CONSUMER AFFAIRS VICTORIA

ASSOCIATIONS INCORPORATION REFORM ACT 2012

PART 3

CONSTITUTION

OF THE

ABERFELDIE JETS BASKETBALL CLUB INC

ADOPTED March 2026

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Note: The persons who from time to time are members of the Association are an incorporated association by the name given in rule 1 of these Rules. Under section 46 of the **Associations Incorporation Reform Act 2012**, these Rules are taken to constitute the terms of a contract between the Association and its members.

PART 1 - PRELIMINARY

1 Name

1.1 The name of the incorporated association is "Aberfeldie Jets Basketball Club Incorporated" and shall hereinafter be referred to as the "Club".

1.2 The Club is an incorporated association, registered in the State of Victoria, and carries the registration number A0004935A.

2 Purpose and guiding principles

2.1 Purpose

2.1.1 The Club exists to facilitate, organise and promote the playing of competitive basketball for the people of Moonee Valley and its surrounds.

2.2 Principles

2.2.1 Aberfeldie Jets Basketball Club's aim is to:

2.2.1.1 be an organisation of members governed by a committee,

2.2.1.2 abide by the laws, regulations and requirements of applicable governments, councils and authorities,

2.2.1.3 conduct its business and dealings in an honest manner,

2.2.1.4 take guidance from relevant sporting organisational bodies such as basketball associations we enter teams into, Basketball Victoria and Basketball Australia,

2.2.1.5 access facilities which are fit for purpose and provide healthy and safe environments,

2.2.1.6 promote enjoyment, inclusion, equity and the principles of good and fair play,

2.2.1.7 facilitate participation in basketball competitions across a wide range of age groups and abilities by:

- providing support and assistance for teams in all areas of their operations;
- encouraging and supporting teams and fostering their growth and development;
- choosing and managing teams and appointing Coaches to represent the Club;

2.2.1.8 facilitate the development of its players, coaches, officials, staff members, and volunteers.

3 Definitions

3.1 In these Rules, unless the contrary intention appears -

3.1.1 ***Chairperson*** of a general meeting, Executive meeting, Committee meeting or subcommittee meeting, means the person chairing the meeting as required under rule 36 and rule 68;

3.1.2 ***Committee*** means the Committee having the management of the business of the Club;

3.1.3 ***Committee Meeting*** means a meeting of the Committee held in accordance with these Rules;

3.1.4 ***Committee Member*** means a member of the Committee elected or appointed under Part 5 Division 3 - Election of Committee members and tenure of office and includes the members of the Executive***;***

3.1.5 ***Disciplinary Appeal Meeting*** means a meeting of the members of the Club convened under rule **23**;

3.1.6 ***Disciplinary Meeting*** means a meeting of the Committee convened under rule 22;

3.1.7 ***Disciplinary Subcommittee*** means the subcommittee appointed under rule 19;

3.1.8 ***Executive*** means the members of the Committee elected **Office Bearers**, and encompasses the President, Vice President, Secretary and Treasurer.

3.1.9 ***Financial Year*** the financial year of the Club is each period of 12 months ending on 30 June;

3.1.10 ***general meeting*** means a general meeting of the members convened per PART 4 - GENERAL MEETINGS OF THE CLUB and includes an annual general meeting, a special general meeting, and a disciplinary appeal meeting;

3.1.11 ***in writing/written*** means correspondence sent either electronically or via hard copy

3.1.12 ***majority*** of the Committee, means half plus one of the Committee members currently holding office, present and entitled to vote at the time of the meeting

3.1.13 ***member*** means a member of the Club defined under Part 3 Division 1 - Membership and fees**;**

3.1.14 ***member entitled to vote*** means a member who under Part 3 Division 1 - Membership and fees who is entitled to vote at a general meeting;

3.1.15 ***Portfolio holders*** *means the members elected by the members as portfolio holders of the Club in accordance with Rule 56;*

3.1.16 ***Special Resolution*** means a resolution that requires not less than three-quarters (3/4) of the members voting at a general meeting, to vote in favour of the resolution;

3.1.17 ***the Act*** means the Associations Incorporation Reform Act 2012 and includes any Regulations made under that Act;

3.1.18 ***the Registrar*** means the Registrar of Incorporated Associations.

PART 2 - POWERS OF THE CLUB

4 Powers of the Club

4.1 Subject to the Act, the Club has power to do all things incidental or conducive to achieve its purposes.

4.2 Without limiting subrule **4.1**, the Club may –

- 4.2.1 Acquire, hold deal with and dispose of any real or personal property to satisfy the purposes of the Club;
- 4.2.2 Open, close and operate bank accounts;
- 4.2.3 Invest Club money:
  - 4.2.3.1 in any security in which trust moneys may be invested; or
  - 4.2.3.2 in any other manner authorised by the Rules of the Club;
- 4.2.4 Borrow money for capital works to satisfy the purposes of the Club upon such terms and conditions as it thinks fit;
- 4.2.5 Give such security for the discharge of liabilities incurred by the Club on its behalf for reward or otherwise;
- 4.2.6 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 to satisfy the purposes of the Club which must comply with all relevant building codes and regulations for buildings;
- 4.2.7 Accept donations, sponsorship and gifts per the purposes of the Club;
- 4.2.8 Print and publish any approved information by any media including newsletters, newspapers, articles or leaflets for promotion of the Club;
- 4.2.9 Provide gifts, awards and prizes in accordance with the purposes of the Club;
- 4.2.10 Organise social events for members and the promotion of the Club;
- 4.2.11 Enter into any other contract the Club considers necessary or desirable for satisfying the purposes of the Club;
- 4.2.12 Appoint such Committee and subcommittees as from time to time are considered necessary for the good conduct of the affairs the Club;
- 4.2.13 Make policies, bylaws, rules or similar, governing the conduct of the Club activities;
- 4.2.14 Set season registration fees, uniform, and merchandise pricing; and
- 4.2.15 Otherwise do all things which are incidental to or necessary for the attainment of the purposes of the Club.

5 Not for profit organisation

5.1 The Club must not distribute any surplus, income or assets directly or indirectly to its members other than those employed by the Club.

5.2 Subrule 1 does not prevent the Club from paying a member (if this is done in good faith on terms no more favourable than if the member was not a member) for:

- 5.2.1 reimbursement of expenses properly incurred by the member; or
- 5.2.2 goods or services provided by the member.

Note: Section 33 of the Act provides that an incorporated association must not secure pecuniary profit for its members. Section 4 of the Act sets out in more detail the circumstances under which an incorporated association is not taken to secure pecuniary profit for its members.

PART 3 - MEMBERS, DISCIPLINARY PROCEDURES AND GRIEVANCES

Division 1 - Membership and fees

6 Minimum number of members

6.1 The Club must have at least ten (10) members.

7 Who is eligible to be a member

7.1 Any person who supports, and can demonstrate support of, the purposes of the Club is eligible for membership.

7.2 Any person who holds a management, Committee, or board role in a body that governs a similar, competing Club or Association will be temporarily ineligible for membership for the period of tenure within that other Club or Association. The membership of that person will be suspended without prejudice for that period of tenure - a strictly non-disciplinary suspension of membership.

8 Membership Categories

8.1 There are four categories of membership of the Club. The categories are:

- 8.1.1 Parent member; and
- 8.1.2 Player member; and
- 8.1.3 Associate member; and
- 8.1.4 Life member.

9 Conditions of membership

9.1 The member agrees to abide and be bound by the constitution, policies, bylaws, rules or, similar of the Club, and to accept and abide by all decisions of the Club.

10 Application for Parent or Player membership

10.1 A Parent member is the primary parent, or legal guardian, of one or more junior players or participants aged seventeen (17) years and under correctly registered and financial with the Club. Only one parent is permitted to hold a membership regardless of the number of junior players or participants they have registered with the Club.

10.2 A Player member is a correctly registered and financial adult player with the Club, eighteen (18) years and over and playing in a competition under the Club umbrella. Where a Player member exists, the Parent member relinquishes their membership and ability to vote unless the family has additional junior players or participants correctly registered and financial with the Club or the parent is a Committee member.

10.3 To become a Parent or Player member one must:

- 10.3.1 be allocated to a team by a Club Admin; and
- 10.3.2 register via the designated registration system; and
- 10.3.3 accept the terms and conditions as set out on the registration; and
- 10.3.4 pay the prescribed fees.

10.4 Player registration fees will be set by the Committee no later than ten (10) weeks before the opening of each season. The Committee will set a due date for payment of season fees.

10.5 The Committee may determine:

- 10.5.1 that any new playing member who joins after the start of a season must, for that

season, pay a fee equal to;

10.5.1.1 the full season subscription; or

10.5.1.2 a pro-rata annual subscription based on the remaining part of the season.

10.5.2 any applicable fee reductions to be passed to Club members including but not limited to Coaches, Committee or Family discounts, and scholarships or waiving of fees for members facing financial hardship.

10.6 The rights of a Parent or Player member (including the right to vote) who have not paid the season fee by the due date are suspended until any outstanding fees are paid in their entirety.

10.7 For voting purposes, only members who are correctly registered and financial with the Club during the present season when an annual general meeting, special general meeting, or disciplinary appeal meeting is called, are entitled to vote at such meetings.

11 Application for Associate membership

11.1 An Associate member is any person who is interested in actively furthering the interests and purposes of the Club and is a person aged eighteen (18) years or over who has been approved by the Committee. Current Coaches at the Club who are ineligible for Parent, Player or Life membership, are automatically deemed an Associate member for the duration of the time that they coach at the Club.

11.2 An application for an Associate membership of the Club must -

11.2.1 be made in writing in the form set out in Appendix 1; and

11.2.2 be lodged with the Secretary of the Club no later than six weeks before an annual general meeting; except where the Associate member is a Coach in the Club as outlined under subrule 11.1.

11.3 As soon as practicable after the receipt of an application, the Secretary must refer the application to the membership subcommittee.

11.4 The membership subcommittee must determine whether to approve or reject the application.

11.5 If the membership subcommittee approves an application for membership, the Secretary must:

11.5.1 within seven (7) days notify the applicant in writing of the approval for membership; and,

11.5.2 enter the applicant's name and address in the Clubs register of Associate and Life members along with the date of acceptance of membership by the Committee.

11.6 The Associate member is thereafter entitled to exercise the full rights of membership of Associate membership.

11.7 If the membership subcommittee rejects an original application or review for Associate membership, the secretary must, within seven (7) days, notify the applicant in writing that the application has been rejected. No reason needs to be given for the rejection of an application.

11.8 If an Associate membership is rejected a further application for Associate membership cannot be made for 12 (twelve) months from the date of notification of the rejection.

11.9 A right, privilege, or obligation of a person by reason of Associate membership of the Club:

11.9.1 cannot be transferred or transmitted to another person; and

11.9.2 terminates upon the cessation of membership whether by death, resignation, or otherwise.

11.10 Renewal of Associate membership must-

11.10.1 be made every 12 (twelve) months

11.10.2 be made in writing in the form set out in Appendix 2; and

11.10.3 be lodged with the Secretary of the Club no later than six weeks before membership is due to expire; except where the Associate member is a Coach in the Club as outlined under subrule 11.1.

12 Application for Life membership

12.1 An application for Life membership of the Club must -
- 12.1.1 be made in writing in the form set out in Appendix 4 – Life Membership Nomination Form; and
- 12.1.2 be lodged with the Secretary of the Club no later than six weeks before an annual general meeting.

12.2 Life membership shall be considered by the membership subcommittee.

12.3 A nominee shall be considered upon the grounds approved from time-to-time by the membership subcommittee. Such grounds shall include but not be limited to:
- 12.3.1 Length of service; and
- 12.3.2 Level of contribution; and
- 12.3.3 Effectiveness of contribution; and
- 12.3.4 Ongoing commitment to the purposes of the Club.

12.4 The person(s) making Life membership nomination(s) shall present a written report to the membership subcommittee upon nomination, including but not limited to the dot points listed above.

12.5 If an application for Life membership is found to be valid and true by the membership subcommittee:
- 12.5.1 the resolution to support the membership must be recorded in the minutes of the Committee meeting; and
- 12.5.2 the Life membership shall be noted in the Presidents report tabled at the annual general meeting.

12.6 The Secretary must, as soon as practicable, enter the name and address of the Life member, and the date of the annual general meeting at which the Life member was accepted, in the register of Associate and Life members.

12.7 A person in receipt of a Life membership becomes a member of the Club and, subject to rule 13.2.2, is entitled to exercise their rights of membership from the date of the annual general meeting.

12.8 If the membership subcommittee rejects an application for Life membership, the Secretary must, within seven (7) days, notify the applicant in writing that the application has been rejected. No reason needs to be given for the rejection of an application.

12.9 By resolution of a three-quarters (3/4) majority of those present and entitled to vote at an annual general meeting of the Club, Life membership may be cancelled.

12.10 A right, privilege, or obligation of a person because of Life membership of the Club:
- 12.10.1 cannot be transferred or transmitted to another person; and
- 12.10.2 terminates upon the cessation of membership whether by death, resignation, or otherwise. Upon death, Life memberships remain recognised in name only for such purposes as honour boards, awards and scholarships.

12.11 Life members shall be granted the privileges of free admission to all functions held by the Club and the right to attend and vote at the annual general meeting.

13 General rights of members

13.1 A member of the Club who is entitled to vote has the right -
- 13.1.1 to receive notice of general meetings (annual and special) and of proposed special resolutions in the manner and time prescribed by these Rules; and
- 13.1.2 to submit items of business for consideration at general meetings (annual and special); and
- 13.1.3 to attend and be heard at general meetings (annual and special); and

13.1.4 to vote at general meetings (annual and special); and
13.1.5 to have access to the minutes of general meetings (annual and special) and other documents of the Club as provided under rule 74**;** and
13.1.6 to inspect the register of members.

13.2 A member is entitled to vote if -
13.2.1 the member is a Parent, Player or Life member as defined under rule 10 or rule 12; and
13.2.2 the member's membership rights are not suspended for any reason.

13.3 An Associate member is not entitled to vote.

13.4 A member is entitled to only one vote, irrespective of meeting more than one criteria for membership or holding more than one Committee position.

13.5 A Parent membership granted under rule 10 is entitled to only one vote per parent or legal guardian, irrespective of the number of players under the age of 18 (eighteen) they have.

14 Rights not transferable

14.1 The rights of a member are not transferable and end when membership ceases.

15 Ceasing membership

15.1 Parent and Player membership cease when a player is no longer registered and financial with the Club.

15.2 Membership of an Associate or Life members terminates upon the cessation of membership whether by death, resignation or otherwise.

15.3 When an Associate or Life member ceases to be a member of the Club, the Secretary must, as soon as practicable, enter the date the person ceased to be a member in the register of Associate and Life members.

16 Resigning as a member

16.1 Parent and Player members are not required to give notice in writing. A Parent or Player member is taken to have resigned if:
16.1.1 they are no longer registered and financial with the Club; or
16.1.2 they have been expelled from the Club.

16.2 An Associate member is taken to have resigned if:
16.2.1 they provide written notice to the Secretary that they wish to no longer continue their membership; or
16.2.2 their 12 (twelve) month membership lapses and they do not confirm in writing using the form set out in
16.2.3 Appendix 2 – Associate Membership Renewal to the secretary that they wish to remain an Associate member.
16.2.4 In the circumstances of a Coach who has been granted Associate membership of the Club, the membership automatically ends when the person ceases Coaching by choice or otherwise.
16.2.5 A Life member is taken to have resigned if they provide written notice to the Secretary that they wish to rescind their membership.

Note

Rule **81** sets out how notice may be given to the Club.

17 Register of Members

17.1 The Secretary must keep and maintain a register of members containing:
- 17.1.1 the name and address of each Associate or Life member; and
- 17.1.2 the date on which each Associate or Life member's name was entered in the register; and
- 17.1.3 the date on which the member becomes an Associate or Life member; and where applicable,
- 17.1.4 the date on which an Associate or Life member ceases membership; and where applicable,
- 17.1.5 the date of renewal of the Associate membership.

17.2 The register will be made available free of charge, via email or hard copy, for any member upon request except that contact details will not be disclosed.

17.3 The Secretary must refer to competition registers as a record of Parent and Player members.

Division 2 - Disciplinary Action

18 Grounds for taking disciplinary action

18.1 The Committee may take disciplinary action against a member per this Division if it is determined that the member -
- 18.1.1 has failed to comply with these Rules; or
- 18.1.2 refuses to support the purposes of the Club; or
- 18.1.3 has engaged in conduct prejudicial to the Club.

19 Disciplinary subcommittee

19.1 If the Committee is satisfied that there are sufficient grounds for taking disciplinary action against a member, the Committee must appoint a disciplinary subcommittee to hear the matter at a disciplinary meeting and determine what action, if any, to take against the member.

19.2 The members of the disciplinary subcommittee -
- 19.2.1 may be members of the Club or anyone else; and
- 19.2.2 must include at least one member of the Executive; but
- 19.2.3 must not be biased against, related to, or in favour of, the member concerned.

20 Grounds for taking interim disciplinary action

20.1 The disciplinary subcommittee may take interim disciplinary action against a member under this Division if it is determined that the member has breached rules as outline in rule **18**.

20.2 The disciplinary subcommittee has the authority to temporarily suspend a member without convening a formal disciplinary meeting, if it is deemed that the member has brought themselves, the Club or Basketball into disrepute.

20.3 Temporary suspensions will be put into place until a formal disciplinary meeting can be convened.

20.4 In the case of pending legal or criminal matters because of the member's action(s) a formal disciplinary meeting cannot be convened until such matters are resolved by authorities.

20.5 A temporary suspension must be made in agreement by no less than two office bearers and

communicated to the member concerned as soon as practical by phone, SMS or email.

20.6 An interim disciplinary action cannot be appealed, the member will have a right of reply at the disciplinary meeting once arranged.

21 Notice to member

21.1 Before disciplinary action is taken against a member, the Secretary must give written notice to the member -

- 21.1.1 Stating that the Committee proposes to take disciplinary action against the member; and
- 21.1.2 stating the grounds for the proposed disciplinary action; and
- 21.1.3 specifying the date, place and time of the meeting at which the disciplinary subcommittee intends to consider the disciplinary action (the disciplinary meeting); and
- 21.1.4 advising the member that they may do one or both of the following –
  - 21.1.4.1 attend the disciplinary meeting and address the disciplinary subcommittee at that meeting;
  - 21.1.4.2 give a written statement to the disciplinary subcommittee at any time before the disciplinary meeting; and
- 21.1.5 setting out the member's appeal rights under rule 23.
- 21.1.6 If the member attends the disciplinary meeting and addresses the disciplinary subcommittee meeting, they are entitled to bring a support person with them. In the case the member is under 18 years of age their parent or legal guardian must also attend.

21.2 The notice must be given no earlier than 24 hours, and no later than seven (7) days before the disciplinary meeting is held.

22 Decision of subcommittee

22.1 At the disciplinary meeting, the disciplinary subcommittee must -

- 22.1.1 give the member an opportunity to be heard; and
- 22.1.2 consider any written statement submitted by the member.

22.2 After complying with subrule 22.1, the disciplinary subcommittee may -

- 22.2.1 take no further action against the member; or
- 22.2.2 reprimand the member with penalties including a verbal or written reprimand; or
- 22.2.3 require the member to provide a verbal or written apology; or
- 22.2.4 require the member to render a service to the Club; or
- 22.2.5 require the member to participate in educational courses to minimize risk; or
- 22.2.6 suspend the member from attending Club events including games, training or family days; or
- 22.2.7 suspend the member from all Club activities for a designated period; or
- 22.2.8 suspend the membership rights, including voting rights, of the member for a specified period; or
- 22.2.9 enforce any other sanction considered appropriate for the offence; or
- 22.2.10 expel the member from the Club.

22.3 The disciplinary subcommittee may not fine the member but may require the member to cover the cost of repairs for property damage.

22.4 Expelled or suspended Parent or Player members are not entitled to a refund of any sort

22.5 If the member suspended (interim suspension or otherwise) or expelled, is a Parent member the Player member is permitted to continue playing with the Club so as not to penalise the

child, however the suspended or expelled Parent member is prohibited from attendance at games and training coordinated by, or competitions entered into by, Aberfeldie Jets.

22.5.1 The suspended or expelled Parent member is able to take their child(ren) to games and training but is not permitted to enter the venue or grounds at a stadium during their sentence.

22.6 The suspension of membership rights or the expulsion of a member by the disciplinary subcommittee under this rule takes effect immediately after the vote is passed.

22.7 A person whose membership rights have been suspended or who has been expelled from the Club under rule 22 may give notice to the effect that he or she wishes to appeal against the suspension or expulsion.

22.8 In the event of suspension or expulsion the penalty will be upheld until such time the appeal is heard.

22.9 The notice must be in writing and given -

22.9.1 to the disciplinary subcommittee immediately after the vote to suspend or expel the person is taken; or

22.9.2 to the Secretary not later than 48 hours after the vote.

22.10 If a person has given notice under subrule 22.9.2**,** a disciplinary appeal meeting must be convened by an external party as nominated by the Committee as soon as practicable, but in any event not later than 21 (twenty one) days, after the notice is received.

22.11 Notice of the disciplinary appeal meeting must –

22.11.1 specify the date, time and place of the meeting; and

22.11.2 state:

22.11.2.1 the name of the person against whom the disciplinary action has been taken; and

22.11.2.2 the grounds for taking that action.

22.12 The external party appointed by the Committee to hear the appeal must decide on whether the decision to suspend or expel the person should be upheld or revoked and notify the Committee and appellant in writing of their decision.

23 Conduct of Disciplinary Appeal Meeting

23.1 At a disciplinary appeal meeting -

23.1.1 no business other than the question of the appeal may be conducted; and

23.1.2 the disciplinary subcommittee must state the grounds for suspending or expelling the member and the reasons for taking that action; and

23.1.3 the person whose membership has been suspended or who has been expelled must be given an opportunity to be heard.

23.2 After complying with subrule 23.1**,** the external party appointed by the Committee must determine whether the decision to suspend or expel the person should be upheld or revoked.

Division 3 - Grievance procedure

24 Application

24.1 The grievance procedure set out in this Division applies to disputes under these Rules between -

24.1.1 a member and another member;

24.1.2 a member and the Committee;

24.1.3 a member and the Club.

24.2 A member must not initiate a grievance procedure concerning a matter that is the subject of a

disciplinary procedure until the disciplinary procedure has been completed.

25 Parties must attempt to resolve the dispute

25.1 The parties to a dispute must attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.

26 Appointment of mediator

26.1 If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 25**,** the parties must within 10 days -
- 26.1.1 notify the Committee of the dispute; and
- 26.1.2 agree to or request the appointment of a mediator; and
- 26.1.3 attempt in good faith to settle the dispute by mediation.

26.2 The mediator must be -
- 26.2.1 a person chosen by agreement between the parties; or
- 26.2.2 in the absence of agreement –
  - 26.2.2.1 if the dispute is between a member and another member - a person appointed by the Committee; or
  - 26.2.2.2 if the dispute is between a member and the Committee or the Club - a person external to the Club from the local Association.

26.3 A mediator appointed by the Committee may be a member or former member of the Club but in any case, must not be a person who -
- 26.3.1 has a personal interest in the dispute; or
- 26.3.2 is biased in favour of or against any party.

27 Mediation process

27.1 The mediator to the dispute, in conducting the mediation, must -
- 27.1.1 give each party every opportunity to be heard; and
- 27.1.2 allow due consideration by all parties of any written statement submitted by any party; and
- 27.1.3 ensure that natural justice is accorded to the parties throughout the mediation process.

27.2 The mediator must not determine the dispute.

28 Failure to resolve the dispute by mediation

28.1 If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

PART 4 - GENERAL MEETINGS OF THE CLUB

29 Annual general meetings

29.1 The Committee must convene an annual general meeting of the Club to be held within five (5) months after the end of each financial year of the Club.

29.2 The notice convening the annual general meeting must specify that the meeting is an annual general meeting.

29.3 The Committee may determine the date, time, and place of the annual general meeting. To maintain integrity and ensure the privacy and consistency of voting, the meeting must be held either entirely face-to-face or online, not a combination of both.

29.4 The ordinary business of the annual general meeting shall be:

29.4.1 to confirm the minutes of the previous annual general meeting and of any special general meeting held since that meeting; and

29.4.2 to receive and consider –

29.4.2.1 President's Report on the activities of the Club during the preceding financial year; and

29.4.2.2 The financial statements of the Club for the preceding financial year submitted by the Committee per Part 7 of the Act; including Treasurer Statement, Profit & Loss, Balance Sheet and Auditor's Report (if required).

29.4.3 to elect the members of the Committee whose positions are vacant.

29.4.4 to appoint an auditor for the forthcoming year if required under Part 7 of the Act.

29.4.5 to consider any nominations for Life membership.

29.4.6 to transact any other business of which notice in writing shall have been given to the Secretary of the Club at least seven (7) days before the date of the meeting.

29.5 The annual general meeting may conduct any special business of which notice has been given under these Rules.

30 Special general meetings

30.1 In addition to the annual general meeting, any other general meetings may be held in the same year.

30.2 All general meetings other than the annual general meeting are special general meetings.

30.3 The Committee may, whenever it thinks fit, convene a special general meeting of the Club.

30.4 If, but for this subrule, more than fifteen (15) months would elapse between annual general meetings, the Committee must convene a special general meeting before the expiration of that period.

30.5 The Committee must, on the request in writing of members representing not less than ten (10) per cent of the total number of members, convene a special general meeting of the Club. For the conduct a special general meeting called in this way, a minimum of 75% of the petitioning members must be in attendance. Failure of such attendance will result in the meeting to be cancelled.

30.6 The request for a special general meeting must -

30.6.1 be in writing; and

30.6.2 state the objects of the meeting; and

30.6.3 be signed by the members requesting the meeting; and

30.6.4 be sent to the email mailbox of the Secretary.

30.7 If the Committee does not cause a special general meeting to be held within one month after the date on which the request is sent to the email mailbox of the Secretary, the members

making the request, or any of them, may convene a special general meeting to be held not later than three (3) months after that date.

30.8 If a special general meeting is convened by members per this rule, it must be convened in the same manner so far as possible as a meeting convened by the Committee and all reasonable expenses incurred in convening the special general meeting must be refunded by the Club to the persons incurring the expenses.

31 Notice of general meetings

31.1 The Secretary of the Club, at least twenty-one (21) days, before the date fixed for holding a general meeting of the Club, must cause to be sent to each member of the Club, a notice stating the place, date and time of the meeting and the nature of the business to be conducted at the meeting. This includes any proposed special resolutions and the intention to propose such. To maintain integrity the meeting must be held entirely face to face or online, not a combination of both to ensure privacy and governance during voting.

31.2 The notice will be sent via email to all members.

31.3 No business other than that set out in the notice convening the meeting may be conducted at the meeting.

31.4 A member intending to bring any business before a meeting may notify in writing, or by electronic transmission, the Secretary of that business, who must include that business in the notice calling the next general meeting.

31.5 All members attending a meeting must RSVP to the Secretary via email at least seven (7) days before the date fixed for the meeting. The Secretary must confirm registration and financial requirements of membership are met.

32 Proxies

32.1 Proxy voting is not allowed.

33 Use of technology

33.1 Where practical a member not physically present at a general meeting may be permitted to participate in the meeting by the use of technology that allows that member and the members present at the meeting to clearly and simultaneously communicate with each other.

33.2 For the purposes of this Part, a member participating in a general meeting as permitted under subrule 33.1 is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

34 Quorum at a general meeting

34.1 No business may be conducted at a general meeting unless a quorum of members entitled under these rules to vote is present.

34.2 Ten (10) members present in person or virtually (being members entitled under these Rules to vote at a general meeting) constitute a quorum for the conduct of the business of a general meeting.

34.3 If, within half an hour after the appointed time for the commencement of a general meeting, a quorum is not present -

34.3.1 in the case of a meeting convened upon the request of members, the meeting must be dissolved; and

34.3.2 in any other case - the meeting shall stand adjourned to a date not more than 21 days after the adjournment, and notice of the date, time and place to which the meeting is adjourned must be given at the meeting and confirmed by written notice given to all members as soon as practicable after the meeting.

34.4 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 five [5]) shall be a quorum.

35 Presiding at a general meeting

35.1 The President, or in the President's absence, the Vice-President, shall preside as Chairperson at each general meeting of the Club.

35.2 If the President and the Vice-President are absent, or are unable to preside, the Senior Admin officer will preside.

36 Adjournment of a general meeting

36.1 The Chairperson of a general meeting at which a quorum is present may, with the consent of a majority of members present at the meeting, adjourn the meeting to another time at the same place or another place.

36.2 Without limiting subrule 36.1, a meeting may be adjourned -

36.2.1 if there is insufficient time to deal with the business at hand; or

36.2.2 to give the members more time to consider an item of business.

36.3 No business may be conducted at an adjourned meeting other than the unfinished business from the meeting that was adjourned.

36.4 Notice of the adjournment of a meeting under this rule is not required unless the meeting is adjourned for 14 (fourteen) days or more, in which case notice of the meeting must be given per rule 31.

37 Voting at annual and special general meetings

37.1 On any question arising at a general meeting –

37.1.1 Subject to subrule 37.2, each member who is entitled to vote has one vote regardless if they hold more than one position due to filling a casual vacancy; and

37.1.2 Except in the case of a special resolution, the question must be decided on a majority of votes.

37.2 If votes are decided equally on a question, the Chairperson of the meeting has a second or casting vote.

37.3 Election if required shall be carried out in the following order:

37.3.1 President, Vice President, Treasurer, Secretary, Portfolio holders

37.4 If the question is whether to confirm the minutes of a previous meeting, only members who were present at that meeting may vote.

37.5 This rule does not apply to a vote at a Disciplinary Appeal Meeting conducted under rule **23**.

38 Special Resolutions

38.1 A special resolution is passed if not less than three-quarters (3/4) of the members voting at a general meeting vote in favour of the resolution.

Note

In addition to certain matters specified in the Act, a special resolution is required –

(a) to remove a Committee member from office;

(b) to alter these Rules, including changing the name or any of the purposes of the Club.

39 Determining whether a resolution is carried

39.1 Subject to subsection 39.2, the Chairperson of a general meeting may, based on a show of hands, declare that a resolution has been -
- 39.1.1 carried; or
- 39.1.2 carried unanimously; or
- 39.1.3 carried by a particular majority; or
- 39.1.4 lost; and

an entry to that effect in the minutes of the Club is conclusive proof of that fact.

39.2 If a poll (where votes are cast in writing) is demanded by three or more members on any question –
- 39.2.1 the poll must be taken at the meeting in the manner determined by the Chairperson of the meeting; and
- 39.2.2 the Chairperson must declare the result of the resolution based on the poll.

39.3 A poll demanded on the adjournment must be taken immediately.

40 Minutes of a general meeting

40.1 The Committee must ensure that minutes are taken and kept of each general meeting.

40.2 The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.

40.3 Additionally, the minutes of each annual general meeting must include -
- 40.3.1 the names of the members attending the meeting; and
- 40.3.2 the financial statements submitted to the members per these Rules; and
- 40.3.3 the certificate signed by two office bearers certifying that the financial statements give a true and fair view of the financial position and performance of the Club; and
- 40.3.4 any audited accounts and auditor's report or report of a review accompanying the financial statements that are required under the Act.

PART 5 - COMMITTEE

Division 1 - Powers of Committee

41 Role and powers

41.1 The business of the Club must be managed by or under the direction of a Committee.

41.2 The Committee may exercise all the powers of the Club except those powers that these Rules or the Act require to be exercised by general meetings of the members of the Club.

41.3 The Committee may -

41.3.1 appoint and remove Club employees (in accordance with applicable industrial laws); and

41.3.2 establish subcommittees consisting of members with terms of reference it considers appropriate; and

41.3.3 Appoint and remove Club coaches, team managers, volunteers and establish team setup and allocation as it considers appropriate; and

41.3.4 Establish financial settings such as fees and discounts it considers appropriate

42 Delegation

42.1 The Committee may delegate to a member of the Committee, a subcommittee or paid employee, any of its powers and functions other than -

42.1.1 this power of delegation; or

42.1.2 a duty imposed on the Committee by the Act or any other law.

42.2 The delegation must be in writing and may be subject to the conditions and limitations the Committee considers appropriate.

42.3 The Committee may, in writing, revoke a delegation wholly or in part.

Division 2 - Composition of Committee and duties of members

43 Composition of Committee

43.1 The affairs of the Club shall be managed by the Committee.

43.2 The Committee shall consist of -

43.2.1 the office bearers of the Club:

43.2.1.1 President; and

43.2.1.2 Vice President; and

43.2.1.3 Secretary; and

43.2.1.4 Treasurer; and

43.2.1.5 Admin Officer(s); and

43.2.1.6 Portfolio holders (if any) as determined by the office bearers and elected under rule 51.

43.3 Two appointed Committee members if desired as per rule 44.

43.4 The Portfolio Holders and Club office bearers (excluding the Admin Officer[s]) will be elected at the annual general meeting of the Club.

44 Appointed Committee members

44.1 The elected Committee may appoint up to two (2) additional Committee members at any time of the year, who shall be known as appointed Committee members.

44.2 The appointed committee members may have specific skills in commerce, finance, marketing, law or business generally or such other skills which complement the Committee composition but need not have experience in or exposure to Basketball. They do not need to be members but must have an interest in actively furthering the interests and purposes of the Club. Appointed Committee members have voting rights and can be appointed at any time of the year without the requirement of an annual general meeting or special general meeting.

45 Term of Appointment

45.1 Committee members appointed under rule 44 may be appointed by the elected Committee per this Constitution for a minimum of 12 months and maximum of two (2) years.

46 General Duties

46.1 As soon as practicable after being elected or appointed to the Committee, each Committee member must become familiar with these Rules and the Act.

46.2 The Committee is collectively responsible for ensuring that the Club complies with the Act and that individual members of the Committee comply with these Rules.

46.3 Committee members must exercise their powers and discharge their duties -

46.3.1 with reasonable care and due diligence;

46.3.2 in good faith in the best interests of the Club; and

46.3.3 for a proper purpose.

46.4 Committee members and former Committee members must not, so as to gain an advantage for themselves or any other person or to cause detriment to the Club, make improper use of;

46.4.1 their position; or

46.4.2 information acquired by holding their position.

Note

See also Division 3 of Part 6 of the Act which sets out the general duties of the office holders of an incorporated association.

46.5 In addition to any duties imposed by these Rules, a Committee member must perform any other duties imposed from time to time by resolution at a general meeting.

46.6 The Committee shall have the power from time to time to appoint subcommittees from amongst its members for any purpose of the Club. Every subcommittee is required to report on their delegated activities to the Committee from time to time, as determined by the Committee.

47 President and Vice-President

47.1 Subject to subrule 47.2, the President or, in the President's absence, the Vice-President is the Chairperson for any general meetings and any Committee or office bearer meetings.

47.2 If the President and the Vice-President are absent, or are unable to preside, the Senior Admin officer will preside.

48 Secretary

48.1 The Secretary must perform any duty or function required under the Act to be performed by the secretary of an incorporated association.

48.2 The Secretary must -

48.2.1 maintain the register of members per rule 17; and

48.2.2 keep custody of all books, documents and securities of the Club in accordance with rule 82 except for the financial records referred to in rule 78.3**;** and

48.2.3 subject to the Act and these Rules, provide members with access to the register of members, the minutes of general meetings and other books and documents; and

48.2.4 perform any other duty or function imposed on the Secretary by these Rules.

48.3 The Secretary must give to the Registrar notice of their appointment within 14 days after the appointment.

48.4 Where no nomination for Secretary is received, the Club Administration Officer will act in the Secretary role subject to subrule 50.2

49 Treasurer

49.1 The Treasurer must -

49.1.1 receive all money paid to or received by the Club and issue receipts for those money in the name of the Club; and

49.1.2 ensure that all money received are paid into the account of the Club within five (5) working days after receipt, except for those received by the registration system which will be paid into the Club account via the time frame nominated by the administrator of said registration system; and

49.1.3 ensure all payments made via the registration system match the deposits made by the administrator of the payment system; and

49.1.4 make any payments authorised by the Committee or by a general meeting of the Club from the Club's funds; and

49.1.5 ensure payments are approved by at least two (2) office bearers, as defined in subrule 43.2.1.

49.2 The Treasurer must -

49.2.1 ensure that the financial records of the Club are kept per the Act; and

49.2.2 coordinate the preparation of the financial statements of the Club and their certification by the Committee before their submission to the annual general meeting of the Club.

49.3 The Treasurer must ensure that at least two other office bearers have access to the accounts and financial records of the Club.

50 Admin Officer

50.1 The Admin Officer is a person/people employed by the Club to perform administration and secretarial duties as outlined in their contract; and

50.2 In the absence of office bearer role(s), the administrative officer may be tasked to take on responsibilities until vacancies are filled.

51 Portfolio holders

51.1 Portfolio holders as deemed necessary by the office bearers are required to report back to the committee on their activities at each board meeting. This is applicable even in scenarios where portfolio holders are also committee members. They are required to work closely with the Administration officer(s).

51.2 The Portfolio holders of the Club encompasses responsibilities such as but not limited to;

- 51.2.1 Coaching and Player Development coordinator;
- 51.2.2 Training venue coordinator;
- 51.2.3 Events coordinator;
- 51.2.4 New Stadium subcommittee chair;
- 51.2.5 Uniform and Storage coordinator;
- 51.2.6 Sponsorship coordinator;
- 51.2.7 Publicity and Communications
- 51.2.8 Welfare and Inclusion officer

Division 3 - Election of Committee members and tenure of office

52 Who is eligible to be a Committee member

52.1 A member is eligible to be elected as a Committee member if the member -

- 52.1.1 is 18 years or over; and
- 52.1.2 is a Parent, Player or Life member with voting rights; and
- 52.1.3 has a membership that is not suspended for any reason.

52.2 A non-member is eligible to be appointed to the Committee under rule 44 if the non-member-

- 52.2.1 is 18 years or over; and
- 52.2.2 has not been suspended or expelled from the Club for any reason previously.

53 Positions to be declared vacant

53.1 This rule applies to any annual general meeting of the Club after the annual report and financial statements of the Club have been received.

53.2 The Chairperson of the meeting must declare positions, per rule 58, on the Committee vacant and hold elections for those positions in accordance with rules 55 to 59.

54 Nominations

54.1 Nominations of candidates for election as Executive or Portfolio holders of the Committee must be:

54.1.1 made in writing by the prescribed form in Appendix 2 signed by the nominee; and

54.1.2 delivered to the Secretary of the Club not less than seven (7) days before the date fixed for the holding of the annual general meeting.

54.2 An eligible candidate may only nominate for one (1) Executive position, or as a Portfolio holder of the Committee, before the annual general meeting.

54.3 If only one of nomination is received for any vacancy the persons nominated shall be deemed to be elected.

54.4 If the number of nominations for any position exceeds the number of vacancies, a ballot must be held.

54.5 The ballot for the election of Executive officers and Portfolio holders of the Committee must be conducted at the annual general meeting in accordance with rule 57.

54.6 If no nomination is received for any vacancy, nominations may be called for at the meeting.

55 Election of Executive members of the Committee.

55.1 At the annual general meeting a separate election will be held to elect the Executive according to rule 58.

55.2 If only one member is nominated for the position, the Chairperson of the meeting must declare the member elected to the position on the Executive.

55.3 If more than one member is nominated, a ballot must be held per rule 57.

55.4 On their election, the new President may take over as Chairperson of the annual general meeting.

56 Election of Portfolio holders

56.1 No less than one month before an upcoming annual general meeting, the Executive must meet to review current portfolios and confirm if any portfolios are to be discontinued or if further portfolios are required. This will allow timely advertising to fill roles for the AGM.

56.2 At the annual general meeting, elections must be held for each of the portfolios becoming vacant as required by the Executive according to rule 56. A single election may be held to fill all of those positions if there is more than one position under the same portfolio.

56.3 If the number of members nominated exceeds the number to be elected, a ballot must be held per rule 57.

57 Ballot

57.1 If a ballot is required for the election for a position, the Admin Officer shall act as the returning officer to conduct the ballot.

57.2 Before the ballot is taken, each candidate may make a short speech in support of their election.

57.3 The election must be by secret ballot.

57.4 The returning officer must give a blank piece of paper to each member present in person; and

57.5 If the ballot is for a single position, the voter must indicate in writing the single candidate for whom they wish to vote.

57.6 If the ballot is for more than one position:

57.6.1 the voter must indicate in writing the name of each candidate for whom they wish to vote; and

57.6.2 the voter must not vote for more candidates than the number to be elected.

57.7 Ballot papers that do not comply with subrule 57.6.2 are not to be counted.

57.8 Each ballot paper on which the name of a candidate has been written counts as one vote for that candidate.

57.9 The returning officer must declare elected the candidate or, in the case of an election for more than one position, the candidates who received the most votes.

57.10 If the returning officer is unable to declare the result of an election under subrule **57.9** because two (2) or more candidates received the same number of votes, the returning officer must:

57.10.1 conduct a further election for the position in accordance with subrules 57. 3 through to 57.11 to decide which of those candidates is to be elected; or

57.10.2 with the agreement of those candidates, decide by the toss of a coin or drawing a name out of the hat which of them is to be elected.

57.11 Election if required shall be carried out in the following order:

57.11.1 President, Vice President, Treasurer, Secretary, Portfolio Holders.

58 Term of office

58.1 The term of office of a member of the Executive or a Portfolio holder shall be two (2) years. Positions shall retire each year by rotation as follows: -

58.1.1 Retiring Odd Year: President, Treasurer and one half of the number of Portfolio holders,

58.1.2 Retiring Even Year: Vice President, Secretary and one half of the number of Portfolio holders.

58.2 All retiring Committee members are eligible for re-election into the same position.

58.3 In the first implementation of subrule 58.1 all Executive member and Portfolio holder positions will be elected and the each will retire as defined under the subrule.

58.4 The Executive shall determine which Portfolio holders shall retire on the first occasion of the implementation of subrule 58.1**.**

59 Vacation of office

59.1 A member of the Committee may resign from the Committee by written notice addressed to the President.

59.2 A person ceases to be a Committee member if they

59.2.1 cease to be a member of the Club; or

59.2.2 fails to attend three (3) consecutive Committee meetings (other than special or urgent Committee meetings) without leave of absence under rule 75; or

59.2.3 are removed from the Committee under rule 60.

59.2.4 otherwise ceases to be a Committee member by operation of section 78 of the Act.

Note: A Committee member may not hold the office of secretary if they do not reside in Australia.

60 Grounds for removal from Committee

60.1 In addition to the circumstances in which the role of a Committee member becomes vacant under these Rules, the role of a Committee member becomes vacant if the Committee member:

- 60.1.1 becomes bankrupt or insolvent under administration or makes any arrangement or composition with their creditors generally;
- 60.1.2 becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health;
- 60.1.3 resigns their office in writing to the Club;
- 60.1.4 is absent without the consent of the Committee from three (3) consecutive Committee meetings;
- 60.1.5 is directly or indirectly interested in any contract or proposed contract with the Club and fails to declare the nature of their interest;
- 60.1.6 in the opinion of the Committee:
  - 60.1.6.1 has acted in a manner unbecoming or prejudicial to the Objects and/or interests of the Club or Basketball; or
  - 60.1.6.2 has brought themselves, the Club or Basketball into disrepute, provided the Committee member is first given the opportunity to make written or oral submissions to the Committee before any decision is reached by the Committee;
- 60.1.7 is removed by special resolution;
- 60.1.8 dies.

61 Filling casual vacancies

61.1 The Committee may appoint an eligible member of the Club to fill a position on the Committee that -

- 61.1.1 has become vacant under rule 59 or 60; or
- 61.1.2 was not filled by election at the last annual general meeting.

61.2 An Associate member who is appointed to the Committee shall hold voting rights for the duration of their term on the Committee.

61.3 If the position of Secretary becomes vacant, the Committee must appoint a member to the position within 14 (fourteen) days after the vacancy arises.

61.4 Rule 58 applies to any Committee member appointed by the Committee under subrule 61.1 or 61.2**.**

61.5 The Committee may continue to act despite any vacancy in its membership.

61.6 Any casual vacancy may only be filled for the remainder of the vacating office bearer term under these Rules.

Division 4 - Meetings of Committee

62 Meetings of Committee

62.1 The Committee must meet at least five (5) times in each year at the dates, times and places determined by the Committee.

62.2 The date, time, and place of the first Committee meeting must be determined by the members of the Committee as soon as practicable after the annual general meeting of the Club at which the members of the Committee were elected.

62.3 Special Committee meetings may be convened:
62.3.1 by the President; or
62.3.2 by any four (4) members of the Committee but including no less than two (2) office bearer members.
62.4 Meetings of the Executive may be convened by the President or by any three (3) members of the Executive.

63 Notice of Committee meetings

63.1 Notice of each Committee meeting must be given to each member of the Committee no later than two (2) days before the date of the meeting.
63.2 Notice may be given of more than one Committee meeting at the same time.
63.3 The notice must state the date, time and place of the meeting.
63.4 If a special Committee meeting is convened, the notice must include the general nature of the business to be conducted.
63.5 The only business that may be conducted at the meeting is the business for which the meeting is convened.

64 Urgent meetings

64.1 In cases of urgency, a meeting can be held without notice being given per rule 63 provided that as much notice as practicable is given to each Committee member by the quickest means practicable.
64.2 The only business that may be conducted at an urgent meeting is the business for which the meeting is convened.

65 Procedure and order of business

65.1 The procedure to be followed at a meeting of the Committee must be determined from time to time by the Committee.
65.2 The order of business may be determined by the members present at the meeting.

66 Use of technology

66.1 A Committee member who is not physically present at a Committee meeting may participate in the meeting by the use of technology that allows that Committee member and the Committee members present at the meeting to clearly and simultaneously communicate with each other.
66.2 For the purposes of this Part, a Committee member participating in a Committee meeting as permitted under subrule 66.1 is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

67 Quorum for Committee meetings

67.1 No business may be conducted unless a quorum is present.
67.2 The quorum for a Committee meeting is the presence (in person or as allowed under rule 66) of a majority of the Committee of which a minimum of two (2) must be members of the Executive.
67.3 The quorum for an Executive meeting is the presence (in person or as allowed under rule 66)

of at least three Executive members holding office.

67.4 If a quorum is not present within thirty (30) minutes after the notified commencement time of a Committee or Executive meeting -

67.4.1 in the case of a special meeting - the meeting lapses.

67.4.2 in any other case - the meeting shall stand adjourned to a date no later than 14 days after the adjournment and notice of the time, date and place to which the meeting is adjourned must be given in accordance with rule 63.

68 Presiding at Committee, Executive or subcommittee meetings

68.1 At meetings of the Committee or Executive -

68.1.1 the President or, in the President's absence, the Vice-President presides; or

68.1.2 if the President and the Vice-President are absent, or are unable to preside, the Senior Admin officer will preside.

68.2 At meetings of a subcommittee appointed by the Committee -

68.2.1 the member appointed by the Committee will preside; or

68.2.2 if the appointed member is absent, or are unable to preside, members present must choose one of their number to preside.

69 Voting

69.1 On any question arising at a meeting of the Committee, Executive Committee, or at a meeting of any subcommittee appointed by the Committee, each Committee members present at the meeting has one vote regardless of whether they hold more than one role on the Committee.

69.2 Shall be determined on a show of hands or, if a member requests, by a poll taken in such manner as the person presiding at that meeting may determine.

69.3 If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.

69.4 A motion is carried if a majority of Committee members present at the meeting vote in favour of the motion.

69.5 Voting by proxy is not permitted.

70 Conflict of interest

70.1 Committee members interest

70.1.1 A Committee member other than the Club Admin Officer(s) and Club clinic coaching staff is disqualified from holding any place of profit or position of planned, regular employment in the Club, any affiliate or any company or incorporated association in which the Club is a shareholder or otherwise has interests in either as a vendor, purchaser, contractor or otherwise, except with express resolution of approval of the Committee. Any such contract or any contract or arrangement entered into by or on behalf of the Club in which any Committee member is in any way interested will be voided unless previously approved by the Committee.

70.2 Conflict of interest

70.2.1 A Committee member who has a material personal interest in a matter being considered at a Committee meeting must disclose the nature and extent of that interest to the Committee.

70.2.2 A Committee member shall declare their interest in any:

70.2.2.1 contractual matter;

70.2.2.2 selection matter;
70.2.2.3 disciplinary matter; or
70.2.2.4 other financial matter in which a conflict of interest arises or may arise and shall unless otherwise determined by the Committee.

70.2.3 The Committee member:
70.2.3.1 must not be present while the matter is being considered at the meeting; and
70.2.3.2 must not vote on the matter.

70.2.4 In the event of any uncertainty as to whether a Committee member must remove themself from discussions and refrain from voting, the issue should be immediately determined by a vote of the Committee, or if this is not possible, the matter shall be adjourned or deferred.

Note: Under section 81(3) of the Act, if there are insufficient Committee members to form a quorum because a member who has a material personal interest is disqualified from voting on a matter, a general meeting may be called to deal with the matter.

70.2.5 This rule does not apply to a material personal interest -
70.2.5.1 that exists only because the member belongs to a class of persons for whose benefit the Club is established; or
70.2.5.2 that the member has in common with all, or a substantial proportion of, the members of the Club.

71 Disclosure of interest

71.1 The nature of the interest of such Committee member must be declared by the Committee member at the meeting of the Committee at which the contract or other matter is first taken into consideration if the interest then exists or in any other case at the first meeting of the Committee after the acquisition of the interest. If a Committee member becomes interested in a contract or other matter after it is made or entered into the declaration of the interest must be made at the first meeting of the Committee held after the Committee member becomes so interested.

72 General Disclosure

72.1 A general notice that a Committee member is a member of any specified firm or company and is to be regarded as interested in all transactions with that firm or company is sufficient declaration under rule 70.1 as regards such Committee member and the said transactions. After such general notice, such Committee member does not need to give a special notice relating to any particular transaction with that firm or company.

73 Recording Disclosures

73.1 The Secretary must record on the Conflict-of-Interest disclosure register and in the minutes as it occurs any declaration made, or any general notice given by a Committee member in accordance with these Rules.

74 Meeting minutes

74.1 The Committee must ensure that minutes are taken and kept of each Committee and Executive meeting.

74.2 The minutes must record the following -

74.2.1 the names of the members in attendance at the meeting;

74.2.2 the business considered at the meeting;

74.2.3 any resolution on which a vote is taken and the result of the vote;

74.2.4 any material personal interest disclosed under rule 70**,** 71 or 72.

75 Leave of absence

75.1 The Committee may grant a Committee member leave of absence from Committee meetings for a period not exceeding 3 months.

75.2 The Committee must not grant leave of absence retrospectively unless it is satisfied that it was not feasible for the Committee member to seek the leave in advance.

PART 6 - FINANCIAL MATTERS

76 Source of funds

76.1 The funds of the Club may be derived from season or clinic fees, uniform or merchandise sales, donations, fund-raising activities, grants, interest, and any other sources approved by the Committee.

77 Management of funds

77.1 The Club must open an account with a financial institution from which all expenditure of the Club is made and into which all the Club's revenue is deposited.

77.2 Subject to any restrictions imposed by a general meeting of the Club, the Committee may approve expenditure on behalf of the Club.

77.3 The Committee may approve the reimbursement of expenses of Committee members as it deems appropriate and reasonable in the circumstances, provided that:

77.3.1 Approval of such reimbursement is permitted under the Act; and

77.3.2 The expense is properly documented, receipted and has been incurred; and

77.3.3 Approval of the expense is in the best interests of the Club.

77.4 The Committee may authorise the President, Treasurer or the Admin Officer to expend funds on behalf of the Club (including by electronic funds transfer or credit card) up to a specified limit without requiring approval from the Committee for each item on which the funds are expended.

77.5 All electronic funds transfers, cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by two (2) members of the Executive.

77.6 All funds of the Club must be deposited into the financial account of the Club no later than five (5) working days after receipt.

77.7 With the approval of the Committee, the Treasurer or Admin Officer may maintain a cash float provided that all money paid from or paid into the float is accurately recorded at the time of the transaction.

78 Financial records

78.1 The Club must keep financial records that -

78.1.1 correctly record and explain its transactions, financial position, and performance; and

78.1.2 enable financial statements to be prepared as required by the Act.

78.2 The Club must retain the financial records for seven (7) years after the transactions covered by the records are completed.

78.3 The Treasurer must keep in their custody, or under their control -

78.3.1 the financial records for the current financial year; and

78.3.2 any other financial records as authorised by the Committee.

79 Financial statements

79.1 For each financial year, the Committee must ensure that the requirements under the Act relating to the financial statements of the Club are met.

79.2 Without limiting subrule 79.1, those requirements include -

79.2.1 the preparation of the financial statements;

79.2.2 if required, the review or auditing of the financial statements;

79.2.3 the certification of the financial statements by the Committee;
79.2.4 the submission of the financial statements to the annual general meeting of the Club;
79.2.5 the lodgment with the Registrar of the financial statements and accompanying reports, certificates, statements and fee in accordance with the Act.

PART 7 - GENERAL MATTERS

80 Registered address

80.1 The registered physical address of the Club is the address determined from time to time by resolution of the Committee with a preference for a Post Office Box.

80.2 The registered email address of the Club is the email mailbox managed by the Club Admin Officer.

81 Notice requirements

81.1 Any notice required to be given to a member or a Committee member under these Rules may be given -

81.1.1 by handing the notice to the member personally; or

81.1.2 by sending it by post to the member at the postal address recorded for the member on the register of members; or

81.1.3 by email to the member at the email address recorded for the member on the register of members.

81.2 Subrule 1 does not apply to notice given under rule 63 or 64.

81.3 Any notice required to be given to the Club or the Committee may be given -

81.3.1 by handing the notice to a member of the Committee; or

81.3.2 by sending the notice by post to the registered Club address; or

81.3.3 by email to the email address of the Club Secretary.

82 Custody and inspection of books and records

82.1 Members may on request inspect free of charge -

82.1.1 the register of members;

82.1.2 the minutes of general meetings;

82.1.3 subject to subrule 82.1.2, the financial records, books, securities and any other relevant document of the Club, including minutes of Committee meetings.

Note: See rule **17** for details of access to the register of members.

82.2 The Committee may refuse to permit a member to inspect records of the Club that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the Club.

82.3 These Rules will be available publicly via the Club website.

82.4 Subject to subrule 82.2, a member may make a copy of any of the other records of the Club referred to in this rule and the Club may charge a reasonable fee for the provision of a copy of such a record.

82.5 For purposes of this rule, ***relevant documents*** means the records and other documents, however compiled, recorded or stored, that relate to the incorporation and management of the Club and includes the following -

82.5.1 its membership records;

82.5.2 its financial statements;

82.5.3 its financial records;

82.5.4 records and documents relating to transactions, dealings, business or property of the Club.

82.5.5 Related Club policies, bylaws, rules or procedures

83 Winding up and cancellation

83.1 The Club may be wound up voluntarily by special resolution.
83.2 In the event of the winding up or the cancellation of the incorporation of the Club, the surplus assets of the Club must not be distributed to any members or former members of the Club.
83.3 Subject to the Act and any court order made under section 133 of the Act, the surplus assets must be given to a body that has similar purposes to the Club and which is not carried on for the profit or gain of its individual members.
83.4 The body to which the surplus assets are to be given must be decided by special resolution.

84 Alteration of Rules

84.1 These Rules may only be altered by special resolution of a general meeting of the Club.

> **Note:** An alteration of these Rules does not take effect unless or until it is approved by the Registrar. If these Rules (other than rule **1**, **2** or **3**) are altered, the Club is taken to have adopted its own rules, not the model rules.

85 Procedural Irregularities

85.1 No decision of the Club, its Committee, sub-committees or Committee members shall be invalid merely because of a failure to give proper notice or other irregularity in procedure by this constitution, Club policy, bylaws, rules or similar unless a person suffers serious detriment as a result of that failure to give proper notice or irregularity in procedure.
85.2 The Club or its Committee may confirm an earlier decision which may have been otherwise invalid because of a failure to give proper notice or other irregularity in procedure and the decision shall be deemed to be valid from the time it was originally made.

86 Unforeseen matters

86.1 Should any matter arise for which provision has not been made in the Constitution, the Club or the Committee shall take such action as is necessary to protect the Club's interests.

Appendix 1 – Associate Membership Application

Aberfeldie Jets Basketball Club Inc
Application for Associate Membership

I, _____

of (address) _____

(suburb) _____(postcode) _____

(email) _____ (phone) _____

apply to become an Associate member of the Aberfeldie Jets Basketball Club Inc.

I declare that I am over the age of 18 years and my application for membership of the Club is based upon the following interests (Please provide information for evaluation by the Committee that shows your interest in the sport, the region, or the governance of the Club). By listing my email address above, I provide my agreement to receive Aberfeldie Jets Basketball Club notices via email.

_____

_____

_____

_____

In the event of my acceptance as an Associate member, I agree to be bound by the Rules of the Club at all times.

Signature of Applicant: _____

Date:_____

Committee Use Only

Date Received by Club: _____

Associate Membership application approved: YES / NO

Date Membership approved or denied: _____

Appendix 2 – Associate Membership Renewal

Aberfeldie Jets Basketball Club
Application For Associate Membership Renewal

I, _____

of (address) _____

(suburb) _____(postcode) _____

(email) _____ (phone) _____

apply to renew my Associate membership of the Aberfeldie Jets Basketball Club inc.

I agree to continue to be bound by the Rules of the Club for the time being in force.

Signature of Applicant: _____

Date:_____

Committee Use Only

Date Received by Club: _____

Appendix 3 - Committee Nomination Form

Aberfeldie Jets Basketball Club Committee Nomination Form

I, _____

Apply for the position of _____

Signature of nominated person _____

Dated _____

Note: This form is to be signed by the Proposer, Seconder and Person nominated, all of whom must be full financial members.

Appendix 4 – Life Membership Nomination Form

Aberfeldie Jets Basketball Club Life Membership Nomination Form

Nominator details:

Name: _____

Address: _____

_____

Phone #: _____

Email: _____

How do you know the nominee: _____

_____

_____

_____

Nominee details

Name: _____

Address: _____

_____

Phone #: _____

Email: _____

Length of service with/to the Club: _____

_____

Level of contribution to the Club: _____

_____

_____

Effectiveness of contribution: _____

_____

_____

Ongoing commitment to the purposes of the Club: _____

_____

_____

Any additional relevant supporting information: _____

_____

_____

_____

_____

_____

_____

Committee Use Only

Date Received by Club: _____

Life Membership application approved: YES / NO

Date Membership approved or denied: _____