

## **AGENDA ITEM POTC AGM 2024**

### **Proposed changes to the POTC Constitution and explanation for changes:**

**Requirements.** Any changes to the club's constitution needs to be approved by members at a special general meeting (s77) – an AGM is being used on this occasion.

#### *special resolution*

means a resolution that requires not less than three-quarters of the members voting at a general meeting, whether in person or by proxy, to vote in favour of the resolution;

### **The reasons for the proposed changes:**

We have made minor changes to the Constitution (rules) in the past – e.g. to comply with liquor licencing law in 2020. This was essential for the effective running of the club and compliance with the law.

There has been further assessment of the needs of the club and there are a few changes proposed including:

- Defining terms for office bearers (it is not a life sentence!).
- The financial year be better aligned with the way the club's finances work – i.e., with a Calendar year instead of our current May-April arrangements.

### **Housekeeping changes:**

While undertaking this recent review, there were some dated clauses identified – or clauses that would soon become dated (e.g. associated with phasing out of cheques). There has also been a little “administrative drift” in clause continuity. Not unexpected for a club that has been around since the 1960s during which time the law has also changed.

As a result of this review, it was agreed by the POTC Committee that it would be sensible to largely adopt the model rules established by Consumer Affairs Victoria (CAV) under the **Associations Incorporation Reform Act 2012** and **Regulations 2023**.

This provides an opportunity to tidy up the rules and put us in a better position to make future changes should these be required by CAV, or our club. This also seemed significantly easier than the task of rearranging clauses in the old rules which, while they have served us well, appear in slightly different places in the document and in some instances, have not consistently referred to each other accurately.

As a result, we have recommended specific clause amendments, and that the general provisions of the model rules be adopted by the club. In reviewing these rules, some other tennis club rules were compared, and it is apparent that the adoption of the CAV model rules is common practice – and pretty sensible.

These changes won't be effective until the legal folk in CAV have approved them but the aim is to do this asap.

**Next steps:**

The current and proposed Constitutions are provided for your evaluation/comparison. Please flag any questions you may have either prior to (preferable) or at the AGM so we can progress this important matter as soon as possible.

In summary, the revised constitution has proposed changes highlighted in blue text. Noting, in particular, these clauses:

**3 Financial year**

The financial year of the Association is each period of 12 months ending on 31 December

(Current) The financial year of the Association shall begin on 1st May and end on the subsequent 30th April

**10 Consideration of application (for membership)**

(1) As soon as practicable after an application for membership is received, the Committee or delegate must decide by resolution whether to accept or reject the application.

48 (d) ensure cheques payments are authorised are signed by at least 2 committee members

**55 Term of office**

**Note, this is a new clause.** Currently there are no prescribed limits to holding office (i.e. a person may be re-elected continuously) and the current committee would like to see this changed, as follows:

(6) No office bearer shall hold office for more than four consecutive years, however they may hold different offices consecutively for an unlimited period and return to bear an office for another four years after a minimum one year gap. There is no limit on the number of consecutive years a person may hold position as an Ordinary Committee member, subject to being duly elected.