



## Basketball Victoria - By-Laws (Member Obligations)

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### **1 Introduction**

1.1. These By-laws are made under Rule 41.1 of the Constitution of Basketball Victoria (BV), are known as "the Membership Obligations By-Laws" and commence on **September 12, 2019**.

1.2. All By-Laws previously made concerning membership obligations are rescinded.

### **2 Financial Obligations**

2.1 All Member Associations will make such payments due under the Constitution and as otherwise determined from time to time by the BV Board.

### **3 Reporting Requirements of Member Associations**

3.1 Each Member Association, Special Purpose Member or other Members recognised by BV shall submit reports to BV for review for the purpose of Annual Affiliation. Documents and information required to be submitted include:

- The Member's last Annual Report
- Certified Income Statement and Balance Sheet
- A copy of the current Constitution
- Minutes of the latest AGM
- Name and contact details of the Member's Child Safety Officer
- A copy of the Member's current Strategic Plan or a list of the top 3 priorities of the Member for the next twelve (12) months.

### **4 Registration and Competition System**

4.1 A Member Association or Special Purpose Member or other Member must utilise any player and other registration and competition system as approved by the BV Board from time to time.



4.2 Each Member Association, and its Clubs and Teams, must adopt the use of the BV approved individual registration form to register all participants.

4.3 Each Member Association must ensure that no unregistered participants (i.e. participants not listed on the BV database) participate in any basketball game or competition conducted or managed by or under the auspices of or endorsed or supported by the Member Association. This includes sub-contracting of a venue and/or resources in a manner that attempts to circumvent the intent of this condition to limit the use of BV and/or the Member Association's skills and resources by competitors or for the purposes of circumventing the BV individual participant registration process.

Fill in players are required to register prior to taking the court but will not be required to pay a registration fee for the first two (2) games over any year in which they fill in.

## **5 Breach of Constitution, By-laws, or Policy**

5.1 In addition to any penalty imposed by the Constitution, any Member Association which breaches any provision of the Constitution or any of its obligations under any BV By-Laws or policy and fails to rectify within fourteen (14) days of notification in writing by BV of the breach may be sanctioned including but not limited to being suspended from playing in any competition conducted by BV, or by being declared unfinancial or by having other action taken under the BV Constitution.

5.2 The amount of any fine or the period of any suspension to be imposed under the by-law will be determined by the Board of BV.

5.3 Prior to a fine or suspension from competition being imposed under By-law 5.1 the Board must have given the Member Association at least fourteen (14) days' written notice of the alleged breach and give the Member Association an opportunity to rectify the breach and provide a written explanation.

5.4 Any decision made under By-law 5.1 is final and there is no appeal.



## **6 New Applications for Membership**

6.1 Any organisation intending to seek approval for affiliation as a member of BV must give notice in writing to the Chief Executive Officer or other nominated officer of BV on the approved online form.

6.2 The proposed new association shall submit to the relevant officer:

- a. The application form signed by five (5) people prepared to accept positions as office bearers of the association if elected.
- b. The proposed name of the association must have a geographical connection to the area in which the association proposes to operate and must not be the name of a municipality without written permission of the Board.
- c. A proposed constitution and a certificate of incorporation.
- d. A submission as to the benefits of the proposed association to the development of basketball in the region of the association, details of teams already playing and reasons why the acceptance of the application will not, or not significantly, adversely impact on neighbouring associations.
- e. Evidence that the five (5) geographically nearest BV Affiliated Member Associations to the home stadium of the applicant, have each been given at least twenty-one (21) days' notice in writing of the application for affiliation and inviting comments and of any reply.
- f. Details of existing and proposed competitions including any regional co-operation in the conduct of competitions; and
- g. Details of existing and proposed development programs for players, officials, and coaches.

6.3 Upon receipt of an application for membership of a new association the Chief Executive Officer or other nominated officer shall cause written notice of the application to be given to each neighbouring Member Association which has not already responded to the applicant's notice under By-law 6.2 giving a further seven (7) days to respond.



6.4 After the seven (7) days referred to in By-law 6.3 has expired, the Chief Executive Officer or other nominated officer shall provide a written report on the application to the Board with a recommendation on whether the application should be rejected or accepted and the reasons for the recommendation.

6.5 Upon the receipt of a report under by-law 6.4 the Board may accept or reject the application and in the event of rejection, is not obliged to give reason for rejection.

6.6 If the Board accepts an application, the association shall become a Member as categorised below by BV.

6.7 The Members of BV shall consist of:

**1. Member Associations**

- a. Which subject to the BV Constitution, shall be represented by their Delegate who shall have the right to be present, debate and vote at General Meetings.
- b. Comprise at least twenty (20) teams within a domestic competition; That does not include representative teams in either a junior or state league competition operated by BV.
- c. If located in regional Victoria and defined as “Country” Member Associations under By-Laws operate competitions of five (5) teams or more in a domestic competition; That does not include representative teams in either a junior or state league competition operated by BV.

**2. Special Purpose Member**

- a. Which subject to the BV Constitution, shall be represented by their Delegate who shall have the right to be present and debate but not vote at General Meetings nor to propose motions or nominate persons for election.
- b. Does not run a domestic competition as listed under Member Association.
- c. Conducts competitions and or organized programs over a short term or of a special nature.



### **3. Education Organisation Member**

- a. Which subject to the BV Constitution, shall not be represented and will have no right to be present and vote at General Meetings nor to propose motions or nominate persons for election.
- b. Including Primary and/or Secondary Schools who conduct their own competitions and utilise BV's Registration and Competition Platform
- c. Utilise BV's and/or Member Association technical officials as resources.

### **4. Tertiary Education Organisation Member**

- a. Which subject to this Constitution, shall not be represented and will have no right to be present and vote at General Meetings nor to propose motions or nominate persons for election.
- b. Who apply for and are granted membership for the purpose of entry into Senior Basketball Competitions operated by BV from time to time.
- c. This category of membership may have rights and obligations under any competition rules as determined by BV from time to time.

### **5. Life Member**

Who shall have the right to be present, debate and vote at General Meetings.

And such new categories of Members, created by the Board from time to time under Constitution Rule 5.3.



## **7 Renewal of Membership**

7.1 All Member Associations, Special Purpose Members, and other Members determined by BV (excluding Life Members) must apply to the Board for membership renewal annually, with the renewal due date determined by BV, and provide such documents and information as required by clause 3.1 of this By-law or as are otherwise requested by the Board.

7.2 Upon receipt of a Membership renewal application, the Chief Executive Officer or other nominated officer shall provide to the BV Board a recommendation on whether the application should be renewed or declined.

7.2.1 Subject always to the BV Constitution the Board may:

- a. Accept or decline an application or
- b. Accept an application on the basis that a BV workplan is to be completed prior to the next membership renewal application or
- c. Defer the application for a period of up to 6 months and may request further information to support the application. Notice in writing to the applicant will detail concerns that need to be remedied and a clear and reasonable timeframe, not exceeding 6 months, given for the concerns to be remedied.

7.2.2 If the application is deferred, the current or existing affiliation will be extended for the period nominated by the Board, not exceeding 6 months.

7.3 In deciding to renew or not renew membership the Board shall consider whether the Member Association is being compliant with the requirements of the Constitution, the By-laws, or policies of BV.

7.4 Member Associations that do not fulfil Membership Renewal obligations, either on time, or insufficiently, may not have their membership renewed if they have not rectified the situation within fourteen (14) days of being required to do so in writing by the Chief Executive Officer or other nominated officer.

7.5 There is no appeal from a decision made under By-law 7.4.