



Basketball NSW Registration System.

2004

By-Laws

Final

Amended: December 2008

BASKETBALL NSW

Get Into It

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Amended by KM



BNSW Registration System Proposed BY-LAWS

Preamble

It is the purpose of these By-Laws to clearly set out the aims, objectives, and structure of BNSW Registration System.

Registration of a player is not to be confused with membership of BNSW. These By-Laws cover the principles behind the Registration System, whilst the Registration Manual will cover the operational aspects.

Privacy Statement.

All information supplied to BNSW will be dealt with in accordance with BNSW's Privacy Policy.

1. AIMS

- 1.1 To provide a By Law system that clearly sets out for Organisations and Registered Participants the rules and obligations of the System
- 1.2 To provide BNSW, its Members, Associates, Associate Organisations and Recognised Groups (the Parties), with information to know and operate under the System.
- 1.3 To provide a manageable system for determining eligibility for all competitions and events conducted by the parties

2. OUTCOMES

- 2.1 To ensure that the System allows the collection of relevant data/information so that BNSW may manage its basketball operations.
- 2.2 To provide Registered Participants with an adequate insurance system.
- 2.3 To collect and maintain a database that is a record of all the Registered Participants of basketball in NSW for purposes associated with their participation and the operation of the game of basketball.
- 2.4 To assist in ensuring that all participants in the Parties' competitions and events are registered.
- 2.5 To provide a flexible system that can allow for recognition, affiliation and/or membership of other basketball groups not currently under the umbrella of BNSW

3. DEFINITIONS

Annual Registration Payment	is the dollar amount that an Organisation pays to BNSW for registration.
Associate	means an Organisation which is a member of a Member of BNSW. (An example is the basketball association which is a member of a conference where that conference is the Member of BNSW. Only the Member has voting rights).
Associate Organisation	a club/group/association/organisation that is not a Member or an Associate but which registers participants. Such groups are not able to exercise a vote at BNSW sanctioned meetings.
Aussie Hoops	a participant under 8 years of age as at 31 December in any year. i.e. Cannot turn 8 during the year
Audit	may be a self, random, programmed or directed
BNSW	Basketball NSW or New South Wales Basketball Association Limited (NSWBAL)
Board of BNSW	means the governing body of New South Wales Basketball Association Limited (NSWBAL) as elected in accordance with the Constitution.
Constitution	means the Constitution of New South Wales Basketball Association Limited
Disabled athlete	is an athlete who is by his or her special need, eligible to join a disability group. For example, intellectually disabled players must be eligible to join NSW RAPID and wheelchair athletes must be a member of NSW Wheelchair Sports
Disabled Category	will be Special Needs (SN) and include the following sub categories: Wheelchair; Intellectual; Blind; Deaf and Other
Disadvantaged Association	refers to an Organisation whose operations are unduly affected by an occurrence/s outside its control, eg a mine closes, an abattoir reduces shifts, flood, drought etc.
Financial	means being under 60 days in arrears, or having an arrangement in place with BNSW regarding payment of existing debt which has been signed off and agreed to by BNSW.
Fee	means the dollar value that the Board sets in each year that is associated with a Player Category.
Insurance	means insurance cover provided to Organisations and Registered Participants. This will vary from time to time but in general covers public liability - professional indemnity - capital benefits - non medicare items - loss of income - support benefits.

Junior	a participant under 18 years but over 12 years of age as at 31 December in any year. i.e. Cannot turn 18 during the year
Learn to play	a participant who is learning the skills of the game and who is not playing in a competition. Refer to Registration Manual for details
Member	means a Member under the Constitution of BNSW
Minibasketballer	a participant under 12 years but over 8 years of age as at 31 December in any year. i.e. Cannot turn 12 during the year
Numbers	means the total numbers of Registered Participants notified in the relevant period.
Organisation	means a company, incorporated body, Organisation or Recognised Body that has been set up specifically to run the sport of basketball in a locality determined by BNSW, and includes Member, Associate, Associate Organisation and Recognised Group
Other	a participant who is not a player but could be a non playing coach, referee, manager, volunteer, administrator, sports trainer, statistician, scoretable official or volunteer (see Referee)
Participant	a person who is a player, coach, referee, statistician, score table official, manager, administrator, volunteer, sports trainer, ie any person who either plays, officiates, administers and/or volunteers in the delivery of the sport of basketball
Parties	means Basketball NSW, a Member, Associate Member, Associate Organisation and Recognised Group.
Pay as You Go(PAYG) Fee	is a system of fee payment under approved circumstances that allows an Organisation to pay for its Registered Participants when they actually register.
Player Category	a participant who plays will be categorised as a Senior, Junior or Minibasketballer depending upon age as at 31 December in any year.
Prescribed Period	means that time period set out in the Registration Manual.
Primary Participant Registration	means the first registration by a particular participant in any year by payment of an amount of money that incorporates the BNSW Fee.

Recognised Group	a club/group/association/educational institution which may or may not register participants with BNSW but which has its competitions /events approved by BNSW as supportable events and can obtain limited access to BNSW resources or contract services of BNSW to run the events/competitions.
Referee	a participant who referees but does not play will be categorized as a player and pay a similar registration fee but depending upon classifications used could be categorised as either a "Player" or "Other"
Registered Participant	a participant who is registered with BNSW and agrees to abide by BNSW's Registration and Tribunal By-Laws.
Registration	the act of filling out the appropriate form and paying the prescribed amount to a Party, with the details being forwarded to BNSW within the Prescribed Period.
Registration Audit	means an audit carried out by BNSW which may cover the areas of registration, player or participant details, and the financial status of an Organisation. It may also cover issues such as governance, demographics and other issues that affect the sport of basketball in an area.
Registration Card	means the card issued by BNSW containing details set out in the Registration Manual
Registration Categories	means those categories set out in Registration Manual and used by the Board as the groupings on which Fees are set.
Registration Manual	is the operations manual outlining the guidelines used in the compilation, input, output and storage of registration details. Amendments to the Manual made by BNSW and sent out as required will form part of these By Laws, The By Laws take precedence over the Manual.
Registration Period	means a 12 month period from the date that a Registered Participant completes the process of Registration
Registration System	means the system of registering participants which forms the basis for Fees setting, sets out the audit processes and how the different facets interrelate.
Relevant Period	12 months covering the period 1 July to the following 30 June.
Remote Association	means an Organisation that due to its physical location is isolated.
Renewal Date	the anniversary date of the act of Registration
Secondary Participant Registration	means Registration of a participant with a second or subsequent Organisation with payment of an administration fee. This type of registration is also known as "affiliate registration".

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- Senior** a participant who is 18 years and above as at 31 December in any year
- SportZman Membership Module** **The approved registration database software provided by BNSW to all its basketball organisations for their use in inputting registered participant information.**
- Start-Up Association** means an Organisation which has sought affiliation with BNSW as they are commencing basketball operations.

4 POWERS and INTERPRETATION

- 4.1 Under these By-Laws the parties have the power to suspend, impose and enforce penalties, disqualify or otherwise deal with an Organisation, a Registered Participant and any other participant in any competition or event conducted by BNSW or an Organisation. (For BNSW See Item 3(c) Ancillary Objects NSWBAL Constitution)
- 4.2 In the interpretation of these by laws the following shall apply:
- 4.2.1 References to the singular shall include the plural and vice versa
 - 4.2.2 References to one gender shall include references to other genders; and
 - 4.2.3 Headings are inserted only for convenience and shall not in any way vary or effect the interpretation of the clauses to these by-laws

5 FEE STRUCTURE

- 5.1 By 1 October in each year, the Board of BNSW, in determining its own budget will set the Fee that will apply for the following year.
- 5.2 The Board will notify all interested parties of the Fee that will be used in the calculation of the Annual Registration Payment for the following year by the 1 November in each year.
- 5.3 The Fee will set out fees for the Registration Categories.
- 5.4 The fees will apply commencing on 1 January of the year after the year in which they were notified.

6 ANNUAL REGISTRATION PAYMENT

- 6.1 The Annual Registration Payment for an Organisation will be based on its Numbers for the 12 months commencing 1 July of the previous year and finishing on the 30 June of the year in which the Board determines the Fee, providing that:
- 6.1.1 the Organisation has complied with all of its registration commitments for the previous year (e.g. submitted all their data)
 - 6.1.2 if an Organisation has not complied with its registration commitments then a penalty determined in accordance with Section 13 – Penalties will apply.
- 6.2 BNSW will notify the Annual Registration Payment for each Organisation. This notification will contain an acknowledgement that the Organisation agrees with the Numbers notified. If an Organisation does not reply within the Prescribed Period this will be taken as an affirmation of the Numbers used.

In the case where an Organisation wishes to dispute the Numbers an appeal must be lodged in writing to BNSW, setting out basis of the appeal, within 30 days of receipt of the Annual Registration Payment Notification letter, on the form attached to the notification.

- 6.3 The Annual Registration Payment may be paid by either:
- 6.3.1 The instalment process as set out in the Registration Manual; or
 - 6.3.2 An annual payment in total or on a schedule of payments agreed to by BNSW.
- 6.4 With Start Up, Remote and Disadvantaged Associations consideration will be given, on a case by case basis, after appropriate evidence is produced, to altering the Annual Registration Payment system to a plan that assists these Organisations in either establishing themselves or continuing as a viable entity.
- 6.5 Where an Organisation receives a rate agreed to under 6.4 above, primary registered participants of that Organisation are not able to be granted secondary membership at another basketball organisation based on that primary registration. Participants must register again as a primary participant. Organisations covered under 6.4 may however accept primary registered participants from organisations who are not covered by a 6.4 agreement as secondary registered participants.**
- 6.6 Pay As You Go (PAYG) Fee allows BNSW to enter into a payment regime that best suits arrangements entered into in 6.3.
- 6.7 Penalties under Section 13 may be applied to an Organisation which does not comply.

7 OPERATING PRINCIPLES

- 7.1 FEES
- 7.1.1 Accounts will be payable in accordance with the Basketball NSW Debtor Policy
 - 7.1.2 Organisations who do not pay two consecutive Annual Registration Payment installments or fail to meet their commitments to any agreed payment schedule will be deemed to be "non compliant" until payments are made or a plan of repayment is agreed to with BNSW.
 - 7.1.3. Non compliance may also occur when only part of a BNSW invoice is paid.
 - 7.1.4. At the end of each quarter, March, June, September and December a Certificate of Insurance will be issued to those basketball associations who have paid the appropriate monthly Annual Registration Payment installments and are Financial. See the Registration Manual for further requirements and use of the Insurance Certificate
 - 7.1.5 Where a group commences operations in an area previously operated by an Organisation which had an outstanding debt with BNSW, BNSW may require as part of any application for membership or recognition an undertaking to repay all or part of the outstanding amount. Each case will be looked at on its merits.

- 7.1.6 Refunds – BNSW will not agree to a refund of a participant's fee if that participant has taken the court, even if it is only on a single occasion as that person retains a right to claim under our sports insurance policy for the statutory period. They will be included in BNSW numbers for ARP purposes and BNSW believes that Basketball Organisations should reserve the right to refund their portion of any fee levied. If an audit uncovers a participant who has taken the court and their details have not been forwarded to BNSW then the penalties in Section 13 may be applied.
- 7.1.7 **Where basketball organisations accept part payments or periodic payments of registration fees, the registered participant information has to be input into the SportZman Membership Module in the terms outlined in these By-Laws.**
- 7.1.8 Penalties under Section 13 may be applied to an Organisation which does not comply

7.2 **PARTICIPANTS**

- 7.2.1 A person must not participate in any game or event under the control of the Parties if unregistered.
- 7.2.2 All Parties must aim to have all non playing participants registered.
- 7.2.3 A person must not use a Registered Participant's name or card to participate.
- 7.2.4 Penalties under Section 13 may be applied to an Organisation or person who does not comply

7.3 **DATA**

- 7.3.1 **The Board of BNSW has approved the use of the SportZman Membership Module and provided copies of the software for use by basketball organisations. Use of alternative packages could incur additional costs to basketball organisation who choose not to use the approved SportZman database software.(see Section 12 (d)).**
- 7.3.2 Required registration details,(see Registration Manual) must be collected by the Organisation and forwarded either electronically or by mail to BNSW for insurance and eligibility purposes within the Prescribed Period from the date of Registration
- 7.3.3 It should be noted that the 'Expiry Date' of the registration period is critical in calculating registration numbers. [PLEASE NOTE: Where an Organisation submits data for a Registered Participant on more than one occasion during the same calendar year, they should be aware that its Registered Participant count for that year will be inflated and could affect their Annual Registration Payment calculation.]

THE FOLLOWING SUB SECTION SHOULD BE NOTED:

- 7.3.4 An Organisation should consult with Basketball NSW before changing its registration period to ensure that it is not adversely affected by such a change.

- 7.3.5 Where an organisation's data collection provides either data that has been backdated or data that has a period of greater than 12 months encapsulated, BNSW reserves the right to adjust the numbers to those applicable for the previous calendar year or make such adjustment that corrects the anomaly in the numbers.
- 7.3.6 If a dispute exists about Numbers or BNSW believes there is a discrepancy as to the number of Registered Participants, a notification will appear in the BNSW Annual Report.
- 7.3.7 An Organisation is required to keep its registration data and scoresheets for a period seven (7) years.
- 7.3.8 Penalties under Section 13 may be applied to an organisation which does not comply

7.4 GENERAL

- 7.4.1 An Organisation is considered compliant when the data (as set out in the Registration Manual) is received by BNSW and the Organisation is Financial.
- 7.4.2 When an Organisation is compliant, all Registered Participants will be covered by the BNSW's insurance policy coverage.

8 REGISTRATION PERIOD

All Registrations will expire 12 months after they have commenced. Registration is effective on the date money is paid by Registered Participant to the Organisation, provided that the data is received in BNSW's office within the Prescribed Period.

If a registered participant ceases to play within the registration period, the registration period is not amended to reflect this date.

If the participant resumes playing and registers within a period of three months of the expiry date of their registration period it will automatically backdate to comply with the principal of continuing registration.

If however, a registered participant notifies that he will not continue his registration period at or before their expiry date then the registration renewal will be treated as a new registration and not be backdated in accordance with the validation rule, (organisations need to notify prior to the registration occurring). Secondary registration checks could alter any decision on any request submitted. Where registrations are not backdated – organisations should be aware that a record is kept for audit purposes and checked when an audit is conducted.

9 REGISTRATION MANUAL

- 9.1 A Registration Manual will be amended and published annually and issued to each Organisation.
- 9.2 Organisations are required to comply with the most recently published Registration Manual or any subsequent amendments authorised by BNSW.
- 9.3 All Registration Categories and Fees will be clearly outlined.
- 9.4 Organisations will submit to BNSW all data set out in the Registration Manual.

10 REGISTRATION CARD

- 10.1 A Registration Card may be issued by BNSW to each Registered Participant.
- 10.2 A Registration Card will only be issued on a Primary Participant Registration.
- 10.3 The format and information contained on the card and its distribution shall be decided annually and notified in the Registration Manual
- 10.4 Cards may not be transferred to other persons
- 10.5 A replacement Registration Card may only be requested by an Organisation which will be invoiced by BNSW for the costs associated with replacement.
- 10.6 The costs of replacement Registration Cards will be notified in the Registration Manual.
- 10.7 Replacement Registration Cards will be available under the following conditions:
 - 10.7.1 lost or damaged Registration Cards will be replaced at the individual's expense;
 - 10.7.2 where incorrect information has been supplied by an Organisation, the card will be replaced at the Organisation's expense;
 - 10.7.3 where it is discovered that two Registration Cards have been issued due to an Organisation submitting the information on more than one occasion, that Organisation will be invoiced for the cost of the second or subsequent Registration Cards;
 - 10.7.4 where errors or incorrect information has been caused by BNSW, the Registration Card will be replaced at BNSW's expense
- 10.8 The Registration Card will be issued attached to a letter which contains a provision for the Registered Participant to amend the information held. The Registered Participant should forward this information onto the body at which they registered. It is then the responsibility of the Organisation to advise BNSW accordingly.
- 10.9 **Use of Registration Card**
A Registered Participant may be requested to produce a Registration Card and therefore must carry it at all times whilst participating. By using the Registration Card, the Registered Participant agrees to abide by rules governing its issue as set out in the BNSW Registration By-Laws and to abide by the BNSW Tribunal By-Laws.
- 10.10 **Registration Card Usage**
The Registration Card may be used to determine a participant's eligibility to play or participate in any competition or event conducted by the Parties
- 10.11 Approval must be obtained from BNSW if an Organisation wishes to use any of the surface area of the card for its own purposes.

11 **AUDIT**

- 11.1 Self The requirements of an internal or self audit may consist of:
- 11.1.1 a process required to be completed quarterly, March, June, September and December;
 - 11.1.2 a report to be forwarded on the last day of each of the respective months to BNSW;
 - 11.1.3 Except in December where the advice can be forwarded on the Organisation's last working day of the month;
 - 11.1.4 A self audit will notify the total number of Registered Participants who registered during the relevant quarter in the Registration Categories by gender. An Organisation may choose to forward the required information monthly;
 - 11.1.5. The required information must contain a statement confirming the batches or registration forms sent and their respective totals and a statement confirming how data was transmitted;
 - 11.1.6 BNSW must provide a format and form for the required information in the Registration Manual
 - 11.1.7 A tick box for Nil Returns will be provided as it is acknowledged that there will be months for some Organisations in which no activity takes place.
- 11.2 External An external audit will be:
- 11.2.1 carried out by BNSW personnel or other person appointed by BNSW;
 - 11.2.2 may be used to confirm internal audits;
 - 11.2.3 may be either random, directed or programmed.
 - 11.2.3.1 A random audit will be selected by using a statistical basis, eg every 10th association
 - 11.2.3.2 A directed audit may occur when an anomaly is discovered or BNSW otherwise suspects that information supplied is incorrect or insufficient, where financial payments become erratic and/or there is a change in governance.
 - 11.2.3.3 A programmed audit is where a schedule of audits has been compiled by BNSW and the relevant Organisations are notified in advance with date/time agreed to.

- 11.2.4 Associations may be required to give an auditor access to
- draws;
 - scoresheets;
 - nomination and registration forms;
 - registration receipts;
 - company registers;
 - names and registration numbers;
 - past year records;
 - annual reports;
 - annual financial information (if not included in annual reports;
 - auditor's report where this is not part of the annual report or attached to any annual financial statement;
 - or other information deemed essential to the conduct of the audit.

11.2.5 In the case of a random or directed audit where the Organisation has full time staff, the auditor/audit team may arrive unannounced at the relevant Organisation. In most circumstances reasonable notice will be provided to the Organisation regarding the arrival of the auditor/audit team. If the circumstances warrant immediate action, the Organisation must furnish all requested information except where the Organisation's operations could be adversely affected and a suitable alternate appointment time may be arranged and agreed upon.

11.3 At the completion of the audit process an Organisation will receive a report of the audit and its findings along with any other statistical data available.

11.4 Penalties under Section 13 may be applied to an Organisation which does not comply

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REGISTRATION SUBMISSION ASSISTANCE

a. The following services will be provided by BNSW to Members, Associates, and Associate Organisations:

- over the phone advice on any aspect of the registration package programme, its setup, its configuration, input or output.
- advice on computer specifications to successfully run the registration package programme
- basic training of operators of the registration package programme
- assist in moving data/programme from one computer to another when the function of registration officer changes occupants and will assist with training of this new occupant

Demands for assistance that go outside the normally expected limits will incur a charge.

b. Ancillary services that fall outside of those listed above will be charged for on a user pays basis

c. The charges for ancillary services will be listed in the Registration Manual each year.

- d. The types of assistance that would incur a cost under the 'user pays' principles are:
1. **entering data from software packages other than "Sportzman" or "BBUnlimited**
 2. **rebuilding registration database where the computer has 'crashed' as a result of computer equipment or operator error (erroneously deleting files)**
 3. **in aiding with problems associated with computer system that have arisen outside of the registration program.**
 4. **excessive repetition of the same problem**

13**PENALTIES**

- 13.1 If an Organisation is deemed by the Board of BNSW to be not Financial or not compliant it may apply the following sanctions to the Organisation or team:
- 13.1.1 it will be ineligible to progress to State and National competitions and or events;
- 13.1.2 its Registered Participants will not be eligible for services offered by BNSW including selection for camps and teams, nor may they be covered by any insurance scheme offered by BNSW; BNSW may refuse to register additional participants from that Organisation.
- 13.2 If an Organisation fails to submit accurate registration data within the Prescribed Period, even if its Annual Registration Payment installments are up to date,, its Registered Participants may be ineligible for cover under the BNSW insurance scheme, and BNSW may refuse to register additional participants from that Organisation.
- 13.3 If an Organisation fails to supply the accurate registration data by the 30 June each year then the Annual Registration Payment for the next year will be the current year's (base year) PLUS 15%. If the non compliance continues for another year then the annual registration payment for the following year will be the base year PLUS 30% and so on rising at a rate of 15% per year thereafter.
- 13.4 Organisations that refuse to comply with, or hinder, the audit process, including not keeping **the** relevant documentation for the required time, may incur one or a combination of the following penalties:
- a fine;
 - exclusion from BNSW competitions/events;
 - loss of competition points in BNSW competitions;
 - loss of ability to progress within BNSW competitions;
 - suspension of services by BNSW;
 - other relevant penalty as determined by the Board.
- 13.5 Where it is discovered that a player participates when unregistered in any of the Parties' competitions or events, the Organisation that the player belongs to or is representing, may incur one or a combination of the following penalties:
- a fine;
 - forfeiture of all games or events in which the unregistered player has participated, with loss of competition points;
 - other penalty as determined by the Board.
- 13.6 Where it is discovered that an unregistered player has used the name or Registration Card of a Registered Participant to enable him or her to play either whilst unregistered or suspended in a parties' competition, the participant,

Organisation or team that the player purported to belong to or represent may incur one or a combination of the following penalties:

- a fine;
- game forfeited – fine and loss of competition points;
- other penalty as determined by the Board

13.7 When a referee is unregistered, or unfinancial he or she will not be allowed to referee finals or national championships.

13.8

In addition to other penalties, if BNSW determines in any investigation that an Organisation has allowed a participant to play whilst unregistered, that Organisation will incur the fine, depending on the number of occurrences that is set out in the Registration Manual. BNSW will notify the Organisation of circumstances and fine proposed. Depending on any explanation provided by the Organisation, BNSW may waive the fine imposed but will in all cases require that the non compliance be rectified, and may initiate an Audit. If the Organisation fails to correct the noncompliance other penalties may be imposed. The numbers of the Organisation must be adjusted.

13.9 If it is discovered in an Audit that there has been non compliance a fine will be imposed as set out in the Registration Manual and after determination as to degree of error or avoidance the fine may be waived. Numbers will be adjusted accordingly and any monies not paid as a result will be invoiced accordingly.

Amendments:

Date Amended	Section Amended	Reason
15/12/2006	Section 6.5 added	Takes away advantage of cheaper primary registration.
29/11/2007	Section 3. Definitions	Add Aussie Hoops
		Amend Disabled Category
		Amend Minibasketballer
		Add SportZman Membership Module
	Section 7.1.7	New section to cover where basketball organisations accept part payments.
	Section 7.3.1	New section inserted covering Board's approval of SportZman.. Existing sections renumbered.
	Section 7.3.4	"Special Note" included
	Section 12 (d)	Sub sections re-ordered for emphasis
	Section 13.4	Reworded to read correctly.
04/12/2008	Re Issued without Change	