

# How to change or update your constitution

It is recommended that an Association's constitution is reviewed at least every 5 years. Your constitution will set out how to amend it. If it is missing any rules, then the Fair-Trading Model Constitution clauses will apply.

## How to change your constitution?

- Inform your members that the constitution is undergoing a review and that any recommendations for change should be forwarded to the Executive Member leading the review or your Associations Governance Committee.
- Take a copy of the existing constitution, identify it as a draft and apply version control to the document. Place this information in the footer of the document.
  - For example, if the existing constitution is called *Sydney Netball Association Constitution v1.0 (1 Jan 2024)* then the draft version can be called *Sydney Netball Association Constitution v1.1(draft)(1 Jan 2025)*.
- Using the markup feature on your word processing system, make the proposed changes to your draft constitution.
- It is good practice to also make comments against each suggested change which explains the change and the reasons for the change as rationale.
- When using definitions, make sure the words are capitalised throughout the constitution.
- Distribute the marked-up version of the constitution to the Executive Committee and members of the Association for review, feedback and final drafting before the vote takes place.
- Once finalised update the version control (For example, *Sydney Netball Association Constitution v1.1(final version) (1 Oct 2025)*).
- Present the final marked up version to the Council for ratification.

## How to vote to change your constitution?

- Your constitution will tell you:
  - What type of meeting will be needed to alter the constitution  
(*General Meeting – see s30 of the Fair Trading Model Constitution and s10 of the Associations Incorporation Act (“Act”)*);
  - How much notice of the meeting must be given  
(*21 days written notice – see s30 of the Fair Trading Model Constitution*);
  - What type of motion is needed to alter the constitution  
(*Special resolution – see s10 of the Act*);
  - How many votes are needed to alter the constitution  
(*75% of the total votes cast by members entitled to vote– see s39 of the Act*); and
  - Who you need to inform once the constitution is altered  
(*Department of Fair Trading (Application to register change of objects or constitution (Form A6 and pay fee)) (s10 of the Act) and NNSW both within 28 days*).

## Extra bits.....

- Every constitution **MUST** contain those items specified in Schedule 1 of the Act. If those clauses are missing then they are automatically applied to your constitution.
- All changes must be consistent with the Act and the rest of the constitution.
- The Public Officer or an Executive Member of the Association lodges the amended constitution with the Department of Fair Trading  
(*s37 of the Fair-Trading Model Constitution*);
- It is recommended that the special resolution states that you are adopting a whole new constitution consolidating the desired changes.
- A change to the constitution is effective when it is registered by the Department of Fair Trading.
- The Department of Fair Trading may refuse to register the changes if:
  - they do not comply with the Act

- they are not in the approved form
- lodged more than 28 days after passing the special resolution.

## Example Special Resolution

- An example of a Special Resolution to move changes to your constitution:
  1. *That the existing constitution of [insert name of association (“**Association**”)] is revoked.*
  2. *That the Association’s constitution be modified as attached in Annexure A to this Special Resolution.*
  3. *That the Association adopt the new constitution as attached as Annexure A to this Special Resolution.*
- The Special Resolution must be accompanied by a brief explanation of each change to the constitution.