



FOUR WHEEL DRIVE VICTORIA

(Victoria Association of Four-Wheel Drive Clubs Inc. Reg: A0013539S)

Proposed changes to rules

By Gordon Porter – FWDV Vice President

Section 2 is about the Purpose of the Association.

This section requires discussion.

Previously, there were Purposes and Objectives.

Under the new model rules, only purposes are required. No longer Purposes and Objectives.

I have lumped the old objectives over into purposes but it is up to the Association to debate what is the relevant purpose of FWDV going forward for the next 50 years.

Some of our purposes may pass the test of time going forward but not all the old purposes and objectives are required. An example of this is I would delete the old objective (h) to consider matters relevant to the aims of the Association, to propose guidelines for affiliated clubs regarding such issues, and to make public statements on Association Policy. Not a purpose, and is implicit in other purposes.

Note in1(e) I have added the word 'club' to 'members'; see the later discussion about club members.

Section 4 Definitions.

Several new terms are defined, and some existing terms are deleted.

New includes affiliated club, associate member (although this was always part of the rules), association, committee instead of board, committee meeting instead of board meeting, committee member instead of board member, and club member defined as delineating that they are members of clubs, not members of the association directly. This has implications, for example, if a member wants to inspect the books. This entitlement is not extended to a club member; they would have to get their club a member of the association to make the request.

The delegate is redefined here and also in the description of voting.

The disciplinary appeal meeting is more closely related to Section 24, not Section 23, as per the new rules.

Inclusion of Life Member.

A member is defined as a member of the association, thereby defining the association in these definitions.

The member entitled to vote is clarified.

A Registered Mediator is included, as this is one of the dispute resolution mechanisms required under the new legislation.

Removed are: Board, Board Member & Board meeting, replaced with committee.

Part 3

Rule 8 Board is removed and replaced with members of the committee

An additional member category, 'Life Member,' has been added.

It is proposed to introduce a new category of Life Member.

The model rules refer to what is currently referred to as the Board as the Committee. The term "Board" is normally reserved for Corporations. Many on the current Board prefer that we retain the name 'Board', but it is a matter for discussion and a vote in due course.

Noting that persons who were members of clubs were not listed as members in the old rules. This has not changed.

Rule 9 Application for Membership is expanded. Minor variations are made to conform to the new model rules.

Inclusion of life membership.

Associate members may not be a person; this category is expanded.

There is an additional footnote to include electronic signatures in line with the new model rules.

Rule 10: The consideration of an Application for Membership is reworded to replace 'Board' with 'Committee' and is more carefully worded regarding 'member' and 'club member' to clarify that individual club members are not considered members.

Additional note regarding equal opportunity as per the new model rules.

Rule 11 New Membership changes regarding Board to Committee and update.

11(1)(b) notes a bit more detail to be recorded, including the type of membership.

There is some further clarification in sub-rule 11(2)&(3)

12. Annual subscription and joining fee: to be discussed. Redefined and raised the minimum to \$50, but we are already above that anyway. I'm not sure if we need it.

Rewording of 12(1)(b).

13 General rights of members: 13(2) clarifies who can vote now that there is an additional Life Member category. Affiliated Clubs and Committee Members have the voting rights.

14 Associate member. Same, but rearranged according to the new model rules and increased age from 15 to 18.

16 (2) Ceasing Membership updated to cater for all classes.

17(2)(b)(iii) Resigning included to allow for exceptional circumstances.

18 Register of members. Expanded to cater to all categories of membership and include an email address.

20 Disciplinary subcommittee reworded in line with new model rules and includes Club Member & accused

21. Notice to member re worded in line with new model rules and includes Club Member & accused

22. Decision of Subcommittee re worded in line with new model rules and includes Club Member & accused

23 Appeal Rights reworded in line with new model rules and includes Club Member & accused

24 Conduct of Disciplinary appeal meeting reworded in line with new model rules and includes Club Member & the accused

Division 3 Grievance

25. Application reworded for all types of membership and inclusion of club members. Note may need discussion around who can apply against whom. I have deliberately left out the association's role in deciding grievances between club members, as well as between club members and the committee. I believe the former is a club matter, and the latter should only be raised if the club member's club deems it worthy. Note the use of mediator now as per the new Act and Regulations, and the cost of this, if something got this far, would be borne by the Association.

27 Appointment of a mediator as per the new model rules, but includes club member references.

28 Mediation Process as per new model rules. Note the issue of costs and how to be resolved. The default is that the Association pays if there is no agreement in place.

PART 4 General Meetings of the Association

30 - 37 Adoption of the new model rules, which are effectively the same but not the same wording. Wording such as Board updated to Committee and other minor changes.

38 Voting at General Meeting. Reworded. Clarification of who votes and how many votes anyone has.

40. Determining whether the resolution was carried and updated to comply with new model rules. The poll is now a count. This is clearer, as in the past, some people, for reasons beyond me, thought that a Poll had a particular meaning beyond its plain English meaning.

41. Minutes of general meeting. Updated to accord with new model rules. Includes the term Delegates not just members if 41(3)(a).

Part 5 Committee

Obviously, throughout this part, 'Board' is replaced with 'Committee'.

The entire part has been updated to conform to the new model rules, but there are specific changes for our association details below.

48 Treasurer Duties updated in accordance with model rules.

49. Eligible to be a committee member. Specifies has to be a Club Member, and paragraph (b) now reads: is a financial member of an affiliated club of
The Association is not subject to suspension under these rules.

51 - 53 now includes a reference to a club member.

55 Terms of office. Reworded to clarify the timing of elections for committee positions. Explanation at the end of sub-rule 55(1) & note addition of sub-rules 55 (6) & (7).

The 56 Vacation of Office has changed and now includes more stringent guidelines regarding committee shuffling. People are elected democratically to executive positions, and there is an expectation that they will hold the position. In my opinion, it isn't up to a committee to reorganize itself regarding who is the President, Secretary, etc. This helps to tighten the rules in this regard. Obviously, unexpected things occur, and people need to resign from time to time. That is still permitted.

75 Custody and inspection of books and records.

Only members can seek this. Noting these rules specify who members are, club members as defined are not members for the purposes of this section. so if someone wants to look at the books, then they need to qualify as a member. A club member, who can raise a reasonable inquiry with their club, and the club, as a member of the association, can then make the request. It is not about secrecy, but rather to ensure that only legitimate inquiries are being made, and to note that we can protect personal data.

Appendices

There are 5 appendices to the old rules. We should look at these and ensure they are fit for purpose. If approved, then they can be attached to the proposal.