

CONSTITUTION - ANZAPPL

AUSTRALIAN AND NEW ZEALAND ASSOCIATION OF PSYCHIATRY, PSYCHOLOGY AND LAW (INC)

PROPOSED PURPOSES

The purposes of the Association are to:

- a. promote co-operation and communication between the disciplines of psychiatry, psychology, law and other related disciplines.
- b. promote research into issues and problems in forensic psychiatry, forensic psychology and areas of law and other disciplines in which psychology and psychiatry have a relevance.
- c. promote informed public and professional discussion about contemporary issues in forensic psychiatry, forensic psychology and areas of law and other disciplines in which psychology and psychiatry have a relevance.
- d. disseminate information regarding research and development in forensic psychiatry, forensic psychology and areas of law and other disciplines in which psychology and psychiatry have a relevance.

PROPOSED RULES

1. The name of the incorporated association is The Australian and New Zealand Association of Psychiatry, Psychology and Law Incorporated (in these Rules called "the Association").

INTERPRETATION

2. (1) In these rules, unless the contrary intention appears:-

"Committee" means the Committee of Management of the Association

"Financial year" means the year ending on 30 June.

"General Meeting" means a general meeting of members convened in accordance with Rule 12.

"Member" means a member of the Association.

"Ordinary Member of the Committee" means a member of the Committee who is not an officer of the Association under Rule 22.

"Regional Association" means an incorporated or unincorporated association of psychiatry, psychology and law established in any State or Territory of Australia or in New Zealand whose Rules have been approved by the Association.

"The Act" means the *Associations Incorporation Act 1981*.

"The Regulations" means regulations under the Act.

- (2) In these Rules, a reference to the Secretary of the Association is a reference:

- (a) where a person holds office under these Rules as Secretary of the Association-to that person; and
- (b) in any other case, to the public officer of the Association.

(3) Words or expressions contained in these rules shall be interpreted in accordance with the provisions of the *Interpretation of Legislation Act* 1984 and the Act as in force from time to time.

POWERS

- 3. (1) In order to carry out the purposes of the Association and not otherwise, the Association may:
 - (a) determine the location of the Annual Congress.
 - (b) encourage and assist the development of Regional Associations.
 - (c) make presentations and present submissions to government and other decision-making bodies concerning federal initiatives, plans, projects and legislation within the purview of the Association's objects.
 - (d) co-operate with other bodies and organisations within Australia and New Zealand, or elsewhere, which have purposes in whole or in part consistent with the objects of the Association.
 - (e) make known and further the purposes and activities of the Association by, inter alia, appointing a Committee to publish a journal.
- (2) The Association shall have all the powers of a natural person.

REGISTER OF MEMBERS

- 4. The Secretary or his or her delegate shall keep and maintain a register of members in which shall be entered the full name, address and date of entry of the name of each member and the register shall be available for inspection by members at the address of the Public Officer.

RESIGNATION AND EXPULSION OF MEMBER

- 5. (1) A member of the Association who has paid all moneys due and payable by him or her directly to the Association may resign from the Association by first giving one months notice in writing to the Secretary of his or her intention to resign and upon the expiration of that period of notice, the member shall cease to be a member.
 - (2) An member of a Regional Association may resign from the Regional Association in accordance with the Rules of that Regional Association.
 - (3) Upon the expiration of a notice given under sub-clause (1), the Secretary shall make in the register of members an entry recording the date on which the member by whom the notice was given, ceased to be a member.
- 6. (1) Subject to these rules, the Committee may by resolution -
 - (a) suspend a member from membership of the Association for a specified period; or
 - (b) expel a member from the Association, if the Committee is of the opinion that the member -

- (i) has refused or neglected to comply with these rules; or
- (ii) has been guilty of conduct unbecoming a member or prejudicial to the interests of the Association.

(2) A resolution of the Committee under sub-clause (1) does not take effect unless the Committee, at a meeting held not earlier than 14 and not later than 28 days after the service on the member of a notice under sub-clause (3) confirms the resolution in accordance with this clause.

(3) Where the Committee passes a resolution under sub-clause (1), the Secretary shall as soon as practicable, cause to be served on the member a notice in writing: -

- (a) setting out the resolution of the Committee and the grounds on which it is based;
- (b) stating that the member may address the Committee at a meeting to be held not earlier than 14 and not later than 28 days after service of the notice;
- (c) stating the date, place and time of that meeting;
- (d) informing the member that he or she may do one or more of the following:

- (i) Attend that meeting;
- (ii) Give to the Committee before the date of that meeting a written statement seeking the revocation of the resolution;

(4) At a meeting of the Committee held in accordance with sub-clause (2), the Committee: -

- (a) shall give to the member an opportunity to be heard;
- (b) shall give due consideration to any written statement submitted by the member; and
- (c) shall by resolution determine whether to confirm or revoke the resolution.

(5) If a member is suspended or expelled, the Secretary must notify the relevant Regional Association immediately.

ANNUAL CONGRESS

7. (1) The Association shall determine the location of a congress every calendar year, unless a majority of the members otherwise determines at the Annual General Meeting.

(2) The venue of the annual congress and special meetings shall either:

- (a) so far as possible rotate amongst the Regional Associations, in an order determined by the Committee after consultation with the local representatives; or
- (b) be at a location recommended by the Committee after consultation with the local representatives, and be approved of by a majority of those members attending and voting at any general meeting or special meeting of the Association, provided that the notice calling the meeting includes a copy of the proposed recommendation.

(3) The organisation of the congress shall be carried out by the relevant Regional Association.

ANNUAL GENERAL MEETING

8. (1) The Association shall in each calendar year convene an annual general meeting of its members.

- (2) The annual general meeting shall be held on such day as the Committee determines.
- (3) The annual general meeting shall be specified as such in the notice convening it.
- (4) The ordinary business of the 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;
- (b) to receive from the Committee reports upon the transactions of the Association during the last preceding financial year;
- (c) to elect officers of the Association; and
- (d) to receive and consider the statement submitted by the Association in accordance with section 30(3) of the Act.

(5) The annual general meeting may transact special business of which notice is given in accordance with these Rules.

(6) The annual general meeting shall be in addition to any other general meetings that may be held in the same year.

SPECIAL GENERAL MEETING

9. All general meetings other than the annual general meeting shall be called special general meetings.
10. (1) The Committee may, whenever it thinks fit, convene a special general meeting of the Association and, where, but for this sub-clause, more than 18 months would elapse between annual general meetings, shall convene a special general meeting before the expiration of that period.
(2) The Committee shall, on the requisition in writing of members representing not less than 10% of the total number of members, convene a special general meeting of the Association to be held not more than two months after the date of receipt of the requisition.
(3) The requisition for a special general meeting shall state the objects of the meeting and shall be signed by the members making the requisition and be sent to the address of the secretary and may consist of several documents in a like form, each signed by one or more of the members making the requisition.
(4) If the Committee does not, within one month of receiving the requisition, proceed to convene a special general meeting, the members making the requisition, or any of them, may convene a special general meeting to be held not later than 3 months after that date.
(5) A special general meeting convened by members in pursuance of these rules shall be convened in the same manner as nearly as possible as that in which those meetings are convened by the Committee and all reasonable expenses incurred in convening the meeting shall be refunded by the Association to the persons incurring the expense.

NOTICE OF MEETING

11. (1) The Secretary of the Association shall, at least 14 days, or, if a special resolution has been proposed, at least 21 days before the date fixed for holding a general meeting of the Association, cause to be sent to each member of the Association at the address appearing in the register of members, a notice stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
(2) No business other than that set out in the notice convening the meeting shall be transacted at the meeting.
(3) A member desiring to bring any business before a meeting may give notice of that

business in writing to the secretary, who shall include that business in the notice calling the next general meeting after the receipt of the notice.

PROCEEDINGS AT MEETINGS

12. (1) All business that is transacted at a special general meeting and all business that is transacted at the annual general meeting with the exception of that specially referred to in these rules as being the ordinary business of the annual general meeting shall be deemed to be special business.
(2) 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 when the meeting is considering that item.
(3) 5 members personally present (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.
(4) If within half an hour after the appointed time for the commencement of a general meeting, a quorum is not present, the meeting if convened upon the requisition of members shall be dissolved and in any other case shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairperson at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place and if at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than 5) shall be a quorum.
13. (1) The President, or in his or her absence, the President-Elect, shall preside as Chairperson at each general meeting of the Association.
(2) If the President and the President-Elect are absent from a general meeting, the members present shall elect one of their number to preside as Chairperson at the meeting.
14. (1) The Chairperson of a general meeting at which a quorum is present may, with the consent of 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 meeting is adjourned for 14 days or more, a like notice of the adjourned meeting shall be given as in the case of a general meeting.
(3) Except as provided in sub-clauses (1) and (2), it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting.
15. 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 Chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, and 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.
16. (1) Upon any question arising at a general meeting of the Association, a member has one vote only.
(2) All votes shall be given personally or by proxy.
(3) In the case of an equality of voting on a question, the Chairperson of the meeting is entitled to exercise a second or casting vote.

17. (1) If at a meeting a poll on any question is demanded by not less than three members, it shall be taken at that meeting in such manner as the Chairperson may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
(2) A poll that is demanded on the election of a Chairperson or on a question of an adjournment shall be taken forthwith and a poll that is demanded on any other question shall be taken at such time before the close of the meeting as the Chairperson may direct.
18. A member is not entitled to vote at any general meeting unless all moneys due and payable by him or her to the Association have been paid, other than the amount of the annual subscription payable in respect of the current financial year.
19. Each member shall be entitled to appoint another member as his or her proxy by written notice given to the secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.

COMMITTEE OF MANAGEMENT

20. (1) The affairs of the Association shall be managed by a Committee of Management constituted as provided in Rule 24.
(2) The Committee:
 - (a) shall control and manage the business and affairs of the Association;
 - (b) may, subject to these rules, the regulations and the Act, exercise all such powers and functions as may be exercised by the Association other than those powers and functions that are required by these rules to be exercised by general meetings of the Association; and
 - (c) subject to these rules, the regulations and the Act, has power to perform all such acts and things as appear to the Committee to be essential and expedient for the proper management of the business and affairs of the Association.
21. (1) The officers who must be members of the Association shall be: -
 - (a) a President;
 - (b) an immediate Past-President
 - (c) a President-Elect;
 - (d) a Treasurer;
 - (e) an Assistant Treasurer;
 - (f) a Secretary; and
 - (g) an Assistant Secretary.
 - (2) The provisions of Rule 25 so far as they are applicable and with the necessary modifications, apply to and in relation to the election of persons to the offices mentioned in sub-clause (1) except for the office of immediate Past-President.
 - (3) Each elected officer of the Association shall hold office for two years from his or her date of election and, subject to sub-clause (4) is eligible for re-election.
 - (4) The President shall hold office for a period of not more than four consecutive years.
 - (5) In the event of a casual vacancy in any office referred to in-sub-clause (1), the Committee may appoint one of its members to the vacant office and the member so appointed may continue in office up to and including the conclusion of the annual general meeting next following the date of his or her appointment.
22. (1) Subject to section 23 of the Act, the Committee shall consist of:

- (a) the officers of the Association; and
- (b) ordinary members nominated in accordance with sub-clauses (3) and (4).

(2) All officers and ordinary members must be members of the Association.

(3) Each ordinary member of the Committee holds office until replaced by the nominating Regional Association.

(4) Each Regional Association is entitled to nominate one member of that Regional Association to the Committee.

(5) Each Regional Association is entitled to nominate a second member to the Committee if:

- (a) in the case of a Regional Association in the Australian Capital Territory, the Northern Territory and Tasmania, it has 11 individual members; and

- (b) in the case of any other Regional Association, it has 21 members.

(6) In the event of a casual vacancy occurring in the office of an ordinary member of the Committee, the Regional Association which nominated the member may nominate a successor.

ELECTION OF OFFICERS AND VACANCY

23. (1) Nominations of candidates for election as officers of the Association: -

- (a) shall be made in writing, signed by two members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and

- (b) shall be delivered to the Secretary of the Association not less than 24 hours before the date fixed for the holding of the annual general meeting.

(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 the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.

(4) If the number of nominations exceeds the number of vacancies to be filled, a ballot shall be held.

(5) The ballot for the election of officers of the Committee shall be conducted at the annual general meeting in such usual and proper manner as the Committee may direct.

(6) A member may be nominated for more than one officer position, but cannot hold more than one office and the candidate must accept the first office to which he or she is elected.

(7) Positions on the Committee shall be filled in the order in which they are listed in sub-clause (1).

24. For the purposes of these rules, the office of an officer of the Association or of an ordinary member of the Committee becomes vacant if the officer or member: -

- (a) ceases to be a member of the Association;

- (b) becomes an insolvent under administration within the meaning of the *Companies Code*;

- (c) resigns his or her office by notice in writing given to the Secretary;

- (d) fails to attend three consecutive Committee meetings unless he or she has

- received prior approval for such absence from the Committee;
- (e) in the case of an ordinary member, is replaced by the Regional Association which nominated that person; or
- (f) in the case of an ordinary member, is elected as an officer of the Association.
- (g) is removed from office pursuant to Rule 30.

PROCEEDINGS OF COMMITTEE

25. (1) The Committee shall meet at such place and such times as the Committee may determine.
- (2) A meeting of the Committee may be held by post or as a telephone conference or a videoconference.
- (3) In the case of a meeting held by post, the Secretary -
- (a) must include with the notice of the postal meeting an instruction to the members of the Committee to forward to the Secretary at least three weeks before the meeting date any views, motions or arguments they may wish to be considered by the postal meeting in connection with the business of the meeting.
 - (b) must collate all views, motions or arguments received and forward them so as to reach all members of the Committee at least seven days before the date of the postal meeting together with a voting paper.
 - (c) must count all votes forwarded by the members of the Committee by post, courier, facsimile or electronic mail transmission which are received on or before the date set for the close of postal voting.
- (4) The procedure for a meeting of the Committee held as a telephone conference or a videoconference is the same as for a normal meeting of the Committee except that it is not necessary for the participating members to be present in the same room.
- (5) Meetings of the Committee may be convened by the President or by any 4 of the members of the Committee.
- (6) At least six weeks notice shall be given to members of the Committee by the Secretary of any meeting specifying the general nature of the business to be transacted and no other business shall be transacted at such a meeting.
- (7) A meeting of the Committee held as a telephone conference or videoconference may be called with less notice than for a normal meeting of the Committee if a majority of members of the Committee agree.
- (8) Any 4 members of the Committee constitute a quorum for the transaction of the business of a meeting of the Committee.
- (9) No business shall be transacted unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present the meeting shall stand adjourned to the same place and at the same hour of the same day in the following week unless the meeting was a special meeting in which case it lapses.
- (10) At meetings of the Committee: -
- (a) the President or in his or her absence the President-Elect shall preside; or
 - (b) if the President and President-Elect are absent, such one of the remaining members of the Committee as may be chosen by the members shall preside.

(11) Questions arising at the meeting of the Committee or of any sub-committee appointed by the Committee shall be determined on a show of hands or, if demanded by a member, by a poll taken in such manner as the person presiding at the meeting may determine.

(12) Each member present at a meeting of the Committee or of any sub-committee appointed by the Committee (including the person presiding at the meeting) is entitled to one vote and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.

(13) Subject to sub-clause (8) the Committee may act notwithstanding any vacancy on the Committee.

SECRETARY

26. (1) The Secretary of the Association shall keep minutes signed as correct by the President of the resolutions of each general meeting and each committee meeting in books provided for that purpose together with a record of the names of persons present at committee meetings.

(2) The books referred to in sub-clause (1) shall be available for inspection by members.

TREASURER

27. (1) The Treasurer of the Association: -

(a) shall collect and receive all moneys due to the Association and make all payments authorised by the Association; and

(b) shall 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.

(2) The accounts and books referred to in sub-clause (1) shall be available for inspection by members.

REMOVAL OF MEMBER OF COMMITTEE

28. (1) The Association in general meeting may by resolution remove any member of the Committee before the expiration of his or her term of office.

(2) If an ordinary member is removed from the Committee in accordance with sub-clause (1), the Regional Association which nominated that ordinary member may appoint another ordinary member in his or her stead to hold office until the expiration of the term of the first-mentioned member.

(3) If an officer of the Association is removed from the Committee, the Association in general meeting may by resolution appoint another member in his or her stead to hold office until the expiration of the term of the first-mentioned member.

(4) Where the member to whom a proposed resolution referred to in sub-clause (1) makes representations in writing to the Secretary or President of the Association (not exceeding a reasonable length) and requests that they be notified to the members of the Association, the Secretary or President may send a copy of the representations to each member of the Association

or, if they are not so sent, the member may require that they be read out at the meeting.

CHEQUES

29. All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by two members of the Committee.

SEAL

30. (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 two members of the Committee or of one member of the Committee and of the Public Officer of the Association.

ALTERATION OF RULES AND STATEMENT OF PURPOSES

31. These rules and the statement of purposes of the Association shall not be altered except in accordance with the Act.

NOTICES

32. (1) A notice may be served by or on behalf of the Association upon any member either personally or by sending it by post to the member at his or her address shown in the Register of Members.
(2) Where a document is properly addressed and posted to a person as a letter, the document shall, unless the contrary is proved, be deemed to have been given to the person at the time at which the letter would have been delivered in the ordinary course of post.

WINDING UP OR CANCELLATION

33. (1) In the event of the winding up or the cancellation of the incorporation of the Association, the assets of the Association shall be disposed of in accordance with the provisions of the Act.
(2) Pursuant to Section 15 of the Act, a member of the Association shall not by reason only of his or her being such a member, be liable 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.

USE OF INCOME AND PROPERTY

34. (1) The income and property of the Association must be used and applied solely to the promotion of its purposes and the exercises of its powers as set out in these rules.
(2) No portion of the income or property of the Association may be distributed directly or indirectly to or amongst the members of the Association.

(3) Nothing in this Rule prevents the payment in good faith of remuneration to any members of the Association for services actually rendered.

CUSTODY OF RECORDS

35. Except as otherwise provided in these Rules, the Secretary or his or her delegate shall keep in his or her custody or under his or her control all books, documents and securities of the Association.

FUNDS

36. The funds of the Association shall be derived from entrance fees, annual subscriptions, donations and such other sources as the Committee determines.