

***CONSTITUTION
OF THE
NEW SOUTH WALES
STATE EMERGENCY
SERVICE
VOLUNTEERS
ASSOCIATION
(SESVA)***

Table of Contents

1. General.....	4
1.1 Introduction	4
1.2 Name	4
1.3 Objectives.....	4
1.4 Structure.....	4
1.5 Powers.....	5
1.6 Definitions	6
1.7 Winding Up.....	8
2. Membership	9
2.1 Membership Eligibility.....	9
2.2 Nomination for membership:	9
2.3 Cessation of a member:	10
2.4 Membership entitlements not transferable:	11
2.5 Resignation of membership	11
2.6 Register of members	11
2.7 Fees and subscription.....	12
2.8 Members' liabilities.....	12
2.9 Resolution of disputes.....	12
2.10 Disciplining of members.....	12
2.11 Rights of appeal of disciplined member.....	13
2.12 Life Members	14
2.13 Members Bound by this Constitution	14
3. Zones & Regions.....	15
3.1 Zones	15
3.2 Region.....	15
3.3 Region Delegates.....	15
3.4 Functions of Region Delegates.....	15
3.5 Election of Region Delegates	15
4. Management	17
4.1 Definitions	17
4.2 Formation.....	17
4.3 Powers of the State Council	17
4.4 Membership	18
4.5 Alternative Delegate	18
4.6 State Executive	18
4.7 Powers of State Executive	19
4.8 Election of Executive Members.....	19
4.9 Term of Office	21
4.10 Casual Vacancies	22
4.11 Removal of State Executive Members	22
4.12 Removal of State Council Members	24
4.13 Departmental Advisors	25

5.	Annual General Meeting	26
5.1	Notice of AGM.....	26
5.2	Business of the AGM	26
5.3	Voting	26
5.4	Frequency of Meetings	26
5.5	Quorum.....	27
5.6	Powers to Call Extraordinary Meetings.....	27
5.7	Quorum	27
6.	Annual State Council Executive Election Meeting (ASCEEM)	28
6.1	Notice of ASCEEM	28
6.2	Business of the ASCEEM.....	28
6.3	Voting	28
6.4	Frequency of Meetings	28
6.5	Quorum	29
7.	State Council General Meeting (SCGM).....	30
7.1	Notice of SCGM.....	30
7.2	Business of SCGM.....	30
7.3	Voting.....	30
7.4	Frequency of meetings.....	30
7.5	Quorum.....	31
8	Responsibilities	32
8.1	State President	32
8.2	State Vice President	32
8.3	Zonal Executive Representative	33
8.4	State Secretary/Treasurer	33
8.5	Executive Officer	34
8.6	Region Delegates.....	35
8.7	Unit Representatives.....	35
8.8	Delegation	35
9.	Interpretation and Amendment of this Constitution	36
9.1	Interpretation of Constitution.....	36
9.2	Precondition to Moving an Amendment	36
9.3	Percentage required to carry a Motion of Amendment	36
9.4	Power to Make Regulations	36
10	Meetings and Written Notice	37
10.1	Meetings by telephone, etc.	37
10.2	Written Notice.....	37
11.	Finance	38
<u>11.1</u>	Financial Year	38

1. General (Part 1)

1.1 Introduction

- (1) This is the Constitution of the New South Wales State Emergency Service Volunteers Association.

1.2 Name

- (1) The name of the Association is “The New South Wales State Emergency Service Volunteers Association”. The association is referred to in this Constitution as the “SESVA”.

1.3 Objectives

- (1) The objectives of the SESVA are to:
- a. Provide a means for the consolidation and representation of the views and concerns of the volunteer members of the SES via such mechanisms as may be appropriate;
 - b. Provide tangible benefits to the volunteer members of the SES; and
 - c. Provide Public Education

1.4 Structure

- (1) The structure of the SESVA will be:
 - (a) An elected delegate from each Region or such other Regional or Administrative grouping as may be appropriate
 - (b) A State Council
 - (c) The State Executive

1.5 Powers

- (1) The SESVA:
 - (a) Shall have all powers necessary or incidental to the achievement of its objectives including the power to raise and control its own funds;
 - (b) Is constituted to carry out its objectives; and
 - (c) Shall apply its income and property solely towards its objectives.
 - (d) No portion of SESVA income or property shall be paid or transferred directly or indirectly to members by way of profit. This sub-clause shall not prevent:
 - (i) The payment or reimbursement of expenses incurred by a Member on behalf of the SESVA; or
 - (ii) The provision of scholarships or grants to Members of SES for educational or training purposes relative to SES.
 - (iii) The provision of development grants to Units.
 - (iv) The employment of persons for the purpose of pursuing the Objectives.

1.6 Definitions

- (1) In this constitution the following words and expressions shall have the meanings assigned to them, unless the context otherwise requires:
- (a) "ACT" means the Associations Incorporations Act 2009
 - (b) "AGM" means the Annual General Meeting of the Association;
 - (c) "ASCEEM" means the Annual State Council Executive Election Meeting of the State Council.
 - (d) "Association" means the New South Wales State Emergency Service Volunteers Association Incorporated
 - (e) "Commissioner" means the CEO of the Service as appointed by the NSW State Government from time to time.
 - (f) "Committee" means the State Council of the SESVA
 - (g) "Department" means that part of the New South Wales State Emergency Service which employs permanent staff;
 - (h) "Departmental Advisor" means paid staff nominated by the Commissioner of SES to attend committee meetings when requested to advise the committee on technical matters as requested by the committee.
 - (i) "EOS" means "Everyone's Online Service" an internet service set up by the SES that includes an e-mail address for every SES Volunteer.
 - (j) "Executive Officer" means the person appointed as the Executive Officer of the Association in accordance with this Constitution;

- (k) "JVCC" means the Joint Volunteers Consultative Council as defined in the SES Act 1989, as amended from time to time.
- (l) "Member" means a member of the SESVA as defined in clause 2 of this Constitution;
- (m) "Membership Register" means the register maintained in accordance with clause 2.6
- (n) "Public Officer" means the public officer of the association as defined and required by "the Act" and Regulation
- (o) "Region Delegate" means the elected SES volunteer from each SES Region to represent the volunteers from that Region on the State Council.
- (p) "Region" means a Region of the NSW SES determined in accordance with clause 3 of this Constitution;
- (q) "SCGM" means State Council General Meeting
- (r) "SES" means the NSW State Emergency Service;
- (s) "SES Volunteer" means an SES volunteer as determined by State Council
- (t) "SES Act 1989" means the New South Wales State Emergency Service Act 1989, as amended from time to time.
- (u) "State Council" means the elected Region Delegates and may be referred to as the Committee.
- (v) "State Executive" means the executive members of the association elected by the State Council
- (w) "Service" means the New South Wales State Emergency Service (SES).
- (x) "the Regulation" means the *Associations Incorporation Regulation 2010*.
- (y) "Zone" means one of three (3) electorates as determined by State Council for the purpose of electing a "Zone Executive Representative" on the State Executive Committee.

- (2) In this constitution “Secretary/Treasurer” means:
- (a) The person holding office under this constitution as Secretary/Treasurer of the association, or
 - (b) If no such person holds that office-the public officer of the association.
- (3) In this constitution:
- (a) A reference to a function includes a reference to a power, authority and duty, and
 - (b) A reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty.
- (4) The provisions of the Interpretation Act 1987 apply to and in respect of this constitution in the same manner as those provisions would so apply if this constitution were an instrument made under “the Act.”

1.7 Winding Up

- (1) If the SESVA is dissolved or wound up and all its debts are paid, any property remaining shall be given to a body chosen by the State Council which has objectives similar to the objectives of the SESVA and which prohibits distribution of property to its Members at least to the same extent as this Constitution.
- (2) If the State Council does not choose a body to receive the property of the SESVA, the property shall be transferred to the Department to be held in trust.
- (3) If the SESVA is not reformed within twelve months of its dissolution, the property shall be deemed to have been assigned to the Department for use in assisting the Service.

2. Membership (Part 2)

2.1 Membership Eligibility

- (1) A person is eligible to be a member of the association if the person is an SES Volunteer.
- (2) A person is a member of the association if the person:
 - (a) is an SES Volunteer
 - (b) has applied for membership in accordance with this Constitution; and
 - (c) has been accepted into membership in accordance with this Constitution.

2.2 Nomination for membership:

- (1) *Applications for membership of the Association will be in the form determined by the State Executive (for this clause the "application form").*
- (2) *The State Executive may publish the application form, determined in accordance with sub-clause (1), by any means it considers appropriate.*
- (3) *Applications for membership are to provide the completed application to the Executive Officer.*
- (4) *Application forms may be provided to the Executive Officer by:*
 - (a) *hard copy;*
 - (b) *facsimile;*
 - (c) *email; or*
 - (d) *completion on-line.*
- (5) *The association may, without limitation to this rule, publish application forms, and accept applications for membership, by means of the internet, and in relation to any applications received by means of the internet the provisions of the Electronic Transactions Act 2000 apply and an applicant for membership will be taken to have signed the application form if the requirements of section 9 of the Electronic Transactions Act 2000 are met.*
- (6) *No omission, irregularity or want of form will invalidate an application for membership provided that the:*
 - (a) *applicant for membership intended the document they submitted to the association to be an application for membership; and*
 - (b) *association treated the document submitted as an application form for membership.*

- (7) *The Executive Officer will refer all applications by applicants for membership to the State Executive for nomination and acceptance.*
- (8) *An applicant for membership becomes a member when the applicant's application is nominated by a member of the State Executive and accepted by the State Executive.*
- (9) *Nothing in this clause prevents the State Executive from entering into an arrangement with the Department to facilitate Volunteers becoming members of the association.*
- (10) *Applicants for membership will, when admitted to membership in accordance with this clause, enjoy all the advantages of membership of the association so long as they comply with this constitution.*
- (11) *A person admitted to membership of the association will have their name, and such other information as is required by this Constitution, entered on the Membership Register.*

2.3 Cessation of a member:

- (1) A person ceases to be a member of the association if the person:
 - (a) Dies, or
 - (b) Resigns membership, or
 - (c) Is expelled from the association.
 - (d) Resigns or is expelled from membership of the SES

2.4 Membership entitlements not transferable:

- (2) A right, privilege or obligation which a person has by reason of being a member of the association:
 - (a) is not capable of being transferred or transmitted to another person, and
 - (b) terminates on cessation of the person's membership
 - (c) terminates on cessation of the person being an SES volunteer

2.5 Resignation of membership

- (1) A member of the association may resign from membership of the association by first giving to the Executive Officer written notice of at least one month (or such other period as the committee may determine) of the member's intention to resign and, on the expiration of the period of notice, the member ceases to be a member
- (2) If a member of the association ceases to be a member under subclause (1) and in every other case where a member ceases to hold membership, the Executive Officer must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

2.6 Register of members

- (1) *The Public Officer must maintain a register of members of the association which contains the following information:*
 - (a) *the full name of the member;*
 - (b) *the postal or residential address of the member;*
 - (c) *the contact phone numbers of the member;*
 - (d) *the email address of the member;*
 - (e) *the date of admission as a member;*
 - (f) *the Region and Unit to which the member is attached;*
 - (g) *the date of resignation, termination of the members' membership or date of death of the member; and*
 - (h) *any other particulars the State Executive may determine.*

- (2) The register of members must be kept in New South Wales:
 - (a) at the main premises of the association, or
 - (b) if the association has no premises, at the association's official address.
- (3) The register of members must be open for inspection, free of charge, by any member of the association at any reasonable hour.
- (4) A member of the association 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) 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 that information must not be made available for inspection.
- (6) 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 purpose of sending the person a newsletter, a notice in respect of a meeting or other event relating to the association or other material relating to the association, or
 - (b) any other purpose necessary to comply with a requirement of the Act or the Regulation

2.7 Fees and subscription

- (1) There is no membership fee, annual subscription fee or any similar fee payable by members, whether upon joining the SESVA, annually or on any other basis.

2.8 Members' liabilities

- (1) The members of the association have no liability to contribute towards the payment of debts and liabilities of the association or the cost, charges and expenses of the winding up of the association.

2.9 Resolution of disputes

- (1) A dispute between a member and another member (in their capacity as members) of the association, or a dispute between a member or members and the association, is to be referred to a community justice centre for mediation under the Community Justice Centre Act 1983
- (2) If a dispute is not resolved by mediation within 3 months of the referral to a community justice centre, the dispute is to be referred to arbitration.
- (3) The Community Arbitration Act 1984 applies to any such dispute referred to arbitration.

2.10 Disciplining of members

- (1) A complaint may be made to the State Executive by any person that a member of the association:
 - (a) has refused or neglected to comply with a provision or provisions of this constitution, or
 - (b) has willfully acted in a manner prejudicial to the interest of the association.
- (2) The State Executive may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.
- (3) If the State Executive decides to deal with the complaint, the State Executive:
 - (a) must cause notice of the complaint to be served on the member concerned, and
 - (b) must give the member at least 14 days from the time the notice is served within which to make submissions to the State Executive in connection with the complaint, and
 - (c) must take into consideration any submissions made by the member in connection with the complaint.
- (4) The State Executive may, by resolution, expel the member from the association or suspend the member from membership of the association if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved and the expulsion or suspension is warranted in the circumstances.
- (5) If the State Executive expels or suspends a member, the Executive Officer must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the State Executive for having taken that action and of the member's right of appeal under clause 2.11,
- (6) The expulsion or suspension does not take effect:
 - (a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or
 - (b) if within that period the member exercises the right of appeal, unless and until the association confirms the resolution under clause 2.11, whichever is the later.

2.11 Rights of appeal of disciplined member

- (1) A member may appeal to the State Council in SCGM against a resolution of the State Executive under clause 2.10, within 14 days after notice of the resolution is served on the member, by lodging with the Executive Officer a notice to that effect.
- (2) The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.
- (3) On receipt of a notice from a member under subclause (1), the Executive Officer must:

- (i) notify the committee that an appeal has been lodged, and that the appeal will be listed as an agenda item at the next SCGM.
 - (ii) notify the appealing member of the date and venue of the SCGM.
- (4) At a SCGM of the association
- (a) the State Executive and the member must be given the opportunity to state their respective cases orally or in writing, or both, and
 - (b) the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (5) The appeal is to be determined by simple majority of votes cast by members of the committee attending the SCGM.

2.12 Life Members

- (1) The State Council from time to time may elect a person as a Life Member of the SESVA. To be eligible as a Life Member a person must have given meritorious service to the SESVA.
- (2) A person shall be elected a Life Member of the SESVA if a motion to the effect is passed by a majority of not less than three quarters of all the members of the State Council (including those not present on the day).

2.13 Members Bound by this Constitution

- (1) Each Member agrees to be bound by the provisions of this Constitution.

3. Zones & Regions (Part 3)

3.1 Zones

- (1) Zones are electorates as determined by State Council for the purposes of nominating and electing three members of the Executive Committee.
- (2) “The three (3) electoral Zones shall be called: Northern Zone, Central Zone and Southern Zone. The first Southern Zone “Region Delegate” Elections will be conducted in the year 2012 and then conducted every three (3) years thereafter, the first Northern Zone “Region Delegate” Elections will be conducted in the year 2013 and then every three (3) years thereafter and the first Central Zone “Region Delegate” Elections will be conducted in the year 2014 and then every three (3) years thereafter.

3.2 Regions

- (1) Regions are defined as those areas comprising the NSW State Emergency Service Regions as determined by the Commissioner of the NSW State Emergency Service from time to time in accordance with the SES Act 1989.

3.3 Region Delegates

- (1) Region Delegates will be elected for a period of three (3) years and are eligible to stand for re-election at the end of their elected term.

3.4 Functions of Region Delegates

- (1) The functions of the Region Delegates shall be to:
 - (a) Promote the objectives and policies of the SESVA; and
 - (b) Act as the focal point to receive and represent the opinions, views, concerns and suggestions of the Members within their Region and represent the Region at the State Council.
 - (c) Other duties as determined/requested from time to time by the State Council
 - (d) With assistance from Unit Representatives, provide the Executive Officer of the details of members who leave the Service or otherwise become ineligible for VA membership.

3.5 Election of the Region Delegates

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- (1) The Region Delegates will be elected in accordance with the following provisions:
- (a) The Executive Officer will call for expressions of interest from a separate Zone each year from all the Members of each Region located within the said Zone.
 - (b) The Executive Officer will prepare a ballot from the members of the Regions' located within the Zone who have expressed an interest in being a Region Delegate, and distribute it to all SESVA Members within the Region for voting.
 - (c) The determination of the successful Region Delegate shall be drawn from the result of a majority vote and all candidates will be advised of the result of the ballot.
 - (d) If only one nomination is received from the Region that nominee will be appointed the Region Delegate.
 - (e) The term of office will start from the beginning of the election of office bearers when conducted at the ASCEEM in the year of the Zone election.

4. Management (Part 4)

4.1 Definitions

- (1) *The following words shall have the meaning assigned for the purposes of Part 4:*
- (2) *“Association Fund” means all the funds, real and other property of the Association together with any interest or accretions to the fund by way of membership subscriptions, rents, proceeds of lotteries, grants or other payments.*
- (3) *“Officer” means:*
 - a) *State President;*
 - b) *State Vice President;*
 - c) *Zonal Executive Representative;*
 - d) *State Secretary/Treasurer.*
- (4) *“Zonal Executive Representative” means the:*
 - a) *Northern Zone Executive Representative;*
 - b) *Central Zone Executive Representative; and*
 - c) *Southern Zone Executive Representative.*

4.2 Formation

- (1) *There shall be a State Council*

4.3 Powers of the State Council

- 1) *Subject to the Act, the Regulation and this constitution the State Council shall:*
 - a) *manage the affairs of the Association;*
 - b) *make and direct policy, and*
 - c) *generally to take such actions as it considers necessary for the furtherance of the SESVA and its objectives.*
- 2) *The State Council may determine the form of the State Secretary/Treasurer’s Statement and Auditor’s Report.*

- 3) *The State Council has the power to delegate its functions and to terminate any delegation of function.*

4.4 Membership

- 1) *The State Council shall consist of a Delegate from each Region.*

4.5 Alternative Delegate

- (1) If an elected Delegate to the State Council is unable to attend a meeting of the State Council, the Delegate may appoint in writing an alternative Delegate to attend in that persons stead.

4.6 State Executive

4.1. State Executive

- 1) The State Executive shall consist of:
 - a) a State President;
 - b) a Northern Zone Executive Representative;
 - c) a Central Zone Executive Representative;
 - d) a Southern Zone Executive Representative; and
 - e) a State Secretary/Treasurer.
- 2) The members of the State Executive shall be elected as follows:
 - a) the State President – by, and from, the members of State Council;
 - b) the Northern Zone Executive Representative – by State Council from the State Council members of the Northern Zone;
 - c) the Central Zone Executive Representative – by State Council from the State Council members of the Central Zone;
 - d) the Southern Zone Executive Representative – by State Council from the State Council members of the Southern Zone; and
 - e) the State Secretary/Treasurer – by and from the members of State Council.
- 3) There shall be a State Vice-President who shall be elected by State Council from the Zonal Executive Representatives, and who shall also be, subject to this clause 1.6, a member of the State Executive.

- 4) No member is permitted to hold more than one position on the State Executive at one time, other than a Zonal Executive Representative who may also hold the office of State Vice President but who, if holding both offices, only be entitled to exercise a single vote in relation to those offices.

4.7 Powers of State Executive

- 1) The State Executive shall between meetings of the State Council, subject to this constitution and this Part 4, manage the SESVA.
- 2) The State Executive must report, on an annual basis, to the State Council on the affairs of the SESVA.
- 3) The State Executive may:
 - a) authorise payments on behalf of the SESVA;
 - b) determine the manner in which the SESVA is to administer the Association Fund; and
 - c) appoint an Executive Officer on such terms and conditions as are appropriate.

4.8 Election of Executive Members

- 1) Elections for Offices shall be conducted at ASCEEM as follows:
 - a) For the purposes of this clause the following words have the meaning assigned:
 - i. the "Meeting" is the ASCEEM;
 - ii. "Electoral College Attendees" are the members of the State Council in attendance at the Meeting.
 - b) The Officers shall be elected by a collegiate electoral system.
 - c) The electoral college shall be the State Council.
 - d) The Returning Officer shall, at the Meeting, call for nominations for vacant Offices from amongst members of the Electoral College, provided that in the case of the election for the State Vice-President the nominations shall be called from amongst the Zonal Executive Representatives.
 - e) Nominations shall be seconded by another member of the Electoral College.
 - f) No person may nominate for, nor hold, more than 1 Office except for the Office of State Vice- President and Zonal Executive

Representative and then only in accordance with sub-clause 1.6 of Part 4 of this Constitution.

- g) If at the close of nominations, only the required number of nominations have been received for an Office, the Returning Officer shall declare the candidate elected and promptly advise the State Council.
- h) If there are more than the required number of candidates for an Office, the Returning Officer shall conduct at the Meeting an election by secret ballot of the Electoral College Attendees.
- i) The Returning Officer shall arrange for the preparation of ballot papers on which the candidates' names shall appear in alphabetical order.
- j) The Returning Officer shall initial and hand to each Electoral College Attendee a ballot paper.
- k) The Returning Officer shall notify each Electoral College Attendee of the opening and closing time of the ballot.
- l) The Returning Officer must instruct the Electoral College Attendees that they must not disclose their identity when voting and that any ballot paper marked as to disclose the identity of the voter shall be discarded and shall not be counted in the ballot.
- m) Each Electoral College Attendee is entitled to cast a vote in relation to each Office the subject of election.
- n) Each Electoral College Attendee shall:
 - i. cast a vote by completing the ballot paper by placing a "x", or other mark, against the name of each candidate the voter wishes to vote for so that their intention is clear; and
 - ii. place the completed ballot paper in the ballot box in the control of the Returning Officer.
- o) Any member of the Electoral College who shall not be present at the Meeting may appoint (despite any other clause of this Constitution) an Electoral College Attendee to vote as their proxy and such appointed member shall be entitled to vote in their own right and as proxy, provided that Electoral College Attendee can not exercise more than one proxy vote.
- p) The Returning Officer must promptly count the ballot, once the ballot is closed, in the presence of scrutineers (if any) appointed by the candidates for election.

- q) The candidate securing the highest number of votes in relation to each Office shall be declared elected.
- r) The Returning Officer shall promptly advise the State Council of the result.

4.9 Term of Office

- 1) The term of office for each of the Offices is:
 - a) State President – 2 years;
 - b) State Vice President – 1 year;
 - c) Zonal Executive Representative – 1 year; and
 - d) State Secretary/Treasurer – 2 years.
- 2) The maximum continuous period for which an Office may be continuously held is:
 - a) State President – 6 years;
 - b) State Vice President – 6 years;
 - c) State Secretary/Treasurer – 6 years; and
 - d) Zonal Executive Representative – 6 years.
- 3) The maximum period for which a member can be a continuous State Council member is 12 years.
- 4) The maximum period for which Offices on the Executive can, when taken as a whole, be continuously held is 9 years.
- 5) For the purposes of this clause “continuously” means where there is no break of more than 3 months between the holding of the relevant positions or Offices.
- 6) Each member of the State Executive is, subject to this constitution, to hold office until they are replaced by their successors, die, resign or otherwise removed in accordance with this Constitution.
- 7) State Executive members are, subject to this clause, eligible for re-election.
- 8) The State President and the State Secretary/Treasurer shall on election to office continue to hold that office for the term provided by this Part 4, even if they no longer hold a position of a State Council Delegate.
- 9) The State Executive may determine that the Offices of State President and State Secretary/Treasurer are to be elected in alternate years and where the

State executive so determines then the term of the State Secretary/Treasurer shall in the election next following the determination be, despite any clauses to the contrary, for only one year and thereafter for 2 years.

4.10 Casual Vacancies

- (1) In the event of a casual vacancy in the office of State President, the State Vice President shall be appointed to the office for the balance of the previous State President's term.
- (2) In the event of a casual vacancy in the office of State Vice President the State Executive shall appoint from the Zonal Executive Representatives a State Vice President who shall be appointed to the office for the balance of the previous State Vice President's term.
- (3) In the event of a casual vacancy in the office of Zonal Executive Representative the State Executive shall appoint from the members of State Council representing the respective Zone a Zonal Executive Representative who shall hold the office for the balance of the previous Zonal Executive Representative's term.
- (4) In the event of a casual vacancy in the office of State Secretary/Treasurer the State Executive shall appoint from the members of State Council a State Secretary/Treasurer who shall hold the office for the balance of the previous State Secretary/Treasurer's term.
- (5) In the event of a casual vacancy of a member of State Council the State Executive shall appoint a member from the respective Region who shall hold the position for the balance of the term remaining.
- (6) For the purposes of sub-clause 1.10 (5) "casual vacancy" includes the circumstance where there is at election no nomination from a particular Region for the office of member of State Council.

4.11 Removal of State Executive Members

- (1) An Officer may be removed from Office where that Officer has been found guilty under this clause, of:
 - a) misappropriation of funds of the SESVA;
 - b) a substantial breach of this Constitution;
 - c) gross misbehaviour;
 - d) gross neglect of duty.

- (2) An Officer may be removed from Office where that Officer has ceased, under this Constitution to be eligible to hold that Office.
- (3) A member may:
 - a) charge an Officer with any of the offences referred to in sub-clause 1; or
 - b) request the State Council remove an Officer who is no longer eligible to hold their Office.
- (4) The member making a charge shall provide the Executive Officer with:
 - a) particulars in writing of the offences charged; and
 - b) reasons why the Officer is no longer eligible to hold their Office.
- (5) The Executive Officer shall, by written notice delivered to the Officer concerned, notify the Officer of the charges and/or grounds for removal and their particulars and shall do so in sufficient time to enable the Officer reasonable opportunity to answer the allegations.
- (6) The charges and/or allegations as to ineligibility shall, within 60 days of the Executive Officer being notified of the charges and/or allegations as to ineligibility, be heard and determined at a special meeting of State Council.
- (7) When dealing with a charge and/or allegation as to ineligibility made in accordance with this clause State Council shall take all reasonable care to ensure that the charges are fairly, and fully, dealt with and that a reasonable opportunity is provided to the Officer concerned to respond, at State Council, to the charge.
- (8) An Officer who determines to defend charges made against them is not entitled to be represented by anyone other than themselves or another member.
- (9) If the State Council finds the Officer guilty, it may do one or more of the following:
 - a) impose no penalty;
 - b) fine the Officer any sum not exceeding \$100.00;
 - c) remove the Officer from their Office;
 - d) suspend the Officer from membership or deprive the member of any right or benefit of membership for a specified period of not more than 6 months; or
 - e) terminate the membership of the Officer.
- (10) Where an Officer is fined pursuant to this clause, the Officer is required to pay the fine within 10 days of having been notified, in writing, of the imposition of the fine.
- (11) No appeal shall lie at the instance of the Officer charged from any decision of State Council made pursuant to this clause.

- (12) If upon investigation the charge and/or allegations as to ineligibility is found to be frivolous the State Council shall promptly advise the Officer concerned and shall, if requested to do so by the Officer concerned, advise the members.

4.12 Removal of State Council Members

- (1) A State Council Member, other than an Officer, may be removed from State Council where that member has been found guilty under this clause, of:
- a) misappropriation of funds of the SESVA;
 - b) a substantial breach of this Constitution;
 - c) gross misbehaviour;
 - d) gross neglect of duty.
- (2) A State Council Member may be removed from State Council where that member has ceased, under this Constitution to be eligible to be a member of State Council for the Region concerned.
- (3) A member may:
- a) charge a State Council Member with any of the offences referred to in sub-clause 1; or
 - b) request the State Council remove a State Council Member who is no longer eligible to be a member of State Council for the Region concerned.
- (4) The member making a charge shall provide the Executive Officer with:
- a) particulars in writing of the offences charged; or
 - b) reasons why the State Council Member is no longer eligible to be a member of State Council for the Region concerned.
- (5) The Executive Officer shall, by written notice delivered to the State Council Member concerned, notify the State Council Member of the charges and/or grounds for removal and their particulars and shall do so in sufficient time to enable the State Council Member reasonable opportunity to answer the allegations.
- (6) The charges and/or allegations as to ineligibility shall, within 60 days of the Executive Officer being notified of the charges and/or allegations as to ineligibility, be heard and determined at a special meeting of State Council.
- (7) When dealing with a charge and/or allegation as to ineligibility made in accordance with this clause State Council shall take all reasonable care to ensure that the charges are fairly, and fully, dealt with and that a reasonable opportunity is provided to the State Council Member concerned to respond, at State Council, to the charge and/or allegations.

- (8) A State Council Member who determines to defend charges made against them is not entitled to be represented by anyone other than themselves or another member.
- (9) If the State Council finds the State Council Member guilty of a charge, it may do one or more of the following:
 - a) impose no penalty;
 - b) fine the State Council Member any sum not exceeding \$100.00;
 - c) remove the State Council Member from State Council;
 - d) suspend the State Council Member from membership or deprive the member of any right or benefit of membership for a specified period of not more than 6 months; or
 - e) terminate the membership of the State Council Member.
- (10) If the State Council finds the State Council Member is no longer eligible to be a member of the State Council for the Region concerned, remove the State Council Member from State Council.
- (11) Where a State Council Member is fined pursuant to this clause, the State Council Member is required to pay the fine within 10 days of having been notified, in writing, of the imposition of the fine.
- (12) No appeal shall lie at the instance of the State Council Member charged from any decision of State Council made pursuant to this clause.
- (13) If upon investigation the charge and/or allegations as to ineligibility is found to be frivolous the State Council shall promptly advise the State Council Member concerned and shall, if requested to do so by the State Council Member concerned, advise the members.

4.13 Departmental Advisors

- (1) Department Advisors may be invited to attend Council Meetings.

5. Annual General Meeting (AGM) (Part 5)

- (1) The AGM of the association shall be held no later than the 1st of December in each year or as determined by the State Executive.

5.1. Notice of AGM

- (1) The Executive Officer shall give at least 21 days' notice in writing of the date, time, place and agenda of the AGM to each member of the association. Such notice is deemed to have been given if transmitted to each member via their nominated e-mail or SES EOS e-mail address.

5.2. Business of the AGM

- (1) The business of each association AGM shall include:
 - (a) Confirmation of the Minutes of the previous AGM;
 - (a) Consideration of a written report of the State Executive;
 - (b) Consideration of the Treasurers Statement and Auditors Report for the year;
 - (c) Consideration of any motion to amend this Constitution; and
 - (d) Any other business of which notice has been given.
- (2) The Executive Officer shall ensure that all association members are advised of the date, time, place and agenda of the AGM.
- (3) The State President shall normally chair all meetings of the association
- (4) Should the State President be absent, unwilling, or unable to chair a meeting, the State Vice President shall chair the meeting.

5.3. Voting

- (1) All questions arising at a meeting of the association shall be decided by majority vote of those Members of the association present and entitled to vote unless otherwise specified in this Constitution.
- (2) The Chairperson of a meeting of the association shall have both the deliberative and casting vote.

5.4. Frequency of Meetings

- (1) The association shall meet at least once each calendar year.

5.5. Quorum

- (1) The quorum for the AGM of the association is at least fifteen (15) members of the association
- (2) Where a meeting is called but does not achieve a quorum and a second meeting is called within thirty (30) days, the Members of the association attending the second meeting shall be deemed to constitute a quorum, provided that all Members of the association received no less than seven (7) days' notice of the second meeting.

5.6. Powers to Call Extraordinary General Meetings

- (1) The committee may, whenever it thinks fit, convene a special general meeting of the association.
- (2) The committee must, on the requisition in writing of at least 25 per cent (25%) of the total number of members, convene a special general meeting of the association.
- (3) A requisition of members for a special general meeting:
 - (a) Must state the purpose or purposes of the meeting, and
 - (b) Must be signed by the members making the requisition, and
 - (c) Must be lodged with the Executive Officer, and
 - (d) May consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- (4) If the committee fails to convene a special general meeting to be held within 1 month after that date on which a requisition of members for the meeting is lodged with the Executive Officer, any one or more of the members who made the requisition may convene a special general meeting to be held not later than 3 month after that date.
- (5) A special general meeting convened by a member or members as referred to in subclause (4) must be convened as nearly as is practicable in the same manner as general meetings are convened by the committee.

5.7. Quorum

- (1) The quorum for a special general meeting of the association is at least fifteen (15) members of the association.
- (2) Where a meeting is called but does not achieve a quorum and a second meeting is called within thirty days, the Members of the association attending the second meeting shall be deemed to constitute a quorum, provided that all Member of the association received no less than seven days' notice of the second meeting.

6. Annual State Council Executive Election Meeting (ASCEEM) (Part 6)

- (1) The ASCEEM of the State Council shall be held no later than the 1st of December in each year or as determined by the State Executive.

6.1. Notice of the ASCEEM

- (1) The Executive Officer shall give at least 21 days' notice in writing of the date, time, place and agenda of the ASCEEM to each member of the State Council.

6.2. Business of the ASCEEM

- (1) The business of each ASCEEM shall include:
- (a) Confirmation of the Minutes of the previous ASCEEM;
 - (b) Appointment of a Returning Officer to conduct the Executive Committee election.
 - (c) Election of the office bearers of the Executive Committee
 - (d) Any other business of which notice has been given.
- (2) The State President shall normally chair all meetings of the association.
- (3) Should the State President be absent, unwilling, or unable to chair a meeting, the State Vice President shall chair the meeting.

6.3. Voting

- (1) All questions arising at a meeting of the State Council shall be decided by majority vote of those Members of the State Council present and entitled to vote unless otherwise specified in this Constitution.
- (2) The Chairperson of a meeting of the State Council shall have both the deliberative and casting vote.

6.4. Frequency of Meetings

- (1) The ASCEEM shall be held once each calendar year

6.5. Quorum

- (1) The quorum for the ASCEEM is at least 3 members of the State Executive plus 6 Region Delegates.
- (2) Where a meeting is called but does not achieve a quorum and a second meeting is called within thirty days, the Members of the State Council attending the second meeting shall be deemed to constitute a quorum, provided that all Members of the State Council received no less than seven days' notice of the second meeting.

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7. State Council General Meeting (SCGM) (Part 7)

7.1. Notice of SCGM

- (1) The Executive Officer shall give at least 21 days' notice in writing of the date, time, place and agenda of the SCGM to each member of the State Council.

7.2. Business of the SCGM

- (1) The business of the SCGM shall include:
 - (a) Confirmation of the minutes of the previous SCGM
 - (b) Consideration of a written report of the State Executive
 - (c) Consideration of Secretary/Treasurers report
 - (d) Consideration of Committee reports
 - (e) Consideration of paid employee(s) reports
- (2) Consideration of any items arising concerning clause 2.10 and 2.11 of the constitution.
- (3) General business session.
- (4) The State President shall normally chair all meetings of the association
- (5) Should the State President be absent, unwilling or unable to chair the meeting, the State Vice President shall chair the meeting.
- (6) Should both the State President and the State Vice President be absent, unable or unwilling to chair a meeting, the members attending may elect one of their number to chair the meeting.

7.3. Voting

- (1) All questions arising at a meeting of the State Council shall be decided by majority vote of those members of the State Council present and entitled to vote unless otherwise specified in this constitution.
- (2) The Chairperson of a meeting of the State Council shall have both the deliberative and casting vote.

7.4. Frequency of meetings

- (1) The State Council shall meet at least two (2) times each calendar year.

7.5. Quorum

- (1) The quorum for a SCGM is at least two (2) members of the State Executive plus at least three (3) other Region Delegates
- (2) Where a meeting is called but does not achieve a quorum and a second meeting is called within thirty (30) days, the Members of the State Council attending the second meeting shall be deemed to constitute a quorum, provided that all Members of the State Council received no less than seven (7) days, notice of the second meeting.

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8. Responsibilities (Part 8)

8.1. State President

- 1) The duties of the State President are as follows:
 - a) issue personally an annual report of the SESVA and forward this report to all members of the Association, State Council and any SESVA bodies;
 - b) preside at meetings of the Association and State Council and issue the call, through the Executive Officer, for all meetings of the Association and State Council;
 - c) be responsible for calling a general meeting of:
 - i. the Association at least once per year (the AGM);
 - ii. the ASCEEM once each year;
 - iii. the State Council at least two (2) times every twelve months; and
 - iv. Executive Committee meetings at least four (4) times every twelve months;
 - d) represent the Association on the Joint Volunteer Consultative Council.
- 2) Other duties as directed by State Council.

8.2 State Vice President

- 3) The duties of the State Vice President are as follows:
 - a) act on behalf of the State President where required or requested;
 - b) preside at meetings of the association and State Council and issue the call, through the Executive Officer, for all meetings of the Association and State Council when the State President is unable to do so.
- 4) Other duties as directed by State Council.

8.3 Zonal Executive Representative

- 5) The duties of the Zonal Executive Representatives are as follows:
 - a) represent the interest of the Zone, from which they are elected, on the Executive Committee; and
 - b) work with the Region Delegates located within their Zone, in conjunction, and consultation with, the Executive Committee and the Executive Officer, to promote the Association.
- 6) Other duties as directed by State Council

8.4 State Secretary/Treasurer

- 7) The State Secretary/Treasurer of the Association must, as soon as practicable after being appointed as State Secretary/Treasurer, lodge notice with the Association of his or her address.
- 8) It is the duty of the State Secretary/Treasurer to:
 - a) ensure minutes are recorded of all appointments of office-bearers and members of the State Council and Executive Committee;
 - b) ensure minutes are recorded of the names of members of the committee present at a committee meeting or a general meeting,
 - c) ensure minutes are recorded of all proceedings at committee meetings and general meetings;
 - d) ensure that all money due to the Association is collected and received and that all payments authorised by the association are made,
 - e) ensure that correct books and accounts are kept showing the financial affairs of the Association, including full details of all receipts and expenditure connected with the activities of the Association; and
 - f) ensure that the 'Secretary/Treasurer' Statements and Auditors reports required to be presented at AGMs and SCGMs are presented.
- 9) Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.
- 10) Other duties as directed by State Council.

8.5 Executive Officer

(1) If an Executive Officer is appointed the Executive Officer shall:

- a. manage the day-to-day affairs of the Association;
 - b. develop, plan and implement goals, objectives, and programs;
 - c. evaluate effectiveness in accomplishing organisational goals;
 - d. manage marketing and public relations;
 - e. oversee contractual obligations of the Association;
 - f. act, in conjunction and consultation with the State President:
 - i) as spokesperson for the Association;
 - ii) as the advocate for the Association;
 - g. represent, in conjunction and consultation with the State President:
 - i) the Association on policy-making matters;
 - ii) the Association including negotiations with the SES Commissioner and elected members of the NSW Parliament on matters pertaining to the Associations objectives.
 - h. work in consultation with the State Secretary/Treasurer in relation to performing financial and administrative functions;
 - i. together with the State Secretary/Treasurer, report on the Association's financial status to the State Executive;
 - j. participate with the State Executive in developing organisational policy; and
 - k. perform other duties as directed by the State Executive or the State Council.
- 2) The Executive Officer shall be accountable to the State Executive and report directly to the State President.
- 3) The Executive Officer must report on the affairs of the Association to the State Executive on a monthly basis via teleconferencing and by written reports for Executive Committee meeting and State Council meeting.

- 4) The State Executive may, as the State Executive considers appropriate, delegate to the Executive Officer authority to expend Association funds, and provide for the circumstances in which that expenditure may occur.
- 5) The State Executive may direct the manner in which the Executive Officer is to administer the Association Fund.

8.6 Region Delegates

- (1) It is the duty of Region Delegates of the association to:
 - (a) Assist where required by the State Council;
 - (b) Process particular issues as delegated;
 - (c) Communicate SESVA information to all Members and Units in their Region.
 - (d) Distribute information and newsletters to Members
 - (e) Assist the Executive Officer in updating membership lists on an ongoing basis.
 - (f) Assist in the establishment of Unit Representatives.
 - (g) Develop a working relationship with their Region Controller
 - (h) Visit all SES Units within their Regions at least once during their term of office.
 - (i) Attend training courses as determined by State Council
 - (j) Represent the association on Region Volunteer Consultative Committees
- (2) Other duties as determined/requested by State Council

8.7 Unit Representatives

- (1) The duties of Unit Representatives shall be to handle all SESVA affairs at a Unit level; including keeping all membership lists up to date and advising their Region Delegates and the Executive Officer as and when members cease to qualify for SESVA membership.

8.8 Delegation

- 11) A reference, in this Part 4, to the performance of a duty by any Officer or person is inclusive of a reference to the Officer or person causing the duty to be discharged and/or inclusive of the duty being discharged by any other member or person holding the written delegation of the Officer or person.

9. Interpretation and Amendment of this Constitution (Part 9)

9.1. Interpretation of Constitution

- (1) Issues relating to the interpretation of this Constitution which arise at a meeting of the association or State Council shall be decided in the first instance by a ruling of the Chairperson of the meeting.
- (2) A ruling of the State Executive on any matter relating to this constitution shall be binding upon the SESVA unless it is overruled by a resolution of the State Council.

9.2. Precondition to Moving an Amendment

- (1) A motion for amendment of this Constitution shall not be considered unless the intention to move the amendment is included in the notification of the AGM distributed in accordance with clause 5 of the Constitution

9.3. Percentage required to carry a Motion of Amendment

- (1) A motion amending this Constitution shall not be carried unless at least two thirds of members voting vote in favour of it.

9.4. Power to Make Regulations

- (1) The State Council shall have power to make regulations consistent with this Constitution.
- (2) Regulations made in accordance with these provisions shall not form part of the constitution.

10. Meetings and Written Notice (Part 10)

10.1. Meetings by telephone, etc.

- (1) A reference in this Constitution to a validly constituted meeting includes a reference to a situation where, through a link established by means of any system of telephone, audio or audio visual communication, the member or members absent from the place appointed for a meeting can hear and be heard by:
 - (a) One another (if more than one); and
 - (b) The Member or Members in attendance at the place, for the purposes of being present at the meeting.
- (2) Members are deemed to be present at a meeting when part subclause (1) applies.
- (3) A meeting may be validly constituted under clause 10.1 (1) only if:
 - (a) The nature of the communication link is made known to each member entitled to be present at the meeting; and
 - (b) Each Member entitled to be present at the meeting is given a reasonable opportunity to participate in the meeting by way of the communication link.

10.2. Written Notice

- (1) If written notice is required to be given by this Constitution, the notice shall be effective if handed personally to the person concerned or if sent by pre-paid post to the last known address of the member or if sent via email to the last known email address of the member. An SES EOS e-mail address may be utilized for this purpose. If the notice is sent by pre-paid post the time of giving notice shall be the date of posting. If the notice is sent by email the time of giving notice shall be the date of sending the email.

11. Finance (Part 11)

11.1. Financial Year

(1) The Financial year shall be the 1st July to the 30th June.

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