



## Burnside Springs United Cricket Club Constitution and By- Laws

### 1) Name and Colours

- 1.1. The name of the incorporated cricket club is called Burnside Springs United Cricket Club.
- 1.2. The colours of the club are navy blue and gold.

### 2) Purpose

The purposes are

- To provide recreation, participation , development and competition opportunities appropriate to the level and wishes of players and helpers
- To promote and foster the game of cricket in the Burnside/Caroline Springs area
- To provide support for the endeavours of players and helpers especially in their liaison with relevant authorities
- To organise participation of players in representative teams for further development of talented cricketers and to increase high level of contact

### 3) Definitions

In these rules, unless the contrary intention appears

- “ **committee** ” - means the committee of management of BSUCC
- “ **financial year** ”- means the year ending on 30<sup>th</sup> June
- “ **general meeting** ”- means a general meeting of members convened
- “ **member** ”- means a member of BSUCC
- “ **club representative** ”- means a person who is designated by BSUCC as its representative to the Association
- “ **player** ”- means a person who is engaged in playing in a match representing BSUCC
- “ **the act** ”- means the Association Incorporation Act 1981
- “ **the regulations** ”- means regulations under the Act

### 4) Alteration of rules

These rules and statements of purposes of BSUCC must not be altered except in accordance with the Act.

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## 5) Membership

- 5.1. A person who applies and is approved for membership as provided in these rules is eligible to become a member of BSUCC on payment of registration fees and annual subscription thereafter payable under these rules.
- 5.2. An application for membership of BSUCC must be on a completed BSUCC form and be lodged with the secretary of BSUCC.
- 5.3. The secretary of BSUCC within 28 days must enter the applicants name in the register of members.
- 5.4. An applicant for membership becomes a member and is entitled to exercise the rights of membership when his/her name is entered in the register of members.
- 5.5. If the committee rejects an application, the committee as soon as possible, will notify the applicant in writing, that the application has been rejected
- 5.6. A person who has given exceptional service to BSUCC may be nominated and voted by the committee to become a life member of BSUCC.
- 5.7. The membership fee is the relevant amount as decided by the committee of BSUCC.
- 5.8. A right, privilege or obligation of a member or life member of BSUCC is not able to be transferred or transmitted to another person and terminates on non-renewal or resignation of member or life member.

Proposed (1.11.2012)

5.9. Honorary membership covers opposition sporting clubs on game days affiliated with NWMCA who will enjoy reciprocal membership rights with BSUCC and are to have full access to facilities and privileges as if they were BSUCC's member. This does not extend to voting or standing for BSUCC office.

## 6) Registrar of members

- 6.1. The secretary of BSUCC must keep and maintain a registrar of members containing
- The name and address of each member
  - The date on which each member was entered in the registrar



## 7) Discipline, suspension and expulsion of members

7.1. Subject to these rules, if the executive committee is of the opinion that a member has refused or neglected to comply with these rules, or has been guilty of conduct unbecoming a member or prejudiced to the interests of BSUCC the executive committee may by resolution

- suspend that member from membership of BSUCC for a specified period
- expel that member from BSUCC

7.2. A resolution of the committee does not take effect unless

- At a meeting held in accordance with sub rule 7.3 the committee confirms the resolution
- If a member exercises a right of appeal to BSUCC under this rule and BSUCC confirms this resolution under this rule

7.3. A meeting of the committee to confirm or revoke a resolution passed under rule 7.1 must be held not earlier than 14 days and no later than 28 days after the notice has been given to the member in accordance of rule 7.4.

7.4. For the purposes of giving notice in accordance of rule 7.3, the secretary of BSUCC must as soon as possible give a member a written notice

- setting out the resolution of the committee and the grounds on which it is based
- stating the date, place and time of the meeting
- stating that the member or his/her representative may address the committee at a meeting to be held not earlier than 14 days and no later than 28days after the notice has been given to the member
- informing the member that he/she may do one of the following
  - a) Attend that meeting
  - b) Give to the committee before the date of that meeting a written statement seeking the revocation of the resolution

7.5. At the meeting of the committee to confirm or revoke a resolution passed under rule 7.1 the committee must

- give the member or representative the opportunity to be heard
- give due consideration to any written statement submitted by the member
- determine by resolution whether to confirm or revoke the resolution



7.6. If at the meeting of the committee, the committee confirms the resolution, the member may no later than 48 hours after the meeting give the secretary a notice that he/she wishes to appeal to BSUCC special general committee against the resolution.

7.7. If the secretary receives a notice under rule 7.6, the secretary must notify the committee and the committee must convene a special general meeting of BSUCC is to be held 21 days after the date on which the secretary received the notice.

7.8. At a general meeting of the BSUCC convened under rule 7.7

- no business other than the question of the appeal may be conducted
- the executive may place before the meeting details of the grounds for the resolution and the reasons for passing the resolution
- the member or his/her representative must be given an opportunity to be heard
- the committee members present must vote by secret ballot on the question whether the resolution should be confirmed or revoked

7.9. If at the special general meeting

- two thirds of members vote in conformation of the resolution, then the resolution is confirmed
- in any other case than the resolution is revoked

## **8) Disputes and mediation**

8.1. The grievance procedure set out in this rule applies to disputes under this rule

- a member and another member
- a member and BSUCC

8.2. The parties to the dispute must meet and discuss the matter in dispute and if possible resolve the dispute within 14 days after the dispute comes to the attention of all parties.

8.3. If the parties are unable to resolve the dispute at the meeting or one party fails to attend the meeting, then the parties within 10 days are to hold a meeting within the presence of a mediator.



- 8.4. The mediator must be
- a person chosen by agreement between the parties

If an agreement cannot be made then the following will apply

- In the case of a dispute between a member and another member a person appointed by the committee of BSUCC
- In the case of dispute between a member and BSUCC a mediator who is appointed by the Department of Justice

8.5. A member of BSUCC can be a mediator.

8.6. The mediator cannot be a member who is a party to the dispute.

- 8.7. The mediator in conducting the mediation must
- give the parties to the mediation process every opportunity to be heard
  - allow due consideration by all parties of any written statement submitted by any party
  - ensure that natural justice is accorded to the parties to the dispute throughout the mediation process

8.8. The mediator must not determine the outcome of the dispute.

8.9. If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act.

## 9) Annual General Meeting

9.1. The committee may determine the date, time and place of the AGM of BSUCC.

- 9.2. The business of the AGM shall be
- confirm the minutes of the previous AGM and of any general meeting held since that meeting
  - to receive from the committee reports of transactions of BSUCC during the last financial year
  - to elect executive officers of BSUCC and general committee members

## 10) Special General Meeting



10.1. The committee may whenever it thinks fit convene a special general meeting of BSUCC subject to 21 days' notice being given.

10.2. The committee on request of members in writing representing not less than 25% of the total number of voting members taking into account their voting profiles convenes a special general meeting of BSUCC.

10.3. The requisition for a special general meeting should state the objects of the meeting should be signed by the members making the requisition and be sent to the address of the secretary.

10.4. When the secretary receives a request for a special general meeting, the meeting should be held within 45 days.

## **11) General meetings**

11.1. The secretary of BSUCC at least 7 days prior to holding a general meeting must send to each committee member a notice stating the place, date and time of the meeting and the nature of business to be conducted at the meeting. Additional notice can be sent to members of BSUCC upon request.

11.2. Notice may be sent

- by post to the address appearing in the register of members
- By facsimile or electronic transmission.

11.3. No business other than that set out in the notice convening the meeting may be conducted at that meeting.

11.4. A member intending to bring any business before a meeting may notify in writing or by electronic transmission, the secretary of that business, who must include in the notice calling the next general meeting.

11.5. The committee must meet at least 3 times in each year at such place and such time as the committee may determine.

11.6. Special meetings of the committee may be convened by the president or by any 4 members of the committee.

11.7. The secretary of BSUCC must keep minutes of the resolutions and proceedings of each general meeting, and committee meeting, together with a record of the names of persons present.



## 12) Quorum at general meetings

12.1. No item of business may be conducted at a general meeting unless a quorum of members entitled under these Rules to vote is present at the time when the meeting is considering that item.

12.2. Five members personally present (being members entitled under these rules to vote at a general meeting) constitute a quorum for the conduct of the business of a general meeting.

12.3. If within 30 min after the appointed time for the commencement of a general meeting a quorum is not present

- the case of the meeting convened upon the request of members will be dissolved
- In any other case the meeting shall stand adjourned to the same day in the next week, at the same time and place.

## 13) Presiding at general meetings

13.1. The president or in the president's absence the vice –president, shall preside as Chairperson at each general meeting of BSUCC.

13.2. If the president or vice-president is absent from a general meeting or they are unable to preside, the members present must select one of their numbers to preside as Chairperson.

## 14) Adjournment of meetings

14.1. The person presiding may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place.

14.2. No business may be conducted at an adjourned meeting other than the unfinished business from the meeting that was adjourned.

## 15) Voting at a general meeting

15.1. Upon any question arising at a general meeting of BSUCC a member has one vote only.

15.2 All votes must be given personally or by proxy.





15.3. In the case of an equality of voting on a question, the chairperson of the meeting is entitled to exercise a second or casting vote.

15.4. A member is not entitled to vote at a general meeting unless all moneys due and payable by the member to BSUCC have been paid, other than the amount of the annual subscription payable in respect of the current financial year.

## 16) Manner of determining whether resolution carried

16.1. If a question arising at a general meeting of BSUCC is determined on a show of hands

- a) A declaration by the chairperson that a resolution has been
- carried
  - carried unanimously
  - carried by a particular majority
  - lost
- b) An entry to that effect in the minute book of BSUCC is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against that resolution.

## 17) Proxies

17.1. Each member is entitled to appoint another member as a proxy by notice given to the secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.

17.2. The notice appointing the proxy must be

- for the meeting of BSUCC convened under rule 7.7 in the form set out in appendix 1
- or in any other case, in the form set out in appendix 2

## 18) Committee of management

18.1. The affairs of BSUCC shall be managed by the committee of management.

18.2. The committee shall

- control and manage the business and affairs of BSUCC
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- may subject to these Rules , Act or Regulations , exercise all such functions as may be exercised by BSUCC other than the powers and functions that are required by these Rules to be exercised by general meetings of the members of BSUCC
- Subject to these Rules Act and Regulations, has the power to perform all such acts and things as appear to the committee to be essential for the proper management of the business and affairs of BSUCC.

18.3. The committee shall consist of

- the officers of BSUCC
- at least 4 ordinary members

Each of whom shall be elected at the annual general meeting of BSUCC in each year.

## 19) Office holders

19.1. The officers of BSUCC shall be

- A president
- A vice – president
- A treasurer
- A secretary

19.2. The provisions of Rule 20, so far as they are applicable and with the necessary modifications, apply to and in relation to the election of persons to any of the offices referred to in sub-rule1.

19.3. Each officer of BSUCC shall hold office until the annual general meeting next after the date of his /her election but is eligible for re-election.

19.4. In the event of a casual vacancy in any office referred to in sub-rule 19.1, the committee may appoint one of its members to the vacant office and the member appointed may continue in office up to and including the conclusion of the annual general meeting next following the date of appointment.

19.5. Subject to these rules, each ordinary member of the committee shall hold office until the annual general meeting next after the date of election but is eligible for re-election.

19.6. In the event of a casual vacancy occurring in the office of an ordinary member of the committee, the committee may appoint a member of BSUCC to fill



the vacancy and the member appointed shall hold office, subject to these Rules, until the conclusion of the annual general meeting next following the date of the appointment.

#### **19.7 Committee Members – Attendance** (Amendment carried in 2020 AGM)

- If a committee member is unable attend three consecutive meetings during the season that the committee member may be asked to stand down from the committee.
- Circumstances regarding the inability of the member to attend the meetings will be discussed with the member. This will be presented for discussion to the committee with a decision regarding the continuation of the member on the committee to be decided.
- If a committee member fall below an attendance rate of 50%, this will also be discussed with the member. The attendance of below 50% may result in the committee member being dismissed from the committee due to lack of attendance.

### **20) Election of officers and ordinary committee members**

20.1. Nominations of candidates for the election as officers of BSUCC or as an ordinary member of the committee must be

- made in writing, signed by two members of BSUCC and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination)
- Delivered to the secretary of BSUCC not less than 7 days before the date fixed for the holding of the annual general meeting.

20.2. A candidate may only be nominated for one office, or as an ordinary member of the committee, prior to the annual general meeting.

20.3. If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated shall be deemed to be elected and further nominations may be received at the annual general meeting.

20.4. If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.



20.5. If the number of nominations exceeds the number of vacancies to be filled, a ballot must be held.

20.6. The ballot for the election of officers and ordinary members of the committee must be conducted at the annual general meeting in such manner as the committee may direct.

## 21) Vacancies

21.1. The office of an officer of BSUCC, or an ordinary member of the committee, becomes vacant if the officer or member

- ceases to be a member of BSUCC
- becomes an insolvent under administration within the meaning of the Corporations Law
- Resigns from office by notice in writing given to the secretary.

## 22) Life Membership Criteria (Amendment carried in general meeting minutes 2020-21 Meeting 2)

22.1. If a member were nominated to receive Life Membership of the BSUCC you would have to reach the following criteria.

- 200 senior games (automatic life membership)
- years of continual service with a minimum of 5 years serving on the committee.

22.2. Following the nomination of a member to receive life membership, it is to be presented at a committee meeting to be discussed and voted upon with a 75% majority for the nominated member to be approved.

22.3. Nominations for life membership should be made at the general meeting in January.

22.4. The committee shall consider each nomination individually and ensure that only deserving nominations be awarded life membership as life membership is something to be treasured and not awarded lightly.

22.5. Presentation of life member awards to be made at Senior presentation night



## 23) Funds

23.1. The treasurer of BSUCC must

- collect and receive all monies due to BSUCC and make all payments authorized by BSUCC
- keep correct accounts and books showing the financial affairs of BSUCC with full details of all receipts and expenditure connected with the activities of BSUCC

23.2. All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by 2 members of the committee.

23.3. The funds of BSUCC shall be derived from entrance fees, annual subscriptions, donations and such other sources as the committee determines.

## 24) Notice to members

24.1. Except for the requirement in Rule 11, any notice that is required to be given to a member, by or on behalf of BSUCC, under these rules may be given

- delivering the notice to the member personally
- sending it by prepaid post addressed to the member at that member's address shown in the register of members
- Facsimile or electronic transmissions if the member has requested that the notice be given to him/her in this manner

## 25) Custody and inspection of books and records

25.1. Except as otherwise provided in these Rules, the secretary must keep in his/hers custody or under his/her control all books, documents and securities of BSUCC

25.2. All accounts, books, securities and any other relevant documents of BSUCC must be available for inspection free of charge by any member on request.

25.3. A member may make a copy of any accounts, books, securities and any other relevant document of BSUCC.



Proposed (01.11.2012)

## 25) Liquor Licensing

25.1. BSUCC Executive Committee in holding a liquor licence for members of the BSUCC's enjoyment and convenience have rules and requirements placed against them with respect to the Responsible Service of Alcohol (RSA). As required under terms of holding a liquor licence in accordance with liquor licensing legislation, BSUCC is required as a minimum to ensure the following conditions and requirements are met at all times (This is the minimum at time of writing this constitution suggest the executive committee publish and make BSUCC members aware of any further requirements under future legislation):

- (1) Bar opening/closing times and liquor licensing legislative rules in accordance with the BSUCC's issued licence are to be strictly adhered to, the duty bar person has full authority of the BSUCC's President when enforcing rules governing bar operations.
- (2) The bar is to be only opened for service when a member of BSUCC who has an approved RSA certificate is on-site to oversee bar activities.
- (3) Under provisions in the issuing of the BSUCC's liquor licence only those over the age of 18 years are permitted to consume alcohol on the premises.
- (4) Only members of the BSUCC as recognised within the secretaries records or as an escorted visitor signed in by a member of the BSUCC in the visitor's sign in register are permitted to consume alcohol within the BSUCC's premises.
- (5) As stated previously in rule 5.9 opposition teams including support members and NWMCA officials on game days are deemed to be honorary members of the BSUCC under a reciprocal membership arrangement between sporting clubs within the NWMCA.
- (6) All requirements as mandated on the issued liquor licence for BSUCC are to be adhered to at all times, it is the responsibility of all BSUCC members to help enforce these requirements.
- (7) The club has an approved licensed area, this area is defined by the red line plan displayed within the club's premises; drinks purchased from the club are to be consumed within this designated area. All BSUCC members are responsible for enforcing this requirement.



25.2 BSUCC executive reserves the right to open and close the club's bar, with or without cause and as such empowers duty bar person's who are duly qualified in RSA to work within prescribed rules and standards to best meet the club's responsibility to the members and the wider community, with respect to the consumption of alcohol.

25.3 By promoting a safe, responsible and harmonious environment for all persons who visit the club, BSUCC will attract new members and financial sponsorship.

This will also help improve BSUCC's standing within the local community and its future prospects.

**In the event of the winding up or the cancellation of BSUCC, the assets of BSUCC must be disposed of in accordance with the provision of the Act.**



## Appendix 1

### FORM OF THE APPOINTMENT OF PROXY FOR MEETING OF ASSOCIATION CONVENED UNDER RULE 7.7

I -----  
(Name)

OF-----  
(Address)

Being a member of-----  
(Name of incorporation)

Appoint-----  
(Name of proxy holder)

OF-----  
(Address of proxy holder)

Being a member of that incorporated Association, as my proxy to vote for me on my behalf at the appeal to the general meeting of the association convened under rule 7.7 to be held on

-----  
(Date)

And at any adjournment of that meeting

I authorise my proxy to vote on my behalf at their discretion in respect of the following resolution (insert details of resolution passed under rule 7.1)

-----  
(Signed and date)





## Appendix 2

### FORM OF APPOINTMENT OF PROXY

I-----  
(Name)

Of-----  
(Address)

Being a member of -----  
(Name of incorporated association)

Appoint-----  
(Name of proxy holder)

Of-----  
(Address of proxy holder)

Being a member of that incorporated association, as my proxy to vote for me on my behalf at the annual/special\* general meeting of the association to be held on

-----  
(Date of meeting)

My proxy is authorized to vote in favour of/against\*the following resolution (insert details of resolution).

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(Signed and date)



**BURNSIDE-SPRINGS UNITED CRICKET CLUB. INC. A0051880M**

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