



ILGA OCEANIA

PROPOSAL SUBMISSION FORM



PROPOSAL NAME: ILGA OCEANIA POLICY DOCUMENT CREATION

Proposer: Simon Margan

ILGA Member Organisation: NSW LGBTI Legal Forum

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 creates a Policy Document for ILGA Oceania, that is can be discussed and amended at an ILGA Oceania Regional Conference, which contains ILGA Oceania's stance on general LGBTI principles, topical issues and immediate events affecting LGBTI people.

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

The ILGA World constitution envisions that each ILGA region will have a regional organisation with the power to determine its own policies:-

C5.2 Within each region members may form a regional organisation. All members of ILGA World in a region are members of the same category in the regional organisation.

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C5.5 Regional organisations may make decisions on regional structures and regional matters, and regional conferences have the power to determine the policy of the regional organisation, according to their rules, subject to the provisions of this constitution.

This proposal implements this mandate into a formal document that can be easily and transparently changed by the ILGA Oceania regional conference floor of delegates.

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

PROPOSED VERSION

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

PART 1 - Preliminary

1. Definitions

(1) In this Constitution:

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'LGBTI' means the characterisation of the term "LGBTI" in the Policy Document ~~category contained in the Schedule B.~~

...

2. ILGA Oceania

- ~~(1) — ILGA Oceania has the sovereignty to make decisions on regional matters according to the rules set up in this constitution, subject to the provisions of ILGA World's constitution and the decisions of the ILGA World Executive Board.~~
- ~~(2) — ILGA Oceania shall endeavour to ensure its work reflects the diversity of its members and is within the mandates of ILGA World.~~

3. Aims & Objectives

- ~~(1) — The aims and objectives of ILGA Oceania will not be in conflict with that of the aims and objectives of ILGA World as stated in the ILGA World constitution.~~
- ~~(2) — See clause 42(4) for changes to the aims and objectives.~~
- ~~(3) — The ILGA Oceania Constitution and any ILGA Oceania Standing Orders will be administered and amended to ensure that they avoid conflict with:~~
- ~~(a) — any reasonable non LGBTI discriminatory legislative incorporation requirements of the country of which ILGA Oceania is incorporated.~~
 - ~~(b) — any requirements of the ILGA constitution or ILGA's standing orders.~~
- ~~(4) — The ambit of ILGA Oceania work shall include not only addressing concerns about Oceania Region's sovereign countries, but also concerns about Oceania Region Territories.~~

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~~42. Change of Name, Objects and Constitution~~

42. Administrative Documents & Alterations

Jurisdiction

- (1) ILGA Oceania has the sovereignty to make decisions on regional matters according to the rules set up in this constitution, subject to the provisions of ILGA World's constitution and the decisions of the ILGA World Executive Board.
- (2) ILGA Oceania shall endeavour to ensure its work reflects the diversity of its members and is within the mandates of ILGA World.
- (3) The ILGA Oceania Constitution and any ILGA Oceania Standing Orders will be administered and amended to ensure that they avoid conflict with any reasonable non-LGBTI discriminatory legislative incorporation requirements of the country of which ILGA Oceania is incorporated.
- (4) The ambit of ILGA Oceania work shall include not only addressing concerns about Oceania Region's sovereign countries, but also concerns about Oceania Region Territories.

Constitution

- (5) ~~(1)~~ An application to the Director-General for registration of a change in the association's name, objects or constitution in accordance with section 10 of the Act is ~~shall~~ to be made by the Secretary or a Board member.
- ~~(2) — The provisions of this ILGA Oceania Constitution cannot conflict with the provisions of the ILGA Constitution or the ILGA Standing Orders. Any such conflict shall be read down to the extent of that inconsistency.~~
- (6) ~~(3)~~ Notification of a name change shall be given to the ILGA Board.

Schedules

- ~~(4) — Schedule A, containing the definition of "Aims and Objectives", may only be changed by a 50% vote at a general meeting.~~
- ~~(5) — Schedule B, containing the definition of "LGBTI", may only be changed by a 50% vote at a:~~
- ~~(a) general meeting.~~
 - ~~(b) board meeting.~~

Policy Document

- (7) ILGA Oceania Policy Document, may only be changed by a:-
- (a) 50% vote at a General Meeting;
 - (b) unanimous vote of a Board meeting.
- (8) Provisions of a policy document, under a particular topic heading, will be further grouped into:-
- (a) "General" - Conceptually broad and universally applicable values.
 - (b) "Immediate" - Topical issues
- (9) "Immediate" issue provisions must state a date when the provision was added. An "Immediate" issue provision is automatically removed 4 years after the date it was added, unless a simple majority vote is made at a regional conference to specifically retain that provision.

Conflicts

- (9) A subordinate document cannot explicitly conflict with an authoritative document: -

(a) the ILGA Constitution or the ILGA Standing Orders are authoritative over all of the following administrative documents;

(b) the ILGA Oceania Constitution is authoritative over the ILGA Oceania Standing Orders and the ILGA Oceania Policy document;

(c) the ILGA Oceania Policy document is authoritative over the ILGA Oceania Standing Orders;

(d) the ILGA Oceania Standing Orders are subordinate to all of these administrative documents.

(10) A conflict occurs when it is logistically impossible for provisions of two separate document to work together. A conflict is not just a mere inference of an inconsistency of terminology or intention, or just an omission in one document.

(11) Any such direct conflicts shall be read down to the extent of that inconsistency.

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SCHEDULE A

1. Aims

The aims of ILGA Oceania are:—

- (a) to promote universal respect for and observance of human rights and fundamental freedoms, including the elimination of all forms of discrimination and including the specific provisions of the conventions and covenants specified in the Constitution of ILGA World;*
- (b) to work for the equality of all people regardless of sexual orientation, gender or gender identity and the liberation of LGBTI people from all forms of discrimination;*
- (c) to be an expression of the struggle of LGBTI people against all forms of discrimination.*
- (d) to promote information about LGBTI rights in the ILGA Oceania region;*
- (e) to support the fight against HIV/AIDS and the promotion of sexual and reproductive rights.*

2. Objectives

To work towards these aims, ILGA Oceania shall:—

- (a) Create a platform for LGBTI people in the Oceania region, in their quest for recognition, equality and liberation, in particular through the ILGA Oceania regional conference and the ILGA World Conference;*
- (b) to promote and facilitate the exchange of information and cooperation between LGBTI organisations in the Oceania region;*
- (c) to initiate or participate in LGBTI human rights campaigns across the Oceania region;*
- (d) Give locally initiated and determined support for our organisations across the Oceania region;*
- (e) Collect information, conduct research, publish material and organise seminars, training, briefings and specialised conferences on topics relevant to the realities of LGBTI people in the Oceania region;*
- (f) Promote and facilitate contact with LGBTI people in other regions, strengthening the work of ILGA World worldwide;*
- (g) Actively support and participate in the governance, policy and advocacy activities of ILGA World;*
- (h) Collaborate with other organizations or movements working also for the dignity and rights of LGBTI people and / or for other peoples who are marginalized or excluded from society, including but not limited to women, indigenous peoples and sex workers.*

SCHEDULE B

1. "LGBTI"

"LGBTI" means the following categories for the purpose of this constitution:—

- | | | |
|------------------------|-----------------------|-----------------------------|
| <i>1) lesbian</i> | <i>7) akava'ine</i> | <i>14) non binary</i> |
| <i>2) gay</i> | <i>8) binabinaine</i> | <i>13) palopa</i> |
| <i>3) bisexual</i> | <i>9) brotherboy</i> | <i>14) sistergirl</i> |
| <i>4) trans</i> | <i>10) fa'afatama</i> | <i>14) takatāpui</i> |
| <i>5) intersex</i> | <i>10) fa'afafine</i> | <i>15) tangata ira tāne</i> |
| <i>6) queer</i> | <i>10) fakafifine</i> | <i>16) yakasalewalewa</i> |
| <i>7) gender queer</i> | <i>11) fakaleti</i> | <i>17) whakawāhine</i> |
| | <i>12) mahu</i> | |

1. AIMS AND OBJECTIVES

GENERAL

1.1 Aims

The aims of ILGA Oceania are: -

- (a) to promote universal respect for and observance of human rights and fundamental freedoms, including the elimination of all forms of discrimination and including the specific provisions of the conventions and covenants specified in the Constitution of ILGA World;
- (b) to work for the equality of all people regardless of sexual orientation, gender or gender identity and the liberation of LGBTI people from all forms of discrimination;
- (c) to be an expression of the struggle of LGBTI people against all forms of discrimination.
- (d) to promote information about LGBTI rights in the ILGA Oceania region;
- (e) to support the fight against HIV/AIDS and the promotion of sexual and reproductive rights.

1.2 Objectives

To work towards these aims, ILGA Oceania shall: -

- (a) Create a platform for LGBTI people in the Oceania region, in their quest for recognition, equality and liberation, in particular through the ILGA Oceania regional conference and the ILGA World Conference;
- (b) to promote and facilitate the exchange of information and cooperation between LGBTI organisations in the Oceania region;
- (c) to initiate or participate in LGBTI human rights campaigns across the Oceania region;
- (d) Give locally initiated and determined support for our organisations across the Oceania region;
- (e) Collect information, conduct research, publish material and organise seminars, training, briefings and specialised conferences on topics relevant to the realities of LGBTI people in the Oceania region;
- (f) Promote and facilitate contact with LGBTI people in other regions, strengthening the work of ILGA World worldwide;
- (g) Actively support and participate in the governance, policy and advocacy activities of ILGA World;
- (h) Collaborate with other organizations or movements working also for the dignity and rights of LGBTI people and / or for other peoples who are marginalized or excluded from society, including but not limited to women, indigenous peoples and sex workers.

IMMEDIATE

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2. LGBTI

GENERAL

2.2 “LGBTI” means the following categories for the purpose of this constitution: -

- | | | |
|-----------------|----------------|----------------------|
| 1) lesbian | 7) akava`ine | 14) non-binary |
| 2) gay | 8) binabinaine | 13) palopa |
| 3) bisexual | 9) brotherboy | 14) sistergirl |
| 4) trans | 10) fa`afatama | 14) takatāpui |
| 5) intersex | 10) fa`afafine | 15) tangata ira tāne |
| 6) queer | 10) fakafifine | 16) yakasalewalewa |
| 7) gender queer | 11) fakaleti | 17) whakawāhine |
| | 12) mahu | |

IMMEDIATE

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