

Ballarat Basketball Association Inc.

Statement of Purposes & Rules

ASSOCIATIONS INCORPORATION REFORM ACT 2012
RULES OF BALLARAT BASKETBALL ASSOCIATION INC.

1. NAME

The name of the Incorporated Association is Ballarat Basketball Association Inc. (in these rules called "the association").

2. INTERPRETATION

- (i) In these rules, unless the contrary intention appears –

"Admission fee" means the fee determined by the committee from time to time to be paid by persons, whether or not they are members, for admission to the association premises for the purpose of playing in and or watching basketball matches, training or events.

"Association premises" means the whole of the land and buildings owned by the association at the corner of Grevillea Road and Dowling Street, Wendouree together with such other land and/or buildings as may be occupied by the association from time to time in carrying out its purposes.

"Committee" means the committee of management of the association as defined in the rule 30 hereof.

"Financial year" means the year ending on 31st December in each year.

"General meeting" means a general meeting of members convened in accordance with rules 16 (v), 18 and 20 hereof and includes an annual general meeting.

"Levy" means a financial contribution payable by members generally or by any class of members, other than an admission fee, membership fee, annual subscription, playing fee or payment for goods or services supplied.

"Licensed premises" means such part of the association premises as may from time to time be the subject of any license and or permit issued to the association pursuant to the provisions of the Liquor Control Reform Act 1998.

"Liquor Control Act" means the Liquor Control Reform Act 1998 of Victoria (as amended) or any corresponding Act repealing, replacing or amending the same.

"Member" includes members of all classes of membership as hereinafter provided.

"Membership year" means that year ending on 31st December in each year.

"Ordinary member of the committee" means a member of the committee who is not an Officer of the association under Rule 32 hereof.

"Playing, match or team sheet fee" means the fee determined by the committee from time to time to be paid for the right to play basketball in a competition conducted by the association.

"Secretary" shall be the Chief Executive Officer and include an acting secretary.

"The Act" means the Associations Incorporation Reform Act 2012.

"The Regulations" means the regulations under the Act.

- (ii) Words or expressions contained in these rules shall be interpreted in accordance with the provisions of the Acts Interpretation Act 1958 and the Act as in force from time to time.
- (iii) In these rules expressions importing the singular shall include the plural, expressions importing the masculine gender shall include the feminine gender, and vice versa in each case.
- (iv) The rules of an incorporated association constitute the terms of a contract between the incorporated association and its members. The association rules are to be read in conjunction with the Model Rules.

3. STATMENT OF PURPOSES

Ballarat Basketball Association Inc. is hereinafter called "the association".

The purposes of the association to have effect from the date upon which it becomes incorporated pursuant to the Associations Incorporation Reform Act 2012 are as follows: -

- (a) To encourage, promote and control the game of basketball in the Ballarat region.
- (b) To build and maintain sports stadiums and clubrooms in the Ballarat region.
- (c) To raise funds to promote the game of basketball.
- (d) To promote, assist in promoting and secure the holding of meetings, conventions, conferences, raffles, appeals and competitions to promote the game of basketball.
- (e) To propose, support or oppose any law, by-law or measure which may or might affect the promotion or holding of any meetings, conventions, conferences, raffles, appeals and competitions to promote the game of basketball.
- (f) To print and publish or secure the printing and publication of any books, brochures, leaflets, newspapers, periodicals or other matter which the association may think desirable for the promotion of any of the objects of the association.
- (g) To choose and manage teams of basketball players to represent the association.
- (h) To settle all questions or disputes on any matter relating to basketball which may be submitted to the association for its adjudication and determination.
- (i) To apply for, obtain, renew, or surrender a full club license and any permit or authority ancillary thereto in accordance with the provisions of the Liquor Control Reform Act 1998 (Victoria).
- (j) To apply for, obtain, renew or surrender registration of any trademark which can be registered under the Trade Marks Act 1955 (Australia) and which relates to the name of the association or to any name suitable for use as a team name and which is associated with basketball and/or with the Ballarat district.
- (k) To license any other incorporated or unincorporated association to use any such trademark on such terms as the association deems fit and in particular to enter into arrangements or agreements with the Ballarat Basketball Club Inc. for the use of the name "Ballarat Miners" and all or any of the trademarks, patent and copyrights associated with such name.
- (l) Solely for the purpose of carrying out the aforesaid objects to do any of the following: -
 - (i) To purchase, lease, hire or otherwise acquire any real or personal property, which may be deemed necessary or convenient for any of the purposes of the association.
 - (ii) To construct; maintain and alter any buildings, houses or other works necessary or convenient for the purposes of the association.
 - (iii) To take any bequest or gift of property, whether subject to any special trust or not for any one or more of the objects of the association.
 - (iv) To take such steps by personal or written appeals, public meetings or otherwise as may from time to time be expedient for the purpose of procuring contributions to the funds of the association by way of donations, grants, annual subscriptions or otherwise.
 - (v) To permit any basketball courts and rooms of the association to be used by other sporting associations, community groups, schools or the like at the discretion of the association
 - (vi) To sell, lease, mortgage, dispose of, hire out or otherwise deal with all or any of the property of the association.
 - (vii) To borrow and raise money in such manner as the association may think fit.
 - (viii) To undertake and execute any trust or any agency business which may seem directly or indirectly conducive to any of the objects of the association.
 - (ix) To subscribe to any local or other charities and to grant donations for any public purpose.
 - (x) To establish and support, and to aid in the establishment in support of any other association formed for objects similar to those of the association and the constitution

of which prohibits the distribution of its income and property among its members to an extent at least as great as is imposed on the association by its rules and/or by the Associations Incorporation Reform Act 2012 (Victoria).

- (xi) To do anything authorised by the said Associations Incorporation Reform Act 2012 and which is not in conflict with these purposes.
- (xii) To do all such other lawful things as are incidental or conducive to the attainment of the objects of the association.

4. MEMBERSHIP

The association shall consist of the following classes of members: -

- (a) Playing members
- (b) Parent Members
- (c) Ordinary members;
- (d) Social members;
- (e) Honorary life members;
- (f) Temporary members
- (g) Gaming Members
- (i) No person shall be allowed to become an honorary life member or temporary member of the association or be relieved of the payment of the annual subscription except those possessing the qualifications defined in these Rules and subject to the conditions and regulations defined herein.

5. APPLICATION FOR ORDINARY MEMBERSHIP

- (i) A natural person who is approved for membership as provided in these Rules is eligible to be an ordinary member, a junior member or a social member of the association on payment of the membership fee (if any) and annual subscription payable under these rules.
- (ii) A person who is not a member of the association at the time of the incorporation of the association under the Act (or who was such a member at that time but has ceased to be a member) shall not be admitted to ordinary membership -
 - (a) Unless he applies for membership as provided in sub clause (iii); and
 - (b) His admission as a member is approved by the committee.
- (iii) An application of a person for membership of the association:
 - (a) Shall be made in writing in the form set out in Appendix 1;
 - (b) Shall be lodged with the secretary of the association; and
 - (c) Shall be accompanied by the membership fee (if any) and the amount of annual subscription applicable to the class of membership to which the person named therein has applied to be admitted, which amount shall be refunded if the person is not elected to membership.
- (iv) The names and addresses of person applying to be admitted as ordinary members of the association shall be displayed in a conspicuous place on the association premises for at least a week before their election, and an interval of at least two weeks shall elapse between application and election of ordinary members
- (v) As soon as practicable after the expiration of the said interval of two weeks the secretary shall refer the application to the Committee.
- (vi) Upon an application being referred to the committee, the committee shall determine whether to approve or reject the application but shall not be required to state any reason for failing or refusing to admit any person to membership.
- (vii) A record shall be kept by the secretary of the number of members of the committee voting at any election of members.

6. ANNUAL SUBSCRIPTION

- (i) Ordinary members of the association shall pay an annual subscription of \$10.00 or such other amount as determined by the committee from time to time.
- (ii) Playing members of the association shall pay an annual subscription of \$10.00 or such other amount as determined by the committee from time to time which shall be included in their registration fees.
- (iii) Social members of the association shall pay an annual subscription of \$10.00 or such other amount as determined by the committee from time to time.

- (iv) Gaming members of the association shall pay an annual subscription of \$10.00 or such other amount as determined by the committee from time to time.
- (v) While the committee holds any licence pursuant to the Liquor Control Reform Act 1998, the association wishes to fix an annual subscription of less than \$10.00 for a class of membership, such subscription shall not become effective unless and until the same is approved by the Liquor Control Commission.
- (vi) Any alteration to an annual subscription approved by the committee shall not be deemed to be or require any amendment to the rules of the association.
- (vii) The committee may determine to charge a membership fee which shall be payable by the applicant for a class of membership at the time such applicant's application is lodged with the secretary.
- (viii) If a person shall be elected to membership on a date later than six months after the commencement of the association's then current membership year the committee shall have power in its discretion to fix the amount of subscription for the balance of that year proportionately to the unexpired portion thereof.
- (ix) If any member shall fail to pay his or her annual subscription within three months after the same has become due and payable or shall fail to pay any levy within the time determined by the committee therefore, the committee shall have power to terminate his or her membership and no member whose membership has been so terminated shall be re-admitted to membership except upon election to membership as here in before provided.

7. PLAYING MEMBERS

- (i) A person who is registered to play in any competition conducted by the Association is a member. Only playing members who have reached the age of 18 at the time of a general meeting may exercise a vote at that general meeting.
- (ii) A playing member who has registered for a competition and paid the relevant registration fee shall not be required to pay a membership fee and on receipt of the registration and all relevant fees, the secretary shall enter the name of the playing member in the register of members.

8. PARENT MEMBERS

- (i) A parent or guardian of a playing member who has not reached the age of 18 ("junior playing member") at the time of a general meeting may nominate to the secretary in writing prior to the general meeting that he or she represents the playing member under 18 years of age and that parent or guardian will become a member with full voting rights. Only one parent or guardian may nominate per junior playing member. If more than one parent or guardian nominates for particular junior playing member, only the first nomination shall be accepted by the secretary.
- (ii) The nominated parent or guardian of a playing member who has registered for a competition and paid the relevant registration fee shall not be required to pay a membership fee and on receipt of the registration and all relevant fees, the secretary shall enter the name of the parent or guardian in the register of members.

9. SOCIAL AND GAMING MEMBERS

- (i)
 - (a) Social members shall be entitled to use all social amenities offered by the association.
 - (b) The number of social members shall not at any time exceed twenty per-cent of the number of ordinary members.
- (ii)
 - (a) Gaming members shall be entitled to use all social amenities offered by the Association.
 - (b) Gaming members shall not be entitled to vote or propose motions to a general meeting of the Association, or be a member of a Committee or propose any other person as a member of the Committee.

10. HONORARY LIFE MEMBERS

- (i) The association may at a general meeting elect to honorary life membership of the association any person who: -
 - (a) has given outstanding service to the association over a period of not less than ten years; or
 - (b) has given such singular and outstanding service to the association that election to an honorary life membership is considered by the association to be appropriate notwithstanding that such service has not continued over a period of ten years.
- (ii) An honorary life member shall not be required to pay any membership fee, annual subscription, admission fee or levy.

- (iii) An honorary life member shall be entitled to vote at and propose motions to a general meeting of the association, and to be a member of the committee, and to propose any other person as a member of the committee.

11. TEMPORARY MEMBERS

- (i) Unless the committee or the association shall otherwise resolve, the following persons shall be temporary members of the association –
 - (a) Any player, official, member or sponsor of Ballarat Basketball Club Inc. PROVIDED HOWEVER that such temporary membership shall be applicable only on those days when a team representing Ballarat Basketball Club Inc. is playing basketball at the association premises.
 - (b) Any member or official of any team of basketball players whose team is based more than 20 kilometres from Ballarat Post Office and whose team is involved in playing basketball at the association premises and/or in a competition organized by the association PROVIDED HOWEVER that such temporary membership shall be applicable only on those days when the competition in which such team is so involved is being conducted;
 - (c) Any official of any association or league in which the association or Ballarat Basketball Inc. enters or is proposing to enter a team in a competition, whilst such official is visiting the greater Ballarat area on official business.
- (ii) A temporary member shall not be required to pay a membership fee, annual subscription or levy.
- (iii) A temporary member shall not be entitled to vote at or propose any motion to a general meeting of the association, or to be a member of the committee, or to propose any other person as a member of the committee.

12. VISITORS

- (i)
 - (a) Subject in all respects to any contrary provision in the Liquor Control Reform Act 1998, a member may introduce not more than three visitors to the licensed premises on any day but no person shall be permitted to be a visitor on more than twelve occasions in any period of 12 months PROVIDED HOWEVER that the fiancée or the spouse or any person whom the secretary deems to be the defacto spouse of any member may be permitted to be a visitor on more than twelve occasions in any such period.
 - (b) A Visitors' book shall be kept in which shall be entered, at the time of his admission to the licensed premises the name and address of every visitor and the date of his visit together with the name of the member by whom he is introduced. It shall be the duty of the secretary to cause such visitor's book to be duly entered by members introducing visitors and to be kept secure and accessible at all times.
 - (c) A member introducing a visitor shall be responsible for the proper conduct of such visitor at all times whilst such visitor is present in the licensed premises and in the event of his misconduct to procure his withdrawal or removal from the licensed premises. At the request of such member or if, in the absence of such request, any visitor is in the opinion of any member of the committee or of any employee of the association guilty of misconduct or his presence is prejudicial to the association, such visitor shall be required to leave the licensed premises forthwith and in the event of failure or refusal to do so he may be removed therefrom.
 - (d) A visitor shall not be entitled to enter the association premises for the purpose of playing in or viewing a basketball game unless and until any applicable admission fee has been paid by him or on his behalf.

13. AUTHORISED GAMING VISITORS

- (i) Subject at all times to the club being the holder of a Venue Operators Licence issued under the provisions of the Gambling Regulation Act 2003, an Authorised Gaming Visitor (as herein after defined) being a person who is not a member or a guest of a member, may be admitted to the club on any day when guests are allowed for the purposes of playing Gaming Machines and for the use of such other club facilities as the Committee may from time to time permit. Authorised Gaming Visitors may not introduce guests to the club.
- (ii) The Secretary must keep on the club premises a register of Authorised Gaming Visitors containing the name and residential address of each authorised gaming visitor admitted and the date of that admission.
- (iii) An Authorised Gaming Visitor must:

- (a) produce evidence of his or her residential address before being admitted to the licensed premises
 - (b) carry identification at all times whilst on the licensed premises
 - (c) comply with any relevant rules of the Association whilst on the licensed premises.
- (iv) For the purposes of these Rules an Authorised Gaming Visitor is hereby defined as a person who: -
- (a) is over the age of 18 years
 - (b) whose place of residence is more than 10 kilometres from the licensed premises
 - (c) is not a person who the Committee of the Association has determined should not be admitted.

14. PURCHASE OF LIQUOR BY VISITORS

A visitor must not be supplied with liquor in the Association premises unless the visitor is: -

- (i) a guest in the company of a member of the Association; or
- (ii) an Authorised Gaming Visitor admitted in accordance with the rules of the Association, or
- (iii) at a particular function or occasion in respect of which a limited licence has been granted under the provisions of Section 52 of the Liquor Control Reform Act 1998.

15. REGISTER

- (i) The secretary shall keep on the association premises a register of members setting forth in full the names and addresses of all members of the association and the date of the latest payment by each member of his subscription.
- (ii) The register shall be available for inspection by member's at all reasonable times at the association premises but access will not be given to members contact details.
- (iii) While and so long as the association holds any licence under the Liquor Control Reform Act 1998 such register shall be open at any time to the inspection of a Licensing Inspector in whose division the licensed premises are situated, any authorised member of the Police force and any Supervisor of Licensed Premises.
- iv) Every member upon any change in his address shall notify the secretary in writing forthwith of the particulars thereof. All notices delivered or posted to the address of a member appearing in the register shall be deemed to have been duly given and, where posted, to have been given on the day on which such notices would be received in the ordinary course of the post.

16. RIGHTS OF MEMBERS

A right, privilege, or obligation of a person by reason of his membership of the association: -

- (i) Is not capable of being transferred or transmitted to another person;
- (ii) Terminates upon the cessation of his membership whether by death, resignation or otherwise.

17. RESIGNATION EXPULSION AND DISCIPLINE

- (i) A member of the association who has paid all monies due and payable by him to the association may resign from the association by first giving one month's notice in writing to the secretary of his intention to resign.
- (ii) After the expiry of the period referred to in sub-rule (i) :-
 - (a) the member ceases to be a member; and
 - (b) the Secretary must record in the register of members the date on which the member ceased to be a member.
- (iii) A player member ceases to be a member if he or she is not registered or has not paid the relevant fees in full to play in a competition conducted by the Association.
- (iv) A parental member ceases to be a member if his or her child is not registered or has not paid the relevant fees in full to play in a competition conducted by the Association or turns the age of 18.
- (v) Any other member ceases to be a member if their membership is unfinancial for more than 1 year.

18. NON-COMPLIANCE

- (i) Subject to these Rules, if the committee is of the opinion that a member has refused or neglected to comply with these Rules, or has been guilty of conduct unbecoming a member or prejudicial to the interests of the Association, the committee may by resolution -
 - (a) fine that member an amount not exceeding \$500; or
 - (b) suspend that member from membership of the Association for a specified period; or
 - (c) expel that member from the Association.
- (ii) A resolution of the committee under sub-rule (i) does not take effect unless-
 - (a) at a meeting held in accordance with sub-rule (iii), the committee confirms the resolution; and
 - (b) if the member exercises a right of appeal to the Association under this rule, the Association confirms the resolution in accordance with this rule.
- (iii) A meeting of the committee to confirm or revoke a resolution passed under sub-rule (i) must be held not earlier than 14 days, and not later than 28 days, after notice has been given to the member in accordance with sub-rule (iv).
- (iv) For the purposes of giving notice in accordance with sub-rule (iii), the Secretary must as soon as practicable, cause to be given to the member a written notice-
 - (a) setting out the resolution of the committee and the grounds on which it is based; and
 - (b) stating that the member, or his or her representative, may address the committee at a meeting to be held not earlier than 14 days and not later than 28 days after the notice has been given to that member; and
 - (c) stating the date, place and time of that meeting; and
 - (d) informing the member that he or she may do one or both of the following –
 - (i) attend that meeting;
 - (ii) give to the committee before the date of the meeting a written statement seeking revocation of the resolution;
 - (e) informing the member that, if at that meeting, the committee confirms the resolution, he or she may not later than 48 hours after that meeting, give the Secretary a notice to the effect that he or she wishes to appeal to the Association in general meeting against the resolution.
- (v) At a meeting of the committee to confirm or revoke a resolution passed under sub-rule (i), the committee must –
 - (a) give the member, or his or her representative (not being a legal practitioner), an opportunity to be heard; and
 - (b) give due consideration to any written statement submitted by the member; and
 - (c) determine by resolution whether to confirm or to revoke the resolution.
- (vi) If at the meeting of the committee, the committee confirms the resolution, the member may, not later than 48 hours after that meeting, give the secretary a notice to the effect that he or she wishes to appeal to the Association in general meeting against the resolution.
- (vii) If the Secretary receives a notice under sub-rule (vi), he or she must notify the committee and the committee must convene a general meeting of the Association to be held within 21 days after the date on which the secretary received notice.
- (viii) At a general meeting of the Association convened under sub-rule (vii) –
 - (a) no business other than the question of appeal may be conducted; and
 - (b) the committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution; and
 - (c) the member, or his or her representative, must be given an opportunity to be heard; and
 - (d) the members present must vote by secret ballot on the question whether the resolution should be confirmed or revoked.
- (ix) A resolution is confirmed if, at the general meeting, not less than two-thirds of the members present vote in person, in favour of the resolution. In any other case, the resolution is revoked.

19. GRIEVANCE PROCEDURE

- (i) 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.
- (ii) 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.
- (iii) 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.
- (iv) 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 or Victoria Department of Justice.
- (v) A member of the Association can be a mediator.
- (vi) The mediator cannot be a member who is a party to the dispute.
- (vii) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (viii) 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.
- (ix) The mediator must not determine the dispute.
- (x) 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 otherwise at law.

20. MEETINGS

21. ANNUAL GENERAL MEETING

- (i) The association shall in each calendar year convene an annual general meeting of its members to be held after the 31st December and not later than the 30th April.
- (ii) The annual general meeting shall be held on such day, at such time and at such place as the committee determines.
- (iii) The annual general meeting shall be specified as such in the notice convening it.
- (iv) The ordinary business of the annual general meeting shall be –
 - (a) To confirm the Minutes of the last preceding annual general meeting and of any general meeting held since that meeting;
 - (b) To receive from the Committee reports upon the transactions of the association during the last preceding financial year;
 - (c) To elect the Treasurer and the ordinary members of the committee; and
 - (d) To receive and consider the statement submitted by the association in accordance with section 30 (3) of the Act.
- (v) The annual general meeting may transact special business of which notice is given in accordance with these Rules.
- (vi) The annual general meeting shall be in addition to any other general meetings that may be held in the same year.

22. SPECIAL GENERAL MEETING

All general meetings other than the annual general meeting shall be called special general meetings.

- (i) The committee may, whenever it thinks fit, convene a special general meeting of the association;
- (ii) The committee shall, on the requisition in writing of voting members representing not less than 5% of the total number of voting members, convene a special general meeting of the association;
- (iii) The requisition for a special general meeting shall state the objects of the meeting and shall be signed by the ordinary members making the requisition and be sent to the address of the secretary and may consist of several documents in a like form, each signed by one of more of the ordinary members making the requisition;
- (iv) If the committee does not cause a general meeting to be held within one month after the date on which the requisition is sent to the address of the secretary, the ordinary members making the requisition, or any of them, may convene a special general meeting to be held not later than one month after that date;
- (v) A special general meeting convened by members in pursuance of these rules shall be convened in the same manner as nearly as possible as that in which those meetings are convened by the committee.

23. NOTICE OF MEETINGS

- (i) The secretary of the association shall, at least 14 days before the date fixed for holding a general meeting of the association, cause a notice stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting displayed on the associations website and shall cause a copy of such notice to be displayed in a conspicuous place on the association premises for at least 14 days prior to the date of the meeting.
- (ii) No business other than that set out in the notice convening the meeting shall be transacted at the meeting.
- (iii) A member desiring to bring any business before a meeting shall give notice of that business in writing to the secretary, who shall include that business in the notice calling the next general meeting after receiving the notice.

24. PROCEEDINGS AT MEETING

- (i) All business that is transacted at a special general meeting and all business that is transacted at the annual general meeting, with the exception of that specially referred to in these Rules as being the ordinary business of the annual general meeting, shall be deemed to be special business.
- (ii) No item of business shall be transacted at a general meeting unless a quorum of members entitled under these Rules to vote is present during the time when the meeting is considering that item.
- (iii) Fifteen members personally present (being members entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- (iv) If within half an hour after the appointed time of the commencement of a general meeting, a quorum is not present, the meeting if convened upon the requisition of ordinary members shall be dissolved, and in any other case shall stand adjourned to the same day in the next week at the same time and at the same place and if at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than eight) shall be a quorum.

25. CHAIRING MEETINGS

The president, or in his/her absence, the vice president, shall: -

- (i) preside as chairman at each general meeting of the association.
- (ii) If the president and the vice president are absent from a general meeting or are otherwise unable to preside, the members present shall elect one of their number to preside as chairman at the meeting.

26. ADJOURNMENT BY CHAIRMAN

- (i) The chairman of a general meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (ii) Where a meeting is adjourned for 14 days or more, a like notice of the adjourned meeting shall be given as in the case of a general meeting.

27. RESOLUTIONS

A question arising at a general meeting of the association shall be determined on a show of hands and unless before or on the declaration of the show of hands a poll is demanded, a declaration by the chairman that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, and an entry to that effect in the minute book of the association is evidence of that fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.

28. VOTING

- (i) Upon any question arising at a general meeting of the association, a member has one vote only
- (ii) All votes shall be given personally.
- (iii) In the case of an equality of voting on a question, the chairman of the meeting is entitled to exercise a second or casting vote.

29. POLLS

- (i) If at a meeting a poll on any question is demanded by not less than three members, it shall be taken at the meeting in such manner as the chairman may direct and the resolution of the poll shall be deemed to be the resolution of the meeting on that question.
- (ii) A poll that is demanded on the election of a chairman or on the question of an adjournment shall be taken forthwith and a poll that is demanded on any other question shall be taken at such time before the close of the meeting as the chairman may direct.

30. ENTITLEMENT TO VOTE

A member is not entitled to vote at any general meeting unless all monies due and payable by him or her to the association have been paid

31. COMMITTEE OF MANAGEMENT

- (i) The affairs of the association shall be managed by a Committee of Management constituted as provided in rule 32.
- (ii) The Committee:-
 - (a) Shall control and manage the business and affairs of the association;
 - (b) May, subject to these Rules, the Regulations and the Act, exercise all such powers and functions as may be exercised by the association other than those powers and functions that are required by these Rules to be exercised by general meetings of the members of the association;
 - (c) Subject to these Rules, the Regulations and the Act, shall have power to perform all such acts and things as appear to the Committee to be essential for the proper management of the business and affairs of the association;
 - (d) Shall have power to make, amend and repeal by-laws binding on all members and, without effecting the generality of the foregoing, shall have power to make by-laws in respect of the following matters:-
 - (i) The conduct and discipline of members;
 - (ii) Subject to these Rules and to the Act, the fines and penalties to be imposed for any breach of the rules or of such by-laws;
 - (iii) The regulation of times, places and rules for the playing of basketball at the association premises or in competitions conducted by the association
 - (iv) Subject to these Rules and to the Liquor Control Reform Act 1998, the restrictions or limitations with respect to times, places or other requirements to be placed on the rights of members generally or any particular class of members;
 - (v) Subject always to the Liquor Control Reform Act 1998, all matters relating to the sale, disposal, consumption, or carrying away of liquor in or from the licensed premises or relating to compliance with the provisions and requirements of the Liquor Control Reform Act 1998 or the Liquor Control Commission;
 - (vi) The days and times of opening and closing of the association premises, the licensed premises, or any part of either such premises;
 - (vii) Any other matter deemed necessary or desirable by the committee;

- (e) Shall have power from time to time to appoint sub-committees from amongst its members for any of the purposes of the association and to co-opt thereto any other member or members as it shall think fit AND shall require every sub-committee to report on any matters committed to it to the secretary for the consideration of the committee.
- (f) Use of technology
 - (i) A committee member who is not physically present at a committee meeting may participate in the meeting by the use of technology that allows that committee member and the committee members present at the meeting to clearly and simultaneously communicate with each other.
 - (ii) For the purposes of this Part, a committee member participating in a committee meeting as permitted under sub rule (i) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.
- (g) Leave of absence
 - (i) The Committee may grant a committee member leave of absence from committee meetings for a period not exceeding 3 months.
- (h) Conflict of interest
 - (i) A committee member who has a material personal interest in a matter being considered at a committee meeting must disclose the nature and extent of that interest to the Committee.
 - (ii) The member—
 - (a) must not be present while the matter is being considered at the meeting; and
 - (b) must not vote on the matter.

Note

Under section 81(3) of the Act, if there are insufficient committee members to form a quorum because a member who has a material personal interest is disqualified from voting on a matter, a general meeting may be called to deal with the matter.

- (iii) This rule does not apply to a material personal interest—
 - (a) that exists only because the member belongs to a class of persons for whose benefit the Association is established; or
 - (b) that the member has in common with all, or a substantial proportion of, the members of the Association.

32. OFFICERS

- (i) The officers of the association shall be: -
 - (a) A president; and
 - (b) A vice president; and
 - (c) A treasurer
- (ii) The provisions of rule 32 so far as they are applicable and with the necessary modifications, apply to and in relation to the election of the Treasurer.
- (iii) Each officer and ordinary member of the Committee shall hold office from the 1st day following the annual general meeting or committee meeting at which he or she is elected until the day of AGM three years thereafter, but, subject to rule 32(vii), is eligible for re-election
- (iv) **Transitional Clause for 2018 AGM** - The term of office of the President and one (1) ordinary member shall expire in the third year after the first election following these amendments. The term of office of the Treasurer and one (1) ordinary member shall expire in the second year after the first election following these amendments. The term of office of the Vice-President and two (2) ordinary members shall expire in the first year after the first election following these amendments. **(to be deleted after 2018 AGM)**
- (v) In the event of a casual vacancy in any office referred to in sub clause (i), the committee may appoint one of its members to the vacant office and the member so appointed may continue in office until the expiration of the period of office of the officer they have replaced. That person is eligible for re-election but the term served shall be deemed to be a full three-year term for the purposes of rule 32(vii).
- (vi) No person is eligible for election as an officer or ordinary member if they have served 2 successive 3-year terms (6 years) unless at least one year has passed since the expiration of the second such term.

- (vii) At the first election following these amendments, a person who has served six (6) successive years as a member of the Committee immediately preceding that election is ineligible to stand for election until the election the following year.

33. ADDITIONAL MEMBERS

- (i) The Committee will have the power to co-opt two (2) additional members by a 75% majority of the Committee for a specific purpose for period of not more than the period of time to the next annual general meeting. After the expiry of the co-opted member's term the committee may co-opt the person again.
- (ii) The provisions of rule 32 so far as they are applicable and with the necessary modifications, apply to and in relation to the period of office of each ordinary member of the committee, and each ordinary member of the committee shall be eligible for re-election.
- (iii) In the event of a casual vacancy occurring in the office of an ordinary member 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, until the expiration of the period of office of the ordinary member he has replaced.

34. ELECTION OF COMMITTEE MEMBERS AND VACANCY

- (i) Nomination of candidates: -
 - (a) Shall be made in writing, signed by two ordinary members of the association and be accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and
 - (b) Shall be delivered to the secretary of the association at least seven days prior to the date of the annual general meeting.
- (ii) If no nomination is received that position shall be a casual vacancy filled by the committee
- (iii) If only one nomination is received for any vacancy to be filled, the person nominated shall be deemed to be elected.
- (iv) If the number of nominations for any vacancy exceeds one, a ballot shall be held.
- (v) The ballot for the election of the Treasurer and ordinary members of the committee shall be conducted at the annual general meeting in such usual and proper manner as the committee may direct.
- (vi) A nomination of a candidate for election under this clause is not valid if that candidate has been previously elected for another office at the same election.

35. ELECTION OF PRESIDENT AND VICE-PRESIDENT

At the first meeting of the committee following the Annual General Meeting at which their terms expire, the President and Vice-president shall be elected by the Committee from the ordinary members of the committee, at which time they will become officers of the association and cease to be ordinary members.

36. VACANCIES

For the purposes of these Rules, the office of an officer of the association or of an ordinary member of the committee becomes vacant if the officer or member: -

- (a) Ceases to be an ordinary member or an honorary life member of the association;
- (b) Becomes an insolvent under administration within the meaning of the Companies (Victoria) Code; or
- (c) Resigns his office by notice in writing given to the secretary; or
- (d) Becomes a represented person within the Guardianship and Administration Act 1986

37. COMMITTEE MEETINGS

- (i) The committee shall meet at least eight times in each year, at such time and at such place as the committee may from time to time determine, and not more than 2 calendar months shall lapse between the meetings of the committee.
- (ii) Special meetings of the committee may be convened by the president or by any four of the members of the committee.
- (iii) Notice shall be given to the members of the committee of any special meeting specifying the general nature of the business to be transacted and no other business shall be transacted at such a meeting.

- (iv) Any four members of the committee shall constitute a quorum for the transaction of the business of a meeting of the committee.
- (v) No business shall be transacted unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present, the meeting shall stand adjourned to the same place and at the same hour of the same day in the following week unless the meeting was a special meeting in which case it lapses.
- (vi) At meetings of the committee: -
 - (a) the president or in his absence the vice president shall preside; or
 - (b) if the president and the vice president are absent or are otherwise unable to preside, such one of the remaining members of the committee as may be chosen by the members present shall preside.
- (vii) Questions arising at a meeting of the committee or of any sub-committee appointed by the committee shall be determined by a show of hands or, if demanded by a member, by a poll taken in such manner as the person presiding at the meeting may determine.
- (viii) 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 vote and then, in the event of any equality of votes on any question, the person presiding may exercise a second or casting vote.
- (ix) Written notice of each committee meeting shall be served on each member of the committee at least two business days before the date of the meeting.
- (x) Subject to clause (iv), the committee may act notwithstanding any vacancy on the committee.

38. TREASURER

- (i) The treasurer of the association shall ensure Association staff: -
 - (a) collect and receive all monies due to the association and make all payments authorised by the association;
 - (b) keep correct accounts and books showing the financial affairs of the association with full details of all receipts and expenditure connected with the activities of the association, together with all particulars usually shown in books of account of a like nature;
 - (c) submit a report to each meeting of the committee (other than a special meeting) showing the financial position of the association; and
 - (d) submit to the annual general required by Section 30 (3) of the act which shall be audited by an auditor appointed by the committee and who is a registered auditor(Victoria) Code.
- (ii) The accounts and books referred to in sub-clause (i) shall be available for inspection by members.

39. REMOVAL OF MEMBER OF COMMITTEE

- (i) The association in general meeting may by resolution remove any member of the committee before the expiration of his or her term of office and appoint another member in his or her stead to hold office until the expiration of the term of the first mentioned member.
- (ii) Where the member in relation to whom a resolution referred to in sub clause (i) is proposed, makes representations in writing to the secretary or president of the association (not exceeding a reasonable length) and requests that those representations be notified to the members of the association, the secretary or the president may send a copy of the representations to each member of the association or, if they are not so sent, the member may require that they be readout at the meeting.

40. CHEQUES

All cheques, drafts, bills of exchange, promissory notes, other negotiable instruments or authorisation for electronic transactions shall be signed by two persons authorised by the committee.

41. SEAL

- (i) The Common Seal of the association shall be kept in the custody of the secretary.
- (ii) 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 signatures of two members of the committee.

42. ALTERATION OF RULES AND STATEMENT OF PURPOSES

- (i) These Rules and the statement of purposes of the association shall not be altered except in accordance with the Act.
- (ii) So long as the association holds any licence under the Liquor Control Reform Act 1998 the secretary shall within 14 days after the making of any amendment or alteration in the rules or the statement of purposes of the association lodge with the secretary of the Liquor Control Commission a certified copy of every such amendment or alteration.

43. NOTICES

- (i) A notice required to be served by or on behalf of or on the Association or the secretary 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.
- (ii) 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.
- (iii) 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.
- (iv) Where the time for giving notice falls on a non-business day, the notice shall be required to be given by the next business day.

44. CUSTODY OF RECORDS

- (i) Except as otherwise provided in these Rules, the secretary shall keep in his or her custody or under his or her control all books, documents and securities of the association for a minimum of 7 years.
- (ii) All accounts, books, securities and any other relevant documents of the Association (other than members contact details) must be available for inspection free of charge by any member upon request.
- (iii) A member may make a copy of any account, books, securities or any other relevant documents of the Association other than a person's contact details.
- (iv) If a document contains any information that is required by contract or by law to be confidential or to disclose it would breach privacy laws, that document must not be disclosed.

45. FUNDS

The funds of the association shall be derived from admission fees, membership fees, annual subscriptions, playing fees, levies, donations and such other sources as the committee determines.

46. LEVY

- (i) The committee may determine that in addition to any membership fee, admission fee, annual subscription, or playing fee there shall be paid by the members generally or by any class of members a levy in order to provide funds for the purposes of the association generally, or for a particular purpose of the association.
- (ii) Notwithstanding the generality of sub clause (i) above, the committee may impose such a levy as a condition of the entry of a team or teams of players in any basketball competition conducted by the association.

47. LIQUOR CONTROL ACT

So long as the association holds any licence under the Liquor Control Reform Act 1998 and notwithstanding anything to the contrary elsewhere in these Rules contained or implied the following rules shall apply and have affect: -

- (i) The association shall provide and maintain its facilities from its joint funds;
- (ii) No person shall receive a greater profit, benefit or advantage from the association than that received by every member thereof other than a remuneration or honorarium approved by the Liquor Control Commission for work done by the secretary, treasurer or other officer of the association or salary or wages paid to employees;
- (iii) No payment or part payment shall be made to any secretary, treasurer or other officer, or to any servant or employee of the association by way of commission or allowance from or upon the receipts of the association for liquor supplied;
- (iv) A visitor shall not be supplied with liquor in the licensed premises unless in the company of a member PROVIDED HOWEVER that a visitor may be supplied with liquor on the licensed premises when not in the company of a member at a particular function or a particular occasion in

respect of which a limited license has been granted under Section 52 of the Liquor Control Reform Act 1998;

- (v) No liquor shall be sold or supplied to any person under 18 years of age except where any such person is accompanied by a spouse or parent or guardian and the liquor is sold or supplied for consumption as part of the meal supplied on the licensed premises;
- (vi) No liquor shall be sold or supplied for consumption elsewhere than on the licensed premises unless such liquor is removed from the licensed premises by the member purchasing the same;
- (vii) No person under 18 years of age except persons who are being trained as waiters shall be allowed to serve behind the bar in the licensed premises;
- (viii) No more than 200 persons will be permitted on the licensed premises at any one time;
- (ix) If at any time the number of members of the association shall fall below 50 it shall be the duty of the secretary to notify the Liquor Control Commission forthwith and to proceed to apply to surrender the association's licence.
- (x) The procurement, storage, supply, disposal and all other matters relating to liquor shall at all times remain under the control and supervision of the committee.

48. WINDING UP OR CANCELLATION

In the event of the winding up or the cancellation of the incorporation of the Association: -

- (i) The assets and property of the Association after payment of all just debts and liabilities shall not be distributed to members but shall be distributed to fund or funds with similar objects/and or to fund or funds exclusively for charitable purposes.
- (ii) Any assets purchased wholly or partly from money granted by the Commonwealth or State Government, or any assets made from materials purchased with such grant moneys, shall be disposed of in accordance with the directions of the Victorian Minister for Sport or his delegate to a fund or funds with similar objects and or to a fund or funds exclusively for charitable purposes.

49. RIGHT OF ENTRY

- (i) The association reserves the right to refuse admission to or eject from, any venue controlled by the association, any person at any time.
- (ii) It is the duty of each member, visitor, player, official or spectator to obey the directions given by the Association Official delegated to take charge of the venue.
- (iii) The Committee of Management may discipline any person who is proven guilty of any breach of good conduct in any venue controlled by the Association.

50. PROCEDURAL IRREGULARITIES

- (i) No decision of the Association or any committee shall be invalid merely because of a failure to give proper notice 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.
- (ii) The Association or its committees 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.

51. REGISTERED ADDRESS

The registered address of the Ballarat Basketball Association Inc is
994 Grevillea Rd
Wendouree 3355

52. UNFORESEEN MATTERS

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

APPENDIX 1

APPLICATION FOR MEMBERSHIP OF BALLARAT BASKETBALL ASSOCIATION INC.

I, (full name of applicant)

of(address)

.....(occupation)

desire to become a member of Ballarat Basketball Association Inc.

In the event of my admission as a member I agree to be bound by the rules of the association for the time being in force.

.....
Signature of Applicant

Date: / /

