



# ILGA OCEANIA

## PROPOSAL SUBMISSION FORM



### **PROPOSAL NAME:** ILGA OCEANIA BOARD COMPOSITION & ELECTIONS REFORM

**Proposer:** Simon Margan  
**ILGA Member Organisation:** NSW LGBTI Law Reform  
**Document Changed:** ILGA Oceania Constitution

This form is for submitting a proposal at the ILGA Oceania Annual General Meeting (AGM).

#### **1) DEADLINES**

**PROPOSAL DEADLINE:** 1 month prior to the AGM [ILGA Oceania Constitution, s31(10)], so that they can be sent out 21 days prior to the AGM [ILGA Oceania Constitution, s31(5)].

**AMENDMENT DEADLINE:** 15 days prior to the AGM. [ILGA Oceania Constitution, s31(6)]

#### **2) MAJORITY REQUIRED (MEMBER VOTES CAST)**

**GENERAL PROPOSALS:** 50%

**CONSTITUTION CHANGES:** 75% (Special Resolution) [ILGA Oceania Constitution, s35]

**CONSTITUTION 'AIMS & OBJECTIVE' CHANGES:** 50% [ILGA Oceania Constitution, s3(2)]

**LODGEMENT:** 28 days after the resolution. [ILGA Oceania Constitution, s42]

No documentary change to the ILGA Oceania constitution, or the ILGA Oceania Standing Orders, may conflict with the aims and objectives of the ILGA Oceania constitution or its ILGA World Standing Orders [ILGA Oceania Constitution, s42], or any relevant legal requirements [Association Incorporation Act 2009 (NSW) & Associations Incorporation Regulation 2016 (NSW)].

#### **A) PURPOSE** – A short summary of what the proposal intends.

This proposal restructures the ILGA Oceania board into 6 senior executive positions, 6 portfolio subcommittee chairs, and 3 regional representative positions. This proposal also aims to make the process for electing the ILGA Oceania board crystal clear, by removing the ambiguity caused by successive last-minute amendments.

#### **B) BACKGROUND** – A background of the issues surrounding the proposal itself.

The ILGA Oceania board election procedure, and the composition of the ILGA Oceania board itself, has continually changed by haphazard, sometimes conflicting amendments, creating a confusing set of provisions open to multiple interpretations. This proposal creates clear and concise guidelines for the elections for the ILGA Oceania board and its composition.

#### **C) CHANGES** – State the change you are desiring to make.

**Documentary changes:** **Green** for any additions and **Red** for any deletions.

##### **PART 1 - Preliminary**

##### **1. Definitions**

(1) In this Constitution:

...

**'Executive Board Member'** means a member of the **Executive Board**, regardless of whether they **are an Executive, Portfolio or Regional member** ~~hold an officer bearer position, a portfolio sub committee chair position, or not.~~

...

**'No Candidate'** means an additional option in an election for a position, to be run as a separate candidate, indicating that no one has confidence in any of the candidates running for the vacancy. **Choosing this option is different from choosing to "abstain" from voting in the election for that position.**

...

~~**'Ordinary Board Member'** means a member of the Board, who is not an office bearer or a portfolio sub-committee chair~~

...

**'Regional Requirements'** refers to the composition of the ILGA Oceania Board as outlined in clause 16(3).

...  
'Senior Executive' ~~'Office Bearer'~~ means the Co-Convenors, Alternates, Secretary, and Treasurer.

...  
**16. Composition and Membership of the Board**

(1) The total number of Board members is to be 15 ~~12~~, consisting of the following positions:

Senior Executive

(a) two (2) Co-Convenors, at least one of whom identifies as a woman

(b) two (2) Alternates, at least one of whom identifies as a woman

(c) one (1) Secretary

(d) one (1) Treasurer

Portfolios

(e) one (1) Women's Sub-committee Chair;

(f) one (1) Trans Sub-committee Chair;

(g) one (1) Bisexual Sub-committee Chair;

(h) one (1) Intersex Sub-committee Chair;

(i) one (1) Youth Sub-committee Chair;

(j) one (1) Elder Sub-committee Chair

Regional Members

(l) one (1) Pacific Island Representative (must be of indigenous descent from a Pacific Island);

(m) one (1) Australian Representative (must be of indigenous Australian descent);

(n) one (1) New Zealand Representative (must be of Māori descent);

~~(a) office bearers;~~

~~(b) portfolio sub-committee chairs; and~~

~~(c) ordinary Board members~~

(2) Each All board members must be endorsed by a full member of ILGA Oceania. ~~the ILGA full member for which that Board member is a representative.~~

~~(3) The Board membership must ensure geographical representation of Members based on the following regions:-~~

~~(a) 2 Pacific Island Representatives~~

~~(b) 2 Australian Representatives~~

~~(c) 2 New Zealand Representatives~~

~~(4) The office bearers of ILGA Oceania are as follows:~~

~~(a) two Co-Convenors, at least one of whom identifies as a woman~~

~~(b) two Alternates, at least one of whom identifies as a woman~~

~~(c) the Secretary~~

~~(d) the Treasurer~~

~~(3) (5) The term For the purposes of subclause 4 "woman" shall be taken to include the diverse range of gender identities found in the Oceania region.~~

~~(4) (6) Board members, subject to the constitution, are elected in accordance with clause 17, and hold office for a 1-year term which ends at the next General Meeting (regardless of whether this General Meeting occurs at a Regional Conference, or a Regional Caucus at an ILGA World conference), following the date of the appointment.~~

~~(6) Each Board member is, subject to this Constitution, to hold office until the conclusion of the regional conference in 2 years' time from the previous general election of the board members, at which time every Board Member may be eligible for re-election.~~

~~(7) The board should be elected at an annual general meeting for a 2 year term, or if this is not possible in the board meeting directly after the annual general meeting.~~

~~(8) The portfolio sub-committee chairs are as follows:-~~

~~(a) Women's Sub-committee Chair;~~

~~(b) Trans Sub-committee Chair;~~

~~(c) Bisexual Sub-committee Chair;~~

~~(d) Intersex Sub-committee Chair;~~

~~(e) Youth Sub-committee Chair;~~

~~(f) Indigenous Elder Sub-committee Chair~~

~~(9) No more than 3 portfolio sub-committee chairs can come from the same region [see clause 16(3) for the 3 regions].~~

~~(5) (10) No more than half of those delegates appointed to the board, by a General meeting election and/or the filling of casual vacancies, can represent full members from the same country. elected to either the:-~~

~~(a) executive; and  
(b) total number of any portfolio officer positions  
can come from the same sub region, i.e. Australia, New Zealand or the Pacific Islands.~~

(6) Multiple Board positions may not be occupied by either:

(a) one person

(b) two delegates representing the same full member of ILGA.

(7) No delegate can exchange the position they hold with another position (either held by a delegate on the Board or a vacant position) unless the procedures for filling a casual vacancy are followed (including advertising any vacant position to all full members of ILGA Oceania). The exception is the alternate position, which automatically fills the corresponding convenor position when that convenor position is vacated.

~~(11) The alternate position may be held simultaneously with someone holding the position of the:-~~

~~(a) treasurer; or~~

~~(b) secretary~~

~~However, this dual role is not a prerequisite for holding either position.~~

## **17. Election of the Board**

(1) Nominations of candidates for election as Board members:

~~(a) must be made in writing on via the official form accompanied by the written consent of the candidate (which may be endorsed on the nomination form); and~~

~~(b) must be delivered to the Secretary within the deadline stated in clause 31(7)~~

(2) A person nominated as a candidate for election as a Board member must be a representative of a full member.

(3) If insufficient nominations are received across a sub-region, as outlined in clause 16(3), any vacant positions, representing that sub-region are taken to be casual vacancies.

~~(4) If the total number of nominations received from a region is equal to or less than the number of vacancies to be filled for that region, the persons nominated are taken to be elected.~~

(4) (5) Regardless of the number of nominations, a ballot is to be held with a “no candidate” option. If the “no candidate” option gains more votes than the candidate, then that position is not filled and that position is either taken to be casual vacancy to be filled by:-

a) a second election for that position at the same general meeting (if a simple majority resolution is passed on the conference floor to do so);

b) a later election run by the board (clause 23);

~~If the number of nominations from each region received exceeds the number of vacancies to be filled for that region, a ballot is to be held.~~

(5) (6) Members shall vote for all candidates eligible for election. Member will vote for the number of available positions in each sub region. The top-polling candidates for each position specified in clause 16(1) fills that position. from each region will fill the vacancies as per the “Regional Requirements” as specified in clause 16(3). In the event of a tie for the final spot of each candidate, an additional vote shall be held to ask members to vote once for their preferred candidate, out of the two tied candidates.

## **18. Co-Convenor and Alternates**

...

(3) In the event that a co-convenor cannot attend a meeting of the Executive Board, the co-convenor concerned, in coordination with the ILGA World Secretary Generals, must facilitate one of the alternates to take their place, keeping in mind that out of the ~~two office bearers~~ ILGA Oceania delegates sent to attend an ILGA World Executive board meeting, one must identify as a woman.

...

## **21. Ordinary Board Member**

~~(1) In the event of both co-convenors, the secretary’s and treasurer’s absence, or unwillingness to act, one of the remaining members of the Board may be chosen by the Board members present at the meeting to preside.~~

~~(2) Ordinary Board members shall contribute to the Co-Convenors’ reports, on the region’s progress, in time for those Co-Convenors to present this report at each and every ILGA board meeting during that ordinary board member’s term.~~

...

## **19. Secretary**

(1) The Secretary must, as soon as practicable after being appointed as Secretary, lodge notice with ILGA Oceania of their mailing, and or, physical address.

- (2) It is the duty of the Secretary, or another Board member who has accepted the delegation of this duty, to type up the minutes of each meeting and send them to all Board members, which includes: ~~It is the duty of the Secretary to keep minutes of:~~
- (a) all appointments of office-bearers and general board members; and
  - (b) the names of members of the Board present at a Board meeting or a general meeting; and
  - (c) all proceedings at Board meetings and general meetings.

### 23. Casual Vacancies

- (1) In the event of a casual vacancy occurring in the membership of the Board, the Board may appoint (by a vote of the board, once the position is advertised amongst all full members) a representative of a full member of ILGA Oceania to fill the vacancy, and the member so appointed is to hold office, subject to this Constitution, until the next General Meeting (regardless of whether this General Meeting occurs at a Regional Conference, or a Regional Caucus at an ILGA World conference) ~~until the conclusion of the annual general meeting before the next regular election meeting of office-bearers~~ following the date of the appointment.

- (3) Appointment of a casual vacancy must be within the normal restrictions ~~of the sub-regional requirements~~.

### 25. Executive Board Meetings and Quorum

- (9) At a meeting of the Executive Board:

- (c) if the Co-Convenors, Alternates, and the Secretary or Treasurer are absent or unwilling to act, such one of the remaining members of the Executive Board as may be chosen, by the members present at the meeting, to preside;
- (10) ~~(d)~~ for the convenor position that is dedicated to a representative who identifies as being a women, the replacement must also identifying as being a women.
- ~~(10) It is the duty of the Secretary, or another Board member who has accepted the delegation of this duty, to type up the minutes of each meeting and send them to all Board members.~~

### ~~25A Appointment of Association Members as Committee Members to Constitute Quorum~~

- ~~(1) If at any time the number of committee members is less than the number required to constitute a quorum for a committee meeting, the existing committee members may appoint a sufficient number of members of the association as committee members to enable the quorum to be constituted.~~
- ~~(2) A member of the committee so appointed is to hold office, subject to this constitution, until the annual general meeting next following the date of the appointment.~~
- ~~(3) This clause does not apply to the filling of a casual vacancy to which clause 18 applies.~~

### ~~25A B Use of Technology at Committee Meetings~~

### 29. Annual General Meetings - Calling of and Business at

- (2) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting held during the Regional Conference or the World Conference is to include the following:
- (c) to elect ~~ordinary~~ all the Board members positions mentioned in clause 16 (1).
  - ~~(d) to elect the executive officer positions and any portfolio sub-committee chair positions.~~

### 32A Presiding Member

- (1) The president or, in the president's absence, the vice-president, is to preside as chairperson at each general meeting of the association.
- (2) If the president and the vice-president are absent or unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.

### 48. Common Seal

- (1) The common seal of association shall be kept in the custody of the Secretary.
- (2) The common seal shall not be affixed to a document without the approval of the Executive Board and shall be attested by the signatures of any two senior executive members ~~office-bearers~~.