



# ST.GEORGE BASEBALL ASSOCIATIONS INC.

## CONSTITUTIONAL RULES

Adopted at A.G.M 9th February 1998  
As amended at A.G.M. 14<sup>th</sup> February 2005

### 1 PART 1: PRELIMINARY

#### 1 Definitions:

- 1.1 In these rules, except in so far as the context or subject-matter otherwise indicates or requires -
- “**Commission**” means the Commissioner for Department of Fair Trading.
  - “**Ordinary members**” means a member who is not an office-bearer of the association, as referred to in “Constituents and Membership”
  - “**Delegates**” means an ordinary member elected by their respective clubs to represent such clubs as their representative at the Association Delegate Meetings or Special Delegate meetings.
  - “**Secretary**” means -
    - 1.1.1 The person holding office under these rules as Secretary of the association; or
    - 1.1.2 Where no such person holds that office - the **Public Officer** of the association.
  - “**Special Meeting**” means -
    - 1.1.3 Either “**Delegate**” or “**Committee**” meetings as nominate and indicated herein of the association other than an “**Annual General Meeting**”;
  - “**the Act**” means -
    - 1.1.4 The associations Incorporation Act 1984; New South Wales.
  - “**the Regulations**” means-
    - 1.1.5 The Association Incorporation Regulations 1985 New South Wales.
  - “**A.B.F.**” means -
    - 1.1.6 The Australian Baseball Federation being the national organisation in Australia.
  - “**N.S.W.B.L.**” means -
    - 1.1.7 The New South Wales Baseball League being the state organisation in New South Wales.
  - “**St.G.B.U.A.**” means-
    - 1.1.8 The St.George Baseball Umpire Association being the umpiring organisation providing umpires for the St.George Baseball Association Competitions.
  - “**Committee**” means-
    - 1.1.9 The Management Committee of the association.
  - “**Member**” means-
    - 1.1.10 individuals who affiliate with the Association in accordance with Section 3 – Membership
  - “**Member Club**” means-
    - 1.1.11 Any organisation that submits a Club nomination form at the Annual General Meeting held in accordance with these Rules and subsequently pays the determined team affiliation fee as defined annually in the playing rules for each team within that Club that is participating in the Competition.
- 1.2 The provision of the Interpretation Act 1897 apply to and in respect of these rules in the same manner as those provisions would apply if these rules were instrument made under the Act.



## 2 PART 2 : INTRODUCTION

### 2.1 Name:

The name of the organisation is “**ST.GEORGE BASEBALL ASSOCIATION INCORPORATED**” hereinafter known as “**St.G.B.A.**” or the “**ASSOCIATION**”.

### 2.2 Statement of Purpose.

The purpose and objects of the **St.G.B.A.** are:

- 2.2.1 The promotion of the game of baseball;
- 2.2.2 The conducting of competitions and to uphold the laws and regulations of the game of baseball as defined in the current rule book of the Australian Baseball Federation as adopted by the New South Wales Baseball League.
- 2.2.3 To promote, co-ordinate and regulate safety standards and procedures and all other matters relating to the safety and protection of members, participants, spectators and property.

### 2.3 Powers:

Solely to further the purpose and objects set out above, the association shall have the power to:

- 2.3.1 Represent and process information to and from affiliated organisations, including but not limited to **A.B.F.** and **N.S.W.B.L.**
- 2.3.2 Admit appropriate members.
- 2.3.3 Seek sponsorship and provide public relations on a community basis.
- 2.3.4 Investigate and act upon any other matter that may be of benefit to members.
- 2.3.5 Initiate and co-ordinate submissions, applications, representations, etcetera on behalf of members and affiliated clubs and associations, to government agencies and other organisations, with the aim of obtaining maximum benefits for members.
- 2.3.6 Apply for government funding in respect of the sport.
- 2.3.7 Invest and deal with the moneys of the association, including purchase and disposal of property.
- 2.3.8 Print and publish any magazines, periodicals, books, manuals, leaflets, journals, brochures, etcetera and any form of electronic publications.
- 2.3.9 Publish by-laws and procedural documents approved by the Committee, to guide the implementation of the Constitution Rules.
- 2.3.10 Produce an annual report, including financial statements.
- 2.3.11 Do all such other lawful things as are incidental or conducive to the attainment of the purposes and objects, and the exercise of the powers of the association.



### 3 PART 3: MEMBERSHIP

#### **Members:**

- 3.1 Members are those who pay the Annual Fee and Life Members.
- 3.2 Associate Members include:
  - 3.2.1 Players;
  - 3.2.2 Coaches;
  - 3.2.3 Scorers;
  - 3.2.4 Bat Boys;
  - 3.2.5 Umpires;
  - 3.2.6 Committee;
  - 5.25.1 Ordinary Members

#### **Application for Membership:**

- 3.3 An application for any form of membership of the association by a person;
  - 3.3.1 Shall be made in writing in the form as determined by the Committee from time to time.
  - 3.3.2 Shall be lodged to the secretary of the association and the appropriate fees paid as scheduled. (Refer Association Competition Rules “Registrations and Gradings” and ‘Appendix ‘A’ Fees and Charges”)
- 3.4 As soon as practicable after receiving an application for membership, the Committee shall determine whether to approve or reject the application.
- 3.5 The Committee having approved the application will enter the applicant’s name in the register of members.
- 3.6 On the entering of the name of the applicant on the register of members, the applicant is deemed to have become a member of the association from the time and date when the application have lodged with a member in accordance with 3.3.2
- 3.7 Membership of the association other than Life Membership shall terminate on the 28th February of the following year.

#### **Nomination Life Membership:**

- 3.8 A nomination of a person for Life Membership of the association:
  - 3.8.1 Shall be made by two (2) members of the association in writing to the secretary of the association provided they have served eight (8) years in any position on the Committee of the association or,
  - 3.8.2 As a member of an affiliated club has rendered distinguished service to the St.George Baseball Association as determined by the committee.
  - 3.8.3 Nomination must be received at least 28 days prior to the Annual General Meeting.
  - 3.8.4 Any such nomination has to be approved by the Committee before presentation to the Annual General Meeting.
  - 3.8.5 The approved nominee has to obtain the consent of three-fourths (75%) of the members present and voting at the above meeting.
  - 3.8.6 All voting for Life membership shall be by ballot.
  - 3.8.7 All Life members will be awarded a St.George Baseball Association Incorporated Jacket suitably embroidered, a wall plaque with the Association Crest appropriately engraved, and to have their name inscribed to the St.George Baseball Association Life Member Honour Roll.
- 3.9 As soon as is practicable after receiving such nominations for Life Membership, the secretary shall refer the nomination to the Committee which shall determine whether to approve or reject the nomination.



**Cessation of membership:**

- 3.10** A person ceases to be member of the association if the person -
- 3.10.1** dies;
  - 3.10.2** resigns that membership;
  - 3.10.3** is expelled from the association;
  - 5.25.1** fails to renew membership of the association;

**Membership entitlements not transferable:**

- 3.11** A right, privilege or obligation which a person has by reason of being a member of the association -
- 3.11.1** is not capable of being transferred or transmitted to another person; and
  - 3.11.2** terminates upon cessation of the person's membership.

**Register of members:**

- 3.12** The Registration Secretary of the association shall 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 becomes a member.
- 3.13** The register of members shall be kept at the principal place of administration of the association and shall be open for inspection, free of charge, by any member of the association at any reasonable hour.

**Fees, Subscriptions etc.:**

- 3.14** A member of the association with the exception of Life Members shall upon admission to membership, and on renewal, pay to the association the Annual Fee as determined by the Committee from time to time.

**4 PART 4: MEMBERS' LIABILITIES:**

- 4.1** The liability of the member of the association to contribute towards the present of the debits and liabilities of the association or costs, charges and expenses of the winding up of the association is limited to the amount, if any, unpaid by the member in respect of the association.



## 5 PART 5: DISCIPLINING OF MEMBERS / MEMBER CLUBS:

**Discipline of Team Members in Competition:** (Refer to Conduct and Behaviour in the Associations Rules and Regulations)

5.1 The Chairperson and/or Co-Chairpersons and the Secretary of the Disciplinary Committee shall be elected at the Annual General Meeting held in accordance with these Rules. The balance of the Disciplinary Committee shall be formed in accordance with the Rules of the Association.

5.2 The appointed committee shall be independent of the management Committee and shall consist of association members who are considered qualified and with experience in dealing with matters relating to the misconduct, misdemeanours, infringements, violations or other actions by team members which result in ejection from competition games during the seasons competition.

**Discipline of members relating to other association matters:**

5.3 The Disciplinary Committee shall consider all matters pertaining to the disciplining of members within the Association.

The management committee shall act as a Disciplinary Committee to consider other disciplinary matters as a result of complaints being made by any member of the association that some a member club of the association :

5.3.1 Has persistently refused or neglected to comply with a provision or provisions of these rules;  
or

5.3.2 has persistently and wilfully acted in manner prejudicial to the interests of the association,  
or

5.3.3 has breached any law, regulation, by-law or order relating to this association or over which the Association has authority under law.

5.4 On receiving such complaint, the committee:

5.4.1. Must cause notice to be served on the member club concerned; and

5.4.2 must give the member club at least fourteen (14) days notice from the time the notice is served within which to make submissions to the committee in connection with the complaint ;and

5.4.3 must take into consideration any submission made by the member club in connection with the complaint.

5.25 The committee may, by resolution, expel the member club from the association or suspend the member club from membership of the association if, after consideration the complaint and any submission made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved.

5.6 If the committee expel or suspend a member club, the secretary must, within seven (7) days after the action is taken, cause written notice to be given to the member club of the action taken, of the reasons given by the committee for having taken the action and of the member club's right of appeal under rule **"Right of Appeal of Disciplined Member Club "**.

5.7 The expulsion or suspension does not take effect.

5.7.1 Until the expiration of the period within which the member club is entitled to appeal against the resolution concerned; or

5.7.2 if within that period the member club exercises the right of appeal, unless and until the association confirms the resolution under rule relating to Special Delegates Meeting of Appeal.

**Right of Appeal of Disciplined Member Club:**

5.8 A member club may appeal to the association in a Special Delegates Meeting against a resolution of the committee under rule **"DISCIPLINING OF MEMBERS / MEMBER CLUBS"**, within seven (7) days after notice of the resolution is served on the member club, by lodging with the secretary a notice to that effect.

5.9 The notice may, but need not, be accompanied by a statement of the grounds on which the member club intends to reply for the purpose of appeal.

5.10 On receipt of the notice from the member club, the secretary must notify the committee which is to convene a Special Delegates Meeting of the association to be held within twenty eight (28) days after the date on which the secretary received the notice.



- 5.11 At a Special Delegates Meeting of the association convened to consider the appeal:
- 5.11.1 No business other than the question of the appeal is to be transacted; and
  - 5.11.2 the committee and the member club must be given the opportunity to state their respective cases orally or in writing, or both; and
  - 5.11.3 the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- 5.12 If at the Special Delegates Meeting the association passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed

**Suspension and Disqualification:**

- 5.13 The association may disqualify or may suspend a member or any club for any violation of these constituted rules or failure to comply with a direction of the management committee.
- 5.14 At a Special Delegates Meeting of the association a motion, of which due notice has been given, that a club has rendered itself unworthy of affiliation with the association be carried by a majority of three-fourths (75%) of the members present and voting, such club will have its affiliation withdrawn.
- 5.15 Any member who knowingly plays with or against any member or club who is under suspension or disqualification is liable to their own suspension or disqualification, at the discretion of the committee.
- 5.16 A suspension or disqualification shall be imposed for such fixed period as the committee of the association may determine and in the case of an individual may provide for life.
- 5.17 Where a suspension or disqualification is imposed for more than one (1) year an application may be made to the committee to consider the removal of the unexpired period after one (1) year from the date of the same.
- 5.18 Where a suspension or disqualification is imposed for life an application, may be made to the committee to consider the removal of the unexpired period after three (3) years of the date of the same.
- 5.19 All suspension and disqualifications will be notified to the **N.S.W.B.L.**
- 5.20 The association may endorse the suspension or disqualification of any member imposed or confirmed by any recognised controlling sporting body.
- 5.21 Any club will be held responsible for the good conduct of its members whilst in the precincts of any game, meeting or function of the association.
- Removal of a Committee Member:**
- 5.22 Where an office bearer neglects or refuses to perform any duty required of them by these rules or any duty determined by the committee or the association, they will be removed from that position by the president acting on recommendations of the committee.
- 5.23 Any member of the committee absent for three (3) consecutive meetings without the approval of the president shall be deemed to have vacated his position.

**Defaulters:**

- 5.24 Any member, affiliated club who has not paid any amount due and payable, within fourteen (14) days of the date specified in any account rendered by the association will be declared a defaulter if deemed to be appropriate by the committee.
- 5.25 Any affiliate club reporting a member to be in default shall state clearly, their name and address, the amount owing and the reason, together with a copy of all correspondence demanding payment.
- 5.26 The association secretary will notify the offending party by certified mail the date of their being declared a defaulter by the committee.
- 5.27 Any payments of outstanding amounts after notification are to be made to the treasurer of the association who is to notify the committee to allow the offender to resume their registration.
- 5.28 Any person defaulted by the association has the right of appeal, within fourteen (14) days of the notice declaring them as a defaulter, to the committee against this action prior to their being declared a defaulter to the **N.S.W.B.L.**



**Improper Conduct:**

- 5.29** A member shall not make an offensive reflection or impute improper motives to any other member. **5.30** Any member upon being required to by the chairman shall immediately withdraw such reflections and retract such imputation of motives and make an apology satisfactory to the meeting.
- 5.31** Any member refusing to apologise and withdraw such offensive expression or imputation shall not be allowed to further address the chair at that or any other meeting of the association nor shall their vote be recorded on any question until they have complied with the request.
- 5.32** The chairman may, with the consent of the members, expel such person from this and subsequent meetings until such time as the retraction and apology are made.

**6 PART 6: THE COMMITTEE:  
Powers of the committee:**



- 6.1 The Committee shall be called the Management Committee of the Association and, subject to the act, the regulation and these rules and to any resolution passed by the association in general meetings -
- 6.2 Shall control and manage the affairs of the association;
- 6.3 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
- 6.4 Has the power to perform all such acts and do all such things as appear to the Committee to be necessary or desirable for the proper management of the affairs of the association.
- Membership :**
- 6.5 The Committee shall consist of -
- 6.6 The office bearers of the association are as follows :
- 6.6.1 the President;
- 6.6.2 the Secretary / Public Officer;
- 6.6.3 the Treasurer;
- 6.6.4 the Assistant Secretary;
- 6.6.5 the Registration Secretary / Recorder;
- 6.6.6 the Publicity Officer;
- 6.6.7 the Umpire Appointment Officer.
- 6.7 Each member of the committee shall be elected to office at each Annual General Meeting and hold office until the next Annual General Meeting held in accordance with these rules.
- 6.8 In the event of a casual vacancy occurring in the membership of the Committee ,the Committee may appoint a member of the association to fill the vacancy and the member so appointed shall hold office, subject to these rules.
- Election of members :**
- 6.9 Nominations for the election of the committee of the association -
- 6.9.1 Shall be made in writing by the nominees;
- 6.9.2 Shall be delivered to the Association Secretary not less than seven (7) days before the date fixed for the Annual General Meeting;
- 6.9.3 Shall be taken verbally from the floor at the Annual General Meeting;
- 6.9.4 The Committee of the association shall have the right to appoint a member of the association to any vacant position, with full voting rights, such appointments is to be approved at the next Delegates Meeting;
- 6.10 If more than one nomination is received for any one position on the Committee a ballot shall be held for that particular office position.
- 6.11 Only one member of any one affiliated club can be elected to hold an office position on the Committee at the same time in one year.
- President :**
- 6.12 The Presidents duties shall be :
- 6.12.1 There shall be a president who shall be chairman of the association, all committees, sub-committees or any other appointed body of the association, (with the exception of the **Disciplinary Committee**) and shall exercise and perform the powers and functions conferred on the president by these constituted rules and the By - Laws of this association.
- 6.12.2 He shall have an ordinary vote and a casting vote where necessary and shall act on behalf of the association in any urgent situation.
- 6.12.3 Any person qualified for membership of the association at the time of the annual election of the president shall be eligible to be elected as president.

**Secretary / Public Officer :**





- 6.13** The Secretary's duties shall be :
- 6.13.1** The secretary is the administration officer of the association and will be responsible to perform all clerical duties concerned with the business of the association.
  - 6.13.2** Maintain a register of all members of the association which will include their name, address and all relevant particulars as required.
  - 6.13.3** A petty cash book account is to be maintained to account for expenditure.
  - 6.13.4** Maintain a register of all property of the association and arrange for safe custody of same.
  - 6.13.5** Is responsible for notifying the state statutory authority of any changes in the association and its financial position.
  - 6.13.6** Responsible for notifying all changes to the association structure and annual financial affairs are officially notified on the appropriate authorities forms.
  - 6.13.7** A register is to be maintained identifying all members of the management committee governing the association.
  - 6.13.8** The Public Officer shall keep in their custody or under their control all records, books and documents relating to the association unless otherwise provided for by these rules.
  - 6.13.9** The common seal of the association shall be held in custody of the Secretary/Public Officer on behalf of the association.
  - 6.13.10** The common seal shall not be affixed to any instrument without the authority of the committee and attested to by the signatures of two (2) members of the committee or by one (1) member of the committee and the Secretary/Public Officer.

**Treasurer :**

- 6.14** The Treasurers duties shall be :
- 6.14.1** Will be responsible to collect all funds from affiliates and when received bank within seven (7) days if practicable all moneys on behalf of the association in the bank a/c as provided.
  - 6.14.2** Maintain a true and accurate record of the finances of the association and present accounts for payment to the committee for approval.
  - 6.14.3** Submit a monthly report to the committee of amounts outstanding by affiliates and the attempts made to collect same.
  - 6.14.4** Prepare a statement of income and expenditure to all meetings of the association or as directed by the committee.
  - 6.14.5** Prepare a financial statement and balance sheet as at the thirty-first (31st) of October each year for inclusion in the Annual Report.

**Assistant Secretary :**

- 6.15** The Assistant Secretary duties shall be ;
- 6.15.1** The assistant secretary shall, as required, assist the secretary in all duties and in any absence shall perform all duties of that office.
  - 6.15.2** Maintain an attendance register and record the official minutes of all meetings of the association.(with the exception of the **Disciplinary Committee Meetings**)

**Registration Secretary / Recorder :**

- 6.16** The Registration Secretary/Recorders duties shall be :
- 6.16.1** Receive and collate all individual and team registration forms for submission to the committee for grading.
  - 6.16.2** Maintain a record with the personal particulars of all registered coaches, players, scorers, life members, bat persons, committee members, accredited umpires and ordinary members.
  - 6.16.3** Maintain a record of the competition standings and averages for each team and club.
  - 6.16.4** All game result cards are to be forwarded to him to report any discrepancy, which in his opinion, does not satisfy its correct submission, or any reported misconduct, injury or other relevant matter directed to the committee.

**Publicity/Promotions Officer :**



- 6.17** The Publicity/Promotions Officers duties shall be :
- 6.17.1** Shall perform all duties in connection with general publicity of weekly fixtures and general news and ensure that the results of all games are published throughout the media where possible.
  - 6.17.2** Responsible for the overall promotion of baseball in accordance with the policies approved by the committee.
- Umpires Appointment Officer :**
- 6.18** The Umpire Appointment Officers shall be :
- 6.18.1** Be a person appointed and recommended by **St.G.B.U.A.** and shall be responsible for the appointment and notifying umpires for game appointments and duties on a weekly basis.
  - 6.18.2** Reporting matters raised by the committee back to the **St.G.B.U.A.** as a liaison officer on behalf of the association.
- Vacant Positions and Appointments :**
- 6.19** For the purposes of these rules a vacant position in the office of a member of the committee occurs if the member -
- 6.19.1** Dies;
  - 6.19.2** Ceases to be a member of the association;
  - 6.19.3** Becomes insolvent under administration within the meaning of the Corporation Act;
  - 6.19.4** Resigns office by notice in writing given to the secretary;
  - 6.19.5** Is removed from office under rules relating to : **(Removal of a Member)**;
  - 6.19.6** Being a natural person 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;
- 6.20** The committee of the association shall have the right to appoint a member of the association to any vacant position, with full voting rights, such appointments is to be approved at the next Delegates Meeting.
- 6.21** Should an officer be absent from their duties the management committee may, if required appoint any other member of the association to act in their behalf during that period of absence.
- 6.22** The committee may choose to appoint such members as Representative Delegates on behalf of the association to a Sub-Committee with the exception of any appointments to the Disciplinary Committee.



## 7 PART 7 : MEETINGS OF THE ASSOCIATION

### **Quorums :**

- 7.1 A quorum shall be ( exclusive of Patrons and Life Members ) determined and stated under each meeting type as defined herein;

### **Types of Meetings :**

- 7.2 The **Annual General Meeting** to be held on the second (2nd) Monday of February in each year.
- 7.3 **Committee Meetings** as scheduled by the secretary of the association however at least one meeting will be scheduled during any calendar month during the playing season .
- 7.4 **Delegate Meetings** as scheduled by the committee each year however at least three (3) meetings will be scheduled during the playing season.
- 7.5 **Special Meetings** called under the provisions of these rules.
- 7.6 All meetings shall be held for a maximum of two (2) hours, commence at the time determined by the committee, and notified to the affiliates of the association.
- 7.7 Should it become necessary for a variation to any of the above, affiliates will be notified by the association secretary on behalf of the committee.

### **Voting :**

- 7.8 Voting shall be confined to two (2) financial members from each club and the elected management committee and any life members each having one (1) vote only and shall be by show of hands, except where a ballot is provided for in this rule document or is demanded by the majority of the members present at the meeting.
- 7.9 In the event of any delegate being unable to attend any meeting a proxy delegate may be appointed to act on behalf of his club and be entitled to all provisions allowed under these rules. The proxy delegate is to provide to the secretary of the association prior to the meeting his confirmation of appointment as delegate.

### **Chairman :**

- 7.10 The chairman of these meetings will be the president and in his absence the committee shall elect a chairman, if unavailable a member of the committee shall be elected as chairman for that meeting.
- 7.11 A decision or ruling by the chairman may be overruled by a majority of the members present, the motion of dissent from the chairman's decision or ruling may only be spoken to by the proposer of the motion and the chairman and both shall be subject to a time limit of five (5) minutes. The members shall elect a chairman under the provisions above to conduct the meeting during the dissenting motion. The chair's ruling upon any matter of procedure is final. The Chairman at all meetings shall in the case of an equality of votes on a question be entitled to exercise a second or casting vote.

### **Adjournments :**

- 7.12 Any meeting may be adjourned to such a day and time as the majority of the members may determine.
- 7.13 In the event of any meeting adjourning or lapsing all business remaining shall take precedence at the next meeting. No business shall be dealt with at an adjourned meeting that was not on the business paper for the original meeting.

### **Motions and Meeting Principles :**

- 7.14 When a motion has been moved and seconded any member may move an amendment, which shall not be discussed until it is seconded, the chairman may rule that such an amendment shall be in writing.
- 7.15 A motion shall not be discussed until it is seconded and when seconded shall not be withdrawn without the consent of the mover.
- 7.16 A second amendment shall not be considered until the disposal of the first (1st) amendment.
- 7.17 An amendment, if carried, shall become the question before the meeting and any amendment upon it may be moved.



- 7.18 Any amendment, either upon the original motion or to an amendment, having been defeated, then a further amendment not to the same effect as already defeated, may be moved to the motion one (1) question or proposal only shall be before a meeting.
- 7.19 Motions will be accepted from the floor but those in writing must be handed to the association secretary prior to the commencement of the meeting will be given preference.
- 7.20 A notice of motion, which has been entered upon the business paper, may not proceed in the absence of the member by whom such notice has been given. The said member may authorise, in writing, another member to proceed with such notice and they shall be permitted to move the notice of motion.
- 7.21 A notice of motion to rescind a previously defeated and rescinded motion, on the same subject, shall not be eligible for consideration until the expiry of six (6) months from the date of its defeat and a majority of three-fourths (75%) of the members present and voting shall be necessary for such a notice of motion to be declared in the affirmative.
- 7.22 A member shall not speak upon any motion or amendment for longer period than five (5) minutes without the consent of the meeting except where it will be in explanation and then only with the consent of the chairman.
- 7.23 The chairman shall put all motions first in the affirmative and then in the negative, and may do so as maybe necessary, to enable the desire of the meeting to be determined unless a ballot of division has been called for then he shall declare his decision which will be final.
- 7.24 The chairman shall give an interpretation of the rules if required by any member at the meeting and such interpretation will be final.
- Business Matters :**
- 7.25 Any minute or resolution of the association shall not be valid after the expiration of the season in which it is resolved unless otherwise specified.
- 7.26 All business, including applications, between affiliates (clubs or associations) and this association shall be conducted in writing unless with the permission of the chairman.
- 7.27 Any correspondence, including applications, shall not be dealt with during the meeting unless in the hands of the association secretary prior to the commencement of such meeting unless with the permission of the chairman.
- 7.28 Committee business shall take precedence over all other business at any delegates meetings.
- 7.29 The chairman may, with the concurrence of the meeting, alter the order in which business shall be taken.
- Annual General Meetings :**
- 7.30 At least fourteen (14) days notice in writing of the date, time and place shall be given by the association secretary to all Life Members, Office Bearers and the Secretaries of each affiliated club to their last recorded mailing address with the association .
- 7.31 A copy of the Annual Report and Financial Statement will accompany this advice.
- Quorums :**
- 7.32 A quorum shall consist of 60% of the affiliated clubs of the previous season of this association.



**7.33 The Order of Business shall be :**

- 7.33.1 The nomination for affiliation of clubs are required to be in the hands of the secretary at least fifteen (15) minutes before the scheduled commencement time for the start of the meeting;
- 7.33.2 To consider and adopt the Annual Report;
- 7.33.3 To consider and adopt the financial statement;
- 7.33.4 Any management committee recommendations;
- 7.33.5 Elect Life Members as provide for by these rules;
- 7.33.6 Office bearer's election in the following order:
  - Patron or Patrons;
  - Honorary President;
  - Honorary Secretary / Public Officer
  - Honorary Treasurer;
  - Honorary Assistant Secretary;
  - Honorary Registration Secretary/Recorder;
  - Honorary Publicity/Promotions Officer;
- 7.33.7 General business.

**Delegate Meetings :**

- 7.34 Delegate meetings where the attendance of delegates is compulsory shall be held as notified in the season schedule issued by the committee prior to the commencement of the season. Two (2) members from each affiliated club are entitled take part in any debates and voting as representatives of their club. No delegate shall have the right of taking part in any business arising in the association unless a written notification of their appointment duly signed by their club authorised officer has been registered with the association on the appropriate form.
- 7.35 All delegate meetings will be essentially information forums with the exception of notice of motions which will be considered for adoption at a management committee meeting.
- 7.36 Delegate meetings may be convened at other dates and times apart from the season schedule at the discretion of the committee.

**Quorums :**

- 7.37 A quorum shall consist of 60% of the affiliated clubs of the association.

**7.38 The Order of Business shall be :**

- 7.38.1 Reading and adoption of the minutes of the previous Delegates Meeting;
- 7.38.2 Correspondence ;
- 7.38.3 Secretary's report;
- 7.38.4 Treasurers report;
- 7.38.5 Registration Secretary/Recorder report;
- 7.38.6 Publicity/Promotion Officers report;
- 7.38.7 Any other reports;
- 7.38.8 Notice of motions;
- 7.38.9 General business;

**Special Delegate Meetings :**

- 7.39 A special delegate meeting will be convened by the secretary when instructed by the committee or on receipt of a request by a member of the association.
- 7.40 This request is required to be in writing signed by the proposer and seconder together with the signatures of five (5) other members of the association stating the specific business for such a meeting.
- 7.41 The special delegates meeting will be convened within twenty-one (21) days of the secretary receiving the request.

**Quorums :**



7.42 A quorum shall consist of 60% of the affiliated clubs of the association.

**Notice of Business :**

7.43 At least seven (7) days notice in writing given the date, time and place of a special delegates meeting shall be given to the Officers of the association, Life Members, Delegates and the Secretary of each affiliated club, and any other allied or affiliated association or body.

7.44 A special delegates meeting shall deal only with the specific matter for which the meeting has been convened, and as such are to consider the relevant business matters for adoption or resolutions as recommended by the management committee.

**Management Committee Meetings :**

7.45 The committee shall comprise of the following :

7.45.1 President who shall act as chairman;

7.45.2 Secretary / Public Officer;

7.45.3 Assistant Secretary;

7.45.4 Treasurer;

7.45.5 Registration Secretary/Recorder;

7.45.6 Publicity / Promotion Officer;

7.45.7 Umpire Appointment Officer;

**Quorums :**

7.46 A quorum shall consist of any two (2) of the president, secretary or treasurer and two of the other members of the committee who are present at the scheduled time for the meeting.

**Business Principles :**

7.47 In the absence of the chairman from any committee meeting the members present shall elect a chairman for that meeting.

7.48 Each elected member may remain in their position on the committee until the following annual general meeting or until removed under the provisions of these rules.

7.49 Questions arising at a meeting of the committee or any sub-committee appointed by the committee shall be determined by a majority of votes of the members of that committee or sub-committee present at the meeting.

7.50 Each member present at a meeting of the committee or of any sub-committee appointed by the committee ( including the person presiding at the meeting) is entitled to one (1) vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.

7.51 Subject to a quorum, the committee may act notwithstanding any vacancy on the committee.

7.52 Any act or thing done or suffered, or purported to have been done or suffered by the committee or by a sub-committee appointed by the committee, is valid and effectual in the appointment or qualification of any member of the committee or sub-committee.

7.53 **Honorariums :**

7.53.1 The office bearers as herein listed are entitled to receive an honorarium as recommended in the annual report for their duties on behalf of the association .

**Quorums and Matters of Urgency :**

7.53.2 If at any meeting a quorum is not present matters of urgency can be discussed and decided by those present providing they are endorsed and ratified at the next meeting where a quorum is in attendance.

**Business to be conducted by the Committee :**

7.53.3 Arrange the competition each year and shall allocate the grounds for the Semi -Finals, Finals and Grand Finals and any scheduled replay games of the same.

7.56.4 Make the rules and regulations for the conduct of the competition, investigate any reported breaches of these rules, the rules of baseball, the association competition rules or the rules and regulations by any affiliated or constituted organisation and may impose a penalty on the offending party.

7.53.5 Notify all affiliated bodies of any disqualification, suspension or expulsion imposed on any individual or affiliate



- 7.53.6** Consider all applications from affiliates, and applications for registration of players, officials, umpires and other members in connection with baseball played under the association's jurisdiction.
- 7.53.7** Any defaulter listed with the **N.S.W.B.L.** will not be considered eligible for registration, in any capacity, with the association.
- 7.53.8** Amend or repeal such by-laws as is deemed necessary for regulation of the conduct of the affairs of the association provided that such amendments should not alter or be inconsistent with any expressed direction or regulation contained in these rules, the rules of baseball and the rules and regulations of the association.
- 7.53.9** Submit any addition, amendment or deletion to be ratified in compliance with the provisions of rules governing the clause "**Alteration to the Constitution**".
- 7.53.10** Consider applications for affiliation from clubs and **St.G.B.U.A.** after the annual general meeting and the commencement of the seasonal competition and grant permission where it is considered appropriate.
- 7.53.11** Deal with any relevant matter not covered by these rules.
- 7.53.12** Appoint any special sub-committee as is deemed necessary and report on any question that may be referred for consideration by the committee. The terms of reference and the number of members for this committee will be clearly defined by the management committee. Any recommendations from this committee if adopted by the committee, shall be considered a resolution of the association.

#### **SUB - COMMITTEES :**

- Protest and Disputes Committee :** ( refer to Association Competition Rules )
- 7.54** Shall be the management committee to adjudicate on a protest entered by a club against an umpire's decision (not judgement ) or any matter in dispute concerning any competition game. A member who has a vested interest in a matter to be heard by this committee will be replaced by a proxy appointed by the management committee.
- Grounds Advisory Group :** ( refer to Association Competition Rules )
- 7.55** Shall consist of those representatives appointed by the caretaker clubs who have the responsibility and authority to advise the association on particular ground conditions under their control.
- Competition Schedule and Grounds Allocation Committee :**
- 7.56** Shall consist of two (2) members of the management committee who are required to prepare and draft the competition game schedule and allocate all grounds for the qualifying competition game rounds.



## 8 PART 8 : FUNDS OF THE ASSOCIATION

### **Fund - source :**

- 8.1 The funds of the association shall be derived from entrance fees, annual subscriptions of members, donations, grants and subject to any resolutions passed in meetings of the associations or other sources as the association may see fit.
- 8.2 All money received by the association shall be deposited as soon as practicable and without deduction to the credit of the association bank account.
- 8.3 The association shall, as soon as practicable after receiving any money issue an appropriate receipt as and when necessary or as requested.
- 8.4 All payments to the association are to be made by cheque.

### **Fund Management :**

- 8.5 Subject to any resolutions passed by the association in meetings, the funds of the association shall be used in pursuance of the objects of the association in such manner as the committee determines.
- 8.6 The funds of the association may be expended or invested as directed by a meeting of the association or failing such directions according to the instructions of the management committee.
- 8.7 All bank accounts of the association will be operated upon the signatures of any two (2) of the President, the Secretary or the Treasurer of the management committee at the time in office.
- 8.8 The committee will authorise the treasurer to pay accounts by cheque, signed by those authorised above.
- 8.9 The committee members may have an amount of petty cash, determined by the committee for the payment of small accounts relating to their duties and office obligations.
- 8.10 The books of the association will be closed on the thirty first (31st) of October in each year.

### **Accounts :**

- 8.11 The committee shall ensure that true books of account are maintained of all income and expenditure of the association.
- 8.12 The books of account will be held by the treasurer or at such place or other person that the committee may direct.
- 8.13 The books of account may be inspected by any member of the association, provided that permission has been granted by the committee or the association, subject to any reasonable restrictions as to time and manner which may be imposed when permission is granted.

### **Fees :**

- 8.14 All clubs will pay an administration fee which will include club affiliation, team and player registration fees, player and team member insurance, playing fees and any other members fees all as determined by the committee and ratified by the delegates.
- 8.15 All fees are to be paid in accordance with all schedules as advised by the committee.

### **Outstanding Fees :**

- 8.16 Any club failing to pay outstanding accounts by the due date as advised by the committee shall forfeit its right to attend any meeting of the association and, where applicable, may have their team/s debarred from all competitions until such time as payment is made.

### **Deferment of Fees :**

- 8.17 An application for any deferment of payment of accounts will be made in writing to the committee for their consideration and their decision will be final.

### **Player/Team Member Refund of Fees :**

- 8.18 A club shall be entitled to a refund of player registration fees, less insurance, for any player who has played less than three (3) games during the season.
- 8.19 All applications for refunds should be made in writing and proof submitted for consideration by the committee.





#### **Liability of Debt and Winding Up :**

- 8.20** The liability of any association member to contribute towards the payment of debts and liabilities of the association or the cost, charges and expenses of the winding up of the association are limited to the amount, if any, unpaid by the member in respect of membership of the association as required by these rules.
- 8.21** In the event of the association being dissolved, the amount which remains after dissolution and the satisfaction of all debts and liabilities shall be paid and applied by the committee in accordance with their powers; to a similar or like association which is exempt from income tax under Section 23 of the Income Assessment Act.

### **9 PART 9 : INSURANCE**

#### **Compulsory Insurance :**

- 9.1** The association shall ensure that adequate insurance is maintained either by the **A.B.F.** or the **N.S.W.B.L.** or effected and maintained by the association in pursuant to Section 44 of the **Act** against injury and loss of wages.
- 9.2** In addition to the insurance required under the **Act** the association may effect and maintain any other insurance it deems necessary to protect and indemnify those members against litigation claims, for other accidents, damage, unforeseen incidents or actions.

### **10 PART 10 : LIABILITY**

#### **Limitation of Liability :**

- 10.1** Every member agrees that on becoming a member of the **St.G.B.A.** their right to seek compensation against any officer, agent, employee, instructor, coach, safety or duty officer of the association or its affiliated clubs, competition organisers and any person who is also acting in a supervisory or administrative capacity in the control of baseball played under the control of **St.G.B.A.** is limited (so far as this is permitted by law) as follows :
- 10.2** If any member suffers personal injury (including death) or damage to property, while
- 10.2 .1** Participating as a team member in the game of baseball,  
Or
- 10.2 .2** Any activity associated with baseball, such as umpiring, coaching, scoring, instructing, tutoring, undertaking ground maintenance, examining or acting as official observers and any other persons authorised to undertake activities on behalf of the association, and
- 10.2 .3** a cause of the injury or damage was the negligence or breach of other obligations imposed by law by any of the defendants.  
Then the liability of the defendants is limited to :
- 10.2 .4 (a)** The extent to which the defendants are entitled at law to an indemnity for such liability under any insurance policy held by the **St.G.B.A.** (“the Policy”)
- 10.2 .4 (b)** The amount which the Insurer is obliged to pay under the policy, or, in the liquidation of the Insurer, the amount which the defendants can recover, whichever is the lesser.
- 10.5** If the defendants or any of them are not entitled at law to an indemnity for whatever reason, the liability of the defendants not covered by the policy is nil.
- 10.6** Every member agrees that this limitation of liability applies after the person making the claim ceases to be a member of the **St.G.B.A.**



## 11 PART 11 MISCELLANEOUS

### **General Provision:**

- 11.1 Where a club or affiliated association does not have a constitution, rules, by-laws or competition rules, the constituted rules and competition rules of the **S.G.B.A.** shall be deemed to be the rules of such clubs or affiliated associations.
- 11.2 The committee shall have the power to deal with all relevant matters not provided for or stated in these rules.

### **Common Seal:**

- 11.3 The common seal of the association shall be kept in the custody of the Public Officer.
- 11.4 The common seal shall not be affixed to any instrument except by the authority of the committee and the affixing of the common seal shall be attested by the signature either of the Public Officer/ Secretary plus one (1) committee member OR by two (2) committee members.

### **Alterations to the Constituted Rules:**

- 11.5 These constituted rules shall not be repealed, altered, or any addition made, without the consent of (75%)majority of members present and voting at a special meeting of the association and unless twenty - one (21) days notice in writing shall have been given to members by the secretary of such proposed repeal, alteration or addition.

### **Interpretations:**

- 11.6 The provisions of the interpretation act 1897 apply, to and in respect of these rules, in the same manner as those provisions would so apply if the rules were an instrument made under the **Act** means the association incorporation act 1984; the regulations means the association incorporation regulations 1985.