

RULES of the ASSOCIATION



NSW Aboriginal Education
Consultative Group
Inc.



**New South Wales
Aboriginal Education
Consultative Group Inc.
(NSW AECG Inc.)**

Association Rules

**As endorsed at the AGM
12 March 2009**



Cover Artwork: Designed by Graeme Kellner

NSW Aboriginal Education Consultative Group Inc.

VISION STATEMENT

The vision of the NSW Aboriginal Education Consultative Group Inc. is to provide advice on all matters relevant to education and training with the mandate that this advice represents the Aboriginal community viewpoint.

The NSW Aboriginal Education Consultative Group Inc. promotes respect, empowerment and self-determination and believes the process of collaborative consultation is integral to equal partnerships and is fundamental to the achievement of equality.

The NSW Aboriginal Education Consultative Group Inc. advocates cultural affirmation, integrity and the pursuit of equality to ensure that the unique and diverse identity of Aboriginal students is recognised and valued.

AIMS OF THE ASSOCIATION

To ensure that the functions and powers of members are facilitated with the premise that the most critically important part of the consultative process is the active involvement of Local AECG members and communities.

To provide opportunities for Aboriginal people to be actively involved in all decision-making that is relevant to education and training through a collaborative consultative process.

To empower members by providing appropriate and effective knowledge and skills to engage in the development of policies and programs that enhance the unique cultural identity of Aboriginal students and promote pride in Aboriginality.

OBJECTIVES OF THE ASSOCIATION

Coordinating, facilitating and overseeing the operations of the Local, Regional and State Committee as regulated by the Rules of the Association;

Increasing the active involvement of Aboriginal communities to strengthen the Association's networks at a local level;

Advocating that all students and educators should understand and have knowledge of the significant issues and events in the history of relations between Aboriginal and non-Aboriginal people, from the view point of Aboriginal people;

Providing appropriate training to members to enhance knowledge and skills on issues that impact on Aboriginal peoples access to and participation in education and training;

Enhancing the involvement of members in all decision-making through collaborative processes;

Establishing and maintaining partnerships with relevant providers to ensure improved outcomes are achieved in the education and training of Aboriginal students;

Collaboratively developing key strategies that are responsive to the needs of Aboriginal students for effective implementation within appropriate timeframes; and

Engaging in innovative research that examines issues impacting on Aboriginal education and training.

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ASSOCIATION RULES

These Rules apply to the New South Wales Aboriginal Education Consultative Group Incorporated (NSW AECG Inc), hereinafter referred to as 'The Association'.

APPLICATION OF RULES

In these Rules;

- a. 'Aboriginal' means a person who:
 - i) is of Aboriginal descent;
 - ii) identifies as an Aboriginal; and
 - iii) is accepted by the local Aboriginal community as an Aboriginal person.
- b. 'Act' means the *Associations Incorporation Act 1984*.
- c. 'Regulation' means the *Associations Incorporation Regulation 1999*.
- d. The provisions of the *Interpretation Act 1997* to and in respect of these Rules act in the same manner as those provisions if these Rules were an instrument made under the Act.
- e. 'Fiduciary' means:
 - a) a person bound to act for others' benefit as a trustee;
 - b) having the nature of trust or relating to a trust or trustee; and
 - c) relating to something held in trust.
- f. 'Active Member' means any person who:
 - a) attends at least three (3) meetings per year;
 - b) participates and contributes to the operations of their Local AECG;
 - c) has knowledge and understanding of these Rules; and
 - d) acts according with these Rules.
- g. Local AECG ('LAECG') means those groups of members of the Association operating in accordance with the Rules of the Association. Thus being duly accepted and registered as a Local AECG. To be recorded as a Local AECG of the Association on the central register, maintained by the Secretariat in conjunction with the Secretary of the Association.
- h. Regional AECG ('RAECG') means those groups of members of the Association operating in accordance with the Rules of the Association

and consisting of equal representation from each of the Local AECG.

- i. 'Office Bearers' means the President, Vice-President, Secretary, Treasurer and the Regional Representatives of the Association and/or Regional and/or Local as elected at an Annual General Meeting (AGM) of the Association.
- j. 'Association Management Committee' means the Office Bearers plus five (5) Full members elected at the Annual General Meeting (AGM) of the Association.
- k. 'Association State Committee' means the Association Management Committee and one (1) delegate (being the Regional Representative) representing each Regional AECG operating in accordance with these Rules.
- l. 'Annual General Meeting (AGM) and Annual Conference' shall comprise of the Association Management Committee and four (4) delegates from each region operating in accordance with these Rules (The Regional Representative is an automatic delegate).
- m. 'Department' is the NSW Department of Fair Trading which regulates the activities of Incorporated Associations under the Act.

FUNCTIONS AND POWERS

The Association shall co-ordinate, facilitate and oversee the operations of the Local, Regional, State Committee and Association Management Committee, as regulated by the Rules of the Association and to augment the operations to most effectively manage the affairs of the Association.

The Association may:

- a) Initiate legal proceedings or have legal proceedings commenced against in it in the Association's name;
- b) for the purpose of enabling it to exercise its functions , the Association may purchase, exchange, take on lease, hold, dispose of and otherwise deal with property so far as is permitted by the Act; and
- c) Do and suffer all other things that incorporated Associations may, by law, do and suffer and that are necessary for, or incidental to, the exercise of its functions.

In the case of a conflict between the Rules of the Association and those of the Act,

the Act will always prevail.

DISSOLUTION OF THE ASSOCIATION

In the event of winding up the Association, all surplus funds or assets of the Association are to be transferred to another like Association, as approved by the members of the Association.

NON PROFIT ORGANISATION

The Association is a non-profit organisation and prohibits securing pecuniary gain for its members.

It is prohibited for any income and/or property of the Association to be paid or transferred either directly or indirectly to a member of the Association.

Notwithstanding the above, the Association will permit;

- (i) Any member of the Association to be able to derive a pecuniary gain from the Association by way of bona fide payment of remuneration and reimbursement of expenses incurred on behalf of the Association; and
- (ii) Any member of the Association to be able to derive from it a pecuniary gain to which the member would be entitled if the member were not a member of the Association.

SECTION ONE – GENERAL RULES

PART 1 – GENERAL MEETINGS

- 1.1 General meetings of the Association are meetings that are to be held at all three (3) levels of the Association and shall include:
- Local Committees
 - Regional Committees
 - Association Management Committees
 - Association State Committee
- 1.2 A general meeting must be held at least three (3) times per year in accordance with the Rules of the Association.
- 1.3 Additional meetings may be convened by the Management Committees

PART 2 – NOTICE OF MEETINGS

- 2.1 The Secretary shall provide seven (7) days notice prior in writing to each full financial member of an impending general meeting.
- 2.2 Notice provided under Rule 2.1 above shall provide a specific time and place for the meeting as well as a date on which the meeting is to be held.
- 2.3 The Secretary must give prior notice of the cancellation of the meetings as soon as possible (where possible, twenty four (24) hours notice).

PART 3 – MINUTES OF MEETINGS

- 3.1 A signed copy of the minutes for the preceding meetings must be submitted to the Association Secretary.

PART 4 – PROCEDURE

- 4.1 No item of business shall be transacted unless of quorum of full financial members entitled to vote under these Rules is present, in person or by proxy.
- 4.2 If, within thirty (30) minutes, after the appointed time for the commencement of a general meeting a quorum is not present the meeting shall be adjourned until a future date is set and notice given of the meeting.

PART 5 - QUORUM

- 5.1 No quorum should be set at less than five (5) full financial members.
- 5.2 The quorum for all meetings shall be two-thirds (2/3) of active full financial members present in person or by proxy

PART 6 – PRESIDING MEMBER

- 6.1 The President or, in the President's absence, the Vice-President, shall preside as Chairperson.
- 6.2 If the President and the Vice-President are absent from the meeting or unwilling to act, members present shall elect from the full financial members present, a person to preside as the Chairperson at that meeting.

PART 7– ADJOURNMENT

- 7.1 The Chairperson of 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 when deemed necessary, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- 7.2 Where a general meeting is adjourned for fourteen (14) days or more the Secretary must give written notice of the adjourned meeting to all members stating the place, date, time and nature of the business from the adjourned meeting to be transacted at the meeting.

PART 8 – MAKING A DECISION

- 8.1 In line with traditional Aboriginal decision making processes, in the first instance a decision is facilitated by the consensus of members.
- 8.2 If consensus decision making cannot be achieved, then a decision arising at a General Meeting shall be determined by a show of hands of the full financial members unless before, or on, the declaration of a show of hands a poll is demanded.
- 8.3 The Chairperson must declare the result of the decision whether it is carried; or carried unanimously; or carried by a particular majority; or lost, and an entry to that effect in the minute book of the meeting must not be made, until the number or proportion of the votes recorded in favor for or against the decision has been verified according to the poll.
- 8.4 All motions put to a meeting must be moved and seconded by a full financial member who is eligible to vote at the meeting in question.

PART 9 – VOTING

- 9.1 Upon any question arising at a general meeting only full financial members shall be entitled to vote and each financial member has one (1) vote only (who are persons eligible to vote at the meeting in question).
- 9.2 All votes must be given in person or by proxy but no member can hold more than one (1) proxy in addition to their own vote (who is a person eligible to vote at the meeting in question).
- 9.3 In the case of an equality of votes on a question at a meeting the President is entitled to exercise a casting vote.

PART 10 – APPOINTMENT OF PROXIES

- 10.1 Each full financial member is to be entitled to appoint another full financial member from their Local or Region as a proxy, including proxies for Management Committee Members to nominate another Committee Member to be their proxy.
- 10.2 Notice must be given to the Secretary (relevant to the Meeting held) no later than twenty-four (24) hours of the Meeting in respect of which the proxy is appointed.
- 10.3 The notice appointing the proxy shall be in the form that is set out in the appendix to these Rules.

PART 11 – HOLDING AN ANNUAL GENERAL MEETING

- 11.1 An AGM of the Association must be held in each calendar year and within the period of six (6) months after the expiration of each calendar year, convene an AGM of its full financial members.
- 11.2 An AGM of the Regions must be held in November of each calendar year.
- 11.3 An AGM of the Locals must be held in October of each calendar year.

PART 12 – NOTICE OF ANNUAL GENERAL MEETING

- 12.1 The secretary must give twenty one (21) days notice prior to the date fixed for the holding of the AGM, cause to be sent by post to each member at the member's address appearing on the registrar of members, a notice specifying the place, date and time of the meeting.

PART 13 – BUSINESS OF ANNUAL GENERAL MEETING

13.1 The business of the AGM shall consist of, amongst other things:

- a) To confirm the minutes of the preceding AGM and/ or Special General Meeting (SGM);
- b) to elect the Management Committee;
- c) to receive and consider from the Treasurer the audited financial statements;
- d) to receive from the President a written Annual Report of the activities undertaken on behalf of the members, during the previous twelve (12) months;
- e) to elect at the Local AGM delegates to the Region;
- f) to elect at the Regional AGM delegates to the Associations AGM;
- g) To elect at the Regional AGM a Regional Representative to attend Association State Meetings (This position is elected on a triennial basis).
- h) The nomination of the candidates shall be in the form set out in the appendix of these rules.

PART 14 – CALLING OF, AND BUSINESS AT, SPECIAL GENERAL MEETING (SGM)

14.1 The Management Committee must, with a majority ruling, convene a Special General Meeting (SGM) of the Committee:

- (i) If they receive in writing from not less than two-thirds (2/3) of full financial members present in person or by proxy a motion for the holding of a SGM.

14.2 A requisition calling for a SGM:

- (a) shall state the purpose or purposes of the meeting;
- (b) shall be signed by the persons making the requisition;
- (c) shall be lodged with the President of the management Committee; and

- (d) May consist of several documents in a similar form, each signed by one (1) or more of the persons making the requisition.

PART 15 – VOTING

- 15.1 Each full financial member present in person or by proxy shall be entitled to participate equally in consensus decisions or to one (1) vote by a show of hands at which a quorum is present.
- 15.2 A motion or a resolution will be either carried or defeated and the consensus or vote of the majority of full financial members shall be final.
- 15.3 Proxy votes are permitted upon declaration of the notice appointing the proxy on the form set out in the appendix to these Rules. The proxy must be a full financial member of the Association,
- 15.4 In the case of equality of votes on a question at a meeting, the President or such other person who may be a Chairperson elected for the Meeting shall have a casting vote.

PART 16 – AMENDMENT TO THE RULES

- 16.1 Changes to the Rules of the Association can be proposed by any full financial member of the Association. However, the following procedure must be used for the proposed changes:
 - (i) The members submit the motion to their Local AECG.
 - (ii) The Local AECG submits the motion to their Regional AECG.
 - (iii) The Regional AECG submits the motion to the Association Management Committee.
 - (iv) The Management Committee submits it to the AGM or SGM for which the required notice must be given, for support or otherwise.

PART 17 – SPECIAL RESOLUTION

- 17.1 A resolution of the Association is a Special Resolution if:
 - (i) It is passed by a majority which comprises not less than two-thirds (2/3) of full financial members of the AGM present in person or by proxy.

- (ii) No less than twenty-one (21) days written notice specifying the intention to propose the resolution as a Special Resolution in accordance with these Rules; or
- (iii) Where it appears to the Committee that it is not practicable for the resolution to be passed in the manner specified in paragraph one (1) above, the resolution is passed in a manner specified by the Committee.
- (iv) Where the nature of the business proposed to be dealt with requires a special resolution, the Secretary of the Management Committee shall, at least twenty-one (21) days before the date fixed for the holding of the AGM or SGM, cause notice to be sent to each full financial member with copies of all special resolutions proposed to be dealt with at the relevant Meeting.

PART 18 - NOMINATION FOR MANAGEMENT COMMITTEE

18.1 Persons seeking nomination for election to the Local or Regional Management Committee:

- (i) Must be endorsed by two (2) full financial members of the Local AECG from which the candidate is a member and is reflected in their Minutes.
- (ii) In order for the nomination to be valid the person nominated must be a full financial member and be actively involved in their Local AECG twelve (12) months prior to their nomination except in the case of new and re-established AECGs referred to in Parts 20 and Part 21 respectively.
- (ii) Nominations of candidates for the election to the Management Committee of the Regional AECG must only come from those delegates elected from their respective Local AECG.

18.2 Persons seeking nomination for the election of the Association Management Committee must;

- (i) Abide by nomination of Management Committee as referred to in Rules 18.1 (i) and 18.1 (ii) above.
- (ii) Must be sent to the Post Office Box as indicated in correspondence to the Secretary of the Association Management Committee by close of business 31 December of the year prior to the AGM at which the election is to take

place.

- (iii) Nominations for the position of President and Vice President must be accompanied by a detailed curriculum vitae, demonstrating the essential criteria sought for these positions, and
- (iv) Nominated candidates for all other positions must provide a written response outlining how the candidate would fill the role and duties of that position

PART 19 - ELECTION OF MANAGEMENT COMMITTEE

- 19.1 The election of the Management Committee at each level of the Association must be held annually at an AGM, except for the position of the Association President who is to be elected on paid triennial basis.
- 19.2 The election shall be conducted by a Returning Officer (not being an intended candidate for election or a voting member), to be appointed by the Management Committee one (1) month prior to the AGM. A second person should be elected for the position of Returning Officer in case mitigating circumstances arise.
- 19.3 All full financial members are entitled to one (1) vote in person or by proxy.
- 19.4 The election shall be a secret ballot, voting shall not be preferential and the candidate with the highest number of votes shall be elected, however;
 - (i) Where only one nomination is received for an elected position the nominated candidate shall be declared elected.
 - (ii) If the number of nominations received is equal to the nominations of vacancies to be filled the candidates nominated are taken to be elected.
 - (iii) If insufficient nominations are received, any vacant positions remaining on the Management Committee are taken to be vacancies and such vacancies can be nominated at the AGM from Local endorsed candidates.
 - (iv) If the number of nominations received exceeds the number of vacancies to be filled a secret ballot is to be held.
- 19.5 The ballot for the election of the Management Committee members to the Association and Regional Committees is to be conducted at the AGM in such usual and proper manner as the Rules specify.

- 19.6 In the case of a Local AECG Management Committee, all full financial members of the Local AECG may stand for an Office-bearer position provided they have been actively involved and participated in three (3) meetings of the Local AECG in the previous twelve (12) months (except in the case of new and re-established Local and Regional AECG's referred to Parts 20 and 21).

PART 20 – ESTABLISHMENT OF NEW LOCAL OR REGIONAL AECG

- 20.1 In the establishment of a new Local or Regional AECG, full financial membership includes full membership rights and is exempt from the rule provided in Section 2 - Rule 2.6.

PART 21 – RE-ESTABLISHMENT OF A LOCAL OR REGIONAL AECG

- 21.1 In the case of a collapsed Local AECG, the Regional AECG Management Committee becomes responsible for convening a meeting to re-establish the Local AECG.
- 21.2 In the case of establishing a new Local AECG, the Regional AECG Management Committee becomes responsible for convening a meeting to establish viability and cultural appropriateness.
- 21.3 Where there is a need to re-establish a Local or Regional AECG, all full financial members in attendance at the establishing meeting are eligible for voting rights.

SECTION TWO – MEMBERSHIP

PART 1 – MEMBERSHIP ELIGIBILITY

- 1.1 A person is eligible to be a member of the Association:
- (i) who has been nominated and completed the Membership Form as set out in the appendix to these Rules
 - (ii) who has been endorsed for membership of the Association at a LAECG meeting
- 1.2 A member must renew their membership of the Association annually at a LAECG meeting and complete the Membership Form as set out in the appendix to these Rules.

PART 2 – MEMBERSHIP CATEGORIES

Full Membership

- 2.1 Full Membership of the Association shall be open to all Aboriginal people aged eighteen (18) years of age and over.
- 2.2 Full membership shall be limited to one LAECG and is dependent upon either place of residence or employment.
- 2.3 A Full member must be a current financial and active member at the LAECG (Refer application of Rule).
- 2.4 Only Full financial Members will have voting rights.
- 2.5 Voting rights of renewed full members will commence immediately upon receipt of the membership fees.
- 2.6 Voting rights of new full members will not commence until the meeting immediately following the meeting at which the new full member was endorsed(except in the case of new and re-established Local and Regional AECGs as referred to in Parts 20 and 21).
- 2.7 Should the un-financial status of full members be more than one (1) year, their full membership shall revert to the status of new full members.

Associate Membership

- 2.8 Associate Membership of the Association shall be open to all non-Aboriginal people, aged eighteen (18) years and over.
- 2.9 Associate Membership enables non-Aboriginal people to be involved in meetings and activities but not to hold a Management Committee position or have voting rights.
- 2.10 Associate membership shall be limited to one LAECG and is dependent upon either place of residence or employment.
- 2.11 An Associate member is expected to be a current financial and active member at the LAECG (Refer to application of Rules).

Junior Membership

- 2.12 Junior Membership of the Association shall be open to all Aboriginal and non-Aboriginal people, aged between twelve (12) and eighteen (18) years of age.
- 2.13 Junior membership shall be limited to one LAECG and is dependent upon either place of residence or employment.
- 2.14 Junior Membership enables young people to be involved in meetings and activities but not to hold an executive position or have voting rights.
- 2.15 A Junior member must be an active member at the LAECG (Refer to application of Rules).
- 2.16 Where a Junior AECG operates, junior members shall be eligible to hold Management Committee positions within that Junior AECG and are also able to operate autonomously as a Sub-Committee of their respective AECG.

Life Membership

- 2.17 Nominations for Life Memberships can be awarded in two (2) categories annually. One will be one (1) Full Life Membership and the other will be one (1) Associate Life Membership.
- 2.18 Nominations for Life membership must:-
 - i) be nominated from their LAECG,
 - ii) address criteria as set out in the appendix to these Rules.

- iii) be in the form as set out in appendix to these Rules.
 - iv) be forwarded to the Secretary of the Association Management Committee by 31 December.
- 2.19 Life Membership will be awarded on consideration of nominations and as decided by the Association Management Committee and presented at the next AGM.
- 2.20 Full Life Membership recipients are entitled to attend the Associations State Committee and the AGM, including closed and full financial members only sessions, but they do not have voting rights.
- 2.21 Associate Life Membership recipients are entitled to attend the Association’s State Committee and Annual General meetings, but do not have voting rights.

PART 3 – CESSATION OF MEMBERSHIP

- 3.1 A person ceases to be a member of the Association if the person:
- (i) is deceased;
 - (ii) resigns membership; or
 - (iii) is expelled from the Association.

PART 4 – MEMBERSHIP TRANSFER

- 4.1 Members can transfer their membership status from one LAECG to another but it is dependent upon either place of residence or employment.

PART 5 – REGISTER OF MEMBERS

- 5.1 The Secretary shall establish and maintain a register of members of the LAECG, RAECG, specifying the name and address of each member.
- 5.2 The Register of LAECG and RAECG members shall be forwarded to the Secretariat as the principal place of administration of the Association and shall be maintained by the Secretariat and Secretary of the Association Management Committee.
- 5.3 The register shall specify the category of membership.

PART 6 – FEES

- 6.1 A member of the Association shall, upon admission to membership, pay to the LAECG an annual membership fee of \$2.00.
- 6.2 Annual membership shall become due on the 1st January and shall expire on the 31st December.

PART 7 – RIGHTS AND LIABILITIES OF MEMBERS

- 7.1 The liability of a member of the Association to contribute towards the payment of the debts and liabilities of the Association or the cost, charges and expenses of the winding up to the Association is limited to the amount, if any, unpaid by the member in respect of membership of the Association as required by Part 6.
- 7.2 Membership of the Association does not confer upon members of the Association any right, title or interest, whether legal or equitable, in the property of the Association.

PART 8 – RESOLUTION OF DISPUTES

- 8.1 Any members who conduct themselves in a manner contrary to the Vision, Aims, Objectives or the Rules of the Association or whose conduct is deemed detrimental to the interests of the Association may be:
- (i) suspended from attending Association meetings for a period determined by members; but not longer than one (1) year twelve (12) months; or
 - (ii) expelled from the Association.
- 8.2 A decision to suspend or expel a member may only be taken:
- (i) after full consultation in a meeting of the members in question;
 - (ii) by a decision carried by a two-thirds (2/3) majority of full financial members at the meeting in question;
 - (iii) if due notice of the proposed action against the member has been provided to the member, including the motion outlining the resolution of the Committee and the grounds on which it is based;
 - (iv) if the notice states that the member may address the

Committee at a meeting to be held not earlier than fourteen (14) days and not later than twenty eight (28) days after service of the notice;

- (v) if the notice states the date, place and time of that meeting; and,
- (vi) informing the member that the member may do either or both of the following, attend and speak at that meeting; submit to the Committee at or prior to the date of that meeting written representations relating to the resolution.

PART 9 – RIGHT OF APPEAL OF DISCIPLINED MEMBER

- 9.1 A member may appeal to the Association in a Special General Meeting against a resolution of the Committee under Section 2 Part 8, within seven (7) days notice of the resolution being served on the member, by lodging with the Secretary a notice to that effect.
- 9.2 On receipt of a notice from a member under clause 9.1, the Secretary may notify the Management Committee which is to convene a Special General meeting of the Association to be held within twenty eight (28) days after the date on which the Secretary received notice.
- 9.3 At a Special General meeting of the Association convened under Section 2 Part 8:
- i) no business other than the question of the appeal is to be transacted, and
 - ii) the Management Committee and the member must be given the opportunity to state their respective cases orally or in writing, or both, and
 - iii) the full financial members present in person or by proxy are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- 9.4 If at the Special General Meeting the resolution is passed in favour the resolution is then confirmed.
- 9.5 If the disciplined member wishes to appeal the resolution they should refer to a Community Justice Centre for mediation in accordance with the *Community Justice Centres Act 1983*.

SECTION THREE - THE MANAGEMENT COMMITTEE

PART 1 - NAME OF THE MANAGEMENT COMMITTEE

- 1.1 The Committee is to be named the Management Committee of the Local or Regional or Association and subject to the Act, the Regulation and these Rules and to any resolution passed by full financial members of the Association in Special General Meeting or AGM.

PART 2 - POWERS OF THE MANAGEMENT COMMITTEE

- 2.1 The power of the Management Committee is to control and manage the affairs of the Association at each level.
- 2.2 The Management Committee 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 a General Meeting of members of the Association.
- 2.3 The Management Committee has the 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.
- 2.4 Each member of the Management Committee is, to hold office subject to these Rules, until the conclusion of the AGM of the following date of the member's election, but is eligible for re-election, except in the case of the State President.

PART 3 - MEMBERSHIP

- 3.1 Membership of the Association Management Committee consists of the office bearers and five (5) ordinary members each of whom is to be elected at the AGM of the Association.
- 3.2 The Office Bearers of the Association are to be:
- i) President,
 - ii) Vice-President,
 - iii) Treasurer, and
 - iv) Secretary.
- 3.3 Membership of the Regional Management Committee consists of the office bearers of each of whom are to be elected at the AGM of the Regional AECG.
- 3.4 The Office Bearers of the Regional AECG are to be:
- i) President,

- ii) Vice-President,
- iv) Treasurer, and
- v) Secretary.

3.5 Membership of the Local Management Committee consists of the office bearers of each of whom are to be elected at the AGM of the LAECG.

3.6 The Office Bearers of the LAECG are to be:

- i) President,
- ii) Vice-President,
- iii) Treasurer, and
- iv) Secretary.

PART 4 - CASUAL VACANCY

4.1 In the event of a casual vacancy occurring in the membership of the Management Committee, the Committee may appoint a full financial member from the Association (in which the vacancy occurs Association, Regional or Local) to fill the vacancy and the member so appointed is to hold office, subject to these Rules, until the conclusion of the AGM next following the date of the appointment.

4.2 A casual vacancy in the Management Committee occurs if the member:

- i. ceases to be a member of the Association;
- ii. becomes an insolvent under administration within the meaning of *Corporations Law*;
- iii. resigns office by notice in writing given to the Secretary;
- iv. is removed from office under Section 2 - Part 8;
- v. becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health; or
- vi. is absent without the consent of the Committee from 3 consecutive meetings; and

4.3 in the event of a casual vacancy occurring 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.

PART 5 - SUB COMMITTEES

- 5.1 The Management Committee may appoint a sub-Committee for the purpose of investigating proposals and presenting their findings and suggestions to the Association members at a meeting.
- 5.2 Sub-Committees shall meet as directed by the Management Committee.
- 5.3 A recommendation of a sub-Committee is not necessarily that of the Association.

PART 6 – STATE COMMITTEE MEMBERSHIP

- 6.1 The members of the Association State Committee will consist of one (1) Delegate (Regional Representative) representing each Regional AECG and the Association Management Committee.

PART 7 – ROLE OF THE REGIONAL REPRESENTATIVE

- 7.1 The Regional Representatives to the Association’s State meeting (or their proxies) shall submit a written report that has been developed in consultation with the Regional Management Committee. The report must highlight the activities that the Region has engaged in with education providers across all sectors.
- 7.2 The Regional Representatives to the Association’s State meeting (or their proxies) shall provide a written report to the next Regional AECG meeting after each Association State Meeting with the details of all decisions made and proposals put forward.
- 7.3 The Regional Representatives to the Association’s State meeting (or their proxies) shall submit all documents and correspondence which the Association State Committee wishes to be tabled at a Regional AECG meeting, as well ensuring that copies of the Association State Committee Minutes are tabled at the next Regional AECG meeting.
- 7.4 The Regional Representatives to the Association’s State meeting (or their proxies) shall provide an acquittal of the Regional Representatives operational expenses allowance at each Association State Committee Meeting as well as a copy to the next RAECG Meeting.

SECTION 4 - DUTIES OF MANAGEMENT COMMITTEE

PART 1 - CRITERIA FOR ELECTION TO THE MANAGEMENT COMMITTEE

1.1 Persons seeking election on the Association, Regional or Local Management Committee must:

- (i) be a full financial member of the Association;
- (ii) be endorsed by their Local AECG members;
- (iii) be a permanent resident of New South Wales;
- (iv) have experience and knowledge in Aboriginal education and training;
- (v) demonstrate a commitment to the principles of confidentiality; and
- (vi) uphold the fiduciary responsibilities and Rules of the Association (see Nomination Forms in the appendix to these Rules).

PART 2 - PRESIDENT

- 2.1 The term of office for the State President shall be three (3) years.
- 2.2 The President must uphold the Rules of the Association.
- 2.3 The President will be accountable to the members of the Association.
- 2.4 The President must ensure the successful functioning and the achievement of the aims and objectives.
- 2.5 The President must represent and act on behalf of the members in the intervals between Management Committee meetings and general meetings.
- 2.6 The President must represent the Association on matters relating to policy, management and administration.
- 2.7 The State President must maintain a high level of communication with relevant State and Commonwealth. Ministers, and other non-government and community organisations involved in Aboriginal education and training.
- 2.8 The President must ensure that the notice of the meeting conforms to the Rules of the Association.
- 2.9 The President must develop, in consultation with the Management Committee, the preparation of agendas.

- 2.10 The President must table all correspondence and other materials to the Management Committee.
- 2.11 The President must open the Meeting when a quorum is present as well as ask for any proxies or apologies.
- 2.12 The President must sign minutes of previous meeting as correct when they have been accepted by the Meeting.
- 2.13 In the case of elections, the President must ensure the appointment of a Returning Officer as determined by the Management Committee, one (1) month prior to the AGM.
- 2.14 The President must preserve order and warn any member who is causing a disturbance at a meeting that the member may be removed.
- 2.15 The President must order the removal from the meeting of any member who, having been already warned, continues to cause a disturbance and may request assistance from the police to remove the member if it is considered necessary by the majority of members at the meeting.
- 2.16 The President must ensure that any debates are conducted in the correct manner and, in particular, that there is one (1) speaker at a time.
- 2.17 The President must rule “out of order” any motion which involves the Association acting outside its functions or powers under the Act or any other statute or rule of law.
- 2.18 The President must close or adjourn the meeting when:
 - (i) a motion to that effect is carried,
 - (ii) all business has been finished,
 - (iii) the meeting is excessively disorderly,
 - (iv) a quorum is no longer present.

PART 3 - PUBLIC OFFICER

- 3.1 The Public Officer must be an elected position from the Association Management Committee and will be a twelve (12) month appointment.
- 3.2 The Association Management Committee may, at any time, remove the Public Officer and appoint a new Public Officer.

3.3 The Public Officer must be deemed to have vacated the position in the following circumstances:

- (i) deceased,
- (ii) resign,
- (iii) become bankrupt,
- (iv) become mentally ill, or
- (v) ceases to be a resident of New South Wales.

3.4 When a vacancy occurs, the position of Public Officer must not remain vacant for more than fourteen (14) days. Within fourteen (14) days of a vacancy occurring, the Committee must notify the Registry of Co-operatives and Associations of the vacancy and appoint a new Public Officer.

3.5 The Public Officer must:

- (i) be responsible in collaboration with the Association Management Committee and if so directed authorise statements on behalf of the association in such a way as to further the aims and objectives of the Association;
- (ii) keep the Association's Common Seal in safe custody;
- (iii) give notice of his or her appointment to the Registry within fourteen (14) days of the appointment;
- (iv) apply to the Commissioner for approval of a change of name within one (1) month after passing a special resolution to change the Association's name;
- (v) lodge, with the prescribed fee, the passing of a Special Resolution altering the statement of objects or Rules of the Association, setting out the particulars of the alteration;

3.6 The Public Officer must also notify the Office of Fair Trading by prescribed form in the following circumstances:

- (i) appointments within fourteen (14) days;
- (ii) a change of residential address within fourteen (14) days;
- (iii) a change of the Associations objects or Rules within one (1) month;

- (iv) a change of the Association's financials affairs within one (1) month after the AGM; and
- (v) a change of the Association name within one (1) month.

PART 4 – VICE-PRESIDENT

- 4.1 The term of office for the Vice-President term is one (1) year.
- 4.1(a) The Vice-President of the Association must also assist and support the President in the responsibilities as outlined in Part 2 President.
- 4.2 Elections of the Association Vice-President must also satisfy Section 4, Parts 1 and Part 2 in criteria for nomination of the Association President.
- 4.3 The Vice-President must assist the President in the effective carriage of the role and responsibility of that position.
- 4.4 In the absence of the President, the Vice-President must assume the role of the President.
- 4.5 In the event that the President of the organisation cannot fulfill his or her duties the Vice-President will then take on that responsibility; including:
 - (i) upholding the Rules of the Association;
 - (ii) be accountable to the members of the Association;
 - (iii) ensure the successful functioning and the achievement of the aims and objectives;
 - (iv) represent and act on behalf of the members in the intervals between Management Committee meetings and general meetings;
 - (v) represent the Association on matters relating to policy, management and administration; and
 - (vi) maintain a high level of communication with relevant State and Commonwealth Ministers, and other non-government and community organisations involved in Aboriginal education and training.

PART 5 - SECRETARY

- 5.1 The Secretary must maintain a Register of all members showing details of class of membership, their names and addresses, dates of admission and

- registration as members.
- 5.2 The Secretary must maintain any correspondence in and out and inform the Management Committee of such correspondence.
 - 5.3 The Secretary must represent and act as appropriate on matters relating directly to the position, subject to the instructions of the AGM, SGM, State Committee, Management Committee Meeting or General Meeting, at the interval between meetings.
 - 5.4 The Secretary must make available all records for inspection by any financial member at such times as the Management Committee determines. A member shall not, however, remove the original copies of any documents or records from the place in which the Secretary makes them available for inspection.
 - 5.5 The Secretary must maintain a Register of expelled members of the Association indicating at which meeting the decision was made and a copy of the Minutes attached for reference.
 - 5.6 The Secretary must maintain an accurate record of all meetings.
 - 5.7 The Secretary must forward to the Secretary of the Association Management Committee, a signed copy of certification accepting the Association's Rules in the appendix to these Rules.
 - 5.8 The Secretary must maintain, in conjunction with the President, the following:
 - (i) a calendar of dates, venues and times of planned meetings; and
 - (ii) call meetings and give the proper notice for such meetings in accordance with these Rules.
 - 5.9 The Secretary must maintain an attendance book. The book must have inscribed the names of all the members who have attended each meeting, together with the signature of each member who is present.

PART 6 - TREASURER

- 6.1 The Treasurer must maintain proper financial accounts and records of all transactions in relation to the operations of the management Committee.
- 6.2 The Treasurer must ensure that all monies received are deposited as soon as practicable in the Association and/or respective Region and/or Local bank accounts.

- 6.3 The Treasurer must ensure that the accounts and records of financial transactions of the Association are inspected and audited by an auditor appointed by the Association Management Committee.
- 6.4 The Treasurer must ensure that a statement of accounts, together with an auditor's certificate in relation to the statement, is submitted to the Association's AGM.
- 6.5 The Treasurer must submit a financial statement to each AGM and Management Committee meetings, to be known as the Treasurer's Report.
- 6.6 The Treasurer must submit to the AGM or Association State Meeting, details of any expenditure, which in the Treasurer's opinion contravenes the Act, or the wishes of the majority of the members, or both.
- 6.7 The Treasurer must represent, and act where appropriate, on matters relating directly to the position subject to the instructions of the AGM, the SGM, State Committee, Management Committee Meeting, or general meetings, at the interval between meetings.
- 6.8 The Treasurer must issue a receipt for all monies received.

APPENDIX

NEW SOUTH WALES
ABORIGINAL EDUCATION CONSULTATIVE GROUP INCORPORATED

CERTIFICATION

We, the undersigned, hereby certify that these Rules were adopted at a General meeting of the:

.....

Local AECG held on/...../.....

President's signature

Secretary's signature

Date/...../.....

Office Use Only

A copy must be forwarded to the Secretariat

Date forwarded/...../.....

Sighted and registered by the Association Secretary

Association Secretary Signature

Date/...../.....



APPLICATION FOR MEMBERSHIP

I, _____
(Full name of Applicant)

Of _____
(Full Address for all correspondence)

Hereby apply to become a Full / Associate / Junior * Member of the NSW Aboriginal Education Consultative Group Incorporated (NSW AECG Inc). In the event of my admission as a member, I agree to be bound by the current Rules of the Association.

_____/ /20 Date
Signature of Applicant

I, _____
(Full name of Proposer)

being a Full Financial Member of the Association, nominate the Applicant, who is personally known to me, for Membership of the Association.

_____/ /20 Date
Signature of Proposer

I, _____
(Full name of Seconder)

being a Full Financial Member of the Association, second the nomination of the Applicant, who is personally known to me, for Membership of the Association.

_____/ /20 Date
Signature of Seconder

Office Use Only		
Regional AECG Sighted	_____/ /20	Signature of President/ Secretary Date
Forwarded to Secretariat	Fax^ Post^	/ /20 Date
* Delete as appropriate	^ Circle as appropriate	

Nomination Form – Office Bearers Regional Management Committee

Name of Local AECG:

Local AECG Meeting Date:

Name of Person Nominated:

Please place a tick next to the position the candidate is seeking election to:	President	<input type="checkbox"/>
	Vice-President	<input type="checkbox"/>
	Treasurer	<input type="checkbox"/>
	Secretary	<input type="checkbox"/>
	Regional Rep	<input type="checkbox"/>

Local AECG to provide a brief reason for the nomination:

*The person nominating and the persons endorsing the nomination must be **full financial** members of the candidate's local AECG.*

Nominated by:		Signature:
Endorsed by:		Signature:
Endorsed by:		Signature:

If the Nominee has accepted the nomination then they **must** sign this form

Signature of Nominee: _____ Date: _____

*This nomination form **must** be endorsed by the **President** of the local AECG*

Name of the President: _____ Signature: _____

Please note: This form must be submitted to the Secretary of the Region 21 Days before the holding of the Regional AGM. It must be accompanied by the Minutes of the Local AECG AGM, where the candidate was nominated.

Nomination Form – Members of the Association Management Committee (this form applies to the old state executive committee in meaning)	
Name of Local AECG:	
Local AECG Meeting Date:	
Name of Person Nominated:	

Please place a tick next to the position the candidate is seeking election to:	Association Management Committee	<input type="checkbox"/>
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Local AECG to provide a brief reason for the nomination:

*The person nominating and the persons endorsing the nomination must be **full financial** members of the candidate's local AECG.*

Nominated by:		Signature:
Endorsed by:		Signature:
Endorsed by:		Signature:

If the Nominee has accepted the nomination then they **must** sign this form

Signature of Nominee: _____ Date: _____

<i>This nomination form must be endorsed by the President of the local AECG</i>	
Name of the President:	Signature:

Please note: This form must be lodged with the Secretary of the Association **by close of business 31st December**, it must be accompanied by the Minutes of the AGM where the candidate was nominated.

Nomination Form – Office Bearers Association Management Committee
Name of Local AECG:
Local AECG Meeting Date:
Name of Person Nominated:

Please place a tick next to the position the candidate is seeking election to:	President	<input type="checkbox"/>
	Vice-President	<input type="checkbox"/>
	Treasurer	<input type="checkbox"/>
	Secretary	<input type="checkbox"/>

Local AECG to provide a brief reason for the nomination:
--

*The person nominating and the persons endorsing the nomination must be **full financial** members of the candidate's local AECG.*

Nominated by:		Signature:
Endorsed by:		Signature:
Endorsed by:		Signature:

If the Nominee has accepted the nomination then they must sign this form
Signature of Nominee: _____ Date: _____

<i>This nomination form must be endorsed by the President of the local AECG</i>	
Name of the President:	Signature:

Please note: This form must be lodged with the Secretary of the Association **by close of business 31st December**, it must be accompanied by the Minutes of the AGM where the candidate was nominated, and supported by documentation that illustrates that the candidate meets the criteria for the position they have been nominated for.

Nomination Form - Life Membership and Associate Life Membership

When nominating candidates for either Life or Associate Life membership to the Association, the following criteria **must** be addressed:

- must have been a continuous member of a Local AECG for ten (10) years or more
- been an active and financial member during this period of time
- has demonstrated a commitment to the Association.
- This nomination form must be accompanied by no more than two (2) pages on how the nominee has met all of the above criteria.

*When profiling your nominee, it is important to make sure that; you **highlight** all the work **that** the nominee has undertaken as a member of the Association in a **voluntary** capacity, not work undertaken in a paid capacity.*

Nomination Form – Life Membership Associate Life Membership
--

Name of AECG:	Date of Meeting:
Name of Nominee:	Member of:
Please place a tick in the box re: the category of membership:	
Life Member: <input type="checkbox"/>	OR
	Associate Life Member <input type="checkbox"/>

Nominated by:		Signature:
Endorsed by:		Signature:
Endorsed by:		Signature:

Nomination form should be signed by the President from where the nomination has taken place. i.e. Local/Regional/State However, if the President is being nominated then the Vice-President would sign the nomination form.	
President::	Signature:
Vice-President:	Signature

This nomination form and candidate’s profile **must** be lodged with the Secretary of the Association by close of business 31st December.

NEW SOUTH WALES ABORIGINAL EDUCATION CONSULTATIVE GROUP
INCORPORATED.

NOMINATION FOR APPOINTMENT OF PROXY

I, _____ Full name of Member

Of _____

_____ post code _____

(Full address for all correspondence)

Being a full financial Member of the NSW AECG Inc hereby appoint:

(Full name of proxy)

*being a Full Financial Member of the Association, as my proxy to vote on my behalf at a State Committee / AGM / Regional AECG / Local AECG * meeting of the Association, as the case may be, to be held on*

_____ Day of _____ 20____ and at any adjournment

My proxy is authorised to vote

*in any way * he / she sees fit in **OR***

** favour of / * against the following resolutions:*

(1)

(2)

(3)

Signature of Member: _____ Signature of Proxy: _____

Date: _____

Date: _____

Note:

(1) a proxy may not be given to a person who is not a full financial member of the association

(2) Delete as appropriate

(3) Refer to proxy Rules in the relevant section.