



BASKETBALL WA

Affiliated Community Programs and Association By-Law

**Date adopted by Basketball WA Board
Date Affiliated Association By-Law Effective**

**30 September 2021
1 October 2021**

1 INTRODUCTION

- 1.1 These By-laws are made under Article 29 (a) of the Constitution of The Western Australian Basketball Federation Incorporated ("Basketball WA"), are known as "the Affiliated Association By-Law" and commence once passed by the Basketball WA Board.
- 1.2 All by-laws previously made concerning membership obligations are rescinded.

2 DEFINITIONS

Affiliated Community Program – an incorporated organisation that uses basketball to support its objects.

Affiliated Association – an affiliated association guided by the objects of Basketball WA's Constitution, operating independently to service their communities by running a basketball competition.

Basketball WA - The governing body of basketball in Western Australia as outlined in the Constitution.

Members - The Members of Basketball WA shall consist of:

- (a) The Affiliated Associations;
- (b) Life Members; and
- (c) Such new categories of Members created in accordance with Rule 7.2 of Basketball WA's constitution.

3 FINANCIAL OBLIGATIONS

- 3.1 All affiliated community programs will make such payments agreed under the Memorandum of Understanding and as determined from time to time by Basketball WA as and when they become due.
- 3.2 All affiliated associations will make such payments due under the Constitution and as determined from time to time by Basketball WA as and when they become due.
- 3.3 Payments must be made in a format determined by Basketball WA in order to be valid.

4. AGREEMENT BETWEEN BASKETBALL WA AND AFFILIATED COMMUNITY PROGRAMS

- 4.1 All affiliated community programs will sign a Memorandum of Understanding outlining the relationship between BWA and the organisation.
- 4.2 All affiliated community programs that use Basketball WA programs must do so in accordance with Basketball WA By-laws and regulations.
- 4.3 Affiliated community programs do not have voting rights with Basketball WA.

5. AGREEMENT BETWEEN BASKETBALL WA AND AFFILIATED ASSOCIATIONS.

Metropolitan Associations Prior to the 1st May of each year, each metropolitan affiliated association must return a statement in the form of the agreement contained in schedule (A) to this by-law.

Country Associations Prior to the 1st September of each year, each country affiliated association must return a statement in the form of the agreement contained in schedule (A) to this by-law.

6. ASSOCIATION REPORTING REQUIREMENTS

- 6.1 Prior to the commencement of the first basketball season within an association's financial year, each affiliated association shall submit to Basketball WA a copy of the current association Constitution and By-Laws (if amended in the past twelve (12) months in accordance with clause six (6));
- 6.2 Within 6 months of the end of their financial year the Association will send to BWA a copy of the following:
 - Contact details for the current Board/Committee.
 - AGM minutes.
 - Association Profit and Loss (/Income Statement) and Balance Sheet in the format presented to members.
- 6.3 Player registrations shall be taken via the online database prescribed by Basketball WA. Committee/Board member contact details shall be kept updated by the association in the online database.
- 6.4 An association who is having serious administrative, operational or financial difficulties shall advise the Basketball WA CEO as soon as practicable.
- 6.5 An association acknowledges that where the CEO is advised, or otherwise becomes aware of such difficulties as described in clause 6.4, Basketball WA may become involved by whatever means necessary to address such difficulties.

7. AMENDMENT OF ASSOCIATION BY-LAWS

- 7.1 Basketball WA and Basketball Australia's By-Laws are binding on all affiliated associations. Associations may not pass any By-Laws or policies that conflict with the Basketball WA and Basketball Australia By-Laws.
- 7.2 Any affiliated association amending its By-Laws must submit the amendment to the Association Development department of Basketball WA within fourteen (14) days of the amendment.
- 7.3 For the purpose of this By-Law, Basketball WA only require a copy of any By-Laws that are related to and/or have the potential to conflict with the Basketball Australia Member Protection By-Law or BWA Tribunal By-Laws.
- 7.4 Unless Basketball WA's Chief Executive Officer (CEO) decides that the amendment is contrary to the general good and advancement of basketball in WA, the Association Development Manager must approve the amendment as soon as practicable after it has been received.
- 7.5 If the CEO declines to approve the proposed amendment, the amendment shall be void and any action or decision taken under the amendment shall also be void.

8. BREACH OF CONSTITUTION, BY-LAWS, PARTNERSHIP AGREEMENT OR MEMORANDUM OF UNDERSTANDING

- 8.1 In addition to any penalty imposed by the Constitution, any Association or Community Program which breaches any provision of the Constitution or any of its obligations under any of the Basketball WA By-Laws, the partnership agreement under clause 5.1, or the Memorandum of Understanding under clause 4.1 may be prohibited from competing in Basketball WA sanctioned events.
- 8.2 The period of any suspension to be imposed under clause 8.1 will be determined by a Basketball WA committee containing one (1) representative from each of the following departments: Association Development, Competitions and the BWA Executive team.
- 8.3 Prior to a suspension being imposed under clause 8.1 Basketball WA must have given the affiliated association at least fourteen (14) days' written notice of the alleged breach and provided the association an opportunity to rectify the breach and provide a written explanation.
- 8.4 An association suspended from competition under these by-laws may appeal to Basketball WA within seven (7) days of the suspension being notified to it and a panel of three (3) independent tribunal members who were not involved in the initial decision will determine the appeal.

9. NEW APPLICATIONS FOR MEMBERSHIP

- 9.1 Any person intending to seek affiliation of a new community program or of a new association as a member of Basketball WA shall give notice in writing on schedule (B) to the Basketball WA CEO.
- 9.2 The Association Development Manager, or other officer nominated by the CEO, shall forward to any person giving notice under clause 9.1 all relevant information and provide such assistance as is possible including:
- 9.2.1 Advice on procedure to be followed;
 - 9.2.2 A copy of the Constitution, all By-Laws and relevant policy documents of Basketball WA;
 - 9.2.3 A copy of the model rules for incorporated associations or a Draft Memorandum of Understanding; and
 - 9.2.4 An application form as prescribed in the schedule to these By-Laws.
- 9.3 For an applicant to become an affiliated association the proposed new association shall submit to the CEO:
- 9.3.1 The application form signed by three (3) persons prepared to accept positions as office bearers if elected;
 - 9.3.2 A proposed Constitution and By-Laws;
 - 9.3.3 A submission as to the benefits of the proposed association to the development of basketball in the region of the association, details of teams already playing and reasons why the acceptance of the application will not, or not significantly, adversely impact on neighboring association(s);
 - 9.3.4 Proof that all currently affiliated associations neighboring the new association have been given at least fourteen (14) days' notice in writing of the proposed association and inviting comments and of any reply;
 - 9.3.5 Details of existing and proposed competitions including any regional co-operation in the conduct of competitions; and
 - 9.3.6 An outline of facilities available and details of how those facilities meet current and future needs of the association.
- 9.4 For an applicant to become an affiliated community program the organisation shall submit to the CEO:

- 9.4.1 The application form signed by the Chairperson or CEO of the organisation;
 - 9.4.2 A Constitution and Draft Memorandum of Understanding;
 - 9.4.3 A submission as to the benefits of the proposed program to the development of basketball in the region of the organisation;
 - 9.4.4 Proof that all currently affiliated associations within the region where the organisation operates have been given at least fourteen (14) days' notice in writing of the proposed association and inviting comments and of any reply;
 - 9.4.5 Details of existing and proposed programs including any regional co- operation in the conduct of competitions; and
 - 9.4.6 An outline of facilities available and details of how those facilities meet current and future needs of the organisation.
- 9.5 Upon receipt of an application for affiliation of a new association, or community program, the Association Development Manager, or other officer nominated, shall give written notice of the application to each neighboring association which has not already responded to the applicant's notice under clause 9.3 [or 9.4](#) giving a further seven (7) days to respond.
- 9.6 After the seven (7) days referred to in clause 9.5 has expired, the Association Development Manager will advise the Basketball WA CEO as to whether the new association is recommended for affiliation or reasons why they should not be affiliated.
- 9.7 Upon receipt of an application for affiliation of a community program the Association Development Manager, or other officer nominated, shall advise the Basketball WA CEO as to whether the community program is recommended for affiliation or reasons why they should not be affiliated.
- 9.8 Upon receipt of a recommendation under clause 9.6 or 9.7 the Basketball WA CEO shall decide to recommend to the Board acceptance or otherwise of the application.
- 9.9 If the Basketball WA CEO recommends acceptance of an application for affiliation as an association the association shall become an affiliated association upon;
- Final Basketball WA Board approval
 - Passing of its constitution and by-laws as submitted;
 - The election of office bearers; and
 - Signing of an agreement under clause 5 of this By-Law.

- 9.10 Final approval of applications for new affiliates rests with the Board, however upon receiving a recommendation from the Basketball CEO an association may commence such operations necessary to satisfy clause 9.9 if they have not already done so.
- 9.11 If the Basketball WA CEO declines to recommend an application for affiliation by an association, the association may appeal to the Basketball WA Board who may consider the appeal in person, via teleconference or through written correspondence.
- 9.12 If the Basketball WA CEO recommends acceptance of an application for affiliation as a community program the organisation shall become an affiliated community program upon;
- Final Basketball WA Board Approval.
 - Signing of a Memorandum of Understanding under clause 4 of this By-Law.