

DRAFT
CONSTITUTION
**COUNTRY FIRE SERVICE
VOLUNTEERS ASSOCIATION**

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CONSTITUTION OF THE
**COUNTRY FIRE SERVICE
VOLUNTEERS ASSOCIATION**

PREAMBLE

The Country Fire Service Volunteers Association Incorporated (formerly the South Australian Volunteer Fire Brigades Association) was formed in 1984 as a result of the coming together of regional Fire Fighting Associations. The Association is recognised in the SA Fire and Emergency Services Act 2005, stating:

14 [1] The Country Fire Service Volunteers Association Incorporated (formerly the South Australian Volunteer Fire Brigades Association) is recognised as an association that represents the interests of members of CFS organisations.

[2] The Association may take such steps as may be reasonably available to it to advance the interests of members of CFS organisations.

[3] The Association –

[a] is a body corporate; and

[b] has full juristic capacity to exercise any powers that are by their nature capable of being exercised by a body corporate.

REVISION INDEX

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CONSTITUTION

1. NAME:

The Association shall be known as the “Country Fire Service Volunteers Association Incorporated” and is hereinafter referred to as “the Association.”

The name of the Association may be changed by resolution at an Annual General Meeting or Special General meeting. The rules applying to constitutional change will apply.

2. DEFINITIONS:

In this constitution unless the contrary intention appears –

The **Act** means the SA Fire and Emergency Services Act (2005) as amended, and its successors;

“**Association Board**” means the State governing Board of the Association;

“**Auxiliary**” means the South Australian Volunteer Firefighters Auxiliary a fully registered subsidiary of the Association;

“**Branch**” means a branch as constituted and defined in 8.4;

“**Branch Delegate**” means a delegate appointed by a Branch;

“**Brigade**” means a Brigade as constituted and recognised in accordance with the Regulations;

“**Committee**” can include sub-committee or working group;

“**Delegate**” means a member appointed by an SACFS organisation to represent that organisation at meetings of the Association;

“**Executive**” means the three Office Bearers plus the Executive Officer;

“**General Meeting**” means a general meeting of the Association convened in accordance with the constitution;

“**Group**” means a group of 2 or more Brigades as constituted and recognised in accordance with the Regulations;

“**Guest**” means a person who has been invited to attend a meeting of the Association;

“**Member**” means a volunteer member of an SACFS organisation as defined in the Regulations;

“Management Committee” means the Management Committee of the Association as defined in 8.3;

“Observer” means a member of an SACFS Organisation who attends a meeting of the Association that has no voting rights;

“Office Bearer” means those holding the position of State President, Vice-president and Deputy Vice-President;

“South Australian Country Fire Service” or **“SACFS”** means the Country Fire Service constituted under the Act;

“SACFS Organisation” means –

- [a] an Association Branch
- [b] an SACFS Brigade; or
- [c] an SACFS Group;

“The Regulations” being the regulations made pursuant to the Act.

3. POWERS:

The Association shall have all the powers as described in the Act.

4. AIMS:

- 4.1 The aim of the Association is to represent the interests of all members of the SACFS.
- 4.2 The aim of the Association is to represent and to act in the best interests of the members of an SACFS Organisation.
- 4.3 To advocate and promote the value that SACFS volunteers create in the community.
- 4.4 To monitor welfare and safety aspects for the members of an SACFS Organisation.

5. FUNCTIONS:

5.1 The functions of the Association are to

- 5.1.1 Make recommendations to the SACFS Executive and other appropriate authorities on matters of concern to members of an SACFS Organisation.

5.1.2 Represent and progress the interests and welfare of the members of an SACFS Organisation.

5.1.3 Monitor and advocate safe work practices and activate as required rehabilitation processes and support for members of SACFS Organisations.

5.1.4 Recommend to the SACFS Executive and other appropriate authorities various measures for consideration in the development and efficiency of the CFS which is practical and achievable.

5.1.5 Provide nominations to South Australian Boards and Committees of the Emergency Services Sector or appropriate authorities as requested from time to time.

5.1.5.1 The Board may with consultation with the Management Committee withdraw a nomination at any time.

5.1.6 Appoint delegates or representatives of the Association to Emergency Services Sector national committees or affiliated bodies from time to time or as requested.

5.1.6.1 The Board may with consultation with the Management Committee withdraw an appointment at any time.

5.1.7 Any other function consistent with the aims of the Association.

6. MEMBERSHIP:

6.1 Any registered volunteer member of an SACFS Organisation as defined in the Fire and Emergency Services Act and Fire and Emergency Services Regulations is deemed by virtue to be a member of the Association.

7. SERVICE RECOGNITION:

7.1 The Association will actively recognise service and commitment of its members as defined in the Association Service Recognition Policy.

7.1.1 Service Recognition policy will be ratified at a General Meeting of the Association.

7.2 State Management Committee and Branches may issue Certificates of Appreciation.

8. GOVERNANCE STRUCTURE:

8.1 The Association will have a Board who will be the governing body.

8.1.1 The Board will consist of the three Office Bearers being President, Vice-President and Deputy Vice-President and three other Members. The Executive Officer shall be ex officio to the Board.

8.1.2 Role of the Board will be to manage the business of the Association and be the ultimate decision maker. Aspects such as and not limited to, strategy, policy, finance, human resources, employment shall be managed by the Board and as required seek advice from the Management Committee.

8.1.3 The Board in addition to any powers and authorities conferred by these rules may exercise all such powers and do all such things as are within the aims of the Association, and are not by the Association and the Act or by this constitution required to be done by the Association in general meetings. The Board shall have authority to interpret the meaning of the constitution and any other matter relating to the affairs of the Association on which this constitution is silent.

8.1.4 The Board will be the Board of the Volunteer Fire Fighters Auxiliary.

8.1.5 The President will preside over the Board.

8.1.5.1 If the president is absent, the Vice President or Deputy Vice President shall assume the role.

8.2 The three Office Bearers and Executive Officer shall form the Executive Committee.

8.2.1 Role of the Executive Committee is to make recommendations to the Board and Management Committee and implement decisions and direction of the Board and Management Committee.

8.3 The Association will have a Management Committee.

8.3.1 The Management Committee membership shall comprise of the Branch delegates.

8.3.2 Role of the Management Committee will include but not be limited to implementing the Aims and Functions of the Association by making recommendations to the Board and Executive Committee

and act on items as requested by the Board and Management Committee.

8.3.3 The Vice President (or proxy as determined by the Executive Committee) will preside over the Management Committee.

8.4 The Association shall establish Branches.

8.4.1 A Branch cannot be formed without the approval of the Board.

8.4.1.1 The Board may put into recess or dissolve a Branch, in consultation with the Management Committee, if the Branch is not compliant with this constitution.

8.4.2 The Board shall determine the boundaries for each Branch.

8.4.3 Branches will be the primary conduit for members of SACFS Organisations.

8.4.4 Role of a Branch is to engage and consult with its members.

8.4.5 The Branch President shall be the presiding member of the Branch.

8.4.6 Members will formulate the Rules for the conduct of their Branch as provided for in the Rules made under this constitution and sanctioned by the Board.

8.4.7 Any Branch may nominate a member(s) of an SACFS Organisation(s) for an Office Bearer position or Board Member when called by the Returning Officer and be sanctioned at a constituted meeting of the Branch by the Branch members.

8.5 The Board, Management Committee, Executive Committee or Branch may each individually appoint from time to time any Committees, Sub-committees and Working Groups it considers necessary with their purpose outlined in a Terms of Reference.

8.5.1 All Committees, Sub-committees and Working Groups of the Association shall report to the body which established them.

9. OFFICE HOLDERS:

9.1 The Association shall have three elected Office Bearers, President, Vice-President and Deputy Vice-President.

9.2 The Executive Officer of the Association may be a paid employee whose terms and conditions of employment shall be determined by the Board.

9.2.1 The Executive Officer shall be the Public Officer of the Association.

9.2.2 The Executive Officer shall be the Returning Officer.

9.3 Each Branch will have a Branch President

9.4 Each Branch will have an Administration Officer.

10. ELECTIONS:

10.1 The Returning Officer will oversee the election process.

10.1.1 By no later than the 15th of July, the Returning Officer will give notice to each Branch that nominations for Office Bearer and Board member positions are open.

10.1.2 Office Bearer and Board member positions shall be nominated and seconded by two SACFS Organisation members with signed acceptance of the nominee and supported by Branch Members at a constituted Branch meeting and recorded in the minutes of that meeting. Any Branch may nominate multiple candidates.

10.1.3 Written nominations on the supplied forms from Branches and a short biography of the candidate are to be received by the Returning Officer no later than close of business on the 20th of September or the next business day.

10.1.4 All nominations including short biography shall be circulated to each Branch delegate no later than the 30th September or 14 days prior to the AGM whichever is the earlier. All Branches will be formally notified.

10.1.5 Nominations for Office Bearer or Board positions will not be taken from the floor.

10.1.6 Voting of the election shall be carried out at the AGM.

10.2 In the event of an Office Bearer or Board member position becoming vacant through resignation or other means

10.2.1 The Management Committee may at its discretion temporarily fill the position.

10.2.2 The Returning Officer will within 14 days of the Board's official acceptance of the vacancy, give notice to all Branches and request nominations as per 10.1.2.

10.2.3 Nominations will close at close of business on the 30th day after the notice is sent.

10.2.4 If there are more candidates than required, an election will be held via postal or electronic means.

10.2.4.1 7 days after nominations close Delegates will be sent candidate biographies and Branches notified of the election. Formal voting slips will be enclosed or notification of electronic means.

10.2.4.2 Voting is to be closed by the Returning Officer at 14 days.

10.3 If a vacancy occurs after the 15th March of the year that the term ends, the position does not have to be filled via the nomination process as per 10.2 until the next election. The Board may evoke 10.2.1 or leave the position vacant.

10.4 An Office Bearer or Board Member cannot be a Branch delegate.

10.4.1 If a Branch delegate is elected to an Office Bearer or Board Member position, they must immediately resign as Branch delegate and the Branch they represent shall fill that vacated position.

10.5 Branch elections for Office Holders will occur biennially with Branches in Regions with an odd number will occur in odd years and Branches in Regions with an even number will occur in even years.

10.6 The Returning Officer will notify each Branch by the 15th of July the number of delegates for the Branch as recorded in SACFS as of 1st July.

10.6.1 Branches shall elect delegates in line with the following quotas

10.6.1.1 One to five hundred members, one delegate

10.6.1.2 One to two thousand members, two delegates

10.6.1.3 One to three thousand members, three delegates

10.6.1.4 Over three thousand members, four delegates

11. TERM OF OFFICE:

11.1 The Office Bearers, President, Vice President and Deputy Vice President shall hold office for a 2 year term.

11.1.1 The President and Deputy Vice President shall be elected in odd years.

11.1.2 The Vice President shall be elected in even years.

11.1.3 If there is a casual vacancy, the incoming person shall complete the term.

11.2 The Board members shall hold a 2 year term.

11.2.1 One Board member shall be elected in odd years.

11.2.3 Two Board members shall be elected in even years.

11.3 Office Bearers and Board Members term of office will commence at the start of the next business day after the Annual General Meeting.

11.4 All office bearers and Board Members may be reappointed at an Annual General Meeting

11.5 Where the Executive Officer is a paid employee the term of office shall be as set in his or her contract of employment.

11.6 Branch Office holders will be a two year term.

11.6.1 Branch Office holders terms will commence at the start of the next business day after the election.

11.7 Branch delegates will be elected annually.

11.7.1 Branch Delegates term will be 1st October to 30th September.

11.7.2 The Branch shall notify the Executive Officer who has been elected Branch Delegate by the 20th September.

12. QUORUMS:

12.1 Quorum for the Board will be fifty percent plus one (with any fractions being ignored) of the filled positions but no less than three.

12.1.1 In the event that three positions of the Board are vacant at the same time, the Management Committee will appoint acting members until the positions are filled through election.

12.2 Quorum for the Management Committee will be fifty percent (with any fractions being ignored) of the members plus one.

12.3 Quorum for the Branch will be stated in the Branch Rules.

12.4 Quorum for a General Meeting of the Association will be fifty percent plus one of the Branch Delegates.

13. VOTING:

13.1 The six members of the Board will each have a deliberate vote.

13.1.1 The Presiding Member will not have a casting vote.

13.1.2 The Executive Officer does not have a vote.

13.1.3 In the event that the vote is tied, the motion is lost.

13.2 The Executive Committee will agree by consensus.

13.3 Each Branch Delegate will have a deliberate vote on the Management Committee.

13.2.1 The Presiding member and Executive Officer do not have a vote.

13.2.2 In the event that the vote is tied, the motion is lost.

13.4 Only Branch Delegates will move motions and vote at an Annual General Meeting.

13.4.1 Voting for elections will be held by secret ballot which can include an electronic voting system.

13.1.2 In the event that the vote is tied, the name drawn out of a hat will be deemed elected.

13.5 Any member of an SACFS Organisation (observer) can move and second a motion at a General Meeting of the Association but only elected Branch Delegates can vote.

14. MEETINGS:

14.1 The Executive Officer or Presiding Member shall call a normal meeting of the Board or Management Committee giving a minimum 7 days notice.

14.2 The Executive Officer or Presiding Member can call a special meeting of the Board or Management Committee giving a minimum of 24 hours notice and forwarding an agenda outlining the items to be discussed.

14.2.1 Two Board Members or three Management Committee members can request a Special Meeting of the Board or Management Committee to be called by outlining in writing and signing the document the purpose for which the Special Meeting is required.

14.2.2 Only the items on the agenda for which a Special Meeting is called can be discussed.

14.3 All meetings of the Board, Committees and Branches shall maintain proper records of the meeting.

14.4 Meetings and decisions of the members of the Association may be held in person or by electronic means.

14.5 The Board shall meet no less than 4 times per calendar year.

14.6 The Management Committee shall meet no less than 2 times per calendar year.

14.7 If a Board Member or Management Committee Member does not attend 3 consecutive meetings, their tenure of that position lapses unless there are extenuating circumstances and will be filled through a supplementary election as described in this constitution.

14.7.1 The Board or Management Committee may approve a leave of absence from their respective body.

14.8 Board Members will not have Deputy Members.

14.9 Proxies for elected Branch Delegates on Management Committee or for General Meetings can be approved by the Branch President with the Executive Officer being notified of the change a minimum of one hour prior to the meeting.

14.10 Branch Rules shall state that Branches will hold its Branch Annual General Meeting by the 15th of September.

15. FINANCE:

15.1 The Association may provide that a subscription be levied on branches, the amount to be determined at the Annual General Meeting.

15.2 The financial year shall be first July to the thirtieth of June of the following year.

15.3 The Executive Officer shall have charge of the finances and shall present reports to Board meetings, an audited annual statement of the affairs of the Association to the Board by 31st August.

15.4 All monies shall be banked in an account opened for that purpose in a reputable financial institution.

15.5 The President, Vice President, Deputy Vice President and Executive Officer shall be the Association signatories with any two of the four to sign or approve payments.

15.5.1 In the event that the positions of two of these signatories is vacant for more than 30 days, the Management Committee shall temporarily appoint two people until the positions are filled.

16. AUDIT

16.1 At each annual general meeting the Delegates present are to appoint an auditor of the Association.

16.2 The auditor is to hold office until the next annual general meeting and is eligible for re-appointment.

16.3 If an appointment is not made at an annual general meeting, the Board is to appoint an auditor for the current financial year.

17. GENERAL MEETINGS OF THE ASSOCIATION

17.1 The Annual General Meeting shall be held no later than the thirty first of October.

17.1.1 The President will chair the meeting.

17.1.2 If the President is absent, one of the other Office Bearers will chair the meeting.

17.1.3 The Branch Delegates will form the quorum for the meeting.

17.1.4 Notice of meeting shall be sent to all Branches and Branch Delegates no later than 14 days prior to the meeting.

17.1.4.1 An agenda shall be forwarded to all Branches and Branch Delegates no later than 7 days prior to the meeting.

17.1.4.2 Reports to members are to include audited financial statements, reports from Executive Officer, President and Committees.

17.2 A General Meeting of the Association will immediately follow the Annual General Meeting.

17.2.1 The Association may at a General meeting adopt rules and/or regulations for the proper conduct of its affairs.

17.2.2 The meeting may provide advice to the Association.

17.2.3 The meeting may withdraw support for an Office Bearer or Board Member with a two thirds majority vote of the delegates with 14 days prior notice of motion put to all delegates.

17.2 A Special General Meeting shall be convened at any time upon receipt by the President or the Executive Officer of a request signed by all elected delegates of any two branches or when decided upon by the Executive Committee and can be called with a minimum seven day notice which will include an agenda for items to be discussed.

17.3 Observers may attend all General Meetings of the Association and shall make their presence known to the Chairperson at or before the commencement of the meeting.

17.4 Guests may attend a General Meeting with permission of the Chairperson but cannot move or second motions or vote.

18. RULES OF DEBATE:

As delegates and members are honorary officers with a common desire to make recommendations with the minimum of official procedure. The business of the Association shall be conducted according to the usual rules of conduct of meetings with questions, motions and speaking being directed through the Chair and only business before the Chair being debated.

19. SEAL:

The Executive Officer, being the Public Officer shall hold the common seal.

The common seal shall be used only with the authority of the Board and shall be affixed in the presence of the Public Officer.

This deed, instrument or other document to which the seal is to be affixed shall be countersigned by the Public Officer and the Chairperson of the meeting which authorised the sealing.

The following form of attestation shall be used in the affixation of the seal of the Association:

The Seal of the Country Fire Service Volunteers
Association Incorporated
was hereunder affixed this
 day of 20
pursuant to a resolution of

20. ALTERATIONS TO CONSTITUTION:

This constitution may only be amended or added to by a two thirds majority vote at any General Meeting of the Association. Any proposed alteration is to be given to the Executive Officer and circularised to all Branches and all Branch Delegates a minimum of 60 days prior to the meeting at which it is to be discussed.

20.1 This Constitution is to be reviewed a minimum of every 5 years in the years ending in 5 and 0. This review will be discussed at the AGM of those years.

21. WINDING UP:

The Association may be wound up in the manner provided for in the Act.

In the event of the Association being wound up, any surplus assets remaining after the payment of the Association's liabilities shall be transferred to another organization in Australia which is a public benevolent institution for the purposes of any Commonwealth Taxation Act.

22. PROHIBITION AGAINST SECURING PROFITS FOR MEMBERS:

The assets and income of the Association shall be applied exclusively to the promotion of its objects and no portion shall be paid or distributed directly or indirectly to members except as bona fide remunerations for services rendered or expenses incurred on behalf of the Association.

23. SA VOLUNTEER FIREFIGHTERS AUXILIARY:

The Board may use its discretionary power in support of the South Australia Volunteer Firefighters Auxiliary which is a fully registered subsidiary of the Association.

The Board may gift to the Auxiliary any funds received by the Association through donations; fundraising; sponsorship agreements; and bequests; or derived by other method, but excluding funds received under the Association Grant Agreement with the Minister for Emergency Services.

These funds may be allocated on the basis that the Auxiliary will progress the Association's work in representing and advancing the interests of CFS volunteers.

24. TRANSITIONAL PROVISION:

In any circumstances in which an amendment or alteration to this Constitution is proposed and is instituted by the required procedure at an Annual General Meeting then such amendment process shall, to the extent that it is possible, take effect and be instituted as soon as is practicable, regardless of other legal formalities that may be required in putting such amendment arrangements into effect. During that process the operation of the current governance structure and arrangement may continue to the extent that it is necessary in order to ensure the proper functioning of the Association.