

# Filipino Australian Friendship Association of Geelong Incorporated

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## Dear Fellow Members of Committee of Management Filipino Community Council of Victoria Inc (FCCVI),

My name is Barry Buckle, currently the president of the Filipino Australian Friendship Association of Geelong (FAFAG) Inc. Like the presidents and authorised representatives of other member organisations registered with FCCVI, I sit on the FCCVI Committee of Management. I am writing to you, fellow Management Committee members representing Filipinos and Australians in Victoria, to advise of developments in attempting to resolve the turmoil surrounding the **October 2005** election of FCCVI Executive Officers.

We have all been affected by the distressing events around the October elections. FAFAG does not barrack for any political faction but we will give our vote to any person who will deliver what Filipinos in Victoria need, including us rural clubs who have given uncomplainingly to FCCVI fundraising for many years. What we want are honest and fair officers who support Fil- Australian families in the country, involve all clubs at meetings and tell us willingly where hard raised monies go.

Years ago, FAFAG went through a similar experience where a group tried to stack our election. We got legal advice, called in an MP as Independent arbiter, got a barrister to fix our Constitution and then held the election. It was a painful lesson but we had no choice: we had to protect the Club House we built brick by brick for our children, and to ensure that everyone abides by clear, honest rules strictly.

The problems with FCCVI that we saw were:

1. **The Constitution** – if people have been asking for the Constitution to be amended by the same officers that sat in position for over 8 years, why did they not do it? It has to have clear rules in plain English, protect us members from financial mismanagement and protect what assets we have built up at FCCVI. **You see, it scares me that under this Constitution, member organisations like yours and mine are legally responsible for any financial loans and debts incurred by the executive officers, while they can simply walk away! Why would the officers keep stalling and not show us the title to the FCCVI property?** (Please refer to legal advice on [www.philaus.com](http://www.philaus.com))
2. **Register of Members** – is a terrible mess. We have had **four versions** given by the Executive Officers: the first two version each lists around 33 listed organisations with no details; the third was the official Register issued by the then Secretary with contact details for **32** member organisations; and the fourth version read to us by the Returning Officer before voting time on 15 October 2005 listed **93** groups! He and the Executive Officers flatly refused to release the Register at an evening Special Meeting on 14 October 2005 and they gave no reason for their refusal to show the public document despite repeated requests from attending organisational representatives.
3. **Unfair election procedures**- the conduct of the whole election process was confusing and lacking in natural justice to other candidates and to voters. Rural clubs drove to Melbourne in September and in October to vote but we saw only shocking disorderly conduct. The Returning Officer would not tell us how unknown new clubs introduced by the incumbent executive officers can apply, pay and vote on the day without going through the Membership

Approval process as detailed in the Constitution. I believe that the majority of FCCVI members walked out because they were disgusted by the unfairness and dishonesty of it all.

4. **Mediation attempts** – the law tells us the steps to follow in trying to resolve complaints or grievances, but discussions with respected Filipino community leaders were unsuccessful; attempts by Management Committee members at independent mediation with the Department of Justice and a Special General Meeting in November were declined by the Executive Officers. Why do these officers act like they are accountable to no one, and are above the law?

FAFAG, like many of your organisations, has had enough! Prolonging this conflict erodes any trust left in the FCCVI, is destructive to the Filipino- Australian community and takes away our energy to do important work for our own clubs. **As a last resort, FAFAG and a group of organisations who decided that this impasse has to be solved once and for all, lodged a Notice of Complaint with the Sunshine Magistrates Court against the current Executive Officers on 29 December 2005.** This decision was not taken lightly. The legal action is seeking these legally binding rules from the Court:

- To declare the October elections null and void.
- To appoint a Caretaker Executive Committee from existing Management Committee to manage FCCVI tasks for a limited time, such as financial audit and grants administration.
- To establish a Constitution Working Party to review/ amend it in line with legal requirements.
- To establish a Membership Working party to review the Register immediately.
- Once the two reviews are completed, to conduct an election within six months of the order.

I am writing to you because, inasmuch as the elections created divisions, this legal challenge signals that we are speaking up for a new and better FCCVI. You and I all rightfully form the FCCVI Management Committee, to whom the executive is legally accountable. WE have a right and a responsibility to represent our small clubs' views at this Committee round table, which is why we formed FCCVI and supported it for years. We can not abandon FCCVI and the house that we all paid for, just because a small group of men and women refuse to go after eight years sitting in position. We will not go and form another umbrella body because it means we start from nothing again:- to keep splintering and starting over means we will never have anything substantial to pass on to our children after over 25 years of living in Victoria. You see, we are fighting for our principle because the cost of doing nothing to correct the corrupt ways of a few will be too great for the honest Filipinos and for our children to bear.

FAFAG and a few organisations have established a fighting fund to pay for our legal costs, and are prepared to go it alone if need be. I am therefore asking you to join us to prevent any more bad practices and rebuild the FCCVI organisation which was formed with the intention of serving the whole Filipino- Australian community. The legal challenge is your opportunity to demand once and for all what kind of FCCVI your own organisation wants for the future.

**The pre-hearing conference is scheduled at the Court on 15 March 2006.** We are not seeking money, although pledges of financial support would be welcomed. What we do seek is your moral support, a preparedness to speak up and for you to seriously consider: **where do I stand in all of this? What do my members want from FCCVI and how can I get it from the legal process?**

If you decide **not to support** the legal action, I respect your choice and there is **no** need to contact me. If you do **decide to support** us, we welcome you with open arms and please write or ring me on telephone **(03) 5257 1921**; Mrs Susan Jaraba on telephone **(03) 9390 8056** or Mrs Laura Riego on telephone **(03) 9311 6082** as soon as possible so we can brief you of further developments before the hearing.

Thank you,

*Barry J Buckle*

**Barry Buckle**  
**President, FAFA Geelong Inc.**  
**21<sup>st</sup> February 2006**