

Changes to ACOFS Constitution

All clauses in the old constitution have been accounted for in this listing, with changes and new text explained. Ref. constitution issue dated 9 Jan 2012.

This table dated 9 Jan 2012.

Sources of clauses in this proposed constitution are:

- The original ACOFS constitution:
- Model Rules supplied by Consumer Affairs, Victoria
- Suggestions from ACOFS editing group (part of the executive committee)
- Rohan Millar (Barrister at Law),
- Charles Richardson (political consultant and journalist)
- Michael Darby (politician)

New Number	Old Number	Changes / derived from
Throughout	several	Changed “Council Meeting” to “General Meeting” to align with Model Rules. Removed reference to “Special General Meeting” as all requirements are covered by General Meetings. The word “clause” has been replaced by “rule” to conform with the words adopted from the Model rules.
1 Name	1	Minor change. Changed “organisation” to “association” in line with Model rules. Included “Inc”, a requirement if we become incorporated.
2 definitions		New
“Council”		Simplified, as suggested by “legal advice”.
“Federations”	Part 3 b	Defined Federation. Slight change. Removed “non-commercial” as it seems to duplicate intention of non-profit and non-theatrical. Added “state- or territory-based” and removed requirement for members as it is picked up in definition of film society.
New definitions		Defined, Film society, NPV Cinema, NPV Film Festival, Delegate, Delegate entitlement, Acceptable organisation, Qualifying organisation.
3Aims	2	Added “territory” to federations in 3.2. In 3.6 added “in all relevant media” Deleted item 3.9 which related to film and TV programming. And changed numbering from there on. In 3.7 removed “generally on a national level” as ACOFS can assist supply of films internationally through IFFS.
4 Membership	3	
4.1	3 a	Broken into two sentences for clarity.

4.2	Part 3 b	Part moved to definition. Removed reference to “National specialist federation”.
4.3	Part 3 c	Minor rewording. Removed “(d) is sympathetic to the aims of the film society movement” as it is covered by (a).
4.5	3.d	Moved the conditions of being expelled to clause 8. Changed “council” to “ACOFs” Changed “Notified by the Council” to “set by ACOFS”. Reduced the grace period from 6 to 3 months.
4.6	3 e	Changed to apply to new applications only. Deleted last sentence as it is already implied in the previous text. Clarified as suggested by “legal advice”.
5 Representation	4	
5.1		Introduced the term “Qualifying organisations which is defined under definitions”
5.1 a	Part 4a	Changed to remove ambiguity and organisations must be from the state or territory or one without a federation to count towards delegates.
5.1 b	Part 4a	Use number of societies in previous year unless new.
5.1 c	Part 4a, 6a, 6b	Advice of delegates ASAP, not 7 days
5.1 d	4 b & new	Added requirement that a delegate belong to a member organisation and be in that state.
5.1 e	4b	-
5.1 f	new	Delegate appointment is terminated if membership lapses.
5.2	4c	Added that the executive appointment terminates if the delegate withdraws.
5.3	4f	Changed to allow notification by start of the meeting
6 Register	new	Model rules plus privacy clause
6.2	new	Added “a reasonable fee not exceeding \$50 ...” as suggested by “legal advice”.
7 Ceasing	New	Model rules
8 Discipline	New	Model rules but modified (e) to lead to dispute resolution rather than appeal process. And (b) to clarify, as suggested by “Legal advice”.
9 Disputes	New	Model rules, modified to have the Council move the expulsion and the executive to confirm it. Improved following suggestion of “legal advice”.
10 AGM	new	Model rules
10.1	new	Model rules, requirements of incorporation and simplified by “legal advice”.
10.3	Part 5a iv	Plus model rules

11 SGM	New	Model rules
11.1	New	Model rules
11.2	New	Model rules
11.3	New	Model rules
11.4	New	Model rules
11.5	New	Model rules
11.6	4d	Removed “bodies”
11.7	4e	-
11.8	6f	- added “current” to clarify who is counted.
11.9	New	Model rules . Two months to allow 6 weeks notice, and hence 4 months.
11.10	New	Model rules
11.11	New	Model rules
12 Special Bus	New	Model rules
13 Notice	New	Model rules
13.1	6c	Slightly amended wording
13.2	New	Model rules, as modified by “legal advice”.
13.3	New	Model rules
14 Quorum at GM	New	Model rules
14.1	New	Model rules
14.2	6d	Amended for clarity
14.3	New	Model rules
14.4	New	Model rules
15 Presiding		
15.1	New	Model rules
15.2	New	Model rules
16 Adjournment		
16.1	New	Model rules plus requirement that the delegate is suitable qualified.
16.2	New	Model rules
16.3	New	Model rules
17 Voting at GM		
17.1	New	Model rules
17.2	New	Model rules
17.3	New	Model rules
17.4	New	Model rules Ensures that only paid-up members can participate in general meetings.
17.5	5e	Moved here
	Was 18	Incorporated into 17
17.6	New	Model rules and modified as suggested by “legal advice”
17.7	New	Model rules
18 Manner	New	Model rules
19 proxies	New	
20	5	

Management		
20.1	Part 5a	added “the Act”
20.2	Part 5(a) iv	Plus new how to decide on election.
20.3	Part 5(a) 1v	Split from above
20.4	New	
20.5	Part 5a	Added V President and 5 committee and clarified the wording
20.6	5c, 5b	Replaces 5b
20.7	new	Model rules
20.8	5f	Changed resignation to vacancy and clarified
20.9	Part 5g	Slight change for clarity. Amended the lead times to allow appropriate time, as suggested by “legal advice”.
20.10	Part 5g	
20.11	New	Model rules
20.12	5h	-
20.13	5i	-
20.14	5j	-
20.15	5k	Added postal vote
20.16	New	Model rules
21 Council m		Change to Subcommittee meetings
21.1	6c	Deleted as covered by 13.1
New 21.1	6g	Added executive approval
	6h	Deleted by precedent. This has not been followed in recent years.
22 Vacancies	New	Model rules
23 Meetings of ex		
23.1	5d	-
23.2	5e	Part moved to 17.6
23.3	New	Model rules
24 Notice	New	Model rules
24.1	New	Model rules
24.2	New	Model rules
25 Quorum Ex	New	Model rules
25.1	New	Model rules and applied suggestion from “legal advice”.
25.2	New	Model rules
25.3	New	Model rules
26 Presiding Exec	New	Model rules
27 Vote		
27.1	New	Model rules modified to simplify wording
27.2	New	Model rules modified to simplify wording
27.3	new	Conflict of interest
28 Removal		
28.1	New	Model rules
28.2	New	Model rules
28.3	New	Model rules

29 Minutes	New	Model rules
30 Finance		
30.1	7a	-
30.2	7b	- Minor addition based on suggestion from “legal advice”
30.3	7c	-
30.4	7d	Deleted as not being followed. Half yearly reports not needed.
31 Altering		
31.1	8a	Changed Council to Associations
31.2	8b	-
31.3	8c	-
31.4	8d	Changed ACM to AGM
31.5	8e	-
31.6	8f	-
32 Seal	new	Model
33 Notice	New	Model rules , as varied by suggestion by “legal advice”.
34 custody	new	Model
35 windup	9	Change to meet the requirements of the Act.