

Constitution
of the
MOOROOLBARK FLASHES
BASKETBALL CLUB INC.
an
INCORPORATED
CLUB.

AN INCORPORATED CLUB.

1. The incorporated association is the Mooroolbark Flashes Basketball Club (in these Rules called “the Club”) and is a not for profit organisation.

(1) All rules, regulations, constitutions and by-laws previously made concerning the Mooroolbark Flashes Basketball Club Incorporated are rescinded.

2. Definitions

(1) In these Rules, unless the contrary intention appears –

“**Act**” means the Associations Incorporation Act 1981;

“**committee**” means the Committee of Management of the Club;

“**financial year**” means the year ending 30 June;

“**general meeting**” means a general meeting of members convened in accordance with rule 12.

“**member**” means a member of the Club;

“**Regulations**” means regulations under the Act;

“**relevant documents**” has the same meaning as in the Act.

(2) In these Rules, a reference to the Secretary of the Club is a reference –

(a) if a person holds office under these Rules as Secretary of the Club to that person; and

(b) in any other case, to the public officer of the Club.

3 Objects

The objects of the club shall be:

(a) to promote interest and good fellowship in basketball;

(b) to instruct and administer basketball fundamentals and rules to members of the Club;

(c) to provide adequate discipline to players, coaches and supporters enabling the advancement of knowledge and skills of the game;

- (d) organise teams consisting of players of similar age and ability levels and enter those teams in appropriate basketball competitions; and
- (e) The assets and income of the Club shall be applied solely in furtherance of its above-mentioned objects and no portion shall be distributed directly or indirectly to the members of the Club except as bona fide compensation for services rendered or expenses incurred on behalf of the Club.

4 Alteration of the Rules

These Rules and the statement of purposes of the Club must not be altered except in accordance with the Act.

5 Membership, entry fees and subscription

(1) Playing Members

- (a) A person who is registered to play in any team of the club is a member. Only playing members who have reached the age of 18 at the time of a general meeting may exercise a vote at that general meeting.
- (b) 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 on receipt of the registration and all relevant fees, the secretary shall enter the name of the playing member in the register of members.

(2) Parental Members

- (a) A parent or guardian of a playing member who has not reached the age of 18("junior playing member") at the time of a general meeting may nominate to the secretary in writing prior to the general meeting that he or she represents the playing member under 18years of age and that parent or guardian will become a member with full voting rights. Only one parent or guardian may nominate per junior playing member. If more than one parent or guardian nominates for particular junior playing member, only the first nomination shall be accepted by the secretary.

- (b) The nominated parent or guardian of 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 on receipt of the registration and all relevant fees, the secretary shall enter the name of the parent or guardian in the register of members.

(3) Other members

- (a) Any person with an interest in basketball who is not a playing or parental member who applies and is approved for membership as provided in these Rules is eligible to be a member of the Club on payment of the entrance fee and annual subscription payable under these Rules (if any).
- (b) A person other than a playing member or parental member must not be admitted to membership unless—
 - (i) he or she applies for membership in accordance with subrule (3)(a); and
 - (ii) the admission as a member is approved by the committee.
- (c) An application of a person for membership of the Club must—
 - (i) be made in writing in the form set out in Appendix 1; and
 - (ii) be lodged with the Secretary of the Club.
- (d) As soon as practicable after the receipt of an application, the Secretary must refer the application to the committee.
- (e) The committee must determine whether to approve or reject the application.
- (f) If the committee approves an application for membership, the Secretary must, as soon as practicable—
 - (i) notify the applicant in writing of the approval for membership; and
 - (ii) request payment within 28 days after receipt of the notification of any sum payable under these Rules as the entrance fee and the first year's annual subscription.
- (g) The Secretary must, within 28 days after receipt of the amounts referred to in sub-rule (f)(ii), enter the applicant's name in the register of members.

- (h) An applicant for membership becomes a member and is entitled to exercise the rights of membership when his or her name is entered in the register of members.
 - (i) If the committee rejects an application, the committee must, as soon as practicable, notify the applicant in writing that the application has been rejected but is not obliged to give reasons for the rejection.
 - (j) A right, privilege, or obligation of a person by reason of membership of the Club—
 - (i) is not capable of being transferred or transmitted to another person; and
 - (ii) terminates upon the cessation of membership whether by death or resignation or otherwise.
 - (k) The entrance fee (if any) is the relevant amount decided by the committee from time to time.
 - (l) The annual subscription is the relevant amount decided by the committee from time to time and is payable in advance on or before 1 July in each year.
- (4) A member may only hold membership in one category of membership in sub-rules (1), (2) or (3).

(5) Life Members

- (a) Life Members of the club may be elected at a general meeting by a three-fourths majority of those present and entitled to vote, provided that written notice of nomination for such election shall have been given to the Secretary at least 21 days before the meeting.
- (b) Life membership shall be restricted to those whose service to basketball and the club has been worthy of the highest honour.
- (c) By resolution of a three-fourths majority of those present and entitled to vote at a general meeting, life membership may be cancelled.
- (d) Life members shall be granted the privileges of free admission to all functions held by the club and the right to attend and vote at general meetings.
- (e) Life members shall be awarded a certificate of appropriate design.

- (6) An entrance fee is the relevant amount as decided by the committee from time to time.
- (7) The annual subscription is the relevant amount as decided by the committee from time to time and is payable in advance on or before 1 July each year.

6 Register of members

- (1) The Secretary or Registrar must keep and maintain a register of members containing –
 - (a) the name and address of each member; and
 - (b) the date on which each member's name was entered in the register.
- (2) The register is available for inspection free of charge by any member upon request , however for the protection of the privacy of members, only names of members may be inspected.
- (3) A member may make a copy of entries in the register , however for the protection of the privacy of members, only names of members may be copied.

7 Ceasing membership.

- (1) A member of the Club who has paid all moneys due and payable by a member of the Club may resign from the Club by giving one month's notice in writing to the Secretary of his or her intention to resign.
- (2) After the expiry of the period referred to in sub-rule (1) –
 - (a) the member ceases to be a member; and
 - (b) The Secretary must record in the register of members the date on which the member ceased to be a member
- (3) A player member ceases to be a member if he or she is not registered or has not paid the relevant fees in full to play in a team of the club.
- (4) A parental member ceases to be a member if his or her child is not registered or has not paid the relevant fees in full to play in a team of the club or turns the age of 18
- (5) Any other member ceases to be a member if their membership is unfinancial for more than 1 year.

8 Discipline, suspension and expulsion of members.

- (1) Subject to these Rules, if the committee is of the opinion that a member has refused or neglected to comply with these Rules, or has been guilty of conduct unbecoming a member or prejudicial to the interests of the Club, the committee may by resolution –
 - (a) fine that member an amount not exceeding \$500; or
 - (b) suspend that member from membership of the Club for a specified period; or
 - (c) expel that member from the Club.
- (2) A resolution of the committee under sub-rule (1) does not take effect unless
 - (a) at a meeting held in accordance with sub-rule (3), the committee confirms the resolution; and
 - (b) if the member exercises the right of appeal to the Club under this rule, the Club confirms the resolution in accordance with this rule.
- (3) A meeting of the committee to confirm or revoke a resolution passed under sub-rule (1) must be held not earlier than 14 days, and not later than 28 days after notice has been given to the member in accordance with sub-rule (4).
- (4) For the purpose of giving notice in accordance with sub-rule (3), the Secretary must, as soon as is practicable, cause to be given to the member a written notice –
 - (a) setting out the resolution of the committee and the grounds on which it is based; and
 - (b) stating that the member, or his or her representative, may address the committee at a meeting to be held not earlier than 14 days and not later than 28 days after the notice has been given to that member; and
 - (c) stating the date, place and time of that meeting; and
 - (d) informing the member that he or she may do one or both of the following
 - (i) attend that meeting;

- (ii) give to the committee before the date of that meeting a written statement seeking the revocation of the resolution;
 - (e) informing the member that, if at that meeting, the committee confirms the resolution, he or she may not later than 48 hours after that meeting, give the Secretary a notice to the effect that he or she wishes to appeal to the Club in general meeting against the resolution.
- (5) At a meeting of the committee to confirm or revoke a resolution passed under sub-rule (1), the committee must –
- (a) give the member, or his or her representative,, an opportunity to be heard; and
 - (b) give due consideration to any written statement submitted by the member; and
 - (c) determine by resolution whether to confirm or revoke the resolution.
- (6) If at the meeting of the committee, the committee confirms the resolution, the member may, not later than 48 hours after that meeting, give the Secretary a notice to the effect that he or she wishes to appeal to the Club in general meeting against the resolution.
- (7) If the Secretary receives a notice under sub-rule (6), he or she must notify the committee and the committee must convene a general meeting of the Club to be held within 21 days after the date on which the Secretary received the notice.
- (8) At a general meeting of the Club convened under sub-rule (7)–
- (a) no business other than the question of the appeal may be conducted; and
 - (b) the committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution; and
 - (c) the member, or his or her representative, must be given an opportunity to be heard; and

- (d) the members present must vote by secret ballot on the question whether the resolution should be confirmed or revoked.
- (9) A resolution is confirmed if, at the general meeting, not less than two thirds of the members vote in person in favour of the resolution. In any other case the resolution is revoked.

9 Disputes and mediation.

- (1) The grievance procedure set out in this rule applies to disputes under these Rules between –
- (a) a member and another member; or
 - (b) a member and the Club.
- (2) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all the parties.
- (3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
- (4) The mediator must be –
- (a) a person chosen by agreement between the parties; or
 - (b) in the absence of agreement –
 - (i) in the case of a dispute between a member and another member, a person appointed by the committee of the Club; or
 - (ii) in the case of a dispute between a member and the Club, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice)
- (5) A member of the Club can be a mediator.
- (6) The mediator cannot be a member who is a party to the dispute.
- (7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

- (8) The mediator, in conducting the mediation, must –
- (a) give the parties to the mediation process every opportunity to be heard; and
 - (b) allow due consideration by all parties of any written statement submitted by any party; and
 - (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- (9) The mediator must not determine the dispute.
- (10) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

10. Annual general meetings.

- (1) The Club shall in each calendar year convene an annual general meeting of its members.
- (2) The committee may determine the date, time and place of the annual general meeting of the Club.
- (3) A notice convening the annual general meeting must specify that the meeting is an annual general meeting.
- (4) The ordinary business of the annual general meeting shall be –
 - (a) to confirm the minutes of the previous annual general meeting and any general meeting held since that meeting; and
 - (b) to receive from the committee reports upon the transactions of the Club during the preceding financial year; and
 - (c) to elect officers of the Club and the ordinary members of the committee; and
 - (d) to receive and consider the statement submitted by the Club in accordance with section 30 (3) of the Act.
- (5) The annual general meeting may conduct any special business of which notice has been given in accordance with these Rules.

11. Special general meetings.

- (1) In addition to the annual general meeting, any other general meeting may be held in the same year.
- (2) All general meetings other than the annual general meeting are special general meetings.
- (3) The committee may, whenever it thinks fit, convene a special general meeting of the Club.
- (4) If, but for this sub-rule, more than 15 months would elapse between annual general meetings, the committee must convene a special general meeting before the expiration of that period.
- (5) The committee must, on the request in writing of members not less than 5 per cent of the total number of members, convene a special general meeting of the Club.
- (6) The request for the special general meeting must -
 - (a) state the objects of the meeting; and
 - (b) be signed by the members requesting the meeting; and
 - (c) be sent to the address of the Secretary.
- (7) If the committee does not cause a special general meeting to be held within one month after the date on which the request is sent to the address of the Secretary, the members making the request, or any of them, may convene a special general meeting to be held not later than 3 months after that date.
- (8) If a special general meeting is convened by members in accordance with this Rule, it must be convened by the committee and all reasonable expenses incurred in convening the special general meeting must be refunded by the Club to the person incurring the expenses.

12 Special business.

All business that is conducted at a special general business and all business that is conducted at the annual general business, except for business conducted under the

rules as ordinary business of the annual general meeting, is deemed to be special business.

13. Notice of general meetings.

(1) The Secretary of the Club, at least 14 days, or if a special resolution has been proposed at least 21 days, before the date to be fixed for the holding of a general meeting of the Club, must cause to be sent to each member of the club, a notice stating the place, date and time of the meeting and the nature of the business to be conducted at the meeting.

(2) Notice may be sent –

- (a) by prepaid post to the address appearing in the register of members;
or
- (b) by facsimile transmission or electronic transmission; or
- (c) by placing the notice on the notice board of the stadium.

(3) No business other than that set out in the notice convening the meeting may be conducted at the meeting.

(4) A member intending to bring any business before a meeting may notify in writing, or by electronic transmission, the Secretary of that business, who must include that business in the notice calling the next general meeting.

14. Quorum at general meetings.

(1) No item of business may be conducted at a general meeting unless a quorum of members entitled under these Rules to vote is present at the time when the meeting considered that item

(2) Seven (7) members personally present (being members entitled under these Rules to vote at a general meeting) constitute a quorum for the conduct of the business of a general meeting

(3) If, within half an hour after the appointed time for the commencement of a general meeting, a quorum is not present –

- (a) in the case of a meeting convened upon the request of members, the meeting must be dissolved; and

(b) in any other case, the meeting shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairperson at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place.

(4) If at the adjourned meeting the quorum is not present within half an hour after the appointed time for the commencement of the meeting, the members personally present (being not less than 3) shall be a quorum.

15. Presiding at general meetings.

(1) The President, or in the President's absence, the Vice-President shall preside as Chairperson at each general meeting of the Club

(2) If the President and Vice-President are absent from a general meeting, or are unable to preside, the members present must elect one of their number to preside as Chairperson.

16. Adjournment of meetings.

(1) The person presiding may, with the consent of a majority of members present at the meeting, adjourn the meeting from time to time and place to place.

(2) No business may be discussed at an adjourned meeting other than the unfinished business from the meeting that was adjourned.

(3) If a meeting is adjourned of 14 days or more, notice of the adjourned meeting must be given in accordance with Rule 13.

(4) Except as provided in sub-rule (16(3)), it is not necessary to give notice of an adjournment or of the business to be conducted at an adjourned meeting.

17. Voting at general meetings.

(1) Upon any question arising at a general meeting of the Club, a member has one vote only.

(2) All votes must be given personally.

- (3) In the case of an equality of voting on a question, the Chairperson of the meeting is entitled to exercise a second or casting vote.
- (4) A member is not entitled to vote at a general meeting unless all moneys due and payable by the member to the Club have been paid.

18. Poll at general meetings.

- (1) If at a meeting a poll on any question is demanded by not less than 3 members, it must be taken at that meeting in such manner as the Chairperson may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
- (2) A poll that is demanded on the election of a Chairperson or on a question of an adjournment must be taken immediately and a poll that is demanded on any other question must be taken as such time before the close of the meeting as the Chairperson may direct.

19. Manner of determining whether resolution carried.

If a question arising at a general meeting of the Club is determined on a show of hands –

- (a) a declaration by the Chairperson that a resolution has been –
 - (i) carried; or
 - (ii) carried unanimously; or
 - (iii) carried by a particular majority; or
 - (iv) lost; and
- (b) an entry to that effect in the minute book of the Club is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.

20. Proxies.

All members must vote in person. No proxy voting is allowed.

21. Committee of Management.

- (1) The affairs of the Club shall be managed by the committee.
- (2) The committee –
 - (a) shall control and manage the business and affairs of the Club; and
 - (b) may, subject to these Rules, the Act and the regulations, exercise all such powers and functions as may be exercised by the Club other than those powers and functions that are required by these Rules to be exercised by general meetings of the members of the Club; and
 - (c) subject to these Rules, the Act and the Regulations, has power to perform all such acts and things as appear to the committee to be essential for the proper management of the business and affairs of the Club.
- (3) Subject to section 23 of the Act, the committee shall consist of –
 - (a) the officers of the Club; and
 - (b) six (6) ordinary members – each of whom shall be elected at the annual general meeting of the Club in each year.
- (4) The committee may co-opt up to 3 further members who shall have full voting rights. Members of the committee who are co-opted may hold office for such period as the committee determines but not exceeding the time to the next Annual General Meeting and may be co-opted again after the Annual General Meeting. Co-opted members may not be co-opted for more than two (2) terms).

22. Office holders.

- (1) The officers of the Club shall be –
 - (a) a President
 - (b) a Vice – President
 - (d) a Treasurer
 - (e) a Secretary
- (2) The provisions of rule 23, so far as they are applicable and with the necessary modifications, apply to and in relation to the election of persons to any other offices referred to in sub-rule (1).

- (3) Each officer of the Club shall hold office for two (2) years with the President and Treasurer being elected in each even numbered year and the Vice-President and Secretary in each odd numbered year. All officers are eligible for re-election.
- (4) In the event of a casual vacancy in any office referred to in sub-rule (1), the committee may appoint one of its members to the vacant office and the member appointed may continue in office up to and including the conclusion of the annual general meeting next following the date of appointment.
- (5) The office bearers shall constitute the Executive Committee of the Club and may exercise all of the powers of the committee between committee meetings.
- (6) A quorum for the Executive Committee is 3 members present at the meeting.

23 Ordinary members of the committee.

- (1) Subject to these Rules, the committee shall include six (6) ordinary members. Each ordinary member of the committee shall hold office for two (2) years with three (3) being elected in each even numbered year and three (3) in each odd numbered year and is eligible for re-election.
- (2) In the event of a casual vacancy occurring in the office of an ordinary member of the committee, the committee may appoint a member of the Club to fill the vacancy and the member appointed shall hold office, subject to these Rules, until the conclusion of the annual general meeting next following the date of appointment

24 Election of officers and ordinary committee members.

- (1) Nominations of candidates for election of officers of the Club or as ordinary members of the committee must be -
 - (a) made in writing, signed by two members of the Club and accompanied by the written consent of the candidate, who must be a member at that time of the nomination and at the commencement of the meeting at which the election is to be held, which may be endorsed on the form of nomination; and
 - (b) delivered to the Secretary of the Club not less than 7 days before the date fixed for the holding of the annual general meeting.

- (2) A candidate may only be nominated for one office, or as an ordinary member of the committee, prior to the annual general meeting.
- (3) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated shall be deemed to be elected and further nominations may be received at the annual general meeting.
- (4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- (5) If the number of nominations exceeds the number of vacancies to be filled, a ballot must be held.
- (6) The ballot for the election of officers and ordinary members of the committee must be conducted at the annual general meeting in such a manner as the committee may direct.

25 Vacancies

The office of an officer of the Club, or of an ordinary member of the committee, becomes vacant if the officer or member –

- (a) ceases to be a member of the Club; or
- (b) becomes an insolvent under administration within the meaning of the Corporations Law; or
- (c) resigns from office by notice in writing given to the Secretary.

26 Meetings of the committee.

- (1) The committee must meet at least 3 times in each year at such place and such times as the committee may determine.
- (2) Special meetings of the committee may be convened by the President or by any 4 members of the committee.

27 Notice of committee meetings.

- (1) Notice of each committee meeting must be given to each member of the committee at least 2 business days before the date of the meeting.

- (2) Notice must be given to members of the committee of any special meeting specifying the general nature of the business to be conducted and no other business may be conducted at such a meeting.

28 Quorum for committee meetings.

- (1) Any six (6) members of the committee constitute a quorum for the conduct of the business of a meeting of the committee.
- (2) No business may be conducted unless a quorum is present.
- (3) If within half an hour of the time appointed for the meeting a quorum is not present –
 - (a) in the case of a special meeting the meeting lapses.
 - (b) in any other case – the meeting shall stand adjourned to the same place and the same time and day in the following week.
- (4) The committee may act notwithstanding any vacancy on the committee.

29 Presiding at committee meetings.

At meetings of the committee –

- (a) the President or, in the President's absence, the Vice-President presides; or
- (b) if the President and Vice-President are absent, or are unable to preside, the members present must choose one of their number to preside.

30 Voting at committee meetings.

- (1) Questions arising at a meeting of the committee, or at a meeting of any sub-committee appointed by the committee, shall be determined on a show of hands or, if a member requests, by a poll taken in such a manner as the person presiding at that meeting may determine.
- (2) Each member present at a meeting of the committee, or at a meeting of any sub-committee appointed by the committee (including the person presiding at the meeting), is entitled to one vote and, in the event of an equality of

votes on any question, the person presiding may exercise a second or casting vote.

31 Removal of committee member.

- (1) The Club in general may, by resolution, remove any member of the committee before the expiration of the member's term of office and appoint another member in his or her place to hold office until the expiration of the term of the first mentioned member.
- (2) A member who is the subject of a proposed resolution referred to in sub-rule (1) may make representations in writing to the Secretary or President of the Club (not exceeding a reasonable length) and may request that the representations be provided to the members of the Club.
- (3) The Secretary or the President may give a copy of the representations to each member of the Club or, if they are not so given, the member may require that they are read out at the meeting.

32. Minutes of meetings.

The Secretary of the Club must keep minutes of the resolutions and proceedings of each general meeting, and each committee meeting, together with the record of the names of persons present at committee meetings.

33. Funds.

- (1) The Treasurer of the Club must –
 - (a) collect and receive all moneys due to the Club and make all payments authorised by the Club; and
 - (b) keep correct accounts and books showing the financial affairs of the Club with full details of all receipts and expenditure connected with the activities of the Club.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by two of the President, Vice-President, Treasurer and Secretary.

- (3) The funds of the Club shall be derived from entrance fees, annual subscriptions, donations and such others sources as the committee determines.

34 Seal.

- (1) The common seal of the Club must be kept in the custody of the Secretary.
- (2) The common seal must not be affixed to any instrument except by the authority of the committee and the affixing of the common seal must be attested by the signatures of two members of the committee or, of one member of the committee and of the public officer of the Club.

35 Notice to members.

Except for the requirement in rule 13, any notice that is required to be given to a member, by or on behalf of the Club, under these Rules may be given by –

- (a) delivering the notice to the member personally; or
- (b) sending by prepaid post addressed to the member at that member's address shown in the register of members; or
- (c) facsimile transmission; or
- (d) electronic transmission

36 Winding up.

- (1) The income and property of the club shall be used and applied solely in promotion of its purpose and the exercise of its powers as set out in these rules. No portion of this income or property will be distributed, paid or transferred directly or indirectly by way of dividend, bonus or other way of profit to or amongst the members of the club. Nothing contained in these rules shall prevent the payment in good faith of interest to any such member in respect of moneys advanced by the member to the club or otherwise owing to the member by the club. Nothing in these rules shall prevent the remuneration to any officer or servant of the club, or to any member of the club, or other person in return for any services actually rendered to the club. Nothing in these rules shall be construed so as to prevent the payment or repayment to any member for out of pocket expenses, money lent, reasonable and proper charges for goods hired by the club or reasonable and

proper rent for premises demised or let to the club or the provision of services to a member to which they would be entitled in accordance of the purpose if they were not a member.

- (2) In the event of the winding up or the cancellation of the incorporation of the Club, the assets of the Club must be disposed of in accordance with the provisions of the Act. If after satisfaction of all its debts and liabilities there remains any property whatsoever, the same shall be given or transferred Basketball Victoria to be used for the continuation of basketball in the Mooroolbark area.

37 Custody and inspection of books and records.

- (1) Except as otherwise provided in these Rules, the Secretary must keep in his or her custody or under his or her control all books, documents, and securities of the Club.
- (2) All accounts, books, securities and any other relevant documents of the Club must be available for inspection free of charge by any member upon request.
- (3) A member may make a copy of any accounts, books, securities and any relevant documents of the Club, with contact details of any member omitted

38 Notices

- (1) A notice required to be served by or on behalf of or on the club or the secretary may be served personally or by sending it by post at the last known address or by facsimile or e-mail or other electronic means.
- (2) 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.
- (3) 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.
- (4) Where the time for giving notice falls on a non-business day, the notice shall be required to be given by the next business day.

39 Procedural Irregularities

- (1) No decision of the club or any committee shall be invalid merely because of a failure to give proper notice or other irregularity in procedure required by this constitution or the by-laws unless a person suffers serious detriment as a result of that failure to give proper notice or irregularity in procedure.
- (2) The club or its committees may confirm an earlier decision which may have been otherwise invalid because of a failure to give proper notice or other irregularity in procedure and the decision shall be deemed to be valid from the time it was originally made.

40 Unforeseen Matters

Should any matter arise for which provision has not been made in the Constitution, the club or the committee shall take such action as is necessary to protect the interests of the club.

**APPLICATION FOR MEMBERSHIP OF
THE MOOROOLBARK FLASHES BASKETBALL CLUB INC.**

I, _____ of _____
(name and occupation) (address)

desire to become a member of the Mooroolbark Flashes Basketball Club Inc.

In the event of my admission as a member, I agree to be bound by the rules of the Club for the time being in force.

Signature of Applicant

Date

I _____, a member of the Club,
(name)

nominate the applicant, who is personally known to me, for membership of the Club.

Signature of Proposer

Date

I _____, a member of the Club, second
(name)

the nomination of the applicant, who is personally known to me, for membership of the Club.

Signature of Seconder

Date / / 2

