

Stockton Bowling Club (SBC) Constitution explanation of the main changes

This document is to briefly explain the main changes of the updated SBC Constitution to members.

As background, the current constitution was last reviewed and adopted at the SBC AGM on 1 November 2009. Since then, legislation has changed as well as our membership size/type and financial position.

With Bowling Clubs membership across the state of New South Wales and Australia, changing and declining over this time, the state wide focus for Bowling Clubs has been to embrace community involvement.

The SBC, as members of ClubsNSW, is obliged to follow their guidelines as well as the Co-operatives (Adoption of National Law) Act 2012 and the Registered Clubs Act 1976 (NSW).

The main intent of the Constitution has not been changed, the wording has been updated to conform with the Fair Trading Model for Co-operatives such as ours and a few operational matters have been changed to confirm with the ClubsNSW Guidelines.

It is hoped that the new constitution is easier to read, with a number of duplicated and obsolete clauses/requirements being deleted and more conventional wording for some of the legal requirements being included.

There are four main points of significance between the proposed updated constitution and the current one. These relate to:

- name and image change
- the appointment of the Returning Officer for Board Elections;
- the qualification requirements of the President; and
- the timeframe a Board member can serve on the Board

Name and Image change

The Stockton Bowling Club was founded in 1914. Since then, there has been and continues to be a substantial population growth for the Stockton Peninsula and surrounding areas and the requirement for a community 'Social Hub' has increased.

The SBC Strategic Plan, approved by the membership at the 2018 AGM, using Bowls Australia data, highlighted the need to change the image and activities in bowling clubs, compared to what they were in the previous 10 years, if they were to remain viable.

With many younger people now members of the Club, the activities provided need to adjust to meet the needs of the younger group's interests while still catering for the older members.

With the Club focus incorporating sports and family-based programs for the local residents, bowling, both competition and social, including various types of barefoot bowls, outdoor and indoor live entertainment and children's activities are now being offered.

In line with current trends, the Strategic Plan and Club activities, it is now appropriate to change the trading name of the Stockton Bowling Club to something more indicative of the current membership and activities.

Returning Officer appointment

Currently the Returning Officer is elected at the AGM.

The ClubsNSW process of conducting Board Elections states that the Returning Officer is appointed by the Board and must manage the Board elections process including the nominations.

This is not possible if the Returning Officer is elected at the AGM and so the updated constitution follows the ClubsNSW guidelines that the Board appoints the Returning Officer.

There are strict ClubsNSW Guidelines for the Returning Officers role in Board Elections by which member Clubs must abide, particularly the affiliation with groups or individuals issue, that they do not need to be a club member and preferably should be independent.

Board member nomination timeframe

The current constitution does not specify how long a Board member can serve on a Board.

Should a Board member serve a long term, there is continuity but not necessarily fresh new ideas but if a Board member only serves 1 or 2 years, there is little continuity and that is not useful for the Board operations and Club stability.

Since the current constitution was written, there has been a legislative recommendation towards Triennial (3 year) Board appointments with a rotation process implemented as follows:

At the first election:

- 2 Board members will nominate for 3 years,
- 2 will nominate for 2 years and
- 2 will nominate for 1 year
- 1 will nominate for a chosen time period.

so that there will always be experienced members on the Board.

This may be difficult for our Club to implement and so the new constitution offers an opportunity for a Board member to serve a maximum of 3x1 consecutive years but they must retire after that time. Should there be a Board vacancy and no nominations from the floor, the retiring member can be nominated for a maximum of another 2x1 consecutive years but then must have a 1 year break before nominating again.

This initiative conforms with the idea of the Triennial term.

Board nominations

The current constitution states that the President of the Club must be a Bowling or Life member. The new constitution states that the President of the Club must be a Social, Bowling or Life member. Part of the reason for this is that over 90% of our membership are social members who do not want to play bowls or may only want to play social bowls and not be a bowls sub-club member. So they may have the potential and experience to be good Presidents but can't nominate for President.

ClubsNSW has provided information on Board nomination restrictions in their Constitution Guidelines 2019. The new constitution has followed these Guidelines. As this is a very important change to the Constitution, the ClubsNSW information on Board nomination restrictions has been copied in *italics* below to explain why the decision to change the current process has been made.

As clubs face demographic and commercial changes, they need to make sure their voting arrangements support the viability and longevity of the club.

Some clubs have strict voting or nomination restrictions.

In some cases, clubs limit voting and nomination rights to a small proportion of the membership.

While there is often an historic basis for voting or nomination restrictions, they can create significant problems for clubs, including:

- *Failure to remain a viable club*

If a club limits voting or nomination rights to people who joined the club before a certain date, or who have a certain qualification, the club may lack the minimum number of members required to be a legitimate club.

- *Limiting the pool of potential directors*

Many clubs find it difficult to attract qualified, adequately experienced people to stand for their boards. Constitutions that restrict who is eligible to vote for and serve on the board may mean clubs are only able to elect directors from a very narrow pool, thereby inhibiting people with appropriate skills from being elected. Such restrictions are likely to reduce the effectiveness of the board.

- *Preventing the club from reflecting its community*

Sporting clubs often limit voting rights, for example to full bowling or golfing members.

While this restriction is intended to protect the club's purposes, it also risks limiting the club's ability to grow and respond to its community's needs.

If social members feel they have no voice in the direction and future of their club and that it is controlled by a small group of members, they are less likely to support the club in the longer term.

This can lead to commercial failure for clubs.