



**MACKAY BASKETBALL INCORPORATED**

**CONSTITUTION**

*These Rules were updated for Mackay Basketball Inc. in 2020*

## **PREFACE**

With the issue of this Constitution, all previous and prior documents known as "Mackay Basketball Incorporated (MBI) Constitution" are revoked.

Detailed herein is the Constitution of the Mackay Basketball Incorporated (MBI).

This Constitution applies in totality to the members, delegates and Executive of the MBI, shall always be adhered to and can only be revised by majority vote at a General or Special meeting of the membership.

Where clarification or interpretation of the constitution is required, the MBI Executive from time to time may do so.

### **1. NAME**

The name of the incorporated Association is "Mackay Basketball Incorporated" and is hereinafter referred to as "MBI".

### **2. OBJECTIVES**

2.1 The **objectives** of the MBI are:

- 2.1.1 To encourage, promote, manage and control the sport of basketball in the Mackay area.
- 2.1.2 To represent the interests of basketball and all involved in basketball within the MBI at state and national level.
- 2.1.3 To provide access for individuals to participate in the sport of basketball in the Mackay area.
- 2.1.4 To provide individuals with opportunity to maximise their potential by participating in the highest level of basketball possible, given their own ability; and
- 2.1.5 To promote and manage grass roots basketball to provide a feeding ground for MBI Representative teams.

2.2 In pursuit of these objectives, the MBI will seek to:

- 2.2.1 manage and maintain the Mackay Multi-Sports Stadium and is hereinafter referred to as "The Stadium".
- 2.2.2 manage Domestic competitions for basketball in the Mackay region;
- 2.2.3 provide support and assistance for clubs and teams in all areas of their operations;
- 2.2.4 encourage and support affiliated clubs and teams to identify talented basketballers (Players, Coaches, referees, Technical Officials, Volunteers), and foster their development;
- 2.2.5 choose and manage Representative teams to represent the MBI;
- 2.2.6 affiliate with Basketball Queensland (hereinafter referred to as "BQ") and actively promote, foster, and develop state basketball within the Mackay area and the State of Queensland;
- 2.2.7 hear, determine, settle, and resolve all disputes relating to members in connection with the MBI;
- 2.2.8 seek sponsorship for various programs and events and endorse products that will be consistent with projecting the best image of the MBI;
- 2.2.9 manage any other matters that the MBI may deem to be in the interest of the sport of basketball in the Mackay area.

### 3. DEFINITIONS

- 3.1 In these Rules, unless the contrary intention appears:
- “**MBI**” means Mackay Basketball Incorporated
  - “**Executive Committee**” means the Office Bears of the Committee of Management for the Association;
  - “**Executive Meeting**” means a meeting of the Officer Bears
  - “**Committee of Management**” means the Executive and the Chairperson of each Subcommittee
  - “**Subcommittee**” means a committee tasked with the operational aspects of a Program/Event as defined in these rules, under the direction of the MBI Executive Committee
  - “**General Meeting**” means a general meeting of members convened in accordance with Rule 9;
  - “**Ordinary Member of the Committee**” means a member of a Committee or Subcommittee of the MBI, who is not an officer bearer of the Association;
  - “**The Stadium**” means *the Mackay Multi-Sports Stadium*
  - “**The Act**” means *Associations Incorporation Act 1981 (Queensland)*
- 3.2 In these Rules, a reference to the Secretary of the Association is a reference:
- (a) Where a person holds office under these Rules as Secretary of the Association – to that person; and
  - (b) In any other case, to the Public Officer of the Association.
- 3.3 Words or expressions contained in the Rules shall be interpreted in accordance with the provisions Associations Incorporation Act 1981 as in force from time to time.

### 4. MEMBERSHIP

#### Eligibility and Membership Categories

#### 4.1 The membership categories of the MBI are:

##### 4.1.1 Life Members;

##### 4.1.2. Playing Members

4.1.2.1. A person who is registered to participate in any competition conducted by the Association is a Sporting member. Only Playing Members who have reached the age of 18 at the time of a General Meeting may propose any motion to a General Meeting of the Association, or to be a member of the Board, or to propose any other person as a member of the Board. A playing member who has registered for a competition and paid the relevant registration fee shall not be required to pay a membership fee and in receipt of the registration and all relevant fees, the Secretary shall enter the name of the playing member in the register of members

##### 4.1.3. Parent Members

4.1.3.1. A parent or guardian of a playing member who has not reached the age of 18 at the time of a General Meeting may nominate to the Secretary in writing fourteen (14) days prior to the General Meeting that he or she represents the junior playing member under 18 years of age.

4.1.3.2. Only one parent or guardian may nominate per junior playing member. If more than one parent or guardian nominates per junior playing member, only the first nomination shall be accepted. The nominated parent or guardian of a junior playing member who has registered for a competition and paid the relevant registration fee shall not be required to pay a membership fee and in receipt of the registration all relevant fees and completion of the Application for Membership, the Secretary shall enter the name of the parent or guardian in the register of members. The number of votes per family shall be limited to three (3) regardless of

the number of the number of playing members under the age of 18 in that family or the fact that the parents/guardians may also be playing members of the MBI.

4.1.4. Other Members (Coach, Assistant Coach, Technical Officials and Volunteers)

4.1.4.1 A person with an interest in basketball who is not a playing member or parent member over the age of 18 who applies for membership, whose application is approved by the Executive Committee and who pays the membership fee is eligible to be a member of the MBI.

**4.1.4.1.1. Membership fee will be determined by the Executive Committee on an annual basis**

4.1.4.2. A nomination of a person for membership of Association:

**4.1.4.2.1 Shall be made in writing as determined by the Executive Committee; and**

**4.1.4.2.2 Shall be lodged with the Secretary of the MBI.**

4.1.4.3. As soon as practicable after the receipt of a nomination, the Secretary shall refer the nomination to the Executive Committee.

4.1.4.4. The nomination being referred to the Executive Committee, the Executive Committee shall determine whether to approve or to reject the nomination but shall not be required to state any reason for failing or refusing to admit any person to membership.

4.1.4.5. Upon the nomination being approved by the Executive Committee, the Secretary shall, with as little delay as possible, notify the nominee in writing that he or she is approved for membership of the Association and request payment within the period of fourteen (14) days after receipt of the notification of the sum payable as per 4.1.4.1.1.

4.1.4.6. The Secretary shall, upon payment of the amounts referred to in 4.1.4.1.1 within the period of fourteen (14) days, enter the nominee's name in the register of members kept by him or her and, upon the name being so entered, the nominee becomes a member of the Association.

**4.2. Any person who:**

4.2.1. Supports the objectives of the MBI; and

4.2.2. Agrees to comply with the Code of Conduct of MBI; and

4.2.3. Wishes to field a team or teams in basketball competitions conducted by MBI or its nominated representative or Officiate or Coach; and

4.2.4. Aged eighteen (18) years of age or older

is eligible for membership.

**4.3** In Rule 4.2 "person" includes an individual, incorporated body or unincorporated body, and part of an incorporated body, subject to Rule 4.4

**4.4** An unincorporated body, of part of an incorporated body may only become a member by nominating an individual or incorporated body to act as a member on its behalf

**4.5** In this Constitution, unless the contrary intention appears, "member" includes an unincorporated body, or part of an incorporated or unincorporated body that is represented by an individual in accordance with Rule 4.4

Interpretation

**4.6** Application for membership must be:

4.6.1. In writing, in such form as MBI may from time to time prescribe, stating that the applicant:

4.6.1.1 Wishes to become a member of MBI;

4.6.1.2. Supports the objectives of MBI;

- 4.6.1.3. Agrees to comply with any of conduct or regulations of MBI;
- 4.6.1.4. Undertakes to pay such fees as MBI may from time to time require; and

4.6.2. Be signed by the applicant

#### Approval of Application for Membership

4.7. The Executive can:

- 4.7.1. Approve or reject an application; and
- 4.7.2. If rejected, the applicant must be notified within 2 weeks of the application being received.

4.8. If the Executive accepts the application:

- 4.8.1. The applicant becomes a member from the date of the Board meeting; and
- 4.8.2. The name and address of the new member and the date of becoming a member must be entered in the register of members

4.9. If the Executive rejects the application, it must return the subscription to the applicant

4.10. The Executive may delegate its powers to approve or disapprove an application for membership

#### Life Members

Life Members of the MBI may be elected at the Annual General Meeting by a three-fourths (75%) majority of those present and entitled to vote, provided that written notice of nomination for such election shall have been given to the Secretary of the MBI at least 7 days prior to the meeting.

- 4.11. Life membership shall be restricted to those whose service to basketball and the MBI has been worthy of the highest honour.
- 4.12. The Executive Committee shall present a written report to the Annual General Meeting on the services of any nominee together with its recommendations as to the suitability for the honour.
- 4.13. By resolution of a three-fourths majority of those present and entitled to vote at an Annual General Meeting of the MBI, life membership may be cancelled.
- 4.14. Life members shall be granted the privileges of free admission to all functions held by the MBI and the right to attend and vote at the Annual General Meeting.
- 4.15. Life members shall be awarded a badge of appropriate design.

#### Subscriptions

- 4.16. The Executive must by regulation set the subscription
- 4.17. The amount of the subscription and the date for payment may vary according to criteria set by the Executive in the regulation
- 4.18. The voting and other rights of members who have not paid the subscription by the date of payment are suspended until the subscription is paid

#### Rights and Obligations

- 4.19. The rights of members are not transferable, and end when the member ceases to be a member in accordance with Rules of Resignation
- 4.20. By joining MBI and remaining members, members agree:
- 4.20.1. To support the objectives of MBI;
  - 4.20.2. To comply with any code of conduct adopted by MBI; and
  - 4.20.3. To comply with any regulations promulgated by MBI
- 4.21. These Rules constitute an enforceable contract between MBI and each member

#### Resignation

- 4.22. A member may resign by writing to MBI
- 4.23. Members whose subscriptions are more than one year in arrears are taken to have resigned
- 4.24. Members who breach the code of conduct are taken to have resigned, subject to Rules of Cessation

#### Discipline

- 4.25. The Executive may by resolution passed by an absolute majority suspend or expel a member for:
- 4.25.1. Failing to comply with the rules or regulations; or
  - 4.25.2. Causing a detriment to MBI
- 4.26. The Executive must not pass a resolution under Rule 4.25 unless the member has been:
- 4.26.1. Informed of what it is alleged the member has done; and
  - 4.26.2. Given a reasonable opportunity to be heard
- 4.27. MBI may not fine members, but may charge fees for costs reasonable incurred as a result of a member failing to comply with MBI's rules or regulations

#### Cessation

- 4.28. Members cease to be members:
- 4.28.1. On resignation, expulsion or ceasing to have legal capacity; and
  - 4.28.2. In the case of members nominated to act on behalf of an unincorporated body, or part of an incorporated or unincorporated body under Rule 4.4 – when another member is nominated;
  - 4.28.3. In the case of members who are not members in their own right – when another member is nominated
- 4.29. If a member ceases to be a member, the date of ceasing to be a member must be entered in the register of members

#### Register of Members

- 4.30. The Executive must ensure that a register of members is kept as required by the Act in which they are entered:
- 4.30.1. The name, date of birth and gender of each member;
  - 4.30.2. The address for notice last given by the member;



- 4.30.3. The date of becoming a member; and
- 4.30.4. In the case of former members – the date of ceasing to be a member

#### Grievance Procedure

- 4.31. The grievance procedure set out in these Rules applies to disputes under the Rules between:
  - 4.31.1. A member and another member; and
  - 4.31.2. A member and the Executive of MBI
- 4.32. In Rule 4.31 "member" includes a former member taken to have resigned under Rule 4.24; who:
  - 4.32.1. Disputes having breached the code of conduct or the regulations; and
  - 4.32.2. Wishes to be reinstated as a member
- 4.33. The parties must first attempt to resolve the dispute themselves
- 4.34. If the parties are unable to resolve the dispute, the Executive must appoint a mediator
- 4.35. The mediator:
  - 4.35.1. Must not have a personal interest in the dispute
  - 4.35.2. Must not be biased in favour or of against any party;
  - 4.35.3. May be a member or former member; and
  - 4.35.4. If possible, must be appointed with the agreement of all parties
- 4.36. The mediator must conduct a hearing at which each party is given a reasonable opportunity to be heard
- 4.37. The mediator may during, and must at the end of, the hearing attempt to resolve the dispute by agreement between the parties
- 4.38. If the mediator is unable to resolve the dispute by agreement between the parties, the mediator must determine the respective rights and obligations under these rules of the parties and any other members
- 4.39. A determination of a mediator under Rule 4.38 is binding on the parties and all members
- 4.40. A party may appoint another person to act on its behalf in the grievance procedure

#### Domestic Clubs

- 4.41. Domestic Clubs shall consist of Junior Domestic Teams and Senior Domestic Teams that participate in the MBI Junior Domestic Competition and Senior Domestic Competitions, as operated by MBI in collaboration with the Domestic committee.
  - 4.41.1. A registered club shall be deemed a club that is financial at least one (1) calendar month prior to the Annual General Meeting.
  - 4.41.2. A registered club must maintain a current list of all its office bearers, their contact details and a list of teams with the Secretary of the MBI.

#### Independent Senior Domestic Teams (Non-Club Teams)

- 4.42. Independent Senior Domestic Teams are teams that participate in the MBI Senior Domestic Competition.
  - 4.42.1. A registered team shall be deemed a team that is financial at least one calendar month prior to the Annual General Meeting.

4.42.2. A registered team must submit their current contact details to the Secretary of the MBI

4.42.3. They must also submit a delegate's name for each vote they are to receive as per Clause 8.2

#### Representative Program

4.43. The Representative Program consists of teams that represent the MBI in basketball competitions not operated by the MBI.

#### Conditions of Membership

4.44 The conditions of membership other than those already stipulated:

4.44.1. That all clubs submit to the MBI for approval prior to affiliation being granted, a copy of the Constitution of the club and subsequent updates.

4.44.2. The Secretary of each Domestic Club shall keep and maintain a register of members in which shall be entered the full name, date of birth and address of each member and the register shall be available for inspection by the Secretary of the MBI.

4.44.3. That the Representative Committee shall, on behalf of their teams, maintain a register of members in which shall be entered the full name and address of each member and the register shall be available for inspection by the Secretary of the MBI.

4.44.4. That all clubs or teams shall operate and manage its affairs in a manner that will not discredit the sport of basketball. They shall conduct themselves in accordance with the policies of Basketball Queensland and the MBI.

### **5. OFFICE BEARERS**

5.1. The following shall be the Office Bearers of MBI;

5.1.1. President;

5.1.2. Vice-President;

5.1.3. Secretary;

5.1.4. Treasurer

5.2. The Officer Bearers will form the Executive Committee and will be elected on a two (2) year term and shall continue to hold office until their successors have been duly elected at the relevant Annual General Meeting after their election. Retiring members of the Executive Committee are eligible for re-election.

5.3. All applicants for positions of an Office Bearer shall hold a current Blue Card.



## **6. EXECUTIVE COMMITTEE**

- 6.1. The following shall be the Office Bearers of the MBI;
  - 6.1.1. President;
  - 6.1.2. Vice-President;
  - 6.1.3. Secretary;
  - 6.1.4. Treasurer
  - 6.1.5. MBI CEO/General Manager (ex-officio) – shall not have voting rights at Executive Committee meeting
- 6.2. The Executive Committee meetings shall be chaired by the President, and in their absence the Vice President.
- 6.3. Three (3) members shall form a quorum at all meetings of the Executive Committee.
- 6.4. The Executive Committee shall be responsible for the Strategic Direction (along with Committee of Management); Governance of the MBI; oversee day-to-day management of the business; setting and approving financial budget and funds of the MBI.
- 6.5. To appoint or employ staff into employment or voluntary roles for the purpose of the MBI
- 6.6. To manage, maintain and improve, The Stadium, and plan and execute any and future developments.
- 6.7. To invest and deal with the money of the Association not immediately required in such manner as may from time to time be thought fit.
- 6.8. The Executive Committee shall meet a minimum of ten (10) times each year.
  - 6.8.1. Minutes shall be kept of all Executive Meetings and passed at each subsequent meeting.
  - 6.8.2. In the event that an immediate decision must be made on behalf of the MBI, and it is not possible or practical to convene a meeting, three (3) members of the Executive (one of which must be either the President or Vice President), may make a decision on behalf of the MBI.
  - 6.8.3. This decision is then required to be ratified at the next Executive Committee meeting.
- 6.9. The Executive Committee may co-opt individuals with expertise in a non-voting capacity as required.
- 6.10. At any meeting of the Executive Committee, each member present shall be entitled to one (1) vote. All votes shall be of equal value. The Chairperson of the meeting shall in the case of equality have a casting vote.
- 6.11. The office of an Office Bearer of the MBI or a member of the Executive Committee becomes vacant if the Office Bearer, or member:
  - 6.11.1. Becomes insolvent under administration within the meaning of the company's code;
  - 6.11.2. Resigns from office by notice, in writing, to the Secretary of the MBI;
  - 6.11.3. Dies or becomes infirm; or
  - 6.11.4. In the opinion of the Executive Committee, conducts themselves in a manner contrary to the best interests of basketball.

6.12. In the event of a casual vacancy of an Office Bearer, the Executive Committee may fill the vacancy and the person so appointed shall hold office subject to these rules until the next Annual General Meeting at which time the vacancy shall be filled by election.

6.13. In the event a public statement is to be made on behalf of the association, it shall be made by the President or in their absence, the Vice President or MBI CEO.

## **7. COMMITTEE OF MANAGEMENT**

7.1. The Committee of Management (COM) shall consist of;

- 7.1.1. Executive Committee of the MBI;
- 7.1.2. Domestic Competitions Chairperson;
- 7.1.3. Ladies Daytime Chairperson;
- 7.1.4. Junior Representative Chairperson;
- 7.1.5. Senior Representative Chairperson;
- 7.1.6. Technical Officials Chairperson;

7.2. COM shall be elected for a two (2) year term and shall continue to hold office until their successors have been duly elected at the relevant Annual General Meeting after their election. Retiring members of the Executive Committee are eligible for re-election. If the relevant Chairperson, referred to at 7.1.2, 7.1.3, 7.1.4, 7.1.5 and 7.1.6 above, is unable to attend a meeting, they may be represented by a member of the same committee.

7.3. The COM shall be responsible in assisting in the Strategic direction of MBI, the delivery (operational execution) of the MBI Strategic Plan and make changes to rules, policies, and procedures.

7.4. The COM shall meet a minimum of ten (10) times each year.

7.4.1. Minutes shall be kept of all COM Meetings and passed at each subsequent meeting.

7.5. The COM may co-opt individuals with expertise in a non-voting capacity as required.

7.6. Seven (7) members shall form a quorum at all meetings of the COM.

7.7. At any meeting of the COM, each member present shall be entitled to one (1) vote. All votes shall be of equal value. The Chairperson of the meeting shall in the case of equality have a casting vote.

7.8. In the event a public statement is to be made on behalf of the association, it shall be made by the President or in their absence, the Vice President or MBI CEO/GM.

## **8. NOMINATIONS FOR OFFICE BEARERS AND COMMITTEE OF MANAGEMENT**

### **8.1. Nominations**

8.1.1. Nominations for Office Bearers and Committee of Management members shall be made in writing by an MBI member on the approved form and lodged with the Secretary of the MBI at least seven (7) calendar days before the date of the Annual General Meeting.

8.1.2. Nominees must be a financial member of MBI.

### **8.2. Written Consent**

8.2.1. The written consent of the person nominated is to be lodged with the Secretary of the MBI at the same time as nomination.

### **8.3. Other Positions**

8.3.1. If a person nominated for a position as an Office Bearer is defeated in that election, they may be nominated at the Annual General Meeting for any other position that is at that time not determined.

### **8.4. Insufficient Nominations**

8.4.1. In the event of insufficient nominations being received for an office, nominations may be called from the floor at the Annual General Meeting after all other elections take place. Either written or verbal consent of the person being nominated is required at the meeting.

## **9. ANNUAL GENERAL MEETING OR SPECIAL MEETING**

### **9.1. Meeting Types and Scheduling**

9.1.1. An Annual General Meeting or Special Meeting must be called at least one calendar month prior to the scheduled date of the meeting

9.1.2. The Annual General Meeting of the MBI shall be held no later than three (3) calendar months into the new financial year on such days and such places as the Executive Committee shall determine, provided that members are advised of the date and venue one (1) calendar month prior to the meeting

9.1.2.1. The ordinary business of the Annual General Meeting shall be;

9.1.2.1.1. To confirm the minutes of the preceding Annual General Meeting and of any Special Meeting held since that Annual General Meeting;

9.1.2.1.2. To receive from the Executive Committee, reports upon the transactions of the MBI during the preceding financial year including;

a) Statement by Office Bearers;

b) Presidents Report;

c) Financial Report (including Treasurer Statement, Profit & Loss, Balance Sheet

d) Domestic Competitions Report;

e) Ladies Daytime Report;

f) Junior Representative Report

g) Senior Representative Report; and

h) Technical Officials Report.

9.1.2.1.3. To elect the office bearers of the MBI and other members as per clause 6.1;

- 9.1.2.1.4. To receive and consider the statement submitted by the MBI in accordance with Associations Incorporation Act 1981;
- 9.1.2.1.5. To transact any other business of which notice in writing shall have been given to the Secretary of the MBI at least 14 calendar days prior to the date of the meeting;
- 9.1.2.1.6. The Secretary of the MBI shall give seven (7) calendar days' notice of the Agenda to members and officer bearers;
- 9.1.2.1.7. All members of the MBI shall be entitled to attend the Annual General Meeting. Only nominated delegates shall be entitled to vote.
- 9.1.2.1.8. Any proposed changes to this Constitution must be provided to the Secretary at least 21 calendar days prior to the date of the Annual General Meeting or Special Meeting.

9.1.3. A quorum of at least 20 people entitled to vote, is required at an Annual General Meeting or Special Meeting

9.1.4. A Special Meeting of the MBI shall be held at such time and place, as the Executive Committee shall determine. A Special Meeting may also be called on the written request of the Executive Committee or by twenty percent of clubs and teams duly registered and eligible to vote. In either event, the Secretary of the MBI shall give notice of at least one (1) calendar month to all members of the MBI. The only business to be transacted at that meeting is, that which was stated at the time the meeting was requested.

**9.2. Voting Rights**

- 9.2.1. All members are entitled to vote at general meetings except those whose voting rights have been suspended under Rules of Approval of Application of Membership and Rule 4.25
- 9.2.2. Unless a poll is demanded, voting is by show of hands
- 9.2.3. An individual member may only cast one (1) vote.
- 9.2.4. In the event of equality of votes, the Chairperson will have a deliberative vote.
- 9.2.5. No attendee shall have more than two (2) proxy votes at any meeting of the MBI

**9.3. Elections of Positions;**

9.3.1. All elections shall be carried out by ballot in the following order;

<b>Position</b>	<b>Election period</b>	<b>Term</b>
President – Executive	Odd year	2 years
Vice President – Executive	Even-year	2 years
Secretary – Executive	Odd year	2 years
Treasurer – Executive	Even-year	2 years
Domestic Competitions Chairperson	Odd year	2 years
Junior Representative Chairperson	Even-year	2 years
Senior Representative Chairperson	Odd year	2 years
Ladies Daytime Chairperson	Even-year	2 years
Technical Officials Chairperson	Odd year	2 years

Tribunal Secretary		1 year
Ordinary Member positions as per clauses 11.1, 11.2, 11.3, 11.4 and 11.5		1 year

9.3.2. Where there is only one (1) nomination for a position, that individual will be elected unopposed

9.3.3. Where there are two (2) or more nominations for a position, a ballot with the names of each nominee will be cast

9.3.3.1. Votes will be cast by placing a X in the box beside the nominee's name

9.3.3.2. For the case of counting votes, two (2) Life Members who are not nominees will be appointed by the Chairperson to act as scrutineers

9.3.3.3. The individual with the greater number of votes will be declared the winner

**9.4. First AGM after Adoption of this Constitution**

9.4.1. At the first AGM following the adoption of this constitution, any position which is elected in an even year, shall only be elected for one (1) year.

**10. DUTIES OF ELECTED MEMBERS**

Position descriptions specific to roles shall be provided however in general the duties are:

**10.1. President**

At all Executive Meetings, Committee of Management, Annual General Meetings and Special Meetings of the MBI the President shall be Chairperson. In the absence of the President the Vice President shall be Chairperson.

**10.2. Vice President**

It shall be the duty of the Vice President to represent the Executive Committee in ensuring that the activities of the Delegated Bodies be conducted in the best interests of the MBI.

**10.3. Secretary**

It shall be the duty of the Secretary of the MBI to attend all meetings of the MBI (Executive Committee and Committee of Management). They shall conduct all correspondence of the MBI, keep a record of all reports from committees, and distribute reports from the Executive Committee to members in appropriate time and schedule meetings of the MBI and the Executive Committee.

**10.4. Treasurer**

The Treasurer shall create and maintain a budget for all MBI approved accounts and Delegated Bodies. They shall keep or oversee correct accounts of all monies received or disbursed, maintain cost control procedures and shall produce financial statements for all Executive, Committee of Management and Annual General Meetings.

**10.5. Ladies Daytime Chairperson**

The Ladies Daytime Chairperson shall be responsible for chairing meetings of the Ladies Daytime Committee. They shall ensure that their committee acts in accordance with the MBI Constitution and Mackay Basketball Competition Guidelines.

**10.6. Junior Representative Chairperson**

The Junior Representative Chairperson shall be responsible for chairing meetings of the Junior Representative Committee. They shall ensure that their committee acts in accordance with the MBI Constitution and Junior Representative Charter.

#### **10.7. Senior Representative Chairperson**

The Senior Representative Chairperson shall be responsible for chairing meetings of the Senior Representative Committee. They shall ensure that their committee acts in accordance with the MBI Constitution and Senior Representative Charter.

#### **10.8. Technical Officials Chairperson**

The Technical Officials Chairperson shall be responsible for chairing meetings of the Technical Officials Committee. The Technical Officials Committee shall be responsible for the training, recruitment, retention and provisioning of Technical Officials for all designated games conducted under the auspicious of the MBI.

#### **10.9 Domestic Competitions Chairperson**

The Domestic Chairperson shall be responsible for chairing meetings of the Domestic Committee. They shall ensure that the committee acts in accordance with the MBI Constitution and MBI Competition Guidelines.

### **11. SUBCOMMITTEES**

#### **11.1. Domestic Committee – will have meetings as required**

11.1.1. The Domestic Committee will consist of Domestic Chairperson, MBI Competition and Participation Coordinator, a maximum of two (2) delegates from each Domestic Club as ordinary members.

#### **11.2. Junior Representative Committee – will have meetings as required**

11.2.1. The Junior Representative Committee will consist of Junior Representative Chairperson, MBI Junior Development Coordinator and a maximum of three (3) ordinary members

#### **11.3. Senior Representative Committee – will have meetings as required**

11.3.1. The Senior Representative Committee will consist of Senior Representative Chairperson, MBI QBL GM and a maximum of three (3) ordinary members

#### **11.4. Technical Officials Committee – will have meetings as required**

11.4.1. The Technical Officials Committee will consist of Senior Representative Chairperson, MBI Competition and Participation Coordinator and a maximum of three (3) ordinary members

#### **11.5. Ladies Daytime Committee – will have meetings as required**

11.5.1. The Ladies Daytime Committee will consist of Ladies Daytime Chairperson and a maximum of two (2) ordinary members

#### **11.6. Subject to its overall supervision, the MBI shall delegate the promotion and management of the sport of basketball in the following format and to the following Subcommittees:**

11.6.1. Domestic Competitions to the Domestic Committee as elected at the Annual General Meeting of the MBI;



- 11.6.2. Junior Representative Program to the Junior Representative Committee as elected at the Annual General Meeting of the MBI;
  - 11.6.3. Senior Representative Program to the Senior Representative Committee as elected at the Annual General Meeting of the MBI;
  - 11.6.4. Technical Officials Committee to adjudicate the game of basketball under the rules dictated by the official FIBA Basketball Rules and the Mackay Basketball Competition By-Laws.
  - 11.6.5. Ladies Daytime Competition to the Ladies Daytime Committee as elected at the Annual General Meeting of the MBI
- 11.7. The rights, responsibilities and modes of these delegated bodies shall be set out in the relevant Committee charters.
- 11.8. Delegated bodies operate under the MBI's incorporation status and do not require independent corporate status.
- 11.9. Delegated bodies operate under the MBI Constitution, Mackay Basketball Competition Guidelines and do not require independent Constitutions and By-Laws.
- 11.10. Delegated bodies shall present written reports to the Committee of Management Meetings.

## **12. BANKING**

- 12.1. All monies of the MBI shall be deposited in accounts in such bank as shall be approved by the MBI Executive and all payments operating on the accounts shall be any two of the following; President, Vice President, Secretary, Treasurer or MBI CEO.

## **13. FUNDS OF THE ASSOCIATION**

- 13.1. The Financial Year shall commence on the 1st day of January of each year and end on the 31st day of December that same year.
- 13.2. The funds of the MBI shall be derived from Membership Fees, Competition fees, sponsorship, donations, grants and such other sources as MBI or Executive Committee so determines.

## **14. NOTICES**

- 14.1. All notices shall be made in writing.
- 14.2. A notice required under this Constitution to be served by or on behalf of the MBI may be served personally or by sending it by post to the last known address or by facsimile or e-mail or other electronic means.
- 14.3. Where a document is properly addressed, pre-paid and posted, the document shall, unless the contrary is proved, be deemed to have been delivered at the time at which the document would have been delivered in the ordinary course of post.
- 14.4. Where a document is sent by facsimile or by e-mail or other electronic means it shall be deemed to have been delivered in the ordinary course of time for delivery by that means
- 14.5. Where the time for giving notice under this Constitution falls on a non-business day, the notice shall be required to be given by the next business day.
- 14.6. Notices of meetings may be given to members by posting the notice on the official website and the official Facebook page of the MBI.

## **15. CONSTITUTION**

15.1. No alterations shall be made to this Constitution except by special resolution at an Annual General Meeting or by a Special Meeting of the MBI duly called for that purpose.

15.2. No alteration shall be made to the Constitution of the MBI except in accordance with the Associations Incorporation Act 1981.

## **16. COMMON SEAL**

16.1 The Common Seal of the MBI shall be kept in the custody of the Secretary of the MBI;

16.2. The Common Seal shall not be affixed to any instrument except by the authority of the Executive Committee of the MBI and the signature of two members of the Executive Committee shall attest the affixing of the Common Seal

## **17. UNFORSEEN MATTERS**

17.1. 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 MBI.

## **18. CUSTODY OF RECORDS**

18.1 Except as otherwise provided in this Constitution, the Secretary of the MBI shall keep in custody or under control all books, documents and securities of the MBI.

## **19. CONTRACTS**

19.1. Only Office Bearers of the MBI are authorised to sign contracts on behalf of the MBI by the authority of the Executive Committee of the MBI and the signature of two members of the Executive Committee.

## **20. WINDING UP**

20.1. In the event of a winding up or the cancellation of the incorporation of the MBI, the assets of the MBI shall be disposed of in accordance with the provisions of the Associations Incorporation Act 1981 Queensland.