

**Special Resolution No 1 – Add the following words to the MWFRA constitution:**

**14B Alternates for office-bearers**

- (1) The Executive Sub-Committee may determine from time to time that it is to the benefit of the Association that there be one or more Alternates for one or more office-bearers, and if so:
- (a) an Alternate may be elected at the same Annual General Meeting, and for the same term of office under Rule 16 'Term of office', as the office-bearer for whom the Alternate is an Alternate is elected or may be appointed as a casual vacancy on the same terms as an office-bearer would be so appointed under Rule 18 'Casual vacancies',
  - (b) an election of an Alternate shall be as per the procedures for an office-bearer under Rule 15 'Election of committee members and other office-bearers',
  - (c) when an Alternate acts, the Alternate acts instead of , and with the same duties, functions and powers as, the office-bearer for whom the Alternate is an Alternate,
  - (d) for the avoidance of doubt, whether or not an Alternate is acting as an office-bearer for whom the Alternate is an Alternate at any point in time shall be solely determined by the Committee, and
  - (e) a casual vacancy in an Alternate's position will occur for the same reasons as for an office bearer under Rule 18 'Casual vacancies' (except that Rule 18 (3)(g) only applies when the Alternate is acting under (c) above ) and an Alternate may be removed from his position as per the procedures for removal of an office-bearer under Rule 19 'Removal of office-bearer'.

## **PART 3 - The Committee**

### **13 Powers of the Committee and of the Executive Sub-Committee**

- (1) Subject to the Act, the Regulation and these Rules and to any resolution passed by the Association in general meeting, the Committee:
  - (a) is to control and manage the affairs of the Association, and
  - (b) may exercise all such functions as may be exercised by the Association, other than those functions that are required by these Rules to be exercised by a general meeting of members of the Association, and
  - (c) has power to perform all such acts and do all such things as appear to the Committee to be necessary or desirable for the proper management of the affairs of the Association.
- (2) The Executive Sub-Committee is a sub-committee of the Committee and
  - (a) consists of the office-bearers of President, Vice President-Seniors, Vice President-Juniors, Secretary and Treasurer,
  - (b) is delegated those functions of the Committee as are stated in these rules and in the By-Laws,
  - (c) notwithstanding this delegation, the Committee may continue to exercise any function delegated,
  - (d) any act or thing done or suffered by the Executive Sub-Committee acting in the exercise of this delegation has the same force and effect as it would have if it had been done or suffered by the Committee,
  - (e) the Executive Sub-Committee may meet and adjourn as it thinks proper,
  - (f) the Executive Sub-Committee shall ensure that records of its resolutions and minutes of its meetings are provided to the Committee at or before the Committee meeting next following an Executive Sub-Committee meeting.

### **14 Constitution and membership of the Committee**

- (1) The Committee shall consist of the following office-bearers of the Association:
  - (a) President,
  - (b) Vice President-Seniors,
  - (c) Vice President-Juniors,
  - (d) Secretary,
  - (e) Treasurer,
  - (f) Floor Member,
  - (g) Assistant Secretary,
  - (h) Registrar,
  - (i) Gear Steward,

- (j) Course Coordinator,
  - (k) Assessors Convener,
  - (l) Branch Coach.
- (2) In addition, the Reviews Panel Chair is an office-bearer but is not a member of the Committee.
  - (3) An office-bearer must be of age eighteen (18) or greater.
  - (4) The duties of the office-bearers are defined in rule 17.
  - (5) A member of the Committee may hold up to two (2) offices, but:
    - (a) only one (1) of which may be an office of the Executive Sub-Committee, and
    - (b) the member may not also hold the office of the Reviews Panel Chair

*Amended 18/11/14*

*[Explanatory Note: The amendment ensures that the Reviews Panel Chair is independent of the Committee and retains the provision that a member shall not hold more than one office of the Executive Sub-Committee]*

- (6) [deleted]

*Amended 18/11/14*

*[Explanatory Note: As a consequence of the amendment to 16(1) that specifies the start and end of an office-bearer's term, the amendment deletes (6) that specified the end of an office-bearer's term]*

- (7) The By-Laws may specify additional positions that may be filled by persons to perform specified functions for and on behalf the Association.

## **14A Constitution and membership of the Reviews Panel**

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## **15 Election of committee members and other office-bearers**

- (1) Nominations of members for election as office-bearers of the Association:
  - (a) shall be made in writing, signed by two (2) members of the Association and accompanied by the written consent of the nominated member (which may be endorsed in the form of the

nomination) and communicated to the Secretary prior to the commencement of the Annual General Meeting at which the election is to take place, or

- (b) shall be a nomination during the course of the Annual General Meeting that is moved by two members of the Association and the nominated member either orally, if he be in attendance at the meeting, or in writing if he be not in attendance, indicates his consent.
- (2) If the number of nominations received is equal to the number of vacancies to be filled, the nominated members are taken to be elected.
- (3) If insufficient nominations are received to fill all vacancies, the nominated members are taken to be elected and any remaining vacancies are taken to be casual vacancies.
- (4) If the number of nominations received exceeds the number of vacancies to be filled, a secret ballot shall be held.
- (5) The secret ballot for the election of office-bearers shall be conducted at the Annual General Meeting in such usual and proper manner as the Committee may direct including, if required, the appointment of a returning officer, being any financial member in attendance not being a nominated member.

## **16 Term of office**

- (1) All office-bearers shall be elected for a two-year term:
  - (a) that commences upon the result of an election of office-bearers at an Annual General Meeting, and
  - (b) subject to these Rules, shall hold office until the time of calling for an election of office-bearers at an Annual General Meeting in the year determined by rule 16(2) or 16(3).

*Amended 18/11/14*

*[Explanatory Note: The amendment specifies the start and end of an office-bearer's term as being from election to the next calling of an election for an office – previously, the now deleted Rule 14(6) specified the end of an office-bearer's term as being at the conclusion of the AGM applicable to the election for that office]*

- (2) The President, Vice President-Juniors, Treasurer, Assistant Secretary, Gear Steward, Assessors Convener and Reviews Panel Chair shall be elected in each year ending in an even number, i.e. 2000, 2002, 2004, etc.

*Amended 18/11/14*

*[Explanatory Note: The amendment corrects the title of Field Inspection Officer to Assessors Convener]*

- (3) The Vice President-Seniors, Secretary, Floor Member, Registrar, Course Coordinator and Branch Coach shall be elected in each year ending in an odd number, i.e. 2001, 2003, 2005 etc.

## **17 Duties and functions of office-bearers**

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## **18 Casual vacancies**

- (1) In the event of a casual vacancy occurring in the office of an office-bearer, the Committee may appoint a financial member of the Association to fill the vacancy and the member so appointed is to

hold office, subject to these Rules, until the time of calling for an election of office-bearers at the Annual General Meeting next following the date of the appointment.

*Amended 18/11/14*

*[Explanatory Note: The amendment corrects the reference to 'this constitution' to 'these Rules' and changes end of an office-bearer's term, filled as a casual vacancy, to being the time of calling for an election of office-bearers at the next AGM]*

- (2) At this next following Annual General Meeting, if the term of an office that was filled under rule 18(1):
- (a) ends at that Annual General Meeting, an office-bearer shall be elected in accordance with rule 15 for the term of office determined by rule 16, or
  - (b) does not end at that Annual General Meeting, an office-bearer shall be elected in accordance with rule 15 for the remaining term of office determined by rule 16.

*Amended 18/11/14*

*[Explanatory Note: The amendment inserts the provision that an office that has been filled by a casual vacancy shall, at the next AGM, be subject to an election for that office, either for a new two-year term or for a remaining one-year term as the case may be. The following sub-Rule is consequently renumbered]*

- (3) For the purpose of these rules, a casual vacancy in the office of an office-bearer occurs if the office-bearer:
- (a) dies, or
  - (b) ceases to be a member of the Association, or
  - (c) resigns office by notice in writing given to the Secretary, or
  - (d) becomes an insolvent under administration within the meaning of the Corporations Act 2001 of the Commonwealth, or
  - (e) is removed from office under rule 19, or
  - (f) becomes a mentally incapacitated person, or
  - (g) is absent without the consent of the Committee from 3 consecutive meetings of the Committee and the Committee subsequently resolves that a casual vacancy has occurred, except that:
    - (i) this rule 18(2)(f) does not apply to the office of Appeals Panel Chair, or
  - (h) is convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for not less than 3 months, or
  - (i) is prohibited from being a director of a company under Part 2D.6 (Disqualification from managing corporations) of the Corporations Act 2001 of the Commonwealth, or
  - (j) is the Public Officer of the Association and ceases to reside in New South Wales.

*Amended 18/11/14*

*[Explanatory Note: The amendment separates, for readability, resignation at (c) from insolvency at (d) and the remaining sub-paragraphs are consequently renumbered]*

## **19 Removal of office-bearer**

- (1) The Association in a Special General Meeting or Annual General Meeting may, by Special Resolution, remove any office-bearer from his office before the expiration of the member's term of office and may, by resolution, appoint another person to hold office until the expiration of the term of office of the office-bearer so removed.
- (2) If an office-bearer, to whom a proposed resolution referred in rule 19(1) relates, makes representations in writing to the Secretary or President (not exceeding a reasonable length) and

requests that the representations be notified to the members of the Association, the Secretary or the President may send a copy of the representations to each member of the Association or, if they are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.