RULES FOR COOMERA CITY WARRIORS BASKETBALL CLUB INCORPORATED

RULE 1 - WORDS AND EXPRESSIONS TO HAVE MEANING IN ACT

A word or expression that is not defined in these model rules, but is defined in the *Associations Incorporation Act 1981* has, if the context permits, the meaning given by the Act.

RULE 2 - NAME

The name of the incorporated association is Coomera City Warriors Basketball Club Incorporated – in these rules called the "association".

RULE 3 - OBJECTS

The objects of the association are:

- a) to conduct affordable basketball competitions for junior and senior players both female and male.
- b) to develop and promote the game of basketball at the amateur level on the Gold Coast and its environs.
- c) to instruct and educate players, referees, coaches, and volunteers in the conduct of the game.
- d) to form teams to represent the association at interregional and intrastate competitions.
- e) to organise tournaments, camps, and representative fixtures for the purpose of promotion of basketball on the Gold Coast and its environs.

RULE 4 - POWERS

- (1) The association has the powers of an individual.
- (2) The association may, for example:
- a) enter into contracts; and
- b) acquire, hold, deal with and dispose of property; and
- c) make charges for services and facilities it supplies; and
- d) appear and adjudicate upon appeals, decisions of officials of the association and the affiliated and subsidiary bodies: and
- e) to suspend, disqualify, or otherwise deal with any affiliated body and / or member or officer thereof who has committed any breach of this constitution or of the rules or by-laws made thereunder or who has practised, counselled or sanctioned any conduct arising out of or in connection with amateur sport or otherwise which conduct is, in the opinion of the Association, unfair, unbecoming or contrary to the interests of amateur sports; and f) do other things necessary or convenient to be done in carrying out its affairs.

RULE 5 - CLASSES OF MEMBERS

- (1) The membership of the association shall consist:
- a) playing members;
- b) life members;
- c) honorary members.
- (2) The limitations and conditions for each class of membership described below:

a) Playing Members

- (i) All competition participants become playing members upon receipt of applicable registration fees, such as the management committee shall from time to time decide.
- (ii) Playing Members must be over 18 years of age to have voting rights at any Annual General Meeting or General Meeting convened by the association.
- (iii) A Playing Member under 18 years of age can be represented by proxy by one (1) specified parent or legal guardian at any Annual General Meeting or General Meeting convened by the association. When registering as a playing member the player in question should provide the name of the specified parent or legal guardian on their registration form.
- (iv) No more than one (1) proxy vote can be counted for any family with multiple children.
- (v) The number of playing members shall be unlimited.

b) Life Members

- (i) A Life Member shall be any person who has been elected as such at any Annual General Meeting of the association.
- (ii) Not more than one (1) Life Member shall be elected in any one year.
- (iii) The name of any person deemed eligible to become a Life Member shall, together with their history of service, be submitted to the Management Committee Meeting immediately preceding the Annual General Meeting. Should a majority of at least two thirds of those attending and entitled to vote at the Management Committee Meeting so approve, the name of the person shall be submitted to the Annual General Meeting.
- (iv) Provided that two thirds of the total voting strength at the Annual General Meeting so approve, the person shall be deemed to have been elected a Life Member of the association.
- (v) Life Members are entitled to attend, free of charge, any function organised by the association and shall have voting rights at any Annual General Meeting or General Meeting convened by the Association.
- (vi) The number of Life Members shall be unlimited.

c) Honorary Members

- (i) The Management Committee may, at its discretion, confer the title of Honorary Member upon any persons who have assisted the association during the current season. Such membership to remain in existence until the following Annual General Meeting or until revoked by two-thirds of those present and entitled to vote at any Management Committee Meeting.
- (ii) A Honorary Member shall be entitled to attend any General Meeting of the association but shall not be entitled to vote, move or second a motion unless they are acting as delegates for affiliated bodies that have voting power. Honorary Members may speak on a motion with the chairperson's consent.
- (iii) Honorary members must be over 18 years of age.

(iv) The number of Honorary Members shall be unlimited.

RULE 6 - ADMISSION AND REJECTION OF MEMBERS

- (1) At the next meeting of the management committee after the receipt of any application and the fee applicable for any class of membership, such application shall be considered by the management committee, who shall thereupon determine upon the admission or rejection of the applicant.
- (2) Any applicant who receives a majority of votes of the members of the management committee present at the meeting at which such application is being considered shall be accepted as a member to the class of membership applied for.
- (3) Upon rejection of an application for any class of membership, the secretary shall forthwith give the applicant notice in writing of such acceptance or rejection.

RULE 7 - MEMBERSHIP FEES

- (1) The membership fee for each class of membership:
- a) is the amount the management committee shall from time to time decide; and
- b) is payable when, and in the way, the management committee decides.

RULE 8 - WHEN MEMBERSHIP ENDS

- (1) A member may resign from the association by giving a written notice of resignation to the secretary.
- (2) The resignation takes effect on:
- a) the day and at the time the notice is received by the secretary; or
- b) if a later day is stated in the notice the later day.
- (3) The management committee may terminate a member's membership if the member:
- a) does not comply with any of the provisions of these rules; or
- b) has membership fees unpaid at the beginning of a new playing season; or
- c) conducts himself or herself in a way considered to be injurious or prejudicial to the character or interests of the association.
- (4) Before the management committee terminates a member's membership, the committee must give the member a full and fair opportunity to show why the membership should not be terminated.
- (5) If, after considering all representations made by the member, the management committee decides to terminate the membership, the secretary of the committee must give the member a written notice of the decision.

RULE 9 - APPEAL AGAINST REJECTION OR TERMINATION OF MEMBERSHIP

- (1) A person whose application for membership has been rejected, or whose membership has been terminated, may give the secretary written notice of the person's intention to appeal against the decision.
- (2) A notice of intention to appeal must be given to the secretary within 1 month after the person receives written notice of the decision.
- (3) If the secretary receives a notice of intention to appeal, the secretary must, within

1 month after the day of receipt, call a special general meeting to decide the appeal.

- (4)At the meeting, the applicant must be given a full and fair opportunity to show why the application should not be rejected or the membership should not be terminated.
- (5) Also, the management committee and the committee members who rejected the application or terminated the membership must be given an opportunity to show why the application should be rejected or the membership should be terminated.
- (6) An appeal must be decided by a vote of the members present at the meeting.
- (7) If a person whose application has been rejected does not appeal against the decision within 1 month after receiving written notice of the decision, or the person appeals but the appeal is unsuccessful, the secretary must, as soon as possible practicable, refund the application fee paid by the person.

RULE 10 - REGISTER OF MEMBERS

- (1) The management committee must keep a register of members.
- (2) The register of members must include the following particulars for each member:
- a) the full name and residential address of the member;
- b) the date of admission as a member;
- c) the date of death or resignation of the member;
- d) details about the termination or reinstatement of membership;
- e) any other particulars the management committee or the members at a general meeting decide.
- (3) The register must be open for inspection at all reasonable times.
- (4) However, before the member may inspect the register, the member must apply to the secretary to inspect it.

RULE 11 - SECRETARY

- (1) If a vacancy happens in the office of secretary, the members of the management committee must ensure a secretary is appointed or elected for the association within 1 month after the vacancy happens.
- (2) The secretary must be an individual residing in Queensland, or in another State but not more than 65 km from the Queensland border, who is:
- a) a member of the association elected by the association as secretary; or
- b) any of the following persons appointed by the management committee:
- (i) a member of the association's management committee;
- (ii) a member of the association;
- (iii) another person.
- (3) The management committee may appoint and remove the association's secretary at any time

RULE 12 - MEMBERSHIP OF MANAGEMENT COMMITTEE

(1) The management committee of the association consists of a president, vice-president, treasurer, secretary, and any other persons the association members elect or appoint at a

- general meeting (with a minimum of six committee members in total appointed at any given point in time).
- (2) A member of the management committee, other than the secretary, must be a member of the association.
- (3) At each annual general meeting of the association, the members of the management committee must retire from office, but are eligible, on nomination, for re-election.

RULE 13 - ELECTING THE MANAGEMENT COMMITTEE

- (1) A member of the management committee may only be elected as follows:
- a) any 2 members of the association may nominate another person (the "candidate") to serve as a member of the management committee;
- b) the nomination must be:
- (i) in writing; and
- (ii) signed by the candidate and the members who nominated him or her; and
- (iii) given to the secretary at least 14 days before the annual general meeting at which the election is to be held;
- c) each member present at the annual general meeting may vote for any number of candidates not more than the number of vacancies;
- d) if, at the start of the meeting, there are not enough candidates nominated, nominations may be taken from the floor of the meeting.
- (2) A list of the candidates' names in alphabetical order, with the names of the members who nominated each candidate, must be posted in a conspicuous place in the office or usual place of meeting of the association for at least 7 days immediately preceding the annual general meeting.
- (4) If required by the management committee, balloting lists must be prepared containing the names of the candidates in alphabetical order.

RULE 14 - RESIGNATION OR REMOVAL FROM OFFICE OF A MANAGEMENT COMMITTEE MEMBER

- (1) A management committee member may resign from the committee by giving written notice of resignation to the secretary.
- (2) The resignation takes effect on:
- a) the day and at the time the notice is received by the secretary; or
- b) if a later day is stated in the notice the later day.
- (3) A member may be removed from office at a general meeting of the association if a majority of the members present at the meeting vote in favour of removing the member.
- (4) Before a vote of members is taken about removing the member from office, the member must be given a full and fair opportunity to show cause why he or she should not be removed from office.
- 5) A member has no right of appeal against the member's removal from office under this section.

RULE 15 - VACANCIES ON MANAGEMENT COMMITTEE

- (1) If a casual vacancy happens on the management committee, the continuing members of the committee may appoint another member of the association to fill the vacancy until the next annual general meeting.
- (2) The continuing members of the management committee may act despite a casual vacancy on the management committee.
- (3) However, if the number of committee members is less than the number fixed under these rules as a quorum of the management committee, the continuing members may act only to:
 a) increase the number of management committee members to the number required for a quorum; or
- b) call a general meeting of the association.

RILE 16 - FUNCTIONS OF MANAGEMENT COMMITTEE

- (1) Subject to these rules or a resolution of the association members carried at a general meeting, the management committee:
- a) has the general control and management of the administration of the affairs, property and funds of the association; and
- b) has authority to interpret the meaning of these rules and any matter relating to the association on which the rules are silent.
- (2) The management committee may exercise the powers of the association:
- a) to borrow, raise or secure the payment of amounts in a way the association members decide; and
- b) to secure the amounts mentioned in paragraph (2)(a) or the payment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the association in any way:
- c) to purchase, redeem or pay off any securities issued; and
- d) to borrow amounts from members and pay interest on the amounts borrowed; and
- e) to invest in a way the members of the association may time to time decide.
- (3) For sub-section (2)(d), the rate of interest must not be more than the current rate being charged for overdrawn accounts on money lent (regardless of the term of the loan) by:
- a) the financial institution for the association: or
- (b) if there is more than 1 financial institution for the association the financial institution nominated by the association.

RULE 17 - MEETINGS OF MANAGEMENT COMMITTEE

- (1) Subject to subsections (2) to (16), the management committee may meet and conduct its proceedings as it considers appropriate.
- (2) The management committee must meet at least once every month to exercise its functions.
- (3) The management committee must decide how a meeting is to be called.
- (4) Notice of a meeting is to be given in the way decided by the committee.
- (5) If the secretary receives a written request signed by at least 33% of the management committee members, the secretary must call a special meeting of the committee.

- (6) A request for a special meeting must state:
- a) why the special meeting is being called; and
- (b) the business to be conducted at the meeting.
- (7) At a management committee meeting, more than 50% of the members elected or appointed to the committee as at the close of the last general meeting of the members form a quorum.
- (8) A question arising at a committee meeting is to be decided by a majority vote of committee members present at the meeting and, if the votes are equal, the question is decided in the negative.
- (9) A management committee member must not vote on a question about a contract or proposed contract with the association if the member has an interest in the contract or proposed contract, and if the member does vote the member's vote must not be counted.
- (10) The secretary must give each management committee member at least 14 days notice of a special meeting of the committee.
- (11) A notice of a special meeting must state:
- a) the day, time, and place of the meeting; and
- (b) the business to be conducted at the meeting.
- (12) The president or, if there is no president or if the president is not present within 10 minutes after the time fixed for a management committee meeting, the vice-president is to preside as chairperson at the meeting.
- (13) If the president and the vice-president are absent from a management committee meeting, the members may choose 1 of their number to preside as chairperson at the meeting.
- (14) If a quorum is not present within 30 minutes after the time fixed for a management committee meeting called on the request of committee members, the meeting lapses.
- (15) If a quorum is not present within 30 minutes after the time fixed for a management committee meeting called other than on the request of committee members, the meeting is to be adjourned to:
- a) the same day, time and place in the next week; or
- b) a day, time and place decided by the committee.
- (16) If, at the adjourned meeting mentioned in subsection (15), a quorum is not present within 30 minutes after the time fixed for the meeting, the meeting lapses.

RULE 18 - DELEGATION OF MANAGEMENT COMMITTEE POWERS

- (1) The management committee may delegate the whole or part of its powers to a subcommittee consisting of the association members considered appropriate by the committee.
- (2) A subcommittee may only exercise delegated powers in the way the management committee decides.
- (3) A subcommittee may elect a chairperson of its meetings, with this person being a member of the management committee.

- (4) If a chairperson is not elected, or if the chairperson is not present within 10 minutes after the time fixed for a meeting, the meeting is adjourned to a date, time and place determined by the sub-committee.
- (5) A subcommittee may meet and adjourn as it considers appropriate.
- (6) A question arising at a subcommittee meeting is to be decided by a majority vote of the members present at the meeting and, if the votes are equal, the question is decided in the negative.

RULE 19 - ACTS NOT AFFECTED BY DEFECTS OR DISQUALIFICATIONS

- (1) An act performed by the management committee or a subcommittee is taken to have been validly performed.
- (2) Subsection (1) applies even if the act was performed when:
- a) there was a defect in the appointment of a member of the management committee or subcommittee; or
- b) a management committee member or subcommittee member was disqualified from being a member.

RULE 20 - RESOLUTIONS OF MANAGEMENT COMMITTEE WITHOUT MEETING

- (1) A written resolution signed by each member of the management committee for the time being entitled to receive notice of a committee meeting is as valid and effectual as if it had been passed at a committee meeting that was properly called and held.
- (2) A resolution mentioned in subsection (1) may consist of several documents in like form, each signed by 1 or more members of the committee.

RULE 21 - ANNUAL GENERAL MEETINGS

An annual general meeting must be held:

- a) at least once each year; and
- b) within 6 months after the end of the association's previous financial year.

RULE 22 - BUSINESS TO BE CONDUCTED AT ANNUAL GENERAL MEETING

The following business must be conducted at each annual general meeting:

- a) receiving the statement of income and expenditure, assets, liabilities and mortgages, charges and securities affecting the property of the association for the last financial year;
- b) receiving the auditor's report on the financial affairs of the association for the last financial year;
- c) presenting the audited statement to the meeting for adoption;
- d) electing members of the management committee;
- e) appointing an auditor.

RULE 23 - SPECIAL GENERAL MEETING

- (1) The secretary may only call a special general meeting by giving notice of the meeting within 14 days after:
- a) being directed to call the meeting by the management committee; or
- b) being given a written request signed by:
- (i) at least 33% of the members of the association presently on the management

committee; or

- (ii) at least the number of ordinary members of the association equal to double the number of members of the association presently on the management committee plus 1; or
- c) being given a written notice of an intention to appeal against the decision of the management committee to:
- (i) to reject an application for membership; or
- (ii) to terminate a person's membership.
- (2) A request mentioned in subsection (1)(b) must state:
- a) why the special general meeting is being called; and
- b) the business to be conducted at the meeting.

RULE 24 - NOTICE OF GENERAL MEETING

- (1) The secretary may call a general meeting of the association.
- (2) The secretary must give at least 21days notice of the meeting to the association membership.
- (3) The management committee may decide the way in which the notice must be given.
- (4) However, notice of the following meetings must be given in writing:
- a) a meeting called to hear and decide against the rejection or termination of the member's membership by the management committee; or
- b) a meeting called to hear and decide a proposed special resolution of the association.
- (5) A notice of a general meeting must state the business to be conducted at the meeting.

RULE 25 - QUORUM FOR, AND ADJOURNMENT OF, GENERAL MEETING

- (1) Subject to subsection (5), at a general meeting the number of members equal to double the number of members of the association presently on the management committee plus 1 form a quorum.
- (2) In this rule -"member" includes a person attending as a proxy.
- (3) No business may be conducted at a general meeting unless a quorum of members is present when the meeting proceeds to business.
- (4) If a quorum is not present within 30 minutes after the time fixed for a general meeting called on the request of members of the management committee or the association, the meeting lapses.
- (5) If a quorum is not present within 30 minutes after the time fixed for a general meeting called other than on the request of members of the management committee or the association, the meeting is to be adjourned to:
- a) the same day, time and place in the next week; or
- b) a day, time and place decided by the management committee.
- (6) If at an adjourned meeting, a quorum under subsection (1) is not present within 30 minutes after the time fixed for the meeting, the members present form a quorum.

- (7) The chairperson may, with the consent of any meeting at which a quorum is present, and must if directed by the meeting, adjourn the meeting from time to time and from place to place.
- (8) If a meeting is adjourned under subsection (6), only the business left unfinished at the meeting from which the adjournment took place may be conducted at the adjourned meeting.
- (9) The secretary is not required to give the members notice of an adjournment or of the business to be conducted at an adjourned meeting unless a meeting is adjourned for at least 30 days.
- (10) If a meeting is adjourned for at least 30 days, notice of the adjourned meeting must be given in the same way notice is given for an original meeting.

RULE 26 - PROCEDURE AT GENERAL MEETING

- (1) Subject to these rules, at each general meeting:
- a) the president or, if there is no president or if the president is not present within 15 minutes after the time fixed for the meeting or is unwilling to act, the vice-president is to preside as chairperson; and
- b) if the vice-president is absent or unwilling to act as chairperson, the members present must elect 1 of their number to be chairperson of the meeting; and
- c) the chairperson must conduct the meeting in a proper and orderly way; and
- d) each question, matter or resolution must be decided by a majority of votes of the members present; and
- e) each member present and entitled to vote is entitled to 1 vote only (being in total) and, if the votes are equal, the chairperson has a casting vote as well as a primary vote; and
- f) a member is not entitled to vote at a general meeting if the member's annual subscription is in arrears at the date of the meeting; and
- g) voting may be by a show of hands or a division of members, unless at least 20% of the members present demand a secret ballot; and
- h) if a secret ballot is held, the chairperson must appoint 2 members to conduct the secret ballot in the way the chairperson decides; and
- i) the result of a secret ballot as declared by the chairperson is taken to be a resolution of the meeting at which the ballot was held; and
- j) a member may vote in person or by proxy or by attorney and:
- (i) on a show of hands, each person present who is a member or a representative of a member/s has 1 vote (in total); and
- (ii) in a secret ballot, each member present in person or by proxy or by attorney or other properly authorised representative has 1 vote (in total); and
- k) an instrument appointing a proxy must be in writing; and:
- (i) if the appointor is an individual signed by the appointor or the appointor's attorney properly authorised in writing; or
- (ii) if the appointor is a corporation either under seal or signed by a properly authorised officer or attorney of the corporation; and
- 1) a proxy may be a member of the association or another person; and
- (m) the instrument appointing a proxy is taken to confer authority to demand or join in demanding a secret ballot; and
- n) if someone wants to give a member an opportunity to vote for or against a resolution, the instrument appointing a proxy must be in the following or like form:

I, of, being a member of the association, appoint of, as my proxy to
vote for me on my behalf at the (annual) general meeting of the
association, to be held on the day of, 20 , and at any adjournment of the
meeting.
Signed thisday of, 20
Signature.
This form is to be used in the resolution.
* in favour of

- *against
- *Strike out whichever is not wanted. (Unless otherwise instructed, the proxy may vote as the proxy considers appropriate.); and
- o) each instrument appointing a proxy must be given to the secretary 48 hours before the start of the meeting or adjourned meeting at which the person named in the instrument proposes to vote; and
- p) the secretary must ensure full and accurate minutes of all questions, matters, resolutions and other proceedings of each management committee meeting and general meeting are entered in a minute book; and
- q) the secretary must ensure the minute book for each general meeting is open for inspection at all reasonable times by any financial member who previously applies to the secretary for the inspection.
- (2) To ensure the accuracy of the minutes recorded under subsection (1)(p):
- a) the minutes of each management committee meeting must be signed by the chairperson of the meeting, or the chairperson of the next management committee meeting, verifying their accuracy; and
- b) the minutes of each general meeting must be signed by the chairperson of the meeting, or the chairperson of the next general meeting, verifying their accuracy;
- c) the minutes of each annual general meeting must be signed by the chairperson of the meeting, or the chairperson of the next meeting of the association that is a general meeting or annual general meeting, verifying their accuracy.

RULE 27 - BY-LAWS

- (1) The management committee may make, amend or repeal by-laws, not inconsistent with these rules, for the internal management of the association.
- (2) A by-law may be set aside by a vote of members at a general meeting of the association.

RULE 28 - ALTERATION OF RULES

- (1) Subject to the Associations Incorporation Act 1981, these rules may be amended, repealed or added to by a special resolution carried at a general meeting.
- (2) However an amendment, repeal or addition is valid only if it is registered by the secretary of the association.

RULE 29 - COMMON SEAL

- (1) The management committee must ensure the association has a common seal.
- (2) The common seal must be:
- a) kept securely by the management committee; and
- b) used only under the authority of the management committee.

- (3) Each instrument to which the seal is attached must be signed by a member of the management committee and countersigned by:
- a) the secretary; or
- b) another member of the management committee; or
- c) someone appointed by the management committee.

RULE 30 - FUNDS AND ACCOUNTS

- (1) The funds of the association must be kept in an account in the name of the association in a financial institution decided by the management committee.
- (2) Records and accounts must be kept in the English language showing full and accurate particulars of the financial affairs of the association.
- (3) All amounts must be deposited in the financial institution account as soon as practicable after receipt.
- (4) All amounts paid by cheque must be signed by any 2 of the following:
- a) the president;
- b) the secretary;
- c) the treasurer;
- d) another member authorised by the management committee for the purpose.
- (5) Cheques, other than cheques for wages, allowances or petty cash recoupment, must be crossed 'not negotiable'.
- (6) A petty cash account must be kept on the imprest system, and the management committee must decide the amount of petty cash to be kept in the account.
- (7) At each management committee meeting, a treasurer's report should be provided by the treasurer, outlining the appropriate financial information for the month just ended.
- (8) All expenditure must be approved or ratified at a management committee meeting.
- (9) The treasurer must, as soon as practicable after the end of each financial year, ensure a statement containing the following particulars is prepared:
- a) the income and expenditure for the financial year just ended;
- b) the association's assets and liabilities at the close of the year;
- c) the mortgages, charges and securities affecting the property of the association at the close of the year.
- (10) The auditor must examine the statement prepared under subsection (8) and present a report about it to the secretary before the next annual general meeting following the financial year for which the audit was made.
- (11) The income and property of the association must be used solely in promoting the association's objects and exercising the association's powers. No portion shall be distributed directly or indirectly to the members of the Association except as a bona fide compensation for the services rendered or expenses incurred on behalf of the Association.

RULE 31 - DOCUMENTS

The management committee must ensure the safe custody of books, documents, instruments of title and securities of the association.

RULE 32 - FINANCIAL YEAR

The financial year of the association closes on 30 June in each year.

RULE 33 - DISTRIBUTION OF SURPLUS ASSETS TO ANOTHER ENTITY

- (1) This section applies if the association:
- a) is wound-up under part 10 of the Act; and
- (b) it has surplus assets.
- (2) The surplus assets must not be distributed among the association members.
- (3) The surplus assets must be given to another entity:
- a) having objects similar to the association's objects; and
- (b) the rules of which prohibit the distribution of the entity's income and assets to its members.
- (5) In this section "surplus assets" has the meaning given by section 92(3)11 of the Act.

RULE 34 – JUDICIARY MATTERS

- (1) The Chairman of the Judiciary Committee shall be appointed by the Management Committee.
- (2) The Judiciary Committee shall meet within seven (7) days of receipt of notice from the Duty Manager of any disqualification of any player or official from any competition conducted by the Association.
- (3) The Judiciary Committee of the Association shall review and follow the Guidelines for Judiciary Committees supplied by Basketball Queensland before deciding on a penalty to be imposed on a disqualified player or official.