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
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
Under outdated constitutions sports clubs and associations are struggling to deal with the demands of these issues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!
The need for constitutional alignment

ASC and ORS have developed templates for each

Templates are aligned and based on best practice governance principles
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: