

## Proposed Constitutional Amendment

*Motion: "That Section 14 from our current SIRA Constitution titled "The Election of Members" be replaced with the wording from the equivalent section from the NSW Fair Trading's 2009 Model Constitution titled "The Election of Committee Members". The details of the proposed change being set out in Attachment A"*

Moved: Bill Gye                      Seconded: Hubert van Mierlo

### Attachment A:

The following three text boxes are:

- I. The proposed change (from the *NSW Dept. of Fair Trading 2009 Model Constitution*)
- II. Section 14 from our existing SIRA Constitution
- III. The two compared with track changes to see the comparison

### **PROPOSED**

#### **Election of Committee Members**

- (1) Nominations of candidates for election as office-bearers of the association or as ordinary committee members:
  - (a) must be made in writing, signed by two members of the association and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination), and
  - (b) must be delivered to the secretary of the association at least 7 days before the date fixed for the holding of the annual general meeting at which the election is to take place.
- (2) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated are taken to be elected and further nominations are to be received at the annual general meeting.
- (3) If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies.
- (4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
- (5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.
- (6) The ballot for the election of office-bearers and ordinary committee members of the committee is to be conducted at the annual general meeting in such usual and proper manner as the committee may direct. A person nominated as a candidate for election as an office-bearer or as an ordinary committee member of the association must be a member of the association.

This would replace the following wording in our current Constitution (which was itself the older Model Constitution). The major changes being in relation to Point 1 below.

## EXITING

### Election of Committee Members

- (1) Nominations of candidates of the association or committee - for election as office bearers of the associations or as ordinary members of the committee:
  - (a) may, be made in writing, signed by 2 members of the association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination);
  - (b) may be made in writing, signed by one member of the association and accompanied by written consent of the candidate (which may be endorsed on the form of nomination) provides that such written nomination shall require another member (not being the candidate or the signatory as the member nominating such candidate) present at the annual general meeting where such written nomination is presented, to orally second such nomination; or
  - (c) may be made orally by members present at an annual general meeting. in which event such oral nomination shall be required to be made by 1 member present at such annual general meeting and seconded by another member present at such annual general meeting, the consent of the nominated member shall be required either by such nominated member who is present at such annual general meeting indicating orally such acceptance, or alternatively through the provision of a written consent of such nominated member;
  - (d) in fulfillment of any requirement otherwise for the written consent of the candidate, the candidate if present at the annual general meeting may verbally indicate such consent.
- (2) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated shall be deemed to be elected and any vacant positions remaining on the committee shall be deemed to be casual vacancies.
- (3) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- (4) If the number of nominations received exceeds the number of vacancies to be filled, a ballot shall be held.
- (5) The ballot for the election of office-bearers and ordinary members of the committee shall be conducted at the annual general meeting in such usual and proper manner as the committee may direct.

## MERGER OF EXISTING CONSTITUTION AND PROPOSED CHANGE

### 14. Election of Members

- (1) Nominations of candidates ~~of the association or committee~~ for election as office bearers of the associations or as ordinary members of the committee:
- a. ~~may, must~~ be made in writing, signed by 2 members of the association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); ~~and~~
  - b. must be delivered to the secretary of the association at least 7 days before the date fixed for the holding of the annual general meeting at which the election is to take place.
  - ~~b. may be made in writing, signed by one member of the association and accompanied by written consent of the candidate (which may be endorsed on the form of nomination) provides that such written nomination shall require another member (not being the candidate or the signatory as the member nominating such candidate) present at the annual general meeting where such written nomination is presented, to orally second such nomination; or~~
  - ~~c. may be made orally by members present at an annual general meeting. in which event such oral nomination shall be required to be made by 1 member present at such annual general meeting and seconded by another member present at such annual general meeting, the consent of the nominated member shall be required either by such nominated member who is present at such annual general meeting indicating orally such acceptance, or alternatively through the provision of a written consent of such nominated member;~~
  - ~~d. in fulfillment of any requirement otherwise for the written consent of the candidate, the candidate if present at the annual general meeting may verbally indicate such consent.~~
- (d) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated are taken to be elected and further nominations are to be received at the annual general meeting.
- (e) If insufficient ~~further~~ nominations are received ~~to fill all vacancies on the committee, the candidates nominated are deemed to be elected and~~ any vacant positions remaining on the committee shall be deemed to be casual vacancies.
- (f) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- (g) If the number of nominations received exceeds the number of vacancies to be filled, a ballot shall be held.
- (h) The ballot for the election of office-bearers and ordinary members of the committee shall be conducted at the annual general meeting in such usual and proper manner as the committee may direct. ~~A person nominated as a candidate for election as an office-bearer or as an ordinary committee member of the association must be a member of the association.~~