

Greater Shepparton Basketball Association



Statement of Purposes and Rules

Issue Date: May 2009

ASSOCIATIONS INCORPORATION ACT 1981

STATEMENT OF PURPOSES OF GREATER SHEPPARTON
BASKETBALL ASSOCIATION INCORPORATED

1. The Greater Shepparton Basketball Association is hereinafter called “the Association”.
2. The purpose of the Association to have effect from the date upon which it becomes incorporated pursuant to the Associations Act 1981 are as follows:
 - (a) To encourage, promote and control the game of basketball in the Greater Shepparton region.
 - (b) To build and maintain basketball stadiums and clubrooms in the Greater Shepparton region.
 - (c) To raise funds to promote the game of basketball.
 - (d) To promote, assist in promoting and secure the holding of meetings, conventions, conferences, raffles, appeals and competitions to promote the game of basketball.
 - (e) To propose, support or oppose any law, by-law or any other measure which may or might effect the promotion or holding of any meetings, conventions, conferences, raffles, appeals and competitions to promote the game of basketball.
 - (f) To print and publish or secure the printing and publication of any books, brochures, leaflets, newspapers, periodicals or other matter which the Association may think desirable for the promotion of any of the objects of the Association.
 - (g) To choose and manage teams of basketball players to represent the Association.
 - (h) To settle all questions or disputes on any matter relating to basketball that may be submitted to the Association for its adjudication and determination.
 - (i) To apply for, obtain, renew, or surrender a restricted club permit, a club licence and any permit or authority ancillary thereto in accordance with the provisions of the Liquor Control Act 1968 (Victoria).
 - (j) To apply for, obtain, renew, or surrender a venue operators licence and any permit or authority ancillary thereto in accordance with the provisions of the Gaming Machine Control Act 1991 (Victoria).
 - (k) To apply for, obtain, renew, surrender registration of any trademark which is registrable under the Trade Marks Act 1955 (Australia) and which relates to the name of the Association or to any name suitable for use as a team name and which is associated with basketball and/or within the Greater Shepparton region.
 - (l) To licence any other incorporated or unincorporated Association to use any such trademark on such terms as the Association deems fit.
 - (m) To take over the property of the Greater Shepparton Basketball Association.
 - (n) Solely for the purpose of carrying out the aforesaid objects to do any of the following:
 - (i) to purchase, lease hire or otherwise acquire any real or personal property which may be deemed necessary or convenient for any of the purposes of the Association;
 - (ii) to construct, maintain and alter any buildings, houses or other works necessary or convenient for the purposes of the Association;
 - (iii) to take any gift or property, whether subject to any special trust or not for any of the objects of the Association;
 - (iv) to take such steps by personal or written appeals, public meetings or otherwise as may from time to time be expedient for the purpose of procuring contributions to the funds of the Association by way of donations, annual subscriptions or otherwise;

- (v) to permit any basketball courts and rooms of the Association to be used by any other sporting Associations, youth bodies, schools or the like at the discretion of the Association provided that such use shall be subject to the training rights of the clubs playing basketball competitions controlled by the Association;
- (vi) to sell, lease, mortgage, dispose of, hire out or otherwise deal with all or any of the property of the Association;
- (vii) to borrow and raise money in such a manner as the Association may think fit;
- (viii) to undertake and execute any trust or any agency business which may seem directly or indirectly conducive to any of the objects of the Association;
- (ix) to subscribe to local or other charities and to grant donations for any public purpose;
- (x) to establish and support, and to aid in the establishment and support, of any other Association formed for objects similar to those of the Association and the constitution of which prohibits the distribution of its income and property among its members to an extent at least as great as is imposed on the Association by its Rules and/or by the Associations Incorporations Act 1981 (Victoria);
- (xi) to do anything authorized by the said Associations Incorporation Act 1981 and which is not in conflict with these purposes;
- (xii) to do all such other lawful things as are incidental or conducive to the attainment of the objects of the Association.

I CERTIFY that on the 26th day of August 1994 the above Statement of Purposes was adopted by a special resolution of members of Greater Shepparton Basketball Association Incorporated as its Statement of Purposes to have effect from the date of the special resolution.

.....
Chairman

Signed for the purposes of identification as a true copy of the proposed Statement of Purposes of the Greater Shepparton Basketball Association Incorporated.

.....
Public Officer

ASSOCIATIONS INCORPORATION ACT 1981RULES OF GREATER SHEPPARTON BASKETBALL
ASSOCIATION INCORPORATED**NAME**

1. The name of the Incorporated Association is Greater Shepparton Basketball Association Incorporated (in these Rules called the Association).

INTERPRETATION

2. INTERPRETATION

- (a) In these Rules, unless contrary intention appears:

“Admission Fee” means the fee determined by the Committee from time to time to be paid by persons, whether or not they are members, for admission to the Association premises for the purpose of playing or watching basketball matches or training.

“Association Premises” means such land and buildings as may be owned or occupied by the Association from time to time in carrying out its purposes.

“Committee” means the Committee of Management of the Association as defined in the Rule 31 hereof.

“Financial Year” means the year ending on 30th September in each year.

“General Meeting” means a general meeting of members convened in accordance with Rules 18 and 20 hereof and includes annual general meeting.

“Levy” means a financial contribution payable by members generally or by any class of members, other than an admission fee, membership fee, annual subscription, playing fee or any payment for goods or services supplied.

“Licensed Premises” means such part of the Association as may from time to time be the subject of any licence or permit issue to the Association pursuant to the provisions of the Liquor Control Act and/or Gaming Machine Control Act 1991 as the context required.

“Liquor Control Act” means the Liquor Control Act 1968 of Victoria (as amended) or any corresponding Act repealing, replacing or amending the same.

“Gaming Machine Control Act 1991” means the Gaming Control Act 1991 or any corresponding Act repealing or amending the same.

“Member” includes members of all classes of membership as hereinafter provided.

“Membership Year” means that year ending on 30th September in each year.

“Ordinary Members of the Committee” means a member of the Committee who is not an Officer of the Association under Rule 31 hereof.

“Playing Fee” means the fee determined by the Committee from time to time to be paid for the right to play basketball in a competition controlled by the Association.

“Secretary” shall include an acting secretary.

“The Act” means the Associations Incorporated Act 1981.

“The Regulations” means the regulations under the Act.

- (b) Words or expressions contained in these Rules shall be interpreted in accordance with the provisions of the Acts Interpretation Act 1958 and the Act as in force from time to time.
- (c) In these Rules expressions importing the singular shall include the plural, expressions importing the masculine gender shall include the feminine gender, and vice versa in each case.

MEMBERSHIP

3. Members of the Association immediately prior to the adoption of these Rules as the Rules of the Association and any person subsequently admitted to membership pursuant to these Rules.

4. Classes of Membership

(a) The Association shall consist of the following classes of members;-

- (i) ordinary members;
- (ii) junior members being persons who have not attained the age of 18 years;
- (iii) social members;
- (iv) honorary life members;
- (v) honorary members;
- (vi) temporary members;
- (vii) gaming members.

(b) No person shall be allowed to become an honorary life member, honorary member or temporary member of the Association or be relieved of the payment of the annual subscription except those possessing the qualifications defined in these Rules and subject to the conditions and regulations defined herein.

5. APPLICATION FOR MEMBERSHIP

(a) A natural person who is approved for membership as provided for in these Rules is eligible to be an ordinary member, a junior member or a social member of the Association on the payment of the membership fee (if any) and annual subscription payable under these Rules.

(b) An application of a person for membership of the Association;-

- (i) shall be made in writing in the form set out in Appendix 1;
- (ii) shall be lodged with the secretary of the Association; and
- (iii) shall be accompanied by the membership fee (if any) and the amount of the annual subscription applicable to the class of membership to which the person named therein has applied to be admitted, which amount shall be refunded if the person is not elected to membership.

(c) Upon an application being referred to the Committee, the Committee shall determine whether to approve or reject the application but shall not be required to state any reason for failing to or refusing to admit any person to membership.

(d) A record shall be kept by the secretary of the number of members of the Committee voting at any election of members.

6. ANNUAL SUBSCRIPTIONS

(a) Ordinary members of the Association shall pay an annual subscription of such amount as may be fixed by the Committee from time to time and such subscription shall be payable annually in advance.

(b) Junior members of the Association shall pay an annual subscription of such an amount as may be fixed by the Committee from time to time, such subscription shall be paid annually in advance.

(c) (i) social members of the Association shall pay an annual subscription of such an amount as may be fixed by the Committee from time to time, such subscription shall be paid annually in advance.

(ii) gaming members of the Association shall pay an annual subscription of such an amount as may be fixed by the Committee from time to time, such subscription shall be paid annually in advance.

(d) In the event that the Association obtains any licence pursuant to the Liquor Control Act, and in the event that the Association wishes to fix an annual subscription of not less than \$10.00 for a class of membership, such subscription shall not become effective unless and until the same is approved by the Liquor Control Commission.

(e) Any alteration to an annual subscription approved by the Committee shall not be deemed to be or require an amendment to the Rules of the Association.

(f) The Committee may determine to charge a membership fee which shall be payable by the applicant for a class of membership at the time such applicant's application is lodged with the secretary.

- (g) If a person shall be elected to membership on a date later than six months after the commencement of the Association's then current membership year the Committee shall have the power in its discretion to fix the amount of subscription for the balance of that year proportionately to the unexpired portion thereof.
- (h) If any member shall fail to pay his annual subscription within three months after the same has become due and payable, or shall fail to pay any levy within the time determined by the Committee thereof, the Committee shall have the power to terminate his membership and no member whose membership has been terminated shall be re-admitted to membership except on election to membership as hereinbefore provided.

7. JUNIOR MEMBERS

Junior members shall not be entitled to vote at or propose motions to a general Meeting of the Association, or to be a member of the Committee, or to propose any other person as a member of the Association.

8. SOCIAL AND GAMING MEMBERS

(a) Social Members

- (i) Social members shall be entitled to use all social amenities offered by the Association.
- (ii) The number of social members shall not at any time exceed twenty percent of the number of ordinary members.

(b) Gaming Members

- (i) Gaming members shall be entitled to use all social amenities offered by the Association.
- (ii) Gaming members shall not be entitled to vote or propose motions to a general meeting of the Association, or be a member of a Committee or propose any other person as a member of the Committee.

9. HONORARY LIFE MEMBERS

- (a) The Association may at a general meeting elect to honorary life membership of the Association any person who;-
 - (i) Has given outstanding service to the Association over a period of not less than ten years, or
 - (ii) Has given such singular and outstanding service to the Association that election to honorary life membership is considered by the Association to be appropriate notwithstanding that such service has not continued over a period of ten years.
- (b) An honorary life member shall not be required to pay any membership fee, annual subscription, admission fee or levy.
- (c) An honorary life member shall be entitled to vote at and propose motions to a general meeting of the Association, and to be a member of the Committee, and to propose any other person as a member of the Committee.
- (d) Any life member of the Association at the time of the adoption of these Rules as the Rules of the Association shall be deemed to be an honorary life member for the purposes of the Rules.

10. HONORARY MEMBERS

- (a) The Committee may elect to honorary membership of the Association for a fixed period not exceeding two years any person who in the opinion of the Committee will give outstanding service to the Association or towards the carrying out of the objects of the Association during the period of honorary membership.
- (b) Honorary membership may be renewed from time to time as the Committee thinks fit.
- (c) An honorary member shall not be required to pay any membership fee, annual subscription, admission fee or levy during the period of honorary membership.
- (d) An honorary member shall not be entitled to vote at or propose motions to a general meeting of the Association, or to be a member of the Committee, or to propose any other person as a member of the Committee.

11. TEMPORARY MEMBERS

- (a) Unless the Committee or the Association shall otherwise resolve, the following persons shall be temporary members of the Association;-

- (i) any player, official, member or sponsor of the Association PROVIDED HOWEVER that such temporary membership shall be applicable only on those days when a team representing the Association is playing basketball at the Association premises.
 - (ii) any member or official of any team of basketball players which team is based more than 20 kilometres from Shepparton Post Office and which team is involved in playing basketball at the Association premises and /or in a competition organized by the Association PROVIDED HOWEVER that such temporary membership shall be applicable only on those days when the competition in which such team is involved is being conducted.
 - (iii) any official of any Association or league in which the Association enters or is proposing to enter a team in a competition, whilst such official is visiting the Greater Shepparton area on official business.
- (b) A temporary member shall not be required to pay any membership fee, annual subscription or levy.
 - (c) A temporary member shall not be entitled to vote at or propose motions to a general meeting of the Association, or to be a member of the Committee, or to propose any other person as a member of the Committee.

12. VISITORS

In the event that the Association obtains any Licence pursuant to the Liquor Control Act and so long as the Association holds any such Licence and subject in all respects to any contrary provision in the Liquor Control Act;-

- (a) (i) a member may introduce not more than three visitors to the Licensed premises on any day but no person shall be permitted to be a visitor on more than twelve occasions in any period of twelve months PROVIDED HOWEVER that the fiancé or spouse or any person whom the secretary deems to be the defacto spouse of any member may be permitted to be a visitor on more than twelve occasions in any such period.
- (ii) A Visitors' book shall be kept in which shall be entered, at the time of his admission to the Licensed premises, the name and address of every visitor and the date of his visit together with the name of the member by whom he is introduced. It shall be the duty of the Secretary to cause such visitors book to be duly entered by members introducing visitors and to be kept secure and accessible at all times.
- (iii) A member introducing a visitor shall be responsible for the proper conduct of such visitor at all times whilst such visitor is present on the Licensed premises and in the event of his misconduct to procure his withdrawal or removal from the Licensed premises. At the request of such member or if, in the absence of such request, any visitor is in the opinion of any member of the Committee or of an employee of the Association guilty of misconduct or his presence is prejudicial to the Association, such visitor shall be required to leave the Licensed premises forthwith and in the event of failure to do so he may be removed therefrom.
- (iv) A visitor must not be supplied with liquor in the Licensed premises unless the visitor is;-
 - (1) a guest in the company of a member of the Association; or
 - (2) an authorized gaming visitor admitted in accordance with the Rules of the Association,
 - (3) at a particular function or occasion in respect of which a limited licence has been granted under the provisions of Section 52 of the Liquor Control Act 1987.
- (b) (i) A visitor shall not be entitled to enter the Association premises for the purposes of playing in or viewing a basketball game unless and until an applicable admission fee has been paid by him or on his behalf.

AUTHORIZED GAMING VISITORS

- (c) In the event that Association obtains a Venue Operators Licence issued under the provisions of the Gaming Machine Control Act 1991 and so long as the Association holds the Licence;-
 - (i) An authorized gaming visitor (as herein after defined) being such a person who is not a member or a guest of a member, may be admitted to the Licensed premises on any day when guests are allowed for the purposes of playing gaming machines and for the use of such other Associations facilities as the Committee may from time to time permit. Authorized gaming visitors may not introduce guests to the Licensed premises.
 - (ii) The Secretary must keep on the Licensed premises a register of authorized gaming visitors containing the name and residential address of each authorized gaming visitor admitted and the date of that admission.

- (iii) An authorized gaming visitor must:-
 - (1) produce evidence of his residential address before being admitted on the Licensed premises;
 - (2) carry identification at all times whilst on the Licensed premises;
 - (3) comply with any relevant Rules of the Association whilst on the Licensed premises.
- (iv) For the purposes of these Rules an authorized gaming visitor is hereby defined as a person who:-
 - (1) is over the age of 18 years;
 - (2) whose place of residence is more than 10 kilometres from the Licensed premises;
 - (3) is not a person who the Committee of the Association has determined should not be admitted.

13. REGISTER

- (a) The Secretary shall keep on the Association premises a register of members setting forth in full the names and addresses of all members of the Association and the date of the latest payment by each member of his subscription.
- (b) The register shall be available for inspection by members at all reasonable times at the Association premises.
- (c) At any time the Association holds a licence under the Liquor Control Act such register shall be open at all times to the inspection of a Licensing Inspector in whose division the Licensed premises are situated, any authorized member of the Police Force and any Supervisor of Licensed premises.
- (d) Every member upon any change in his address shall notify the secretary in writing forthwith of the particulars thereof. All notices delivered or posted to the address of a member appearing in the register shall be deemed to have been duly given and, where posted, to have been given on the day on which such notices would be received in the ordinary course of the post.

14. RIGHTS OF MEMBERS

A right, privilege, or obligation of a person by reason of his membership of the Association;-

- (a) Is not capable of being transferred or transmitted to another person,
- (b) Terminates upon the cessation of his membership whether by death, resignation or otherwise.

15. RESIGNATION OF MEMBERS

- (a) A member of the Association who has paid all monies due and payable by him to the Association may resign from the Association by first giving one month's notice in writing to the secretary of his intention to resign and upon the expiration of that period of notice, the member shall cease to be a member.
- (a) Upon the expiration of a notice given under sub clause 15 (a), the secretary shall make in the register of members an entry recording the date on which the member by whom the notice was given, ceased to be a member.

16. EXPULSION OR SUSPENSION OF MEMBERS

- (a) Subject to these Rules, the Committee may by resolution:-
 - (i) Expel a member from the Association
 - (ii) Suspend a member from membership of the Association for a specified period and/or fine member in accordance with the Regulations – if the Committee is of the opinion that the member has refused or neglected to comply with these Rules or has been guilty of conduct unbecoming a member or prejudicial to the interests of the Association.
- (b) A resolution of the Committee under sub clause 16 (a) does not effect unless the Committee, at a meeting held not earlier than 14 and not less than 28 days after the service on the member of a notice under sub clause 16 (c) confirms the resolution in accordance with this clause.
- (c) Where the Committee passes a resolution under sub clause 16 (a), the secretary shall, as soon as practicable, cause to be served notice in writing:-
 - (i) Setting out the resolution of the Committee and the grounds on which it is based;
 - (ii) Stating that the member may address the Committee at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice;

- (iii) Stating the date, place and time of that meeting;
- (iv) Informing the member that he may attend and /or give to the Committee before the date of that meeting a written statement seeking the revocation of the resolution.
- (d) At a meeting of the Committee held in accordance with sub clause 16 (b), the Committee:-
 - (i) Shall give to the member an opportunity to be heard;
 - (ii) Shall give due consideration to any written statement submitted by the member; and
 - (iii) Shall by resolution determine whether to confirm or revoke the resolution.

17. NO CLAIMS

No member who resigns or is expelled or who otherwise ceased to be a member of the Association shall have any claim upon the property of the assets of the Association except as a creditor thereof.

18. DISPUTES AND MEDIATION

- (a) The grievance procedure set out in this rule applies to disputes under these Rules between—
 - (i) a member and another member; or
 - (ii) a member and the Association.
- (b) 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.
- (c) 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.
- (d) The mediator must be—
 - (i) a person chosen by agreement between the parties; or
 - (ii) in the absence of agreement—
 - (1) in the case of a dispute between a member and another member, a person appointed by the committee of the Association; or
 - (2) 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).
- (e) A member of the Association can be a mediator.
- (f) The mediator cannot be a member who is a party to the dispute.
- (g) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (h) The mediator, in conducting the mediation, must—
 - (i) give the parties to the mediation process every opportunity to be heard; and
 - (ii) allow due consideration by all parties of any written statement submitted by any party; and
 - (iii) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- (i) The mediator must not determine the dispute.
- (j) 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.

GENERAL MEETINGS

19. ANNUAL GENERAL MEETING

- (a) The Association shall in each calendar year convene an annual general meeting of its members to be held after the 30th September and not later than the 31st December.
- (b) The annual general meeting shall be held on such day, at such time and at such place as the Committee determines.
- (c) The annual general meeting shall be specified as such in the notice convening it

(d) The ordinary business of the annual general meeting shall be:-

- (i) to confirm the Minutes of the last preceding annual general meeting and or any general meeting that has been held since that meeting,
 - (ii) to receive from the Committee reports upon the transactions of the Association during the last preceding financial year.
 - (iii) to elect office bearers of the Association and the ordinary members of the Committee, and
 - (iv) to receive and consider the statement submitted by the Association in accordance with Section 30 (3) of the Act.
- (e) The annual general meeting may transact special business of which notice is given in accordance with these Rules.
- (f) The annual general meeting shall be in addition to any other general meetings that may be held in the same year.

20. SPECIAL GENERAL MEETING

All general meetings other than the annual general meeting shall be called special general meetings.

21. (a) The Committee may, whenever it thinks fit, convene a special general meeting of the Association.
- (b) The Committee shall, on the requisition in writing of ordinary members representing not less than 5% of the total number of ordinary members, convene a special general meeting of the Association.
- (c) The requisition of a special general meeting shall state the objects of the meeting and shall be signed by the ordinary members making the requisition and 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 ordinary members making the requisition.
- (d) If the Committee does not cause a general meeting to be held within one month after the date on which the requisition is sent to the address of the secretary, the ordinary members making the requisition, or any of them, may convene a special general meeting to be held not later than one month after that date.
- (e) A special general meeting convened by members in pursuance of these Rules shall be convened in the same manner as nearly as possible as that in which those meetings are convened by the Committee.

22. NOTICE OF MEETINGS

- (a) The secretary of the Association shall, at least 14 days before the date fixed for holding a general meeting of the Association, cause a notice stating place, date and time of the meeting and the nature of the business to be transacted at the meeting to be inserted in the "Shepparton News" newspaper and shall cause a copy of such notice to be displayed in a conspicuous place on the Association premises for at least 14 days prior to the date of such meeting.
- (b) No business other than that set out in the notice convening the meeting shall be transacted at the meeting.
- (c) A member desiring to bring business before a meeting shall give notice of that business in writing to the secretary, who shall include that business in the notice calling the next general meeting after receiving the notice.

23. PROCEEDINGS AT MEETINGS

- (b) All business that is transacted at a special general meeting and all business that is transacted at the annual general meeting, with the exception of that specifically referred to in these Rules as being the ordinary business of the annual general meeting, shall be deemed to be special business.
- (c) No item of business shall be transacted at a general meeting unless a quorum of members entitled to vote is present during the time when the meeting is considering that item.
- (d) Twelve members personally present (being members entitled under the Rules to vote at a general meeting) constitutes a quorum for the transaction of the business of a general meeting.
- (e) If within half an hour after the appointed time of the commencement of a general meeting, a quorum is not present, the meeting if convened upon the requisition of ordinary members shall be dissolved, and in any other case shall stand adjourned to the same day in the next week at the same time and at the same place and 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 present (being not less than eight) shall be the quorum.

24. The president, or in his absence, a member of the Committee appointed by the Committee for that purpose, shall preside as chairman at each general meeting of the Association.
25. (a) The chairman of a general meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (b) Where a meeting is adjourned for 14 days or more, a like notice of the adjourned meeting shall be given as in the case of a general meeting.
26. A question arising at a general meeting of the Association shall be determined on a show of hands and unless before or on the declaration of the show of hands a poll is demanded, a declaration by the chairman that a resolution has, on a show of hands been carried or carried unanimously or carried by a particular majority or lost, and an entry to that effect in the minute book of the Association is evidence of that fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.
27. (a) Upon any question arising at a general meeting of the Association, a member has one vote only.
- (b) All votes shall be given personally or by proxy.
- (c) In the case of an equality of voting on a question, the chairman of the meeting is entitled to exercise a second or casting vote.
28. (a) If at a meeting a poll on any question is demanded by not less than three members, it shall be taken at the meeting in such a manner as the chairman may direct and the resolution of the poll shall be deemed to be the resolution of the meeting on that question.
- (b) A poll that is demanded on the election of a chairman or on the question of an adjournment shall be taken forthwith and a poll that is demanded on any other question shall be taken at such time before the close of the meeting as the chairman may direct.
25. A member is not entitled to vote at any general meeting unless all monies due and payable by him to the Association have been paid.
26. (a) Each member shall be entitled to appoint another member as his proxy by notice given to the secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.
- (b) The notice appointing the proxy shall be in the form set out in Appendix 2.

COMMITTEE OF MANAGEMENT

27. (a) The affairs of the Association shall be managed by a Committee of Management constituted as provided in Rule 31.
- (b) The Committee;-
- (i) shall control and manage the business and affairs of the Association;
 - (ii) may, subject to these Rules, the Regulations and the Act, exercise all such powers and functions that are required by these Rules, to be exercised by general meeting of the members of the Association;
 - (iii) 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;
 - (iv) shall have the power to make, amend and repeal by-laws binding on all members and without effecting the generality of the foregoing shall have power to make by-laws in respect of the following matters;-
 - (1) the conduct and discipline of members;
 - (2) subject to these Rules and to the Act, the fines and penalties to be imposed for any breach of the Rules or of such by-laws;
 - (3) the regulation of times, places and Rules for the playing of basketball at the Association premises or in competitions conducted by the Association;

- (4) subject to these Rules and to the Liquor Control Act, the restrictions or limitations with respect to times, places or other requirements to be placed on the rights of members generally or any particular class of members;
 - (5) subject always to the Liquor Control Act, all matters relating to the sale, disposal, consumption, or carrying away of liquor in or from the Licensed premises or relating to compliance with the provisions and requirements of the Liquor Control Act or the Liquor Control Commission;
 - (6) the days and times of opening and closing of the Association premises, the Licensed premises, or any part of either such premises;
 - (7) any other matter deemed necessary or desirable by the Committee.
 - (v) Shall have the power from time to time to appoint sub-committees from amongst its members for any of the purposes of the Association and to co-opt thereto any other member or members as it shall think fit AND shall require every sub-committee to report on any matters committed to it to the secretary for the consideration of the Committee.
28. a) Subject to section 23 of the Act, the Committee shall consist of eight members,
- (i) Each member of the Committee shall be elected at the annual general meeting of the Association,
 - (ii) Each member of the Committee shall hold office until second annual general meeting after the date of his or her election but is eligible for re-election,
- (b) The officers of the Association shall be:-
- a president;
 - a vice president;
 - a treasurer; and
 - a secretary.
- (b) The officers of the Association shall be elected at the next meeting of the Committee of Management in such usual and proper manner as the Committee agrees.
- (c) Only members of the Committee may be nominated for election to vacant positions of officers of the Association
- (d) Each officer of the Association shall hold office until the annual general meeting next after the date of his or her election but is eligible for re-election.
- (e) The provisions of Rule 33 so far as they are applicable and with the necessary modifications, apply to the election of persons to any of the office mentioned in sub-clause 31 (a)
- (i) The officers of the Association; and
 - (ii) Four ordinary members.
- (f) The provisions of Rule 31 so far as they are applicable and with the necessary modifications, apply to and in relation to the period of office of each ordinary member of the Committee, and the year in which each ordinary member of the Committee shall be eligible for re-election;
- (g) In the event of a casual vacancy occurring during the office of an ordinary member of the Committee, the Committee may appoint a member of the Association to fill the vacancy, and the member so appointed shall hold office, subject to these Rules, until the expiration of the period of office of the ordinary member he has replaced.

33. ELECTION OF OFFICERS AND VACANCY

- (a) Nominations of candidates for election to vacant positions of officers of the Association or of ordinary members of the Committee:-
 - (i) Shall be made in writing, signed by two ordinary members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and
 - (ii) Shall be delivered to the secretary of the Association at least seven days prior to the date of the annual general meeting.
- (b) If sufficient nominations are received to fill all vacancies on the Committee, the candidates shall be deemed to be elected and further nominations for the remaining vacancies shall be received at the annual general meeting.

- (c) If the numbers of nominations is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
 - (d) If the numbers of nominations exceeds the number of vacancies to be filled, a ballot shall be held.
 - (e) The ballot for the election of officers and ordinary members of the Committee shall be conducted at the annual general meeting in such usual and proper manner as the Committee may direct.
 - (f) A nomination of a candidate for election under this clause is not valid if that candidate has been previously elected for another office at the same election.
34. For the purposes of these Rules, the office of an officer of the Association or of an ordinary member of the Committee becomes vacant if the officer or member;-
- (a) Ceases to be an ordinary member or an honorary life member of the Association;
 - (b) Becomes insolvent under administration within the meaning of the Corporation Act; or
 - (c) Resigns his office by notice in writing given to the secretary.
35. (a) The Committee shall meet at least six times in each year, at such time and at such place as the Committee may from time to time determine, and not more than 3 calendar months shall elapse between meetings of the Committee.
- (b) Special meetings of the Committee may be convened by the president or by any three members of the Committee.
 - (c) Notice shall be given to the members of the Committee of any special meeting specifying the general nature of the business to be transacted and no other business shall be transacted at such a meeting.
 - (d) Any three members of the Committee shall constitute a quorum for the transaction of the business of a meeting of the Committee.
 - (e) No business shall be transacted unless a quorum is present within half an hour of the time appointed for the meeting a quorum is not present, the meeting shall be adjourned to the same place and at the same hour of the same day of the following week unless the meeting was a special meeting in which case it lapses.
 - (f) At a meeting of the Committee the president or in his absence such one of the remaining members of the Committee as may be chosen by the members shall preside.
 - (g) 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 demanded by a member, by a poll taken in such a manner as the person presiding at the meeting may determine.
 - (h) Each member present at a meeting of the Committee or of any sub-committee appointed by the Committee is entitled to one vote and then in the event of any equality of votes on any question, the person presiding may exercise a second or casting vote.
 - (i) Written notice of each meeting shall be served on each member of the Committee by delivering it to him at a reasonable time before the meeting or by sending it by pre-paid post addressed to him at his usual or last known place of abode at least two business days before the date of the meeting.
 - (j) Subject to clause 36 (d), the Committee may act notwithstanding any vacancy on the Committee.
37. SECRETARY
- (a) The secretary of the Association shall keep the minutes of the resolutions and proceedings of each general meeting and each Committee meeting in provided for that purpose together with a record of the names of persons present at Committee meetings.
 - (b) The secretary shall be responsible for carrying out all of the other duties required by the Act to be performed by the public officer of the Association, and all such duties as are given to him by these Rules.
38. TREASURER
- (a) The Treasurer of the Association;-
 - (i) shall collect and receive all monies due to the Association and make all payments authorized by the Association.
 - (ii) shall 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, together with all particulars shown in books of account of like nature;

- (iii) shall submit a report to each meeting of the Committee (other than a special meeting) showing the financial position of the Association; and
- (iv) shall submit to the annual general meeting the statement required by Section 30 (3) of the Act which shall be audited by an honorary auditor appointed by the Committee and who is a registered auditor under the Corporations Act.

39. REMOVAL OF MEMBER OF COMMITTEE

- (a) The Association in general meeting may by resolution remove any member of the Committee before the expiration of his term of office and appoint another member to hold office until the expiration of the term of the first mentioned member.
- (b) Where the member in relation to whom a resolution referred to in sub-clause 39 (a) is proposed, makes representations in writing to the secretary or president of the Association (not exceeding a reasonable length) and requests that those representations be notified to the members of the Association, the secretary or the president may send a copy of the representations to each member of the Association or, if they are not sent, the member may require that they be read out at a the meeting.

40. CHEQUES

All cheques, drafts, bills of exchange, promissory notes or other negotiable instruments shall be signed by two members of the Committee.

41. SEAL

- (a) The common seal of the Association shall be kept in the custody of the secretary.
- (b) The common seal of the Association 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 signature either two members of the Committee or one of the member of the Committee and of the Public Officer of the Association.

42. ALTERATIONS OF RULES AND STATEMENT OF PURPOSES

- (a) These Rules and Statement of Purpose of the Association shall not be altered except in accordance with the Act.
- (b) In the event that the Association obtains any licence under the Liquor Control Act and as long as the Association holds any such licence the secretary shall within 14 days after the making of any amendment or alteration in the Rules or Statement of Purposes of the Association lodge with the secretary of the Liquor Control Commission a certified copy of every such amendment or alteration.

43. NOTICES

- (a) A notice may be served by or on behalf of the Association upon any member personally, by delivering it to the address of the member as shown in the register of members, or by sending it by post to the member at such address.
- (b) Where a document is properly addressed, prepaid and posted to a person as a letter, the document shall, unless the contrary is proved, be deemed to have been given to the person at the time at which the letter would have been delivered in the ordinary course of the post.

44. CUSTODY OF RECORDS

Except as otherwise provided in these Rules, the secretary shall keep in is custody or under his control all books, documents and securities of the Association.

45. FUNDS

The funds of the Association shall be derived from admission fees, membership fees, annual subscriptions, playing fees, levies, donations and other such sources as the Committee determines.

46. LEVY

- (a) The Committee may determine that in addition to any membership fee, admission fee, annual subscription or playing fee there shall be paid by the members generally or by class of members a levy in order to provide funds for the purposes of the Association generally, or for a particular purpose of the Association.
- (b) Notwithstanding the generality of sub-clause 46 (a) above, the Committee may impose such a levy as a condition of the entry of a team or teams of players in any basketball competition conducted by the Association.

47. LIQUOR CONTROL ACT

In the event that the Association obtains any licence under the Liquor Control Act, and so long as the Association holds any such licence, then notwithstanding anything to the contrary elsewhere in these Rules contained or implied the following Rules shall apply and have affect;-

- (a) The Association shall provide and maintain its facilities from its joint funds.
- (b) No person shall receive a greater profit, benefit or advantage from the Association than that received by every member thereof other than remuneration or honorarium approved by the Liquor Control Commission for work done by the secretary, treasurer or other officers of the Association or salary or wages paid to employees.
- (c) No payment or part payment shall be made to any secretary, treasurer or other officer, or to any servant or employee of the Association by way of commission or allowance from or upon the receipts of the Association for the liquor supplied.
- (d) A visitor shall not be supplied with liquor in the Licensed premises unless in the company of a member PROVIDED HOWEVER that a visitor may be supplied with liquor on the Licensed premises when not in the company of a member at a particular function or a particular occasion in respect of which a permit has been granted under sub section (8) of Section 38 of the Liquor Control Act.
- (e) No liquor shall be sold or supplied to any person under 18 years of age except where such person is accompanied by a spouse or parent or guardian and the liquor is sold or supplied for consumption as part of the meal supplied on the Licensed premises.
- (f) No liquor shall be sold or supplied for consumption elsewhere than on the Licensed premises unless such liquor is removed from the Licensed premises by the member purchasing the same.
- (g) No person under 18 years of age except persons who are being trained as waiters shall be allowed to serve behind the bar in the Licensed premises.
- (h) No more than 200 persons will be permitted on the premises at any one time.
- (i) If at any time the number of members of the Association shall fall below 50 it shall be the duty of the secretary to notify the Liquor Control Commission forthwith and to proceed to apply to surrender the Association's licence.
- (j) The procurement, storage, supply, disposal and all other matters relating to liquor shall at all times remain under the control and supervision of the Committee.

48. WINDING UP OR CANCELLATION

In the event of the winding up or cancellation of the Incorporation of the Association, the assets and property of the Association after payment of all just debts and liabilities shall not be distributed to members but shall be distributed to a fund or funds with similar objects and/or funds or funds exclusively for charitable purposes.

I CERTIFY that on the 13th day of May 2009 the above Rules were adopted by a special resolution of members of Greater Shepparton Basketball Association Incorporated as the Rules of the Association.

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CHAIRMAN

Signed for identification as being a true copy of the Rules of Greater Shepparton Basketball Association Incorporated.

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PUBLIC OFFICER