

Proposed Constitution Amendment – Triathlon SA

BACKGROUND

The Triathlon South Australia constitution was last reviewed in September 2018 for the purposes of enabling the association to achieve board member diversity and maximise skills. This resulted in the following changes.

- the maximum number of elected directors on the board changed from 9 to 7
- the maximum number of appointed directors on the board changed from 2 to 4

Since this time, an emerging trend has continued to expand, and has now reached a point that requires a modern approach to leading our sports stakeholders.

Proposed Amendments

Section 7 and 8 of the Triathlon SA constitution relates to a club's ability to affiliate with triathlon SA for the purposes of

- being listed as an official South Australian Triathlon club
- the provision of club insurance such as director's insurance and public liability
- the ability for members to join their club via the national membership portal
- the ability for members to earn accolades via our club series and state series and World Championships Qualifying Events

This section currently outlines that only incorporated entities can affiliate, excluding several current and rapidly emerging training entities that for all intents and purposes behave identically to our long-standing clubs, yet will not become incorporated and thus currently are ineligible to affiliated with Triathlon South Australia.

Of note, the STTA's of Queensland, Northern Territory, ACT, Victoria, and Tasmania currently allow squad affiliation. At present two South Australian Training groups are affiliated in Victoria, and as such all members of these entities are members of Triathlon Victoria yet our association provides the regular sports leadership for these entities and their members. In addition, these members are not eligible for state series points or accolades on the club series.

These proposed changes would provide grounds for Triathlon SA to grant affiliation to suitable entities that do not have affiliation, provided they meet all other conditions set forth in the Triathlon South Australia Club Affiliation Policy.

Section 9 proposed changed relate to the agreement between each member of Triathlon South Australia, their entitlements and responsibilities and the proposed changes are in line with our other state body constitutions and national body.



Proposed Amendments

Section 7.1 – Affiliation
<p>Current Wording (a) To be, or remain, eligible for membership, a Club must be incorporated or in the process of incorporation. This process must be complete within one year of applying for membership under this Constitution.</p>
<p>Proposed Wording (a) Unless otherwise determined by the Board, to be, or remain, eligible for membership, a Club must be incorporated or in the process of incorporation.</p>
<p>Current Wording (b) For such time as the Club is not incorporated, the secretary of any such unincorporated Club shall be deemed to be the Member (on behalf of the unincorporated entity), and shall be entitled to exercise the same voting and other rights and have the same obligations and shall follow such procedures on behalf of the unincorporated Club as incorporated Members, to the extent that this is possible.</p>
<p>Proposed Wording (b) For such time as the Club is not incorporated, the secretary of any such unincorporated Club shall be deemed to be the Member and Delegate (for the unincorporated entity) and shall be entitled to exercise the same voting and other rights and have the same obligations and shall follow such procedures on behalf of the unincorporated Club as incorporated Members, to the extent that this is possible.</p>
<p>Current Wording (c) Failure to incorporate within the period stated in clause 7.1(a) shall result in the expulsion of the secretary (acting on behalf of the unincorporated entity) from membership. The expelled unincorporated entity shall not be entitled to re-apply for membership until it becomes incorporated.</p>
<p>Proposed Wording (c) Any dispute or uncertainty as to the application of this Constitution to an unincorporated Club shall be resolved by the Board in its sole discretion.</p>
Section 7.2 – Application for Affiliation
<p>Current Wording (a) Affiliated Clubs must re-affiliate annually with the Association in accordance with the procedures set down by the Association in Regulations from time to time</p>

<p>Proposed Wording (a) Affiliated Clubs must re-affiliate annually with the Association in accordance with the procedures set down by the Association in Regulations from time to time. Clause 7.3 applies to re-affiliation applications.</p>
<p>Current Wording (b) (b) Upon re-affiliation an Affiliated Club must lodge with the Association an updated copy of its constitution (including any amendments) and must provide details of any change in its Delegate and any other information reasonably required by the Association. Each Affiliated Club must ensure that its constitution conforms with any amendments made to this Constitution</p>
<p>Proposed Wording (b) Upon re-affiliation an Affiliated Club must lodge with the Association an updated copy of its constitution (if applicable including any amendments) and must provide details of any change in its Delegate and any other information reasonably required by the Association. Each Affiliated Club must ensure that its constitution conforms with any amendments made to this Constitution</p>
<p>Current Wording (c) If an Affiliated Club fails to re-affiliate in accordance with this clause it shall cease to be a Member.</p>
<p>Proposed Wording (c) If an Affiliated Club fails to re-affiliate in accordance with this clause Error! Reference source not found. it shall cease to be a Member.</p>
<p>Section 9 – Effects of Membership</p>
<p>Current wording Members acknowledge and agree that:</p> <ul style="list-style-type: none"> (a) this Constitution constitutes a contract between each of them and the Association and that they are bound by this Constitution and the Regulations they shall comply with and observe this Constitution and the Regulations and any determination, resolution or policy which may be made or passed by the Board or other entity with delegated authority; (b) by submitting to this Constitution and Regulations they are subject to the jurisdiction of the Association; (c) the Constitution and Regulations are necessary and reasonable for promoting the Objects and particularly the advancement and protection of Triathlon in South Australia; and (d) they are entitled to all benefits, advantages, privileges and services of Association membership.
<p>Proposed Wording Members acknowledge and agree that:</p> <ul style="list-style-type: none"> (a) this Constitution constitutes a contract between each of them and the Association and that they are bound by this Constitution and the Regulations; (b) they shall comply with and observe this Constitution and the Regulations and any determination, resolution or policy which may be made or passed by the Board or other entity with delegated authority; (c) by submitting to this Constitution and Regulations they are subject to the jurisdiction of the Association;

- (d) the Constitution and Regulations are necessary and reasonable for promoting the Objects and particularly the advancement and protection of Triathlon in South Australia;
- (e) neither membership of the Association nor this Constitution gives rise to:
 - (i) *any proprietary right of Members in, to or over the Association or its property or assets;*
 - (ii) *any automatic right of a Member to renewal of their membership of the Association;*
 - (iii) *subject to the Act and the Association acting in good faith, the right of Members to natural justice, unless expressly provided for in this Constitution;*
- (f) they are entitled to all benefits, advantages, privileges and services of Association membership; and
- (a) a right, privilege or obligation of a person by reason of their membership of the Association:
 - (i) *is not capable of being transferred or transmitted to another person; and*
 - (ii) *terminates upon the cessation of membership whether by death, resignation or otherwise.*