



General By-laws

Date adopted by BA Board **23 Aug 2009**

Date amended by BA Board **3 Dec 2021**

Date Effective **3 Dec 2021**

GENERAL BY-LAWS

PREAMBLE

In July 2009 the Australian Basketball Federation transferred its operations to BA Limited (ACN 072 484 998). As part of that transfer, the by-laws and policies of the ABF have been reviewed, and where relevant adopted in similar terms by BA Limited.

The by-laws of the ABF were last reviewed in January 2004 and there were 16 clauses. These by-laws reflect each of those 16 clauses, although some of the substantial by-laws have been superseded by other specific policies.

BINDING AUTHORITY

These by-laws are made under clause 21 of the Constitution.

1. Status of Players

The Status of players shall be as defined by FIBA.

2. Registration of Players

2.1 Format

2.1.1 All basketball players, who play in competitions conducted under the auspices of a Basketball Association affiliated with a Constituent Association Member, shall be registered.

2.1.2 Each Constituent Association Member shall make available to BA the number, name and address of male and female players, including junior players within each age grouping.

2.2 Operation

2.2.1 Each Constituent Association Member is empowered to collect affiliation fees in an equitable manner from Basketball Associations conducting competitions in its region in order that it may pay to BA the membership fee.

2.2.2 Constituent Association Member records are to be available and accessible to the Federation.

3. Transfer of Players between States and between Professional League Clubs within Australia

3.1 Any person that is over the age of 12 and is registered as a playing member of a Constituent Association Member or its affiliates, must first

obtain a Letter of Clearance from the Constituent Association Member with which they are registered before being eligible to register as a playing member of any other Constituent Association or its affiliates, or of a Professional League Club.

- 3.2 Any person registered as a player with a Professional League Club within Australia must first obtain a Letter of Clearance from the club with which they are currently registered before being eligible to register as a playing member of another Professional League Club or of a Constituent Association Member or its affiliates.
- 3.3 International transfers of players both into and out of Australia are subject to the FIBA Internal Regulations for International Transfer of players. (Note that there are special rules attaching to the international transfer of players aged under 18 years).
- 3.4 Any person who leaves Australia to be a student in a US high school or college shall on returning to Australia be considered a current member of the club in which that person was a member at the time of leaving for overseas, i.e. the person's membership has not lapsed (refer 3.6).
- 3.5 In accord with FIBA Internal Regulations, any person seeking to play under contract in a professional league may not be refused a clearance by their current Constituent Association/Professional League Club unless that person's current club contract remains valid beyond the requested transfer date.
- 3.6 A request for clearance must be responded to within seven (7) days of receipt.
- 3.7 Should a Constituent Association Member or Professional League Club refuse to grant a Clearance upon application as aforesaid, the Applicant shall have the right of appeal against the decision, such appeal being referred to the Board or to a Tribunal specially established by the Board to rule on such matters.
- 3.8 The Board/Tribunal shall be empowered to ratify or veto the decision of the Constituent Association/Professional League Club.
- 3.9 Any person, having been a member of a Constituent Association or its affiliates, or of a professional league club shall not be required to obtain a Clearance in terms of this By-law in the event of such member having allowed such membership to have lapsed for a period of 12 months immediately prior to the date of application for membership of any other Constituent Association or Professional League Club.

- 3.10 Any person who plays in a competition within Australia in which that person is ineligible to register shall cause his/her team to lose all competition points earned in games in which that person participated. Further a fine of \$500 and any additional fine incurred by Basketball Australia as a result of an international infringement may be imposed upon that person. Further the registration is not valid until any such fine imposed is paid.

4. Appeals

This by-law has not been transferred as appeals are provided for under the BA Appeals Tribunal By-law.

5. Representative Teams

- 5.1 These by-laws repeal and replace the BA General By Laws 5.1 – 5.7, adopted on 23 August 2009.

- 5.2 The appointment of the National Senior Teams Head Coaches (Boomers, Opals, Rollers and Gliders) shall be made by the Board upon receipt of a recommendation from a Selection Panel.

5.2.1 The Board will appoint the Selection Panel, approve the position description, set the period of appointment, and approve the terms and conditions in consultation with the CEO and GM High Performance / National Teams.

5.2.2 The Selection Panel will consider indications of availability from interested and/or recommended persons, but this shall not preclude the Selection Panel from seeking out other potential appointees.

5.2.3 BA Management will conduct and facilitate the recruitment process in line with the BA National Teams Officials Selection Policy. BA Management will provide all necessary support to the Selection Panel.

5.2.4 Appointments to the national senior teams Head Coach positions shall only be finalised upon the Board's ratification.

- 5.3 The Board shall ratify the Squad Selection of the National Senior Teams (Boomers, Opals, Rollers and Gliders) for the Olympics, Paralympics and World Championships and any other international event, including qualifiers and friendlies, in which an Australian representative team is participating and in respect of which Squad Selection is the responsibility of BA (*International Events*).

5.1.1 The Coaching staff will nominate the Squad for the Board's consideration and ratification for each International Event as

- soon as reasonably practicable, but in any event, no later than 30-days prior to the first game of the relevant International Event.
- 5.3.1 Only athletes whose squad selection is ratified by the Board at the Squad phase of the selection process are eligible for final selection for the National Senior Teams for any International Events.
 - 5.3.2 Final selection for the National Senior Teams is made by the Coaching Staff.
 - 5.3.3 The Executive General Manager, High Performance and the CEO will oversight the selection processes and serve as the main liaison between the Board and the Coaching staff. The Board shall be informed of the final selection of the Teams before any public announcement is made.
- 5.4 The selection of all other national squads ('under age' / emerging teams) will be made by BA staff:
- 5.4.1 A panel consisting of the relevant squad Head Coach and Coaching staff and the relevant Head of Program at the National Centre of Excellence will select the teams.
 - 5.4.2 The Executive General Manager, High Performance will oversight the selection process.
 - 5.4.3 The final selection will be ratified by the CEO. The CEO may delegate his or her ratification to the Executive General Manager, High Performance.
- 5.5 The selection of all other National Team Head Coaches and Assistant Coaches (under-age and emerging teams) as well as National Senior Team Assistant Coaches shall be made in accordance with the Basketball Australia National Team Officials Selection Policy. These positions do not require Board ratification.
- 5.6 The selection of officials for all Australian Teams – such as officials to include Head of Delegation, Manager, Referees and Medical Personnel – shall be made in accordance with the Basketball Australia National Team Officials Selection Policy. These positions do not require Board ratification.
- 5.8 Each Constituent Association member, national league club and clubs affiliated to a Constituent Association member is bound upon request by BA (and without charge or fee to BA) to release all of such club's players, coaches, managers, referees and other officials as are nominated by BA to fulfil obligations to an Australian National Team or Squad and/or to meet

any other commitment deemed by BA to be in the interests of Australian Basketball and that any player who declines, refuses or fails to fulfil any such obligation is disqualified from competing during the period in which the player would otherwise have been committed to the Australian Team or Squad, unless BA otherwise consents.

5.9 The Board may terminate any National Team player appointment at any time.

6. Championships Generally

6.1 Each year, the Chief Executive will prepare a programme of Championships for the following three years and submit this to the Board. Where possible only one Championship shall be held in a State or Territory in any one year.

6.2 Wherever possible, in an Australian Championship, each team shall be called upon to play only once on the same day.

6.3 All Australian Championships shall be limited to a maximum period of six (6) days.

6.4 Teams participating in all Australian Championships shall be limited to ten (10) players except:

- (a) Club Championships; or
- (b) Where 9 teams are accepted for a Championship, with a resultant round-robin competition with finals, when 12 players are permitted to play.

7. International Tours – Domestic

7.1 Any person or body, corporate or unincorporate, desirous of arranging a visit by an overseas team shall apply to the Chief Executive for permission to do so. Such permission will be given upon terms and conditions determined by the Board from time to time and provided that the proposed timing of the visit does not clash with other major events in the Basketball Calendar.

7.2 Any overseas team playing basketball in Australia must have the:

- Approval of their National Basketball Federation;
- Approval of the Board.

The Chief Executive shall have the authority to give such approval subject to the Constitution and By-Laws of the Federation and subject to any decision of the Board that may be made from time to time.

7.3 As a matter of procedure, the information detailed on the Inward Tours Form shall be provided to each Constituent Association.

8. International Tours–Overseas

8.1 Any Basketball Team wishing to play basketball outside of Australia must first obtain approval from the Federation.

8.2 The procedure to obtain such approval is as follows:

8.2.1 Application for approval to negotiate an International Tour;

8.2.2 Final approval for an International Tour.

8.3 Application for approval to negotiate an International Tour:

8.3.1 Written Applications accompanied by a fee as determined from time to time by the Board, shall be made on the designated form through the Local Association to the Constituent Association. If approval to negotiate is not approved, the amount shall be refunded. The Board may consider other refunds on their merits.

8.4 Final Approval for International Tour:

8.4.1 When tour arrangements are completed, full details of the proposed tour shall be submitted by the Touring Team on the designated form, (Final Approval) to reach the Chief Executive not later than one month prior to departure, or in the case of tours to the USA, two months prior to departure.

8.4.2 Following final approval by the Chief Executive, the Touring Team and the Constituent Association, shall be informed by the Chief Executive.

8.5 A separate written report of the tour shall be submitted to the Constituent Association and the Chief Executive within three months of completing the tour.

8.6 Any adverse reports received from the Host Country concerning the tour shall be investigated and appropriate action taken.

9. Interstate Competitions

9.1 Interstate competitions shall be subject to the jurisdiction, approval and control of BA.

9.2 Invitations to teams to compete in Interstate Competitions must be endorsed with the approval of the controlling Constituent Association Member. An acceptance by a team to participate in an Interstate Competition must be accompanied by the written approval of its controlling Constituent Association Member.

10. The National Basketball League

This clause has not been repeated. BA Limited has licence agreements with each club in the national league and the national league rules and regulations from time to time apply.

11. Women's National Basketball League

This clause has not been repeated. BA Limited has licence agreements with each club in the national league and the national league rules and regulations from time to time apply.

12. Australian Basketball Federation Merit Award

This by-law has not been transferred. *BA Limited's Honours and Awards Commission* will recommend to the Board the appropriate policy/by-law for awards and recognition.

13. Australian Championship Referees and Officials

13.1 Each State shall indicate to BA each year if it is proposed to nominate a referee for each Australian Championship in that year.

13.1.1 To officiate at a National Championship, the Official must have prior and recent experience working with the particular player group of the Championship in terms of age and sex of the players.

13.1.2 To accept an appointment to a National Championship, the Official must be available for the total Championship Program, including any education sessions.

13.1.3 To accept an appointment to a National Championship, the Official must be able to accept any game appointment at that Championship.

14. Doping Policy

This by-law has not been transferred and instead reference should be made to the separate Anti-Doping Policy.

15. The Australian Basketball Association

This by-law has not been transferred as BA Limited's Competitions Commission shall make recommendations to the Board regarding appropriate competition structures within Australia, and regarding the appropriate rules and regulations for those competitions.

16. Definitions

Words used in these by-laws have the same meaning as defined in the Constitution, unless specifically defined in these by-laws.

"BA" means BA Limited (ACN 072 484 998)

"Constitution" means the constitution of BA Limited (ACN 072 484 998) as amended from time to time

"FIBA" means the International Basketball Federation

"Oceania" means FIBA Oceania

"The Board" means the Board of Directors of BA Limited

"NBL" means the National Basketball League

"WNBL" means the Women's National Basketball League

"ABA" means the Australian Basketball Association