



Constitution

Of the
Volunteer Fire and Rescue Services Association of WA (Inc)

Ratified at AGM 11 September 2021 August 2021

And reviewed August 2023 T Jones

Representing WA's Fire & Rescue Service Volunteers since 1898

**THE CONSTITUTION OF THE VOLUNTEER FIRE AND RESCUE
SERVICES ASSOCIATION OF WA (INC)**

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NAME

1. The name of the Association shall be the “Volunteer Fire and Rescue Services Association of WA (Inc)” (hereinafter called “the Association”).

INTERPRETATION

2. The following interpretations are used within this Constitution:
 - “Business Rules” or “Rules” are a set of operating instructions that cover day-to-day operations of the Association. The Business Rules are accepted by a majority vote of the full Executive Committee.
 - “Competition” means the Fire Brigade Championships as promoted, organised and run by the Association from time to time.
 - “Competition Rules” are those rules for the conduct of competitions as determined by the duly elected Association Judges and Rules Committee.
 - “DFES” is the acronym for the Department of Fire and Emergency Services.
 - “Executive” means the Executive Committee of the Association as voted by the member Brigades.
 - “Executive Group” means the Executive Committee of the Association plus the Executive Officer.
 - “Executive Leadership Group” will comprise the President and the two Vice Presidents.
 - “DFES Act” means the *Department of Fire and Emergency Services of Western Australia Act 2012* and *Department of Fire and Emergency Services of Western Australia Act Regulations 2012*.
 - “Brigade” means any Fire Service, Fire and Rescue Service or Fire Brigade registered under the *DFES Act and Fire Brigades Act 1942*.
 - “In writing” means written or typed information that will constitute a record.
 - “Full meeting” refers to a correctly run meeting whereby all eligible attendees have been advised and have reasonable opportunity to attend.
 - “Office” means the business address of the Executive Officer or at such other place as the Executive shall determine.
 - “Property” includes money and everything capable of being the subject of ownership.
 - “Register” means the register of the members of the Association.
 - “Zone” means a geographical area containing a number of Brigades. Zone boundaries will be determined in the Business Rules by the Executive.
 - “Zone Executives” are those that have been elected to the Executive of the Zone by the Zone members.

EXERCISE OF POWERS

3. The powers, authorities and discretions hereby conferred on the Association, the Executive or a Sub-Committee thereof, the President, Vice Presidents, and Executive Officer or on an Executive Member may be exercised as appropriate.

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RULES BINDING MEMBERS

4. The rules of the Association shall bind the Association, all members of the Association, and all employees of the Association.

COMMON SEAL

5. The Association may have a Common seal which shall be kept in the custody of the Executive Officer and which shall not be used except by authority of the Executive Committee. The Common Seal when used shall be affixed in the presence of the President and the Executive Officer or the members for the time being acting President and Executive Officer. The instrument to which the Seal is affixed shall then be countersigned by the person in whose presence it is so affixed.

AIMS AND OBJECTS

6. The aims and objects of the Association shall be to promote the welfare, safety and resourcing of volunteer fire fighters and member Brigades through:
 - a) representation to Local, State and Federal Government, Department of Fire and Emergency Services (DFES) and relevant industry associations;
 - b) furthering the education and training of volunteer fire fighters;
 - c) maintenance and promotion of a positive public profile for volunteer fire services;
 - d) the exchange of ideas with kindred associations and to consider all questions affecting the safety, interests and welfare of fire service members;
 - e) management and promotion of Volunteer Fire and Rescue Competitions, including Junior Brigades; and
 - f) any other activity, investment, affiliation or endorsement as approved by the processes of this Constitution.

MEMBERSHIP

7. Membership types:
 - a) Full Membership
Entitles the member Brigade to full voting rights within the Association, brigade members can stand for election as Executive Members or sit on special committees on behalf of their Brigade and/or the Association.
 - b) Affiliate Membership
Entitles the member Brigade to participate in competition events, brigade members can participate in competition related sub-committees only. Affiliate Member Brigades do not have voting rights within the Association or their respective Zone.
8. Any Volunteer Brigade registered by DFES and/or any other private Volunteer Brigade approved by the Association shall be eligible for membership upon payment of an Annual Subscription relevant to their membership type, the amount of which shall be

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determined from time to time by the Executive; and presented to the next AGM of the Association.

9. Any Brigade admitted to membership of the Association shall ensure that each member of the Brigade undertakes to abide by the Constitution and Rules of the Association and such further provisions as the Executive Committee may from time to time direct.
10. Upon receipt of an application for membership, the Executive Committee may accept or reject the application, or determine the appropriate type of membership for the Brigade. The Executive Committee shall state the reason or reasons, in writing, for the rejection of an application.
11. At the time of admitting an applicant Brigade for membership, the Executive Committee shall, in consultation with the Zone and the applicant Brigade, allocate the Brigade to a Zone.
12. The Executive Officer must establish and maintain a Register specifying the name and **contact details** of each Brigade that is a member, together with the date on which the Brigade became a member along with its class of membership.
13. The Executive Committee shall from time to time determine whether and to what extent and at what times and places and under what conditions or regulations the Register will be open to the inspection of the members.

PARTICIPATION IN COMPETITION

14. Eligibility to compete in Association sanctioned competitions will be as prescribed in the Competition Rules.

HONORARY LIFE MEMBER

15. The Executive Committee may, by special resolution, appoint an honorary life member; for services rendered to the Association whilst a member of the Executive ~~Committee~~ Group
 - 15.1 Association Zones, and their member Brigades, may appoint their own Zone or Brigade life members, where applicable, as per their own guidelines or business rules.
 - 15.2 Any Association Sub-Committee may appoint their own Sub-Committee life members, as per their own guidelines or business rules. Such guidelines or rules are to be formally ratified by the Association Executive prior to the issuance of the life membership.
- 16.** Honorary Life Membership does not entitle the recipient to voting rights or any authority under the Association. Any Honorary Life Member of the Association may

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attend any meeting of the Executive Committee **as an observer** at the invitation of the said Committee or **Executive Leadership Group**.

17. The Executive Committee may at its absolute discretion award a "Certificate of Merit" to any person it sees fit for services rendered to the Association.

DISPUTE RESOLUTION

18. Disputes between members (in their capacity as members), and disputes between members and the Association, shall be referred to the Executive ~~Committee~~ **Leadership Group** which must take steps to resolve the dispute.
19. If a dispute so referred is not resolved to the satisfaction of any party to the dispute within thirty (30) days of its being referred, then that party may refer the dispute to mediation before a mediator appointed by mutual agreement of the parties.
20. Failing agreement by the parties to the appointment of a mediator within fourteen (14) days of a party notifying the other party of its intention to refer the dispute to mediation, the appointment of the mediator shall be made by the President of the Law Society of Western Australia.

DISCIPLINING OF MEMBERS

21. Where the **Executive Leadership Group** or Executive Committee is of the opinion that a member **Brigade** has:
- a) persistently refused or neglected to comply with a provision or provisions of this Constitution; or
 - b) persistently and wilfully acted in a manner prejudicial to the interests of the Association;
- the Executive Committee may:
- c) expel the member from the Association; or
 - d) suspend the member from membership of the Association for a specified period.
22. A resolution of the Executive Committee pursuant to clause 21 is of no effect unless the Executive Committee confirms the resolution in accordance with this clause 22 at an Executive Committee meeting held not earlier than fourteen (14) days and not later than twenty eight (28) days after service on the member of a notice pursuant to clause 23.
23. If the Executive Committee resolves under clause 21 to expel or suspend any member, the Executive Officer must serve the member with a notice in writing:
- a) setting out the resolution of the Executive Committee and the grounds upon which it is based;

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- b) stating that the member may address the Executive Committee at an Executive Committee meeting to be held not earlier than fourteen (14) days and not later than twenty eight (28) days after service of the notice;
 - c) stating the date, place and time of that meeting; and
 - d) informing the member that the representative of the member may attend and speak at that meeting and/or submit to the Executive Committee at or prior to the date of the meeting, written representations relating to the resolution.
24. At a meeting of the Executive Committee held as referred to in clause 23, the Executive Committee must:
- a) give the representative of the member an opportunity to make oral representations;
 - b) give due consideration to any written representations submitted to the Executive Committee by the representative of the member at or prior to the Executive Committee meeting; and
 - c) by a resolution of at least 75% of the Executive Committee members participating in the Executive Committee meeting, determine whether to confirm or revoke the resolution.
25. The member must be notified in writing of the decision of the Executive Committee within seven (7) days. If the Executive Committee resolves to confirm the expulsion or suspension, the member must also be notified of the right of appeal available under clause 28.
26. A resolution confirmed by the Executive Committee under clause 22 does not take effect:
- a) until the expiration of the period within which the member is entitled to appeal against the resolution where the member does not exercise the right of appeal within that period; and
 - b) where, within that period, the member exercises the right of appeal, unless and until the Disciplinary Committee confirms the special resolution pursuant to clause 30(b)
27. The Executive Committee will establish a committee for the purpose of conducting disciplinary proceedings against a member (Disciplinary Committee). The Disciplinary Committee will comprise of an independent panel of three (3) experts, all chosen by the Executive Committee. The experts will be chosen based upon the nature of the alleged misconduct by the member. The Disciplinary Committee may seek advice from any relevant source.
28. A member may appeal to the Disciplinary Committee against a special resolution of the Executive Committee. Written notice of such an appeal must be lodged with the Executive Officer within seven (7) days of service of the notice require under clause 25.
29. Within thirty-five (35) days after receipt of a notice of appeal from the member pursuant to clause 28, the Disciplinary Committee must convene a meeting.

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30. At the Disciplinary Committee meeting convened under clause 29:
- a) the member must be given the opportunity to state their case orally or in writing, or both using any technology (reasonably available to the Disciplinary Committee) that gives the member a reasonable opportunity to do so; and
 - b) the Disciplinary Committee must vote by ballot on the question of whether the special resolution will be confirmed.
31. The Disciplinary Committee's decision, pursuant to clause 30(b) is final. The member is not entitled to appeal the Disciplinary Committee's decision.
32. Natural justice will be applied during every disciplinary process, requiring the Executive Committee and the Disciplinary Committee to act fairly, in good faith and without bias or conflict of interest when making its decision.

MANAGEMENT COMMITTEES OF THE ASSOCIATION

33. There shall be an Executive Committee that consists of two representatives from each Zone.
- Each Zone representative shall have a term of 2 years, with elections each alternate year.
 - Each member of the Executive Committee shall hold office until their successor is elected. Retiring members shall be eligible for re-election.
 - A proxy for the Zone will have the same rights at an Executive Committee meeting as the absent member being represented.
34. There shall be an Executive Group that consists of the Executive Committee plus the Executive Officer.
- The Executive Officer is appointed by the Association.
35. There shall be an Executive Leadership Group that consists of the President and the two Vice Presidents.
- The President is elected by the Executive Committee for a two-year period.
 - The Vice Presidents are elected by the Executive Committee in alternate years.
36. Elections for these positions are made at the next full meeting of the Executive Committee after the Zone elections have concluded.
37. Any member of the Executive Committee who is unable to attend an Executive Meeting may appoint an alternate from their Zone to attend on their behalf **subject to approval by the Executive Leadership Group.**
38. No business shall be transacted at a meeting of the Executive Committee unless a quorum of members is present at the time the meeting proceeds to business. 50% of **elected members**, plus one, shall form a quorum. In the absence of the President, one of the Vice Presidents shall take the chair. In the absence of the President and both of the Vice Presidents, the members present shall elect a chairperson.
39. The Executive Committee shall meet on a regular basis, the frequency of which will be set out in the Business Rules.

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40. Members of the Executive Committee **may** be paid or allowed out of the funds of the Association reasonable travelling and out of pocket expenses incurred in attending meetings of the Executive Committee or while attending to the business of the Association.
41. Notwithstanding that if afterwards it is discovered that there was some defect in the calling or conduct of any meeting of the Executive Committee or in the election or appointment of any member or any person acting as a member of the Executive Committee, all acts done by any such meeting or any person acting as aforesaid shall be valid.
42. Each member of the Executive Committee, or their alternate, including the Chairperson, shall be entitled to exercise one vote at meetings of the Executive Committee. In the event of an equality of votes, the Chairperson shall have a casting vote.
43. A resolution of the Executive Committee shall be a special resolution when it has been passed by a majority of not less than **75%** of its members present at a meeting of which not less than 14 days' notice specifying the intention to propose the resolution has been given. A declaration by the Chairperson that a resolution is carried as a special resolution shall be conclusive evidence thereof.
44. Any member of the Executive Committee except the Executive Officer may by notice in writing to the Executive Officer **or President**, resign from office. The Executive Officer may by notice in writing to the President, resign from office. Any notice shall be effective from the date it is received by the Executive Officer or President as the case may be.
45. If any member of the Executive Committee fails to attend two consecutive meetings, without an alternate attending on their behalf, the Executive Officer shall notify the appropriate Zone.
46. In the event of a vacancy occurring in the Association Executive occasioned by any cause whatsoever other than the appointed expiration of term, the vacancy shall be filled within 3 months after the occurrence of the vacancy. The filling of such vacancy shall be in accordance with the Constitution except that the date of nomination closing shall be determined by the **Executive Leadership Group**.
47. If a casual vacancy occurs within six months of the end of a two-year representative appointments' term, a Zone alternate may represent the Zone to the end of the term.
48. The Executive Committee must ensure that minutes are taken and kept of each Executive Committee meeting.

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49. The minutes of an Executive Committee meeting must be entered in the Association's minute book within thirty (30) days after the meeting is held.
50. The minutes must record the following:
- a) the names of the Executive Committee members present at the meeting;
 - b) the names of any other people attending the meeting;
 - c) the business considered at the meeting; and
 - d) any motion on which a vote is taken at the meeting and the result of the vote.
51. The Executive Officer must ensure that the minutes of the Executive Committee meeting are reviewed and signed as correct by:
- a) the Chairperson of the meeting; or
 - b) the Chairperson of the next Executive Committee meeting.
52. When the minutes of an Executive Committee meeting have been signed as correct they are, until the contrary is proved, evidence that:
- a) the meeting to which the minutes relate was duly convened and held;
 - b) the matters recorded as having taken place at the meeting took place as recorded; and
 - c) any **decision** purportedly made at the meeting was validly made.

POWERS OF THE EXECUTIVE COMMITTEE

53. Subject to this Constitution and Rules and any regulations made hereunder and subject to the decisions of any Committee Meeting, the Executive Committee shall have the sole management and control of the property, income and expenditure of Association funds and all affairs of the Association.

ELECTIONS

54. Members of the Executive Committee shall, every two years, appoint from their members a President and two Vice Presidents (who are to be elected on alternate years).
55. Zone Representatives shall be elected as follows:
- a) The Association shall adopt preferential voting for the election of Zone Representatives to the Executive Committee.
 - b) The Executive Officer of the Association shall act as the Returning Officer for the election of Zone Representatives to the Association Executive, with the Association's Office Manager acting as a stand-in Returning Officer when and if necessary.
 - c) The Returning Officer shall call for nominations from all financial Brigades holding Full Membership of the Association of that Zone for the position of specific Zone representative. The nomination papers shall be forwarded to Full Member Brigades at least six weeks before the closing date for nominations – which shall be the first day of July in each year.

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d) Completed nomination papers shall be forwarded direct to the Returning Officer ~~immediately upon completion.~~ The papers may be faxed, emailed or posted and must be received in the office prior to the close of business on the closing date for nominations.

e) If a ballot is necessary then it is to be conducted within 35 days from the close of nominations, of which only financial member Brigades of each specific Zone shall be eligible to vote. The ballot will be conducted as **determined by the Executive Committee.**

56. In the event of a tie in the voting, when relating to the outcome of elections, the sitting member will take precedence; otherwise if a sitting member is not involved in the election, the names of the candidates will be placed in a receptacle for drawing. The first candidate drawn will be declared elected.

57. Candidates for election as Zone Representatives can only accept nomination for one Zone.

58. The successful candidate of each Zone will take office at the first Executive Committee meeting following the **declarations of the results of Zone Elections** ~~Annual General Meeting~~. Only one candidate in each Zone will be elected each year to hold office for a period of 2 years except in the event of resignation of the other sitting member. If it is necessary to fill both positions at the same election, the candidate with the most votes will be declared elected for a two year term. The candidate with the next highest number of votes will be declared elected for a one year term.

ZONES

59. For the purpose hereof, Western Australia shall be divided into geographical Zones, as determined by the Association Executive. All member Brigades, following consultation with the said Brigade, will be allocated to a Zone by the Executive. Member Brigades of each Zone shall constitute the Zone.

60. The aims and objects of the Zone shall be to promote the welfare, safety and resourcing of volunteer fire fighters and member Brigades through:

a) representation to Local Government Authorities, Department of Fire and Emergency Services (DFES) at a regional level and relevant industry associations;

b) **provide relevant information and advice to Zone representatives for any matters requested to be raised at Association Executive Meetings.**

c) furthering the education and training of volunteer fire fighters **in their respective zones.**

d) maintenance and promotion of a positive public profile for volunteer fire services; and

e) management and promotion of Volunteer Fire and Rescue Competitions, including Junior Brigades.

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61. Each Zone may formulate its own business rules and shall submit said rules to the Association Executive for approval. **Zones that do not have valid business rules will abide by the sections of the Association Business Rules that are considered pertaining to their function and activity.**
62. Each Zone shall abide by **the sections of** the Association Constitution **that are considered to be pertaining to their function and activity.**
63. There shall be a committee for each Zone and each member Brigade shall appoint at least one delegate to its Zone committee.
64. The Association Executive Committee may, at its absolute discretion, form new Zones as required.
63. The first meeting of a new Zone shall be called by the Executive Officer of the Association. At this meeting, the delegates shall elect a President (Chairperson), Vice President, Secretary and ancillary positions, who shall hold office for the next 12 months. ~~in accordance with the Association Constitution.~~
64. Meetings of the Zone Committee shall be held at such time and place as **determined by the Zone Executives in consultation with the Zone office bearers.**
65. Each Zone Committee shall conduct an Annual General Meeting (AGM) at which the Zone office bearers shall be elected for the succeeding year, **or as per their business rules.**
66. Each Zone Committee shall have management and control of the affairs of the Zone, subject to the direction of the Association AGM and Executive Committee.

SPECIAL COMMITTEES

67. The Executive Committee may appoint special committees for particular purposes from amongst its members or members of Zone Committees or member Brigades ~~that hold Full Membership~~ and may determine the size, purpose and authority of any such special committee.

EXECUTIVE OFFICER

67. The Executive **Leadership Group** may appoint a paid Executive Officer in addition to, or instead of, the Honorary Secretary, on such salary and conditions as may be agreed to from time to time by the Executive Committee.
- 68. The process of appointing the Executive Officer shall be determined by the Executive Leadership Group and will reflect the current requirements of the Association.**

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69. This process is to be reported to the Executive Committee within a reasonable period of its commencement.

70. The duties of the Executive Officer shall be determined by the Executive Leadership Group and outlined in the Business Rules.

INCOME AND PROPERTY

71. Income and property of the Association from whatsoever source derived shall be applied solely towards the promotion of the objects of the Association. This shall include, but not be restricted to:

- a) purchase, lease, or otherwise acquire any real or personal property or erect any buildings required for the purposes of the Association and to sell, improve, manage, develop, exchange, lease, mortgage, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Association.
- b) borrow any monies required for the purpose of the Association upon fixed mortgage bank overdraft debentures or such other security as may be determined by the executive committee and to give and execute mortgages charges and debentures over the real and personal property of the Association and to make, accept or endorse any promissory note, bill of exchange and other negotiable instrument.
- c) invest the monies of the Association not immediately required upon such securities as may from time to time be determined by the Executive Committee.
- d) subsidise by periodical grants or lump sum payments, any body, organisation or movement that will, in the opinion of the Executive Committee, assist the work of the Association.

AUDITORS

72. An Auditor or Auditors shall be appointed each year by the Executive Committee to audit the affairs of the Association and the remuneration shall be negotiated by the Executive Leadership Group, approved by the Executive Committee and ratified at the Annual General Meeting.

73. Such auditors shall be permitted free access to all books and records of the Association and shall be given such information regarding its affairs and finances as they may reasonably require. The auditors shall report each year to the Executive Committee and the Annual General Meeting on the financial affairs of the Association. The financial year of the Association shall end on the 30th day of June.

74. The annual report and statement of receipts and expenditure and balance sheet shall be made available to all member Brigades at or before the Annual General Meeting.

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CUSTODY AND INSPECTION OF BOOKS

75. Except as otherwise provided by this Constitution, all records, books and other documents relating to the Association must be kept at the principal place of business of the Association in the custody of the Executive Officer or under his or her control.
76. The Register, this constitution, latest financial reports from the most recent annual general meeting and the minutes of general meetings of the Association must be made available for inspection, free of charge, by a member at any reasonable hour.
77. The Executive Committee will determine from time to time, any additional information that will be open for inspection to a member.

NOTICE OF ALL MEETINGS

78. At least 14 days' notice specifying the place date and time of meeting and the nature of all business shall be given to intended attendees. Notices shall be sent by ordinary letter, post, facsimile or email and addressed to each attendee member Brigade at the registered address.
79. The accidental omission to give notice of a meeting or non-receipt of notice shall not invalidate proceedings of the meeting.

ASSOCIATION ANNUAL GENERAL MEETING AND SPECIAL GENERAL MEETING

80. An Association Annual General Meeting will be conducted each year and is to be held at a date set by the Executive Committee.
81. The Executive Committee may convene an Association Special General Meeting.
82. An Association Special General Meeting can be called by not less than three valid Zone Committees.
83. At the request of zones, a Special General Meeting:
 - a) must state the purpose or purposes of the meeting;
 - b) must be signed by the members making the requisition;
 - 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.
84. Representative(s) of each member Brigades may attend the Annual General Meeting, but there shall be only one delegate allowed from Brigades with Full Membership to act as spokesperson, move or second any motion and vote. The name of the spokesperson is to be nominated and announced.

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85. All representatives attending the Annual General Meeting shall be dressed to a standard as advised by the Association.

86. Any items for the agenda for the Annual General Meeting by member Brigades shall be forwarded through their Zones and be in the hands of the Association Executive Officer no later than six weeks prior to the Annual General Meeting.

QUORUM

87. No business may be transacted at any Annual General Meeting or Special General Meeting unless there is a quorum of members present at all times, either physically or via an electronic online meeting application, during the meeting.

88. A proxy representative nominated formally by a member Brigade who will be absent is considered part of that quorum.

89. Members who constitute at least fifty per cent (50%) of all voting members shall constitute a quorum for all Annual General Meetings and Special General Meetings.

90. If within thirty (30) minutes after the time appointed for holding an Annual General Meeting or Special General Meeting a quorum is not present:

1. The meeting, if convened upon the requisition of members, shall be dissolved;
2. In any other case:
 - i) it shall stand adjourned to such other day, time and place by giving notice to the Executive Officer.
 - ii) if at such adjourned meeting a quorum is not present within thirty (30) minutes after the time appointed for the holding of the meeting, the meeting shall be dissolved.

PROCEEDINGS AT ANNUAL GENERAL MEETINGS

91. All business that is transacted at an Association Special General Meeting and all that is transacted at the Annual General Meeting (with the exception of the consideration of the accounts balance sheets and the annual reports and the report of the auditors and the election of the Executive Committee for the next ensuing year) shall be deemed special.

92. The President or, in his absence, one of the Vice Presidents shall preside as Chairperson at every Annual General or Association Special General Meeting. If at any such meeting the President or one of the Vice Presidents is not present within fifteen minutes after the time appointed for the holding of the meeting, or if present is unwilling to act, the Executive Committee shall choose one of their members to be Chairperson.

93. The Chairperson may with the consent of the meeting adjourn the meeting from time to time and from place to place but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the

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adjournment took place. It shall not be necessary to give any notice of the business to be transacted at an adjourned meeting.

94. Every item submitted to an Annual General Meeting shall be decided by a 75% majority. Votes shall be given personally by each delegate of a Brigade holding Full Membership and shall have one vote, provided that if at any meeting a resolution shall not be carried unanimously by the vote of all delegates present then any delegate may demand a secret ballot which shall be held forthwith.
95. Executive Members may move or second a motion at the Annual General Meeting but unless the member is an accredited delegate from a Brigade holding Full Membership, no member shall be permitted to vote for or against a motion provided always that no Brigade shall exercise more than one vote.

AMENDMENT OF THE CONSTITUTION AND RULES

96. The Constitution may be amended by a special resolution of the Executive Committee and approved by a special resolution at an Annual General Meeting. No amendment or variation shall be effective unless and until a copy of such amendment or variation shall have been filed with the Registrar of Companies pursuant to Section 30(3) of the *Associations Incorporation Act 2015* (WA) as amended.
97. Association Business Rules may be amended by processes as outlined in the Business Rules. ~~Association Business Rules may be amended by a special resolution at a meeting of the Executive.~~

NOTICES

98. All notices which are required to be served, posted or ~~via electronic means~~, to any member Brigade shall be ~~considered served by –~~
- I. ~~Posting to any member Brigade via general post by enclosing the Notice in a prepaid envelope, at the last known address of the brigade that appears in a register held by the Association.~~
 - II. ~~Sending the notice by electronic means to the last known email address of the brigade that appears in a register held by the Association. or~~
 - III. ~~Hand delivery to the Captain or delegate of the brigade.~~
99. A certificate by the Executive Officer stating that a letter was so addressed and posted on a certain date at a certain time shall be conclusive evidence of the fact.

INDEMNITY

100. Every member of the Executive Committee and Executive Officer or other officer or servant of the Association shall be indemnified by the Association against all liability incurred by the member, Executive Officer or other officer or servant in bringing

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or defending any proceedings whether civil or criminal in which judgment is given in the member's favour or in which they are acquitted.

101. Every member of the Executive Committee and Executive Officer or other officer or servant of the Association shall be indemnified by the Association against all liability incurred by the member, Executive Officer or other officer or servant in bringing or defending any proceedings whether civil or criminal in which judgment is given in the member's favour or in which they are acquitted.

DISSOLUTION

102. The Association may be dissolved by special resolution of an Extraordinary General Meeting of the Association convened by not less than twenty one days notice. The notice of the meeting shall specifically state the purpose of the meeting and to be effective the resolution must be agreed to by a three fourths majority of the voting members voting on the resolution.

103. In the event of the Association being dissolved, every member Brigade at the date and every Brigade which has been a member in a period of twelve months preceding such dissolution shall contribute to the funds of the Association, should this be required.

104. Subject to clause 101, if any surplus arising from deductible gifts and contributions, and any money received in respect of such gifts and contributions, remains following the winding up of the Association, that surplus will not be paid or distributed amongst members, but will be given or transferred to another institution(s) or corporation(s) which has:

- a) objects which are similar to the objects of the Association;
- b) a constitution which requires its income and property to be applied in promoting its objects;
- c) a constitution which prohibits it from paying or distributing its income and property amongst its members to an extent at least as great as imposed on the Association by clause 71; and
- d) which is endorsed as a deductible gift recipient and is charitable.

105. If a member **Brigade** satisfies the requirements set out in clause 100, it may receive the surplus under that clause.

106. The identity of the corporation(s) or institution(s) referred to in clause 100 is to be determined:

- a) by the Executive Committee of the Association; or
- b) if the Executive Committee of the Association does not decide or does not wish to decide, then by the members,

in writing at or before the time of dissolution and failing such determination being made, by application to the Supreme Court of Western Australia for determination.

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107. In the event that the Association ever has its endorsement as a deductible gift recipient revoked, the Association must transfer all remaining gifts, deductible contributions and any money received in respect of such gifts and contributions to another deductible gift recipient (which may be, but need not be, a member), such deductible gift recipient to be determined by the Executive Committee of the Association, or failing the Executive Committee of the Association, the members, and failing such determination being made by either the Executive Committee of the Association or the members, by application to the Supreme Court of Western Australia for determination.

108. Subject to clause 105, any surpluses remaining which are not within the ambit of clause 100, will be paid to or distributed to another institution(s) or corporation(s) which has:

- a) objectives which are similar to the objectives of the Association.
- b) a constitution which requires its income and property to be applied in promoting its objectives; and
- c) a constitution which prohibits it from paying or distributing its income and property amongst its members to an extent at least as great as imposed on the company by clause 71.

109. If a member **Brigade** satisfies the requirements set out in clause 104, it may receive the surplus under that clause.

110. The identity of the corporation(s) or institution(s) referred to in clause 104 is to be determined:

- a) by the Executive Committee of the Association; or
- b) if the Executive Committee of the Association does not decide or does not wish to decide, **then** by the members,

in writing at or before the time of dissolution and failing such determination being made, by application to the Supreme Court of Western Australia for determination.