



CRAIGIEBURN BASKETBALL ASSOCIATION CONSTITUTION AS AT OCTOBER 31, 2007

1.0 NAME:

The name of the Association is Craigieburn Basketball Association (Inc.) hereinafter referred to as the "Association"

2.0 OBJECTS:

The objects of the Association are:-

- 2.1 To provide organised basketball competition for Craigieburn & surrounding communities
- 2.2 To provide development opportunities within both a junior & senior representative program
- 2.3 To conduct tournaments from time to time.
- 2.4 To raise and manage funds
- 2.5 To affiliate with Basketball Victoria

3.0 PROPERTY OF THE ASSOCIATION

The Association must apply all property and income of the association towards the promotion of the objects or purposes of the association and no part of that property or income to be paid or otherwise distributed, directly or indirectly, to members of the Association, except in good faith in the promotion of those objects or purposes.

4.0 POWERS OF THE ASSOCIATION:

- 4.1 To acquire, hold, deal with, and dispose of any real or personal property;
- 4.2 To open and operate bank accounts;
- 4.3 To invest its money –
 - (i) in any security in which trust moneys may be invested; or
 - (ii) in any other manner authorised by the rules of the Association;
- 4.4 To borrow money for capital works upon such terms and conditions as the Association thinks fit;
- 4.5 To give such security for the discharge of liabilities incurred by the Association as the Association thinks fit;
- 4.6 To appoint agents and employees to transact any business of the Association on its behalf for reward or otherwise;
- 4.7 To build construct erect maintain alter and repair any premises building or other structure of any kind and to furnish equip and improve the same for use by the Association;
- 4.8 Accept donations and gifts in accordance with the objects of the Association;
- 4.9 Print and publish any information by any media including newsletters, newspapers, articles or leaflets for promotion of the Association;
- 4.10 Provide gifts and prizes in accordance with the objects of the Association;

- 4.11 Organise social events for Members and the promotion of the Association;
- 4.12 To enter into any other contract the Association considers necessary or desirable; and
- 4.13 Otherwise do all things which are incidental to or necessary for the attainment of the objects of the Association.

5.0 MEMBERSHIP:

- 5.1 Membership shall be open to any person who wishes to further the interests of the Association.
- 5.2 Any person seeking membership shall make application to the Management Committee, and the Management Committee shall determine whether the application is successful or not.
- 5.3 Each person admitted to membership shall be;
 - 5.3.1 Bound by the Constitution and By-laws of the Association.
 - 5.3.2 Come liable for such fees and subscriptions as may be fixed by the Association.
 - 5.3.3 Entitled to all advantages and privileges of membership.

5.4 Membership Categories:

5.4.1 PLAYING MEMBER

Any person who is a player in competitions organised by the Association and is aged 18 years or over is entitled to hold any office and enjoy the privileges of membership of the Association without payment of a fee other than player registration fees.

5.4.2 ORDINARY MEMBER

Persons other than ordinary members who are interested in promoting the Association, but who do not wish to participate in the playing activities of the Association, may become an Ordinary Member by completing a membership application form and paying the fee set by the Committee of Management.

5.4.3 JUNIOR MEMBER

Any person under the age of 18 years who is a player in competitions organised by the Association is a Junior Member. Junior Members shall have no voting rights nor be entitled to hold any office.

5.4.4 LIFE MEMBERSHIP

The Management Committee may elect any member who has given outstanding service to the Association. Any member may nominate a person to the Management Committee for consideration for Life Membership.

5.4.5 PATRON

The Association may, at its discretion, elect a patron or patrons of the Association for such period as may be deemed necessary. Such patron or patrons shall not be eligible to vote unless they are current members of the Association under another category of membership.

- 5.5 The Management Committee shall appoint a member of the Management Committee to maintain an up to date register of members of the Association.
- 5.6 A member may at any reasonable time inspect the records and documents of the Association.
- 5.7 The Management Committee in its absolute discretion may refuse any application for membership and its decision shall be final.

6.0 TERMINATION OF MEMBERSHIP

- 6.1 Any person's membership may be terminated by the following events;
 - 6.1.1 Resignation;
 - 6.1.2 Expulsion;
 - 6.1.3 A Member's annual membership fee or player registration fee remains unpaid after one (1) calendar month from falling due; or
 - 6.1.4 If the member is a member by reason of playing in a competition organised by the Association, the player has not registered for the current season.
- 6.2 The Management Committee shall have the power to suspend or expel any member of the Association for:
 - 6.2.1 False or inaccurate statements made in the member's application for membership of the Association,
 - 6.2.2 breach of any rule, regulation or by-law of the Association and
 - 6.2.3 by any act detrimental to the Association; after having undertaken due inquiry.
- 6.3 Any member who is expelled, suspended or has their membership terminated under 6.2, shall have the right to appeal against their suspension or expulsion by presenting their case to a General Meeting called for such purpose, and the decision of the General Meeting shall be final.

7.0 Disputes and mediation

The grievance procedure set out in this rule applies to disputes under these Rules between-

- (a) a member and another member; or
 - (b) a member and the Association.
- (2) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.

(3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.

(4) The mediator must be-

- (a) a person chosen by agreement between the parties; or
- (b) in the absence of agreement-
 - (i) in the case of a dispute between a member and another member, a person appointed by the committee of the Association; or
 - (ii) in the case of a dispute between a member and the Association, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).

(5) A member of the Association can be a mediator.

(6) The mediator cannot be a member who is a party to the dispute.

(7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

(8) The mediator, in conducting the mediation, must--

- (a) give the parties to the mediation process every opportunity to be heard; and
- (b) allow due consideration by all parties of any written statement submitted by any party; and
- (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.

(9) The mediator must not determine the dispute.

(10) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

8.0 MANAGEMENT COMMITTEE

8.1 Management of the Association shall be vested in the Management Committee elected by the members at the Annual General Meeting and consisting of;

8.1.1 President

8.1.2 Vice President

8.1.3 Secretary

8.1.4 Treasurer

8.1.5 Three (3) General Committee Members

8.2 No person shall hold more than one position on the Management Committee at any one time. All committee members shall be elected for two (2) year terms and shall continue to hold office until their successors have been duly elected at the relevant Annual General Meeting after their election. The President, Secretary and two (2) general members shall be elected in each even year and the Vice-President, Treasurer and one (1) general member shall be elected in each odd year. Retiring members of the Committee shall be eligible for re-election.

8.3 A quorum of the Management Committee shall be four (4).

8.4 If the President or Vice President is unable to attend, then a chairperson nominated by the meeting shall chair that meeting.

8.5 A member of the management committee may lose his or her seat on the committee for either of the following;

- Absence from three or more meetings without leave of absence in writing.
- Found not to be a financial member.

8.6 Chairpersons or their representative of any sub-committee appointed by the Management Committee may attend Committee of Management meetings to report to the Management Committee on the activities of their sub-committees and may propose motions and vote on matters directly effecting their sub-committees but no other business.

8.7 Should a vacancy occur on the Management Committee during the season, the Management Committee shall appoint a successor until the next Annual General Meeting.

8.8 The Management Committee may co-opt any other person to become a member of the Committee for a period which will not exceed the time to the next Annual General Meeting.

9 POWERS OF THE MANAGEMENT COMMITTEE

9.1 The Management Committee shall carry out the day-to-day running of the Association and shall have the power to:

- 9.1.1 Administer the finances, appoint bankers, and direct the opening of banking accounts for specific purposes and to transfer funds from one account to another, and to close any such account;

- 9.1.2 Fix the manner in which such banking accounts shall be operated upon, providing the Management Committee passes all payments;
- 9.1.3 Fix fees and subscriptions payable by members and decide such levies, fines and charges as is deemed necessary and advisable, and to enforce payment thereof;
- 9.1.4 Adjudicate on all matters brought before it which in any way affect the Association.
- 9.1.5 Cause minutes to be made of all proceedings at meetings of the Committee and General Meetings of members;
- 9.1.6 Make, amend and rescind rulings and By-laws;
- 9.1.7 Have the power to form and appoint any sub committee/s as required for specific purposes and may delegate some of its functions to those sub-committees;
- 9.1.8 May at their discretion employ a person or persons to carry out certain duties required by the Association, at salaries or remunerations for such period of time, as may be deemed necessary.
- 9.1.9 Appoint an officer/s or agent of the Management Committee to have custody of the Association's records, documents and securities.

10 AUDITOR

- 10.1 The Annual General Meeting shall elect or appoint an Auditor or Auditors.
- 10.2 The Auditor/s shall examine and audit all the books and accounts of the Association annually, and have the power to call for all books, papers, accounts, receipts etc., of the Association and report thereon to the Annual General Meeting.

11 GENERAL MEETINGS:

- 11.1 Annual General Meeting
 - 11.1.1 The Annual General Meeting of the Association must be held within four months of the end of the club's financial year.
 - 11.1.2 The Secretary shall give at least 28 days notice of the date of the Annual General Meeting, to members.
 - 11.1.3 All financial and life members may attend and vote at the Annual General Meeting.
 - 11.1.4 The quorum at the Annual General Meeting, shall be a minimum of 10 members. If, at the end of 30 minutes after the time appointed in the notice for the opening of the Meeting, there be no quorum the meeting shall stand and adjourn for one (1) week. If at such meeting there is no quorum those members present shall be competent to discharge the business of the meeting.

11.1.5 The agenda for an Annual General Meeting shall be;

- Opening of Meeting
- Apologies
- Confirmation of Minutes of previous Annual General Meeting
- Presentation of Annual Report
- Adoption of Annual Report
- Presentation of Treasurer's statement
- Election of Management Committee and appointment of Auditor
- Notice/s of Motion
- General business of which at least 7 days notice in writing has been given to the Secretary
- Closure

11.2 Extraordinary General Meetings

11.2.1 General Meetings may be called by the Management Committee or at the request of the President and Secretary or on the written request of 20 members of the Association. Such meetings shall be Extraordinary General Meetings

11.2.2 The Secretary shall give at least seven (7) but not more than 28 days notice, in writing, of the date of the Extraordinary General Meeting to the members. Notice of Extraordinary General Meetings shall set out clearly the business for which the meeting has been called. No other business shall be dealt with at that Extraordinary General Meeting.

11.2.3 The quorum at the Extraordinary General Meeting shall be a minimum of 10 members.

12 VOTING

12.1 Voting powers at the Annual General Meeting and Extraordinary General Meetings:

12.1.1 The President shall be entitled to a deliberative vote and, in the event of a tied vote, the President shall exercise a casting vote.

12.1.2 Each individual member present (other than Junior Members) shall have one (1) vote.

12.2 Voting powers at Management Committee Meetings;

12.2.1 The President shall be entitled to a deliberative vote, and, in the event of a tied vote, the President shall exercise a casting vote.

12.2.2 Each individual committee member present shall have one (1) vote.

13 FINANCE:

- 13.1 All funds of the Association shall be deposited into the Association's accounts at such bank or recognised financial institution as the Management Committee may determine.
- 13.2 All accounts due by the Association shall be paid by cheque signed by two authorised members of the Committee of Management.
- 13.3 The Secretary shall not spend more than a set amount Petty Cash without the consent of the Management Committee, and shall keep a record of such expenditure in a Petty Cash Book.
- 13.4 A statement showing the financial position of the Association shall be tabled at each Management Committee Meeting by the Treasurer.
- 13.5 A statement of Income and Expenditure, Assets and Liabilities shall be submitted to the Annual General Meeting. The auditor's report shall be attached to such financial report.
- 13.6 The financial year of the Association shall commence on November 1st each year. The accounts, books and all financial records of the Association shall be audited each year.
- 13.7 The signatories to the Association's account/s will be the Treasurer and any one of the following;
 - President
 - Vice President
 - Secretary.
- 13.8 The funds of the Association shall be derived from entrance fees, member registrations, donations and other such sources as the Management Committee determines.
- 13.9 COMMON SEAL - The common seal of the Association shall be kept in the care of the Secretary. The seal shall not be used or affixed to any deed or document except pursuant to a resolution of the Management Committee and in the presence of at least the President and two members of the Committee, both of whom shall subscribe their names as witnesses.

14 ALTERNATIONS TO THE CONSTITUTION AND BY-LAWS:

- 14.1 No alteration, repeal or addition shall be made to the Constitution except at the Annual General Meeting, or General Meeting, called for that purpose and notice of all motions to alter, repeal or add to the Constitution shall be given to members twenty-eight (28) days prior to the Annual General Meeting, or fourteen (14) days prior to a General Meeting called for such purpose.
- 14.2 The Secretary shall forward such notices of motion to each voting member at least fourteen (14) days prior to the Annual General Meeting or seven (7) days prior to a General Meeting.
- 14.3 Alterations to the By-laws can be made only at Management Committee Meetings provided notice of the proposed alteration/s has been duly notified to Committee Members.

14.4 Such motions, or any part thereof, shall be of no effect unless passed by a seventy five percent (75%) majority of those present and entitled to a vote at the Annual General Meeting, General Meeting or Management Committee Meeting, as the case may be. Any changes passed will be referred to as a Special Resolution.

14.5 Within one month of passing a Special Resolution, the Secretary shall register revised copy of the constitution to relevant authorities.

15 NOTICES

15.1 A notice required under this Constitution or the by-laws to be served by or on behalf of or on the association may be served personally or by sending it by post at the last known address or by facsimile or e-mail or other electronic means except that a notice for a general meeting shall be deemed to have been given to all members if notices of the meeting have been placed in all stadiums used by the association.

15.2 Where a document is properly addressed pre-paid and posted, the document shall, unless the contrary is proved, be deemed to have been delivered at the time at which the document would have been delivered in the ordinary course of post.

15.3 Where a document is sent by facsimile or by e-mail or other electronic means it shall be deemed to have been delivered in the ordinary course of time for delivery by that means.

15.4 Where the time for giving notice under this Constitution falls on a non-business day, the notice shall be required to be given by the next business day.

16. PROCEDURAL IRREGULARITIES

16.1 No decision of the association or its committees shall be invalid merely because of a failure to give proper notice under this constitution or the by-laws or other irregularity in procedure required by this constitution or the by-laws unless a person suffers serious detriment as a result of that failure to give proper notice or irregularity in procedure.

16.2 The association or its relevant committee may confirm an earlier decision which may have been otherwise invalid because of a failure to give proper notice or other irregularity in procedure and the decision shall be deemed to be valid from the time it was originally made.

17. UNFORESEEN MATTERS

Should any matter arise for which provision has not been made in the Constitution, the association or the Management Committee shall take such action as is necessary to protect the interests of the association.

18 DISSOLUTION

- a) If, on the winding up of the Association, any property or funds of the Association remains after satisfaction of the debts and liabilities of the Association and the costs, charges and expenses of that winding up, that property & funds shall be distributed to Basketball Victoria to use in re-establishing or maintaining basketball in the Craigieburn region,