

Club Constitution

1. **NAME** The name of the Club/Club is MONTROSE VIKINGS BASKETBALL CLUB (Inc.) hereinafter referred to as “the Club”

2. **OBJECTIVES** The objects of the Club are:
 - 2.1 To develop the sport of basketball in our local area
 - 2.2 To create a safe environment for children and older players to develop their skills
 - 2.3 To develop the capabilities of individual players to be the best they can be
 - 2.4 To build a basketball club which is financially secure and sustainable
 - 2.5 To establish a social support network through basketball as team-based activity

3. **ATTAINING OBJECTIVES** The Club shall be empowered to do all things necessary which are incidental to - and necessary for - the attainment of the objects of the Club.

4. **PROPERTY OF THE CLUB** The Club must apply all property and income of the Club towards the promotion of the objects or purposes of the Club. No part of that property or income to be paid or otherwise distributed, directly or indirectly, to members of the Club, except in good faith in the promotion of those objects or purposes.

5. **POWERS OF THE CLUB** (as conferred by Section 13 of the Act).
 - 5.1 To acquire, hold, deal with, and dispose of any real or personal property;
 - 5.2 To open and operate bank accounts;
 - 5.3 To invest its money –
 - (i) in any security in which trust moneys may be invested; or
 - (ii) in any other manner authorised by the rules of the Club;

 - 5.4 To borrow money upon such terms and conditions as the Club thinks fit;
 - 5.5 To give such security for the discharge of liabilities incurred by the Club as the Club thinks fit;
 - 5.6 To appoint agents and employees to transact any business of the Club on its behalf for reward or otherwise;
 - 5.7 To build, construct, erect, maintain, alter and repair any premises building or other structure of any kind and to furnish equip and improve the same for use by the Club;
 - 5.8 Accept donations and gifts in accordance with the objects of the Club;
 - 5.9 Print and publish any information by any media including newsletters, newspapers, articles or leaflets for promotion of the Club;
 - 5.10 Provide gifts and prizes in accordance with the objects of the Club;
 - 5.11 Organise social events for Members and the promotion of the Club; and
 - 5.12 To enter into any other contract the Club considers necessary or desirable.

6. MEMBERSHIP

6.1 Membership shall be open to any person who wishes to further the role of the Club.

6.2 Any person seeking membership shall make application to the Management Committee, and the Management Committee shall determine whether the application is successful or not.

6.3 Each person admitted to membership shall be;

6.3.1 Bound by the Constitution and By-laws of the Club.

6.3.2 Come liable for such fees and subscriptions as may be fixed by the Club.

6.3.3 Entitled to all advantages and privileges of membership.

6.4 Membership Categories:

6.4.1 **ORDINARY MEMBER** Any person who is a financial member of the Club or a Parent/Guardian of a Junior Member is entitled to hold any office and enjoy the privileges of the Club.

6.4.2 **SOCIAL MEMBER** Persons other than ordinary members who are interested in promoting the Club, but who do not wish to participate in the playing activities of the Club, may become a Social Member.

6.4.3 **JUNIOR MEMBER** Any person under the age of 18 years may become a Junior Member. Junior Members shall have no voting rights nor be entitled to hold any office.

6.4.4 **LIFE MEMBERSHIP** The Management Committee as a Life Member may elect any member who has given outstanding service to the Club. Any member may nominate a person to the Management Committee for consideration for Life Membership.

6.4.5 **PATRON**

The Club may, at its discretion, elect a patron/s or vice patron/s of the Club for such period as may be deemed necessary. Such patron/s or vice patron/s shall not be eligible to vote unless they are current members of the Club under another category of membership.

6.4.6 **AFFILIATED CLUBS OR TEAMS** A club or team desirous of becoming an affiliated club or team must take application in accordance with the bylaws of the Club. Such application must be lodged with the Club Secretary on or before a date as determined by the Management Committee of the Club. Each affiliated club or

team shall appoint or elect a delegate as his or her representative to meetings of the Management Committee.

6.5 The Management Committee shall appoint a member of the Management Committee to maintain an up-to-date register of members of the Club.

6.6 A member may at any reasonable time inspect the records and documents of the Club.

7. SUBSCRIPTIONS/FEES

7.1 To be paid in accordance with the Member Registration forms as and when they are due.

7.2 Failure to pay subscriptions/fees on time may result in the person a) not being placed in a team and b) not being eligible to play in any games after grading.

1. TERMINATION OF MEMBERSHIP

8.1 Any person's membership may be terminated by the following events:

8.1.1 resignation

8.1.2 expulsion

8.1.3 a member's membership fee remains unpaid after 6 months falling due

8.2 The Management Committee shall have the power to suspend or expel any member of the Club for:

8.2.1 any of the events in Item 8.1

8.2.2 false or inaccurate statements made in the member's application for membership of the Club,

8.2.3 breach of any rule, regulation or by-law of the Club and

8.2.4 by any act detrimental to the Club after having undertaken due inquiry.

8.3 Any member who is expelled, suspended or has their membership terminated, shall have the right to appeal against their suspension or expulsion by presenting their case to a General Meeting called for such purpose, and the decision of the General Meeting shall be final.

2. MANAGEMENT COMMITTEE

NB:

(1) sometimes called Executive Committee.

(2) Committee persons are sometimes referred to as Office Bearers.

(3) the main Office Bearers are often referred to as The Executive.

9.1 Management of the Club shall be vested in the Management Committee elected by the members at the Annual General Meeting and consisting of:

- 9.1.1 President
- 9.1.2 Vice President
- 9.1.3 Secretary
- 9.1.4 Treasurer
- 9.1.5 Committee Members

9.2 No person shall hold more than one position on the Management Committee at any one time. A person shall cease to be a member of the Management Committee at the conclusion of the Annual General Meeting which follows his/her election and he will be eligible for re-election.

9.3 A quorum of the Management Committee shall be half of its members plus one.

9.4 If the President or Vice President is unable to attend, a chairperson nominated by the meeting shall chair that meeting.

9.5 A member of the management committee may lose his or her seat on the committee for either of the following;

- Absence from three or more meetings without leave of absence.
- Found not to be a financial member.

3. POWERS OF THE MANAGEMENT COMMITTEE

10.1 The Management Committee shall carry out the day-to-day running of the Club and shall have the power to:

10.1.1 Administer the finances, appoint bankers, and direct the opening of banking accounts for specific purposes and to transfer funds from one account to another, and to close any such account;

10.1.2 Fix the manner in which such banking accounts shall be operated upon, providing the Management Committee passes all payments;

10.1.3 Fix fees and subscriptions payable by members and decide such levies, fines and charges as is deemed necessary and advisable, and to enforce payment thereof;

10.1.4 Adjudicate on all matters brought before it which in any way affect the Club.

10.1.5 Cause minutes to be made of all proceedings at meetings of the Committee and General Meetings of members;

10.1.6 Make, amend and rescind rulings and By-laws;

10.1.7 Have the power to form and appoint any sub committee/s as required for specific purposes;

10.1.8 May at their discretion employ a person or persons to carry out certain duties required by the Club, at salaries or remunerations for such period of time, as may be deemed necessary.

10.1.9 Should a vacancy occur on the Management Committee during the season, the Management Committee shall appoint a successor until the next Annual General Meeting.

10.1.10 Appoint an officer/s or agent of the Management Committee to have custody of the Club's records, documents and securities.

4. AUDITOR

11.1 The Annual General Meeting shall elect or appoint an Auditor or Auditors if and when required according to the statutory requirements.

11.2 The Auditor/s shall examine and audit all the books and accounts of the Club annually if so required, and have the power to call for all books, papers, accounts, receipts etc., of the Club and report thereon to the Annual General Meeting.

5. GENERAL MEETINGS:

12.1 Annual General Meeting

12.1.1 The Annual General Meeting of the Club must be held within four months of the end of the club's financial year

12.1.2 The Secretary shall give at least fourteen (14) days' notice of the date of the Annual General Meeting, to members.

12.1.3 All financial members may attend the Annual General Meeting.

12.1.4 The quorum at the Annual General Meeting, shall be a minimum of five (5) members. If, at the end of 30 minutes after the time appointed in the notice for the opening of the Meeting, there be no quorum the meeting shall stand and adjourn for one week. If at such meeting there is no quorum those members present shall be competent to discharge the business of the meeting.

12.1.5 The agenda for an Annual General Meeting shall be:

- Opening of Meeting
- Apologies
- Confirmation of Minutes of previous Annual General Meeting
- Presentation of Annual Report
- Adoption of Annual Report
- Presentation of Treasurer's statement
- Vote of thanks to outgoing Executives
- Election of New Executives and appointment of Auditor if required
- Determination of Annual Membership Fee
- Notice/s of Motion
- Urgent general business
- Closure

12.2 General Meetings

12.2.1 General Meetings may be called by the Management Committee or at the request of the President and Secretary or on the written request of five (5) members of the Club.

12.2.2 The Secretary shall give at least seven (7) days' notice, in writing, of the date of the General Meeting to the members. Notice of General Meetings shall set out clearly the business for which the meeting has been called. No other business shall be dealt with at that General Meeting.

12.2.3 The quorum at the General Meeting shall be a minimum of five (5) members.

6. VOTING

13.1 Voting powers at the Annual General Meeting and General Meetings:

13.1.1 The President shall be entitled to a deliberate vote and, in the event of a tied vote, the President shall exercise a casting vote.

13.1.2 Each individual financial member present shall have one (1) vote.

13.2 Voting powers at Management Committee Meetings;

13.2.1 The President shall be entitled to a deliberate vote, and, in the event of a tied vote, the President shall exercise a casting vote.

13.2.2 Each individual committee member present shall have one (1) vote.

7. FINANCE

14.1 All funds of the Club shall be deposited into the Club's accounts at such bank or recognised financial institution as the Management Committee may determine.

14.2 All accounts due by the Club shall be paid after having been passed for payment at the Management Committee Meeting and when immediate payment is necessary, account/s shall be paid and the action endorsed at the next Management Committee Meeting.

14.3 The Secretary shall not spend more than a set amount Petty Cash without the consent of the Management Committee, and shall keep a record of such expenditure in a Petty Cash Book.

14.4 A statement showing the financial position of the Club shall be tabled at each Management Committee Meeting by the Treasurer.

14.5 A statement of Income and Expenditure, Assets and Liabilities shall be submitted to the Annual General Meeting. The auditor's report shall be attached to such financial report.

14.6 The financial year of the Club shall commence on 1 July each year. The accounts, books and all financial records of the Club shall be audited each year.

14.7 The signatories to the Club's account/s will be the Treasurer and any one (1) from the following; President, Vice President, Secretary, Treasurer

14.8 All property and income of the Club will apply solely to the promotion of the objects of the Club and no part of that property or income shall be paid or otherwise distributed, directly, or indirectly, to members, except in good faith in the promotion of these objects.

8. ALTERATIONS TO THE CONSTITUTION AND BY-LAWS:

15.1 No alteration, repeal or addition shall be made to the Constitution except at the Annual General Meeting, or General Meeting, called for that purpose and notice of all

motions to alter, repeal or add to the Constitution shall be given to members fourteen (14) days prior to the Annual General Meeting, or seven (7) days prior to a General Meeting called for such purpose.

15.2 The Secretary shall forward such notices of motion to each Management Committee member at least fourteen (14) days prior to the Annual General Meeting or seven (7) days prior to a General Meeting.

15.3 Alterations to the By-laws can be made only at Management Committee Meetings provided notice of the proposed alteration/s has been duly notified to Committee Members.

15.4 Such motions, or any part thereof, shall be of no effect unless passed by a seventy five percent (75%) majority (Special Resolution) of those present and entitled to a vote at the Annual General Meeting, General Meeting or Management Committee Meeting, as the case may be.

15.5 Within one month of the passing of a Special Resolution, the Secretary shall notify the appropriate government authorities.

9. DISSOLUTION If, on the winding up of the Club, any property of the Club remains after satisfaction of the debts and liabilities of the Club and the costs, charges and expenses of that winding up, that property shall be distributed:

(a) to another incorporated Club having objects similar to those of the Club; or

(b) for charitable purposes, which incorporated Club or purposes, as the case requires, shall be determined by resolution of the members.

Protection under Incorporation Law

Incorporation of a club provides a legal identity for that club, separate from that of the members, which relieves the members of the committee and the club from liability for authorised acts of the club. This is one of the foremost protection devices available to clubs. It should be remembered, however, that incorporation does not prevent actions for negligence against individual members in all circumstances. The areas of liability which concern community groups are:

- Liability of coaches, administrators and organizers;
- Users of parks, ovals, etc. leased or used by groups;
- Sports players;
- Spectators; and
- Products liability, including goods sold; for example kiosks, canteens.

Club Operations and By-laws

The following policies and procedures are referred to in our constitution as By-laws of Montrose Vikings Basketball Inc.

Annual General Meeting

It should be noted, all positions within the club structure, including team managers and coaches are on a voluntary basis. Each of the Executive Committee are open for nomination and re-election at the Annual General Meeting held between August and November each year. Typically the AGM is held at Montrose Primary School.

The venue, date and time will be advised near the conclusion of each Winter Season.

All parents, team managers and coaches are invited to the AGM and are encouraged to provide nominations for these positions.

The following positions on the Executive Committee **MUST** be filled for the club to continue to operate;

- President
- Secretary
- Treasurer

The following positions, whilst not mandatory from a legal perspective to operate as an incorporated club, are key to our daily operations;

- Vice President
- Head Convener
- General Committee Members

Once the key positions are filled, parents are invited to nominate themselves as a general committee member who will enjoy equal voting rights at all committee meetings. The best opportunity for parents to influence the direction of the club is to take up a position on the committee.

All meeting minutes are made available for parents and players on request. All key updates from meetings are documented and distributed as part of a regular newsletter.

Committee Meetings

All official and general committee members are expected to attend the regular meetings, typically held at 7.30pm on the first Monday of each month. The chairperson responsibility is alternated to ensure everyone has the opportunity to conduct the meetings. Agendas are defined and all outcomes including action items are minuted and distributed.