

CONSTITUTION
CRICKET NORTH EAST REGION 6 INCORPORATED

The name of the Region is Cricket North East Region 6 Incorporated (NER6).

STATEMENT OF OBJECTS

The objects of Cricket North East Region 6 are:

To promote, develop, conduct and manage the game of cricket within the area of Cricket North East Region 6 as determined by the Victorian Cricket Association.

To prepare and approve programmes of cricket education, coaching and such cricket fixtures (Including allocation of venues at which such matches are to be played each year), as required by Cricket North East Region 6, Cricket Albury Wodonga, Cricket Albury Wodonga Country, Wangaratta and District Cricket Association, Cricket Victoria and any Cricket Victoria Affiliated Bodies.

PART I -PRELIMINARY

Interpretation

1. In this Constitution, except in so far as the context of subject matter otherwise indicates or requires:
 - (a) words importing the singular include the plural and vice versa;
 - (b) words importing one gender include any other gender;
 - (c) "Ordinary Member" means a member of any body or organisation affiliated with the NER6 Region or a member of any affiliate of that body or organisation which is affiliated with the NER6 Region;
 - (d) "Delegate Member" means a member elected annually by the bodies entitled to elect members to the Board;
 - (e) "Office Bearer" means a person elected or appointed in accordance with the provisions of Clause 15 of this Constitution;
 - (f) "Executive" means the chairman, vice chairman and NER6 Secretary
 - (g) "NER6" means Cricket North East Region 6 Incorporated"
"CAW" means Cricket Albury Wodonga
"CAWC" Means Cricket Albury Wodonga Country
"WDCA" means Wangaratta and District Cricket Association
"CV" means Cricket Victoria or Victorian Cricket Association
"CVAB" means Cricket Victoria Affiliated Body - (V.C.C.L)
(V.C.C.L) - (Victorian Country Cricket League)
 - (i) Any reference to Secretary in this, or any Constitution of an affiliated association shall mean the NER6 Secretary"
 - (j) "Regional Cricket Manager" (RCM) means the person or persons appointed by Cricket Victoria to conduct coaching and development activities within an affiliated Cricket Association or region as otherwise defined;

- (k) "the Act" means the Associations Incorporation Reform Act 2012;
- (l) "the Regulations" mean the regulations made in accordance with the provisions of the Association Incorporations Reform Regulations 2012.
- (m) Board means Cricket North East Region 6 Board (NER6)

- 2. Headings to Clauses of this Constitution are intended for ease of reference only and are not to be taken to affect the Constitution or the interpretation of such Clauses.

PART II -AFFILIATION AND MEMBERSHIP

- 3. The Cricket Associations affiliated with the NER6 Region shall be:

Cricket Albury Wodonga
Wangaratta & District Cricket Association
Tumbarumba & District Cricket Association ***
Rutherglen and District Cricket Association ***
Mansfield Junior Cricket Association ***
Benalla and District Cricket Association ***

- 3.1 Each and every affiliated Association shall pay to NER6 the amount of the Affiliation Fee determined from time to time by the Annual General Meeting of the Cricket North East Region 6 Board.
- 3.2 Applications for Affiliation may be accepted from Association Junior Bodies and other Bodies of Association level. (Will Be Defined by ***)

4. Membership and Office Bearers

- 4.1 The members of the NER6 shall consist of Ordinary Members and members of the Board.
- 4.2 The Office Bearers of the Board shall consist of the Chairman, Deputy Chairman and NER6 Secretary.

The NER6 Chairman and Deputy Chairman can be elected from members of the NER6 Board or shall be the elected office bearers from Cricket Albury Wodonga elected annually by the bodies entitled to elect members of Cricket Albury Wodonga.

The NER6 Secretary can be elected from the members of the NER6 Board or shall be the elected office bearer (Secretary) from Cricket Albury Wodonga elected annually by the bodies entitled to elect members of Cricket Albury Wodonga.

The NER6 Treasurer can be elected from the members of the NER6 Board or shall be the elected office bearer (Treasurer) from Cricket Albury Wodonga elected annually by the bodies entitled to elect members of Cricket Albury Wodonga.

- 4.3 The Delegate Members of the NER6 Region shall be elected annually by the bodies entitled to elect such members pursuant to Clause 3
- 4.4 The Board shall consist of members as follows:

(a) Up to two (2) members from each of the Cricket Associations granted affiliation in accordance with paragraph 3 of this Constitution.

(b) Up to one (1) member from the Association Junior Body or other Bodies of Association level granted affiliation in accordance with paragraph 3.2 of this Constitution. These bodies are recognized in clause three by ***

(c) NER6 Secretary

(d) CV Regional Cricket Manager or equivalent paid position (Ex Officio) (Non-Voting)

Cessation of Membership

5. A person shall cease to be a member of the NER6 Board if the person:

(a) dies;

(b) resigns his membership;

(c) is expelled from the Board;

(d) is absent without leave from three consecutive meetings of the Board;

(e) ceases to be a member of the body that elected him in accordance with Clause 4 of this Constitution.

Membership Entitlements Not Transferable

6. A right, privilege or obligation which a person has by reason of being a member of the Board is personal and:

(a) is not capable of being transferred or transmitted to another person; and

(b) subject to the provisions of Clause 11 of this Constitution, terminates upon cessation of that person's membership.

Resignation of Membership

7. A member of the Board is not entitled to resign that membership except in accordance with this Clause.

7.1 A member of the Board may resign from the Board by first giving notice (being not less than one month or not less than such other period as the Board may determine) in writing to the NER6 Secretary of the member's intention to resign and, upon the expiration of the period of notice, the member shall cease to be a member.

7.2 Where a member of the Board ceases to be a member pursuant to Clause 7.1, and in every other case where a member ceases to hold membership, the NER6 Secretary shall make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

Life Membership

8. A candidate for election as a Life Member shall be nominated in writing by the Board.

- 8.1 The nomination of a person for election as a Life Member is a matter within the sole discretion of the Board having regard to whether the candidate has, in the opinion of the Board rendered exceptional or outstanding service to the NER6 Region.
- 8.2 A person shall only become a Life Member upon being elected as a Life Member by a resolution carried by a three-quarters majority of Members who are present in person and are entitled to vote and do vote at a general meeting of the Region.
- 8.3 No election of a life member shall be valid unless twenty-one (21) days notice of the meeting and of the resolution to elect the Life Member has been given to the Members. Any Member may request the Board by written notice delivered to the NER6 Secretary to exercise its discretion to nominate a person for election as a Life Member. The Board is obliged to consider such a request but is not obliged to nominate the relevant person.
- 8.4 A Life Member shall not :
- (a) take part in the proceedings of any meeting of the NER6 Region except by leave of the meeting;
 - (b) be entitled to receive notice of any meeting of the NER6 Region other than the Annual General Meeting; or
 - (c) be entitled to vote on any matter at a meeting of the Region, unless the Life Member is a Delegate Member or a member of the Board.
- 8.5 A person shall cease to be a Life Member if :
- (a) that person dies;
 - (b) that person resigns as a Life Member
 - (c) the NER6 Region resolves by a special resolution in general meeting to remove that person as a Life Member and the Life Member was given an opportunity to address that general meeting prior to the resolution being passed.
- 8.6 A Life Member may resign as a Life Member by notice in writing delivered to the NER6 Secretary. The resignation shall be effective upon receipt by the NER6 Secretary of that notice.

Register of Members

9. The Public Officer or the NER6 Secretary of the Board shall establish and maintain a register of members of the Board I specifying the name and address of each person who is a member of the Board together with the date on which the person became a member.

The register of members shall be kept at the principal place of administration of the Board and shall be open for inspection, free of charge, by a member of the Board at any reasonable hour on any business day.

Fees and Subscriptions

10. A member of the Cricket North East Region 6 Board shall not be required to pay any fee on becoming a member, nor shall any member be liable to pay any annual subscription to the Cricket North East Region 6 Board.

Member's Liabilities

11. The Liability of a member of the Board to contribute towards the payment of the debts and liabilities of the Board or the costs, charges and expenses of winding up of the Board is limited to an amount of \$1.00 and every person who becomes a member of the Board is deemed to have undertaken to pay such amount if so required, in the event that the Board is wound up while he is a member or within a period of one year after ceasing to be a member thereof.

Disciplining of Members by NER6

- 12.1 The Executive, as described in Part 3 hereof, may take such action as the Executive deems fit in the event, that in the opinion of the Executive any affiliated Association or its affiliated Associations or their Clubs or teams or Ordinary Members of such Board, Associations, Clubs or teams does any act or thing which in the opinion of the Executive is contrary to the laws or spirit of the game or is detrimental to the Region or brings the game into disrepute. The Executive has the power to disqualify, suspend or fine such Association, Club, team or Ordinary Member subject to the provisions of this Clause and Clause 13.
- 12.2 A resolution of the Executive under paragraph (i) of this Clause shall be of no effect unless the Executive, at a meeting held not earlier than 14 days and not later than 28 days after service on the member of a notice in accordance with Clause 12.3, confirms the resolution in accordance with this clause.
- 12.3 Where the Executive passes a resolution in accordance with Clause 12.1, NER6 Secretary shall as soon as practicable, cause notice in writing to be served on the member:
 - (a) setting out the resolution of the Executive and the grounds on which it is based;
 - (b) stating that the member may address the Executive at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice;
 - (c) stating the date, place and time of that meeting; and
 - (d) informing the member that the member may do either or both of the following:
 - (1) attend and speak at the meeting;
 - (2) submit to the Executive at or prior to the date of that meeting written representations relating to the resolution.
- 12.4 At a meeting of the Executive held as referred to in Clause 12.3, the Executive shall:
 - (a) give to the member an opportunity to make oral representations;
 - (b) give due consideration to any written representations submitted to the Executive by the member at or prior to the meeting; and
 - (c) by resolution determine to confirm or to revoke the resolution.

- 12.5 Where the Executive confirms a resolution under Clause 12.4 the NER6 Secretary shall, within 7 days after that confirmation, by notice in writing inform the member of the fact and of the member's right of Appeal under Clause 13.
- 12.6 A resolution confirmed by the executive Clause 12.4 does not take effect:
- (a) until the expiration of the period within which the member is entitled to Appeal against the resolution where the member does not exercise the right of Appeal within that period; or
 - (b) where within that period the member exercises the right of Appeal, unless and until the Board confirms the resolution pursuant to Clause 13.4.

Right of Appeal of Disciplined Member.

- 13.1 A member may Appeal to the Board in general meeting against a resolution of the Executive which is confirmed under Clause 12.4 within 7 days after notice of the resolution is served on the member, by lodging with the NER6 Secretary a notice in writing to that effect.
- 13.2 Upon receipt of a notice from a member under clause 13.1 the Executive shall convene a general meeting of the Board to be held within 21 days after the date on which the NER6 Secretary received the notice.
- 13.3 At a general meeting of the Board convened under clause 13.2:
- (a) no business other than the question of the Appeal shall be transacted;
 - (b) the Executive and the member shall be given the opportunity to state their respective cases orally or in writing, or both; and
 - (c) the members present shall vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- 13.4 If that general meeting of the Board passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.
- 13.5 If the resolution is confirmed the Member may, within seven days of the date of the meeting of the Board at which the resolution was confirmed, lodge with the NER6 Secretary of the Board a further Appeal to Cricket Victoria or a Cricket Victoria Affiliated Body and the NER6 Secretary shall forthwith send such Appeal to the Regional Administrator of Cricket Victoria or the Cricket Victoria Affiliated Body for consideration.
- 13.6 The decision of Cricket Victoria or the Cricket Victoria Affiliated Body on any such Appeal shall be final and no further Appeal shall be made to any other body or Court.

PART III -THE EXECUTIVE

Powers, Etc of the Executive

14. The Executive of the Cricket North East Region 6 Board and Subject to the Act, the Regulations and this Constitution and to any resolution passed by the Cricket North East Region 6 Board in general meeting:
- (a) shall control and manage the affairs of the Region.
 - (b) exercise all such functions as may be exercised by the Board other than those functions that are required by this Constitution to be exercised by a general meeting of members of the Board;

- (c) has power to perform all such acts and do all such things as appear to the Executive to be necessary or desirable for the proper management of the affairs of the Board.

Composition and Membership of the Executive

- 15.1 The Executive shall consist of the Office Bearers
- 15.2 The office bearers shall be The Chairman, Deputy Chairman and NER6 Secretary.
- 15.3 Each member of the Executive shall, subject to this Constitution, hold office until the conclusion of the Annual General meeting following the date of the member's election, but is eligible for re-election subject to qualification in accordance with Clause 4.
- 15.4 In the event of a casual vacancy occurring in the membership of the Executive, the Executive may appoint a member of the Board to fill the vacancy and the member so appointed shall hold office, subject to this Constitution, until the conclusion of the Annual General Meeting next following the date of the appointment.

Election of Office Bearers

- 16.1 Nominations of Candidates for election as office-bearers of the Board:
 - (a) shall be made in writing, signed by 2 members of the Board and accompanied by the written consent of the candidate (which) may be endorsed on the form of the nomination; and
 - (b) shall be delivered to the NER6 Secretary of the Board not less than 7 days before the date fixed for the holding of the Annual General Meeting at which the election is to take place.
- 16.2 If a nomination or nominations are not received for the position of an office-bearer nominations shall be received at the Annual General Meeting.
- 16.3 If a nomination or nominations are not received in accordance Clauses 16.1 and 16.2, any vacant positions remaining shall be deemed to be casual vacancies.
- 16.4 If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- 16.5 If the number of nominations received exceeds the number of vacancies to be filled, a ballot shall be held.
- 16.6 The ballot for the election of office-bearers shall be conducted at the Annual General Meeting in such usual and proper manner as the Executive may direct.
- 16.7 A nomination of a candidate for election under this Clause is not valid if that candidate has been nominated for and elected to another office at the same election.

NER6 Secretary

- 17.1 The NER6 Secretary shall, as soon as practicable after being appointed as NER6 Secretary, lodge notice with the Board of his or her address.
- 17.2 It is the duty of the NER6 Secretary to keep minutes of:
- (a) all appointments of office-bearers and members of the Executive.
 - (b) the names of members of the Executive present at an Executive meeting or general meeting; and
 - (c) all proceedings at Executive meetings and general meetings.
- 17.3 Minutes of proceedings at a meeting shall be signed by the Chairman of the meeting or by the Chairman of the next succeeding meeting.
- 17.4 It is the duty of the NER6 Secretary to ensure that:
- (a) all money due to the Board is collected and received and that all payments authorised by the Board are made.
 - (b) correct books and accounts are kept showing the financial affairs of the Board including full details of all receipts and expenditure connected with the activities of the Board.

Casual Vacancies

18. For the purpose of this Constitution, a casual vacancy in the office of a member of the Executive occurs if the member:
- (a) dies;
 - (b) ceases to be a member of the Board;
 - (c) becomes an insolvent under the administration within the meaning of the Companies (Victoria) Code;
 - (d) resigns office by notice in writing given to the NER6 Secretary;
 - (e) is removed from office under Clause 19;
 - (f) becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health;
 - (g) is absent without consent of the Executive from three consecutive meetings of the Executive.

Removal of Member

- 19.1 The Board in general meeting may by resolution remove any member of the Executive from the office of member before the expiration of the member's term of office and shall by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.
- 19.2 Where a member of the Executive to whom a proposed resolution referred to in Clause 19.1 relates makes representations in writing to the NER6 Secretary or Chairman (not

exceeding a reasonable length) and requests that the representations be notified to the members of the Board the NER6 Secretary or the Chairman may send a copy of the representations to each member of the Board or, if they are not sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

Meetings and Quorums

- 20.1 The Board shall meet at least once in each year at such place and time as the Board may determine.
- 20.2 Additional meetings of the Board may be convened by the Chairman or by any member of the Executive.
- 20.3 Oral or written notice of meeting of the Board shall be given by the NER6 Secretary to each member of the Board at least 48 hours (or such other period as may be unanimously agreed upon by the members of the Board) before the time appointed for the holding of the meeting.
- 20.4 Notice of a meeting given under Clause 20.2 shall specify the general nature of the business shall be transacted at the meeting, except business that the Board members present at the meeting agree to treat as urgent business.
- 20.5 Five members of the Board shall constitute a quorum for the transaction of the business of a meeting of the Board.
- 20.6 No business shall be transacted by the Board 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 stands adjourned to the same place and at the same hour of the same day in the following week.
- 20.7 If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting shall be dissolved.
- 20.8 At the meeting of the Board, the Chairman or, in the Chairman's absence, the Deputy Chairman shall preside.

Delegation by Executive to Sub-committee

- 21.1 The Executive may, by instrument in writing, delegate to one or more subcommittees (consisting of such members of the Board as the Executive thinks fit) the exercise of such of the functions of the Executive as are specified in the instrument, other than:
 - (a) this power of delegation; and
 - (b) a function which is a duty imposed on the Executive by the Act, by any other law or by this Constitution.
- 21.2 A function the exercise of which has been delegated to a sub-committee under this clause may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
- 21.3 Delegation under this section may be made subject to such conditions or limitations as to the exercise of any function the subject thereof, or as to time or circumstances, any be specified in the instrument of delegation.
- 21.4 Notwithstanding any delegation under this Clause, the Executive may continue to exercise any function delegated.

- 21.5 Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this Clause has the same force and effect as it would have if it had been done or suffered by the Executive.
- 21.6 The Executive may, by instrument in writing, revoke wholly or in part any delegation under this Clause.
- 21.7 A sub-committee may meet and adjourn as it thinks proper.

Voting and Decisions

- 22.1 Questions arising at a meeting of the Executive or of any sub committee appointed by the Executive shall be determined by a majority of the votes of members of the Executive or sub-committee present at the meeting.
- 22.2 Each member present at a meeting of the executive or of any sub-committee appointed by the Executive (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- 22.3 Subject to Clause 21.5, the executive may act notwithstanding any vacancy on the Executive.
- 22.4 Any act or thing done or suffered, or purporting to have been done by the Executive or by a sub-committee appointed by the Executive, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member of the Executive or sub-committee.

PART IV -GENERAL MEETINGS

23. The annual general meeting of the Region shall be held no later than the 31st of August in each year.
24. The regular business of the annual general meeting shall be:
- (a) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting;
 - (b) to receive reports on the activities of the Board during the last preceding financial year;
 - (c) to receive and consider the financial statement;
 - (d) to elect Office-Bearers;
 - (e) to elect from the members elected in accordance with Clause 4.4 if required a delegate to be available for any CV or CVAB formal requirements
 - (f) to determine any required panel or panels of selectors;
 - (g) to determine affiliation fees as required.

All other business at an Annual General Meeting shall be special business.

Other General Meetings of the Board

25. All meetings other than annual general meetings and regular general meetings shall be special general meetings. The Executive may convene regular general meetings of the Board as necessary.

Special General Meetings -Calling Of

- 26.1 The Executive may, whenever it thinks fit, convene a special general meeting of the Board.
- 26.2 The Executive shall, on the requisition in writing of not less than three members convene a special general meeting of the Board.
- 26.3 A requisition of members for a special general meeting:
- (a) shall state the purpose or purposes of the meeting;
 - (b) shall be signed by the members making the requisition;
 - (c) shall be lodged with the NER6 Secretary; and
 - (d) may consist of several documents in similar form, each signed by one or more of the members making the requisition.
- 26.4 If the Board fails to convene a special general meeting to be held within one month after that date on which a requisition of members for the meeting is lodged with the NER6 Secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than three months after that date.
- 26.5 A special general meeting convened by a member or members as referred to in Clause 26.4 shall be convened as nearly as is practicable in the same manner as general meetings are convened by the Board and any member who thereby incurs expense is entitled to be reimbursed by the Board for any expense so incurred.

Notice

- 27.1 Except where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Board the NER6 Secretary shall, at least seven days before the date fixed for the holding of the general meeting, cause to be sent by email to each member at the member's address appearing in the register of members, a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- 27.2 Where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Board the NER6 Secretary shall, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be sent to each member in the manner provided in paragraph (i) of this clause specifying, in addition to the matter required under paragraph (i) of this Clause, the intention to propose the resolution as a special resolution.
- 27.3 No business other than that specified in the notice convening a general meeting shall be transacted at the meeting except, in the case of an annual general meeting, business that may be transacted pursuant to Clause 24 of this Constitution.

- 27.4 A member desiring to bring any business before a general meeting may give notice in writing of that business to the NER6 Secretary who shall include that business in the next notice calling a general meeting after receipt of the notice from the member.

Procedure

- 28.1 No item of business shall be transacted at a general meeting unless a quorum of members entitled under this Constitution to vote is present during the time the meeting is considering that item.
- 28.2 Five (5) members present in person (being members entitled under this Constitution to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- 28.3 If within half an hour after the appointed time for the commencement of a general meeting the quorum is not present, the meeting if convened upon the requisition of members shall be dissolved and in any other case shall stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- 28.4 If at the adjourned Meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than five) shall constitute a quorum and if five members are not so present the meeting shall be dissolved.

Presiding Member

- 29.1 The Chairman or, in the Chairman's absence, the Deputy Chairman, shall preside as Chairman at each general meeting of the Board.
- 29.2 If the Chairman and Deputy Chairman are absent from a general meeting or unwilling to act, the members present shall elect one of their number to preside as chairman at the meeting.

Adjournment

- 30.1 The Chairman of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place but no business shall be transacted at an adjourned meeting other than business left unfinished at the meeting at which the adjournment took place.
- 30.2 Where a general meeting is adjourned for fourteen days or more, the NER6 Secretary shall give written or oral notice of the adjourned meeting to each member of the Board stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- 30.3 Except as provided in Clauses 30.1 and 30.2, notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

Making Decisions

- 31.1 A question arising at a general meeting of the Board shall be determined on a show of hands and, unless before or on the declaration of the show of hands, a poll is demanded, a declaration by the Chairman that a resolution has, on show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the Board, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- 31.2 At a general meeting of the Board, a poll may be demanded by the Chairman or by not less than three members present in person at the meeting. Or in a general meeting conducted by telephone or video communications.
- 31.3 Where a poll is demanded at a general meeting, the poll shall be taken:
- (a) Immediately in the case of a poll which relates to the election of the Chairman of the meeting or to the question of an adjournment; or
 - (b) In any other case, in such manner and at such time before the close of the meeting as the chairman directs, and the resolution of the poll on the matter shall be deemed to be the resolution of the meeting on the matter.

Special Resolution

32. A Resolution of the Board is a special resolution if:
- (a) it is passed by a majority which is not less than a three-quarters of such members of the Board in attendance as being entitled under this Constitution so to do, vote in person at a general meeting of which not less than twenty-one days written notice specifying the intention to propose the resolution as a special resolution was given in accordance with this Constitution; or
 - (b) Where it is made to appear to Consumer Affairs Victoria that it is not possible or practicable for the resolution to be passed in the manner specified in paragraph (a) -the resolution is passed in a manner specified by the Department.

Voting

- 33.2 Upon any question arising at a general meeting of the Board a member has one vote only.
- 33.3 All votes shall be given personally
- 33.4 In the case of an equality of votes on a question at a general meeting, the Chairman of the meeting may exercise a second or casting vote.

Appointment of Proxies

- 34.1 There are no Proxies

PART V -MISCELLANEOUS

Insurance

- 35.1 In respect to the insurance required to be maintained by the Board it shall be a function of the Board to ascertain whether or not the Board is covered by a policy held by Cricket Victoria every year and, if not so covered, to effect such insurance forthwith and ensure that the Board maintains such insurance either on its own account or by a policy held by Cricket Victoria.
- 35.2 In addition to the insurance required under paragraph (i) of this Clause the Board may effect and maintain such other insurance as it deems necessary either on its own account or through policies held by Cricket Victoria.

Funds Source and Management

- 36.1 The funds of the Board shall be derived from such sources as the Board determines.
- 36.2 All money received by the Board shall be deposited as soon as practicable and without deduction to the credit of the Boards Bank or Society Account.
- 36.3 The Board shall, as soon as practicable after receiving any money issue an appropriate receipt.
- 37.1 The funds of the Board shall be used solely in pursuance of the objects of the Board.
- 37.2 All cheques, drafts bills of exchange, promissory notes and other negotiable instruments shall be signed by any two of the Chairman, Deputy Chairman and NER6 Treasure jointly.
- 38.1 The NER6 Treasure shall maintain proper books of account in which shall be recorded all the financial transactions of the Board.
- 38.2 At the end of each financial year the NER6 Treasure shall prepare all such statements as are required to be presented to the annual general meeting in accordance with the provisions of Part 7 Division 1 Sections 89, 90, 91, 92, 93, 94 of the Act and shall present such statements together to the annual general meeting.
39. The financial year of the Board shall end on the 30th April in each and every year.
- 40.1 The statement of objects may be altered, rescinded or added to, only by a special resolution of the Board.
- 40.2 Any decision made on any matter not covered in these rules, shall not be inconsistent with any rule or by-law contained in the Constitution of Cricket Victoria or any Cricket Victoria Affiliated Body.

Common Seal

- 41.1 The Common Seal of the Board shall be kept in the custody of the NER6 Secretary.
- 41.2 The Common Seal shall not be affixed to any instrument except by the authority of the Executive and the affixing of the Common Seal shall be attested by the signatures of 2 members of the Executive.

Custody of Books, Etc.

42. Except as otherwise provided by the rules, the NER6 Secretary shall keep in his or her custody or under his or her control all records, books and other documents relating to the Board I.

Inspection of Books, Etc.

43. The records, books and other documents of the Board shall be open to inspection free of charge, by a member of the Board at any reasonable hour, on any business day.

Service of Notices

- 44.1 For the purpose of this Constitution, a notice may be served by, on behalf of the Board upon any member or members club either personally or by sending it by post or email to the member or member's club address as shown in the NER6 register of members and member clubs.

Surplus Property

- 45 In the event of the winding up or cancellation of the incorporation of the Zone all the surplus property of the Zone shall vest in Cricket Victoria or any Cricket Victoria Affiliated Body.

Appeals

- 46.1 The NER6 Board shall have the power to hear an Appeal from any disciplinary action taken by an association in respect of any club or member.
- 46.2 An Appeal to the NER6 Board may only be filed by:
- a. The association
 - b. The executive of an association
 - c. The code of Conduct Commissioner appointed by an association
 - d. The club against whom such disciplinary action was taken
 - e. The member against whom such disciplinary action was taken
- 46.3 The Notice of Appeal must:
- a. be filed with the NER6 Secretary by 4 pm on the 10th day after the disciplinary decision is made.
 - b. State the decision being Appealed against
 - c. Briefly state the grounds for the Appeal
 - d. Include a copy of all documents available to the Appellant filed at the disciplinary hearing
 - e. Be accompanied by the filing fee of \$500.00

- 46.4 Upon receipt of a Notice of Appeal in accordance with Clause 46.3 the NER6 Board shall appoint an Appeals Committee.
- 46.5 The Appeals Committee shall consist of Members of NER6 Board. To be determined by the executive and can consist of any of the members of the NER6 Board. Taking into account any relevant conflicts of interest.
- 46.6 The quorum for the Appeals Committee is 3.
- 46.7 Upon receipt of the Notice of Appeal the NER6 Secretary shall:
- a. appoint a time and place for the hearing of the Appeal being not less than 3 days after receipt of the Appeal
 - b. request the Secretary of the association involved to provide a copy of all documents filed, lodged or considered at the disciplinary hearing Appealed from.
 - c. Request the attendance of all persons considered to be relevant to the Appeal at the Appeal hearing
 - d. Request any association, club or member to provide information to the Appeals Committee
- 46.8 Any member of any body or organisation affiliated with the NER6 or a member of any affiliate of that body or organisation which is affiliated with the NER6, who is requested to attend the Appeal hearing or provide information for the Appeal hearing by the NER6 Secretary must attend and provide such information, unless excused by the NER6 Secretary from such attendance or providing such information.
- 46.9 The Appeals Committee shall solely determine the procedure to be followed at the Appeals hearing, save and except, that the Appeals Committee must provide an opportunity for the appellant to be heard prior to determining the Appeal.
- 46.10 The Appeals Committee, after hearing the Appeal in accordance with Clause 46.9 may:
- a. dismiss the Appeal and confirm the disciplinary decision,
 - b. uphold the Appeal and quash the disciplinary decision, or
 - c. vary the disciplinary decision and impose any other determination or penalty deemed appropriate
- 46.11 The NER6 Secretary upon the determination being made will forward to the relevant association, club and member a copy of the decision.
- 46.12 The NER6 Secretary may, at his sole discretion, refund, in whole or part, the Appeal fee.
- 46.13 The following parties, and no other party, may Appeal a decision of the Appeals committee to Cricket Victoria or a nominated Cricket Victoria Affiliated Body:
- a. The association
 - b. The executive of an association
 - c. The club against whom such disciplinary action was taken
 - d. The member against whom such disciplinary action was taken

Such Appeal must be in writing and lodged with the Cricket Victoria or a nominated Cricket Victoria Affiliated Body administrator by 4pm on the seventh day after the Appeals Committee hands down its decision.

The acceptance of any such Appeal, if accepted by the Cricket Victoria or a nominated Cricket Victoria Affiliated Body, shall be dealt with in accordance with the Constitution of Cricket Victoria or a nominated Cricket Victoria Affiliated Body and not otherwise.

46.14 If no Appeal is lodged within the prescribed time pursuant to clause 46.13 or if an Appeal is lodged but is not accepted by Cricket Victoria or a nominated Cricket Victoria Affiliated Body pursuant to Clause 46.13 then the decision of the Appeals Committee is final and binding and no further Appeal may be lodged to any other association, body or Court.

47. By-laws

By-laws will be able to be added each year.

These By-laws will only be voted on by the executive

All By-laws must be of a two thirds majority to be carried.

By-laws will be able to be submitted to the Executive by any of the Members of the Committee or the Executive itself via email or phone.