

**Nepean District Cricket Association**  
Incorporated 13 December 1990  
**Constitution**

**1. NAME**

The name of the Association shall be the "Nepean District Cricket Association Incorporated", ("the Association").

**2. OBJECTIVES**

The objectives of the Association shall be:

(a) The promotion and management of the game of cricket within the area covered by Penrith City Council and Blue Mountains City Council.

(b) To conduct and manage cricket competitions between member clubs of the Association.

(c) The entry of teams to represent the Association in competitions organised by other cricket controlling bodies.

(d) To arbitrate and legislate on all disputes among member clubs and members of the Association relating to cricket activities.

**3. INTERPRETATION**

In these rules except in so far as the context of subject matter otherwise indicates or requires:

Words importing the singular include the plural and vice versa;

Words importing one gender include any other gender;

"The Act" means the Association Incorporation Act, 1984;

"The Department" means the NSW Department of Fair Trading;

"Secretary" means the person holding office under these rules as Secretary of the Association;

"Property" includes real and personal, any estate or interest in a property, real or personal, any debt, anything in action, and any other right or interest, whether in the possession of the Association or not;

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

"Official Umpire" means an umpire who is a financial member of and appointed by the Nepean District Cricket Umpires Association Inc to officiate at matches conducted by the Association;

"Life Member" means a person who has been granted Life Membership of the Association in accordance with the Constitution and Rules and is not liable for any fee or subscription;

"Playing Member" means a registered and current financial member of a member club who participates in matches conducted by the Association;

"Club Delegate" means the persons selected by each member club to represent its interests at general meetings.

**4. ASSOCIATION COLOURS**

The colours of the Association will be green and gold.

## 5. MEMBERSHIP

(a) Subject to these rules the members of the Association shall be comprised of the member clubs of the Association together with those persons who have been elected to life membership.

(b) Membership is open to all persons in addition to the existing member clubs and life members who accept the objects and agree to be bound by the rules of the Association.

(c) Members shall consist of the following classes:

(i) Member clubs, comprising those clubs which apply for membership of the Association with a view to participating in the competition organised by the Association. All registered and current financial playing members, financial non-playing members and life members of such member clubs shall be deemed to be members of the Association.

(ii) Active members shall be persons who are non-playing members who are not affiliated with a member club and directly apply for membership of the Association.

(iii) Life members being those persons who have been elected as life members of the Association and who shall have such rights and privileges of the Association as referred to in these rules.

(d) Except in the case of life members, application for membership shall be made in writing, signed by the applicant, and shall be in such form and contain such information as is determined from time to time by the Management Committee to be essential.

(e) As soon as practicable after receipt of an application for membership, such application shall be considered by the Management Committee who shall thereupon determine upon the admission or rejection of the applicant. The Management Committee shall on request give its reasons for rejecting any application for admission.

(f) Both member clubs and active members shall pay such membership fees as are determined, from time to time, by the Management Committee. In the case of active members the membership fee shall not exceed an amount equal to the amount levied on member club divided by fourteen.

(g) Membership shall cease upon resignation or expulsion. In the case of active members the membership fee shall be payable upon acceptance by the Management Committee. Active membership shall commence from the date that the membership fee is paid.

(h) Member club membership fees fall due for payment at the first (1st) delegates meeting held in September. Where such fees are not paid within fourteen (14) days following this meeting then the member club may not be eligible to be included in the competition for that season.

(i) Member clubs with scheduled competition matches on turf wickets shall be liable for the payment of turf wicket fees as determined by the Management Committee

(j) Member clubs which participate in competition matches, semi finals or finals, where an official umpire is provided, shall be liable for umpire's fees as determined by the Nepean District Cricket Umpires Association Inc.

(k) The refund of membership fees shall be permitted in the following circumstances:

(i) A member club which withdraws a team by way of written notice, forwarded to the NDCA Secretary, by the Thursday prior to the commencement of the first competition round shall be entitled to receive a full refund of registration fees paid.

(ii) A member club which withdraws a team by way of written notice, forwarded to the NDCA Secretary, after the commencement of the first competition round but prior to the Thursday before the commencement of the third competition round, shall be entitled to receive a fifty percent refund of registration fees paid.

## **6. LIFE MEMBERS**

The Association shall have the power to elect life members, with a maximum of two being elected in any given year. A member who meets the criteria as stated in Section 6(a) or (b) shall be eligible for nomination as a life member of the Association.

(a) A member of the Management Committee who has contributed meritorious service for a minimum of ten (10) years.

(b) A playing member of the association for a minimum of twenty five (25) years who, in the opinion of the Management Committee, has displayed superior conduct and made a significant contribution to cricket in the district.

(c) Life members shall only be elected at an Annual General Meeting.

(d) Nominations for life membership shall be made by either a member of the Management Committee or by the Secretary of a member club and shall include information, which is not more than two hundred and fifty words in length, in support of such a nomination

(e) Nominations for life membership shall be forwarded to the NDCA Secretary prior to the second Monday in May of any given year.

(f) Nominations for life membership must be approved by a majority of two-thirds of the members of the Management Committee at its May meeting.

(g) A nomination for life membership approved by the Management Committee shall be proposed and voted upon at the forthcoming Annual General Meeting. Such a nomination shall be approved should two thirds of the delegates in attendance and entitled to vote support the nomination.

(h) A nomination for life membership which fails to be approved by a two-third majority of the Management Committee shall be deemed to have lapsed for that year.

## **7. MEMBER LIABILITY**

The members of the Association shall have no liability to contribute towards the payment of debts and liabilities of the Association or the costs and charges or expenses of the winding up of the Association except to the amount of any unpaid membership fees.

## **8. MANAGEMENT COMMITTEE**

(a) The activities of the Association shall be controlled and managed by a Management Committee, consisting of the Executive Committee and a minimum of four (4) and a maximum of six (6) other persons, all of whom shall be either a member of a member club, an active member or a Life Member.

(b) The President, Secretary, Treasurer, Vice President, Assistant Secretary and Competition Secretary shall constitute the Executive Committee and shall be empowered to act on behalf of the Association in the case of an emergency. Any action taken shall be reported at the next Management Committee meeting for its notification.

(c) The membership of the Management Committee shall also include one (1) representative from the Nepean District Cricket Umpires Association Inc not otherwise represented on the Management Committee.

(d) The membership of the Management Committee shall also include one (1) grounds manager as elected by the Management Committee.

(e) The members of the Management Committee shall be elected at each Annual General Meeting.

(f) Nominations for all positions on the Management Committee, except those defined under Section 8 (c and d), must be received by the Secretary at least fourteen (14) days prior to the Annual General Meeting.

Where insufficient nominations are received the remaining vacancies shall be elected at the Annual General Meeting. Any casual vacancy, occurring in the Management Committee, may be filled by a member appointed by the Management Committee and such member shall hold office until the conclusion of the following Annual General Meeting.

(g) Members of the Management Committee shall hold office from the conclusion of the Annual General Meeting at which they were elected until the conclusion of the immediate following Annual General Meeting.

(h) Retiring members of the Management Committee are eligible for re-election.

(i) A person who is not a member of a member club, active member, or life member, as defined in Section 5(c), is not eligible for election to the Management Committee.

(j) Subject to the Act and the Regulations made there under, to these rules, and to any resolution passed by the Association in general meeting, the Management Committee:-

(i) may exercise all functions as may be exercised by the Association other than those functions that are required by these rules or the Act to be exercised by a general meeting of members of the Association;

(ii) has power to perform all such Acts and do all such things as appear to the Management Committee to be necessary or desirable for the proper control and management of the affairs of the Association.

## **9. DELEGATES**

The Management Committee shall at its first general meeting after the Annual General Meeting elect delegates to represent the Association at other bodies with which the Association is affiliated.

## **10. MEETINGS OF THE MANAGEMENT COMMITTEE - PROCEDURE**

(a) The Management Committee shall meet as often as is necessary to conduct the business of the Association, but in any event not less than once every two (2) months. Such meetings unless otherwise determined shall be held on the third (3<sup>rd</sup>) Monday of the Month.

(b) The quorum for meetings of the Management Committee shall be six (6).

(c) In the event of a vacancy or vacancies in the members of the Management Committee, the remaining members may continue to act, but if the number of remaining members is not sufficient to continue a quorum at a meeting of the Management Committee they may act only for the purpose of appointing new members of the Management Committee to at least the number of members to constitute a quorum.

(d) At a meeting of the Management Committee:

(i) the President shall preside as Chairman of the meeting; or

(ii) if the President is absent or unwilling to act as Chairman, the Vice President shall preside as Chairman of the meeting.

(e) Questions arising at any meeting of the Management Committee shall be decided by the majority of votes of those members of the Management Committee present. In the case of an equality of votes the person presiding as Chairman of the meeting shall have a second or casting vote.

(f) Any person may attend a meeting of the Management Committee at the invitation of any office-bearer or at the invitation of the Management Committee.

## **11. MANAGEMENT COMMITTEE - VACATION OF OFFICE**

The office of member of the Management Committee shall become vacant if the member:

- (a) Dies;
- (b) Ceases to be a member of the Association;
- (c) Becomes an insolvent under administration within the meaning of the relevant State code;
- (d) Resigns office by notice in writing to the Secretary;
- (e) Becomes of unsound mind or a person who is or whose estate is liable to be dealt with in any way under the law relating to mental health;
- (f) Is absent from three (3) successive Management Committee meetings without reasonable excuse or without the approval of the Management Committee.

## **12. MANAGEMENT COMMITTEE - REMOVAL OF MEMBER**

The Association, in a general meeting, may by resolution remove any member of the Management Committee before the expiration of the member's term of office and may by resolution appoint another person to hold office in lieu of the member removed until the expiration of the term of office of the member so removed.

## **13. GENERAL MEETING**

- (a) The quorum for general meetings of the Association shall be sixteen (16) persons entitled to vote.
- (b) Except where the nature of the business to be dealt with at a general meeting requires a special resolution of the Association, the Secretary shall, at least fourteen (14) days before the date fixed for the holding of the general meeting, serve on each member a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (c) Where the nature of the business proposed to be conducted at a general meeting requires a special resolution of the Association, the Secretary shall, at least twenty one (21) days before the date fixed for the holding of the general meeting serve a notice on each member specifying in addition to the information required under Clause (b) the intention to propose the resolution as a special resolution.
- (d) No business other than that specified in the notice convening a general meeting shall be transacted at the meeting except in the case of an Annual General Meeting.
- (e) A member desiring to bring any business before a general meeting may give notice in writing of that business to the Secretary who shall include that business in the next notice calling a general meeting given after receipt of the notice from the member.
- (f) If within half an hour after the appointed time for commencement of a general meeting a quorum is not present, the meeting shall be dissolved and in any other case shall stand adjourned to the same day in the following week at the same time and place (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned).
- (g) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for commencement of the meeting, the members present [being not less than twelve (12)] shall constitute a quorum.
- (h) The President shall preside as Chairman at each general meeting of the Association.
- (i) If the President is absent from a general meeting or unwilling to act as Chairman, the Vice President shall preside as Chairman of the meeting.

(j) The Chairman of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting.

(k) Where a general meeting is adjourned for fourteen (14) days or more the NDCA Secretary shall give written notice of the adjourned meeting to each member club of the Association stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.

(l) A resolution arising at a general meeting of the Association shall be determined on a show of hands.

#### **14. ANNUAL GENERAL MEETING**

The Annual general Meeting of the Association shall be held not later than the 8th of August in each year at such place and time as the Management Committee shall decide. The order of business at each Annual General Meeting shall be:

(a) The reading and confirmation of the minutes of the previous Annual General Meeting.

(b) Consideration of the Annual Report of the NDCA Secretary and the Treasurer's financial statement and balance sheet.

(c) Election of members of the Management Committee, Patrons, and Auditor.

(d) Such other business as may be brought forward in conformity with the rules of the Association.

#### **15. SPECIAL GENERAL MEETINGS**

Special general meetings shall be held whenever the Management Committee directs or (within twenty eight (28) days) upon a written request received by a member club Secretary and signed by at least ten (10) members of the Association. In the latter case, the subject for calling such meetings shall be clearly stated in the requisition, and business shall be confined to that subject.

#### **16. DISPUTES TRIBUNAL**

##### **16.1 Tribunal Formation and Structure**

(a) The Management Committee shall appoint a Disputes Tribunal, as the need arises and at any time, which shall be responsible for hearing alleged breaches of the NDCA Competition Rules.

(b) The Disputes Tribunal shall be comprised of a Chairman and three (3) additional members (where possible). Such members of the Disputes Tribunal shall be drawn from persons deemed suitable by the Management Committee to serve on the Disputes Tribunal.

(c) Quorum for a meeting of the Disputes Tribunal shall be the Chairman and three (3) additional members (where possible).

(d) The Disputes Tribunal will provide information of the preceding year's matters for inclusion and mention in the Secretary's annual report.

##### **16.2 Evidence**

(a) All disputed matters shall be heard as soon as practicable provided that the accused and their Club Secretary have received written notification of the charges three (3) days prior to the hearing.

(b) The person reporting the offence is to provide a written report to the NDCA Secretary detailing the alleged offence as soon as possible to when the incident occurred. It does not require the match to be concluded for this to occur, eg. on the first (1<sup>st</sup>) day of a two (2) day match. This report should endeavour (but is not essential) to include:

- (i) when and where the alleged incident happened.
  - (ii) the nature of the alleged incident.
  - (iii) which teams were allegedly involved (Club and Grade).
  - (iv) the name(s) of the alleged offender(s).
  - (v) the names, addresses and phone numbers (if possible) of any witnesses so that their version of events may become available to the Disputes Tribunal.
- (c) The NDCA Secretary shall pass the information directly to the chairman of the Disputes Tribunal as soon as possible.
- (d) The Disputes Tribunal may, at its discretion, accept the written report of the complainant or witness without the necessity for the individual to appear in person.
- (e) The complainant and any witnesses, where possible, are to be provided with the outcome of the Disputes Tribunal decision.

### **16.3 The Accused**

- (a) The accused is to attend the hearing at a time and place convenient to the Disputes Tribunal.
- (b) The accused and his Club Secretary are to be informed of the charge brought against them and which aspect of the MCC Laws, Local By Laws or Code of Conduct has been breached.
- (c) The accused may provide one (1) advocate to put forward their position at the hearing.
- (d) This advocate may substitute for the accused in their absence.
- (e) The hearing may proceed in the absence of the accused or their advocate.
- (f) The Accused may elect to provide a written submission from themselves or from their advocate.

### **16.4 The Hearing**

- (a) The Disputes Tribunal is to make their decision based upon the balance of evidence both written and oral.
- (b) A majority vote of the Disputes Tribunal shall be sufficient for a decision.
- (c) The procedure for the hearing shall be:
  - (i) the evidence against the accused shall be considered.
  - (ii) the defence of the accused including a rebuttal shall then be considered.
  - (iii) the Disputes Tribunal shall ascertain/clarify any issues pertinent to the charge.
- (d) The Disputes Tribunal will then consider the matter of guilt or innocence.
- (e) If the accused is found guilty then the submission of mitigating circumstances or previous good conduct may be considered prior to sentence determination.
- (f) The outcome of all matters brought before the Disputes Tribunal shall be forwarded to the NDCA Management Committee who will accept the Disputes Tribunal's recommendation. However, the penalty recommended by the Disputes Tribunal may be adjusted by the NDCA Management Committee if deemed appropriate.

(g) The NDCA Secretary will notify the persons involved, and the Secretary of their club, of the determination within seven (7) days, where possible, of the Disputes Tribunal's recommendation.

(h) The guilty party, and the Secretary of his club, will be advised of the decision in writing and their appeal rights. This communication will include which aspect of the MCC Laws, Local By Laws or Code of Conduct was breached by the guilty party.

### **16.5 Disputes Tribunal Decisions**

In addition to any suspension, the Disputes Tribunal may impose fines upon an individual, team or club and recommend deduction of competition points from a team or club to the Management Committee.

### **16.6 Appeals Committee**

(a) A written appeal must be received by the NDCA Secretary within three (3) days after notice of the resolution is served on the member or Member club otherwise the right to appeal will lapse. This appeal must also include the grounds for the appeal.

(b) The Management Committee shall appoint an Appeals Committee, as the need arises and at any time, which shall be responsible for the reviewing of appeals lodged by parties found guilty by the Disputes Tribunal.

(c) The Appeals Committee shall comprise three (3) members. Such members of the Appeals Committee shall be drawn from persons deemed suitable by the Management Committee to serve on the Appeals Committee. The Appeals Committee cannot include a member of the Disputes Tribunal relating to the matter being appealed.

(d) The Appeals Committee shall hear such an appeal at its earliest possible convenience.

(e) The Appeals Committee has the right to vary the sentence as determined by the Disputes Tribunal. This may include reversing the decision of the Disputes Tribunal, increasing or decreasing the sentence handed down.

(f) A further right of appeal to the NSW Districts Cricket Association Inc is available to member clubs. An appeal must be received by the NDCA Secretary, within seven (7) days of the decision of the Appeals Committee, and must include the grounds of appeal. Such an appeal shall be forwarded by the NDCA Secretary, within seven days (7) of it being received, to the NSW Districts Cricket Association Inc for its determination.

(g) The appellant will be unable to participate in any NDCA, NSWDCA, or CNSW sanctioned matches until the appeal is heard by the NSW Districts Cricket Association Inc.

## **17. SPECIAL RESOLUTION**

A special resolution must be passed by a majority of not less than seventy five per cent (75%) of voting members of the Association present at a general meeting of the Association to effect the following changes:

- (i) an alteration to the Association's name;
- (ii) an alteration to the Constitution and Rules;
- (iii) an alteration of or an addition to the Association's objectives;
- (iv) an alteration of the Association colours;
- (v) an amalgamation with another incorporated or unincorporated Association or club to voluntarily wind up the Association and distribute its property; or
- (vi) to apply for registration as a company or a co-operative society.



## **18. INSURANCE**

(a) It shall be a function of the Management Committee to effect such insurance and to ensure that the Association maintains such insurance either in its own account or by a policy held by another incorporated Association with which the Association may affiliate.

(b) In addition to the insurance under Clause (a) the Committee may effect and maintain such other insurance as it deems necessary.

## **19. FUNDS**

(a) The funds of the Association shall be derived from membership fees, turf wicket fees, fines imposed by the Management Committee, donations, subsidies, grants and such other financial sources as determined by the Management Committee.

(b) All money received by the Association shall be deposited as soon as possible in any account opened in the Association's name.

(c) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any two (2) of the President, Vice President, Secretary and Treasurer.

(d) The financial year of the association shall be from 1st July to 30th June of the following year.

## **20. AUTHORISATION OF ACCOUNTS**

The Treasurer must present a report of the previous month's income and expenditure at each meeting of the Management Committee.

## **21. SERVICE OF NOTICES AND DOCUMENTS**

(a) For the purpose of these rules, a notice or document may be served by or on behalf of the Association upon any member or member club personally, sending it by post, email, facsimile, or by delivering it to an address obtained for the member.

(b) Where a notice or document is sent to a member or member club by post, email or facsimile, the notice or document shall, unless the contrary is proved, be deemed for the purpose of these rules to have been served on the member at the time at which the notice or document would have been delivered in the ordinary course of the post, email or facsimile.

## **22. MINUTES**

The Assistant Secretary shall record the minutes of any and all meetings of the Association and shall send by post or email a copy of the minutes of such meetings to the members of the Management Committee. In the absence of the Secretary, the Assistant Secretary shall act on behalf of the Secretary and perform such duties as may be required by the Management Committee.

## **23. KEEPING CUSTODY AND INSPECTION OF BOOKS**

(a) The Treasurer shall ensure that the correct books of accounts are kept showing the financial affairs of the Association. Such records shall be available for inspection at any reasonable time by any member and shall be kept in the custody of the Treasurer.

(b) Except as otherwise provided in these rules, the Secretary shall keep in his custody or under his control all records, books and other documents relating to the Association. Such records, books and other documents shall be open to inspection free of charge, by any member of the Association at any reasonable time.

## **24. AUDIT**

The Auditor or Auditors appointed by the members of the Association, shall, prior to the Annual General Meeting each year audit the books, accounts and records of the Association and report the result of such audit at the Annual General Meeting.

## **25. PLAYING RULES**

(a) The Management Committee shall have the power to amend the playing rules at any time during the competition in emergency situations.

(b) Playing rules altered by the Management Committee during the course of the competitions conducted by the Association shall be submitted for ratification to the Member Clubs prior to the commencement of the following season.

(c) Ratification of changes to the rules made by the Management Committee or alterations and changes by Member Clubs shall be adopted provided a majority of member clubs being entitled to vote do so at a meeting of Member Clubs called for that purpose.

## **26. VOTING RIGHTS OF MEMBERS**

(a) Member clubs of the Association shall be entitled to have club delegates attend any general meeting and each club delegate shall be entitled to one (1) vote at such meetings. The number of club delegates representing each member club shall be determined as follows:

<b>Number of teams (previous season)</b>	<b>Number of delegates</b>
One, two or three teams	Two delegates
Four or five teams	Three delegates
Six or more teams	Four delegates

(b) Life members shall be entitled to one (1) vote at any general meeting of the Association.

(c) Active members shall be entitled to one (1) vote at any general meeting of the Association except where the matter to be decided affects the playing rules governing the competitions conducted between the Member Clubs when they will have no entitlement to vote.

(d) Voting by proxy shall not be allowed.

## **27. SURPLUS PROPERTY**

(a) In the event of the winding up or cancellation of the incorporation of the Association, all surplus property of the Association shall be vested in the NSW Districts Cricket Association Inc.

(b) The NSW Districts Cricket Association Inc. shall as far as is practical hold the property of the Association until it is satisfied that the property can be handed to a properly constituted body whether incorporated or not which adopts similar objects to the defunct Association.

**Note: Constitution last amended by the NDCA Member Club Delegates at the Annual General Meeting on Monday 4 August 2014.**