



YORKE VALLEY BASKETBALL ASSOCIATION INCORPORATED.

CONSTITUTION

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1. NAME

The name of the Association is the YORKE VALLEY BASKETBALL ASSOCIATION Inc. (hereinafter in this Constitution referred to as “the Association”).

2. OBJECTS

The objects of the Association are:

- (a) To promote and advance the game of amateur basketball in the Yorke Valley in the state of South Australia and elsewhere throughout Australia.
- (b) To do all such lawful things as may be incidental or conducive to the attainment of the above objects and to the exercise of all the powers of the Association as are vested in the Committee of Executive Delegates pursuant to the subsequent clauses herein.

3. MEMBERSHIP

The Association shall consist of those member Basketball Clubs who are affiliated with the Association and have paid the affiliation subscriptions and fees pursuant to the regulations hereto and of the Life Members of the Association. The annual affiliation subscriptions and fees may be varied at an Executive Delegates Meeting by their decision of a majority of those present and entitled to vote thereat.

4. PROPERTY

(a) The property of the Association shall belong to the member clubs from time to time of the Association. No member club shall by reason of its membership, have any transferable or assignable interest by operation of law or otherwise in any of the property of the Association. Upon any member club ceasing to be a member of the Association, the interest of that club in the property of the Association shall revert to the continuing member clubs. Any losses or expenses sustained or incurred by the Association shall be the liability of all the member clubs from time to time of the Association and equally between them.

(b) No portion of the income or property of the Association whensoever derived shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise howsoever by way of profit to any individual who is a member of the Association or to any member club. The income and property of the Association shall be applied towards the objects of the Association, PROVIDED THAT nothing shall prevent the payment in good faith, of remuneration to any officer or servant of the Association or to any member thereof, in payment of or return for, out of pocket expenses or services rendered to the Association as committee members or office bearers or otherwise, nor prevent the payment of reasonable interest on money lent or reasonable rent of premises demised or let by any member club of the Association.

5. ANNUAL GENERAL MEETING

(a) All members of all member clubs of the Association shall be entitled to attend at every General Meeting of the Association whether the Annual General Meeting or a Special General Meeting.

(b) An Annual General Meeting shall be held no later than the 31st day of July each year.

(c) Each Annual General Meeting shall be convened by advertisement in a newspaper circulating in the area of the Yorke Valley in the said State or by such other means of advertisement or notification by circular or by such other means of advertisement or notification as the Executive Delegates Committee may determine. Such advertisement or notification by circular or other means shall be given at least fourteen (14) days prior to the date specified therein for the Annual General Meeting and shall specify the day, hour, business and place of the meeting.

(d) Only two (2) delegates representing each member club of the Association and the Chairperson for the time being shall be eligible to vote at the Annual General Meeting. Clubs are permitted to forward a "proxy" vote in writing if unable to attend. Said "vote" is to be countersigned by two (2) members of the Club's Executive Committee. In the event of a tied vote, the Chairperson shall have a casting vote.

(e) A quorum at an Annual General Meeting shall be one half (1/2) of the total of those eligible to vote thereat.

(f) The Chairperson of the Annual General Meeting shall be the President for the time being of the Association, or in the absence of the President, the Vice-President and in the absence of the Vice-President such person as the committee of the Executive Delegates shall nominate.

(g) The order of Business at the Annual General Meeting shall be as follows:

- Minutes of the last AGM.
- Presentation of Annual Reports.
- Appointment of the Patron of the Association.
- All office bearers for the previous year shall then retire and new office bearers shall be elected provided that all retiring office bearers shall be eligible for re-election.
- Appointment of Auditor.
- Notice of Motions.
- General Business.

6. EXECUTIVE COMMITTEE

(a) The Executive Committee shall comprise of a President, Vice-President, Secretary, Treasurer and include any other office holder or general committee member, who shall be elected at the Annual General Meeting and who shall be ex officio members of the Executive

Committee and who shall be known as the Officers of the Association. However, only up to six Officers of the Association can vote on any motion at an Executive Delegates Meeting. All Officers of the Association have a vote at an Executive meeting.

(b) The election of the Officers of the Association and the other members of the Executive Committee shall be by nomination at the Annual General meeting. If more than one (1) person is nominated for any position, there shall be an election by ballot of those present at the meeting and entitled to vote thereat and the candidate receiving the greatest number of votes shall be declared elected.

(c) The members of the Executive Committee shall hold office until the ensuing Annual General Meeting when they shall all retire from office but shall be eligible for re-election.

(d) If any vacancy shall occur on the Executive Committee at any time (other than by the retirement of members at Annual General Meeting) such vacancy may be filled by the Executive Committee who shall appoint such person as they may see fit to fill such vacancy.

(e) The quorum for a meeting of the Executive Committee shall be three (3) persons.

(f) Meetings of the Executive Committee shall be called by the President or the Secretary.

(g) Questions arising at any meeting of the Executive Committee shall be decided by a majority of votes. In case of a tie in the voting the Chairperson shall have a second or casting vote.

(h) The Executive Committee to manage all matters between appointed Executive Delegates Meetings.

(i) If more than one (1) Executive position is held by one person, then additional committee members may be appointed to fill the void.

7. EXECUTIVE DELEGATES COMMITTEE

The Executive Delegates Committee of the Association shall consist of the Executive Committee and two (2) delegates from each member club of the Association.

(a) Any Executive Committee member, except the Chairperson may act as a delegate for his club.

(b) Quorum shall be equivalent to one (1) delegate from each eligible club plus one (1).

(c) At EDM, members of the Executive Committee and two (2) delegates from each club be entitled to vote. Clubs are permitted to forward a "proxy" vote in writing if unable to attend. Said "vote" is to be countersigned by two (2) members of the club's Executive Committee. In the event of a tied vote, the Chairperson would have a casting vote.

8. PATRON

A Patron and Vice-Patron may be appointed at the Annual General Meeting.

9. LIFE MEMBERS

- (a) The Association may elect any person to be a Life Member of the Association in recognition of distinguished and valued services rendered to the Association.
- (b) No more than two (2) Life Members may be elected in any one (1) year.
- (c)
 - (i) Life Members shall be elected only at an Annual General Meeting of the Association and upon receiving the approval of two thirds (2/3) of those present and entitled to vote thereat. The election of Life members shall only be affected by nomination in writing signed by at least five (5) members of member clubs of the Association, having been handed to the Secretary, seven (7) days before the Annual General Meeting.
 - (ii) Before any vote can be taken by member clubs in relation to Life Membership a detailed history of the involvement of the nominated Life Member must be forwarded to all member clubs, at the time of notification to the Association Secretary.
- (d) Life Members of the Association shall be entitled to such rights and privileges as the Executive/Delegates Committee may from time to time decide.
- (e) Life Members shall not be liable for any annual subscriptions or fees and shall be issued with an Official Pass to be shown on entering any official function of the Association and shall not be required to pay any admission fee at any such function. All Life Members of the Association prior to the date of the adoption of this Constitution shall continue to be Life Members.

10. AFFILIATION

The decision to affiliate annually with the South Australian Country Basketball Council shall be made at the Annual General Meeting of the Association. Only two (2) delegates representing each member club of the Association and the Chairperson for the time being shall be eligible to vote. The Chairperson shall have a casting vote.

11. AMATEUR STATUS

The Association is an amateur Association and body and the definitions and rules applicable to amateur status and reinstatement as defined in Appendix 1 of S.A.A.B.A shall in all respects apply to the Association.

12. MEMBER CLUBS

(a) Any new clubs desirous of joining the Association shall make application to join the Association in accordance with this Constitution and the Regulations and By-Laws hereunder.

(b) Such application should be lodged with the Secretary, on or before the first day of July prior to that season commencing.

(c) All members of clubs shall be registered with the Association. No person shall be eligible to play in any competition conducted by, or under the jurisdiction of the Association, unless he or she is so registered, and unless all fees payable in respect of such member have been paid. Upon registration, a person shall be deemed to be a registered player for the purpose of this Constitution.

(d) A club or a member of a club, who's subscription, or any levy or fine, or penalty imposed on, or payable by club or member, under this Constitution, is in arrears, shall not be entitled to any rights, privileges, advantages and benefits arising out of membership, and shall vacate any office held by him/her or representative of that club.

13. SPECIAL GENERAL MEETING

All members of all member clubs of the Association shall be entitled to attend at every General Meeting of the Association whether the Annual General Meeting or a Special General Meeting.

A Special General meeting of the Association may be called:

(a) By the direction of the Executive Delegates Committee, such meeting to be called by the Secretary.

(b) By the Secretary, within twenty-eight (28) days of receipt of a requisition signed by not less than thirty registered members of the Association, specifying the matter to be discussed at such meeting.

(c) At the request of any Executive Committee Member.

(d) At the written request of a member club. Notice of such meeting, listing the subject to be discussed thereat, shall be sent to the Secretary of each member club at least seven (7) days prior to the date fixed for the holding thereof. No business shall be transacted at any such Special General Meeting other than that of which notice shall have been given as aforesaid. No resolution or amendments thereon shall be declared thereat unless supported by a majority of the members present and entitled to vote thereat. At any Special General Meeting a quorum shall be one half (1/2) of the total of persons entitled to vote thereof. If a quorum shall not be present the members present shall adjourn the meeting to a time and date within the next twenty-eight (28) days, then next following.

(e) Only two (2) delegates representing each member club of the Association and the Chairperson for the time being shall be eligible to vote at a Special General Meeting. Clubs are permitted to forward a "proxy" vote in writing if unable to attend. Said "vote" is to be countersigned by two (2) members of the club's Executive Committee. In the event of a tied vote, the Chairperson shall have a casting vote.

14. PRESIDENT AND VICE-PRESIDENT

The President shall:

(a) Or in his/her absence the Vice-President shall be Chairperson of all meetings of the Association, and of the Executive Delegates Committee. In the absence of both, then the meeting shall appoint its own Chairperson from those present. The Chairperson has a deliberate vote and in the event of equality, a second casting vote.

(b) The Vice-President shall be the chairperson of the Junior Committee.

15. SECRETARY

The Secretary shall:

(a) Take charge of all books and documents of the Association. He/she shall be responsible for the compilation of all records of the Association and shall always be directly responsible for the entry in the various books of the Association of all things done for or on behalf of the Association.

(b) Furnish to the Executive Delegates Committee on demand, complete report of all matters, transactions or things relating to the affairs of the Association, over which he/she may have control of, or which he/she may have knowledge.

(c) The Secretary or President shall convene meetings of the Executive Delegates Committee and all meetings of the Association.

(d) Be empowered to issue official receipts on behalf of the Association.

(e) Be authorised to operate a Petty Cash account in accordance with a system determined by the Executive Delegates Committee.

16. TREASURER

The Treasurer shall:

(a) Have the charge and custody of all monies belonging to the Association and shall pay all monies received by him/her to the credit of the Association bank account.

(b) Prepare and present a financial statement at any meeting of the Association.

- (c) Make all payments authorised by the Executive Delegates Committee.
- (d) Keep proper books showing the Associations financial transactions.
- (e) Issue numbered receipts for all money received from the Secretary or any other source. For this purpose, the official receipt book of the Association shall be used on all occasions.
- (f) Furnish to the Annual General Meeting a detailed report of the Association's financial position. Such report shall be accompanied by a balance sheet and statements of accounts duly audited and certified by the Association's Auditor.
- (g) Make all payments by cheque, drawn by him/her and countersigned by authorised persons.
- (h) All cheques shall be signed by the Treasurer and countersigned by a nominated member of the Executive Committee. Any payment of money by any other means is to be recorded and approved by the Treasurer and a nominated member of the Executive Committee.
- (i) 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 Executive/Delegates Committee.
- (j) The Association financial year shall commence on the first (1st) day of May in each year and terminate on the thirtieth (30th) day of April in each year or on the day of the Annual General Meeting.
- (k) The Treasurer to have the power to make routine payments to manage the financial accounts of the Association.

17. RECORDER

The Recorder shall:

- (a) Receive, record and file names of all registered players in a register held for that purpose.
- (b) Collect score sheets, official Association voting cards (best players), and record results and relevant statistics.
- (c) Report any infringements of rules noted on score sheets and notify Association Secretary.
- (d) Be prepared to supply at one (1) weeks' notice, any statistical information relevant to player qualifications or club qualification for finals.
- (e) Record, tally and periodically publish premiership points for all grades of the Association competition.

(f) Notify Association Secretary of any reportable infringements noted by umpires on score sheets.

18. EQUIPMENT PERSON

The Equipment Person shall be responsible for the control and upkeep of Association uniforms and all other equipment owned by the Association.

19. AUDITORS

An auditor shall be appointed at the Annual General Meeting, and shall:

(a) Examine all books and accounts of the Association immediately after the expiration of each financial year and certify as to the correctness of the balance sheet and statement of receipts and expenditure.

(b) Have access to all books and accounts of the Association.

(c) Be entitled to question any office bearer of the Association in regard to the accounts of the Association.

(d) Be authorised to obtain, from any bank, statements showing balance of Association accounts.

(e) Make such audits as may from time to time be ordered by the Executive/Delegates Committee. Such certified auditors' reports shall be submitted to the Annual General Meeting.

20. HONORARIA

The Executive Delegates Committee will decide on positions that merit an honorarium. The EDC can either call for tenders with no tender necessarily accepted or set an honorarium that they see as fair and reasonable considering the amount of work required.

21. EXECUTIVE DELEGATES COMMITTEE AND ITS POWERS

The management in all respects of the Association shall be vested in the Executive/Delegates Committee who shall have the management of the Association and its business property and affairs and it shall promote the objects and interests of the Association and shall take all steps necessary and proper to secure due compliance with this Constitution and the Regulations and by-laws hereunder and in particular, subject to this Constitution, the Executive Delegates Committee shall have the following powers:

(a) To be responsible, where necessary and appropriate, for the lay-out construction and maintenance of Basketball courts.

(b) To construct, alter, add to or maintain all buildings and other property of the Association or convenient to the objects of the Association.

(c) To re-use and borrow any monies required for the purposes of the Association upon such terms and conditions and/or on such security as the Executive Delegates Committee may determine.

(d) To purchase, lease, exchange, hire, receive without consideration or fee or otherwise acquire any real or personal property.

(e) To sell mortgage, improve, manage, develop, lease, hire dispose of, turn to account, or otherwise deal with all or any part of the Association, having regard at all times that the Association is prohibited from making any distribution whether in money, property or otherwise, to any individual persons who may be members of the Association.

(f) To affiliate with any other association, club or organisation.

(g) To arrange and manage inter-club, inter-association and interstate basketball competition and fellowship and all matters relating or pertaining thereto.

(h) To impose and collect levies and to raise or borrow money upon such terms and in such manner and upon such securities as the Association shall think fit, and to secure the same or the repayment or performance of any debt, liability, contract, or engagement incurred or to be entered into by the debenture stock, or by giving mortgages, charges upon or over all, or any of the Associations real and personal property (both present and future) and to purchase, satisfy, pay off, or redeem any such securities.

(i) To appoint and/or employ and/or dismiss coaches, masseurs, trainers, caretakers, clerks, administrative officers, and such persons as may be required for the carrying out of the objects of this Constitution and for furtherance of amateur basketball pursuant hereto.

(j) To assist in or concur in the establishment of any other association or body having one or more similar objects.

(k) To give donations, subsidies, or contributions to any educational, patriotic, charitable or otherwise and to establish and support or aid in the establishment and support of associations, institutions, funds or trusts of a social, educational, benevolent, patriotic or charitable nature and to endow, establish or give donations to or for scholarships, bursaries and grants in aid of an educational nature.

(l) To take all such steps as may be necessary or requisite to incorporate the Association under the Association Incorporation Act 1956-1967 or under such other Act or in such other manner as may be thought fit and to register the Association under the provisions of the Licensing Legislation for the time being in supply and consumption of liquor and to apply for and hold such license or licenses, enabling the Association to lawfully sell, supply or dispose of liquor to members and others, within the provisions of any such licensing legislation.

(m) To make such regulations and by-laws applicable to the Association as the Executive Delegates Committee shall deem fit. To do all such other lawful things as may appear to be incidental or conducive to the attainment of the above objects and powers or any of them.

(n) Shall meet to set regulations, fines, and fees if not set at the Annual General Meeting.

(o) Will also meet to discuss any matters that the Executive Committee feels of significant importance.

22. DISCIPLINARY TRIBUNAL

The Association to adopt the S.A. Country Basketball Disciplinary Tribunal By-Laws

23. ALTERATION TO CONSTITUTION

This Constitution shall not be added to, altered, repealed or amended except by the resolution of two thirds (2/3) majority of those present and entitled to vote at an Annual General Meeting or a Special General Meeting in the following circumstances:

(a) Notice of intention to move such a resolution and specifying the details of such resolution must be handed in writing and signed by the proposer and seconder to the Secretary, at least twenty one (21) days before the date of the Annual General Meeting and notice of the proposed resolution and details thereof must be given with the notice of the Annual General Meeting, as given by the Executive Delegates Committee Meeting pursuant to Clause 5(c) hereof and in addition, the Secretary must give notice of the proposed resolution and details thereof, to the Secretary of each member club, at least seven (7) days before the date of the Annual General Meeting.

(b) Notice of intention to move such a resolution and specifying the details of such resolution must be handed in writing and signed by the proposer and seconder to the Secretary, either together with the requisition calling for a Special General Meeting as provided for by Clause (13) hereof, or within seven (7) days of any such requisition for a Special General Meeting being received by the Secretary and must give notice of the proposed resolution and details thereof to the Secretary of each member club of the Association, at least seven (7) days prior to the date fixed for the holding of the Special General Meeting and in all other respects the provisions of Clause 13 hereof shall apply in respect thereto.

24. JUNIOR COMMITTEE

To assist the Association to manage the Junior competition, the Junior Committee shall consist of the Chairperson, Junior Announcer, Recorder and one delegate from each club which has junior teams.