



FAMSAC Australia Incorporated

Forensic and Medical Sexual Assault Clinicians

Australia Incorporated

Constitution

Association no: A03987

Incorporated in the ACT on 25th September 2003 as an association under the
Associations Incorporation Act 1991

18th February 2004

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Part 1.1 Preliminary

1 Definitions for model rules

In these rules:

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

financial year means the year ending on 30 June.

member means a member, however described, of the association.

ordinary committee member means a member of the committee who is not an office-bearer of the association as referred to in rule 12 (1) (a).

secretary means the person holding office under these rules as secretary of the association or, where no such person holds that office, the public officer of the association.

the *Act* means the *Associations Incorporation Act 1991*.

the *regulations* means the *Associations Incorporation Regulations 1991*.

1A Application of Legislation Act 2001

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

Part 1.2 Membership

2 Membership qualifications

A person is qualified to be a member if they are an Australian registered medical practitioner or an Australian registered nurse—

- (a) the person is a person referred to in the Act, section 21 (2) (a) or (b) and has not ceased to be a member of the association at any time after incorporation of the association under the Act; or
- (b) the person—
 - (i) has been nominated for membership in accordance with rule 3 (1); and
 - (ii) has been approved for membership of the association by the committee of the association.

3 Nomination for membership

- (1) A nomination of a person for membership of the association—
 - (a) shall be made by a member of the association in writing in the form set out in appendix 1; and
 - (b) shall be lodged with the secretary of the association.
- (2) As soon as is practicable after receiving a nomination for membership, the secretary shall refer the nomination to the committee which shall determine whether to approve or to reject the nomination.
- (3) Where the committee determines to approve a nomination for membership, the secretary shall as soon as practicable after that determination notify the nominee of that approval and request the nominee to pay within 28 days after receipt of the notification the sum payable under these rules by a member as the entrance fee and the first year's annual subscription.
- (4) The secretary shall, on payment by the nominee of the amounts referred to in subrule (3) within the period referred to in that subrule, enter the nominee's name in the register of members and, on the name being so entered, the nominee shall become a member of the association.

4 Membership entitlements not transferable

A right, privilege or obligation which a person has by reason of being a member of the association—

- (a) is not capable of being transferred or transmitted to another person; and
- (b) terminates on cessation of the person's membership.

5 Cessation of membership

A person ceases to be a member of the association if the person—

- (a) dies or, in the case of a body corporate, is wound up; or
- (b) resigns from membership of the association; or
- (c) is expelled from the association; or
- (d) fails to renew membership of the association.

6 Resignation of membership

- (1) A member is not entitled to resign from membership of the association except in accordance with this rule.
- (2) A member who has paid all amounts payable by the member to the association may resign from membership of the association by first giving notice (being not less than 1 month or, if the committee has determined a shorter period, that shorter period) in writing to the secretary of the member's intention to resign and, on the expiration of the period of notice, the member ceases to be a member.
- (3) Where a person ceases to be a member, the secretary shall make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

7 Fee, subscriptions etc

- (1) The entrance fee to the association is \$20 or, if any other amount has been determined by resolution of the committee, such other amount.
- (2) The annual membership fee of the association is \$10 or, if any other amount has been determined by resolution of the committee, that other amount.
- (3) The annual membership fee is payable—
 - (a) except as provided by paragraph (b)—before 1 July in each calendar year; or
 - (b) where a person becomes a member on or after 1 July in any calendar year—before 1 July in each succeeding calendar year.

8 Members' liabilities

The liability of a 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 member in respect of membership of the association as required by rule 7.

9 Disciplining of members

- (1) Where the committee is of the opinion that a member—
 - (a) has persistently refused or neglected to comply with a provision of these rules; or
 - (b) has persistently and wilfully acted in a manner prejudicial to the interests of the association;
 - (bi) has made public statements which are contrary to the aims or objectives of the association or are contrary to the stated position of the association on any matter; or
 - (bii) has acted in a way that has or could bring the Association into disrepute or have a negative impact upon the Association or its leadership or members

the committee may, by resolution—

- (c) expel the member from the association; or
 - (d) suspend the member from such rights and privileges of membership of the association as the committee may determine for a specified period.
- (2) A resolution of the committee under subrule (1) is of no effect unless the committee, at a meeting held not earlier than 14 days and not later than 28 days after service on the member of a notice under subrule (3), confirms the resolution in accordance with this rule.
- (3) Where the committee passes a resolution under subrule (1), the secretary shall, as soon as practicable, cause a notice in writing to be served on the member—
- (a) setting out the resolution of the committee and the grounds on which it is based; and
 - (b) stating that the member may address the committee at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice; and
 - (c) stating the date, place and time of that meeting; and
 - (d) informing the member that the member may do either or both of the following:
 - (i) attend and speak at that meeting;
 - (ii) submit to the committee at or prior to the date of that meeting written representations relating to the resolution.
- (4) Subject to the Act, section 50, at a meeting of the committee mentioned in subrule (2), the committee shall—
- (a) give to the member mentioned in subrule (1) an opportunity to make oral representations; and
 - (b) give due consideration to any written representations submitted to the committee by that member at or prior to the meeting; and
 - (c) by resolution determine whether to confirm or to revoke the resolution of the committee made under subrule (1).
- (5) Where the committee confirms a resolution under subrule (4), the secretary shall, within 7 days after that confirmation, by notice in writing inform the member of that confirmation and of the member's right of appeal under rule 10.
- (6) A resolution confirmed by the committee under subrule (4) does not take effect—
- (a) until the expiration of the period within which the member is entitled to appeal against the resolution where the member does not exercise the right of appeal within that period; or
 - (b) where within that period the member exercises the right of appeal, unless and until the association confirms the resolution in accordance with rule 10 (4).

Part 1.3 Committee

11 Powers of committee

The committee, subject to the Act, the regulations, these rules, and to any resolution passed by the association in general meeting—

- (a) shall control and manage the affairs of the association; and
- (b) may exercise all such functions as 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
- (c) has power to perform all such acts and do all such things as appear to the committee to be necessary or desirable for the proper management of the affairs of the association.

12 Constitution and membership

- (1) The committee shall consist of—
 - (a) the office-bearers of the association; and
 - (b) 2 ordinary committee members;each of whom shall be elected under rule 13 or appointed in accordance with subrule (4).
- (2) The office-bearers of the association shall be—
 - (c) the president; and
 - (d) the vice-president (medical); and
 - (e) the treasurer; and
 - (f) the secretary;
 - (g) public officer; and
 - (h) education officer; and
 - (i) vice president (nursing)
- (3) Each member of the committee shall, subject to these rules, hold office until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.
- (4) In the event of a vacancy in the membership of the committee, the committee may appoint a member of the association to fill the vacancy and the member so appointed shall hold office, subject to these rules, until the conclusion of the annual general meeting next following the date of the appointment.

13 Election of committee members

- (1) Nominations of candidates for election as office-bearers of the association or as ordinary committee members—
 - (a) shall be made in writing, signed by 2 members of the association and accompanied by the written consent of the candidate (which may be endorsed on the nomination form); and
 - (b) shall be delivered to the secretary of the association not less than 7 days before the date fixed for the annual general meeting at which the election is to take place.
- (2) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated shall be deemed to be elected and further nominations shall be received at the annual general meeting.
- (3) If insufficient further nominations are received, any vacant positions remaining on the committee shall be deemed to be vacancies.
- (4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be taken to be elected.
- (5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot shall be held.
- (6) The ballot for the election of office-bearers and ordinary committee members shall be conducted at the annual general meeting in such manner as the committee may direct.
- (7) A person is not eligible to simultaneously hold more than 1 position on the committee.

14 Secretary

- (1) The secretary of the association shall, as soon as practicable after being appointed as secretary, notify the association of his or her address.
- (2) The secretary shall keep minutes of—
 - (a) all elections and appointments of office-bearers and ordinary committee members; and

- (b) the names of members of the committee present at a committee meeting or a general meeting; and
 - (c) all proceedings at committee meetings and general meetings.
- (3) Minutes of proceedings at a meeting shall be signed by the person presiding at the meeting or by the person presiding at the next succeeding meeting.

15 Treasurer

- (1) The treasurer of the association shall—
- (a) collect and receive all moneys due to the association and make all payments authorised by the association; and
 - (b) keep 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.

16 Vacancies

- (1) For these rules, a vacancy in the office of a member of the committee occurs if the member—
- (a) dies; or
 - (b) ceases to be a member of the association; or
 - (c) resigns the office; or
 - (d) is removed from office under rule 17; or
 - (e) becomes an insolvent under administration within the meaning of the Corporations Act; or
 - (f) suffers from mental or physical incapacity; or
 - (g) is disqualified from office under the Act, section 63 (1); or
 - (h) is absent without the consent of the committee from all meetings of the committee held during a period of 6 months.

17 Removal of committee members

The association in general meeting may by resolution carried by at least a two thirds majority, subject to the Act, section 50, remove any member of the committee from the office of member of the committee before the expiration of the member's term of office.

18 Committee meetings and quorum

- (1) The committee shall meet at least 3 times in each calendar year at such place and time as the committee may determine.
- (2) Additional meetings of the committee may be convened by any member of the committee.
- (3) Oral or written notice of a meeting of the committee shall be given by the secretary to each member of the committee at least 48 hours (or such other period as may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting.
- (4) Notice of a meeting given under subrule (3) shall specify the general nature of the business to be transacted at the meeting and no business other than that business shall be transacted at the meeting, except business which the committee members present at the meeting unanimously agree to treat as urgent business.
- (5) Any 3 members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.
- (6) No business shall be transacted by the committee unless a quorum is present and, if within half an hour after the time appointed for the meeting a quorum is not present, the meeting stands adjourned to the same place and at the same hour of the same day in the following week.

- (7) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the meeting, the meeting shall be dissolved.
- (8) At meetings of the committee—
 - (a) the president or, in the absence of the president, the vice-president shall preside; or
 - (b) if the president and the vice-president are absent—1 of the remaining members of the committee may be chosen by the members present to preside.

19 Delegation by committee to subcommittee

- (1) The committee may, by instrument in writing, delegate to 1 or more subcommittees (consisting of such member or members of the association as the committee thinks fit) the exercise of such of the functions of the committee as are specified in the instrument, other than—
 - (a) this power of delegation; and
 - (b) a function which is a function imposed on the committee by the Act, by any other Territory law, or by resolution of the association in general meeting.
- (2) A function, the exercise of which has been delegated to a subcommittee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the subcommittee in accordance with the terms of the delegation.
- (3) A delegation under this rule may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.
- (4) Notwithstanding any delegation under this rule, the committee may continue to exercise any function delegated.
- (5) Any act or thing done or suffered by a subcommittee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done or suffered by the committee.
- (6) The committee may, by instrument in writing, revoke wholly or in part any delegation under this rule.
- (7) A subcommittee may meet and adjourn as it thinks proper.

20 Voting and decisions

- (1) Questions arising at a meeting of the committee or of any subcommittee appointed by the committee shall be determined by a majority of the votes of members of the committee or subcommittee present at the meeting.
- (2) Each member present at a meeting of the committee or of any subcommittee appointed by the committee (including the person presiding at the meeting) is entitled to 1 vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- (3) Subject to rule 18 (5), the committee may act notwithstanding any vacancy on the committee.
- (4) Any act or thing done or suffered, or purporting to have been done or suffered, by the committee or by a subcommittee appointed by the committee, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or subcommittee.

Part 1.4 General meetings

21 Annual general meetings—holding of

- (1) With the exception of the first annual general meeting of the association, the association shall, at least once in each calendar year and within the period of 5 months after the expiration of each financial year of the association, convene an annual general meeting of its members.
- (2) The association shall hold its first annual general meeting—
 - (a) within the period of 18 months after its incorporation under the Act; and

- (b) within the period of 5 months after the expiration of the first financial year of the association.
- (3) Subrules (1) and (2) have effect subject to the powers of the registrar-general under the Act, section 120 in relation to extensions of time.

22 Annual general meetings—calling of and business at

- (1) The annual general meeting of the association shall, subject to the Act, be convened on such date and at such place and time as the committee thinks fit.
- (2) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting shall be—
 - (a) to confirm the minutes of the last preceding annual general meeting and of any general meeting held since that meeting; and
 - (b) to receive from the committee reports on the activities of the association during the last preceding financial year; and
 - (c) to elect members of the committee, including office-bearers; and
 - (d) to receive and consider the statement of accounts and the reports that are required to be submitted to members under the Act, section 73 (1).
- (3) An annual general meeting shall be specified as such in the notice convening it in accordance with rule 24.
- (4) An annual general meeting shall be conducted in accordance with the provisions of this part.

23 General meetings—calling of

- (1) The committee may, whenever it thinks fit, convene a general meeting of the association.
- (2) The committee shall, on the requisition in writing of not less than 5% of the total number of members, convene a general meeting of the association.
- (3) A requisition of members for a general meeting—
 - (a) shall state the purpose or purposes of the meeting; and
 - (b) shall be signed by the members making the requisition; and
 - (c) shall be lodged with the secretary; and
 - (d) may consist of several documents in a similar form, each signed by 1 or more of the members making the requisition.
- (4) If the committee fails to convene a general meeting within 1 month after the date on which a requisition of members for the meeting is lodged with the secretary, any 1 or more of the members who made the requisition may convene a general meeting to be held not later than 3 months after that date.
- (5) A general meeting convened by a member or members referred to in subrule (4) shall be convened as nearly as is practicable in the same manner as general meetings are convened by the committee and any member who thereby incurs expense is entitled to be reimbursed by the association for any reasonable expense so incurred.

24 Notice

- (1) Except where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary shall, at least 14 days before the date fixed for the holding of the general meeting, cause to be sent by prepaid post to each member at the member's address appearing in the register of members, a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (2) Where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary shall, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be sent to each member in the manner provided in subrule (1)

specifying, in addition to the matter required under that subrule, the intention to propose the resolution as a special resolution.

- (3) No business other than that specified in the notice convening a general meeting shall be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under rule 22 (2).
- (4) A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who shall include that business in the next notice calling a general meeting given after receipt of the notice from the member.

25 General meetings—procedure and quorum

- (1) No item of business shall be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.
- (2) Five members present in person (being members entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- (3) If within 30 minutes after the appointed time for the commencement of a general meeting a quorum is not present, the meeting if convened on the requisition of members shall be dissolved and in any other case shall stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (4) If at the adjourned meeting a quorum is not present within 30 minutes after the time appointed for the commencement of the meeting, the members present (being not less than 3) shall constitute a quorum.

26 Presiding member

- (1) The president, or in the absence of the president, the vice-president, shall preside at each general meeting of the association.
- (2) If the president and the vice-president are absent from a general meeting, the members present shall elect 1 of their number to preside at the meeting.

27 Adjournment

- (1) The person presiding at a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) Where a general meeting is adjourned for 14 days or more, the secretary shall give written or oral notice of the adjourned meeting to each member of the association stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (3) Except as provided in subrules (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

28 Making of decisions

- (1) A question arising at a general meeting of the association shall be determined on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the person presiding that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (2) At a general meeting of the association, a poll may be demanded by the person presiding or by not less than 3 members present in person or by proxy at the meeting.
- (3) Where the poll is demanded at a general meeting, the poll shall be taken—

- (a) immediately in the case of a poll which relates to the election of the person to preside at the meeting or to the question of an adjournment; or
- (b) in any other case, in such manner and at such time before the close of the meeting as the person presiding directs, and the resolution of the poll on the matter shall be deemed to be the resolution of the meeting on that matter.

29 Voting

- (1) Subject to subrule (3), on any question arising at a general meeting of the association a member has 1 vote only.
- (2) All votes shall be given personally or by proxy but no member may hold more than 5 proxies.
- (3) In the case of an equality of votes on a question at a general meeting, the person presiding is entitled to exercise a second or casting vote.
- (4) A member or proxy is not entitled to vote at any general meeting of the association unless all money due and payable by the member or proxy to the association has been paid, other than the amount of the annual subscription payable in respect of the then current year.

30 Appointment of proxies

- (1) Each member shall be entitled to appoint another member as proxy by notice given to the secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.
- (2) The notice appointing the proxy shall be in the form set out in appendix 2.

Part 1.5 Miscellaneous

31 Funds—source

- (1) The funds of the association shall be derived from entrance fees and annual subscriptions of members, donations and, subject to any resolution passed by the association in general meeting and subject to the Act, section 114, such other sources as the committee determines.
- (2) All money received by the association shall be deposited as soon as practicable and without deduction to the credit of the association's bank account.
- (3) The association shall, as soon as practicable after receiving any money, issue an appropriate receipt.

32 Funds—management

- (1) Subject to any resolution passed by the association in general meeting, the funds of the association shall be used for the objects of the association in such manner as the committee determines.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any 2 members of the committee or employees of the association, being members of the committee or employees authorised to do so by the committee.
- (3) The assets and income of the organisation shall be applied solely in furtherance of its above-mentioned objects and no portion shall be distributed directly or indirectly to the members of the organisation except as bona fide compensation for services rendered or expenses incurred on behalf of the organisation.

33 Alteration of objects and rules

Neither the objects of the association referred to in the Act, section 29 nor these rules shall be altered except in accordance with the Act.

34 Common seal

- (1) The common seal of the association shall be kept in the custody of the secretary.
- (2) The common seal shall not be affixed to any instrument except by the authority of the committee and the affixing of the common seal shall be attested by the signatures either of 2 members of the committee or of 1 member of the committee and of the secretary.

35 Custody of books

Subject to the Act, the regulations and these rules, the secretary shall keep in his or her custody or under his or her control all records, books, and other documents relating to the association.

36 Inspection of books

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

37 Service of notice

- (1) For these rules, a notice may be served by or on behalf of the association on any member either personally or by sending it by post to the member at the member's address shown in the register of members.
- (2) Where a document is sent to a person by properly addressing, prepaying and posting to the person a letter containing the document, the document shall, unless the contrary is proved, be deemed for these rules to have been served on the person at the time at which the letter would have been delivered in the ordinary course of post.

38 Surplus property

- (1) At the first general meeting of the association, the association shall pass a special resolution nominating—
 - (a) another association for the Act, section 92 (1) (a); or
 - (b) a fund, authority or institution for the Act, section 92 (1) (b);in which it is to vest its surplus property in the event of the dissolution or winding up of the association.
- (2) An association nominated under subrule (1) (a) must fulfil the requirements specified in the Act, section 92 (2).



Appendix 1

(see rule 3 (1))

Application for membership of association of FAMSAC Australia .Incorporated (incorporated under the Associations Incorporation Act 1991) I,

.....
(full name of applicant)

of
(address)

..... hereby apply to become
(occupation)

a member of the abovenamed incorporated association. In the event of my admission as a member, I agree to be bound by the rules of the association for the time being in force.

.....
(Signature of applicant)

Date

I,
(full name)

a member of the association, nominate the applicant, who is personally known to me, for the membership of the association.

.....
(Signature of proposer)

Date

I,
(full name)

a member of the association, second the nomination of the applicant, who is personally known to me, for membership of the association.

.....
(Signature of seconder)

Date

Joining fee is \$20.00 and yearly subscription is \$10.00.



Appendix 2

(see rule 30 (2))

Form of appointment of proxy

I,
(full name)

of
(address)

being a member of
(name of incorporated association)

hereby appoint
(full name of proxy)

of
(address)

being a member of that incorporated association, as my proxy to vote for me on my behalf at the general meeting of the association (annual general meeting or other general meeting, as the case may be) to be held on and at any adjournment of that meeting.

*My proxy is authorised to vote in favour of/against (delete as appropriate) the resolution (insert details).

.....
(Signature of member
appointing proxy)
(*To be inserted if desired.)

Date

Note A proxy vote may not be given to a person who is not a member of the association.