

Port Macquarie Cricket Club Inc Constitution July 2024

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1. NAME OF CLUB

The name of the club is **Port Macquarie Cricket Club Incorporated** and herein after referred to as “**PMCC**” until such time as may otherwise be determined by, or agreed to, by motion at a Special Meeting for such a purpose with a full quorum of members present.

2. AFFILIATION

PMCC is affiliated with the Hastings River District Junior Cricket Association (HRDJCA) and the Mid North Coast Cricket Council (MNCCC).

Any affiliation or merger with another Junior or Senior Cricket Club must be voted on at an Annual General Meeting or Special General Meeting and receive 75% supporting vote of members present.

3. ADDRESS

The mailing address of PMCC is PO Box 9081 Port Macquarie NSW 2444 or by email to: Secretary.PMCC@gmail.com.

4. OBJECTS

The objects of the PMCC are:

- To promote and develop the game of cricket.
- To encourage good feeling and fellowship among all cricketers.
- To cooperate with other junior and senior bodies for the purpose of furthering the interests of cricket.
- To affiliate with and comply with the rules of Hastings River District Junior Cricket Association, Hastings River District Cricket Association and Mid North Coast Junior Cricket Council or any other body engaged in the interest of cricket.

5. NON-PROFIT

The property and income of PMCC shall be applied towards the promotion of the objects of the PMCC and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members except in good faith in the promotion of those objects.

6. MEMBERSHIP

6.1. Ordinary Members

Any parent or guardian of a financial player or a person who has been granted Social Membership will be referred to as a member and will have one voting right.

Only members are entitled to hold office and enjoy the privileges of PMCC.

6.2. Social Members

A person who is not a parent or guardian of a financial player may make submission to be a Social Member of PMCC.

The motion, decision and expiry of this submission is to be minuted at a General Meeting or Annual General Meeting.

6.3. Life Members

Any member of PMCC who has given outstanding service may be awarded Life Membership of PMCC. Granting of Life Membership is to be voted on at the Annual General Meeting or a Special Meeting.

6.4. Register of Members

The Secretary on behalf of PMCC must keep and maintain in an up-to-date condition a register of the members of PMCC with an email address or postal address if no email address is available.

The register of members must be open for inspection, free of charge, by any member of PMCC at any reasonable hour.

If a member requests that any information contained in the register of members about the member, other than the member's name, not be available for inspection, that information must not be made available for inspection.

6.5. Members' Liabilities

The liability of a member of PMCC to contribute to the payment of either of the following is limited to the amount of any outstanding fees for the member:

- a) the debts and liabilities of PMCC, or
- b) the costs, charges and expenses of the winding up of PMCC.

6.6. Termination of Membership

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

- a) dies, or
- b) upon receipt by an Executive Member of a notice in writing from the member of his or her resignation from PMCC, or
- c) non-payment by a member of his or her child's registration fees before commencement of the fourth game of the season, unless other arrangements have been made with the Committee, or
- d) suspension or expulsion in relation to a complaint dealt with under the provision 6.7. Disciplining of Members.

6.7. Disciplining of Members

A complaint may be made to the Management Committee by any person that a member of PMCC:

- a) has refused or neglected to comply with a provision or provisions of this constitution, or
- b) has wilfully acted in a manner prejudicial to the interests of PMCC.

The Management Committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.

If the Management Committee decides to deal with the complaint, The Management Committee:

- a) must cause notice of the complaint to be served on the member concerned, and
- b) must give the member at least fourteen (14) days from the day the notice is served on the member within which to make submissions to the Management Committee about the complaint, and
- c) must consider the submissions made by the member.

The Management Committee may, by resolution, expel the member from PMCC or suspend the member from membership of PMCC if, after considering the complaint, the Management Committee is satisfied that:

- a) the facts alleged in the complaint have been proved, and
- b) the expulsion or suspension is warranted.

If the Management Committee expels or suspends the member, the Secretary must, within seven (7) days of that action being taken, give the member written notice of:

- a) the action taken, and
- b) the reasons given by the Management Committee for taking the action, and
- c) the member's right of appeal under the Right of Appeal clause.

The expulsion or suspension does not take effect until the later of the following:

- a) the day the period within which the member is entitled to exercise the member's right of appeal, or
- b) if the member exercises the member's right of appeal within the period, the day PMCC confirms the resolution under the Right of Appeal clause.

6.8. Right of Appeal

A member may appeal against a resolution of the Management Committee under the Disciplining of Members clause by lodging a notice of appeal with the Secretary within seven (7) days of being served notice of the resolution.

The member may include, with the notice of appeal, a statement of the grounds on which the member intends to rely for the purposes of the appeal.

The Secretary must notify the Management Committee that the Secretary has received a notice of appeal.

If notified that a notice has been received, the Management Committee must call a Special General Meeting of PMCC to be held within 28 days of the day the notice was received.

At the Special General Meeting:

- a) no business other than the question of the appeal is to be transacted, and
- b) the member must be given an opportunity to state the member's case orally or in writing, or both, and
- c) the Management Committee must be given the opportunity to state the Management Committee's case orally or in writing, or both, and

- d) the members present must vote by secret ballot on the question of whether the resolution should be confirmed or revoked.

The appeal is to be determined by a simple majority of votes cast by the members.

7. MANAGEMENT COMMITTEE

7.1. Composition

The Management Committee will consist of the Office Bearers and up to three (3) committee members.

The Management Committee, subject to any resolution passed in a General Meeting, will control and manage the affairs of PMCC.

A committee member may hold up to two (2) offices, other than holding both President and Vice-President, and may also hold general roles.

7.2. Election of Management Committee

The Management Committee will be elected at the Annual General Meeting and the term of office will be until the next Annual General Meeting.

There is no limit to the maximum number of consecutive terms of office of any office bearers or committee members.

A casual vacancy on the Management Committee can be filled by appointment of a member of PMCC by the Management Committee and the appointment will stand until the next Annual General Meeting.

7.3. Office Bearers

The Office Bearers (also known as Executive Members) of PMCC are:

- President
- Vice-President
- Secretary
- Treasurer

7.4. Duties of President

The President will be the Chairperson at all meetings and will conduct such meetings in accordance with the rules of PMCC.

7.5. Duties of Vice-President

The Vice-President will take the Chair in the absence of the President.

The Vice-President will have the same duties and privileges as the President when presiding as the President.

7.6. Duties of Secretary

The Secretary will:

- Record minutes, attendance and apologies at any meeting
- Circulate minutes to all Management Committee members
- Attend to general business
- Attend to correspondence
- Record actions taken by the Management Committee between meetings
- Keep a register of names and addresses of all members of PMCC
- On request of a member of PMCC make available the record for inspection of the member
- Manage season registrations for players and coaches

7.7. Duties of Treasurer

The Treasurer will:

- Ensure all money due to the club is collected and issue a receipt for money received
- Deposit all money received in the PMCC bank account
- Make all payments as authorised by PMCC
- Keep records of all accounts showing the financial affairs of PMCC including full details of all receipts and payments

7.8. Removal of Committee Members

The PMCC in a General Meeting may by resolution remove any member of the Management Committee from the office of the member before the expiration of the member's term of office and may by resolution appoint another member to hold office until the expiration of the term of office of the member so removed.

8. GENERAL ROLES

General roles may be held by a member or members of the management committee or by any ordinary, social or life member and include, but not limited to:

- Coaches Coordinator
- Age Coordinator
- Gear & Equipment
- Uniforms
- Communication & Media
- Sponsorships

9. MEETINGS

9.1. Annual General Meeting

The Annual General Meeting of PMCC is to be convened no later than 30 August each year. The business of the Annual General Meeting is to include:

- Election of Office Bearers, Management Committee and Roles
- Receipt of Annual Reports and Financial Statement
- Registration fees
- Alterations, if any, to Constitution
- Any other business that may be brought forward.

A minimum of seven (7) days notice of the Annual General Meeting must be given to all members.

9.2. General Meetings

General Meetings will be held on a date the President deems necessary and ordinarily each month.

A minimum of forty-eight (48) hours notice of a General Meeting must be given to all members.

9.3. Special General Meetings

Special General Meetings may be called by the President and/or two Executive Members to discuss a special matter of PMCC.

The matter may have been raised by a member or members of PMCC.

A minimum of seven (7) days notice of a Special General Meeting must be given to all members.

Minutes taken at a Special General Meeting must be read out and tabled at the next General Meeting.

9.4. Quorum

Annual General Meeting - seven (7) members present including at least two (2) Executive Members

General Meeting – four (4) members present including at least two (2) Executive Members

Special General Meeting - four (4) members present including at least two (2) Executive Members

9.5. Voting

At any meeting members are entitled to one (1) vote each.

The President (or Chairperson) will have a deliberative vote as well as a casting vote.

Voting will be determined by:

- a) a show of hands, or
- b) if on the motion of the Chairperson or if three (3) or more members present at the meeting decide that the question should be determined by a written ballot, a written ballot.

9.6. Proxies

A member may appoint one proxy only in respect of any meeting of PMCC.

A member may hold no more than one (1) proxy.

A proxy may only be appointed by a written instrument that is, as nearly as circumstances will permit, addressed to the PMCC in the form set out in Appendix A to this Constitution.

A proxy must be delivered to the Secretary prior to the time set down for the commencement of the meeting in respect of which the proxy is appointed.

10. FUNDING

10.1. Sources of Funding

The funds of PMCC are sourced from player registrations, sponsorships, grants, donations and fund raising and subject to any resolution passed by PMCC in any General Meeting, such other sources as the Management Committee determines.

10.2. Management of Funds

All funds received by PMCC are to be deposited as soon as practicable and without deduction to the credit of the PMCC's bank or other deposit taking institution account.

Subject to any resolution passed by PMCC in any General Meeting, the funds of PMCC are to be used in pursuance of the objects of PMCC in such a manner as the Management Committee determines.

11. CUSTODY OF BOOKS AND RECORDS

All books and records relating to PMCC affairs will be kept in the custody of the Secretary except for books and records of accounts that will be kept in the custody of the Treasurer.

12. INSPECTION OF BOOKS AND RECORDS

The following documents must be available for inspection, free of charge, by members of PMCC at a reasonable time:

- a) this constitution,
- b) minutes of Annual General Meetings, General Meetings and Special General Meetings of PMCC,
- c) records, books and other financial documents relating to PMCC.

A member may inspect a document referred to in a), b) or c) above in:

- hard copy, or
- electronic form, if available.

A member may obtain a hard copy of a document referred to in a), b) or c) above on payment of a fee of not more than \$1, as determined by the Management Committee, for each page copied.

The Management Committee may refuse to allow a member to inspect or obtain a copy of a document under this clause:

- a) that relates to confidential, personal, commercial, employment or legal matters, or
- b) if the Management Committee considers it would be prejudicial to the interests of PMCC for the member to do so.

13. FINANCIAL YEAR

The financial year for PMCC is:

- the period commencing on the date of incorporation of PMCC and ending on the following 31 March, and
- each period of twelve (12) months after the expiration of the previous financial year, commencing on 1 April and ending on the following 31 March.

14. WINDING UP

In the event of the winding up of PMCC, all surplus property of PMCC must be transferred to another organisation:

- with similar objects, and
- which is not carried on for the profit or gain of the organisation's members.

15. VOLUNTEERS

Volunteers includes; Age Coordinators, Coaches, Umpires, Managers.

All volunteers must hold and present for viewing by the Management Committee a current NSW Working With Children Check (WWCC).

16. ALTERATIONS TO RULES AND OBJECTS

Clauses in this Constitution may only be altered at an Annual General Meeting.

17. CODE OF CONDUCT

All members of PMCC are governed by the Cricket NSW Code of Conduct contained in clause 5.1 of the Cricket NSW By-Laws as set out in Appendix B to this Constitution.

APPENDIX A

FORM OF INSTRUMENT APPOINTING A PROXY

I _____ of _____
(insert name) (insert address)

being a member of Port Macquarie Cricket Club, appoint

_____ of
(name of proxy holder)

(address of proxy holder)

being a member of Port Macquarie Cricket Club, as my proxy to vote for me on my behalf at the Annual General Meeting of the Port Macquarie Cricket Club to be held on

_____ and at any adjournment of that meeting.
(insert date)

Signed: _____

Date: _____

Please hand deliver or forward proxy form to:

The Secretary PMCC

PMCC.Secretary@gmail.com

Prior to the time set down for the commencement of the meeting in respect of which the proxy is appointed.

APPENDIX B

5.1 CODE OF CONDUCT

Any Cricket Participant, Affiliate or Association must not:

- Engage in conduct which brings, or is likely to bring, the interests of cricket or NSWCA into disrepute;
- Act in a manner which is, or is likely to be, prejudicial to the interests of cricket or NSWCA;
- Engage in disorderly or improper conduct or behaviour during a cricket match, which includes the offences contained in Appendix 2 to the Cricket Australia Code of Conduct for Player and Player Support Personnel as amended from time to time;
- Verbally or physically abuse, assault or engage in violence with another person, intimidate another person or create a hostile environment;
- Make or post inappropriate, offensive or discriminatory comments in public (including via any form of social media) about another person, an Association or any of the Affiliates;
- Breach any requirements for safeguarding children and young people as set out in the NSWCA Safeguarding Children and Young People Policy;
- Victimise another person for making a complaint under any NSWCA policy, including any Integrity Policy;
- Disclose to a person or organisation any information related to cricket and/or NSWCA that is of a private, confidential or privileged nature without the required consent of the relevant person or entity;
- Make a complaint under NSWCA's Complaints and Dispute Resolution Policy that the Player or Player Support Personnel or Cricket NSW knows to be untrue, vexatious, malicious or improper; or
- Breach any provision of an Integrity Policy as set out in clause 4.1.