



Constitutional Reform

Report to Congress

Nick Tate and Roger Clarke
Constitutional Reform Working Group – Co-Convenors

22 February 2022

Constitutional Reform

Report to Congress

Agenda

1. Recapitulation
2. Process Questions to Congress
3. Key Issues
4. Motions

1. Recapitulation

- **A Constitutional Document** defines governance structures, processes, responsibilities, accountabilities
- The **current ACS Rules** are dated, not appropriate
- **A project** needed to be undertaken
- Substantial **membership engagement** is vital
- **Congress** is the right venue to take **responsibility**, but not the right venue to perform the work involved
- In May 2021, Congress established a **Working Group**

Constitutional Reform Working Group

Terms of Reference

- **Conduct a 3-Phase Consultation Process**
re Principles, then Elements, then Clauses
- **Deliver a Recommended Constitution to Congress**
to be put before the membership for approval
- **Conduct expeditiously**, through 2021 into 2022;
but ensure that the job is done properly
- **Interwork with parallel developments**, esp.
the branding, strategy and governance projects
- **Provide Progress Reports** to Congress and MC

The CRWG's Composition

Paul Campbell	FACS	Qld	(ex-) <u>Congress</u>
Cindy Chung	MACS	NSW	<u>Congress</u>
Roger Clarke	FACS	Cbr	<u>Congress</u>
Jo Dalvean	MACS Snr CP	Vic	MC & <u>Congress</u>
Tony Errington	FACS CP	WA	ex-Congress
Jerome Chiew	MACS Snr CP	WA	BEC
Don Fraser	FACS	Vic	ex-BEC
Jacky Hartnett	FACS CP	Tas	ex-MC
Nick Tate	FACS CP	Qld	MC & <u>Congress</u>

Anthony Ellard in Support

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Project Progress

- √ Project Plan
- √ Initiation Activities
- √ Stakeholder Analysis
- √ Engagement Plan
- Consultation Rounds
 - √ 1. Principles
 - 2. Elements
 - 3. Clauses
- Recommendation
- GM Approval Process

'Elements' of a Constitution

1. Things the members want

Examples:

Branch powers, meaningful accountability, ...

See the Report on Round 1, at

<https://crwg.org/1/CRWG1-Report.pdf>

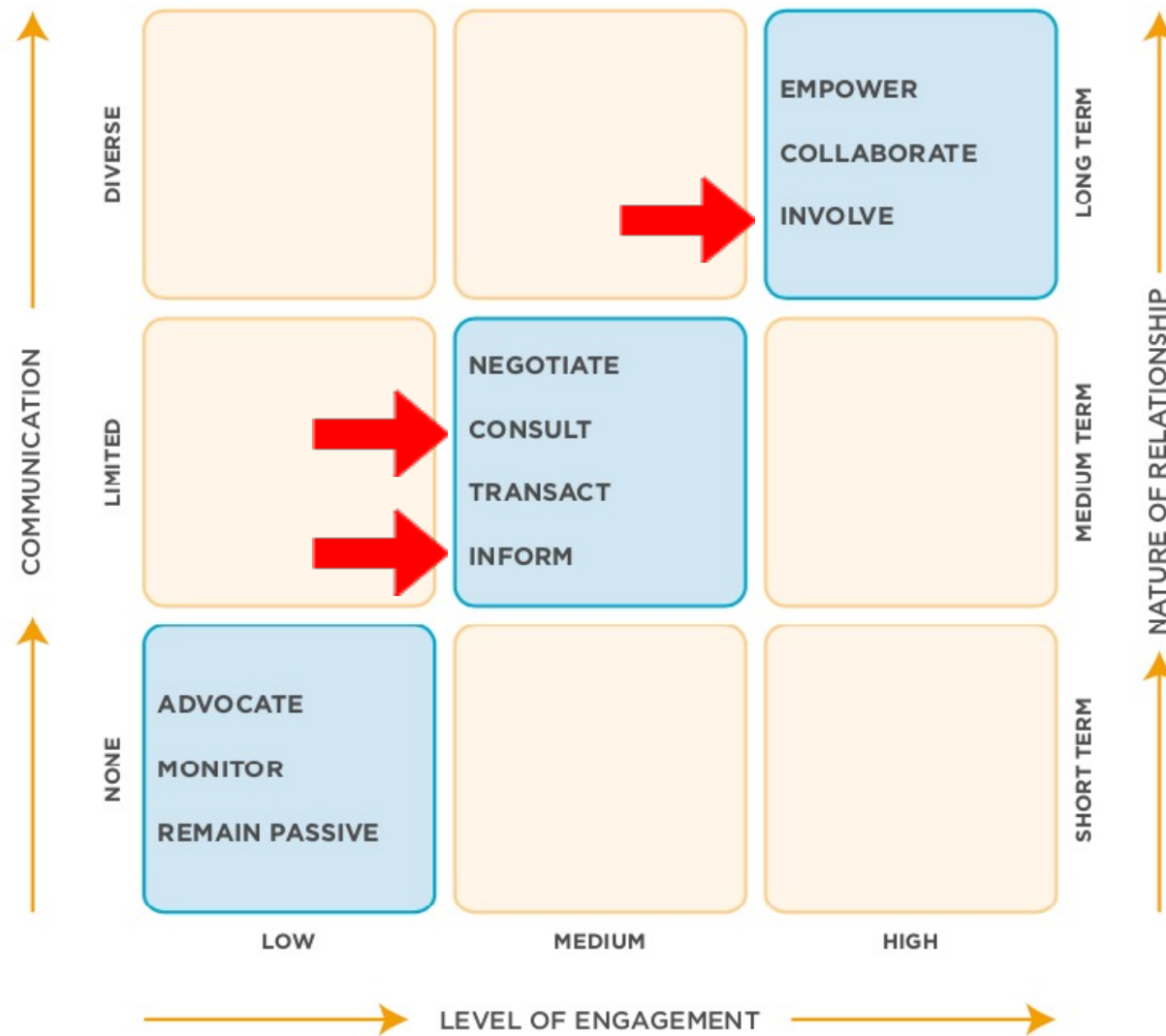
2. Things the law wants

Examples:

Public interest, not-for-profit, reg'd charity, ...

Governing committee, powers, duties, ...

Figure 7: Different Levels and Approaches to Engagement



Engagement Strategy & Vehicles

- **Inform**
 - Article, Email, Web-Site, Presentation
 - Consultation Document-Set
 - **Consult**
 - Meetings
 - Submissions
 - Surveys
 - **Involve**
 - Meeting Facilitation
 - Online Forum
 - Report back to Members

Swerhun N. with Avruskin V. (2016) 'Discuss, Decide, Do' Swerhun Inc., Toronto, 2016, at <https://www.swerhun.com/step1-develop-an-engagement-plan>

AA1000 (2015) 'Stakeholder Engagement Standard' AccountAbility, AA1000 SES, 2015, at https://www.accountability.org/static/940dc017198458fed647f73ad5d47a95/aa1000ses_2015.pdf

How To Contribute

<https://crwg.org/#Input2>

- Go to the **Consultation Site** *<https://crwg.org/#CD2>*
- Use the **Consultation Documents**
 - Elements List (the index)
<https://crwg.org/2/ElementsList.html>
 - Question List (where you provide input)
 - Consultation Document (for drill-down)
- Participate in **Events** *<https://crwg.org/#Events2>*
- Go to the **Online Forum** *<https://groups.io/g/CRWG-2>*
- Make an **Open Submission**
<https://crwg.org/2/CRWG2-ResponseForm.html>
- Make a **Closed Submission**
{convenors, <firstname>.<lastname>}@crwg.org

2. Process Questions to Congress

- CRWG is providing Congress with:
 - **Progress Reports**, generally monthly
 - **Reports Back to Members** after each Round
 - **A Constitutional Document** reflecting members' views
- CRWG intends utilising legal advice shortly, re elements, clauses, and later incorporation aspects
- Are you comfortable with the process?
- Is the audit trail in the Annexes comprehensive?
- Do you have any mid-term process concerns?

Process Questions to Congress

- There are challenges in achieving engagement
 - Re the harder questions
 - From less senior members
- We've provided multiple and diverse channels
- **What ideas can you suggest for unlocking / stimulating input?**

3. Key Issues Needing Input from all Member Segments

- This Round is the big opportunity for members to get their desired elements on the table
- That applies to:
 - Professional Members
 - Associates
 - Students, IAPA members, etc.
 - Others interested in influencing the outcome
 - Members of:
 - BECs
 - National Boards, Committees and SIGs
 - Congress
 - Management Committee

4.2 Branch-Level Bodies

4.2.1	Branches guaranteed?	Y / N / O
	Branch Ctee powers in local area?	0 1 2 3 4 5
4.2.2	Branch Chapter support?	0 1 2 3 4 5
	Branch SIGs support?	0 1 2 3 4 5

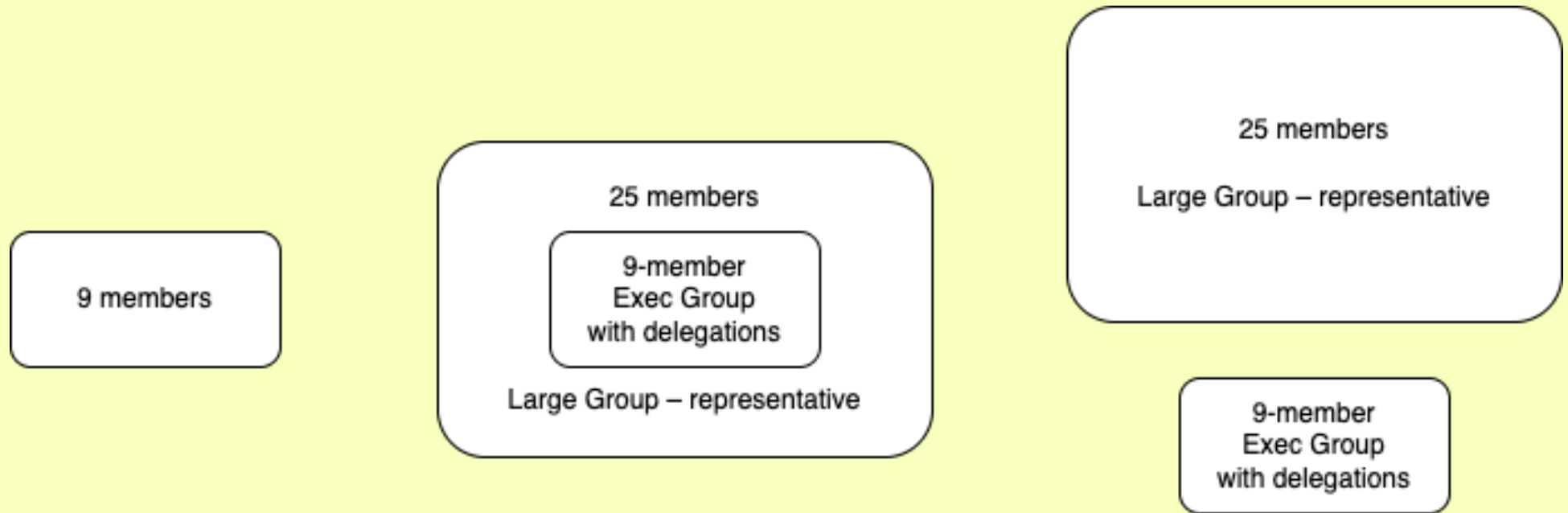
4.1 ACS National Bodies

4.1.1 Boards Advisory-Only OR With Delegations?

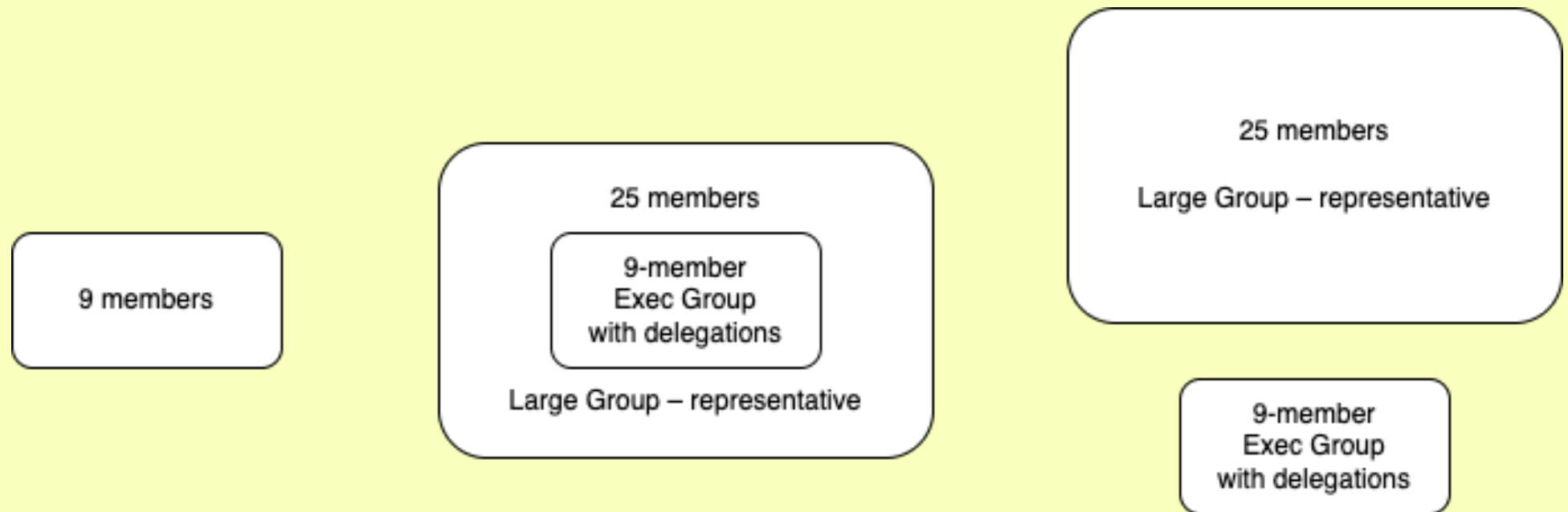
4.1.2 C'tees Advisory-Only OR With Delegations?

4.1.5 ACS as an Umbrella	Y	/	N	/	O	
• Partner Organisations (MoUs)?	0	1	2	3	4	5
• Hosted Orgs (Terms/Svces)?	0	1	2	3	4	5
• Home-Grown NatSIGs / Communities?	0	1	2	3	4	5

5.1 Governing Committee (GC) Model



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GC / Exec All-Powerful

i.e. Large-Group Advisory-Only

OR

Large-Group / Other Body/ies

Capable of Directing GC

5.3 The Electoral Scheme

5.3.1 Direct voting, or protection against dominance?

5.3.2 A vote for Professional Division members only?

5.3.3 Suspension of the vote while a staff-member?

5.4 Effective Accountability Measures Imposed on Governing Committee (GC)

**5.4.5 Member Ratification of Proposed Decisions?
(‘Plebiscite’)**

**5.4.6 Member Approval for Proposed Decisions?
(‘Referendum’)**

5.5.1 What matters should be Member-Ratified / Approved?

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4. Motions to Congress

1. Subject to observations made in Congress on 22 Feb, Congress supports the CRWG processes as outlined
2. Congress supports CRWG's request for resources to enable it to commission legal review of draft clauses, for inclusion in the report to members