

**ELTHAM WILDCATS BASKETBALL CLUB INC**  
**STATEMENT OF PURPOSES AND RULES**  
**(AS REVISED AUGUST 2011)**

1. NAME:

The name of the Club shall be the Eltham Wildcats Basketball Club Inc.

2. PURPOSE:

The purpose of the Club shall be to propagate basketball in the Eltham area, and in doing so, to provide opportunities for training, improvement in skills, competition and recreation.

3. MEMBERSHIP:

Membership of the club shall consist of the following provided they are in good financial standing:

- (a) All players who have played in a team entered by the Club in a competition during the previous twelve months and are not under suspension. Only players who have had their 12<sup>th</sup> birthday in the previous year or prior shall be recognised as voting members.
- (b) Parents and guardians of players under the age of 18 defined in Clause 3
- (c) Coaches and any other officials of the Club.
- (d) One delegate from any Club or school with a team in a competition organised by Eltham Wildcats Basketball Club Inc.
- (e) Any other interested persons at the discretion of the General Committee.

The Executive shall keep and maintain a register of members in which shall be entered the names and addresses of members and information concerning where this Register may be inspected is available from the Public Officer.

4. SUBSCRIPTIONS:

The subscriptions and other charges are due for the payment of same shall be determined by the General Committee each year and notified to the Members before such subscriptions are due.

5. GENERAL COMMITTEE:

- (a) Each year there shall be elected a General Committee. Such elections shall take place at the Annual General Meeting and over the ensuing seven days. The Secretary shall ensure, that if an election is required, that ballot papers are available at the Annual Meeting and during normal Club activity hours over four different days, including Saturday, in the week following.

The General Committee shall consist of the following:

PRESIDENT: To be elected for a term of two years every even year.

VICE-PRESIDENT: GENERAL and VICE PRESIDENT: STAFF and PROCEDURES: To be elected for a term of two years every odd year.

SECRETARY: To be elected for a term of two years every even year.

CONVENORS: Convenor (Girls' Saturday Competition), Convener (Girls' Championship Teams), Convenor (Championship Women), Convenor (Boys' Saturday Competition), Convenor (Boys' Championship teams), Convenor (Championship Men). At the discretion of the General Committee the Championship Women's position and the Championship Men's position can be advertised as one position.

COACHES' REPRESENTATIVE: To be appointed by the Coaches of previous twelve months for a term of one year.

TWO PLAYERS' REPRESENTATIVES: To be appointed for a term of one year by the players of the previous twelve months.

Up to nine (9) other members as determined by the Annual General Meeting, for either specified or unspecified positions. One half of the Committee shall retire each year. On the first occasion, those retiring will be determined by drawing lots.

In addition, those participating in the senior competitions organised by Eltham Basketball Club shall have the right to appoint one representative to the General Committee according to the provisions of the senior competition.

In the event that insufficient nominations are received to fill the vacant positions, the General Committee shall have the discretionary power to appoint any member to the vacancy.

- (b) COMMITTEE VACANCY:

The office of a member of General Committee shall become vacant in the case of:

(a) Death, (b) consistent inability to attend meetings, (c) resignation, (d) the member has been guilty of conduct unbecoming a member or prejudicial to the interests of the Club after due opportunity for defence and as determined by a specially convened meeting of General Committee and that such has been determined by no less than 75% of those in attendance at the General Committee.

(c) CASUAL VACANCIES:

The General Committee shall have the authority to fill any vacancy on the General Committee and to make two (2) additional co-options. A co-opted member shall serve only until the next Annual Meeting.

(d) QUORUM

A Quorum for General Committee meetings shall be an Executive member and four (4) other members. Except in extraordinary circumstances at least seven days notice shall be given of a meeting of General Committee, in which case the quorum shall be any two members of Executive and four other members.

In extraordinary circumstances when less than seven days notice is given of a meeting, the quorum shall be any three members of Executive and six other members.

(e) The General Committee shall meet at least once every four months a minimum of four times in any calendar year.

6. EXECUTIVE COMMITTEE:

The Executive shall consist of the President, Vice President (General), Vice President (Staff and Procedures), Secretary, Treasurer and two (2) other members of the General Committee chosen by that General Committee. The Executive shall conduct the business and financial matters of the Club; consistent with the policies determined by the General Committee.

A Quorum for the Executive shall be the President or Secretary and two (2) other members. The person holding the most senior administrative appointment shall be co-opted as an Executive member.

Executive Committee meetings may, where one or two urgent items need to be considered, conduct a meeting via teleconference or electronic communication using the “reply all” option for communication of viewed. The Secretary shall ensure all committee members have a chance to respond, and to record any conclusions with details of who voted. If any member of the Executive Committee requires that any matter be referred to in an ordinary meeting, it shall be so referred.

7. SELECTION COMMITTEES:

The General Committee and delegated authorities within the Club shall be entitled to select players, coaches and organisers according to criteria the relevant bodies establish.

8. MEMBERS MEETINGS:

- (a) An Annual Members meeting shall be called by the Secretary each year between the first day of the second month and the last day of the fifth month.
- (b) The ordinary business of the Annual General Meeting shall be:
  - I. to confirm the minutes of the last preceding Annual General Meeting and of any general meetings held since that meeting;
  - II. to receive from the Committee reports upon the transactions of the Association during the last preceding financial year;
  - III. to elect officers of the Association and the ordinary members of the Committee; and
  - IV. to receive and consider the statement submitted by the Association in accordance with Section 30(3) of the Act.
- (c) Other business may be transacted with due notification of members.
- (d) Other Members' meetings shall be called on a motion passed at a General Committee meeting or at the written request to the Secretary of forty (40) members of the Club.
- (e) A Members Meeting shall have supreme power in all Club matters except that no ruling can be made contrary to the provisions of incorporation or the conditions of affiliation with Basketball Victoria preliminary deletion of this clause, and the issue of discipline of members shall remain with the appropriate delegated bodies.
- (f) A quorum for Members' meetings shall be twenty-five (25). No proxies are permitted.

- (g) Nominations for all vacant General Committee positions must be lodged with the Secretary at least seven (7) days prior to the Annual General Meeting. Nominations shall designate the position(s) and consist of the signatures of the Proposer, Secunder and the Nominee.

9. NOTICES OF MEETINGS:

At least ten (10) days notice of a Members' meeting must be given by newsletters or invitations distributed to members or notice on an official Club noticeboard.

10. CHANGES IN THE STATEMENT OF RULES:

- (a) Changes in the Statement of Rules shall be approved by three quarters of those present at a Member's meeting.
- (b) Written notice of the proposed changes must be submitted to all members at least twenty one days before the Members' Meeting at which the change is to be considered.
- (c) These rules and statement of purposes of the Association shall not be altered except in accordance with the Act.

11. CLUB RULES:

- (a) Games conducted under the authority of the Club shall follow the game rules published by Basketball Victoria, except where those rules have been amended by the Convenor of the competition and notified to the participants. Games conducted on behalf of other bodies shall be conducted according to the rules of those bodies.
- (b) Parents of juniors enrolling in teams for regular competition shall sign agreement that they understand that
  - i. violent actions are not approved even under provocation,
  - ii. abuse of officials or other participants will be investigated and penalised appropriately.
  - iii. parents are expected to cooperate with the reasonable requirements of coaches and administrators for the conduct of games, trainings and other club events,
  - iv. parents are expected to arrange some adult supervision where a junior coach is conducting training,

- v. parents in cooperation with each other are to supply first aid provisions,
  - vi. players and parents shall respect the property of venues used, and will be required to pay for damage they cause,
  - vii. while due risk minimisation policies will be adopted, there are risks to all participants in the involvement in an active team sport.
- (c) Teams enrolling in competitions conducted by Eltham Basketball Club shall sign an agreement that they understand
- i. they are required to abide by the rules of those competitions and the Basketball Victoria codes of conduct,
  - ii. they will abide by the reasonable directions of the Club's administrators,
  - iii. they shall respect the property of venues, and will be required to pay for any damage,
  - iv. a team failing to observe reasonable standards of conduct including respect for the amenity of the area, may be expelled from the competition.
- (d) No player may participate in game conducted under the authority of the Club or representing the Club when under the influence of alcohol or illegal substances.
- (e) The Club supports the Codes of Conduct published by Basketball Victoria and shall publish these codes and investigate alleged violations, and take appropriate action to encourage conformity and penalise non-observance.
- (f) Participants shall not indulge in any form of vilification while participating in a club activity.
- (g) Administrators representing the Club shall have the authority to remove from a game area and surrounds at any venue under the Club's authority any participant whom referees believe should be removed and any person considered to be a danger to other participants or care of the venue.
- (h) All Club members, when representing the Club, shall avoid statements that could be considered reasonably as defamatory, except as part of an official investigation or proceeding.

- (i) The Club may make rules to preserve the amenity of the area around venues used by the Club, including arrival and departure of participants.
- (j) The screening procedures of Basketball Victoria, except for amendments authorised by the General Committee, shall be required for those categories of people determined by the General Committee. Relevant offences shall be those concerning violence, sexual offences concerning minors, and offences concerning distribution of illegal substances.
- (k) Coaches and administrators of the Club are to be informed of Duty of Care considerations and shall take these into account when supervising activities.
- (l) The Club authorises participation in tournaments by approved Club teams, and may provide incentives for participation when beneficial to the Club.
- (m) Organisers of camps and tours shall have the authority to make rules for the safety and good conduct of these events.
- (b) Where appropriate, the Club shall appoint team managers to be responsible for team organisation and communication.
- (n) The Club shall conduct an award system to reward a variety of achievements and participation.
- (o) Club members and participants must not use the social media to show disrespect for or abuse any other Club member, official or participant in a competition in which they are involved.
- (p) The Club may set up an investigation committee to determine the accuracy and context of any allegations of breaches of the above rules. The committee shall report its findings to the relevant authority so that authority may determine any relevant actions, including penalties. Where a formal report has been made to a Basketball Victoria tribunal, this clause shall not apply.
- (q) The Club shall be entitled to penalise breaches in the rules by exclusion of a person from a particular activity, suspension from this activity, imposition of a fine or bond, requirement to participate in an educational activity or counselling as a condition for further participation or special reporting or supervision conditions.
- (r) Members shall be entitled to appeal decisions of the Club and penalties imposed under Sub Clause 1116 by the processes specified in the Grievances Clause.

- (s) Any person in a position of authority must declare any interest in a particular decision if that interest is unknown or may have been overlooked. Interests may be pecuniary or in regard to the selection of a member of a family to a position. The person with the conflict of interest may make any relevant submission, but may not vote.

12. SOURCES OF FUNDS:

The funds of the Club shall be derived from subscriptions, games and tournaments conducted by the Club, sponsorship, sale of Club gear, rebates from other bodies for services rendered, special events or efforts organised by club members, and such other sources as the General Committee may determine, including borrowing funds and arranging security for such borrowing. Such borrowing shall be authorised by the Club's General Committee.

13. FINANCE:

- (a) An audited financial statement shall be presented annually. The Auditor shall be chosen by the General Committee in accordance with the requirements of the Associations Incorporation Act.
- (b) The assets and income of the Club shall be applied solely in furtherance of its above-mentioned objectives and no portion shall be distributed directly or indirectly to the members of the organisation except as bona fide compensation for services rendered or expenses incurred on behalf of the Club.

14. SIGNING OF NEGOTIABLE INSTRUMENTS:

All cheques, drafts, bill of exchange, promissory notes and other negotiable instruments shall be signed by two (2) members of the Committee who shall be determined from time to time by the resolution of the Executive.

15. LIFE MEMBERSHIP:

- (a) A Life Member shall be an honorary member of the Club for life, with voting rights at Members' Meetings. The Award of Life Member shall be marked by an appropriate certificate.
- (b) Life Membership of the Club may be conferred upon any person or persons at the discretion of the General Committee. The presentation of Life Membership shall take place at any meeting of Club members.
- (c) Any member of the Club may nominate in writing to the President or Secretary, for the consideration of the General Committee, any person who



has an outstanding record of achievement with the Club over a long period of time.

- (d) Any Club member, who, during the course of service to the Club, accumulated 80 club bonus points, will automatically be considered by the General Committee for Life Membership. The Club bonus points system shall be determined by the General Committee from time to time.

16. COMPETITIONS:

The Club shall have authority to conduct competitions and establish competition committees, which shall report annually to the General Committee. Competitions shall be organised according to the playing regulations of the VBA except where specified in the by-laws of a particular competition.

17. DELEGATION:

In the conduct of the business of the Club the General Committee and the Executive shall be authorised to appoint and delegate powers and duties to tribunals, dispute committees, management committees and other standing or occasional committees and also to require reports from such committees. The President or his/her nominee shall be an ex officio member of all such committees.

18. COMMON SEAL

- (a) The Common Seal of the Association shall be kept in the custody of the Secretary.
- (b) The Common Seal shall not be affixed to any instrument except by authority of the Committee and the affixing of the Common Seal shall be attested by the signature either of two members of the Committee or of one member of the Committee and of the Public Officer of the Association.

19. CUSTODY OF BOOKS AND OTHER DOCUMENTS:

Except otherwise provided in these Rules, the Secretary, or relevant delegated officer, shall keep in his/her custody or under his/her control all books, documents and securities of the Association.

20. INSPECTION OF BOOKS

Members may inspect the books and documents, except in-camera minutes, of the incorporated association upon written application to the Secretary.

21. DISPOSITION OF SURPLUS ASSETS

In the event of the Club being dissolved, the amount that remains after such dissolution and the satisfaction of all debts and liabilities shall be transferred to another organisation, or organisations with similar purposes which is not carried on for the profit or gain of its individual members.

## 22. GRIEVANCE PROCEDURES

- (a) If a participant in the Club has a grievance relating to a decision, process or penalty the matter of the Club, or the conduct of one or more other members related to Club activities, the participant is encouraged in the first place to take the matter to the relevant person or body in a respectful manner, except in cases of alleged unethical or illegal conduct.
- (b) If the grievance is not resolved, it should be referred to the Convenor or Committee with delegated authority in that area, who shall consider the matter and respond within three weeks, or earlier if the nature of the grievance requires. That Convenor or Committee may refer the matter to a nominated investigation committee for advice.
- (c) In reaching a conclusion the Convenor or Committee shall ensure that all relevant parties have an opportunity to present their case, that due attention is paid to relevant evidence, and that no party with a vested interest in the grievance outcome has a vote concerning the grievance.
- (d) Where considered appropriate by the Convenor or the Committee, or requested by one party in the grievance issue, a mediator shall be appointed, who is not a party to the dispute. Any mediator appointed shall ensure that all parties have an opportunity to be heard and make written submissions. The mediator has no authority to determine the dispute, but may make proposals for consideration of the parties.
- (e) Mediation is not considered an appropriate process for resolving outcomes relating to game results or selection outcomes, though mediation may be undertaken in regard to the processes leading to or subsequent to those results or outcomes.
- (f) If any participant is not prepared to accept the outcome of the grievance resolution process so far undertaken, then the aggrieved party may appeal to the Club Executive, if a personal matter, or to the Club General Committee if a matter of policy or distribution of resources. These bodies shall have the same responsibilities, processes and authority as indicated in earlier clauses.
- (g) At any point of time, an appropriate official may make a formal report for the hearing of a tribunal under the rules of Basketball Victoria, if it is considered a reportable offence may have occurred.
- (h) If a party to a grievance is still aggrieved, that party may appeal to Basketball Victoria, or otherwise seek settlement at law.