

CONSTITUTION AND RULES OF THE ALLIANCE FOR FORGOTTEN AUSTRALIANS INCORPORATED

Part 1: Preliminary

1. Name of Association

The name of the Association is the Alliance for Forgotten Australians Incorporated (AFA).

2. Definitions

In these rules, unless the contrary intention appears:

"convene" means to call together for a formal meeting;

"Committee" means the body referred to in Part 3;

"Executive Officer" means a person appointed as Executive Officer of the Association by the Committee;

"financial year" means a period not exceeding fifteen (15) months fixed by the Committee, being a period commencing on the date of incorporation of the Association and ending on 30 June; and thereafter each period commencing 1 July and ending on 30 June in the following year;

"Forgotten Australian" means any person/people who spent a period of time as a child/children in children's Homes, orphanages, asylums, foster care, training schools and other forms of out-of-home 'care' before the end of 1989;

"General Meeting" means a meeting convened under Part 4;

"Member" means a Member, however described, of the Association;

"Special General Meeting" means a General Meeting other than the Annual General Meeting;

"The Secretary" means the person holding an Office under this Constitution as Secretary of the Association or, if no such person holds that Office, the Public Officer of the Association;

"The Act" means the Associations Incorporation Act 1991 (ACT);

"The Regulation" means the Associations Incorporation Regulation, 1991 (ACT).

2A Application of Legislation Act 2001

The Legislation Act 2001 (ACT) applies to these rules in the same way as it would if they were an instrument made under the Act.

3. Purpose of Association

The Association is committed to recognition and healing for Forgotten Australians and encourages their active engagement in the development of policy and services which are person-centered and strengths-based and which create opportunities and pathways which improves the lives of Forgotten Australians.

4. Objects of Association

- (1) The Objects of the Association are to develop a widely-recognised identity as an organisation that:
 - (a) values and strives for equity, equality, justice, resources and affirmation for all Forgotten Australians and their families;
 - (b) encourages independent thinking and advice on policies and programs to assist Forgotten Australians;
 - (c) raises the profile and identity of Forgotten Australians in the wider community, distinguishing them from other special needs groups;
 - (d) ensures that the lived experience of Forgotten Australians' informs relevant policy development and service delivery;
 - (e) develops strategic alliances with a broad range of stakeholders including, professionals, organisations, Institutes, service providers and researchers in collaborative policy and service enhancements;
 - (f) incorporates the voice of Forgotten Australian in national forums to ensure that they are heard in the National Find & Connect and wider healthcare and human service systems;
 - (g) fosters a national public policy environment where Forgotten Australians' issues take priority;
 - (h) encourages other organisations and entities to support Forgotten Australians;

- (i) endeavors to inform and influence national policy at the highest levels of government;
- (j) takes a practical approach but also considers the long-term impact and implications of policies, is highly strategic and targeted in all its actions;
- (k) is politically astute, constructive and collaborative across all stakeholder groups;
- (l) where practicable provides direct and/or indirect services to support the needs of Forgotten Australians and their families;
- (m) where practicable may provide other services as the Committee may determine from time to time provided that those services are ancillary to the Association's Objects;
- (n) takes a broad and inclusive approach in all its work;
- (o) governs and manages itself to the highest possible standards of accountability and probity;
- (p) makes responses on behalf of Forgotten Australians to government, Parliamentary inquiries, other government appointed inquiries and other Parliamentary forums; and,
- (q) participates in public education activities.

5. Property

The property and income of the Association shall be applied solely towards the promotion of the Objects of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to Members, except in good faith for services rendered in the promotion of those objects.

6. Powers of Association

In addition to the powers conferred by the Act or by any other Law, and conferred elsewhere in the Constitution, the Association shall have such powers as are reasonably required for attaining its Objectives, and, without limiting the generality of the foregoing, it shall have powers:

- (1) To receive monies and grants;
- (2) To acquire and dispose of real and personal property;
- (3) To borrow money and to charge its property by way of security;
- (4) To accept donations of money and property and enter into sponsorships;

- (5) To engage and dismiss employees, including the Executive Officer, as the Association deems necessary; and
- (6) To determine the terms of employment.

Part 2: Membership

7. Membership Structure

Membership of the Association

- (1) General Membership of the Association is open to any funded support service organisation whose primary purpose is to provide direct support to Forgotten Australians on a daily basis. Each funded support service organisation that becomes a General Member of the Association must have an active Forgotten Australians advisory group.
- (2) Each funded support service organisation may nominate as representatives of the Association:
 - i. one (1) member from the funded service organisation and;
 - ii. two (2) members from that funded service organisation's Forgotten Australians advisory group.
- (3) There will be a maximum of three (3) representatives from each State and Territory's funded support service. In the event that more than three (3) people are proposed as the representatives from a State or Territory, the Association will select the three (3) representatives from those nominated.
- (4) General Members of the Association have voting rights at General Meetings of the Association.
- (5) Affiliate Membership of the Association is open to individuals or organisations with specialist skills and who are able and willing to contribute to the achievement of the Objects of the Association. Affiliate Members may attend General Meetings of the Association and may be invited to sit on the AFA Committee.
- (6) Affiliate Members do not have voting rights at General Meetings of the Association.
- (7) There are no proxies permitted for any General Meeting or Committee Meeting of the Association.

8. Affiliate Membership qualifications

- (1) A person is qualified to be an Affiliate Member if the person:
 - i. has nominated for Affiliate Membership in accordance with Section 9; and
 - ii. has been approved for Affiliate Membership of the Association by the Committee of the Association.

9. Nomination for Affiliate Membership

- (1) A nomination of a person for Affiliate Membership of the Association must be in writing; and must be lodged with the Secretary or Executive Officer of the Association.
- (2) As soon as is practicable after receiving a nomination for Affiliate Membership, the Secretary must refer the nomination to the Committee which must decide whether to approve or to reject the nomination.
- (3) If the Committee decides to approve a nomination for Affiliate Membership, the Secretary must as soon as practicable after that decision notify the nominee of that approval and request the nominee to pay within three (3) months the Membership sum agreed by the Committee as payable by an Affiliate Member as the entrance fee and the first year's annual subscription.
- (4) If the annual subscription of an applicant for Affiliate Membership is not paid within three (3) months after the applicant is notified of acceptance of their application for membership, the Committee may cancel their acceptance of the applicant for membership.
- (5) The Secretary must, on payment by the nominee of the amounts mentioned in subsection (3) within the period mentioned in that subsection, enter the nominee's name in the register of Members and, on the name being so entered, the nominee becomes an Affiliate Member of the Association.

10. Membership entitlements not transferable

A right, privilege or obligation that a person has as a General or Affiliate Member of the Association:

- (a) cannot be transferred or transmitted to another person; and
- (b) terminates on cessation of the person's Membership.

11. Register of Members of Association

The Secretary, on behalf of the Association, must ensure that a register of all Members of the Association is maintained in an up to date condition. A register of Members will record the full name of each Member; the date of commencement of Membership and termination of Membership; and shall be conclusive evidence of matters recorded.

12. Subscriptions of Members of Association

- (1) The Committee may from time to time determine the amount of the subscription to be paid by each General and Affiliate Member.
- (2) Each General and Affiliate Member must pay to the Association annually on or before 1 July or such other date as the Committee from time to time determines, the amount of the subscription determined under sub-rule (1).
- (3) The subscription to be paid by a General Member may be paid on their behalf by the funded service organisation that has nominated him or her as a General Member of the Association.
- (4) A General Member whose subscription is not paid within three (3) months after the relevant date fixed by or under sub-rule (2) ceases on the expiry of that period to be a General Member, unless the Committee decides otherwise.
- (5) A person exercises all the rights and obligations of a General Member for the purposes of these rules if his or her subscription is paid on or before the relevant date fixed by or under sub-rule (2) or within three (3) months thereafter, or such other time as the Committee allows.

13. Members' liabilities

The Liability of any General Member to contribute towards the payment of the debts and liabilities of the Association or the costs charges and expenses of the winding up of the Association is limited to the amount (if any) unpaid by the General Member in relation to Membership of the Association as required in Rule 12.

14. Termination of Membership of the Association

Membership of the Association may be terminated upon:

- (1) receipt by the Secretary or another Committee Member of a notice in writing from a Member of their resignation from the Association. Such Members remains liable to pay to the Association the amount of any subscription due and payable by that person to the Association but unpaid at the date of termination; or
- (2) non-payment by a Member of their subscription in accordance with Rule 12 (4) or expulsion of a Member in accordance with Rule 15.

15. Suspension or expulsion of a Member of the Association

- (1) If the Committee considers that any Member should be suspended or expelled from Membership of the Association because their conduct is detrimental to the interests of the Association, the Committee must communicate, either orally or in writing to the Member and provide:
 - (a) notice of the proposed suspension or expulsion and of the time, date and place of the Committee Meeting at which the question of that suspension or expulsion will be decided; and
 - (b) particulars of that conduct, not less than thirty (30) days before the date of the Committee Meeting referred to in paragraph (a) above.
- (2) At the Committee Meeting referred to in a notice communicated under sub-rule (1), the Committee may, having afforded the Member concerned a reasonable opportunity to be heard by, or to make representations in writing to the Committee, suspend or expel or decline to suspend or expel that Member from Membership of the Association and must, forthwith after deciding whether or not to suspend or expel that Member, communicate that decision in writing to that Member.
- (3) Subject to sub-rule (5), a Member has their Membership suspended or ceases to be a Member fourteen (14) days after the day on which the decision to suspend or expel a Member is communicated to him or her under sub-rule (2).

- (4) A Member who is suspended or expelled under sub-rule (2) must, if they wish to appeal against that suspension or expulsion, give notice to the Secretary of his or her intention to do so within the period of fourteen (14) days referred to in sub-rule (3).
- (5) When notice is given under sub-rule (4):
 - (a) the Association in a General Meeting, must either confirm or set aside the decision of the Committee to suspend or expel the Member, after having afforded the Member who gave that notice a reasonable opportunity to be heard by, or to make representations in writing to, the Association in the General Meeting; and
 - (b) the Member who gave that notice is not suspended or does not cease to be a Member unless and until the decision of the Committee to suspend or expel him or her is confirmed under this sub-rule.

Part 3: Committee

16. Committee of Management

- (1) The affairs of the Association will be managed exclusively by a Committee of Management consisting of eight (8) General Members who are Forgotten Australians, a maximum of four (4) other General Members who are not Forgotten Australians and up to two (2) Affiliate Members who may be co-opted to sit on the Committee.
- (2) The Committee, subject to the Act, the Regulation, these Rules, and to any resolution passed by the Association in a General Meeting, controls and manages the affairs of the Association, and may exercise all functions that may be exercised by the Association other than those functions that are required by these rules to be exercised by the Association in General Meeting, and has power to perform all acts and do all things that appear to the Committee to be necessary or desirable for the proper management of the affairs of the Association.
- (3) General Duties
Committee Members should act in the Association's best interests by:

- (a) acting in good faith;
 - (b) using reasonable care and skill while doing their duties;
 - (c) telling the Committee if they have a possible conflict of interest (such as a proposed action which will financially benefit them);
 - (d) not make false or misleading statements to the Association's members;
 - (e) knowing the Secretary's and Treasurer's duties and make sure they are properly carried out; and,
 - (f) bringing any relevant letters, emails or other Association documents to the Committee's attention.
- (4) The Committee will consist of the following Office Bearers:
- (a) a Chairperson;
 - (b) a Vice-Chairperson;
 - (c) a Secretary;
 - (d) a Treasurer;
 - (e) in addition to the Office Bearers, the Committee shall include not less than four (4) other persons who shall be Ordinary Committee Members, all of whom must be Members of the Association in accordance with Rule 7; and
 - (f) irrespective of the number of persons on the Committee at any time, there must be a majority of Forgotten Australians present for a Committee Meeting to take place.
- (5) Committee Members must be elected to Membership of the Committee at a General Meeting.
- (6) An ordinary Committee Member's term will be for three (3) years, while the Office Bearers of the Committee may serve up to two (2) consecutive terms before being required to stand down.
- (7) Committee Members shall be eligible for re-election, subject to the following:
- (a) A person shall not serve more than seven (7) consecutive years of Office on the Committee, with the exception that the immediate past Chair who may serve an additional year of service, being the year immediately following their Office as Chair.

- (b) A person who is ineligible to serve on the Committee because of the operation of paragraph (a) may serve on the Committee after the expiration of one (1) in which they are not an Office Bearer or a member of the Committee.
 - (c) Two Officer Bearers may serve an additional one (1) year term if the Committee believes that a loss of corporate knowledge may occur if a substantial number of Committee Members are up for re-election in the same year. The two (2) Committee Members to serve the additional one (1) year term will be selected through a secret ballot which will be presided by the Chair.
- (8) If the number of persons nominated for election to Membership of the Committee does not exceed the number of vacancies in that Membership to be filled, the Chairperson must declare those persons to be duly elected as Members of the Committee at the Annual General Meeting (AGM) concerned.
 - (9) If vacancies remain on the Committee after the declaration under sub-rule (8), additional nominations of Committee Members may be accepted from the floor of the AGM. If such nominations from the floor do not exceed the number of vacancies the Chairperson must declare those persons to be duly elected as Members of Committee. Where the number of nominations from the floor exceeds the remaining number of vacancies on the Committee, elections for those positions must be conducted.
 - (10) If a vacancy remains on the Committee after the application of this Rule (Rule 16):
 - (a) the Committee may appoint a Member to fill that vacancy; and;
 - (b) if a casual vacancy occurs in the office of a Committee Member Rule 22 will apply.
 - (11) The Committee may delegate, in writing, to one to more sub-Committees (consisting of such Member or Members of the Association as the Committee thinks fit) the exercise of such functions of the Committee as are specified in the delegation other than:
 - (a) the power of delegation;

- (b) a function which is a duty imposed on the Committee by the Act or any other law; and
 - (c) the Committee is ultimately responsible for the activities undertaken by the sub-committee.
- (12) A Committee member will Chair all sub-Committees and will provide a report to each Committee Meeting.
- (13) The Committee may, in writing, revoke wholly or in part, any delegation under sub-rule (11).

17. Transitional Arrangements

- (1) In the period between the date of Incorporation of the Association and the first AGM, the affairs of the Association are to be managed by the AFA Transitional Management Committee.
- (2) The Office Bearers of the AFA Transitional Management Committee will form the Executive of the Association and hold office for a three (3) year term from the date of the first AGM.
- (3) At the first AGM of the Association, 50 per cent of the Ordinary Members of the AFA Transitional Committee must stand down but may seek re-election.
- (4) At the second AGM of the Association, the remaining Ordinary Members of the AFA Transitional Committee who did not stand down at the first AGM must stand down but may seek re-election.

18. Chairperson and Vice-Chairperson

- (1) Subject to this rule, the Chairperson must preside at all General Meetings and Committee meetings.
- (2) In the event of the absence from a General Meeting of:
 - (a) the Chairperson, the Vice-Chairperson; or
 - (b) both the Chairperson and the Vice-Chairperson, a Member elected by the other Members present at the General Meeting must preside at the General Meeting.
- (3) In the event of the absence from a Committee Meeting of:
 - (a) the Chairperson, the Vice-Chairperson; or

- (b) both the Chairperson and the Vice-Chairperson, a Committee Member elected by the other Committee Members present at the Committee meeting, must preside at the Committee Meeting.

19. Secretary

The Secretary of the Association must, as soon as practicable after being appointed as Secretary, notify the Association of his or her address.

The Secretary is responsible for the following duties:

- (a) keeping and taking of minutes from the meetings in consultation with the Executive Officer;
- (b) assisting with the documentation for all elections and appointments of Office Bearers and ordinary Committee members;
- (c) recording the names of Members of the Committee present at a Committee Meeting or General Meeting; and
- (d) ensuring minutes of proceedings at a meeting are signed by the person presiding at the meeting or by the person presiding at the next succeeding Committee Meeting.

20. Treasurer

The Treasurer of the Association must:

- (1) ensure that that all amounts owing to the Association have been received and that all payments are authorised by the Association in coordination with the Executive Officer;
- (2) ensure that the correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association have been maintained in coordination with the Executive Officer;
- (3) coordinate and prepare the financial statements of the Association for each Committee meeting; and,
- (4) ensure at least one other Committee Member has access to the accounts and financial records of the Association.

21. Public Officer

- (1) AFA shall have a Public Officer. The Public Officer must be a person who resides in the Australian Capital Territory and is at least 18 years of age.
- (2) If the office of Public Officer becomes vacant, the Board shall, within fourteen (14) days after it becomes vacant, appoint an eligible person to fill the vacancy.
- (3) The office of the Public Officer becomes vacant if the person holding that office:
 - (a) is removed as Public Officer by resolution at a General Meeting;
 - (b) resigns from the office by notice in writing to the Committee;
 - (c) dies;
 - (d) becomes an insolvent under administration within the meaning of the Corporations Law;
 - (e) suffers from a mental or physical incapacity which renders him or her incapable of acting as Public Officer;
 - (f) is convicted of an offence specified in section 64(2)(f) of the Act; or
 - (g) ceases to reside in the Territory.
- (4) Duties of the Public Officer:
 - (a) The Public Officer shall carry out and perform the duties, functions and obligations imposed or required by the Act, together with such duties as the Committee may direct.

22. Vacancies

- (1) A casual vacancy occurs in the office of a Committee Member and that office becomes vacant if the Committee Member:
 - (a) dies;
 - (b) resigns by notice in writing delivered to the Chairperson or, if the Committee Member is the Chairperson, to the Vice-Chairperson and that resignation is accepted by resolution of the Committee;
 - (c) is convicted of an offence under the Act;
 - (d) is permanently incapacitated by mental or physical ill-health;
 - (e) is absent from more than three (3) consecutive Committee Meetings, of which meetings the Member received notice, and the Committee has therefore resolved to declare the office vacant;

- (f) ceases to be a Member of the Association; or
 - (g) is the subject of a resolution passed by a General Meeting terminating his or her appointment as a Committee Member;
- (2) The funded service organisation that nominated the Member who has ceased to be a Member of the Committee as a result of one of the events in subsections (a) to (g) of this clause, may nominate a replacement Member of the Committee. The replacement Member shall be entitled to be a Member of the Committee for the remainder of the term of the Member they have replaced.

23. Meetings of Committee

- (1) The Committee shall meet at least three (3) times each year, which may occur in person or by telecommunications. The Chair shall determine the mode of conduct of the meeting, subject to any resolution of the Committee as a whole. If the Committee agrees, some Members may join a Committee Meeting through teleconferencing or videoconferencing arrangements.
- (2) Any fifty (50) per cent plus one (1) members of the Committee constitute a quorum for the transaction of the business of a meeting of the Committee and the meeting must also comply with Rule 16 (4).
- (3) No business shall be conducted unless there is a quorum present. If within half an hour of the proposed starting time of the meeting a quorum is not present, then the meeting shall be adjourned to another day, time and place as the Committee may determine.
- (4) The Committee shall endeavour, as far as possible, to resolve all matters by consensus, otherwise all resolutions shall be decided by a majority of votes of Committee Members.
- (5) In the case where the votes are equal, the Chair shall have a casting vote.
- (6) Voting on any issue shall generally be by show of hands or indication by voice on teleconferences, but if so requested by any four (4) Members present, shall be by secret ballot to be conducted immediately, or for which suitable arrangements are made in the case of a teleconference.
- (7) Committee Members shall be given at least fourteen (14) days written notice of an ordinary Committee Meeting and invited to provide items for the

agenda. The agenda for an ordinary Committee Meeting shall be given to Members at least five (5) working days prior to the Meeting.

- (8) The Committee may grant speaking rights to non-Committee Members as it sees fit.

Part 4: General Meetings

24. Annual General Meeting

- (1) An AGM will be held within five (5) months of the close of each financial year, except for the first AGM which must be held within eighteen (18) months of the date of the incorporation of the Association.
- (2) The business of the AGM shall be:
 - (a) to confirm the minutes of the last and of any General Meetings held since that meeting;
 - (b) the receiving of the Committee's Annual Report;
 - (c) the receiving of the Auditor's Report;
 - (d) the receiving of the Treasurer's Report;
 - (e) the confirmation the appointment of Committee Members when relevant;
 - (f) the election of Committee Members when relevant; and
 - (g) the appointment of the Auditor.
- (3) The Secretary shall give all Members at least thirty five (35) days' notice of the date and venue of an AGM and shall invite any items for the agenda. The Secretary shall give all Members a copy of the agenda for the AGM at least twenty one (21) days prior to the date appointed for the meeting.
- (4) The quorum for all General Meetings shall be fifty (50) per cent plus one (1) of Members entitled to vote, in person, or electronically, including by teleconference or videoconference.
- (5) If the Committee agrees, some Members may join an AGM through teleconferencing or videoconferencing arrangements.
- (6) No business shall be done unless there is a quorum present. If within an hour of the proposed starting time of the meeting a quorum is not

present, then the meeting shall be adjourned to another day, time and place as the Committee may determine.

- (7) The Chair of an AGM shall endeavour to secure consensus on all resolutions, otherwise all resolutions shall be decided by a majority of votes of Members entitled to vote. In the case where the votes are equal, the motion shall lapse.
- (8) Voting on any issue shall generally be by show of hands or indication by voice on teleconferences, but if so requested by any four (4) Members present, shall be by secret ballot to be conducted forthwith, or by means of other suitable arrangements in the case of a teleconference. A Returning Officer will be appointed for the secret ballot.

25. Special General Meetings Of Members

- (1) A Special General Meeting of Members (SGM) may be convened by the Committee whenever it considers it appropriate or upon receipt of the written request of 25 per cent of Members entitled to vote or in the circumstances set out at Rule 15 above. A quorum for a SGM shall be fifty per cent (50) per cent plus one (1) of Members entitled to vote, in person, or electronically, including by teleconference or videoconference.
- (2) Rule 24(3) applies in like manner in respect of a meeting of a SGM or the Committee.
- (3) If within an hour of the proposed starting time of the meeting a quorum is not present, then the meeting shall be adjourned to another day, time and place as the Committee may determine.
- (4) The chair of any SGM shall endeavour as far as possible to secure a consensus on all resolutions, otherwise all resolutions shall be decided by a majority of votes of Members entitled to vote. In the case where the votes are equal, the motion shall lapse.
- (5) Voting on any issue shall generally be by show of hands or indication by voice on teleconferences, but if so requested by any four (4) Members present, shall be by secret ballot to be conducted forthwith, or by means of other suitable arrangements in the case of a teleconference.

26. Postal Votes

In the event of an AGM or SGM votes may be cast by postal ballot. The Secretary shall distribute postal ballot forms at least twenty one (21) days prior to an AGM or SGM together with the Agenda, and only postal votes received by the Secretary two (2) working days prior to the date of the Meeting shall be counted.

27. Minutes of all Meetings

- (1) The Secretary or Executive Officer of the Association must document proper minutes of all proceedings of all General Meetings and Committee meetings to be taken and then to be entered within thirty (30) days after the holding of each General Meeting or Committee Meeting, as the case requires, in a file kept for that purpose.
- (2) The Chair must ensure that the minutes taken of a General Meeting or Committee meeting under sub-rule (1) are checked and signed as correct by the Chair of the General Meeting or Committee Meeting to which those Minutes relate or by the Chair of the next succeeding General Meeting or Committee Meeting, as the case requires.
- (3) When minutes have been entered and signed as correct under this rule, they are, until the contrary is proved, evidence that:
 - (a) the General Meeting or Committee Meeting to which they relate (in this sub-rule called "the meeting") was duly convened and held;
 - (b) all proceedings recorded as having taken place at the Meeting did in fact take place at the Meeting; and
 - (c) all appointments or elections purporting to have been made at the Meeting have been validly made.

28. Voting rights of Members of the Association at General Meetings

Subject to these rules, each General Member present in person at an AGM or SGM is entitled to a deliberative vote.

29. Rules of Association

- (1) The Association may alter or rescind these rules, or make rules additional to these rules by Special Resolution, carried by seventy five percent (75 per

cent) of those financial members of the Association voting at an AGM or a SGM.

- (2) At least twenty one (21) days' notice in writing shall be given to all Members of the meeting.

30. Disputes and mediation

- (1) The grievance procedure set out in this rule applies to disputes under these rules between:
- (a) a Member and another Member; or
 - (b) a Member and the Association; or
 - (c) if the Association provides services to non-Members, those non-Members who receive services from the Association, and the Association.
- (2) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within fourteen (14) days after the dispute comes to the attention of all of the parties.
- (3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within ten (10) days, hold a meeting in the presence of a mediator.
- (4) The mediator must be:
- (a) a person chosen by agreement between the parties; or
 - (b) in the absence of agreement-
 - i. in the case of a dispute between a Member and another Member, a person appointed by the Committee of the Association;
 - ii. in the case of a dispute between a Member or relevant non-Member (as defined by sub-rule (1) (c)) and the Association, a person who is a mediator appointed to, or employed with, a not – for - profit organisation.
- (5) A Member of the Association can be a mediator.
- (6) The mediator cannot be a Member who is a party to the dispute.
- (7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (8) The mediator, in conducting the mediation, must:
- (a) give the parties to the mediation process every opportunity to be heard;

- (b) allow due consideration by all parties of any written statement submitted by any party; and
 - (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- (9) The mediator must not determine the dispute.
- (10) The mediation must be confidential and without prejudice.
- (11) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

Part 5: Miscellaneous

31. Funds management

- (1) The Treasurer shall present a financial statement to the AGM of the Association.
- (2) The Executive Officer in coordination with the Treasurer shall present to Committee Meetings information on the financial status of the Association.
- (3) Subject to any resolution passed by the Association, the funds of the Association shall be used in pursuance of the Objects of the Association in such manner as the Committee determines.
- (4) The funds of the Association shall be derived from membership fees and subscriptions of members, donations, government grants, sponsorship, outsourcing of services and subject to any resolution passed by the Association in general meetings and subject to section 114 of the Act, such other sources as the Committee determines.
- (5) All money received by the Association shall be deposited as soon as practicable.
- (6) The Association must, as soon as practicable after receiving any money, issue an appropriate receipt.
- (7) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by two people, who are employees and / or Committee members of the association authorised to do so in the Delegations of Authority approved by the Committee.

32. Auditor

The Auditor of the Association shall be an approved Auditor, as stipulated by current regulations and shall be appointed as follows:

- (1) At each AGM of the Association the members present shall appoint a person who is not a member or the Public Officer of the Association as the Auditor of the Association.
- (2) A person so appointed shall hold office until the next AGM after the appointment and is eligible for reappointment.
- (3) If an appointment is not made at an AGM, the Committee shall appoint an Auditor of the Association for the then current financial year of the Association.
- (4) If a casual vacancy occurs in the office of Auditor during the course of a financial year of the Association, the Committee may appoint a person as the Auditor and the person so appointed shall hold office until the next succeeding AGM.

33. Audit of accounts

- (1) Once at least in each financial year the accounts of AFA shall be examined by the Auditor.
- (2) The Auditor shall certify as to the correctness of the accounts of the Association and shall report, thereon, to the members present at the AGM.
- (3) In that report, and in certifying to the accounts, the Auditor shall state:
 - (a) whether, in the Auditor's opinion, the accounts are properly drawn up so as to exhibit a true and correct view of the financial position of the Association according to the information obtained and the explanations given and as shown by the books of the Association; and,
 - (b) whether the rules relating to the administration of the funds of the Association have been observed.
- (4) The Executive Officer of the Association shall cause to be delivered to the Auditor a list of all the accounts, books and records of the Association.
- (5) The Auditor:
 - (a) has a right of access to the accounts, books, records, vouchers and documents of the Association;

- (b) may require from the Executive Officer or other staff and Officer Bearers of the Association such information and explanations as may be necessary to perform the duties required at law and under these rules;
- (c) may employ persons to assist in investigating accounts of the Association; and
- (d) may, in relation to the accounts of the Association, examine any member of the Committee or any member of staff.

34. Alteration of objects and rules

Neither the Objects of the Association mentioned in the Act, at section 29 nor these rules may be altered except in accordance with the Act.

35. Common seal

- (1) The Common Seal of the Association must be kept in the custody of the Secretary.
- (2) The Common Seal must not be attached to any instrument except by the authority of the Committee and the attaching of the common seal must be attested by the signatures either of two (2) Members of the Committee or of one (1) Member of the Committee and of the Secretary.

36. Custody of books

Subject to the Act, the regulation and these rules, the Secretary must keep in his or her custody or under his or her control all records, books, and other documents relating to the Association.

37. Inspection of books

The records, books and other documents of the Association must be open to inspection at a place in the ACT, free of charge, by a Member of the Association at any reasonable hour.

38. Service of notice

For these rules, the Association may serve a notice on a Member by sending it by post to the Member at the Member's address shown in the register of Members.

Note: for how documents may be served, see the Legislation Act, pt. 19.5.

39. Surplus property

- (1) In the event of the Association being wound up or dissolved, any surplus property or assets remaining after the payment of the organisations liabilities shall be transferred to another organisation, Association, fund, authority or institution which:
 - (a) satisfies section 92(1) (a) of the Act; or
 - (b) satisfies section 92(1) (b) of the Act. In addition, the nominated organisation, fund, authority or Institution will-
 - i) have similar objects to the Association; and
 - ii) have endorsement from the Deputy Commissioner of Taxation as a Deductible Gift Recipient for the purposes of any Commonwealth Taxation Act; and
 - iii) satisfy all the requirements specified in the Act, section 92(2).
- (2) In the event that the Association's endorsement as a deductible gift recipient is revoked any surplus assets of the Gift Fund remaining after the payment of liabilities attributable to it shall be transferred to a fund, authority or Institution to which Income tax deductible gifts can be made.