

## NEW ACKMA RULES

### John Brush and Dave Smith

#### **Editor's note:**

*The new ACKMA rules were published in Journal No. 101. John Brush and Dave Smith worked hard to update the rules as they were presented to the May 2015 AGM and subsequently presented to the Victorian Registrar. The following piece was provided at the time and through a combination of errors failed to publish this introduction. Whilst this and the rules now appear in different journals, I felt it worth printing as it provides background to support the new rules.*

ACKMA's new Rules have come into effect, following a resolution at the Naracoorte AGM in May 2015 and submission of required information to the Victorian Registrar.

ACKMA needed to substantially amend its Rules as a result of new legislation (the Associations Incorporation Reform Act) that came into effect in Victoria in 2012. ACKMA has always been constituted under Victorian state legislation and a brief review of all the options suggested Victoria was still one of the easier places to rest the organisation

At the Yarrangobilly AGM, the ACKMA Committee tasked Dave Smith and John Brush (who could be loosely described as "the rules sub-committee") with drafting a revised set of rules that could be presented to this year's AGM at Naracoorte.

Under the new legislation incorporated organisations must ensure that their rules address 23 mandatory matters specified in the legislation. There are also model rules available but they do not suit ACKMA's particular circumstances.

Initially, the sub-committee set about the task by incorporating the essential elements of both the original ACKMA Rules and new rules that were endorsed at the Buchan AGM in 2007 into the model rules. However, the result was long and complex and the sub-committee subsequently prepared a simplified set of rules based on the example rules developed by justiceconnect.org.au (previously known as the Public Interest Law Clearing Houses - PILCH). The justiceconnect rules are very short and simple compared to the official model rules and have apparently been used by more than 600 organisations incorporated under the Victoria legislation.

The key issues addressed in the new ACKMA rules are:

- A new set of objectives to more accurately represent what ACKMA does;
- Introducing a new membership category that allows corporate bodies to join ACKMA but the privileges of membership (eg the right to vote at AGMs and receive journals) will apply to one person nominated by the member organisation;
- Outlining a process for creating Honorary Life Members;
- Family membership, which has never been a formal membership category, has not been included, as this was addressed by the changes to membership and Journal fees last year;
- Amending the membership year to coincide with the financial year; fees will in future fall due on 1 April each year (and next year, the committee will implement transitional arrangements to bring this into effect);
- The new Act combines the roles of Public Officer and Secretary (which ACKMA has unofficially called the Executive Officer for some years) under the position of Secretary and requires that the person holding the position resides in Australia;
- The new ACKMA rules keep the roles separate and require the Secretary (previously called Public Officer) to perform duties specifically required by the Act; and
- Formalising the position of Executive Officer to carry out the usual secretarial responsibilities (and there is no requirement for this person to reside in Australia);
- The Secretary (ie formerly public officer) will continue to be appointed rather than elected;
- Downsizing the committee by removing the positions of the Immediate Past President and the Convener of the next ACKMA Conference, recognising that if there is a need for these people to be involved in committee discussions, they could be invited to speak, or be co-opted;
- Allowing for up to two co-opted Committee members;
- Adding provision for committee decisions outside the annual committee meetings by including a provision for resolutions in writing, including email. These must be agreed to by an absolute majority of the Committee Members.
- Adding provision for the committee to offer a new member who joins in the final three months of the financial year, membership for the following year.
- Including provision for an AGM to take place within 48 hours of the notified time without a formal adjournment. As there is a legislated requirement to notify the time and place of a meeting well in advance, this provision allows ACKMA a degree flexibility in circumstances where everybody is very late back from a conference trip, or a bus breaks down, so that we can still hold an AGM during the conference week.