

# MURRAY BRIDGE BASKETBALL ASSOCIATION INC

## CONSTITUTION 25<sup>th</sup> June 1995

### NAME

1. The Association shall be call the ‘Murray Bridge Basketball Association Incorporated’.

### OBJECTS

2. (a) to provide an organisation to promote, manage and advance the game of basketball in Murray Bridge and South Australia.

(b) To ensure the future of Basketball in Murray Bridge and surrounding areas by providing the opportunities for the development of Junior Basketball.

(c) To do all such other things as may be incidental to the attainment of such objects.

### POWERS

3. (a) To acquire, hold, deal with, and dispose of, any real or personal property.

(b) To administer any property or trust.

(c) To open and operate bank accounts.

(d) To invest its moneys.

(i) In any security in which trust moneys may, by act of Parliament, be invested.

(ii) In any other manner authorised by the rules of the Association.

(e) To borrow money upon such terms and condition as the Association thinks fit.

(f) To give such security for the discharge of liabilities incurred by the Association, as the Association thinks fit.

(g) To appoint agents to transact any business for the Association on its behalf.

(h) To enter into any other contract it considers necessary or desirable.

## OFFICERS

4. (a) The Officers of the Association shall be President, two Vice Presidents, Secretary and Treasurer (if appointed or elected).
- (b) One Vice President shall be elected for one year term and the other for a two year term, subsequent election shall be for a two year term.

## ELECTIONS

5. (a) The Officers of the Association other than any employed by the Association will be elected at the Annual General Meeting and shall hold office (subject to other section of this Constitution) until the next Annual General Meeting or until a successor is appointed. In the event that there are more nominations than vacancies for any office, the election shall be by ballot.
- (b) Written nomination for any position as an Officer of the Association and member of the Management Committee must be signed by at least two adult financial members of the Association, and must reach the Association office not less than one hour prior to the Annual General Meeting and must be accompanied by signed written statements from the nominees that they will accept the position if elected.
- (c) Should no nomination be received for any positions as aforesaid, the Annual General Meeting shall elect a person from the members present to fill that position.
- (d) The Management Committee may appoint a person to fill a vacancy occurring during the year.

## MANAGEMENT COMMITTEE

6. (a) The Management Committee shall consist of the Officers of the Association and four adult financial members elected at the Annual General Meeting.

(b) The appointment of these four members shall be: two for two years and two for one year, subsequent appointments shall be for a two year term.

(c) The retiring members of the Management Committee are eligible for re-election.

(d) The Management Committee shall meet at least eleven times each year.

(e) No matter shall be decided at any Committee meeting unless there are at least half (1/2) plus one of the total Committee members present at such meeting.

(f) Each member of the Committee shall have the right of one vote on every matter, and in the case of equality of votes, the President or other Committee member presiding shall have a second or casting vote.

(g) The Management Committee shall be empowered:

(i) To appoint sub-committees and define their powers.

(ii) Establish, amend or repeal such bylaws and regulations as may be necessary for the control and management of basketball games organised by the Association, or the conduct of its own proceedings.

(iii) Grant or refuse application for clearances lodged by players of the Association, be it interclub or inter-association

(iv) Appoint and/or dismiss any employee of the Association.

(v) Appoint a tribunal Chair Person with powers as defined by the Association Bylaws to deal with reports relating to players, coaches, or bench personnel arising from any basketball game under the control of the Association.

(vi) To appoint a Delegate to any Committee managing Association Teams playing outside the Local Competition.

(h) The Management Committee shall:

(i) Be the disciplinary body with jurisdiction over all players and members of the Association

(ii) Have full jurisdiction over any group or individual taking part in any activity on the premises and within the precinct of the Stadium.

## DELEGATES SUB COMMITTEE

7. (a) This Committee shall be responsible to the Management Committee for the running of the local competition.

(b) Each club as defined by the Association Bylaws shall appoint one adult financial member to the Delegated Committee. These members are referred to as “nominated members”.

(c) The Delegated Committee of the Association shall consist of the Officers of the Association, the nominated members and not more than three “appointed members”. One of which is the referees representative nominated by the Referees Committee.

(d) Clubs shall forward the name of their nominated member to the Association Secretary seven days prior to the Annual General Meeting.

(e) The nominated members and any appointed members shall hold office until the next Annual General Meeting.

(f) If a nominated member is unable to continue as a member then that Club may appoint a replacement member.

(g) The appointment of the two vacant Appointed Members must be approved by one half plus one of the Delegated Committee.

(h) The Delegated Committee shall be empowered to appoint and control umpires and referees.

(i) To control the grading of nominated teams.

(j) The Delegated Committee shall meet at least six times each year.

(k) The quorum for any delegated Committee shall be one half (1/2) plus one of the Committee.

## PATRONS

8. A Patron and Vice Patron may be nominated at the Annual General Meeting.

## MEMBERSHIP

9. (a) (i) Life Members shall be elected at the Annual General Meeting by a unanimous vote of those present and entitled to vote.
- (ii) The number of Life Members shall not exceed two in any one year.
- (iii) A recommendation for life membership must be signed by at least two Club secretaries, and lodged with the Association seven days prior to the Annual General Meeting.
- (iv) Life Members and all original Foundation Life Members shall be exempt from payment of all subscriptions, and entitled to all rights and privileges as may be determined by the Management Committee.
- (b) Playing Members of the Association shall be those who have paid their registration money and are properly registered in accordance with the Association Bylaws.
- (c) Ordinary Members must be nominated by one financial member and seconded by another on the prescribed form. The nomination is to be lodged with the appropriate fee to the Secretary of the Association, and displayed on the notice board in the clubrooms for a period of seven days.
- (d) Any member who's subscription, or any levy, or fines, or penalty imposed on or payable by him/her under these rules, is in arrears for three (3) calendar months, shall not be entitled to any rights, privileges, advantages and benefits arising out of membership and shall vacate any office/position held by him/her.
- (e) Subscriptions – The subscription fee for membership shall be set at the Annual General Meeting, and fall due on the first (1<sup>st</sup>) day of May.

## MEMBERSHIP CONTINUED

(d) (i) Honorary Members are players of any other basketball club who visit the Association on any day for the purpose of playing against the Murray Bridge Basketball Association shall be Honorary Members for that day.

(ii) The Committee and/or President shall have the power to elect as Honorary Members for any period not exceeding one month any person who is a member of any basketball club visiting Murray Bridge.

(iii) The name of the Honorary Member and their Club shall be recorded in a book known as "The Honorary Members Book".

(iv) Honorary members shall enjoy all the privileges of ordinary members except as follows:

(1) Honorary members shall not be eligible to be elected as members of the Management Committee, or entitled to vote on any issue, or not receive any notice required to be given to full members.

(v) Honorary members shall not be liable to pay any subscription.

(e) Visitors - Any full member of the Association may, on any one day introduce up to five (5) visitors to the Association premises, or such numbers as may be fixed by the licensing authority. Liquor must not be supplied to a visitor unless the visitor is in the company of a member who has entered the name of the visitor in a book kept for the purpose and has signed his name opposite the name of the visitor.

## ANNUAL GENERAL MEETING

10. (a) The Annual General Meeting shall be held in the month of April each year.

(b) Every Annual General Meeting shall be convened by written notice to all Club Secretaries, an advertisement in one local paper and by such means as the Management Committee may deem necessary. Such notices must be given fourteen (14) clear days prior to the Annual General Meeting and shall contain the day, the hour, the place and business of the meeting.

(c) The order of business for the Annual General Meeting shall be:

- (i) Minutes of the previous Annual General Meeting
- (ii) Presentation of annual reports
- (iii) Nomination of Patron/Vice Patron
- (iv) Election of officers.
- (v) Election of committee members
- (vi) Election of auditor
- (vii) Notice of Motion
- (viii) Annual subscriptions
- (ix) General Business

(d) Only adult financial members of the Association are eligible to vote at an Annual General Meeting or Special General Meeting.

(e) A quorum shall comprise fifteen adult financial members.

(f) Voting:

(i) The elections of Officers and Committee Members shall be by one half (1/2) plus one of those present and entitled to vote.

(ii) Any five financial members may demand a secret ballot to all elections, otherwise voting shall be by a show of hands and all results declared by the Chairperson.

## SPECIAL GENERAL MEETING

11 (a) The Management Committee may, upon the receipt of a request in writing by three (3) Club Secretaries or fifteen (15) financial adult members of the Association, convene a Special General Meeting.

(b) No business shall be transacted at any Special General Meeting except the business stated on the form of notice convening the meeting.

(c) Such meeting shall be held within twenty eight (28) days from the receipt of such request, and all notices directed to the Club Secretaries and other financial members of the Association shall contain the day, the hour, the place for meeting and the business. Such notice shall be given at least twenty one (21) clear days prior to the meeting.

(d) Voting shall be in accordance with the Annual General Meeting.

(e) A quorum shall comprise fifteen (15) adult financial members.

## WINDING UP

12 (a) If the Association shall at any time be wound up or dissolved, then all real or personal property of the Association remaining after satisfaction of all its debts and liabilities shall be transferred to and vested in the controlling local government body to be dealt with as that body deems fit.

(b) Any such transfer of property by the Association shall only be made at a Special General meeting in accordance with the Associations Incorporations Act.

## TREASURER AND FINANCE

13 (a) The Treasurer shall have charge of all monies belonging to the Association, and shall pay all monies received by him/her to the Associations bank account.

(b) Submit to monthly Management Meetings a statement of receipts and expenditure covering that period.

(c) All cheques shall be signed by any two (2) of the President, Treasurer, or Secretary of the Association.

(d) The accounts and books of the Association shall be open to inspection at such times and by such persons as may be determined by the Management Committee.

(e) The Associations financial year shall commence on the first (1<sup>st</sup>) day of February in each year and terminate on the thirty first (31<sup>st</sup>) day of January in each year.

## AUDITOR

14 (a) An Auditor who shall be qualified accountant and not a member of the Management Committee shall be appointed at the Annual General Meeting.

(b) The Auditor shall:

(i) Have access and examine all books and accounts of the Association immediately after the expiration of each financial year.

(ii) Be entitled to examine any Office Bearer of the Association in regard to the accounts of the Association.

(iii) Be authorised to obtain, from any bank or financial institution, statements showing the balance of the Associations accounts.

(iv) Make such audits as may from time to time be ordered by the Management Committee.

(v) Certified auditors reports shall be submitted to the Annual General Meeting.

## COMMON SEAL

15 (a) The Common Seal of the Association shall be in the custody of the Secretary or such other Office Bearer as may be determined by the Management Committee.

(b) The Seal shall not be affixed to any deed, document, or instrument except under the virtue of a resolution of the Management Committee.

(c) The Secretary of the Association shall be the Public Officer of the Association.

## SEAL HOLDERS

16. The President, Secretary and Treasurer shall be the Seal Holders. Every document to which the Seal is affixed shall be signed by at least two Seal Holders.

## ALTERATION OF CONSTITUTION

17. This Constitution shall not be added to, altered, repealed o rescinded except at a Special General Meeting convened for that purpose.

## LIABILITY OF MEMBERS

18. No member shall be personally liable to contribute to the discharge of any debts or liabilities of the Association upon its winding up or dissolution.

## NON-PROFIT CLAUSE

19. The assets and income of the Association shall be applied solely in furtherance of its objects and no portion shall be distributed directly or indirectly to its members except as bona fide compensation for services rendered or expenses incurred on behalf of the Association.

## LIABILITY AND INDEMNITY

20 (a) Any person who with authority and good faith enters into contract on behalf of the Association shall be indemnified by the Association against any liability thereunder save and except where such liability would otherwise by law attach to that member in respect of any negligence, default, breach of duty or trust of which that member may be guilty in relation to the Association.

(b) Any officer or auditor of the Association shall be indemnified against any liability incurred by him or her in defending any proceedings whether civil or criminal in which judgement is given in his or her favour or in which he or she is acquitted.