

Basketball Victoria

By-laws (Basketball Victoria Country)

Introduction

1. These by-laws are made under Article 11.2(b) of the Constitution of Basketball Victoria ("BV"), are known as "the Basketball Victoria Country By-Laws" and commence on 1 July 2010.
2. All by-laws previously made concerning a Country Council or Commission are rescinded.
3. "Country Victoria" shall refer to all those municipalities designated as "Country" in the Appendix to these By-laws.

3.1 A basketball association affiliated with Basketball Victoria at the time of making these By-laws shall be deemed to be in Country Victoria if at that time it was affiliated with the Basketball Victoria Country Council as a country association, whether or not it is situated in Country Victoria.

3.2 A basketball association affiliated with Basketball Victoria at the time of making these By-laws shall be deemed not to be in Country Victoria if at that time it was affiliated with Basketball Victoria as a metropolitan association, whether or not it is situated in Country Victoria.

3.3 A basketball association seeking to be affiliated with Basketball Victoria after the making of these By-laws shall be deemed to be in Country Victoria if at that time its main stadium is situated in a municipality in Country Victoria unless there is an existing affiliated association in that municipality which is further in distance from the City Of Melbourne than the association seeking affiliation and which is a metropolitan association.

3.4 A basketball association seeking to be affiliated with Basketball Victoria after the making of these By-laws shall be deemed not to be in Country Victoria if at that time its main stadium is situated in a municipality not in Country Victoria unless there is an existing affiliated association in that municipality which is closer in distance from the City Of Melbourne than the association seeking affiliation and which is a country association.

3.5 Notwithstanding anything in 3.1 to 3.4, the Board of BV, in consultation with the Country Commission, may deem an association to be a country association or a metropolitan association.

3.6 In making a decision under 3.5, the Board shall take into account all of the following:

- (a) The views of the membership of the association, including the % of members who support the association being a country or metropolitan association;
- (b) Financial considerations of the association, Basketball Victoria and Basketball Victoria Country;
- (c) Whether the site of the association's main stadium is regarded by the local community as being country or metropolitan; and
- (d) Such other considerations as the Board at the time believes are relevant.

- 3.7 If the Board makes a decision under 3.5 to change the status of an existing affiliated association it shall consider if it is appropriate in the interests of Basketball Victoria or Basketball Victoria Country to make transitional provisions such as a phasing in of changed financial arrangements over a specified period of time.

Basketball Victoria Country Establishment

4. There is established Basketball Victoria Country (BVC).
5. The Charter and the operations of Basketball Victoria Country shall be subject to review by Basketball Victoria at least every three years and Basketball Victoria Country shall always be subject to the reasonable directions of Basketball Victoria.

Basketball Victoria Country Charter

6. The Charter for Basketball Victoria Country is:-

CHARTER

C1. OBJECTS

- C1.1 The objects of BVC shall be to:

C1.1.1 encourage, promote, manage and develop the sport of basketball in the area designated as "Country Victoria" in accordance with Basketball Victoria's strategic directions as set from time to time;

C1.1.2 on behalf of Basketball Victoria settle all disputes between affiliated associations in the area designated as "Country Victoria". Any appeal arising from a decision by BVC is to the Basketball Victoria Board;

C1.1.3 choose and manage teams to represent "Country Victoria" in interstate and national competitions or championships;

C1.1.4 in consultation with Basketball Victoria Management and the Basketball Victoria Board, seek sponsorship for various competitions and programs conducted in "Country Victoria"; and

C1.1.5 to deal with any other matters which the BVC may deem to be in the best interest of the game of basketball in "Country Victoria".

C1.1.6 To develop relationships for the advancement of basketball with local Government, Regional Sports Assemblies and other bodies which can assist with that advancement.

C2. Basketball Victoria Country

- C2.1 All associations affiliated with Basketball Victoria Country shall be members of BVC and shall be entitled to appoint a delegate to represent the association at meetings of BVC.

- C2.2 BVC shall meet at least twice in every year in the months of May and November and in such other months as the Country Commission shall determine. If a meeting date coincides with a public holiday it shall be held the previous Sunday. Meetings of BVC shall be called the Country Conference.

- C2.3 A special meeting of Country Conference may be called on the written requisitioning of the Country Commission by 20% of affiliated associations duly registered and eligible to vote. Such notice shall state the business to be conducted, including properly framed motions and only that business will be conducted at the meeting.
- C2.4 An association or the Country Commission may give notice to the Commission of any business for the meeting of the Country Conference not less than seventy (70) days prior to the meeting.
- C2.5 The Country Commission shall give at least sixty (60) days' notice to all affiliated associations of the date and place of the meeting and the business to be conducted.
- C2.6 The ordinary business of the May Country Conference (which shall be the Annual General Meeting) shall be to receive the Annual Reports and the audited Statement of Accounts for the previous year to elect members of the Country Commission and to appoint the auditor for the following financial year.
- C2.7 The ordinary business of the November Country Conference shall be to approve the budget and the business plan for the next financial.

C3. COUNTRY CONFERENCE MEETINGS

- C3.1 All country associations are entitled to be represented at the meetings of BVC by a delegate appointed by the association in writing and received by BVC office prior to the meeting.
- C3.2 No person may be appointed delegate of more than one (1) association.
- C3.3 Association delegates may attend the meetings personally or by telephone, video or other electronic conference facility whereby the delegate may hear the proceedings of the meeting and be heard by those delegates personally present at the meeting.
- C3.4 In the event of a ballot being required at a meeting, those delegates not personally present but electronically connected to the meeting may vote by sending the vote by email or by other electronic means to a person present at the meeting who has been appointed prior to the meeting to be a scrutineer for such ballot.
- C3.5 A delegate who wishes to attend the meeting by electronic connection must notify the Commission at least seven (7) days prior to the meeting of all contact details to enable the electronic connection.
- C3.6 The meetings of Country Conference shall be chaired by the Chairperson of the Commission or another member of the Commission appointed by the Commission if the Chairperson is unable to be present or otherwise is unable to chair the meeting.
- C3.7 Delegates of associations may exercise votes in the same proportion as their associations are entitled to exercise votes under the Basketball Victoria Constitution.
- C3.8 Members of the Commission are entitled to exercise one vote each and may not be a delegate appointed by an association.

C3.9 In the event of a tied vote, the person chairing the meeting shall be entitled to exercise an additional or casting vote.

C3.10 A quorum for meetings of the Country Conference shall be ten associations entitled to attend and vote. If, at the end of 30 minutes after the time appointed in the notice for the opening of the Meeting, there be no quorum the meeting shall stand and adjourn for one (1) week. If at such meeting there is no quorum those members present shall be competent to discharge the business of the meeting.

C4. POWERS OF BASKETBALL VICTORIA COUNTRY

C4.1 Subject to approval by the Basketball Victoria Board, BVC may from time to time and in compliance with the Basketball Victoria Constitution and By-laws, make such regulations and decisions for the conduct of its own proceedings, for the control of its funds and property and for the efficient conduct of its administration, including the entering into of contracts, as BVC may see fit.

C5. COUNTRY COMMISSION

C5.1 There shall be a country Commission, being the Executive committee of Basketball Victoria Country.

C5.2 The Commission shall consist of:

- (a) Five (5) persons directly elected at the May meeting of the Country Conference;
- (b) Two (2) persons appointed by the Basketball Victoria Board; and
- (c) Up to two (2) persons co-opted by the Commission and approved by the Board of Basketball Victoria.

C5.3 The Commission shall elect one of the five (5) elected members to be Chairperson of the Commission.

C5.3 In each even year three (3) members to be elected and one (1) member to be appointed by the Basketball Victoria Board shall be elected or appointed for two (2) year terms and in each odd year two members to be elected and one (1) member appointed by the Basketball Victoria Board shall be elected or appointed for two (2) year terms.

C5,4 In the first year following approval of this charter, three (3) elected members and one (1) appointed members shall be elected or appointed for two (2) year terms and two (2) elected and one (1) appointed member shall be elected or appointed for one (1) year terms. If an election is required for elected members the members who are elected first, second and third shall be elected for two (2) year terms. If no election is otherwise required for the elected members and the candidates cannot agree, there shall be a ballot to decide which of the candidates shall be elected for a two (2) year term.

C5.5 Members of the Commission who are co-opted may hold office for such period as the Commission determines but not exceeding the

time to the next Annual General Meeting and may be co-opted again after the Annual General Meeting. Co-opted members may not be co-opted for more than two (2) terms).

C5.6 Members of the Commission shall cease to hold office;

C5.6.1 at the end of the Annual General Meeting at which their term expires; or

C5.6.2 If they resign; or

C5.6.3 if they become bankrupt or insolvent in administration; or

C5.6.3 if the Board of Basketball Victoria determines, after allowing the member concerned to address it in writing or in person and in accordance with the rules of natural justice, that the member's continuance on the Commission is not in the interests of Basketball Victoria or basketball in the country.

C5.7 If there is a casual vacancy on the Commission the Commission may appoint a person to fill that vacancy until the next Annual General Meeting.

C5.8 The method of election to the Commission shall be:

C5.8.1 At least sixty (60) days prior to the Annual General Meeting the Commission shall call for nominations for vacant positions. Nominations must contain the signatures of both the nominator and nominee.

C5.8.2 Should more than one nomination be received for any position the Country Conference shall hold a ballot.

C6. COUNTRY COMMISSION VOTING

C6.1 At all meetings of the Commission, the following voting rights will apply :

C6.1.1. Each member is entitled to one vote.

C6.1.2 The Chairman has a deliberative vote and in the case of equality, a second or casting vote.

C7. COUNTRY COMMISSION QUORUM

C7.1 A quorum for the Commission meetings shall be a five (5) members present.

C8. COUNTRY COMMISSION POWERS

C8.1 The Commission may exercise all of the powers of BVC unless an exercise of a power would have the effect of overruling a decision made by the BVC in general meeting.

C9. AFFILIATED ASSOCIATIONS

C9.1 The Conditions of Affiliation of Associations with Basketball Victoria shall be in accordance with Basketball Victoria's Constitution and By-laws.

C10. EMPLOYMENT OF STAFF

C10.1 The Commission shall have the power to employ staff under such terms and conditions as are approved by the Basketball Victoria Chief Executive Officer.

C10.2 Duty Statements for all Staff positions are to be approved by the Country Manager in consultation with the Basketball Victoria Chief Executive Officer.

C11. BANKING

C11.1 All monies of BVC shall be deposited in a current account in such bank as shall be approved by the Commission and all cheques operating on the account shall be signed by at least two of the following: Chairperson, BVC Manager, a nominated Commission member, Basketball Victoria senior Manager in charge of finance. Electronic payments shall be approved in writing by at least two of the following: Chairperson, BVC Manager, a nominated Committee member, Basketball Victoria senior Manager in charge of finance.

C12. FINANCIAL YEAR

C12.1 The financial year shall commence on the 1st day of January of each year and end on the 31st day of December of the same year.

C13. NOTICES

C13.1 A notice required to be served by or on behalf of or on BVC or the Commission may be served personally or by sending it by post at the last known address or by facsimile or e-mail or other electronic means.

C13.2 Where a document is properly addressed pre-paid and posted, the document shall, unless the contrary is proved, be deemed to have been delivered at the time at which the document would have been delivered in the ordinary course of post.

C13.3 Where a document is sent by facsimile or by e-mail or other electronic means it shall be deemed to have been delivered in the ordinary course of time for delivery by that means.

C13.4 Where the time for giving notice falls on a non-business day, the notice shall be required to be given by the next business day.

C14. UNFORSEEN MATTERS

C14.1 Should any matter arise for which provision has not been made in this Charter or Competition Rules, the Commission shall have the power to take such action as is necessary to protect the interest of affiliated associations.

C15. PROCEDURAL IRREGULARITIES

C15.1 No decision of BVC, the Commission or its committees shall be invalid merely because of a failure to give proper notice or other irregularity in procedure required by this Charter unless a person suffers serious detriment as a result of that failure to give proper notice or irregularity in procedure.

C16.2 BVC, the Commission or its committees 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.

C17. WINDING UP

C17.1 With the approval of the Basketball Victoria Board, BVC may be wound up should affiliated associations by a majority so decide.

C17.2 In the event of winding up, BVC shall distribute any surplus funds and any property of the BVC to Basketball Victoria to be used for the advancement of basketball in Country Victoria

Appendix 1

Municipality	Country or Metropolitan
<u>Alpine Shire Council</u>	Country
<u>Ararat Rural City Council</u>	Country
<u>Ballarat City Council</u>	Country
<u>Banyule City Council</u>	Metropolitan
<u>Bass Coast Shire Council</u>	Country
<u>Baw Baw Shire Council</u>	Country
<u>Bayside City Council</u>	Metropolitan
<u>Benalla Rural City Council</u>	Country
<u>Boroondara City Council</u>	Metropolitan
<u>Brimbank City Council</u>	Metropolitan
<u>Buloke Shire Council</u>	Country
<u>Campaspe Shire Council</u>	Country
<u>Cardinia Shire Council</u>	Country
<u>Casey City Council</u>	Metropolitan
<u>Central Goldfields Shire Council</u>	Country
<u>Colac Otway Shire Council</u>	Country
<u>Corangamite Shire Council</u>	Country
<u>Darebin City Council</u>	Metropolitan
<u>East Gippsland Shire Council</u>	Country
<u>Frankston City Council</u>	Metropolitan
<u>Gannawarra Shire Council</u>	Country
<u>Glen Eira City Council</u>	Metropolitan
<u>Glenelg Shire Council</u>	Country
<u>Golden Plains Shire Council</u>	Country
<u>Greater Bendigo City Council</u>	Country
<u>Greater Dandenong City Council</u>	Metropolitan
<u>Greater Geelong City Council</u>	Country
<u>Greater Shepparton City Council</u>	Country
<u>Hepburn Shire Council</u>	Country
<u>Hindmarsh Shire Council</u>	Country
<u>Hobsons Bay City Council</u>	Metropolitan
<u>Horsham Rural City Council</u>	Country
<u>Hume City Council</u>	Metropolitan
<u>Indigo Shire Council</u>	Country
<u>Kingston City Council</u>	Metropolitan
<u>Knox City Council</u>	Metropolitan
<u>Latrobe City Council</u>	Country
<u>Loddon Shire Council</u>	Country
<u>Macedon Ranges Shire Council</u>	Country
<u>Manningham City Council</u>	Metropolitan
<u>Mansfield Shire Council</u>	Country
<u>Maribyrnong City Council</u>	Metropolitan
<u>Maroondah City Council</u>	Metropolitan
<u>Melbourne City Council</u>	Metropolitan
<u>Melton Shire Council</u>	Metropolitan
<u>Mildura Rural City Council</u>	Country
<u>Mitchell Shire Council</u>	Country
<u>Moira Shire Council</u>	Country
<u>Monash City Council</u>	Metropolitan
<u>Moonee Valley City Council</u>	Metropolitan
<u>Moorabool Shire Council</u>	Country
<u>Moreland City Council</u>	Metropolitan
<u>Mornington Peninsula Shire Council</u>	Metropolitan

<u>Mount Alexander Shire Council</u>	Country
<u>Moyne Shire Council</u>	Country
<u>Murrindindi Shire Council</u>	Country
<u>Nillumbik Shire Council</u>	Country
<u>Northern Grampians Shire Council</u>	Country
<u>Port Phillip City Council</u>	Metropolitan
<u>Pyrenees Shire Council</u>	Country
<u>Borough of Queenscliffe</u>	Country
<u>South Gippsland Shire Council</u>	Country
<u>Southern Grampians Shire Council</u>	Country
<u>Stonnington City Council</u>	Metropolitan
<u>Strathbogie Shire Council</u>	Country
<u>Surf Coast Shire Council</u>	Country
<u>Swan Hill Rural City Council</u>	Country
<u>Towong Shire Council</u>	Country
<u>Wangaratta Rural City Council</u>	Country
<u>Warrnambool City Council</u>	Country
<u>Wellington Shire Council</u>	Country
<u>West Wimmera Shire Council</u>	Country
<u>Whitehorse City Council</u>	Metropolitan
<u>Whittlesea City Council</u>	Metropolitan
<u>Wodonga City Council</u>	Country
<u>Wyndham City Council</u>	Metropolitan
<u>Yarra City Council</u>	Metropolitan
<u>Yarra Ranges Shire Council</u>	Metropolitan
<u>Yarriambiack Shire Council</u>	Country