

29 September 2011

Dear Member

A Special General Meeting was held on the 19th February 2011 to pass a Resolution to approve a new constitution that was circulated to members with the Notice of the Special General Meeting.

At this meeting, numerous changes were made to the copy of the Constitution that was circulated and the New Constitution was approved by an overwhelming majority of the members with the changes that were approved at this meeting.

The New Constitution was sent to Consumer Affairs for approval, and the GAV had received a letter dated 19th April 2011 from Consumer Affairs confirming that the New Constitution was approved.

However, subsequently, Consumer Affairs had received a complaint, and we received a letter from Consumer Affairs dated 21st June 2011 advising us that the Draft Constitution forming the Special Resolution voted at the SGM was changes substantially and as these changes did not form part of the Notice to the SGM, the changes cannot be deemed to have been passed in accordance with the Associations Incorporations Act 1981.

I had few telephone discussions with Consumer Affairs and sent them all the documents that they requested from us to reconsider their findings.

We received a reply dated 29th August 2011 from Consumer Affairs confirming that as it was a revised document, and not the draft that was forwarded to the members with the Notice of the SGM, that was considered and voted upon at the SGM. The outcome of this action is that all members of the Association were not aware of all the proposed changes that they were to vote upon prior to the holding of the SGM.

It was also noted that the Notice of the meeting circulated to members, along with the Draft Constitution, did not specify that the proposal to revoke the existing Constitution and the adoption of a New Constitution was a special resolution which is required under section 29(3)(b) of the Associations Incorporations Act 1981.

Under these circumstances, Consumer Affairs considers that the process involving the adoption of new rules was not in accordance with the Associations Incorporations Act 1981 and as a result must now be disallowed. Our Association will continue to be governed by the rules that were previously approved in 1999.

In order to amend the rules, the Association will be required to pass a special resolution by following the process that is outlined by Consumer Affairs. Another application for amendment of rules will need to be lodged with Consumer Affairs but the lodgement will be waived.

The Management Committee has discussed the issue at length and proposes changes in the following areas:

Definition of Members

Financial Year

Approval of Fees

Proxies

Voting

Trustees

Quorum

The Management Committee will discuss these issues with the Constitution Committee that prepared our New Constitution and will then make recommendations to the members.

Once these matters are resolved, the formal process required to pass the New Constitution will take place.

Yours Sincerely

Devendra Desai

President - GAV