CONSTITUTIONS and BEYOND

Ways to update and sort out your club constitution, regulations and rules – ‘musts, shoulds and coulds’

WELCOME from...

Hans van Bavel
- Director, DELTA Training
- ORS Community presenter
- STARCLUB Mentor
- Club Secretary

Cheryl Barnett
- SA Country Basketball
- Sports Administrator
- ORS Community presenter
- WDCC Junior Cricket Director
AIM:

To provide delegates with practical ways to sort out and update a club constitution, policies (regulations/By-laws) and rules with minimum effort and maximum efficiency

APPROACH:

Delegates will be encouraged to discuss their challenges and experiences and consider applying tips offered from each other and the facilitators
KEY DIFFERENCE

Constitution
- Requires members support to make amendments

Regulations (By-laws)
- Elected committee can make amendments
WHY UPDATE?

More regulation:
- GST/Finance
- Privacy
- Work Health and Safety
- Member/Child Protection
- Incorporation
- Media scrutiny

More issues:
- Increased insurance premiums
- Harassment and bullying
- Alcohol & Drugs
- Importance of good Governance
- Social media
YOU ARE NOT ALONE!

• Under outdated constitutions, regulations and documentation generally, sports clubs are struggling to deal with the demands of these pressures

• Good governance also requires sound planning to organise and successfully manage and improve a club’s future
- How old is your club constitution?
- Has it lost its relevance and meaning?
- How relevant are your Regulations and Policies?
SMALL GROUP DISCUSSION:

• Qu1: What key elements should be contained in a well developed constitution?

• Qu2: What are the challenges in developing/updating your constitution?

• Qu3: How would you go about carrying out a process that is effective and workable?
CONSTITUTION 'MUSTS'

1. Outline the organisation’s purpose #

2. Set out the members’ rights and responsibilities

3. Insure templates meet the requirements of the Associations Incorporation Act SA 1985

4. Incorporate best practice governance principles of operation as advocated by the Australian Sports Commission and Office for Recreation and Sport

5. # The Objects of the Constitution need to reflect 'sport and recreation delivery' for:
   a) Eligibility for ORS grants    b) Income Tax exemption
CONSTITUTIONS SHOULD BE ALIGNED

ASC and ORS have developed templates for each

Templates are aligned and based on best practice governance principles

National Association

State Association

Regional Association

Club
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…
UPDATING YOUR CONSTITUTION

• Discuss intent with your State Association
• Gather key documents (e.g. current constitution, state constitution, ORS Template, other club examples)
• Form a Constitution Sub Committee
• Set a project timeline (6 months out from your AGM)
• Sell it to your members – develop a rationale/benefits list
• Seek input from members
• Keep members informed on progress
CONSTITUTION REVIEW PROCESS – SUMMARY

1. GATHER INFORMATION

2. DECIDE ‘HOW TO’

3. ALLOCATE TIMEFRAMES FOR PROCESS

4. AGREE CONSULTATION APPROACH

5. APPROVAL PROCESS

6. REGISTER NEW CONSTITUTION
approvals process - Amendments

- When a motion (call this the first motion) is put and debate takes place a member can put forward an amendment to the first motion
- When this is done the Chairperson should halt the debate on the first motion and address the amendment before moving on, by:
  - Clarifying the amendment, how it is to be worded if adopted and what it will replace
  - Calling for a seconder to the amendment, if there is no seconder the amendment automatically lapses and the debate on the first motion can recommence
  - If there is a seconder then ask the person moving the amendment to speak in support of the amendment
  - Call for anyone who wishes to speak against the amendment, alternating the for and against. (Consider limiting to one speaker for and one against)
PROCESS - Amendments cont.

- Once the debate is concluded, clarify what the vote is for and call for a vote on the amendment only
- If LOST then the debate on the first motion can recommence
- If WON the amendment is made to the document accordingly and the debate on the first motion can continue

- If there are multiple amendments each must be addressed separately and voted upon before finalising the debate

- The final vote when put is made on the document including any amendments that have been accepted by the meeting
REGISTERING - Finalizing

- Register with Consumer and Business Services (CBS) is the SA Government agency that administers the Associations Inc. Act 1985

- Once your membership have approved the new constitution, you are required to lodge it with the CBS. There is a form to complete and a fee to pay see – CBS@sa.gov.au

- Not doing this could invalidate the constitution in the event of a dispute. Any dispute that reaches the courts will be resolved with reference to the constitution which is on the public record

- You may also be required to lodge a copy of your new constitution with your peak body, and/or your bank, funding bodies, local council, sponsors
WHAT ARE REGULATIONS/BY-LAWS?

They describe the course or general plan of action adopted by your club in a specific area that related to its operational functions

Your committee may formulate, issue, adopt, interpret and amend them for:

• the proper advancement, management and administration of the Club
• the advancement of the purposes of the club
• the sport in the community

...consistent with the constitution
COMMITTEE RESPONSIBILITIES
- 'MUSTS'

• Educate members in what each policy means – how to apply
• Develop clear criteria steps for action relating to a policy
• Clarify support strategies for decisions made 'on the field'
• Have in place a communication strategy for appropriate access
• Review policies - amend so they are consistent with parent body
• Modify policies by listening to unforeseen member issues
• Develop a policy that deals with non-compliance and apply with consistency
TYPICAL ‘POLICY’ AREAS

- Climate/Heat policy
- Dispute Resolution
- Member/Child Protection
- Use of Social media
- Code of Conduct
- Facilities Use
- OH&S requirements
- Risk Management
- Awards and Recognition
- Anti doping and drugs

CHALLENGES AND TIPS TO RAISE?
REGULATIONS/BY-LAWS
DEVELOPMENT TIPS - 'SHOULDS'

• Keep regulations and by-laws simple and clear - dot point
• Use Association regulations if applicable and provide links provided they match your Club’s situation
• Research other similar clubs - adapt for your use
• Allocate to sub committee/s to organize
• Consider a Q & A approach as an option
• Publish on your website
• Seek input and/or feedback from members to refine draft
• Keep up to date and review regularly
RULES - ‘SHOULD’

RULES REFLECT THE WAY IN WHICH ‘THE GAME’ IS PLAYED

• Rules govern the way we play the sport
• Determined largely at state/national/international level
• Communication and education of rules is essential
• Rules should be easily seen and available

RULES - EXAMPLES

• Competition rules and uniforms
• Fees, Levies and Registration procedure
• Advisory panels appointments
THANK YOU

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ORS WEBSITE: www.ors.sa.gov.au
PLANNING TO ENABLE YOU TO ACHIEVE YOUR CLUB GOALS

Practical ways to progress from vision to operational actions

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AIM

This session has been designed to assist you in developing and achieving plans for your Club’s future

We encourage you to be interactive!
Constitution/policies sorted? – then why plan?

• Professionalism expected of committees – Good governance
• Legal and ethical requirements
• More competition between sports
• Enables growth challenges to be incorporated
• Need to develop strategies that appeal to community values and needs
• Compliments the components of the constitution (e.g. Objects)
A PLAN IS JUST A PIECE OF PAPER…

IT’S WHAT YOU DO WITH IT THAT MAKES IT A VALUABLE RESOURCE!
SHARING INFORMATION

In your groups share information and discuss:

1) **What** the key elements of your plan’s structure are and agree on why each works for your club

2) **How** you have incorporated the content of each element in your club admin processes (if at all!)

Prepare to briefly summarise your discussions of both 1 & 2 to share some key points with the larger group
GET THE M.O.S.T. OUT OF PLANNING

**Mission/Vision:** Why we exist – our purpose / ideal future [*Very long term*]

**Objectives:** Key goals required for success: WHATS

**Strategies:** Ways to achieve our objectives: HOWS

**Tasks:** Activities to support strategies (agenda items) [*Very short term*]

+ Core VALUES supporting the plan
+ KPI’s / who will lead / timeframe / priorities / resources
“Vision without action is merely a dream. Action without vision just passes the time. Vision with action can change your world!”

…… Joel Barker, Strategic planner and futurist

Committees are responsible for creating their club’s future!
DEVELOPING YOUR STRAT. PLAN

1. AGREE ON ITS NEED
2. DECIDE KEY PILLARS OF THE PLAN [approx. 6]
3. ARRANGE FOR A 2+ HOURS WORKSHOP [inclusive approach]
4. DEVELOP A DRAFT [based on attendees input]
5. COMMUNICATE THE DRAFT FOR FEEDBACK
6. FINALIZE AND PLACE ON WEBSITE
ACHIEVING YOUR PLANS: CHALLENGES AND TIPS

In your groups share information and discuss:

1) Hurdles you face when actioning your plans

2) Tips on successful approaches that others may find useful

Prepare to summarise your discussions of both 1 & 2 to share some key points with the larger group
TIPS TO ACHIEVE YOUR PLANS

Imagine objectives & strategies have been achieved:

- Work backwards to a timed sequence e.g. 12 months from now, then 11 months etc., listing actions that would have happened in order to achieve each goal/strategy

- Incorporate actions (from above) in meeting agendas against the relevant month – ‘TO DO’

- Note achievements in meeting minutes and link to the relative plan objective/strategy

- Any actions not met in time frame 'role over' into the next month's meeting agenda until completed
TIPS TO ACHIEVE YOUR PLANS..cont.

- Transfer information regularly to STARCLUB action board and note on the strategic planning template -

- Arrange for a ‘leader’ to be responsible for achieving of key goals and strategies

- Prioritize your actions

- Determine easy wins

- Use 'SMARTA' principles

- Review your plans regularly
TIPS TO ACHIEVE YOUR PLANS...cont.

Think and Act using ‘THE THREE POSITIONS’

1st: personal input & perspective: heartfelt and/or experienced opinion

2nd: considering other members’ views: put yourself in someone else’s shoes

3rd: take the big picture impartial view: the helicopter vision when deciding...
TIPS TO ACHIEVE YOUR PLANS...cont.

SIMPLE OPERATIONS PROJECT/ACTION PLAN

1. Convert each KEY action into a GOAL (‘whats’), using action words e.g.: develop, organize...

2. Discuss/list known issues needing consideration

3. Convert to STRATEGIES - (how to's)

4. List into ACTIONS - step by step ACTIVITIES

5. Agree who to lead and report back

6. Agree timeframe for each
COMMUNICATE RESULTS!

AS A COMMITTEE

• Consider ways to inform your members of achievements

• Update members and each other on progress

• Don’t be afraid to seek out and ask for help to achieve goals

• Liaise with your parent body

Demonstrate your achievement, efficiency and transparency!
Take the first step…

Thank you for the opportunity to present to you.

Hans van Bavel and Cheryl Barnett
On behalf of the Office for Recreation and Sport.