an insolvent under administration within the meaning of the Corporation Law;
- (d) has been convicted, whether in or outside the ACT, of:
 - (i) an indictable offence; or
 - (ii) an offence punishable by imprisonment for a period of 3 months or more.

Vacation of Office

13. Subject to the Incorporation Act, an office of the Club becomes vacant if the officer:
- (a) dies;
 - (b) is removed from office in accordance with this Constitution or otherwise in accordance with law;
 - (c) resigns by notice in writing to the Secretary, or, in the case of the Secretary, by notice in writing to the President;
 - (d) suffers from mental incapacity;
 - (e) becomes an insolvent under administration within the meaning of the Corporation Law;
 - (f) is convicted, whether in or outside of the ACT, of:
 - (i) an indictable offence;
 - (ii) an offence punishable by imprisonment for a period of 3 months or more.

Filling Casual Vacancies

14. Whenever a casual vacancy occurs in an office to which, under this Constitution, a person is to be elected or appointed:-

- (a) the Club or the Committee shall, at the earliest opportunity, elect or appoint a successor for the remainder of the term applicable to the previous holder, and
- (b) the Committee may arrange for a person to act in the office, until it is filled or it becomes vacant in accordance with this Constitution.

Where an office in which a person is acting becomes vacant in accordance with this Constitution and the office is not filled, the Committee may arrange for that person or some other person to act in the office for a stipulated period or until the office is filled in accordance with the Constitution, whichever is the less period.

Whenever an office holder is temporarily absent from the Association's area, the Committee may arrange for a person to act in the office for the whole or part of the absence.

The Committee may at any time, without assigning a reason, terminate a person's acting duty in an office.

Delegates and Representatives

15. The Club's delegates and representatives shall be as follows:

- (a) two delegates to the ACT Cricket Association -the President and the Secretary ex officio;
- (b) one representative on the ACTCA Grade Cricket Committee - a member appointed annually by that Committee at the Committee meeting immediately after the Club AGM;
- (c) One Representative on the ACTCA Junior Council, to be appointed by the Junior Committee.

A person who is elected or appointed as a Club delegate or representative shall, subject to this Constitution, hold office until a successor is elected or appointed in accordance with this Constitution.

- (a) A person who is a delegate or a representative of the Club has the obligation of attending each meeting of the body of which that person is a delegate or a representative.
- (b) Delegates and representatives shall report on each meeting attended as follows:
 - (i) delegates of the ACTCA - to the meeting of the Committee occurring next after the ACTCA meeting being reported upon;
 - (ii) representative on the ACTCA Cricket Committee - to the meeting of the Grade Cricket Committee occurring next after the ACTCA Cricket Committee meeting being reported upon; and
- (c) A delegate or representative, who will not be attending a meeting of the body of which he or she is a delegate or representative, shall inform the Secretary or other relevant secretary, and state the reason for the proposed non-attendance.
- (d) Information under the previous paragraph shall as far as practical be provided in sufficient time for a proxy or replacement to be appointed by the Committee from which the delegate or representative is drawn.
- (e) Where the Committee is of the opinion that a delegate or representative has failed to comply satisfactorily, or at all, with this sub-clause, the Committee may suspend the delegate or representative from functioning in that capacity and may as an interim measure appoint another person as a replacement.
- (f) The Committee on behalf of the Club may act to give effect to any direction of the ACTCA regarding the appointment of a replacement delegate or representative.
- (g) The Committee shall report any action under the two previous paragraphs to the first meeting of the voting members of the Club occurring after the suspension and the voting members may either confirm the action of the Committee or take such other action in relation to the matter as it sees fit.

Committee

16. The Committee shall, for the purposes of the Incorporation Act, be the committee of the Club.

Subject to the Incorporation Act, this Constitution and any resolution passed at a meeting of the Club, the Committee may on behalf of the Club do anything necessary or convenient to further the objects of the Club.

Without limiting the generality of the previous sub-clause, the Committee may -

- (a) exercise on behalf of the Club any of the legal powers or functions of the Club;
- (b) determine the terms and conditions of employment of any employee of the Club or of any contract or engaged to perform services for the Club;
- (c) subject to this Constitution, give directions, to any officer of the Club other than the President of the Club;
- (d) deal with disputes, disciplinary matters and appeals as provided in Part V hereof;
- (e) exercise any other power or function conferred on the Committee by this Constitution;
- (f) oversee the finance of the Club;
- (g) do anything incidental to the exercise of any of its powers or functions,
- (h) recruit and to train players for, and to constitute teams to participate in each of the Grade Competitions conducted by the ACTCA;
- (i) provide adequate equipment and practice facilities for such teams;

- (j) arrange, on behalf of the Club, for the preparation of cricket grounds for Grade Competition purposes;
- (k) recruit and to train persons suitable to act as managers of, and scorers for, Club teams participating in the ACTCA Grade Competitions;
- (l) implement the Club's policies in relation to player behaviour in connection with matches;
- (m) establish and to maintain in relation to all of the Club's teams participating in the ACTCA Grade Competitions, accurate and comprehensive records of:-
 - (i) competition points gained in the Grade Competitions, and
 - (ii) Club batting, bowling and fielding performances including current averages of players.

Emergency Committee

17. The Emergency Committee shall consist of the President, the Junior President, the Secretary and the Treasurer of the Club.

In the absence of the President, Secretary or Treasurer, any member of the Committee may substitute for the absent member. In the absence of the Junior President, any member of the Junior Committee may substitute for the absent member.

The Emergency Committee shall, on behalf of the Club, deal with any urgent matter the nature of which does not permit or warrant the calling of a special meeting of the Club or of the Committee.

The Emergency Committee shall meet and conduct its meetings in conformity with the relevant provisions of the Schedule hereto. The Emergency Committee shall submit a full report on each matter dealt with by it to the first subsequent meeting of the Club or of the Committee (whichever happens first).

Grade Selectors

18. There shall be selectors for Club teams participating in the ACTCA Grade Competitions, to be called the Grade Selectors.

Subject to this Constitution, the functions of the Grade Selectors shall, in relation to ACTCA Grade Competitions, be:

- (a) to select eligible players to represent the Club in each Grade team;
- (b) subject to the next sub-clause, to select the Captain and Vice Captain of each Grade team;
- (c) to collaborate with the Committee concerning the recording of players' performances to assist in the selection of teams;
- (d) to maintain consultation with any person appointed as Club coach and Junior Coaching Coordinator with the aim of achieving uniformity of policy.

The Committee may exclude a player otherwise eligible from selection in a Grade team or may disallow the appointment of such a player as Captain or Vice Captain of a Grade Team for reasons other than cricketing ability.

If the Committee takes action under the previous paragraph, it shall direct the Grade Selectors to choose a replacement.

Junior Committee

19. The functions of the Junior Committee, subject to this Constitution are:

- (a) to organise and field teams in junior cricket competitions run by the ACTCA;
- (b) to provide a foundation of well planned policy for the conduct of junior cricket which will maximise enjoyment and emphasise the teaching and learning of skills;
- (c) to develop a skill level in all age groups with the aim of providing junior cricketers with the ability to participate in senior cricket;

- (d) to provide, in relation to the game of cricket, recreational and social activities for the benefit of junior cricketers;
- (e) to promote the game of cricket within West Belconnen and surrounding areas;
- (f) for the purpose of encouraging and developing junior cricket players; and
- (g) generally for the advancement of the game of cricket.

20. Within the framework of this constitution, the Junior Committee will have sole responsibility for setting and collecting junior registration fees and for making decisions in relation to junior players and teams.

21. The Junior Committee will have sole responsibility for managing receipt and expenditure of junior registration fees, junior sponsorship and grant funds, and for managing the junior account.

22. Unless specifically otherwise stated, the general principles, roles and functions of the Junior Committee and elected representatives of that committee will be the same as outlined in the constitution against the roles and functions of the Club, the Committee and elected representatives of that Committee.

23. The responsibilities of the Junior President are, subject to this Constitution:

- (a) where present at a meeting of the Junior Committee, to chair that meeting;
- (b) to supervise generally the Club's activities in relation to junior cricket to ensure that the Club is meeting its obligations to junior cricket;
- (c) to represent the Junior Committee on the Committee.

24. The responsibilities of the Junior Secretary are, subject to this Constitution:

- (a) to prepare and to maintain adequate minutes of all meetings of the Junior Committee;
- (b) to attend to all correspondence on behalf of the Junior Committee;
- (c) to assist the Junior President as that officer requests.

25. The responsibilities of the Junior Treasurer are, subject to this Constitution:

- (a) to maintain adequate control over the funds made available to the Junior Committee for junior cricket;
- (b) to arrange for the keeping of correct accounts and books showing the financial affairs of junior cricket with full details of all receipts and expenditure connected with the activities of the Committee;
- (c) to report to the Junior President any case where an over expenditure may occur;
- (d) on behalf of the Junior Committee, to prepare annually draft estimate of expenditure in relation to the Club's junior cricket activities;
- (e) in conjunction with the Treasurer of the Club, to assist in the preparation of Annual Accounts of the Club for auditing;
- (f) to be responsible for collecting all moneys due to the Junior Committee; and
- (g) to keep the Club Treasurer informed of any financial activities undertaken or proposed by the Junior Committee.

26. The responsibilities of the Junior Registrar are, subject to this constitution:

- (a) to arrange for the preparation and maintenance of records of the registration of each player of the Club; and
- (b) to arrange for the preparation and maintenance of records of the performance of each player and team of the Club.

Club Funds

27. Subject to the next sub-clause, the funds of the Club shall be derived principally from:

- (a) membership fees,
- (b) sponsorship,
- (c) raffles, and
- (d) hiring of ground.

The Committee may from time to time develop sources of funds for the Club other than those referred to in the previous paragraph.

The finances of the Committee shall for all intents and purposes be reported on at the AGM while comprising the consolidated accounts of the Club. The finances of the Junior Committee shall for all intents and purposes be kept separate and be reported on separately at the AGM while comprising the consolidated accounts of the Club.

The assets and income of the Club shall be applied solely in furtherance of the Club's objects and no portion shall be distributed directly or indirectly to the members of the Association except as a bona fide compensation for services rendered or expenses incurred on behalf of the Club.

The funds held by a committee shall not be transferred without the consent of two-thirds of the members of that committee for the use of one of the other committees or to meet the debts of one of the other committees unless passed by special resolution of a meeting of the Club.

In the event of the Club being dissolved, the amount which remains after such dissolution and the satisfaction of all debts and liabilities shall be paid and applied by the Committee or a meeting of the Club in accordance with their powers, to any fund, institution or authority which is a non-profit organisation.

Financial Year

28. The financial year of the Association shall end on 30 June in each year.

Fees

29. MEMBERSHIP FEES. The Committee shall, in respect of each financial year, endorse the amount of the membership fee payable by a member in each category of membership.

MATCH FEES. The Committee shall, in respect of each financial year, fix the amount of the match fee payable by a playing member in the ACTCA Grade Competition.

- (a) The Committee shall report to the first meeting of the voting members of the Club occurring after the fixing of a fee under this clause the amount of the fee.
- (b) At the meeting referred to in the previous paragraph, the voting members may vary the decision of the Committee.

JUNIOR FEES. Registration fees for Junior Players shall be set by the Junior Committee.

Surplus Funds

30. Any surplus funds of the Club may be applied for the benefit of members in such a manner as the meeting of the Club determines provided that clause 27 is not contravened.

Accounts

31. The Committee shall cause true accounts to be kept of receipts and expenditure and of matters to which such receipts and expenditure relate and of all assets and liabilities of the Club.

Inspection of Books

32. All books of accounts or any other records excluding commercial-in-confidence information may be inspected by any member of the Club upon request in writing to the Secretary.

Statement of Receipts and Expenditure

33. The Treasurer shall present, or cause to be presented, for the consideration of the Annual General Meeting a true and audited consolidated statement of receipts and expenditure for the previous financial year and a balance sheet reflecting the true position of the Club's assets and liabilities as at the end of the previous financial year.

Upon acceptance by the Annual General Meeting, the Public Officer shall lodge the statement and balance sheet with the Registrar of Incorporated Associations as required by the Incorporation Act.

Auditor

34. An Auditor shall be appointed annually by the Club at the Annual General Meeting.

The appointment of the Auditor shall be consistent with the provisions of the Incorporation Act.

The person who was the Auditor of the Club immediately prior to the coming into operation of this Constitution shall continue to be the Auditor of the Club as though appointed under this Constitution.

The Auditor shall audit the accounts of the Club prior to their consideration at the Annual General Meeting.

The report of the Auditor shall be presented to the Annual General Meeting and to the Registrar of Incorporated Associations as required by the Incorporation Act.

Cheque Account

35. The Committee and the Junior Committee shall operate cheque accounts at banks as determined by the Committee or the Junior Committee from time to time.

Investment of Funds

36. The funds of relevant committees may be invested in bank accounts, building societies and government securities under such conditions and terms as thought fit by the Committee or the Junior Committee.

Moneys belonging to the Club shall not be invested otherwise than in accordance with the preceding provisions of this clause unless a meeting of the Club otherwise determines by a two-thirds majority of the members present and voting.

Signing Cheques

37. Cheques drawn by the Club on any of its bank or investment accounts shall be signed by any two office holders of the Committee or the Junior Committee.

Borrowing

38. The Committee on behalf of the Club may raise or borrow money upon such terms and in such manner as it thinks fit and secure the repayment of money so raised or borrowed or the payment of a debt or a liability of the Club by granting mortgages, charges or securities upon or over all or any of the real or personal property of the Club.

Indemnity

39. Every voting member or officer of, or person employed (on a full-time, part-time or casual basis) by, the Club shall be indemnified by the Club in accordance with this Clause.

The Club shall pay all costs, losses and expenses, which a voting member, officer or employee may incur or may become liable for, by reason of any contract entered into with the Club or any bona fide act or thing done as, or in the bona fide exercise of the functions of, a voting member, officer or employee.

The amount of money for which, in a given case, the indemnity referred to in sub-clause 39 is provided, shall immediately attach as a lien on the property of the Club and have priority, as between the members, over all other claims against the Club.

Functions of Treasurer

40. The Treasurer shall, subject to this Constitution, have the general oversight of the financial affairs of the Club. The Treasurer shall, by virtue of his office, be a member of the Committee and a voting member of the Club.

The Treasurer shall, provided that clause 27 is not contravened:

- (a) arrange for the proper collection and receipt of all moneys due to the Club and for the proper payment, in accordance with this Constitution, of all accounts payable by the Club;
- (b) arrange for the safekeeping of cheque books, bank books and receipt books which belong to the Club; and
- (c) arrange for the issue of invoices and statements of account for all moneys owing to the Club.

The Treasurer shall arrange for the keeping of correct accounts and books showing the financial affairs of the Club with full details of all receipts and expenditure connected with the activities of the Club.

The Treasurer shall cause to be prepared and maintained a register of the assets of the Club in a form which assists in the efficient administration of those assets.

The Treasurer shall arrange for the safe custody of all security documents belonging to the Club.

The Treasurer shall present a statement of the Club's financial position based on the accounts of each committee for the period ending on the last day of each calendar month to Committee meetings.

The Treasurer shall present the annual statement of income and expenditure and balance sheet to the Management Committee for their consideration following the close of business of the financial year of the Club.

The Treasurer shall submit to the Auditor in time for him to complete the audit for the Committee and Annual General Meeting, the statement of income and expenditure and balance sheet.

The Treasurer shall present the annual statement of income and expenditure and balance sheet for the Annual General Meeting for its consideration.

Budget Meetings

41. The Treasurer shall present a draft budget of estimates of income and expenditure for each financial year to the Committee in time for its consideration prior to presentation to the Club.

The Committee may call an ordinary general meeting of the Club in the month of July each year to enable consideration of the proposed budget for the Club.

PART V - STATUS, CONTRAVENTIONS, DISCIPLINE

Division 1: Procedure

Natural Justice, Time Limits, Decisions

42. The Club and all other bodies, in exercising functions under this Part, shall observe the rules of natural justice. The Club or other body in exercising functions under this Part -

- (a) shall act according to equity, good conscience and the substantial merits of the case;
- (b) shall determine its own procedure;
- (c) shall conduct its proceedings with as little formality and technicality as possible, and with as much expedition, as the requirements of this Constitution and proper consideration of the matter permits; and
- (d) is not bound by the rules of evidence but may inform itself on any matter in such manner as it sees fit.

The Club, or other body, in exercising functions under this Part, shall give any member concerned a reasonable opportunity:

- (a) of stating that member's case and of correcting, or contradicting, any statement prejudicial to that case, and
- (b) of scrutinising relevant documents.

It is a contravention of this Constitution for a member -

- (a) to give knowingly false information to, or
- (b) to withhold relevant information, known to the member, from the Club, any of its officers or committees in or in relation to any proceedings referred to in this Constitution or in relation to obtaining a payment or other advantage from the Club or any of its bodies or officers.

Where, in this Part, action is required to be taken within a specified period, the Club or other body concerned may extend the period where it is of the opinion that it would be reasonable to do so or may ignore the fact that the action has been taken beyond the specified period.

Nothing in the previous sub-clause prevents the Club or other body from treating as nugatory and of no effect for the purposes of this Constitution any document lodged, or other action taken, out of time.

Where in this Part a decision is required to be in writing, the Club or other body concerned may announce its decision orally prior to the distribution of its written decision.

A copy of a written decision shall be provided to each person directly affected by the decision.

Subject to this Constitution, in any proceedings under this Part a member, against whom disciplinary action may be taken, may -

- (a) if present at the proceedings, be represented by another member who has attained to age of 18 years; or
- (b) if not present at the proceedings, be represented with the permission of the body before whom the proceedings are being taken, by another member who has attained the age of 18 years

It is a contravention of this Constitution for a member to request, or to receive, a fee in relation to -

- (a) the preparation of a document on behalf of another member to be used for the purposes of this Part, or
- (b) the representation of another member in accordance with this Part.

Disciplinary Sub-Committees

43. At the first meeting of the Committee which occurs after each AGM, the Committee shall appoint three of its members to constitute a disciplinary sub-committee to operate in relation to the forthcoming cricket season and shall nominate one of the three members to preside at any inquiries conducted by the sub-committee.

The function of the disciplinary sub-committee shall be to inquire into, and to report to its full committee, in relation to all allegations of misconduct of relevant members.

Clause 46 deals with inquiries and reports by the disciplinary sub-committee.

The Committee may appoint one of its members to the disciplinary sub-committee in substitution for a member Unavailable to act, or who may not appropriately act, on the sub-committee in relation to a matter under inquiry or who ceases to be a member of the sub-committee.

Division 2: Termination of Membership

Contraventions of Constitution, Suspension

44. Subject to this Constitution, whenever it appears to the Committee that a member in any category of membership has, in the opinion of the Committee, on one or more occasions contravened this Constitution or acted in a manner prejudicial to the Club, the Committee may suspend the member.

For the purposes of the previous sub-clause, action prejudicial to the Club includes -

- (a) dealing dishonestly with property of the Club;
- (b) obtaining moneys from the Club dishonestly or in circumstances involving a contravention of this Constitution;
- (c) through misconduct, involving the Club in expense or liability; and
- (d) defaming the Club.

Where the Committee suspends a member pursuant to this Clause, it shall, as soon as possible after doing so, give written notice of suspension to the member.

A suspended member shall promptly give to the Secretary all papers and property of the Club in his possession or under his control.

If a suspended member is not in the ACTCA's area or cannot be found, the Secretary, on behalf of the Committee shall take reasonable steps to have the notice of suspension served on the member and to obtain possession of any papers and property of the Club that the member is known to have in possession or under control.

A notice of suspension shall state the reason for the suspension and the date on and from which the suspension operates. A notice of suspension shall offer the suspended member the option -

- (a) of requesting the Committee to review its decision; or
- (b) of appealing to the Club against the suspension, to be exercised within 14 days of the date of the notice.

If the suspended member takes no action to exercise the option in the notice, or cannot be found, the Committee shall report the suspension to the next meeting of the Club which may terminate all forms of membership of the suspended member.

A suspended member who wishes to request the Committee to reconsider its decision:

- (a) shall do so in writing;
- (b) shall state in writing whether the suspended member wishes to appear before the Committee with or without a representative; and

- (c) shall provide with the written request any documentary evidence that the suspended member wishes to bring before the Committee.

A suspended member may, if appearing before the Committee, be represented with the permission of the Committee by another person who is a member of the Club.

A suspended member who has requested the Committee to review its decision and who does not appear in person before the Committee, shall not be entitled to be represented unless the Committee considers that the suspended member's absence is unavoidable, in which event the member may be represented with the permission of the Committee by another person who is a member.

Where, at the request of a suspended member, the Committee reconsiders its decision the Committee may continue the suspension or terminate it.

The Committee shall set out in writing its decision and the reasons for the decision,

Where the Committee continues the suspension, the suspended member may appeal against the suspension to the Club.

In the case of a suspended members appeal against suspension to the Club, the procedure set out in this sub-clause shall apply to the institution of the appeal.

The appellant shall, within 14 days of the relevant decision by the Committee, forward to the Secretary a written form of appeal, together with any documentary evidence further to that (if any) provided to the Committee.

The appeal document shall be in the name of the suspended member, shall be signed and dated by that member, and shall state whether the appellant intends to appear personally before the Club and to be represented there by another member nominated in the appeal document.

Upon the receipt of a notice of appeal under this clause, the Secretary shall arrange for the calling of a general meeting of the voting members of the Club :

- (a) of which meeting at least 21 days' notice shall be given, and
- (b) at which meeting the sole business shall be the hearing of the appeal and any business ancillary thereto.

Notices calling the general meeting referred to in the previous paragraph shall state that the Club will be asked at the meeting, after hearing the appeal, to consider and, if thought fit, to pass a special resolution that the membership of the suspended member shall be terminated.

The suspended member shall be entitled to attend and address the general meeting or, being in attendance at the meeting, to have, with the permission of the meeting, some other person who is a member speak on the suspended member's behalf.

If the special resolution referred to above is not passed, the Club may take any other action in relation to the suspended member as it sees fit.

Where, under this clause, the Committee is dealing with a motion that a Committee member be suspended, that member is ineligible to vote on the motion or any business ancillary thereto and that member's presence shall be ignored for the purposes of a quorum.

Where, under this clause, a meeting of the Club is dealing with a notice of appeal by a voting member, that member is ineligible to vote on the proposed special resolution that membership shall be terminated and any business ancillary to the appeal, and that member's presence shall be ignored for the purposes of a quorum.

Division 3: Disciplinary and Similar Matters ACTCA

Representation of Club or Member

45. Where the ACTCA Board, the ACTCA Cricket Committee, the ACTCA Cricket Development Council (including the Cricket Development Council Disciplinary Committee) or the ACTCA Independent Tribunal is to deal with any matter under Part VII of the ACTCA Constitution, the Secretary of the Club shall, subject to this Constitution, represent the Club or a member concerned in the relevant proceedings.

Where by clause 45 the Secretary is required to represent the Club or a member and the Secretary is unavailable or it is inappropriate for the Secretary to act as representative, the Committee shall assign another Club member to act as representative.

A member who does not wish to be represented by the Secretary or the member assigned by the Committee shall inform the Secretary of that fact and the member shall be personally responsible for arranging representation (if any).

Misconduct in Matches: Club Action

46. Where it comes to the notice of the Committee that there are allegations that a relevant member has been guilty of misconduct in or in relation to -

- (a) a match under the control of the ACTCA Board or the ACTCA Cricket Committee, as the case may be;
- (b) a tour or visit conducted by any of those bodies or by the Club, or a match wherever played which is conducted by the Club; or
- (c) any representative match in which a team representing the ACTCA takes part or is to take part the relevant Committee shall proceed in accordance with this Clause.

For the purposes of this Clause -

The disciplinary sub-committee shall hold an inquiry into the allegations and for that purpose one or more of its members may make preliminary inquiries prior of any formal hearing.

An inquiry shall be conducted in accordance with the principles set out in clause 42.

The disciplinary sub-committee shall act promptly in relation to any allegations brought to its notice and shall, as soon as practicable, fix a place, date and time for a formal hearing of the matter.

The member against whom allegations have been made shall be provided as early as possible before the formal hearing, with details of the allegations and of their source and copies of all relevant documents.

The member concerned shall be requested by the sub-committee to attend the formal hearing so as to have an opportunity to hear any oral evidence to be given, to ask questions and make submissions to the sub-committee.

After the formal hearing, the disciplinary sub-committee shall as quickly as possible report in writing to its committee.

The report shall state -

- (a) the relevant facts as found by the sub-committee, and
- (b) the penalty, if any, that, in the sub-committee's opinion, should be imposed upon the relevant member.

The disciplinary sub-committee may recommend, and a relevant committee may impose, any one or more of the following penalties:-

- (a) that the member be counselled by a specified member;
- (b) that the member be reprimanded;
- (c) that the member be suspended-
 - (i) for a specified period not exceeding 1 year;
 - (ii) for a specified match or matches; or
 - (iii) a combination of (i) and (ii);
- (d) that an allowance or other amount payable to the member by or on behalf of the Club be not paid (in whole or in part) to the member;

(e) that the member be directed to pay, in whole or in part, an amount for which the Club has become liable by reason of the misconduct of the member;

(f) that the member be fined an amount not exceeding \$500.00.

The fact that another cricket body, including the ACTCA or council of this association, has taken or is about to take, action in relation to a member does not prevent a disciplinary sub-committee or a relevant committee from proceeding under this clause, in respect of that member but in coming to its decision each shall take into consideration any action taken by the relevant cricket body.

Where a relevant committee is considering a report from its disciplinary sub-committee-

(a) a member of the sub-committee is not eligible to act as a member of the committee; and

(b) the member of the Club who is the subject of the sub-committee's report may attend before the committee and may make whatever representations to it that the member regards as relevant.

The relevant committee shall give, in writing, its decision in relation to the matter and shall provide a copy of the decision to the member concerned.

The previous paragraph does not prevent the committee from orally announcing its decision to the member prior to the publication of the decision in writing.

A member upon whom a penalty is imposed under this clause is not, in relation to the penalty, entitled to a refund of any part of any membership fee paid or other payment made to the Club.

Alterations to Constitution

47. In this clause a reference to this Constitution is a reference to the objects and rules of the Club. The Committee may from time to time propose alterations to this Constitution.

The Committee shall, in relation to a proposed alteration, propose a special resolution at a general meeting, being a meeting of which at least 21 days notice, accompanied by notice of the intention to propose the resolution as a special resolution.

Three voting members, other than members of the Committee, may jointly propose to the Committee an alteration to this Constitution.

- (a) it is passed at a general meeting as provided for above.
- (b) it is passed by at least three-quarters of the votes of those members of the association who, being entitled to vote, vote in person or vote by proxy at the meeting.

Saving Clause

48. Any act or thing done or suffered, or purporting to have been done or suffered, by the Club, or a committee of the Club, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any person who participated in the relevant decision.

SCHEDULE TO THE
CONSTITUTION OF THE
GINNINDERRA CRICKET CLUB
INCORPORATED

PART I- CALLING AND CONDUCTING MEETINGS OF VOTING MEMBERS OF THE CLUB

Definition

1. In this part "Meeting", "meeting", and "meeting of the Club" each means meeting of the voting members of the Club.
Annual General Meeting.

2. The Annual General Meeting shall be held between July and November of each year on a date to be decided by the Committee.

Notice of the time, date and place of the Annual General Meeting shall be advertised in one or more of the Canberra newspapers or on the Club's web site at least seven days before the date of the Annual General Meeting.

At least 20 days' notice of the Annual General Meeting shall be given in writing (including electronic communication) to each voting member. The voting members of the Club shall comprise:-

- (a) the management members,
- (b) the playing members 18 years and over, and
- (c) the life members.

A person who attains the age of eighteen years while still registered as a junior member, may, by complying with conditions determined by the Committee or by the voting members of the Club at a general meeting, become a voting member of the Club.

The parents/guardians of all registered junior players with the Club will be able to stand for membership of the Junior Committee and elect members of the Junior Committee.

Order of Business - AGM

3. The order of business at each Annual General Meeting shall be:

- (a) reading and confirmation of minutes of the previous Annual General Meeting;
- (b) presentation of the Financial Statements;
- (c) elections required by this Constitution to be held at the Annual General Meeting; notices of motion;
- (d) questions;
- (e) general business.

Junior Committee Special General Meeting

4. A Special General Meeting of the Junior Committee will be held by 30 July each year, or on a date to be decided by the Junior Committee.

Notice of the time, date and place of the Junior Committee Special General Meeting shall be advertised on the Club web site at least seven days before the date of the Junior Committee Special General Meeting.

At least 21 days' notice of the Junior Committee Special General Meeting shall be given in writing to each voting member, via email to all members that have provided the Club with an email address.

Order of Business – Junior Committee Special General Meeting

5. The order of business at each Junior Committee Special General Meeting shall be:

- reading and confirmation of minutes of the previous Junior Committee Special General Meeting;
- presentation of the Junior Committee's Financial Statements;
- elections to the Junior Committee;
- notices of motion;
- questions;
- general business.

Ordinary Meetings

4. At least two ordinary meetings of the Club shall be held after an AGM and the next succeeding AGM on respective dates decided by the Committee;

At least 5 days prior to each ordinary meeting, the secretary shall notify each voting member as to the business to be transacted at, and the time, date and place of, the meeting.

Special Meetings

5. Special meetings of the Club may be convened -

- (a) by decision of the Committee;
- (b) on the requisition to the Secretary signed by not fewer than five voting members;
- (c) by direction of the President.

Voting members shall be given not less than five days notice (in writing by the Secretary) of the time, date, place and object of a special meeting.

Conduct of Meetings

6. All meetings of the Club shall, subject to Part N of this Constitution, be conducted in accordance with this paragraph.

Chair

At each meeting of the Club the President shall be chair or the chair shall be elected from the voting members present.

Chair's Vote

The chair has the right to vote on any question but does not have a casting vote, and where the voting is equal the question shall be answered in the negative.

Mode of Voting

At all meetings of the Club -

- (a) all elections and motions shall be resolved -
 - (i) on the voices;
 - (ii) by a show of hands, or
 - (iii) if demanded by three members or, in the case of a proposed special resolution, secret ballot.

Voting Power

At any election, and in the case of all motions, each voting member present at the meeting has one vote.

Notice of Motion

Notices of motion for consideration at a meeting of the Club shall be delivered to the Secretary in writing, and each notice shall be preserved by him until after the matter to which it refers shall have been disposed of.

Absence of Mover

No notice of motion which has been entered on the business paper shall be proceeded with in the absence of the voting member by whom the notice has been given unless some other voting member produces written authority from such first-named member to act on his behalf.

Putting Questions

The chair shall put all questions first in the affirmative and then in the negative, and may do so as often as maybe necessary to enable him to determine the sense of the meeting and there upon he shall declare his decision which shall be final unless a ballot is demanded by three members.

Motions to be seconded

No motion shall be discussed until it is seconded by a voting member and when seconded shall not be withdrawn without leave of the meeting.

Amendments

When a motion has been moved and seconded, any member may move an amendment thereon which shall not be discussed until it is seconded.

Further Amendments

No amendment shall be taken into consideration until any previous amendment has been disposed of.

Amendment becomes the question

If an amendment is carried, the question as thereby amended shall become the question before the meeting, whereupon any further amendment may be moved.

Moving of further Amendment

If an amendment, either upon the original motion or upon any amended motion, shall be negatived, then a further amendment (if not to the same effect as that already negatived) may be moved to the motion to which such first-named amendment was moved, and so on, provided that not more than one question and one proposed amendment thereon shall be before the meeting at one time.

Members not to speak twice

No member shall speak twice on the same question unless in explanation, and then only with the permission of the chair, provided that any member, having previously spoken to the original question, shall be entitled to speak once on each amendment, and that the mover of the original question shall have the right of final reply.

Time limitation on speakers

No member shall speak upon any motion or amendment for a longer period than five minutes without the consent of the meeting.

Offensive remarks or behaviour

No member shall make any offensive personal reflections upon, or impute any improper motives to, any other member or officer, and any member so offending shall, immediately upon being required by the chair to do so, withdraw such offensive expression and retract any such imputation of motive.

Any member refusing to withdraw such offensive expressions or imputations shall not be allowed to address the chair further at that or any other meeting of the Club until he shall have complied with such requirements, and his vote shall not be recorded upon any question.

Chair to preserve order

The chair shall preserve order, and may at any time call to order any member whom he may deem to be out of order, and when two or more members rise to speak at the same time, he shall decide which member be heard first.

Members out of order

Any member may call the attention of the chair to any other member being out of order or to any point of order.

Points of order

Every point of order shall be taken into consideration immediately upon its arising and shall be decided by the Chairperson.

Disagreement with Chair's ruling

It shall be competent for any member to move a motion of disagreement with any ruling of the chair. Upon such motion being seconded, the chair shall vacate the chair and the chair shall then be temporarily occupied by another person chosen by the meeting for the purpose until such time as the motion is disposed of, whereupon the chair shall re-occupy the chair.

Motion - Question be put

A motion "that the question be put" shall be dealt with as an amendment and it shall take precedence over all other amendments and without debate, and, if it be carried, the original question is to be put forthwith, without permitting adjournment, amendment or debate.

Motions to rescind

No motion to rescind any decision shall be entertained without the consent of the meeting.

Non-Voting Members at Meeting

At a meeting of the Club, a person who is not a voting member may not address the meeting unless invited to do so by the person chairing the meeting.

A person who is not a voting member is not eligible to move or second a motion for consideration at a meeting of the Club. Only voting members are, subject to Constitution, eligible to vote at a meeting of the Club.

Quorum

7. At a meeting of the Club ten persons present who are entitled to vote at the meeting shall, subject to paragraph 8 of this Schedule, constitute a quorum.

If within an hour after the appointed time for the commencement of the relevant meeting a quorum is not present, the meeting stands adjourned to a date, time and place to be fixed by the Committee except that, where the meeting is a special meeting convened on a requisition signed by not fewer than five members, the meeting shall be dissolved.

Presence at Meeting

8. Subject to the next sub-paragraph, a person shall not vote at a meeting of the Club unless present at the meeting.

A person (not being the chair of the meeting) shall be regarded as present at the meeting if located elsewhere but in effective, direct voice contact by telephone or other electronic means with all other persons at the meeting.

The chair at a meeting may give a ruling that the conditions referred to above have not been met but such a ruling may be the subject of a motion of disagreement under paragraph 6 of this Schedule.

PART II - MEETINGS OF THE COMMITTEE

9. The Committee shall meet once in every calendar month during the cricket season and at such other times as it considers necessary.

A meeting of the Committee shall be called at the request of the President or Secretary or any two members of the Committee.

At least five days' notice shall be given for the first meeting of the Committee after an AGM, with notice for all subsequent Committee meetings to be determined by the Committee.

The Committee may vary any period of notice fixed under this section.

Procedures at Committee Meetings

10. The Committee shall, subject to this Constitution, determine the order of business and procedure at each of its meetings.

Quorum of the Committee

11. Subject to the provisions of Part V of this Constitution, five members of the Committee present at a meeting of the Committee shall, subject to the next sub-paragraph, constitute a quorum.

Paragraph 8 of this schedule applies to a meeting of the Committee, other than a meeting to deal with a matter under Part V as though a reference in that sub-paragraph to a meeting were a reference to a meeting of the Committee.

The person presiding at a meeting of the Committee shall be the sole judge as to whether the conditions referred to in paragraph 8 in its application to the Committee have been met.

The person presiding at a meeting of the Committee shall have a vote but not a casting vote.

At any meeting of the Committee, if the votes are equal, the question shall be resolved in the negative.

Voting members of the Club for the purposes of Committee meetings shall only be members of the Committee, as appointed under Part I of the Schedule to this document.

Meetings of the Grade Selectors

12. The Grade Selectors shall meet as often as is necessary to perform their functions.

The Chairperson of the Grade Selectors shall arrange with the other selectors the method of calling meetings and the procedures to be followed at those meetings.

Quorum of the Grade Selectors Sub-Committee

13. Two selectors present at a meeting of the Grade Selectors shall, subject to the sub-paragraph, constitute a quorum.

Paragraph 8 of this Schedule applies to a meeting of the Grade Selectors as though a reference in those sub-paragraphs to a meeting were a reference to a meeting of those selectors.

Chairperson of the Grade Selectors

14. The chair of the Grade Selectors shall preside at all meetings of those selectors which he is present.

In the absence of the chair of the Grade Selectors from any meeting of those selectors, an acting Chairperson shall be chosen from and by the selectors who are present.

Vote of Presiding Officer

15. The person presiding at a meeting of the Grade Selectors shall have a deliberative vote and, in the event of an equality of votes, a casting vote.

Meetings of the Junior Committee

16. The Junior Committee shall meet at least four times in any year. A meeting of the Junior Committee shall be called at the request of the President or Secretary or any two members of the Junior Committee.

Procedures at Junior Committee Meetings

17. The members of the Junior Committee present and entitled to vote at a meeting of that Committee shall, subject to this Constitution, determine the order of business and the procedures to be followed at that meeting.

Quorum of the Junior Committee

18. Four members of the Junior Committee present at a meeting of that Committee shall, subject to the sub-paragraph, constitute a quorum.

Paragraph 8 of this Schedule applies to a meeting of the Junior Committee as though a reference in those sub-paragraphs to a meeting were a reference to a meeting of the Junior Committee.

Meetings of the Junior Committee may, if required, be held using electronic mail. The minutes must be approved in writing by email by all Junior Committee members. All decisions in such meetings must be approved by a majority of all Junior Committee members in writing by email.

Chairperson of Junior Committee

19. The Junior President Cricket Committee shall preside at all meetings of the Junior Committee at which he is present. In the absence of the Junior President from any meeting of the Junior Committee, an acting Chairperson shall be chosen from and by the members of the Junior Committee who are present and entitled to vote.

Vote of Presiding Officer

20. The person presiding at a meeting of the Junior Committee shall have deliberative vote but not a casting vote.

Equality of Votes

21. At any meeting of the Junior Committee, if the votes are equal the question shall be resolved in the negative.

Meetings of the Emergency Committee

22. The Emergency Committee shall meet whenever an occasion arises for the exercise of its functions. Three members of the Emergency Committee present at a meeting shall constitute a quorum.

The Emergency Committee shall proceed, in relation to any matter coming within its functions, in the most appropriate and practicable way available.

PART III - PROVISIONS OF GENERAL APPLICATION

Conduct at Meetings

23. The provisions of paragraph 6 of this Schedule shall apply to all meetings of the Committee or other committees as though a reference in those sub paragraphs -

- (a) to a meeting, were reference to a meeting of the relevant committee; and
- (b) to the chair, were a reference to the person presiding at the relevant meeting.

Ballots

24. Where a ballot is to be conducted at a meeting of the Club or of the Committee, the provisions of this paragraph shall apply. The person presiding at the meeting shall appoint two persons (not necessarily members) to be scrutineers, who shall be responsible for distributing the ballot papers, collecting and scrutinising them when completed and declaring the result a ballot.

In the case of a ballot for an election, the following provisions in this sub-paragraph shall apply.

- (a) When only one position is to be filled,
 - (i) each voter shall be required to write on the ballot paper the surname of the candidate whom the voter wishes to be elected;
 - (ii) that candidate is elected who receives the highest number of votes, provided that the number is at least two-fifths of the total number of valid votes cast; and
 - (iii) if the requisite number of votes is not obtained by any candidate, a second ballot will be held between the two candidates receiving the highest number of votes in the first ballot.
- (b) When two or more positions are to be filled in the one ballot -
 - (i) the candidates receiving the highest number of votes shall be elected;
 - (ii) any ballot containing votes for more candidates than the number of positions to be filled shall be invalid; and
 - (iii) if the results of a ballot cannot be declared because of a tie between candidates, a second ballot shall be held between the tied candidates and if the result is still a tie, the result shall be decided by drawing lots.

Misconduct at Meetings

25. In this sub-paragraph -

- (a) 'meeting' includes a hearing under Part V of this Constitution; and
- (b) 'chair' means the person presiding at the meeting.

The principles set out in this sub-paragraph shall apply to and in relation to the attendance of any person at, or the exclusion of any person from, a meeting of the Club, the Committee, or any other committee.

The chair of a meeting shall have the power to admit to, or to exclude from, the meeting any person (whether a member of the Club or not) who is not a member of the body conducting the meeting.

Any action by a chair in exercising this power shall not be subject to any motion of disagreement under paragraph 6 of this Schedule.

The body conducting the meeting shall have the power, by a majority vote, to exclude from the meeting a member of the body whose conduct at the meeting is of a kind referred to in paragraph 19 of this Schedule or whose presence, in the view of the body, is otherwise inappropriate.

Where the exclusion of a member of a body by a majority vote of the members of the body reduces the number of members present below the number of members required for a quorum, those members remaining may agree either to proceed with the meeting (in which event a quorum will be regarded as being present) or to adjourn the meeting.

Where, at a meeting, the eligibility or alleged misconduct of a member is to be considered, the presence of the member at the meeting, although desirable, is not essential to the relevant body's proceeding with the matter before it.

Where a member appears at a meeting at which his eligibility or alleged misconduct is to be considered, the member and his representative (if any) shall, consistently with the adequate presentation of the member's case, observe proper conduct.

Any person (whether a member or not)-who continually interrupts the proceedings whose presence is otherwise inappropriate or whose conduct is a contravention of paragraph 6 of this Schedule, may be directed by the Chairperson to leave forthwith the place of the meeting.

It is a contravention of this Constitution for a member to fail to comply with a Chairperson's direction under paragraph 19 of this Schedule.

The body conducting the meeting may, by a majority vote, suspend a contravening member until a specified date or until a date to be subsequently fixed by the body.

There is no right of appeal against a suspension made under this sub-paragraph, but a member who is suspended by a committee under this sub-paragraph may request the Committee to exercise its power under this Constitution to disallow the decision to suspend him.

Where a person fails to leave a meeting in accordance with the chair's direction or a member fails to comply with a majority vote excluding him from the meeting, the meeting may be adjourned to a later time on the same day or to a later date (either specified or to be fixed).

General Definition

26. A reference in this Schedule to "this Constitution" is a reference to the main body of the Constitution contained in Parts I to VI inclusive.