

Special Resolution to adopt the Model Rules

Dear Club Members,

I write background document to you in recommendation of the Special Resolution sought at this Annual General Meeting of the Association in support of the adoption of the Model Rules in replacement of the present SKAAC constitution that dates back to 2002.

Background

Certain club issues in 2015, coincided with insistence from Athletics Victoria through the *Club Connect Program*, which has been developed in conjunction with the Australian Sports Commission's Club Health Check, have prompted the SKAAC Committee to review the law on incorporated associations for the first time in many years.

It has been discovered that things have changed markedly since the present constitution was adopted in 2002, for purposes of attaining the status as an incorporated association. As new Victorian legislation was passed in 2012, our constitution is now well and truly out of date.

The Current Legislation and Model Rules

The new Act allows us to adopt a set of Model Rules (attached) as the Club's Rules (other than the name, club purposes and financial year, which we still set). The SKAAC Committee recommends adoption of the Model Rules because:

1. The current Model Rules are much better than our existing rules/constitution; and
2. One of the most important benefits of adopting the new model rules is that, under s 49(3) of the new Act, any future amendments to the Model Rules flow through to our Rules. This means we don't have to worry about updating the rules in future, because as the Department of Justice or Victorian Parliament see fit to make improvements, it flows through and will ensure that SKAAC always have a best practice set of rules.

Differences between the Model Rules and the current SKAAC Rules/Constitution

There are quite a few improvements in the new Model Rules. But just to take a couple of examples:

- The new rules are clearer on membership. For example, they deem the member to have resigned if their fees are more than 12 months in arrears. Our current rules don't do this, so in theory everyone who was ever a member of the club is still a member of the club until they resign or die.
- The new rules clarify the voting status of minors (15+ can vote; below that they are Associate Members, entitled to all benefits, but they do not vote and can also be charged a lower fee)
- Our constitution requires us to provide books and records if any member asks, regardless - whereas the new model rules provide an exception for confidential, personal info etc, where to provide it may be prejudicial to the interests of the club - which the Committee considers eminently sensible.
- Our current rules stipulate that Life members are afforded the status of being ex-officio members of the SKAAC Committee. Which in the Committee opinion is:
 - neither relevant as any Life Member wishing to be a part of the Committee should do so through the normal AGM election process;

- nor would any Life Member necessarily wish to have the responsibility of this ex-officio role from a legal perspective; and
- not consistent with the Model Rules for appropriate governance of a sporting organisation such as SKAAC.

The only real loss in adopting the Model Rules would be that we would lose the bespoke adjustments in our current constitution – other than the club purposes, name and year, which would remain the same.

However on review of these clauses that we would lose the SKAAC Committee are of the opinion they can be covered without being in the constitution – which is the situation we had until we incorporated in about 2002 and gained a formal constitution. As an example: club colours are currently listed in the SKAAC constitution; however if someone wanted to change the club colours from green, gold and blue, there would undoubtedly be a debate and the real issue would not be some technical constitutional point.

This resolution is supported unanimously by the 2015/2016 SKAAC Committee.

A copy of the proposed special resolution for your consideration can be seen on the next page.

Yours in service

Peter McGarry
President SKAAC - 2015/2016

Proposed Resolution

The Association resolves that, in accordance with s 49(6) of the Associations Incorporation Reform Act 2012 (Act), the Association adopts the Model Rules defined in s 49(1) of the Act as the rules of the Association, subject to the following matters for the purposes of s 49(7) of the Act:

1. The name of the Association is and remains St Kevin's Amateur Athletic Club Incorporated.

2. The financial year of the Association is the year ending 30 March each year.

3. The Purposes of the Association are to:

(a) Promote and encourage Track and Field Athletics, Cross Country Running, Road Racing, and Race Walking;

(b) Foster Amateur Athletics generally; and

(c) Compete with or against any kindred clubs in approved competition.

In order to be adopted this motion requires a 75% majority when voted upon at the SKAAC AGM on 18 April 2016.