**Subiaco Basketball Club (Inc.)**

# CONSTITUTION

## Table of Contents

### ITEM PAGE

**1.0 Name 3**

**2.0 Objects 3**

**3.0 Powers 4**

**4.0 Income and Property 4**

**5.0 Membership 4**

**6.0 Membership Rights and Duties 6**

**7.0 Subscriptions 7**

**8.0 Management Committee 7**

**9.0 Management Committee – Terms of Reference 8**

**10.0 Auditor 9**

**11.0 Duties of Officers 10**

**12.0 General Meetings 11**

**13.0 Voting 12**

**14.0 Finance 13**

**15.0 Common Seal 14**

**16.0 Alterations to the Constitution & By-laws 14**

**17.0 Liability 15**

**18.0 Dissolution 15**

**CONSTITUTION**

**OF THE**

**SUBIACO BASKETBALL CLUB (INC.)**

1. **NAME**

The name of the Club is Subiaco Basketball Club (Inc.) hereinafter referred to as the “Club”.

**2.0 OBJECTS**

The objects of the Club are: -

**2.1** Promotion and encouragement of an active interest in basketball amongst persons of either sex and in particular amongst persons under the age of 23 years.

**2.2** Promotion of good fellowship amongst those persons interested in basketball and within the Club.

**2.3** Education, training, coaching and encouragement of members of the Club.

**2.4** Active co-operation with all other affiliated Clubs and groups and in particular

Clubs and groups within the senior Club district.

**2.5** Development and maintenance of the highest ideals of sportsmanship and fair play.

**2.6** Affiliation with Basketball WA and/or any other Basketball Association within

Western Australia and/or Commonwealth of Australia at the discretion of the Clubs Committee.

**2.7** Arrange the use of facilities and ensure an environment for social and sporting

contact between members and members and other persons interested in basketball both as players and spectators and generally afford to members all the usual privileges, benefits and conveniences of a Club.

**2.8** Engagement in such other activities whether of like nature or not (including but

without effecting the generality of the foregoing fund raising activities of any kind) and other sports and pastimes as may for the time being be permitted by Law and determined by the Management Committee for the furtherance of the objects and interests of the Club.

**3.0 POWERS OF THE CLUB: - (as conferred by Section 13 of the Act).**

* 1. To acquire, hold, deal with, and dispose of any real or personal property.
  2. To promote and conduct either alone or jointly with any other club

Association or persons meetings competitions games and matches in connection with the game of Basketball or any other sports or pastimes and to offer give and contribute towards prizes medals support dinners and other entertainment.

* 1. To open and operate bank accounts
  2. To invest its money –

**3.4.1** in any security in which trust moneys may be invested; or

**3.4.2** in any other manner authorised by the rules of the Club;

**3.5** To borrow money upon such terms and conditions as the Club thinks fit;

**3.6** To give such security for the discharge of liabilities incurred by the Club as the Club thinks fit;

* 1. To appoint agents to transact any business of the Club on its behalf; and
  2. To enter into any other contract the Club considers necessary or desirable.

**4.0 INCOME AND PROPERTY: -**

The income and property of the Club wheresoever derived shall be applied solely towards the promotion of the objects of the Club and no portion thereof shall be paid or transferred directly or indirectly as dividend or otherwise howsoever by way of profit to members **provided** that nothing herein shall prevent the payment in good faith of remuneration to any employee member of the Club or any other persons in return for any services actually rendered to the Club.

**5.0 MEMBERSHIP**

**5.1** Membership shall be open to any person who wishes to further the interests of the Club.

**5.2** Any person seeking membership shall make application to the Management Committee, and the Management Committee shall determine whether the application is successful or not.

**5.3** Each person admitted to membership shall be;

* + 1. Bound by the Constitution and By-laws of the Club.

**5.3.2** Come liablefor such fees and subscriptions as may be fixed by the Club.

* + 1. Entitled to all advantages and privileges of membership.
  1. **Membership Categories;**
     1. **Playing Member**

Any person twenty two (22) years of age and under may become a playing member upon registration with the club but shall not be entitled to hold office or to exercise the power of voting unless they are eighteen (18) years of age or more.

* + 1. **Full Member**

Any person eighteen (18) years of age or more may upon application be admitted to be a full member of the Club and may include those elected to the Committee at the Annual General Meeting or by majority agreement by the Club’s Committee; Coaches, Managers, Players and Parents of Players, Full Members shall have voting rights at an Annual General Meeting and can attend Committee Meeting but shall have no voting rights at Management Committee Meetings unless elected or appointed to the Committee.

* + 1. **Life Membership**

Any member or former member who has given outstanding service to the club and who have been Full Members of the Club for at least five (5) years may be elected by a two thirds majority of the Management Committee as a Life Member. Life Members shall be entitled to all the benefits and rights of club membership and shall be entitled to vote and hold office.

* + 1. **Patron**

The Club may, at it discretion, elect a patron/s of the Club from time to time as the case may require. Such patron/s shall not be eligible to vote unless they are current members of the Club under another category of membership.

* 1. **Termination of Membership**
     1. Any person joining the Club impliedly undertakes to comply with these rules and the by-laws of the Club and any refusal or neglect to do so or any conduct which in the opinion of the Management Committee shall be likely to bring the Club into odium or disrepute shall render such member liable to expulsion.
     2. Any person’s membership may be terminated by the following events;
        1. Resignation.
        2. False or inaccurate statements made in the member’s registration form, breach of any rule, regulation or by-law of the Club or by any act detrimental to the Club.
     3. The Management Committee shall have the power to suspend or expel any member of the Club for any of the events in 5.5.
     4. Any member who is expelled, suspended or has their membership terminated, shall have the right of appeal against their suspension or expulsion by presenting their case to a General Meeting called for such purpose, and the decision of the General Meeting shall be final.

**6.0 MEMBERSHIP RIGHTS AND DUTIES**

**6.1** It shall be incumbent on all members of the Club to abide by the Constitution and By-Laws of the Club and to accept and enforce all decisions of the Club made in accordance therewith.

**6.2** Except as herein provided to the contrary, members of the club shall be

entitled to:

* + 1. Attend and take part in the business proceedings at all meetings of the Club without authority to vote unless an elected/appointed Management Committee Member.
    2. Hold office in the Club as an office bearer member of the Management Committee and to cast one deliberative vote on all decisions to be taken at all meetings providing the person have attained the age of eighteen (18) years.

**6.2.3** Wear the official uniform of the Club whilst participating in any competition the Club has undertaken.

**7.0 SUBSCRIPTIONS**

Subscriptions and registration fees of members shall be fixed by the Management Committee from time to time.

**8.0 MANAGEMENT COMMITTEE**

The management of the Club (except as otherwise provided by these rules) shall be vested in the Management Committee elected by the members at the Annual General Meeting and consisting of:

**8.1** President

**8.2** Vice President

**8.3** Secretary

**8.4** Treasurer

**8.5** Registrar

**8.6** Property Manager

**8**.**7** Coaching Co-ordinator

**8.8** Not more than seven (7) Committee Members

**PROVIDED** that elected persons shall hold office until the next Annual General Meeting, unless their office is vacated and shall be eligible for re-election. If any office should become vacant for any cause during the current term of office the Management Committee may appoint an official to fill the vacancy who shall hold office until the next Annual General Meeting.

**8.9** No person shall hold more than one position on the Management Committee at any one time other than the position of Vice President. A person shall cease to be a member of the Management Committee at the conclusion of the Annual General Meeting which follows his/her election and he/she will be eligible for re-election.

* 1. A quorum of the Management Committee shall be half of its members plus one.

**8.11** If the President or Vice President is unable to attend, then a chairperson

nominated by the meeting shall chair that meeting.

**8.12** A member of the Management Committee may lose his/her seat on the

Committee for either of the following:

**8.12.1** Absence from three or more meetings without leave of

absence.

**8.12.2** Found not to have paid appropriate fees.

1. **MANAGEMENT COMMITTEE – TERMS OF REFERENCE**

**9.1** The Management Committee shall carry out the day to day running of the Club and shall have the power to:

**9.1.1** Administer the finances, appoint bankers, and direct the opening of banking accounts for specific purposes and to transfer funds from one account to another, and to close any such account;

**9.1.2** Fix the manner in which such banking accounts shall be operated

upon, providing all payments more than the limit set by the Management Committee and stated in the By-Laws, are passed by the Management Committee;

**9.1.3** Fix fees and subscriptions payable by members and decide such

levies, fines and charges as is deemed necessary and advisable, and to enforce payment thereof;

**9.1.4** Adjudicate on all matters brought before it which in any way affect the Club.

**9.1.5** Cause minutes to be made of all proceedings at meetings of the

Committee and General Meetings of members;

**9.1.6** Make, amend and rescind rulings and By-Laws;

**9.1.7**  Have the power to form and appoint any sub committee/s as

required for specific purposes;

**9.1.8** May at their discretion employ a person or persons to carry out

certain duties required by the Club, at salaries or remuneration for such period of time, as may be deemed necessary.

**9.1.9** Should a vacancy occur on the Management Committee during the

season, the Management Committee shall appoint a successor until the next Annual General Meeting.

**9.1.10** Appoint an officer/s or agent of the Management Committee to have custody of the Club’s records, documents and securities.

1. **AUDITOR**

**10.1** The Auditor or Auditors shall be appointed by the members at the annual

General meeting or from time to time as the case may require.

**10.2** The Auditor/s shall examine and audit all the books and accounts of the

Club annually, and have the power to call for all books, papers, accounts, receipts, etc., of the Club and report thereon and sign a final statement of Income and Expenditure and balance sheet prior to February 28th of the following calendar year. The Treasurer shall produce at the Annual General Meeting an interim Statement of Income and Expenditure and Balance Sheet.

1. **DUTIES OF OFFICERS** 
   1. **President**

The President shall preside at all meetings and see that the business is conducted in an orderly and proper manner and generally ensure the well being of the objects of the club. In the case of voting at any time being equal, the President may exercise the privilege of having a casting vote, this vote to be in addition to his ordinary vote.

* 1. **Vice President**

The Vice President shall assist the President at all meetings of the Club and in the absence of the President shall occupy the chair and conduct the business of the meeting and have the same rights as President when in the chair.

* 1. **Secretary**

The Secretary shall attend all meetings and cause minutes to be taken thereof, receive all correspondence and answer such questions as may be asked in accordance with these rules. He/She shall cause to be kept a minute book and a copy of all correspondence dispatched and shall carry out the usual duties pertaining to this office not inconsistent with the constitution. He/She will be eligible to take part in any discussion and shall be allowed to vote. PROVIDED that if the Secretary shall be absent from any meeting of the Club the Management Committee shall appoint a minute secretary from amongst its members to keep the minutes of the meeting during the absence of the Secretary.

**11.4 Treasurer**

The Treasurer shall receive all monies paid to the club and deposit them in a bank account under the name “Subiaco Basketball Club”. The Management Committee shall administer the funds of the club and any two members of the Management Committee shall sign all cheques drawn. He/She shall issue all receipts for monies received and pay all accounts in accordance with the limit prescribed in the By-Laws and have all higher amounts passed for payment by the Management Committee. He/She shall produce at the annual general meeting a statement of Income and Expenditure and Balance Sheet. Prior to February 28th of the following calendar year He/She shall produce a final statement of Income and Expenditure and Balance Sheet signed by the Auditor/s. To produce accounts at such other times as he/she is requested to do so by the Management Committee. He/She shall also have for the information of the Management Committee a statement of financial position of the Club at each meeting. He/She shall be eligible to take part in any discussion and shall be allowed to vote.

**11.5 Registrar**

He/She shall register and maintain a register of all players. He/She shall assist the Treasurer with the collection of Club fees. He/She shall formulate teams, promoting and relegating players as appropriate. He/She shall assist the Coaching Co-ordinator in finding suitable venues and times for each team for training. He/She shall be eligible to take part in any discussion and shall be allowed to vote.

**11.6 Property Manager**

He/She shall be responsible for all uniforms belonging to the Club. He/She shall be responsible for all equipment and property as held by the Club. He/She shall be required to maintain a property register. He/She shall be eligible to take part in any discussion and shall be allowed to vote.

**11.7 Coaching Co-ordinator**

He/She shall be responsible to assign coaches to teams, allocate training courts and times, arrange training courses for the development of coaches and provide assistance to coaches as required. He/She will keep coaches informed of Club and Stadium information. He/She shall assist the Registrar in the formulation of teams and the promotion and relegation of players. He/She shall investigate any complaint against a coach and report the findings to the Management Committee for a decision.

**11.8 Editor**

He/She shall be responsible for the preparation and distribution of the “News Letter”. A minimum of 3 “News Letters to be produced over the winter competition. The Editor will be elected from Committee Members.

1. **GENERAL MEETINGS** 
   1. **Annual General Meeting**

**12.1.1** The Annual General Meeting of the Club shall be held each calendar year at a date agreed by the Management Committee but no later than one month after the end of the Club’s winter season.

**12.1.2** The Secretary shall give at least fourteen (14) days notice of the date of the Annual General Meeting, to members.

**12.1.3** All members may attend the Annual General Meeting.

* + 1. The quorum at the Annual General Meeting, shall be a minimum of eight members. If, at the end of thirty (30) minutes after the time appointed in the notice for the opening of the Meeting, there be no quorum the meeting shall stand adjourn for a period not longer than one month. If at such meeting there is no quorum those members present shall be competent to discharge the business of the meeting.

**12.1.5** The business of the annual general meeting shall be:

**12.1.5.1** The Presidents Report, adoption of the interim Annual Report, interim Balance Sheet and Statement of Income and Expenditure, Registrars report, Property Managers report, Coaching Co-ordinator’s report and Editors Report.

* + - 1. Election of office bearers.
      2. Notice/s of Motion.
      3. Urgent General Business.

**12.2 Management Committee Meetings**

Management Committee Meetings shall be held once a month or at the discretion of the Management Committee. The meeting place and time shall be determined at the preceding Management Committee Meeting. A quorum for each meeting shall be one half of the elected members of the Committee plus one.

**12.3 General Meetings (Special Meeting)**

General Meetings may be called by the Management Committee or at the request of the President and Secretary or on the written request of eight (8) members of the Club. The Secretary shall give at least seven (7) days notice of the date of the General Meeting to the members. Notice of General Meetings shall set out clearly the business for which the meeting has been called. No other business shall be dealt with at that General Meeting. The quorum at the General Meeting shall be a minimum of eight (8) members.

1. **VOTING**

**13.1** Voting powers at the Annual General Meeting and General Meetings:

**13.1.1** The President shall be entitled to a deliberative vote and, in the event of a tied vote, the President shall exercise a casting vote.

**13.1.2** Each individual member present shall have one (1) vote.

**13.2** Voting powers at Management Committee Meetings;

**13.2.1** The President shall be entitled to a deliberative vote and, in the of a tied vote, the President shall exercise a casting vote.

* + 1. Each individual Committee member present shall have one (1)

vote.

**14.0 FINANCE**

**14.1** All funds of the Club shall be deposited into the Club’s accounts at such

bank or recognised financial institution as the Management Committee may determine.

**14.2** All accounts due by the Club shall be paid by cheque. The Treasurer shall

have discretion to pay accounts up to the limit set by the Management Committee and stated in the By-Laws; and all higher amounts to be passed for payment at the Management Committee Meeting; and when immediate payment is necessary, account/s shall be paid and the action endorsed at the next Management Committee Meeting.

**14.3** A statement showing the financial position of the Club shall be tabled at

each Management Committee Meeting by the Treasurer.

**14.4** An interim statement of Income and Expenditure, Assets and Liabilities shall be submitted to the Annual General Meeting. The auditor’s report shall be available by the 28th February of the following year.

**14.5** The financial year of the Club shall commence on the first day of January

each year. The accounts, books and all financial records of the Club shall be audited each year.

**14.6** The Management Committee shall determine who shall be authorised to sign on behalf of the Club any bill, notes, receipts, acceptance, cheques, endorsements or other instruments.

**14.7** The Management Committee may raise such further funds deemed necessary by the Committee by means of such fundraisers determined by the Committee.

**14.8** All property and income of the Club will apply solely to the promotion of the objects of the Club and no part of that property or income shall be paid or otherwise distributed, directly, or indirectly, to members PROVIDED that nothing herein shall prevent the payment in good faith of remuneration to any employee member of the club or other persons in return for any services actually rendered to the Club.

1. **COMMON SEAL** (a rubber stamp on which is engraved the Club’s name)

The common seal of the Club shall be kept in the care of the Secretary. The seal shall not be used or affixed to any deed or other document except pursuant to a resolution of the Management Committee and in the presence of at least the President and two members of the Committee, both of whom shall subscribe their names as witnesses.

1. **ALTERATIONS TO THE CONSTITUTION AND BY-LAWS:**

**16.1** No alteration, repeal or addition shall be made to the Constitution except at the Annual General Meeting, or General Meeting, called for that purpose and notice of all motions to alter, repeal or add to the Constitution shall be given to members fourteen (14) days prior to the Annual General Meeting, or seven (7) days prior to a General Meeting called for such purpose. As well,

**16.2** The Secretary shall forward such notices of motion to each Management

Committee Member at least fourteen (14) days prior to the Annual General Meeting or seven (7) days prior to a General Meeting.

* 1. Alterations to the By-Laws can be made only at Management Committee

Meetings provided notice of the proposed alteration/s has been duly notified to Committee Members.

* 1. Such motions, or any part thereof, shall be of no effect unless passed by a

Seventy five percent (75%) majority (Special Resolution) of those present and entitled to vote at the Annual General Meeting, General Meeting or Management Committee Meeting, as the case may be.

**16.5** Within one month of the passing of a Special Resolution, the Secretary shall notify the Ministry of Fair Trading of the amendment.

1. **LIABILITY**

No member of the Club shall be held responsible for any injury to a player or any person acting as an official for the Club except a member through whose proved negligence or default the injury occurred.

1. **DISSOLUTION:**

If, on winding up of the Club, any property of the Club remains after satisfaction of the debts and liabilities of the Club and the costs, charges and expenses of that winding up, that property shall be distributed-

**18.1** to another Club/s incorporated under the Act with similar objects; or

**18.2** for charitable purposes

which incorporated Club or purpose, as the case requires shall be determined by resolution of the members when authorising and directing the Committee under Section 33 (3) of the Act to prepare a distribution plan for the distribution of the surplus property of the Club.`