

## Australian Biathlon Association

### Suggested Governance Criteria to achieve recognition.

Issue	Suggested Rule	Rationale
1. <u>Term Limits</u>	<p>A board member may serve a maximum of 10 years on the board.</p> <p>A system of staggered rotations of board seats, which may include term limits, shall be implemented.</p>	<p>According to <b>Sport Australia</b>, board members should have a maximum term in office of 10 years, with a system of staggered rotations in place to ensure that corporate memory is ensured whilst still encouraging board renewal. As a good corporate guideline, good practice would be for around one third of the board to retire each year. Sport Australia adds to this that retiring board members should have to wait between three or four years before re-election, with the ability to be re-appointed up to a maximum term.</p> <p>The <b>IBU constitution</b> does not specify term limits. To be considered an NF member in accordance with paragraph 5.1.1, it must be a legal entity constituted in accordance with the law applicable in its country. As such, we recommend following Sport Australia's recommendation of a maximum of 10 years on the board.</p> <p>The <b>IBU constitution</b> paragraph 7.1.5 requires Member Federations to adopt, implement and enforce within its country a constitution and regulations that comply with, and are not inconsistent with, the IBU Constitution and associated Rules, including anti-doping regulations that are compliant with the World Anti-Doping Code and the IBU Anti-Doping Rules, as well as further rules of conduct that are compliant with the IBU Integrity Code.</p>
2. <u>Board Composition</u>	(a) The board is comprised of between five and nine board members.	<b>Sport Australia</b> has a principle that the board shall be comprised of between 5 and 9 board members. We recommend following this guidance.
	(b) No more than 75% of the board members shall be resident in the same State or Territory of Australia.	In light of the specific state dynamics in Australian Biathlon, we recommend to follow <b>Sport Australia's</b> advice on membership criteria for sports with a federated structure – i.e. that the board is comprised of individuals from at least two different states/territories and that representing the wider stakeholder group ensures a better representation of all individuals participating in this sport across the country. In this particular case, a high quota is set in order to address this particularly challenging issue.
	(c) The board shall be composed in a manner such that no gender accounts for more than 60 per cent or less than 40 per cent of the total number of board members.	<b>Sport Australia's</b> position is that each NSO should seek to achieve a target of a minimum of 40% representation of each gender on their board and requires NSOs to report on their progress on the achievement of the 40% at board level and disclosure of gender representation at executive management level. Similarly, we note that the ABA is registered in the state of Victoria, where there is a requirement for a minimum 40% women on the board to be eligible for any state funding.

	(d) The board shall include a mix of elected and appointed board members, the majority being elected by the members.	Principle 4, of <b>Sport Australia's</b> Final Sport Governance Principle adds that a good board will have a "Mix of elected and appointed board members". Elected board members are selected by the members, while appointed board members are selected by the board. The election and appointments of board members must be carried out subject to and in accordance with voting processes set out in the constitution, where each member shall have the right to one vote each.
3. <u>Board skills</u>	<p>In the case of board members who are appointed (as opposed to those who are elected), such appointments shall be made on merit in line with the skills required of the board.</p> <p>The organisation shall maintain an up-to date matrix detailing the skills, experience, independence and knowledge required of its Board, invests in appropriate training of board members and appoint its members according to the skills required of the organisation.</p>	<p><b>Sport Australia</b> stipulates that it is important that boards are comprised of persons with a variety of skills and experience and who act in the best interests of the organisation as a whole. It also suggests that appointments should be made in accordance with skills required of the board (as opposed to specific individuals that may be connected to the organisation or its people).</p> <p>Principle 4 of <b>Sport Australia's</b> 2020 Sport Governance Principles states that a good board "should be a diverse group of people who collectively provide different perspectives and experience to facilitate more considered decision making." As such, the maintenance of this matrix and relevant appointments are designed to ensure that the board is a diverse one in order to enable considered decision making.</p>
4. <u>Independent Board members</u>	All board members shall be independent, meaning that they do not hold another position within the sport (e.g., board member of a constituent member organisation).	<b>Sport Australia</b> provides that all board members should be independent. Independent means that they do not hold another position within the sport (e.g., board member of a constituent member organisation).
5. <u>Related or cohabiting board members or athletes</u>	<p>No board members shall be cohabiting with or related to another board member.</p> <p>No more than 50% of the board members shall be related to or cohabiting with an athlete who is representing or is confirmed to be representing Australia at any of the following IBU-recognised</p>	<p><b>Sport Australia</b> does not directly address the issue of relatives on the board, but more generally holds that "all board members must have no material conflict of interest as a result of being a board member". (It focuses instead on the fact that board members should not hold any other official or corresponding administrative position within the organisation at any level that create a material conflict of interest).</p> <p>This being said, it is relatively commonplace for parents to be involved in the administration of sporting organisations when their children are involved with the sport, especially in the case of smaller sporting bodies which rely on volunteers. We realise that it is unrealistic to fully exclude parents from the board in this case, but since this is central to the governance issues within the organisation, we have suggested strict guidelines</p>

	events: Olympic Winter Games, IBU World Championships, IBU World Cup, IBU Cup and/or IBU Open European Championships.	inspired by the position on the matter of UK Sport (in the absence of clear guidance from Sport Australia or the IBU on this specific issue) and suggest that no couples are on the board and at least 50% of the board members are neither related to nor cohabiting with an athlete who is representing or is confirmed to be representing Australia at any of the following IBU-recognised events: Olympic Winter Games, IBU World Championships, IBU World Cup, IBU Cup and/or IBU Open European Championships.
6. <u>Conflicts of Interest</u>	<p>Actual or potential conflicts of interest shall be disclosed in the board minutes and managed effectively in consultation with the chair.</p> <p>A register of ongoing interests will be kept in order to provide a record of all potential conflicts and a clear process for dealing with conflicts of interest shall be in place.</p>	<b>Sport Australia</b> stipulates that board members must disclose actual or potential conflicts of interest (including but not limited to being related to or co-habiting with fellow board members or athletes on one of the organisation's recognised national teams) and each board should have a conflict of interest register and a process that governs a conflict of interest. The constitution shall reflect that a conflicted board member may vote on a matter in which he/she is conflicted only with the approval (by majority vote) of the board of board members.
7. <u>Chair</u>	<p>The Chair of the board is independent and shall be elected by the board. The chair will have the final sign off on board minutes.</p> <p>The Chair shall not be related to or cohabiting with an athlete who is representing or is confirmed to be representing Australia at any of the following IBU-recognised events: Olympic Winter Games, IBU World Championships, IBU World Cup, IBU Cup and/or IBU Open European Championships.</p>	<b>Sport Australia</b> advises on having a chair of the board (not necessarily of the organisation) to facilitate discussion among and provide leadership to the board.

8. <u>Quorum</u>	A quorum for a board members' meeting is comprised of a minimum of 4 board members (75% of which must not be co-habiting with or related to an athlete who is a member of one of the organisation's recognised national teams), one of whom shall be empowered to act as Chair.	Owing to the silence on specific guidance on this issue from Sport Australia or IBU, we have defaulted to standard company law guidance, but would accept a reasonable number proposed in the ABA constitution. Similarly, we have added the requirement with the members present cannot all be related to or cohabiting with at athlete who is a member of one of the organisation's recognised national teams.
9. <u>Board meetings</u>	(a) There shall be a minimum of 5 board meetings per year.	According to <b>Sport Australia</b> the optimal frequency of meeting will depend on the size of the organisation, including internal and external circumstances, such as any specific issues the organisation needs to deal with- but considers that generally an NSO board should meet no less than 5 times per year.
	(b) Board minutes or summaries of the Board minutes (as may be redacted) shall be published on the organisation's website.	The contents of board minutes or any summaries of board minutes that are published may be redacted to comply with applicable laws (including national/state data protection laws and exemptions under the applicable Freedom of Information Act) and the board's protection of ABA's confidential information.
10. <u>Membership</u>	The membership process and timeline shall be clearly communicated on the organisation's website and independently checked and respected by the Board. At least one of the board members shall be responsible for oversight of the membership process.	According to <b>Sport Australia</b> guidance, a minimum of 1000 active members are required to ensure that the organisation is big enough and inclusive of all states before being recognised as a national sporting body. This being said we understand that there are exceptions to this requirement in the case of certain smaller sports, and such an exception may be applied in biathlon's case.
	All refusal of membership will be based on reasonable grounds and shall be subject to a reasonable appeal process. Justification for any refusals of membership shall be unreservedly disclosed.	We have also suggested that any refusal of membership should be justified and communicated to prevent claims of confidentiality over that process which has the potential to be exclusionary.

11. <u>Key Documents</u>	(a) All key documents regarding the purpose and governance of the organisation shall be published on the organisation's website. This shall include the Constitution (as amended), a strategic plan, board minutes of meetings (as may be redacted), independently audited annual accounts, and other relevant governance and policy documents.	<b>Sport Australia</b> states that organisations should publish documentation regarding their governance processes as well as publishing their financial reports, strategic plans, risk registers and other appropriate documentation along with an annual report which meets the requirements of its incorporating legislation.  Whilst not a statutory requirement, we believe it is in the interests of transparency to publish as much of this information as possible, hence the recommendations.
	(b) The ABA Constitution shall be reviewed and amended.	The ABA Constitution shall be reviewed in full with a view to updating, modernising and aligning with these Compliance Criteria. Due consideration should be given, (but not limited to re-developing the objects, purpose and providing clarity on who are the members.
	(c) The ABA constitution shall adopt an IBU adopted definition of Biathlon.	Section 1.2 of the <b>IBU Constitution</b> states: <i>"The sport of biathlon combines cross-country skiing with marksmanship shooting. Other forms of biathlon (also governed by the IBU) combine rifle shooting with other forms of movement (such as roller skiing, running, mountain biking or snowshoe hiking). All such forms of biathlon are referred to collectively in this Constitution as Biathlon."</i> For the avoidance of doubt, we recommend adopting this definition.
	(d) The ABA shall seek an Affiliation Certificate from the IBU that it is recognised as the governing body for the sport in Australia.	Affiliation Certificate from the IBU showing the ABA is recognised as the pre-eminent organisation in Australia.
12. <u>Strategic Plan</u>	The existing 2020-2026 Strategic Plan shall be reviewed by the new ABA Board and modified accordingly with the view to developing a new 2022-2026 Strategic Plan immediately following the 2022 WOG and reviewed annually throughout the four-year period.	<b>Sport Australia</b> requires a strategic plan as part of the NSO recognition criteria, with a clearly stated vision and values/behaviours. A clear strategic plan should inform decision making.

<p>13. <u>Sport Australia NSO recognition</u></p>	<p>Demonstrate the commitment to fulfill and submit all required documentation to Sport Australia for NSO recognition in the 2022 application period.</p>	<p>To be officially recognised as an NSO by Sport Australia, the ABA must work collaboratively with Sport Australia to prepare all of the following (by application to Sport Australia):</p> <ul style="list-style-type: none"> <li>a) Updated Constitution;</li> <li>b) Current strategic plan;</li> <li>c) Coaching and officiating framework including policies relating to accreditation, education and training.</li> <li>d) Calendar of events and championships for current calendar year;</li> <li>e) If deemed applicable and required by Sport Australia, a Company Limited by Guarantee registration Certificate (or proof of plan to transition to Company Limited by Guarantee status);</li> <li>f) Financial statements that have been assessed in accordance with the organisation's legal requirements under the Corporations Act 2001 or in the event of a status transition, relevant State Association Incorporation Act for the past three reporting periods;</li> <li>g) Annual Report for the past three reporting periods;</li> <li>h) Demonstration of leadership and activity in a minimum of two states – registration certification of state associations, or member affiliate letter;</li> <li>i) Current compliant Member Protection Policy;</li> <li>j) Sport Integrity Australia approved anti-doping policy;</li> <li>k) Membership database report or equivalent confirming membership numbers by state breakdown;</li> <li>l) The organisation demonstrates it is the single national entity representing all forms of the sports from grass roots to high performance.</li> </ul>
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