

CLEARANCE BY LAWS

1 Introduction

- 1.1 These by-laws are made under Article 10.2.2 of the Constitution of The Victorian Basketball Association Incorporated ("Basketball Victoria"), are known as "the Player Clearances By-laws" and commence on 1 January 2001.
- 1.2 All by-laws previously made concerning player clearances are rescinded.

2 Clearances

- 2.1 Subject to any by-law, rule or regulation made by an association, a player registered with a club in an association and playing in a non-representative competition may also play with another club in another association in a non-representative competition without a clearance.
- 2.2 A player who is registered and playing with an association in a representative competition may not train with, negotiate a clearance to or register with another association without written approval from their current association.
- 2.3 An association intending to negotiate with a player for a clearance shall not commence the negotiations until the player has the necessary written permission under by-law 2.2.
- 2.4 If an association rejects or does not respond to a request under by-law 2.2 within fourteen (14) days of the request being received, the player may make the request again and, unless there are exceptional circumstances, the association shall grant the request.
- 2.5 An association shall not invite a player to train or seek a clearance from another association without first informing the player's current association of its intention to approach the player.
- 2.6 An association shall conduct negotiations for a clearance with courtesy to the player and the player's current association, with minimum pressure on the player and in a spirit of openness.
- 2.7 Where a player is playing in representative competition, a clearance in a form approved by the relevant association or a Basketball Victoria clearance form shall be obtained from the player's club before the player may register with another club in the same association or competition or another association.
- 2.8 A club receiving a request for a clearance shall reply to the request within fourteen (14) days of its receipt, either by granting or refusing the request.
- 2.9 If a club fails to reply to the request for clearance within the required fourteen (14) days, the player may immediately notify the relevant association or delegated or governing body and the player shall be registered with the new club without a clearance unless there are exceptional circumstances.
- 2.10 An association or delegated or governing body may restrict the eligibility of players cleared during a season.
- 2.11 A club may only refuse a clearance at the completion of a season if the player has not fulfilled their obligations to the club, association or delegated or governing body.
- 2.12 Where a player requests registration with a club following the discontinuance of that player's current club, the association or delegated or governing body shall register the player.

3 Interstate Clearances

- 3.1 A player residing in Victoria shall register to play in Victoria.
- 3.2 An association or the committee of management of the relevant Country or Metropolitan Council of Basketball Victoria may grant permission for a player registered and playing in Victoria to also play in an adjoining State.
- 3.3 The committee of management of the relevant Country or Metropolitan Council of Basketball Victoria may, after consultation with the association with which the player is currently registered, grant an application for a clearance to a player who is registered and resident in Victoria who wishes to play only in another State.
- 3.4 Unless there are exceptional circumstances, the committee of management of the relevant Country or Metropolitan Council of Basketball Victoria shall grant an application for a clearance to another State to a player registered in Victoria who resides in that other State.

4. Penalties

- 4.1 A person who breaches these by-laws may be reported to a tribunal constituted under the Tribunal By-laws which may either:
 - Take no further action;
 - Impose a fine not exceeding five hundred dollars (\$500); or
 - Suspend the person for up to twenty-five weeks.
- 4.2 An appeal against a decision under by-law 4.1 shall be an appeal under the Tribunal By-laws.
- 4.3 An association which breaches these by-laws may be fined a sum not exceeding one thousand dollars (\$1,000) by the committee of management of the relevant Country or Metropolitan Council of Basketball Victoria.
- 4.4 An appeal against a decision under by-law 4.3 lies to the Executive Committee of Basketball Victoria.