

WMA Draft Constitution

The British Masters Athletic Federation proposes the following amendments:

A. NAME, REGISTERED OFFICE, PURPOSE, MEANS, MEMBERSHIP

2. Purpose

4. should read “...International Association of Athletics Federations...”

4. Membership.

We propose that WMA follow the IAAF format and use the word “Members” rather than “Affiliates”

B. ORGANISATION

6.2 Ordinary and extra-ordinary General Assemblies

This also needs transitional arrangements to be included to clarify the change from odd to even- year championships. Will there be a conference in 2015 or is there a 3 year leap to 2016? There is no official statement from WMA.

We are opposed in principle to switching the biennial Track & Field Championships to even-numbered years.

6.3 Proposals and Calling

First line, insert: “of” after date.

The method of communication by the General Secretary in the first sentence needs to be stated. It should be “in writing by circular letter, by fax or e-mail” so that the General Secretary abides by the same rules as Members. Posting on a website should not be acceptable.

The “in writing” in the second and third paragraph should be expanded to “in writing by circular letter, by fax or e-mail.” This would be consistent with 7.9 and clarifies the position of electronic communication.

There can be different interpretations of “in writing” in different countries and in the interests of clarity and to avoid confusion the full wording should be used.

6.5 Registration

See 6.3 above re use of “in writing” in the two paragraphs.

We need to stipulate that to be entitled to vote at the General Congress, all Delegates must have been registered by the time the General Assembly commences.

6.6 Organisation

There is no reference to the General Assembly being conducted in accordance with the procedures as set out in Robert’s Rules.... which must be included.

6.7 Resolutions.

Second paragraph should read “...two thirds ...”

7. COUNCIL

7.1 Powers.

6. Non contestable needs to be more fully defined.

7.2 Composition.

We are very concerned that by merging the Non-Stadia and Stadia Vice Presidents jobs into one Competitions Director’s job puts too much work on one person who may need to delegate to unaccountable individuals. This will result in some disciplines of the sport being neglected and will also reduce the influence that Championships matters will have at Council meetings.

Competitions are WMA’s source of income and WMA needs to expand. A reduction from 15 to 8 persons is too severe.

The Past President being on the Council for two years also adds knowledge to the meetings and enables it to retain direction.

7.3 Nominations for election

First line, after “inform” insert “in writing by circular letter, by fax or e-mail” for the same reasons as set out in 6.3 above.

7.4 Conditions for election

Domiciled can have different meanings in different countries. It is possible to remain domiciled without living in a country if sufficient links are maintained - often used by tax authorities to get round people exploiting loopholes. In the interests of clarity it would be beneficial if it is clearly stated that the interpretation of all words is that given by the Monaco legislation if this is what is intended. There is money starting to flow into Masters competitions and domicile could become very important.

Second paragraph “in writing” needs expanding as above.

7.5 Term of Office

The Members elected for four (4) years should exclude the Regional Co-ordinator, whose term should only be 2 years. That reduction ensures the role is able to be spread around the Regions and becomes more accountable. It would not however prevent the standing member to be re-elected by the Regions.

7.9 Resolutions

Paragraph 1. The Council quorum is reduced to four. If only four attend and the President and one other vote in favour of a motion and the other two against, the tie allows the President a casting vote. So a decision could be arrived at by only two members of an eight member Council. The quorum needs to be five.

C. GENERAL PROVISIONS

9 Accounting Period

This may need transitional arrangements to be included if the two year period is to be changed to coincide the change from odd to even-year championships.

11 Liability

Under the existing Constitution it specifically states that the WMA is an independent body and thereby incurs separate liability for acts or omissions from its affiliates. The new constitution states that “any personal liability of members is excluded”. What is intended by the use of the word “personal”. Is it all liabilities of members (who are Federations and Associations) or is it just the Officers of Members. Could someone who wants to sue the WMA go for the WMA’s assets and then the assets of the Members?

For example – If a Member refuses to endorse an athlete’s participation in a Championship because it is applying the WMA’s rules, who is liable?

WMA needs to obtain clarification on these points from a Monaco-based Lawyer.

INTRODUCTION AND PURPOSE OF BY –LAWS

5 Vice President

The title Executive Vice-President should be retained to commensurate the level and importance for the role and responsibilities he undertakes.

Under portfolio parameters:

Should read: - Drafting of Contracts.

Second line should read: “LOC compliance with all contract provisions relating to organisational (non-technical) matters.”

Line 6. We propose that the Vice President should not co-chair Team Managers Meetings as he will not have sufficient expertise in this area, but he should attend these meetings.

Under the Competition Director’s role (6), it does not state they have to share chairing the Team Managers Meetings.

6 Competition Director

The reduction of two positions to one gives too heavy a workload to one person who then has to delegate to unaccountable individuals.

Under parameters:

Line 8. the wording 'Competitors/Technical Manual' should be added to the end of the sentence.

7 Treasurer

Under parameters:

Line 2. should read -on annual basis.

8 General Secretary

The title Secretary should be retained as it is an elected position.

D. COMMITTEES

12. Standing Committees and Sub-Committees.

The TUE Committee is not listed.

13. General Rules for Committees

All listings 13.1 to 13.6 have the wrong Article from the Constitution.

14.2 Composition

The Stadia Committee after (8) members add: "at least one of whom should be a woman"

15.1 Powers

Track Race Walking events should be removed, as covered by Stadia Committee.

15.2 Composition

Non-Stadia Committee after (8) members add: "at least one of whom should be a woman"

First line. Replace 'fives' with 'five'.

Non-Stadia Committee after (8) members add: "at least one of whom should be a woman"

14 and 14 Stadia and Non Stadia Committees

There is confusion around who is responsible for walking events. 14.1 state that the Stadia Committee is responsible for all walking events held on a track as part of a track meet. In 15.1 it states that the Non-Stadia Committee shall have responsibility for all road and track race walking events over all WMA Stadia World championship events. The Non-stadia Competition Director is responsible for appointing the Chief Race Walking Judge (last paragraph 15.3)

Under the existing rules the Non Stadia Committee is responsible for all walks.

17.2 TUE Committee

Members are appointed, but we would still like it stipulated that one should be a woman.

We propose that the majority of members should specialise in the field of sports for all age groups.

Organisational Advisory Committee (OAC)

21.1 Powers

If we are stipulating that all sub committees have a minimum of one female, equally there should be clarification that allows a male to attend to comply with current European Equality Laws.

E REGIONS

22. Organisation of Regions

Paragraph 4. This should includeRules of Competition which may not conflict in any sense with.... Rules of Competition of WMA.....

Our reasoning being that the Regions are not arbiters of the Rules of Competition. If for whatever reason a Regional Championship requires to 'vary' the Rules, it must first seek WMA Council permission. Otherwise athletes will be entering and training for an unknown set of circumstances which is not only unfair, but surely is a breach of contract that the LOC has with the Athlete.

23 Regional Co-ordinator

The nomination process is not stated. Clear Guidelines are needed.

It should also be a requirement that they are an existing elected Officer of one of the Regions.

Paragraph 3. This should read 'elected every two years at the....

Four years is too long for the position to circulate around the Regions – refer to 11 earlier. The term bi-annual should read biennial.

F. WEBSITE

Line 5. We suggest there should be a photograph with each Council member's names.

Add: Précis of Minutes of Council Meetings

We do not see any need for a Photo Gallery. It could lead to some accusations of favouritism or disputes and who would be responsible for selecting and updating photos? Last line. Links to other..... WMA should not list on its website links to other Organisations which are in direct competition to our own Championships.

G. LEGAL REPRESENTATIONS AND FINANCIAL MANAGEMENT

In the IAAF Constitution (The Finances of the IAAF) covers the delegation of power to the Treasurer and President in urgent financial matters. It would seem prudent that a By-law be added to similar effect given the financial crisis that we are currently experiencing and those associated with the Lehman's situation.

27. Bank Account

In view of the problems of security of banks this By-law needs strengthening to restrict accounts and investments to those that offer greatest security. We can either suggest that the Treasurer makes a recommendation or we propose a wording such as "bank accounts must be held with a bank from a G7 economy that has at least a AA credit rating or where there is a government guarantee in place for depositors"

H. DISCIPLINARY ACTIONS RELATING TO OFFICERS

30. Allegation

Existing rule 10.1.1 states "A member of the Council may be impeached on the ground that he has exercised his power improperly or that he has failed to carry out his duty satisfactorily".

We have gone from this broad approach to the just two specifics. This does not feel right. We either need to revert to the wider approach or extend the number of offences.

Regardless of the previous point, in view of the difficulties of other sporting bodies and different attitudes around the world to inducements for awarding contracts (in some countries something that is regarded as normal business practice could be regarded as bribery in another) it would seem prudent for the By-laws to specifically set out what is and what is not acceptable. Once that is established, an extra allegation should then be added to 30 to cover the position where an Association or an individual makes an offer in excess of that permitted or an Association or individual accepts an offer in excess of that permitted.

CHAMPIONSHIP RULES

B. Bidding Procedures for Championships Competitions

3.1. Championships

We are opposed to WMA Championships being held in even-numbered years.

3.2 Identification of Potential Bid Candidates

Paragraph 1. Delete "Regional" replace with Region.

3.3 Applications.

If there is a closing date for a full Bid application, there should be a closing date for Applicants to signify an 'Interest in Bidding'. Otherwise you are limiting the time to seek additional Bid Cities.

4.2 Inspection visits

This rule needs expanding so that it specifically states what is acceptable in paying the expenses and any entertainment of Council Members on inspection visits.

4.4 Presentation before the Council

Paragraph 1. Delete "bids" substitute "Presentations"

Paragraph 2. Why should Presentations be open to pre-inspection by the WMA Council?

This gives the opportunity for abuse of that information. There is a limit of twenty minutes on the presentation that should be the only stipulation. Months of work by the Bidder could be wasted by the Council's insistence on revisions.

RULE OF COMPETITION ?

Bridget Cushen

Honorary Secretary

December 2011

Received

05-01-2012

Please note **RULE OF COMPETITION** Changes submitted by BMAF have been removed as these constituted changes that needed to be submitted to the "present Stadia and Non Stadia Committees" for review and were not part of the Constitutional change outlined at the General Assembly. The said items will be circulated to the WMA Council for any other action that may be taken on them. I have written to the BMAF and await their response and publish the attached feedback in the mean time.

Winston Thomas

WMA Secretary