

# **BRISBANE NORTH JUNIOR CRICKET ASSOCIATION INC.**

# **CONSTITUTION**

**(REVISED AUGUST 2010)**

## RULES OF THE BRISBANE NORTH JUNIOR CRICKET ASSOCIATION INC.

### NAME

- 1) The name of the incorporated association shall be the Brisbane North Junior Cricket Association Inc. (in these rules called "the Association")

### COLOURS AND EMBLEM

- 2) The colours of the Association shall be as determined from time to time by the Management Committee
- 3) The insignia on caps worn by teams representing the Association shall be as decided upon from time to time by the Management Committee.
- 4) The objects of the Association shall be:
  - (a) To encourage youths to play the game of cricket.
  - (b) To promote the game of cricket in North Brisbane and its environs and later herein defined at a Junior level, subject to its responsibility to the Queensland Cricket Association Inc.
  - (c) To advance the interests of junior cricket in Queensland.
  - (d) To arrange, control and manage intrastate and other cricket matches in North Brisbane at a junior level, and/or to cooperate with other bodies in so doing, subject to its responsibility to the Queensland Cricket Association Inc. and consequently to the Australian Cricket Board.
  - (e) To do all such things as are conducive or incidental to the attainment of the above mentioned objects or any of them.

### POWERS

- 5) The powers of the Association are:
  - (a) To take over the funds and other assets and liabilities of the present unincorporated organisation known as the Brisbane North Junior Cricket Association.
  - (b) To subscribe to, become a member of and co-operate with any other association, club or organisation, whether incorporated or not, whose objects are altogether or in part similar to those of the Association provided that the Association shall not subscribe to or support with its funds any club, association or organisation which does not prohibit the distribution of its income and property among its members to an extent at least as great as that imposed on the Association under or by virtue of affiliation to Queensland Junior Cricket Association.
  - (c) In furtherance of the objects of the Association to buy, sell and deal in all kinds of articles, commodities and provisions both liquid and solid, for the members of the Association.
  - (d) To purchase, take on lease or in exchange, hire and otherwise acquire any lands, buildings, easements or property, real and personal, and any rights or privileges which may be requisite for the purposes of, or capable of being conveniently used in

## RULES OF THE BRISBANE NORTH JUNIOR CRICKET ASSOCIATION INC.

connection with, and of the objects of the Association provided that in case of the Association shall take or hold any property which may be subject to any trusts the Association shall only deal with the same in such manner as is allowed by law having regard to such trusts.

- (e) To enter into any arrangements with any Government or Authority that are incidental or conducive to the attainment of the objects and the exercise of the powers of the Association; to obtain from any such Government or Authority any rights privileges and concessions which the Association may think it desirable to obtain; and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions.
- (f) To appoint, employ, remove or suspend such managers, clerks, secretaries, servants, workmen and other persons as may be necessary or convenient for the purposes of the Association.
- (g) To remunerate any person or body corporate for services rendered, and whether by way of brokerage or otherwise in placing or assisting to place or guaranteeing the placing of any unsecured notes, debentures or other securities of the Association or in or about the Association or promotion of the Association or in the furtherance of its objects.
- (h) To construct, improve, maintain, develop, work, manage, carry out, alter or control any houses, buildings, grounds, works or conveniences which may seem calculated directly or indirectly to advance the Association's interests and to contribute to, subsidise or otherwise assist and take part in the construction, improvements, maintenance, development, working, management, carrying out, alteration or control thereof.
- (i) To invest and deal with the money of the Association not immediately required in such manner as may from time to time be thought fit.
- (j) To take, or otherwise acquire, and hold shares, debentures or other securities of any company or body corporate.
- (k) In furtherance of the objects of the Association to lend and advance money or give credit to any person or body corporate to guarantee and give guarantees or indemnities for the payment of money for the performance of contracts or obligations by any person or body corporate and otherwise to assist any person or body corporate.
- (l) To borrow or raise money either alone or jointly with any other person or legal entity in such manner as may be thought proper and whether upon fluctuating advance account or overdraft or otherwise to represent or secure any moneys and further advances borrowed or to be borrowed alone or with others as aforesaid by notes secured or unsecured, debentures or debenture stock perpetual or otherwise or by mortgage, charge, lien or other security upon the whole or any part of the Association's property or assets present or future and to purchase, redeem or pay off any such securities.
- (m) To draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading and other negotiable or transferable instruments.

## RULES OF THE BRISBANE NORTH JUNIOR CRICKET ASSOCIATION INC.

- (n) In furtherance of the objects of the Association to sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Association.
- (o) To take or hold mortgages, liens or charges, to secure payment of the purchase price, or any unpaid balance of the purchase price, of any part of the Association's property of whatsoever kind sold by the Association or any money due to the Association from purchasers and others.
- (p) To take any gift of property whether subject to any special trust or not for any one or more of the objects of the Association but subject always to the proviso in sub rule (d).
- (q) To take such steps by personal or written appeals, public meetings or otherwise, as may from time to time be deemed expedient for the purpose of procuring contributions to the funds of the Association in the shape of donations, annual subscriptions or otherwise.
- (r) To print and publish any newspapers, periodicals, books or leaflets that the Association may think desirable for the promotion of its objects.
- (s) In furtherance of the objects of the Association to amalgamate with any one or more incorporated associations having objects altogether or in part similar to those of the Association and which prohibits the distribution of its or their income or property among its or their members to an extent at least as great as that imposed upon the Association under or by virtue of rule 5)(b)
- (t) In furtherance to the objects of the Association to purchase or otherwise acquire and undertake all or any part of the property, assets, liabilities and engagements of any one or more of the incorporated associations with which the Association is authorised to amalgamate.
- (u) In furtherance of the objects of the Association to transfer all or any part of the property, assets, liabilities and engagements of the Association to any one or more of the incorporated associations with which the Association is authorised to amalgamate.
- (v) To make donations for patriotic, charitable or community purposes.
- (w) To transact any lawful business in aid of the Commonwealth of Australia in the prosecution of any war in which the Commonwealth of Australia is engaged.
- (x) To do all such other things as are incidental or conducive to the attainment of the objects and the exercise of the powers of the Association.

## MEMBERS

- 6) The Members of the Association shall comprise:-
  - (a) Delegate Members (as hereinafter defined);
  - (b) Life Members (as hereinafter defined);
  - (c) Members of the Management Committee (as hereinafter defined)

## RULES OF THE BRISBANE NORTH JUNIOR CRICKET ASSOCIATION INC.

### DELEGATE MEMBERS

- 7)
- (a) Subject to clause 7)(b), each Club or other organisation affiliated with the Association shall be entitled to nominate annually two (2) Delegate Members.
  - (b) The Association may from time to time vary the number of Delegates Members to be nominated by each affiliated club or other organisation.

### LIFE MEMBERS

- 8)
- (a) The Management Committee may nominate Life Members in consideration of special services rendered to the Association, such nominations numbering not more than one in any year to be submitted to the Annual General Meeting of the Association, at which meeting alone Life Members shall be elected.
  - (b) Life Members shall be subject to these Rules and shall be entitled to exercise all privileges of membership including the right to vote at a General Meeting but not to vote as a Life Member if they already have a vote in any other capacity.
- 9) Each person previously granted Life Membership by former Zones 1 and 2 shall be granted Life Membership of the Association.

### AFFILIATED CLUBS AND OTHER ORGANISATIONS

- 10) Every Club or other organisation which at the date of incorporation of the Association was affiliated with the unincorporated Association known as Brisbane North Junior Cricket Association and which, on or before the day of incorporation, agrees to become an affiliate of the Association shall be affiliated with the Association.

### PATRON

- 11) The Patron shall be appointed at the Annual General Meeting. The Patron shall have no voting rights at any meeting of the Association

### MEMBERSHIP FEES

- 12) Membership fees shall consist of the affiliation and player registration fees for the affiliated clubs and other organisations as determined from time to time at an Annual General Meeting of the Association. Membership fees shall be payable to the Association in the manner prescribed in the By-laws made under these Rules.

### REJECTION OF AFFILIATION

- 13) The Management Committee has the power to reject an application for affiliation by a club or other organisation not covered by clause 10 hereof.

## RULES OF THE BRISBANE NORTH JUNIOR CRICKET ASSOCIATION INC.

### TERMINATION OF AFFILIATION

- 14) A club or other organisation may terminate its affiliation with the Association by giving notice in writing to the Secretary. Such termination shall take effect at the time such notice is received by the Secretary unless a later date is specified in the notice when it shall take effect on that later date.
- 15) If a club or other organisation, affiliated with the Association-
  - (a) fails to comply with any of the provisions of these Rules; or
  - (b) has affiliation/registration fees in arrears for a period of two months or more; or
  - (c) conducts itself in a manner considered to be injurious or prejudicial to the character or interests of the Association, the Management Committee shall consider whether its affiliation shall be terminated.
- 16) The club or other organisation concerned shall be given a full and fair opportunity of presenting its case and if the Management Committee resolves to terminate affiliation it shall instruct the secretary to advise the club or other organisation in writing accordingly.

### APPEAL AGAINST REJECTION OR TERMINATION OF AFFILIATION

- 17) A club or other organisation whose application for affiliation has been rejected or whose affiliation has been terminated may, within one month of receiving written notification thereof, lodge with the secretary written notice of its intention to appeal against the decision of the Management Committee.
- 18) Upon receipt of a notification of intention to appeal against rejection or termination of affiliation the Secretary shall convene, within three months of the date of receipt by the Secretary of such notice, a general meeting to determine the appeal. At any such meeting the applicant shall be given the opportunity to fully present its case and the Management Committee shall likewise have the opportunity of presenting its case. The appeal shall be determined by the vote of the members present at such meeting.
- 19) Where a club or other organisation whose application is rejected, does not appeal against the decision of the Management Committee within the time prescribed by these Rules or so appeals but the appeal is unsuccessful, the Secretary shall forthwith refund the amount of any fee paid.

### REGISTER OF MEMBERS AND AFFILIATES

- 20) The Management Committee shall cause a Register to be kept in which shall be entered the names of each affiliated club and other organisations together with details of admission to affiliation with the Association and their respective addresses for service of notices together with details of names and addresses of all Delegate Members, Life Members and members of the Management Committee.
- 21) The Register shall be open for inspection at all reasonable times by any member who applies to the Secretary for such inspection.

## RULES OF THE BRISBANE NORTH JUNIOR CRICKET ASSOCIATION INC.

### MEMBERSHIP OF MANAGEMENT COMMITTEE

- 22) The Management Committee of the Association shall consist of the following positions-

President  
Vice- President  
Secretary  
Treasurer  
Up to 4 Committee Members.

Subject to clause 23), eligibility for election to a position on the Management Committee is dependent on a person being nominated by a club or other organisation which is affiliated with the Association, or being a life member of the Association.

- 23) To be a valid nomination for the office of Regional Director of Coaching, the nomination shall be endorsed by the Management Committee. However, the endorsement of a suitably qualified nominee shall not be unreasonably withheld.

The minimum qualifications for, and the functions of, the Regional Director of Coaching shall be determined from time to time by the Management Committee.

- 24) No proxies shall be allowed at meetings of the Management Committee and leave of absence shall be granted only for a period of not more than three months.

- 25) The Management Committee shall meet at such times and such place as the members thereof shall from time to time decide, but being not less than once in every two calendar months. Four members shall constitute a quorum at its meetings.

- 26) Should any member of the Management Committee be absent from three consecutive meetings of the Management Committee without having obtained leave of absence from the Management Committee, such member's position on the Management Committee shall automatically become vacant. The secretary shall notify the member concerned at his/her last known place of address of any action taken in accordance with this rule.

- 27) The secretary shall notify any member who applies for leave of absence under this rule of the result of such application.

- 28) The Management Committee may appoint sub-committees for any purpose, and such sub-committees may include any person who is not a member of the Management Committee, and all standing sub-committees shall be appointed at the first meeting of the Management Committee for each season.

- 29) All sub-committees shall be responsible to the Management Committee at all times.

- 30) All principal matters discussed by the Management Committee at its meetings shall be conveyed to the Delegate Committee at its next meeting by means of a short report.

## RULES OF THE BRISBANE NORTH JUNIOR CRICKET ASSOCIATION INC.

- 31) The Management Committee shall at its first meeting elect one of its members, who shall represent the Association as its Delegate to attend all meetings of Queensland Junior Cricket Association Inc. for the ensuing period of twelve months. The name of the delegate shall be forwarded to the secretary of the latter body. Any special instructions given by the Management Committee to its delegate shall be carried out at all times by the delegate.
- 32) The Management Committee has the power to revoke an appointment of its delegate to the Queensland Junior Cricket Association at any time and appoint another person as the Association's delegate.

### DELEGATE COMMITTEE

- 33) There shall be a Delegate Committee which shall consist of -
  - (a) all Management Committee members;
  - (b) the Delegate Members nominated by each affiliated club or other organisation.
- 34) Delegate Committee meetings shall be held for the transaction of general business at times determined from time to time by the Management Committee.
- 35) Thirteen (13) persons being members of the Management Committee and/or Delegates, shall constitute a quorum at any meeting of the Delegate Committee.
- 36) Business shall not be transacted at any Delegate Committee Meeting unless there is present a quorum provided that those so present may, in the absence of a quorum after the expiration of thirty minutes from the time appointed for assembly, adjourn the meeting until such time and to such place as they may think fit.
- 37) The secretary shall keep an attendance book (register) in which each office bearer, life member and delegate shall record his/her attendance at meetings. A record of all attendances so recorded at each meeting shall be embodied in the minutes thereof.
- 38) When an appointed delegate is unable to attend a meeting of the Association, a substitute delegate may be appointed by the affiliated club or other organisation concerned to attend and vote at such meeting. Details of substitution of delegates shall be advised orally at such meeting or advised in writing by the secretary of the club or other organisation concerned to be in the hands of the Association's secretary at, or prior to such meeting. Any person already entitled to vote at that meeting shall not be eligible for such appointment as a substitute.
- 39) The non-receipt of notice of any meeting by any person/s entitled to receive such notice shall not invalidate any of the proceedings at a meeting.
- 40) Any club or other organisation offending against any rule and/or by-law of the Association or refusing or failing to comply with any direction of the Management Committee or which in the opinion of the Management Committee acts in a manner contrary to the best interests of the Association, may have its affiliation suspended

## RULES OF THE BRISBANE NORTH JUNIOR CRICKET ASSOCIATION INC.

by and during the pleasure of the Management Committee and shall thereupon while under suspension forfeit all rights and privileges in connection with the Association including the right to be represented at any meeting of the Association. Any such club or other organisation may be suspended for such time as the majority of persons present and entitled to vote and voting at such meeting may determine.

- 41) At the Annual General Meeting of the Association all the members of the Management Committee for the time being shall retire from office, but shall be eligible upon nomination for re-election provided they are still qualified to hold office.
- 42) Nominations shall be submitted in writing by affiliated clubs or other organisations, and shall be lodged with the secretary at least seven clear days before the annual general meeting at which the election is to take place.
- 43) A list of the candidate's names in alphabetical order shall be posted in a conspicuous place in the office or usual place of meeting of the Association at least three clear days immediately preceding the annual general meeting.
- 44) A ballot shall be conducted to determine each appointment to the Management Committee.
- 45) Should, at the commencement of such meeting, there be an insufficient number of candidates nominated, nominations of eligible persons may be made from the floor of the meeting.
- 46) The election of officer bearers (other than Patron) shall take place in the manner prescribed in Sections 78) to 87) of this Constitution.
- 47) Any member of the Management Committee may resign from the Management Committee at any time by giving notice in writing to the secretary but such resignation shall take effect at the time such notice is received by the secretary unless a later date is specified in the notice when it shall take effect on the later date.

### CASUAL VACANCIES

- 48) If any vacancy occurs on the Management Committee during the Association's year, such vacancy shall be filled at the next Delegate Committee meeting of the Association by the election of an eligible person to such vacancy if a majority of those present and entitled to vote so determine. In such case, verbal nominations shall suffice and if necessary a ballot shall be held. The manner in which any such ballot is held shall be determined by the meeting.

### REMOVAL OF OFFICE BEARERS AND CASUAL VACANCY

- 49) The right to remove any delegate of a club or other organisation shall be solely in the control of the respective club or other organisation which has appointed such delegate. In the event of such a removal or in the case of a casual vacancy in the position of delegate, the club concerned shall nominate in writing a replacement.

## RULES OF THE BRISBANE NORTH JUNIOR CRICKET ASSOCIATION INC.

- 50) A member of the Management Committee may be removed from office by the vote of not less than three-fourths of those present and entitled to vote at a Delegate Committee meeting of the Association specially called for the purpose. Seven days notice of such meeting shall be given by circular addressed to each person entitled to vote and in the case of the person proposed to be removed, such notice shall be forwarded by registered post to his/her last known place of abode or business.
- 51) The continuing members of the Management Committee may act notwithstanding any casual vacancy in it, but if and so long as its number is reduced below the number fixed pursuant to these Rules as the necessary quorum of the Management Committee, the Management Committee may act for the purpose of increasing the number of its members to that number or summoning a general meeting of the Association but for no other purpose.

### FUNCTIONS OF THE MANAGEMENT COMMITTEE

- 52) Except as otherwise provided by these rules and subject to any resolution of the members of the Association carried at any general meeting, the Management Committee is authorised:
- (a) to borrow or raise or secure the payment of money in such manner as the members of the Association may think fit and secure the same or the payment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Association in any way and in particular by the issue of debentures, perpetual or otherwise, charged upon all or any of the Association's property, both present and future, and to purchase, redeem or pay off any such securities;
  - (b) to borrow money from members at a rate of interest not exceeding interest at the rate for the time being charged by bankers in Brisbane for overdrawn accounts on money lent, whether the term of the loan be short or long, and to mortgage or charge its property or any part thereof and to issue debentures and other securities whether outright or as security for any debt, liability or obligation of the Association and to provide and pay off any such securities; and
  - (c) to invest in such manner as the members of the Association may from time to time determine.
- 53) Secretary - The secretary shall attend to all correspondence and other duties normally carried out by a Secretary of an Incorporated Association of a like nature.

## RULES OF THE BRISBANE NORTH JUNIOR CRICKET ASSOCIATION INC.

### MEETINGS OF THE MANAGEMENT COMMITTEE

- 54) The Management Committee shall meet at such time and at such place as the members thereof shall from time to time decide.
- 55) A special meeting of the Management Committee shall be convened by the secretary on the requisition in writing signed by the President or any three members of the Management Committee, which requisition shall clearly state the reasons why such special meeting is being convened and the nature of the business to be transacted thereat.
- 56) Subject as previously provided in these rules the Management Committee may meet together and regulate its proceedings as it thinks fit provided that questions arising at any meeting of the Management Committee shall be decided by a majority of votes.
- 57) A member of the Management Committee shall not vote in respect of any contract or proposed contract with the Association in which he/she is interested, or any matter arising thereat and if he/she does so vote his/her vote shall not be counted.
- 58) Not less than fourteen days notice shall be given by the Secretary to members of the Management Committee of any special meeting of the Management Committee. Such notice shall clearly state the nature of the business to be discussed thereat.
- 59) The President shall preside as Chairman at every meeting of the Management Committee, or if there is no President, or if at any meeting he/she is not present within ten minutes after the time appointed for holding the meeting, the Vice-President shall be Chairman or if the Vice-President is not present at the meeting then the members may choose one of their number to be Chairman of the meeting. At Management Committee Meetings in the case of equality of votes, the Chairman shall have a casting vote as well as a deliberative vote.
- 60) If within half an hour from the time appointed for the commencement of a Management Committee meeting a quorum is not present at the meeting, if convened upon the requisition of members of the Management Committee, the meeting shall lapse. In any other case it shall stand adjourned to the same day in the next week at the same time and place or to such other day and at such other time and place as the Management Committee may determine, and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the meeting shall lapse.

### SUB COMMITTEES

- 61) The Management Committee may delegate any of its powers to a sub-committee consisting of such members (or their representatives) of the Association as the Management Committee thinks fit. Any sub-committee so formed shall in the exercise of the powers so delegated conform to any directions that may be imposed on it by the Management Committee.

## RULES OF THE BRISBANE NORTH JUNIOR CRICKET ASSOCIATION INC.

- 62) A sub-committee may elect a chairman of its meetings. If a chairman is not elected, or if at any meeting the chairman is not present within ten minutes after the time appointed for holding the meeting, the members present may choose one of their number to be chairman of the meeting.
- 63) A sub-committee may meet and adjourn as it thinks proper. Questions arising at any meeting shall be determined by a majority of votes of members present and in the case of an equality of votes, the question shall be deemed to be decided in the negative.
- 64) All acts done by a meeting of the Management Committee or of a sub-committee or by any person acting as a member of the Management Committee shall notwithstanding that it is afterwards discovered that there was some defect in the appointment of any such member of the Management Committee or person acting as aforesaid, or that the members of the Management Committee or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a member of the Management Committee.
- 65) A resolution in writing signed by all the members of the Management Committee for the time being entitled to receive notice of a meeting of the Management Committee shall be as valid and effectual as if it had been passed at a meeting of the Management Committee duly convened and held. Any such resolution may consist of several documents in like form, each signed by one or more members of the Management Committee.

### ANNUAL GENERAL OR GENERAL MEETINGS

- 66) The first general meeting shall be held at such time, not being less than one month nor more than three months after the incorporation of the Association and at such place as the Committee may determine.
- 67) The annual general meeting of the Association shall be held within three months of the close of each financial year. At least fourteen (14) clear days notice of the Annual General Meeting shall be given by the Secretary by circular addressed to the Secretary of each member club and other organisation, and to all office bearers and Life Members specifying the business to be transacted at that meeting. The quorum for an annual general meeting shall be fifteen (15) persons consisting of office bearers, delegate members clubs and/or life members.
- 68) Business to be transacted at every annual general meeting shall be:
  - (a) Receipt of Apologies
  - (b) Confirmation of the minutes of the previous Annual General Meeting.
  - (c) Receiving of the Management Committee's Annual Report and Statement of Income and Expenditure, and Assets and Liabilities for the preceding financial year.
  - (d) Notices of Motion
  - (e) All offices shall be declared vacant.

## RULES OF THE BRISBANE NORTH JUNIOR CRICKET ASSOCIATION INC.

- (f) The appointment of Patron and the election of persons to the following positions on the Management Committee-
  - President;
  - Vice-President;
  - Secretary;
  - Treasurer;
  - Regional Director of Coaching;
  - 4 Committee Members.
- (g) Appointment of an Auditor
- (h) Election of Life Member (if any)
- (i) Transact such other business as may be properly brought before the meeting.
- (j) Determination of Registration/Affiliation Fees for affiliated clubs and other organisations.

### ELECTION OF OFFICE BEARERS

- 69) Except as otherwise provided by these rules, the office bearers of the Association for the ensuing year shall be elected at the Annual General Meeting.
- 70) If only the number of valid nominations required to fill any office be received the Chairman shall declare the relevant candidate duly elected if a majority of those present and entitled to vote decide by the counting of a show of hands to elect the relevant candidate.
- 71) If fewer than the required number of valid nominations are received-
  - (a) the Chairman shall declare the nominated candidate(s) duly elected if a majority of those present and entitled to vote decide by the counting of a show of hands to elect the relevant candidate; and
  - (b) a majority of those present and entitled to vote may then decide by counting of a show of hands to fill the remaining vacancy or vacancies at that meeting by calling for verbal nominations from the floor of the meeting and, unless clause 70) applies, by the taking of a ballot or ballots if more candidates than are necessary to fill the relevant position are nominated.
- 72) Should the office be not filled in this manner at that meeting, nominations shall be called for and an election held at the next Delegate Committee meeting of the Association.
- 73) Notice of the calling of nominations and of the closing date and place shall be given by the Secretary in writing to life members, office bearers and to the Secretary of each affiliated club and other organisation not less than (14) fourteen days prior to the date set down for the meeting.
- 74) If more than the required number of valid nominations be received a ballot/s shall be taken and determined in the manner hereinafter prescribed.

## RULES OF THE BRISBANE NORTH JUNIOR CRICKET ASSOCIATION INC.

- 75) Those entitled to vote at Annual Meetings of the Association shall be:  
The Management Committee Members  
The Delegate Members  
The Life Members of the Association
- 76) A delegate of a club or other organisation shall not be permitted to take part in the proceedings of any meeting unless prior to the commencement of such meeting such club or other organisation has discharged all its financial obligations to the Association
- 77) A person shall not exercise more than one vote at any motion at any meeting of the Association.

### BALLOTS

- 78) Where a ballot for elective office is required the Chairman shall announce the office and the names of the eligible candidates therefore and shall appoint two scrutineers (not being candidates) to conduct the ballot. Such scrutineers shall be at liberty to exercise the votes to which they may be entitled in the ballot.
- 79) Ballot papers shall be distributed by the scrutineers to each person entitled to vote in the election.
- 80) Each voter shall be entitled to vote in each ballot for the number of candidates required to fill the office and shall mark an X against the name/s of the candidates/s for whom he/she votes.
- 81) The scrutineers shall collect the ballot papers and count the votes.
- 82) A ballot paper shall be declared informal by the scrutineers if:
- (a) The ballot paper is not properly a part of the particular ballot,
  - (b) The voter has voted for more or fewer than the required number of office bearers,
  - (c) The ballot paper is not clearly marked as aforesaid.
- 83) The scrutineers shall, after counting the votes, deliver the ballot papers to the chairman and advise him/her of the number of formal and informal ballot papers returned and of the number of formal votes cast for each candidate.
- 84) Thereupon the chairman shall determine the result of the ballot as follows:
- (a) Where there is only one candidate more than the number of offices to be filled, the candidate obtaining the fewest votes shall be eliminated and the other/s declared elected. Should two or more candidates be equal in obtaining the fewest votes, the chairman shall decide which one of such candidates shall be eliminated and the others shall be declared elected.
  - (b) Where only one office is to be filled and the number of candidates is three or more, the candidate obtaining the fewest in the first ballot shall be eliminated and a further ballot or ballots taken provided:

## RULES OF THE BRISBANE NORTH JUNIOR CRICKET ASSOCIATION INC.

- (i) Where two or more candidates are equal in obtaining the fewest votes, the chairman shall decide which one of those shall be eliminated from the next and subsequent ballots;
  - (ii) Where a candidate obtains a number of votes in the first or subsequent ballot which is more than half of the number of formal votes cast, he/she shall be declared elected forthwith;
  - (iii) Where two candidates obtain an equal number of votes in the last ballot, the chairman shall determine which of the two shall be eliminated and the other shall be declared elected; and
  - (iv) Where the number of offices or vacancies in offices to be filled is more than one and the number of candidates exceeds the number of such offices by two or more, the candidates obtaining the fewest votes shall be eliminated from the next and subsequent ballots and where two or more candidates are equal in obtaining the fewest votes the chairman shall determine which one of such candidates shall be eliminated.
- 85) Any ballot and relevant papers shall be retained by the Chairman until the close of the meeting and immediately thereafter destroyed by the chairman.
- 86) Any person entitled to vote in an election may require at any time after the election is decided and prior to the close of the meeting without the requirement being seconded, that the meeting be informed of the number of votes obtained by all or any of the candidates in any particular ballot but the chairman and/or scrutineers shall not otherwise publish or cause to be published such information.
- 87) In any ballot in which the President or chairman for the time being is a candidate, he/she shall vacate the chair whilst the ballot is being conducted and determined and the duties of the chairman under these rules shall be carried out by an office bearer of the Association appointed for that purpose on a show of hands by a majority of the persons present and entitled to vote in the ballot.

### SPECIAL GENERAL MEETINGS

- 88) The secretary shall convene a special general meeting when directed to do so by the Management Committee, or on the requisition in writing signed by not less than 30% of the Delegate Members. Such requisition shall clearly state the reasons why such special general meeting is being convened and the nature of the business to be transacted thereat.
- 89) No business other than that for which the meeting has been called shall be dealt with at a Special General Meeting or at any adjournment thereof. The chairman of the meeting may permit a verbal amendment to the motion if such amendment does not materially alter the intention of the original resolution.
- 90) The minutes of any Special General Meeting shall be submitted for confirmation at the subsequent Delegate Committee Meeting of the Association.

## RULES OF THE BRISBANE NORTH JUNIOR CRICKET ASSOCIATION INC.

- 91) The Secretary shall convene all general meetings of the Association by giving not less than 14 days notice of any such meeting to the members of the Association.
- 92) The manner by which such notice shall be given shall be determined by the Management Committee. Provided that notice of any meeting convened for the purpose of hearing and determining an appeal against the rejection or termination of membership by the Management Committee shall be given in writing. Notice of a general meeting shall clearly state the nature of the business to be discussed thereat.
- 93) Unless otherwise provided by these Rules at every general meeting:
- (a) The President shall preside as chairman, or if there is not a President, or if he/she is not present within fifteen minutes after the time appointed for the holding of the meeting or is unwilling to act, the Vice-President shall be the chairman or if the Vice-President is not present or is unwilling to act then the members present shall elect one of their number to be chairman of the meeting.
  - (b) The chairman shall maintain order and conduct the meeting in a proper and orderly manner.
  - (c) The quorum for a general meeting shall be fifteen (15) persons consisting of office bearers of the Association, delegates of member clubs and other organisations, and life members.
  - (d) Every question, matter or motion shall be decided by a majority of votes of the members present.
  - (e) Every Life Member, Delegate Member and Management Committee member present shall be entitled to one vote and in the case of an equality of votes the Chairman shall have a second or casting vote. No Delegate member shall be entitled to vote at any general meeting if the fees payable in respect of the member's club are more than one month in arrears at the date of the meeting.
  - (f) Voting shall be by show of hands or a division of members unless not less than one-fifth of the members present demand a ballot, in which event there shall be a secret ballot. The chairman shall appoint two members to conduct the secret ballot in such manner as he/she shall determine and the result of the ballot as declared by the chairman shall be deemed to be the resolution of the meeting at which the ballot was demanded.
- 94) The instrument appointing a delegate of an affiliated club or other organisation shall be deposited with the Secretary prior to the commencement of any meeting or adjourned meeting at which the person named in the instrument proposes to vote.
- 95) The secretary shall cause full and accurate minutes of all attendances, questions, matters, resolutions and other proceedings of every Management Committee meeting, Delegate Committee Meeting and general meeting to be entered in a book to be open for inspection at all reasonable times by any member who applies to the secretary for that inspection. For the purposes of ensuring the accuracy of the recording of such minutes the minutes of every such meeting shall be signed by the chairman of that meeting or the chairman of the next meeting verifying their accuracy.

## RULES OF THE BRISBANE NORTH JUNIOR CRICKET ASSOCIATION INC.

### BY LAWS

- 96) The Management Committee may from time to time make, amend or repeal by-laws not inconsistent with these Rules, for the internal management of the Association and any by-law may be set aside by a general meeting of members.

### ALTERATION OF RULES

- 97) Subject to the provisions of the Associations Incorporation Act 1981, these Rules may be amended, rescinded or added to from time to time by a special resolution carried at any general meeting by a 75% majority vote of members and in the event of a deadlock the matter shall be resolved by the Chairman of that meeting. Provided that no such amendment, rescission or addition shall be valid unless the same shall have been previously submitted to and approved by the Under Secretary, Department of Justice, Brisbane.

### COMMON SEAL

- 98) The Management Committee shall provide for a Common Seal and for its safe custody. The common seal shall be used only by the authority of the Management Committee and every instrument to which the seal is affixed shall be signed by a member of the Management Committee and shall be countersigned by the Secretary or by a second member of the Management Committee or by some person appointed by the Management Committee for the purpose.

### FUNDS AND ACCOUNTS

- 99) The funds of the Association shall be banked in the name of the Brisbane North Junior Cricket Association Inc. in such financial institution as the Management Committee may from time to time direct.
- 100) Proper books and accounts shall be kept and maintained either in written or printed form in the English language showing correctly the financial affairs of the Association and the particulars usually shown in documents of a like nature.
- 101) All moneys shall be banked as soon as practicable after receipt thereof.
- 102) All amounts of fifty dollars or over, or such other amount as the Management Committee may from time to time determine, shall be paid by cheque. Each cheque drawn on the Association's Account shall be signed by any two of the President, Treasurer and Secretary.
- 103) Cheques shall be crossed "not negotiable" except those in payment of wages, allowances or petty cash recoupment, which may be open.
- 104) The Management Committee shall determine the amount of petty cash which may be kept on an imprest system.

## RULES OF THE BRISBANE NORTH JUNIOR CRICKET ASSOCIATION INC.

- 105) At each Management Committee meeting the Treasurer shall table a signed Financial Statement showing the current financial position of the Association together with accounts to be passed for payment.
- 106) The Treasurer shall submit to the Management Committee at such other times as the Management Committee may direct, a statement of the financial position of the Association.
- 107) As soon as practicable after the end of each financial year the Treasurer shall cause to be prepared a statement containing particulars of:
- (a) the income and expenditure for the financial year just ended,
  - (b) the assets and liabilities, and of all mortgages, charges and securities affecting the property of the Association at the close of that year.
- 108) All such statements shall be examined by the Association's Auditor who shall present his/her report on such audit to the secretary *prior* to the holding of the annual general meeting next following the financial year in respect of which such audit was made. The report of such audit together with copies of the financial statements shall be appended to the Annual Report and a copy thereof furnished to each person entitled to vote at the Annual General Meeting.
- 109) The income and property of the Association whensoever derived shall be used and applied solely in promotion of its objects and in the exercise of its powers as set out herein and no portion thereof shall be distributed, paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit to or amongst the members of the Association provided that nothing herein contained shall prevent the payment in good faith of interest to any such member in respect of moneys advanced by him to the Association or otherwise owing by the Association to him or of remuneration to any officers or servants of the Association or to any other person in return for any services actually rendered to the Association provided further that nothing herein contained shall be construed so as to prevent the payment or repayment to any member of out-of-pocket expenses, money lent, reasonable and proper charges for goods hired by the Association or reasonable and proper rent for premises demised or let to the Association.

### DOCUMENTS

- 110) The Management Committee shall provide for the safe custody of the books, documents, instruments of title and securities of the Association.

### FINANCIAL YEAR

- 111) The financial year of the Association shall close on the 30th Day of June in each year.

### DISSOLUTION

- 112) In the event of the Association being dissolved the amount which remains after the dissolution and the satisfaction of all debts and liabilities shall be paid and applied by

## RULES OF THE BRISBANE NORTH JUNIOR CRICKET ASSOCIATION INC.

the Management Committee in accordance with its powers to an organisation which is exempt from income tax under section 23 of the Income Tax Assessment Act (Commonwealth).

**End of Constitution**