

Public Transport Users Association Inc., Org No A-6256L
Minutes of Annual General Meeting: Thursday 30 October 2008
Hayden Raysmith Room, Ross House

Attendance: Approximately 50 members of the Association were present, including all current Office Bearers.

Apologies: Apologies were received from Julianne Bell, Phil Bourke, Rob Meredith, Anna Morton (for late arrival), and Nina Scott.

The meeting commenced at 6:30pm. President Daniel Bowen assumed the Chair.

Minutes of 2007 AGM

The minutes of the PTUA Annual General Meeting on 25 October 2007 were carried (moved Adam Thrussell, seconded David Eccles). There was no dissent.

Following the confirmation of the minutes, the ballot box for the forthcoming Committee election was sealed and members who had to depart early were given the opportunity to cast their votes.

Guest Speaker

Channel 7 TV journalist Brendan Donohoe addressed the membership, giving his perspectives on the PTUA's activities and its media presence in particular. This was followed by an extensive question and answer session.

President's Address

President Daniel Bowen gave a report to the meeting covering highlights of the Association's activities for the year, including a video montage of coverage of the Association's activities in the mass media.

Secretary's Report

Secretary Tony Morton presented a brief report summarising the campaign activities of the Association, focussing on the forthcoming local government elections, the Rowville rail campaign, the response to the Eddington East-West Needs Assessment, and input to a number of Federal Government inquiries. He also reported that the organisation's membership remained stable.

Financial Reports

Treasurer Kerry Wilmot presented the annual financial statements. The financial statements were carried without dissent (moved Paul Westcott, seconded Martin Powell).

Award of Life Membership

Long-serving office volunteer Peter Waters was awarded life membership of the PTUA for his efforts. As Peter was absent from the AGM, it was agreed that the Secretary would convey the certificate and gratitude of the membership to Peter in person.

Election of 2008/09 Committee

Returning Officer Tony Morton noted that there had been a large number of nominations for ordinary Committee positions and that an election would therefore be conducted. There was one nomination for each Office Bearer position and twelve nominations for the nine ordinary Committee positions as follows.

President: Daniel Bowen

Secretary: Tony Morton

Treasurer: Kerry Wilmot

Ordinary Committee members: Myles Green, Mark Johnson, Jason King, Tim Long, Rob Meredith, Bronwen Merner, Tim Petersen, Fiona Rae, David Robertson, Josh Spiegel, Paul Stark and Vaughan Williams.

Since only one nomination was received for each of President, Secretary and Treasurer, the nominees were declared duly elected.

The twelve nominees for Committee were invited in turn to address the meeting, and to respond to questions from the floor. Voting was then conducted in accordance with the PTUA's election procedures.

Following the count of votes the following were duly elected to the Committee (in no particular order): Tim Long, David Robertson, Tim Petersen, Fiona Rae, Jason King, Vaughan Williams, Bronwen Merner, Rob Meredith and Mark Johnson.

It was also noted that Paul Westcott and Jeremy Lunn, as convenors of the Association's Geelong and Outer East branches respectively, would continue on the committee as *ex officio* members.

Secretary-elect Tony Morton welcomed new Committee member Fiona Rae, and thanked retiring Committee members Phil Bourke, Karl Tracksdorf, Anthony Pitt and Justine Webse, as well as those nominees who were unsuccessful in being elected. It was hoped all would maintain a strong and active relationship with the Association despite not being formally on the Committee.

Special Resolution No. 1

The following Special Resolution was proposed on notice to the membership, moved by member Vaughan Williams, seconded by Paul Westcott.

"That the word 'will' be replaced with the word 'may' before the words 'set up a gift fund' in Clause 2 of the Constitution."

It was explained that the 'gift fund' provision was added in 1998 in an attempt to obtain deductible gift recipient status for the PTUA. Efforts to do so proved unsuccessful, so the clause needs amendment to make it clear that there is no obligation to set up such a fund if there is no reason to do so.

There being no dissent, the above Special Resolution was put to the vote and carried unanimously.

Special Resolution No. 2

The following Special Resolution was proposed on notice to the membership, moved by member Vaughan Williams, seconded by Paul Westcott.

"That the PTUA Constitution be amended to insert after Clause 4(b) new Clauses 4(c-f), as follows:

4(c) The Committee may, within three months of a person or group applying for membership of the PTUA, disallow the membership by an absolute majority.

4(d) Without limiting the discretion of the Committee to disallow a membership pursuant to Clause 4(c), the Committee may disallow a membership if it considers that the membership is not in the interests of the Association because:

- i. the application poses a threat to the political independence of the PTUA; or*
- ii. the past or foreshadowed conduct of the member suggests that the member is not joining to advance the Statement of Purposes.*

4(e) A prospective member whose membership is disallowed:

- i. is entitled to a refund of any membership fee paid; and*
- ii. may not re-apply for membership for a period of twelve months from the date of disallowance.*

4(f) If the Committee disallows a membership in accordance with Clause 4(c), the Secretary shall provide reasonable notification to the membership of the disallowance and the reason for it."

It was explained that this provision is a new anti-stacking measure. In 2007, a number of persons joined the PTUA a short time before the AGM and ran for Committee. These people were identified as staff of a particular Member of Parliament, and ultimately withdrew their nominations. Partly as a result, the membership directed the Committee to investigate constitutional change to protect against such stack attempts in future. The Committee is hesitant to disturb the present open membership provisions, but considers this provision regrettably necessary to preserve the PTUA's independence. The reporting requirement is intended to ensure transparency and avoid disallowance of memberships other than for good reasons.

In response to a clarifying question from the floor, it was explained that 'foreshadowed conduct' refers to conduct that is foreshadowed by the member and for which there is evidence, not conduct that is 'foreshadowed' in the mind of the Committee in the absence of evidence.

There being no dissent, the above Special Resolution was put to the vote and carried unanimously.

Special Resolution No. 3

The following Special Resolution was proposed on notice to the membership, moved by member Vaughan Williams, seconded by Paul Westcott.

“That the PTUA Constitution be amended to insert after Clause 5(a) new Clauses 5(aa) to 5(af) as follows:

5(aa) In order to be eligible for election to the Committee, or to an office bearer position, a person:

- i. must have been a member of the Association for at least twelve months prior to the close of nominations;*
- ii. must not be a Member of a State or Federal Parliament; and*
- iii. must not be a Mayor, Councillor or equivalent officeholder of any Australian municipality.*

5(ab) The Committee may, by an absolute majority, waive the requirements in Clause 5(aa)(i) or 5(aa)(iii) above if it considers that the candidate concerned would bring significant benefit to the Committee. If the Committee so waives the requirement, the incumbent Secretary shall inform the Annual General Meeting of the waiver and the reason for it.

5(ac) A candidate for election to the Committee (including an office bearer position) who is:

- i. in the employ (whether paid or voluntary) of a person referred to in Clause 5(aa)(ii) or 5(aa)(iii); or*
- ii. an announced candidate for any public office;*

shall disclose that fact to the Secretary, who shall inform the Annual General Meeting of that fact prior to the election taking place.

5(ad) To avoid doubt, Clause 5(ac)(i) includes an electorate officer or political or ministerial advisor, but does not include employment in the State or Commonwealth public service or a municipality.

5(ae) A Committee member (including an office bearer) who is, at the time of their election:

- i. required to but does not make the disclosure referred to in clause 5(ac), ceases to hold office unless the Committee resolves to waive the irregularity;*
- ii. ineligible for election by operation of clause 5(aa), ceases to hold office.*

However, no Committee decision is invalid by reason only of such a member inadvertently being permitted to take part in discussions or vote at a meeting.

5(af) A Committee member (including an office bearer) who becomes, during their term of office, ineligible for election to the Committee by operation of Clause 5(aa) ceases to hold office unless the Committee (being authorised to do so) waives the requirement in accordance with Clause 5(ab).”

It was explained that these amendments, like the previous ones, stemmed from the direction to the Committee at the previous AGM. They are intended to protect the PTUA’s political independence and avoid conflicts of interest, and aim to do this while also recognising the valuable contributions made by Committee members who have also been members of political parties. The PTUA recognises that many individuals involved in public interest campaigning also choose to join political parties.

Following a number of clarifying questions from the floor, there being no dissent, the above Special Resolution was put to the vote and carried unanimously.

Other Business

A period of general discussion followed in which the Committee answered questions from members regarding the PTUA’s membership of IMPACT, its involvement in regional Victorian and interstate issues, and other matters.

Close

There being no other business, the meeting closed at approximately 9pm. Drinks, finger food and general discussion followed the meeting.