

Moggill Football Club Inc. Covering Note to Proposed New Constitution – February 2022

Given that Moggill Football Club Inc. is incorporated under the *Associations Incorporation Act 1981*, the organisation must operate according to a set of rules, which are consistent with the Act and the *Associations Incorporation Regulation 1999*. These rules are also referred to as a constitution.

The purpose of a constitution is to keep the association incorporated so that it may continue to enjoy the benefits that this status provides.

The association’s proposed new constitution reflects some variations and additions from its existing constitution, in line with the Act. The new constitution has been prepared with support from CPR Group, who are governance consultants.

CPR Group completed an assessment of the association’s existing constitution and identified that the existing constitution did not take account of important amendments to the *Associations Incorporation Act 1981*, passed by Queensland Parliament in June 2020. These changes will take effect incrementally, with some having commenced immediately in June 2020 and others rolling out over the following two years.

The association’s new constitution, which addresses these points and reflects the contemporary provisions of good governance, is proposed to supersede the existing constitution, once adopted by members and registered with the Office of Fair Trading.

The table below provides context for some clauses in the proposed new constitution and, where necessary, explains differences between the association’s existing constitution and the proposed new document.

Section	Notes
General comments	The formatting of the constitution has been maintained with a cover page, table of contents and a revised numbering system that links related clauses together, making the constitution easy to navigate. Some clauses are numbered differently from the existing constitution, due to the amendment or addition of new clauses and grouping like clauses together.
Introductory provisions	An updated list of definitions has been included for clarity. Only those terms that are not adequately explained or defined in the body of the constitution are included. Due to changes in the Act regarding disclosure of remuneration of senior employees, the new constitution defines <i>relative</i> , <i>remuneration</i> and <i>senior employee</i> . References to the <i>Associations Incorporations Act 1981</i> have been added.
Objects and powers	The objects in the proposed new constitution have been maintained to ensure they continue to align with the association’s strategic direction.
Membership	Classes of membership have not changed.

Section	Notes
Discipline, appeals and grievances	<p>Under the proposed new constitution, any appeal against the management committee's decision to terminate or suspend a member's membership would be heard by an appeals panel, instead of by members at a general meeting. The appeals panel would need to meet no later than 28 days after the secretary receives a notice of intention to appeal.</p> <p>Grievance and mediation procedures have been included to ensure ongoing compliance with the <i>Associations Incorporation Act 1981</i>, as per amendments passed by Queensland Parliament in June 2020.</p>
Management committee	<p>The proposed new constitution maintains the current management committee structure, whereby the positions of president and treasurer are listed, along with general management committee members.</p> <p>The proposed new constitution clarifies the requirements of all management committee members to hold a current blue card or exemption card obtained under the Working with Children (Risk Management and Screening) Act 2000 or agree to obtain one immediately upon being elected to the management committee.</p> <p>The section regarding material personal interests has been expanded to include a more thorough explanation and process of these requirements.</p>
Election, appointment and vacancies on management committee	<p>The proposed new constitution maintains the current management committee election and appointment processes.</p> <p>The proposed new constitution adds stipulations on how a management committee member shall vacate office.</p>
Meetings	<p>Additional provisions relating to material personal interests of management committee members, as well as declaration of any remuneration paid to senior employees and management committee members, have been added to ensure ongoing compliance with the <i>Associations Incorporation Act 1981</i>, as amended in June 2020.</p>
Secretary	<p>This section remains unchanged.</p>
Finance	<p>This section remains unchanged.</p>
Winding up	<p>This section remains unchanged.</p>