

The benefits of reviewing your constitution

If your constitution looks like it was written on a typewriter, it may be time for an update! However, it's not only the old constitutions that benefit from a review. It is recommended that organisations revisit their constitution about every five years. There are three main reasons why it's important to review your constitution regularly.

Legislation

After 13 years without any significant changes, Queensland's *Associations Incorporation Act 1981* underwent a comprehensive review in 2020. The *Associations Incorporation and Other Legislation Amendment Act 2020* introduced changes to several areas covered by clauses in your constitution.

A review would determine if your organisation's constitution has been updated to include these changes, or if it no longer complies with the Act.

These changes in the Act apply to your organisation even if they are not reflected in your constitution. This can cause confusion for your members if they don't know which clauses in your constitution still apply and which have been superseded by the Act.

Reviewing your constitution will remove this confusion and ensure everyone understands the rules under which your organisation operates.

Modernisation

Times have changed. With the advent of technology and online meetings, an organisation's processes should be updated to take advantage of this convenience. For example, you can now have members attend a general meeting using technology, such as video conferencing, which can make a big difference if you're trying to involve as many members as possible in the democratic process of running your organisation. As per the Act amendments, you can do this even if your constitution doesn't provide for it. However, having it specified in your constitution can make it clearer for your committee and members.

Additionally, certain terms in your constitution may need modernisation. Does your constitution still refer to 'Chairman' instead of 'Chairperson'? Having inclusive terms within your constitution can have a beneficial effect on the culture of your organisation, ensuring everyone feels welcome.

Some organisations have modernised their constitutions to ensure that both genders are represented on their committee - this has resulted in increased female participation at some of these organisations.

Older constitutions may still stipulate that all payments over a certain amount (likely \$20, or the more contemporary \$100) must be made by cheque. As we know, nearly all organisation payments are now made by electronic funds transfer (EFT), so this could be one area of your constitution that should be modernised to reflect this.

Some organisations struggle to fill all of the committee positions listed in their constitution. Did you know that the minimum number of committee members required by the Act is only 3? Revising your constitution can give you more flexibility in the structure of your committee and remove the challenge of trying to fill some committee positions.

Revision

Every organisation and association is different and therefore your constitution should reflect your organisation's individuality and points of difference. Organisations change over time and updating your constitution is an ideal opportunity to ensure that the document reflects your current operations. For instance, your constitution may include outdated objects or classes of membership which are no longer required or which do not adequately provide for your current membership structure.

How to Update your Constitution

Review your existing constitution:

- What do we want to change?
- What do we do differently now?
- What do we want to do differently in future?
- What does the latest legislation require of us?

Draft the new constitution including these changes. Then:

- Share with the committee
- Share with your members

Then call a general meeting of members to vote to adopt the new constitution (75% in favour) and register it with the Office of Fair Trading within 3 months.

Updating your constitution is a great opportunity to take a deep dive into how your organisation runs. By focusing on the people who will use the document, the process of the review itself will often identify opportunities to improve your organisation's structure, governance, member protection, or operational practices.