

Belconnen Ramblers Basketball Club

Constitution

31 October 2005

1. **GENERAL.**

- 1.1 **NAME:** The name of the Club shall be the Belconnen Ramblers Basketball Club Incorporated, hereinafter referred to as the Club.
- 1.2 **ADDRESS:** The address of the Club shall be such place as determined from time to time by the Executive Committee.
- 1.3 **OBJECTS and PURPOSE:** The objects and purpose of the Club shall be –
- (a) promote, advance, foster and cultivate the game of basketball;
 - (b) to assist in the educational advancement of the community by means of a sense of fair play and a love of sport, in particular, basketball;
 - (c) to encourage, advance and assist in the development of an improved standard of physical fitness in all members of the community both individually and collectively;
 - (d) to educate, train and encourage members of the Club in the game of basketball so that all members have the opportunity to reveal their maximum potential; and
 - (e) to encourage members of the Club to assist in the development of the game of basketball throughout Australia but particularly in the Australian Capital Territory.
- 1.4 **AFFILIATION:** The Club may be affiliated with any other organisation provided that any conditions of affiliation are in the best interest of the Club and its members.
- 1.5 **DELEGATES:** The Executive Committee may appoint delegates to attend meetings of other organisations that are affiliated with the Club or have similar interests.
- 1.6 **UNIFORMS, BADGES and LOGOS:** The Executive Committee shall determine the design and colour of the Club uniforms, badges and logos.
- 1.7 **CLUB COMPOSITION:** The Club shall have the power to create any Divisions that may be determined by the Executive Committee and defined in registered by-laws to this Constitution.

2. **DIVISIONS.**

- 2.1 **JUNIOR DIVISION:** The Junior Division shall comprise all members of the Club who are registered and/or eligible to play, compete and/or participate in a junior basketball competition and/or program (including miniball) that has been organised and/or approved by the Executive Committee.
- 2.2 **SENIOR DIVISION:** The Senior Division shall comprise all members of the Club who are registered and/or eligible to play, compete and/or participate in a senior basketball competition and/or program that have been organised and/or approved by the Executive Committee.

3. **MEMBERSHIP.**

- 3.1 **CATEGORIES:** The categories of membership of the Club shall be Junior Member, Senior Member and Club Member as defined in this Constitution, and any other category of membership that may be determined by the Executive Committee and defined in registered by-laws to this Constitution.
- 3.2 **JUNIOR MEMBER:** A Junior Member shall be any person who is registered within junior competitions for the purposes of playing or learning to play basketball.
- 3.3 **SENIOR MEMBER:** A Senior Member shall be any person who is not a Junior Member and is registered within senior competitions for the purposes of playing or learning to play basketball.
- 3.4 **CLUB MEMBER:** A Club Member shall be a Senior Member, or each of the legal parents and/or legal guardians of a Junior Member, provided that when there is more than one Junior Member from any one family registered with the Club then the number of Club Members that shall represent that family shall not exceed two, or any person authorised by the Executive Committee to be a Club Member. Club appointed Coaches and Managers shall also be considered to be Club Members.
- 3.5 **FINANCIAL MEMBER:** A Financial Member shall be any person who has paid the prescribed Club membership fee.
- 3.6 **APPLICATIONS:** Any person with a genuine interest in the Club shall be eligible to apply for membership provided that the application is in writing and includes any information that the Executive Committee may deem necessary. The Executive Committee shall have the power to accept or refuse an application for membership.
- 3.7 **SUBSCRIPTIONS:** All members of the Club shall be required to pay a membership fee that shall be determined by the Executive Committee.

The Executive shall have the power to waive all or part of any membership fee or to approve the payment of any membership fee by instalment if, upon application by a member, the Executive Committee considers the circumstances to be exceptional and, provided that, any condition of payment of instalment does not impose any penalty or monetary interest.

- 3.8 **REFUNDS:** The Executive Committee shall have the power to refuse to refund any part or all of a membership fee to any member who resigns or any person who withdraws an application for membership.
- 3.9 **CONDUCT OF MEMBERS:** The Executive Committee may expel, suspend, or fine a member found guilty of conduct prejudicial to the interests of the Club, provided that the member has been called before the Executive Committee, or Sub-Committee for that purpose, and given every opportunity to defend or justify the conduct and, in the event that the member is found guilty, then the member shall have the right to appeal the decision of the Executive Committee or Sub-Committee at a General Meeting which may confirm, alter, vary or revoke the decision by a secret ballot.
- 3.10 **FAILURE TO APPEAR BEFORE A COMMITTEE:** A member, who fails to appear before a Committee after being served with a notice to appear for any reason whatsoever, shall be automatically suspended from being a member until such time as the member appears.
- 3.11 **LIABILITY OF MEMBER:** The liability of all members of the Club shall be limited.
- 3.12 **CUSTODY OF CLUB PROPERTY:** Any member issued with Club property shall be liable to pay to the Club the cost of replacement and/or repair of this property in the event that the property is lost or damaged.
- 3.13 **TRANSFERS:** Any member and/or person who has been a member at any time during the previous three months shall not, without the written consent of the Executive Committee –
- (a) play basketball with or for another organisation; or
 - (b) transfer to another organisation for the purpose of playing or learning to play basketball; and in the event that member or person does not apply for the consent of the Executive Committee then the member or person shall be liable to pay to the Club a fee that shall be determined by a General Meeting and the Executive Committee shall not give any such consent to any member or person who is indebted to the Club for any outstanding fees or fines until such time as the fees or fines are paid in full.

3.14 **DISCLOSURE OF INTEREST:** A member who has any interest in, or who is or becomes interested in, any contract or arrangement that has been made or is proposed to be made with the Club, shall not vote in respect of any matter pertaining to or in connection with the contract or arrangement and shall disclose that interest to the Executive Committee and/or any meeting at which the member is present at which any matter pertaining to or in connection with the contract or arrangement is discussed or considered.

3.15 **VOTING, NOMINATION AND ELECTION RIGHTS:** A financial Club Member shall have voting rights at any General, Special General or Annual General Meeting of the Club or on the conduct of any secret or postal ballot and shall be eligible to nominate for and/or be elected to an Executive Committee position of office. All other members of the Club shall have no voting rights and shall not be eligible to nominate and/or be elected to an Executive Committee position of office.

4. **CLUB MANAGEMENT**

4.1 **BUSINESS AND AFFAIRS:** The business and affairs of the Club shall be under the management of the Executive Committee.

4.2 **EXECUTIVE COMMITTEE:** The Executive Committee shall consist of the President, the Secretary, the Treasurer, the Junior Delegate and the Senior Delegate and any other additional position of office that may be determined by a General Meeting provided that the position is deemed necessary for the efficient and effective management of the Club.

4.3 **DUTIES:** The duties of each position of office of the Executive Committee shall be, but shall not be limited to:

- (a) The President shall be the Chief Executive Officer of the Club and the Chairperson at all meetings of the Executive Committee and all General, Special General and Annual General Meetings and shall be responsible for the efficient and effective management of the Club.
- (b) The Secretary shall record the minutes of all meetings and maintain an accurate record of the business and affairs of the Club.
- (c) The Treasurer shall keep a true and accurate record of all monetary transactions of the Club: and
- (d) The Junior Delegate shall represent the interest of the Junior Division of the Club: and

- (e) The Senior Delegate shall represent the interest of the Senior Division of the Club: and
 - (f) An additional position of office shall be responsible for the duties assigned to the position by the General Meeting that determined the position.
- 4.4 **EXECUTIVE COMMITTEE MEETINGS:** The Executive Committee shall meet as often as is necessary at the direction of the President and a quorum shall be at least four members of the Executive Committee, present and in person.
- 4.5 **EXECUTIVE COMMITTEE POWERS:** The Executive Committee and any member who holds a position of office of the Executive Committee shall have the power to do any act or conduct any business for or on behalf of the Club provided that –
- (a) Any such act or business is in consideration to the object and purpose of the Club and is in the best interest of the members;
 - (b) The member shall not do any act or conduct any business without prior consultation with either the President, Secretary or the Treasurer; and
 - (c) The next General Meeting is informed of the details of any such act or conduct of business.
- 4.6 **SUB-COMMITTEES:** The Executive Committee shall have the power to create and delegate any of its powers to a sub-committee to deal with any matter and upon such terms and conditions as the Executive Committee deems necessary.
- 4.7 **DELEGATION OF DUTIES:** In the event that a member of the Executive Committee is unable to carry out the duties of the position of office for which the member is responsible then the Executive Committee shall have the power to delegate those duties to another member of the Executive Committee or any financial Club Member provided that the period of delegation does not exceed six months and, in the event that the period does not exceed six months then the position shall be declared vacant.
- 4.8 **DURATION OF OFFICE:** At the time that this Constitution shall come into force the positions of the President, the Secretary, the Treasurer, the Junior Delegate and the Senior Delegate shall not become vacant unless the member resigns or the position is declared vacant at a General Meeting, and any position of office created by a General Meeting shall become vacant either twelve months from the date on which a member fills or is elected to the position or at any time a General Meeting declares the position to be vacant, provided that a

General Meeting shall not declare a position vacant more than once in any twelve month period.

4.9 **NOMINATIONS:** In the event that a position of office of the Executive Committee becomes vacant or is declared vacant by a General Meeting, the Executive Committee shall call for the nomination of a Club Member to fill the position. Any financial Club Member shall be eligible to nominate to fill the position provided that the nomination is in writing, seconded by two financial Club Members and delivered to a person or member nominated by the Executive Committee at least 14 days prior to the date set for the election. Notice of eligible nominees shall be issued to all financial Club Members by publication in the Club newsletter or by sending the notice by normal post to the members address in the Club records.

4.10 **ELECTIONS:** If more than one nomination is received for a position, a ballot shall be conducted at the Annual General Meeting in such usual and proper manner as the Chairman may direct. A ballot shall be decided by a simple majority of votes cast. In the event that no candidate receives a simple majority of votes cast the candidates who received the highest number of votes shall be eligible to participate in a further ballot which will be conducted immediately following the first ballot and in the manner determined by the Chairman. Where after the second ballot there is still no candidate with a simple majority the election shall be adjourned to a date and time determined by the Chairman.

If no nominations are received in accordance with 4.9 to fill a position, verbal nominations shall be received from the members present at the Annual General Meeting. If no verbal nominations are received, the position shall not be filled at the Annual General Meeting but shall be declared a casual vacancy until such time as a suitable applicant can be found.

5. **CLUB MEETINGS.**

5.1 **STANDING ORDERS:** All General, Special General and Annual General Meetings of the Club shall be conducted in accordance with the Club Standing Orders that shall be determined by the Executive Committee and may be amended or added to from time to time by the Executive Committee.

5.2 **NOTICES OF MEETINGS:** A notice of the time, date, place and purpose of all Special General and Annual General Meetings of the Club shall be issued to all financial members at least twenty one days prior to the conduct of the meeting and, the notice shall be deemed to have been issued to all financial Club Members by publication in the Club

newsletter or by sending the notice by normal post to the members address in the Club records.

- 5.3 **VOTING:** Except as provided for elsewhere in this Constitution, any matter to be decided at any meeting of the Club shall be presented to the meeting in the form of a motion. Any vote in respect of any motion shall be determined by a simple majority of financial Club Members present with no vote by proxy being counted. In the event that the votes for and against any motion is equal, then the motion shall lie on the table until the next General Meeting and/or subsequent General Meeting until the motion is resolved. The Chairperson at all Club meetings shall have a deliberate vote but shall not have a casting vote.
- 5.4 **CHAIRPERSON:** The President shall be the Chairperson at all Club meetings. In the event that President is not present at the time of a meeting is due to commence, the financial Club Members present may elect another member of the Executive Committee to chair the meeting and the member so elected shall be the Chairperson for the duration of the meeting.
- 5.5 **QUORUM AT CLUB MEETINGS:** A quorum at all General, Special General or Annual General Meetings of the Club shall be not less than three members of the Executive Committee and three financial Club Members present and in person and, in the event that a quorum is not present within thirty minutes of the time that a Meeting is due to commence then the meeting shall be deemed to have been adjourned to the date, time and place of the next general Meeting at which a quorum is present and, in the event that the meeting so adjourned is a Special or Annual General Meeting, then the business of that meeting shall be dealt with prior to the business of the scheduled General Meeting.
- 5.6 **GENERAL MEETINGS:** A General Meeting of the Club shall be held on a permanent and regular basis at a time and on such day and at such place as shall be determined at each Annual General Meeting or at a Special General Meeting called for that purpose, provided that the frequency of the General Meeting shall not be more than once in each calendar month.
- 5.7 **GENERAL MEETING RESOLUTIONS:** A motion shall not be resolved at any General Meeting unless the motion has first been put on notice at the previous General Meeting or delivered to the Secretary not less than twenty-one days prior to the General Meeting and has been issued in a notice to financial Club Members not less than seven days prior to the General Meeting.
- 5.8 **ANNUAL GENERAL MEETING:** The Annual General Meeting of the Club shall be held at a time and place determined by the Executive

Committee provided that each successive Annual General Meeting shall be held in the same calendar month each year unless otherwise determined by a Special General Meeting called for the purpose.

- 5.9 **SPECIAL GENERAL MEETING:** The Executive Committee may call a Special General Meeting or a General Meeting at any time deemed necessary.

6. **BY-LAWS.**

- 6.1 **DETERMINATION AND AMENDMENTS:** The Executive Committee shall have the power to determine, amend, alter, add to and interpret by-laws to this Constitution provided that the provisions and conditions of any by-laws shall not apply retrospective to the date on which they are registered to this Constitution.

- 6.2 **APPLICATION OF BY-LAWS:** All by-laws to this Constitution shall become binding upon all members of the Club from the date upon which they are registered to this Constitution.

7. **RULES AND REGULATIONS.**

- 7.1 **DETERMINATION AND AMENDMENTS:** A General Meeting shall have the power to determine, amend, alter and add to rules and regulations of the Club provided that the conditions and provisions of any rule or regulation shall not apply retrospective to the date on which they are determined.

- 7.2 **APPLICATION OF RULES AND REGULATIONS:** All rules and regulations and any amendments, alterations or additions to any rules or regulations shall become binding upon all members of the Club from the date upon which they are determined.

8. **RESCINDMENTS.**

8.1 **RESCINDMENT OF BY-LAWS, RESOLUTIONS, RULES AND REGULATIONS:**

All registered by-laws to this Constitution and any resolutions, rules, regulations determined by a General Meeting shall not be rescinded except by a three-fourths majority of financial Club Members present at a Special General Meeting called for that purpose.

9. **APPOINTMENTS.**

- 9.1 **DIRECTOR OF COACHING:** The Executive Committee shall have the power to appoint a Director of Coaching and to determine the terms and conditions of the appointment.

- 9.2 **COACHES AND MANAGERS:** The Executive Committee shall have the power to appoint coaches and managers for teams of the Club provided that a General Meeting has approved the terms and conditions of appointment.
- 9.3 **ADDITIONAL APPOINTMENTS:** The Executive Committee shall have the power to appoint any person or member of the Club to carry out any duty or role for and on behalf of the Club provided that the appointment is considered necessary and a General Meeting has approved the terms and conditions of the appointment.

10. **PROPERTY AND ASSETS**

- 10.1 **APPLICATION AND RESTRICTIONS:** The property and assets of the Club wherever derived shall be applied towards the objects and purpose of the Club. No portion thereof shall be paid or transferred either directly or indirectly by way of dividend, bonus or otherwise by way of profit to members generally of the Club. This is provided that nothing herein shall prevent the payment in good faith of remuneration to any officer or servants of the Club or any member of the Club. Should the Club, for any reason whatsoever cease to function any member or person holding any Club monies or property shall forthwith pay or return the same to the Executive Committee.
- 10.2 **TRUSTEES:** Unless otherwise determined the members of the Executive Committee shall be deemed to be the trustees of the Club and to hold any property real or personal belonging to the Club.

11. **FINANCE.**

- 11.1 **FINANCIAL YEAR:** The financial year of the Club shall be from 1 January to 31 December in each calendar year.
- 11.2 **AUDIT OF ACCOUNTS:** The annual statement of income and expenditure of the Club shall be audited by a person appointed by the Club in accordance with the provisions of the Australian Capital Territory Associations Incorporation Ordinance 1952 and shall be presented to financial Club Members present at each Annual General Meeting.
- 11.3 **INVESTMENTS:** The Executive Committee shall have the power to invest or authorise the investment of funds of the Club in Government Bonds or Interest Bearing Deposits of banking institutions.
- 11.4 **LOANS:** The Executive Committee shall have the power to borrow for the purposes of the Club any sum or sums of money provided that a General Meeting has approved the amount and any terms and/or conditions of repayment of the money.

11.5 **BANKING:** The Executive Committee shall have the power to open and operate any bank or other financial institution account or accounts it sees fit provided that the withdrawal of any money from such account shall require the authority and signatures of two members of the Executive Committee and, in the event that any Division of the Club is authorised by a Special General Meeting to operate an account or accounts for or on behalf of that Division then the Committee elected by the Members of the Division shall have the power to open and operate such accounts subject to the same conditions as apply to the Executive Committee and provided that the finance officer and or other member of the Division Committee responsible for the financial affairs of the Division shall provide to the Treasurer of the Executive Committee a statement of the income and expenditure of the Division each three months.

11.6 **DIVISION FINANCES:** Apart from general administration costs as determined by the Executive Committee, finances received from members of one Division shall not be used to finance or subsidise any other Division.

12. **CONSTITUTION.**

12.1 **APPLICATION:** This shall be the only Constitution of the Belconnen Ramblers Basketball Club Incorporated and the terms and conditions of this Constitution shall be binding on all members.

12.2 **AMENDMENTS AND ADDITIONS:** This Constitution shall not be altered, varied, added to or repealed without the consent of a three-fourths majority of financial Club Members present at a Special General Meeting called for that purpose.

12.3 **SUPPLY OF COPIES:** The Secretary shall supply a copy of this Constitution to any financial Club Member without charge on reasonable request.

13. **DISSOLUTION.**

13.1 **REQUIREMENTS FOR DISSOLUTION:** The Club shall be dissolved if:

- (a) The financial Club membership drops to ten or less; or
- (b) A resolution to dissolve the Club is carried by a three-fourths majority of financial Club members through the conduct of a postal ballot for that purpose. Provided that the conduct of the postal ballot has been approved by a three-fourths majority of financial Club members present at a Special General Meeting called for that purpose and, in the

event that the conduct of the ballot is approved, then the Special General Meeting shall elect or appoint a member or a person to be the returning officer and determine the closing date for the ballot.

- 13.2 **DISPOSAL OF ASSETS:** In the event that the Club is dissolved all property and assets of the Club shall be gifted to another basketball organisation with similar interests.

14. **WINDING UP.**

- 14.1 **UNDERTAKING OF MEMBERS:** Each member of the Club undertakes to contribute to the assets of the Club in the event of the Club being wound up or dissolved during the time that the person is a member or within one year afterwards for the payment of the debts and liabilities of the club contracted before the time at which the person ceased to be a member and of the costs, charges and expenses of winding up and for the adjustment of the rights of contributions amongst themselves such amount as may be required not exceeding ten dollars (\$10).

15. **PUBLIC OFFICER.**

- 15.1 **APPOINTMENT OF PUBLIC OFFICER:** In accordance with the provisions of the Australian Capital Territory Associations Incorporation Ordinance 1953 the Club shall appoint a member of the Executive Committee to be the Public Officer of the Club.