

RINGWOOD and DISTRICT CRICKET ASSOCIATION INCORPORATED



CONSTITUTION

2018/19

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CONSTITUTION

1 FORMATION AND TITLE

The name of the Association is:

RINGWOOD and DISTRICT CRICKET ASSOCIATION Incorporated (RDCA) and its registered office is: 18 CLAREMONT AVENUE, THE BASIN, VICTORIA, 3154.

2 PURPOSES

The purposes of the Association shall be the playing and fostering of cricket, free from any objectionable features, and the better acquaintance and fellowship of the players of the Association.

3(a) MEMBERSHIP

Any club desirous of playing cricket with the Association shall nominate two (2) Delegates to be admitted as Members of the Association.

- 1) A natural person who is nominated and approved for membership as provided in these rules is eligible to be a member of the Association on payment of the entrance fee and annual subscription payable under these rules.
- 2) A person who is not a member of the Association at the time of the incorporation of the Association (or who was such a member at that time and has ceased to be a member) shall not be admitted to membership:
 - a) unless he is nominated as provided in sub-clause (3); and
 - b) his admission as a member is approved by the General Committee.
- 3) A nomination of a person for membership of the Association:
 - a) shall be made in writing in accordance with the prescribed form; and
 - b) shall be lodged with the Administration Manager/Secretary of the Association.
- 4) As soon as is practicable after the receipt of a nomination, the Administration Manager / Secretary shall refer the nomination to the Board of Management.
- 5) Upon a nomination being referred to the Board of Management, the Board of Management shall determine whether to approve or to reject the nomination.
- 6) Upon a nomination being approved by the Board of Management, the Administration Manager/Secretary shall notify the nominee in writing that he is approved for membership of the Association and request payment within the period of 28 days after receipt of the notification of the sum payable under these rules as the entrance fee and the first year's annual subscription.
- 7) The Administration Manager/Secretary shall, upon payment of the amounts referred to in sub-clause (6) within the period referred to in that subclause, enter the nominee's name in the Register of Members kept by him and, upon the name being so entered, the nominee becomes a member of the Association.
- 8) A right, privilege, or obligation of a person by reason of his membership of the Association:
 - a) is not capable of being transferred or transmitted to another person;
 - b) terminates upon the cessation of his membership either by death or resignation or otherwise.

3(b) LIFE MEMBERS

On the recommendation of the Board of Management defined in the rules of the Association, the Association may elect as an Honorary Life Member any person who has rendered special service to the Association and the game, provided that no Life Member shall be elected except on a resolution carried by at least three-fourths majority of those present at the Annual General Meeting. Life Members shall have all the rights and privileges of Members of the Association. Clubs may nominate any person for a Life Membership but such nomination must be lodged with the Board of Management prior to the 1st of July in any year.

4 DISCIPLINE, SUSPENSION AND EXPULSION OF MEMBERS

- 1) Subject to these Rules, if the General Committee (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 prejudicial to the interests of the Association, the committee may by resolution--
 - a) fine that member an amount not exceeding \$500.00; or
 - b) suspend that member from membership of the Association for a specified period; or
 - c) expel that member from the Association
- 2) A resolution of the committee under sub-rule (1) does not take effect unless--
 - a) at a meeting held in accordance with sub-rule (3), the committee confirms the resolution; and
 - b) if the member exercises a right of appeal to the Association under this rule, the Association confirms the resolution in accordance with this rule.
- 3) A meeting of the committee to confirm or revoke a resolution passed under sub-rule (1) must be held not earlier than 14 days, and not later than 28 days, after notice has been given to the member in accordance with sub-rule (4).
- 4) For the purposes of giving notice in accordance with sub-rule (3), the Administration Manager/Secretary must, as soon as practicable, cause to be given to the member a written notice--
 - a) setting out the resolution of the committee and the grounds on which it is based; and
 - b) stating that the member, or his or her representative, may address the committee at a meeting to be held not earlier than 14 days and not later than 28 days after the notice has been given to that member; and
 - c) stating the date, place and time of that meeting; and
 - d) informing the member that he or she may do one or both of the following--
 - 1) attend that meeting;
 - 2) give to the committee before the date of that meeting a written statement seeking the revocation of the resolution
 - e) informing the member that, if at that meeting, the committee confirms the resolution, he or she may, not later than 48 hours after that meeting, give the Administration Manager/Secretary a notice to the effect that he or she wishes to appeal to the Association in general meeting against the resolution.

- 5) At a meeting of the committee to confirm or revoke a resolution passed under subrule (1), the committee must-
 - a) give the member, or his or her representative, an opportunity to be heard; and
 - b) give due consideration to any written statement submitted by the member; and
 - c) determine by resolution whether to confirm or to revoke the resolution.
- 6) If at the meeting of the committee, the committee confirms the resolution, the member may, not later than 48 hours after that meeting, give the Administration Manager/Secretary a notice to the effect that he or she wishes to appeal to the Association in general meeting against the resolution.
- 7) If the Administration Manager/Secretary receives a notice under sub-rule (6), he or she must notify the committee and the committee must convene a general meeting of the Association to be held within 21 days after the date on which the Administration Manager/Secretary received the notice.
- 8) At a general meeting of the Association convened under sub-rule (7):
 - a) no business other than the question of the appeal may be conducted; and
 - b) the committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution; and
 - c) the member, or his or her representative, must be given an opportunity to be heard; and
 - d) the members present must vote by secret ballot on the question whether the resolution should be confirmed or revoked.
- 9) A resolution is confirmed if, at the general meeting, not less than two-thirds of the members' vote in person, or by proxy, in favour of the resolution. In any other case, the resolution is revoked.

5 DISPUTES AND MEDIATION

- 1) The grievance procedure set out in this rule applies to disputes under these Rules between-
 - a) a member and another member; or
 - b) a member and the Association; or
 - c) a member and the committee.
- 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 of the parties.
- 3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator
- 4) The mediator must be-
 - a) a person chosen by agreement between the parties; or
 - b) in the absence of agreement-
 - i) in the case of a dispute between a member and another member, a person appointed by the committee of the Association; or

- ii) in the case of a dispute between a member and the Association, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).
- 5) A member of the Association can be a mediator.
- 6) The mediator cannot be a member who is a party to the dispute or have an association with any Club or person involved in the dispute.
- 7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- 8) The mediator, in conducting the mediation, must--
 - a) give the parties to the mediation process every opportunity to be heard; and
 - b) allow due consideration by all parties of any written statement submitted by any party; and
 - c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- 9) The mediator must not determine the dispute.
- 10) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Associations Incorporation Reform Act 2012 or otherwise at law.

6 SUBSCRIPTIONS

- a) Entrance fees and annual subscriptions shall be as the Board of Management decides and are payable according to the rules of the Association.
- b) The Administration Manager/Secretary shall keep and maintain a Register of Members in which shall be entered the full name, address and date of entry of the name of each member and the Register shall be available for inspection by members at the address of the Administration Manager/Secretary.
- c) The funds of the Association shall be derived from entrance fees, annual subscriptions, donations and such other sources as the Board of Management determines.

7 ANNUAL GENERAL MEETING

The Annual General Meeting of the Association shall be convened and held as provided in the rules of the Association. There shall be presented at such Meeting the Annual Report and Audited Annual Financial Statements.

8 ATTENDANCE AND VOTING AT ANNUAL GENERAL MEETING

Every club desirous of playing cricket with the Association shall be entitled to be represented by two (2) Members, (one of whom shall be the Secretary of that club) at the Annual General Meeting. Members, Life Members and the Office Bearers of the Association as well as two (2) Members from the Ringwood and District Cricket Umpires Association, shall be admitted to such meeting and be represented by observers in addition to members, but such observers shall not be entitled to speak to any motion or to vote thereon.

9 ALTERATIONS OR AMENDMENTS

No alteration or amendment of the Constitution of the Association shall be made except as provided in Rule 16.

10 WINDING UP OF ASSOCIATION

In the event of the winding up of the Association, the assets of the Association shall be disposed of in accordance with the provisions of the Associations Incorporation Reform Act 2012.

11 OTHER RULES TO APPLY

Except where inconsistent with the foregoing, all matches shall be played under the Laws of Cricket as adopted by Cricket Victoria. Subject to the foregoing rules, the Constitution, rules and By-Laws of Cricket Victoria shall apply to the Association. (See Rule 81).

12 ANNUAL GENERAL MEETING

- a) The **ANNUAL GENERAL MEETING** of the Association shall be held in the month of August, but no later than the 21st day of the month in each year.
- b) All clubs must hold their Annual General Meeting no later than the 31st of July each year.

The Annual Report and Financial Statements shall be given to all Office Bearers, Life Members and clubs which comprised the Association during the previous season.

13 ELECTION OF OFFICE BEARERS

At the Annual General Meeting there shall be elected the Office Bearers of the Association for the ensuing year. Nominations for all positions must be submitted to the Administration Manager/Secretary, on the forms supplied by the Association, by the first Friday in August each year and must include the names and signatures of proposer, seconder and accepting nominee.

Should more than one nomination for any position be received, an election for that position will be held at the Annual General Meeting.

Should no previous nominations be received for a particular position, nominations will be accepted on the night of the Annual General Meeting.

Election shall be by simple majority. Should a Member be elected an Office Bearer or Life Member, then his club may appoint another Member in his stead.

In the event of a casual vacancy in any office referred to in this section, 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 the appointment.

14 PATRONS

Patrons may be elected by the Association at the Annual General Meeting of the Association. Persons to be nominated and seconded by two separate member clubs and be lodged with the Administration Manager/Secretary prior to 31st July in any year.

15 INTERPRETATION OF RULES

If any question arises which is not specifically provided for in these rules, or if any question arises as to the interpretation of any rule, the opinion of the Board of Management shall be taken and acted upon, and its decision shall be final.

16 ALTERATIONS AND AMENDMENTS TO RDCA RULES

The Board of Management shall be empowered to alter and amend rules of the Association in accordance with the procedure shown in Rules 17 and 18.

17(a) PROCEDURES FOR SUBMISSION (SENIOR SECTION)

- 1) Formal submissions may be made to the Senior Committee by any Office Bearer, Life Member or affiliated club and must include:
 - Full text of amended rules.
 - Précis of proposed changes and reasons for same.
 - Explanation as to effect of proposed change.
 - Cross reference to any other rules influenced by proposed change.
 - Full names/addresses of proposer/seconded.
 - Any rule amendment proposed by an affiliated club must be seconded by another affiliated club.
- 2) The Senior Committee will decide whether such proposals are to proceed. Should the Senior Committee decide against proceeding, reasons for such decision are to be advised in writing to proposer/seconded.

17(b) PROCEDURES FOR ADOPTION (SENIOR SECTION)

- 1) Upon deciding that Proposals should proceed, details as described in Rule 17(a) (1) will be forwarded in writing to all Office Bearers, Life Members and affiliated clubs who will be given 21 days to respond by indicating agreement or otherwise on an appropriate form to be included with the proposal.
- 2) Lack of response by a club will be construed as an abstention to the proposal(s). Failure to return the appropriate form by the nominated date shall incur a fine as gazetted annually by the Senior Committee.
- 3) Amended rules will be advised to Annual General Meeting of the Association.
- 4) Unless special circumstances prevail (as considered appropriate by the Board of Management or Senior Committee no rule amendments will be considered after the Annual General Meeting each year.

18 SPECIAL AMENDMENTS

Departure from Rule 17(b) (3) and (4) will be considered by the Board of Management if submission of alteration is received in terms of Rule 17(a) (1) and clearly demonstrates that failure to take immediate action will adversely influence the conduct of Association Affairs.

GENERAL COMMITTEE

19 GOVERNING BODY-MANAGEMENT

After the Annual General Meeting, the affairs of the Association shall be managed and controlled by a governing body, to be called the General Committee, which shall consist of the Office Bearers and Life Members of the Association, and two (2) Members representing each club, one of whom shall be the Secretary, desirous of playing cricket with the Association, also two (2) Members from the Umpires Association.

20 CERTIFICATION OF MEMBERS

The names, addresses and signatures of the two (2) Members appointed to represent each club and Umpires, duly certified by the Secretary of the Club, shall be lodged with the Administration Manager/Secretary prior to the Annual General Meeting and no Delegate shall be admitted to any Meeting of the General Committee until this rule has been complied with.

21 REPRESENTATIVES OF LOCAL PREMIER OR SUB-DISTRICT CLUB

Unless the General Committee at any time, otherwise determine, a representative of any local Premier or Sub-District Club may be admitted to a Meeting of the General Committee but with no voting rights.

22 NOTICE OF GENERAL MEETINGS

- 1) The General Committee shall, unless otherwise arranged, meet at least three (3) times annually, to transact business.
- 2) The Administration Manager/Secretary of the Association, at least 14 days, or if a special resolution has been proposed at least 21 days, before the date fixed for holding a general meeting of the Association, must cause to be sent to each member of the Association, a notice stating the place, date and time of the meeting and the nature of the business to be conducted at the meeting.
- 3) Notice may be sent--
 - a) by prepaid post to the address appearing in the register of members; or
 - b) if the member requests, by facsimile transmission or electronic transmission.
- 4) No business other than that set out in the notice convening the meeting may be conducted at the meeting.

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

23 SPECIAL MEETING

A Special Meeting of the General Committee shall be convened by the Administration Manager/Secretary:

- a) On the instruction and by direction of the Board of Management.
- b) On receipt of a written request, signed by one (1) member from a simple majority of clubs specifying the matters to be brought before such Meeting.
- c) Notice of any Special meeting of the General Committee shall be given in accordance with Rule 22 b).

24 DURATION OF MEETINGS

All Meetings of the General Committee shall commence no later than 8:00pm and shall terminate not later than 10:30pm, unless a resolution granting an extension of time be carried by at least two-thirds of those present at such Meeting.

25 VOTING

Eligibility to vote at meetings of the General Committee will be as defined in Rule 8 of the Constitution.

All resolutions shall be decided, by three quarters majority, on the voices or by a show of hands, but any three Members may demand a ballot. The Administration Manager/Secretary and Office Bearers of the Association shall be ex-officio members of all meetings of the General Committee and shall be entitled to one vote each unless they are also nominated as a Club Member, in which case they shall have only the one vote as a Member.

In the event of the voting on any question being equal, the Chairman shall exercise his casting vote in addition to his deliberate vote.

26 PROXIES

Should any member be unable to attend a meeting of the General Committee, the member may appoint, in accordance with the prescribed form of appointment of proxy, some other person as proxy to attend in his place and such person shall, provided that his proxy is in order and is handed to the Chairman immediately on his arrival at the meeting, be entitled to vote, and to all rights of a member at such meeting.

27 MEMBERS UNDERTAKING

Any undertaking given by a member at the Annual General Meeting or at any meeting of the General Committee shall be binding on and enforceable against the club which he represents.

28 QUORUM

A quorum for meetings shall consist of:

General committee: members representing the majority of Clubs.

Board of Management: four (4) members of Board.

Established committees: simple majority of committee members.

Business shall not be proceeded with unless such a quorum is present.

29 ATTENDANCE

- a) A club failing to be represented at any meeting of the General Committee shall be fined an amount of \$30.00. If not represented at two (2) consecutive meetings of the General Committee shall be liable to a further fine of \$20.00 and/or suspension or disqualification as may be decided by the Board of Management. On arrival at each meeting of the General Committee, Members shall sign an attendance book.
- b) The Members of a club ceasing to be, in the opinion of the Board of Management, a playing club, shall not be entitled to vote at the Annual General Meeting or any General Committee meetings and shall, subject to the provisions of Rule 58, forfeit the guarantee deposited with the Association in accordance with that rule.

Affiliated clubs must support RDCA social functions. Each club must have the equivalent of at least one person (excluding RDCA Representatives) per senior team to attend each function and failure to do so will incur a fine equivalent to the cost of an additional ticket per senior team and an additional \$50.00 fine per team. The annual subscription shall include a \$100.00 levy to cover the cost of these tickets.

30 PROCEDURE AND STANDING ORDERS

At all Meetings of the Association, the President shall take the Chair. In the absence of the President, the Chairman shall be elected by the meeting.

31 COMPOSITION & POWERS OF BOARD OF MANAGEMENT

Chairman (President of the Association)

Administration Manager/Secretary

Senior Committee Chairman

Finance Manager

Veteran's Association Representative

Junior Association Representative

In addition to any other powers conferred on it by the rules of the Association, the General Committee and/or the Board of Management shall have power to:

- a) Appoint a person duly qualified under the rules of the Association to fill any vacant office;
- b) Refer any particular matter to the Board of Management or the Administration Manager/Secretary for report and/or for decision;
- c) Confirm the Annual Budget.

32 OFFICE BEARERS

The Office Bearers of the Board of Management shall consist of the President of the Association, Senior Committee Chairman, Administration Manager/Secretary, Finance Manager, Junior Association Representative and Veterans Association Representative, elected at the Annual General Meeting.

Any person shall be eligible for election as an Office Bearer, however no more than two (2) members of any one affiliated club shall be appointed to the Board of Management.

The Office Bearers of the Senior Committee shall be the Chairman, Secretary and Registration Secretary with the latter two also being elected at the Annual General Meeting.

33 REMOVALS

Any Office Bearers may be removed from office for neglect of duty or misconduct, provided that he shall only be removed on a resolution passed by a majority of Members of the Board of Management present at a Special Meeting, called specially to deal with the matter, and provided further that such resolution be confirmed at the next ordinary meeting of the General Committee.

34 DUTIES OF ADMINISTRATION MANAGER/SECRETARY

The Administration Manager/Secretary shall keep minutes of all resolutions and proceedings at each General Meeting and each Board of Management Meeting in the books provided for that purpose, together with a record of the names of persons present at General Meetings. He will also conduct the correspondence of the Association and carry out other duties as determined by the Board of Management.

- a) i) The Common Seal of the Association shall be kept in the custody of the Administration Manager/Secretary appointed in accordance with the provisions of the Associations Incorporation Reform Act 2012.
- ii) The Common Seal shall not be affixed to any instrument except by authority of the Board of Management and the affixing of the Common Seal shall be attested by the signatures either of two members of the Board of Management or of one member of the Board of Management and of the Administration Manager/Secretary of the Association.

Except as otherwise provided in these rules, the Administration Manager/Secretary shall keep in his custody or under his control all books, documents and securities of the Association. Inspection of said books, documents and securities to be made available to members of the Association within fourteen (14) days of receipt of a written request, signed by twelve (12) members of the Association.

34(i) DUTIES OF SENIOR COMMITTEE SECRETARY

- a) Coordinate and manage the playing conditions and operations of the Senior grades of the RDCA,
- b) Coordinate and supervise the activities of the Umpires panel,
- c) Coordinate and manage inter association playing conditions and arrangements. Submit recommendations for rule changes to the Administration Manager/Secretary,
- d) Submit an annual budget detailing anticipated operations expenditure to the Finance Manager.,
- e) Arrange for Senior Committee meetings to be minuted and distributed to Board of Management members,
- f) Other duties as determined by the Board of Management and / or Senior Committee,
- g) Coordinate, or delegate coordination, of all Tribunal and Appeals Tribunal hearings.

Act as the primary club contact person for all day to day matters emanating from the playing of matches within the senior competition.

35 DUTIES OF FINANCE MANAGER

The Finance Manager shall receive all monies on behalf of the Association and lodge these monies to the credit of the Association in a Bank Account at such Bank as the General Committee may determine. The Finance Manager shall keep a full and correct account of the Income, Expenditure and Assets of the Association, and present to each meeting of the General Committee and the Board of Management, an up to date statement of Income and Expenditure.

The Finance Manager shall:

- a) present properly audited financial statements relating to the past year's activities and render final accounts to all affiliated clubs within 28 days of the end of each season,
- b) ensure all cheques and orders drawn on banking accounts of the Association are signed by any two of the Chairman of the Board of Management, the Administration Manager/Secretary and the Finance Manager,
- c) ensure that no appropriation is made to or from any reserve fund of the Association except on a resolution carried by at least three-fourths of those present at a special meeting of the General Committee called for that purpose,
- d) render final accounts to clubs 14 days prior to the end of each financial year,

- e) carry out other duties as determined by the Board of Management as considered and / or requested.

36 FINANCIAL YEAR

The financial year of the Association shall end on the 31st day of May in each year.

37 OUTSTANDING ACCOUNTS

Clubs shall pay all monies due and payable to the Association within 28 days of the date of submission of monthly accounts. Failure to do so will incur a fine of \$30.00. Where applicable, accounts will include advice of this penalty.

A club cannot play and its members cannot vote at meetings until it pays all accounts rendered in the previous season. A player from a club, which disbands or ceases to be a member, cannot play with another club until all accounts are settled.

Advice of clubs disbanding and/or ceasing to be a member will be provided to the Victorian Metropolitan Cricket Union.

38 DUTIES OF AUDITOR

An Auditor appointed by the Association shall audit the books and the Annual Financial Statements of the Association, require the Finance Manager to produce proper and complete vouchers and receipts for all entries in the books of the Association and make a report to the Annual General Meeting.

39 REPORTS

All elected committees, and any sub-committees appointed in accordance with Rule 43(i) b), shall submit reports/ minutes, in writing, to the Board of Management through their parent committee.

40 CHAIRMAN OF BOARD OF MANAGEMENT / COMMITTEES / SUBCOMMITTEES

The President of the RDCA shall be the Chairman of the Board of Management.

The Board of Management will be responsible to ensure that the purposes of the RDCA are met.

Chairman of any Sub Committee shall be ratified by the Board of Management and will be responsible for ensuring that the purposes of the RDCA are met.

The Chairman of the Board of Management and any Committee shall have a casting vote as well as a deliberative vote. In the absence of the Chairman, the meeting shall elect a Chairman.

41 MEETINGS

The Board of Management shall meet at least 4 times per year unless it otherwise determines and shall be convened by the Administration Manager/Secretary.

42 ABSENCE OF MEMBERS

Any member absenting himself without leave from two consecutive meetings of the Board of Management or from any committee shall forfeit his seat.

43(i) POWERS AND DUTIES OF BOARD OF MANAGEMENT

The Board of Management shall have the following powers and duties:

- a) To exercise general oversight over the operations of any committee of the Association.
- b) To appoint Committees as required, appoint a Chairman and establish the staffing and duties of these committees.
- c) To deal with any business or matter referred to it by the General Committee.
- d) To appoint Investigation Officer, Tribunal members and Appeals Tribunal members and to refer, to the Investigation Officer or Tribunal or Appeals Tribunal, any matter it deems fit.
- e) To deal with urgent business which may arise between meetings of the General Committee, subject to report to the next meeting of that Committee.
- f) To deal with any matter which the rules place within its jurisdiction. Any club dissatisfied with any decision or ruling of the Board of Management may have the matter referred to the Appeals Tribunal, subject to compliance with rule 49 c). An aggrieved party (player or Club Secretary on behalf of player) may lodge a further appeal through the Administration Manager/Secretary to the VMCU in accordance with the rules of that body.
- g) To levy additional fines, suspend and/or disqualify clubs if directives of the Board of Management are not complied with.
- h) Where necessary, a Board of Management member who is in attendance, in an "ExOfficio" capacity, at any RDCA Committee meeting, may be included to make up a quorum and in so doing that person would have the authority to exercise normal voting rights.

43(ii) POWERS AND DUTIES OF THE SENIOR COMMITTEE

- a) to exercise general oversight of the operations of the Senior competition.
- b) to ratify the number of playing Grades of the Association and grade teams in accordance with the Rules of the Association.
- c) to alter or vary times of starting and hours of play, days, and grounds at any time should the necessity arise.
- d) to exercise general oversight of the operations of the RDCA Umpires Association.
- e) to refer to the Investigation Officer or Tribunal or Appeals Tribunal any matter it deems fit.
- f) to deal with any matter which the Rules place within its jurisdiction.
- g) to levy additional fines, suspend or disqualify clubs, as any matter necessitates.
- h) To announce the fixtures at the Annual General Meeting of the Association in each year. Any protest against the fixtures must be received in writing by the Senior Committee not later than 7 days subsequent to the Annual General Meeting. Such protest to be dealt with by the Senior Committee and resolved not later than the September General Meeting of the Association.

44 INVESTIGATION INTO PROTESTS, CHARGES AND REPORTS

Note: Where the word 'Relevant' immediately precedes 'Committee' in Rules 44 – 51 it is to be replaced by the appropriate section of the RDCA being one of Senior, Junior or Veterans.

a) Constitution of the Tribunal

- i) The Tribunal will be appointed to consider protests, charges and reports received in terms of Rule 45
- ii) The Tribunal shall consist of a panel of three (3) people, two (2) to be selected from the approved group of nominated club members plus a chairperson appointed by the Board of Management.
- iii) RDCA President shall have the power to appoint an alternate if the Chairman is un-available or ineligible.
- iv) No person who has a perceived conflict of interest shall sit as a member of the Tribunal
- v) Each club shall nominate at least 1 responsible person, when submitting list of Office bearers, who may be appointed as a member of the tribunal.

b) Constitution of the Appeals Tribunal

- i) An independent Appeals Tribunal Panel shall be elected by the Board of Management to deal with any matters lodged
- ii) The Appeals Tribunal shall consist of a Chairman and a minimum of two (2) additional members.
- iii) The Chairman shall always be independent of the Association.
- iv) No member who has a perceived conflict of interest shall sit as a member of the appeals panel.

c) Powers of Investigation Officer

- i) A Protest, Charge or Report, lodged in terms of Rule 45, may be referred by the Relevant Committee Chair and/or his nominee, to the Investigation Officer, for further enquiry.
- ii) On the same day, the Relevant Committee Secretary, upon referral of the matter to the Investigation Officer, will take all reasonable steps to advise the course of action being taken to all persons/clubs involved.
- iii) The Investigation Officer shall, as soon as possible, and where practicable no later than 7 days after the referral date, submit a report to the Relevant Committee Chair and/or his nominee via the Relevant Committee Secretary.
- iv) The Investigation Officer shall summarise the findings and submit a report to the referring body containing recommendations.
- v) If the Investigation Officer's report recommends laying a charge, the Relevant Committee Chair and/or his Nominee, may elect after reviewing the recommendation, to refer the matter to the Tribunal in terms of Rule 47 or offer the person charged the alternative of accepting or rejecting an appropriate penalty within the guidelines set out in Rule 79 f). If the person charged declines to accept the penalty the matter will be referred by the Relevant Committee Chair and/or his Nominee to the Tribunal.

- vi) Where a club or player is found guilty of a charge, or accept a penalty as a result of the investigation then the cost of the investigation officers' services will be borne by the relevant club or clubs in the form of a fine.

45 PROTESTS, CHARGES AND REPORTS

- a) A protest, charge or report may be lodged by any member of the RDCA Umpires Panel, an affiliated Club (on behalf of Club members) or a member of any RDCA Committee, including the Board of Management.
- b) Every protest, charge or report made against a result, club, team, delegate, player, office-bearer, umpire or member of any club for improper conduct or misbehaviour shall be forwarded to the Relevant Committee Secretary and may be referred by the Relevant Committee Chair and/or his nominee to the Investigation Officer and/or Tribunal.
- c) Other than as detailed in item (d) below, no such protest, charge or report shall be entertained unless lodged with the Relevant Committee Secretary (in writing) within 24 hours following the last day of the match giving rise to the protest, charge or report.
- d) If the protest, charge or report does not arise out of a match, then the incident giving rise to the protest, charge or report can be lodged within five (5) days of the incident. – subject to Rule 46.

46 MATTERS REFERRED FOR INVESTIGATION

The Tribunal and/or Investigation Officer shall hear and/or investigate any matter referred by the Relevant Committee or Board of Management and submit a report to the Relevant Committee and / or the Board of Management in due course.

47 TRIBUNAL HEARINGS

The Relevant Committee Secretary shall:

- a) Forward a statement of any protest, charge or report to be heard by the Tribunal to the persons, club or teams concerned.
- b) Appoint a time, date and place for the hearing of the protest, charge or report (to be held unless otherwise advised, on Wednesday of the week following the completion of the match in which the protest, charge or report was made); notify the members of the Tribunal, summon all necessary parties including any informant, person, club or team concerned together with any necessary witnesses to attend.
- c) In all cases, individual(s) appearing before the Tribunal must be accompanied by a Club Representative.
- d) Full particulars of the procedure to be observed by the Tribunal relating to the hearing of every charge, report or protest is shown in clause 50(a) of the Constitution.
- e) If any person summoned to a tribunal hearing is unable to attend that hearing for whatever reason, then that person must notify the Relevant Committee Secretary in writing at least 48 hours before the time appointed and provide the reason for not attending.
- f) The Relevant Committee Secretary shall have the power to adjourn any tribunal hearing to any date and time to be fixed if they consider it is in the best interest of the Association to do so.

- g) Any player seeking a deferral of a tribunal hearing due to the unavailability of that player to appear before the tribunal is ineligible to play in any grade until the matter is heard by the Tribunal.

48 DECISION ON PROTEST, CHARGE OR REPORT

- a) The Tribunal and/or Appeals Tribunal may impose such penalty by way of disqualification, suspension, fine or otherwise, as it may think fit and not necessarily in accordance with the relevant section penalties schedule. (Suspension terms to be aligned with fixture schedule and encompass complete games).
- b) Suspensions handed out by any section of the Association will apply across all sections of the competition.

49 REPORT ON DECISIONS OF HEARING OF PROTESTS, CHARGES OR REPORTS

- a) The Tribunal shall announce its decision at the conclusion of the hearing.
- b) The Tribunal shall report its decision in writing as early as possible to the Relevant Committee, through the Relevant Committee Secretary, which shall notify the persons or clubs concerned of the decision and report details of the protest, charge or report and the decision, in most appropriate manner, to members of the Association.
- c) Within 14 days of the original hearing an aggrieved party (player or Club Secretary on behalf of player) shall have the right to appeal to Appeals Tribunal, should they be able to demonstrate that:
 - i) Appropriate Rules and / or procedures were not followed by the Tribunal, and/or
 - ii) Decision was based on erroneous or previously unavailable evidence, and/or
 - iii) Penalty handed down is considered to be too severe, and/or
 - iv) here has been a denial of natural justice.
- d) Any suspensions or penalties shall be advised to VMCU for information and dissemination to VMCU affiliated Associations.
- e) An aggrieved party may lodge a further appeal through the Relevant Committee to the VMCU in accordance with the rules of that body.

50(a) TRIBUNAL PROCEDURE

- a) The Chairman shall impress on all principals and witnesses the necessity of observing the following condition: "Any person or persons giving evidence of an untruthful nature to the Tribunal shall, in the case of any player concerned, be disqualified from taking part in any match for such time as the Tribunal shall decide and in the case of any other person shall, on a report to the Relevant Committee by the Tribunal, be dealt with as that body may deem fit".
 - i) The Chairman shall have the right to call any witnesses as deemed fit.
 - ii) The Chairman shall have the right to consider any supplementary reports and / or information that are considered relevant to the hearing, but at all times subject to such reports and / or information being made available to all parties prior to the hearing in a timely manner.
- b) The Relevant Committee Secretary or hearing Convenor shall read the report. The reported person shall then be asked if the charge is admitted to or denied.

- c) Should the reported person plead **GUILTY** to the charge, the following procedure must be adopted:
 - i) The informant will give particulars of the incident reported.
 - ii) The reported person will have the right to clarify any point in the evidence provided by the informant.
 - iii) The reported person shall be allowed to make a statement if so desired.
 - iv) The informant shall have the right to clarify any point in the evidence of the reported person.
 - v) All persons shall then retire and the Tribunal Panel will arrive at a decision.
- d) Should the reported person plead **NOT GUILTY** to the charge, the following procedure must be adopted:
 - i) The informant will give particulars of the incident reported.
 - ii) The informant shall have the right to call any witnesses in support of their report.
 - iii) The reported person shall have the right to question the informant and/or the witnesses.
 - iv) The reported person may make a statement and shall have the right to call witnesses in support of their statement.
 - v) The informant shall have the right to question the reported person and all witnesses.
 - vi) At the conclusion, all persons shall retire and the Tribunal Panel shall arrive at a decision.
- e) The decision shall be announced in the presence of the informant and the reported person.
- f) A witness may not leave the room after having given evidence until the conclusion of the hearing of all evidence. A witness may not ask a question or interrupt proceedings at any time.
- g) If during the consideration of the evidence, the Tribunal Panel desires to recall any witness, such witness shall be questioned in the presence of the informant and the reported person.
- h) All disqualifications imposed shall commence from and include the first competition match commencing after the hearing and played by the team of which the reported person was a member at the time that the report or charge was made.
- i) No person shall be represented by a legal practitioner at any hearing without the consent of the chairperson. An advocate may act on behalf of the reported player to determine the facts from the player or players before the Tribunal is assembled and to advise the best way to conduct or present the case. The advocate may cross-examine the informant, reported person or any witness.
- j) Any parties summoned to attend under Rule 47 b) who do not attend a Tribunal hearing after being notified in writing by the Relevant Committee Secretary or hearing Convener, shall be dealt with as shown in paragraph a) above. In the event of a player under the age of 16 years appearing before the Tribunal, a player's advocate may address the Tribunal on the player's behalf and with the Chairman's permission they may question witnesses.

50(b) APPEALS TRIBUNAL - PROCEDURE

- a) Upon the right to appeal being granted under Rule 49 c), the Relevant Committee Secretary shall notify the appellant and the other party to the original protest, report or charge, in writing of the granting of the right to appeal. The aggrieved party/appellant must within 7 days of receiving notice that the right to appeal has been granted, lodge with the Relevant Committee Secretary, in writing:
 - i) a summary of the arguments to be put before the Appeals Tribunal as to why the appeal should be granted, and
 - ii) a list of witnesses he or she intends to call at the appeal.
- b) All notices given under this Rule shall in the case of a player be given to the player at his address as registered with the RDCA or to his club secretary and in the case of the other party to that party at his last known address.
- c) The Relevant Committee Secretary shall appoint a time and venue for the hearing of the appeal and notify the parties in writing of same in the manner set out in Rule 47 b) above.
- d)
 - i) The Chairman shall impress on all attendees the necessity of observing the following condition: "Any person or persons giving evidence of an untruthful nature to the Appeals Tribunal shall, in the case of any player concerned, be disqualified from taking part in any match for such time as the Appeals Tribunal shall decide and in the case of any other person shall, on a report to the Relevant Committee by the Appeals Tribunal, be dealt with as that body may deem fit".
 - ii) The Chairman shall have the right to call any witness as deemed fit.
- e) The Relevant Committee Secretary or hearing Convener shall read the appeal grounds.
- f) No person shall be represented by a legal practitioner at any hearing without the consent of the chairperson. An advocate may act on behalf of the reported player to determine the facts from the player or players before the Appeals Tribunal is assembled and to advise the best way to conduct or present the case. The advocate may cross-examine the informant, reported person or any witness.
- g) No party may leave the room after having given evidence until the conclusion of the hearing of all evidence. A witness may not ask a question or interrupt proceedings at any time.
- h) If during the consideration of the evidence the Appeals Tribunal panel desires to recall any witness, such witness shall be questioned in the presence of the appellant.
- i) The decision shall be announced in the presence of the appellant.
- j) All disqualifications imposed shall commence from and include the first competition match commencing after the hearing and played by the team of which the reported person was a member at the time that the report or charge was made. In the event of a player under the age of 16 years appearing before the Appeals Tribunal, a player's advocate may address the Appeals Tribunal on the player's behalf and with the chairman's permission they may question witnesses.
- k) The chairman shall have the right to declare any appeal as being an abuse of the appeals process and should there be such a declaration made, a fine of \$100.00 shall be payable by the club representing the player on appeal.

51 MEMBER VACATING SEAT

Any member of the Tribunal, Appeals Tribunal, Board of Management, or Relevant Committee as the case may be, whose club is directly affected by a charge, report or protest, must vacate his seat on the hearing of the same.

52 BY-LAWS

The Board of Management shall have power, to make by-laws not inconsistent with the rules of the Association. At least seven (7) days notice, in writing, of a proposed by-law must be given to each club and any by-laws so made shall be binding on all office-bearers, clubs, teams, members, umpires and players and be ratified at the next General Meeting.

53 CLUBS BOUND BY RULES AND DECISIONS

All clubs comprising the Ringwood & District Cricket Association Incorporated shall be bound to conform to the rules and decisions of the Association.

54 PREVIOUS RULES CANCELLED

All previous rules and Regulations of the Ringwood & District Cricket Association Incorporated are hereby cancelled and these rules shall operate forthwith.

55 DIRECTION

If any direction of the Association has not been complied with, within the specified time therefore, the Board of Management is empowered to take such action as it deems fit. Any breach of the rules is liable to a fine and/or penalty to be determined by the Board of Management, including the loss of match points and/or bonus points.

56 CLUBS COMPRISING THE ASSOCIATION

The clubs which shall comprise the Association during the ensuing season shall be determined at the Annual General Meeting or at a Special General Meeting, provided that the Board of Management may thereafter admit clubs on conditions that the Committee prescribes.

57 ANNUAL SUBSCRIPTIONS AND FEES

Each club shall, in each year, pay to the Finance Manager of the Association, the annual subscription for each team, as determined by the Annual General Meeting together with any other fees and charges levied in accordance with any directive issued by the Board of Management.

58 GUARANTEE

Applicants for admittance to play cricket with the Association shall upon admittance, furnish the Finance Manager with a guarantee of \$100.00. In the opinion of the Board of Management, any club failing:

- a) To carry out the rules, regulations or resolutions of the Association;
- b) To play a scheduled match, unless excused by the Board of Management for a reason satisfactory to that Committee and unless such reason is communicated, in writing, to the Administration Manager/Secretary prior to 7:00pm on the Tuesday prior to the scheduled commencement of the match, may forfeit the guarantee. In the event of a club wishing to continue after forfeiting its guarantee, such club may, after making good

its default, with the consent of the Board of Management, pay to the Finance Manager a further guarantee of \$100.00 on or before the Tuesday prior to the commencement of the next match. Should the club not deposit the further guarantee such club shall be disqualified and debarred from taking further part in the competition. Disqualification shall also apply to the individual members of such clubs and such members shall be debarred from participating in Association Trophy Awards.

59 GUARANTEE FUNDS

All guarantee funds will be lodged in a separate bank account. Such monies will be retained during the period which the club concerned desires to play cricket with the Association and will be refunded in full upon the termination of this desire and the payment to the Association of all monies outstanding.

60 DEFAULT IN PAYMENT

A club in default at the 31 October in each year, by reason of the non-payment of all fees, charges or levies prescribed by these rules shall incur a fine, and/or penalty which shall be determined by the Board of Management.

Members please note that in accordance with Section 48(3) of the Association Incorporations Reform Act 2012, Model Rule number 75 is deemed to be included in the RDCA Constitution Rules.

Schedule 1 – Matter 13

Provision for members to have access to, and be able to obtain copies of, the records, securities and other relevant documents of the incorporated association.

Model Rule 75(2) – Custody of inspection of books and records

The Committee may refuse to permit a member to inspect records of the Association that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the Association.

Model Rule 75(3) – Custody of inspection of books and records

The Committee must on request make copies of these rules available to members and applicants for membership free of charge.

Schedule 1 – Matter 15

Provision for members to have access to, and to be able to obtain copies of, minutes of general meetings, including financial statements submitted at general meetings.

Model Rule 75 – Custody of inspection of books and records

- (1) Members may on request inspect free of charge –
 - a) the register of members;
 - b) the minutes of general meetings;
 - c) subject to subrule (2), the financial records, books, securities and any other relevant document of the Association, including minutes of committee meetings.
- (2) The Committee may refuse to permit a member to inspect records of the Association that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the Association.
- (3) The Committee must on request make copies of these rules available to members and applicants for membership free of charge.
- (4) Subject to subrule 2, a member may make a copy of any of the other records of the Association referred to in this rule and the Association may charge a reasonable fee for the provision of a copy of such a record.
- (5) For the purposes of this rule – relevant documents means the records and other documents, however compiled, recorded or stored, that relate to the incorporation and management of the Association and includes the following –
 - a) its membership records
 - b) its financial statements
 - c) its financial records
 - d) records and documents relating to transactions, dealings, business or property of the Association.