

# CONSTITUTION

OF THE

BASKETBALL FEDERATION

OF

PAPUA NEW GUINEA

AMENDED AND RATIFIED IN MARCH 2003

**CONSTITUTION OF THE  
BASKETBALL FEDERATION OF PAPUA NEW GUINEA**

**1. INTERPRETATION**

- 1.1. Basketball Federation of Papua New Guinea" means the Basketball Federation of Papua New Guinea established by this Constitution under the *Associations Incorporation Act*, Chapter No 142.
- 1.2. "Constitution" means the Constitution of the Basketball Federation of Papua New Guinea.
- 1.3. "Consultation" referred to in Section 7 (1) means a written and formal document lodged with the Executive Committee, which shall include the draft by-laws requesting the Executive Committee for their comments and recommendations.
- 1.4. "Executive Committee" means the Executive Committee of the Basketball Federation of Papua New Guinea established by Section 5 of this Constitution.
- 1.5. "FIBA" means the Federation Internationale De Basketball (International Basketball Federation).
- 1.6. "FIBA Oceania" means the controlling FIBA body of the Oceania Zone.

**2. TITLE OF FEDERATION**

Basketball Federation of Papua New Guinea, herein after referred to as "the Federation" or "B.F.P.N.G".

**3. OBJECTS**

The objects of the Federation are:-

- 3.1. To promote and control the game of basketball in Papua New Guinea as played under FIBA Rules.
- 3.2. To arrange, manage and control all international and national basketball games and tournaments held in Papua New Guinea.
- 3.3. To arrange, manage and control teams to represent Papua New Guinea in international basketball competitions and tournaments.
- 3.4. To co-operate with other authorities and sporting bodies, in Papua New Guinea and in other countries, to promote sport and basketball in particular.
- 3.4. To operate in co-operation with FIBA and FIBA Oceania and to abide by the rules and objectives of those two mentioned bodies.

#### **4. POWERS**

The Federation has the following powers:-

- 4.1. To raise funds by subscription, fees, fines and other payments.
- 4.2. To sue and be sued.
- 4.3. To purchase, rent, lease or otherwise acquire an interest in or the right to use land or buildings for the benefit of basketball in Papua New Guinea.
- 4.4. To obtain or purchase equipment for use in the game of basketball.
- 4.5. To conduct courses and clinics in the areas of coaching, refereeing, playing and administration.
- 4.6. To investigate cases of mismanagement or misuse of funds by any member Association provided that:-
  - (a) A request comes from an authorised meeting of the Association concerned, or
  - (b) A request comes from the Sports Council in the province concerned, or
  - (c) A request comes from a representative group of the association members if the Association has ceased to function.
- 4.6. To recommend legal action where necessary in matters referred to in Section 4.5.
- 4.7. To appoint and disband sub-committees, and to delegate powers to those sub-committees.
- 4.8. To make by-laws as required from time to time, such by-laws being not inconsistent with this constitution.

#### **5. OFFICE BEARERS**

- 5.1. There Shall be the following office bearers:-
  - (a) The Patron
  - (b) The President
  - (c) The Vice-President
  - (d) The Secretary
  - (e) The Treasurer
  - (f) Press Relations Officer
  - (g) National Basketball Development Officer (NBDO)
  - (h) A representative of the BFPNG Referees body
- 5.2. Except for the Patron, all other office bearers referred to in Section 5(1) shall constitute the Executive Committee of the B.F.P.N.G.

- 5.3. Except for the NBDO who shall be appointed by the Federation, all Office Bearers shall be elected at the same Annual General Meeting of the B.F.P.N.G.
- 5.4. A female representation of the Executive Committee should be encouraged.
- 5.5. Nominations for all executive positions shall be tendered to the Secretary of the Basketball Federation of Papua New Guinea not less than seven (7) days prior to an Annual General Meeting.
- 5.6. There shall be a Patron of the B.F.P.N.G. and a By-Law shall be passed to determine the criteria, nomination procedure and any other matters in relation to the office of the Patron.
- 5.7. The Patron shall be considered to have vacated the position if:
  - (a) he dies; or
  - (b) resigns; or
  - (c) he leaves the country for more than a year or migrates to another country.
  - (d) The Executive Committee may terminate the services of the Patron if it is of the opinion that his performance and contribution to the Federation is unsatisfactory or damaging to the good name of the Federation.

## **6 TERM OF OFFICE BEARERS**

- 6.1. All office bearers on the Executive Committee shall hold their positions for a term of four (4) years commencing at the Annual General Meeting unless removed as the Executive either wholly or individually:
  - (a) by a vote of no confidence as provided for under the provision of this Constitution.
  - (b) by resignation or death.
  - (c) Any other grounds as provided for under a By-Law passed in relation to the terms, tenure and removal of office bearers on the Executive Committee.
- 6.1. Each Executive Committee member elected or appointed other than that at the Annual General Meeting, which elects the Executive Committee will hold office for the remainder of the four-year term of the Executive Committee.
- 6.2. The By-Laws shall provide for the procedures and order of nomination and election of the office bearers.
- 6.3. The Patron or, in his absence the NBDO, shall preside over the meeting for the nomination and appointment of the office bearers.
- 6.4. Upon conclusion of the elections, the President shall preside over the remaining items of the meeting.

## **7. POWERS AND DUTIES OF THE EXECUTIVE COMMITTEE**

- 7.1. The Executive Committee shall have the following powers: -
- (a) To make By-Laws on any matter deemed necessary by the Executive Committee but shall do so in consultation with affiliated members of the B.F.P.N.G
  - (b) To refer to any matter deemed necessary to the Judicial Committee as established under this Constitution.
  - (c) To hear an appeal, if required.
  - (d) To commit funds and make other financial agreements for the benefit of basketball in Papua New Guinea.
  - (e) To decide upon any matter arising between Annual General Meetings.
- 7.2 The Executive Committee shall have the following duties: -
- (a) The implementation of any decisions reached at an Annual General Meeting or any other meeting of the B.F.P.N.G. duly constituted.
  - (b) Implementing the objects of the B.F.P.N.G.
  - (c) Implementing any matter decided upon by the Executive committee and informing the next Annual General Meeting as to all decisions and actions taken in respect of various matters since the previous Annual General Meeting.

## **8. MEMBERSHIP**

Membership of the B.F.P.N.G shall be as follows: -

- 8.1. Duly affiliated Basketball Associations within Papua New Guinea.
- 8.2. The National Basketball Referees Association of Papua New Guinea.
- 8.3. The National Basketball Coaches Association of Papua New Guinea.
- 8.4. Any other members either personal or corporate whose criteria of membership shall be determined by By-Laws duly passed.

## **9. VOTING**

Members of the B.F.P.N.G. shall have the following voting rights at any meeting of the B.F.P.N.G. duly constituted, provided they have paid their affiliation fees: -

- 9.1. Each affiliated Basketball Association shall have one delegate with voting rights and the number of votes shall be dependent on the category of the association as stipulated in the By-Law.
- 9.2. The National Basketball Referees Associations of Papua New Guinea shall have one delegate with one vote.
- 9.3. The National Basketball Coaches Association of Papua New Guinea will have one delegate with one vote.
- 9.4. Proxy votes can be assigned in the event that a member is unable to attend. The President of the association assigning the proxy shall advise proxy votes in writing. In the case where the membership is an individual, the individual will assign the proxy in writing. A Proxy voting declaration must be given to the Secretary at the start of a meeting. The Executive Committee by majority will rule on the validity of the proxy voting forms.
- 9.5. All decisions at the AGM, a Special General Meeting and in Executive Meetings will be carried by an absolute majority of those eligible to attend.

## **10. MEETINGS**

- 10.1. The meetings of the B.P.N.G shall be:-
  - (a) Annual General Meeting (AGM)
  - (b) Special General Meeting
  - (c) Executive Meetings
- 10.2 Annual General Meeting:-

The Annual General meeting of the B.F.P.N.G shall be held every year no later than 3 months after the end of the financial year.
- 10.3 The order of the business of the Annual General Meeting shall be:-
  - (a) Tabling and accepting the Minutes of the last Annual General Meeting and any General Meeting of the B.F.P.N.G held since that meeting.
  - (b) Report of the President, Treasurer and the Auditors
  - (c) Election of office bearers, if required – refer 6(1), (2) & (3)
  - (d) President and Treasurer’s written report from all affiliates
  - (e) Report from the NBDO
  - (f) Other business

10.4 Special General Meeting: -

- (a) The Secretary shall at the request of the Executive or at the written and signed request of at least three (3) affiliates call a Special General Meeting.
- (b) Any request so made shall state the purpose of the proposed meeting and such business as is specified in the request shall be discussed at that meeting with any other matters deemed necessary for discussions as determined by the Executive Committee.
- (c) The quorum for any Special General Meeting shall be as specified under Section 11 (1) of this Constitution.

10.5 Executive Meetings: -

The Executive Committee shall have at least four (4) meetings between the last and next Annual General Meeting.

10.6 Notice of Meetings: -

- (a) At least thirty (30) days notice of an Annual General Meeting shall be given in writing and such notice shall state the place and time of the meeting and business to be discussed.
- (b) A public notice shall be, thirty (30) days prior to the Annual General Meeting, placed in a newspaper that is published more than 2 times a week in Papua New Guinea stating the place and time of the meeting and business to be discussed.
- (c) At least seven (7) days notice of any Special General Meeting shall be given in writing and such notice shall state the place and time of the meeting and business to be discussed.
- (d) A public notice shall be placed seven (7) days prior to the Special General Meeting in the newspaper that is published more than 2 times per week stating the time place, date and business to be discussed.
- (e) The secretary shall be responsible for notifying all Executive Members and affiliates of all meetings of the B.F.P.N.G.
- (f) The secretary shall be responsible for notifying all Executive Members for all executive meetings.

**11. QUORUM**

- 11.1. At all Annual General Meetings and Special General Meetings of the B.F.P.N.G a simple majority (more than 50%) of affiliated members in attendance in person or by proxy will represent a quorum. The Secretary and the President or the Vice President must be in attendance in order that the meeting is considered valid.

- 11.2. The Quorum for Executive meetings will be an absolute majority of members.

**12. BY-LAWS**

The B.F.P.N.G shall have the power to make By-Laws at any Annual General Meeting.

The Executive Committee shall have the power to make By-Laws as specified under Section 4(8).

- 12.1. A By-Law may be passed for or in respect of a matter the provision of which is expressly authorised by the Constitution or any other matter and shall not be inconsistent with the provisions of the Constitution.
- 12.2. A By-Law shall be expressed to be a By-Law.
- 12.3. A By-Law shall be altered or repealed by another By-Law or by an alteration or amendment to the Constitution.
- 12.4. The Federation shall at all times maintain and publish an up to date list of all By-Laws of the Federation. These shall be available upon request to the members of the Federation as outlined in Section 8.

### **13. FINANCE**

- 13.1. An independent auditor shall audit the B.F.P.N.G. Books and Accounts annually.
- 13.2. The Federation shall pass By-Laws for the management of finance and related matters. The By-Laws shall provide the following: -
  - (a) The imposition of levies, e.g., affiliation fees and other fees, etc;
  - (b) The method of controlling gate receipts at international or national basketball matches and other matches that it has general control over;
  - (c) Banking of money;
  - (d) Distribution of profits;
  - (e) Dates of the financial year; and
  - (f) Any other matters deemed necessary and related to the financial control of the B.F.P.N.G.

- 13.3 BFPNG shall provide a copy of its annual audited financial statements once approved by the AGM to PNG Olympic Committee, PNG Sports Foundation and FIBA Oceania.

### **14. MISCONDUCT**

- 14.1. The Federation shall appoint a National Judiciary Committee.
- 14.2. The National Judiciary Committee shall consist of five (5) members of whom three (3) shall form a Tribunal for hearing of any case referred to the Committee.
- 14.3. The members of the Committee sitting on that Tribunal shall appoint a Tribunal Chairman.
- 14.4. The B.F.P.N.G Executive may co-opt members to a Tribunal in cases where National Judiciary Committee Member(s) may be involved in a "conflict" of interest situation.

14.5. The B.F.P.N.G shall have the power to direct the National Judiciary Committee to deal with and adjudicate on any complaint made to it by one of its affiliated associations or the International Amateur Basketball Federation or any other sporting body within Papua New Guinea, concerning misconduct by any of its affiliates or any of their affiliates, PROVIDED THAT such complaint is of misconduct detrimental to the objects and/or the welfare of the B.F.P.N.G and the sport of Basketball in Papua New Guinea.

14.6. In the event the charge of misconduct is confirmed by the National Judiciary Committee the BFPNG may either -

- (a) Suspend, or
- (b) Disqualify, or
- (c) Impose any other punishment by combining all the above or as it thinks fit, upon the charged party as recommended by the National Judiciary Committee.

#### **15. MOTIONS OF NO CONFIDENCE**

15.1. A motion of no confidence is a motion that shall be expressed to be a motion of no confidence, and shall state that it is a motion of no confidence in: -

- (a) The executive as a whole; or
- (b) The office bearers individually; or
- (c) The members of or member of a permanent committee or any other committee duly constituted under the provisions of the Constitution and any related By-Laws.

15.2. A motion of no confidence shall not be moved in the first quarter of a term of office in the Executive, a permanent committee or any other committee duly constituted.

15.3. An affiliate member or the Executive Committee of the B.F.P.N.G may introduce a motion of no confidence.

15.4. Notice of no confidence shall be in writing by an affiliated member and endorsed by two affiliated members and addressed to the secretary of the B.F.P.N.G and to be received at least seven (7) days prior to any meeting of the B.F.P.N.G duly constituted except a Special General Meeting.

15.5. The Secretary shall notify the meeting of the notice of the motion of no confidence.

15.6. A no confidence motion shall be passed by an absolute majority of members of the B.F.P.N.G duly constituted.

15.7. In the event that a no confidence motion in the executive as a whole is successfully moved and passed, any one of the affiliated members of the B.F.P.N.G shall convene a Special General Meeting of the affiliated members as soon as practicable to appoint a body of three (3) members who shall within the first two (2) weeks form their Executive Committee or any other committee.

15.8. In the event that an office bearer or Executive Committee member is the subject of a decision under Section 14(6)(a),(b) or (c) the Executive Committee shall immediately call nominations or co-opt, if required, persons to Executive Committee positions or appoint new members under the By-Laws creating a particular committee.

## **16. LIABILITIES**

16.1. The Federation shall not be liable for any civil suit brought against its member associations, or any of the office bearers, or any members of the Executive Committee.

16.2. The Federation shall not be liable for any injuries, compensation claims brought against it for personal injuries, loss of goods or stolen properties, or for any other civil claims whether mentioned herein or otherwise.

16.3. The Federation shall not be responsible for insurance cover for individual persons of member associations, the members of the Executive Committee or the office bearers.

## **17. AMENDMENTS**

17.1. This constitution may be altered or amended at an Annual General Meeting.

17.2. Proposed amendments and alternations shall be in writing and forwarded to the Secretary sixty (60) days before the date of the Annual General Meeting.

17.3. The Secretary shall circulate the proposed amendments and/or alternations to all members of the B.F.P.N.G and to all office bearers at least twenty eight (28) days prior to the Annual General Meeting.

17.4. The proposed amendments and/or alternations shall have been duly passed if a 2/3 majority of the members of the Federation has voted in favour of such amendments and/or alterations.

## **18. DISSOLUTION**

18.1. If at an Annual General Meeting or Special General Meeting a resolution for the dissolution of the Federation is passed by 4/5ths of the members of the Federation.

18.2. Then the Executive Committee will proceed to dissolve the Federation.

18.3. If upon the winding up of the Federation assets remain after the satisfaction of all its debts and liabilities and property, whatsoever, those assets shall not be paid to or distributed among the members of the Federation but shall be given or transferred to the PNG Olympic Committee.

***BFPNG Constitution as amended and ratified at the Annual General Meeting, held in Ramu in 2009.***