



ECHOES BASKETBALL CLUB INC.

Official Constitution as at May 2004 and By-Laws as at January 2024

1. NAME:

The name of the club shall be the **ECHOES BASKETBALL CLUB INC.**

2. OBJECTS: The objects of the Club shall be to:

- a. Foster interest in the game of basketball in the Barossa Valley.
- b. Where possible, enter at least one team in each grade of the B.V.A.B.A.
- c. Provide an organised environment in which people can play basketball.
- d. Encourage good sportsmanship from all of its members and supporters.
- e. To abide by the code of conduct as set out by the B.V.A.B.A.
- f. Encourage the participation of club teams in basketball carnivals.
- g. Oppose smoking, drinking of alcohol, and the use of non-prescription drugs, during club playing and practice times.

3. MEMBERSHIP: Shall consist of TWO types:

- 1) **A seasonal playing membership**, covered by the normal senior and junior subscriptions as set time to time by the Committee of Management shall become due and payable as determined by the said Committee of Management.
- 2) **A person who has an interest in the Club but is not a player**, (this shall include coaches, scorers, umpires and parents of junior players). Membership fees shall be levied against such a person at the discretion of the Committee of Management.
 - a. People on becoming members undertake to observe and be bound by this Constitution and the rules and by-laws of the Association and Basketball Australia.
 - b. All debts and/or equipment due to the Club must be paid and/or returned before a member may withdraw from the Club and transfer to another Club.
 - c. The Club at its Annual General Meeting on the recommendation of the Committee may bestow life membership upon any person in recognition of services rendered, such services to be rendered over a period of not less than ten years. Life Membership does not of itself bestow any voting rights upon the recipient thereof.

4. AFFILIATION: The Club shall affiliate with an official B.A.S.A. affiliated BASKETBALL ASSOCIATION, and therefore will abide by the playing rules and by-laws of that Association.

5. DUTIES AND POWERS OF THE ASSOCIATION

1) GENERAL

The Club at a duly convened Committee Meeting shall have the sole responsibility on the following matters:

- a. To make rules and by-laws on matters authorised by or necessary or convenient to give effect to this Constitution insofar as such rules or by-laws are not inconsistent with the rules of the South Australian Council of Basketball of Australia and the BVABA.
- b. To decide on whether or not a member should be expelled from the Club after conducting an enquiry according to the terms of clause 9 (2) of this Constitution.

2) POWERS

For the purpose of carrying out its objects the Club may-

- a. Acquire, hold, deal with, and dispose of, any real or personal property; and
- b. Administer any property on trust; and
- c. Open and operate ADI accounts; and
- d. Invest its moneys-
 - i. In any security in which trust moneys may, by Act of Parliament, be invested; or
 - ii. In any other manner authorised by the Constitution or By-laws of the Club; and
- e. Borrow money upon such terms and conditions as the Club thinks fit; and give such security for the discharge of liabilities incurred by the Club as the Club thinks fit; and
- f. Appoint agents to transact any business of the Club on its behalf, and
- g. Enter into any other contract it considers necessary or desirable.

6. ADMINISTRATION:

The Club shall be administered by a Committee of Management, elected at an A.G.M. The duties of the Committee shall be as follows:

- a. To administer the club according to its current Constitution and By- laws.
- b. To acquire and disburse money as required, to finance the costs associated with fielding teams in a competition on a non-profit making basis.
- c. Enforce the rules and regulations on club members, and where necessary inflict penalties for blatant disregard of these rules.
- d. To appoint sub-committees to assist in club administration where necessary.
- e. To operate a bank account in the name of the Club, with the signatories to be any two of President, Secretary or Treasurer.
- f. The Club financial year shall end on 31st May.



7. THE COMMITTEE OF MANAGEMENT:

1) GENERAL

- a. The day-to-day management of the affairs of the Club shall be vested in a Committee of Management as elected at the A.G.M., which shall consist of President, Vice-President, Secretary, Treasurer, Public Officer and at least two additional members for a period of one year.
- b. In addition, each Senior Team shall elect one person to serve on the Committee.
- c. The Committee shall then elect three delegates from within the Committee to attend Association Meetings on the Club's behalf.
- d. The Chairman shall only have a casting vote at all meetings of the Committee of Management.
- e. The officers and members of the Committee shall retire and their places shall be filled at the Annual General Meeting. All retiring officers and committee members shall be eligible for re-election.
- f. An office bearer or committee member may be removed from office at a Committee of Management meeting by a majority vote.
- g. Full-time or part-time employees of the Club shall not be eligible to be members of the committee.

2) OFFICERS

- a. The Secretary shall conduct the correspondence of the Club, keep records of its proceedings, convene Committee of Management meetings and Annual General Meetings in accordance with the Constitution, carry out instructions of the Club subject to the control of the Committee and perform all duties and obey all instructions provided for in the Constitution.
- b. The Treasurer shall receive all monies due to the Club and deposit the same without delay to the credit of the Club in the Bank/s or financial institution nominated by the committee and pay thereout all monies required in the proper performance of his/her duties; keep the accounts of the Club and submit to each and every meeting a statement of receipts and expenditure, present at the Annual General Meeting the audited annual statement of receipts and expenditure of the Club as at the 31st day of May.
- c. The Club shall at the Annual General Meeting seek to appoint an auditor for the ensuing year.

3) CASUAL VACANCIES:

- a. All casual vacancies that may arise amongst the Officers of the Club between Annual General Meetings shall be filled by the Committee of Management from amongst the Committee Members who were appointed at the preceding Annual General Meeting.
- b. Any other casual vacancy that may arise amongst the Members of the Committee of Management shall be filled by the Committee by election from remaining members of the Club.



8. MEETINGS

1) ANNUAL GENERAL MEETING:

- i. This shall be held *NOT LATER THAN* end of June of each year.
- ii. The presentation of the Committee's Annual Report and the audited financial statement shall be dealt with.
- iii. The election of officers of the Committee shall be dealt with.
- iv. Nominations for executive positions of the Committee shall be called for fourteen days prior to the A.G.M.
- v. Election for the positions of the Committee shall be by ballot of those present.

2) **SPECIAL GENERAL MEETING:** May be called by the Committee at any time or by written request signed by *AT LEAST* ten members of the Club giving *AT LEAST FOURTEEN DAYS NOTICE*.

3) **COMMITTEE OF MANAGEMENT MEETINGS:** Shall be held on a quarterly basis and on any additional basis as deemed necessary Committee decision.

4) **NOTICE OF MEETINGS:** Each member shall be advised in writing *AT LEAST FOURTEEN DAYS* in advance of the scheduled meeting date for an A.G.M. or S.G.M. For Committee meetings, all committee members shall be circulated with a copy of the previous minutes, and the proposed agenda for the coming meeting.

5) **QUORUM:** A quorum of at least 50% of Committee members shall apply for all Committee meetings. If after half an hour of the appointed time of the meeting, there shall not be a quorum, such meeting shall lapse, and a meeting shall be re-convened within seven days. A quorum of least ten members is required to conduct an Annual General Meeting or Special General Meeting. If after half an hour of the appointed time of the meeting, there shall not be a quorum, such meeting shall lapse, and a meeting shall be within seven days.

6) **NON-ATTENDANCE:** The Committee reserves the right to replace any fellow committee member who has been guilty of consistent non-attendance at meetings. Any person who has missed two consecutive meetings, would automatically have their place on the Committee reviewed.

7) **VOTING:** The sense of a meeting shall be determined by the show of hands unless a ballot is demanded by at least three persons who are entitled to vote. Each person elected to the committee is entitled to one vote. The Chairperson has only a casting vote.



9. DUTIES AND POWERS OF COMMITTEE OF MANAGEMENT

Subject to this Constitution the powers of the Committee shall be to exercise and perform the duties and functions of the Club except as is otherwise provided by this Constitution and without in any way limiting the generality thereof shall include the power:

1) GENERAL

- a. To carry out the objectives of the Club.
- b. To pose and collect subscriptions, fees, levees and other charges from bodies clubs, institutions, associations and individuals or to borrow or raise money with or without security for giving effect to this Constitution or for matters connected there.
- c. To purchase, hire, let lease or otherwise obtain possession of suitable playing areas, halls or buildings for the purpose of playing basketball.
- d. To take any steps necessary for protection of property or premises which have been purchased, hired, let leased by the Club.
- e. To arrange, promote and manage basketball matches and competitions and make rules and regulations for the carrying out of such matches and competitions within this Club.
- f. To hear and adjudicate upon appeals from decisions of sub-committees or officials of the Club.
- g. To nominate and appoint any person or sub-committee for such purposes and with such powers as may be deemed desirable. Such person's or sub-committee's activities are to be governed by this Constitution, By-Laws and Committee.

2) DISCIPLINE: Subject to this Constitution the Committee may:

- a. Suspend, disqualify, fine or otherwise deal with any member or any other person whose conduct, in the opinion of the Committee, is discreditable or injurious the character of or interests of the Club or is in breach of the Constitution or the rules or By-Laws made thereunder.
- b. Before any member thereof is suspended, fined or otherwise dealt with as aforesaid the conduct of such member shall be enquired into by the Committee and such member shall be given the right to defend to justify or explain such conduct. When the matter is enquired into if the majority of the Committee present is of the opinion that the member thereof is guilty of such conduct the Committee may suspend, fine or otherwise deal with as aforesaid such member thereof.
- c. Should any member fail to appear at any enquiry conducted under this Clause or any adjournment thereof the Committee may proceed in the absence of such member to conduct the said enquiry and to make its findings as hereinbefore empowered.
- d. The Committee may enquire into any conduct upon its own volition, but it must hold an enquiry on any conduct of a member of which it has received a signed written protest from another Member, Club or Referee, such protest being received within seven days of such conduct occurring or coming to the notice of such Member, Club or Referee. A copy of this signed written protest must also be forwarded to the person concerned within seven days of receipts by the Secretary.



10. CONSTITUTION ALTERATION

- a. The Constitution shall include a set of By-Laws.
- b. By-Laws may be added to, amended, or deleted, by any meeting of the Committee of Management.
- c. The rest of the Constitution may only be altered by a majority decision at an A.G.M. or S.G.M.

11. DISSOLUTION

- a. In the event of the Club being unable to continue operating due to circumstances unforeseen, all goods and chattels able to be sold should be sold and the money used to expedite all debts as held by the Club. In the event that funds remain or goods and chattels remain in the Club's possession, such monies and goods should be dispersed to the official B.A.S.A. affiliated Basketball Association with whom the Club is affiliated with.
- b. The Club shall be wound-up by a vote of three quarters of all members who attend a special meeting held for this purpose. This rule is null and void should the Club be wound-up by actions of a Court Of Law or through insolvency pursuant to the Act in which case rule 9(a) will apply so far as there is any surplus in the assets of the Club.



BY-LAWS OF ECHOES BASKETBALL CLUB INC.

1. Club colours shall be officially double blue. Shorts must be Echoes Club Shorts or BLACK.
2. Where more than one team plays in the same grade, these teams shall be selected as near as possible as teams of equal ability. The Committee of Management shall be responsible for making the final team selections.
3. End of season recognition will be at the discretion of the Committee of Management and will be communicated to coaches at the commencement of each season.
4. Club subscriptions shall be set by the Committee, not later than the last meeting prior to the commencement of a playing season, but prior to the registration day.
5. The club shall call for player and coach expressions of interest prior to the opening of registrations to allow the Committee of Management to meet and discuss team nominations required by the BVABA. Late expressions of interest may not be considered.
6. Balls and equipment shall remain the property of the Club. All equipment to be collected at the end of each season.
7. Where the number of interested players for a given team is excessive, (and it is not possible to field an additional team), preference will be given to those players who registered at the appropriate time. In under 10, the older players or the more experienced players will be given preference if there are too many players.
8. Teams shall not enter into basketball carnivals without having first gained the approval of the Committee. For any carnival team, an official coach, team manager (and umpire if required) should be appointed. A minimum of eight definite players would be considered necessary before a team nomination could be made.



BY-LAWS APPENDICIES

REVISION HISTORY

25 October 2023	Clause 1. amended to reflect addition of Echoes club shorts to the official game uniform.
25 October 2023	Clause 2. changed to reflect decision that final team selections being the responsibility of the Committee of Management.
24 January 2024	Clause 3. amended to reflect current practices and allowing the Committee of Management to make decisions on end of year presentation costs to align with the Club's financial position at the time.
24 January 2024	Clause 4. (b) removed as not relevant. This in turn changed clause 4. (a) into clause 4.
24 January 2024	Clause 5. no longer relevant as all registrations are completed online, therefore amended to reflect current practices.
24 January 2024	Clause 6. amended as players now purchase uniforms, so are therefore not required to be returned to the Club. Replaced this with balls and equipment.