

# Constitution Amendment Proposals

From approved version 1.1 to proposed version 1.2

## Significant changes

### **Under rule 1. Name, add**

(2) The Association has previously been known as “Climate Emergency Action Alliance: Vote Planet”.

Reason: Previous name change was not recorded in any official association documents previously and should be apparent somewhere.

### **Under rule 17. Resigning as a Member, subrule (2), change**

ii. the Member has not, within 3 months of receiving that request, confirmed in writing that they wish to remain a Member.

To

ii. the Member has not, within 14 days of receiving that request, confirmed in writing that they wish to remain a Member.

Reason: Inactive members have an impact on the functionality of the organisation. Reducing this response time allows for easier management of the member register.

### **Under rule 19. Grounds for taking disciplinary action, change**

(2) For a dispute raised between people within the same branch, the complainant may choose to have it investigated by their branch specific DRC or equivalent process. Regardless of outcome however, the investigation may still be taken to the Fusion DRC.

To

(2) For a dispute raised between people within the same branch, the complainant may choose to have it investigated by their branch specific DRC or equivalent process. Regardless of outcome however, the investigation may still be taken to the DRC.

Reason: The DRC is an operation of the association and should not be linked to a specific name.

### **Under rule 22. Decision of the Dispute Resolution Committee, remove**

(6) If a recommendation by the DRC, the Committee must vote to uphold or reject the majority recommendation, after which the DRC may take alternative lesser action if the recommendation is rejected.

And adjust numbering/lettering accordingly

Reason: This subrule is mostly a duplicate of subrule (5).

**Under rule 45. Composition of the Committee, subrule (1),**

**change,**

(g) at least one Branch Representative per branch noting sub clause 43(1)(j)

To

(g) up to one Branch Representative per branch

**remove,**

(j) additional Branch Representatives appointed in order to create an equal representation on the committee taking into account Branch members in executive positions (a) through (f). Each branch must have the opportunity to have an equal number of members on the committee. Branches would be offered an opportunity to put forward Branch representatives to create equal representation but do not have to fill these positions. In the event that the composition of the executive is changed by resignations, branch changes or elections, this clause must be re-applied to equalise branch representation on the committee.

Reason: This year with the executive has shown the opportunity for balancing has actually resulted in a move uneven committee due to some branches with higher participation. This is a step toward organising an executive based on accountability rather than simply making up numbers.

**Under rule 45. Composition of the Committee, subrule (1), remove**

(h) any members appointed under rule 61 “Filling casual vacancies”

(i) co-opted non-decision-making members (if any) who may be appointed from time to time by the Committee ; and

And adjust numbering/lettering accordingly

Reason: (h) positions that are vacant and then filled by the committee as opposed to member vote, are still members of the committee. This rule is superfluous. (i) members are welcome to participate in most committee meetings and may at times be requested to do so. However this does not make them members of the committee, especially if they are not granted voting rights.

**Under rule 51. Registered Officer, subrule (1), change**

(a) fulfil the relevant requirements as outlined in the the [Federal] Electoral Act on behalf of the Association;

To

(a) fulfil the relevant requirements as outlined in the the Commonwealth Electoral Act 1918 on behalf of the Association;

Reason: Specifying the correct name of the Act.

**Under rule 88. Secret ballots, subrule (1), remove**

(b) the election of Branch executives and Representatives; and

And adjust numbering/lettering accordingly

Reason: The function of Branch organisations are defined in their own rules, not through the rules of this association.

**Under rule 94. Branches, subrule (9), change**

(a) has fewer than 5 Members;

To

(a) has fewer than 50 Members;

Reason: Bring member limit rule for disbanding in line with branch formation as per 94(3).

## Minor changes (e.g spelling, grammar, cross references)

**Under rule 9. Who is eligible to be a Member, subrule (1), change**

(c) is not a member of another registered political party; and

(d) is 16 or more years old.

To

(c) is not a member of another registered political party;

(d) is 16 or more years old; and

**Under rule 10. Application for membership, subrule (2), change**

**Note:** The joining fee is the fee (if any) determined by the Association under sub-rules 12(1) and 29(4)(d).

To

**Note:** The joining fee is the fee (if any) determined by the Association under sub-rules 13(1) and 31(4)(d).

**For rule 12, change heading**

12 New membership

To

12. New membership

**Under rule 12. New membership, change**

(2) Subject to sub-rule 13(1)(a), a person becomes a Member of the Association and is entitled to exercise his or her rights of membership, including those defined in sub-rule 13(2), from the date on which they applied to join the Branch or the Association.

To

(2) Subject to sub-rule 14(1)(a), a person becomes a Member of the Association and is entitled to exercise his or her rights of membership, including those defined in sub-rule 14(2), from the date on which they applied to join the Branch or the Association.

#### **Under rule 14. General rights of Members, subrule (2), change**

(e) have access to the minutes of general meetings and other documents of the Association as provided under rule 76; and

To

(e) have access to the minutes of general meetings and other documents of the Association as provided under rule 79; and

#### **Under rule 17. Resigning as a Member, subrule (1), change**

**Note** Sub-rule 75(2) sets out how notice may be given to the Association. It includes by post or by handing the notice to a member of the Committee.

To

**Note:** Sub-rule 78(2) sets out how notice may be given to the Association. It includes by post or by handing the notice to a member of the Committee.

#### **Under rule 20. Dispute Resolution Committee, change**

(1) The Committee shall facilitate a Dispute Resolution Committee (DRC) to attend to any disciplinary matters arising (as per rule 18), complaints or concerns of a potential breach of the Code of Conduct to determine what action, if any, should be taken or recommended to the Committee.

To

(1) The Committee shall facilitate a Dispute Resolution Committee (DRC) to attend to any disciplinary matters arising (as per rule 19), complaints or concerns of a potential breach of the Code of Conduct to determine what action, if any, should be taken or recommended to the Committee.

#### **Under rule 22. Decision of the Dispute Resolution Committee, change**

(4) The suspension of membership rights or the expulsion of a Member by the DRCdisciplinary subcommittee under this rule takes effect immediately after the vote is passed.

To

(4) The suspension of membership rights or the expulsion of a Member by the DRC under this rule takes effect immediately after the vote is passed.

#### **Under rule 24. Final appeal rights for suspension or expulsion, change**

(1) A person whose membership rights have been suspended or who has been expelled from the Association may give notice to the effect that they wishes to appeal against the suspension or expulsion.

To

(1) A person whose membership rights have been suspended or who has been expelled from the Association may give notice to the effect that they wish to appeal against the suspension or expulsion.

#### **Under rule 24. Final appeal rights for suspension or expulsion, subrule (2), change**

(b) to the Secretary not later than 48 hours after notification of the member according to 23(6).

To

(b) to the Secretary not later than 48 hours after notification of the member according to 22(6).

### **Under rule 31. Annual general meetings, subrule (4), change**

- (d) to set, confirm or vary the amounts (if any) of the annual subscription and joining fee for Members, informed by any recommendation of the Committee in sub-rule 12(1)(a).
- To
- (d) to set, confirm or vary the amounts (if any) of the annual subscription and joining fee for Members, informed by any recommendation of the Committee in subrule 13(1)(a).

### **Under rule 32. Special general meetings, change**

- (3) Subject to sub-rule (5), no business other than that set out in the notice under rule 32 may be conducted at the meeting.
- (5) General business may be considered at a special general meeting if it is included as an item for consideration in the notice under rule 32 and the majority of the Members at the meeting agree.
- To
- (3) Subject to sub-rule (5), no business other than that set out in the notice under rule 34 may be conducted at the meeting.
- (5) General business may be considered at a special general meeting if it is included as an item for consideration in the notice under rule 34 and the majority of the Members at the meeting agree.

### **Under rule 34. Notice of general meetings, subrule (2), change**

- (d) comply with sub-rule 33(5).
- To
- (d) comply with sub-rule 35(5).

### **Under rule 34. Notice of general meetings, subrule (4), change**

- Note:** Sub-rule 22(4) sets out the requirements for notice of a disciplinary appeal meeting.
- To
- Note:** Sub-rule 24(4) sets out the requirements for notice of a disciplinary appeal meeting.

### **Under rule 37. Quorum at general meetings, change**

- (2) The quorum for a general meeting is the presence (physically, by proxy or as allowed under rule 34) of 5% of the Members entitled to vote.
- To
- (2) The quorum for a general meeting is the presence (physically, by proxy or as allowed under rule 36) of 5% of the Members entitled to vote.

### **Under rule 37. Quorum at general meetings, subrule (3), change**

- (a) in the case of a meeting convened by, or at the request of, Members under rule 31 the meeting must be dissolved; or
- Note:** If a meeting convened by, or at the request of, Members is dissolved under this sub-rule, the business that was to have been considered at the meeting is taken to have been dealt with. If Members wish to have the business reconsidered at another special meeting, the Members must make a new request under rule 31.
- To
- (a) in the case of a meeting convened by, or at the request of, Members under rule 33 the meeting must be dissolved; or

**Note:** If a meeting convened by, or at the request of, Members is dissolved under this sub-rule, the business that was to have been considered at the meeting is taken to have been dealt with. If Members wish to have the business reconsidered at another special meeting, the Members must make a new request under rule 33.

#### **Under rule 38. Adjournment of a general meeting, change**

(4) Notice of the adjournment of a meeting under this rule is not required unless the meeting is adjourned for 14 days or more, in which case notice of the meeting must be given in accordance with rule 32.

To

(4) Notice of the adjournment of a meeting under this rule is not required unless the meeting is adjourned for 14 days or more, in which case notice of the meeting must be given in accordance with rule 34.

#### **Under rule 39. Voting at general meetings, change**

(4) This rule does not apply to a vote at a disciplinary appeal meeting conducted under rule 23.

To

(4) This rule does not apply to a vote at a disciplinary appeal meeting conducted under rule 25.

#### **Under rule 42. Minutes of general meeting, subrule (3), change**

(b) proxy forms given to the chairperson of the meeting under sub-rule 33(6);  
(c) the financial statements submitted to the Members in accordance with sub-rule 29(4)  
(b)(ii);

To

(b) proxy forms given to the chairperson of the meeting under sub-rule 35(6);  
(c) the financial statements submitted to the Members in accordance with sub-rule 31(4)(b)(ii);

#### **Under rule 44. Delegation, change**

(1) Subject to sub-rule (4), the Committee or office bearers identified in rule 43 may delegate to a member of the Committee, a subcommittee, a unit or staff, any of the Committee's or the office bearer's powers or functions, other than—

To

(1) Subject to sub-rule (4), the Committee or office bearers identified in rule 45 may delegate to a member of the Committee, a subcommittee, a unit or staff, any of the Committee's or the office bearer's powers or functions, other than—

#### **Under rule 45. Composition of the Committee, subrule (1), change**

(g) at least one Branch Representative per branch noting sub clause 43(1)(j)

To

(g) at least one Branch Representative per branch noting sub clause 45(1)(j)

#### **Under rule 48. Secretary, subrule (2), change**

(a) maintain the Register of Members in accordance with rule 17;  
(b) keep custody of the common seal (if any) of the Association and, except for the financial records referred to in sub-rule 72(3), all books, documents, securities and the seal of the

- Association in accordance with rules 73 and 76;
- To
- (a) maintain the Register of Members in accordance with rule 18;
  - (b) keep custody of the common seal (if any) of the Association and, except for the financial records referred to in sub-rule 75(3), all books, documents, securities and the seal of the Association in accordance with rules 76 and 79;

**Under rule 54. Who is eligible to be a Committee member, subrule (1), change**

- (c) meets the requirements of rule 95.
- To
- (c) meets the requirements of rule 98.

**Under rule 55. When Committee positions become vacant & the timing of the elections, change**

- (2) Depending on the timing of the Association's first annual general meeting, as allowed under sub-rule 29(2), an annual report and financial statement may not need to be presented at the first ever annual general meeting if a financial year has not yet been completed.
- To
- (2) Depending on the timing of the Association's first annual general meeting, as allowed under sub-rule 31(2), an annual report and financial statement may not need to be presented at the first ever annual general meeting if a financial year has not yet been completed.

**Under rule 58. Election of Branch representatives, change**

- (5) If a Branch fails to elect a representative within 21 days of the AGM the Committee may choose to fill the Branch Representative position for that Branch as a casual vacancy in accordance with rule 58.
- To
- (5) If a Branch fails to elect a representative within 21 days of the AGM the Committee may choose to fill the Branch Representative position for that Branch as a casual vacancy in accordance with rule 61.

**Under rule 59. Term of office, change**

- (1) Subject to sub-rule (3) and rule 57, a Committee member holds office until the completion of the ballot for the new Committee at the next annual general meeting.
  - (2) A Committee member may be re-elected subject to rule 95.
- To
- (1) Subject to sub-rule (3) and rule 60, a Committee member holds office until the completion of the ballot for the new Committee at the next annual general meeting.
  - (2) A Committee member may be re-elected subject to rule 98

**Under rule 61. Filling casual vacancies, change**

- (3) Rule 56 also applies to any Committee member appointed by the Committee under sub-rule (1) or (2).
- To
- (3) Rule 59 also applies to any Committee member appointed by the Committee under subrule (1) or (2).

**Under rule 61. Filling casual vacancies, under subrule (1), change**

- (a) has become vacant under rule 57; or

To

(a) has become vacant under rule 60; or

**Under rule 63. Notice of meetings, change**

(1) Subject to sub-rule (2) and rule 61, notice of each Committee meeting must be given to each Committee member no later than 7 days before the date of the meeting.

To

(1) Subject to sub-rule (2) and rule 64, notice of each Committee meeting must be given to each Committee member no later than 7 days before the date of the meeting.

**Under rule 64. Urgent meetings, change**

(1) In cases of urgency, a meeting can be held without notice being given in accordance with rule 60 provided that as much notice as practicable is given to each Committee member by the quickest means practicable.

To

(1) In cases of urgency, a meeting can be held without notice being given in accordance with rule 63 provided that as much notice as practicable is given to each Committee member by the quickest means practicable.

**Under rule 67. Quorum at Committee meetings, change**

(2) Subject to sub-rule 58(4), the quorum for a Committee meeting is the presence (in person or as allowed under rule 63) of a majority of the Committee members who do not have leave of absence.

To

(2) Subject to sub-rule 61(4), the quorum for a Committee meeting is the presence (in person or as allowed under rule 66) of a majority of the Committee members who do not have leave of absence.

**Under rule 67. Quorum at Committee meetings, subrule (3), change**

(b) in any other case—the meeting must be adjourned to a date no later than 14 days after the adjournment and notice of the time, date and place to which the meeting is adjourned must be given in accordance with rule 60.

To

(b) in any other case—the meeting must be adjourned to a date no later than 14 days after the adjournment and notice of the time, date and place to which the meeting is adjourned must be given in accordance with rule 63.

**Under rule 78. Notice requirements, change**

(1) Any notice, except those given under rule 61, that are required to be given to a Member or a Committee member under these Rules may be given—

To

(1) Any notice, except those given under rule 64, that are required to be given to a Member or a Committee member under these Rules may be given—

**Under rule 88. Secret ballots, subrule (1), change**

(a) the election of office bearers members of the Committee;

To

(a) the election of office bearer members of the Committee;



**Under rule 92. Tallying of votes, subrule (2), change**

(c) Determining if a candidate has achieve a quota with first preferences: if any candidate has received at least a quota of votes based solely on their first preference votes then that candidate must be declared elected;

(k) A quota for “Seek further candidates” end the tally: If the option “Seek further candidates” gains a quota, the filling of further positions must cease.

To

(c) Determining if a candidate has achieved a quota with first preferences: if any candidate has received at least a quota of votes based solely on their first preference votes then that candidate must be declared elected;

(k) A quota for “Seek further candidates” ends the tally: If the option “Seek further candidates” gains a quota, the filling of further positions must cease.

**Under rule 100. General fund-raising by Branches and Local Campaign Teams, subrule (3), change**

(a) kept for use in the next equivalent election (i.e. money raised during a Festival campaign but not spent is spent at the next Federal election); or

To

(a) kept for use in the next equivalent election (i.e. money raised during a federal campaign but not spent is spent at the next federal election); or

**For rule 104, change heading**

104. Forming and Election Campaign Committee

To

104. Forming an Election Campaign Committee