

CIRCULAR



Subject: CLUB CONSTITUTIONS

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Audience: Club Committees, WAAFL Board Members

<p>Summary: All clubs are required to update their club constitution so it is compliant with the Associations Incorporation Act 2015 by July 2019.</p> <p>A sample constitution has been developed by the WA Football Commission for clubs who are yet to update their constitution and wish to utilise it.</p> <p>Clubs who do not update their constitution by July 2019 will automatically revert to the model rules provided by the Dept of Mines, Industry Regulation and Safety.</p>	<p>Action: Review constitution and follow the below steps to update and adopt the constitution.</p>
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The below steps are for clubs to follow in order to update the model constitution and then adopt it for your club. As this document has been prepared in its entirety, it is recommended clubs **do not** remove anything outside of what is stated below.

REVIEW OF TEMPLATE

Club Name

You are required to add your Club Name to the following sections:

- Page 1 – Title
- Page 5 – Title
- Page 5 – Section 1
- Page 5 – Section 2.1

Liquor Licence

All clubs with a liquor licence are required to refer to it in the constitution. If you do not have a liquor licence you can remove the yellow highlighted text in the following sections:

- Page 3 – Section 22
- Page 6 – ‘Liquor Act’ Definition
- Page 8 – 6.1(b) section in brackets
- Page 31 – Section 22
- Page 32 – Section 24(b)

Objects and Powers of the Club

A generic set of objects and powers have been included in the model version. These can be tailored by the club as needed.

Financial Year

The financial year has been set for a 12-month period starting on 1 October. If your current financial year is different to this or you wish to change it, please alter the text "1 October" to reflect the start of your financial year.

NOTE: Once updated, complete a final review and remove any yellow highlighted text out of the constitution.

ADOPTING THE CONSTITUTION

The below extract is from a step-by-step guide to updating your constitution:

<https://www.commerce.wa.gov.au/books/inc-guide-incorporated-associations-western-australia/step-step-guide>

In order to make changes to a Clubs Rules (Constitution) a Club needs to present them to Members at a Special or Annual General meeting as a special resolution.

The main steps in changing an association's rules are to:

- Determine what amendments are going to be made;
- Ensure the amendments comply with the Act and draft a new copy of the rules;
- Send notice to all members stating in full all proposed special resolutions to be voted on, the time and place of the general meeting where the proposed special resolutions will be moved;
- Convene general meeting of members to consider the amendments;
- Pass the amendments by one or more special resolutions; and
- Notify Consumer Protection of the changes within one month of the meeting.

Calling the meeting

To validate an alteration of the rules, the Club must follow the correct procedure in calling a meeting.

The meeting must be a general meeting. All members of the association, whether they have voting rights or not must be given notice of the meeting and invited to attend. Under the Act, the rules of an association cannot be changed without all members being advised. The association must give notice to all members of the time, date, venue and purpose of the general meeting.

A special resolution

The special resolution(s) need to be moved in the same way as any other resolution.

The association must ensure any resolution(s) to adopt altered rules is passed by the required majority. A special resolution needs at least 75% of members voting in person or (if permitted) by proxy or postal vote, to vote in favour of the rules being altered in the manner proposed.

Lodging the changes

For legal effect, an association must lodge any changes to its rules by special resolution within one month of passing the resolution with the Commissioner for Consumer Protection.