

# Memorandum

<b>To: Club Presidents &amp; Directors of Administration</b>
<b>From: Phil Ayres – Chief Operating Officer</b>
<b>Date: 10 August 2021</b>
<b>Pages: 2</b>
<b>Subject: Club Constitution Template</b>

Dear Club Presidents & Secretaries,

As you would be aware SLSNSW has for some time had a template club constitution available to clubs to assist them when reviewing their respective constitutions. You would also be aware SLSNSW reviewed its own constitution during last year.

Over the past several months we have been undertaking a review of the Template to ensure it offers the most contemporary and up to date approaches to constitution structures and inclusions. The SLSNSW Board has ratified the new template document and have now released the new one for use by clubs - <https://www.surflifesaving.com.au/downloads/slsnsw-club-constitution-template>

As it is essential club constitutions comply with the various regulatory bodies and their requirements as well as to the SLSNSW Constitution, the new template has been reviewed to ensure alignment with:

- the Incorporated Associations Act (NSW) (ie Department of Fair Trading)
- the Australian Charities & Not For Profit Commission (ACNC) Act
- the SLSNSW Constitution
- the SLSA Constitution

Recent feedback particularly from the ACNC indicates some SLS club constitutions may not adequately align with the requirements of the ACNC, and in many cases this relates to the Objects of the club. Indeed, SLSNSW has been assisting several clubs which have been randomly reviewed by the ACNC and had concerns raised for rectification.

With this in mind, the Objects clauses in the template have been written specifically to address these concerns and ensure club Objects relate to charitable purpose as defined in the Act and don't stray into direct member benefits and the like.

On this basis we recommend all clubs review their current constitutions against the new template, particularly around the Objects clauses. Moreover, as many club's constitutions have not been reviewed for a number of years, we are also aware many have become dated in their structure, and it would be timely for clubs to consider reviewing their entire constitutions against the template.



The template has been presented in such a way as to explain the need for various clauses to be included and to provide commentary around choices which clubs may consider specific to their own operating environment. An example of this would be around tenures for directors and staggering the election times for different director portfolio areas. Once the draft is finalised, clubs can simply remove the guidance notes from the document.

I would also remind clubs that if they do make amendments to their constitution, this must be ratified at an Annual General Meeting or Special General Meeting of the club and must be lodged with your respective Branch and SLSNSW. We would prefer to be provided a draft in advance to ensure there are no concerns from an SLSNSW perspective prior to the document being presented to the club's members.

The new template can be [accessed here](#). I would encourage club Boards to review the template and commence a proactive process of constitutional review. Please feel free to contact either myself or SLSNSW General Counsel Ian Fullagar if you have any questions or would like to discuss the process of constitution review.

Phil Ayres

E: [payres@surflifesaving.com.au](mailto:payres@surflifesaving.com.au)

P: 9471 8000

Ian Fullagar

E: [ifullagar@surflifesaving.com.au](mailto:ifullagar@surflifesaving.com.au)

Regards

Phil Ayres

Chief Operating Officer

**Surf Life Saving NSW**