



*MT.EVELYN
METEORS
BASKETBALL CLUB*

INCORPORATED NO: A0013563N

CONSTITUTION

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***MT EVELYN METEORS
BASKETBALL CLUB***

P.O. Box 258, Mt Evelyn, 3796



Mt Evelyn Meteors'

Constitution

The Mt Evelyn Meteors Basketball Club was incorporated under the "Associations Incorporations Act 1981" on the 15th of June, 1987.

This document is an amendment of Mt Evelyn Meteors' original 1987 Constitution and of the Amendment which was made in 1996. The amendments have been passed by special resolution on the 6th of May, 2008 and were subsequently approved by Consumer Affairs, Victoria.

This Constitution incorporates

- a "Statement of Purposes" and
- "Rules"



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Statement of Purposes

The purposes for which the proposed Incorporated Association is established are:

- 1) To encourage and develop within the community a healthy spirit of sportsmanship by fellowship and competition in the sport of basketball and, in particular, to promote the sport and the Association to the young.
- 2) By the activities of the Association, to promote the skills of the game and to display an awareness of community responsibility.
- 3) To offer, give or contribute towards prizes, medals and awards to members.
- 4) To establish, maintain and conduct Association rooms or another meeting place for the attainment of these purposes.
- 5) To borrow or raise any monies required to achieve the purposes of the Association in such a manner and upon such terms and on such securities as may be determined and to raise money for such purposes by registration fees from members or otherwise.
- 6) To purchase, take on lease or in exchange, hire or otherwise acquire real or personal property and any rights and privileges necessary or convenient for the purposes of the Association.
- 7) To promote and create sub-committees to develop, organise and promote any aspect of the Association's activities.
- 8) To do all such lawful things as are incidental or conducive to the attainment of the abovementioned objectives.
- 9) To remain at all times non-political and non-sectarian.



Rules

1. Name

The name of the Incorporated Association is **Mt Evelyn Meteors Basketball Club Incorporated** (in these Rules called “the Association”).

2. Definitions

1) In these Rules

- "Executive Committee" means the Committee of Management of the Association;
- "Secretary" means the person holding office as Secretary of the Association;
- "General Member of the Committee" means a member of the Elected Committee who is not a member of the Executive Committee;
- "Member" means a member of the Association;
- "Financial Year" means the year ending 31st March;
- "General Meeting" means a general meeting of members convened in accordance with Rules 12, 13 or 14;
- "The Act" means the Associations Incorporation Act 1981;
- "The Regulations" means regulations under the Act.

2) 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.

3. Membership

1) The Association shall consist of:

a) Junior Player Members

Persons playing in the Junior Domestic Competition, on payment of the Season Registration Fee.

b) Parent Members

All parents of financial Junior players.

c) Non-Playing Members

Persons who are neither eligible as Playing Members nor as Parent Members e.g. coaches. No fees shall be payable in respect of such members.

d) Life Members

The Committee may appoint as Life Members of the Association, any person who has rendered outstanding service to the Association.

e) Honorary Members

The Committee may appoint as Honorary Members of the Association, any person who has rendered outstanding service to the Association (e.g. donors or sponsors).

2) A right, privilege or obligation of a Member:

a) is not capable of being transferred to another person;

b) terminates upon the cessation of their membership whether by resignation or otherwise.

4. Register of Members

The Public Officer shall keep and maintain a Register of members in which shall be entered the full name, address and date of entry of each member and be available for inspection by any member upon request.

5. Resignation of Member

- 1) A member of the Association who has paid all monies due and payable by him or her to the Association may resign from the Association by first giving one month's notice in writing to the Secretary of his/her intention to resign. Upon the expiration of this month, the member ceases to be a member.
- 2) Player members, who, having been given the opportunity to pay Registration Fees, fail to do so, will be assumed as having resigned from the Association.

6. Executive Committee

- 1) The affairs of the Association shall be managed by an Executive Committee.
- 2) The Executive Committee:
 - a) shall control and manage the business and affairs of the Association; and
 - b) may, subject to these Rules, the Act and the Regulations, exercise all such powers and functions as may be exercised by the Association other than those powers and functions that are required by these Rules to be exercised by general meetings of the members of the Association.
- 3) The Executive Committee shall consist of:
 - a) The President;
 - b) The Vice-President;
 - c) The Treasurer;
 - d) The Boys' Secretary; and
 - e) The Girls' Secretary.

(One Secretary shall be appointed as the "Association Secretary")
- 4) Each Executive Committee Member shall hold office until the Annual General Meeting next after the date of his/her election but is eligible for re-election.
- 5) In the event of a casual vacancy in any office referred to in Sub-Rule (3) the Committee may appoint one of its members to the vacant office and the member so appointed may continue in office until the conclusion of the Annual General Meeting next following the date of his/her appointment.
- 6) Honorary Members shall not be able to be elected as Executive Committee Members of the Association.
- 7) The Executive Committee shall appoint a Public Officer, who shall be the Association's point of contact with Consumer Affairs, Victoria.

7. The Committee of the Association

1) The Committee shall consist of:

- a) The Executive Committee; and
- b) The General Committee.

2) The General Committee shall consist of:

- a) The Vice-Treasurer;
- b) Boys' and Girls' Age Group Convenors so determined to be required;
- c) The Uniform Manager;
- d) The Training Coordinator;
- e) The Coaching Coordinator;
- f) The K&MDBA Junior Committee Representative;
- g) The Screening Coordinator;
- h) The Promotions Coordinator;
- i) The Newsletter Publisher;
- j) General Committee Members without specific responsibilities, but who are available to assist others with their duties. (The number of these positions is to be determined by the Executive Committee.)

3) Each General Member of the Committee shall, subject to these rules, hold office until the Annual General Meeting next after the date of his/her election but is eligible for re-election.

4) In the event of a casual vacancy occurring in the office of an General Member of the Committee, the Executive 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 conclusion of the Annual General Meeting next following the date of his/her appointment.

8. Election of Committee Members

- 1) Nominations of candidates for election as members of the Executive Committee or as members of the General Committee must be:
 - a) made in writing, signed by 2 members of the Association and accompanied by written consent of the candidate (as set out in Appendix 1);
 - b) delivered to the Secretary of the Association not less than 7 days before the date fixed for the holding of the Annual General Meeting.
- 2) If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated shall be deemed to be elected and further nominations (for the unfilled positions) may be received at the Annual General Meeting.
- 3) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed elected.
- 4) If the number of nominations exceeds the number of vacancies to be filled, a ballot shall be held.
 - a) The ballot for the election of Executive or General Committee Members shall be conducted at the Annual General Meeting by form of a written secret ballot.
 - b) A nomination of a candidate for election under this sub-rule is not valid if that candidate has been nominated for another office at the same election.
- 5) A candidate may be nominated for only one office prior to the Annual General Meeting.

9. Committee Vacancies

The office of an Executive Committee Member or of a General Committee Member becomes vacant if the member:

- a) ceases to be a member of the Association;
- b) resigns from office by notice in writing given to the Secretary;
- c) absents him/herself from three consecutive meetings without apology or leave (unless previously agreed upon and placed in minutes).

10. Duties of Committee Members

A member or former member of the Committee must not knowingly or recklessly -

- a) make improper use of his or her information acquired by virtue of his or her position so as to gain, directly or indirectly, any pecuniary benefit or material advantage for him/herself or any other person, or so as to cause a detriment to the Association; or
- b) make improper use of his or her position in the Association so as to gain, directly or indirectly, any pecuniary benefit or material advantage for him/herself or any other person, or so as to cause a detriment to the Association.

11. Funds

- 1) The funds of the Association shall be derived from player registration fees, donations and such other sources as the Committee determines.
- 2) Registration Fees for Junior Player Members will be determined by the Executive Committee from time to time.
- 3) The Treasurer of the Association must:
 - a) collect and receipt all monies due to the Association and make all payments authorised by the Association; and
 - b) 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.
- 4) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by two members of the Executive Committee.

12. Annual General Meetings

- 1) The Association shall, in each calendar year, convene an Annual General Meeting of its members.
- 2) The Annual General Meeting shall be held:
 - a) on such date as the Executive Committee determines; and
 - b) within 5 months after the end of the Association's financial year.
- 3) The Annual General Meeting shall be specified as such in the notice convening it.
- 4) The ordinary business of the Annual General Meeting shall be:
 - a) to confirm the minutes of the preceding Annual General Meeting;
 - b) to receive from the Committee Members reports upon the transactions of the Association during the preceding financial year;
 - c) to elect the Executive Committee and the General Committee Members of the Association; and
 - d) to receive and consider the statement submitted by the Association in accordance with Section 30 (3) of the Act.
- 5) The Annual General Meeting may transact special business of which notice is given in accordance with these Rules.
- 6) The Annual General Meeting shall be an addition to any other general meeting that may be held in the same year.

13. General Committee Meetings

- 1) The Committee shall meet at least 3 times in each year at such place and at such times the Executive Committee may determine.
- 2) A General Committee Meeting shall be the forum for the discussion of and decisions involved with the ordinary, ongoing business of the Association.
- 3) Subject to a quorum, the Committee may act notwithstanding any vacancy of the Committee.
- 4) General Committee Meetings shall be open to all members of the Association.

14. Special General Meetings

- 1) The Executive Committee may, whenever it deems necessary, convene a Special General Meeting of the Association.
- 2) The Executive Committee shall, on the requisition in writing of members representing not less than three members, convene a Special General Meeting of the Association.
- 3) The request for a Special General Meeting must:
 - a) state the objectives of the meeting;
 - b) be signed by the members requesting the meeting; and
 - c) be sent to the address of the Secretary.
- 4) If the Executive Committee does not cause a Special General Meeting to be held within one month after the date that the requisition is sent to the address of the Secretary, the members making the requisition, or any of them, may convene a Special General Meeting to be held not later than 3 months after that date.
- 5) A Special General Meeting convened by members in accordance with Sub-Rule (4) shall be convened in the same manner as nearly as possible as that in which those meetings are convened by the Executive Committee and all reasonable expenses incurred in convening the meeting shall be refunded by the Association to the person incurring the expenses.
- 6) All business that is conducted at a Special General Meeting is deemed to be special business. No business other than that set out in the notice convening the meeting shall be transacted at the meeting.

15. Emergency Meetings

- 1) The Executive Committee may call an Emergency meeting of the Association or of the Executive Committee with not less than 12 hours' notice, or at a time deemed fitting to all Executive Members.
- 2) Notice may be given in writing or by verbal means.
- 3) Three members of the Executive must be present at either meeting and for an Association meeting a quorum must be present.

16. Notice of Meetings

- 1) The Secretary of the Association shall, at least 14 days (or, if a special resolution has been proposed, at least 21 days) before the date fixed for holding a General Meeting of the Association, give notice to all members, stating the venue, date and time of the meeting and the nature of the business to be transacted at the meeting.
- 2) Notice may be given by means of public notices, newsletters and/or electronic transmission.
- 3) A member desiring to bring any business before a meeting may give notice of that business in writing to the Secretary, who shall include that business in the notice calling the next General Meeting after the receipt of the notice.

17. Chairperson

- 1) The President, or in his/her absence, the Vice-President, shall preside as chairperson at each General Meeting of the Association.
- 2) If the President and the Vice-President are absent from the General Meeting, the members shall elect one of their number to preside as Chairperson at the meeting.

18. Quorums

- 1) No item of business shall be conducted at a General Meeting unless a quorum of members entitled under these Rules to vote is present during the time when the meeting is considering that item.
- 2) Eight Committee members, being members entitled under these Rules to vote at a General Meeting, personally present constitute a quorum for the transaction of the business of a General Meeting.
- 3) The exception to this rule is the Emergency Executive Meeting, set out in Rule 15.
- 4) If, within half an hour after the appointed time for the commencement of a General Meeting, a quorum is not present:
 - a) the meeting, if convened upon the requisition of members, shall be dissolved; and
 - b) in any other case – the meeting shall stand adjourned to the same day in the next week, at the same time and place (unless another place is specified by the Chairman at the time of adjournment and written notice is given prior to the date of adjournment.)
- 5) If, at the adjourned meeting, a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members personally present (being not less than 3) shall be a quorum.

19. Adjournments

- 1) The Chairperson of a General Meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place.
- 2) No business shall be conducted at an adjourned meeting other than the unfinished business from the meeting that was adjourned.
- 3) Where a meeting is adjourned for 14 days or more, a notice of the adjourned meeting shall be given in accordance with Rule 16.
- 4) Except as provided in Rule 18, it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting.

20. Voting

- 1) Upon any question arising at a general meeting of the Association, or at a meeting of any sub-committee appointed by the Committee, a member has one vote only.
- 2) All votes shall be given in person or by proxy.
- 3) In the case of an equality of voting on a question, the Chairperson is entitled to exercise a second or casting vote.
- 4) A member is not entitled to vote at any general meeting unless all monies due and payable by him or her to the Association have been paid.
The member must be aged 18 years or over. Alternatively, a parent of a financial member under the age of 18 years is eligible to vote.
- 5) A question arising at a general meeting of the Association shall be determined by a show of hands (unless a poll is demanded).
- 6) The Chairperson shall declare that a resolution has been:
 - a) carried;
 - b) carried unanimously;
 - c) carried by a particular majority; or
 - d) lost;

and an entry shall be made in the Minutes to that effect, without proof of the number or proportion of the votes recorded in favour of, or against, the resolution.

- 7) 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 manner as the Chairperson may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
- 8) A poll that is demanded on the election of a Chairperson or on a question of an adjournment shall be taken immediately and a poll that is demanded on any other question shall be taken at such time before the close of a meeting as the Chairperson may direct.

21. Proxies

- 1) Each member shall be entitled to appoint another member as his / her 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.
- 2) The notice appointing the proxy shall be in the form set out in Appendix 2.

22. Minutes of Meetings

The Secretary of the Association shall keep minutes of the proceedings and resolutions of each Committee Meeting and in each General Meeting together with a record of the names of persons present at Meetings.

23. Removal of Committee Members

- 1) An Executive Committee member or a General Committee member must resign from his/her position (if that position deals with Association monies) if s/he becomes an insolvent under administration within the meaning of the Companies (Victoria) Code.
- 2) The Association, in General Meeting, may by resolution, remove any member of the Committee before the expiration of the member's term of office and appoint another member in his/her place to hold office until the expiration of the term of the first mentioned member.
 - a) A member who is the subject of a proposed resolution referred to in this Rule may make a statement in writing to the Secretary or President of the Association and may request that the statement be provided to the members of the Association.
 - b) The Secretary or President may give a copy of the statement to each member of the Association or, if it is not given, the member may require that it be read out at the meeting.

24. Suspension, Fining or Expulsion of Members

1) Subject to these Rules, if the Executive Committee is of the opinion that a member:

- a) has refused or neglected to comply with these Rules; or
- b) has been guilty of conduct unbecoming of a member or prejudicial to the interests of the Association,

the Executive Committee may, by resolution:

- i) suspend that member from membership of the Association for a specified period;
- ii) fine that member an amount not exceeding \$500 (as provided in the Regulations); or
- iii) expel that member from the Association.

2) A resolution of the Executive Committee under Sub-Rule (1) does not take effect unless:

- a) at a meeting held in accordance with Sub-Rule (3), the Executive Committee confirms the resolution; and
- b) if the Member exercises a right of appeal to the Association under this Rule, the Association confirms the resolution in accordance with this Rule.

3) A meeting of the Executive Committee to confirm or revoke a resolution passed under Sub-Rule (1) must be held not earlier than 14 days, and not later than 28 days, after notice has been given to the Member in accordance with Sub-Rule (4).

- 4) For the purposes of giving notice in accordance with Sub-Rule (3), the Secretary must, as soon as practicable, cause to be given to the member a written notice –
- a) setting out the resolution of the Executive Committee and the grounds on which it is based;
 - b) stating that the Member, or his or her representative, may address the Executive Committee at a meeting to be held not earlier than 14 and not later than 28 days after the service of the notice;
 - c) stating the date, place and time of the meeting;
 - d) informing the member that s/he may do one or both of the following:
 - i) Attend the meeting;
 - ii) Give to the Executive Committee before the date of the meeting a written statement seeking the revocation of the resolution;

and

- e) informing the Member that, if at that meeting, the Executive Committee confirms the resolution, s/he may, not later than 48 hours after that meeting, give the Secretary a notice to the effect that s/he wishes to appeal to the Association in Special General Meeting against the resolution.
- 5) At a meeting of the Executive Committee to confirm or revoke a resolution passed under Sub-Rule (1), the Executive Committee shall:
- a) give the member, or his or her representative, an opportunity to be heard;
 - b) give due consideration to any written statement submitted by the member; and
 - c) determine by resolution whether to confirm or to revoke the resolution.

- 6) If at the meeting of the Executive Committee, the Executive Committee confirms the resolution, the member may, not later than 48 hours after that meeting, give the Secretary a notice to the effect that s/he wishes to appeal to the Association in Special General Meeting against the resolution.
- 7) If the Secretary receives a notice under Sub-Rule (6), s/he must notify the Executive Committee and the Executive Committee must convene a Special General Meeting of the Association to be held within 21 days after the date on which the Secretary received the notice.
- 8) At a Special General Meeting of the Association convened under Sub-Rule (7) -
 - a) no business other than the question of the appeal shall be conducted;
 - b) the Executive Committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution;
 - c) the member, or his or her representative, shall be given an opportunity to be heard; and
 - d) the members present shall vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- 9) A resolution is confirmed if, at the Special General meeting, not less than two-thirds of the members vote in person, or by proxy, in favour of the resolution. In any other case, the resolution is revoked.

25. Disputes and Mediation

- 1) The grievance procedure set out in this Rule applies to disputes under these Rules between:
 - a) a member and another member; or
 - b) a member and the Association.
- 2) 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.
- 3) 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.
- 4) The mediator must be:
 - a) a person chosen by agreement between the parties; or
 - b) in the absence of agreement:
 - i) in the case of a dispute between a member and another member, a person appointed by the Committee of the Association; or
 - ii) 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).
- 5) A member of the Association can be a mediator.
- 6) The mediator cannot be a member who is a party to the dispute.
- 7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- 8) The mediator, in conducting the mediation, must:

- a) give the parties to the mediation process every opportunity to be heard;
 - b) allow due consideration by all parties of any written statement submitted by any party; and
 - c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- (9) The mediator must not determine the dispute.
- (10) 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 otherwise at law.

26. Service of Notices

- 1) A notice may be served by or on behalf of the Association upon any member either personally or by sending it by post to the member at his/her address shown in the Register of members.
- 2) Where a document is properly addressed, pre-paid and posted to a person as a letter, the document shall, unless the contrary is provided, 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 post.

27. Custody and Inspection of Books and Other Documents

- 1) Except as otherwise provided in these Rules, the Treasurer shall keep in his/her custody or under his/her control all books, documents and securities of the Association.
- 2) All accounts, books, securities and any other relevant documents of the Association (including this Constitution) must be available for inspection by members upon request.

28. Official Letterhead and Club Logo

- 1) The Official Letterhead of the Association shall be kept in the custody of the Secretary. (Appendix 3, "Meteors Header.doc.")
- 2) The Official Letterhead and Logo shall not be used for any document except by the authority of:
 - a) an Executive Committee Member; or
 - b) the Committee Member whose position confers responsibility for the document's content.
- 3) The Official Letterhead (including the registered name and Association number) shall be used in all notices, advertisements, publications and business documents.
- 4) The design of the Club Logo and the design and wording of the Official Letterhead shall not be altered except by special resolution.

29. Alterations of Statement of Purposes and Rules

The Statement of Purposes and the Rules of the Association may only be amended by special resolution and must not be altered except in accordance with the Act.

30. Winding Up

In the event of the winding up or the cancellation of the Incorporation of the Association, the assets of the Association shall be disposed of in accordance with the provisions of the Act.

APPENDIX 1



*MT.EVELYN
METEORS
BASKETBALLCLUB*
INCORPORATED NO: A0013563N

Nomination for Election as Executive or General Committee Member

I, , (Print name)
being a member of the Mt Evelyn Meteors Basketball Club, hereby
nominate

.....

for the position of

Nominated by

..... (sign)

Seconded by

..... (Print name)

..... (sign)

(Member of Mt Evelyn Meteors Basketball Club)

I, (sign)
accept this nomination and, in the event of my election, agree to be
bound by the Rules of the Association.

Dated / /

APPENDIX 2



*MT.EVELYN
METEORS
BASKETBALLCLUB*
INCORPORATED NO: A0013563N

Appointment of Proxy

I,
(Print name)

of
(address)

being a member of the Mt Evelyn Meteors Basketball Club,

appoint
(name of proxy holder)

being a member of the Mt Evelyn Meteors Basketball Club, as my proxy to
vote for me on my behalf at the Annual* / Special* / General *
Meeting of the Association to be held on –

..... / /
(date of meeting)

and at any adjournment of that meeting.

My proxy is authorised to vote in favour of* / against*
the following resolution: *(insert details of the resolution)*

Signed

Dated / /

(* Delete as applicable)

APPENDIX 3



*MT.EVELYN
METEORS
BASKETBALL CLUB*

INCORPORATED NO: A0013563N

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