



Mountain Bike Australia

Club Resource: How to Start a Club

Establishing a not for profit club or association may seem like a daunting task. However, the step-by-step guide below will assist to guide you through the process and will cover the following topics:

- Needs Assessment
- Incorporating an Association
- Affiliation with MTBA
- After Incorporation

1. Needs Assessment

Although people may feel that a new mountain bike club is needed or they have a strong personal interest in developing mountain biking in the area, these reasons alone are not enough to accurately gauge the potential demand for a club or its likelihood of survival.

Survey

One way to gauge the level of interest and need/ demand for a club is to prepare a one-page survey sheet that asks questions around these two topics. Seek assistance from local bike shops and community facilities with distribution of the survey and be sure to ask survey respondents for their contact details. Social media is another way of distributing the survey and making contact with people in the community to garner support and gather information, as is visiting areas within your region where mountain bike riders may already ride.

Once the responses to the survey have been evaluated and the level of support for a mountain bike club is clearer, it is time to make a decision on whether to proceed. At this point in time it would be beneficial to discuss the concept with key stakeholders such as local council officers, regional sport and recreation organisations, government agencies and MTBA.

Public Meeting

If everything stills points to a level of support you can rely on to assist the formation of a new club, the next step is to call a public meeting.

Details of the public meeting need to be advertised and promoted in a variety of ways and through a range of sources. This may include:

- Local paper(s)
- Community service announcements on local radio
- Notices at bike shops and community facilities
- Social media
- Personal invitations to potential key supporters and stakeholders
- Respondents to the initial survey

To ensure a successful public meeting it is important to:

- Give at least seven (7) days advanced notice of the meeting.
- Keep an accurate record of the meeting including date, time and place of meeting, purpose of the meeting, a register of attendees and apologies, record of all motions and recommendations and a summary of discussions.

The main purpose of the public meeting is to:

- Determine whether to establish a club
- Elect a committee
- Determine whether to incorporate or not.

2. Incorporating an Association

There is no legal necessity for a sport or recreation organisation to become incorporated if it remains a voluntary association. However, remaining unincorporated does leave the organisation in a difficult situation in regard to the law. If an association is not incorporated, legal rights and obligations can fall on to individual members. A not for profit group with five (5) or more members should consider the benefits of becoming incorporated. These include:

- Having club members protected, to a certain extent, from being sued individually if someone is injured while involved in activities delivered by your club;
- Improving your club's fundraising ability and eligibility for grants;
- Making it easier to enter into leases, to open and operate bank accounts and to borrow money.

Not for profit sport and recreation clubs generally incorporate under State and Territory legislation known as the Associations Incorporation Act. The Acts are not identical in each State or Territory. You should refer to the relevant legislation in your State or Territory which is usually available from departments of fair trading or equivalent department in each State or Territory.

It should be highlighted that to be eligible for affiliation with MTBA, an organisation/ club must be incorporated.

To be eligible to incorporate, a group must be not for profit and meet the minimum number of members required in your State/ Territory of incorporation to be eligible for incorporation. At time of preparing this manual the minimum number of members required in each State/ Territory varied between 5 to 7 members. Please check with the relevant government agency at time of incorporation to confirm the above details. The relevant government agencies are listed in section 2.2.1.

To incorporate, an association needs to convene a general meeting. At this meeting, several decisions must be made. An association must:

- a) Pass a motion to incorporate by resolution. The resolution needs a three-quarters majority vote to pass.
- b) Choose a name for the association
- c) Elect a committee
- d) Adopt a set of model rules (constitution)
- e) Lodge an application with the relevant government agency and pay the fee for incorporation.

If the decision to incorporate is made at the initial public meeting, you may choose to complete all above steps at this meeting.

3. Model Rules

As outlined above, clubs need to develop a set of model rules or a constitution and adopt these as part of the incorporation process. Incorporated associations are governed by legislation, which differs between each state/ territory; therefore the model rules also differ.

The constitution is a basic set of rules for the daily running of your club. It is a legal document that establishes the organisation, sets out the purposes for which it has come together, includes the rules under which it proposes to operate and sets out members' rights and liabilities. The model rules/ constitution of your incorporated organisation also sets out the membership and powers and provisions of the committee including:

- How committee members are elected and appointed
- Terms of office of committee members
- Grounds or reasons for which a committee position may become vacant
- Filling casual vacancies occurring on the committee
- The quorum (minimum number of committee members who must be present to conduct a committee meeting)
- The procedure at committee meetings.

The constitution should be written in a clear, unambiguous and succinct manner. It should not be overburdened with items that would be better placed in the organisation's by-laws or policies ie. complaint handling, codes of behaviour, job descriptions etc. These are usually items that expect to be changed and updated from time to time. In these circumstances the board/committee should, through by law and policy development, be empowered to oversee and manage these issues.

Checklist for developing the constitution

- The Associations Incorporation Act requires an incorporated association to have its own set of rules, which govern the day-to-day management of the club. These rules are referred to, as the constitution and a copy must be lodged with the relevant department in each state/territory that you applied to when incorporating your club. This constitution is held as the "official" version of rules, together with any amendments which the club later lodges with the department. This constitution is available to the public.
- You may use your own rules or obtain professional legal advice. If developing your own constitution, you must ensure you take note of the specific requirements and sections that must be addressed. The constitution should also not be inconsistent with any other requirements of the Act.
- Alternatively, you may use and/or modify the set of model rules developed by the relevant department in each state/territory. Once again, if you choose to modify these rules, ensure you read through the document carefully, or obtain legal advice, to ensure you meet the specific requirements of the Act.
- If you decide to use the model rules in your state/territory, ensure you read them carefully to complete them where required to suit the needs of your particular club.
- Once complete, the agreed version of your constitution must be submitted with your application for incorporation. Ensure you keep a copy of these rules for your clubs records.
- It is best practice to review your constitution every 2 -3 years and if any changes are made, they must be lodged with the relevant department in your state/territory. It is also important to remember that changes to the constitution require debate and to be voted upon at an annual general meeting or a special general meeting.

More specific information on incorporated associations including adopting model rules (constitutions) and electing committee members can be found on the government department website relevant to your state/territory of incorporation. Contact details are listed below:

- Australian Capital Territory: Office of Regulatory Services, www.ors.act.gov.au
- New South Wales: Office of Fair Trading, www.fairtrading.nsw.gov.au

- Northern Territory: Department of Business, www.dob.nt.gov.au
- Queensland: Office of Fair Trading www.fairtrading.qld.gov.au
- [South Australia: Consumer and Business Services www.cbs.sa.gov.au](http://www.cbs.sa.gov.au)
- Tasmania: Consumer Affairs and Fair Trading, www.consumer.tas.gov.au
- Victoria: Consumer Affairs Victoria, www.consumer.vic.gov.au
- Western Australia: Department of Commerce, www.commerce.wa.gov.au

4. Affiliation with MTBA

To become affiliated with MTBA, a club must be incorporated. Benefits of affiliation with MTBA include:

- Access to cost effective insurance for the club and its members.
- Opportunities to associate with other MTBA affiliated clubs through regional, state or national networks.
- Coordination of efforts to strengthen mountain biking development at both the recreation and sport level.
- Provides mountain biking with more permanency even though individual club members may change.
- Supports a national autonomous body for mountain biking.
- All funds collected by MTBA are returned to mountain bike clubs and riders and reinvested into the development of mountain biking.

Once incorporated a club will need to complete the MTBA Club Affiliation Form, attach a copy of the certificate of incorporation, list three nominated committee members who must be members of MTBA and return to the MTBA office with the affiliation fee. A copy of the most current MTBA club affiliation form is included with this resource manual and available on MTBA's website.

5. After Incorporation

There are several things that a newly incorporated association must do as soon as it becomes incorporated and these are outlined below.

- Get a common seal - your incorporated association needs to have a common seal produced. The common seal is a rubber stamp used to legally identify the incorporated association.
- Open a bank account – you will need to open an account with a financial institution in the name of your incorporated association. As a separate legal entity, your incorporated association's finances must be operated under its own name.

In addition to the above legislative requirements, the drive to recruit members and volunteers should commence immediately to ensure the long-term viability of the club.

6. Top Ten Tips- Starting a Club

Here are some tips to help with starting your club and ensuring its longevity.

- a) Spread the workload. Members will be more committed if their talents are used and it will reduce the workload and stress on club committee members.
- b) Hold regular, succinct and interesting meetings in which decisions are made and followed through.
- c) Maintain accurate records including minutes of meetings, financial records and list of members.
- d) Organise a permanent mailing address and phone number that can be included in all correspondence, brochures, flyers and posters.

- e) Look after existing members and volunteers and establish a plan to recruit new members and volunteers. Members and volunteers come and go, however to ensure the longevity of your club a constant renewal of membership is required.
- f) Provide position descriptions for all committee and volunteer positions so people have an idea of what each position entails before making a commitment.
- g) Communicate regularly with your members. Keeping members informed ensures everyone is kept up to date on decisions made on their behalf, achievements, events and opportunities.
- h) Encourage your members to be accredited coaches and event officials (commissaires). This will provide newcomers and more experienced riders with access to coaching opportunities and club events are delivered with 'best practice' in mind.
- i) Develop an annual budget. Know what your costs will be and develop a plan to secure any required funds.
- j) Acknowledge and recognise your volunteers. A simple thank you letter, social get-together or specific mention at club meetings, e-Newsletter or via social media lets them know their efforts are appreciated.

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