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# BY-LAWS OF BASKETBALL QUEENSLAND LIMITED

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As amended May 2016



## **Explanatory note/Introduction**

This document outlines the by-laws of Basketball Queensland Limited (BQ) which carry the full force and effect of BQ. This is borne out by clauses 215 to 220 of BQ's constitution.

By-laws cover those matters or rules which, like the constitution, bind members and basketball participants who have agreed to abide by the constitution and by-laws through the application and renewal process. As a consequence, members and basketball participants should know about and be able to refer to these rules readily.

By-laws may only be made or amended by the BQ board. By-laws means by-laws made by the BQ board (as amended) under clause 215, until they are repealed by the BQ Board under clause 215 or set aside by special resolution under clause 219.

By-laws may be called something else (for example, codes or policies) if they are expressed to take effect as by-laws under the constitution. As such, the rules or details of the by-laws may be delegated or supported by other documents, such as those listed at clauses 13 and 14 hereof. To be clear, for a code or policy to be a by-law it must be adopted by the BQ Board and stated to take effect as a by-law.

In the event that there is a conflict between the constitution, by-laws and these other documents, the prevailing document for interpretation is the constitution, followed (in order) by:

- The BQ by-laws;
- Delegated or supporting document expressly adopted as by-laws (for example, codes or policies);
- Other supporting documents (for example, guidelines and processes).

The dictionary in Schedule 1 defines terms used in this by-laws document. Those definitions apply unless it would lead to a result that is absurd, meaningless or obviously unintended.

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## **1. REGISTRATION**

- 1.1 Affiliated associations and associate members may be audited by BQ from time to time. As part of the audit process BQ may examine:
- i) Scoresheets for games played in Association competitions
  - ii) Accounts kept by the Association
  - iii) Proof of age of junior players
- 1.2. Affiliated associations and associate members must provide all details requested by BQ within 14 days of receiving the request. The cost of supplying the information requested will be met by affiliated associations and associate members.
- 1.3. Failure to supply the information within 14 days may result in a fine of up to \$1,000.
- 1.4. All players must be registered on the participants' registration system provided by BQ prior to competing in a competition. If a player is listed on a scoresheet and is not registered on this participants' registration system at the time of the audit, the affiliated association or associate member may be charged a fee of up to \$60 per player that is unregistered.
- 1.5. The affiliated association or associate member must register all players found to be unregistered within 14 days of being notified that they are unregistered. Alternatively, the affiliated associations or associate members must notify BQ of any reason why the players should not be registered. Failure to register these players or notify BQ may result in a fine of up to \$60 per player for each 14 day period in which the affiliated association or associate member does not fulfill this obligation.

## **2. UN-FINANCIAL PARTICIPANTS**

- 2.1 No person will be permitted to participate in any role in basketball whilst they remain a debtor to BQ or any affiliated association or associate member where the debt is overdue by more than one month.
- 2.2 It is the responsibility of the affiliated association or associate member to which the debt is owed to advise BQ of any debtors with evidence to substantiate that a debt exists. Once satisfied that an outstanding debt exists BQ will advise all other affiliated associations or associate members that these people cannot participate in any basketball activity until they are authorised to do so by BQ.
- 2.3 In the event an affiliated association or associate member allows a person to participate after they are advised of the status of the person by BQ, the affiliated association or associate member may be liable for a fine up to \$500.

## **3. COMPETITION AGAINST UNREGISTERED PARTICIPANTS**

- 3.1 Affiliated associations and associate members must ensure that all participants in the competition that they conduct are registered with BQ.
- 3.2 Applications may be made to BQ for relaxation of Clause 3.1 which must:
- 3.2.1 disclose fully the origin of the team proposed to be played; and
  - 3.2.2 be forwarded to BQ at least twenty-eight (28) days before the proposed match is to be played.

3.3 The board shall have the power to investigate breaches of Clause 3.1.

3.4 The board shall have the power to take action against affiliated associations or associate members that breach Clause 3.1. This is by way of suspension or a fine of up to two (2) times the registration fees which would be payable if the player(s) in the competition conducted by the affiliated association or associate member were correctly registered.

3.5 Where an affiliated association or associate member becomes liable to pay a fine under Clause 3.4, the board may recover from the affiliated association or associate member all costs incurred by the board in recovering monies owing under Clause 3.4).

#### **4. AFFILIATION REQUIREMENTS**

4.1 Affiliated associations - associations that wish to apply for affiliation with BQ must provide evidence to the satisfaction of BQ of:

4.1.1 the Association's ownership or control over basketball playing facilities;

4.1.2 the Association's ability to conduct a basketball competition;

4.1.3 the financial viability of the Association;

4.1.4 a population base of sufficient size to support the Association;

4.1.5 the ability to register all players in accordance with BQ affiliation requirements;

4.1.6 a constitution which provides for objects similar in substance to all or any of the objects of BQ. in its constitution. Those objects must be restricted to a particular region in Queensland or to a particular aspect or particular aspects of the sport of basketball in Queensland or the Association's members or participants must be a definable segment of basketball participants in Queensland.

4.1.7 there are suitably qualified personnel within the association to manage the association governance effectively. Refer to the Australian Sports Commission's sports governance principles for further guidance - [http://www.ausport.gov.au/supporting/governance/governance\\_principles](http://www.ausport.gov.au/supporting/governance/governance_principles).

4.1.8 in assessing proposed Affiliates, the board of BQ will take into consideration:

(i) any of the matters in clauses 4.1.1 to 4.1.7; and

(ii) any other matter that the board feels may impact negatively on basketball in Queensland.

4.1.9 BQ may call on an affiliated association at any time to provide evidence of any of the matters in clauses 4.1.1 to 4.1.7.

4.2 Associate members - associations in small, regional centres where it would be difficult for BQ to provide services may qualify for associate membership which provides fewer benefits with reduced fees. Eligibility for associate membership is detailed in the Basketball Queensland Associate Membership Policy.

#### **5. TRANSFERS AND CLEARANCES**

5.1 A transfer is required for any participant wishing to change from one member association to another. It is the responsibility of the accepting affiliated associations to ensure clearances and transfers are obtained prior to the commencement of the individual playing. An official form must be completed. Specific details on process for transfers are

listed in the transfer policy and the penalties for not following the process are detailed in each of the competition rules.

## **6. DISCIPLINARY TRIBUNALS**

6.1 BQ has adopted the Basketball Australia Model Disciplinary Tribunal Guidelines which may be amended from time-to-time, except that this has been varied as set out below:

6.1.1 By virtue of its constitutional responsibilities to members, the board has the power to appeal a decision made by any tribunal or review panel. Such appeal will be heard by an appropriately qualified person appointed by the board and the findings will be final.

The Basketball Australia Model Disciplinary Tribunal Guidelines can be located using this [LINK](#).

## **7. SANCTIONING APPLICATIONS**

### **Refer to Sanctioning Application Policy**

7.1 Any invitation to compete in a tournament outside of Queensland requires the endorsed approval of the State Association in the State from where the invitation emanates.

7.2 Such invitations shall not be accepted without the prior approval of the board of BQ. The board may delegate this authority. When application for approval is made, details of matches to be played and travel arrangements shall be given.

7.3 Any invitations to teams, coaches, referees, or officials from outside of Queensland shall first be submitted to the board of BQ or its delegate, for approval. Details of the proposed program shall be submitted with the application.

7.4 Applications for all or any interstate or overseas tour must first have the approval of the board of BQ, or its delegate before negotiations commence.

7.5 Applications to host incoming tours must first have the approval of the board of BQ or its delegate before negotiations commence.

7.6 Refer to Sanctioning Policy – Events and Interstate Tours for all other guidelines, application form and prescribed fees attached to sanctioning of events.

7.7 Failure to comply with this by-law will negate any insurance provided by BQ to member Associations and a fine of up to \$1,000 may be levied against the affiliated association that breaches this by-law.

## **8. STATE REPRESENTATIVE TEAMS**

8.1 State representative teams - team staff selection

8.1.1 BQ is committed to recruiting, supporting, developing and retaining State representative team staff of the highest calibre. To achieve this objective, BQ will ensure an open, merit-based selection process for the selection of team staff for State representative teams that is equitable, competitive and timely. BQ recognises that diversity and gender equity is a platform to innovation and increasing growth and participation in the sport at the representative level.

- 8.1.2 The BQ board, in exercising its powers to approve or delegate direction for State Representative Teams and in exercising this to policies has developed the State and Emerging Team Coach Selection Policy and the State and Emerging Team Manager Selection Policy.

## 8.2 State representative teams – player selection

- 8.2.1 BQ is committed to selecting, supporting, developing and retaining the best players possible to represent the State. The health, wellbeing and physical preparation of players will guide the selection process and BQ will ensure that selection processes are reflective of the principles contained in the Basketball Australia Centre of Excellence program. BQ will ensure the player selection process is free from any form of harassment, vilification or discrimination.
- 8.2.2 The BQ board, in exercising its powers to approve or delegate direction for State Representative Teams and in exercising this to policies has developed the State and Emerging Team Player Selection Policy.

## 8.3 State representative teams' playing colours and state uniforms

- 8.3.1 Playing colours and uniforms shall be as follows:

<u>Teams representing</u>	<u>Uniform and Colours</u>
Queensland	Maroon with white trim/alternative white with maroon trim (Blue and Gold may also be interchanged)
Queensland South	Maroon with white and blue trim/alternative white with maroon trim
Queensland North	Maroon with gold and blue trim/alternative white with maroon trim

- 8.3.2 Subject to approval for each individual player from the Queensland Olympic Council to the State Association, any player chosen to represent the State in an Interstate series or in an International match shall be entitled to wear a State Uniform, but the whole of the team must be similarly attired.

## 9. STATE CHAMPIONSHIPS

- 9.1 The BQ board, in exercising its powers to approve or delegate direction for the State Championships and in exercising this to policies has developed the State Championships Policy.

## 10. QUEENSLAND BASKETBALL LEAGUE (QBL)

- 10.1 BQ, as the owner operator of the QBL, is entitled to govern, regulate, oversee, and make and direct compliance with rules, regulations and by-laws in relation to that competition and the clubs that participate in the QBL.
- 10.2 Clubs will be required to nominate teams to participate in the QBL according to the guidelines to participate in the League.
- 10.3 Refer to the QBL Game Controllers Handbook for all rules of the competition.

## 11. QBL STATE REFEREE PANELS

11.1 BQ understands the importance of the referee program to the QBL competition. BQ will ensure that the referee panels are selected and constructed in a timely manner and that the referee panel is suitably qualified, and where appropriate, aligned to the relevant national program. BQ is committed to merit-based selection and acknowledges the importance of diversity and gender equity for the QBL referee program.

11.2 The BQ board, in exercising its powers to approve or delegate direction for the QBL and in exercising this to policies has developed QBL State Referee Panels Policy.

## 12. REGIONAL LEAGUES

12.1 BQ may recognise Regional Leagues as part of its player pathway. Application must be made to the board of BQ to seek endorsement and sanctioning to conduct these leagues.

## 13. MEMBER PROTECTION

13.1 BQ has adopted the Basketball Australia Ltd (BA) Membership Protection by-law which may be amended by BA from time-to-time.

## 14. BQ POLICIES, PROCEDURES AND GUIDELINES

14.1 As at April 2016 the following was BQ's existing list of policies, procedures and guidelines relevant to the by-laws and constitute part of the rules of the governing body and should be adhered to by all members as part of the constitution and by-laws. These can and will be amended from time-to-time.

14.2 A copy of each of these documents is available on the BQ website. For further information contact BQ.

<b>Name of Technical Development Policy</b>	<b>Date</b>	<b>Policy Number</b>
Sanctioning - Events & Interstate Tours	13-09-01	POLTD1
State & Emerging Team Player Selection Policy	10-07-13	POLTD2
State & Emerging Team Coach Selection Policy	04-03-13	POLTD3
State & Emerging Team Manager Selection Policy	04-03-13	POLTD10
Cross Border Policy	05-04-01	POLTD4
Sanctioning - International Inbound Tours	10-10-02	POLTD6
Sanctioning - International Outbound Tours	10-10-02	POLTD8
State Championships	04-03-13	POLTD9
QBL State Referees Panels	20-06-14	POLTD11
Transfer Policy	24-04-13	POLTD18

<b>Name of Administration Policy</b>	<b>Date</b>	<b>Policy Number</b>
Privacy	28-03-11	HR0013
Child Protection	01-01-07	POLAD7

<b>Other Relevant Policy/Reference Documents</b>
BQ Associate Membership Policy
BQ Codes of Behaviour
QBL Game Controllers Handbook and QBL Guidelines
Basketball Australia - Anti Doping Policy



<b>Other Relevant Policy/Reference Documents</b>
Basketball Australia - Ring Safety Guideline
Basketball Australia – Model Disciplinary Tribunal Guidelines
Basketball Australia – Membership Protection By-Law
Basketball Australia – Integrity Policy
Basketball Australia – Guidelines for Participation Regarding Pregnancy and Basketball

## **15. AMENDMENTS TO BY-LAWS**

<b>NAME</b>	<b>PAGE</b>	<b>DATE</b>
By-laws reviewed and where deemed necessary rewritten, deleted or replaced.	1 – 31	03-05-16
Tribunal Hearings - Appeal by Board of BQ	24	20-10-04
Tribunal Hearings – Powers, Procedures and Recommended Penalties (new section)	7-25	21-08-04
Judiciary Committee - Powers Procedures and Recommended Penalties rescinded	6-18	21-08-04
Member Protection by-law (new section)	30	05-07-04
Referees Panels by-law replaced	22	10-03-04
Full by-laws deleted and replaced	1 - 25	21-08-03
Judiciary Committee-Powers Procedures and Recommended Penalties	5 - 17	17-03-95
State Rules Interpreter	Deleted	17-03-95
Selection of Referees to Represent the State	Deleted	17-03-95
Competition Against Non-Members	2	30-08-91
Affiliation Requirements (New Section)	3	30-08-91
Addition of the Registration By-Law	30	

## Schedule 1: Dictionary and interpretation

### Dictionary

<b>Term</b>	<b>Definition</b>
<b>affiliated association</b>	means an entity which is a member of BQ under Part B of the constitution.
<b>associate member</b>	means an entity which is a member of BQ under Part C of the constitution.
<b>BA</b>	means BA Limited ACN 072 484 998, otherwise known as Basketball Australia, the controlling body for basketball in Australia.
<b>basketball association</b>	means an entity whose main objects, as specified in its governing document, are similar in substance to some or all of the objects in clause 4 of the constitution and: <ul style="list-style-type: none"><li>(a) whose governing document provides for the pursuit of those objects within a particular region or area in Queensland; or</li><li>(b) whose governing document provides for the pursuit of those objects in relation to particular aspects of the sport of basketball in Queensland; or</li><li>(c) whose members or participants are a definable category or segment of basketball participants in Queensland.</li></ul>
<b>basketball participant</b>	means a person who: <ul style="list-style-type: none"><li>(a) plays basketball; or</li><li>(b) is a basketball coach; or</li><li>(c) is a basketball official.</li></ul>
<b>board</b>	means the board consisting of the directors of BQ.
<b>BQ</b>	means Basketball Queensland Limited.
<b>by-laws</b>	means by-laws made by the board (as amended) under clause 215 of the constitution, until they are repealed, under clause 215 of the constitution or set aside under clause 219 of the constitution. <div style="border: 1px solid black; padding: 5px;"><p><i>Interpretation note 1: By-laws may be called something else (for example, codes of conduct and policies) if they are expressed to take effect as by-laws under this constitution.</i></p><p><i>Interpretation note 2: See the transitional provision in clause 237 of the constitution.</i></p></div>
<b>day</b>	means a calendar day
<b>guideline</b>	means a document that can be used to clarify any ambiguity in the application of a policy, process or procedure or clarify the implementation path of a policy, process or procedure. These may not have been included in procedures because they apply only in a subset of the documented procedures.  There is some discretion for guidelines to be changed by staff but these should be approved at least at the Departmental Manager level. Guidelines cannot be at variance with the

<b>Term</b>	<b>Definition</b>
	constitution, by-laws, policies or procedures.
<b>member</b>	of BQ means an affiliated association, an associate member, a life member and an individual member.
<b>participants registration system</b>	means a system adopted by BQ from time to time which: <ul style="list-style-type: none"> <li>(a) includes, and relates to, the registration of basketball participants (or some classes of basketball participants) with BQ or with another person or entity determined by BQ from time to time; and</li> <li>(b) is provided for in, and governed by, a by-law or by-laws.</li> </ul>
<b>policy</b>	means the guidelines or laws made, delegated and approved by the BQ board that drive the organisation and its own processes and procedures. They may be supported or influenced by defined standards or regulations. The BQ board has adopted a number of policies which form the basis of the by-laws which are referred to in clause 14.
<b>procedure</b>	means the detailed documented steps approved by the Chief Executive Officer that describe how a process step will be performed . This is generally documented in a Staff Procedures Manual to cover the day-to-day operations, and to ensure that matters are attended to in a consistent and approved manner. Such procedures must not be at odds with the constitution or by-laws.
<b>process</b>	means a high level view of the organisation’s activities that identify the key tasks within the overall process. Process descriptions usually refer to several individuals or teams as processes tend to flow across the organisation. ISO defines a process as a set of interrelated or interacting activities which transforms inputs into outputs. So every process will have clearly identified inputs and outputs, and depending on whether these are internal or external, there will also be a customer or set of customers.
<b>Regional League</b>	Means leagues conducted by a regional association when the league is not under the auspices of BQ.
<b>unregistered participant</b>	means a basketball participant who: <ul style="list-style-type: none"> <li>(a) is required to be registered under the participants registration system; and</li> <li>(b) is not registered under the participant registration system.</li> </ul> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><i>Interpretation note: In applying paragraph (a), it does not matter whether the obligation to register the basketball participant is imposed on the basketball participant or on someone else (such as an affiliated association).</i></p> </div>