

# **Committee of Management Constitution**

of

## **Holy Spirit Basketball Club Inc.**

### **1. Name**

The name of the organisation is the SPIRIT MAGIC - THE HOLY SPIRIT BASKETBALL CLUB INC. and shall be referred to as "the Club"

### **2. Philosophy**

The Holy Spirit Basketball Club has been formed so that people can have the opportunity for play and recreation which will be directed toward the development of their abilities and their Christian attitude towards others.

### **3. Objectives**

The objectives of the Club are:

- i) To introduce the game of basketball and the acquisition of skills for the children who participate, to the Holy Spirit Parish and to the North Ringwood Community.
- ii) To promote the concept that all players are equal in a team game.
- iii) To encourage family participation in the activities of the Club.
- iv) To promote competitiveness as being the concept of Doing Your Best
- v) To have fun.
- vi) To promote an attitude of respect between players and for positions of authority e.g. coaches and officials.

### **4. Definitions and Interpretations**

In these rules, unless a contrary intention appears:

- i) "The Club" shall mean "Holy Spirit Basketball Club Inc."
- ii) "The Committee of Management" (hereinafter called "The Committee") shall mean the elected members of the Club who shall be responsible for the management of the Club as defined in Clause 6 (ii) and structured in terms of Clause 6 (i)
- iii) "The Sub-Committee Staff" (hereinafter called "The Staff") shall be those individuals engaged from time to time by the Committee for the purposes of providing services to the members of the club. The Staff shall be accountable to the Committee by way of the President.

The size of the Staff shall be determined by the Committee from time to time depending on needs.

## **5. Membership and Fees**

- i) The Members of the Club shall be:-
  - a) The President
  - b) The Staff (as hereinbefore referred to)
  - c) Participants of the competing teams who have filled in a Registration Form for any single season of competition that concluded during the most recently completed financial year. A player remains registered even if he/she does not play on a basketball team.
  - d) Other groups such as, but not limited to, Reserves or any groups which may be decided by the Committee as forming part of the Club.
  - e) Both parents and/or legal guardians of the children mentioned in Clause 5 (i) (c)
  - f) Honorary members whose membership shall be subject to a simple majority decision of the Committee who may be in attendance at the time of tabling the nomination. Such members shall be elected for the period of twelve (12) months and at the expiration thereof shall then be renewable for such further number of twelve months periods as shall be determined at the discretion of the Committee.
- ii) A Register of Members is to be maintained by the Secretary
- iii) Members may resign from the Club by written communication to either the President or Secretary
- iv) There shall be no entrance fee unless otherwise determined by the Committee
- v) A subscription fee shall be payable by the Members in category 5 (I) (c) hereof. Such fee shall be determined by the committee following consideration of the budget forecast for the ensuing calendar year and shall be payable by such Members upon such basis as determined by the Committee.

Members of the Club who are not in membership category 5 (I) (c) shall not be liable for the annual subscription fee or any other subscriptions or membership fees.

- vi) A committee consisting of the President and the Treasurer is appointed to hear any cases where parents are unable to meet levies imposed in an attempt to preserve the confidentiality of the matter
- vii) Where a player has outstanding fees from a previous season, the player will not be eligible for registration in the new season. In addition, the player will not be eligible for a transfer to another club until such time as the outstanding fees have been paid or alternative arrangements made.

## **6. The Committee of Management**

### **i) STRUCTURE**

The Committee shall comprise:-

- a) President
- b) Honorary Secretary
- c) Honorary Treasurer
- d) Registration Secretary
- e) Team Manager Coordinator
- f) Uniform Manager
- g) Sponsorship, Fund Raising Coordinator
- h) Coach Coordinator
- i) Selection Chairman
- j) GEBC Delegate
- k) General Committee (limited to a maximum of three positions and not to exceed 33% of total Committee membership).

### **ii) POWERS**

- a) Act as an Administrative Body.
- b) Further the objects of the Club in terms of Clause 3.
- c) Raise money in such manner and on such terms as the Committee may deem appropriate.
- d) Undertake financial matters as set out in Clause 15.
- e) Establish venues for training and other related matters.
- f) Purchase, lease, hire or otherwise acquire uniforms, clothing, property, both real and personal and of any sort as may from time to time be necessary or expedient for the carrying out of the objects of the Club and sell, surrender, release or dispose of any property which the Club may consider no longer required for carrying out any objects of the Club.
- g) Receive and take subscriptions, gifts, donations, devises, bequests and legacies of real and personal property and money to be applied for the uses and purposes of the Club.
- h) Take, hold and manage real or personal property conveyed to it in trusts whereby either the corpus or income of such property is to be applied to, or for the uses and purposes of the Club or to, or for any one or more of the objects of the Club
- i) Provide pamphlets and other literature to explain the aims of the Club
- j) Request, where necessary, the members of the Club to assist the Committee in carrying out its function.
- k) To appoint Trustees.
- l) Set remuneration of all staff.
- m) The Committee reserves the right to refuse new membership.

## **7. Duties of Office Bearers**

### **i) PRESIDENT**

- a) Shall act as Chairperson at all meetings that are attended.
- b) Shall be a member of the Club.
- c) Shall ensure the successful functioning of the Club and Committee and the attainment of the objects of the Club.
- d) Shall be the official spokesperson of the Club.
- e) Shall exercise a vote as a member of the club and a casting vote in the event of a tie. This shall apply to all meetings of the Club.
- f) Shall control and coordinate the activities of the Club.
- g) Shall recommend to the Committee the appointment and dismissal of staff.
- h) Shall convene monthly meetings of the staff so that a report, if any, can be conveyed to the Committee.
- i) Shall ensure that the Staff perform their duties so that they are consistent with the objects of the Club
- j) Shall call on the Committee and/or members when considered necessary to assist in the completion of duties

### **ii) SECRETARY**

- a) Shall be responsible for all official correspondence of the Committee.
- b) Shall be responsible for arranging and sending out notification of meetings when delegated to do so.
- c) Shall prepare an Annual Report for the Annual General Meeting.
- d) Shall be responsible for keeping an up to date copy of the Constitution of the Club.
- e) Shall be responsible for the safe custody of the books, documents and securities of the Club.
- f) Maintain a Register of Members for production on request.
- g) Maintain rolls of Members attending Annual General Meetings and Special General Meetings.
- h) Shall make the books and documents of the Club under his control available to Members for inspection upon reasonable notice from the Member.

iii) TREASURER

- a) To prepare Budget of financial matters.
- b) Shall be responsible for keeping the records of all financial transactions.
- c) Shall present a Report of the Financial Affairs on a quarterly basis. At the end of each season of competition, a reconciliation of the surplus or deficit for the season shall be reported.
- d) Shall produce and Audited Statement of the Financial Affairs of the Club for the Annual General Meeting.
- e) Shall make the books and documents of the Club under his control available to Members for inspection upon reasonable notice from the Member.

**8. Quorum**

i) COMMITTEE MEETINGS

- a) A simple majority of the Committee shall constitute a quorum at all Committee meetings.

ii) ANNUAL GENERAL MEETING

- a) A number of 5 members with voting rights shall constitute a quorum at an Annual General Meeting.

iii) SPECIAL GENERAL MEETING

- a) A number of 5 members with voting rights shall constitute a quorum at an Special General Meeting.

**9. Annual General Meeting**

- i) The Committee shall be elected at the Annual General Meeting
- ii) All adult members of the Club are eligible to vote and all votes shall be given personally and not by proxy.
- iii) In the event of a tie on any matter placed before an Annual General Meeting, the Presiding Chairperson shall have a casting vote in addition to a vote as a member of the Club.
- iv) At least twenty-eight (28) days notice of the Annual General Meeting must be given to each member. Such notice shall state the date, time, venue and business of the meeting.
- v) The agenda for the meeting shall comprise:-
  - a) Apologies
  - b) Minutes of previous Annual General Meeting
  - c) Tabling of the Audited Financial Statements
  - d) Presidents Report
  - e) Election of Office Bearers
  - f) Any other business pertaining to the Club.

- vi) It shall be held no later than by the end of June each year.
- vii) To amend these rules if required; see Clause 14.
- viii) A Register of Members attending shall be kept.

#### **10. Special General Meetings**

- i) The purpose of these meetings shall be:-
  - a) For the Committee to communicate to Members of the Club on such matters that are considered necessary from time to time.
  - b) For the Members to seek information on specific matters conveyed in the notice of the meeting.
  - c) For the Committee or Members to resolve to amend these Rules of the Statement of Purposes.
- ii) A Special General Meeting can only be convened in the following manner:-
  - a) By a simple majority of the Committee; OR
  - b) By a notice of motion signed by at least twenty Members of the Club, excluding the current members of the Committee. Such notice is to be delivered to the Secretary and the express purpose of the meeting must be included.
- iii) A notice of a Special General Meeting shall be forwarded by the Secretary to all Members at least twenty-eight (28) days prior to the scheduled date; such notice to state the time, date, venue and business of the meeting.
- iv) The business of a Special General Meeting can only be that which is set down in the notice of meeting.
- v) The Chairperson of the Special General Meeting is to be the President. If the President is not available, the assembled Members will first elect a Chairperson. The Chairperson shall, in the event of a tie, have a casting vote in addition to a primary vote.

#### **11. Business/Proceedings of General Meeting**

- i) All business that is transacted at a Special General Meeting and all business that is transacted at the Annual General Meeting with the exception of that specially referred to in these rules as being ordinary business of the Annual General Meeting shall be deemed to be special business.
- ii) No items of business shall be transacted at a general meeting unless a quorum of Members entitled under these rules to vote is present during the time when the meeting is considering that item (Quorum as in Clause 8).
- iii) The President, or in his/her absence, the Secretary, shall preside as Chairperson at each General Meeting of the Association.

- iv) If the President and the Secretary are absent from the General Meeting, the Members present shall elect one of their number to preside as Chairperson at the meeting.
- v) A question arising at a General Meeting of the Club shall be determined by consensus. When a consensus cannot be reached, a determination on a show of hands, a declaration by the Chairperson that a resolution has, on the show of hands, been carried or carried unanimously or carried by a particular majority or lost and an entry to that effect in the Minute Book of the Club is evidence of the fact.
- vi) Upon any questions arising at a General Meeting of the Club, where a vote is taken, a Member has one vote only.
- vii) Where votes are called for, they shall be given personally.
- viii) In the case of equality of voting on a question, the Chairperson of the meeting is entitled to make a second and casting vote.

### **12. Election of Committee of Management**

- i) At the first Annual General Meeting following the incorporation of the Club pursuant to the Associations Incorporation Act 1981, all positions shall be declared vacant but members of the Committee at that date shall be eligible for re-election. The other members of the Committee as defined in Clause 6 (i) shall be elected by the Members to the Committee, but the individual positions shall be determined at the first meeting of the Committee following the Annual General Meeting. Each position will be of twelve months duration.
- ii) Adult members of the Club are eligible to vote and shall have one vote only for each vacancy with the exception of the Chairperson who shall have a casting vote in the event of a tie as set out in Clause 9 (iii) of this Constitution.
- iii) Procedures shall be determined at the meeting.
- iv) A Member unable to attend the Annual General Meeting may nominate in writing for a position on the Committee duly proposed and seconded by an adult Member of the Club..
- v) Any tellers or scrutineers at an election shall have the right to vote if they are Members of the Club.
- vi) The Committee shall meet as resolved from time to time but shall meet at least four times per annum.

### **13. Casual Vacancies on the Committee**

- i) In the event of one of the following fates befalling a member of the Committee:-
  - a) Death;
  - b) Becomes of unsound mind;
  - c) Delivers a letter of resignation to the President and/or Secretary;
  - d) Is convicted of an indictable offence resulting in a gaol term;

- e) Is absent from three consecutive meetings of the Committee without special leave being granted by the Committee;  
a vacancy shall exist.
- ii) In the event of a casual vacancy occurring in the office of a member of the Committee as defined in Clause 6 (i) the Committee may appoint a Member of the Club to fill the vacancy and the Member so appointed shall hold office, subject to these rules, for the period of office to which his predecessor had been elected.

#### **14. Alteration of Rules & Statement of Purposes**

- i) These rules and the Statement of Purposes of the Association shall not be altered except in accordance with the Act.
- ii) The Secretary of the Club shall, within one month after the passing of the resolution altering the Statement of Purposes or the Rules, lodge with the Registrar of Incorporated Associations notice in writing of the resolution setting out particulars of the alteration together with a declaration signed by at least two members of the Committee of the Club to the effect that the resolution was passed in accordance herewith and the alteration shall be of no effect until the above notice has been given to the Registrar.

#### **15. Regulations and By-Laws**

These may be established, amended, rescinded when deemed necessary by the Committee for the proper functioning of the Club, provided they are not contrary to the objects of the Club in Clause 3.

#### **16. Financial**

- i) The Treasurer shall be responsible for the maintenance of all financial records.
- ii) The Committee shall have the power to make, draw, accept, endorse, discount, execute and issue cheques, Bills of Exchange, Bills of Lading, Warrants or other negotiable or transferable instruments or documents necessary or expedient for carrying out the objects of the Club or exercising any of its power. The execution of the aforementioned shall be by way of any two of the following:
  - a) President;
  - b) Secretary;
  - c) Treasurer;
  - d) Registration Secretary
- iii) **BORROWING POWERS**
  - a) The Committee shall have the power to borrow money which may be deemed necessary on whatever terms and conditions as it may determine. Furthermore, it may mortgage, assign or provide such security as is needed to effect such borrowing.
- iv) The financial year will run from the 1st May to the 30th April.



### **17. Clause intentionally deleted**

### **18. Disposition of Surplus Assets on Winding Up**

- i) Dissolution or winding up of the Club shall be effected in the following manner:-
  - a) By a resolution of a Special General Meeting of the Members which may be called in terms of Clause 10, wherein a three-fourths majority of those present and entitled to vote must be achieved for the resolution to be carried.
  - b) As defined in Part VIII of the Act.

### **19. Disposal of Club Assets in the Event of Dissolution or Winding Up in Terms of Clause 18**

The Special General Meeting shall decide by a three-fourths majority the disposal of all the assets of the Club after the payment of any liabilities. In any event, no Member of the Club shall receive any benefit from the disposal of the Club's assets and preference is to be given to directing such surplus assets to either the Holy Spirit School, Holy Spirit Netball Club, Holy Spirit Football Club or a sporting group with similar interests.

### **20. Auditor**

- i) The Committee shall appoint an Auditor on the recommendation of a Member of the Committee and provided a written consent from the Auditor has been obtained. This appointment may be approved by a simple majority of the Committee who are in attendance at the meeting at the time of nomination.

### **21. Dismissal of Members**

The President shall be the only Member with the power to dismiss Members in the membership category defined in Clause 5 (i) (c) hereof. In the event of a player being dismissed the parents and/or legal guardians of that player shall immediately cease to be Members also, and should those parents and/or legal guardians be Committee members at the time, their positions on the Committee shall immediately be declared vacant unless the parents and/or legal guardians have another player who is a member of the Club in which case they shall not cease to be Members and their Committee positions shall not be declared vacant.

### **22. Sources of Funds**

The funds of the Club are to be derived from the subscription fees referred to in Clause 5 (v) hereof, together with any gifts or donations made to the Club, or fund raising undertaken from time to time.