



**FIBA
OCEANIA**

We Are Basketball

FIBA Oceania Incorporated

CONSTITUTION
(General Statutes)

AND

REGULATIONS
(By-Laws)

Recognised as a Zone by the
International Basketball Federation
(FIBA) since 1968.

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FIBA OCEANIA INCORPORATED

Constitution (General Statutes)

Chapter One

Definition, Composition, Objects, Powers

Article 1. - Name and Authority

- 1.1 The name of this Organisation is "FIBA Oceania Incorporated" hereinafter referred to as "FIBA Oceania".
- 1.2 FIBA Oceania is the Zone established by the International Basketball Federation (FIBA) under its General Statutes.
- 1.3 Subject to FIBA's General Statutes and Internal Regulations, FIBA Oceania is delegated as the sole competent authority for promoting, supervising, and directing all men's and women's basketball activities within the Zone
- 1.4 FIBA Oceania is recognised by the Oceania National Olympic Committees.
- 1.5 In this Constitution and in any Regulations (By-laws) made under it, all references to males (he, his, and him) shall be considered to apply also to females and shall be read accordingly, and the following words and phrases (if used) shall have the following respective meanings.

ACT	means the Australia Capital Territory.
Act	means the <i>Associations Incorporations Act 1991 (ACT)</i>
Appeals' Tribunal	means the Tribunal established under Article 23 of this Constitution that deals with appeals against decisions of FIBA Oceania or its organs.
Associated member	means a national member federation that has been so declared by FIBA or by FIBA Oceania.
Board	means the Board of FIBA Oceania as defined in Article 13 of this Constitution.
Coach	means a person who prepares a team for, and/or directs the team in, competition, and is licensed by a national member federation
Congress	means the supreme authority of FIBA Oceania as defined in Article 11 of this Constitution.
Constitution	means this Constitution of FIBA Oceania and includes the Regulations.
Country	means a geographical territory within which an independent national basketball federation recognised by FIBA exists.
Delegate	means person/s or officeholder/s authorised formally to exercise specified power/s of other

	person/s or officeholder/s, or of national member federations
Doping control	means the process of testing for breaches of FIBA's anti-doping Regulations.
Electronic Means	means the process by which notices, general communications, and data are transmitted by facsimile or other electronic means as approved from time to time by the Board.
Eligibility	means the status of a player in being eligible to represent a national member federation in the official competitions of FIBA and/or FIBA Oceania.
FIBA	means the International Basketball Federation.
FIBA Commissioner	means the specially qualified person who presides over table personnel at official competitions of FIBA Oceania
FIBA Oceania	means the Secretary General of FIBA Oceania or his delegate, unless the context indicates otherwise.
FIBA Oceania Official	means a member of the FIBA Oceania Board, Secretariat, Tribunal, Technical Committee, or any other person appointed in an official capacity by FIBA Oceania.
FIBA Oceania Secretariat	means the office of the Secretary General of Oceania.
FIBA Player "B" Licence	means a licence issued by FIBA or by FIBA Oceania to certify that a player is authorised to play for the club indicated on the licence in an official game, league, cup or tournament of FIBA or of FIBA Oceania..
FIBA Referee	means an official appointed to officiate a game of basketball.
Financial Year	means the year ending 31 December in each year or such other twelve (12) month period as determined by the Board.
Foreign player	means a player who does not have the legal nationality of the national member federation by which he is licensed currently.
Foreign Player "A" Licence.	Means a licence issued by FIBA Oceania to a foreign player participating in the first or second division of a national member federation's championship.
Island national member federations	means those national member federations of FIBA Oceania other than Australia and New Zealand

Jury of appeal	means the body that deals with appeals from decisions of the Technical Committee at official competitions of FIBA Oceania.
Letter of clearance	means the document that authorises the transfer of a player from one national member federation to another.
Local organising committee	means the committee which may be charged by a national member federation with the successful organisation and execution of a main official competition of FIBA Oceania.
Mid-term Conference	means a meeting of FIBA Oceania held mid-term between sessions of the Congress.
National member federation	means a national member federation admitted to membership of FIBA in accordance with FIBA's General Statutes which, in turn, is allocated as a national member federation of FIBA Oceania.
Objects	mean the Objects of FIBA Oceania as set out in Article 4
Oceania	refers to the geographic continental region in the Pacific in which FIBA has delegated FIBA Oceania to operate.
Player	means a person as defined in the FIBA Internal Regulations.
President	means the President for the time being of FIBA Oceania.
Regulations	means any Regulations made under Article 21 of this Constitution.
Sanction	means a penalty applied for breach/es of this Constitution and/or the Regulations of FIBA Oceania, or those of a national member federation, including sanctions against individuals.
Secretary General	means the Secretary General for the time being of FIBA Oceania appointed by the Board having such functions as are set out in this Constitution.
Service of documents	means the delivery of documents by mail and by electronic means.
Special Conference	means a meeting of the members of FIBA Oceania between sessions of Congress that has been convened specially to resolve a particular issue, due notice of which has been given.

Special Foreign Player Licence (Australia)	means a special licence approved by FIBA for issue by FIBA Oceania and which is defined further in the Regulations.
Special Foreign Player Licence (New Zealand)	means a special licence approved by FIBA for issue by FIBA Oceania and which defined further in the Regulations.
Technical Committee	means the committee that oversees all technical matters during an official competition of FIBA Oceania.
Technical Delegate	means an appropriately qualified person formally appointed by the Secretary General to act on his behalf in technical matters during main and other official competitions of FIBA Oceania.
WADA	means the World Anti-Doping Agency.
Zone	means the continental body established under FIBA General Statutes and to which national member federations are assigned. It exercises authority, delegated by FIBA, in accordance with the FIBA General Statutes and Internal Regulations.

Article 2. - Headquarters and Place of Jurisdiction

- 2.1 The headquarters of FIBA Oceania, which is also the office of the Secretary General, are in Australia. Any change to the country in which the headquarters are located must be decided by the Congress of FIBA Oceania and approved by the Central Board of FIBA.

Article 3. – Non-Profit Organisation

- 3.1 FIBA Oceania is a non-profit organisation that does not pursue any objective for its own gains. It operates under the provisions of the Act under which it was incorporated and its financial resources may be used only in pursuit of the Objects laid down in this Constitution.

Article 4. – Objects

- 4.1 The objects of FIBA Oceania are:
- 4.1.1. To control, foster, encourage, and advance the sport of basketball and the practice of men's and women's basketball in all its forms in all age groups in every country within the FIBA Oceania Zone.
 - 4.1.2. To have teams drawn from Oceania participate successfully in international basketball competitions.

- 4.1.3. To promote recognition of basketball as a leading participative sport.
- 4.1.4. To encourage the provision of appropriate facilities for participation in basketball.
- 4.1.5. To act in the interests of sport, and basketball in particular.
- 4.1.6. To establish and maintain cordial relations with other sporting bodies.
- 4.1.7. To co-operate with, join with, or support any association, organisation, society, or individual where the activities are similar to those of FIBA Oceania or which advance basketball throughout or in specific parts of Oceania.
- 4.1.8. To promote and develop the standards of officiating, coaching, and administration throughout the Zone.
- 4.1.9. To maintain absolute political and religious neutrality and not permit any racial or other form of discrimination.

Article 5. – Powers, Rights, and Obligations

- 5.1 FIBA Oceania has the following powers, rights, and obligations:
 - 5.1.1. To promote the practice of basketball throughout the Oceania region and to organise Zone competitions in a permanent and regular manner, in strict compliance with the policies and technical regulations of FIBA.
 - 5.1.2. To comply with, and enforce and secure the strict enforcement of the FIBA General Statutes and all other regulations of FIBA, and to abide by any decision made thereunder.
 - 5.1.3. To impose such sanctions on members and entities under its jurisdiction as fall within its mandate and regulations.
 - 5.1.4. To ensure that International Leagues or any other such groups of clubs are not formed without complying with the appropriate Internal Regulations of FIBA.
 - 5.1.5. To inform the Secretariat of FIBA of any event or competition organised by FIBA Oceania and, if necessary, obtain such authorisation as may be required by the FIBA Internal Regulations.
 - 5.1.6. To administer and promote the basketball championships of Oceania and qualification events for World Championships and Olympic Games, and to delegate to any of its national member federations the organisation and holding thereof.
 - 5.1.7. To establish and maintain a uniform approach throughout the FIBA Oceania Zone to the rules and administration of basketball.
 - 5.1.8. To inform the Secretariat of FIBA of the results of all international competitions held within the Zone, and to keep the relevant FIBA Commissions informed of such events and to present relevant activity reports to the FIBA Congress.

- 5.1.9. To approve, subject to the General Statutes and Internal Regulations of FIBA, any inter-zone competition involving any team affiliated with a national member federation.
- 5.1.10. To submit to the Secretariat of FIBA for its information all international transfers of players within the Zone.
- 5.1.11. To perform doping controls during FIBA Oceania competitions and events as decided from time to time, and to inform the Secretariat of FIBA of all positive doping cases detected, and to take the necessary steps to establish education and enforcement programs to support FIBA's anti-doping policy.
- 5.1.12. To present to the FIBA Commissions and to the FIBA Central Board any information deemed useful in the interests of world basketball.
- 5.1.13. To keep such records as are necessary.
- 5.1.14. To designate members to the FIBA Central Board in accord with the FIBA General Statutes and to propose persons for consideration of appointment to FIBA Commissions and/or other positions as provided for under the FIBA General Statutes from time to time.
- 5.1.15. To hear and adjudicate upon appeals as provided for under Article 23 of this Constitution.
- 5.1.16. To purchase, take on lease, or in exchange, hire or otherwise acquire real or personal property.
- 5.1.17. To promote, supply or deal in goods.
- 5.1.18. To construct, maintain or alter buildings or works.
- 5.1.19. To receive fees, dues and levies.
- 5.1.20. To accept any sponsorship or gift whether subject to a special trust or not.
- 5.1.21. To borrow or raise money in such manner and on such terms as it thinks fit.
- 5.1.22. To invest moneys of FIBA Oceania as it may from time to time determine.
- 5.1.23. To make gifts, subscriptions or donations to any authorities or institutions.

Chapter Two

Membership of FIBA Oceania

Article 6. – Members of FIBA Oceania

- 6.1 Only national basketball federations may be members of FIBA Oceania and FIBA Oceania consists of those national member federations assigned to it by FIBA from time to time.
- 6.2 Each national member federation so assigned by FIBA as a member of FIBA Oceania shall abide by and enforce the Constitution, Regulations, Rules, policies of FIBA Oceania, and decisions made in conformity therewith.

Article 7. - Rights of Members

- 7.1 National member federations of FIBA Oceania have the following rights:
- a) to take part in the Congress, the Mid-term Conference, and any special or extra-ordinary Conference of the national member federations of FIBA Oceania;
 - b) to make proposals for inclusion in the agenda of the Congress and the Mid-term Conference;
 - c) to nominate candidates for the position of President and for members of the Board of FIBA Oceania as prescribed in this Constitution;
 - d) to take part in the main official competitions of FIBA Oceania;
 - e) to take part in FIBA Oceania's assistance and development programmes.
 - f) To exercise all other rights arising from this Constitution and the Regulations.
- 7.2. The exercise of these rights is subject to other provisions in this Constitution and Regulations.

Article 8. – Obligations of Members

- 8.1 National member federations must pay membership and other fees to FIBA Oceania as determined from time to time by the Board.
- 8.2 National member federations must remain in good standing (including good financial standing) with FIBA Oceania and participate in official international activities and competitions of FIBA Oceania wherever possible.
- 8.3 National member federations shall observe strictly all regulations and decisions of FIBA Oceania and ensure that their members also comply with them.
- 8.4 A national member federation shall provide FIBA Oceania with an identical copy of its Constitution and Regulations with that provided to FIBA for its ongoing membership of FIBA, and of any changes to those documents approved by FIBA. Such documentation shall be in the English language.
- 8.5 National member federations shall recognise the Court of Arbitration for Sport and ensure that the latter's decisions are legally binding for their own member federations, clubs, leagues, players, managers, officials and agents within their jurisdiction.
- 8.6 Non-compliance with these provisions may lead to withdrawal of rights or privileges provided for in this Constitution and/or the Regulations of FIBA Oceania.

Article 9. – Associated Members

- 9.1 A national member federation which has violated as defined in Article 10 the provisions of this Constitution and/or Regulations shall forfeit its rights as a national member federation of FIBA Oceania and become an associated member as prescribed in Article 10.
- 9.2 An associated member is not entitled to vote at the FIBA Oceania Congress, a Mid-term Conference, or at a Special Conference or any other extraordinary meeting. Its teams and officials may not participate in official competitions or activities.

Article 10. – Withdrawal of Rights and Privileges of Members

- 10.1 Failure by a national member federation to pay all or part of its affiliation fee or any other fees authorised by FIBA Oceania on or before the 30th day of June following the date on which it becomes due and payable, shall result in the automatic declaration by the FIBA Oceania Secretary General of that federation as an associated member. Thereafter, FIBA Oceania may on payment of the money in arrears and of such fines as may be deemed appropriate by FIBA Oceania, set aside such declaration and restore the defaulting federation to all rights and privileges.
- 10.2 Any persistent or flagrant violation by a national member federation of the Constitution, Regulations, other rules, and/or policies of FIBA Oceania or of any order made in conformity therewith shall render such member liable to withdrawal by FIBA Oceania of proscribed rights and privileges and to being declared an associated member. This decision shall be taken by the Board of FIBA Oceania and, subject to Article 10.4, shall remain in place until revoked by the Board, or is revoked or confirmed by the next Congress, Mid-term Conference, or Special Conference.
- 10.3 Where the Board is of the opinion that a member-
- a. has persistently and/or flagrantly refused or neglected to comply with the provision of these rules; or
 - b. has persistently, wilfully, and/or flagrantly acted in a manner prejudicial to the interests of FIBA Oceania,
- then the Board may by resolution withdraw specified rights and privileges of membership of FIBA Oceania as the Board may determine for a specific period, and declare the member to be an associated member.
- 10.4 A resolution of the Board under Article 10.3 is of no effect unless the Board, at a meeting held not earlier than 14 days and not later than 28 days after service on the member of a notice under Article 10.5 confirms the resolution in accordance with this rule.
- 10.5 Where the Board passes a resolution under Article 10.3 the Secretary General shall, as soon as practicable, cause a notice in writing to be served on the member-
- 10.5.1. Setting out the resolution of the Board and the grounds upon which it is based.
 - 10.5.2. Stating that the member may address the Board at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice;
 - 10.5.3. Stating the date, place and time of the meeting; and
 - 10.5.4. Informing the member that the member may do either or both of the following:
 - a. attend and speak at the meeting;
 - b. submit to the Board at or prior to the date of the meeting written representation relating to the resolution.
- 10.6 At a meeting of the Board mentioned in Article 10.4 the Board shall-
- a. give to the member mentioned in Article 10.3 opportunity to make oral representation;
 - b. give due consideration to any written representations submitted to the Board by that member at or prior to the meeting; and
 - c. by resolution determine whether to confirm or to revoke the previous resolution of the board.

- 10.7 Where the Board confirms a resolution under Article 10.4 the Secretary General shall, within seven days after that confirmation, by a notice in writing inform the member of the confirmation and of the member's rights of appeal under Article 10.9.
- 10.8 A resolution confirmed by the Board under Article 10.5 does not take effect-
- 10.8.1. until the expiration of the period within which the member is entitled to appeal against the resolution (in the case of a member who does not appeal) or
- 10.8.2. where within the period, the member exercises the right of appeal, unless and until FIBA Oceania confirms the resolution in accordance with Article 10.11.
- 10.9 A member may appeal to a Special Conference against a resolution of the Board which is confirmed under Article 10.4 within seven days after notice of the resolution is served on the member, by lodging with the Secretary General a notice to that effect.
- 10.10 Upon receipt of a notice under sub Article 10.9 the Secretary General shall convene a Special Conference of FIBA Oceania to be held within 21 days after the date on which the Secretary General received the notice or as soon as possible after that time.
- 10.11 At a Special Conference convened under Article 10.10 -
- 10.11.1. no business other than the question of the appeal shall be transacted;
- 10.11.2. the Board and the member shall be given the opportunity to make representations in relation to the appeal orally or in writing, or both; and
- 10.11.3. the members present shall vote by secret ballot on the question of whether the resolution made under rule Article 10.4 should be confirmed or revoked.
- 10.11.4. If three-quarters of the members attending the Special Conference pass a resolution in favour of the confirmation of the resolution made by the Board under Article 10.4 then the resolution is confirmed, otherwise it is revoked.

Chapter Three

Organisation of FIBA Oceania

Article 11. - The Congress, Mid-term Conference, Special Conferences, and Voting between Congresses and Mid-term Conferences

11.1 The Congress

11.1.1. Authority, Powers and Duties

11.1.1.1. The Congress is the supreme authority of FIBA Oceania and holds sovereign powers within its terms of reference under this Constitution. It shall consist of:

- a) A maximum of two delegates per national member federation with the right to one vote which will be granted to the first delegate so designated.
- b) The President.
- c) The Secretary General

- d) Members of the FIBA Oceania Board, who have consultative powers only unless they represent officially national member federations.

11.1.1.2. The Congress shall have the duties assigned to it in this Constitution. In particular, it shall have the duty to:

- a) Approve the agenda;
- b) Adopt and modify this Constitution;
- c) Adopt general policies to be observed by FIBA Oceania Officials, the Board, and/or national member federations;
- d) Review previous decisions of the Congress, Mid-term Conferences, Special Conferences, and the Board;
- e) Elect the President and Vice Presidents of FIBA Oceania;
- f) Appoint the Board of FIBA Oceania in accord with Article 12;
- g) Grant the title of Honorary President or Honorary Member and approve other FIBA Oceania awards;
- h) Examine and approve all reports, including the activity report of the FIBA Oceania Board, and other items on the agenda;
- i) Ratify the decisions of the FIBA Oceania Board under Article 10 (withdrawal of rights and privileges of members);
- j) Perform such other acts or functions as are required by the Act and/or this Constitution to be performed by Congress; and
- k) Declare the disbandment of FIBA Oceania.

11.1.2. Meetings of the Congress

11.1.2.1. The Congress of FIBA Oceania shall be held every four years as determined by the Board at the time of a major Oceania basketball event.

11.1.2.2. Each officer of FIBA Oceania, and each national member federation of FIBA Oceania, shall receive at least eighty-four (84) days notice in writing of the place and time of the Congress, such notice being mailed or sent by electronic means by the Secretary General.

11.1.2.3. Notice in writing of all motions and nominations for positions for consideration at a Congress of FIBA Oceania shall be in the hands of the Secretary General of FIBA Oceania fifty six (56) days prior to the date of the Congress. Provided that such notices fall within the province of the Congress, they shall be placed upon the agenda for the said Congress.

11.1.2.4. Upon leave being granted, a matter may be raised at a Congress without notice and (except notices intended to vary this Constitution or the Competition Rules of FIBA Oceania) such matters may be the subject of a motion.

11.1.2.5. A copy of notices of motions received by the Secretary General which comply with 11.1.2.3 shall be mailed or sent by electronic means to each national member federation and each officer of FIBA Oceania forty-two (42) days prior to the Congress.

11.1.2.6. Where notice is given that the Constitution should be amended or that FIBA Oceania be dissolved, then the notice of such proposal shall be in the form of a Special Resolution as provided for in Section 70 of the Act.

- 11.1.2.7. National member federations may be represented by their delegate/s only, who must present a document signed by the President of that national member federation proving that they are delegates of that national member federation. Delegates may represent one (1) national member federation only.
- 11.1.2.8. Representation by letter or proxy is not permitted.
- 11.1.2.9. The quorum for a Congress shall be representation by 5 national member federations.
- 11.1.2.10. The President shall occupy the Chair at a Congress of FIBA Oceania. The President and the Secretary General shall each have a deliberative vote. In the event of a tied vote, the President shall have a casting vote in addition to his deliberative vote.
- 11.1.2.11. If the President is absent, the meeting shall choose an Acting Chair from among the Vice Presidents in attendance. If the Acting Chair so appointed is a delegate of a national member federation, he shall have a deliberative vote and a casting vote in the event of a tie, but otherwise a casting vote only.
- 11.1.2.12. The order of business for the Congress is set out in Regulation J of the Regulations made under this Constitution.
- 11.1.2.13. Except as otherwise provided herein, resolutions at a Congress of FIBA Oceania require a simple majority only of votes cast.
- 11.1.2.14. Motions passed by FIBA Oceania may be altered, amended, changed, deleted or rescinded by a three-quarter-majority of the national member federations voting, subject to prior compliance with the provisions of Article 11.1.2.3 of the Constitution.

11.2 The Mid-term Conference

11.2.1. Authority, Powers, Duties, and voting rights

- 11.2.1.1. With the exception provided for in 11.2.1.2 a Mid-term Conference may exercise all of the authority, powers, duties and voting rights of the Congress.
- 11.2.1.2. Mid-term Conference has no power to:
- (a) adopt changes to the Constitution or order the disbandment of FIBA Oceania; or
 - (b) elect any officers and/or members of the Board. This power is specifically reserved for the Congress

11.2.2. Meetings of a Mid-term Conference

- 11.2.2.1. A Mid-term Conference of FIBA Oceania will be held at a suitable time and venue decided by the Board.
- 11.2.2.2. The provisions of Article 11.1.2.2 apply also to meetings of a Mid-term Conference.

11.3 Special Conference

11.3.1. Authority, Powers, Duties and voting rights

- 11.3.1.1. With the exception provided for in 11.3.1.2, a Special Conference may exercise all of the authority, powers, duties, and voting rights of the Congress including making changes to the Constitution and ordering the disbandment of FIBA Oceania.

11.3.1.2. A Special Conference has no power to elect any officers and/or members of the Board. This power is specifically reserved for the Congress

11.3.2. Meetings of a Special Conference

11.3.2.1. Either the Board or five (5) national member federations conjointly may requisition a Special Conference and shall detail the motion or motions which it is intended will be submitted to the Special Conference.

11.3.2.2. The venue for a Special Conference shall be determined by the Board.

11.3.2.3. The provisions of Article 11.1.2.2 apply also to meetings of a Special Conference except that the period for giving notice of a Special Conference is reduced to 21 days prior to the Special Conference being held and details of the motion or motions to be discussed will be given in the notice

11.3.2.4. A Special Conference shall deal only with those matters for which notice has been given.

11.3.2.5. Each national member federation may be represented by one delegate only at a Special Conference.

11.4 Voting between Congresses or Mid-term conferences

11.4.1. Notwithstanding any other provision of this Constitution, if the Secretary General, with the concurrence of the Board, determines;

11.4.1.1. that a particular question (including but not limited to an amendment to this Constitution) requires a vote of the national member federations;

11.4.1.2. that it would not be in the best interests of FIBA Oceania to defer a decision upon the question until the next Congress or Mid-Term Conference; and

11.4.1.3. that it would not be practical to convene a Special Conference to consider the question,

the Secretary General may put the question before the national member federations in the manner provided for herein.

11.4.2. A question to be decided pursuant to this Article shall be transmitted to each national member federation by mail or electronic means. Each national member federation shall have thirty days from the date of transmittal in which to vote on the question. A vote may be made by mail, telefax, or email. A vote shall be deemed cast when it is received by the Secretary General.

11.4.3. A question shall be decided in the affirmative if it shall have received the affirmative votes of three-quarters of the national member federations. The decision on the question shall take effect immediately, unless the question itself provides for a later effective date. The Secretary General shall promptly advise all national member federations of the results of the vote.

11.4.4. The Secretary General shall report every question decided in the affirmative pursuant to this Article to the next Congress or Mid-term Conference.

Article 12. - Officers and Board

- 12.1 The Officers of FIBA Oceania shall be: President, three (3) Vice-Presidents (one each drawn from Micronesia, Melanesia and Polynesia), and the Secretary General. The President and Vice Presidents shall be elected at the Congress, not necessarily from among the delegates, and shall hold office until the next Congress, or until a successor is elected as hereinafter provided.
- 12.2 So that the Presidency will change regularly, a President can serve in that position for a maximum of one (1) consecutive four-year term only. A person appointed on a pro tem basis in terms of Article 12.8 may be elected for a four-year term immediately following the pro tem appointment.
- 12.3 It is highly desirable that persons nominated for the position of President should have previously served on the Board.
- 12.4 Nominations in writing for the Offices of President, Vice Presidents and members of the Board with the approval of each nominee and any other positions as decided from time to time by FIBA Oceania shall be invited at the same time that notice of the Congress is given (see Article 11.1.2.2 of Constitution). Such nominations shall close with the Secretary General fifty six (56) days prior to the Congress
- 12.5 Nominations received by the Secretary General in writing for the positions described in 12.4 shall be circulated at the same time and with notices of motion and other items for the Congress (see article 11.1.2.3 of the Constitution) to each national member federation and each officer of FIBA Oceania forty-two (42) days prior to the Congress.
- 12.6 In the event of there being insufficient nominations for any category, the nomination or nominations actually received shall be declared elected. The President shall call for and accept nominations for any vacancies still remaining. In the event that the number of nominations then received exceed the number required to fill the said vacancies, elections shall take place in accordance with the procedure provided by these rules to determine which nominees shall fill the vacancies
- 12.7 Voting for elections shall be by secret ballot. Each voting delegate shall write on the ballot paper the name of the candidate (or in the case of Vice Presidents and the Board, candidates) preferred. All such votes shall be counted and the candidate(s) receiving the highest number(s) of the votes available to be cast at the meeting shall be elected to office. A tied vote shall be broken by a further ballot/s involving the tied candidates only until a winner is determined.
- 12.8 In the event of a vacancy occurring in the office of President between Congresses the Board shall make a pro tem appointment which shall have effect until the next meeting of the Congress.
- 12.9 The Congress may from time to time appoint such persons as it shall deem fit as Patron of FIBA Oceania.

Article 13. - Board: Composition, powers, duties, and operation

- 13.1 The Board shall consist of the President, Secretary General (ex-officio) and five (5) other members elected by the Congress, plus any members of the Central Board of FIBA designated by the Zone (cf Article 15.10 of the FIBA General

Statutes, provided they are not already (a) member/s of the Board. The five (5) elected representatives must be endorsed by their national member federations. One (1) of the five elected representatives will be the nominee from Australia, one (1) will be the nominee from New Zealand and three (3) will be representatives from the Island national member federations.

- 13.2 Members of the Board shall be elected at the Congress but their term of office shall be identical with that of the Central Board of FIBA (cf Article 15.3 of the General Statutes of FIBA.
- 13.3 A Board member shall be deemed to have vacated the office if such member is deceased, resigns in writing, or does not participate in three consecutive meetings of the Board due to non-availability.
- 13.4 In the event of a vacancy in the office of a member of the Board, the Board shall make a pro tem appointment which shall have effect until the next meeting of the Congress at all times maintaining the ratio of members as prescribed in article 13.1.
- 13.5 The Board is charged with the overall responsibility of managing FIBA Oceania in accordance with this Constitution, the Regulations, and the policies of FIBA Oceania as approved and/or amended from time to time.
- 13.6 The Board shall have the functions assigned to it in this Constitution and the Regulations, in particular:
 - 13.6.1. To supervise the practice of basketball within the FIBA Oceania Zone.
 - 13.6.2. To appoint the Secretary General and to enter into a contract with him relating to his services
 - 13.6.3. To supervise the management of the affairs of FIBA Oceania by the Secretary General.
 - 13.6.4. To decide on the withdrawal of rights and privileges of a member of the FIBA Oceania Zone.
 - 13.6.5. To establish overall control over the financial administration of FIBA Oceania.
 - 13.6.6. To determine the financial policy and to approve the budget and the financial report as prepared by the Secretary General. This decision shall be subject to ratification by Congress or Mid-term Conference.
 - 13.6.7. To determine all fees and charges payable by national member federations to FIBA Oceania for ratification by Congress or Conference.
 - 13.6.8. To review activity and financial reports as prepared by the Secretary General or any other employee.
 - 13.6.9. To present activity and financial reports to Congress.
 - 13.6.10. To approve the final text of proposed amendments to these General Statutes to be submitted to Congress for approval. The final text of such proposed amendments as approved by the Board shall first be sent to national member federations with the invitation to the Congress.
 - 13.6.11. To adopt and modify the Regulations made under these General Statutes.
 - 13.6.12. To organise, govern, control, and/or assign the organisation of FIBA Oceania Championships and other approved competitions.
 - 13.6.13. To designate members of the Central Board of FIBA as provided for in the FIBA General Statutes and also to nominate persons to be

considered for appointment to the various Commissions and other bodies of FIBA.

- 13.6.14. To appoint the officers and members of any Commissions and Tribunals which may be established by FIBA Oceania.
- 13.7 Each member of the Board shall be entitled to a deliberative vote only.
- 13.8 A quorum for any meeting of the Board shall be more than 50% of members.
- 13.9 The Board shall despatch its business, adjourn and otherwise regulate its meetings as it sees fit including voting by telephone and by electronic means, and such meetings shall have the same standing as meetings in person. In the absence of a schedule of meetings decided by the Board, the President and Secretary General together will decide on the timing and place of Board meetings.
- 13.10 The Secretary General with the approval of the President may invite other persons to attend meetings of the Board. They shall have consultative powers only.
- 13.11 The Board shall appoint the Auditor of the books and accounts of FIBA Oceania as provided for in Article 16.8.
- 13.12 The Board shall determine the signatories to the Bank Accounts of FIBA Oceania as provided for in Article 16.4 of this Constitution.
- 13.13 Members of the Board will be reimbursed normally for the cost of economy class international air fares and hotel room accommodations while attending meetings of the Board.

Article 14. - Secretary General

- 14.1 The Secretary General, is an employee of FIBA Oceania and will be selected by the Board and his appointment endorsed by the Congress. The terms and conditions of his contract will be negotiated by a committee of three (3) appointed by the Board.
- 14.2 In accordance with FIBA General Statutes, in order to ensure continuity of operation and direction, the recommended tenure for the Secretary General shall be for two (2) four-year terms, subject to satisfactory performance.
- 14.3 To preserve the neutrality of FIBA Oceania, anyone holding the office of Secretary General must not hold the position of President, Secretary, Treasurer or be an employee of a national member federation.
- 14.4 The Secretary General shall be responsible to the Board for the planning, coordination and implementation of the activities and policies of FIBA Oceania as determined by the Board. and the day-to-day administration and operation of FIBA Oceania and supervision and performance of staff.
- 14.5 The duties of the Secretary General shall mirror, where applicable, those of the Secretary General of FIBA as expressed in the General Statutes of FIBA and shall include also:
- 14.5.1. Conduct of the correspondence of FIBA Oceania, keep records of its procedures, convene the Congress, Mid-term Conference and Board meetings in accordance with the Constitution.

- 14.5.2. The investigation of sources of finance and the maintenance and management of business sponsorship for FIBA Oceania and where applicable, in conjunction with promotion and management consultants.
- 14.5.3. Liaison with the controlling national member federation of Oceania Championships and Tournaments and in particular to ensure that the rules and regulations of FIBA Oceania are adhered to and that the Championships and Tournaments are properly and adequately organised.
- 14.5.4. Preparation of development programs for FIBA Oceania and the subsequent co-ordination and implementation of approved programs and the supervision of the progress and evaluation of such programs.
- 14.5.5. Responsibility for the custody of any books, documents and securities of FIBA Oceania. The Secretary General shall make such books and documents available for inspection by a national member federation on receipt of reasonable notice.
- 14.5.6. Responsibility for maintaining the accounting records of FIBA Oceania, and for preparing financial reports including: annual budgets; annual financial statements and quarterly reports.
- 14.5.7. Responsibility to the Board for carrying out the policies of FIBA Oceania as defined in this Constitution, the Internal Regulations, other policies as determined by the Board from time to time, and in his contract of employment.

Chapter Four**Awards**

Article 15. - Awards

FIBA Oceania has established a number of awards (set out in the Regulations) to honour those persons who have contributed in an exceptional way to the development and promotion of basketball in Oceania.

Chapter Five**Financial Provisions**

Article 16. - General Provisions

- 16.1 The income of FIBA Oceania is derived from fees payable by national member federations, grants from FIBA, foreign player registration fees/licences, sponsorship, promotional grants, and other funding received.
- 16.2 Each national member federation shall pay annually to FIBA Oceania such fees as determined from time to time by the Board and ratified by Congress or Mid-term Conference.
- 16.3 The Australian dollar is the currency of reference for FIBA Oceania but the Board may authorise the establishment of bank accounts in other currencies and in other countries in order to accommodate FIBA Oceania's activities.
- 16.4 Cheques shall be signed by the Secretary General or two other persons approved by the Board.

- 16.5 The budget period of FIBA Oceania shall cover four (4) years, beginning on the first (1) day of January, following the FIBA Congress. Separate budgets will be prepared for each financial year.
- 16.6 The financial year of FIBA Oceania shall begin on the first (1) day of January and end on the thirty-first (31) day of December of the same year.
- 16.7 Financial statements in accord with the Act shall be drawn up each year as of the thirty-first (31) day of December.
- 16.8 FIBA Oceania's accounts must be audited by a Registered Company Auditor. The appointment of the Auditor shall be made by the Board.
- 16.9 A copy of the annual accounts certified to be correct by the Auditor shall be filed with the Australian Capital Territory Corporate Affairs Commission by the Public Officer within one month after preparation.

Article 17. - Indemnity

FIBA Oceania will indemnify any person who is or has been an official of FIBA Oceania as a member of the Board, the Secretariat of FIBA Oceania, Commissions, Tribunals, and other persons appointed to act in an official capacity on behalf of FIBA Oceania against the following:

- 17.1 Any liability to another person (other than FIBA or a related body corporate) which arises from being an official of FIBA Oceania unless the liability arises out of grossly negligent or wilful conduct;
- 17.2 Any liability for costs and expenses incurred by that person strictly in their capacity as an official of FIBA Oceania ; or
- 17.3 In defending proceedings which arise from being an official of FIBA Oceania, whether civil or criminal, where judgment is given in favour of the person or in which the person is acquitted.

Chapter Six

Legal and General Provisions

Article 18. - Language

The official language of FIBA Oceania is English

Article 19. - Authority of this Constitution

This Constitution governs and controls basketball in the FIBA Oceania Zone and applies to and is binding upon all national member federations of FIBA Oceania, and upon all players, officials, Boards and executives acting in any matter under the jurisdiction or control of FIBA Oceania.

Article 20. - Interpretation of this Constitution.

- 20.1 This Constitution (General Statutes) of FIBA Oceania and any Regulations (By-Laws) made pursuant to it shall be interpreted by the Board subject only to an

appeal to the FIBA Oceania Appeals' Tribunal or, beyond that, to the FIBA Appeals' Tribunal as provided for in the FIBA General Statutes.

- 20.2 In the event of any inconsistency between the provisions of this Constitution and those of the General Statutes and Internal Regulations of FIBA, then the provisions of the latter shall prevail.

Article 21. - Regulations

- 21.1 Regulations as are necessary and convenient to give effect to this Constitution and particularly with respect to the conduct of meetings, the duties of officers, the promotion of competitions and the conduct and management of the FIBA Oceania Championships and Tournaments shall be made by the Board.
- 21.2 Any Congress or Conference meeting may make recommendations regarding the principles to be included in such Regulations.

Article 22. - Disciplinary Panel

A FIBA Oceania Disciplinary Panel may be appointed to deal with disciplinary or other matters as provided in the Regulations. The Chair of such a Panel will be appointed by the Board.

Article 23. - The FIBA Oceania Appeals' Tribunal

- 23.1 The Tribunal has the following duties:
- 23.1.1. To hear and decide on appeals filed by an affected party against decisions of FIBA Oceania, or of a national member federation, unless such an appeal is expressly prohibited by the General Statutes or Internal Regulations of FIBA, or by this Constitution.
 - 23.1.2. To propose Regulations and amendments thereto for the conduct of its business, for approval by the Board.
 - 23.1.3. To consult with and to suggest to the Board any amendments to the Constitution and the Regulations as they affect the operation of the Tribunal.
- 23.2 The Appeals' Tribunal shall consist of four members appointed by the Board. Persons appointed to the Tribunal must have legal training. Members of the FIBA Oceania Tribunal may hold no other basketball office at the FIBA Oceania level.
- 23.3 The Board shall designate one of the members as President of the Tribunal. In the event that the President becomes permanently indisposed, the Board shall decide who is to replace him.
- 23.4 One member of the Tribunal shall be from Australia, one from New Zealand, and two from the countries of Island national member federations. Subject to their concurrence, any members of the FIBA Appeals Tribunal shall be appointed as members of the Tribunal. The Board shall appoint the remaining members on the basis of joint proposals by the President and Secretary General. In making such proposals, the President and Secretary General shall consider persons suggested by national member federations.

- 23.5 The Tribunal shall have a four-year term of office identical with that of the Board. Members are eligible for re-appointment without limit.
- 23.6 Membership on the Tribunal is strictly personal. Representation by proxy is not permitted.
- 23.7 Members of the Tribunal may be replaced as necessary by decision of the Board.
- 23.8 Appeals shall be heard by three members of the Tribunal, to be designated by the President of the Tribunal. In making appointments, the President shall consider the different interests involved in the appeal.
- 23.9 Rules governing appeals are set out in the Regulations made under this Constitution.

Article 24. - Appeals from decisions of the FIBA Oceania Appeals' Tribunal

An appeal against decisions of the FIBA Oceania Appeals' Tribunal lies with the FIBA Appeals' Tribunal in terms of the General Statutes and Internal Regulations of FIBA

Article - 25.Common Seal

FIBA Oceania shall have a Common Seal and shall provide for its safe custody. The Common Seal shall be used only by the authority of two members of the Board, and every instrument to which the Common Seal is affixed shall be signed in the presence of a witness either by a member of the Board or by the Secretary General. Neither the Secretary General nor a Board member may sign a document on behalf of FIBA Oceania if he is interested in the contract or arrangement to which the document relates.

Article 26. - Amendments to the Constitution

- 26.1 No amendment shall be made to this Constitution except at a Congress of FIBA Oceania, at a Special Conference called for that purpose, or as provided for in Article 11.4. Such amendment must be carried by three-quarters of the votes cast.
- 26.2 Notice in writing of any proposed amendment to this Constitution must be submitted to the FIBA Oceania Secretary General fifty-six (56) days prior to the Congress and a copy of each proposed amendment so received by the Secretary General shall be mailed or distributed by electronic means to each national member federation, and each officer of FIBA Oceania forty-two (42) days prior to the Congress, accompanied by notice of the intention to propose it as a Special Resolution.
- 26.3 Proposed amendments must be specific. They must refer to the article and paragraph concerned, specifying the words to be deleted and the words (if any) to be added, and the section must be quoted in full as it would appear if amended.
- 26.4 Within one (1) month of any amendment to this Constitution the Public Officer shall file with the ACT Corporate Affairs Commission details of the amendments. The notice shall set out or have attached a copy of the instrument evidencing the amendments and a Statutory Declaration by the Public Officer

declaring the copy to be a true copy and that the amendments are authorised and made in the manner provided by the Constitution.

- 26.5 Amendments affecting the liability of members must be advertised in a newspaper.

Article 27. - Public Officer

- 27.1 The Board shall appoint a person resident in the ACT to be the Public Officer.
- 27.2 Once appointed the Public Officer shall continue in this position until resignation or replacement by the Board.
- 27.3 The Public Officer shall notify the ACT Corporate Affairs Commission of such appointment or change of address within fourteen (14) days.

Article 28. - DISSOLUTION

- 28.1 FIBA Oceania shall be dissolved after a resolution to that effect is carried by a vote of three-quarters of the delegates representing national member federations present at a Congress of FIBA Oceania convened to consider the question. The property and other assets of FIBA Oceania remaining after the payment of all its debts, expenses and other liabilities shall be handed over to FIBA.
- 28.2 The liability of a member to contribute towards the payment of the debts and liabilities of FIBA Oceania or the costs, charges and expenses of the winding up of FIBA Oceania is limited to the amount, if any, unpaid by the member in respect of membership FIB A Oceania as required by article 16.2.

- ends -

FIBA Oceania Regulations

Regulation A – Preamble

A1. Authority

A1.1 These Regulations (By-laws) of FIBA Oceania are enacted in accordance with the Constitution of FIBA Oceania. Should there be any conflict or discrepancy between the provisions of these Regulations and those of the Constitution, then the provisions of the Constitution shall prevail.

A1.2 FIBA Oceania is bound by the General Statutes and Internal Regulations of FIBA and by the decisions of the Congress and Central Board of FIBA. The FIBA Oceania Regulations are complementary to, and not in substitution for, the General Statutes and Internal Regulations of FIBA.

A2. Effective Date

These Internal Regulations come into force on 2007.

A3. Prevailing Language

In accordance with Article 18 of the Constitution, in the event of dispute regarding the interpretation of these Regulations, the English text shall prevail.

Regulation B – Rules governing the allocation and conduct of FIBA Oceania Championships, Tournaments, and qualification events

B1. Introduction

This Regulation defines what is required of national member federations wishing to host a FIBA Oceania Event. The FIBA Oceania Board will make the allocation of events. The conduct of some events where the marketing and broadcast rights have been “globalised” by FIBA may be governed by additional FIBA regulations.

B2. Allocation of Events and General Responsibilities of candidates conducting events

B2.1 FIBA Oceania is responsible to FIBA for the conduct and supervision of the FIBA Oceania Championships, Tournaments, and Qualification Events. FIBA Oceania may conduct the events themselves or may allocate them to a National member federation to conduct on their behalf. All printed materials relating to these events, including programs, draws, media releases, publicity etc must acknowledge FIBA Oceania and FIBA.

B2.2 Events will be allocated only to those national member federations which have the facilities and equipment to stage successfully such an event and which have available, the personnel to do so in an efficient manner. In the case of Olympic Qualification and World Championship Qualification Events, all playing facilities and equipment must conform to the regulations and standards of FIBA.

B2.3 In submitting a candidacy to conduct an event on behalf of FIBA Oceania, the candidate must indicate:

- a) Suggested date/s and place/s of the competition.
 - b) Accommodation arrangements.
 - c) Financial arrangements for the conduct of the event.
 - d) Methods of transport and the actual distances involved within that country.
 - e) That the technical equipment and the facilities meet the specified requirements.
 - f) The suitability of the facilities and training facilities for hosting the event.
 - g) Any other matters which the candidate wishes the Board to consider in evaluating the candidacy.
- B2.4 Should any candidate submit substantial additional information, then the Board shall give other candidates the opportunity to address the additional items. Furthermore, the Board reserves the right to negotiate any item with any candidate.
- B2.5 A national member federation wishing to host a FIBA Oceania event must investigate the arrangements necessary for visiting teams to obtain permission to visit the host country and advise all participating teams. The right to host an event can be withdrawn from a national member federation if, after the allocation, it is established that the government of the hosting nation unreasonably refuses permission for teams or individuals to enter the country.
- B2.6 If any of the arrangements nominated in the candidacy are changed after the allocation of an event, FIBA Oceania has the right to reallocate the event to another national member federation.
- B2.7 The organisers must carry Third Party Liability Insurance for all accidents, which are due to any facility or organisational matter for which the Organisers are responsible. In instances where a FIBA Oceania event is allocated to a national member federation to run on its behalf, the hosting national member federation must ensure its Public Liability Insurance indemnifies FIBA Oceania.
- B2.8 Where an event is allocated to a national member federation, that federation may in turn allocate the event to an association or a local organising committee within their national member federation. FIBA Oceania deals only with the national member federation to which an event is allocated and that federation must accept full responsibility for the satisfactory conduct of the events and all associated responsibilities attached thereto.
- B2.9 National member federations conducting a FIBA Oceania Tournament or a FIBA Qualification Championship shall pay to FIBA Oceania a fee as determined from time to time by the Board.
- B2.10 Any uncertainties, problems, or difficulties regarding the conduct of an event must be referred to the FIBA Oceania Secretariat for decisions or directions. FIBA Oceania is responsible for the approval of all arrangements and is also authorised to set up the technical and financial regulations for each event.
- B2.11 Financial and disciplinary sanctions may be imposed by FIBA Oceania on any organiser committing any breach of these regulations or on a national member federation, which fails to proceed with the hosting of an event after having the event allocated to it. FIBA Oceania disciplinary action may affect participation in future events, eligibility for grants from FIBA Oceania, and/or the right to host future FIBA Oceania events.
- B2.12 Invitations to all national member federations shall be sent at least six month prior to the commencement of the event.

B3. Marketing, Promotion, and Broadcast Rights

- B3.1 FIBA Oceania reserves the right to negotiate and sign marketing and broadcast contracts for all events under its control. These rights must be respected by the host country and no other signs or broadcast is permitted without the approval of FIBA

Oceania. FIBA Oceania must approve all aspects of marketing associated with a FIBA Oceania event prior to an agreement being signed. The rights of FIBA Oceania may be waived on a request from a bidding national member federation.

- B3.2 The organiser must, in consultation with the FIBA Oceania Secretariat, provide adequate preferential seating for FIBA Oceania and its sponsors.
- B3.3 The FIBA regulations governing the "Use of Advertising" shall also apply to FIBA Oceania events.

B4. Obligations of organisers of FIBA Oceania competitions

- B4.1 The organiser must treat all participating teams in a like manner and ensure that all enjoy equal privileges. Adequate provision must be made for training facilities for all teams.
- B4.2 The organisers must allocate a liaison person to each team and ensure that this person is contactable by the team at all times either personally or by phone.
- B4.3 The organisers are responsible for the provision of medical care for all participants at the venue including players, referees and officials.
- B4.4 A referees' room with cool drinks must be available at all venues.
- B4.5 A room must be provided at the venue for the sole use of the FIBA Oceania Tournament Technical Committee and telephone, fax and photocopying facilities must be available to them at all times.
- B4.6 Adequate seating and facilities must be provided for the media.
- B4.7 The results of all games indicating the full-time and half-time scores must be forwarded to FIBA Oceania Secretariat within 6 hours of the conclusion of each game. All score sheets must be forwarded to FIBA Oceania Secretariat within 48 hours of the conclusion of the event.
- B4.8 Accommodation
 - B4.8.1 It is the responsibility of the host national member federation to assist participating teams to locate suitable accommodation and meals covering various price ranges and to assist in the reservation of accommodation on behalf of the visiting teams if requested to do so, subject to the existing policy of FIBA Oceania.
 - B4.8.2 The host country is expected to provide reasonable accommodation (of a similar standard to the players) and meals for approved referees, free of charge.
- B4.9 Transportation
 - B4.9.1 The organisers shall arrange for transport of all teams upon arrival and departure, and to and from their accommodation to the competition venues. This provision applies also to training sessions and any official functions to which teams have been invited.
 - B4.9.2 The organisers shall provide transport for the referees and other officials concerned with the conduct of the event.
- B4.10 Tickets for FIBA Oceania and participant seating
 - B4.10.1 The organising national member federation will provide complimentary tickets to Oceania as follows;
 - a) Two tickets for all FIBA Oceania Office Bearers including Board Members, Members of Commissions and Tribunals, and Members of Honour of FIBA Oceania.
 - b) Two tickets for the Presidents of each competing national member federation or the heads of such delegations.

- c) Up to ten complimentary tickets for use by FIBA Oceania for special guests.

B4.10.2 The number of seats in the FIBA Oceania VIP section will be established in co-operation by the organising committee and FIBA Oceania.

B4.10.3 A sufficient number of seats must be set aside to accommodate players, coaches and other officials of competing teams.

B5. Technical Matters

B5.1 Technical equipment and playing court

B5.1.1 Before each competition the court and technical equipment must be examined and approved by FIBA Oceania.

B5.1.2 The choice of balls will be approved by FIBA Oceania.

B5.2 The draw

The draw will be conducted by FIBA Oceania at an appropriate place as soon as applicable after nominations have closed. The manner in which the draw is made shall be decided by FIBA Oceania.

B5.3 Control of the championship or event: Technical committee

B5.3.1 The FIBA regulations apply to the conduct of all events unless specifically provided otherwise in the Constitution or Regulations of FIBA Oceania.

B5.3.2 A Technical Committee shall operate during each competition. This will comprise the Secretary General (or his technical delegate), a delegate of the organising committee, and a third member selected by them.

B5.3.3 The responsibilities of the Technical Committee are:

- a) Final approval and then supervision of the playing facilities and of the technical equipment.
- b) Establishing the schedule of competition.
- c) Appointment of referees and the approval of the scorebench personnel.
- d) Approval of the final score after each game.
- e) Examination and decision of protests in the first instance.
- f) The imposition of penalties against players, coaches, team followers, referees, and table officials who have violated the laws and regulations of FIBA and FIBA Oceania.
- g) The making of rulings concerning any unsportsmanlike behaviour which may occur immediately before or after the game.
- h) Supervision of the FIBA regulations regarding advertising on team uniforms.
- i) Determining the final placement of teams.

B5.3.4 The function of the Technical Committee shall terminate with the establishment of the final places of all teams in the competition.

B5.4 Jury of Appeal

B5.4.1 A jury of appeal shall be established at the beginning of each competition. Its members shall be recommended by the Technical Committee and comprise representatives of national member federations and shall be presided over by a senior member of the FIBA Oceania

B5.4.2 While following the broad principles established in FIBA Regulation E5.3.4, the Secretary General shall decide the number of persons required for a jury of appeal for each individual competition. The jury shall decide in the second

instance appeals against decisions taken by the Technical Committee concerning the imposition of penalties and the approval of game results

B5.4.3 Members of the jury having a connection with the teams involved in the dispute must be replaced by substitute members.

B5.5 Procedure to follow in the event of a dispute

This procedure is according to the Internal Regulations of FIBA with the exception that the deposit required to be lodged will be \$100 AUD. This amount may be refunded at the discretion of the jury.

B5.6 Doping Controls

Doping controls will be carried out according to the Internal Regulations of FIBA.

B5.7 Classification of teams

This will be according to the Internal Regulations of FIBA.

B6. Obligations of participating teams

B6.1 Team nominations will be accepted only if received by the date declared by FIBA Oceania for closure of nominations. All nominations must be accompanied by a bond as stipulated by FIBA Oceania for that event.

B6.2 Teams withdrawing from an event will forfeit their bond AND may be subject to other sanctions. Other teams will be refunded the bond at the end of the Championship.

B6.3 All national member federations must ensure that their players meet the regulations regarding eligibility for the event in question and must produce the necessary documentation to prove this before their first game.

B6.4 All national member federations or clubs are responsible for insuring their teams against accidents which occur during travel to and from the venue and accidents which occur to their members during competition and for which the organisers are not responsible.

B6.5 All teams must co-operate closely with the organisers in order to ensure the success of the event including the supply of players names, numbers, and photographs as well as personal data as requested by the organisers.

B6.6 Teams must observe the requirements of FIBA Regulation E7 with respect to advertising on team uniforms.

B6.7 National member federations are expected to nominate a suitably qualified referee on behalf of each of their participating teams. This referee will join the panel of officials for the event. In the event that independent officials are required, these will be provided at the expense of the organisation hosting the event.

B6.8 Only FIBA-qualified referees will be used for FIBA Qualification Events and FIBA Championships. At other tournaments and events approved by FIBA Oceania, FIBA Oceania qualified referees shall officiate wherever possible.

B7. Flags and National Anthems

B7.1 The flag of FIBA Oceania must be flown at all venues and also the national flags of all competing teams.

B7.2 Participating teams are responsible for providing the flag of their nation and also for providing on cassette or compact disc, a copy of their national anthem.

B7.3 At the opening ceremony only the anthem of the organising country shall be played and at the closing ceremony only the anthem of the winning team will be played.

B7.4 Throughout the tournament anthems may be played.

B8. Protocol

The order of precedence of members of FIBA Oceania is as follows;

- a) The President
- b) The Secretary General.
- c) The Vice Presidents.
- d) Members of the Board.
- e) Members of FIBA Oceania Commissions.
- f) Members of FIBA Commissions or Tribunals.

B9. Opening Ceremony

- B9.1 At the commencement of all competitions an official opening ceremony will take place and all teams and referees will attend.
- B9.2 All teams will enter behind the flag or standard of their own country. Short opening speeches will follow and the competition declared open.
- B9.3 The anthem of the organising country is then played and all teams leave the court following their flag bearer.
- B9.4 This ceremony may incorporate a short cultural display.
- B9.5 For events with a small number of participants, a modified opening may be staged with the approval of FIBA Oceania.

B10. Closing Ceremony

- B10.1 The closing ceremony will take place immediately following the completion of the competition.
- B10.2 As soon as the final game has been completed the captain of the winning team will be presented with the winners trophy. Following this, the 1st, 2nd and 3rd teams will enter the court and line up with the winning team in the middle and the 2nd team on their right and the 3rd team on their left hand side. As the winners are announced the representative of FIBA Oceania will present the medals to the winning team. The 2nd and 3rd placed teams will be presented in a similar manner.
- B10.3 This will be followed by short speeches by people approved by FIBA Oceania followed by a short speech by the President of FIBA Oceania or his nominee. The anthem of the winning team will be played following which the teams will leave the playing court.
- B10.4 No other prizes or announcements will be made at this time unless with the approval of FIBA Oceania. Any such additional medals and trophies will be as determined by FIBA Oceania following discussion with the organising committee. The organising national member federation is responsible for the costs of such medals and trophies

B11. Reporting

The hosting national member federation will be responsible for providing a written report of the event to FIBA Oceania within one month of the completion of any event. The report should include as a minimum, the draw, team lists, results of all games, details of spectator numbers, copies of any media reports relating to the event and a brief evaluation of the event.

B12. Variations

- B12.1 Any matters not defined within these regulations will be clarified by FIBA Oceania Secretariat.
- B12.2 Any variation from these Regulations can occur only with the approval of FIBA Oceania Board.

Regulation C – Rules relating to the campaign against drugs in sport

FIBA Oceania supports the Campaign against drugs in Sports. The FIBA Regulations governing Doping Control apply.

Regulation D – Rules governing the national status and eligibility of players

D1. National status of players

- D1.1 The status of players for FIBA events shall be as defined by FIBA.
- D1.2 The status of players for FIBA Oceania Tournaments and other non-FIBA International competitions will be as determined from time to time by FIBA Oceania. In general the FIBA Regulations governing the Eligibility and the National Status of Players (Regulations H1 and H2 of the FIBA Internal Regulations) apply .
- D1.3 For events conducted under the Charter of the Pacific Games Council (PGC), the provisions of that Council's Charter apply to the national status and eligibility of players.

D1.3.1 The latest edition of the Pacific Games (Council) Charter should be consulted regarding questions of eligibility. The passages reprinted below are meant for guidance purposes only and should not be used to give a legal ruling [Note: *minor cosmetic changes have been made for the context of FIBA Oceania Regulations*];

1. An athlete to be eligible to compete in the Pacific Games or Pacific Mini Games shall:
 - a) Complete all entry and other applicable contractual documentation.
 - b) Not be currently under disqualification or suspension by the Council, or their respective PGA (national member federation), or International Federation, or under the World Anti -Doping Code.
 - c) Comply with:
 - i) The applicable rules and regulations of PGC and the PGC Charter.
 - ii) The applicable rules and regulations of the relevant International Federation subject to the provisions of the PGC Charter.
 - iii) The provisions of the World Anti-Doping Code.

- d) Meet the following citizenship and residency conditions for inclusion in a team selected by the PGA (national member federation) to represent its Country/Territory:
- i) Be a citizen of the country/territory the athlete is to represent at the Games and be able to demonstrate residency in that country/territory.

- ii) For the purposes of this clause:

“**citizen**” means the holder of a current valid and applicable passport of the country/territory the athlete represents.

“**residency**” means that the athlete shall be a citizen of the country/territory the athlete represents and have resided for not less than five years (cumulatively, whether consecutively or not) at any time in that country/territory of the PGA.

For the avoidance of doubt the temporary absence of an athlete from the country/territory of their citizenship for purposes such as education and sports training, military service and health care and other legitimate absences of a like kind shall be considered as residency.

2. It shall be the responsibility of the PGA (national member federation) to ensure that all competitors comply with the PGC Constitution and its eligibility conditions. In satisfying the Organising Committee’s requirements for entries of athletes it shall be a requirement that the PGA (national member federation) completes a certificate, in the form contained in the regulations certifying that the competitor complies with this Article of the Constitution.
3. An athlete who has already competed in the Pacific Games or Pacific Mini Games for one PGA (national member federation) may represent another PGA (national member federation) at a future celebration of the Pacific Games provided that athlete complies with the provisions of this article and the approval of both PGAs (national member federations).
4. A PGA shall be required to submit competitor entries by name at least 90 days prior to the commencement of the Games and each entry shall be accompanied by all necessary certification.
5. The Organising Committee shall be required to post, fax or email all entries by event, name and country on the official PGC website and to the PGAs (national member federations) and Executive Board at least 75 days prior to the commencement of the Games.
6. PGAs (national member federations) shall have 25 days thereafter to challenge to the Executive Board the eligibility of a competitor.
7. In the event of a challenge to an athlete’s eligibility the Executive Board shall immediately refer the challenge to the Disputes Tribunal established by its Charter, for decision within 25 days from receipt of the challenges. The Disputes Tribunal convened to rule on the eligibility challenge shall be chaired by a member of CAS and, in accordance with Article 28 (of the PGC Charter), the Tribunal’s decision shall be final. No further challenges shall be considered thereafter.

8. PGA delegation entries are required to be finalised, confirmed, and posted on the PGC and Organising Committee's websites 25 days prior to the commencement of the Games.

Regulation E – Rules governing the international transfer of players

E1. FIBA Regulations

In general, the FIBA Regulations governing the international transfer of players (H3 of the FIBA Internal Regulations) apply.

E2. Special foreign player licence

E2.1 Australia

E2.1.1 Foreign Player Licence "A"

Players who do not possess *Australian Nationality* may play in the Women's National Basketball League (WNBL) or National Basketball League (NBL) or National 2nd Division Club Championships (ABA) only if they hold an *Foreign Player Licence "A"*. Basketball Australia can provide advice on obtaining *Australian Nationality* and may also assist in obtaining the *Foreign Player Licence "A"* for participation within Australia.

E2.1.2 Special Foreign Player Licence (Australia)

E2.1.2.1 FIBA Oceania has gained approval from FIBA to issue *Special Foreign Player Licences* in Australia. These are designed to allow certain players, who were born in another country and who meet the criteria below, to play as an "Australian" in the 2nd Division Competition (ABA) without paying the normal annual *Foreign Player Licence "A"* fee.

E2.1.2.2 To be eligible to apply for a Special Foreign Player Licence, a player who has been born overseas must:-

- a) have become a resident of Australia before reaching the age of 15 years.
- b) be playing or seeking to play in the 2nd Division National Competition.
- c) provide documentary evidence of :
 - i) date and place of birth
 - ii) date of arrival in Australia.
 - iii) nationality.
- d) pay a once only application fee of \$55 (inclusive of GST) for the licence.

E2.1.2.3 A player who holds a Special Foreign Player Licence may not play in the National Basketball League or Women's National Basketball League unless they hold an annual Foreign Player Licence "A".

E2.1.2.4 In summary:

- a) Players who fulfil the criteria for a Special Foreign Player Licence and pay the once off \$55 fee (inclusive of GST) to FIBA Oceania, may play in the 2nd Division National Competition as an "Australian".
- b) All players in the NBL & WNBL who do not hold Australian Nationality must possess an annual International Player Licence.

- c) To apply for a Special Foreign Player Licence, complete and return the forms available from FIBA Oceania.

FIBA Oceania (ABN 16 649 580 029)
P.O. Box 174
Toormina
NSW, Australia 2452

E2.2 New Zealand

E2.2.1 Players who do not possess New Zealand Nationality may play in the Women's National Basketball League (WNBL) or National Basketball League (NBL) or National 2nd Division Club Championships only if they hold an International Player Licence. Basketball New Zealand can provide advice on obtaining New Zealand Nationality and may also assist in obtaining the Foreign Player Licence "A" for participation within New Zealand.

E2.2.2 Special Foreign Player Licence (New Zealand)

E2.2.2.1 FIBA Oceania has gained approval from FIBA to issue Special Foreign Player Licences in New Zealand. These are designed to allow certain players, who were born in another country and who meet the criteria below, to play as a "New Zealander" in the 2nd Division Competition without paying the normal annual Foreign Player Licence "A" fee.

E2.2.2.2 To be eligible to apply for a Special Foreign Player Licence, a player who has been born overseas must:-

- a) have become a resident of New Zealand before reaching the age of 15 years.
- b) be playing or seeking to play in the 2nd Division Competition.
- c) provide documentary evidence of :
 - i) date and place of birth
 - ii) date of arrival in New Zealand.
 - iii) Nationality
- d) pay a once only application fee of \$55 for the licence.

E2.2.2.3 A player who holds a Special Foreign Player Licence may not play in the National Basketball League or Women's National Basketball League unless they hold an annual Foreign Player Licence "A".

E2.2.2.4 In summary:

- a) Players who fulfil the criteria for a Special Foreign Player Licence and pay the once off \$55 fee (inclusive of GST) to FIBA Oceania, may play in the 2nd Division National Competition as an "Australian".
- b) All players in the NBL & WNBL who do not hold Australian Nationality must possess an annual International Player Licence.
- c) To apply for a Special Foreign Player Licence, complete and return the forms available from FIBA Oceania.

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Regulation F – Rules Governing Application of Sanctions/Penalties

F1. Basic Principles of Sanctions imposed by FIBA Oceania

- F1.1 The general basic principles enunciated in Regulation K of the Internal Regulations of FIBA apply mutatis mutandis to FIBA Oceania.
- F1.2 Unless otherwise specified in these Regulations, any decision concerning sanctions not covered under F2 below is taken, in the first instance, by the Secretary General (or his delegate).
- F1.3 An appeal against these decisions may be submitted to the FIBA Oceania Appeals' Tribunal. Such an appeal shall be governed by the provisions in these Regulation governing Appeals.
- F1.4 If a hearing is organised under these Regulations, FIBA Oceania may make the organisation of such hearing dependent upon the parties paying to FIBA reasonable administrative costs.

F2. Sanctions and penalties during the main official competitions of FIBA Oceania

- F2.1 During main official competitions, championships, tournaments, and qualification series of FIBA Oceania, decisions concerning sanctions are taken in the first instance by the technical committee of the competition concerned in terms of Regulation B5.3.3.
- F2.2 An appeal against these decisions may be lodged with the jury of appeal of the competition in accordance with Regulation B5.4.
- F2.3 In the event of sanctions being imposed by FIBA Oceania, the national member federations shall apply these sanctions for the purposes of their national competitions if so decided by the Secretary General (or his delegate). To this end, FIBA Oceania must inform all national member federations of such sanctions.

F3. FIBA Oceania Disciplinary Panel

- F3.1 General Principles applying to the FIBA Oceania Disciplinary Panel
 - F3.1.1 The Disciplinary Panel is authorised to hear and adjudicate upon any matter referred to it by the Secretary General and shall act as the delegate of the Secretary General.
 - F3.1.2 The same general principles which apply to the FIBA Disciplinary Panel shall apply to the FIBA Oceania Disciplinary Panel.
 - F3.1.3 Appeals against decisions of the Panel may be lodged in the FIBA Oceania Appeals' Tribunal.
- F3.2 Composition of the Disciplinary Panel
 - F3.2.1 If a Disciplinary Panel is to be appointed, then the Board shall appoint a person to act as President of the Panel.
 - F3.2.2 Up to three other members of the Disciplinary Panel shall be appointed to a pool by the Secretary General.
 - F3.2.3 The Secretary General and the President of the Disciplinary Panel shall decide which two member/s will adjudicate on a particular matter unless they decide that a matter can be ruled upon by a single Panel member because it

is of minor importance, not of a difficult nature, or requires an immediate decision.

F3.2.4 If the President of the Panel is not one of those nominated to hear a matter, the Secretary General shall designate an alternate President for that hearing.

Regulation G – Rules Governing Appeals

- G1.** The role and responsibilities of the FIBA Oceania Appeals' Tribunal, its composition, manner of appointment, and the term of office are defined in Article 23 of the Constitution of FIBA Oceania.
- G2.** When an Appeal is to be made, the letter of appeal together with a statement of the facts of the case shall be forwarded to the President of the Appeals' Tribunal and at the same time, one copy shall be forwarded to the Secretary General of FIBA Oceania.
- G3.** In the case of an Appeal concerning the decision/action of a national member federation, one additional copy shall be forwarded to the Secretary of the national member federation concerned. On receipt of such an appeal, the Secretary of the national member federation shall forward to FIBA Oceania, within twenty-eight (28) days, a statement relative to the facts of the appeal. If not received within this time, the Appeals' Tribunal shall proceed without the statement.
- G4.** The letter of appeal must be received by FIBA Oceania within twenty-one (21) days following the day of receipt by the appealing party of the decision being appealed against. Failure to file a timely appeal is deemed to waiver of the right to appeal.
- G5.** An appeal fee, as determined from time to time by the Board, must accompany each appeal. Depending upon the circumstances, this fee may be refunded in whole or part at the discretion of the Appeals' Tribunal. Costs of the hearing of the appeal may be charged to either party by decision of the Appeals' Tribunal.
- G6.** The President of the Tribunal, in agreement with the President of FIBA Oceania and the Secretary General of FIBA Oceania, may invite other persons to the meeting, if it is deemed necessary.
- G7.** The parties have the right:
 - a) To have their appeal heard in person.
 - b) To be represented by legal counsel.
 - c) To make written submissions.
 - d) To present evidence at the hearing.
- G8.** The appealing party shall not communicate directly or take up direct contact with the members of the Tribunal.
- G9.** There shall be one (1) hearing with oral arguments unless the right to have such hearing is waived by the appealing party.
- G10.** A hearing shall take place within four (4) weeks following receipt by FIBA Oceania of the statement of appeal unless decided otherwise by the President of the Appeals' Tribunal.
- G11.** The award shall be rendered by majority decision within four (4) weeks following the date of the oral hearing. Brief reasons must be given.

- G12.** Upon decision of the President of the Appeals' Tribunal, a decision may be taken by correspondence.
- G13.** Appeals to the Appeals' Tribunal shall not have suspensory effect unless ordered otherwise by the President of the Appeals' Commission.
- G14.** The award made by the Appeals' Tribunal shall have immediate effect unless ordered otherwise by the President of the Appeals' Tribunal.
- G15.** The President of the Appeals Commission may, upon motion and with or without first hearing the parties, issue such orders for interim relief as he may deem necessary to safeguard the rights and interests of the parties.

Regulation H – Rules Governing FIBA Oceania awards

H1 FIBA Oceania has created the following awards:

- a) Member of Honour
- b) Honorary President for Life
- c) The Patricia Ramsay Award

H1.1 Member of Honour

H1.1.1 Policy

- a) Individuals only may receive this award.
- b) The award of Member of Honour shall be restricted to those whose association with FIBA Oceania extends for a period of at least 10 years and whose service to Basketball and FIBA Oceania has been worthy of the highest honour.
- c) Privileges of a Member of Honour shall include free admission to all functions held by FIBA Oceania and attendance at all Congresses without power of a vote.
- d) Members of Honour shall be awarded a badge of appropriate design approved by FIBA Oceania.
- e) By a resolution supported by three-fourths of those voting, a Membership of Honour may be cancelled.

H1.1.2 Selection procedure for Members of Honour

- a) The Board shall present to the Congress a written report outlining the history of the services of any nominee which they support as worthy for this award.
- b) Members of Honour may be elected at the Congress of FIBA Oceania by a three-fourths majority of those voting provided that the notice of nomination for such election is in accordance with item 11.1.2.5 of the Constitution.

H1.2 Honorary President for Life

The policy and selection procedure for an Honorary President for Life are the same as those for a Member of Honour except that no person shall be eligible for election as Honorary President for Life unless such person has served previously as President of FIBA Oceania.

H1.3 The Patricia Ramsay Award

H1.3.1 Policy

- a) Individuals only may receive this award.

- b) The award may be made to those who have made a significant contribution to the administration of basketball at a national or Oceania level for an extended period or time

H1.3.2 Selection procedure for the Patricia Ramsay Award

- a) National member federations will be invited by the Secretary General to nominate in writing to the Secretary General persons for consideration.
- b) A brief resume of the achievements of the nominee must accompany the nomination.
- c) The closing date for nominations shall be 42 days before the scheduled date of the Congress or Mid-Term Conference.
- d) The Patricia Ramsay Award will be made only upon the recommendation of the Board on the occasion of a FIBA Oceania Congress or the FIBA Oceania Mid-Term Conference.

[There is no Regulation I]

Regulation J – Rules governing the agenda of Congress/Mid-term Conference

- J1** At the Congress and the Mid-Term Conference of FIBA Oceania, the following shall be the order of business:
- a) Roll call of officers and delegates
 - b) Confirmation of minutes of previous Congress /Conference
 - c) President's Report
 - d) Secretary General's Report
 - e) Financial Statements
 - f) Amendments to Constitution (Congress only) and Regulations. Motions for which notices have been given.
 - g) International Basketball
 - i) FIBA Report
 - ii) World Championships
 - iii) Olympic Games
 - iv) Oceania Championships
 - v) South Pacific Games.
 - h) Future Championships and Tournaments
 - i) Consideration of previously notified items of business items on the agenda.
 - j) Other General Business
 - k) Election of Officers and Boards (Congress only).

Regulation K – Statement on harassment, discrimination, and vilification

FIBA Oceania is committed to a policy of a sport that is free of harassment, discrimination, and vilification.

- End of Regulations -