

CONSTITUTION OF THE EASTERN SOUTHLAND BASKETBALL ASSOCIATION INC.

- 1. NAME:**
1. The name of the Association shall be the Eastern Southland Basketball Association Incorporated.
 2. The Boundaries of the Association shall be West Otago, Eastern Southland, and Lower Maitaia Areas.
 3. The Registered Office of the Association shall be at such place as may be determined by the Committee from time to time.

- 2. OBJECTS:**
1. The objects of the ESBA shall be:
 - 1.1 To control, promote, foster and develop the game of Basketball
 - 1.2 To apply for and maintain membership of the NZ Basketball Federation (Inc.)

3. DEFINITIONS:

Unless contrary to the context the following definitions shall apply:

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| ASSOCIATION | shall mean the ESBA (Inc.) |
| FEDERATION | shall mean the New Zealand Basketball Federation (Inc.) |
| MEMBER | shall mean a member as defined in Rule 5 of these Rules |
| RULES | shall mean the Constitution and Bylaws of the ESBA |
| COMMITTEE | shall mean the Executive Committee of the Association |
| NOTICE | shall mean a letter posted to the last known address of any team or club or an advertisement placed in a local newspaper. |

In the interpretation of these Rules words importing the masculine gender shall include also the feminine gender unless excluded by the context.

4. POWERS

1. To act independently of but be ultimately responsible to the Federation for Basketball within the Boundaries of the Association.
2. To impose levies on members for the purpose of achieving the Associations aims.
3. To enquire into the conduct of any player, team or official at any Tournament, game or other activity being conducted under the auspices of the Association.
 - 3.1 The Committee or a subcommittee duly appointed in terms of Rule 12.3 may at its discretion levy any penalty or fine on any player, official team or club under its control as a result of such an enquiry.
 - 3.2 Any player, official, team or association which has been penalised in any way by the Committee acting in accordance with these rules may appeal the penalty to the Appeals Committee of the Association. The decision of the Appeals Committee is binding.

3.3 The Appeals Committee shall be elected at an incoming committee meeting and consist of the President and three others.

3.4 Any such appeal shall be accompanied by a bond of \$100 which the Appeals Committee shall have the sole discretion as to whether to refund the bond in whole or in part after the appeal has been heard.

5. MEMBERSHIP

1. The financial members of any team or club playing within any competition organised by the Association shall be deemed to be members of the Association. Such membership shall lapse if the team or club ceases to be a member of the Association.
2. Any officer of the Association elected in accordance with these Rules shall be deemed to be a member of the Association.
3. Any Life Member elected in accordance with these rules shall be deemed to be a member of the Association.
4. Any other person or organization nominated and elected at the Annual General Meeting or a Special General Meeting in accordance with Rule 10.
5. Any team, club or person may, at any time, by notice in writing to the Secretary resign from the Association but will remain liable after such resignation for any debts owing to the Association.

6. LIFE MEMBERSHIP

1. Any member of the Association or the Committee may nominate any person who has made an outstanding contribution to basketball within the Association for Life Membership.
2. A nomination for Life Membership must be made in writing to the Secretary of the Association not less than four weeks before the Annual General Meeting at which such nomination is to be put.
3. A Life Member may only be elected at an Annual General Meeting and must be elected by a majority of three quarters of the votes cast.
4. A Life Member shall not be liable for the payment of any membership fees other than those incurred by virtue of their membership of a team playing in a competition organised by the Association.
5. A Life Member may attend any General Meeting of the Association and shall have the rights of any other ordinary member of such meeting.
6. The membership of a Life Member may be terminated by a General Meeting of the Association provided such motion is carried by a majority of three quarters of the votes cast.

7. ANNUAL GENERAL MEETING

1. There shall be held every year not later than 31st March an Annual General Meeting of the

Association at a time and place to be decided by the Committee.

2. At least two weeks notice of the time and place of the meeting shall be given to all members of the Association.
3. The business of the Annual General Meeting shall be:
 - 3.1 To receive the Annual Report and Statement of Accounts for the previous year
 - 3.2 To elect the Officers and Committee for the ensuing year
 - 3.3 To appoint an auditor who shall hold no other office.
 - 3.4 To consider any business of which at least 4 weeks notice in writing has been provided to the Secretary
 - 3.5 The Annual Subscription for teams and players shall be decided upon by the Annual General Meeting.
 - 3.6 To elect representative coaches/managers
 - 3.7 To consider any other General Business.

8. SPECIAL GENERAL MEETING

1. The Committee may call a Special General Meeting as it sees fit.
2. The Committee shall call a Special General Meeting on the receipt of written requisition of at least 30 members setting forth the purpose of such meeting and the motions to be discussed.
 - 2.1 Such Special General Meeting shall be held within 4 weeks of the receipt of such request
3. The Secretary shall give at least two weeks notice of a Special General Meeting and such notice shall state the business to be discussed at the meeting.
4. Only those matters of which notice has been given may be discussed at a Special General Meeting.
5. Any Office Holder of the Federation may attend, speak but not vote at a Special General Meeting.

9. OFFICERS

1. The officers of the Association shall be a Patron, President, Vice President, Secretary, Treasurer, (Or a Secretary/Treasurer), and the members of the Committee.
2. All officers shall be elected at the Annual General Meeting.
 - 2.1 In the event of there being insufficient nominations for any position at the AGM then the incoming Committee shall have the power to co-opt any person to fill a

vacant position. This person shall then hold office in that position until the conclusion of the next AGM.

2.2 The voting for office holders shall be by a show of hands unless a simple majority of those present and entitled to vote demand a secret ballot to be taken for any position.

3. In the event of a vacancy occurring in the position of any office holder then the Committee shall have the power to co-opt any person to fill such vacancy and such person shall hold that position until the next AGM.
4. Any office holder may, at any time, by notice in writing to the Secretary resign their position.
5. The President or Vice President shall preside at all meetings of the Association. In the event of neither of these being able to take the chair at any meeting then the meeting shall elect one of its number to take the chair for that meeting.

10. VOTING

1. At all General Meetings every financial member present aged 18 years and over, excluding school registered players, shall be entitled to one vote and in the event of an equality of votes the President shall have a further or casting vote which shall be cast with regard to the status quo.

1.1 Schools shall be entitled to one vote per team registered the previous season and must be represented by a Delegate who will vote for the Members. Such a Delegate shall be elected by the School upon Registration of each Member in the Competition.

2. All motions require only a simple majority of those present and entitled to vote to be carried unless stated otherwise in these rules.
3. At Committee meetings each officer shall have one vote.
4. At all meetings voting, other than for the election of officers, shall be by voice unless a member present and entitled to vote calls for a show of hands to be taken. A secret ballot shall be held if requested by at least one quarter of the members present and entitled to vote.

11. QUORUM

1. The quorum for any General Meeting shall be at least 10 members.
2. The quorum at a Committee meeting shall be at least five members of the Committee.

12. COMMITTEE

1. The Committee shall control and direct the affairs of the Association.
2. The Committee shall consist of the President, Vice President, Secretary, Treasurer (or Secretary/Treasurer) and not less than five members elected at the AGM.
3. The Committee may appoint sub Committees with power to act on its behalf. The President of the Association shall be an ex officio member of any such sub committee and the resolutions of any sub committee appointed under this rule shall be reported back to the next meeting of the Committee.

13. FINANCE

1. The Financial year of the Association shall end on 31st December.

2. All monies received by the Association shall be banked into a bank account in the name of the Association and all accounts for payments shall be passed by the Committee and paid by cheque signed jointly by any two office holders of the Association specifically appointed by the Committee for that purpose.
3. The accounts of the Association shall be audited by an auditor appointed at the AGM. The Auditor shall hold no other office in the Association.
4. The affiliation fees for members, teams and/or clubs shall be determined by the AGM.
5. The duties of the Secretary shall include the forwarding to the Registrar of the Annual Returns of Income and Expenditure

14. BYLAWS

1. The Committee may from time to time, by resolution in its minutes, make, revoke or amend Bylaws.
2. No such Bylaw shall be of any force if it is in direct conflict with these Rules or with the Constitution and/or Bylaws of the Federation.
3. A General Meeting shall have the power to make, revoke or amend Bylaws.
 - 3.1 Notice to make, revoke or amend a Bylaw at a General Meeting must be given in writing to the Secretary at least two weeks before the date of the meeting.
 - 3.2 Motions to make, revoke or amend Bylaws shall be carried by a simple majority of those present and entitled to vote.

15. PROVINCIAL REPRESENTATION

1. Only financial players participating in the Associations competitions will be eligible to play for the Association in representative fixtures.
2. That age-group representatives players abide by standards as set down by the Association.

16. ASSOCIATION COLOURS

1. The colours of the Association shall be white and black.

17. AMENDMENTS TO THE CONSTITUTION

1. Amendments to this Constitution must be given in writing to the Secretary at least four weeks prior to the date of the General Meeting at which the amendment is to be put.
2. Amendments to the constitution shall be carried by a two thirds majority of those present and entitled to vote.
3. The Secretary shall give notice to members of any amendments to this Constitution at least one week prior to the date of the General Meeting at which such amendments are to be considered.

4. Amendments to the Constitution shall not take effect until approved by the Federation.

18. STANDING ORDERS

1. All meetings of the Association shall be conducted according to the Standing Orders of the Federation.

19. COMMON SEAL

1. The Common Seal of the Association shall be held in the custody of the Secretary or Treasurer and shall be affixed to a document only by a resolution of the Committee and in the presence of any two of the office holders of the Association.

20. INDEMNITY

1. The officers of the Association shall be indemnified by the Association against all losses and expenses incurred in or about the discharge of their duties except such as happens to be by their own wilful act, neglect or default.

21. DISSOLUTION

1. The Association shall not be wound up except on a motion passed by a simple majority of those present and entitled to vote at a special general meeting convened for that purpose and confirmed at a later meeting held not earlier than one month from the date of the original meeting.