

19/9

11.11 - 11.18

AD proposed

JMC seconded

passed



PROPOSED RESOLUTION TO AMEND CONSTITUTION

That the Constitution of the Family Law Practitioners' Association of Queensland Limited be amended by deleting *Rule 11.2 Election of Directors* and replacing it with the following new Rule:

11.2 Election of Directors

The Directors (with the exception of the immediate Past President) are to be elected by way of postal ballot save and except where sub rule 11.2(g)(iii) applies, adopting the following procedure:

- (a) The Board shall appoint a Returning Officer and up to four scrutineers;
- (b) The Returning Officer shall call for nominations for the positions of President, Vice-President, Secretary, Treasurer, Country Member and six Members (herein referred to as "General Board Member"), all of whom are entitled to vote in accordance with Rule 5.5, not less than 35 days before the day fixed for the Annual General Meeting;
- (c) Every candidate for election shall be nominated in writing on a form prescribed by the Board. A supply of such forms shall be kept available for Members by the Returning Officer at the office of the Secretary. Every nomination form shall be signed by at least two Members entitled to vote in accordance with Rule 5.5 and also by, or on behalf of, the nominated candidate;
- (d) Every Member is entitled to nominate for any or all of the Office Holder positions of President, Vice-President, Secretary, Treasurer, Country Member or General Board Member;
- (e) Every nomination form must be delivered to the Returning Officer at the office of the Secretary no less than 28 clear days, before the Annual General Meeting;
- (f) If no more than the requisite number of candidates is nominated for any office, the candidate duly proposed shall be declared elected;

- (g) If fewer than the requisite number of candidates is nominated for any office, after the Returning Officer declaring those candidates who have been duly nominated to be elected, the Annual General Meeting may:
 - (i) leave the filling of the vacancies to the Board by appointment as on casual vacancies in accordance with Rule 11.4; or
 - (ii) adjourn the meeting and permit further written nominations in due form by a date fixed by the meeting; or
 - (iii) by a two-thirds majority, direct that further nominations of candidates be taken by oral nomination then and there, and then proceed to fill the remaining vacancies.
- (h) If more than the requisite number of candidates are nominated for any office, a secret ballot shall be held for the election of the requisite number;
- (i) If any election is required, the Returning Officer shall not less than 14 clear days before the day fixed for the Annual General Meeting, send the appropriate voting paper (which has been initialled by the Returning Officer) to every Member entitled to vote, together with the outer and inner envelope. The outer envelope shall have the address of the Company printed on it and a place for the Member to sign. The Returning Officer shall also forward with the documentation referred to, a summary of qualifications and relevant experience of such person of no greater than 300 words as may be provided by each nominated candidate;
- (j) The voting papers shall state the office to be filled, the requisite number of persons to be elected to that office and the names of candidates in alphabetical order;
- (k) Each Member entitled to vote and desirous of voting in the election shall before 5.00 pm two clear days before the day fixed for the Annual General Meeting, return the completed voting paper to the Returning Officer at the office of the Secretary;
- (l) The voting paper must be enclosed in an envelope provided by the Returning Officer and that envelope must be enclosed in a large envelope provided by the Returning Officer on which each Member shall sign his or her name. On receipt of the voting paper so enclosed, the Returning Officer on being satisfied that no Member has voted more than once, shall

remove the outer envelopes and ensure that the outer envelopes are separated from the inner envelopes;

- (m) If an election is required for the office of President, Vice-President, Secretary, Treasurer or Country Member, the election shall be determined as follows:
 - (i) A vote by way of ballot in such case shall be exercised by a Member entitled to vote striking out the names of the candidate or candidates whom the voter rejects but any voting paper purporting to record more than one vote in the particular ballot, shall be rejected;
 - (ii) The candidate who has received the largest number of votes, on a "first past the post" basis, shall be declared the person so elected.
- (n) If on any count, other than the final count, two or more candidates have an equal number of votes and one or more of them has to be excluded, the exclusion has to be determined by the scrutineers by lot;
- (o) The election of President shall be counted first. Any candidates for President who have been eliminated and who have nominated for any other position shall be counted in that ballot. Any candidates for the positions of President, Vice-President, Secretary, Treasurer or Country Member eliminated in any ballot for such position/s who have also nominated for one of the six General Board Member positions, shall be counted in the ballot for the six General Board Member positions. The election of President shall be followed sequentially by the election of Vice-President, Secretary, Treasurer and Country Member;
- (p) If more than the requisite number of candidates are proposed for the six General Board Member positions, the election shall be determined as follows:
 - (i) Subject to the preceding provisions, a vote in such ballot shall be exercised by a Member entitled to vote by his striking out the names of the candidate or candidates whom the voter rejects; but any voting paper purporting to record more than the requisite number shall be rejected;
 - (ii) If at the closure of nominations for the six General Board Member positions, the candidates include only the requisite number of any class of candidates required to be elected, any such candidate or candidates in such class shall thereupon be deemed to be elected and

voting will take place only for the remainder of the General Board Member positions necessary to bring the total number of General Board Members to six (exclusive of the President, Vice-President, Secretary, Treasurer and Country Member);

- (iii) Those candidates who acquire the most votes shall be elected to the Board until a total of six General Board Members are elected;
- (iv) If the candidates include any candidate who also stands for the office of President or Vice-President or Secretary or Treasurer or Country Member, the name of each candidate shall appear on the ballot paper with a space available next to the name. If a Member desires to vote for such candidate (the first candidate) as a General Board Member, the voter may write in the name of a substitute candidate next to the name of the first candidate. The vote for the substitute candidate will only be counted in the event of the first candidate being elected to the office of President, Vice-President, Secretary, Treasurer or Country Member.
- (q) The scrutineers shall state the result of the election in writing handed to the Chairman, who shall declare it to the Annual General Meeting;
- (r) The non-receipt by any Member of either the Notice Calling for Nominations or the documents referred to in sub rule 11.2(i) shall not invalidate the election of the Board.
