

EXPLANATORY MEMORANDUM

Proposed changes: Croydon and Districts Volleyball Association Incorporated (CDVA) Constitution.

Rationale for Revision

- Associations Incorporation Reform Act 2012
- Associations Incorporation Reform Regulations 2023
- Consumer Affairs Victoria has specified 23 Model Rules which Incorporated Associations must address in their own Constitution or Model Rules.
 - 18 of these Model Rules are mandatory
 - 5 are optional
- Of these rules, most have already been in our Constitution since the last change in 2017.
- Our Constitution was first drafted in 1982 (?) and has been modified in part since then.
- There have been many changes since the first draft, such as the introduction of information technology, changes in financial transactions, as well as the need to conform with the requirements in the Model Rules.
- Many changes are recommended to improve the operation of the Association now and into the future.
- Junior Members and Life Members were not addressed in our Constitution, and Associate members needed clarification.
- With the growth of juniors in our membership it is recommended that they be given a voice on the Committee.
- The means of gaining membership was not properly addressed and we now recognise membership is primarily through VVI registrations.
- To provide continuity in the running of the Committee, all positions will from now have two-year terms, with half the committee positions becoming vacant each year.

Summary of Changes

Items in the Model Rules in Red text are an alteration/insertion from our 2017 Rules.

Items in the Model Rules highlighted in Cyan are an update to the reference number of rules numbers created by the updates.

Rule #	Subject Matter	Changed / Comment
4	Definitions	Added Definitions for: <ul style="list-style-type: none">• Junior Member• Life Member• Office Bearer• Ordinary Committee Member• Ordinary Member• Rule(s)• Volleyball Australia Limited• Volleyball Victoria• Volleyball Victoria Incorporated
6	Not for profit organisation	Inserted a requirement that the Committee monitor and review payments made by the Association to Committee Members on a quarterly basis and to any other Members on an annual basis
10	Consideration of written application	Added "written" to better define the process
11	New Membership	Added "written" to better define the process

Rule #	Subject Matter	Changed / Comment
12	Annual subscription and fee on joining	Amended when a person becomes a member.
13	General rights of members	Added Junior Member
14	Associate members	Added that a parent/guardian of an association member is not a member, unless they are a member themselves.
15	Junior members	New Rule
16	Life members	New Rule
18	Ceasing membership	Amended to reflect when a membership is ceased.
19	Resigning as a member	Amended to reflect the link to Volleyball Victoria membership cycles
20	Register of Members	Amended to reflect Modern Rules and give clarity to what is required to be recorded in the register and who can get access. Also how the register maybe kept electronically.
25	Appeal Rights	<p>Amended</p> <ul style="list-style-type: none"> • Committee to appoint an Appeal Subcommittee • to give clarity on who can be appointed as a member of this subcommittee. <p>Noted that the Subcommittee is to be a minimum of 5 and a maximum of 9 Subcommittee Members.</p>
26 27	Conduct of Disciplinary Appeal Meeting Application	<p>Amended</p> <p>As per rule 25, to a subcommittee and the 2/3 threshold for upholding the decision.</p> <p>Added reference to the members right to appeal needing to be completed before grievance can be heard</p>
29	Appointment of mediator	<p>Amended</p> <p>Committee can appoint any person as mediator</p>
32	Annual general meetings	<p>Amended</p> <p>Added link to division 3 of the rules.</p>
36	Use of technology at a General Meeting	New Rule
37	Quorum at General Meetings	<p>Amended</p> <p>Set quorum to be 20, instead of a percentage. Based on unchanged historical attendances at AGMs and the growing membership base.</p>
39 40	Voting at a general meeting Special resolutions	<p>Amended</p> <p>Added electronic voting.</p>
48	Secretary	<p>Amended</p> <p>Inserted line for carrying out duties as the committee elects</p>
49	Treasurer	<p>Amended</p> <p>Approval of payments by 2 committee members</p> <p>Added tabling of reports at committee meetings</p>
50	Who is eligible to be a Committee member	<p>Inserted</p> <p>Added Junior Members for a Junior Committee</p>

Rule #	Subject Matter	Changed / Comment
51	Positions to be declared vacant	Amended: <ul style="list-style-type: none"> changed this so that all Committee Members are appointed for 2 years Added process for determining 1 or 2 year terms if an election of committee members is greater than one half.
52	Nominations	Amended: <ul style="list-style-type: none"> Nomination Forms to be distributed with Notice of Meeting. Nomination Forms to be submitted 3 days prior to General Meeting Added verbal nominations for positions still vacant after nomination and election process
53	Election of Office Bearers	Amended Added a member needs to be at least 18
54	Election of Committee Members	Amended Aligned with previous rule updates
55	Ballot	Amended Added electronic voting and ballot slips
58	Filling casual vacancies	Inserted Added that casual vacancies only apply until the next general meeting.
59	Meetings of Committee	Amended: requires at least one Committee Meeting each quarter during the Financial Year
60	Notice of meetings	Amended: <ul style="list-style-type: none"> requires Committee meeting papers to be distributed at least 7 days prior to the date of the meeting. To allow additional Other Business to be considered at a Committee Meeting if an Absolute Majority of the Committee agrees to do so.
60	Urgent meetings	Amended: to give clarity on notice, what business can be conducted at such a meeting and distribution of meeting papers.
63	Use of Technology for Committee Meetings	New Rule

Rule #	Subject Matter	Changed / Comment
65	Conflict of interest.	Amended: <ul style="list-style-type: none"> • Gives greater clarity of what details are required to be kept in the conflict of interest register • Included a process for any Committee member to raise a conflict of interest concern if a Committee member has not declared it themselves under this Rule. The Rule then allows the full Committee to discuss and vote on if such a conflict is considered to be treated as if it had been declared. • Minor changes to align with Modern Rules and/or give clarity.
67	Minutes of meeting	Amended Added role of secretary in process
68	Leave of absence	Amended Meetings and times
69	Source of funds	Amended Added sponsorship
70	Management of funds	Amended: <ul style="list-style-type: none"> • to ensure any payments (other than petty cash) are approved by at least two Committee Members before being made. • Clarified process of petty cash (inc debit card facility)
75	Notice requirements	Amended Added digital or electronic means
76	Custody and inspection of books and records	Amended Clarified rights of refusal of committee for inspection of records
78	Review	New Rule
79	Alteration of Rules	Amended: ensures that any alterations to the Rules become effective at the closure of the general meeting in which they were approved and aligns with legal requirements to be approved by the Registrar.
80	Notes and Examples	New Rule
Index	Index	New Section , will be added if rule changes adopted for publication for ease of look up, but do not form part of the rules themselves.