

North Harbour Basketball Association Inc.

Recommended Amendments to the Rules of the Association as at October 2014.

Discussion Paper

The current Rules of North Harbour Basketball Association Incorporated (The Rules) have been in place since they were last amended in 2002 (original format 1999) . With the ever evolving changes in the sport, (especially at National level where Basketball New Zealand (BBNZ) has, at their last AGM, amended their constitution), the North Harbour Board has considered the amendments listed below and recommends them to the members for adoption at the 2014 Annual General Meeting of the Association.

The proposed amendments number five and each proposed amendment is discussed below:

1) Name of Association

Rule 1 – the name of the association is currently "North Harbour Basketball Association Incorporated". For some time now the association has been referred to nationally as Harbour Basketball as well as in the media and the general public arena. This is generally in line with a number of other Harbour sports. A greater emphasis on the singular use of the name "Harbour" and not using the word "North" has taken effect with the amalgamation of the greater Auckland area into one city.

It is therefore proposed that Rule 1 be amended to read

The name of the Association is Harbour Basketball Association Incorporated.

2) Objects

With the ever evolving and developing game of basketball in New Zealand there is a necessity to be inclusive and to follow the objectives of the National Body so far as they are applicable. Whilst the current two paragraphs of objectives are reasonably broad in that they refer to the BBNZ constitution it is felt that for the avoidance of any doubt two further paragraphs should be added to the HBA Rules as follows:

Rule 3 Objects would now read:

Rule 3 Objects

3.1 *The objects of the Association are:*

(a) As per current constitution

(b) As per current constitution

(c) To further the education of all persons by encouraging their participation and involvement in basketball in New Zealand, including playing, coaching, refereeing and administering the game.

(d) To do all such other things as Harbour Basketball Association, in its absolute discretion, considers necessary or desirable to promote the interest of the sport of basketball, and to attain the strategic aims of the association.

3) Membership

At its 2014 Annual General Meeting BBNZ adopted, by vote of its members, a number of amendments to the BBNZ constitution. Three of the adopted amendments included, as part of the amendment the following:

“Each Affiliated Association shall include a rule identical to this rule in its constitution so that its members are bound by this rule.”

The three rules that included the above referred to:

- Membership – contracting associations, for the duration of their membership, to the BBNZ constitution and any regulations and policies, procedures or decisions of the BBNZ Board; and
- No playing with Non-affiliated associations or players – no players under (in this case) HBA’s jurisdiction shall play against any other team/player who is not a member of BBNZ; and
- Representatives –to be eligible for selection to, or to play for, a BBNZ representative team(s) or an Affiliated association representative team (which participates in a BBNZ controlled competition or event) and person must be an individual member of BBNZ.

To incorporate and meet the BBNZ requirements it is proposed:

Rule 4.1 be amended to read

Every person who is registered with the Association shall be deemed a member. By virtue of the Constitution of Basketball New Zealand every registered member of Harbour Basketball

Association Incorporated becomes a duly registered member of Basketball New Zealand. Therefore for the duration of membership of this association the duly registered member shall acknowledge and agree that for the duration of their membership:

- (a) These Rules constitute a contract between each of them and Harbour Basketball Association Incorporated and they are bound by these rules and regulations and any policies, procedures or decision of the Harbour Basketball Board; and*
- (b) Acknowledge and agree that for the duration of their membership to Harbour Basketball Association Incorporated, the Constitution of Basketball New Zealand constitutes a contract between each of them and Basketball New Zealand and they are bound by its constitution, regulations and any policies, procedures or decisions of the Basketball New Zealand Board.*
- (c) Should there be any conflict of interpretation the Constitution, Regulations and any policies, procedures or decisions of Basketball New Zealand shall take precedence.*

New Rule 4.2

4.2 No Playing with Non-Affiliated Association:

No playing member duly affiliated to this Association and by virtue of rule 4.1 of these rules, shall play against any other player in a team under the control or jurisdiction of an entity which is not a member of Basketball New Zealand, including without limitation any team or player under the control of jurisdiction of an overseas entity without the prior written consent of both Harbour Basketball and Basketball New Zealand Boards.

New Rule 4.3

4.3 Representatives

To be eligible for selection to or play for a Harbour Basketball representative team (which participates in a Basketball New Zealand controlled competition or event), a persons must fall within the definition of the Individual Member category of Basketball New Zealand as specified in the of the Basketball New Zealand constitution from time to time.

Renumber the existing Rule 4.1 as it reads to 4.4

Renumber the existing Rule 4.2 as it reads to 4.5

4) Responsibilities

When the Rules, as they currently read, were promulgated, the objective agreed to by the members at the relevant Annual General Meeting, in respect to Rule 8.9(b) was that a number of committees and /or sub committees or operational teams that the Board deemed necessary, would be formed to assist the board in the carrying out of the Boards duties.

Rules 8.9(b) currently reads:

"Determine the number and function of Committees, Sub-committees and Operational Teams that it considers necessary to assist it in the carrying out of its duties."

Because the voting rights at each Annual General meeting are determined in accordance with Rule 11.7 which provides that each operational team shall appoint three members to vote at any AGM or Special GM of the Association, there has been, at recent AGM's some consternation expressed about who can or cannot vote.

Historically from the commencement of this concept there were seven Operational Teams appointed as follows:

- Referees
- Coaching
- Finance
- Schools
- Representatives
- Seniors
- Competitions

There is no record that successive Boards have altered the composition of the Operational Teams although it is apparent that some have become moribund and non-functional because the work within the office has possibly, in some cases super ceded their function, or some of their functions.

As a result of this the Rules have been revisited and for the purposes of making the future voting rights transparent as early as possible after each successive AGM the following change to Rules 8.9(b) is proposed.

(b) *"Determine the number and function of Committees, Sub-committees and Operational Teams that it considered necessary to assist it in the carrying out of its duties. Each year the Operational Teams shall be determined and advised in a manner generally available to all members, including Harbour Basketballs website and relevant social media pages. Such advice shall be listed not later than five working days after the meeting of the Board which is held in the second month after the month of the Annual General Meeting."*

5) Voting

Rule 11.8 reads "At the Annual General Meeting held 30 November 1999 the Executive Board shall be elected from those nominated by the members present."

It is obviously redundant because of the rotation provisions of other Rules located within the sub clause of Rule 8.

It is therefore proposed that Rule 11.8 be removed from the constitution.