

# Notices of Motion – Special Resolutions

## Proposed Amendments to the Constitution

### MOTION 1 - DEFINITIONS

It is proposed as a special resolution, that Clause 2.1 of the Constitution of Little Athletics NSW Ltd., Definitions, be amended as follows:

#### 2.1 Definitions

Amend Clause 2.1 Definitions by adding: “Casting Vote” means second (2<sup>nd</sup>) vote.

#### Reasoning

To clarify the meaning of “Casting Vote” where used in the Constitution.

### MOTION 2 - JUDICIARY COMMITTEE

It is proposed as a special resolution, that Clause 11.2 of the Constitution of Little Athletics NSW Ltd., Judiciary Committee, be amended as follows:

#### 11.2 Judiciary Committee

Replace the word “appoint” in the first sentence of 11.2 Judiciary Committee with the word “convene”.

#### Current Clause

#### 11.2 Judiciary Committee

The Board may *appoint* a Judiciary Committee to deal with any disciplinary matter referred to it. Such a Judiciary Committee shall operate in accordance with the procedures expressed in the Regulations but subject always to the Act.

#### Amended Clause

#### 11.2 Judiciary Committee

The Board may *convene* a Judiciary Committee to deal with any disciplinary matter referred to it. Such a Judiciary Committee shall operate in accordance with the procedures expressed in the Regulations but subject always to the Act.

#### Reasoning

This amendment will more accurately describe the power of the Board in relation to the establishment of a Judiciary Committee. The Board has the power to call together i.e. convene a Judiciary Committee when required from people who have been appointed to a Judiciary Panel.

### MOTION 3 - TERM OF APPOINTMENT FOR ELECTED DIRECTORS

It is proposed as a special resolution, that Clause 16.4 of the Constitution of Little Athletics NSW Ltd., Term of Appointment for Elected Directors, be amended as follows:

#### 16.4 Term of Appointment for Elected Directors

#### Add new Clause 16.4 (e)

(e) Consecutive terms served as a combination of Elected Director and/or Appointed Director shall be treated in the same manner as consecutive terms served as an Elected Director or an Appointed Director when determining the number of consecutive full terms served.

#### Reasoning

The new Clause clarifies that a Director may only serve a maximum of four (4) consecutive terms whether as an Elected Director, Appointed Director, or a combination of these positions.

## **MOTION 4 - TERM OF APPOINTMENT FOR APPOINTED DIRECTORS**

It is proposed as a special resolution, that Clause 17.3 of the Constitution of Little Athletics NSW Ltd., Term of Appointment for Appointed Directors, be amended as follows:

### **17.3 Term of Appointment for Appointed Directors**

#### Add new Clause 17.3 (d)

- (d) Consecutive terms served as a combination of Elected Director and/or Appointed Director shall be treated in the same manner as consecutive terms served as an Elected Director or an Appointed Director when determining the number of consecutive full terms served.

#### **Reasoning**

The new Clause clarifies that a Director may only serve a maximum of four (4) consecutive terms whether as an Elected Director, Appointed Director, or a combination of these positions.

## **MOTION 5 - ZONE COORDINATORS**

It is proposed as a special resolution, that Clause 22 of the Constitution of Little Athletics NSW Ltd., Zone Coordinators, be amended as follows:

### **22. ZONE COORDINATORS**

Renumber existing Clause 22 (b) to Clause 22 (b) (i) and add Clause 22 (b) (ii).

#### Current Clause

### **22. ZONE COORDINATORS**

- (b) A Zone Coordinator must not also be a person who holds an Official Position and if elected as a Zone Coordinator must immediately resign from any such Official Position.

#### Amended Clause

### **22. ZONE COORDINATORS**

- (b) (i) A Zone Coordinator must not also be a person who holds an Official Position and if elected as a Zone Coordinator must immediately resign from any such Official Position.
- (ii) The reference to Zone Coordinator in Clause 2.1 "Official Position" (a) does not apply when considering Clause 22 (b) (i).

#### **Reasoning**

The new Clause corrects an anomaly in the definition of Clause 2.1 "Official Position" (a) and Clause 22 (b) stating a Zone Coordinator must not also be a person who holds an "Official Position".

## **MOTION 6 (a) - POSTAL AND ELECTRONIC VOTING**

It is proposed as a special resolution, that Clause 31 of the Constitution of Little Athletics NSW Ltd., Postal and Electronic Voting, be amended as follows:

### **31. POSTAL AND ELECTRONIC VOTING**

Amend Clause 31 (a)

### Current Clause

#### **31. POSTAL AND ELECTRONIC VOTING**

- (a) Members may only submit postal votes in respect of a resolution at a General Meeting:
  - (i) to elect a Director;
  - (ii) in relation to conferring Life Membership on a Member;
  - (iii) in relation to any amendment to the Constitution; or
  - (iv) where a notice of motion has been submitted under Clause 28 of this Constitution and notice provided to the members under Clause 26 of this Constitution.
- (b) No other motion shall be determined by a postal ballot unless determined by the Board. If the Board so determines, the postal ballot shall be conducted under the procedures set by the Board from time to time.
- (c) Postal voting must be conducted in accordance with the Regulations made under the Act.
- (d) The Board may permit voting by electronic means where it considers appropriate to do so under procedures to be set by the Board from time to time.

### Amended Clause

#### **31. POSTAL AND ELECTRONIC VOTING**

- (a) Members may submit postal or electronic votes in respect of a resolution at a General Meeting:
  - (i) to elect a Director;
  - (ii) in relation to conferring Life Membership on a Member;
  - (iii) in relation to any amendment to the Constitution; or
  - (iv) where a notice of motion has been submitted under Clause 28 of this Constitution and notice provided to the members under Clause 26 of this Constitution.
- (b) No other motion shall be determined by a postal or electronic ballot unless determined by the Board. If the Board so determines, the postal or electronic ballot shall be conducted under the procedures set by the Board from time to time.
- (c) Postal and electronic voting must be conducted in accordance with the Regulations made under the Act.
- (d) The Board may permit voting by electronic means where it considers appropriate to do so under procedures to be set by the Board from time to time.

### **Reasoning**

While the Board may permit electronic voting in respect of a resolution at a General Meeting under Clause 31 (d) the current Clause 31 (a) creates confusion with the wording “members may only submit postal votes”. The amended clause makes it clear that postal and electronic voting in respect of a resolution at General Meetings is permissible.

### **MOTION 6 (b) - POSTAL AND ELECTRONIC VOTING**

(To be proposed if Motion 6 (a) is carried, otherwise will be withdrawn)

It is proposed as a special resolution, that Clause 31 of the Constitution of Little Athletics NSW Ltd., Postal and Electronic Voting, be amended as follows:

### **31. POSTAL AND ELECTRONIC VOTING**

Amend Clause 31 (d)

#### Current Clause

### **31. POSTAL AND ELECTRONIC VOTING**

- (d) The Board may permit voting by electronic means where it considers appropriate to do so under procedures to be set by the Board from time to time.

#### Amended Clause

### **31. POSTAL AND ELECTRONIC VOTING**

- (d) The Board may permit postal and/or electronic voting in respect of a resolution at a General Meeting.

#### **Reasoning:**

With the modification of Clause 31 (a) there would no longer be a requirement for Clause 31 (d). Replace Clause 31 (d) with a new Clause allowing for the Board to determine the type of voting (postal and/or electronic) to be used for resolutions at a General Meeting.

### **MOTION 6 (c) - POSTAL AND ELECTRONIC VOTING**

(To be proposed if Motion 6 (b) is not carried, otherwise will be withdrawn)

It is proposed as a special resolution, that Clause 31 of the Constitution of Little Athletics NSW Ltd., Postal and Electronic Voting, be amended as follows:

### **31. POSTAL AND ELECTRONIC VOTING**

Add new Clause 31 (e)

- (e) The Board may permit postal and/or electronic voting in respect of a resolution at a General Meeting.

#### **Reasoning**

This will allow for the Board to determine the type of voting (postal and/or electronic) to be used for resolutions at a General Meeting.

### **MOTION 7 - GRIEVANCE PROCEDURE**

It is proposed as a special resolution, that Clause 33 of the Constitution of Little Athletics NSW Ltd., Grievance Procedure, be amended as follows:

### **33. GRIEVANCE PROCEDURE**

Amend Clause 33 (c)

#### Current Clause

### **33. GRIEVANCE PROCEDURE**

- (c) If the parties are unable to resolve the dispute at the meeting or if a party fails to attend that meeting, then the parties must, within ten (10) days, refer the dispute for resolution to an independent tribunal established by the Board in accordance with the procedures determined by the Board from time to time.

Amended Clause

**33. GRIEVANCE PROCEDURE**

- (c) If the parties are unable to resolve the dispute at the meeting or if a party fails to attend that meeting, then the parties must, within ten (10) days, refer the dispute for resolution to the CEO in accordance with the procedures determined by the Board from time to time.

**Reasoning**

By referring the matter directly to the Board for action, the Board would not be able to operate as an appeal option should either or both parties not be satisfied with the outcome of the tribunal.

The clause currently involves the Board as the next step and circumvents the CEO and office involvement. Regulation 11 allows for the process to be directed through to the CEO for potential resolution and amending Clause 33 (c) will provide for consistency in the process.