

Melbourne University Basketball Club Incorporated

Constitution

Last amended: Annual General Meeting held 17 February 2024

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1. NAME

The name of the Club shall be 'The Melbourne University Basketball Club', Inc. (hereinafter referred to as 'the Club').

2. OBJECTIVE

1. To promote and foster the game of Basketball within the University of Melbourne.
2. To represent the University of Melbourne at Inter-varsity basketball carnivals and local and international competitions.
3. To select and manage teams to represent the Club.
4. To undertake any activity, event or course which is considered to be in the interests of Members.

3. MEMBERSHIP

The Members of the Club (hereinafter referred to as "Members") shall be the following:

1. Every person who has paid their annual subscription to the Club.
2. All current Office Bearers of the Club.
3. Any coach appointed by the Club.
4. All persons who have been elected to a Life Membership of the Club.

4. MEMBERSHIP FEES

1. Membership fees shall be determined by the Executive Committee and may be reviewed annually or as deemed necessary.
2. Members shall be notified of the fees and payment deadlines in advance.
3. The Executive Committee may establish different fee structures for various categories of membership, such as student members, alumni members, or associate members.
4. The Executive Committee shall have the authority to waive or reduce membership fees in exceptional circumstances, subject to the Club's financial considerations and policies.
5. Any changes to the membership fees shall be communicated to the Members in a timely manner.

5. REGISTER OF MEMBERS

The Secretary shall keep and maintain a register of Members on which shall be entered the full name and contact details of each member; and the register shall be available for inspection upon request at the discretion of the Executive Committee.

6. OFFICE BEARERS OF THE EXECUTIVE COMMITTEE

The Office Bearers of the Club shall be:

- a) President
- b) Vice-President
- c) Treasurer
- d) Secretary
- e) and any other roles that the active Executive Committee appoints, as determined by a majority vote of the active Executive Committee

7. EXECUTIVE COMMITTEE

1. The Executive Committee shall consist of the current Office Bearers of the Club.
2. Five (5) Office Bearers shall form a quorum at all meetings of the Executive Committee.
3. At all General and Executive Committee meetings, the President shall be Chairperson and in their absence the Secretary shall elect the Chairperson from those present.
4. All Members of the Executive Committee shall hold office until the annual general meeting next after the date of their election and are eligible for re-election.

8. POWERS OF THE EXECUTIVE COMMITTEE

The Executive Committee shall be the governing body of the Club and shall be empowered to do all things necessary to carry out the objectives of the Club, for example the Executive Committee shall have the following powers and duties:

1. To make, alter, add or rescind such by-laws as may be deemed necessary from time to time for the carrying out of the objectives of the Club.
2. To appoint sub-committees.
3. To convene meetings of sub-committees.
4. To declare any position of any Committee vacant should the holder themselves without reasonable excuse be absent from two (2) consecutive meetings.
5. To fill any vacancies which may occur on any committee.
6. To co-opt any persons from time to time to assist the Executive or a sub-committee on a temporary basis and without any voting rights.
7. To convene special general meetings when it is considered necessary.
8. To make recommendations on any nominations received for Life Membership to the Club.

9. MEETINGS OF THE EXECUTIVE COMMITTEE

1. The Executive Committee shall meet as often as is necessary for the consideration and execution of the business of the Club. Seven (7) days notice of the meeting shall be given by the Secretary to each member of the Executive Committee.
2. Meetings of the committee may be convened by the President or any four (4) Office Bearers of the Executive Committee.
3. Notice shall be given to Office Bearers of the committee of any meeting specifying the general nature of the business to be transacted.
4. No business shall be transacted unless a quorum is present within half an hour of the time appointed. In the absence of a quorum within half an hour of the time appointed for a meeting, participants can propose and vote on interim resolutions. Interim resolutions must be recorded in the minutes and distributed to the Executive Committee, in which case they can only be acted upon after 29 days if no petition has been received from more than 25% of the Executive Committee.
5. Questions arising at a meeting of the Executive Committee or of any sub-committee appointed by the Executive Committee shall be determined on a show of hands or, if demanded by a member, by a poll taken in such a manner as the person chairing the meeting may determine. The vote shall pass by majority of the Executive Committee members present.
6. Each Office Bearer present at a meeting of the Executive Committee or of any sub-committee appointed by the Executive Committee (including the person chairing the meeting) is entitled to one vote.

7. Subject to Clause 7.2 of this constitution the committee shall act notwithstanding any vacancy on the committee.
8. An Office Bearer not physically present at a meeting of the Executive Committee or a sub-committee is permitted to participate in and vote at the meeting by the use of any technology that allows that Office Bearer and the other Office Bearers present at the meeting to clearly and simultaneously communicate with each other.

10. FINANCIAL YEAR

The financial year shall commence on the first of January and end on the thirty-first of December.

11. ANNUAL GENERAL MEETING

1. The Annual General Meeting of the Club shall be held prior to the end of March for the following purposes.
 - a. To receive Annual Reports and the Balance sheet for the preceding year.
 - b. To elect the Office Bearers of the Club.
 - c. To fix the amount of annual subscriptions which shall be collected from each member by whom an annual subscription is payable.
 - d. To transact any other business of which notice in writing has been given to the Secretary at least fourteen (14) days before the advertised time of the meeting.
2. Nominations for Office Bearers in writing shall be accepted by the Secretary up to twenty four (24) hours before the commencement of the meeting. If sufficient nominations to fill positions are received in writing, no further nominations from the floor of the meeting shall be called; with the exception of incumbent Office Bearers re-nominating for their position. In the event of insufficient nominations being received, the Secretary may call for nominations for a position, from the floor, for that position. The chairperson will manage voting for any positions involving multiple nominations.
3. At least fourteen (14) days notice of the date, time and venue of the Annual General Meeting shall be given by the Secretary to all Members via an appropriate medium such as:
 - a. Notification in the Club newsletter (including electronic format), and/or
 - b. Announcement at training sessions, and/or
 - c. Email and/or mail.
4. Notices setting out the business of the meeting shall be given by the Secretary at least seven (7) days before the meeting via an appropriate medium.
5. The quorum for an Annual General Meeting shall be fifteen (15) Members.

12. SPECIAL GENERAL MEETING

1. Special general meetings of the Club may be convened by:
 - a. The Executive Committee, or
 - b. The Secretary at the written request of ten (10) Members, such a request to state the purpose for which the meeting is to be convened.
2. At least seven (7) days notice of a special general meeting shall be given by the Secretary to all Members with a statement of the business of the meeting (including any notice of motion). Notices calling and setting out the business of the meeting shall be sent out via an appropriate medium such as:
 - a. Notification in the Club newsletter (including electronic format), and/or
 - b. Announcement at training sessions, and/or
 - c. Email and/or mail.

3. The quorum for Special General Meetings shall be fifteen (15) Members.

13. CONSTITUTION

1. The constitution may be amended at any General Meeting by a majority vote of not less than three-fourths of those Members present provided notice of motion in writing signed by two Office Bearers of the Club has been lodged with the Secretary at least twenty-one (21) days prior to the meeting.
2. At least seven (7) days notice of any motion seeking an amendment to the constitution shall be given by the Secretary and shall be sent out via email and/or mail to all Members.

14. LIFE MEMBERSHIP

Upon approval of the nominee by the Executive Committee a written report on the services of the nominee shall be presented to the Club for a vote. This shall be:

1. Sent out by mail or email to all Members and the vote shall not be counted until Members have had at least seven (7) days to respond.
2. Life Members may be elected at any time by at least three-fourths majority of those who vote.
3. Life Membership is restricted to those whose service to the Club has been worthy of the highest honour.
4. By a resolution of three-fourths majority vote of the Club, Life Membership may be cancelled. The three-fourths criteria is applicable to the participating voters only, not the Club in its entirety.
5. Life Members shall be granted the privilege of free membership to the Club.
6. Life Members shall be given a certificate and/or medallion setting out the award signed by the President and Secretary on behalf of the Club.

15. VOTING AT GENERAL MEETINGS

Only Members shall have the right to vote and unless otherwise provided:

1. Voting at any meeting is by simple majority, unless otherwise specified.
2. At all meeting's, voting shall be by show of hands unless a ballot is requested by any two Members.
3. Upon any question arising at a meeting, a member has one vote only and all votes shall be given personally or by proxy.
4. The Chairperson at any meeting shall in the event of an equality of votes have a second or casting vote.

16. PROXIES

Each member shall be entitled to appoint another member as their proxy by notice given to the Secretary in writing no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.

17. PATRONS

The Club at any Annual General Meeting may appoint such persons as it shall consider fit to be Patrons of the Club for the following year. The position of Patron shall be received at each Annual General Meeting.

18. SECRETARY

The Secretary shall:

1. Attend all meetings of the Executive Committee and all General Meetings and shall take minutes of the proceedings and record the same in an appropriate minute book / digital archive.
 - a. In the absence of the Secretary, the other meeting participants are responsible for appointing someone to take minutes.
2. Conduct the correspondence of the Club, keep a record of all reports from committees, keep a register of attendance at all meetings and generally be responsible for the organisation and efficient conduct of the administrative activities of the Club.

19. TREASURER

The Treasurer shall:

1. Control and keep correct accounts of all monies received and disbursed and shall produce a Financial Statement at all General Meetings and when requested by the Executive Committee.
2. Bank all monies received in the name of the Club and schedule payment of claims made against the Club in a timely manner.
3. Organise the collection of the Annual Subscription fixed by the Club at its Annual General Meeting.

20. SOURCES OF FUNDS

The funds of the Club shall be derived from annual subscriptions, donations, entry fees, sales, and such other sources as the Executive Committee determines.

21. BANKING

1. All banking shall be controlled by a banking sub-committee appointed by the Executive Committee. This team should include at minimum:
 - a. The President
 - b. The Treasurer
2. All monies of the Club shall be deposited in bank accounts held by the Club accessible to the banking sub-committee. All payments drawing on the Club's bank account(s) shall be scheduled and approved by two (2) Members of the banking sub-committee.

22. EXPULSION

1. If any member wilfully refuses or neglects to comply with the provisions of the constitution, or By-Laws of the Club, or is guilty of any conduct unworthy of a Member, such Member shall be liable to expulsion from the Club at a meeting of the Executive Committee. In order for the member to be expelled:

- a. The member must be given at least seven (7) days notice before the meeting for the resolution of their expulsion.
 - b. With this notice the member must be provided with the reason(s) expulsion is being considered.
 - c. Before the vote regarding expulsion at the meeting, the member must have had an opportunity to give an oral or written explanation or defence of their conduct.
 - d. A three-fourths majority of the meeting must vote in favour of expulsion.
2. A member expelled under this clause shall forfeit all right in and claim upon the Club and its property.

23. COACHES

1. As vacancies arise, the Executive Committee shall convene a sub-committee to identify, select, and employ a coach.
2. The positions of coaches of the Club shall be reviewed annually by the Executive Committee.

24. WINDING UP

The Club may be wound up at a General Meeting by a majority of not less than three-fourths of the Members present, provided that a notice of motion in writing signed by two Office Bearers has been lodged with the Secretary at least twenty-one (21) days prior to the meeting and that notice is sent via mail and/or email to all active Members at least fourteen (14) days prior to the meeting:

1. In the event of the Club being wound up, the assets and property after payment of all debts and liabilities shall not be distributed to Members but shall be distributed to a fund or funds with similar objectives and/or to a fund or funds exclusively for charitable purposes.
2. The body to which the surplus property and funds are to be given must be decided by three-fourths majority vote of members present at the General Meeting.

25. CUSTODY OF BOOKS AND OTHER DOCUMENTS

Except as otherwise provided in this constitution, the Secretary shall keep in their custody or under their control all books, documents and securities of the Club.

26. DISPUTES, MEDIATION AND GRIEVANCE PROCEDURE

1. The grievance procedure set out in this clause applies to disputes under this constitution between-
 - a. a member or group of members and another member (or group of members); or
 - b. a member (or group of members) and the Club.
2. The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within fourteen (14) days after the dispute comes to the attention of all of the parties.
3. If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within ten (10) days, hold a meeting in the presence of a mediator.
4. The mediator must be-
 - a. a person chosen by agreement between the parties; or
 - b. in the absence of agreement:

- i. in the case of a dispute between a member (or group of members) and another member (or group of members), a person appointed by the Executive Committee; or
 - ii. in the case of a dispute between a member (or group of members) and the Club, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).
5. A member of the Club can be a mediator.
6. The mediator cannot be a member who is a party to the dispute.
7. The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
8. The mediator, in conducting the mediation, must--
 - a. give the parties to the mediation process every opportunity to be heard; and
 - b. allow due consideration by all parties of any written statement submitted by any party; and
 - c. ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
9. The mediator must not determine the dispute.
10. If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Associations Incorporation Reform Act 2012 or otherwise at law.

27. PROCEDURAL IRREGULARITIES

1. No decision of the Club, Executive Committee, or sub-committee shall be invalid merely because of a failure to give proper notice under this constitution or the By-laws or other irregularity in procedure required by this constitution or the By-laws unless a person suffers serious detriment as a result of that failure to give proper notice or irregularity in procedure.
2. The Executive Committee 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.

28. UNFORESEEN MATTERS

Should any matter arise for which provision has not been made in the constitution, the Executive Committee shall take such action as is necessary to protect the interests of the Club.