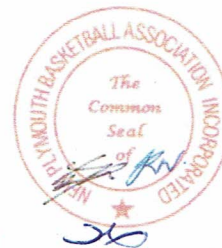




# NEW PLYMOUTH BASKETBALL

## NEW PLYMOUTH BASKETBALL ASSOCIATION CONSTITUTION



### 1. NAME

- 1.1 The organisation shall be called the New Plymouth Basketball Association Incorporated

### 2. NATIONAL AFFILIATION

- 2.1 To be a member of Basketball New Zealand by being an affiliated Association of Basketball Taranaki Incorporated.
- 2.2 If Basketball Taranaki Incorporated is not affiliated to Basketball New Zealand or cease to be an entity, then to be an affiliated association of Basketball New Zealand.
- 2.3 Up to two delegates of the affiliated association shall be appointed to attend the Annual General Meeting of Basketball Taranaki Incorporated.
- 2.4 If Basketball Taranaki Incorporated is not affiliated to Basketball New Zealand or cease to be an entity, then up to two delegates of the affiliated association shall be appointed to attend the Annual General Meeting of Basketball New Zealand.
- 2.5 If neither delegate can attend, the Association may appoint a proxy or proxies to this meeting.

### 3. REGISTERED COLOURS

- 3.1 The registered colours of the Association shall be royal blue uniform with gold trimming
- 3.2 Alternative colours shall be gold uniform with royal blue trimmings

### 4. OBJECTIVES

- 4.1 The objectives of the Association are to:
- (a) Foster the growth/control and management for the development of the sport of basketball
  - (b) Create opportunities for all participants (e.g., administration, competitors, coaches, officials etc) to reach their potential
  - (c) Encourage and develop elite performance
  - (d) Encourage and enable mass participation
  - (e) To sanction and control the holding of tournaments
  - (f) To make, maintain and enforce rules and regulations for the control and governing of the game within the association
  - (g) To resolve all disputes arising under the Association's Constitution
  - (h) Delegate responsibility of governance for the day-to-day management of the Association to the Executive Committee

### 5. MEMBERS

- 5.1 The membership of the association shall consist of:
- (a) All registered teams competing in a winter competition run by New Plymouth Basketball Association. Each team is 1 member.
  - (b) Life members, the distinction of Life Membership may be conferred for services rendered in connection with the game of basketball. The distinction of Life Membership may only be

awarded by resolution at the Annual General Meeting of the Association.

- (c) Executive members. Officers of the Association and, members of the Executive committee, duly and properly elected in accordance with this constitution, at the last Annual General Meeting of the Association. Or co-opted onto the Committee under section 6.4c of this constitution.
- (d) Honorary members, The Executive Committee shall have the power to create Honorary Members who shall exercise no voting power whatsoever.
- (e) The Referees group as a body shall be 1 member.

## 5.2 Membership Fees

- (a) The amount of the membership fees for each class of membership shall be determined and shall be payable at such time and in such manner as the Executive Committee shall determine.

## 5.3 Resignation of membership

- (a) Any member deciding to resign must notify the secretary in writing.

## 5.4 Withdrawal, Suspension or Termination of Membership

- (a) A membership shall be withdrawn, suspended, or terminated if the member:
  - (i) Fails to comply with any of the provisions of the Association's Constitution
  - (ii) Acts in a manner considered to be injurious or prejudicial to the character or interests of the Association.
- (b) A member may have membership withdrawn or be suspended or removed from office on a resolution carried by a two thirds majority of votes recorded at the Executive Committee called for the purpose.
- (c) Executive Committee member will automatically be withdrawn if a member fails to attend three consecutive meetings without an apology.
- (d) The Executive Committee shall have the power to terminate an Executive Committee member if the member:
  - (i) Fails to comply with any of the provisions of the Associations Constitution
  - (ii) Acts in a manner considered to be injurious or prejudicial to the character or interests of the Association

## 5.5 Register of Members

- (a) The Executive Committee shall create a register to be kept in which shall be entered the full name, contact details and category of membership of all persons admitted to membership of the Association, the dates of their admission and shall keep and maintain the Register accord with the provisions of the Privacy Act 1993.

# 6. EXECUTIVE COMMITTEE

## 6.1 The Association Executive Committee will comprise:

- (a) Patron
- (b) Chairperson
- (c) Deputy Chairperson
- (d) Secretary
- (e) Treasurer
- (f) No less than four and no more than six other members elected to the Executive Committee.

## 6.2 Each Executive Committee member are to:

- a) at all times, act in good faith and in the best interests of NPBA
- b) exercise the powers of the Executive Committee for proper purpose





- c) act, and ensure NPBA acts in accordance with this Constitution
  - d) disclose to the Executive Committee the nature and extent of any conflict of interest
  - e) take such other steps as determined by the Executive Committee in respect of any interest specified in Rule 6.2d which may include, without limitation, abstaining from deliberations and/or any vote regarding such interest
  - f) not disclose any information that the Executive Committee member would not otherwise have available other than in his or her capacity as an Executive Committee member, to any person, or make use of or act on the information except
    - (i) as agreed by the Executive Committee for the purposes of NPBA
    - (ii) as required by law
- 6.3 The members of the Executive Committee shall hold office for the following term:
- (a) The Chairperson, vice chairperson and each elected member of the Executive Committee will be eligible for re-election to their respective positions after expiry or termination of their appointment of those positions.
- 6.4 The election of officers and other members of the Executive Committee shall take place in the following manner:
- (a) The highest polling candidate for a vacancy shall be the person elected to that position
  - (b) If, at the commencement of the meeting, there be insufficient number of candidates nominated, nominations may be taken from the floor of the meeting.
  - (c) Empower this committee to co-op as they see fit to complete the Executive.

## 7. MANAGEMENT COMMITTEE

- 7.1 Management Committee will convene to deal with urgent matters and must comprise of:
- (a) Chairperson or deputy chair
  - (b) Secretary or treasurer
  - (c) Three other members to be elected at the AGM
  - (d) A quorum will be two from (a) and or (b) and a minimum one from(c)

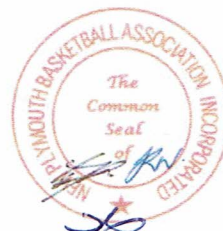
## 8. MEETINGS

### 8.1 Annual General Meetings

The annual general meeting shall be open to all members and held within three months of the close of the financial year.

- (a) The Chairperson shall convene all annual general meetings of the Association by giving not less than 14 days' notice of any such meeting to the members of the Association. If the Chairperson is unavailable, then Deputy-Chairperson shall preside. If the Deputy-Chairperson is unavailable, then the members present shall elect one of their members to be Chairperson of the meeting.
- (b) The manner by which such notice shall be given shall be determined by the Executive Committee.
- (c) Notice of such resolution shall be circulated to members not less than seven days prior to the meeting at which the resolution will be considered.
- (d) Subject to the provisions of the Incorporated Societies Act 1908, the constitution may be amended, rescinded, or added to from time to time by a special resolution carried by two thirds majority of eligible voting members present at an annual general meeting.
- (e) All eligible members intending to vote must register with the Secretary prior to the commencement of the meeting, (one vote per member, no proxy votes) a person may only have one vote.

### 8.2 The Business of an Annual General Meeting





The business to be transacted at every annual general meeting shall be:

- (a) Approval of the minutes of the previous AGM
- (c) The receiving of the Chairperson's report
- (d) The receiving of the Auditor's report upon the books and accounts for the preceding financial year
- (e) The election of the Executive Committee
- (f) Reimbursement of Expenses
- (g) Amendments to the Constitution (if any).

#### 8.3 Executive Committee Meetings

- (a) If the Chairperson is unavailable, then the Deputy-Chairperson shall preside. If the Deputy-Chairperson is unavailable, then the members present shall elect one of their members to be Chairperson of the meeting.
- (b) The Chairperson shall maintain order and conduct the meetings in a proper and orderly manner.
- (c) Unless otherwise provided by this Constitution, at every committee meeting, every Executive Committee member present at the meeting shall be entitled to one vote on every matter or resolution and in the case of tied votes; the Chairperson shall have a second or casting vote.

#### 8.4 Quorum for Executive Committee Meetings

- (a) At any executive meeting the number required to constitute a quorum shall be five of the executive members.
- (b) No business shall be transacted at any executive meeting unless a quorum of members is present at the time when the meeting proceeds to business.

#### 8.5 Special Meetings

- (a) The Chairperson shall convene a special meeting when directed to do so by the Management Committee to deal with urgent matters.

### 9. COMMON SEAL AND CONTRACTS

- 9.1 The Association shall have a common Seal. Subject to the Incorporated Societies Act 1908, the Executive Committee shall determine when the common seal is used and make provision for its safe custody.
- 9.2 Contracts and other enforceable obligations requiring the signature of the Association must be signed on behalf of the Association by the Chairperson and one other member of the Executive Committee.

### 10. FINANCES

#### 10.1 Audited Accounts

- (a) As soon as practicable after the end of each financial year a statement shall be prepared containing particulars of:
  - (i) the income and expenditure for the financial year ended; and
  - (ii) the assets and liabilities of the Association at the close of that year.
- (b) All such statements shall be examined by the auditor who shall present a report upon such audit to the chairperson prior to the holding of the annual general meeting next following the financial year in respect of which such audit was made.

#### 10.2 Financial Year

- (a) The financial year of the Association shall end on 30<sup>th</sup> September in each year.

#### 10.3 Banking

- (a) The funds of the Association must be kept in the name of the association in a financial institution decided by the Executive Committee.
- (b) All monies shall be deposited as soon as practicable after receipt thereof.



#### 10.4 Bookkeeping

- (a) Proper books and accounts shall be kept and maintained either in written or printed form correctly showing the financial affairs of the Association and the particulars usually shown in the books of a like nature.

#### 10.5 Authorities

- (a) Cheques shall be signed by any two authorised signatories of the Executive Committee.

### 11. DOCUMENTS

- 11.1 The Executive Committee shall provide for the safe custody of books, documents, instruments of title and securities of the Association.
- 11.2 The provisions of this clause shall not be removed from this document and shall be included and applied into any document.

### 12. LIQUIDATION

- 12.1 If upon the liquidation of the Association there remains, after the satisfaction of all its debts and liabilities, any property shall be given or transferred to some other charitable organisation or body having objectives similar to the Association.

