

BMXWA Club Constitution Requirements

- Need to be adopted within 3 years from 1st July 2016
- All Incorporated associations and clubs are required to submit an information statement to the Commissions for Consumer Protection every year.
The statement confirms that:
An association is still active and eligible to be incorporated
The address details help by docep are correct
And the association has met its obligation to hold an AGM for the year.
- Statement needs to be lodged with Docep within 6 months after the end of an associations financial year. (eg if operating 1 July to 30 June should be provided no later than 31 December)
- Can be lodged online – visit docep website.

How does a club adopt/change new constitution??

As the Clubs will be seeking to replace their existing constitutions with the template document (as amended to suit the particular club), they will be required to pass a special resolution at a properly convened general meeting of the Club as they would normally.

It is anticipated that the new Act will come into force from 1 July 2016. Until that time (or such time as the new Act comes into force, if the introduction is delayed) the existing Act applies. The new Act does not make any material changes to the way in which an association may alter or replace its rules. Under both Acts, the following must occur:

- the motion to alter/replace the rules of the association must be passed by a special resolution, which requires at least 75% of the voting members who vote at a properly convened general meeting, to vote in favour of the resolution;
- the association must hold a properly convened general meeting. Therefore, each Club will need to comply with the notice requirements for general meetings under its constitution; and
- within one month of the club passing a special resolution to replace its rules, it must lodge the relevant form with the regulator, including a copy of the amendments and a certificate by a director/committee member certifying that the resolution was duly passed as a special resolution and that the new rules of the association conform to the requirements of the associations incorporation legislation.