



ANU Sport and Recreation Association Inc.

The Australian National University

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ANU Sport – Constitution Review Frequently Asked Questions

1. When is the special general meeting (SGM) to vote on the proposed changes to the constitution?

Date: Thursday 27 March

Time: 6:30pm

Location: Yukeembruk Village Hall, on campus.

2. What are the proposed changes to the constitution?

The proposed changes:

- will enable ANU Sport to comply with the legislative requirements of an association incorporated in the ACT
- align with best governance practices
- ensure the constitution will continue to meet the needs of ANU Sport into the future.

For more detail on the proposed changes, see the Explanation of Proposed Changes > [here](#)

3. What is the process to approve the proposed changes? When will the new constitution take effect?

The process for the constitution to be approved will be three phased:

1. The current ANU Sport membership will vote on a resolution to pass the proposed changes to the constitution at the SGM. At least three quarters of the members present must vote in favour of the proposed changes for the resolution to pass.
2. If the resolution is passed by the ANU Sport members at the SGM, the ANU Council will vote on whether to approve the proposed changes.
3. If the ANU Sport members and ANU Council vote to approve the proposed changes, ANU Sport will lodge the new constitution with the Registrar-General via Access Canberra.

The new constitution will only take effect once all three phases are complete.

If the proposed changes to the constitution are endorsed by both the ANU Sport membership and the ANU Council, we anticipate the new constitution will be lodged with Access Canberra and will become effective by 4 April 2025.

If the proposed changes are not endorsed by the ANU Sport members or the ANU Council, the current constitution will remain in effect.

4. Who will the members be (on day 1) if the new constitution is passed?

At the time the new constitution comes into effect, the members of ANU Sport will be:

Governing Members, with a right to vote in future general meetings

- all current Life Members (12 individuals) (no change to current position)
- any individuals nominated by a Residential Hall (1 individual per Residential Hall)*
- any individuals nominated by a Club (1 individual per Club)*
- the ANU Sport CEO
- an individual appointed by the ANU

Other Members (who don't have a right to vote in future general meetings)

- any individuals who apply for General Membership ^
- 9 current Board directors

*** How do Residential Halls and Clubs nominate an individual to be a Governing Member?**

ANU Sport will provide Clubs and the Residential Halls an application form, should they wish to nominate an individual to be a Governing Member. The application is voluntary and can be submitted at any time (although see below re the timing of submitting an application).

Governing Members have the right to vote in director elections *and* at general meetings.

- To be eligible to vote in the *director election* process if the new constitution passes, the application form will need to be submitted to ANU Sport at least 5 business days before the voting period starts (to ensure ANU Sport has time to review and process the application). The director election voting period will be sometime in April / May 2025 – ANU Sport will confirm closer to the date, if the new constitution passes.
- To be eligible to vote in the *annual general meeting* on 29 May 2025 if the new constitution passes, the application form will need to be submitted to ANU Sport no later than 20 May 2025 (to ensure ANU Sport has time to review and process the application).

Governing Members have the right to *nominate for election* to the Board.

- To be eligible to nominate, the membership application form will need to be submitted to ANU Sport at least 5 business days before the nomination period ends (to ensure ANU Sport has time to review and process the application). The director nomination period will be sometime in April 2025 – ANU Sport will confirm closer to the date, if the new constitution passes.

- See further information about the election process at question 6.

^ How do individuals apply to be a General Member?

ANU Sport will make a General Membership application form available online. The application is voluntary and can be submitted at any time (although see below re the timing of submitting an application).

General Members have the right to *nominate for election* to the Board.

- To be eligible to nominate, the membership application form and applicable Club/gym/Program fees will need to be submitted to ANU Sport at least 5 business days before the nomination period ends (to ensure ANU Sport has time to review and process the application). The director nomination period will be sometime in April 2025 – ANU Sport will confirm closer to the date, if the new constitution passes.
- See further information about the election process at question 6

A person who is an 'Associate Member' under the current constitution (and who has paid all relevant fees) will need to submit a new General Member application form if they wish to become a General Member. No further fees will be payable at that time.

5. Who will be the Board directors after new constitution is passed?

The current Board directors will continue to hold office until the remainder of their term (see clause 18.1).

Three elected director positions will be open for election in 2025.

Three elected directors, Mr Hawke, Ms Manning and Mr Miller, will continue on the Board until the 2026 AGM to complete their 2 year term.

The term of the appointed directors will end at the AGM on 29 May 2025. The new Board will determine any future Board appointments (clause 17.2).

The University appointed Board director, Mr McLean, will remain on the Board unless / until the University decides to appoint another individual to this position.

6. Who is eligible to nominate to be elected as a director in 2025 elections?

There is 1 additional restriction on who can nominate to be elected – the person must not have been the ANU Sport CEO within the past 2 years. All other eligibility requirements to nominate to be elected as a director remain the same (see clause 16.1):

- Not the CEO within past 2 years

- At least 18 years old
- Not an employee, unless also a student
- Not disqualified under the Act
- A Member of ANU Sport

7. Who is eligible to be elected as a director in 2025 elections?

The proposed changes introduce a 'representation quota' which means that, out of the 6 elected director positions, there will be no more than 1 director from the same Club, Residential College or Student Association (clause 16.2). This change minimises the risk of Board 'stacking'.

At the 2025 AGM, the following elected directors will remain on the Board until the 2026 AGM (to complete their 2 year Board term):

- Mr Hawke (an ANU student, not a member of a Club, Residential College or leader of a Student Association)
- Ms Manning (an ANU student, not a member of a Club, Residential College or leader of a Student Association)
- Mr Miller (member of ANU Men's Hockey Club)

The introduction of the representation quota would mean that no further Men's Hockey Club members could be elected to the 3 positions open for election at the 2025 AGM.

Note: it would be open to the new Board to appoint a Men's Hockey Club member as a director, if the Board so chose (see clause 17.2).

8. Can an ANU Sport employee be elected or appointed as a Board director?

An ANU Sport employee can only be elected if they are also a student (clause 16.1(c)) - there is no change to the current constitution in this regard.

An ANU Sport employee could be appointed by the Board provided they are a Member of ANU Sport and meet other criteria in clause 17.1. It is not uncommon to have employees of an organisation who are also directors where they meet the skills, perspective and diversity needs of the Board (see clause 17.4).

9. What membership fees are payable?

There will be no change to the current fee structure:

- Governing Members will pay \$0 fees

- General Members will pay fees relevant to their involvement in a Club, the gym or other Program run or facilitated by ANU Sport. Non-students who wish to join a Club will continue to pay the \$130 Club Affiliation Fee to participate.
- Appointed Members will pay \$0 fees

It is a requirement under the Act to include a clause in the constitution that states the fees payable by Members (see clause 7).

10. Can an individual be a Member of ANU Sport as well as a participant of more than 1 Club?

Yes, there is no change to the current position. Provided an individual submits the relevant Club application form and pays the relevant fees, an individual can participate in multiple Clubs.

The individual will need to provide evidence of their engagement in at least 1 Club at the time of applying to be an ANU Sport Member. The individual will also need to specify their Club involvement if they choose to nominate for election to the Board.

11. Why can the Board establish additional membership categories?

Clause 5.1 sets out the following categories of ANU Sport Members:

- General Members
- Governing Members
- Appointed Members
- any other category of Members as may be established by the Board from time to time.

It is not anticipated that the Board will establish other categories of Members frequently, or at all. This has been included for flexibility / future proofing, in line with several other ACT and University sporting organisations.

An example of where this might be used is if the Board wanted to establish a specific category for students, to better engage / monitor student participation.

It is important to note that any new category has no voting powers unless a special majority of the Governing Members agrees (see clause 8.4).

12. Why can the Board review / reject membership applications?

This drafting aligns with the Model Rules under the Act and is to ensure that only eligible individuals can be admitted as Members (see clause 6.4). It is common for organisations to review member applications to ensure Members meet the eligibility requirements and will follow the organisation's policies and procedures.

Under the current constitution, there is already a process for the Association to check eligibility requirements (e.g. requirements to provide evidence of enrolment, Club membership etc).

The proposed changes seek to add transparency and facilitate a more robust process. For example, if the Board rejects an application, it must provide an explanation (see clause 6.5(b)).

The proposed changes provide clarity that the Association need not admit a person to membership who would pose a risk to the Association, its staff, directors or other Members.

13. Why can ANU Sport review / reject Board director applications?

This drafting aligns with the Model Rules under the Act and is to ensure that only eligible individuals can nominate to be elected (see clause 16.4 and 16.5). It is common for organisations to review director applications to ensure the directors are suitable to provide strategic direction for the organisation and will complement the existing skills and experience of the Board.

To date, the Electoral Regulations have required the Returning Officer to review nominations and reject nominations if they are not eligible.

The proposed changes simply shift the requirements to the Constitution for transparency and facilitate a more robust process.

14. What is the process for Club affiliation and why is it not in the proposed constitution?

The process for Club affiliation is and will remain to be set out in the Club Handbook and Affiliation Agreement.

There is no substantive change between the current constitution and proposed constitution. The role of Clubs in the ANU Sport community is enshrined in the constitution, which continues to refer to Clubs.

The proposed changes simply remove the administrative process from the constitution (which is also set out in the Club Handbook and Affiliation Agreement) to remove duplication. This will also better enable ANU Sport and Clubs to comply with evolving regulatory requirements, such as the recent requirement from the Australian Tax Office for Clubs to have an ABN.

15. What ANU Sport documents can a member request access to?

The constitution and policies will continue to be available on the ANU Sport website.

Clause 37.1 of the constitution aligns with s35 of the Act; this clause states that ANU Sport must give members a copy of the constitution, deeds of any trusts (there are none) and a summary of board minutes.

Members can request copies of their personal information as per the Privacy Act - see [ANU Sport Privacy policy](#).

This is a common position at law and for incorporated associations.

Clause 37.2 does not change the current position under s35A of the Act and current constitution, namely that 'ANU Sport is not required to provide access to information that would be prejudicial to the Association'. The proposed changes simply add clarity about what may be 'prejudicial' to the Association, by listing types of information such as confidential and / or sensitive information (e.g. personal information of a third party or legal documentation) that may be prejudicial. This will be determined on a case by case basis and is a standard position for businesses.

16. Why doesn't the constitution refer to values?

Constitutions do not typically contain reference to an organisation's values. Rather, the constitution focuses on the governance of the organisation by setting out the rights and responsibilities of Members and the Board.

ANU Sport's values, codes of conduct and other behavioural expectations for members and participants are set out in the [Member Protection Policy](#) (MPP). ANU Sport reviews the MPP on an annual basis to ensure it remains up to date and fit for purpose. ANU Sport is currently reviewing the MPP with reference to latest guidance issued by Sport Integrity Australia.

Board directors are required to comply with legislative and regulatory requirements, which include operating in good faith and following the requirements outlined in organisational policies.

ANU Sport staff are required to comply with their employment agreement and relevant policies.