

EXPLANATION OF CONSTITUTION AMENDMENTS

PREAMBLE

The Constitution of the Australian Flyball Association has not had a full review since it was originally written.

Given the issues arising from the changes in public liability coverage this year the Committee reviewed the Constitution to ensure the events being sanctioned were covered by our insurance policies.

As a result of this review other matters came to light such as

1. the Constitution referred to Acts that had been repealed since 2004
2. there were inconsistencies between rules
3. there were rules that were duplicated
4. references to meetings and committees could be improved by specific reference to the actual type of meeting and committee

The explanations for the changes are explained below by category.

MAJOR CHANGES related to INSURANCE COVERAGE

A review of the Constitution related to insurance and what events the Association was sanctioning revealed a potential gap in the events actually covered by the insurance policy. Therefore to provide assurance that all Flyball events undertaken either by the Association or Affiliated Association or a team of an affiliated Association are covered, such as promotion, fund raising, competitions, demonstrations and training days "Flyball Events" has been defined and the Objectives of the Association has been revised to ensure all Approved and Sanctioned Flyball Events are under the cover of the Insurance Policy.

An interpretation of Rule 4(b) (iii) is that the only sanctioned event is a competition; therefore there potentially could be no insurance coverage for demonstrations, seminars, promotional and fundraising activities or training days. The proposed changes remove this ambiguity with a definitive statement of what Flyball events are approved and sanctioned.

The proposed additions and amendments to the Constitution to affect the above change include:

1. Including in Rule 2(a) under Interpretation the definition of "Flyball events"
2. Amending Rule 4(a)(i) under Objectives by replacing "tournaments" with "Flyball events"
3. Replacing Rule 4(b)(ii) under Objectives by replacing "Participates in Flyball" with Conduct, participate in and support Flyball events"
4. Replacing Rule 4(b) (iii) under Objectives by replacing "Conduct and/or Sanction Flyball competitions" with "Approve and sanction Flyball events".
5. Amending Rule 4 (b) (vi) (iii) under Objectives by replacing "competitions, demonstrations and training" with "Flyball events".

These changes do not change the original intent of the Association's objectives and purpose, but provide clarity on what events the Association supports and sanctions and the process for approval.

Note: In accordance with the Constitution for these amendments to the Objectives be approved requires a 90% majority in favour of the changes. While changes to Rule 2 do not require a majority of 90% the change in Rule 2 is tied to the changes in Rule 4 and therefore must be passed with the Rule 4 changes to make the Rule 4 changes relevant.

REQUIRED CHANGES to changes in Acts

There are references to Acts or Sections of Acts that no longer exist within the Constitution and it is proposed that these references are corrected.

The Trustee Ordinance 1957 is referred to in Rule 4(c) (vi) and this has been repealed. The Parliamentary Counsel Office in the Australian Capital Territory was contacted and they provided the name of the replacement Act, which is *Public Trustee and Guardian Act 1985 (ACT)*.

A Section of the Income Tax Assessment Act 1936 (Cwth) is referred to in Rule 4(c) (vii) that no longer exists. The reference should refer to Division 30 of the Income Tax Assessment Act 1997 (Cwth).

The *Interpretations Act 1967* has been repealed and replaced by the *Legislation Act 2001*.

The following amendments are proposed to the Constitution to address the incorrect references to Acts:

1. Amend Rule 4(c)(vi) under Objectives by replacing "Trustee Ordinance 1957" with "*Public Trustee and Guardian Act 1985 (ACT)*"
2. Amend Rule 4(c) (vii) under Objectives by replacing "paragraph (a) of sub-section (1) of section 78 of the Income Tax Assessment Act 1936" with "*Division 30 of the Income Tax Assessment Act 1997 (Cwth)*".
3. Amend Rule 2(b) by replacing "*Interpretation Act 1967*" with "*Legislation Act 2001*".

Note: In accordance with the Constitution for these amendments to the Objectives (Rule 4) be approved requires a 90% majority in favour of the changes. Whereas the change to Rule 2 requires a 75% majority

INCONSISTENCIES between RULES and DUPLICATION of RULES

In the review it was found that there were rules which were inconsistent with other rules and that there were duplications of rules. So for ease of reading and clarity these have been amended for consistency.

The rule amendments related to voting:

Rule 22(i) is the same as Rule 23 under Voting. So it is proposed that Rule 22(i) refers directly to Rule 23.

Rule 23 requires amendment as the exceptions are incorrect. Under this rule resolutions at general meetings are carried by three quarters majority of those present except for exceptions. These exceptions are already dealt with in other Rules so it is proposed to simplify Rule 23(b).

The following amendments are proposed to correct inconsistencies and duplication:

1. Amend Rule 22(i) under General Meetings by replacing the entire existing text with "Voting at a general meeting will be conducted in accordance with Rule 23 – Voting".
2. Amend Rule 23(b) under Voting by replacing the entire text with "Except as specified to the contrary elsewhere in these Rules, resolutions at all general meetings shall be carried by three quarters majority of those present and voting".

REFERENCES TO COMMITTEES and MEETINGS

Throughout the Constitution there are references to committees and meetings together with references to the Executive Committee and General Meetings. To avoid any confusion as to which committee or meeting is being referred to it is proposed to name which committee or meeting is being referenced. This will provide clarity and ease of interpretation. There are many amendments and these are detailed below.

Executive Committee

The proposed additions and amendments to the Constitution related to the Executive Committee are:

1. Including in Rule 2(a) under Interpretation the definition of "Office bearers" that states the Office bearers of the Club "comprises the President, Vice President, Secretary and Treasurer and these office bearers are the members of the Executive Committee".
2. Replace Rule 16 with "The General Committee of the Club will consist of the office bearers, seven ordinary members and one regional representative from each State or Territory in which there is at least one affiliated club, each of whom must be elected or appointed in accordance with Rule 17"
3. Amend Rule 18(g) under The Duties of the Committee Members by replacing "President, the Vice-President, the Treasurer, and the Secretary are the officer bearers of the Club and constitute an executive committee which" with "Executive Committee".

Regional Representatives

The following amendments deal with the filling a vacant Regional Representative position that became evident during the year, it was unclear on how the Committee could fill the vacancy. The amendments also deal with the definition of a Regional Representative and remove duplication.

The proposed additions and amendments to the Constitution relate to Regional Representatives are:

1. Amend in Rule 2(a) the definition for "ordinary committee member" to "means a member of the General Committee who is not an office bearer of the Club or a regional representative".
2. Including in Rule 2(a) under Interpretation the definition of "Regional Representative" that states a regional representative "is a member resident in a State or Territory in which there is at least one affiliated club and elected by the members from that State or Territory"
3. Re-order Rules 17(f) and 17(g) so that 17(g) becomes 17(f) and 17(f) becomes 17(g).

General Committee

The following amendments deal with the references to Committee within the Constitution that relate to the General Committee. It is assumed the amendments detailed before this section have been passed.

The proposed additions and amendments to the Constitution relate to General Committee are:

1. References to "Committee" in Rule 4 and its subsections are amended to "General Committee"
2. References to "Committee" in Rule 5 are amended to "Executive and General Committee"
3. References to "Committee" in Rule 6 and its subsections are amended to "General Committee"
4. References to "Committee" in Rule 8 and its subsections are amended to "General Committee"
5. References to "Committee" in Rule 9 are amended to "General Committee"
6. References to "Committee" in Rule 10 are amended to "General Committee"
7. References to "Committee" in Rule 13 and its subsections are amended to "General Committee"
8. References to "Committee" in Rule 14 and its subsections are amended to "General Committee"
9. References to "Committee" in Rule 15 and its subsections are amended to "General Committee"
10. Rule 16 is retitled "General Committee"
11. Rule 17 is retitled "Election of General Committee Members"
12. Replace "office bearers or ordinary committee members" in Rule 17(a) with "members of the General Committee".
13. Replace "office bearers and ordinary committee members" in Rule 17(c) with "members of the General Committee".
14. In Rule 17(f) delete the last sentence "If the position is contested it will be decided by a simple majority vote".
15. Insert in Rule 17(d) after "ordinary committee member," and before "a re-ballot" the text "or for a regional representative,".
16. Insert a new sentence at the end of Rule 17(g) "If the vacancy is a Regional Representative it must be filled by member resident in the relevant State or Territory".
17. References to "Committee" in Rules 17(b), 17(c), 17(e) and 17(g) are amended to "General Committee"

18. Rule 18 is retitled "The Duties of the General Committee Members"
19. References to "Committee" in Rules 18(a), 18(c), 18(f), 18(h), 18(g), 18(i), 18(j) and 18(k) are amended to "General Committee"
20. Amend Rule 18(i) to include the sentence "All members of the General Committee will be invited to all meetings of the General Committee".
21. References to "Committee" in Rule 19 and its subsections are amended to "General Committee"
22. Replace in Rule 19 "if the member" with "if either the office was not filled at the Annual General Meeting or if an elected member:"
23. Rule 20 is retitled to "Removal of General Committee Members"
24. References to "Committee" in Rule 20 are amended to "General Committee"
25. Rule 21 is retitled to "Powers of the General Committee Members"
26. References to "Committee" in Rule 21 and its subsections are amended to "General Committee"
27. References to "Committee" in Rule 22 and its subsections are amended to "General Committee"
28. References to "Committee" in Rule 23 and its subsections are amended to "General Committee"
29. References to "Committee" in Rule 24 and its subsections are amended to "General Committee"
30. References to "Committee" in Rule 26 and its subsections are amended to "General Committee"
31. References to "Committee" in Rule 27 are amended to "General Committee"
32. References to "Committee" in Rule 29 and its subsections are amended to "General Committee"
33. References to "Committee" in Rule 30 and its subsections are amended to "General Committee"
34. The first reference to "executive" in Rule 30(b) is amended to "General Committee"
35. The second reference to "executive" in Rule 30(b) is amended to "Executive Committee"
36. The first reference to "Committee" in Rule 34(b) is amended to "General Committee".

General Meetings

The following amendments deal with the references to Meetings within the Constitution that relate to General Meetings.

It is assumed the amendments detailed before this section have been passed.

The proposed additions and amendments to the Constitution relate to General Committee are:

1. Amend Rule 18(d)(iii) by replacing "Committee and" with "Executive Committee, General Committee and general meetings"
2. Rule 22 is retitled "General Meetings of the Club"
3. References to "meeting" in Rule 22(d), 22(e), 22(f), 22(g) and 22(h) are amended to "general meeting"