

**HORSHAM AMATEUR
BASKETBALL ASSOCIATION Inc.
A0007106X**

RULES OF HORSHAM AMATEUR BASKETBALL ASSOCIATION A0007106X

1. NAME

The name of the Incorporated Association is Horsham Amateur Basketball Association Inc. (registration number A0007106X), and in these rules called "the Association".

2. INTERPRETATION

2.1 In these rules, unless the contrary intention appears:

"Act" means the *Associations Incorporation Reform Act 2012* (Vic) and any corresponding Act repealing, replacing or amending the same.

"Affiliation Fee" means a fee required to be paid by each player at the commencement of each basketball season.

"Association Premises" means the whole of the land and buildings leased by the Association 87 McPherson Street, Horsham, Victoria 3400 together with such other land and/or buildings as may be occupied by the Association from time to time in carrying out its purposes.

"Board" means the board of management of the Association comprising of the Elected Officers, Nominated Officers and the officers appointed in accordance with Rule 15.

"Calendar Year" means the year ending on 31 December.

"Constitution" means this constitution of the Association.

"Elected Officers" means President and Vice President of the Association.

"Executive Committee" means the committee of the Association comprised of the Elected Officers and the Nominated Officers.

"Executive Secretary" shall be the Secretary of the Association and includes an acting secretary.

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

"General Meeting" means a general meeting of Members of the Association and includes an annual General Meeting and a special 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 licence and or permit issued to the Association pursuant to the provisions of the Liquor Control Act.

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

"Member" includes members of all classes of membership in the Association.

"Membership Fee" is the relevant amount determined at the annual General Meeting of the Association and is payable in advance on or before 1 January in each year.

"Nominated Officers" means the Executive Secretary, Treasurer and Competition Manager of the Association.

"Officer" means any person voted onto the Board who is not an Elected Officer or Nominated Officer.

"Playing fee" means the fee determined by the Board from time to time to be paid for the right to play basketball in a competition conducted by the Association.

"Registered Mediator" means a person registered as a mediator accredited under the National Mediator Accreditation System developed by the Mediator Standards Board Limited ABN 11 145 829 812.

"Regulations" means the regulations under the Act and any corresponding Act repealing, replacing or amending the same.

"Rules" means the rules set out in this Constitution.

2.2 Words or expressions contained in these Rules shall be interpreted in accordance with the definitions

set out in Rule 2.1 of this Constitution and if there is any ambiguity, reference is to be had to the Act and the Model Rules as in force from time to time to resolve any ambiguity.

- 2.3 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.
- 2.4 The Rules of the Association constitute the terms of a contract between the Association and its members. This Constitution is to be read in conjunction with the Model Rules where a rule required to be included in the Constitution by the Act is not included in this Constitution.

3. STATEMENT OF PURPOSES

The purposes of the Association to have effect from the date upon which it becomes incorporated pursuant to the Act are as follows:

- 3.1 to encourage, promote and control the game of basketball in the Horsham region;
- 3.2 to maintain sports stadiums and clubrooms in the Horsham region which are under the Association's control.
- 3.3 to raise funds to promote the game of basketball;
- 3.4 to promote, assist in promoting and secure the holding of meetings, conventions, conferences, raffles, appeals and competitions to promote the game of basketball;
- 3.5 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;
- 3.6 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;
- 3.7 to choose and manage teams of basketball players to represent the Association;
- 3.8 to settle all questions or disputes on any matter relating to basketball which may be submitted to the Association for its adjudication and determination;
- 3.9 to apply for, obtain, renew, or surrender a full club licence and any permit or authority ancillary thereto in accordance with the provisions of the Liquor Control Act;
- 3.10 to apply for, obtain, renew or surrender registration of any trademark which can be registered under the *Trade Marks Act 1995* (Cth) (and any corresponding Act repealing, replacing or amending the same) 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 Horsham district;
- 3.11 to license to any other person or entity the rights to use any such trademark on such terms as the Association deems fit and, in particular to, enter into arrangements or agreements for the use of the name "Horsham Hornets" and all or any of the trademarks, patent and copyrights associated with such name;
- 3.12 solely for the purpose of carrying out the aforesaid objects to do any of the following:
 - 3.12.1 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;
 - 3.12.2 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;
 - 3.12.3 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;
 - 3.12.4 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;
 - 3.12.5 to sell, lease, mortgage, dispose of, hire out or otherwise deal with all or any of the property of the Association;
 - 3.12.6 to borrow and raise money in such manner as the Association may think fit;
 - 3.12.7 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;
 - 3.12.8 to subscribe to any local or other charities and to grant donations for any public purpose;

- 3.12.9 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 Act;
- 3.12.10 to do anything authorised by the said Act and which is not in conflict with these purposes; and
- 3.12.11 to do all such other lawful things as are incidental or conducive to the attainment of the objects of the Association.

4. NOT FOR PROFIT ORGANISATION

- 4.1 The Association must not distribute any surplus, income or assets directly or indirectly to its Members.
- 4.2 Rule 4.1 does not prevent the Association from paying a Member:
 - 4.2.1 reimbursement for expenses properly incurred by the Member; or
 - 4.2.2 for goods or services provided by the Member,
 if this is done in good faith on terms no more favourable than if the Member was not a Member.

5. MEMBERSHIP

- 5.1 The Association shall consist of the following classes of Members:
 - 5.1.1 Financial Members;
 - 5.1.2 Playing Members ; and
 - 5.1.3 Honorary Life Members.
- 5.2 No person shall be allowed to become an Honorary Life 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.
- 5.3 Except for Playing Members, all Members must be at least eighteen (18) years of age.

6. APPLICATION FOR FINANCIAL MEMBERSHIP

- 6.1 Any person who supports the purposes of the Association is eligible for membership.
- 6.2 A natural person over the age of eighteen who is approved by the Board for membership as provided in these Rules is eligible to be a Financial Member of the Association on payment of the Membership Fee (if any) and annual subscription payable under these Rules.
- 6.3 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 as a Financial Member:
 - 6.3.1 unless they apply for membership as provided in Rule 6.4; and
 - 6.3.2 their admission as a Member is approved by the Board.
- 6.4 An application of a person for membership of the Association:
 - 6.4.1 shall be made in writing in the form set out in Appendix 1.
 - 6.4.2 shall be lodged with the secretary of the Association; and
 - 6.4.3 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.
- 6.5 Upon an application being referred to the Board, the Board 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.
- 6.6 If the Board approves an application for membership, the Executive Secretary must as soon as

practicable:

- 6.6.1 notify the applicant in writing of the approval; and
 - 6.6.2 within twenty-eight (28) days of receipt of notification request payment of the Membership Fee; and
 - 6.6.3 if the Membership Fee is not paid within twenty-eight (28) days of the approval of membership by the Board the approval shall expire.
- 6.7 A person who wishes to become a Member whose approval has expired must re-apply for membership as provided for by the Rules.
- 6.8 Within fourteen (14) days of the receipt of the Membership Fee the Executive Secretary must enter the applicant's name in the register of Members.
- 6.9 An applicant for membership becomes a Member and is entitled to exercise the rights of membership when his or her name is entered in the register of Members.
- 6.10 If the Board rejects an application, it must, as soon as practicable, notify the applicant in writing that the application has been rejected.
- 6.11 Rights, privileges, or obligations of a Member are not capable of being transferred or transmitted to other persons; and terminate upon the cessation of membership.
- 6.12 A record shall be kept by the Executive Secretary of the number of persons on the Board voting at any election of Members.

7. PLAYING MEMBERS

- 7.1 A Playing Member who has registered for a competition and paid the relevant registration fee and/or Affiliation Fee shall not be required to pay a Membership Fee and on receipt of the registration and all relevant fees, the Executive Secretary shall enter the name of the Playing Member in the register of Members.
- 7.2 A Playing Member shall abide by the Constitution, By-laws and playing rules of the Association and to accept and enforce all decisions made by the Association
- 7.3 Any Playing Member not complying with any of the conditions of affiliation shall render himself / herself liable to have their membership cancelled by the Board.
- 7.4 Playing Members may attend General Meetings but have no entitlement to vote at General Meetings.

8. HONORARY LIFE MEMBERS

- 8.1 An application for honorary life membership of the Association must be in writing, seconded by another current Member and be received by the Executive Secretary 7 days prior to a scheduled General Meeting.
- 8.2 The Association may elect nominees for honorary life membership at a General Meeting of the Association.
- 8.3 Honorary life membership nominations should list the achievements of the nominee and detail how he/she has contributed to the Association in such a way that is worthy of nomination for life membership as per the following criteria:
- 8.3.1 nominee's length of service to the Association shall be at least 10 years in either or both on court and off court;
 - 8.3.2 nominees who are nominated based on an on-court playing contribution shall have played, coached or been involved in a minimum of 200 senior representative games at the highest elite level of competition that the Association was involved with at the time of contribution;
 - 8.3.3 nominees who have played, coached or been involved in less than 200 senior representative games will only be considered if their contribution in this area and in other areas of the Association has been exceptional;
 - 8.3.4 participated on the Board or as a Member within the Association for a minimum of 10 years;

- 8.3.5 participated as a volunteer with the Association for a period of 10 years. When considering volunteers, the roles and contribution during the period of their service will be considered;
 - 8.3.6 the nominee must display an attitude and values that reflect a dedication to the Association and a commitment to the principles of fair play and good sportsmanship;
 - 8.3.7 the nominee will have provided valued leadership and/or been an outstanding role model in general;
 - 8.3.8 nominees may be considered if their service to the Association consists of a number of these criteria all of which in combination meet the exceptional service standard required for life membership; and
 - 8.3.9 achievement of any or all the above criteria does not automatically qualify a person for life membership with the Association .
- 8.4 Life Members are entitled to-
- 8.4.1 free admission to all local Association games and functions;
 - 8.4.2 attend all General Meetings and general Board meetings of the Association.
- 8.5 Life members shall be provided with a form of recognition of appropriate design by the Association at the Association's expense.
- 8.6 Save for the provisions of this section, Life Members have the same rights, privileges and obligations as Financial Members and remain subject to the requirements of this Constitution, the Rules, the Regulations and the Act.
- 8.7 Life membership can be revoked by the Association if exceptional circumstances warrant.
- 8.8 Honorary Life Members have no entitlement to vote at General Meetings.

9. PURCHASE OF LIQUOR BY VISITORS

A visitor must not be supplied with liquor:

- 9.1 In the Association Premises unless the visitor is a guest in the company of a Member of the Association; or
- 9.2 At a particular function or occasion, in respect of which a limited licence has been granted under the Liquor Control Act.

10. REGISTER

The Executive Secretary shall keep on the Association Premises registers 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 their subscription; and

- 10.1 In the case of former Members, the time and date when Members ceased being members;
- 10.2 In the case of suspended Members, the date when membership rights were suspended;
- 10.3 The names of all Board members including the dates of their appointments and the termination of their appointments;
- 10.4 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 Member's contact details; and
- 10.5 While and so long as the Association holds any licence under the Liquor Control Act 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 the Licensed Premises.

11. RIGHTS OF MEMBERS

A right, privilege, or obligation of a person by reason of his/her membership of the Association:

- 11.1 is not capable of being transferred or transmitted to another person; and
- 11.2 terminates upon the cessation of his/her membership whether by death, resignation or otherwise.

12. RESIGNATION EXPULSION AND DISCIPLINE

- 12.1 A Member of the Association who has paid all monies due and payable by them to the Association may resign from the Association by first giving one month's notice in writing to the Executive Secretary of

his/her intention to resign.

12.2 After the expiry of the period referred to in Rule 12.1:

12.2.1 the Member ceases to be a Member; and

12.2.2 the Executive Secretary must record in the register of Members the date on which the Member ceased to be a Member.

12.3 A Player Member ceases to be a Member if he or she is not registered or has not paid the relevant fees in full or has not made an alternative payment plan arrangement with the competition manager and/or treasurer to play in a competition conducted by the Association.

12.4 The Board may expel or discipline a Member in accordance with Rule 13.1 if they engage in misconduct. Misconduct by a Member of the Association includes:

12.4.1 failing to take, properly account for and provide to the Treasurer of the Association monies received by way of Affiliation Fees, Membership Fees or any other monies received by the Member on the Association's behalf; and

12.4.2 failing to properly keep receipts, invoices and other records of monies received and to provide these to the Treasurer of the Association; and

12.4.3 making and/or publishing defamatory or derisive statements relating to the Board, Affiliated Players, approved coaches, Members or affiliated bodies of the Association.

13. NON-COMPLIANCE

13.1 Subject to these Rules, if the Board 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 Board may by resolution:

13.1.1 fine that Member an amount not exceeding \$500; or

13.1.2 suspend that Member from membership of the Association for a specified period; or

13.1.3 expel that Member from the Association.

13.2 A resolution of the Board under Rule 13.1 does not take effect unless:

13.2.1 at a meeting held in accordance with Rule 13.3, the Board confirms the resolution; and

13.2.2 if the Member exercises a right of appeal to the Association under this Rule, the Association confirms the resolution by a General Meeting of Members.

13.3 A meeting of the Board to confirm or revoke a resolution passed under Rule 13.2.1 must be held not earlier than fourteen (14) days, and not later than twenty-eight (28) days, after notice has been given to the Member in accordance with Rule 13.4.4.

13.4 For the purposes of giving notice in accordance with Rule 13.3, the Executive Secretary must as soon as practicable, cause to be given to the Member a written notice:

13.4.1 setting out the resolution of the Board and the grounds on which it is based; and

13.4.2 stating that the Member, or his or her representative, may address the Board at a meeting to be held not earlier than fourteen (14) days and not later than twenty-eight (28) days after the notice has been given to that Member; and

13.4.3 stating the date, place and time of that meeting; and

13.4.4 informing the member that he or she may do one or both of the following:

i. attend that meeting;

ii. give to the Board before the date of the meeting a written statement seeking revocation of the resolution; and

iii. informing the member that, if at that meeting, the Board confirms the resolution, he or she may not later than forty-eight (48) hours after that meeting, give the Executive Secretary a notice to the effect that he or she wishes to appeal to the Association in General Meeting against the resolution.

13.5 At a meeting of the Board to confirm or revoke a resolution passed under Rule 13.2.1, the Board must:

13.5.1 give the Member, or his or her representative (not being a legal practitioner), an opportunity to be heard; and

13.5.2 give due consideration to any written statement submitted by the Member; and

13.5.3 determine by resolution whether to confirm or to revoke the resolution.

13.6 If at the meeting of the Board, the Board confirms the resolution, the Member may, not later than forty-eight (48) hours after that meeting, give the Executive Secretary a notice to the effect that he or she wishes to appeal to the Association in General Meeting against the resolution.

13.7 If the Executive Secretary receives a notice under Rule 13.6, he or she must notify the Board and the Board must convene a special/closed General Meeting of the Association to be held within twenty-one (21) days after the date on which the Executive Secretary received notice.

13.8 At a special/closed meeting of the Association convened under Rule 13.7:

13.8.1 no business other than the question of appeal may be conducted; and

13.8.2 the Board may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution; and

13.8.3 the Member, or his or her representative, must be given an opportunity to be heard; and

13.8.4 the Members present (except the Member in question) must vote by secret ballot on the question whether the resolution should be confirmed or revoked.

13.9 A resolution is confirmed if, at the special/closed General Meeting, not less than two-thirds of the Members present in person vote, in favour of the resolution. In any other case, the resolution is revoked.

14. GRIEVANCE PROCEDURE

14.1 The grievance procedure set out in this Rule applies to disputes under this Constitution between –

14.1.1 a Member and another Member; or

14.1.2 a Member and the Association (or the Board).

14.2 The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within fourteen (14) days after the dispute comes to the attention of all of the parties.

14.3 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 ten (10) days, hold a meeting in the presence of a mediator.

14.4 The mediator must be:

14.4.1 a person chosen by agreement between the parties; or

14.4.2 in the absence of agreement:

14.4.2.1 in the case of a dispute between a Member and another Member, a person appointed by the Board of the Association; or

14.4.2.2 in the case of a dispute between a member and the Board or the Association, a Registered Mediator appointed by the Board.

14.5 The mediator cannot be a member who is a party to the dispute.

14.6 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

14.7 The mediator in conducting the mediation, must:

14.7.1 give the parties to the mediation process every opportunity to be heard; and

14.7.2 allow due consideration by all parties of any written statement submitted by any party; and

14.7.3 ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.

14.8 The mediator must not determine the dispute.

14.9 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.

14.10 Any costs of the mediation are to be paid:

14.10.1 if an agreement as to costs is reached between the parties—in accordance with that agreement; or

14.10.2 if there is no such agreement by the Board.

15. BOARD OF MANAGEMENT

- 15.1 The Board shall consist of the Elected Officers and the Nominated Officers of the Association, together with no less than five and no more than nine office holders. Each Board member shall have one vote at Board meetings. Decisions of the Board shall be decided by a simple majority.
- 15.2 Board members must be at least eighteen (18) years of age.
- 15.3 Elected Officers and Nominated Officers must be Financial Members of the Association
- 15.4 The Elected Officers of the Association and officers of the Association shall be directly elected by the Members at the annual General Meeting.
- 15.5 The Elected Officers of the Association and officers of the Association shall be deemed to take office at the closure of the annual General Meeting at which they are elected and will hold office until the next annual General Meeting.
- 15.6 The Nominated Officers of the Association shall be appointed by the Elected Officers and the officers at the first Board meeting following the annual General Meeting of the Association by a simple majority of the officers and Elected Officers of the Association.
- 15.7 The Nominated Officers of the Association shall be deemed to take office following the passing of the motion by the Elected Officers and the officers appointing the Nominated Officers of the Association and will hold office until the first Board meeting following the annual General Meeting in the year proceeding the year the Nominated Officers were appointed.
- 15.8 The Board may call for nominations to fill casual vacancies of the Board and the Executive Committee. If more than one nomination is received, the Board shall decide the appointment to the casual vacancy by a simple majority.
- 15.9 Any Member appointed to fill a casual vacancy on the Board or the Executive Committee shall hold office up to the closure of the annual General Meeting next following the date of his or her appointment.
- 15.10 Casual vacancies on the Board or Executive Committee shall exist:
- 15.10.1 should the holder absent himself/herself without reasonable excuse from two consecutive Board or Executive Committee meetings; or
 - 15.10.2 as a result of the resignation or death of the office holder; or
 - 15.10.3 the office holder otherwise ceases to be an office holder by operation of section 78 of the Act.
- 15.11 The Board shall conduct monthly meetings.
- 15.12 The Board shall settle all disputes and protests in connection with any competition.
- 15.13 The Board shall have the power to make and terminate casual appointments to the Board as the Board sees fit by simple majority vote (not including the vote of the casual office holder in question). In any case, such appointments shall expire at the conclusion of the annual General Meeting following the appointment. Such appointments shall have no vote at Board meetings.
- 15.14 Quorum at Board meetings will be fifty percent (50%) of people who are entitled to vote plus one.
- 15.15 The affairs of the Association shall be managed by the Board.
- 15.16 The Board shall have the responsibility of promoting the game of basketball generally and for the management of competitions and the Association teams and shall subject to this Constitution, the Act and the Regulations:
- 15.16.1 control and manage the business and affairs of the Association;
 - 15.16.2 exercise all powers and functions as may be exercisable by the Association other than those powers and functions that are required by this Constitution to be exercised by General Meetings;
 - 15.16.3 have power to perform all such acts and things as appear to the Board to be essential for the proper management of the business and affairs of the Association including the creation and management of committees;

- 15.16.4 have the power to make rules for the conduct of meetings of the Association;
 - 15.16.5 be responsible for the financial management of the Association through the ratification of monthly reports presented to the Board by the Treasurer of the Association; and
 - 15.16.6 make policy and/or procedural decisions on the Association's behalf.
- 15.17 A meeting of the Board may be held. Elected Officers and Nominated Officers may take part by the use of technology that allows Elected Officers and Nominated Officers to clearly and simultaneously communicate with each other participating Elected Officer and Nominated Officer. An Elected Officer and Nominated Officer participating in a meeting through the use of technology is taken to be present at the meeting and, if the Elected Officer and Nominated Officer votes at the meeting, is taken to have voted in person.
- 15.18 Notice of each Board meeting:
- 15.18.1 must be given to each Board member no later than seven (7) days before the date of the meeting;
 - 15.18.2 may be given of more than one Board meeting at the same time; and
 - 15.18.3 must state the date, time and place of the meeting.
- 15.19 If a special Board meeting is convened, the notice must include the general nature of the business to be conducted.
- 15.20 The only business that may be conducted at the Board meeting is the business for which the Board meeting is convened.
- 15.21 A Board member who has a material personal interest in a matter being considered at a Board meeting must disclose the member's position and the nature and extent of that interest to the Board. The Board member:
- 15.21.1 must not be present while the matter is being considered at the meeting; and
 - 15.21.2 must not vote on the matter.
- 15.22 Rule 15.21 does not apply to a material personal interest:
- 15.22.1 that exists only because the member belongs to a class of persons for whose benefit the Association is established; or
 - 15.22.2 that the member has in common with all, or a substantial proportion of, the members of the Association.
- 15.23 The Board must keep a conflict of interest register.
- 15.24 The conflict of interest register must record the following:
- 15.24.1 the name and position of the member who has disclosed a material personal interest;
 - 15.24.2 a description of the nature and extent of that interest; and
 - 15.24.3 a management plan documenting actions required to mitigate the conflict.
- 15.25 The Board must ensure that minutes are taken and kept of each Board meeting.
- 15.26 The minutes must record the following:
- 15.26.1 the names of the members in attendance at the meeting;
 - 15.26.2 the business considered at the meeting;
 - 15.26.3 any resolution on which a vote is taken and the result of the vote; and
 - 15.26.4 any material personal interest disclosed under Rule 15.21.

16. EXECUTIVE COMMITTEE:

- 16.1 Subject to this Constitution, the Act, the Regulations and decisions of the Board and the annual General Meeting, the Executive Committee shall be responsible for the management of the Association and its members, including:
- 16.1.1 the power to adjust the door fee and subscriptions anytime throughout the year.
 - 16.1.2 the preparation of budgets setting the expenditure of the Association for ratification at the Annual General Meeting
 - 16.1.3 the authorisation of special expenditure of the Association; and
 - 16.1.4 the making of day-to-day decisions relating to the proper maintenance and running of the Association.
- 16.2 The Executive Committee shall meet as required, in addition to scheduled meetings. Notice of each Executive Committee meeting:
- 16.2.1 must be given to each Executive Committee member no later than seven (7) days before the date of the meeting;
 - 16.2.2 may be given of more than one Executive Committee meeting at the same time; and
 - 16.2.3 must state the date, time and place of the meeting.
- 16.3 If a special Executive Committee meeting is convened, the notice must include the general nature of the business to be conducted.
- 16.4 The only business that may be conducted at the Executive Committee meeting is the business for which the Executive Committee meeting is convened.
- 16.5 The Executive Committee shall consist of the Elected Officers and the Nominated Officers of the Association.
- 16.6 Decisions of the Executive Committee shall be made by vote at Executive Committee meetings convened. Each member shall have one vote and the decision of the Executive Committee shall be made on the basis of a simple majority.
- 16.7 Quorum at Executive Committee meetings shall be 4 people who are entitled to vote.
- 16.8 The Executive Committee shall be able to make casual appointments to the Executive Committee as and when it thinks fit. Such casual appointments shall have no vote at Executive Committee meetings.
- 16.9 Appointments to the Executive Committee shall be extant until terminated by the Executive Committee or the commencement of the annual General Meeting next following the appointment.
- 16.10 An Executive Committee member who has a material personal interest in a matter being considered at an Executive Committee meeting must disclose the member's position and the nature and extent of that interest to the Executive Committee. The Executive Committee member:
- 16.10.1 must not be present while the matter is being considered at the meeting; and
 - 16.10.2 must not vote on the matter.
- 16.11 Rule 16.10 does not apply to a material personal interest:
- 16.11.1 that exists only because the member belongs to a class of persons for whose benefit the Association is established; or
 - 16.11.2 that the member has in common with all, or a substantial proportion of, the members of the Association.
- 16.12 The Executive Committee must keep a conflict of interest register.
- 16.13 The conflict of interest register must record the following:
- 16.13.1 the name and position of the member who has disclosed a material personal interest;
 - 16.13.2 a description of the nature and extent of that interest; and
 - 16.13.3 a management plan documenting actions required to mitigate the conflict.

16.14 The Executive Committee must ensure that minutes are taken and kept of each Executive Committee meeting.

16.15 The minutes must record the following:

16.15.1 the names of the members in attendance at the meeting;

16.15.2 the business considered at the meeting;

16.15.3 any resolution on which a vote is taken and the result of the vote; and

16.15.4 any material personal interest disclosed under Rule 16.10.

17. ADDITIONAL MEMBERS

17.1 The Executive Committee will have the power to co-opt two (2) additional members by a 75% majority of the Executive 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 Executive Committee may co-opt the person again.

18. ELECTION BOARD MEMBERS OF THE ASSOCIATION:

18.1 Nominations for Board positions shall be made in writing signed by two (2) Members of the Association and accompanied by the written consent of the nominee (which may be endorsed on the form of nomination).

18.2 Nominees for Board positions must be Members of the Association.

18.3 Nominations shall be delivered to the Executive Secretary seven (7) days before the date fixed for the annual General Meeting.

18.4 A nomination of a candidate for election is not valid if that candidate has been previously elected for another office at the same election.

18.5 Nominations shall be received upon receipt by the Executive Secretary.

18.6 If insufficient nominations are received to fill the advertised vacancies, further nominations shall be received from Members present at the annual General Meeting.

18.7 If only one Financial Member is nominated for a position, the chairperson of the meeting must declare the Financial Member elected to the position.

18.8 If more than one Financial Member is nominated for a position, a ballot must be held where:

18.8.1 the chairperson of the meeting must appoint a Financial Member to act as returning officer to conduct the ballot;

18.8.2 the returning officer must not be a member nominated for the position;

18.8.3 before the ballot is taken, each candidate may make a short speech in support of the candidate's election;

18.8.4 the election must be by secret ballot;

18.8.5 If the election is held in person, the returning officer must give a blank piece of paper to each Member present in person;

18.8.6 if the ballot is for a single position, the voter must write on the ballot paper the name of the candidate for whom they wish to vote;

18.8.7 if the ballot is for more than one position, the voter must write on the ballot paper the name of each candidate for whom they wish to vote. The voter must not write the names of more candidates than the number to be elected (if the voter does so, their vote will not be counted);

18.8.8 each ballot paper on which the name of a candidate has been written counts as one vote for that candidate;

- 18.8.9 the returning officer must declare elected the candidate or, in the case of an election for more than one position, the candidates who received the most votes; and
- 18.8.10 If the returning officer is unable to declare the result of an election under because 2 or more candidates received the same number of votes, the returning officer must conduct a further election in accordance with this Rule to decide which of those candidates is to be elected or with the agreement of those candidates, decide by lot which of them is to be elected (Example: the choice of candidate may be decided by the toss of a coin, drawing straws or drawing a name out of a hat).

- 18.9 If no nomination is received that position shall be a casual vacancy filled by the Executive Committee.
- 18.10 The appointment of Board members including Elected Officers and nominated officers of the Association shall occur at the conclusion of the annual General Meeting following their nomination.
- 18.11 Each Elected Officer of the Association, Nominated Officer of the Association and officer of the Board holding office before the commencement of this Constitution shall be appointed in accordance with Rules 16 and 18 to those positions at the commencement of this Constitution.

19. SUBCOMMITTEES:

- 19.1 The Board shall have the power to form committees and subcommittees as it thinks fit.
- 19.2 The President or a nominee appointed by the Board from members of the Board and one other member of the Board shall be members of any committee or subcommittee formed by the Board.
- 19.3 Committees or subcommittees shall only be formed at Board meetings and shall have clearly prescribed purposes. Such purposes shall be recorded in the minutes of the Board meeting at which the committee or subcommittee was formed.
- 19.4 Committees and subcommittees may make recommendations to the Board at Board meetings on matters relating to the purpose for the formation. Such recommendations may either be accepted or refused by the Board or referred back to the committee or subcommittee for further consideration.
- 19.5 The Board has the ultimate decision making power in relation to any and all recommendations made by committees or subcommittees.
- 19.6 Any subcommittee constituted by the Board shall present a written report to the Board meetings.
- 19.7 Each subcommittee must present minutes of all meetings held and a financial statement in relation to any money expended received or transferred by or through it since its inception to the Executive Secretary within seven (7) days of each meeting.

20. ANNUAL GENERAL MEETING

- 20.1 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 31st May, unless there are extenuating circumstances.
- 20.2 The annual General Meeting shall be held on such day, at such time and at such place as the Executive Committee determines, which can include an online platform if deemed necessary.
- 20.3 The annual General Meeting shall be specified as such in the notice convening it.
- 20.4 The ordinary business of the annual General Meeting shall be:
- 20.4.1 to confirm the minutes of the last preceding annual General Meeting and of any General Meeting held since that meeting;
 - 20.4.2 to consider any annual report of the Executive Committee or Board for the previous Financial Year;
 - 20.4.3 to receive from the Board, reports upon the transactions of the Association during the last preceding Financial Year;
 - 20.4.4 to elect the Elected Officers of the Associations and officers of the board;
 - 20.4.5 to fix the annual Membership Fee; and
 - 20.4.6 to receive and consider the financial statements, any audited accounts, any auditor's report and

a certificate signed by two (2) Board members certifying that the financial statements give a true and fair view of the financial position and performance of the Association.

- 20.5 The greater of ten per cent (10%) of the Financial Members or six (6) Financial Members will constitute a quorum for the conduct of business at an annual General Meeting.
- 20.6 The annual General Meeting may transact special business of which notice is given in accordance with these Rules.
- 20.7 The annual General Meeting shall be in addition to any other General Meetings that may be held in the same year.

21. GENERAL MEETINGS

- 21.1 All General Meetings other than the annual General meeting shall be called special general meetings.
- 21.2 The Board may, whenever it thinks fit, convene a General Meeting (other than an annual General Meeting) of the Association.
- 21.3 The greater of ten per cent (10%) of the Financial Members or six (6) Financial Members will constitute a quorum for the conduct of business at a General Meeting.
- 21.4 If, but for this Rule 21.4, more than fifteen (15) months would elapse between annual General Meetings, the Executive Committee must convene a General Meeting of Members before the expiration of that period.
- 21.5 The Executive Committee must, on the request in writing of Members representing not less than a five per cent (5%) of the total numbers of Financial Members, convene a General Meeting of the Association.
- 21.6 The requisition for a General Meeting shall state the objects of the meeting and shall be signed by the Financial Members making the requisition and be sent to the address of the Executive Secretary signed by one (1) of more of the Financial Members making the requisition.
- 21.7 If the Board does not cause a General Meeting to be held within one (1) month after the date on which the requisition is sent to the address of the Executive Secretary, the Financial Members making the requisition, or any of them, may convene a General Meeting to be held not later than three (3) months after that date.
- 21.8 A General Meeting convened by Financial 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 Executive Committee and all reasonable expenses incurred in convening the General Meeting must be refunded by the Association to the persons incurring them.
- 21.9 The Executive Secretary must ensure that minutes are taken and kept of each General Meeting.
- 21.10 The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote. In addition, the minutes of each annual General Meeting must include:
 - 21.10.1 the names of the Financial Members attending the meeting; and
 - 21.10.2 the financial statements submitted to the Financial Members; and
 - 21.10.3 the certificate signed by 2 committee members certifying that the financial statements give a true and fair view of the financial position and performance of the Association; and
 - 21.10.4 any audited accounts and auditor's report or report of a review accompanying the financial statements that are required under the Act.

22. NOTICE OF MEETINGS

- 22.1 No business other than that set out in the notice convening the meeting shall be transacted at the meeting.
- 22.2 A Member desiring to bring any business before a meeting shall give notice of that business in writing to the Executive Secretary, who shall include that business in the notice calling the next General Meeting after receiving the notice.
- 22.3 The Executive Secretary must give each Member at least fourteen (14) days' notice of any General Meeting to be held. The notice must:
 - 22.3.1 specify the date, time and place of the meeting;
 - 22.3.2 indicate the general nature of each item of business to be considered at the meeting; and

- 22.3.3 if a resolution is to be proposed state in full the proposed resolution and state the intention to propose the resolution.

23. PROCEEDINGS AT MEETINGS

- 23.1 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.
- 23.2 The greater of ten per cent (10%) of the Financial Members or six (6) Financial Members will constitute a quorum for the conduct of business at a General Meeting.
- 23.3 If within half an hour after the appointed time of the commencement of a General Meeting, a quorum is not present, the meeting 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 Financial Members present (being not less than four (4)) shall be the quorum).
- 23.4 A General Meeting may be held and Members may take part by the use of technology that allows Members to clearly and simultaneously communicate with each other participating Member. A Member participating in a General Meeting through the use of technology is taken to be present at the meeting and, if the Member votes at the meeting, is taken to have voted in person.

24. CHAIRING MEETINGS

The President, or in his/her absence, the Vice President, shall:

- 24.1 preside as chairman at each General Meeting, Board meeting or Executive Committee meeting of the Association; and
- 24.2 if the President and the Vice President are absent from a General Meeting, Board meeting or Executive Committee meeting or are otherwise unable to preside, then:
- 24.2.1 in the case of a General Meeting, the Members present shall elect one of their number to preside as chairman at the meeting;
 - 24.2.2 in the case of a Board meeting, a Board member elected by the other Board members present; and
 - 24.2.3 in the case of an Executive Committee meeting, an Executive Committee member elected by the Executive Committee members present.

25. ADJOURNMENT BY CHAIRMAN

- 25.1 The chairman of a General Meeting at which a quorum is present may, with the consent of the Members present at 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.
- 25.2 Where a meeting is adjourned for fourteen (14) days or more, a notice of the adjourned meeting shall be given in accordance with Rule 23.3.

26. RESOLUTIONS

A question arising at a General Meeting of the Association shall be determined on a show of hands (by simple majority) 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 by a simple majority 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.

27. VOTING

- 27.1 Upon any question arising at a General Meeting of the association, a Financial Member has one vote only.
- 27.2 All votes shall be given personally.
- 27.3 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.

28. PROXIES

Proxy votes are not allowed for any Association meeting.

29. POLLS

- 29.1 If at a meeting a poll on any question is demanded by not less than three (3) 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.
- 29.2 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. VACANCIES

For the purposes of these Rules, the office of an officer of the Association of the committee becomes vacant if the officer or Member:

- 31.1 ceases to be an Member of the Association;
- 31.2 Fails to attend three (3) consecutive Executive Committee meetings (other than special or urgent committee meetings) without leave of absence granted by the Executive Committee;
- 31.3 resigns from his/her office by notice in writing given to the Executive Secretary; or
- 31.4 otherwise ceases to be a committee member by operation of section 78 of the Act.

32. EXECUTIVE COMMITTEE MEETINGS

- 32.1 The Executive Committee shall meet at such times and at such places as the committee may from time to time determine, and not more than two (2) calendar months shall lapse between the meetings of the Executive Committee.
- 32.2 Special meetings of the Executive Committee may be convened by the President or by any four of the members of the Executive Committee.
- 32.3 Notice shall be given to the members of the Executive 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.
- 32.4 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.
- 35.6 At meetings of the Executive Committee:
 - 35.6.1 the President or in his absence the Vice President shall preside as chairperson; or
 - 35.6.2 if the President and the Vice President are absent or are otherwise unable to preside, such one of the remaining members of the Executive Committee as may be chosen by the Executive Committee members present shall preside as chairperson.
- 35.6 Questions arising at a meeting of the Executive Committee or of any sub-committee appointed by the Executive 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.
- 35.7 Each member present at a meeting of the Executive Committee or of any sub-committee appointed by the Executive 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.
- 35.8 Written notice of each Executive Committee meeting shall be served on each member of the Executive Committee at least two (2) business days before the date of the meeting.
- 35.9 The Executive Committee may act notwithstanding any vacancy on the Executive Committee.

33. TREASURER

33.1 The Treasurer of the Association shall ensure Association staff and volunteers:

- 33.1.1 collect and receive all monies due to the Association and make all payments authorised by the Association;
- 33.1.2 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;
- 33.1.3 submit a report to each meeting of the Executive Committee (other than a special meeting) showing the financial position of the Association; and
- 33.1.4 submit to the annual General Meeting the financial statements, any audited accounts, any auditor's report and a certificate signed by two (2) Board members certifying that the financial statements give a true and fair view of the financial position and performance of the Association.

33.2 The accounts and books of the Association shall be available for inspection by Members.

34. EXECUTIVE SECRETARY

34.1 It shall be the duty of the Executive Secretary to attend personally or arrange another person to attend all meetings of the Association and Executive Committee and to record attendances and proper minutes of meetings in a minute book.

34.2 The Executive Secretary shall conduct the correspondence of the Association, maintain a record of all committee and sub-committee reports.

35. REMOVAL OF MEMBER OF EXECUTIVE COMMITTEE

35.1 The Financial Members may by resolution (decided by simple majority) in a General Meeting, remove any member of the Board or Executive Committee before the expiration of his or her term of office and appoint another member in his or her stead to hold office as a Board or Executive Committee member until the expiration of the term of the first mentioned member.

35.2 Where the member in relation to whom a resolution referred to in Rule 35.1 is proposed, makes representations in writing to the Executive 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 Executive 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.

36. CHEQUES/ELECTRONIC TRANSACTIONS

36.1 All cheques, drafts, bills of exchange, promissory notes, other negotiable instruments or authorisation for electronic transactions shall be signed by any two (2) of the President, Executive Secretary or Treasurer of the Association, or other members of the Board nominated as authorised signatories of the Association by the Board.

37. RECOGNITION OF GOVERNING BODIES

37.1 The Association must maintain affiliation with the governing bodies, Basketball Victoria and their successors at law, or any other body having the responsibility for the governance of basketball in Victoria.

38. SEAL

38.1 The Common Seal of the Association shall be kept in the custody of the Executive Secretary.

38.2 The Common Seal shall not be affixed to any instrument except by the authority of the Executive Committee and the affixing of the Common Seal shall be attested by the signatures of two (2) members of the Executive Committee.

39. ALTERATION OF CONSTITUTION, RULES AND STATEMENT OF PURPOSES

- 39.1 The Constitution, rules and the statement of purposes of the Association shall not be altered except in accordance with the Act.
- 39.2 No alterations shall be made to the Constitution except at a special General Meeting duly called for the purpose, in writing, by a majority of the Executive Committee at least twenty-one (21) days prior to the date of the meeting.
- 39.3 Alterations must be approved by 75% of those present and entitled to vote.
- 39.4 So long as the Association holds any licence under the Liquor Control Act the Executive Secretary shall within fourteen (14) days after the making of any amendment or alteration in the Rules or the statement of purposes of the Association lodge with the Liquor Control Commission a certified copy of every such amendment or alteration.

40. BYLAWS

- 40.1 The Board shall have the power to make regulations for the conduct of the Association and to amend, add to, or rescind such regulations, as required.
- 40.2 Any such regulations enacted by the Board must be consistent with this Constitution and approved by a majority of the Board.

41. NOTICES

- 41.1 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 e-mail or other electronic means.
- 41.2 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.
- 41.3 Where a document is sent 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.
- 41.4 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.

42. CUSTODY OF RECORDS

- 42.1 Except as otherwise provided in these Rules, the Executive 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 seven (7) years.
- 42.2 All accounts, books, securities and any other relevant documents of the Association (other than Member's contact details) must be available for inspection free of charge by any Member upon request.
- 42.3 A Member may make a copy of any account, books, securities, minutes of General Meetings, financial statements or any other relevant documents of the Association other than a person's contact details.
- 42.4 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.

43. FUNDS

- 43.1 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 Executive Committee determines. Cheques drawn in the Association's name and from the Association's account must be signed by any two (2) of the President, Executive Secretary or Treasurer of the Association, or other members of the Board nominated as authorised signatories of the Association by the Board.

44. PAYMENT OF OFFICIALS OR CONTRACTORS

- 44.1 The Board shall have the power to employ officials and contractors and to pay honorarium to them/pay them for their services as it sees fit.
- 44.2 Any member of the Board may be paid honorarium/paid for their services if this is approved by a resolution at a General Meeting.

- 44.3 Where such payments are made, the Executive Secretary shall minute a job description of the task and services to be provided.
- 44.4 All positions in receipt of payment or honorarium (other than Board members) shall be for no more than one-year term and shall be re-advertised at the conclusion of that time.
- 44.5 Any positions (other than Board members) in receipt of payment or honorarium shall be advertised on the public notice board of the Association or as directed by the Board.
- 44.6 The Executive Committee shall handle appointments to annual or casual vacancies of officials and contractors.
- 44.7 Payments to referees are not subject to this provision, the Board shall set referees' payments.

45. FINANCIAL RECORDS AND STATEMENTS

- 45.1 The Association must keep financial records that:
 - 45.1.1 correctly record and explain its transactions, financial position and performance; and
 - 45.1.2 enable financial statements to be prepared as required by the Act.
- 45.2 The Association must retain the financial records for seven (7) years after the transactions covered by the records are completed.
- 45.3 The Treasurer must keep in the Treasurer's custody, or under the Treasurer's control:
 - 45.3.1 the financial records for the current financial year; and
 - 45.3.2 any other financial records as authorised by the Executive Committee or Board.
- 45.4 For each Financial Year, the Board must ensure that the requirements under the Act relating to the financial statements of the Association are met.
- 45.5 Without limiting Rule 45.4, those requirements include:
 - 45.5.1 the preparation of the financial statements;
 - 45.5.2 the review or auditing of the financial statements; and
 - 45.5.3 the certification of the financial statements by the Board; and
 - 45.5.4 the submission of the financial statements to the annual General Meeting of the Association; and
 - 45.5.5 the lodgement with the Registrar of Incorporated Associations of the financial statements and accompanying reports, certificates, statements and fee.

46. AUDIT

After the end of each Financial Year, the Association must cause its accounts to be audited by:

- 46.1 a registered auditor;
- 46.2 a firm of registered auditors, or
- 46.3 a person who is a member of the Australian Society of Certified Practising Accountants or the Institute of Chartered Accountants in Australia; or
- 46.4 any person, who is approved by the Registrar, as an auditor of accounts for the purposes of the Act;
- 46.5 a person may not be appointed as auditor of the accounts of the Association if they are:

46.5.1 a Member of the Association;

46.5.2 an employer/employee of a Member;

46.5.3 a member of the same partnership or holder in share in a private company or unit trust as a Member; or

46.5.4 an employee of the Association.

46.6 The Association must keep all accounting records for a period of seven (7) years after completion of the transactions to which they relate.

46.7 The Association must prepare its financial statements in accordance with Australian Accounting Standards and according to the Act.

47. LEVY

47.1 The Executive 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.

47.2 Notwithstanding the generality of Rule 47.1, the Executive 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.

48. LIQUOR CONTROL ACT

So long as the Association holds any licence under the Liquor Control Act and notwithstanding anything to the contrary elsewhere in these Rules contained or implied, the following rules shall apply and have effect:

48.1 the Association shall provide and maintain its facilities from its joint funds;

48.2 no payment or part payment shall be made to any Board member, 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;

48.3 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 when not in the company of a Member at a particular function or a particular occasion in respect of which a limited licence has been granted;

48.4 no liquor shall be sold or supplied to any person under eighteen (18) years of age;

48.5 no liquor shall be sold or supplied for consumption elsewhere than on the Licensed Premises (or pursuant to a limited licence) unless such liquor is removed from the Licensed Premises by the Member purchasing the same;

48.6 no person under eighteen (18) years of age shall be allowed to serve behind the bar in the licensed premises;

48.7 any person serving behind the bar in the licensed premises must have completed the requisite Responsible Service of Alcohol (**RSA**) training course and hold a current RSA certificate;

48.8 the Association must keep a record of guests attending any Licensed Premises conducted by the Association; and

48.9 the procurement, storage, supply, disposal and all other matters relating to liquor shall at all times remain under the control and supervision of the Executive Committee.

49. WINDING UP OR CANCELLATION

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

49.1 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; and

49.2 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 exclusive for charitable purposes.

50. RIGHT OF ENTRY

- 50.1 The Association reserves the right to refuse admission to or eject from, any venue controlled by the Association, any person at any time.
- 50.2 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.
- 50.3 The Board may discipline any person who is in breach of good conduct in any venue controlled by the Association.

51. PROCEDURAL IRREGULARITIES

- 51.1 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.
- 51.2 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.

52. REGISTERED ADDRESS

The registered address of the Horsham Basketball Association is:

87 McPherson Street
Horsham VIC 3400

53. PROPERTY

All property purchased by Association funds or donated to the Association for use by the Members shall remain the property of the Association.

54. COLOURS OF THE ASSOCIATION

The colours of the Association are registered as 'blue', 'red' and 'white'.

55. UNFORESEEN MATTERS

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

APPENDIX 1

APPLICATION FOR MEMBERSHIP OF HORSHAM AMATEUR BASKETBALL ASSOCIATION

I, (full name of applicant)

of (address)

..... (occupation)

desire to become a member of Horsham Amateur Basketball Association

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: / /