

# Club Constitutions

*Reviewing and updating your club constitution*

Terry Evans  
Special Counsel  
Minter Ellison Lawyers

Dale Welsh  
Project Officer, Sport Governance  
Office for Recreation and Sport



Government of South Australia  
Office for Recreation and Sport

**be active.**

## *Today we will cover:*

1. Why review and update your constitution?
2. Discuss the updated templates
3. Outline the process for updating



# What's changed?

## *More regulation:*

- GST
- Privacy
- Work Health and Safety
- Children's Protection
- ASADA

## *More issues:*

- Increased insurance premiums
- Harassment and bullying
- Alcohol
- Drugs
- Importance of Good Governance



# The issue...

*Under outdated constitutions **sports clubs and associations** are struggling to deal with the demands of these issues*



# How old is your club constitution?

- Majority of clubs have **original** constitutions that date back many years.
- Many have been **amended piecemeal** over time
- The amendments create a **less consistent** document
- Many don't separate the **regulations**, making it difficult for the committee to be proactive



## Constitution

- Requires members support to make amendments

## Regulations (By-laws)

- Elected committee can make amendments





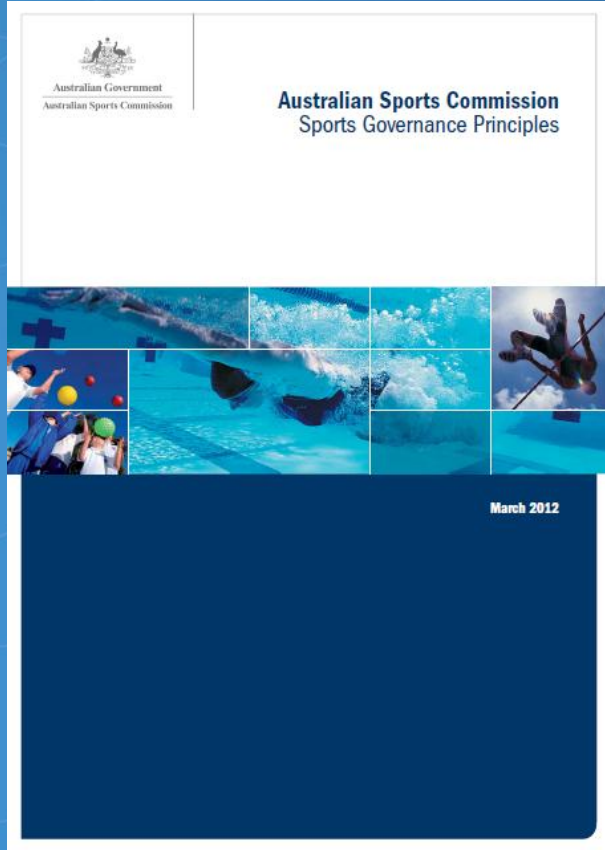
*Don't panel beat it, **replace it!***



Government of South Australia  
Office for Recreation and Sport

**be active.**

# The need for constitutional *alignment*



National  
Association



State  
Association



Regional  
Association



Club

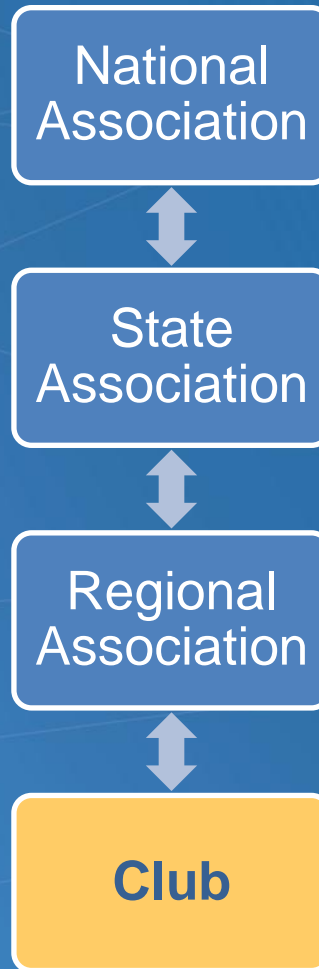
ASC and ORS have developed templates for each

Templates are aligned and based on best practice governance principles





# The need for constitutional *alignment*



The club's constitution binds members to the jurisdiction of the Regional Association.

In turn the Regional Association constitution also binds the member clubs to the State Association, etc...



# Why is alignment important?

- Common **objects** from NSO to clubs
- Common membership **categories**
- Common **effects** of membership
- Stronger/entrenched relationships from NSO to clubs
- **Policies** and **rules** developed by the NSO and SSO automatically adopted by club
- Common **disciplinary clauses** and **dispute resolution processes**



# Updating your constitution

- Contact your State Association
- Gather key documents (existing constitution, regulations, policies and strategic plan)
- Form a Constitution Sub Committee
- Set a project timeline (6 months out from your AGM)



# Selling it to the members

- Members need to **understand** the **rationale for change**
- Make **draft available** on website, via email, at club rooms
- Give members the opportunity to **ask questions** or give **feedback**
- Identify members to **'champion'** the process
- Release the final draft with other AGM documents in advance of meeting



# At the AGM

- Approval by **majority** required
- Have the 'mover' speak in favour of the rationale for changing
- Chairperson can request someone to speak against the motion
- Chairperson can alternate between speakers 'for' and 'against'
- During debate it is possible for **amendments** to be requested



# Registration

- Your new constitution will need to be registered with Consumer and Business Services:

<http://www.cbs.sa.gov.au/wcm/associations-and-charities/incorporated-associations/>

