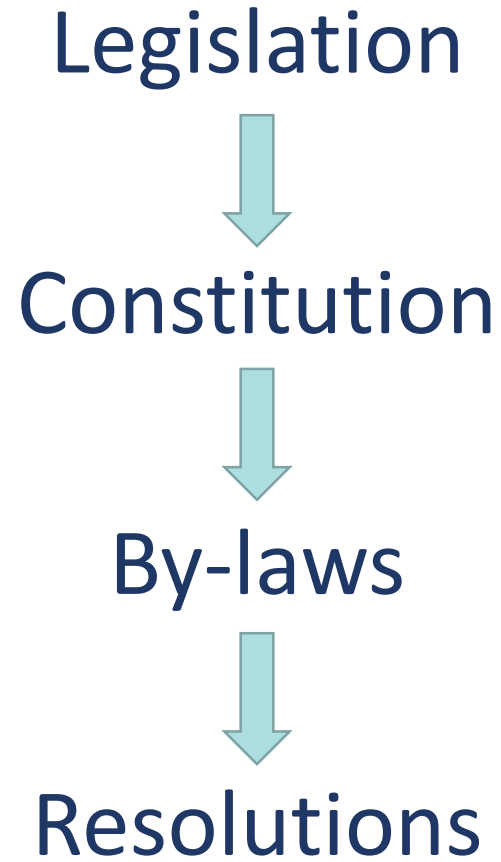




Reviewing and Renewing your Constitution



ENABLERS

The rules

Incorporated associations **must** have rules, which are sometimes called a *constitution*. The rules are **binding on the association and its members**.

Some associations have a further set of more detailed rules - called **by-laws**, ordinances or rules - that deal with administrative or procedural matters. These are also **binding on the association and its members**.

Legal Services Commission SA

Must:

State the name of the association and set out its object(s)

Not contain any provision contrary or inconsistent with the [Associations Incorporation Act 1985](#) (SA)

Contain provisions dealing with:

- the powers, duties and manner of appointment of the committee
- membership (if the association has members)

- appointing an auditor, if it is a prescribed association
- how general meetings are called and what procedure must be followed at the meetings
- who has the management and control of the funds and other property of the association
- the powers of the association and by whom and in what manner they may be exercised
- how the rules of the association may be altered
- any other matter prescribed by Regulation

Possibilities

Does your constitution

Enable you to hold online committee meetings

Enable your committee to vote online

Attend AGMs via video or audio meeting software (Zoom, Skype, Adobe...)

Make it easy

Adapt sections from other associations, e.g. Educators SA

Adapt sections from the 'example rules' from the Consumer and Business Affairs website

Seek the advice of Educators SA on your current or draft constitution or proposed changes of wording

Action Planning

What are the action areas I have identified?

Creating changes: who and when?

Useful resources

Timeline for changing the Constitution

Decision making process

Approving and Registering your New Constitution

- Notify members of a special general meeting or that changes to the are on the agenda for the AGM
- Provide the required notice period (min 28 days)
- Provide a copy of the proposed constitution highlighting the changes.
- Put a formal motion and document the result (min 75% required)

Approving and Registering your New Constitution

- Register the new constitution with the CBS (forms 6 & 7) online
- Publish your new constitution: ensure all committee members are familiar with its content
- Provide all new committee members with a copy or link to your constitution (and by-laws)

Resources

Consumer and Business Services SA

- <https://www.sa.gov.au/topics/family-and-community/community-organisations/managing-a-community-organisation/rules-in-an-incorporated-association>

Associations Forum

- <https://associations.net.au/resources/governance/>

Institute of Community Directors

- <https://www.communitydirectors.com.au/icda/tools/>

Educators SA

- <https://ceasa.asn.au/association-essentials/>