



ILGA OCEANIA

PROPOSAL SUBMISSION FORM



PROPOSAL NAME: TECHNOLOGY UPDATE

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 makes a transition in the ILGA Oceania constitution from physical storage and delivery of ILGA Oceania's organisational documents to electronic storage and delivery of ILGA Oceania's organisational documents.

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

This proposal performs the following miscellaneous reforms to bring the ILGA Oceania constitution in line with the current modern practices of ILGA Oceania: -

- 1) **INTERNET FORMS** – Removes the reference to a prescribed form annexed to the actual constitution, thereby reflecting the organisations use of on-line forms.
- 2) **SUPURFLOUS PROVISION REMOVAL** – The provision which mandates that when the convenors are not present that an alternate of the whose is a women must replace the women convenor, if otiose as in the ordinary course of convening a ILGA Oceania board meeting no distinction is made between the roles of the female and general ILGA Oceania convenors. This proposal removes this redundant provision.
- 3) **ELECTORNIC TRANSMISSION** – ILGA no longer uses written copies of documents as an archive. Few organisations do these days. This proposal concentrates of access to electronic storage of documents, rather than the old hard copy archiving.
- 4) **FAX** – This proposal removes the specific mention of FAX communication as a means of document transmission, and instead discusses simply electronic transmission of any kind, would include FAXs.

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

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

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8. *Register of Members*

- (1) The Administrative Office of ILGA World will inform the Secretary of ILGA Oceania of all new memberships and provide a yearly update on whether all organisations in the ILGA Oceania region are current members.
- (2) The Secretary of ILGA Oceania must establish and maintain a register of members of ILGA Oceania specifying the name and postal or residential address of each person who is a member of ILGA Oceania together with the date on which the person became a member.
- (3) The register of members must be kept in NSW in electronic form, accessible by the secretary:
 - ~~(a) at the main premises of ILGA Oceania, or~~
 - ~~(b) if ILGA Oceania has no premises, at ILGA Oceania's official address.~~
- (4) The register of members must be open for inspection, free of charge, by any member of ILGA Oceania at any reasonable hour.
- ~~(5) A member of ILGA Oceania may obtain a copy of any part of the register on payment of a fee of not more than \$1 for each page copied.~~
- (5) ~~(6)~~ If a member requests that any information contained on the register about the member (other than the member's name) not be available for inspection, then that information must not be made available for inspection.
- (6) ~~(7)~~ A member must not use information about a person obtained from the register to contact or send material to the person, other than for:
 - (a) the purposes of sending the person a newsletter, a notice in respect of a meeting or other event relating to ILGA Oceania or other material relating to ILGA Oceania, or
 - (b) any other purpose necessary to comply with a requirement of the Act or the Regulation.
- (7) ~~(8)~~ If the register of members is kept in electronic form:
 - (a) ~~if The electronic form of the register must be convertible into hard copy, and~~
 - ~~(b) the requirements in subclauses (3) and (4) apply as if a reference to the register of members is a reference to a current hard copy of the register of members.~~

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32. Official Complaints by an Individual

Lodgement

- (1) The complaint must be lodged:
 - (a) on the approved form [Appendix A].
 - (b) to the senior executive members that are not either complainants or respondents.
 - (c) by a representative of a member organisation.

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43. Custody of Books, etc

Except as otherwise provided by this constitution, all records, books and other documents relating to the association must be accessible online by the secretary. ~~kept in New South Wales:~~

- ~~(a) at the main premises of the association, in the custody of the public officer or a member of the association (as the committee determines), or~~
- ~~(a) if the association has no NSW premises,~~

~~the Secretary must keep in their custody or under their control all records, books and other documents relating to the association.~~

44. Inspection of Books, etc

- (1) An online version of the following document must be accessible to any member, or the representative:

~~The following documents must be open to inspection, free of charge, by a representative of member at any reasonable hour:~~

 - (a) records, books and other financial documents of ILGA Oceania,
 - (b) this Constitution,
 - (c) minutes of all Executive Board meetings and general meetings of ILGA Oceania.
- ~~(2) A member of the association may obtain a copy of any of the documents referred to in sub-clause (1) on payment of a fee of not more than \$1 for each page copied.~~
- (2) ~~(3)~~ Despite subclauses (1) ~~and (2)~~, the committee may refuse to permit a member of the association to inspect or obtain a copy of records of the association that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the association.

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45. Service of Notices

- (1) ~~For the purpose of this Constitution, a~~ A notice may be served on or given to a person:
 - (a) by delivering it to the person personally, or

- (b) *by sending it by pre-paid post to the address of the person, or*
 - (c) *by sending it ~~by facsimile transmission or some other~~ any form of electronic transmission to an address specified by the person ~~for giving or serving the notice.~~*
- (2) *~~For the purpose of this constitution, a~~ A notice is taken, unless the contrary is proved, to have been given or served:*
- (a) *in the case of a notice given or served personally, on the date on which it is received by the addressee, and*
 - (b) *in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and*
 - (c) *in the case of a notice sent by ~~facsimile transmission or some other form of~~ electronic transmission, on the date it was sent or, if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.*

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47. Non-Profit Status & Property Distribution of Property Upon Winding Up of Association

- (3) *In this clause, a reference to the surplus property of an association is a reference to that property of the association remaining after satisfaction of the debts and liabilities of the association and the costs, charges and expenses of the winding up of the association.*

Note: *[See: Section 65 of the Act] ~~provides for distribution of surplus property on the winding up of an association~~*

APPENDIX A


1. Complaint Form



VERSION: ILGAOC20180824VER01

ILGA OCEANIA

OFFICIAL COMPLAINT FORM



When you have completed this form send it to the ILGA Oceania senior executive ("executive"), **NOT** the whole ILGA Oceania board. If the "respondent" is on the executive, send the complaint to the remaining members of the executive.

A) BEHAVIOUR OF THE "RESPONDENT" (The person who the complaint is about.)

A01) Name the person who is the subject of the complaint.

Full name of the "respondent"

Position of the "respondent" (if any)

A02) Have you taken steps to remedy the problem before making the complaint? Yes No

If "yes" state the steps that were taken.

a) _____

b) _____

c) _____

d) _____

A03) Have any steps been taken by the "complainant" to attempt to resolve the complained of issue before making the complaint? Yes No

If "yes", what steps were taken?

a) _____

b) _____

c) _____

d) _____

A04) What dates did the complained of behaviour occur?

a) _____ c) _____

b) _____ d) _____

A05) What documents supporting this complaint are attached?

a) _____ h) _____

b) _____ i) _____

c) _____ j) _____

d) _____ k) _____

e) _____ l) _____

f) _____ m) _____

g) _____ n) _____

A06) Write a brief description of the complained of behaviour:-

A07) What possible outcomes would can you nominate that might remedy this grievance?

a) _____ d) _____

b) _____ e) _____

c) _____ f) _____

B) "COMPLAINANT" (The person making the 'official' complaint.)

Full name of the "complainant"

contactable via _____

Email address of the "complainant"

and _____

Mobile number of the complainant

By signing this 'complaint' form the "complainant" swears that the facts and contents of this complaint are true to the best of their ability. -

Signed by the complainant

Name: _____

Date: _____

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