# MARCELLIN OLD COLLEGIANS CRICKET CLUB INCORPORATED 



## CONSTITUTION AND RULES

June 2012

## MARCELLIN OLD COLLEGIANS CRICKET CLUB INCORPORATED <br> Constitution and rules <br> Table of contents

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MARCELLIN OLD COLLEGIANS CRICKET CLUB INCORPORATED Constitution and Rules

## 1. NAME

The name of this incorporated association is Marcellin Old Collegians Cricket Club Incorporated.

## 2. INTERPRETATION

(a) In these Rules, unless a contrary intention appears:
"the Club" or "MOCCC" means Marcellin Old Collegians Cricket Club Incorporated.
"Committee" means the Committee of Management of the Club.
"Financial Year" means the 12 months ending 31 March.
"General Meeting" means a general meeting of Members convened in accordance with Rule 13.
"Junior Member" means a member of the Club who is under 18 years of age as at 1 October of the relevant season.
"Member" means a member of the Club.
"Senior Member" means a member of the Club who has attained the age of 18 years of age.
"Ordinary Member of the Committee" means a Member of the Committee who is not an officer of the Club under Rule 16(a).
"the Secretary" means the public officer.
(b) In the case of any questions arising not provided for by these Rules or as to the interpretation thereof, the decision of the Committee shall be taken and acted upon.

## 3. PURPOSES OF THE CLUB

(a) To encourage, promote and foster the game of cricket amongst the former students of Marcellin College and other members of the Club.
(b) To develop junior players in preparation for higher grades of competition.
(c) To do and observe all such things and Rules as are necessary to enable the Club to participate in a recognised Cricket Association, or such other spheres or sport as may be determined.
(d) To create amongst its Members a spirit of fellowship whatever their station in life.

## 4. CLUB COLOURS AND MASCOT

The Club colours shall be maroon, blue and gold. The Club mascot shall be an eagle.

## 5. MEMBERSHIP

Membership of the Club shall comprise the following categories:
(a) Playing Member - Senior and Junior Members;
(b) Social Member - non playing Members;
(c) Honorary Life Member; and
(d) Honorary Special Member.
(a) Playing Member - Senior and Junior Members
(1) The Members of the Club shall comprise any interested person who applies for membership and whose application is not rejected by the Committee.
(2) Upon the granting of membership, the new Member becomes liable for the payment of the annual subscription of the Club. This annual subscription is determined each year by the Committee.
(3) In addition to the payment of the annual subscription, all playing members are subject to a match fee levied on each playing day of cricket. This match fee is determined each year by the Committee.
(4) Membership shall be annual and commence on the first day of October.
(5) Any Member who fails to pay the annual subscription in accordance with these provisions, and within 14 days after receiving a final written reminder and unless a satisfactory explanation is received by the Committee, that member shall cease to be a Member of the Club.
(6) Members whose annual subscription is unpaid shall not be entitled to hold office as a Committee Member, vote at meetings, or be considered for selection in teams until such subscriptions have been received by the Club.
(7) Junior Members may not vote at meetings.
(b) Social Member - non playing Members
(1) Social membership of the Club shall comprise any interested person who applies for membership and whose application is not rejected by the Committee.
(2) Upon the granting of social membership, the new Member becomes liable for the payment of the social membership fee of the Club. This fee is determined each year by the Committee.
(3) Social membership shall be annual and commence on the first day of October.
(4) Any member who fails to pay the social membership fee in accordance with these provisions, and within 14 days of receiving a final written reminder, and unless a satisfactory explanation is received by the Committee, that member shall cease to be a Member of the Club.
(5) Members whose social membership fee is unpaid shall not be entitled to hold office as a Committee Member or vote at meetings.
(c) Honorary Life Member

The Committee will approve any person it shall deem worthy of honorary life membership of the Club, and present all new Life Members to the annual presentation gathering held following the conclusion of each playing year. All Honorary Life Members shall have the same rights as financial Members and shall not be liable to pay annual subscriptions. To be considered for nomination as an Honorary Life Member, a Member must:
(1) have completed a minimum of 10 years as a player at senior level; or (2) have played a minimum of 100 games as a player at senior level; or (3) have served on the Committee for a minimum period of 10 years; or (4) have provided a combination of these services or such other services to the Club which is deemed by the Committee comparable to sub paragraphs (1) - (3) above.

Any person who is elected an Honorary Life Member of the Club shall receive a Life Member's medallion in recognition.
(d) Honorary Special Member

The Committee shall have the power to elect for any one season any person or business whom it may consider worthy of Honorary Special Membership. All Honorary Special Members shall have the same rights as financial Members and shall not be liable to pay the annual subscription.

## 6. REGISTER OF MEMBERS

The Secretary shall keep and maintain an electronic register of Members in which shall be entered all relevant personal details of each Member. The Secretary shall make the electronic register available for inspection upon any reasonable request by any Member.

## 7. RESIGNATION OF A MEMBER

A Member may terminate his/her membership at any time he/she desires by providing two week's notice in writing to the Secretary of his/her intention to resign. The Secretary shall then record in the register of Members the date upon which the resignation was effected.

## 8. DISCIPLINE, SUSPENSION AND EXPULSION OF MEMBERS

(a) Subject to these Rules, if the 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 Club, the Committee may by resolution:
(1) suspend that Member from membership of the Club for a specified period; or
(2) expel that Member from the Club; or
(3) fine that Member an amount determined by the Committee, but not exceeding an amount equal to twice the annual subscription fee paid by the relevant Member for the relevant season, or the recovery of costs incurred by the Club due to damage caused by, or the behaviour of the relevant Member.
(b) A resolution of the Committee under sub-paragraph 8(a) does not take effect unless:
(1) at a meeting held in accordance with sub-paragraph 8(c), the Committee confirms the resolution; and
(2) if the Member exercises a right of appeal to the Club under this rule, the Club confirms the resolution in accordance with this rule.
(c) A meeting of the Committee to confirm or revoke a resolution passed under sub-paragraph 8(a) 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-paragraph 8(d).
(d) For the purposes of giving notice in accordance with sub-paragraph 8(c), the Secretary must, as soon as practicable, cause to be given to the Member a written notice:
(1) setting out the resolution of the Committee and the grounds on which it is based; and
(2) 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
(3) stating the date, place and time of that meeting; and
(4) informing the member that he or she may do one or both of the following:
(i) attend that meeting;
(ii) give to the Committee before the date of that meeting a written statement seeking the revocation of the resolution; and
(5) 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 Secretary a notice to the effect that he or she wishes to appeal to the Club at a General Meeting against the resolution.
(e) At a meeting of the Committee to confirm or revoke a resolution passed under sub-paragraph 8(a), the Committee must:
(1) give the Member, or his/her representative, an opportunity to be heard; and
(2) give due consideration to any written statement submitted by the Member; and
(3) determine by resolution whether to confirm or to revoke the resolution.
(f) 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 Secretary a notice to the effect that he or she wishes to appeal to the Club at a General Meeting against the resolution.
(g) If the Secretary receives a notice under sub-paragraph 8(f), he or she must notify the Committee and the Committee must convene a General Meeting of the Club to be held within 21 days after the date on which the Secretary received the notice.
(h) At a General Meeting of the Club convened under sub-paragraph 8(g):
(1) no business other than the question of the appeal may be conducted; and
(2) the Committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution; and
(3) the Member, or his or her representative, must be given an opportunity to be heard; and
(4) the Senior Members present must vote by secret ballot on the question whether the resolution should be confirmed or revoked.
(i) A resolution is confirmed if, at the General Meeting, not less than two-thirds of the Senior Members vote in person, or by proxy, in favour of the resolution. In any other case, the resolution is revoked.

## 9. DISPUTES AND MEDIATION

(a) 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 Club.
(b) 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.
(c) 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 14 days, hold a meeting in the presence of a mediator.
(d) 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 Club; or
(ii) in the case of a dispute between a Member and the Club, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).
(e) A Senior Member of the Club can be a mediator.
(f) The mediator cannot be a member who is a party to the dispute.
(g) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
(h) The mediator, in conducting the mediation, must:
(1) give the parties to the mediation process every opportunity to be heard; and
(2) allow due consideration by all parties of any written statement submitted by any party; and
(3) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
(i) The mediator must not determine the dispute.
(j) 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 Act 1981 or otherwise at law.

## 10. FINANCE

Finance shall be obtained from Members' annual subscriptions, grants, sponsorship, donations and social functions and such other sources as the Committee determines. Such monies raised shall be applied solely to the promotion of the purposes of the Club.

Persons or business houses who contribute sponsorship monies to the Club shall be regarded as patrons, and shall be promoted by the Club as deemed appropriate by the Committee.

## 11. ANNUAL GENERAL MEETING

(a) The Club shall convene every calendar year, an Annual General Meeting of the Club, to be held prior to the end of July each year. The Committee shall determine the date, time and place of the Annual General Meeting.
(b) At least fourteen (14) days notice of the Annual General Meeting shall be given, in writing to all Members of the Club, with such notice specifying the date, place and time of the meeting.
(c) Eight (8) Senior Members, being Members entitled to vote at a General Meeting, present at the meeting shall constitute a quorum.
(d) The Annual General Meeting shall be in addition to any other Special General Meetings that may be held in the same year.
(e) The ordinary business of the Annual General Meeting shall be:
(1) to confirm the Minutes of the preceding Annual General Meeting;
(2) to receive the annual report and Financial Statement of the operations of the Club for the preceding year;
(3) to elect officers of the Club and the ordinary Members of the Committee to hold office for the ensuing year;
(4) if required, to elect an auditor for the following year;
(5) to deal with any special business of which notice was given in accordance with these Rules and as outlined in Rule 13;
(6) to deal with any other general business.

## 12. SPECIAL GENERAL MEETING

Any General Meeting other than the Annual General Meeting shall be called a Special General Meeting. The Secretary shall convene a Special General Meeting at the request of the Committee, or upon receipt of a written request setting forth the objects of the meeting signed by ten (10) Senior Members of the Club. Notice of such meeting shall be given in writing to all Members of the Club not less than fourteen (14) days prior to the meeting, which must take place within twenty-one (21) days of receipt of the request from Members. At this meeting, fifteen (15) Senior Members shall constitute a quorum, and no business other than that specified in the request for the meeting shall be discussed.

## 13. NOTICE OF MEETING

Written notice of any General Meeting of the Club must be given to all Members of the Club by the Secretary at least fourteen (14) days prior to the date of that meeting. Such notice shall state the date, place and time of the meeting, and the business to be discussed at that meeting. No business other than that set out in the notice of the meeting shall be discussed at the meeting. A Member wishing to bring any business before a meeting may give written notice of that business to the Secretary, who shall include that business in the notice calling the next General Meeting after the receipt of the notice.

## 14. NOTICES

A notice may be served on any Member personally, posted by mail, or sent electronically to his/her mailing address or e-mail address as shown in the register of Members. A posted notice shall be deemed to have been given to the Member at the time of posting.

## 15. PROCEEDINGS AT MEETINGS

(a) If at the scheduled time for the commencement of a General Meeting, a quorum is not present:
(1) the meeting, if convened at the request of Members, shall be dissolved; (2) in any other case stand adjourned to the same day in the next week at the same time and at the same place;
(3) if, at the reconvened meeting, a quorum is not present at the scheduled start time of the Meeting, five (5) Members shall constitute a quorum.
(b) The President, or in his/her absence, the Secretary, shall occupy the position of Chairman at all meetings of the Club. In the event of the absence of both, the Chairman shall be appointed by the Committee Members present.
(c) The Chairman may, with the consent of the meeting, adjourn a meeting to another time and place but, at the re-convened meeting, no business other than that left unfinished at the adjourned meeting may be discussed.
(d) Voting at General Meetings shall be restricted to Honorary Life Members, Honorary Special Members and financial Senior Members and shall be by show of hands unless a ballot is demanded by three (3) Members. A declaration by the Chairman that a motion has been carried or lost, and an entry to that effect in the official minutes of the meeting is final.
(e) Each Senior Member present at a meeting has one (1) vote in addition to properly appointed proxies, and in the event of a tied vote the Chairman shall have the casting, or additional, vote.
(f) Debate shall be conducted in accordance with the following rules:
(1) All motions shall be promptly moved and seconded and the mover and seconder may speak to the motion when moving and seconding;
(2) Save the mover whom shall have the right to reply, no person shall speak twice to the same motion;
(3) When the motion has been seconded, the Chairman shall call for a speaker against the motion, and then for speakers for and against the motion alternatively;
(4) Immediately there is no response to the Chairman's call for a speaker, the motion shall be put;
(5) In all other respects the rules of parliamentary debate shall apply.
(g) A resolution may only be rescinded or amended by a $75 \%$ affirmative vote of those present at the meeting and entitled to vote.
(h) Each Senior Member is entitled to appoint another Senior 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.
(i) The Secretary shall keep minutes of all meetings.

## 16. COMMITTEE OF MANAGEMENT

The affairs of the Club shall be administered by the Committee of Management constituted as provided in Rule 16(a).
(a) The Committee shall consist of the following office bearers:
(1) President;
(2) Secretary (Public Officer); and
(3) Treasurer.

The Committee may appoint a Vice-President as an additional office bearer as deemed necessary from time to time.

The Committee shall consist of no more than twelve (12) members, and will appoint portfolio representatives as the Committee considers necessary from time to time. Portfolio representatives will include:
(1) Player and Match Committee Manager; and
(2) Social Secretary.
(b) The Committee shall perform the following functions:
(1) control and manage the business of the Club;
(2) exercise all those powers and functions except those that are required to be exercised by the Members at a General Meeting; and
(3) subject to these Rules, to perform all such acts and exercise all such functions as the Committee may deem necessary for the proper management of the Club.
(c) The Committee shall meet whenever necessary to conduct the business of the Club, five (5) Members constituting a quorum. Notice of the meeting, either verbal or written, shall be given to all Committee Members at least seven (7) days prior to a meeting.
(d) Committee Members shall be elected at the Annual General Meeting, shall hold office for twelve (12) months and shall be eligible for re-election. Nominations for positions on the Committee shall be made by the proposer and the nominee, both being Senior Members of the Club and shall be lodged with the Secretary
prior to the commencement of the Annual General Meeting. In the event of these being more than one nominee for any position, a ballot of the Senior Members at the meeting shall be held.
(e) A vacancy occurring on the Committee under Rule 16(f) shall be filled by the Committee.
(f) A vacancy shall be deemed to have occurred on the Committee if:
(1) any Committee Member is absent from three (3) consecutive meetings without providing the Committee with a satisfactory explanation;
(2) A Committee Member ceases to be a financial Member of the Club; or
(3) A Committee Member resigns his/her office by notice in writing given to the Secretary.
(g) Special meetings of the Committee may be called by the President, or by four (4) Members of the Committee. Notice of such a meeting shall be given to the Committee Members, together with the general nature of the business to be discussed at such meeting. No other business is to be discussed at the meeting.
(h) If, at the scheduled start of any ordinary or special Committee meeting a quorum is not present, the meeting shall be adjourned to the same place and the same time on the same day of the following week, or as otherwise agreed by the Committee Members.
(i) The Committee may delegate any of its powers and functions to sub-committees. The Membership of those sub-Committees shall be decided by the Committee.
(j) Questions arising at ordinary or special Committee or sub-Committee meetings shall be decided by a show of hands, or if demanded by a Member, by a ballot taken in such a way as the Chairman may decide. Each Member present at the meeting shall be entitled to one (1) vote, but in the event of a tied vote, the Chairman shall be entitled to another or casting vote.
(k) The Committee shall have the power to make by-laws and regulations and to alter, amend or rescind them as occasion may require. Such by-laws and regulations shall have the same force as the Rules, but must not be in any way opposed to them.
(I) The order of business at meetings shall be:-
(1) apologies;
(2) read and confirm minutes of the previous meeting;
(3) business arising out of the previous minutes;
(4) correspondence;
(5) business arising out of correspondence;
(6) reports; and
(7) general business.
(m) The duties of the Treasurer are:

The Treasurer shall be responsible for the collection and deposit into the Club bank account of all monies owed to the Club, issuance of receipts, making of payments, and maintaining a set of financial accounts which shall be produced at each meeting of the Committee. The financial statements shall be closed and the annual financial accounts completed as at 31 March each year.

## 17. FINANCIAL ADMINISTRATION

(a) The funds of the Club shall be lodged in such bank accounts and investments as authorised by the Committee.
(b) All accounts must be paid by cheque or electronic funds transfer, or as otherwise authorised by the Committee.
(c) If required by the Committee, once a year the books will be examined and audited by the auditor(s) appointed at the Annual General Meeting.
(d) The financial year shall run from 1 April to 31 March.
(e) The bank signatories shall be any one of the President, Secretary, Treasurer and other signatories agreed by the Committee from time to time.

## 18. DISTRIBUTION OF ASSETS AND INCOME

The assets and income of the Club shall be applied solely in furtherance of its objectives, and no portion shall be distributed directly or indirectly to its Members except as bona fide compensation for services rendered, or expenses incurred, on behalf of the Club.

## 19. ALTERATION OF CONSTITUTION AND RULES

No existing Rules shall be rescinded or altered and no new rule adopted without the concurrence of a minimum of fifteen (15) Members present at an Annual General or Special General Meeting called for that purpose. No motion for the rescinding or alteration of an existing Rule, or for the addition of any new Rules, shall be submitted to any General Meeting or Members unless notice thereof in writing, setting out such proposed motion is given to the Secretary not less than twenty-one (21) days prior to the date of such General Meeting. Notice in writing of such motion shall be given to all Members not less than fourteen (14) days prior to the date of such General Meeting.

## 20. WINDING UP

The Club shall not be dissolved or wound-up except by the consent of $75 \%$ of those Members present at a Special General Meeting of Members called specifically for that purpose. If, upon winding-up or dissolution of the Club, there is a surplus of assets or
property after satisfaction of all debts and liabilities, those remaining assets or property shall be given to Marcellin College, or alternatively disposed of in accordance with the wishes of the Members of the Club at the relevant General Meeting.

## 21. CUSTODY OF RECORDS

Except as otherwise provided in these Rules, the Secretary shall keep in his/her custody and control, or as otherwise delegated, all books, minutes, documents and securities of the Club and these shall be made available for inspection of Members of the Club at the address of either the Club or the Secretary.
22. COACH

The coach/es may be appointed by the Committee upon such terms and conditions as the Committee may deem fit. Such coach shall be responsible to the Committee for the proper coaching and training of the teams representing the Club.
23. APPOINTMENT OF CAPTAINS

The Committee shall appoint team captains prior to the commencement of the season.
24. DUTIES OF CAPTAINS

The captain or his deputy shall have the sole management of the team entrusted to his command and decide for it in all matters of dispute which may arise in the field of play. The captain or his deputy shall be responsible for communicating and submitting match results and match reports as required by the Cricket Association under whose rules the Club competes.

## 25. CONDUCT ON THE FIELD

The captain shall be responsible for ensuring the spirit of the game is upheld at all times. The captain shall inform the Committee immediately after the occurrence in the field of any act of disobedience or misconduct by any player. Such player shall be dealt with as the Committee may determine.

## 26. DELEGATES

Delegates shall be appointed by the Committee from time to time to represent the Club on the Cricket Association to which the Club is affiliated, and any other Association of which the Club may be a member. Such delegates shall hold office at the will of the Committee.

## 27. SELECTION COMMITTEE

During each season the teams shall be selected by a Selection Committee which shall consist of the Club Coach, the Player and Match Committee Manager and the captains of all senior teams. This Committee shall be chaired by the Player and Match Committee

Manager, or otherwise as appointed by the Committee. The Chairman shall in the event of a tied vote have the casting vote.

## 28. JUNIOR COORDINATORS

The Committee shall appoint Junior coordinators whose role will be to organise and administer the Junior section of the Club. The Junior coordinators shall liaise with the Committee to arrange coaching facilities, under age team management, junior social functions and any other special projects undertaken by the Junior section. The Junior coordinators need not be Members of the Club.

## 29. TROPHIES AND AWARDS

(a) At the discretion of the Committee, trophies and awards shall be presented at the conclusion of each season at a scheduled presentation gathering. Trophies and awards will be allocated as follows:

## (1) Batting:

## Senior Section:

Trophies are to be awarded in accordance with the official records, and will be awarded to the player with the highest average in each relevant grade. To be eligible, players are to have scored a minimum of two hundred and fifty (250) runs for the relevant team. In the case of no player scoring the minimum number of runs for a team, the minimum threshold is to be reduced by consecutive rests of fifty (50) runs until a player qualifies.

## Junior Section:

Trophies are to be awarded in accordance with the official records, and will be awarded to the player with the highest average in each relevant grade. To be eligible, players are to have scored a minimum of two hundred (200) runs for the relevant team. In the case of no player scoring the minimum number of runs for a team, the minimum threshold is to be reduced by consecutive rests of fifty (50) runs until a player qualifies.
(2) Bowling

## Senior section:

Trophies are to be awarded in accordance with the official records, and will be awarded to the player with the lowest average in each relevant grade. To be eligible, players are to have bowled not less than sixty (60) overs. For the one day team(s), the minimum over threshold is fifty (50) overs. In the case of no player having bowled the minimum number of overs, the minimum threshold is to be reduced by consecutive rests of ten (10) overs until a player qualifies.

## Junior section:

Trophies are to be awarded in accordance with the official records, and will be awarded to the player with the lowest average in each relevant grade. To be eligible, players are to have bowled not less than twenty five (25) overs. In the case of no player having bowled the minimum number of overs, the minimum threshold is to be reduced by consecutive rests of five $(5)$ overs until a player qualifies.
(b) Perpetual Trophies: Four (4) perpetual trophies may be awarded as follows:
(1) Bradman Trophy: awarded to the Club champion, taking into account points earned over multiple grades as applicable.
(2) Peter Crimmins Memorial Trophy: awarded to the first XI champion, taking into account points earned in the first XI only.
(3) Brother Nilus Memorial Trophy: awarded to the second XI champion, taking into account points earned in the second XI only.
(4) Leo Price Memorial Trophy: awarded to the third XI champion, taking into account points earned in the third XI only.

Perpetual trophy points are allocated as follows:

- One (1) point for every run scored;
- Eighteen (18) points for a wicket;
- Ten (10) points for a catch;
- Ten (10) points for a stumping;
- Ten (10) points for an unassisted run out; and
- Five (5) points for an assisted run out.
(c) President's Award to be awarded to the Club Member considered by the Club President to have materially contributed to the enhancement of the Club during the season.
(d) Coach's Award to be awarded to the Club Member considered by the Club coach to have been a role model to fellow Club Members during the season as demonstrated by training, on-field and social contributions. A Coach's Award is able to be awarded to both a senior and junior recipient in any given season.
(e) Trophies are given to each occurrence of either 100 runs in an individual innings by a batsman and 5 wickets in an innings by a bowler. In addition, a trophy is awarded for any hat-trick taken during the season.
(f) Special trophies: The Committee may award any special trophies as deemed necessary.
(g) The Committee may determine to amend the trophies and awards to be presented and the relevant criteria from time to time.
END.

