

# **ROWVILLE BASKETBALL CLUB INCORPORATED**

## **CONSTITUTION - JULY 1991**

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## **CONSTITUTION OF THE ROWVILLE BASKETBALL CLUB INCORPORATED**

### **1. NAME:**

The name of the incorporated association is ROWVILLE BASKETBALL CLUB INCORPORATED. (In this constitution called “the Club”).

### **2. INTERPRETATION:**

2.1 In these rules, unless the contrary intention appears:-

“Committee” means the General Committee of the Club.

“General Meeting” means a general meeting of members convened in accordance with Rule 10.

“Member” means a member of the Club.

“Officer of the Club” means a member of the committee elected under Rule 19.

“Ordinary Member of the Committee” means a member of the committee who is not an officer of the Club under Rule 19.

“The Act” means the Association Incorporation Act 1981.

“The Regulations” means regulations under the Act.

“Public Officer” means the nominated member of the committee for the purposes of Section 25 (1) of the Act.

2.2 Words or expressions contained in these rules shall be interpreted in accordance with the provisions of the Interpretation of Legislation Act 1984 and the Act as in force from time to time.

### **INTERPRETATION OF STATEMENTS:**

Should any matter or question arise which is not provided for by the Statement of Rules such matter or question shall be referred to the Committee and the ruling of the Committee where given shall be binding and conclusive upon the Club, providing it is not inconsistent with the Model Rules for an Incorporated Association or the Act.

### **ALTERATION OF CONSTITUTION OR STATEMENT OF PURPOSES:**

No alteration, addition or deletion, shall be made to the Constitution or Statement of Purposes except at the Annual Meeting of the Club or by a Special General Meeting duly called for the purpose. Notice must be in writing of any intention to propose any alteration, addition or deletion and seconded by two other members of the Club and given to the Secretary and Members at least 21 days prior to the date of the Meeting. Each amendment shall only be passed if supported by 75% or more of the votes accepted.

### **3. OBJECTIVES:**

3.1 The objectives of the Club shall be:

- a) To administer, promote, develop and encourage junior basketball for competitive and recreational purposes.
- b) To manage championships as may be decided upon.
- c) To encourage social and other recreational activities among the members.
- d) To deal with any other matter that the Club may deem to be in the interest of the game of basketball.

#### **4. MEMBERSHIP:**

- 4.1 Any such person on completion of the application for membership (Appendix 1) and giving an undertaking to pay subscription fees (as determined by Clause 5.1) with the approval of Committee, shall be registered (subject to Rule 4.3) by the Secretary as a member of the Club.
- 4.2 A right, privilege, or obligation of a person by reason of his membership of the Club:-
- a) is not capable of being transferred or transmitted to another person unless otherwise especially provided:
  - b) terminates upon the cessation of his membership whether by death or resignation or otherwise.
- 4.3 Completion of the application for membership (Appendix 1) does not entitle immediate membership of the Club until a vacancy occurs and the applicant is allocated a team by the Team Co-Ordinator. Prior to this time the applicant will be placed on the waiting list maintained by the Teams Co-Ordinator.
- 4.4 For non-playing members, the application for membership (Appendix 1) being approved by the Committee and upon payment of the subscription fee (as determined by Clause 5.1) shall confer membership of the Club.

#### **5. SUBSCRIPTIONS:**

- 5.1 The subscription shall be as follows:-
- a) A seasonal subscription shall be payable before each season.
  - b) This subscription will be determined by the committee.
  - c) Subscriptions shall be set for:
    - (i) Junior playing members
    - (ii) Senior Playing members
    - (iii) Non Playing members
- 5.2 Reductions:  
Where there is more than one junior player in a family, a reduced rate determined by the Committee will apply to all those junior players.
- 5.3 Due Date:
- a) Subscriptions shall be payable on or before the due date as determined by the Committee.
  - b) Failure to comply means the player will be suspended from the teams until payment is finalised.
  - c) Families wishing to pay their subscription over 3 month period may apply in writing to the Treasurer.

#### **6. LIFE MEMBERSHIP:**

- 6.1 Life members may be elected at the Annual General Meeting by a 75% majority of the quorum, provided that written notices of nomination for such election shall have been given to the Secretary fourteen days before the meeting is held. Life membership shall be restricted to those whose service to basketball and the Club has been worthy of the highest honour.
- 6.2 By resolution of a 75% majority vote of votes cast at an Annual General Meeting, life membership may be cancelled.
- 6.3 Privileges of a life member shall include free admission to all functions held by the Club and attendance to all Club meetings with the right to vote.

6.4 Life members shall be awarded a badge or plaque of appropriate design.

**7. ANNUAL GENERAL MEETING:**

7.1 The Club shall in the month of June each year convene an Annual General Meeting of its members.

7.2 The Annual General Meeting shall be specified as such in the notice convening it.

7.3 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 transacting of the Club during the last preceding financial year.
- c) to elect officers of the Club and the ordinary members of the Committee; and
- d) to receive and consider the statement submitted by the Club in accordance with section 30 (3) of the Act (Statement of Annual General Meeting).

7.4 The Annual General Meeting may transact special business of which notice is given in accordance with these rules.

7.5 The Annual General Meeting shall be in addition to any other general meetings that may be held in the game year.

**8. EXTRA-ORDINARY MEETING:**

8.1 All General Meetings other than the Annual General Meeting shall be called committee meetings.

8.2 The Committee may, whenever it thinks fit, convene an extra-ordinary meeting of the Club and, where, but for this sub-clause, more than 15 months would lapse between Annual General Meetings, shall convene an extra-ordinary meeting before the expiration of that period.

8.3 The Committee shall, on the requisition in writing of members numbering not less than 5% of the total number of members, convene an extra-ordinary meeting of the Club.

8.4 The requisition for an extra-ordinary meeting shall state the objects of the meeting and shall be signed by the 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 or more of the members making the requisition.

8.5 If the Committee does not cause an extra-ordinary meeting to be held within one month after the date on which the requisition is sent to the address of the Secretary, the members making the requisition, or any of them, may convene an extra-ordinary meeting to be held not later than three (3) months after the date on which the requisition was sent.

8.6 An extra-ordinary 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 and all reasonable expenses incurred in convening the meeting shall be refunded by the Club to the persons incurring the expenses.

**9. NOTICE OF A GENERAL OR EXTRA-ORDINARY MEETING:**

9.1 The Secretary of the Club shall cause to be published in the Club magazine at least 14 days before the date fixed for holding a general meeting of the Club, a notice stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.

9.2 No business other than that get out in the notice convening the meeting shall be transacted at the meeting.

- 9.3 A member desiring to bring any business before a meeting must give notice of that business in writing to the Secretary who, provided it is received in time, shall include that business in the notice calling the general meeting after the receipt of the notice.

**10. PROCEEDINGS AT MEETING:**

- 10.1 All business that is transacted at a special 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.
- 10.2 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.
- 10.3 10% of the registered members personally present (being members entitled under these rules to vote at a General Meeting) constitute a quorum for the transaction of the business at a General Meeting.
- 10.4 If within half an hour after the appointed time for the commencement of a General Meeting, a quorum is not present, the meeting if convened upon the requisition of members shall be dissolved but in any other case shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairperson at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) 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 3) shall be a quorum.

**11. CHAIRPERSON:**

- 11.1 The President, or in his absence, the Vice-President, shall preside as Chairperson at each General Meeting of the Club.
- 11.2 If the President and the Vice-President are absent from a General Meeting, the members present shall elect one of their number to preside as Chairperson at the meeting.

**12. ADJOURNMENTS:**

- 12.1 The Chairperson 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.
- 12.2 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 the general meeting.
- 12.3 Except as provided clauses (12.1 and 12.2), it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting.

**13. RESOLUTIONS:**

- 13.1 A question arising at a general meeting of the Club 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 Chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, plus an entry to that effect in

the Minute book of the Club, is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against that resolution.

**14. VOTING PROCEDURE:**

- 14.1 Upon any question arising at a General Meeting of the Club, a member has one vote only.
- 14.2 All votes shall be given personally or by proxy.
- 14.3 In the case of an equality of voting on a question, the Chairperson of the meeting is entitled to exercise a second or casting vote.
- 14.4 If at a meeting a poll on any question is demanded by not less than three members, it shall be taken at that meeting in such manner as the Chairperson may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
- 14.5 A poll that is demanded on the election of a Chairperson or on a 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 Chairperson may direct.

**15. VOTING BY PROXY:**

- 15.1 Each member shall be entitled to appoint another member as his proxy by notice given to the Secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.
- 15.2 The notice appointing the proxy shall be in the form set out in Appendix 2.

**16. VOTING ELIGIBILITY:**

- 16.1 Only financial members and life members of the Club are entitled to vote.
- 16.2 All members over the age of 16 years are entitled to an individual vote.
- 16.3 In respect to members under 16 years, one parent is entitled to vote as a representative of that child.
- 16.4 If there is more than one member under 16 years in a family, then each parent may record a single vote as representative of their children. If one or both parents are members (playing or non-playing) each may still only record a single vote notwithstanding their children under 16 years are also members.

**17. GENERAL COMMITTEE:**

- 17.1 The affairs of the Club shall be managed by a General Committee constituted as provided in Rule 19 and 20.
- 17.2 The Committee:-
  - a) shall control and manage the business and affairs of the Club;
  - b) may, subject to these rules, the Regulations and the Act, exercise all such powers and functions as may be exercised by the Club other than those powers and functions that are required by these rules to be exercised by general meetings of the members of the Club; and
  - c) subject to these rules, the Regulations and the Act, has 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 Club.

**18. OFFICERS:**

- 18.1 The Officers of the Club shall be:-
- a) a President;
  - b) a Vice President;
  - c) a Treasurer; and
  - d) a Secretary.
- 18.2 The provisions of Rule 21 so far as they are applicable and with the necessary modifications, apply to and in relation to the election of persons to any of the officers mentioned in clause (19.1).
- 18.3 Each officer of the Club shall hold office until the Annual General Meeting after the date of his election but is eligible for re-election.
- 18.4 In the event of a casual vacancy in any office referred to in clause (19.1), the Committee may appoint one of its members to the vacant office and the member so appointed may continue in office up to and including the conclusion of the annual meeting next following the date of his appointment.

**19. THE COMMITTEE:**

- 19.1 The Committee shall consist of the four officers of the Club ten ordinary member, consisting of:-
- a) an Assistant Secretary
  - b) a Property Officer
  - c) a Boys' Team Co-Ordinator
  - d) a Girls' Team Co-Ordinator
  - e) a Boys' Team Controller
  - f) a Girls' Team Controller
  - g) a Public Relations Officer
  - h) a Registrar
  - i) a Fund Raising and Social Director
  - j) a Coaching Director,

each of whom shall be elected at the Annual General Meeting of the Club in each year.

- 19.2 Each ordinary member of the Committee shall, subject to these rules, hold office until the next Annual General Meeting after the date of his election but is eligible for re-election.
- 19.3 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 Club to fill the vacancy and the member so appointed shall hold office, subject to these rules, until the conclusion of the next Annual General Meeting following the date of his appointment.

**20. ELECTIONS OF OFFICERS & VACANCY:**

- 20.1 Nominations of candidates for election as officers of the Club or as ordinary members of the Committee:-
- a) shall be made in writing, each signed by two members of the Club and accompanied by the written consent of the candidates (which may be endorsed on the form of nomination); and
  - b) shall be delivered to the Secretary of the Club not less than 7 days before the date fixed for the holding of the Annual General Meeting.

- 20.2 If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated shall be deemed to be elected and further nominations shall be received at the Annual General Meeting.
- 20.3 If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- 20.4 If the number of nominations received is greater than the number of positions to be filled a ballot shall be held.
- 20.5 The ballot for the election of officers 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.
- 20.6 For the purpose of these rules, the office of an officer of the Club or of an ordinary member of the Committee becomes vacant if the officer or member:-
- a) ceases to be a member of the club;
  - 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.
  - d) absents himself without reasonable excuse for three consecutive Committee Meetings of the Club.

**21. PROCEEDINGS OF COMMITTEE:**

- 21.1 The Committee shall meet monthly or at such times and at such place as the Committee may determine.
- 21.2 Extra-Ordinary Meetings of the Committee may be convened by the President or by any four (4) of the members of the Committee.
- 21.3 Notice shall be given to members of the Committee of any extra-ordinary meeting specifying the general nature of the business to be transacted and no other business shall be transacted at such meeting.
- 21.4 Any five (5) members, including at least one officer, of the Committee constitutes a quorum for the transaction of the business of a meeting of the Committee.
- 21.5 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 an extra-ordinary meeting in which case it lapses.
- 21.6 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, such one of the remaining members of the Committee as may be chosen by the members present shall preside.
- 21.7 Questions arising at a meeting of the Committee or of any sub-committee appointed by the Committee shall be determined on 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.
- 21.8 Each Committee member present at a meeting of the Committee is entitled to one vote and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- 21.9 Subject to clause (21.4) the Committee may act notwithstanding any vacancy on the Committee.



**22. GENERAL COMMITTEE – POWERS OF DISCIPLINE:**

The General Committee shall have power to suspend, disqualify fine or otherwise deal with any member who has committed or allowed to be committed any breach of the Constitution or By-Laws or Rules of the Club, or has practiced, counselled or sanctioned any conduct which in the opinion of the General Committee is unbecoming, unfair or contrary to the interests of the Club or Amateur Basketball.

**23. REMOVAL OF MEMBER OF COMMITTEE:**

23.1 The Club in general meeting may by resolution remove any member of the Committee before the expiration of his term of office and appoint another member in his stead to hold office until the expiration of the term of the first-mentioned member.

23.2 Where the member to whom a proposed resolution referred to in Clause (23.1) makes representations in writing to the Secretary or President of the Club (not exceeding a reasonable length) and requests that they be notified to the members of the Club, the Secretary or the President may send a copy of the representation to each member of the Club or, if they are not at sent, the member may require that they be read out at the meeting.

**24. SUB-COMMITTEES:**

The General Committee may from time to time appoint sub-committees as it deems necessary or expedient. A General Committee member shall be appointed by the General Committee to act as Chairperson of each sub-committee.

**25. SECRETARY:**

25.1 It shall be the duty of the Secretary or Assistant Secretary to attend all meetings of the Club General Committee to take minutes of the proceedings and record same in a proper minutes book. He shall conduct the correspondence of the Club, keep a record of all reports from committee, and keep a register of attendance at all meetings.

25.2 The Secretary shall keep and maintain a register of members in which shall be entered the full name, address, date of birth and date of entry of the name of each member and the register shall be available for inspection by members at the address of the Public Officer.

25.3 Except as otherwise provided in this Constitution, the Secretary shall keep in his custody or under his control all books, document, and securities of the Club.

25.4 Shall make available to any member the inspection of any books and documents of the Club when requested in writing to the Committee stating the reasons for the request, and subject to the approval of the Committee.

25.5 Shall keep and maintain a register of all equipment and property belonging to the Club and where it is located.

**26. TREASURER:**

26.1 The Treasurer of the Club:-

- a) shall collect and receive all monies due to the Club and make all payments authorised by the General Committee.
- b) shall keep correct accounts and books showing the financial affairs of the Club with full details of all receipts and expenditure connected with the activities of the Club.
- c) shall produce a financial statement to all committee meetings.

- d) prepare in accordance with Section 30(3) or the Act, an Annual Financial Statement and Balance Sheet each year and include these in a Report to the Annual General Meeting of the Club.

26.2 The accounts and books referred to in clause (26.1) shall be available for inspection by members.

**27. BANKING:**

All monies of the Club shall be deposited in a current account in such banks as shall be approved by the General Committee and all cheques operating on the account shall be signed by and two of the following: Treasurer, President, Vice President, and the Secretary of the Club. All financial transactions of the Club will be controlled by the Club through its Treasurer under such arrangements as are approved by the General Committee. The General Committee may invest surplus funds from time to time, on short term deposit with the Club's bankers or other financial institution as approved by any General Meeting of the Club.

**28. PUBLIC OFFICER:**

28.1 The Public Officer shall be a member of the Committee and shall be elected by the Committee.

28.2 The Public Officer may simultaneously hold any other Office on the Committee.

28.3 The Public Officer may hold Office for successive years provided that the member is re-elected to the Committee each two (2) years as described in Section 20.

28.4 The Committee may remove a Public Officer from Office.

28.5 The Office of Public Officer becomes vacant as described in Section 27(2) of the Act.

28.6 The statutory obligations of the Public Officer are:

- a) To notify the registrar of his appointment (except as result of incorporation of an unincorporated association or an organization transferring from another Act) within fourteen days (Section 28(1) of the Act)
- b) To notify his change of address within fourteen days (Section 28(2) of the Act).
- c) To notify alterations to the Constitution within one month (Section 22(2) of the Act).
- d) To make application for approval of a change of name within the prescribed time (Section 13 of the Act).
- e) To lodge with the Registrar the documents required by Section 30(4) of the Act in respect of the Annual General Meeting within one month of the date of the meeting or such further period as the Registrar may allow (Section 30 of the Act).
- f) To produce any book to the Registrar or his authorized officer on being required to do so (Section 47(5) of the Act).
- g) Must not hinder or obstruct the Registrar or his authorised officer whilst he is exercising powers of the inspection pursuant to Section 41 (1) of the Act.

**29. AUDITOR:**

29.1 An Honorary Auditor shall be elected annually to examine the books and accounts of the Club and to report on same to members at the Annual General Meeting of the Club and at any other time that the committee may go require. He shall certify as to the correctness of the Financial Statements prepared by the Treasurer.

29.2 The General Committee may fill a casual vacancy caused by the death or for any other reason, of the Auditor. The Auditor shall not be a member of the Club.

**30. FUND RAISING:**

Those operating under a sub-committee formed for the purpose of social activities may maintain monies in a separate fund raising account in the name of Rowville Basketball Club fund Raisers. The Club Treasurer should be one of the two signatories to this account. The accounts of the Fund Raisers are to be kept separate to those of the Club. These books are to be audited by the nominated auditor of the Club prior to the transfer of funds annually to the account of the General Committee.

**31. SEAL:**

31.1 The Common Seal of the Club shall be kept in custody of the Secretary.

31.2 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 either of two members of the Committee or of one member of the Committee and of the Public Officer of the Club.

**32. NOTICES:**

32.1 A notice may be served by or on behalf of the Club upon any member either personally or by sending it by post to the member at his address shown in the register of Members.

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

**33. WINDING UP OR CANCELLATION:**

33.1 The Club may be wound up should a 75% majority of those entitled to a vote so decide.

33.2 In the event of the winding up of the Club or the cancellation of its incorporation, the assets of the Club shall be disposed of in accordance with the provisions of the Act, and any surplus funds and property may XXX

# **Appendix 1**

## **enrolment form**

# Appendix 2

## Form of Appointment of Proxy

I, \_\_\_\_\_ (member)

Of \_\_\_\_\_ (address)

being a member of Rowville Basketball Club Inc

appoint \_\_\_\_\_

of \_\_\_\_\_ (address)

**being a member of that** Incorporated Association, as my proxy to vote on my behalf at the \*annual/\*special general meeting of the Association to be held on \_\_\_\_\_ (*date of meeting*) and at any adjournment of that meeting.

My proxy is authorised to vote:

on the following resolution: [*insert details of resolution*]

	For	Against	Abstain
_____	<input type="checkbox"/>	<input type="checkbox"/>	
_____	<input type="checkbox"/>		<input type="checkbox"/>

Or

As the proxy wishes

Signed \_\_\_\_\_

Date \_\_\_\_\_

**Form of Appointment of Proxy**

I, \_\_\_\_\_, hereby nominate \_\_\_\_\_ to  
vote on my behalf at the

ROWVILLE BASKETBALL CLUB Inc. \_\_\_\_\_ Meeting  
held on \_\_\_\_\_.

He/she shall vote:

as they wish: OR  as I have indicated below

on the following resolution: *[insert details of resolution]*

	For	Against	Abstain
_____	<input type="checkbox"/>	<input type="checkbox"/>	
_____	<input type="checkbox"/>		<input type="checkbox"/>

Names of members (players, etc.):

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

Signature of Absentee voter: \_\_\_\_\_ Date: \_\_\_\_\_

## **Appendix 3**

**Application for membership**

**Old membership form**