

Constitutional changes recommended by the ACTCA Umpires Council for consideration at the ACTCA's 2008 AGM.

Below are the constitutional changes as recommended by the ACTCA Umpires Council for consideration at the ACTCA's 2008 AGM. Only those parts where amendments are proposed are set out and formatted in the pages below.

The amendments are designed to accomplish the following purposes:

1. Allow for the official incorporation of scorers into the name, structure and functions of the current ACTCAUC, which will become the ACTCAUSC.
2. Ensure consistency of references to the proposed ACTCAUSC and its office bearers throughout the ACTCA Constitution (including the Constitution's Index).
3. Make provision for the removal of the Chairman of the proposed ACTCAUSC through a no-confidence process, and for the performance of the Chairman's functions.
4. Ensure consistency in references to the term of office of the Finance Representative of the proposed ACTCAUSC.
5. Clarify the composition, roles and titles of the current training and appointments panels of the Umpires Council.
6. Give recognition to the ability to alter predetermined meeting timeframes of the Council and its Executive.
7. Allow for the creation, amendment and abolition of Executive and non-Exec positions by the Council, subject to the protection of the offices currently listed in the Constitution in clause 32A(2)(a).
8. Allow for other office bearers elected by the Council to be co-opted to the Executive by the Executive.
9. Allow Executive meetings to proceed with a reduced quorum, subject to certain conditions.

ACT CRICKET ASSOCIATION INC CONSTITUTION

(Updated to September 2007)

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CONSTITUTION

of the Australian Capital Territory Cricket Association Incorporated

Part I

The Association - General

Members of the Association

- 7. (1) The members of the Association shall comprise voting members and non-voting members.

Voting Members

- (2) (a) The following persons shall, subject to casual vacancies, be the voting members of the Association at any given time:
 - * the President,
 - * the members of the Board (comprising the Chairman, the Secretary, the Treasurer and five ordinary members),
 - * the chairperson of the Women's Cricket Council,
 - * the chairman of the Grade Cricket Committee,
 - * the chairman of the ~~Umpires Council~~Umpires and Scorers Council,
 - * the chairman of the Community Cricket Committee
 - * the chairman of the Junior Cricket Council,
 - * the chairman of the High Performance Committee
 - * the delegates of the Grade Clubs and any affiliate.
- (b) An individual is entitled to only one vote even if he/she holds more than one of the above positions.

Officers

11.(1) The officers of the Association are:

- * the President
- * the Vice Presidents
- * the Chairman of the Board
- * the Secretary
- * the Treasurer

and such other officers as are referred to in this Constitution.

Election of Officers

- (2) The following officers shall be elected at each relevant Annual General Meeting:
 - * the President (elected annually);
 - * the Vice Presidents (of such number not exceeding five as the AGM decides)(elected annually);
 - * the Chairman of the Board (elected in each even-numbered year);
 - * the Secretary of the Association (elected in each odd numbered year);
 - * the Treasurer of the Association (elected in each even numbered year);
 - * two ordinary members of the Board (elected in each even numbered year);
 - * three ordinary members of the Board (elected in each odd numbered year);
 - * the chairperson of the Women's Cricket Council (elected annually);
 - * the chairman of the Junior Cricket Council (elected annually); and
 - * the chairman of the ~~Umpires Council~~Umpires and Scorers Council (elected in each even numbered year).

Part IV

Committees and Councils

21. The Association shall have the following committees and councils:

- * the Grade Cricket Committee
- * the Discipline Committee
- * the Finance Committee
- * the Selection Committee
- * the Women's Cricket Council
- * the High Performance Committee
- * the Community Development Committee
- * the Junior Cricket Council
- * the Junior Cricket Council Executive
- * the Emergency Committee
- * the ~~Umpires Council~~ Umpires and Scorers Council

and such other committees or councils as the Association or the Board from time to time creates.

Grade Cricket Committee

22. (1) The Grade Cricket Committee shall consist of a Chair, appointed by the Board, a representative of the ~~Umpires Council~~ Umpires and Scorers Council, a representative of the Women's Cricket Council, the Competition Administrator and a representative of each Grade Club. The members of the Committee shall hold office until a successor is appointed or otherwise as provided for in this Constitution.

Functions of the Grade Cricket Committee

23. (1) The Grade Cricket Committee shall manage and exercise a general control over the Grade Competitions and such other competitions as are assigned to its control.
- (2) The particular functions of the Grade Cricket Committee shall be determined from time to time by the Board and advised to the Association before the commencement of each season. Unless the Board advises the Association to the contrary, and subject to the funding allocated to it by the Board, the functions of the Committee include -
- (a) determining programmes of all competition matches under its control;
 - (b) allotting grounds for competition matches;
 - (c) in consultation with the ~~Umpires Council~~ Umpires and Scorers Council, appointing umpires to matches;
 - (d) dealing with applications for permits under sub-clause 34(3);
 - (e) determining, prior to the commencement of each season, the types of balls to be used in all competition matches;
 - (f) determining alterations to the Competition Rules;
 - (g) promoting and liaising with the ~~Umpires Council~~ Umpires and Scorers Council on the development of umpires and scorers;
 - (h) promoting and liaising with the clubs on the enhancement of club administration; and
 - (i) liaising as necessary with the Canberra City and Suburban Cricket Association on matters affecting the Grade Cricket Competition.

Finance Committee

24. (1) For the purposes of the Association, there shall be a Finance Committee consisting of not more than eight members -

- (a) ~~three~~ four of whom shall be annually elected respectively by the Women's Cricket Council, the Coaching and Development Committee, ~~the Umpires Council~~ and the Junior Cricket council,
- (b) one of whom shall be elected by the Umpires and Scorers Council in each even numbered year in accordance with clause 32A(3), and
- (c)(b) one of whom shall be the Treasurer ex officio.

Umpires Council Umpires and Scorers Council

32A.(1) The ~~Umpires Council~~ Umpires and Scorers Council shall consist of:

- (a) persons who, on the day on which this Clause comes into effect, are either
 - (i) life members of the Australian Capital Territory Cricket Umpires Association Incorporated; or
 - (ii) financial members of that Association and who maintain their qualifications for membership of the ~~Umpires Council~~ Umpires and Scorers Council as determined from time to time by that Council;

- (b) persons who, after the coming into effect of this Clause, are admitted to membership of the ~~Umpires Council~~Umpires and Scorers Council by a majority vote of that Council, having first passed the examinations prescribed by the Council and who maintain their qualifications for membership of the ~~Umpires Council~~Umpires and Scorers Council as determined from time to time by that Council; and
- (c) persons, who, after the coming into effect of this Clause, are admitted to life membership of the ~~Umpires Council~~Umpires and Scorers Council by that Council.
- (2) (a) The office-bearers of the ~~Umpires Council~~Umpires and Scorers Council shall be:
- (i) a chairman (elected in each even numbered year in accordance with clause 32A(2)(b) of this Constitution);
 - (ii) a deputy chairman (elected in each odd numbered year in accordance with clause 32A(3) of this Constitution);
 - (iii) a secretary (elected in each odd numbered year in accordance with clause 32A(3) of this Constitution);
 - (iv) a representative to serve on the Finance Committee and to be responsible for the financial affairs of the ~~Umpires Council~~Umpires and Scorers Council (to be known as the 'Finance Officer') (elected in each even numbered year in accordance with clause 32A(3) of this Constitution);
 - (v) a representative of those members of the Umpires and Scorers Council who are qualified to act as Scorers (to be known as the 'Scorers' Representative') (elected annually accordance with clause 32A(3) of this Constitution) and
 - (vi) a person appointed annually by the Board to be its representative, and those office bearers shall together comprise the ~~Umpires Council~~Umpires and Scorers Council Executive.
- (b) (i) The chairman of the ~~Umpires Council~~Umpires and Scorers Council shall be elected by the Association.
- (ii) The Board shall nominate at an Annual General Meeting a person whom it recommends for election as chairman of the ~~Umpires Council~~Umpires and Scorers Council.
- (iii) The Board, before making the nomination referred to in the previous paragraph, shall consult with the ~~Umpires Council~~Umpires and Scorers Council as to a suitable candidate ~~or candidates~~ for nomination for election as chairman of the ~~Umpires Council~~Umpires and Scorers Council.
- (iv) If the members of the Umpires and Scorers Council pass a resolution of which at least seven days' notice has been given expressing no confidence in the chairman of the Umpires and Scorers Council and requesting that the Board designate a named person as the new chairman, the Board shall, as soon as is practicable, act in accordance with that request and designate the named replacement as the new chairman of the Umpires and Scorers Council for the unexpired remainder of that term of office.
- (v) If the Umpires and Scorers Council passes a resolution under the above paragraph, the deputy chairman of the Umpires and Scorers Council shall act as the chairman until the Board acts in accordance with that paragraph.
- (3) (a) The officers referred to in paragraphs (2)(a)(ii) to ~~(v)~~(iv) inclusive shall be elected at a meeting (referred to as the 'Annual Meeting') of the ~~Umpires Council~~Umpires and Scorers Council held not less than 7 days before the Association's Annual General Meeting, and shall take office immediately upon their election.
- (b) The person designated as the Council's nominee as chairman shall act in that position until formally elected as such by the Association in accordance with clause 32A(2)(b).
- (c) The business of the Council's Annual Meeting shall include the following:
- (i) Apologies not already received
 - (ii) Confirmation of the minutes of the previous Annual Meeting and any outstanding business arising from them
 - (iii) Acceptance of the Annual Report of the Council
 - (iv) Election of office bearers of the Council as required by this Constitution and otherwise
 - (v) Membership fees for the following year
 - (vi) General business, including notices of motion
 - (vii) Any other business

(4) The ~~Umpires Council~~Umpires and Scorers Council and the ~~Umpires Council~~Umpires and Scorers Council Executive shall meet and conduct their meetings in accordance with the relevant provisions of Schedule 2 hereto.

(5) A condition of eligibility for membership of the ~~Umpires Council~~Umpires and Scorers Council shall be the payment of an annual fee in the amount set by the Council.

Functions of ~~Umpires Council~~Umpires and Scorers Council

32B. The functions of the ~~Umpires Council~~Umpires and Scorers Council shall be:

(1) within the framework of this Constitution, to generate and implement policy proposals relating to the recruitment, training, examination and retention of persons, suitable to be or to become umpires and/or scorers in matches conducted by the Association;

(2) to arrange, through the Umpires Training Sub-Committee, for the training, examination and certification of candidates for umpiring and/or scoring qualifications in categories approved by the Council in consultation with Cricket Australia and the ACT Cricket Association;

(3) to conduct courses of a theoretical and/or practical kind for the purpose of preparing candidates for examination by the Umpires Training Sub-Committee or to raise the standard of performance by umpires and/or scorers;

(4) to monitor and assess the on-field performance of umpires, and the performance of scorers;

(5) to prepare budgets of estimated income and expenditure and to provide information and advice as required by the Finance Committee in relation to income and expenditure for ~~Umpires Council~~Umpires and Scorers Council activities;

(6) to recommend to the Grade Cricket Committee proposed changes in the Competition Rules where, in practice, it has appeared that a particular Rule operates adversely on the performance of umpires' functions or, because of inadequate expression, it requires interpretation by umpires;

(7) to conduct meetings to enable discussion of theoretical and practical problems arising out of the Laws of Cricket and Competition Rules regulating ACTCA matches;

(8) to cooperate and cultivate good relations with all bodies associated with cricket for the improvement of the game and the application of its laws;

(9) to confer with kindred bodies for the purpose of discussing matters relating to the interpretation and administration of the Laws of Cricket;

(10) to conduct any business that prior to the adoption of this paragraph was conducted by the Australian Capital Territory Cricket Umpires Association Incorporated;

(11) to perform such other functions as are assigned to it from time to time by the Board; and-

(12) (a) to create, amend and abolish such Executive and non-Executive positions as it believes would assist in the performance by the Council and its Executive in carrying out their functions under this clause and clause 32C. (Provided that changes to the offices mentioned in clause 32A(2)(a) above may not be made except by amendment of this Constitution).

(b) Where a position is designated as a non-Executive position, it may be co-opted as a member of the Executive.

Functions of ~~Umpires Council~~Umpires and Scorers Council Executive

32C. The functions of the ~~Umpires Council~~Umpires and Scorers Council Executive shall be, on behalf of the ~~Umpires Council~~Umpires and Scorers Council and the Association, to exercise general control over umpiring and scoring matters and in particular:

(1) to deal with any correspondence and matters requiring attention between meetings of the ~~Umpires Council~~Umpires and Scorers Council; and

(2) to examine and to report to the ~~Umpires Council~~Umpires and Scorers Council on all proposals aimed at the recruiting, training and development of umpires and scorers.

Recruitment and Umpires Training, And Appointments PanelsSub-Committees

32D.(1) The examinations referred to in paragraph 32A(1)(b), 32B(2) and 32B(3) shall be conducted from time to time as the circumstances require by a Recruitment and Training Panelan Umpires Training Sub-Committee consisting of a Recruitment and Training Manager as chairman and two other members of the ~~Umpires Council~~Umpires and Scorers Council elected annually to the ~~PanelSub-Committee~~ at a meeting referred to in sub-clause 32A(3).

(2) The conduct of examinations, the setting of pass marks, the recording and reporting of results and the maintenance of relevant records shall, as far as practicable, be in accordance with the standards and procedures employed by Cricket Australia.

(3) Umpiring and scoring qualifications shall be issued in the name of the Council and shall be signed by the chairman of the ~~Umpires Council~~Umpires and Scorers Council and the Recruitment and Training Manager~~chairman of the Umpires Training Sub-Committee~~, provided that an absence of one of these signatures does not invalidate the qualification in question.

- 32E.(1)(a) There shall be an ~~Umpires Appointments PanelSub-Committee~~ consisting of three members of the ~~Umpires Council~~ Umpires and Scorers Council, one of whom is to be the Umpires' ~~Observer~~ Adviser, elected annually at a meeting referred to in sub-clause 32A(3).
- (b) The chair of the ~~Umpires Appointments PanelSub-Committee~~ shall be known as the Appointments Manager and shall be elected by the meeting which elects the ~~Appointments PanelSub-Committee~~.
- (2) The functions of the ~~Umpires Appointments Panel Sub-Committee~~ are to notify availability of umpires and to consult with the Grade Cricket Committee regarding umpires to be appointed to matches under control of that Committee. Provided that the Panel may also fill such roles in relation to the appointment of scorers to matches as may be agreed from time to time with the ACT Cricket Association.

32F. The Board, in consultation with Cricket Australia and the ~~Umpires Council~~ Umpires and Scorers Council Executive, shall appoint annually a High Performance Manager. Until otherwise determined by the Board, the High Performance Manager shall be the Board's representative on the Umpires and Scorers Council Executive under clause 32A(2)(a)(vi). ~~The Director of Umpiring shall have an advisory role with the Umpires Council~~ Umpires and Scorers Council.

Part VI

Finance

Affiliation Fees

37. Grade Clubs and affiliates and schools, colleges or organisation with one or more teams in the Junior Competitions shall pay such dues by way of affiliation fees, administrative charges, ground rents, umpires' and/or scorers' fees and special levies as a meeting of the Association from time to time determines.

Part VII

Status, Contraventions, Discipline

Division 1: Procedure

Natural Justice: Time Limits: Decisions

50.(1) The Association and all other bodies, in exercising functions under this Part, shall observe the rules of natural justice.

- (8) (a) A copy of a written decision shall be provided to each club directly affected by the decision, and, in a case involving an official umpire or scorer, to the ~~Umpires Council~~ Umpires and Scorers Council.
- (b) Provision of a written decision to a club or to the ~~Umpires Council~~ Umpires and Scorers Council shall, for the purposes of this Constitution, be taken to be the provision of the decision to any member of that club or ~~Umpires Council~~ Umpires and Scorers Council (including a suspended or former member) affected by the decision.

Misconduct: Official Umpires and Scorers

65. Subject to Clause 58, whenever the Grade Cricket Committee receives a report alleging misconduct on the part of an official umpire or scorer in relation to a match, that Committee shall note the contents of the report and hand the report to the Discipline Committee for action under this Division.

Disqualification

79.(1) This Clause relates to recommendations by the Board to the Association, in the form of a proposed special resolution, that a member should be disqualified and includes cases where there has been, in the first instance, a recommendation in those terms to the Board by the Grade Cricket Committee, the Discipline Committee, the High Performance Committee Disciplinary Committee, the Junior Cricket Council Executive sub-committee or the Independent Tribunal.

- (7) The member referred to in the special resolution is entitled to attend and address the general meeting, or, being in attendance at the meeting, to have the secretary of his club (if any), or, in the case of an official umpire or scorer, a representative of the secretary of the Umpires Council Umpires and Scorers Council, or with the permission of the meeting, some other person who is a member, to speak on his behalf.

Schedule 1

to the Constitution of the Australian Capital Territory Cricket Association Incorporated

Interpretation of the Constitution

1. This schedule forms part of the Constitution of the Australian Capital Territory Cricket Association Incorporated.
3. In this Constitution, unless the contrary intention appears;

- (n) 'official umpire' means a person who, at the relevant time, is a member of the ~~Umpires Council~~Umpires and Scorers Council and who has been appointed to stand as an umpire in a match.
- (na) ~~'official scorer' means a person who, at the relevant time, is a member of the Umpires and Scorers Council and who has been appointed to act as a scorer for a match.~~

Schedule 2

to the Constitution of the Australian Capital Territory Cricket Association Incorporated

Part I

Meetings of ~~Umpires Council~~Umpires and Scorers Council

32A. ~~(1)~~ The ~~Umpires Council~~Umpires and Scorers Council shall meet at least once a month during the currency of the cricket season and otherwise as required by this Constitution or as convened by direction of its ~~Chairman~~chairman or on a requisition to the secretary of that Council of not fewer than five (5) members of the ~~Umpires Council~~Umpires and Scorers Council.

~~(2)~~ If Provided that if it is considered inappropriate or inconvenient to meet at its regular time due to other activities or commitments, the meeting for that month may be brought forward, postponed or cancelled as required. Such bringing forward, postponement or cancellation of a meeting is subject to any subsequent action that may be taken by the chairman of the Umpires and Scorers Council, or by the secretary on a requisition of members as provided for in the above paragraph.

Quorum of ~~Umpires Council~~Umpires and Scorers Council

32B.(1) A quorum of the ~~Umpires Council~~Umpires and Scorers Council shall be 15 members present at the meeting or such other number as the ~~Umpires Council~~Umpires and Scorers Council from time to time determines.

(2) Sub-paragraphs 8(2) and 8(3) of this Schedule apply to a meeting of the ~~Umpires Council~~Umpires and Scorers Council, as though a reference to a meeting were a reference to a meeting of the ~~Umpires Council~~Umpires and Scorers Council.

Chairman of ~~Umpires Council~~Umpires and Scorers Council

32C. The chairman of the ~~Umpires Council~~Umpires and Scorers Council shall preside at all meetings of that Council at which the chairman is present. When the chairman is not present at a meeting, the deputy chairman shall preside, and in the absence of the deputy chairman as well, a person elected by the meeting shall preside.

Vote of Presiding Officer

32D. A person presiding at a meeting of the ~~Umpires Council~~Umpires and Scorers Council shall have a deliberative but not a casting vote.

Equality of Votes

32E. At a meeting of the ~~Umpires Council~~Umpires and Scorers Council, if the votes are equal, the question shall be resolved in the negative.

Procedure at ~~Umpires Council~~Umpires and Scorers Council Meetings

32F. The members of the ~~Umpires Council~~Umpires and Scorers Council present at a meeting shall, subject to this Constitution, determine the order of business and the procedure to be followed at the meeting.

~~Umpires Council~~Umpires and Scorers Council Executive

32G.(1) The provisions of paragraphs 32A, 32B, 32C, 32D, 32E and 32F of this Schedule, except sub-paragraph 32B(1), apply to a meeting of the ~~Umpires Council~~Umpires and Scorers Council Executive as though a reference in those paragraphs to a meeting of the ~~Umpires Council~~Umpires and Scorers Council were a reference to a meeting of the ~~Umpires Council~~Umpires and Scorers Council Executive.

(2) Four members of the ~~Umpires Council~~Umpires and Scorers Council Executive present at a meeting of that Executive shall constitute a quorum. Provided that if at least three members are present within thirty minutes of the advised starting time of a meeting and remain present at that meeting, those members present shall constitute a quorum of the Executive for the purposes of that meeting.

Part III

Provisions of General Application

Conduct of Meetings

44. The provision of the following sub-paragraphs of paragraph 6 of this Schedule, namely subparagraphs 6(1), 6(4), 6(5), 6(8), 6(9), 6(10), 6(11), 6(12), 6(13), 6(14), 6(15), 6(16), 6(17), 6(18), 6(19), 6(20), 6(21), 6(22), and 6(23) shall apply to all meetings of the Grade Cricket Committee, the Women's Cricket Council, the High Performance Committee, the Community Cricket Committee, the Junior Cricket Council, the ~~Umpires Council~~Umpires and Scorers Council, and the Finance Committee as though a reference in those sub-paragraphs
- * to a meeting were reference to a meeting of the relevant committee or council, and
 - * to the chairman were a reference to the person presiding at the relevant meeting.

Ballots

45. (1) Where a ballot is to be conducted at a meeting of the Association, of the Grade Cricket Committee, of the Women's Cricket Council, of the High Performance Committee, of the Community Cricket Committee, of the Junior Cricket Council, of the ~~Umpires Council~~Umpires and Scorers Council, or of the Finance Committee, the provisions of this paragraph shall apply.