

DIAMOND VALLEY CRICKET ASSOCIATION INCORPORATED STATEMENT OF PURPOSES

The purposes of the Association are:

1. To establish and maintain an association for cricket, social and other sporting and ancillary and associated purposes.
2. To conduct, complete and participate in, foster, promote and encourage all forms of the sport of cricket and ancillary and associated activities.

Solely for the purpose of furthering the said purposes the Association shall, subject only to restrictions or limitations imposed by the **Associations Incorporation Act** 1981, Regulations thereunder and the Rules of the Association, have power to:

- (a) Take over the funds and other assets and liabilities of the unincorporated association known as Diamond Valley Cricket Association and indemnify any person for loss or damage incurred as a result of having on behalf of the unincorporated association become liable to pay any amount by way of damages or otherwise.
- (b) Subscribe to, join or co-operate with any association or organisation, incorporated or not, or amalgamate with any incorporated association with objects wholly or partly similar to those of the Association provided that it shall not subscribe to or support with its funds or transfer any of its property or assets to an 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 by its Rules.
- (c) Do all things which an incorporated association is permitted or authorised to do pursuant to the said Act.
- (d) Do all things which a natural person may lawfully do.

RULES

1. NAME

The name of the association is Diamond Valley Cricket Association Incorporated ('the Association' or 'the DVCA').

2. INTERPRETATION

In these Rules, unless the contrary intention appears:

'Act' means the **Associations Incorporation Act** 1981, and includes regulations thereunder.

'Administrator' means, if a person holds office as Administrator of the DVCA, that person, and in any other case, its Public Officer.

'By-laws' means By-laws made under the Rules.

'Club' means a member, a club whose secretary is a member, and Diamond Valley Umpires Association.

'Executive' means the Executive of the DVCA.

'Financial year' means the year ending on 31st May.

'Meeting' or 'General Meeting' means a general meeting of members convened as per Rule 11.

'Member' means a member of the DVCA.

'Rules' means these Rules, and includes By-laws and regulations made hereunder.

Words or expressions will be interpreted in accordance with the **Interpretation of Legislation Act** 1984 and the Act as in force from time to time.

3. MEMBERSHIP

- (1) An incorporated club is eligible to become a member if it applies before any 30 April and its application is approved by a two-thirds majority at a meeting after the Executive reports that it is satisfied that the club:

- (a) is based in the municipalities of Nillumbik, Banyule or Whittlesea and in a geographical area with sufficient population to make it a worthwhile member;
 - (b) will field both senior and junior teams;
 - (c) will not then or later seek or need to use grounds required by other clubs;
 - (d) will bona fide accept the gradings allocated to it by the Executive;
 - (e) is within or reasonably close to the geographical area covered by the DVCA at that time;
 - (f) has a record of behaviour and attitude acceptable to any competition in which it has previously played; and
 - (g) has grounds and facilities of an acceptable standard for the grades in which it will play.
- (2) Upon approval of an application, the Administrator will enter the club's name in the Register of Members, and it thereupon becomes a member.
- (3) Upon incorporation of a club whose secretary is a member, it becomes a member in place of its secretary. It will forthwith notify the Administrator of its incorporation.
- (4) The DVCA may elect as a Life Member a person who has rendered outstanding service to it. He may attend and speak at meetings but is not entitled to vote solely by reason of life membership. No more than 2 Life Members may be elected in a year.
- (5) A club's rights, privileges or obligations as a member may not be transferred. They terminate upon cessation of its membership.
- (6) A club will make sure its players, members and officers obey the Rules.
- (7) An applicant for membership may be accepted as a Provisional Member for the period and upon the conditions specified by resolution. Provisional membership will lapse or become full membership in accordance with the resolution. When it lapses the Provisional Member ceases to be a member. Otherwise, a Provisional Member has the same rights, privileges and obligations as a full member.

4. FEES AND FINANCES

- (1) There is no entrance or annual fee. DVCA funds will be derived from affiliation and registration fees and such other sources as it determines.
- (2) A club will pay affiliation and registration fees and its proportion of honoraria or remuneration. After each annual meeting all fines, affiliation fees or levies owed by a club will be paid by the next annual meeting or membership lapses. The Treasurer will periodically render accounts to each club. A club will pay each account due 30 days after date of the account, or the Treasurer will report it to the Administrator. If a club does not pay fines, affiliation fees or levies by due dates during a season then none of its teams will receive match points, subject to an agreed payment plan and excluding items in dispute.
- (3) A club may not play and its delegate may not vote until it pays all accounts rendered in the previous season. No registered player with the club (even if it disbands or ceases to be a member) may play for another club until they are paid or he pays his share, being the amount owing divided by the number of players for the club in the previous season.
- (4) The DVCA may at any time impose a levy on all clubs if it considers it necessary.
- (5) DVCA payments will be made by cheque. Cheques and negotiable instruments will be signed by any 2 of the President, Administrator and Treasurer.

5. REGISTER OF MEMBERS

(1) The Administrator will keep an electronic Register of Members showing the name and date of entry of each club, the name and address of its secretary and delegate as notified to him, and the date, if any, on which it ceased to be a member. It may be provided to clubs upon request.

(2) A club will before each annual meeting notify the Administrator of the name, address and phone number of its secretary and delegate and of the club's email address, and thereafter notify him of any changes.

6. RESIGNATION OF MEMBER

(1) A club which does not owe any monies to the DVCA may give 30 days notice to the Administrator of its intention to resign. Upon expiry of that period it ceases to be a member.

(2) A club which does not compete in the DVCA in a season ceases to be a member as from the start of that season.

7. PROTESTS: DISPUTES: REPORTS: APPEALS: INTERPRETATION

(1) The Executive has full power to enquire into and determine all protests, disputes, reports and appeals arising out of or in relation to a match or the Rules, including a complaint or allegation by a person or club that a result has been artificially contrived.

The Executive may appoint independent chairmen and members to assist in hearing such matters, and delegate the hearing of a matter to a tribunal comprising members appointed by the Executive and any number of its members.

It may delegate the hearing of a matter relating to juniors to the Junior Executive Committee, which then constitutes 'the Executive' in relation to that matter for the purposes of the Rules.

The Executive will hear any charges laid by the Junior Executive Committee.

(2) Upon receiving a protest, dispute or appeal the Administrator will convene an Executive meeting to be held before the next ordinary meeting and the next round of matches, give copies to all affected clubs and umpires and tell them who is required to attend. Reports will be dealt with under Rules S65 or J71.

(3) The Executive will hear and determine each protest, dispute, report and appeal and has the specific powers and duties to:

- (a) decide in its absolute discretion whether any behaviour constitutes misconduct;
- (b) hear and consider all witnesses and evidence given by or on behalf of a club, player or umpire;
- (c) allow representatives of all affected parties to hear all witnesses and evidence and question all witnesses;
- (d) hear and consider a matter even if an affected party is not represented or present;
- (e) consider a written statement given to the Administrator before the meeting by or on behalf of a person or party;
- (f) if a report is sustained, impose on a club, player or umpire one or more penalties; and
- (g) if it considers a club's protest, dispute or report frivolous, forfeit its deposit.

(4) In considering a matter, DVCA records will prima facie be deemed correct. A person who gives untruthful evidence or fails to attend when required will be disqualified from playing and holding office in the DVCA or a club and will in the latter case be disqualified until he does attend. All persons will leave the meeting while the Executive considers its decision. It will advise clubs of its decision at the next ordinary meeting. No club member will sit on the Executive in a matter in which his club is concerned.

(5) A club or player aggrieved by the Executive's **original** decision on a protest, dispute, report or appeal may appeal to the Executive for a **final** decision. A club or player may appeal to the VMCU against the Executive's **final** decision on any such matter by notice to the Administrator within 24 hours after it is made. Penalties will be stayed until the appeal is decided. The Administrator will advise clubs by 30 September of VMCU contact details. Subject to that, the Executive's decision is final and binds all clubs and players.

(6) The DVCA or Executive may in substitution for or in addition to specified fines, or for a breach for which no penalty is specified, impose any penalties it thinks fit including:

- (a) bonds or additional fines on players or clubs;

- (b) debarring a club from gaining points;
 - (c) deducting points gained by a club;
 - (d) suspending a club from membership or a club or player from competing for a specified period;
 - (e) expelling a club from membership;
 - (f) disqualifying a player from competing.
- (7) For the purpose of this Rule all fines will be determined by the Executive. Each season it will determine and publish, in the Rule Book, its standard fines for standard offences.
- (8) The Treasurer will impose fines after being notified of a breach and itemise them on the club's next account. A club may appeal against a fine by notice to the Administrator within 48 hours after it receives the account.
- (9) The DVCA has power to interpret the Rules. Its interpretation is final and binds clubs and players. If a club or player fails to abide by it the DVCA may impose such penalty on the club or player as it thinks fit.
- (10) A club will lodge with the Administrator a deposit of \$200 with each protest, dispute or appeal, refundable if the club is successful.

8. ANNUAL MEETINGS

- (1) The Administrator will convene an annual meeting in the ~~first~~first week in August at a time and place determined by the Executive. It will be specified as such in the notice convening it and will be in addition to any other meeting held in that year.
- (2) The ordinary business of the annual meeting will be to:
 - (a) confirm the minutes of the last annual meeting;
 - (b) elect the members of the Executive;
 - (c) appoint an Auditor;
 - (d) receive and consider the statement submitted under section 30(3) of the Act; and
 - (e) fix affiliation, registration and umpires fees, and honoraria and remuneration for officers or other persons.
- (3) It may transact special business if notice is given in accordance with the Rules.

9. ORDINARY MEETINGS

The DVCA will hold ordinary meetings after each round of matches or on such other dates at such places and times as it determines. They will receive reports from umpires and delegates on the previous round of matches and results and from the Executive, impose penalties if appropriate and consider any matter arising out of the season's fixtures, but will not consider special business unless all clubs are represented.

10. SPECIAL MEETINGS

- (1) All general meetings other than annual and ordinary meetings are special meetings.
- (2) The Executive may whenever it thinks fit convene a special meeting and where, but for this Rule, more than 15 months would elapse between annual meetings, will convene a special meeting before that period expires.
- (3) The Administrator will, on receiving a requisition signed by the secretaries of 3 or more clubs stating the objects of the meeting, convene a special meeting. If the meeting is not held within 30 days after he receives the requisition, the clubs making the requisition may convene a special meeting (in the same manner as nearly as possible as that prescribed by Rule 11) to be held within 60 days of that date. The DVCA will refund all reasonable expenses of convening the meeting to those incurring the expenses.

11. CONVENING MEETINGS

- (1) The Administrator will at least 14 days before a special meeting or 7 days before an annual meeting notify each club, Life Member and Executive member of the meeting's place, date, time and business. No other business will be transacted.
- (2) A club desiring to bring business before a meeting may notify the Administrator, who will include it in the business of the next meeting.
- (3) Notice of special meetings is not required in an emergency if the Administrator makes reasonable efforts to notify all clubs. Notice of ordinary meetings or adjourned meetings is not required.

12. PROCEEDINGS AT GENERAL MEETINGS

- (1) Business transacted at special meetings and all business transacted at annual or ordinary meetings other than the specified ordinary business of such meetings is special business.
- (2) No business will be transacted unless a quorum (delegates of 50% of the clubs) is present. If there is no quorum within 30 minutes of the time appointed, the meeting if convened upon the requisition of clubs will be dissolved and otherwise will stand adjourned to the same day, time and place in the next week, when the delegates present will be a quorum.
- (3) The President or in his absence the senior Vice President present will chair meetings. If the President and Vice Presidents are absent the delegates will elect one of their number to preside.
- (4) If there is a quorum, the chairman may if the meeting consents adjourn the meeting. The only business at an adjourned meeting will be that left unfinished at the original meeting.
- (5) Questions will be decided by a show of hands. Unless a poll is demanded before the declaration of the show of hands the chairman's declaration that a resolution is carried, carried by a particular majority or lost and an entry to that effect in the minutes is evidence of the fact without proof of the number of votes for or against the resolution. If 3 or more delegates demand a poll it will be taken forthwith in such manner as the chairman directs and its resolution will be the resolution of the meeting.
- (6) A club's delegate or acting delegate will attend each meeting. If a club is unrepresented at a meeting it will be fined \$100.00.
- (7) Upon any question each delegate and the Executive has one vote but delegates of clubs (save the Umpires Association) without senior grade teams may speak and vote only on matters affecting junior grades and vice versa. If votes are equal the chairman will exercise a second or casting vote. There will be no voting by proxy.
- (8) A person wishing to speak will rise, name his club, address the chair respectfully, avoid personalities and unbecoming language and sit down if called to order or if a point of order is raised. If a person rises to a point of order the chairman will rule on it but the meeting may review the ruling. If 2 people rise together the chairman will decide which may speak. No resolution will be debated until it is seconded. No person will speak more than once to a question save that the mover of a resolution has a right of reply. No more than 2 people will speak successively on the same side of a question; if there is then no speaker on the other side the question will be put.

13. EXECUTIVE

- (1) An Executive will control and manage the DVCA's business and affairs and may, subject to the Rules and Act, exercise all DVCA powers and functions other than those required by the Rules to be exercised by general meetings, and do all acts and things it deems essential for proper management of the DVCA's business and affairs.

- (2) Subject to the Act, the Executive will consist of:
- (a) a President;
 - (b) 6 Vice Presidents (one of whom will be nominated by the Junior Executive Committee);
 - (c) a Treasurer;
 - (d) an Administrator to be appointed by the Executive; and
 - (e) an Assistant Administrator,
- each elected or appointed (as the case may be) at the annual meeting each year.
- (3) Executive members will, subject to the Rules, hold office until the end of the next annual meeting, and are eligible for re-election. The Executive may appoint a delegate to fill a casual vacancy, subject to the Rules, until the end of the next annual meeting.

14. ELECTION OF EXECUTIVE AND VACANCIES

- (1) Candidates for the Executive will be nominated orally at the annual meeting with their personal or written consent. If insufficient nominations are made to fill a position the nominees will be deemed elected. Further nominations will be called for at each later meeting until the position is filled, unless a meeting resolves that the Executive fill the position under Rule 13(3). If nominations equal vacancies the nominees will be deemed elected. If nominations exceed vacancies a ballot will be held forthwith in such usual and proper manner as the chairman directs.
- (2) A person may hold more than one position but will only have one vote at Executive and general meetings.
- (3) The office of an Executive member becomes vacant if he becomes insolvent under administration within the meaning of the **Companies (Victoria) Code**, resigns by notice to the Administrator or fails to attend 3 consecutive Executive meetings without the Executive's leave.

15. PROCEEDINGS OF EXECUTIVE

- (1) The Executive will meet on such dates at such places and times as it determines. Meetings may be convened by the Administrator or 3 Executive members. Reasonable notice will be given to Executive members of meetings and of their business.
- (2) No business will be transacted unless a quorum (50% of the members) is present. If there is no quorum within 30 minutes of the time appointed, the meeting will stand adjourned to the same day, time and place in the next week, when the members present will be a quorum.
- (3) The President or in his absence the senior Vice President present will chair meetings. If the President and Vice Presidents are absent the members will elect one of their number to preside.
- (4) Questions will be decided by a show of hands. Each member present has one vote. If votes are equal the chairman will exercise a second or casting vote so as to preserve the status quo.
- (5) Subject to Rule 15(2) the Executive may act despite a vacancy on the Executive.
- (6) A general meeting may remove an Executive member before his term expires and appoint another person in his place. If the member makes representations to the Administrator, he will read them to the meeting.

16. OFFICERS

- (1) The Administrator will keep minutes of the resolutions and proceedings of general, Executive and subcommittee meetings in minute books with details of who attends Executive and general meetings, conduct all DVCA business and correspondence, issue reports and notices of meetings and proceedings in accordance with the Rules, carry out directions of the DVCA, Executive, subcommittees and Rules, give copies of the minutes of meetings to clubs before the next ordinary meeting with points tallies for each grade (if available), notify the Treasurer of breaches of the Rules and, unless the Rules provide otherwise, keep custody or control of all DVCA books, documents and securities and its Common Seal. The Assistant Administrator will generally assist him.
- (2) The Treasurer will receive and give receipts for all monies due to the DVCA and forthwith deposit them in its bank account, make all payments authorised by the DVCA or Executive, keep correct accounts and books showing the DVCA's financial affairs with full details of all receipts and expenditure, prepare and have audited before each annual meeting the statement required by section 30(3) of the Act, make the accounts and books available for inspection by clubs and produce them to the Executive or Auditor upon demand.

(3) The Auditor will not be a delegate or Executive member. He will audit the statement prepared pursuant to section 30(3) of the Act before each annual meeting and may at any time examine all DVCA books and accounts. The Executive will submit any report of the Auditor to the annual meeting.

(4) Members and officers of the Umpires Association will in performing their duties obey reasonable directions of the DVCA and Executive.

(5) An officer who in performing his duties considers a matter to be unclear may refer it to the Administrator as a dispute under Rule 7.

18. COMMON SEAL

The Common Seal will only be affixed to an instrument if authorised by the Executive and attested by the signatures of any 2 of the President, Administrator and one Executive member.

19. ALTERATIONS OF RULES AND STATEMENT OF PURPOSES

The Rules and Statement of Purposes may only be altered in accordance with the Act. They may be made, amended or repealed by a three-quarters majority at an annual meeting (note that under Rule 22, amendments to playing rules require only a two-thirds majority). The Executive may propose alterations. No proposal will be considered unless it is seconded before the annual meeting. Clubs will be given at least 14 days' notice before they are required to comment on a Rule change recommendation by the Executive.

20. NOTICES

A notice may be given by the DVCA to a club by being emailed to its delegate or secretary. It will be deemed to be delivered as per the electronic despatch time. Notices or communications required to be given to the Administrator will be sent by email.

21. INCOME AND PROPERTY

(1) The DVCA's income and property will be applied solely in promoting its purposes and exercising its powers. No part will be distributed, paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit to members, but nothing prevents payments in good faith of interest to a member on monies lent to the DVCA or otherwise owing by the DVCA to it or remuneration to DVCA officers, servants or members in return for services actually rendered to the DVCA, nor payment to members of out of pocket expenses, money lent, reasonable and proper charges or rent for goods hired or premises let to the DVCA or the provision of services to a member to which it would be entitled under the purposes if it were not a member.

(2) If the DVCA is wound up all property remaining after satisfaction of all debts and liabilities will be given to an institution with purposes similar to those of the DVCA and which prohibits distribution of its income and property amongst its members to an extent at least as great as Rule 21(1), such institution to be determined by a special resolution of the members or, in the absence of such a resolution, by the Registrar.

22. BY-LAWS AND REGULATIONS

(1) The DVCA may make By-laws, consistent with the Rules and Act, for proper management of its affairs. They may be made, amended or repealed by a two-thirds majority at an annual meeting if a proposal is given to the Administrator by a member or by the Executive by 30 April before the meeting or at a special meeting if that majority at that meeting decides that the matter is urgent. A proposal to make, amend or repeal By-laws may be amended. No proposal will be considered unless it is seconded before the annual meeting.

(2) The DVCA may make regulations, consistent with the Rules and Act, for proper management of its affairs. They will lapse at the end of the season in which they are made.

23. SUBCOMMITTEES

The DVCA may, subject to the Rules and Act, delegate any of its powers to subcommittees consisting of the President, Administrator and such other persons as it deems fit and at any time recall or revoke any such delegation.

25. DISCIPLINE OF MEMBER CLUB

- (1) Without limiting Rule 7, the Executive may resolve to expel a club or to suspend it for a specified period if it is of the opinion that the club or a player, official or member of the club has failed or refused to comply with the Rules, or has been guilty of conduct unbecoming a member (or of a player, official or member of a club) or prejudicial to the interests of the DVCA.
- (2) A resolution under Rule 25(1) does not take effect unless the Executive at a meeting held between 14 and 28 days after service of a notice under Rule 25(3) confirms the resolution. If the club appeals under this Rule, it does not take effect unless the DVCA confirms it.
- (3) As soon as practical after a resolution is passed under Rule 25(1), the Administrator will cause to be served on the club a written notice:
 - (a) setting out the resolution and the grounds on which it is based;
 - (b) stating that up to 3 club members may address the Executive at a meeting to be held between 14 and 28 days after service of the notice;
 - (c) stating the date, place and time of that meeting;
- (4) stating that the club may do one or more of the following:
 - (a) have up to 3 club members attend that meeting;
 - (b) give to the Administrator before the meeting a written statement seeking revocation of the resolution;
 - (c) not later than 24 hours before the meeting, notify the Administrator that it wishes to appeal to the DVCA against the resolution.
- (5) At a meeting held pursuant to Rule 25(2), the Executive will:
 - (a) give up to 3 club members a chance to speak;
 - (b) consider any written statement submitted by the club; and
 - (c) resolve to confirm or revoke the resolution.
- (6) If the Administrator receives a notice under Rule 25(3), he will notify the Executive and convene a special meeting to be held within 28 days after he receives the notice.
- (7) At the special meeting:
 - (a) the appeal will be the only business transacted;
 - (b) the Executive may place before the meeting details of the grounds for the resolution and the reasons why it passed it;
 - (c) up to 3 members of the club will be given a chance to speak;
 - (d) the members present will vote by secret ballot on whether to confirm or revoke the resolution; and
 - (e) if two-thirds or more of the members vote to confirm the resolution it is confirmed, and otherwise it is revoked.

