

BADMINTON ASIA CONSTITUTION

Amended and Approved by the BADMINTON ASIA Annual General Meeting on 17th May 2018

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1 NAME AND EMBLEM

1.1 The Confederation shall be known as the BADMINTON ASIA CONFEDERATION, hereinafter known as BADMINTON ASIA, is the Asia governing body for the sport of Badminton.

1.2 The official emblem “Smash the World” portrays the dynamic motions of a shuttlecock that sit gracefully on an oval shape which also represents the attributes of Badminton as a growing & favorable sport in Asia, and the five strokes on the shuttlecock represent five regions of Asia. This emblem encompass the spirit to push Asia as the best in the world.

The dynamic expression of Asian culture is represented as brush strokes which are derived from the shuttlecock in motion, and the orange to red gradient depicts the burning spirit of badminton players.



2 LEGAL STATUS AND HEADQUARTERS

2.1 BADMINTON ASIA is established for an indefinite period with legal status as an association in accordance with Registrar of Societies, Malaysia.

2.2 BADMINTON ASIA has its headquarters in the city of Kuala Lumpur, Malaysia with the registered address:

Unit 1016 & 1018, 10th Floor, Block A,
Damansara Intan, No. 1, Jalan SS20/27, 47400
Petaling Jaya, Selangor, MALAYSIA

2.3 BADMINTON ASIA shall have the right to change the location of the headquarter and the registered address to another location in Asia, subject to the majority approval of the Executive Committee (EXCO).

3 DEFINITIONS

3.1 Anti-Doping Regulations - means such regulations as may from time to time be developed and published by BWF.

3.2 Badminton - means a racquet sport played by either two opposing players (singles) or two opposing pairs (doubles), who take positions on opposite halves of a rectangular court divided by a net. Players score points by striking a shuttlecock with their racquet so that it passes over the net and lands in their opponents' half of the court. Each side may only strike the shuttlecock once before it passes over the net. A rally ends once the shuttlecock has struck the floor, or if a fault has been called by either the

umpire or service judge at any time during the rally.

3.3 Badminton Asia Rules - means the Constitution, BADMINTON ASIA's Rules & Regulations, and any other rules and regulations adopted by BADMINTON ASIA

3.4 Badminton Tournaments - includes BADMINTON ASIA Individual & Team Championships, Junior (U19, U17 & U15) Individual & Team Championships, and any other tournaments or events sanctioned by BADMINTON ASIA.

3.5 Badminton World Federation or BWF - means a nonprofit organization for national Badminton federations, which is the governance and administration of Badminton worldwide.

3.6 CAS - means the Court of Arbitration for Sport.

3.7 Confederation - means Badminton Asia Confederation or BADMINTON ASIA recognized by BWF.

3.8 Constitution - means this document and all the articles it contains.

3.9 Continental Confederation - means organizations formed by the National Organisation from the same geographical Continent and specified in BWF Constitution. The BWF has endorsed the formation of Continental Confederations for Africa, Asia, Europe, Oceania and Pan America, in accordance with the division recognized by the IOC.

3.10 Continental Representative - means a person among the Member elected every four years at a General Meeting shall take responsibility for the BADMINTON ASIA relations with BWF. Such Continental Representative is an ex-officio member of the BADMINTON ASIA Executive Committee and should convey BADMINTON ASIA Executive Committee's decisions, but shall have no vote in BADMINTON ASIA Executive Committee.

3.11 Executive Committee (EXCO) - means the Executive Committee consisting of - the President, the Secretary General,

the Honorary Treasurer, the SEVEN (7) Vice Presidents and the NINE (9) chairmen or chairwomen of the Standing Committee.

3.12 Honorary Life Vice President - means such a person as may be appointed in accordance with article 13.2.

3.13 Treasurer - means such person as may be elected to that role in accordance with article 13.1.3.

3.14 IOC - means the International Olympic Committee.

3.15 Laws of Badminton - means the Laws of Badminton as laid down by the Badminton World Federation.

3.16 Meeting or Meetings - means any meeting of BADMINTON ASIA as stipulated in article 12 of this Constitution.

3.17 Member Association - means a National Organization of the BADMINTON ASIA as defined in article 7 affiliated to BWF in a country or Sport Country.

3.18 Member Association in Good Standing - means a Member Association is not under suspension and is in good standing by the BWF.

3.19 Minutes - means the written record of meeting or meetings.

3.20 National Badminton Organization or National Organization - means its Member as defined in article 3.17.

3.21 NOC - means National Olympic Committee.

3.22 Notice - means formal notification by email, fax or mail.

3.23 Para-Badminton - means Badminton for people with impairment as governed by the regulations of BWF.

3.24 Principles and Objectives - shall have the meaning as set out in article 5.

3.25 President - means such person as may be elected to that role

in accordance with article 13.1.1.

3.26 Rules and Regulations - means procedures and guidelines and any other rules and regulations which are adopted by BADMINTON ASIA and or approval by majority of the Executive Committee (EXCO).

3.27 Secretary General - means such person as may be elected to that role in accordance with article 13.1.2.

3.28 Sport Country - means a geographical territory or region which, though not recognized as a country, has certain aspects of self-government at least to the extent in being autonomous in the control of its sports, and is recognized as such by BWF.

3.29 Standing Committee - define in article 13.3 & 13.4.

3.30 Statutes - include the full body of the Laws of Badminton, this Constitution, any Rules and any Regulations governing the sport of Badminton.

3.31 Votes Cast - means votes by a show of hands or valid votes that are submitted in a secret ballot. Blank voting slips, blank pieces of paper and void voting papers are not “Votes Cast”. Similarly an abstention in a show of hands does not count as a vote cast. Voting majorities will be calculated only on the basis of Votes Cast.

3.32 WADA - means World Anti-Doping Agency.

3.33 Words signifying persons in this Constitution include corporations and all legal persons including any other entities or bodies whether incorporated or not.

3.34 Words signifying the masculine gender in this Constitution include the feminine and neuter genders and vice versa.

3.35 Any deadline referred to in this Constitution shall mean midnight on the day of the deadline at the location of the BADMINTON ASIA headquarters.

3.36 Whenever the fact or context so requires in order to give effect to the Constitution, words in the singular shall include the plural, words in the plural shall include the singular; words of the masculine, feminine or neuter gender shall include any gender, except in the specification of a Competition being for male or female Competitors; and correction of any clerical errors shall be made.

4 DISCRIMINATION

BADMINTON ASIA shall not allow any discrimination against Member Association or individuals (competitors, officials, judges, delegates, etc.) on the grounds of race, gender, religion, or political affiliations.

5 PRINCIPLES AND OBJECTIVES

The principles and objectives of BADMINTON ASIA are:

- 5.1** To develop and safeguard the interests of Badminton in Asia;
- 5.2** To promote and manage Badminton Tournaments in Asia; excluding National Championships, and to make regulations thereof;
- 5.3** To uphold the Laws of Badminton as adopted by the Badminton World Federation and to make recommendations for such alterations and additions thereto as may appear necessary or desirable;

5.4 To manage the funds of BADMINTON ASIA in such manner as shall be deemed expedient;

5.5 To strengthen the bonds of friendship between the National Organisations in Asia, and to encourage the formation of new National Organizations;

5.6 To uphold the principles on which BADMINTON ASIA is founded; to take such measures as may appear expedient for advancing the interests of Badminton;

5.7 To ensure fair and drug free sport of Badminton;

5.8 To encourage participation in Badminton throughout Asia regardless of age, gender, race or religion and political affiliation;

5.9 To encourage the increase of facilities for Badminton throughout Asia with the support of other interested parties, and;

5.10 To carry out such other activities as may be desirable to promote Badminton.

6 LANGUAGE

The official languages of BADMINTON ASIA shall be English. The working language shall be English. Any other language may be used in correspondence or debate provided that adequate translation is provided. In case of doubt, the English language shall prevail.

7 MEMBERSHIP

7.1 The membership of BADMINTON ASIA comprises members of BWF from Asia.

7.2 Member Associations and BADMINTON ASIA, in consultation with BWF, may change the Continental Confederation to which they belong upon approval by BWF.

7.3 Membership to BADMINTON ASIA is automatic when the Member joins the membership of BWF. However, they should furnish contact details to BADMINTON ASIA immediately after they join BWF.

7.4 The Constitution of the Member Association must not be in conflict with that of the BADMINTON ASIA. Where there is a conflict, the Constitution of the BADMINTON ASIA will prevail.

7.5 Associate membership without voting rights may be offered to organizations who are helpful in the development of Badminton in Asia.

8 RIGHTS AND DUTIES OF MEMBER ASSOCIATIONS

8.1 All Member Associations are entitled:

8.1.1 to use the services of BADMINTON ASIA, but not limited to any representative of Member Association during any event or meeting within BADMINTON ASIA and BWF.

8.1.2 to take part in the BADMINTON ASIA events and BADMINTON ASIA tournaments, and

8.1.3 to be recognized as the only Badminton governing body of

its country or in its territory which in accordance with BWF Constitution.

8.1.4 to appeal any decision of BADMINTON ASIA to CAS.

8.2 All Members are obliged:

8.2.1 to support BADMINTON ASIA in its efforts to achieve its objectives,

8.2.2 to act in accordance with the decisions of the BADMINTON ASIA AGM, the BADMINTON ASIA EGM, the BADMINTON ASIA Executive Committee as well as the BADMINTON ASIA Rules and Regulations,

8.2.3 to fulfill its financial obligations to BADMINTON ASIA,

8.2.4 to include in its constitution, Rules and Regulations such provisions as may be required by the BADMINTON ASIA Rules & Regulations,

8.2.5 to manage its affairs independently and not be influenced by third parties,

8.2.6 to encourage and to participate in continental events and competitions.

8.2.7 to hold elections at least every four years, to notify BADMINTON ASIA the result of the election to BADMINTON ASIA no later than SIXTY (60) days after election thereof,

8.2.8 to ensure that their own members comply with the Statutes and any directives and decisions of the BADMINTON ASIA.

8.2.9 update BADMINTON ASIA on the registered address and office bearers of the Member whenever there are changes.

9 TERMINATION OF MEMBERSHIP

9.1 Membership in BADMINTON ASIA ends:

9.1.1 if the Member Association no longer exists, or

9.1.2 if the Member Association withdraws its membership, or

9.1.3 if the Member Association is expelled by BWF.

9.2 Any Member who wants to withdraw its membership in BADMINTON ASIA shall give written notice thereof to the BADMINTON ASIA Secretary General. The membership shall end immediately, but no refund of fees will be made.

9.3 The BADMINTON ASIA Executive Committee shall have the power to expel or suspend a Member for significant violation of the BADMINTON ASIA Rules and Regulations and any other condition in accordance to BADMINTON ASIA and BWF Constitution. The respective Member is allowed to appeal the BADMINTON ASIA decision to CAS.

10 FEES

Each Member Association of BADMINTON ASIA must pay an annual membership fee. The BADMINTON ASIA Executive Committee shall fix the amount of payment and approve by a General Meeting. If payment is not received when it is due, the Member Association may be suspended or expelled in accordance with the Constitution.

11 SANCTIONS

11.1 Any Member Association, member of a Member Association, or individual member of a Member Association may be sanctioned:

11.1.1 if duties or financial obligations to BADMINTON ASIA are not fulfilled, or

11.1.2 in case of violation of the BADMINTON ASIA Constitution and/or decisions of the General Meeting and/or decisions of the BADMINTON ASIA Executive Committee, or

11.1.3 for bringing the sport into disrepute.

11.2 Sanctions are:

- a) warning
- b) fine
- c) suspension
- d) expulsion
- e) cancellation of results
- f) return of awards, medals, prizes, etc.

11.3 Sanctions shall be imposed by the BADMINTON ASIA Executive Committee except in cases involving the following which will be in accordance with BWF rules:

- a) doping
- b) BWF disciplinary
- c) violation of BWF ethics code

11.4 Before any Member Association or individual is sanctioned by the BADMINTON ASIA Executive Committee, the individual or a representative of the Member Association must be given the right to appear before the Executive Committee either in person or in writing. The Secretary General shall inform the respective Member Association or individual about this right, in writing, in

sufficient time to allow the Member Association or individual to exercise this right.

11.5 A Member Association, member of a Member Association, or individual sanctioned by BADMINTON ASIA may appeal the decision directly to CAS.

11.6 An appeal against a decision by BADMINTON ASIA shall be referred to the CAS. The CAS shall also have exclusive jurisdiction over interlocutory orders and no other court or tribunal shall have authority to issue interlocutory orders relating to matters before the CAS. Decisions by the CAS shall be final and binding, subject only to the provisions of the Swiss Private International Law Act, section 190.

12 THE MEETINGS OF BADMINTON ASIA

The following meetings are established to govern and administer BADMINTON ASIA (in order of priority):

12.1 There are TWO (2) classes of General Meeting - the Annual General Meeting (AGM) and the Extraordinary General Meeting (EGM);

12.1.1 The Annual General Meeting (AGM) shall be held once a year at a venue to be decided at the preceding Annual General Meeting. The business of the Annual General Meeting shall be:

12.1.1.1 to confirm the minutes of the last Annual General Meeting and of any Extraordinary General Meeting (EGM) held since the last General Meeting.

12.1.1.2 to receive and approve the annual report of BADMINTON ASIA and pass the accounts, duly audited, for the preceding period.

12.1.1.3 to consider any application for affiliation and resignations if any.

12.1.1.4 to consider and deal with any resolution of which due notice has been given.

12.1.1.5 to approve proposals for amendments to the Constitution for which due notice in accordance with this Constitution has been given.

12.1.1.6 to decide the date and place of the next General Meeting.

12.1.1.7 in every FOUR (4) years to elect the President, SEVEN (7) Vice Presidents, the Secretary General, and the Honorary Treasurer. They serve a term of four years and shall be eligible for re-election. They shall assume office immediately after the conclusion of the General Meeting at which they are elected and remain in office until the conclusion of the General Meeting at which they shall retire.

12.1.1.8 in every FOUR (4) years to elect a person from among the Members as a Continental Representative in the Badminton World Federation as Vice President.

12.1.1.9 to appoint an auditor.

12.1.1.10 to consider any other business that may be deemed necessary.

12.1.2 The Extraordinary General Meeting may be called at any time by requisition in writing by no less than ONE THIRD (1/3) of the Members or Executive Committee. The Secretary General must convene the Extraordinary General Meeting on a date not less than THIRTY (30) days and not more than SIXTY (60) days of the receipt of such requisition. Every such requisition and the convening notice shall specify the business, for which the meeting is to be convened, and no other business shall be transacted as such meetings.

12.1.3 At all General Meetings of BADMINTON ASIA, ONE THIRD (1/3) of the Members shall form a quorum. The President shall be the chairperson. In his or her absence the chairperson shall be the Secretary General. If Secretary General is absent then the meeting shall elect the chairperson from amongst the Vice Presidents.

12.1.4 The chairperson shall conduct the Meeting in conformity with these rules and decision upon all points of order and matters of procedure shall be final, but he shall not have the power to rule on matters of substance without the consent of the Meeting.

12.1.5 At the General Meeting every Member through its delegate present shall have ONE (1) vote. The chairperson, in case of a tie, shall have a casting vote, except for the election of office bearers.

12.1.6 Except as otherwise provided in article 18 and 19, all questions shall be decided by a simple majority of the votes cast in respect of it.

12.1.7 Delegates of General Meeting

12.1.7.1 Each Member Association shall be entitled to appoint a voting delegate to the General Meeting.

12.1.7.2 The name and address of the voting delegate shall be sent in writing by the Member Association to the Secretary General of the Confederation, not later than ONE (1) day before the date of the meeting.

12.1.7.3 Each voting delegate shall be permitted to cast a vote equal to ONE (1) vote in the General Meeting.

12.1.7.4 No delegate shall be permitted to cast a vote by proxy on behalf of any Member Association.

12.1.7.5 In case of the nominated delegate should be unable to attend a General Meeting an alternate for such delegate may be

nominated by the National Organization concerned, not later than ONE (1) day before the date of the meeting.

12.1.8 The chairperson shall conduct the Meeting in conformity with these rules and his or her decision upon all points of order and matters of procedure shall be final, but he or she shall not have the power to rule on matters of substance without the consent of the Meeting.

13 ADMINISTRATION

13.1 The elected Executive Committee members shall consist of:

13.1.1 the President,

The President shall during his term of office preside at all General Meetings and shall be responsible for the proper conduct of all such Meetings. He shall have the casting vote and shall sign the Minutes of each Meeting at the time they are approved.

The Executive Committee will nominate one of the Vice President to deputize for the President during the latter's absence.

13.1.2 the Secretary General,

The Secretary General shall conduct the business of the BADMINTON ASIA in accordance with the Constitution and shall carry out the instructions of the General Meeting and of the Executive Committee. He shall be responsible for conducting all correspondence and keeping all books, documents and papers except the accounts and financial records. He shall attend all meetings, and record the

proceedings. He shall maintain a proper membership register of the Members consisting of details such as contact person, address and names of other key appointment holders.

13.1.3 the Honorary Treasurer,

The Honorary Treasurer shall be responsible for the finances of the BADMINTON ASIA. He shall keep accounts of all its financial transactions and shall be responsible for their correctness.

13.1.4 Seven (7) Vice Presidents.

13.1.4.1 Vice Presidents are to assist the President in any way that deem necessary, especially to providing latest and relevant information from their respective region.

13.1.4.2 In the absence of the President during a meeting, one of the Vice Presidents may be appointed by the President to chair the meeting.

13.2 Honorary Life Vice Presidents who have served the Confederation with distinction, shall be appointed at the Annual General Meetings of the Confederation on the recommendation of the Executive Committee. Honorary Life Vice Presidents may participate at General Meetings and Executive Committee Meeting, but he will not have voting rights.

13.3 The Standing Committee and the sub-committee members to the various Standing Committees shall carry out such duty as directed by the President or the Executive Committee.

13.4 In every two years the President will appoint the chairperson of the various Standing Committees. The BADMINTON ASIA Executive Committee in consultation with the chairperson of the Committee shall appoint the sub-committee members of the various Standing Committees. The Standing Committees are including:

- 13.4.1 Development Committee
- 13.4.2 Events Committee
- 13.4.3 Finance Committee
- 13.4.4 Marketing Committee
- 13.4.5 Para Badminton Committee
- 13.4.6 Publicity & Awards Committee
- 13.4.7 Rules & Laws Committee
- 13.4.8 Technical Officials Committee
- 13.4.9 Women in Badminton Committee

14 EXECUTIVE COMMITTEE

14.1 The Executive Committee with full administrative powers to carry on the work of the Confederation between General Meetings and the Executive Committee shall consist of : the President, SEVEN (7) Vice Presidents, the Secretary General, the Honorary Treasurer, NINE (9) chairpersons of Standing Committees.

14.2 If the Executive Committee does not have any female member, it is proposed that TWO (2) additional female members to be nominated by the President then approved by the Executive Committee.

14.3 The Executive Committee shall have powers to appoint sub-committee members to the various Standing Committees, with terms of references as may be deemed necessary.

14.4 The Executive Committee Meetings can only preside with the President as the Chair. In his absence the Secretary General shall take the chair. If Secretary General is absent one of the Vice Presidents shall take the chair.

14.5 At the Executive Committee Meetings, every member present shall have one vote. The chairperson, in case of a tie, shall have a casting vote.

14.6 TEN (10) Executive Committee members shall form a quorum for the Executive Committee Meeting.

14.7 The Executive Committee shall meet at least TWICE a year by notice from the Secretary General.

14.8 Notice of every Executive Committee Meeting shall be sent to each member not less than THIRTY (30) days before the meeting and such Notice shall state the date, time and place of such meeting provided by Secretary General.

14.9 A copy of the minutes of every Executive Committee Meeting shall be circulated to each Executive Committee members as soon as practicable after the meeting concerned.

14.10 When the post of President is left vacant for whatever reason, it will be filled by one of the Vice Presidents voted by the Executive Committee for the duration till the next General Meeting. When the post of Secretary General or Treasurer is left vacant, the President may appoint from among members of the Executive Committee to hold the post of Secretary General or Treasurer till the next General Meeting. The posts of any Vice President left vacant for whatever reason will not be filled until the next General Meeting. Elections will be held at the next General Meeting to fill any vacancies for the remaining period of the original term of office. Where there is vacancy of any post within SIX (6) month period remaining of the original term, there would not be election to fill the post.

14.11 The Executive Committee shall fill any casual vacancy occurring in the chairperson of Standing Committee.

14.12 Member Associations of the BADMINTON ASIA shall have the right to attend Executive Committee (EXCO) Meetings with the permission of the chairperson but they shall have no vote.

14.13 The BADMINTON ASIA Executive Committee (EXCO) shall be entitled to nominate any kind of ad hoc committees or working commission when it is considered appropriate. The chairperson of these committees and commission do not have a vote at Executive Committee (EXCO) Meeting.

14.14 The BADMINTON ASIA Executive Committee can request a mail - in - vote on matters requiring urgent decision in accordance with voting regulations.

15 NOTICE OF PROPOSAL

15.1 Notice in writing of any proposal to be presented at a General Meeting must reach the Secretary General of the Confederation not less than THIRTY (30) days before the date fixed for that meeting. Other than Members, Executive Committee may also submit a proposal.

15.2 Proposals which due notice has not been given, which not related to article 18 & 19, may be discussed at any General Meeting, but no vote shall be taken thereon unless the Meeting, by TWO THIRDS (2/3) majority of the votes cast, shall deem the matter to be sufficient urgency. Subject thereof, a vote may be taken to adopt the proposal and related actions.

16 NOTICE OF MEETINGS

Notice of Meetings stating the date, time and place thereof, and the business to be transacted thereat, in the case of any General Meeting it shall be inclusive of agenda, reports and an audited account for the previous year shall be sent by the quickest postal service or electronic means possible to the Secretary of each Member Association or the contact person reflected in the latest Schedule A that is submitted to BWF and to the members of the Executive Committee (EXCO) not less than THIRTY (30) days before the date of meeting. The Secretary of each Member Association shall acknowledge receipt of such notice to the Secretary General of BADMINTON ASIA but non- receipt of such notice by any National Organization, or any individual, shall not invalidate the proceedings of any General Meeting.

17 BADMINTON ASIA ELECTION

The nominations for election of the President, SEVEN (7) Vice Presidents, the Secretary General, the Honorary Treasurer and Continental Representative to BWF (as required by BWF) may be made by any National Organisation. Such nominations must reach the Secretary General of BADMINTON ASIA, not less than THIRTY (30) days before the commencement of the General Meeting and they must be made in writing by the National Organisation of the nominee.

18 ALTERATIONS OF CONSTITUTION

No alteration shall be made in the Confederation's Constitution except at General Meetings and any resolution embodying such alterations, or any, having a like effect, shall be carried at the meeting by a majority of TWO THIRDS (2/3) of the votes cast in respect of the same. Any amendment to the Constitution shall be forwarded to the Registrar of Societies as soon as practicable after being passed by the General Meeting.

19 DISSOLUTION

BADMINTON ASIA shall not be dissolved except at an Extraordinary General Meeting specially convened for the purpose and by a resolution carried by a majority of not less than FOUR FIFTHS (4/5) Members Associations registered with BADMINTON ASIA as at that date.

In the event of dissolution of BADMINTON ASIA:

- 19.1 The Extraordinary General Meeting at which the BADMINTON ASIA is dissolved, shall appoint a Liquidator;
- 19.2 Notice of dissolution shall be formed to the Registrar of Societies as soon as practicable of dissolution;
- 19.3 All assets after settlement of all liabilities will be divided equally between Member Associations remaining in BADMINTON ASIA.