

## **AGMS IN THE TIME OF COVID-19 - FAQ**

### **Can we still hold our AGM?**

Due to the current COVID-19 situation consideration needs to be given to club and district meetings. Under the constitution the AGM must be held within 13 months of the previous meeting unless there are extenuating circumstance, as this is. AGMs that are postponed must be held as soon as is possible. Any meetings should be held firstly within Government guidelines, secondly under any main club limited direction and finally under your Management Committee decisions.

If there is nothing written, then you should defer to the rules in the parent Club's constitution and if that isn't clear, then the model constitution drafted under the Incorporated Associations Act is always a good place to refer.

<https://sport.nsw.gov.au/clubs/ryso/governance>

<https://www.legislation.nsw.gov.au/acts/2009-7.pdf>

The NSW Fair Trading website have updated their advice in the last fortnight to say that associations are no longer formally required to apply for an extension of time to hold 2020 annual general meetings by lodging the form: *A11 - Application for extension of time for holding annual general meeting*. Associations may conduct their AGM when restrictions are lifted or may conduct the 2020 AGM, for the purpose of presenting the financial information to members, in conjunction with the 2021 AGM.

<https://www.fairtrading.nsw.gov.au/associations-and-co-operatives/associations/running-an-association/meetings>

### **Can AGMs and committee meetings be held remotely?**

Yes, Committee meetings can be held remotely as long they have any stated minimum quorum and it is not explicitly prohibited by any rules or by-laws.

The model rules for constitutions also allow for AGMs to be run remotely, if they are an incorporated association (or fall under the banner of a parent Club that is one) - <https://www.nfplaw.org.au/sites/default/files/media/Can we hold our AGM remotely flowchart.pdf>

### **If the AGM is postponed do, must we inform our members?**

Firstly, the AGM is supposed to occur after the end of the financial year so no club should have advertised their AGM yet.

Secondly, if you have advertised it then yes, you must inform members that it is postponed until further notice.

It is expected that management committees consider all aspects of the situation but primarily the health and well-being of members.