

From: Rick Roper
To: Club Amalgamations
Subject: Submission for review of the registered club amalgamation and de-amalgamation framework
Date: Wednesday, 26 July 2017 8:01:27 AM

26/7/17

I wish to make a submission as part of the review of the registered club amalgamation and de-amalgamation framework

I write as member of the public but also as a former Director of Waverley Bowling and Recreation that amalgamated with Eastern Suburbs Leagues Club in 2016.

Entering into an MOU

There is no mechanism in place to enforce undertakings in an MOU made to the child club by the parent club once the amalgamation is approved by members of both clubs and by the Authority. Upon completion of an MOU the child club who entered into the amalgamation is dissolved and that entity ceases to exist and has no recourse for any grievance or breach against the parent club.

Undertakings made by Eastern Suburbs Leagues Club in the MOU and in supplementary information provided to members with Waverley Bowling and Recreation Club and its Board included preserving the club as a bowling club; making it the premier bowling Eastern Suburbs bowling club and a venue for the continued development of bowls and other sports; preparing a plan to upgrade the club; to invest money to become a modern premier bowling club similar to Easts development of Kingswood Bowling Club; to develop the Waverley site to its full potential; and make Waverley premises a meeting and community place for other sporting clubs in the Waverley Municipality including Waverley Rugby Club and Waverley Rugby Club. These commitments have not been complied with and have not met the expectations of the members of Waverley.

Suggestions for improvement to achieve the policy objective:

1. Allow for the continuation of child club entity to conduct its sub club activities but to also facilitate recourse for any grievance or breach against the parent club.
2. Risks and consequences of not achieving or fulfilling the undertakings in the MOU are set out in the MOU and or Deed to enable members to better make a decision regarding the amalgamation.
3. Any supplementary information provided to members and the Board of the child club by the parent club is an undertaking that is referenced and included as an undertaking in the MOU.

Assets of the dissolved club

Core assets of the dissolved club are only protected by the statutory period of three years or earlier in special circumstances. There is however little protection to preserve core assets past the minimum period..

For Waverley Bowling and Recreation Club a longer period was secured with Eastern Suburbs Leagues Club, being a minimum of 20 years and with the intention of per purity but subject to

financial viability. In the case of Waverley Bowling and Recreation Club the parent club, Eastern Suburbs Leagues Club contends that the club is not profitable seven years following the amalgamation and is planning dispose of the club subject to members approval at an EGM set down for 22nd August 2017. While there have been accumulated losses in the years initially following the amalgamation, there is no published data from the parent club to support the claim that the club has not been profitable in the last reported period. The parent club itself has however been financially viable in the period since the amalgamation. Trading performance, not unexpectedly has progressively improved at the child club premises at Waverley. Waverley Bowling and Recreation Club is now poised for immanent disposed despite the trend of improved trading and financially viability.

No approval is required from the Authority to dispose of core property once declared non core.

The local community cannot influence the preservation or disposal of core property once deemed non core by members.

Suggestions for improvement to achieve the policy objective:

1. Following approval from the members the parent club seeks and is granted approval from the Authority to dispose of core property regardless of the period since amalgamation Such approval is granted on the basis of the parent club having fulfilled undertakings made to the child club in an MOU and in addition, satisfying the Authority regarding circumstances under an MOU that facilitate the disposal of core premises acquired from the child club.
2. The parent club consults with the local community prior to proceeding to have core property declared non core by members and prior to any disposal. The purpose of such consultation is to determine if the proposal is in the communities interest and to canvas possible alternatives that are in the communities interest.

yours sincerely

Rick Roper

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