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## GOULBURN MURRAY CRICKET ASSOCIATION INCORPORATED

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# GOULBURN MURRAY CRICKET ASSOCIATION INCORPORATED

## STATEMENT OF PURPOSE AND RULES

The name of the association is Goulburn Murray Cricket Association Incorporated.

- a) To promote, control and manage all premierships and all other cricket matches played between the clubs affiliated with the Association.
- b) To promote, control and manage cricket matches played between teams representing the Association and other Associations, and / or clubs.
- c) To further the interests of cricket in Echuca, Rochester and surrounding districts and,
- d) To assist affiliated Clubs with advice and decisions on any matter which may be referred to the Association.

## RULES OF THE ASSOCIATION

### 1. INTERPRETATION

- a) In these rules, and in the By-Laws made pursuant to these rules, unless the contrary intention appears:
  - “The Association” means Goulburn Murray Cricket Association Incorporated.
  - “Board” means the Goulburn Murray Cricket Board of Management of the Association.
  - “Financial Year” means the year ending June 30.
  - “General Meeting” means a general meeting of members convened in accordance of rule 8 or 9.
  - “Member” means a member of the Association.
  - “Member Club” means member club of the Association as provided for in Rule 2.
  - “Individual Member” means an individual member of the Association as provided for in Rule 2.
  - “Life Member” means a member elected as a Life Member.
  - “Ordinary Member of the Committee” means a member of the committee who is not an officer of the Association under Rule 19.
  - “The Act” means the Associations Incorporations Act 1981.
  - “The Regulations” means the regulations under the Act.
  - “Delegate” unless otherwise notified in writing the voting delegate of each club at a general meeting shall be the President of each Club
- b) In these Rules, a reference to the Secretary of the Association is a reference:
  - I. When a person holds office under these rules as Secretary of the Association – to that person; and
  - II. In any case, to the public officer of the Association.
- c) Words of expressions contained in these rules shall be interpreted in accordance with the provisions of the Acts Interpretation Act 1981 and the Act as in force from time to time.

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### 2. MEMBERSHIP

a) The categories of membership of the Association shall be:

- I. Club Membership
- II. Life Membership

#### b) CLUB MEMBERSHIP

The member clubs of the Association shall comprise such clubs as shall from time to time be admitted by the Board to compete in the Association Pennant Competition and any other clubs who shall be admitted therein.

#### c) LIFE MEMBERSHIP

Those persons elected pursuant to Rule 34 hereof as Life Members.

### 3. APPLICATION FOR MEMBERSHIP

a) Application for club membership shall be received in writing (electronic communication will be accepted) by the Secretary between the conclusion of one season and one month prior to the Annual General Meeting.

b) Upon a nomination being approved by the Board, the Secretary shall with as little delay as possible, notify the club in writing (electronic communication will be accepted) of membership having been approved and shall forward a copy of these Rules. Every member shall be deemed to be bound by the provisions of the Rules.

c) Every Club Member shall be deemed to be bound by the provisions of these rules and will be subject to such terms and conditions as the Board may from time to time prescribe.

### 4. Affiliation Fees

The annual affiliation fees payable by member clubs of the Association will be decided by the GMC Executive each year and presented at the Annual General Meeting.

### 5. RESIGNATION OF A MEMBER

a) A member club of the Association having paid all moneys due and payable by it to the Association may resign from the Association by first giving one months notice in writing to the Secretary of its intention to resign and upon expiration of that period of notice, the club shall cease to be a member.

b) A Club resigning or being expelled from the Association shall cease to have any claim whatsoever upon any of the Associations monies, properties or other assets.

c) Upon the expiration of a notice given under sub-clause (a), the Secretary shall make in the register of members an entry date on which the club by whom the notice was given, ceased to be a member.

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### 6. DISCIPLINE OF A MEMBER

- a) The Board of Management may, by resolution:
  - I. Expel a member from the Association
  - II. Suspend a member from membership of the Association for a specific period;
  - III. Fine a member an amount determined by the Board, in accordance with these rules:
    - o The Board may impose one or a combination of these penalties if it is of the opinion that the member has refused or neglected to comply with these rules, or has been guilty of conduct unbecoming a member and / or prejudicial to the interest of the Association.
- b) Prior to passing such a resolution, the Board shall convene a hearing with the member, who shall be notified of the date, time and venue of the hearing in writing from the Secretary, no later than 72 hours prior to its commencement.  
At his hearing the member shall be given the opportunity to present a written or verbal statement and / or answer or refute any charges presented against them. If the member fails to attend without giving due notice, the matter may be heard in absentia.
- c) If a matter may be perceived as prejudicial to the interests of the Board or its members, the Board, in its absolute discretion, may refer the matter to an Independent Tribunal under the guidelines of rule 23.
- d) Where the Board passes a resolution under clause (a), the Secretary shall, as soon as practical, cause to be served on the member a notice in writing:
  - I. Setting out the resolution of the Board and the grounds on which it is based;
  - II. Informing the member that it may do one of the following:
- e) Give the Board before the date of its scheduled board meeting a written statement seeking the revocation of the resolution.
- f) Not later than 24 hours before the date of the next scheduled Board meeting, lodge with the Secretary a notice to the effect that it wishes to appeal to the Association in general meeting against the resolution.
- g) At a meeting of the Board held in accordance with clause (b) (ii) a), the Board:
  - I. Shall give due consideration to any written statement submitted by the member; and
  - II. shall by resolution determine whether to confirm or to revoke the resolution.
- h) Where the Secretary receives a notice under clause (b) (ii) (b) he shall notify the Board and the Board shall convene a special general meeting of the Association to be held within 21 days after the date on which the Secretary received the notice.
  - I. At the special general meeting of the Association convened under clause (d):
  - II. No business other than the question of the appeal shall be transacted:
  - III. The Board may place before the meeting details of its grounds for the resolution and the reasons for passing of the resolution.

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- IV. The member shall be given an opportunity to be heard: and
- V. The members present shall vote by secret ballot on the question whether the resolution should be confirmed or revoked.
- i) If at the General Meeting:
  - I. Two thirds of the members vote in person or by proxy in favour of the revocation of the resolution, the resolution is revoked: and
  - II. In any case, the resolution is confirmed.

### 7. Grievance Procedure

#### a) Application

- (1) The grievance procedure set out in this Division applies to disputes under these Rules between—

- (a) a member and another member; and
- (b) a member and the Committee; and
- (c) a member and the Association.

- (2) A member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed.

#### b) Parties must attempt to resolve the dispute

The parties to a dispute must attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.

#### c) Appointment of mediator

- (1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 26, the parties must within 10 days—
  - (a) notify the Committee of the dispute; and
  - (b) agree to or request the appointment of a mediator; and
  - (c) attempt in good faith to settle the dispute by mediation.
- (2) The mediator must be—
  - (a) a person chosen by agreement between the parties; or
  - (b) in the absence of agreement—
    - (i) if the dispute is between a member and another member—a person appointed by the Committee; or
    - (ii) if the dispute is between a member and the Committee or the Association—a registered mediator.

#### **Note**

***This includes a registered mediator appointed or employed by the Dispute Settlement Centre of Victoria or accredited by the Victorian Bar.***

- (3) Subject to subrule (4), the Committee may appoint any person as a mediator.
- (4) The Committee must not appoint a person as a mediator if the person—
  - (a) has a personal interest in the dispute; or



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(b) is biased in favour of or against any party.

### d) Mediation process

(1) The mediator to the dispute, in conducting the mediation, must—

- (a) give each party 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 throughout the mediation process.

(2) The mediator must not determine the dispute.

(3) Any costs of mediation are to be paid—

- (a) if an agreement as to costs is reached between the parties—in accordance with that agreement; or
- (b) if there is no such agreement—by the Committee.

### e) Failure to resolve dispute by mediation

If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

## 8) ANNUAL GENERAL MEETING

a) The Association shall in each calendar year convene an Annual General Meeting of its members on or before the first Tuesday in September.

b) The annual general meeting shall be held on such a day as the Board determines.

c) The annual general meeting shall be specified as such in the notice convening it.

d) The ordinary business of the annual general meeting shall be:

- I. To confirm the minutes of the last proceeding annual general meeting and of any special general meeting held since that meeting.
- II. To receive from the Board reports upon the transactions of the Association during the last proceeding financial year.
- III. To elect officers of the Association and the ordinary members of the Board: and
- IV. To receive and consider the statement by the Association in accordance with section 30 (3) of the act.

e) The annual general meeting may transact special business of which notice is given in accordance with these rules.

f) The annual general meeting shall be in addition to any other general meetings that may be held in the same year.

g) Notice of the annual general meetings shall be given in writing 14 days prior to the meeting, stating time and place and clubs not represented shall; be liable to be fine of \$100 or an amount otherwise determine by the Board.

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### 9) SPECIAL GENERAL MEETING

All Special General Meetings other than the Annual General meeting shall be called Special General Meetings.

- a) The Board may, whenever it thinks fit, convene a special general meeting of the Association and, where, but for this sub clause, more than 15 months would elapse between annual general meetings, shall convene a special general meeting before the expiration period.
- b) The Board shall, on requisition in writing from a majority of member clubs, convene a special general meeting of the Association.
- c) The requisition for a special general meeting shall state the objects of the meeting and shall be signed by the members making the requisition and be sent the address of the Secretary and may consist of several documents in a like form, each signed by the members making the requisition.
- d) If the Board does not call a special general meeting to be held within one month after the date on which the requisition is sent to the address of the Secretary, the members making the requisition, or any of them, may convene a special meeting to be held not later than 3 months after that date.
- e) A special general meeting convened by members in pursuance of these rules shall be convened in the same manner as early as possible as that in which those meetings are convened by the Board and all reasonable expenses incurred in convening the meeting shall be refunded by the Association to the person incurring the expenses.

### 10) NOTICE OF MEETING

- a) The Secretary of the Association shall, at least 14 days before the meeting date fixed for holding a general meeting of the Association, cause to be sent to each club member of the Association at its address appearing in the register of members, a notice by pre-paid post stating place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- b) In respect of club members such a notice shall be sent to the Secretary of each Club.
- c) No business other than that set out in the notice convening the meeting shall be transacted at the meeting.
- d) A member desiring to bring any business before the meeting may give notice of that business in writing to the Secretary, who shall include that business in the notice calling the next general meeting after the receipt of the notice.



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### 11) PROCEEDINGS AT MEETINGS

- a) All business that is transacted at a special general meeting and all business that is transacted at the annual general meeting with the exception of that specially referred to it in these rules as being the ordinary business of the annual general meeting shall be deemed to be a special meeting.
- b) No item of business shall be transacted at a general meeting unless a quorum of members entitles under these rules to vote is present during the time when the meeting is considering that item.
- c) The quorum for a general and annual meeting shall be more than 50% of the delegates of the Club Members and both voting Board Members.
- d) If within half an hour after the appointed time for the commencement of a general meeting, a quorum is not present, the meeting is convened upon the requisition of members shall dissolve and in any other case shall stand adjourned to the same day in the week at the same time and (unless another place is specified by the President at the time of the adjournment or by written notices to members given before the day to which the meeting is adjourned) at the same place and if at the adjourned meeting the quorum is not present within half an hour after the appointed time to commencement of the meeting, the members present (being not less than 5) shall be the quorum

### 12) USE OF TECHNOLOGY

- a) A Committee meeting may be held by the use of electronic technology that allows members to clearly and simultaneously communicate with each other participating member.
- b) For the purpose of this part, a committee member participating in a committee meeting as permitted under sub rule a) is taken to be present at the meeting and , if the member votes at the meeting, is taken to have voted in person.

### 13) MEETING CHAIRPERSON

- a) The President, or in his absence, the Vice President, shall preside as Chairperson at each general meeting of the Association.
- b) If the President and the Vice President are absent from the general meeting, the members present shall elect one of their number to preside as Chairperson at the meeting.

### 14) ADJOURNED MEETING

- a) The Chairperson of the general meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and place to place, but, no business shall be transacted at the adjourned meeting other than the business left unfinished at which the adjournment took place.
- b) Where a meeting is adjourned for 14 days or more, a like notice of the adjourned meeting shall be given as in the case of the general meeting.

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- c) Except as provided in subclause (a) and (b), it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting.

### 15) VOTING PROCEDURES

- a) A question arising at a general meeting of the Association shall be determined on a show of hands of Club Delegates, voting Board Members and the Chairperson of the Umpires Board and unless before or on the show of hands a poll is demanded, a declaration by the Chairperson that a resolution has, on the show of hands, been carried or carried unanimously or carried by a particular majority or lost, an entry to that effect in the minute book of the Association is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against the resolution.
- b) Upon any question arising at the general meeting of the Association, a member club has only one vote, the Chairperson, one other Board Member and the Chairperson of the Umpires shall all have one vote.
- c) All votes shall be given personally.
- d) In the case of equality of voting on a question, the Chairperson of the meeting is entitled to exercise a second or casting vote.

### 16) ELIGIBILITY TO VOTE

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

### 17) PROXY

Each delegate shall be entitled to appoint another member of his club as his proxy by notice to the Secretary 24 hours prior to the commencement of the meeting in respect of which proxy is appointed.

The Proxy must be in writing. (electronic communication will be acceptable)

### 18) BOARD OF MANAGEMENT

- a) The affairs of the Association shall be managed by a Board of Management constituted as provided in rule 20. b) The Board
- I. Shall control and manage the business and affairs of the Association.
  - II. May, subject to these rules, the By-Laws made pursuant to these rules and the Act, exercise all such powers and functions as may be exercised by the Association other than those powers and functions that are required by these rules to be exercised by general meetings of the members of the Association: and
  - III. Subject to these rules, the By-Laws made pursuant of these rules and the Act, has power to perform all such acts and things as appear to the Board to be essential for the proper management of the business and affairs of the Association.

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### 19) COMPOSTION OF THE BOARD OF MANAGEMENT

- a) Subject to section 23 of the Act, the Board shall consist of at least 5 members elected at the Annual General Meeting or at a Special General Meeting, which can include a co-opted individual not associated with a Member Club
- b) The Board shall be made up of the following office bearers – President, Vice President, Treasurer, Secretary and up to 4 General Board Members.
- c) The Executive will ensure the day to day affairs of the Association. The Executive will be made of four (4) person Executive consisting of President, Vic President, Treasurer and one other Board Member, the Secretary will be part of the Executive Team with no voting rights.

The Executive will engage with Board and the Club Delegates, as listed in h) to complete the business and affairs of the Association.

- d) The provisions of Rule 20 so far as they are applicable and with necessary modifications apply to and in relation to the election of persons to any of the positions mentioned in sub-clause a).

#### e) TERM OF OFFICE

- I. Each member of the Board shall hold office until the next annual general meeting 2 years after the date of his/her election and is eligible for re-election excepting that in the first year of the Association.
- II. Each Club Delegate elected by their club will hold the Delegates position for 2 years from their election date.
- j) In the event of a casual vacancy in any office referred to in the sub-clause b) the Board may appoint one of its members or member of the Association to the vacant office and the member so appointed may continue in office up to and including the conclusion of the annual general meeting next following the date of his/her appointment.
- k) Each Club is required to provide a Delegate to represent their club at all meetings of the Association. The role of the Delegates will include assisting the Board with the business and affairs of the Association.
- l) Clubs may be assigned or nominate for a specific Board Role. The roles will be evaluated and compiled by the Board each two (2) year term.

### 20) ELECTION OF BOARD MEMBERS

- a) Nominations of candidates for election as members of the Board:
  - I. Shall be in writing in a form supplied by the Secretary, signed by the candidate, their Club and a current Board member. (electronic communication will be acceptable)
  - II. Shall be delivered to the Administrator of the Association not less than 21 days before the date fixed for holding the annual general meeting.

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- b) The Secretary of the Association shall forward a list of such nominations to all member clubs fourteen (14) days prior to the annual general meeting.
- c) Member Clubs of the Association may nominate one or more candidates for the election of the Board, not necessarily from their club.
- d) If insufficient nominations are received to fill all vacancies on the Board, the candidates nominated shall be deemed to be elected and further nominations shall be received at the annual general meeting.
- e) If the number of nominations exceeds the number of vacancies to be filled, a ballot shall be held.
  - I. The ballot for the election of members shall be conducted at the annual general meeting.
  - II. Voting for the election of members of the Board shall be vested in the Delegates of each member club.

### 21) GROUNDS FOR TERMINATION OF OFFICE

For the purposes of these rules, the office of a Board member becomes vacant if the member:

- I. Dies
- II. Resigns his/her office by giving notice in writing to the Administrator
- III. Is removed from office
- IV. Becomes bankrupt or applies to take advantage of any law relating to bankrupt or insolvent debtors or compounds with his creditors or makes an assignment of his estate for their benefit.
- V. Is convicted of a felony offence

### 22) REMOVAL OF A BOARD MEMBER

- a) The Association in a general meeting may by resolution remove any member of the Board before their expiration of his/her term of office and appoint another member in his place to hold office until the expiration of the term of the member who has been removed from office.
- b) Where the member to whom a proposed resolution referred to in sub-clause a) makes representation in writing to the Secretary or President of the Association (not exceeding a reasonable length) and requires That they be notified to the members of the Association, the Secretary or the President may send a copy of the representations to each member club of the Association or, if they are not sent, the member may require that they be read out at the meeting.

### 23) PROCEEDINGS OF BOARD OF MANAGEMENT

- a) The Board shall meet on the first Monday of each month during the season or as required so long as at least one meeting per month is held during the season.

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- b) Special meetings of the Board may be convened by the President or by any of the Executive Committee of the Board.
- c) Notice shall be given to members of the Board of any special meeting specifying the general nature of the business to be transacted and no other business shall be transacted at such meeting.
- d) A majority of members of the Board shall constitute a quorum for the transaction of the business of a meeting of the Board.
- e) No business shall be transacted unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present the meeting shall be adjourned to the same place and at the same hour of the day in the following week unless the meeting was a special meeting in which case it will lapse.
- f) The meetings of the Board:
  - I. The President or in his absence the Vice President shall preside: or
  - II. If the President and the Vice President are absent, such one remaining members of the Board as may be chosen by the members present shall preside.
- g) Questions arising at a meeting of the Board or of any sub-committee appointed by the Board shall be determined on show of hands or, if demanded by a member, by a poll taken in such a manner as the person presiding at the meeting may determine.
- h) Each member present at the meeting of the Board or of any sub-committee appointed by the Board (including the person presiding at the meeting) is entitled to one (1) vote and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- i) Notice of each Board meeting shall be served on each member or by sending it by pre-paid post addressed to him/her at his usual or last known place of business or abode at least four business days before the date of the meeting.

### 24) SECRETARY / ADMINISTRATOR

The Secretary or Administrator of the Association shall keep minutes of the resolutions and proceedings of each general meeting and each Board meeting in books provided for the purpose together with a record of names of persons present at such meetings. Minutes shall be circulated by the Secretary / Administrator to all member clubs within one (1) week of each meeting.

### 25) TREASURER

- a) The Treasurer of the Association:
  - I. Shall collect and receive all moneys due to the Association and make all payments authorised by the Association: and

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- II. Shall keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with activities of the Association.
- b) The accounts of the Association shall be audited prior to the Annual General Meeting by an Auditor or Auditors appointed by the Association and their report submitted with the Treasurers report of the year's proceedings at the Annual General Meeting.

### 26) ALTERATION OF RULES AND STATEMENT OF PURPOSES

These rules and the statement of purpose of the Association shall not be altered except in accordance with the Act which requires a special meeting of not less than three fourths of members entitled to vote in person.

### 27) NOTICES

- a) A notice may be served by or on behalf of the Association upon any member either personally or sent electronically to his/her email address as well as being sent to his/her nominated club email.
- b) This notice will be deemed to have been received to the person at the time of the notice given

### 28) WINDING UP OR CANCELLATION

- a) The Association shall not be disbanded except upon a vote supported by at least three fourths of the member clubs of the Association at the time.
- b) The income and property of the Association shall be used and applied solely in promotion of its purpose and the exercise of its powers as set out herein and no proportion thereof shall be distributed, paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit to or amongst the members of the Association provided that nothing herein contained shall prevent the payment in good faith of interest to any such members in respect of moneys advanced by him to the Association or otherwise owing by the Association to him or of remuneration to any officers or servants of the Association or to any member of the Association or any other person in return for any services actually rendered to the Association provided further that nothing herein contained shall be constructed so as to prevent the payment or repayment to any member of out of pocket expenses, money lent, reasonable and proper rent for premises demised to let to the Association or the provision of services by a member to which he would be entitled in accordance with the purposes if he were not a member.
- c) If the Association shall be wound up in accordance with the provisions of the Associations Incorporated Act 1981, and there remains after satisfaction of all its debts and liabilities, any property as defined in the act, the same shall be given or transferred to some other institution or institutions having purposes similar to the purposes of the Association and which prohibits the distribution of its other income and property amongst its officers and its members to an extent at least as great as is imposed by the Association under or by virtue



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of this rule such institutions to be determined in accordance with a special resolution of the members of the Association or in its absence a special resolution of the members by the registrar.

### 29) CUSTODY OF RECORDS

Except as otherwise provided in these rules, the Secretary / Administrator shall keep the books and documents of the Association in a secure place at his/her home or office, and these books and documents shall be available to inspection upon reasonable notice being given for this purpose by members of the Association.

### 30) FUNDS

The funds of the Association shall be derived from the annual subscriptions, donations and such other sources as the Board determines.

### 31) BY-LAWS

The Board of Management shall have the power to make such By-Laws for the governing of the Association and for the better regulating of its business as it shall consider appropriate, provided that any such By-Laws is or are not inconsistent with the provisions of these rules, and to the extent of any inconsistency between a By-Law and these rules, these rules shall apply.

### 32) LIFE MEMBERS

- a) A nomination for Life Membership may be made by a member club or Board member in writing to the Secretary / Administrator.
- b) Life Members shall be entitled to all membership privileges except voting rights.
- c) To qualify for Life Membership, a member must have rendered at least ten (10) years of special service to the Goulburn Murray Cricket Association Incorporated or its precursors the Campaspe Cricket Association Incorporated, Kyabram District Cricket Association Incorporated, Echuca Cricket Association Incorporated and Rochester District Cricket Association Incorporated.

### 33) INTERPRETATION OF RULES

Any question as to the interpretation of the rules, or any other question not provided for herein, shall be decided by the Board Management. Such interpretation shall remain in force until the following General meeting at which time the matter shall be voted on by the delegates and a permanent Rules determined.

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