



# Basketball Victoria – By-Laws (Member Obligations)

*Approved August 15, 2019 – enforced September 12, 2019*

## **1. Introduction**

- 1.1. These By-laws are made under Rule 41.1 of the Constitution of Basketball Victoria, 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 All By-Laws previously made concerning membership obligations are rescinded.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 associations will make such payments due under the constitution and as determined from time to time by Basketball Victoria as and when they become due.

## **3. Reporting Requirements of Associations**

3.1 Each Member Association or Special Purpose Member or other Member shall submit reports to Basketball Victoria within 1 month of its Annual General Meeting or within 5 months of the end of its financial year whichever is the earlier, on the form prescribed from time to time by BV as follows:

- The last Annual Report, End of Year Financial Statements and current Strategic Plan;
- Copy of the current Association Constitution and By-Laws or a link on the Association web site to these documents;
- Names and all contact details of Board (or Committee of Management etc.), Association staff and delegate to Basketball Victoria; and other key personnel or volunteers;
- Fixtures for all competition grades or a link on the Association web site to these documents;

## **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 The Association, and its Clubs, and Teams, must adopt the use of the BV approved individual registration form to register all participants.

4.3 The 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 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 Basketball Victoria and/or the Association’s skills and resources by competitors or for the purposes of circumventing the Basketball Victoria 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 Association which breaches any provision of the Constitution or any of its obligations under any of the Basketball Victoria By-Laws or policy and fails within fourteen (14) days of notification by Basketball Victoria of the breach may be fined or be suspended from playing in any competition conducted by Basketball Victoria, or declared unfinancial or have other action taken under the Basketball Victoria Constitution.

5.2. The amount of any fine or the period of any suspension to be imposed under by-law 5.1 will be determined by the Board of Basketball Victoria.

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

5.4. Any decision under by-law 5.1 shall be final and there shall be no appeal.

## **6. New Applications for Membership**

6.1 Any organisation intending to seek approval of a new association as a member of Basketball Victoria shall give notice in writing to the Chief Executive Officer or other nominated officer of Basketball Victoria.

6.2 The proposed new association shall submit to the relevant Chief Executive Officer or other nominated officer:

- The application form signed by three (3) persons prepared to accept positions as office bearers if elected;
- The proposed name of the Association which 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 permission of the Board;
- A proposed constitution and a Certificate of Incorporation;
- 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 association;
- Proof that the five (5) current Member Associations nearest the new association's home stadium have been given at least twenty-one (21) days' notice in writing of the proposed association and inviting comments and of any reply;
- Details of existing and proposed competitions including any regional co-operation in the conduct of competitions; and
- 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 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

6.6 If the Board accepts an application the association shall become either a Member Association a Special Purpose Member upon passing of its constitution and by-laws as submitted, the election of office bearers and incorporation if not already incorporated.

## **7. Renewal of Membership**

7.1 All Member Associations, Special Purpose Members and other Members (other than Life Members) must apply to the Board to renew their membership within 1 month of its Annual General Meeting or within 5 months of the end of its financial year whichever is the earlier, on the form prescribed from time to time by the Board.

7.2 Upon receipt of a Member 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.

7.3 Any Member Renewal application that is recommended not to be renewed must be accompanied by a report detailing the reasons, including:

- A written notice from BV to the Association detailing concerns that require to be remedied
- A clear and reasonable timeframe from BV for the concerns to be remedied
- Evidence of a failure of the concerns to be remedied to the satisfaction of BV

7.4 In deciding to renew or not renew membership the Board shall consider whether the Association is being conducted within the requirements of the Constitution, the By-laws or policies of Basketball Victoria.

7.5 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 by the Board.

7.6 Any appeal from a decision made under By-law 7.4 shall be to the Basketball Victoria Appeals Tribunal in accordance with Rule 7.5 of the Basketball Victoria Constitution.