

South Metropolitan Cricket Association

Minutes
ANNUAL GENERAL MEETING
6th August 2013 – 7:00pm



PRESENT: As per register – absent Clubs Canning Districts, Kwinana and Thornlie

APOLOGIES: Brendan Jones, John Griffin, Mark Holt, Steve Michael, Vic Strnadica and Kumar Vadivale.

ABSENT: The following Clubs were absent from the AGM:
Canning Districts, Kwinana and Thornlie

MINUTES OF PREVIOUS MEETING:

Accepted as a true and correct record. Moved Hilton Palmyra and seconded Kardinya Lakes.

CARRIED.

MATTERS ARISING: Nil

PRESIDENT'S REPORT

I am pleased to present my second President's report for SMCA after the completion of a successful 2012/13 season.

The Association entered the season with 22 clubs fielding 52 two day and 40 one day teams in 12 different grades. During the season Southern Districts decided to merge with Leeming Spartan. The Association comprises a cross section of clubs fielding between one teams and Leeming which had the task of selecting 9 teams each week. I understand a 9 team club may be the largest within Western Australia or indeed nationally.

We would also like to welcome a new Club to the Association, the Jandakot Park Cricket Club which will be based at Atwell Reserve in the City of Cockburn.

The Executive was successful in continuing our attempts to mirror the 1st and 3rd grade competitions and to some extent the 2nd and the 4th grade teams.

Like any fixturing systems there will be occasions where clubs will not always be able to field teams in the grades that they have requested. Clubs should appreciate that grade allocations and fixturing represent a most difficult task for all Associations where we have such a cross section of team structures. Club administrators must be mindful that if the Grading Committee makes a decision on specific grading issues it is for the betterment of the Association as a whole and while they endeavour to accommodate clubs' requests it is not always possible to do so.

East Fremantle proved to be the dominant club of the competition this year easily winning the Brian Waterer Club Championship trophy from Cockburn and CBC. East Fremantle also played in their second consecutive first grade grand final but was undone on the day by newly promoted Hilton Palmyra. Congratulations to Hilton, who won the premiership after competing in the second grade competition during 2011/12.

Like last season premierships honours were shared between 10 clubs with only Bicton Attadale and Kwinana snaring two each. The mid season One Day finals were similarly taken out by 6 clubs with Cockburn winning two. Despite the dominance of East Fremantle during the season they had to be satisfied with just one flag in a One Day final. Cricket can be a cruel game.

I would like to welcome the Maddington Cricket Club to the First Grade competition next year after taking out the Minor Premiers award in Second Grade. I am sure Maddington will do well while Kardinya can strike back for some form in Seconds next year.

Despite the majority of clubs entering the match scores into MyCricket on Saturday evenings immediately after the day's play we now have been forced to mandate the requirement as certain clubs still fail to lodge them in time. With the technology we have at our disposal these days surely it is not a difficult task to enter the basic game results by Saturday evening. Inter Association matches have continued to be a thorn in our attempts to uplift our Association to be a major player within Cricket West. For the first time in some years we failed to make grand finals in any of the competitions. The players that have put their hands up to represent the Association deserve high praise but they are fighting a difficult cause when the so called better players choose not to help their team mates by making themselves unavailable.

This season all inter association games will be T20 so to those players who can spare 3 hours on 4 Sundays during the season we would like to hear from you. My thanks are extended to Steve Michael, Rob Sims, Ian Hale, Graeme Ashley and other volunteers for the organisation of inter Association matches.

The Protests & Disputes Tribunal was chaired by Ronald McDonald this season and thankfully only had to oversee 2 cases of indiscretions by players. There was however 6 prescribed penalties and 8 cautions issued by umpires during the season.

I would like to thank the Umpires Board President Dirk Leonardt and Advisor Steve Nichols for their efforts as they continue to increase the number of umpires. Unfortunately the demise of umpire numbers is a serious concern and there is no easy fix. Clubs need to shoulder some responsibility in this area by encouraging their retiring players to don the black trousers. Steve Nichols has indicated he will not be undertaking the Umpires Advisor role in 2013/14 and I wish him well for the future and thank him for the past few years in this position. We are however pleased to advise that Ray Howe has been appointed to the position for the coming season. No doubt everyone knows Ray (Association Life Member) and former Umpires Advisor for several years.

After the close of the season, a General Meeting of all clubs was held to review the season just completed. Several ideas were discussed which gave the Executive some direction on how we should proceed. It allowed us to plan during the off-season and to legislate upon the necessary by law changes that were agreed to by the Clubs.

I wish to thank the Executive members including the Administrator Gary Hartman and Treasurer Graeme Ashley for their superb efforts throughout the season. The efforts by the Executive have made my task a relatively simple one.

In conclusion I trust all clubs and umpires have a very successful 2013/14 season

Graham Santich
August 6 2013

ADMINISTRATOR'S REPORT:

We certainly have progressed over the past years. We use to have coloured pages for match reports, cards for player registration and clearances that needed travel to other clubs for approval, or otherwise. MyCricket has streamlined the system and with it we are much more professional and informed.

The reduction of the permit system made things fairer and now with the split player option permits are a thing of the past.

Given our grading structure the fixturing process can still be difficult but a lot easier than it was in past.

This past season we sent information for distribution to club captains and club committees. I am not sure if this information was always distributed to the people it was intended for.

Thank you to all the Clubs, and the Umpires Association for their hard work over the past 12 months.

Many thanks also to the Executive for their work and support.

Congratulations to the successful Clubs in the past season.

I wish all Clubs well for the coming season.

Gary Hartman

TREASURERS REPORT:

Graeme had distributed the audited report and budget.

It was moved Willetton and seconded Armadale that the Treasurers Report be accepted.

CARRIED

UMPIRE'S ADVISOR:

Ray Howe has taken over from Steve Nichols as the Umpires Advisor.

Ray requested that anyone who had any thoughts on umpiring should contact him.

A law change will now result in a no ball being called if the bowler breaks the stumps in his delivery stride.

CRICKET WEST:

Rob Sims reported on behalf of Steve Michael.

This year's Cricket West season for the SMCA is a not a season that is warranted taking up to much time. It started well but did fall away after our participation in the state-wide T20 in Kalgoorlie.

We need to ensure the best players play for the SMCA.

This season will be a T20 format

Many thanks needs to go to Rob Sims, Graeme Ashley and Ian Hale for their support during the season these guys deserve a huge thanks from the association for all their support of Cricket West. Special thanks to Canning Districts.

Steve advised he would be standing down from Cricket West duties. Rob thanked him for his work and the Association endorsed this.

ELECTION OF OFFICE BEARERS:

Graham Santich declared all elected positions vacant, Ian Hale then opened the election.

Patron: Brian Waterer was elected unopposed.

President: Graham Santich was elected unopposed.

The President then resumed the chair and the following positions were filled unopposed from nominations received.

Senior Vice President: John Griffin

Junior Vice President: Brendan Jones

Executive Committee: Ian Hale, Kiel Sigley.

Auditor: Leanne Galellis

AGENDA ITEMS – all items placed in order of being received.

ITEMS FROM SMCA EXECUTIVE

Make the following changes to the Constitution as recommended by the Department of Commerce.

It was noted that clause 44 of your rules state that 'The Association shall automatically wind up in the event that the Association has less than two member clubs'.

*The above provision is inconsistent with the provisions of Section 35 of the Act which states that should the association have fewer than **six members** then the Commissioner may cancel the incorporation of the association. Therefore, to comply with the Act, please remove or amend clause 44 to comply with the Act.*

Amend Clause 44 to read

44. Association to wind up where less than **six** member clubs remain

*The Association shall automatically wind up in the event that the Association has less than **six** member clubs.*

The Department of Commerce note that clauses 13.2 and 38 of the rules of the Association provides for the payment of an honorarium to the Administrator, Treasurer, or Umpire's Advisor.

Section 4(2) of the Act states that an association for the purpose of trading or securing pecuniary profit to its members is not eligible to be incorporated.

However, section 4(4) (c) of the Act allows an association to pay a salary to a member of its committee. A salary is a payment made to a person in return for work pursuant to a contract. An honorarium is an ex gratia payment made for services given voluntarily, pursuant to a moral rather than a legal obligation where the amount is not known at the outset. The Branch takes the view that salaries are therefore permissible. However, an honorarium, which is not a salary, would fall outside section 4(4)(c).

Therefore, please review clauses 13.2 and 38 to ascertain if the reference to payment of an honorarium is, in reality, a salary. If this is the case, please amend these clauses appropriately. If the intent of these clauses are that an honorarium may be paid to the above members then, it will be necessary to remove this provision.

Amend Clause 13.2 to read

13.2. The Executive may award the Administrator, Treasurer, or Umpire's Advisor **a salary** in accordance with rule 38, these position shall be appointed by the Executive prior to the Annual General Meeting and not subject to election;

Amend Clause 38 to read

38. Salaries

Salaries shall be authorised at the Annual General Meeting.

Amend typographical errors as listed below

Finally, while it is not the role of the Department to review submitted documents for typographical errors, we wanted to bring to your attention that your rules contain following typographical errors. In the event the association wishes to amend its rules **by special resolution**, it is suggested the committee also attends to the following matters:

The Definition of 'the Act' refers to 'Associations **Incorporatedorporation** Act 1987' instead of 'Associations **Incorporation** Act 1987'.

The Definition of 'the Commissioner' refers to 'Commissioner for **Fair Trading**' instead of 'Commissioner for **Consumer Protection**'

Clause 6.1 states that 'its **prIncorporatedipal** object'. Please amend the same to reflect correct word.

Clause 6.2 states that 'its activities **prIncorporatedipally**'. Please amend the highlighted word to reflect the correct word.

Clause 13.9 refers to **rule 22** instead of **rule 20**

Clause 13.9.2(a) refers to **rule 14.4** instead of **rule 13.4**

Clause 16.1.3.a.4 states 'Incorporatedluding those referred to in rule 17.1.3'. The highlighted word needs to be replaced with the word '**including**'. Furthermore, this clause also refers to **rule 18** instead of **rule 17**.

Clause 24.1.1 refers to **rule 28.1** instead of **rule 21.1**

Clause 35 states that "at least 14 days notice in writing of all general meetings **Incorporatedluding**". Please amend the highlighted word with the word '**Including**'.

Clause 45 states that 'must be given or transferred to another association **Incorporatedorporated** under the Act'. Please amend the highlighted word with the word '**Incorporated**'.

After discussion it was moved Phoenix and seconded Cockburn that the Constitution changes be approved. **CARRIED**

ITEM FROM EAST FREMANTLE CRICKET CLUB

That it be compulsory that any team that is represented in the 1st Grade has a team also represented in the One Day A grade to avoid the scenario of only having 6 teams in that grade and having 10 teams in the below One Day grades as we had last season. This will avoid clubs dictating to the association that their one day teams NOT wanting to play in the One Day A's grade.

Clubs outside the 1st grade may nominate for the One Day A grade. If nominations eventuate then the One Day A grade to be limited to a 10 team competition...therefore having a 20 round season to have each team playing each other twice providing for an equal season.

East Fremantle spoke for the item; CBC spoke against it. After discussion it was agreed that grading issues be left to the Fixtures and Gradings Committee.

ITEMS FROM ARMADALE

Replace Rule 41.1.

“Power to make By-laws: The Executive may resolve to add, modify or delete by-laws in such manner as:”

with the following:

“Power to make By-laws: The Executive may recommend on making by-laws in such manner as”

Explanation:

The reason behind this change is to return our Association back to normal and withdraw unprecedented power from the hands of a few. No governing body should have the power to change rules and by-laws at a whim, without consultation and debate. Constitutions are set up so that changes can only be made at AGMs or special general meetings giving the correct notice to all stakeholders and allowing the proposed changes to be debated. This has worked for clubs and organisations for over a 100 years so why allow unprecedented power to a handful of people that on any given year could be totally biased against a certain clubs or clubs. Even worse is the power to change rules during a season. One of the biggest criticisms of the AFL is the constant rule changes. We now have a system where rules can be altered at a whim or by an over-reaction to a situation without consultation, debate and the process of clear thinking.

The potential for misuse of this 'Executive' power is evidenced by recent proposed changes to bylaws which were sent out to clubs for comment after the May meeting (during the off season). I believe most clubs thought they would have the opportunity to vote on the proposed changes at the AGM as normal. When no response was received from any club the Executive just adopted the proposed changes on 10th July. Armadale held their AGM on 8th July and was unaware of any deadline for a response.

Maddington seconded this motion.

Armadale spoke for the motion; Willetton spoke against. After discussion the motion was put and lost.

Alter BY-LAW 7. - match results (change times of submitting match results and player scores).

7a: The home team is responsible for submitting an in progress score on day one of a two-day match and the full score and result, as soon as possible after the completion of all matches, using MyCricket, but no later 6pm on the day after the match. Failure to meet this deadline will incur a fine of \$100.00 per offending club.

7b: Other match details, player scores and confirmation (or otherwise) of the result should be submitted by both teams, using MyCricket, as soon as possible after the completion of each day's play and no later than 6pm on the Monday after the days play. If play was on a Sunday, then by 8pm on the Monday after the match. Failure to meet this deadline will incur a fine of \$100.00 per offending club.

Jandakot Park seconded this motion.

Armadale spoke for the motion; after discussion the motion was put and lost.

ITEM FROM ROB SIMS

Request a review of the Life Membership criteria and would like to move a motion to have the criteria altered to reflect the contribution a person makes not only to their club but also to the association in either a servants capacity as an officer of the association or as a playing or umpiring member

Rob felt that the criteria for Association Life Membership are too vague. After discussion it was agreed that this matter should be reviewed. Input to be requested from interested parties and the Executive to consider this input.

GENERAL BUSINESS:

East Fremantle advised that improvements would soon be made to the Preston Point Oval

Phoenix brought up the issue of tea breaks being at different times for one-day and two-day matches now that two-day matches start a half hour earlier. This is to be monitored as the season progresses.

CLOSURE:

As there was no further business the meeting closed at 8:05pm.

NEXT MEETING:

Executive meeting in September.