

# WACA Membership By-Laws

In accordance with the Constitution of the Western Australian Cricket Association (Inc) Rule 12.6, Membership By-Laws as per the following pages are in place and all Members shall be bound by them. Members should take particular note of the revised By-Laws in respect to Member's obligations in regard to the use and safekeeping of their Membership identity and the penalties in place for breaches of them. (Current as at 1 July 2011)

## 1. Election

- 1.1 Applicants shall become Members if elected by the Board in general business at a Board meeting.
- 1.2 The Board may in its absolute discretion elect any person the Board considers to be eligible for Membership to any class of Membership and give priority to any application for Membership on any ground which it deems just and equitable.
- 1.3 No Applicant shall be eligible for election until:
  - (a) an application in writing signed by a proposer and seconder is lodged with the Association Secretary or other duly authorised employee; and
  - (b) the Entrance Fee and first year's Subscription have been paid.
- 1.4 If an Applicant is nominated for election but is not elected, the Entrance Fee and Subscription shall be returned to that Applicant.
- 1.5 The nomination for Membership and application for renewal of Membership of a Club Member or Club Playing Member must be accompanied by a certificate from the Secretary of the relevant Affiliated Club forming part of a body corporate affiliated with the Association as provided for in Rule 11 of the Association's Constitution, certifying that such person's subscription payable to that Affiliated Club for the current year has been paid.
- 1.6 In the case of the Membership application or renewal being for an umpire, it must be accompanied by certification from the WACA Umpiring Manager that the applicant or Member has current WACA and Cricket Australia accreditation and is at the time of the application or renewal, an active participant cricket umpire in WACA District or related competitions.
- 1.7 An Applicant whose application for Membership is rejected by the Board may appeal to the next Annual General Meeting following the date of such rejection provided that written notice of such intention to appeal is lodged by the Applicant with the Chief Executive Officer no later than the 15th day of August preceding such Annual General Meeting. If the Applicant is not elected a Member by a Special Resolution of the Annual General Meeting, the Applicant's application will fail.
- 1.8 In the event of the death of a Member, the partner or spouse of the deceased Member may within 12 months of the death of the deceased Member make written application to the Board for the partner or spouse to be elected as a Member, and the Board may approve the application on such terms and conditions as it determines, and By-Laws 1.3-1.6 inclusive shall not apply.

## 2. Member Identity & Ground Entry

- 2.1 Every Member shall be entitled to a Member Identity in the form of a card, badge, token, ticket, pass or in such other form as the Board from time to time determines and which is issued subject to the Constitution and these By-Laws for the time being in force. Members are required to display their Member Identity at all times whilst in the Members' Enclosure.
- 2.2 Upon production of the Member Identity and subject to the payment of the Member Subscription for the relevant Membership year, the Member shall be admitted to those parts of the Ground allocated for the use of Members during the conduct of cricket matches played under the auspices of the Association or Cricket Australia and to other events conducted at the Ground upon payment of an entry fee that may be required of or imposed on the Association as fully described in By-Law 2.8.
- 2.3 No representation is made that there is sufficient seating or suitable viewing for all Members and Guest Pass holders within the Members Enclosure.
- 2.4 The Member Identity at all times remains the property of the Association.
- 2.5 A Member retiring from the Association, suspended from Membership or ceasing from any cause whatsoever to be a Member shall forthwith return and deliver to the Association the Member's Member Identity.
- 2.6 An Ordinary Member or Country Member shall on payment of an annual Guest Pass fee as determined from time to time by the Board be entitled to receive a Guest Pass which that Member may transfer to any person, and which entitles the holder thereof for the time being whilst wearing or displaying the Guest Pass, the right to be admitted to those parts of the Ground allocated for the use of Members at the same times as Members

are entitled to access those parts. Neither the Board nor the WACA is under any obligation to check whether the holder of a Guest Pass is the person whom the Member intended to be the user thereof. It is an offence for a Member to on sell the Guest Pass.

- 2.7 A Member to whom a Guest Pass is issued is responsible for ensuring that the holder observes the conduct required of Members while the holder is on any part of the Ground.
- 2.8 When any event or function open to the public is being conducted at the Ground or any part thereof by any person or body other than the Association and if the Association has agreed with such person or body that a specified admission fee shall be payable by Members and/or the holders of the Guest Pass then those Members and holders of Guest Passes shall be admitted to those parts of the Ground allocated for the use of Members only upon payment of such fee but when so admitted shall be entitled to use those parts of the Ground.
- 2.9 Except as provided in By-Laws 1.7 and 5.7 the rights and privileges of Membership are personal and are not capable of transfer or assignment whether by the actions of a Member or through any other person acting on behalf of a Member, by operation of law or otherwise.
- 2.10 A Member shall not transfer, intentionally or not, that Member's Member Identity or allow any person, including family members to use the Member Identity. The Member is responsible to ensure that their Member Identity is not used by any other person.
- 2.11 A Member shall notify the Association of the loss or theft of that Member's Member Identity and/or Guest Pass as soon as reasonably practicable after becoming aware of its loss or theft.
- 2.12 A Member Identity or Guest Pass which is used by any person not entitled to use it to gain or attempt to gain entry to any part of the Ground shall be retained by a gate keeper or other person duly authorised by the Association who comes into possession of that Member Identity.
- 2.13 Upon demand by a gate keeper or other duly authorised person, a Member seeking entry to the Ground shall produce their Member Identity and supporting identification and if required by the gate keeper or other duly authorised person, sign that Member's normal signature as required. The gate keeper or duly authorised person shall be entitled to compare the Member's signature so obtained with the Member's signature appearing in any of the records of the Association.

### **3. Breaches of By-Law 2**

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- 3.1 If the Membership Manager is satisfied that a Member has breached By-Law 2, the Member shall have their Membership suspended for the balance of the Membership year in which the breach occurred.

- 3.2 If the Membership Manager is satisfied that a Member has breached By-Law 2 for a second time or more, the Member shall have their Membership suspended for the balance of the Membership year in which the breach occurred and the entire subsequent Membership year.
- 3.3 In either of the circumstances stated in By-Laws 3.1 and 3.2, the Member shall not be entitled to a refund of any subscription. In the case of By-Law 3.2, the Member shall be liable to pay the subscription for the entire subsequent Membership year unless the Member chooses to allow their Membership to lapse.

### **4. Unpaid Subscriptions**

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- 4.1 If a Member's Subscription is in arrears for 30 days or more calculated from the date Subscriptions are due and payable, that Member's Membership shall automatically cease and determine.
- 4.2 The Board may admit to Membership without payment of the Entrance Fee any person who has previously been a Member.

### **5. Membership Provisions**

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- 5.1 Subject to the Constitution, the Board shall have absolute discretion as to:
  - (a) the classes of Membership and the introduction of new classes;
  - (b) Entrance Fees and Subscriptions;
  - (c) the number of Members that can be admitted in any one class of Membership; and
  - (d) the aggregate number of Members.
- 5.2 Should the Board determine from time to time that no more Members shall be admitted in any one class of Membership or in the aggregate, then the Board at its absolute discretion may establish a Membership waiting list.
- 5.3 If By-Law 5.2 applies the waiting list shall be created by the Chief Executive Officer in the date order that applications for Membership are received. Subject to By-Law 1.2, when vacancies in Membership arise, those persons on the waiting list shall be invited to apply for Membership in the order that their names appear on the waiting list.
- 5.4 If prior to 29 January 2004, a Member or class of Membership enjoyed rights or privileges of a special, concessionary or extraordinary nature the Board shall continue to make such rights and privileges available to the Members entitled thereto.
- 5.5 Subject to By-Law 5.4, at the date of these By-Laws:
  - (a) each new Member applicant shall pay an entrance (nomination) fee as determined by the Board from time to time as part of their joining fee in accordance with the WACA Constitution and these By-Laws;

- (b) each Member other than the categories of Honorary Life Member, Paid Lifetime or Perpetual Member shall pay an annual subscription as determined by the Board from time to time;
  - (c) each year, every Adult Member shall have the option of purchasing an annual Guest Pass issued in conjunction with their Membership at a fee as determined from time to time in accordance with the WACA Constitution and these By-Laws.
- 5.6 The numbers admitted and the criteria for nomination as Perpetual Members and Lifetime Members shall be as determined by the Board. The Board may exempt such Members from the requirement to renew their Membership on an annual basis.
- 5.7 A Perpetual Member being:
- (a) a natural person, may bequeath by testamentary instrument his or her Perpetual Membership to that Perpetual Member's spouse, child, grandchild or such other person of whom the Board approves in writing, but not otherwise; or
  - (b) a corporation, may nominate one natural person to exercise the corporation's rights and privileges of Membership provided that:
    - (i) such rights and privileges shall terminate upon the winding up or liquidation of the corporation (other than for the purposes of reconstruction); and
    - (ii) the corporation shall advise the Association in writing of its nominee.
- 5.8 Lifetime Membership determines upon the death of the Lifetime Member or in the case of a corporate Lifetime Member after the expiration of 10 years from the date of election.
- 5.9 A Lifetime Member being a corporation may exercise the corporation's rights and privileges of Membership provided that:
- (a) such rights shall terminate upon the winding up or liquidation of the corporation (other than for the purposes of reconstruction); and
  - (b) the corporation shall advise the Association in writing of its nominee at the commencement of each Membership Year.
- 5.10 (a) Any Member contemplating absence from the State for at least 1 Membership Year, upon application in writing to the Board and payment of an Absentee Member fee as determined by the Board from time to time, may be placed upon the absentee list for a period not exceeding 5 years and during that time shall not be required to pay the Subscription, but shall not be entitled to enjoy any of the rights and privileges of Membership.
- (b) At the end of the period of Absentee Membership the Member may on payment of the Subscription

then applicable, enjoy all of the rights and privileges of Membership. Such Member shall not be required to reapply for election or pay a further Entrance Fee.

- 5.11 Any Member over, or on attaining, the age of 65 years may apply to the Board for a concession on the Subscription otherwise payable by that Member.

## 6. Resignation of Members

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- 6.1 A Member may at any time resign Membership upon written notification to the Association Secretary.
- 6.2 A Member retiring from the Association, or ceasing from any other cause whatsoever to be a Member, shall not be entitled to, or have any claim upon, any portion whatever of the property of the Association and in particular shall not be entitled to any refund of the subscription or any part thereof.

## 7. Behaviour of Members, Guests and Visitors

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- 7.1 Each Member, Guest Pass holder and Member's Visitor must at all times:
- (a) comply with any lawful direction or request of the Association or any agent, employee, contractor or authorised officer of the Association (including any gate keeper) or member of the police force while at, or using, the Ground; and
  - (b) not engage in conduct that:
    - (i) is unbecoming or prejudicial to the interests of the Association; or
    - (ii) may bring the Association into disrepute; or
    - (iii) impairs or affects the enjoyment of the benefits of Membership by other Members; and
  - (c) be subject to the applicable dress requirements set down for the Member's Enclosure as determined from time to time and advised in Member communications and Ground signage.
- 7.2 The Member is responsible for ensuring that their Guest Pass holder and Visitor/s comply with By-Laws 7.1 (a), (b) and (c). The Member shall be held accountable for any breach of these By-Laws by their Guest Pass holder and Visitor/s.

## 8. Breaches of By-Law 7

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- 8.1 Any Member, Guest Pass holder or Member's Visitor in breach of By-Law 7 may have their Member Identity, Guest Pass and / or Visitor Pass retained by any person duly authorised by the Association and / or may be required to leave the Ground. The Membership Manager or duly authorised person may, at their discretion, retain the Member Identity and / or Guest Pass until such time as the Board gives directions as to its disposal.

- 8.2 Notice in writing of a breach of By-Law 7.1 (a) and / or 7.1 (b) shall be given to the Member concerned as soon as reasonably practicable after the Board becomes aware of a Member who;
- (a) has wilfully failed to comply with any Rule or By-Law;
  - (b) has done anything anywhere that brings discredit on the Association or its Members, or impairs or affects the enjoyment of the benefits of Membership by other Members;
  - (c) has exhibited conduct anywhere within the Association's premises or its environs in an anti-social or undesirable manner or in a manner which offends or is likely to offend any other Member; or
  - (d) been disqualified, suspended, expelled or otherwise penalised by any other club or association.

## 9. Disciplinary Procedures

- 9.1 If the Board considers it necessary, the Board may undertake the following disciplinary procedures and subsequently impose penalties as detailed in By-Law 10 for sustained breaches detailed in By-Law 8.2
- (a) The Board may request a written statement describing the accusation or complaint against the Member concerned by a Member or other person alleging the offence or conduct complained of, which shall be submitted to the Board by the Association Secretary.
  - (b) The Board shall cause a notice in writing to be sent to the Member concerned by registered letter, addressed to the last known address of such Member, which describes with reasonable particularity the accusation or complaint and requires the Member concerned to attend before the Board to answer such accusation or complaint on a day not less than 7 clear days after the date of the notice.
  - (c) A copy of the notice described in By-Law 9.1(b) shall be sent in a like manner to the person making the accusation or complaint against the Member concerned.
  - (d) The Association Secretary shall on application by any party concerned send a copy of the notice described in By-Law 9.1(b) to any other Member with a request that the other Member appear and give evidence, if application is made not less than 3 clear days before the date appointed for the hearing.
  - (e) The failure of any of the parties concerned to attend at the hearing before the Board shall not nullify the proceedings of the Board, which shall still, at their sole discretion, be able to conduct the hearing, including the taking of evidence and decide the case, as if all parties concerned had been present.
  - (f) No Member shall be entitled to be represented at proceedings before the Board by any other person (whether such other person be a duly qualified legal

practitioner or not) but Junior Members may be represented before the Board by a parent or legal guardian

- (g) If, at the conclusion of the hearing, the Board is of the opinion that the accusation or complaint is sustained, it may then exercise a power under By-Law 10.
  - (h) The Board shall cause a notice in writing of the Board's decision to be sent to the Member concerned by registered letter to the address to which the notice described in By-Law 9.1(b) was sent.
- 9.2 (a) If the Member concerned wishes to object to the Board's decision under By-Law 10 which relates to a penalty imposed as a result of a breach of Membership By-Laws as detailed in By-Laws 8.2(b) or 8.2(c) he or she must within 14 days of the Board's decision lodge with the Association Secretary a written notice signed by that Member requiring the Board's decision to be reviewed by the Members. That notice must specify the grounds on which the Member objects to the Board's decision.
- (b) If the Member wishes to object to the Board's decision otherwise than at the next Annual General Meeting the Member's notice under By-Law 9.2(a) must be accompanied by payment of \$2,000.00 (or such lesser amount as the Chief Executive Officer determines in his or her absolute discretion in the case of established financial hardship) toward the cost of convening a General Meeting. If the Members on review of the Board's decision do not affirm the Board's decision this amount shall be refunded to the Member concerned.
  - (c) Subject to compliance with By-Law 9.2(a) and, if applicable By-Law 9.2(b), the Board must resolve to convene a General Meeting or include a motion on the notice of the Annual General Meeting, as the case may be, advising that the Members will be required to consider and vote on the Board's decision. The notice convening the relevant Meeting must specify the facts and circumstances on which the Board based its decision, and the grounds on which the Member concerned objects to that decision.
  - (d) At the Meeting on the motion to consider the objection and review the Board's decision the Member concerned:
    - (i) may only speak on the grounds of the objection as detailed in the written notice lodged under By-Law 9.2(a) but will not be entitled to vote; and
    - (ii) shall not be entitled to be represented unless the Member is a minor, is of unsound mind or is physically or mentally incapable of self-representation.

- 9.3 A Member expelled or otherwise penalised under By-Law 10 remains liable for all moneys due by that Member to the Association at the date of such expulsion or penalty.
- 9.4 No Member expelled or otherwise penalised under this By-Law 9 is entitled to take action or proceedings against the Board, the Association or any official or Member for or in respect of any such expulsion or penalty as aforesaid and must conform to the decision of the Board.

## 10. Penalties

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The Board has power, subject to By-Law 9, to:

- (a) expel a Member from the Association;
- (b) suspend all or any of the rights and privileges of any Member (including, without limiting the generality of the foregoing, the usage of any Guest Pass) for such period as the Board thinks fit;
- (c) impose, on such terms as the Board thinks fit, restrictions or conditions upon any Member's use of, or right of entry to, any Member's facility or part of the Ground allocated for the use of Members (and the corresponding usage or right of the holder of any Guest Pass issued to that Member); or
- (d) seek restitution from a Member for any expense incurred by the Association if the conduct of that Member involved or contributed to damage to property of the Association or for which the Association has a legal liability.

## 11. Communication with Members

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- 11.1 A communication is properly given to a Member if it is:
- (a) in writing;
  - (b) addressed to the Member to whom it is to be given; and
  - (c) (i) delivered personally or;  
(ii) sent by pre-paid mail to the Member's address or;  
(iii) sent by fax to the fax number (if any) nominated by that Member or;  
(iv) sent by electronic message to the electronic address (if any) nominated by that Member.
- 11.2 A notice to a Member is regarded as given and received:
- (a) if it is delivered personally or sent by fax or electronic message:
    - (i) before 5.00pm (local time in the place of receipt) on a business day - on that day; or
    - (ii) after 5.00pm (local time in the place of receipt) on a business day, or on a day that is not a business day - on the next business day; and
  - (b) if it is sent by mail - on the second business day after it was posted.

- 11.3 If a specified period must pass after a notice is given before an action may be taken, neither the day on which the notice is given nor the day on which the action is to be taken may be counted in reckoning the period.
- 11.4 A certificate in writing signed by the Chairman or Association Secretary stating that a notice was sent and when and how it was sent is prima facie evidence of service.
- 11.5 The address, fax number or electronic address nominated by a Member shall be the address, fax number or electronic address noted for that Member in the register of Members.
- 11.6 This By-Law applies unless a Rule or another By-Law prescribes the means of communication with a Member for the purposes of that Rule or By-Law.

## 12. Expulsion and Suspension

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- 12.1 No person who has been expelled from the Association shall be allowed in any part of the Ground allocated for the use of Members.
- 12.2 In the case of expulsion, the name of the expelled Member shall be erased from the register of Members by the Association Secretary and that Member shall cease to enjoy the rights and privileges of Membership.
- 12.3 No person whose Membership has been suspended shall be allowed in any part of the Ground allocated for the use of Members during the term of the suspension.
- 12.4 No person whose Membership rights and privileges have been suspended with respect to the use of, or the right of entry to any Member's facility or any part of the Ground allocated for the use of Members shall be entitled to use that facility or enter that part of the Ground during the term of the suspension.
- 12.5 Any Guest Pass issued to a Member the subject of this By-Law 12 shall be revoked for the period of the Member's suspension or permanently in the case of the Member's expulsion.

## 13. Interpretation

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- 13.1 Should any dispute or objection arise as to the meaning or interpretation of these By-Laws or rules, such dispute or objection shall be settled or determined by the Board, whose decision shall be final and binding.
- 13.2 Words and expressions defined in the Constitution have the same meaning when used in these By-Laws.
- 13.3 The words Member Identity and Guest Pass used in these Membership By-Laws are more commonly referred to as Member Card and Transferable Guest Card or just Guest Card in Member literature that is sent to Members.