

BADMINTON ASIA CONSTITUTION

Amended and Approved by the BADMINTON ASIA Annual General Meeting on 25th May 2019

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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.

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 Constitution - means this document and all the articles it contains; which is the highest written governing document for Badminton Asia.

3.4 Badminton Asia Regulations - means, BADMINTON ASIA's Rules & Regulations, Guidelines and any other rules and regulations adopted by BADMINTON ASIA.

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

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

3.7 BWF Statutes - include the full body of the Laws of Badminton, BWF Constitution, any Rules and any Regulations governing the BWF events.

3.8 CAS - means the Court of Arbitration for Sport (to be more precise such as where is it based)

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

3.10 Continental Confederation - means organizations formed by the Member Association 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.

3.11 Badminton Asia–Representative in BWF - means a person among the Member Associations elected every four years at Badminton Asia's General Meeting and shall take responsibility for the BADMINTON ASIA relations with BWF as a vice president of

BWF.

3.12 Executive Committee (EXCO) - means the Executive Committee consisting of - the President, the Secretary General, the Treasurer, the SEVEN (7) Vice Presidents and the NINE (9) Chairperson of the Standing Committee.

3.13 IOC - means the International Olympic Committee.

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

3.15 Member Association - means a Badminton Organization of the BADMINTON ASIA as defined in article 7 affiliated to BWF.

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

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

3.18 NOC - means any National Olympic Committee.

3.19 Notice - means any formal notification from BADMINTON ASIA by email, fax, mail or any other digital or electronic communication tools.

3.20 Para-Badminton - means Badminton for people with impairment.

3.21 Votes Cast - means votes by a show of hands or valid votes that are submitted in a secret ballot. Any abstention in a show of hands, blank voting slips, blank pieces of paper and voids voting paper does not count as a vote cast. Voting majorities will be calculated only on the basis of Votes Cast.

3.22 WADA - means World Anti-Doping Agency.

3.23 Words signifying persons in this Constitution include corporations and all legal persons including any other entities or

bodies whether incorporated or not.

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

3.25 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 NON-DISCRIMINATION

BADMINTON ASIA shall not allow any form of discrimination to affect its decision or actions, be it discrimination based on race, colour, gender, language, religion, political or other opinion, national or social origin, property, birth or other status.

5 PRINCIPLES AND OBJECTIVES

BWF has endorsed the formation of Continental Confederation for Asia, in accordance with the division recognized by the IOC as BADMINTON ASIA. BADMINTON ASIA shall promote, develop and regulate badminton in the continent of Asia and in mutual cooperation and will be supported and encouraged in the process of BWF.

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 Asia Events in Asia, and to make regulations of these tournaments; excluding National Championships of Member Associations;

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 Member Association in Asia, and to encourage the formation of new Member Association;

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 within Asia.

5.11 Badminton Asia will comply and recognize any BWF decision, which had been approved in any BWF General Meetings.

5.12 Badminton Asia will guarantee that judicial rights of due process, right to counsel and other universally recognized and

acceptable rights are protected.

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 Member Associations of BWF – and associate members of Badminton 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 Associations joins the membership of BWF. However, Member Associations should furnish the updated copy of the BWF Schedule A to BADMINTON ASIA immediately to be registered as Member Association of Badminton Asia.

7.4 The Constitution of the Member Association must not be in conflict with that of the BADMINTON ASIA and shall be amended in order to comply with the Constitution of BADMINTON ASIA. However, if there is a conflict, the Constitution of the BADMINTON ASIA will prevail.

7.5 Associate membership without voting rights may be offered to any organization who are helpful in the development of Badminton in Asia. Such membership is subject to the approval General Badminton as proposed by the Executive Committee.

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

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 Member Associations 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 Constitution and Regulations,

8.2.3 to fulfill its financial obligations to BADMINTON ASIA,

8.2.4 to include in its Constitution, Regulations such provisions

as may be required by the BADMINTON ASIA 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 BWF Statutes and any directives and decisions of the BADMINTON ASIA Constitution.

8.2.9 to submit updated BWF Schedule A to BADMINTON ASIA annually and whenever there are changes.

9 TERMINATION OF MEMBERSHIP

9.1 Membership in BADMINTON ASIA shall be terminated;

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 Association who wants to withdraw its membership in BADMINTON ASIA shall give written notice thereof to the BADMINTON ASIA Secretary General. The membership shall ~~end~~ be terminated 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 Association for significant

violation of the BADMINTON ASIA Constitution and/ or ~~Rules and Regulations~~. The affected Member Association 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 Statutes:

- 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 and the duly audited accounts of BADMINTON ASIA 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 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 Member Associations 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 Notice of Annual General Meetings stating the date, time and place thereof, and the business to be transacted shall be sent 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 not less than Forty Five (45) days before the date of meeting.

12.1.3 The Extraordinary General Meeting may be called at any time by written request by specifying the business of no less than ONE THIRD (1/3) of the Members Associations or the decision of the 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 written request.

12.1.4 The Notice of Extraordinary General Meeting shall specify the business of the meeting, the date, time and place thereof, and the business to be transacted shall be sent 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 not less than Fifteen (15) days before the date of meeting. No other business shall be transacted at such meetings.

12.1.5 At all General Meetings of BADMINTON ASIA, ONE THIRD (1/3) of the Members Associations 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 also absent, the Vice Presidents shall decide amongst themselves who shall be the Chairperson.

12.1.6 The chairperson shall conduct the Meeting in conformity with these rules, and his/her decision upon all points of order and matters of procedure shall be final.

12.1.7 At the General Meeting every Members Association 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.

12.1.8 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.

12.1.9 Delegates of General Meeting

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

12.1.9.2 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.

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

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

12.1.9.5 In case of the nominated delegate should be unable to attend a General Meeting an alternate for such delegate may be nominated by the Member Association concerned, not later than ONE (1) day before the date of the meeting.

12.2 The President shall chair the Executive Committee Meetings. In his/her absence the Secretary General shall take the chair. If Secretary General is absent, the Vice Presidents shall decide amongst themselves who shall be the Chairperson.

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

12.4 Half of the total Members of the Executive Committee shall form a quorum for the Executive Committee Meeting

12.5 The Executive Committee shall meet at least TWICE (2) a year by notice from the Secretary General.

12.6 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.

12.7 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.

12.8 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.

12.9 The Executive Committee shall fill any casual vacancy

occurring in the chairperson of Standing Committee.

12.10 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.

13 EXECUTIVE COMMITTEE

13.1 The elected Executive Committee members shall consist of:

13.1.1 the President,

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

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/she shall be responsible for conducting all correspondence and keeping all books, documents and papers except the accounts and financial records. He/she shall attend all meetings, and record the proceedings. He/she shall maintain a proper membership register of the Member Association consisting of details such as contact person, address and names of other key appointment holders.

13.1.3 the Treasurer,

The Treasurer shall be responsible for the finances of the BADMINTON ASIA. He/she 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.

13.1.5 Badminton Asia Representative in BWF - Such person shall be the representative of Badminton Asia in BWF. Such Representative is an ex-officio member of the BADMINTON ASIA Executive Committee for which the person is elected, but shall have no vote in Badminton Asia executive Committee unless having being elected to Badminton Asia Executive Committee.

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 SUCH PERSON will not have voting rights.

13.3 The Standing Committee IS NOT THE ELECTED EXECUTIVE COMMITTEE, WHICH IS APPOINTED BY THE PRESIDENT to the various Standing Committees to carry out such duty as directed by the President.

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 members into 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

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

13.6 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 Treasurer, NINE (9) chairpersons of Standing Committees.

13.7 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.

13.8 The Executive Committee shall have powers to appoint any member(s) into the various Standing Committees, as defined in article 13.4.

14 NOTICE OF PROPOSAL

14.1 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 Associations, Executive Committee may also submit a proposal.

14.2 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.

15 BADMINTON ASIA ELECTION

15.1 The written nominations for election of the President, SEVEN (7) Vice Presidents, the Secretary General, the Treasurer and Continental Representative to BWF (as required by BWF) may shall be made by any National Organization Member Association.

16.2 Such written nominations by the Member Association 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 Organization Member Association of the nominee.

16 ALTERATIONS OF CONSTITUTION

16.1 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.

16.2 Any amendment to the Constitution take effect immediately-after being passed by the General Meeting.

16.3 Any amendment of constitution shall be forwarded to the Registrar of Societies.

16.4 In the event of ROS disagree with the new amendments, the previous constitution for such amendments remains.

17 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) of BADMINTON ASIA Members Associations registered with BADMINTON ASIA as of that date.

In the event of dissolution of BADMINTON ASIA:

17.1 The Extraordinary General Meeting at which the BADMINTON ASIA is dissolved, shall appoint a Liquidator;

- 17.2 Notice of dissolution shall be formed to the Registrar of Societies as soon as practicable of dissolution;
- 17.3 All assets after settlement of all liabilities will be divided equally to the Member Associations registered with BADMINTON ASIA.