

Blind Cricket New South Wales Incorporated

Rules & Regulations

Updated 15th December 2007

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Part I - Preliminary

1. Definitions

(1) In these rules:

- (a) “**Ordinary Member**” means a Member of the Association who is not an office-bearer of the Association, as referred to in rule 16;
- (b) “**Life Member**” means a Member of the Association who may be an office-bearer of the Association, as referred to in rule 16;
- (c) “**Secretary**” means the person holding office under these rules as Secretary of the Association; or if no such person holds that office – the Public Officer of the Association;
- (d) “**Special General Meeting**” means a General Meeting of the Association other than an Annual General Meeting;
- (e) The “**Act**” means the Associations Incorporated Act 1984;
- (f) The “**Regulation**” means the Associations Incorporation Regulation 1994;
- (g) The “**Association**” means the Blind Cricket Mew South Wales Incorporated;
- (h) The “**Executive**” or “**Executive Committee**” means the Executive Committee of the Blind Cricket New South Wales.

(2) In these rules:

- (a) a reference to a function includes a reference to a power, authority and duty; and
- (b) a reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty.

(3) The provisions of the Interpretation Act 1987 apply to and in respect of these rules in the same manner as those provisions would so apply if these rules were an instrument made under the Act.

Part II - Membership

2. Membership Qualifications

A person qualified to be a Member of the Association if, but only if:

- (a) the person is a person referred to in section 15 (1)(a), (b) or (c) of the Act and has not ceased to be a Member of the Association at any time after incorporation of the Association under the Act; or
- (b) the person is a natural person:
 - (i) who has been nominated for Membership of the Association as provided by rule 3; and
 - (ii) who has been approved for Membership of the Association by the Executive Committee of the Association.

3. Nomination for Membership

- (1) A nomination of a person for Membership of the Association:
 - (a) must be made by a Member of the Association in writing in the form set out by the Association these rules; and
 - (b) must be lodged with the Secretary of the Association.
- (2) As soon as is practicable after receiving the nomination for Membership, the Secretary must refer the nomination to the Executive Committee which is to determine whether to approve or to reject the nomination.
- (3) If the Executive Committee determines to approve a nomination for Membership, the Secretary must, as soon as practicable after that determination, notify the nominee of that approval and request the nominee to pay (within the period of 28 days after the receipt by the nominee of the notification) the sum payable under these rules by a Member as entrance fee and Annual subscription.
- (4) The Secretary must, on payment by the nominee of the amounts referred to in clause (3) within the period referred to in that clause, enter the nominee's name in the register of Members and, on the name being so entered, the nominee becomes a Member of the Association.

4. Life Members

- (1) Following a nomination by a Member of a person to be awarded Honourary Life Membership of the Association, the Secretary shall give notice to all Members and consideration shall be given to the nomination at the next Annual General Meeting of the Association.
- (2) In considering Life Membership reference should be made to the following criteria;
 - (a) the nominee must have provided the Association with extensive service in furtherance of its aims.
 - (b) the nominee must have been actively involved for a considerable time in furthering the goals and objectives of the Association.
 - (c) the nominee must have been a Member of the Association for at least 15 consecutive years or more.
- (3) The nomination must be in writing and be accompanied with a short resume outlining the reasons for the nomination.
- (4) Honourary Life Membership shall be conferred on the nominee at an Annual General Meeting when at least 75% of the of the Members present at the Annual General Meeting vote in favour of the nominee.
- (5) An Honourary Life Member shall have all the privileges and rights of an Ordinary Member of the Association.

5. Removal of Life Member

- (1) The honour of Life Membership can be removed at an Annual General Meeting where 75% of the Members present vote for its removal.
- (2) The removal of Life Membership must be given to the Secretary by a Member in the form of a Special Resolution as prescribed by Rule 37. This notice must be in writing and outline the reasons for removal of the Life Membership.
- (3) Life Membership can be removed where a Member brings the Association into disrepute or acts outside the aims and objectives of the Association.

6. Cessation of Membership

A person ceases to be a Member of the Association if the person:

- (a) dies; or
- (b) resigns Membership; or

- (c) does not renew his/hers Membership of the Association or
- (d) is expelled from the Association.

7. Membership Entitlements Not Transferable

A right, privilege or obligation which a person has by reason of being a Member of the Association:

- (a) is not capable of being transferred or transmitted to another person; and
- (b) terminates on cessation of the person's Membership

8. Resignation of Membership

- (1) A Member of the Association is not entitled to resign that Membership except in accordance with this rule.
- (2) A Member of the Association who has paid all amounts payable by the Member to the Association in respect of the Member's Membership may resign from Membership of the Association by first giving the Secretary written notice of at least one month (or such other period as the Executive Committee may determine) of the Member's intention to resign and, on the expiration of the period of notice, the Member ceases to be a Member.
- (3) If a Member of the Association ceases to be a Member under clause (2), and in every other case where a Member ceases to hold Membership, the Secretary must make an appropriate entry in the register of Members recording the date on which the Member ceased to be a Member.

9. Register of Members

- (1) The Secretary or in their absence, the Public Officer of the Association must establish and maintain a register of Members of the Association specifying the name and address of each person who is a Member of the Association together with the date on which the person became a Member.
- (2) The register of Members must be kept at the principal place of administration of the Association and must be open for inspection, free of charge, by any Member of the Association at any reasonable hour.

10. Fees and Subscription

- (1) A Member of the Association must, on admission to Membership, pay to the Association a fee that has been determined by the Executive Committee.

- (2) In addition to any amount payable by the Member under clause (1), a Member of the Association must pay an Annual Membership fee of an amount that has been determined by the Executive Committee:
- (3) The membership year will be from July 1 to June 30 of the following year. Membership must be paid prior to the start of the season.

11. Members' Liability

The liability of a Member of the Association to contribute towards the payment of the debts and liabilities of the Association or the costs, charges and expenses of winding up of the Association is limited to the amount, if any, unpaid by the Member in respect of Membership of the Association as required by rule 10.

12. Resolution of Internal Disputes

Disputes between Members (in their capacity as Members) of the Association, and disputes between Members and the Association, are to be referred to a Community Justice Centre for mediation in accordance with the Community Justice Centres Act 1983.

13. Disciplining of Members

- (1) A complaint may be made by any Member of the Association that some other Member of the Association:
 - (a) has persistently refused or neglected to comply with a provision of these rules; or
 - (b) has persistently and willfully acted in a manner prejudicial to the interests of the Association; or
 - (c) has contravened the Associations Code of Conduct.
- (2) On receiving such a complaint, the Associations Code of Conduct must be implemented and the Executive Committee:
 - (a) must cause notice of the complaint to be served on the Member concerned; and
 - (b) must give the Member at least 14 days from the time the notice is served within which to make submissions to the Executive Committee in connection with the complaint; and
 - (c) must take into consideration any submissions made by the Member in connection with the complaint.

- (3) The Executive Committee may, by Resolution, expel the Member from the Association or suspend the Member from Membership of the Association if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved and all matters relating to the complaint have been dealt with under the provisions of the Associations Code of Conduct.
- (4) If the Executive Committee expels or suspends a Member under the provisions of the Associations Code of Conduct, the Secretary must, within 7 days after the action has been taken, cause written notice to be given to the Member of the action taken, of the reasons given by the Committee for having taken that action and of the Member's right of appeal under rule 14.
- (5) The expulsion or suspension does not take effect:
 - (a) until the expiration of the period within which the Member is entitled to appeal against the Resolution concerned; or
 - (b) if within that period the Member exercises the right of appeal, unless and until the Association confirms the Resolution under rule 14 and the Associations Code of Conduct, whichever is the later.

14. Right of Appeal of Disciplined Member

A Member may appeal to the Association against the Resolution of the Executive Committee under rule 13 and the Associations Code of Conduct.

Part III – The Executive Committee

15. Powers of the Executive Committee

The Executive Committee is to be called the Executive Committee of management of the Association and, subject to the Act, the Regulation and these rules and to any Resolution passed by the Association in a General Meeting:

- (a) is to control and manage the affairs of the Association; and
- (b) may exercise all such functions as may be exercised by the Association, other than those functions that are required by these rules to be exercised by a General Meeting of Members of the Association; and
- (c) has power to perform all such acts and do all such things as appear to the Executive Committee to be necessary or desirable for the proper management of the affairs of the Association.

16. Constitution and Membership

- (1) Subject in the case of the first Members of the Executive Committee to section 21 of the Act, the Executive Committee is to consist of:
 - (a) the office-bearers of the Association; and
 - (b) 2 Ordinary Member, each of whom is to be elected at the Annual General Meeting of the Association under rule 17.
- (2) The office-bearers of the Association are to be:
 - (a) the President;
 - (b) the Vice President;
 - (c) the Treasurer; and
 - (d) the Secretary.
- (3) Each Member of the Executive Committee is, subject to these rules, to hold office **for a two year period up** until the conclusion of **every second** Annual General Meeting following the date of the Member's election, but is eligible for re-election.
- (4) In the event of a casual vacancy occurring in the Membership of the Executive Committee, the Executive Committee may appoint the Ordinary Member of the Executive Committee to fill the vacancy and the Member so appointed is to hold office, subject to these rules, until the conclusion of the Annual General Meeting next following the date of the appointment.

17. Election of Members

- (1) Nominations of candidates for election as office-bearers of the Association or as Ordinary Members of the Executive Committee:
 - (a) must be made in writing, signed by two Members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination); and
 - (b) must be delivered to the Secretary of the Association at least 7 days before the date fixed for the holding of the Annual General Meeting at which the election is to take place.
- (2) If insufficient nominations are received to fill all vacancies on the Executive Committee, the candidates nominated are taken to be elected and further nominations are to be received at the Annual General Meeting.

- (3) If insufficient further nominations are received, any vacant position remaining on the Executive Committee are taken to be casual vacancies.
- (4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
- (5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.
- (6) The ballot for the election of office-bearers and Ordinary Members of the Executive Committee is to be conducted at the Annual General Meeting in such usual and proper manner as the Executive Committee may direct.

18. President

The duties of the President are

- (a) to act on behalf of the Association, and officiate at all of its functions.
- (b) to chair all meetings of the Association.

19. Vice President

The duties of the Vice President are;

- (a) to act in the stead of the President in his absence;
- (b) to perform other specific duties as determined by the Executive Committee from time to time.

20. Secretary

- (1) The Secretary of the Association must, as soon as practicable after the appointment as Secretary, lodge notice with the Association of his or her address.
- (2) It is the duty of the Secretary to keep minutes of:
 - (a) all appointments of office-bearers and Members of the Executive Committee;
 - (b) the names of Members of the Executive Committee present at the Executive Committee Meeting or a General Meeting; and
 - (c) all proceedings at Executive Committee Meetings and General Meetings.

- (3) Minutes of proceedings at a Meeting must be signed by the Chairperson of the Meeting or by the Chairperson at the next succeeding Meeting.
- (4) It is the duty of the Secretary to:
- (a) to carry out any and all direction given him by the Executive Committee or any Sub Executive Committee of the Association.
 - (b) to keep a list of all players and their qualifications
 - (c) to keep all administrative records of the Association
 - (d) comply with all requests made pursuant to the Constitution or any of the rules made thereunder.
 - (e) receive all reports from the Sub-Committees, officials and members and place them before the next executive meeting of the Association.
- (6) to provide a score book for each team and ensure the maintenance of these, keep the votes, points table and averages of the Association.

21. Treasurer

It is the duty of the Treasurer of the Association to ensure:

- (a) that all monies due to the Association is collected and received and that all payments authorised by the Association are made; and
- (b) that correct books and accounts are kept showing the financial affairs of the Association, including full details of all receipts and expenditure connected with the activities of the Association.

22. Signing Authority of Executive Committee Members

The President, Vice President, Secretary and Treasurer shall be the signing officers of the Association and any two signatures shall suffice. Where more than one of the aforementioned positions is occupied by two or more people who are related (in any way) then only one shall be a signatory of the Association.

23. Casual Vacancies

For the purpose of these rules, a casual vacancy in the office of a Member of the Committee occurs if the Member:

- (a) dies; or
- (b) ceases to be a Member of the Association; or
- (c) becomes insolvent under the administration with the meaning of the Corporations Law; or resigns office by notice in writing given to the Secretary; or
- (d) is removed from office under rule 24; or
- (e) becomes a mentally incapacitated person; or
- (f) is absent the without consent of the Committee from all Meetings of the Committee held during a period of 6 months.

24. Removal of Member

- (1) The Association in a General Meeting may by Resolution remove any Member of the Committee from the office of Member before the expiration of the Member's term of office and may by Resolution appoint another person to hold office until the expiration of the term of office of the Member so removed.
- (2) If a Member of the Executive Committee to whom a proposed Resolution referred to in clause (1) relates makes representations in writing to the Secretary or President (not exceeding a reasonable length) and requests that the representations be notified to the Members of the Association, the Secretary or the President may send a copy of the representations to each Member of the Association or, if the representations are not so sent, the Member is entitled to require that the representations be read out at the Meeting at which the Resolution is considered.

25. Meetings and Quorum

- (1) The Executive Committee must meet at least 3 times in each period of 12 months at such place and time as the Executive Committee may determine.
- (2) Additional Meetings of the Executive Committee may be convened by the President or by any Member of the Executive Committee.
- (3) Oral or written notice of the Meeting must be given by the Secretary to each Member at least 48 hours (or such other period as may unanimously agreed on by the Members of the Executive Committee) before the time appointed for the holding of the Meeting.
- (4) Notice of the Meeting given under clause (3) must specify the General nature of the business to be transacted at the Meeting and no business other than that business is to be transacted at the Meeting, except

business which the Executive Committee Members present at the Meeting unanimously agree to treat as urgent business.

- (5) Any 3 Members of the Executive Committee constitute a quorum for the transaction of the business of a Meeting of the Executive Committee.
- (6) No business is to be transacted by the Executive Committee 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 is to stand adjourned to the same place and at the same hour of the same day in the following week.
- (7) If at the adjourned Meeting a quorum is not present within half an hour of the time appointed for the Meeting, the Meeting is to be dissolved.
- (8) At a Meeting of the Executive Committee:
 - (a) the President or, in the President's absence, the Vice-President is to preside; or
 - (b) if the President and the Vice-President are absent or unwilling to act, such one of the remaining Members of the Executive Committee as may be chosen by the Members present at the Meeting is to preside.

26. Delegation by Executive Committee to Sub-Committee

- (1) The Executive Committee may, by instrument in writing, delegate to one or more Sub-Committees consisting of such Member or Members of the Association as the Executive Committee thinks fit) the exercise of such of the functions of the Committee 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 Committee by the Act or by any other law.
- (2) A function the exercise of which has been delegated to a Sub-Committee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the Sub-Committee in accordance with the terms of the delegation.
- (3) A delegation under this section may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.
- (4) Despite any delegation under this rule, the Executive Committee may continue to exercise any function delegated.

- (5) Any act or thing done or suffered by a Sub-Committee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done or suffered by the Executive Committee.
- (6) The Executive Committee may, by instrument in writing, revoke wholly or in part any delegation under this rule.
- (7) A Sub-Committee may meet and adjourn as it thinks proper.

27. Voting and Decisions

- (1) Questions arising at a Meeting of the Executive Committee or of any Sub-Committee appointed by the Executive Committee are to be determined by majority of the votes of Members of the Executive Committee or Sub-Committee present at the Meeting.
- (2) Each Member present at the Meeting of the Executive Committee or of any Sub-Committee appointed by the Executive Committee (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.
- (3) Subject to rule 25 (5), the Executive Committee may act despite any vacancy on the Executive Committee.
- (4) Any act or thing done or suffered, or purporting to have been done or suffered, by the Executive Committee or by a Sub-Committee appointed by the Executive Committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any Member of the Executive Committee or Sub-Committee.

Part IV – General Meetings

28 Annual General Meetings – Holding of

- (1) With the exception of the first Annual General Meeting of the Association, the Association must, at least once in each calendar year and within the period of 6 months after the expiration of each financial year of the Association, convene an Annual General Meeting of its Members.
- (2) The Association must hold its first Annual General Meeting:
 - (a) within the period of 18 months after its incorporation under the Act; and
 - (b) within the period of 6 months after the expiration of the first financial year of the Association.

- (3) Clauses (1) and (2) have effect subject to any extension or permission granted by the Executive Commissioner under section 26 (3) of the Act.

29. Annual General Meeting – Calling of and Business at

- (1) The Annual General Meeting of the Association is, subject to the Act and to rule 28, to be convened on such date and at such place and time as the Executive Committee thinks fit.
- (2) In addition to any other business which may be transacted at an Annual General Meeting, the business of an Annual General Meeting is to include:
 - (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 from the Executive Committee reports on the activities of the Association during the last preceding financial year;
 - (c) to elect office-bearers of the Association and Ordinary, Members of the Executive Committee **every second year in accordance with 16.3**;
 - (d) to receive and consider the statement which is required to be submitted to Members under section 26 (6) of the Act.
- (3) An Annual General Meeting must be specified as such in the notice convening it.

30. Special General Meetings – Calling of

- (1) The Executive Committee may, whenever it thinks fit, convene a Special General Meeting of the Association.
- (2) The Executive Committee must, on the requisition in writing of at least 5 per cent of the total number of Members, convene a Special General Meeting of the Association.
- (3) A requisition of Members for a Special General Meeting:
 - (a) must state the purpose or purposes of the Meeting; and
 - (b) must be signed by the Members making the requisition; and
 - (c) must be lodged with the Secretary; and

- (d) may consist of several documents in a similar form, each signed by one or more of the Members making the requisition.
- (4) If the Executive Committee 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 Secretary, any one or more of the Members who made the requisition may convene a Special General Meeting to be held not later than 3 months after that date.
- (5) A Special General Meeting convened by a Member or Members as referred to in clause (4) must be convened as nearly as is practicable in the same manner as General Meetings are convened by the Executive Committee and any Member who consequently incurs expense is entitled to be reimbursed by the Association for any expense so incurred.

31. Notice

- (1) Except if the nature of the business proposed to be dealt with at a General Meeting requires a Special Resolution of the Association, the Secretary must, at least 14 days before the date fixed for the holding of the General Meeting, caused to be sent *as specified in 31 (6)* 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.
- (2) Notice of the business proposed to be dealt with at an Annual General Meeting must be distributed by the Secretary to all Members at least 21 days before the date fixed for the holding of the Annual General Meeting.
- (3) If the nature of the business proposed to be dealt with at a General Meeting requires a Special Resolution of the Association, the Secretary must, 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 clause (1) specifying, in addition to the matter required under clause (1), the intention to propose the Resolution as a Special Resolution.
- (4) No business other than specified in the notice convening a Special General Meeting or General Meeting is to be transacted at the Meeting except, in the case of an Annual General Meeting, business which may be transacted under rule 29 (2).
- (5) A Member desiring to bring any business before a General Meeting may give notice in writing of that business to the Secretary who must include that business in the next notice calling a General Meeting given after receipt of the notice from the Member.

- (6) Any notices or correspondence in accordance with 31 (1) to (5) and/or any other Association business may be sent to each member of the Association by electronic version, pre paid post or general mail.

32. Procedure at Annual General Meetings & Special General Meetings

- (1) No item of business is to be transacted at an Annual General Meeting or a Special General Meeting unless a quorum of Members entitled under these rules to vote is present during the time the Meeting is considering that item.
- (2) At least 50% plus 1 of the members must be present in person, this may include proxy votes (being Members entitled under these rules to vote at an Annual General Meeting or Special General Meeting) constitute a quorum for the transaction of the business of an Annual General Meeting or Special General Meeting.
- (3) If within half an hour after the appointed time for the commencement of an Annual General Meeting or Special General Meeting a quorum is not present, the Meeting:
 - (a) if convened on the requisition of Members, is to be dissolved; and
 - (b) in any other case, is to 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.
- (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 at least 20% plus 1 of the members must be present in person, this may include proxy votes (being Members entitled under these rules to vote) is to constitute a quorum.

33. Procedure at General Meetings

- (1) No item of business is to be transacted at a General Meeting unless a quorum of Members entitled under these rules to vote is present during the time the Meeting is considering that item.
- (2) Five Members present in person (being Members entitled under these rules to vote at a General Meeting) constitute a quorum for the transaction of the business of a General Meeting.
- (3) If within half an hour after the appointed time for the commencement of a General Meeting a quorum is not present, the Meeting:

- (c) if convened on the requisition of Members, is to be dissolved; and
 - (d) in any other case, is to 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.
- (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 at least 5) is to constitute a quorum.

34. Presiding Member

- (1) The President or, in the President's absence, the Vice-President, is to preside as Chairperson at each General Meeting of the Association.
- (2) If the President and the Vice-President are absent or unwilling to act, the Members present must elect one of their number to preside as Chairperson at the Meeting.

35. Adjournment

- (1) The Chairperson 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 is to be transacted at an adjourned Meeting other than the business left unfinished at the Meeting at which the adjournment took place.
- (2) If a General Meeting is adjourned for 14 days or more, the Secretary must give written or oral notice of the adjourned Meeting to each Member of the Association stating the place, date and time of the Meeting and the nature of the business to be transacted at the Meeting.
- (3) Except as provided in clauses (1) and (2), notice of an adjournment of a General Meeting or of the business to be transacted at the adjourned Meeting is not required to be given.

36. Making of Decisions

- (1) A question arising at a General Meeting of the Association is to 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 Chairperson that a Resolution has, on a 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 Association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that Resolution.

- (2) At a General Meeting of the Association, a poll may be demanded by the Chairperson or by at least 3 Members present in person or by proxy at the Meeting.
- (3) If a poll is demanded at a General Meeting, the poll must be taken:
 - (a) immediately in the case of a poll which relates to the election of the Chairperson of the Meeting or to the question to an adjournment; or
 - (b) in any other case, in such manner and at such time before the close of the Meeting as the Chairperson directs,

and the Resolution of the poll on the matter is taken to be the Resolution of the Meeting on that matter.

37. Special Resolution

A Resolution of the Association is a Special Resolution:

- (a) If it is passed by a majority which comprises a least three-quarters of such Members of the Association as, being entitled under these rules to do so, vote in person or by proxy at a General Meeting of which at least 21 days' written notice specifying the intention to purpose the Resolution as a Special Resolution was given in accordance with these rules; or
- (b) where it is made to appear to the Commissioner that it is not practicable for the Resolution to be passed in the manner specified in paragraph (a), if the Resolution is passed in a manner specified by the Commissioner.

38. Voting

- (1) On any question arising at a General Meeting of the Association a Member has one vote only.
- (2) All votes must be given personally or by proxy but no Member may hold more than 5 proxies.
- (3) In the case of an equality of votes on a question at a General Meeting, the Chairperson of the Meeting is entitled exercise a second or casting vote.
- (4) A Member or proxy is not entitled at any General Meeting of the Association unless all money due and payable by the Member or proxy to the Association has been paid, other than the amount of the Annual subscription payable in respect of the then current year.

39. Appointment of Proxies

- (1) Each Member is to be entitled to appoint another Member as 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.
- (2) The notice appointing the proxy is to be in the form set out in Appendix 2 to these rules.

40. Insurance

- (1) The Association must effect and maintain insurance under section 44 of the Act.
- (2) In addition to the insurance required under clause (1), the Association may effect and maintain other insurance.

41. Funds – Source

- (1) The funds of the Association are derived from:
 - (a) entrance fees and Annual subscriptions of Members; and
 - (b) grants, donations and gifts; and
 - (c) fund raising activities (including art unions, raffles and games of chance); and
 - (d) subject to any Resolution passed by the Association at General Meeting, such other sources as the Committee determines.
- (2) All money received by the Association must be deposited as soon as practicable and without deduction to the credit of the Association's bank account.
- (3) The Association must, as soon as practicable after receiving and money, issue an appropriate receipt

42. Funds – Management

- (1) The assets and income of the Association shall be applied exclusively to the promotion of its objects and no portion shall be paid or distributed directly or indirectly to the Members of the Association except on a bona fide remuneration for services rendered or expenses incurred on behalf of the Association.
- (2) Subject to any Resolution passed by the Association in General Meeting, the funds of the Association are to be used in pursuance of the objects of the Association in such manner as the Committee determines.

- (3) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any of two Members of the Committee or employees of the Association, being Members or employees authorised to do so by the Committee.
- (4) In the event where it furthers the objects of the Association to amalgamate with any one or more other incorporated Associations having similar objects, the other incorporated Association(s) must have rules prohibiting the distribution of its (their) assets and income to Members; and must be approved by the Commissioner of Taxation as a Public benevolent institution for the purposes of any Commonwealth Taxation Act.
- (5) In the event of the Association being dissolved, the amount which remains after such dissolution and the satisfaction of all debts and liabilities shall be paid and applied by the Association in accordance with its powers to any incorporated Association which has similar objects and which has rules prohibiting the distribution of its assets and income to its Members and which is approved by the Commissioner of Taxation as a Public Benevolent Institution for the purposes of any Commonwealth Taxation Act.

43. Association Objects and Alteration

- (1) The objects of the Association are prescribed in the Associations Goals and Objectives.
- (2) The statement of objects and these rules may be altered, rescinded or added to only by a Special Resolution of the Association.

44. Common Seal

- (1) The common seal of the Association must be kept in the custody of the Public Officer.
- (2) The common seal must not be affixed to any instrument except by the authority of the Committee and the affixing of the common seal must be attested by the signatures either of 2 Members of the Committee or of 1 Member of the Committee and or the Public Officer or Secretary.

45. Custody of Books

Except as otherwise provided by these rules, the Public Officer must keep in his or her custody or under his or her control, all records, books and other documents relating to the Association.

46. Inspection of Books

The records, books and other documents of the Association must be open to inspection, free of charge, by a Member of the Association at any reasonable hour.

47. Service of Notice

- (1) For the purpose of these rules, a notice may be served by or on behalf of the Association on any Member either personally or by sending it by post to the Member at the Member's address shown in the register of Members.
- (2) If a document is sent to a person by properly addressing, prepaying and posting to the person a letter containing the document, the document, unless the contrary is proved, taken for the purposes of these rules to have been served on the person at the time at which the letter would have been delivered in the Ordinary course of post.

48. Surplus Property

- (1) The income and property of the Association, however derived, shall, subject to any obligations under charitable trust law or any other statutory requirements, be used and applied solely in the promotion of its objects and in exercise of powers conferred upon it by the rules.
- (2) No portion of this income and property 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.
- (3) The requirement contained in (2) shall not, however, prevent the payment in good faith of:
 - (a) Interest (provided it is based on the prevailing rate of interest charged by banks, building societies or credit unions for unsecured loans) to any such member in respect of moneys advanced by that member in the Association or otherwise owing by the Association to the member; or
 - (b) any remuneration to any officers or servants of the Association or other person in return for any services genuinely rendered to the Association.

49. Annual Audit of Accounts

The accounts of the Association shall be audited as at the 30 June in each year, and shall be submitted for consideration to the Annual General Meeting.

50. Dissolution

- (1) The Association shall be dissolved in the event of membership less than 10 persons or upon the vote of a 75% majority of members present at a Special General Meeting convened to consider such question.
- (2) Upon a resolution being passed in accordance with paragraph 49(1) of this rule, the net assets or property available after satisfying all debts

and liabilities shall, upon determination by the members of the Association, be handed over to an organisation which prohibits the distribution of its income and property among its members to an extent at least imposed by the Association under Rule 47. However, in making the distribution the Association must ensure it satisfies all legal obligations applying to any funds or property over which a charitable trust exists.

APPENDIX 1
(Rule 38 (2))

Form for Appointment of Proxy

I,
(full name of applicant)

of
(address)

being a Member of Blind Cricket NSW Inc.

hereby appoint
(full name of proxy)

of
(address)

being a Member of Blind Cricket NSW Inc., as my proxy to vote for me or on my behalf at a General Meeting, Annual General Meeting or Special General Meeting, to be held on theday of 20 and at any adjournment of that Meeting.

My proxy is authorised to vote;

- a) as he/she see fit on all matters raised, or
- b) in favour of / against (delete as appropriate) the Resolution,

“Insert Resolution details”

.....
Signature of Member appointing proxy

Date

PLEASE NOTE: A proxy vote must not be given to a person who is not a Member of the Organization.