

# Proposed Motions for changes to the Constitution – Version 3

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## **Section 14 – Who is eligible to vote; and Section 49 – Who is eligible to be a Committee Member**

### **Motion 1a**

14(1)(a) Change “15” to “18” to read “any members who are under the age of 18 years”

### **Motion 1b**

49 Delete sub-section (a) “is 18 years or over, and”, then adjust (b)&(c) to (a)&(b).

The reasoning behind this is that the committee feels that a member needs to be eligible to vote to stand for committee and in reverse, if they need to be eligible to stand for committee to be eligible to vote.

### **Motion 2**

Add (d) is an ordinary, intermediate, weekday or lifemember

*(Note: This would be noted as (c) if Motion 1b is successful)*

This motion is put forward to remove any ambiguity in the constitutional wording and have the constitution match the clubs current operational practice.

This will leave **Section 49** to read:

### **49. Who is eligible to be a Committee member**

A member is eligible to be elected or appointed as a committee member if the member

- (a) is entitled to vote at a general meeting, and
- (b) is not a paid employee of the club, and
- (c) is an ordinary, intermediate, weekday or lifemember

## Section 44 - Composition of Committee

### Motion 2

Amend (h) from “ordinary members (if any) elected under rule 53”

To read “up to four (4) ordinary members elected under rule 53”

This will remove any ambiguity of the number of ordinary members that are part of the Committee of the club and match it to the existing information in Section 50(2)

## Section 51 – Nominations

### EITHER Motion 3a

51(2) Delete “or any number of the vacant positions”

This will make 51(2) read as follows:

- (2) An eligible member of the Club may, using the nomination form
  - (a) nominate himself or herself; or
  - (b) with the member's consent, be nominated by another member, for a vacant position ~~or any number of the vacant positions.~~

Prior to the constitutional update in 20xx, the constitution only allowed a person to nominate for a single position. This was the system that the club ran up to this point in time.

While the Model Rules does allow for a member to nominate for a second position, it is for a position “which an election is yet to be held”. As we hold all elections simultaneously, this is not possible, thus removing the ability to nominate for a second position.

### OR Motion 3b

If Motion 2a is unsuccessful, then Motion 2b will be put to the vote.

Add to 52(1) “in the order listed in 50(2)”

This will clearly specify the order that positions are counted. This is required if a member is entitled to nominate for multiple positions.

- (1) At the annual general meeting, ballots must be counted for each of the vacant positions in the order listed in 50(2).

## **Motion 4**

51 (4) Delete “One week prior to the Annual General Meeting the list of nominations shall be made public”

And replace with:

“Nominations will be made public on receipt of a completed nomination form by the Secretary/Manager”

Historically, the club has always published nominations for position as they have been received on a notice board in the main bar. This motion will adjust the current constitution to match the current practice of the club of making nominations public on their receipt by the Club Manager.

## **Section 52 – Election of President etc**

### **Motion 5**

Change the heading to of Section 52 to read “Election of the Executive”

And;

Add “executive” to 52(1) to make it read “ballots must be counted for each of the vacant executive positions”

### **Motion 6**

In 52(4) change “his or her” to “their”

This would simply match the language used throughout the remainder of the Constitution.

- (4) On ~~his or her~~their election, the new President may take over as Chairperson of the meeting.

## **Section 53 – Election of ordinary members**

### **Motion 7**

53(1) Change “resolution” to “special resolution” to read;

- (1) The annual general meeting may by special resolution decide to alter the number or ordinary members of the Committee it wishes to hold office for the next two years

This motion is put forward to ensure that any changes to the Committee Structure are done in a full and transparent manor, which will require the significant majority required to successfully change the constitution which states “4 ordinary members” in Section 50(2).

## Motion 8

Delete 53(3) and 53(4)

53(3) If the number of members nominated for the position of ordinary committee member is less than or equal to the number to be elected, the Chairperson of the meeting must declare each of those members to be elected to the position

54 (4) If the number of members nominated exceeds the number to be elected, a ballot must be held in accordance with rule 54

And replace with

53 (3) If the number of members who have nominated for the position of ordinary committee is less than or equal to the number of two (2) year positions available, the Chairperson of the meeting must declare each of those members to be elected to the position.

53 (4) If the number of members nominated is greater than the number of two (2) year positions available, a ballot must be held in accordance with Rule 54 where

(a) the number of candidates equal to the number of two (2) year positions with the most votes will be elected to a two (2) year term

(b) If the total number of positions available is greater than the number of two (2) year positions, from the remaining candidates, the candidates with the most votes will be elected to the available one (1) year position(s).

This will make Section 53 read as follows:

(1) The annual general meeting may by special resolution decide to alter the number of ordinary members of the Committee it wishes to hold office for the next two years.

(2) A single election must be held to fill all of the vacant positions.

(3) If the number of members who have nominated for the position of ordinary committee is less than or equal to the number of two (2) year positions available, the Chairperson of the meeting must declare each of those members to be elected to the position.

(4) If the number of members nominated is greater than the number of two (2) year positions available, a ballot must be held in accordance with Rule 54 where

(a) the number of candidates equal to the number of two (2) year positions with the most votes will be elected to a two (2) year term

(b) If the total number of positions available is greater than the number of two (2) year positions, from the remaining candidates, the candidates with the most votes will be elected to the available one (1) year position(s).

## Section 54 – Ballot

There are several major issues that are confronted with this section of the constitution that need to be resolved, these include:

- States that the Returning Officer is appointed at the AGM, despite voting commencing one week prior to the AGM, where a Returning Officer is required to create ballot papers and conduct/supervise the voting process.
- Does not specify the period that voting to be conducted, opening and closing dates/times
- Does not specify how the ballot papers are constructed
- Does not specify how voting can be conducted, eg: in person or postal.
- A counting process that does not create a result for a ballot that is for more than one position by requiring all candidates to be numbered and that all candidates that are numbered receive one vote
- Does not specify a process for the appointment of Scrutineers

## Motion 9a

Replace the entire Section 54. Ballot with the following:

- (1) The Secretary/Manager will act as the Returning Officer.
- (2) If a ballot is required for the election for a position, the Returning Officer will
  - (a) create a separate ballot paper for each position that requires a ballot
  - (a) the order of candidates on each ballot paper is decided by random draw
- (3) Voting for all positions that require an election will
  - (a) open at 9:00am seven (7) days prior to the Annual General Meeting
  - (b) close one (1) hour prior to the published opening time for the Annual General Meeting
  - (c) voting is to be done either in person or by postal vote
- (4) The Chairperson will call for nominations from those attending the Annual General Meeting for two (2) Scrutineers to conduct the count for each election being conducted
  - (a) Scrutineers must not be a member nominated for any position
  - (b) Scrutineers must be eligible to vote
- (4) If the ballot is for a single position (Executive)

- (a) the voter must place a single mark on the ballot paper against the name of a single candidate that they wish to vote for
  - (b) each ballot with a clear mark against a single candidate will count as a vote for that candidate
  - (c) the candidate who receives the most votes will be elected into the position
  - (d) Ballot papers that do not comply with subrule (4) (b) are not to be counted
- (5) If the ballot is for more than one position (Ordinary Committee)
- (a) the voter must place a mark on the ballot paper against the name of each candidate they wish to vote for
  - (b) the number of candidates that are marked must not exceed the number of positions that are available
  - (c) the candidates who receive the most votes will be elected to the available positions as per as per Section 53(4)
  - (d) ballot papers that do not comply with subrule (5) (b) are not to be counted
- (7) The returning officer must declare elected the candidate or, in the case of an election for more than one position, the candidates who were elected.
- (8) If the returning officer is unable to declare the result of an election under subrule (7) because 2 or more candidates received the same number of votes, the returning officer must
- (a) decide by lot which of them is to be elected.

## **Motion 9b**

### **And to amend 51(7)**

from "The Ballot shall close at 5:00pm on the day of the Annual General Meeting"  
to read as "The Ballot shall close one (1) hour prior to the published starting time of the Annual General Meeting"