

Ivanhoe East Basketball Club Incorporated

Statement of Purposes

To act as a focus for young people in the Ivanhoe area to learn the rules and skills of basketball, and develop a spirit of co-operative team play, physical fitness, self-discipline and good sportsmanship.

To support and maintain an effective voluntary administrative structure in order to provide the best possible opportunities for all members of the Club.

Ivanhoe East Basketball Club Inc. Constitution

1. Name

The name of the incorporated association is Ivanhoe East Basketball Club Incorporated (in these Rules called “the Association”).

2. Definitions

(1) In these Rules, unless the contrary intention appears-

“**Act**” means the **Associations Incorporation Act 1981**;

“**committee**” means the committee of management of the Association;

“**financial year**” means the year ending on 30 June;

“**general meeting**” means a general meeting of members convened in accordance with these Rules;

“**member**” means a member of the Association;

“**ordinary member of the committee**” means a member of the committee who is not an officer of the Association under these rules;

“**Regulations**” means regulations under the Act;

“**relevant documents**” has the same meaning as in the Act.

(2) In these Rules, a reference to the Secretary of the Association is a reference-

(a) where a person holds office under these Rules as Secretary of the Association- to that person; and

(b) in any other case, to the public officer of the Association.

3. Alteration of the Rules

These Rules and the statement of purposes of the Association must not be altered except in accordance with the Act.

4. Affiliations

The Association may from time to time affiliate with such other bodies or organisations as it deems fit.

5. Membership, entry fees and subscription

(1) Membership of the Association shall be dependent upon payment of the appropriate fees and subscriptions under the Rules of the Association.

(2) There shall be two categories of membership of the Association.

(a) Full Member

(i) shall be deemed to be any player registered in a current representative team of the Association; or their parent or guardian.

(ii) shall be entitled to one vote at Annual and Special General Meetings.

(b) Associate Member

(i) shall be any individual who makes special written application for membership to the Association subject to sub-rule 5(3).

- (ii) An Associate member shall be entitled to one vote at Annual and Special General Meetings.
- (c) Coaches shall be deemed to be full members for the period of their term.
- (3) Application for membership of the Association, through registration or writing, shall be
 - (a) only accepted on the approved form
 - (b) lodged with the Secretary of the Association.
- (4) The committee can determine whether to reject an application.
- (5) If the committee approves an application for membership, the Secretary must, as soon as practicable-
 - (a) notify the applicant in writing of the approval for membership; and
 - (b) request payment within 28 days after receipt of the notification of the sum payable under these Rules as the entrance fee and the first year's annual subscription.
- (6) The Secretary must, within 28 days after receipt of the amounts referred to in sub-rule(5), enter the applicant's name in the register of members.
- (7) 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.
- (8) If the committee rejects an application, the committee must, as soon as practicable, notify the applicant in writing that the application has been rejected.
- (9) A right, privilege, or obligation of a person by reason of membership of the Association-
 - (a) is not capable of being transferred or transmitted to another person, except as provided for in sub-rule 5(2)(a)(i); and
 - (b) terminates upon the cessation of membership whether by death or resignation or otherwise.
- (10) The entrance fee (if any) shall be that determined by the committee from time to time.
- (13) The membership subscription (if any) shall be that determined by the committee from time to time.

6. Register of members

The Secretary shall keep and maintain a register of members containing the name, address and date of entry of each member, and the register shall be available for inspection by any member upon request.

7. Ceasing membership

- (1) A member of the Association who has paid all moneys due and payable by a member to the Association may resign from the Association by giving one month's notice in writing to the Secretary of his or her intention to resign.

- (2) After the expiry of the period referred to in sub-rule (1)-
 - (a) the member ceases to be a member; and
 - (b) The Secretary must record in the register of members the date on which the member ceased to be a member.

8. Disputes and Mediation

- (1) The grievance procedure set out in this rule applies to disputes under these Rules between-
 - (a) a member and another member; or
 - (b) a member and the Association.
- (2) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.
- (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 10 days, hold a meeting in the presence of a mediator.
- (4) The mediator must be-
 - (a) a person chosen by agreement between the parties; or
 - (b) in the absence of agreement-
 - (i) in the case of a dispute between a member and another member, a person appointed by the committee of the Association; or
 - (ii) in the case of a dispute between a member and the Association, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).
- (5) A member of the Association can be a mediator.
- (6) The mediator cannot be a member who is a party to the dispute.
- (7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (8) The mediator, in conducting the mediation, must-
 - (a) give the parties to the mediation process every opportunity to be heard; and
 - (b) allow due consideration by all parties of any written statement submitted by any party; and
 - (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- (9) The mediator must not determine the dispute.
- (10) 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.

9. Annual General Meetings

- (1) The committee may determine the date, time and place of the Annual General Meeting of the Association.
- (2) The notice convening the Annual General Meeting must specify that the meeting is an Annual General Meeting.
- (3) The ordinary business of the Annual General Meeting shall be-
 - (a) to confirm the minutes of the previous Annual General Meeting and of any General Meeting held since that meeting; and
 - (b) to receive from the committee reports upon the transactions of the Association during the last preceding financial year; and
 - (c) to elect officers of the Association and the ordinary members of the committee; and
 - (d) to receive and consider the statement submitted by the Association in accordance with section 30(3) of the Act.
- (4) The Annual General Meeting may conduct any special business of which notice has been given in accordance with these Rules.
- (5) An Annual General Meeting must be held once per calendar year, and not more than 15 months may lapse between Annual General Meetings.

10. Special General Meetings

- (1) The committee may, whenever it thinks fit, convene a Special General Meeting of the Association.
- (2) The committee shall, on the requisition in writing of members representing not less than 10% of the total number of members, convene a Special General Meeting of the Association.
- (3) The requisition for a Special General Meeting shall state the objects of the meeting and shall be signed by the members making the requisition, be sent to the address of the Secretary and may consist of several documents in a like form, each signed by one or more of the members making the requisition.
- (4) If the committee does not cause a Special General Meeting to be held within one month after the date on which the requisition is sent to the address of the Secretary, the members making the requisition, or any of them, may convene a Special General Meeting to be held not later than 3 months after that date.
- (5) A Special General Meeting shall be convened in the same manner as nearly as possible as that in which those meetings are convened by the committee, and all reasonable expenses incurred in convening the Meeting shall be refunded by the Association to the persons incurring the expenses.

11. Convening of General Meetings

- (1) The Secretary of the Association shall, at least 14 days before the date fixed for holding a General Meeting of the Association, notify all members of the Association.
- (2) Notice may be sent-
 - (a) by prepaid post to the address appearing in the register of members; or
 - (b) by facsimile transmission or electronic transmission.
- (3) No business other than that set out in the notice convening the meeting shall be transacted at the meeting.
- (4) A member desiring to bring any business before a meeting may give notice of that business in writing to the Secretary, who must include that business in the notice calling the next General Meeting.

12. Quorum at General Meetings

- (1) No item of business may be conducted at a General Meeting unless a quorum of members entitled under these Rules to vote is present at the time when the meeting is considering that item.
- (2) Eight members personally present (being members entitled under these Rules to vote at a General Meeting) constitute a quorum for the conduct of the business of a General Meeting.
- (3) If, within half an hour after the appointed time for the commencement of a General Meeting, a quorum is not present-
 - (i) in the case of a meeting convened upon the request of members-the meeting must be dissolved; and
 - (ii) in any other case-the meeting shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairperson at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (4) If at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members personally present (being not less than 3) shall be a quorum.

13. Presiding at General Meetings

- (1) The President, or in the President's absence, the Vice-President, shall preside as Chairperson at each General Meeting of the Association.
- (2) If the President and the Vice-President are absent from a General Meeting, or are unable to preside, the members present must select one of their number to preside as Chairperson.

14. Voting at General Meetings

- (1) All members shall be entitled to one vote.
- (2) No member shall be entitled to have more than one vote, other than the Chairperson who shall have a casting vote if necessary.
- (3) Voting shall be by show of hands.

15. Committee of Management

- (1) The affairs of the Association shall be managed by the committee of management, constituted in accordance with the provisions of the Rules contained herein..
- (2) The committee-
 - (a) shall control and manage the business and affairs of the Association; and
 - (b) may, subject to these Rules, the Regulations and the Act, exercise all such powers and functions as may be exercised by the Association other than those powers and functions that are required by these Rules to be exercised by General Meetings of the members of the Association; and
 - (c) subject to these Rules, the Regulations and the Act, has power to perform all such acts and things as appear to the committee to be essential for the proper management of the business and affairs of the Association.

(3)(a)The committee members shall be-

- (i) a President
- (ii) a Vice-President
- (iii) a Treasurer
- (iv) an Assistant Treasurer
- (v) a Secretary
- (vi) a Boys' Registrar

(vii) a Girls' Registrar, and

(viii) up to eight other members,

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

(c) Each committee member shall hold office until the Annual General Meeting next after the date of his or her election but is eligible for re-election.

(d) In the event of a casual vacancy in any office, the committee may appoint one of its members to the vacant office up to and including the conclusion of the Annual General Meeting next following the date of his or her appointment.

16. Election of the committee

(1) Nominations of candidates for election as officers of the Association or as ordinary members of the committee must be-

(a) made in writing, signed by two members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination); and

(b) delivered to the Secretary of the Association not less than 7 days before the date fixed for the holding of the Annual General Meeting.

(2) A candidate may only be nominated for one office, or as an ordinary member of the committee, prior to the Annual General Meeting.

(3) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated shall be deemed to be elected and further nominations may be received at the Annual General Meeting.

(4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.

(5) If the number of nominations exceeds the number of vacancies to be filled, a ballot must be held.

(6) The ballot for the election of officers and ordinary members of the committee must be conducted at the Annual General Meeting in such manner as the committee may direct.

17. Vacancy of committee membership

The office of a committee member becomes vacant if that member-

(a) ceases to be a member of the Association

- (b) becomes an insolvent under administration within the meaning of the Corporations Law; or
- (c) resigns from office by notice in writing given to the Secretary.

18. Procedure for committee meetings

- (1) The committee shall meet at least 4 times in each year at such place and such times as the committee may determine.
- (2) Special meetings of the committee may be convened by the President or by any 4 members of the committee.
- (3) A minimum of 2 business days notice shall be given to each committee member of any meeting, and in the case of a special meeting such notice shall specify the general nature of the business to be transacted, and no other business shall be transacted at such a meeting.
- (4) Any 4 members of the committee, including at least one officer, shall constitute a quorum for the transaction of business at a meeting of the committee.
- (5) No business shall be transacted unless a quorum is present; and if within half an hour of the time appointed for a 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.
- (6) The committee may act notwithstanding any vacancy on the committee.
- (7) At meetings of the committee-
 - (a) the President or in his or her absence the Vice-President shall preside; or
 - (b) if the President and the Vice-President are absent, or are unable to preside, the members present must choose one of their number to preside.
- (8) Questions arising at a meeting of the committee or of any sub-committee appointed by the committee shall be determined by a show of hands, or, if a member requests, by a poll taken in such a manner as the person presiding at the meeting may determine.
- (9) Each member present at a meeting of the committee or of any sub-committee appointed by the committee (including the person presiding at the meeting) is entitled to one vote and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.

19. Removal of committee member

- (1) the Association in general meeting may, by resolution, remove any member of the committee before the expiration of the member's term of office and appoint another member in his or her place to hold office until the expiration of the term of the first-mentioned member.
- (2) A member who is the subject of a proposed resolution referred to in sub-rule (1) may make representations in writing to the Secretary or President of the Association (not exceeding a reasonable length) and may request that the representations be provided to the members of the Association.
- (3) The Secretary or President may give a copy of the representations to each member of the Association or, if they are not so given, the member may require that they be read out at the meeting.

20. Minutes of meetings

The Secretary of the Association shall keep minutes of the resolutions and proceedings of each general meeting, and each committee meeting, together with a record of the names of persons present at committee meetings.

21. Funds

- (1) The Treasurer of the Association (with assistance from the Assistant Treasurer) must-
 - (a) collect and receive all moneys due to the Association and make all payments authorised by the Association; and
 - (b) keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by two members of the committee.
- (3) The funds of the Association shall be derived from entrance fees, membership fees, playing fees, donations and such other sources as the committee determines.

22. By-Laws

The committee shall have the power to make by-laws and issue directives as the occasions may from time to time require. Such by-laws and directives shall have full force and effect providing they are not inconsistent with the Rules of the Association.

23. Common Seal

- (1) The common seal of the Association shall be kept in the custody of the Secretary.
- (2) The common seal shall not be affixed to any instrument except by the authority of the committee and the affixing of the common seal shall be attested by the

signatures either of two members of the committee or, of one member of the committee and of the public officer of the Association.

24. Notice to members

Except for the requirement in Rule 11, any notice that is required to be given to a member, by or on behalf of the Association, under these Rules may be given by-

- (a) delivering the notice to the member personally; or
- (b) sending it by prepaid post addressed to the member at that member's address shown in the register of members; or
- (c) facsimile transmission, if the member has requested that the notice be given to him or her in this manner; or
- (d) electronic transmission, if the member has requested that the notice be given to him or her in this manner.

25. Disposal of Assets

In the event of the winding up or the cancellation of the incorporation of the Association, the assets of the Association must be disposed of in accordance with the provisions of the Act.

26. Custody and inspection of books and records

- (1) Except as otherwise provided in these Rules, the Secretary must keep in his or her custody or under his or her control all books, documents and securities of the Association.
- (2) All accounts, books, securities and any other relevant documents of the Association must be available for inspection free of charge by any member upon request.
- (3) A member may make a copy of any accounts, books, securities and any other relevant documents of the Association.

