



AUSTAT

ASSOCIATIONS INCORPORATION ACT
2009.

CONSTITUTION OF THE AUSTRALIAN SOCIETY OF
TEACHERS OF THE ALEXANDER TECHNIQUE (AUSTAT)
INCORPORATED.

NOVEMBER 2012

CONTENTS

PART 1 - INTRODUCTORY	5
1. Name	5
2. Objects.....	6
3. Interpretation.....	7
PART 2 -MEMBERSHIP	8
4. Members	8
5. Application for Membership.....	8
6. Teacher Members	8
7. Student Members.....	9
8. Honorary Members	9
9. Friend of AUSTAT.....	9
10. Cessation of membership	10
11. Resignation of membership	10
12. Register of Members.....	10
13. Entrance and Annual Membership Fees	11
14. Liability of Members	11
15. Resolution of Internal Disputes	11
PART 3 -RECOGNITION OF OTHER SOCIETIES.....	12
16. Criteria for Recognition	12
PART 4 -THE COUNCIL	13
17. Constitution and Membership	13
18. Powers of Council	13
19. Election of Council	14
20. Meeting and Quorum	15
21. Ordinary Resolution of Council	16
22. Special Resolution of Council	16
23. Voting and Decisions	16
24. Secretary.....	16
25. Treasurer	17
26. Sub-Committees	17
27. Casual Vacancy	17
28. Removal of member of Council.....	18
PART 5 -TRAINING COURSE STANDING COMMITTEE (TCSC)	19
29. Constitution and Membership	19
30. Powers of the TCSC	19
31. Selection of TCSC Members.....	19
32. Meeting and Quorum	20
32.1 Chairperson: Election, Duties and Responsibilities	20
33. Voting and Decisions	20
34. Removal of Member of TCSC	21

PART 5A - TRAINING COURSES	22
35. Training Course Requirements	22
36. Head of Training	22
37. Application to establish training course	22
38. Role of Council.....	23
39. Withdrawal of Approval	23
40. Waiver.....	23
PART 6 - FITNESS TO PRACTICE AND DISCIPLINARY PROCEEDINGS.....	24
41. Fitness to Practice	24
42. Professional Misconduct	24
42A. Complaints Committee	25
43. Professional Conduct Committee.....	26
43.1 Appeals Procedure.....	27
PART 7-GENERAL MEETINGS.....	28
44. Annual General Meeting	28
45. Notice and business of AGM.....	28
46. Special General Meetings	29
47. Notice for Special General Meetings.....	30
PART 7A - PROCEDURE FOR GENERAL MEETINGS	31
48. Attendance at Meetings	31
49. Quorum	31
50. Presiding Member	31
51. Voting and Making of Decisions.....	31
52. Special Resolution of AUSTAT	32
53. Proxies and Postal Votes	32
54. Schedule 3 Postal Ballots	32
55. Adjournment.....	33
PART 8 - MISCELLANEOUS	34
56. Bye-Laws	34
57. Insurance	34
58. Funds - Source	34
59. Funds - Management.....	34
60. Alteration of objects and Constitution.....	34
61. Common Seal	35
62. Custody of books etc.	35
63. Inspection of books etc.	35
64. Service of Notices	35
65. Surplus Property	35
66. Founding Members	36

Bye Laws.....	37
Bye Law 1 General Management and Conduct of Training Courses.....	38
1. POLICIES AND PROCEDURES.....	38
2. BUSINESS AND ORGANIZATION.....	39
3. QUALITY ASSURANCE	39
4. ADVERTISING.....	39
5. RELATIONSHIP BETWEEN SCHOOL AND AUSTAT	39
6. AUDITS.....	40
7. WITHDRAWAL OF ACCREDITATION	41
Bye Law 2 - Continuing Professional Development Stream.....	42
Appendix-Proxy Forms.....	43

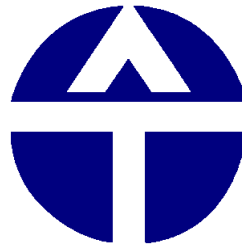
VERSION DETAILS

This version of the AUSTAT Constitution incorporates changes made by AUSTAT AGMs from August 1993 to November 2010 (inclusive). All previous versions of the AUSTAT Constitution or AUSTAT Rules are superseded by this version.

PART 1 - INTRODUCTORY

1. Name

The Association is to be called The Australian Society of Teachers of the Alexander Technique (AUSTAT) Incorporated (hereinafter referred to as "AUSTAT").



AUSTAT

2. Objects

The objects of AUSTAT are:

- a) To establish and maintain standards and codes of professional conduct and integrity amongst teachers of the F. M. Alexander Technique of Re-Education as outlined in the published works of F. M. Alexander (hereinafter called "the Alexander Technique") and to establish and enforce bye-laws for maintaining such standards and codes.
- b) To establish for teachers of the Alexander Technique in Australia a professional body which will represent the interests of its members in all States and Territories.
- c) To certify and monitor Teacher Training courses in the Alexander Technique.
- d) To further the exploration of the teaching of the Alexander Technique and to promote and encourage specific projects of research into the Alexander Technique in selected fields.
- e) To encourage members to play a vital and contributing role in the activities of AUSTAT.
- f) To promote within Australia a greater awareness of the value of the Alexander Technique.
- g) To maintain close relations with The Society of Teachers of the Alexander Technique (S.T.A.T.) in the United Kingdom and its affiliated societies with a view to recognising such societies as fellow bodies with full rights of reciprocal membership.
- h) To endeavour to introduce the Alexander Technique into schools and other places of education and to obtain recognition for its Teacher Members as approved teachers in these institutions.
- i) To seek publicity for the Alexander Technique in order to promote public awareness of its value and importance.
- j) To set up and maintain a resources library.
- k) To seek and receive subscriptions, donations, grants and legacies and to conduct fund raising activities for the purpose of applying the proceeds to achieve any of the objects of AUSTAT.
- l) To pursue official recognition from appropriate institutions for Alexander Technique Teacher Training Schools certified by AUSTAT.
- m) To pursue official recognition of the Alexander Technique and the status of AUSTAT's Teacher Members as professional teachers of that Technique by Medical Funds, both Public and Private, and Insurance Companies, so that members of the general public who wish to have lessons in the Alexander Technique may receive some rebate or refund from these institutions for lessons undertaken.
- n) To do any act or thing, consistent with the objects and the Constitution of AUSTAT and permitted by the Act and the Regulation which, in the opinion of the Council, will promote the best interests of AUSTAT.

3. Interpretation

- (a) In this Constitution, except in so far as the context or subject matter otherwise indicates or requires:

"**AGM**" means the annual general meeting of AUSTAT.

"**TCSC**" means the Training Course Standing Committee established under Part 5 of this Constitution.

"**Council**" means the council referred to in Part 4 of this Constitution which is the committee of management of the Association.

"**Secretary**" means:

(i) the person holding office under this Constitution as Secretary of AUSTAT; or

(ii) where no such person holds that office:

the Public Officer of AUSTAT;

"**Recognised Society**" means any Society of Alexander Technique Teachers recognised by AUSTAT in accordance with Rule 16 hereto;

"**the Act**" means the Associations Incorporation Act, 2009;

"**the Regulation**" means the Associations Incorporation Regulation, 2010

- (b) In this Constitution:

(i) a reference to a function includes a reference to a power, authority and duty;

and

(ii) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

- (c) The provisions of the Interpretation Act, 1987, apply to and in respect of this Constitution in the same manner as those provisions would so apply if this Constitution were an instrument made under the Act.

PART 2 -MEMBERSHIP

4. Members

AUSTAT shall consist of Teacher Members, Student Members and Honorary Members.

5. Application for Membership

All applications for membership shall be made in writing to the Secretary of AUSTAT in a form and manner determined by Council.

6. Teacher Members

- (a) A person is entitled to become a Teacher Member of AUSTAT if he or she has completed a Teacher Training Course in the Alexander Technique that has been approved by:
 - (i) AUSTAT provided that person has been a student member of AUSTAT and participated in AUSTAT moderation over the course of that training, or since 2010;
 - (ii) F.M. Alexander; or
 - (iii) another recognised Society within the Affiliated Societies Group.
- (b) In the case of a person who has completed a teacher training course that has been approved by a Recognised Society, that person will only be eligible for membership of AUSTAT in accordance with Rule 16 hereto.
- (c) In the case of a person who has completed a Teacher Training Course in the Alexander Technique that has been approved by AUSTAT but who has not been a student member of AUSTAT that person will only be eligible for membership after undertaking an independent assessment process. The cost of such a process shall be determined by Council.
- (d) In the case of a person who has completed an Alexander Technique teacher training course not recognised by AUSTAT that person will only be eligible for membership of AUSTAT by undergoing a minimum of twelve weeks training at a training course approved by AUSTAT and upon the recommendation from the Head of Training of a Training Course approved by AUSTAT or a Recognised Society.
- (e) Council may approve applications from persons seeking to become Teacher Members but only by way of Special Resolution of Council.
- (f) Once such an application is approved, the person becomes a Teacher Member upon payment of the entrance fee and the annual membership fee (or appropriate proportion thereof as determined by the Council) both of which must be payable within 28 days of the notification of approval of the application.
- (g) All Teacher Members agree to abide by all bye-laws of AUSTAT in so far as they may be applicable, and in particular the Code of Professional Conduct as it exists from time to time.

- (h) All financial Teacher Members may use the letters "M AUSTAT or MEMBER AUSTAT" after their name for any purposes associated with their professional standing. An unfinancial Teacher member of AUSTAT who has successfully completed an AUSTAT certified training course may use the letters "AUSTAT CERT." after their name for any purposes associated with their professional standing.

7. Student Members

- (a) A person is eligible to become a Student Member of AUSTAT if he or she has been accepted by and is attending a Teacher Training Course approved by AUSTAT.
- (b) The Council may approve applications from persons seeking to become Student Members by way of Ordinary Resolution of Council.
- (c) Once such an application is approved, the person becomes a Student Member upon payment of an entrance fee and a student membership fee as determined by the Council.
- (d) A Student Member shall:
 - (i) be entitled to attend but not vote at any General Meeting of AUSTAT;
 - (ii) shall not hold any office in AUSTAT, nor be eligible for election as a member of Council, nor teach or hold him or herself out as a teacher of the Alexander Technique except under the supervision of the Head of Training of the Teacher Training School concerned;
 - (iii) enter into an agreement governing his or her training with the Head of Training of the Teacher Training School; and
 - (iv) abide by all bye-laws of AUSTAT in so far as they may be applicable.

8. Honorary Members

- (a) A person may be offered the title Honorary Member of AUSTAT provided that he or she has in the opinion of AUSTAT performed notable service to AUSTAT or the Alexander Technique. An Honorary Member has the same rights as a Friend of the Society.
- (b) The title is offered to a person, provided that person has been nominated and seconded for the title by a Teacher Member and the resolution proposing offer of the title is passed by a Special Resolution of AUSTAT in general meeting.

9. Friend of AUSTAT

- (a) A person may become a Friend of AUSTAT upon payment of an annual fee as shall from time to time be determined at an Annual General Meeting of AUSTAT.
- (b) A friend of AUSTAT is entitled to:
 - (i) receive any newsletters and information that may from time to time be circulated amongst the membership; and
 - (ii) to have access to AUSTAT's Archives and Library.

10. Cessation of membership

A person ceases to be a member of the Society if the person:

- (a) dies;
- (b) resigns that membership;
- (c) is expelled from AUSTAT; or
- (d) fails to pay fees due for a period of twelve months from the due date.

11. Resignation of membership

- (a) Any member may resign from AUSTAT by notice in writing sent to the Secretary of AUSTAT. On receipt of such a notice, the resignation is effective and the Secretary shall remove the member's name from the register of members.
- (b) Any such withdrawal is an honourable withdrawal and upon payment of the annual membership fee, the Secretary shall again enter the name of the rejoined member in the register of members.

12. Register of Members

- (a) The Secretary shall establish and maintain a register of members of AUSTAT.
- (b) The register shall specify:
 - (i) the name and address of each and every person who is a member or friend of AUSTAT together with the date on which the person became a member or friend, the category of their membership and, in the case of teachers, their date of graduation.
 - (ii) the names of the members of the Council who hold the positions of Chairperson, Secretary and Treasurer, the date on which any such member was elected or appointed to such a position and the date on which any such member ceased to hold such a position.
- (c) The register of members shall be kept at the principal place of administration of AUSTAT and shall be open for inspection, free of charge by any member at any reasonable hour.

13. Entrance and Annual Membership Fees

- (a) Entrance and Membership Fees are only payable by Teacher Members and Student Members.
- (b) Annual membership fees are due and payable on 1st July in each year.
- (c) Any Teacher Member within his or her first 12 months of qualifying to teach the Alexander Technique shall pay such lesser amount by way of membership fee for the first 12 months of membership as shall from time to time be determined by AUSTAT at the AGM and shall thereafter pay the annual membership fee for Teacher Members.
- (d) Any member, payment of whose annual membership fee is in arrears, shall be deemed to be unfinancial. No unfinancial Teacher Member shall be entitled to vote, stand for office or be co-opted for office, at any meeting or in any ballot amongst members.
- (e) The entrance fee and annual membership fees shall be reviewed at each Annual General Meeting and determined for the following year.
- (f) The Council may reduce or waive the entrance fee or membership fee on the application of a member or members if, in the opinion of the Council, the grounds of application for such reduction or waiver are adequate.

14. Liability of Members

The liability of a member of AUSTAT to contribute towards the payment of the debts and liabilities of AUSTAT or the costs, charges and expenses of the winding up of AUSTAT is limited to the amount, if any, unpaid by the member in respect of membership of AUSTAT.

15. Resolution of Internal Disputes

Except as herein otherwise provided, in the State of New South Wales disputes between members (in their capacity as members) of AUSTAT and disputes between members and AUSTAT, are to be referred to a community justice centre for mediation in accordance with the Community Justice Centres Act 1983 (N.S.W.) or similar legislation (if any) in any other State or Territory of Australia.

PART 3 -RECOGNITION OF OTHER SOCIETIES

16. Criteria for Recognition

- (a) AUSTAT shall be able to recognise as a fellow body any other society or professional group of Alexander Technique Teachers if:
 - (i) the society embodies similar training standards and rules of conduct and is based and has jurisdiction outside Australia;
 - (ii) the recognition of the society shall imply rights of reciprocal membership whereby the equivalent of Teacher Members in the society shall be eligible to become Teacher Members subject to the provisions of paragraph (d) (i) to (ii) below and Teacher Members shall be eligible to become members of the society provided that any membership criteria determined by the society shall not exceed in difficulty of fulfillment the provisions of paragraph (d) (i) to (ii) below;
 - (iii) the application for recognition is supported or accompanied by such documents and information as the Council may require including in particular details of the constitution, bye-laws, and any teacher training schools approved by the society.
- (b) The application for recognition shall be made in the manner and form determined by the Council.
- (c) The granting of recognition to any such organisation shall only be passed by a special resolution of Council.
- (d) Any member in good standing of any Recognised Society shall be eligible for membership as a Teacher Member if the applicant:
 - (i) Is residing in Australia; and
 - (ii) Is nominated for membership by two Teacher Members of AUSTAT.
- (e) Any Recognised Society shall cease to be recognised by AUSTAT if by notice in writing to the Secretary of AUSTAT, such Society terminates its affiliation with AUSTAT.
- (f) AUSTAT in general meeting may terminate its affiliation with a Recognised Society if:
 - (i) such Society adopts any change to its constitution or bye-laws that has the result of making its standards for approval of training courses, rules of conduct, membership admission criteria, or other rules substantially different from those in force when recognition was granted; and
 - (ii) such Society fails to provide adequate explanation or to rectify said changes to the satisfaction of Council within 60 days of receipt of notice sent by the Council inviting said Society to explain or rectify same;
 - (iii) in default of satisfactory explanation or rectification of such changes a resolution to terminate affiliation with such Society is passed at a general meeting of AUSTAT.

PART 4 -THE COUNCIL

17. Constitution and Membership

The Council shall consist of:

- (a) (i) The Chairperson;
- (ii) past Chairpersons who shall retain membership of the Council until the conclusion of the second AGM following their retirement from office;
- (iii) a treasurer, secretary and not less than one nor greater than five ordinary members all to be chosen from the Teacher Members
and
- (iv) The Chairperson of the Training course Standing Committee
- (b) Any casual vacancies occurring amongst the members of the Council may be filled by the Council co-opting another Teacher Member provided that the Teacher Member co-opted agrees to hold office for the unexpired term of his or her predecessor. Council shall notify all Teacher members of any such co-option by the next general communication to the members.
- (c) For the purposes of this Constitution, any Teacher Member so co-opted shall be deemed to be a duly elected member.

18. Powers of Council

The Council:

- (a) shall be entrusted by the members of the Society with the general management and administration of the affairs of AUSTAT;
- (b) shall implement the general policy of AUSTAT and the decisions taken by its members at the AGM;
- (c) may exercise all such functions as may be exercised by AUSTAT other than those functions that are required by this Constitution to be exercised by the Training Course Board or by a general meeting of members of AUSTAT; and
- (d) has power to perform all such acts and do all such things as appear to the Council to be necessary or desirable for the proper management of the affairs of AUSTAT.

19. Election of Council

- (a) Election of members of the Council shall be held at the AGM of AUSTAT.
- (b) Every financial Teacher Member shall be entitled, either in person, to nominate and vote separately for the office of Chairperson and for the members of the Council. To be valid, postal votes must be delivered to the Secretary at least 24 hours prior to the time stated for the commencement of the AGM.
- (c) All nominations for election shall be made in writing and delivered to the Secretary not less than 45 days prior to the date of the AGM. Each nomination shall be proposed and seconded by a Teacher Member and shall be accompanied by a written consent to the nomination by the nominee.
- (d) If insufficient nominations are received then nominations may be taken and seconded orally at the AGM provided that any person nominated is present at the meeting and consents to the nomination or such person has given written consent to the person nominating him or her.
- (e) Elections will take place for:
 - (i) the office of Chairperson;
 - (ii) the offices of Treasurer, Secretary and all further elected members of Council.
- (f) Balloting lists shall be prepared by the Secretary, one for the office of Chairperson and one for the other four members of the Council who are to be directly elected by the AGM and, when called for, one under the provisions of clause 190) and all names of the nominees shall be in alphabetical order showing the names of the proposers and seconders for each nominee.
- (g) Members shall be elected to serve on the Council until the second following AGM. At the first following AGM, half the council will resign. At each subsequent AGM, elections will be held for half the council by rotation. Any eligible Teacher Member may stand for re-election in the normal manner for up to, but not more than, two consecutive terms.
- (h) Election of the Chairperson shall be completed and the result declared prior to the election of the Council members. Proxy votes may be used.
- (i) Should two or more candidates for the office of Chairperson or for any other position on the Council receive an equal number of votes, then the names of those candidates for the undecided position shall be solely and separately re-submitted to the Teacher Members for decision. If they then receive an equal number of votes the Chairperson presiding over the AGM shall have a casting vote.
- (j) If a Teacher Member wishes to stand for re-election after a second consecutive term of office he or she must stand separately for the right to be a candidate for election prior to the election of the Chairperson and all other members of the Council at the AGM, and he or she must attract two thirds of the votes cast in such circumstances. If subsequently elected to the office of Chairperson or member of the Council this member shall be deemed to be serving the first term of office and may thereafter stand for re-election in the normal manner.

- (k) A Teacher Member may be nominated for:
 - (i) The office of Chairperson;
 - (ii) The office of Treasurer;
 - (iii) The office of Secretary;
 - (iv) Ordinary member;
 - (v) Any two or more of such offices.
- (l) When voting, a Teacher Member shall mark only one name for the office of Chairperson, one name for the office of Secretary, one name for the office of Treasurer and mark only a maximum of five names for the other elected positions of the Council. Each mark will count as one vote and election to office will be by those who receive the greatest number of votes in diminishing order until all positions are filled.
- (m) An elected member of the Council, in special circumstances, may nominate an eligible Teacher Member to attend a meeting to represent his or her responsibilities on the Council at any time during his or her term of office. Any Teacher Member so nominated shall be deemed to be an elected member for the purposes of that meeting
- (n) The ballot for the election of office-bearers and ordinary members of the Council shall be conducted at the AGM in such usual and proper manner as the Council may direct.
- (o) Should there be only one nomination for any position, that position will be put to secret ballot and the nominee will be required to receive at least 50% of the vote to be elected.

20. Meeting and Quorum

- (a) The Council shall meet as often as it thinks fit to conduct the affairs of AUSTAT provided that there shall not be less than four meetings of the Council between each AGM.
- (b) Any two members of the Council may summon a meeting of the Council by written application to the Secretary. A meeting summoned in this manner must be held within one month of the request being received by the Secretary.
- (c) Questions arising at any meeting shall be decided by a majority of votes. In case of an equality of votes the Chairperson shall have a second or casting vote.
- (d) The quorum necessary for the transaction of the business of the Council shall, unless otherwise herein provided, be:
 - (i) Four members; or
 - (ii) Three members and one member nominated by an elected member to attend a meeting to represent his or her responsibilities on the Council in accordance with Rule 19(m);
 - (iii) Able to be convened by telecommunications link-up between members.
- (e) No business shall be transacted by the Council 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 be dissolved.

21. Ordinary Resolution of Council

A resolution of the Council is an Ordinary Resolution if it is passed by a majority of the votes of members of the Council present at the meeting.

22. Special Resolution of Council

A resolution of the Council is a special resolution if it is passed by a majority which comprises not less than four members of Council as, being entitled under this Constitution so to do, vote at a Council meeting with a quorum consisting of not less than five members.

23. Voting and Decisions

- (a) Unless otherwise expressly provided for herein, questions arising at a meeting of the Council shall be determined by Ordinary Resolution.
- (b) Each member present at a meeting of the Council (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- (c) Any act or thing done or suffered, or purporting to have been done or suffered, by the Council, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member of the Council.

24. Secretary

- (a) The Secretary's duties shall include keeping accurate records of:
 - (i) all appointments of office-bearers and members of the Council;
 - (ii) the names of Council members present at a Council meeting or a general meeting; and
 - (iii) minutes of proceedings at all Council and general meetings of AUSTAT.
- (b) The Secretary shall maintain and review the list of eligible Board members in accordance with Rule 31 hereto.
- (c) The Secretary shall ensure that the minutes of proceedings at a meeting are put before the Chairperson of the meeting or before the Chairperson of the next succeeding meeting after the minutes have been passed by the meeting for signature by that Chairperson.
- (d) The Secretary shall, at the request of any member forward to him or her, at the discretion of the Council, a copy of the minutes or part thereof of Council meetings. Such request is deemed to lapse at the date of each AGM unless renewed by the member at the time.

25. Treasurer

- (a) The Treasurer shall be responsible for:
 - (i) the collection of membership subscriptions;
 - (ii) presenting to the AGM an audited statement of income and expenditure and a balance sheet for the previous year ended 30 June;
 - (iii) ensuring all money due to AUSTAT is collected and received and that all payments authorised by AUSTAT are made; and
 - (iv) keeping correct books and accounts showing the financial affairs of AUSTAT including full details of all receipts and expenditure connected with the activities of AUSTAT.
- (b) The financial year of AUSTAT shall end on the 30th of June in each year whereupon the accounts of AUSTAT shall be professionally audited.

26. Sub-Committees

- (a) The Council may, at its discretion, delegate such duties and authority as it may determine to any sub-committee of members of the Council or other Teacher Members of the Society.
- (b) Any such sub-committee shall be bound to confine itself within the limits set by Council at the time of the delegation, shall report to Council at intervals determined by Council and shall be dissolved after receiving notice of a resolution by Council.

27. Casual Vacancy

For the purposes of this Constitution, a casual vacancy in the office of a member of the Council occurs if the member:

- (a) dies;
- (b) ceases to be a member of AUSTAT;
- (c) becomes an insolvent under administration within the meaning of the Companies (New South Wales) Code;
- (d) resigns office by notice in writing given to the Secretary;
- (e) is removed from office under rule 28;
- (f) 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
- (g) is absent without the consent of the Council from all meetings of the Council held during a period of 6 months.

28. Removal of member of Council

- (a) AUSTAT in general meeting may by resolution remove any member of the Council from the office of member before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.
- (b) Where a member of the Council to whom a proposed resolution referred to in clause (a) relates makes representations in writing to the Secretary or Chairperson (not exceeding a reasonable length) and requests that the representations be notified to the members of AUSTAT, the Secretary or the Chairperson may send a copy of the representations to each member of AUSTAT or, if they are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

PART 5 -TRAINING COURSE STANDING COMMITTEE (TCSC)

29. Constitution and Membership

- (a) The TCSC shall consist of five members. Four of these members shall be Teacher Members each with ten or more years teaching experience and will include at least two members with experience of teaching on a Training Course, Ideally one of whom, is presently, or has been, a Director or Assistant Director of a Training Course. One member shall be a person who need not be a member of AUSTAT.
- (b) The fifth member shall be appointed to the TCSC by a unanimous resolution of the four Teacher Members. Subsequent appointments of this member shall be made by the four Teacher Members who are the current members of the TCSC at the time of the expiry of the term of this person.

30. Powers of the TCSC

The TCSC has the authority to:

- (a) recommend to the Council to approve or disapprove any application by a Teacher Member to establish or conduct a training course;
- (b) recommend to the Council to withdraw approval for an existing training course, using criteria set down in Bye-Law #1 ;
- (c) liaise with the Complaints Committee or Professional Conduct Committee in the case of any complaint related to professional conduct.

31. Selection of TCSC Members

- a) The Council shall at all times maintain a list of members with ten or more years of teaching experience who are eligible for the Training Course Standing Committee. Refer CL. 29(a)
- b) The Council shall invite a member from the list of teacher members to join the TCSC. Exceptions:
No member shall be appointed onto the committee who:
 - 1) Is involved or implicated in an unresolved dispute or situation of a serious nature concerning any aspect of their professional life: or
 - 2) Is a member of the same family as a member already selected or already serving.
- c) The term of TCSC membership will be two years.
- d) If, at any time a TCSC member resigns or ceases to be a member of AUSTAT, the council will appoint a new member. [Refer CL. 29(a)]
- e) If any matter before the TCSC relates directly or indirectly to a current member of the TCSC, that member shall suspend their membership of the TCSC until such time that the matter is no longer before the TCSC. [Refer CL. 29(a)]

- f) Any eligible teacher whose term as a TCSC member expires, or who resigns or ceases to be a TCSC member for any reason, may indicate to the secretary, at any time after ceasing to be a TCSC member that they are willing to have their name again placed on the list.

32. Meeting and Quorum

- (a) The TCSC may meet as often as it thinks fit to carry out its business.
- (b) The quorum necessary for the transaction of business of the TCSC shall be four members.
- (c) Any meeting of the TCSC can be convened by telephone link-up between members.

32.1 Chairperson: Election, Duties and Responsibilities

- (a) The first matter of business for each newly constituted TCSC shall be the election of a Chairperson;
- (b) The Chairperson shall be responsible to:
 - (i) Collect and distribute input by TCSC members and keep necessary records;
 - (ii) Ensure that the TCSC deals promptly and efficiently with all matters before it;
 - (iii) Keep Council, and person(s) concerned in any matter before the TCSC, fully and clearly informed of proceedings;
 - (iv) Be the official contact between the TCSC and anybody outside it;
 - (v) Bring recommendations of TCSC to Council;
 - (vi) Rule on the timing of disclosure of issues and information, given that confidentiality of matters before the TCSC may need to be maintained from time to time.

33. Voting and Decisions

- (a) Each member present at a meeting of the TCSC (including the Chairperson of the TCSC who shall be appointed by the TCSC members) is entitled to one vote.
- (b) Questions arising at any meeting must be decided by at least a four-fifths majority.
- (c) Where the TCSC cannot reach a decision on any matter, the TCSC may refer the matter to council as a split-vote recommendation. Where a split-vote recommendation is presented to Council, Council must make a unanimous decision. If this is not possible, then expert mediation/conflict resolution must be sought.
- (d) Where council disagrees with a recommendation from the TCSC, the AUSTAT Council Chair must move a motion of disagreement. Where this motion is not unanimous, then expert mediation/conflict resolution must be sought.

- (e) Any act or thing done or suffered, or purporting to have been done or suffered by the TCSC, is valid and effectual notwithstanding any defect that may afterwards be discovered in the selection or qualification of any member of the TCSC.

34. Removal of Member of TCSC

The AUSTAT Council may, by resolution, remove any member of the TCSC before the expiration of the member's term of office.

PART 5A - TRAINING COURSES

35. Training Course Requirements

A Teacher Member who is a Head of Training Course shall:

- (a) ensure that in respect of each Student member;
 - (i) such course continues for at least three years consisting in aggregate of not less than 1600 class hours. Each working week to consist of between 12-20 hours and at least four days. Any variation to these criteria must be approved by council. The HOT is able to make application, on behalf of the trainee for variation to Section 35 (a) (i)
 - (ii) eighty percent of class time will consist of practical instruction, practice in personal application and hands on procedures;
 - (iii) the ratio of students to teachers certified by AUSTAT or a Recognised Society will not exceed five to one during practical work;
- (b) ensure that they comply with all bye-laws that AUSTAT may from time to time establish concerning the general management and conduct of training courses.

36. Head of Training

An application by a Teacher Member for approval to become a Head of Training may be sent to Council providing:

- (a) the applicant has been a certified, practicing member of AUSTAT (or a Recognised Society) for at least ten consecutive years immediately prior to receipt of the application;
- (b) the applicant has had at least three year's substantial teaching experience with a minimum of 530 class hours on a training course(s) approved by AUSTAT or a Recognised Society involving consistent work with first, second and third year trainees;
- (c) the application is supported by the Head of a Training Course approved by AUSTAT (or by a Recognised Society) who is sufficiently familiar with the applicant's work on training courses to be able to recommend him or her (this would normally include the course(s) where the applicant completed his or her one year's teaching experience) and two other references, one of which should be from a Teacher Member of AUSTAT (or of a Recognised Society) with at least twelve consecutive years teaching experience;
- (d) the application contains documentation supporting (a), (b), and (c) above.

37. Application to establish training course

An application by an approved Head of Training to establish or conduct a training course must include the following regarding the proposed course:

- (a) an application from one other practicing teacher with at least five consecutive years of teaching experience to run the training course with the applicant as his or her assistant;

- (b) specific details of how the course is to be managed and conducted, including:
 - (i) the proposed number of students and the timetable for the first year;
 - (ii) an outline of the first year's budget prepared by the named course manager or administrator;
 - (iii) a copy of the proposed agreement between the school and the student regarding conditions of training.
 - (iv) details of policies and procedures and other matters required by the current Bye-Laws of the Society.

38. Role of Council

- (a) Council will enter into any necessary correspondence with the applicant to ensure that the applications satisfy the conditions in Rules 36 and 37 above, and will then send a complete copy of the applications to each member of the TCSC at the same time advising the applicant that this has been done.
- (b) Once the application to establish an accredited training course is approved by Council, then the "Agreement between AUSTAT Inc. and the Head of a Training Course" shall be executed.

39. Withdrawal of Approval

- (a) Where any complaint is received by Council concerning a training course or a Head of Training, Council shall refer such a complaint to the TCSC.
- (b) In the event that:
 - (i) any Head of Training is consistently in breach of section 35. Training Course Requirements or
 - (ii) the Professional Conduct Committee decide that the head of Training is guilty of serious professional misconduct;
 - (iii) the Council in consultation with TCSC decides that the head of Training's fitness to practice is seriously impaired by virtue of illness or injury;
 - (iv) the Head of Training ceases to be a member of AUSTATthe TCSC may recommend to Council that it withdraw approval for the training course.
- (c) In the case of a recommendation to withdraw approval by the TCSC, Council must abide by procedures set down in Bye-Law #1 [Clause7: "Withdrawal of Accreditation"].

40. Waiver

In considering any application for approval to establish or conduct a training course, the TCSC may, in exceptional circumstances, and only with an affirmative vote from three quarters of eligible members at the AGM or Special General Meeting, waive any of the requirements contained in Rules 35, 36, or 37 above and in the event of rejection shall give reasons thereof in writing.

PART 6 - FITNESS TO PRACTICE AND DISCIPLINARY PROCEEDINGS

41. Fitness to Practice

- (a) In the event of the Council receiving information suggesting that the fitness to practice of a Teacher Member may be seriously impaired by virtue of illness or injury, the information shall first be considered by a sub-committee of the Council appointed for that purpose ("The Health Committee").
- (b) If it appears from the evidence that a question does arise whether the Teacher Member's fitness to practice is seriously impaired, the member is then informed of this and invited to respond. The Teacher Member may be invited to submit a report or reports from at least one health professional of the Teacher Member's choice. The Health Committee may invite the Teacher Member to submit to an examination by at least one health professional of the Health Committee's choice.
- (c) Upon receipt of the report or reports of the health professionals or in the event of the Teacher Member concerned refusing to be examined or provide a report, the Health Committee shall proceed to determine on the evidence before it whether the Teacher Member's fitness to practice is seriously impaired by virtue of illness or injury.
- (d) The Health Committee shall then refer its determinations, together with reasons therefore, to the Council, which may after proper consideration and at its discretion:
 - (i) take no further action;
 - (ii) direct that the Teacher Member's continued membership be conditional on his or her compliance, for a period not exceeding three years, with such requirements as the Council may think fit to impose for the protection of members of the public or of the profession or in the interests of the Teacher Member;
 - (iii) direct that the Teacher Member's membership of AUSTAT be suspended for a period not exceeding twelve months;
 - (iv) direct that the Teacher Member resign from or cease to be a member of AUSTAT.

42. Professional Misconduct

- (a) In the event of the Council receiving complaints related to professional conduct, such complaints should be referred to the Chairperson of the Complaints Committee.
- (b) In the event of a member resigning before the complaints investigation is complete, it shall be noted in the next AUSTAT communication with the membership that that member has resigned whilst an allegation of professional misconduct was being investigated.
- (c) In the event of a member who has resigned with an allegation of professional misconduct outstanding applying for readmission, that applicant be advised that AUSTAT may seek to satisfy itself as to the professional standing and acceptability of the applicant.

42A. Complaints Committee

- (a) The Council must establish a committee, known as the Complaints Committee, to deal with complaints related to professional conduct.
- [a] [i] Complaints may be submitted by members or non-members of the society, but the Complaints Committee will normally not deal with complaints put forward by a third party, who is not the parent or guardian of the aggrieved party, unless compelling reasons are offered why it should do so.
- (b) The Complaints Committee will consist of three (3) teachers who normally serve for three (3) consecutive years. The Chairperson of the Committee shall be a teacher member of no less than seven (7) years standing.
- (c) The Complaints Committee will be appointed from among the teacher members of the Society by the AUSTAT Council at its second meeting following each Annual General Meeting.
- (d) The inaugural committee shall consist of a member appointed for three years, a member appointed for two years, and a member appointed for one year. Upon each member's retirement, he or she will be replaced on a rotational basis by a member with three years tenure to ensure continuous familiarity with the work at hand.
- (e) Membership of the Complaints Committee precludes membership of the Professional Conduct Committee.
- (f) If, for any reason, a member withdraws from the Complaints Committee, a teacher member may be co-opted for the remainder of that member's term.
- (g) At the outset of a complaint investigation, any member of the complaints Committee who is closely associated with the complainant or the teacher complained about may elect to stand down. With regards to each complaint to be investigated, each member of the complaints Committee should, at the outset of the inquiry, declare to the complainant and the member whose conduct is complained of, any prior or present association that the Complaints Committee member has or has had with either person. If the complainant or the member whose conduct is complained of object to any Complaints Committee member investigating a particular complaint, the Complaints Committee member who is objected to should consider standing down from that particular inquiry. If any Complaints committee member should so stand down, the Committee may co-opt a further teacher member of not less than 7 years standing to take his or her place for the duration of that particular inquiry.
- (h) If the complaint arises in a different state from that in which the Complaints Committee is based, it may co-opt a teacher member of suitable seniority to assist with the complaint investigation. In such cases, the Committee may have a membership of four [4].
- (i) The Committee may seek appropriate professional assistance such as professional mediator or conciliator advice from appropriate professional or statutory bodies.
- U) Where the Committee finds the possibility that Serious Professional Misconduct exists, it shall pass the matter on to the Professional Conduct Committee.

- (k) The Committee does not have the authority to impose sanctions. However, the Committee may suggest the complainee re-consider the challenged behaviour, and may suggest that the complainee receive supervision, further education and/or training or counseling, or suggest where appropriate that an apology be made to the complainant.
- (l) Decisions of the Committee shall be made by consensus.
- (m) The Committee shall base its activities on the **Constitution** and **Professional Code of Conduct** of the Society, the rules of procedural fairness, guidelines established for the operation of the Committee and policies agreed by the AUSTAT membership.
- (n) The Complaints Committee will not enter into correspondence with lawyers acting on behalf of the complainant or the teacher whose conduct is complained of. Members will represent themselves in formal or informal dealings with the Complaints Committee. Members will agree by virtue of taking out membership of AUSTAT to agree to abide by this procedure.

43. Professional Conduct Committee

- (a) The Professional Conduct Committee shall be appointed by the Council of AUSTAT as required, to deal with allegations of serious professional misconduct referred to it by the Complaints Committee.
- (b) The Professional Conduct Committee shall consist of two teacher members, one with at least seven years' experience and a lay member with appropriate qualifications and experience.
- (c) With regards to each complaint to be investigated, each member of the Professional Conduct Committee should at the outset of the hearing or investigation declare to the complainant and the member whose conduct is complained of, any prior or present association that the Complaints Committee member has or has had with either person.

If the complainant or the member whose conduct is complained of objects to any Professional Conduct Committee member investigating a particular complaint, the Professional Conduct Committee member who is objected to should consider standing down from that particular inquiry. If any Professional Conduct Committee member should so stand down, the Committee may co-opt a further teacher member of not less than 7 years standing to take his or her place for the duration of that particular inquiry.

- [c][i] The Professional Conduct Committee may proceed by way of hearing or by way of examination or both. The procedure that the Professional Conduct Committee adopts should be left to that Committee to determine.
- (d) If the Professional Conduct Committee is satisfied that on the balance of probabilities, Serious Professional Misconduct has occurred, it should take into account any mitigating circumstances.

- (e) Further actions:
- If the Professional Conduct Committee is not satisfied that serious professional misconduct has occurred, it may still suggest to the complainee ways of improving his or her teaching practice.
- If at the conclusion of proceedings, the Professional Conduct Committee is satisfied that, on the balance of probabilities, serious professional misconduct has occurred it may:
- (i) impose no sanction;
 - (ii) require the complainee to desist the challenged behaviour, require that the complainee receive supervision, further education and/or training or counseling;
 - (iii) issue a censure when the Committee has determined that there has been a violation of the Professional Code of Conduct but the damage done to another person is not sufficient to warrant more serious action;
 - (iv) direct that the teacher's continued membership will depend on his/her complying with such requirements as the Committee may think fit to impose for a period not exceeding one year;
 - (v) inform the complainee of the likely consequences of further offences or a failure to improve and, if appropriate, what improvement is required over a period not exceeding one year;
 - (vi) direct that the teacher's membership of AUSTAT be suspended for a period not exceeding six months or;
 - (vii) direct by unanimous vote that the teacher be expelled from AUSTAT. The committee may specify a minimum time before the member can apply for readmission to AUSTAT.
- (f) The Professional Conduct Committee shall report on its investigations and findings to the Council within thirty (30) days of its ending.
- (g) If either complainant or complainee is dissatisfied with the outcome of the hearing of the Professional Conduct Committee, he/she can take the matter to arbitration.

43.1 Appeals Procedure

- (a) In the case of complainant or complainee being dissatisfied with the findings of the Professional Conduct Committee that person shall have the right to take the case to Professional Arbitration.
- (b) Teaching members agree that the decision of such arbitration shall be binding.
- (c) The arbitrator may make a decision as to costs at the determination of a hearing. Such a direction may order either party to pay the reasonable costs of the other party.

PART 7-GENERAL MEETINGS

44. Annual General Meeting

- (a) With the exception of the first AGM of the Association, AUSTAT shall, at least once in each calendar year and within the period of six months after the expiration of each financial year of AUSTAT, convene an AGM of its members.
- (b) AUSTAT shall hold its first AGM:
 - (i) within the period of 18 months after its incorporation under the Act; and
 - (ii) within the period of six months after the expiration of the first financial year of AUSTAT.
- (c) Sub-clauses (a) and (b) have effect subject to any extension of permission granted by the Commission under section 26(3) of the Act.

45. Notice and business of AGM

- (a) The AGM shall, subject to the Act be held at a time and places determined by the Council and may be able to be convened by telecommunications link-up between two or more major population centres.
- (b) The Secretary shall summon the AGM and circulate the time and places of that meeting to all members. Such notice shall be given at least three months before the date of the meeting or such lesser period as the Council, in exceptional or unforeseen circumstances, may deem necessary.
- (c) Any Teacher Member shall be entitled to move any motion at the AGM in which case he or she shall give notice thereof in writing to the Secretary at least 45 days prior to the date of such a meeting.
- (d) At least one month prior to the date of the AGM the Secretary shall give notice to all members of the business to be transacted thereat together with a copy of the Balance Sheet and Accounts and together also with a list of the persons who have been proposed for election to the Executive Council and for the office of Chairperson.
- (e) The business of the AGM shall be:
 - (i) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting;
 - (ii) to receive the report of the Chairperson on the past year's activities;
 - (iii) to receive the statement of receipts and expenditure, assets and liabilities and charges on property (if any) which is required to be submitted to members pursuant to Section 26(6) of the Act;
 - (iv) to elect the members of the Council in accordance with the provisions of Rule 19;
 - (v) to review and set the AUSTAT Entrance and Annual Membership Fees;
 - (vi) to consider any resolution of which due notice has been given as hereinbefore provided;

- (vii) to consider any resolution or amendment to a resolution which has been submitted in writing prior to the commencement of the AGM and which has then been accepted by the Chairperson at his or her discretion; the Chairperson may permit amendments to proposed resolutions or amendments of resolutions to be proposed orally from the floor during the meeting.
- (viii) to attend to any general business.

46. Special General Meetings

- (a) All general meetings of AUSTAT other than the Annual General Meeting are called Special General Meetings.
- (b) The Council may, whenever it thinks fit, convene a Special General Meeting of AUSTAT, which may be able to be convened by telecommunications link-up.
- (c) The Council shall, on the requisition in writing of not less than five per cent of the total number of Teacher Members or ten Teacher Members, whichever is the greater, convene a Special General Meeting of AUSTAT.
- (d) A requisition of members for a Special General Meeting:
 - (i) shall state the purpose or purposes of the meeting;
 - (ii) shall be signed by the members making the requisition;
 - (iii) shall be lodged with the Secretary; and
 - (iv) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- (e) If the Council fails to convene a Special General Meeting to be held within one month after the date on which a requisition of members for the meeting is lodged with the Secretary, anyone or more of the members who made the requisition may convene a Special General Meeting to be held not later than three months after that date.
- (f) A Special General Meeting so convened shall be convened as nearly as practicable in the same manner as Special General Meetings are convened by the Council.
- (g) At a Special General Meeting convened by a member or members, the members personally present shall determine whether such meeting was reasonably necessary or desirable and, should a majority so decide, the member or members calling the meeting shall be entitled to be reimbursed by AUSTAT for the reasonable expense so incurred provided however that in no case shall the amount recoverable from AUSTAT exceed the amount which, in the opinion of Council, would be incurred by AUSTAT had the meeting been called by Council.

47. Notice for Special General Meetings

- (a) Except where the nature of the business proposed to be dealt with at a Special General Meeting requires a special resolution of AUSTAT, the Secretary shall, at least 14 days before the date fixed for the holding of the meeting, cause to be sent by pre-paid post to each member at the member's address appearing in the register of members, a notice specifying:
 - (i) the place(s), date and time of the meeting; and
 - (ii) the nature of the business proposed to be transacted at the meeting.
- (b) Where the nature of the business proposed to be dealt with at a Special General Meeting requires a special resolution of AUSTAT, (other than a special resolution to amend the objects and Constitution of AUSTAT), the Secretary shall, at least 21 days before the date fixed for the holding of the meeting, cause a notice to be sent to each member specifying:
 - (i) the place(s), date and time of the meeting;
 - (ii) the nature of business proposed to be transacted at the meeting; and
 - (iii) the intention to propose the resolution as a special resolution.
- (c) A member desiring to bring any business before a Special General Meeting may give notice in writing of that business to the Secretary who shall include that business in the next notice calling a Special General Meeting given after receipt of the notice from the member.

PART 7A - PROCEDURE FOR GENERAL MEETINGS

48. Attendance at Meetings

- (a) All Members shall be entitled to attend General Meetings.
- (b) No other persons shall be entitled to attend General Meetings except that the Chairperson or Council may invite any person to address the meeting or to be present at the Meeting for such purposes as Council may deem appropriate.

49. Quorum

- (a) No item of business shall be transacted at a general meeting unless a quorum of members entitled under this Constitution to vote is present during the time the meeting is considering that item.
- (b) Ten per cent of the financial Teacher Members present in person (being members entitled under this Constitution to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- (c) If within thirty minutes after the appointed time for the commencement of a general meeting a quorum is not present, the meeting shall be dissolved except in the event of the dissolved meeting being the AGM when the following rules will apply:
 - (i) the AGM shall be adjourned to a time, date and place as determined by those members present;
 - (ii) written or oral notice of the adjourned AGM shall be given to all members who have sent apologies for not being present at the meeting.

50. Presiding Member

- (a) The Chairperson shall preside at each general meeting of AUSTAT.
- (b) If the Chairperson is absent from a general meeting or unwilling or unable to act, the members present shall elect one of their number to preside as acting Chairperson for the meeting.

51. Voting and Making of Decisions

- (a) Upon any question arising at a general meeting of AUSTAT a member has one vote only.
- (b) All votes shall be given personally or by proxy but no member other than the Chairperson may hold more than 5 proxies.
- (c) In the case of an equality of votes on a question at a general meeting, the Chairperson of the meeting is entitled to exercise a second or casting vote.
- (d) A question arising at a general meeting of AUSTAT shall be determined on a show of hands unless the meeting decides that it should be by secret ballot.

- (e) Unless a poll is demanded before or on the declaration of the show of hands, a declaration by the Chairperson that a motion 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 AUSTAT, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (f) At a general meeting of AUSTAT, a poll may be demanded by the Chairperson or by not less than seven members present in person or by proxy at the meeting.
- (g) Where the poll is demanded at a general meeting, the poll shall be taken:
 - (i) immediately in the case of a poll which relates to the election of the Chairperson of the meeting or to the question of an adjournment; or
 - (ii) in any other case, in such manner and at such time before the close of the meeting as the Chairperson directs, and the resolution of the poll on the matter shall be deemed to be the resolution of the meeting on that matter.

52. Special Resolution of AUSTAT

A resolution of AUSTAT is a Special Resolution if it is passed by at least three quarters of those members of AUSTAT as, being entitled under this Constitution so to do, vote in person or by proxy at a general meeting.

53. Proxies and Postal Votes

- (a) Unless expressly excepted by the Act, the Regulation or this Constitution, all Teacher Members may vote on any resolution proposed at a general meeting either personally, or by proxy, in which case the proxy form must be submitted to the Secretary 24 hours prior to the commencement of the meeting.
- (b) The notice appointing the proxy shall be in the form set out in Appendix 1 to this Constitution.
- (c) Proxy forms may be delivered to the Secretary by post, or by such other services and arrangements as may be scheduled beforehand by Council.

For such services or arrangements to be scheduled they must be detailed in the Notice of Business for the relevant General Meeting. Where possible they should be detailed also in other publications of the Society. Notices of Business are provided for in Rules 45 and 47.

54. Schedule 3 Postal Ballots

- (a) AUSTAT may hold a Schedule 3 Postal Ballot to determine any issue or proposal independently of a General Meeting, other than an appeal to a General Meeting against removal from office or expulsion (in so far as this Constitution allows for such appeal).
- (b) A Schedule 3 Postal Ballot is to be conducted in accordance with Schedule 3 to the Regulation.

55. Adjournment

- (a) 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 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.
- (b) 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 AUSTAT who has sent an apology for not being present at the meeting stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (c) Except as provided in this Rule, 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.

PART 8 - MISCELLANEOUS

56. Bye-Laws

- (a) AUSTAT shall from time to time through its AGM make, repeal and amend all such bye-laws as it shall deem necessary for the internal management and well being of AUSTAT.
- (b) Notice of the proposed bye-law, repeal or amendment must be given in writing at least 45 days prior to the AGM to the Secretary who shall then notify all members of AUSTAT at least one calendar month prior to the AGM subject to provision of rule 45 (e)(vii).
- (c) A bye-law shall be made, repealed or amended if it is passed by a special resolution of AUSTAT.

57. Insurance

- (a) The Society shall effect and maintain insurance pursuant to Section 44 of the Act
- (b) In addition to the insurance required under sub-paragraph (a) AUSTAT may effect and maintain other insurance if the Council deems it necessary or appropriate.

58. Funds - Source

- (a) The funds of AUSTAT shall be derived from entrance and annual membership fees, donations and, subject to any resolution passed by AUSTAT in general meeting, such other sources as the Council determines.
- (b) All money received by AUSTAT shall be deposited as soon as practicable and without deduction to the credit of AUSTAT's bank account.
- (c) AUSTAT shall, as soon as practicable after receiving any money, issue an appropriate receipt.

59. Funds - Management

- (a) Subject to any resolution passed by AUSTAT in General Meeting, the funds for AUSTAT shall be used in pursuance of the objects of AUSTAT, in such manner as the Council determines.
- (b) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any two members of the Council or one member and one employee, being a member or an employee authorised to do so by the Council.

60. Alteration of objects and Constitution

The objects and Constitution of AUSTAT shall not be altered except by special resolution at a general meeting of AUSTAT. Notice of the proposed alteration must be given in writing at least 45 days prior to the meeting to the Secretary who shall notify all members of AUSTAT at least one calendar month prior to the meeting.

61. Common Seal

- (a) The common seal of AUSTAT shall be kept in the custody of the public officer.
- (b) The common seal shall not be affixed to any instrument except by the authority of the Council and the affixing of the common seal shall be attested by the signatures of 2 members of the Council.

62. Custody of books etc.

Except as otherwise provided by this Constitution, the public officer shall keep in his or her custody or under his or her control all records, books and other documents relating to AUSTAT.

63. Inspection of books etc.

The records, books and other documents of AUSTAT shall be open to inspection, free of charge, by a member of AUSTAT at any reasonable hour.

64. Service of Notices

- (a) For the purpose of this Constitution, a notice may be served by or on behalf of AUSTAT upon any member personally or by sending it by post to the member at the member's address shown in the register of members.
- (b) 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 the purposes of this Constitution to have been served on the person at the time at which the letter would have been delivered in the ordinary course of post.

65. Surplus Property

- (a) The income and property of AUSTAT shall be applied solely in furtherance of its objects and no portion shall be distributed directly or indirectly to its members except as bona fide compensation for services rendered or expenses incurred on behalf of AUSTAT.
- (b) In the event of AUSTAT being dissolved, the amount which remains after such dissolution and the satisfaction of all debts and liabilities, shall be paid and applied by the Council in accordance with their powers to any fund, institution or authority which is a non-profit organisation.
- (c) Any such distribution of surplus property must be approved by the Commissioner for Consumer Affairs.

66. Founding Members

The first Constitution of AUSTAT before it achieved incorporation was provisionally accepted by the AGM held in January 1985. The founding members of AUSTAT, being the members of the unincorporated Society at that time were as follows:

Andrea Beesley, Mary Cerny, Judy Champ, Jeremy Chance, Rosemary Chance, David Dalziel, Rosie Duzeman, Terry Fitzgerald, Agneta Hagelin, Robert Macleod, Rosslyn Mcleod, Marion Miller, Graham Pearl, Chris Raff, Eric Von Nida, Linda Von Nida, Brian Warren, Erika Whittaker, Sam Wilson, and Duncan Woodcock.

The first Council elected to office by the unincorporated Society was: ~

Chairperson & Treasurer:	Terry Fitzgerald
Secretary	Rosemary Chance
Members:	Andrea Beesley
	Mary Cerny
	Jeremy Chance



AUSTAT

ASSOCIATIONS INCORPORATION ACT
2009.

CONSTITUTION OF THE AUSTRALIAN SOCIETY OF
TEACHERS OF THE ALEXANDER TECHNIQUE (AUSTAT)
INCORPORATED.

Bye Laws

NOVEMBER 2008

Bye Law 1 General Management and Conduct of Training Courses

This Bye-Law establishes benchmark criteria with which the Training Course will comply under Part 5A, Rule 35 (b) of the AUSTAT Constitution. Exceptions may be granted under Section 7, of AUSTAT/Heads of Training Agreement. This Bye-Law also provides criteria for audit and appointment of auditors.

1. POLICIES AND PROCEDURES

- 1.1 The Training Course will keep written policies and procedures for ensuring quality training and assessment and risk management.
- 1.2 The Head of Training will ensure that the policies and procedures are circulated, understood and implemented consistently throughout the Training Course.
- 1.3 The Training Course will document policies and procedures for dealing with trainee complaints, grievances, and appeals in a constructive and timely manner. The policies and procedures must ensure that:
 - (a) Each complaint, grievance, appeal, and its outcome, is recorded in writing;
 - (b) Each appeal is heard by an independent person, or panel. The Training Course must provide AUSTAT with details of the person, or body, they have chosen, on whom they can call, if the need arises.
 - (c) Each appellant has an opportunity to formally present his or her case, and is given a written statement of the appeal outcomes, including reasons for the decision.
- 1.4 The Training Course will document and implement procedures to assure the integrity, accuracy and currency of records.
- 1.5 The Training Course will disseminate clear information to each trainee, prior to enrolment, about each of the following:
 - (a) Trainee selection, enrolment and induction/orientation procedures; course information, including content and vocational outcomes;
 - (b) Fees and charges, including refund policy and exemptions (where applicable)
 - (c) Trainee support, including any external support the school has arranged for trainees;
 - (d) Learning and assessment procedures;
 - (e) Appeals, complaints and grievance procedures;
 - (f) Disciplinary procedures;
 - (g) AUSTAT Recognition of Prior Learning Policies (RPL). (For those who have attended courses recognised by AUSTAT or for those who have attended non-accredited training courses.)
- 1.6 The Training Course will ensure that its policies and procedures meet the requirements of legislation, which are relevant to the Training Course operations - access and equity, nondiscrimination, OHS & privacy laws.

2. BUSINESS AND ORGANIZATION

- 2.1 The Head of Training will provide the TCSC with documentation regarding the business structure of the Training Course, including copies of business name registration and/or company registration.
- 2.2 The Head of Training will provide an organisational chart, including details of teachers.
- 2.3 A qualified accountant, with membership of Certified Practising Accountants Australia or the Institute of Chartered Accountants of Australia, will certify the Training Course accounts, at least annually.
- 2.4 The Head of Training, if requested by AUSTAT, will demonstrate that certification from Byelaw -1; -2.3 above, has been carried out.
- 2.5 To provide details of how fees paid in advance will be protected (i.e. all fees except for the current term)

3. QUALITY ASSURANCE

- 3.1 The Training Course will demonstrate a Continuing Professional Education policy for all teaching staff members.
- 3.2 The Training Course will collect and analyse teacher and trainee feedback and satisfactory data on the services it provides, and document procedures for collecting and acting on such feedback.
- 3.3 The Training Course will have access to the staff and students, adequate facilities, equipment, and other materials required to run the training.
- 3.4 The Training Course shall conduct an internal audit annually of its compliance with these Standards and the policies and procedures.
- 3.5 The Training Course will provide details of its proposed course including daily timetable, term dates for the first year of operation, teachers employed in the first year of operation and a business plan for the first year. Parts of the program, which will be run with less than a 1:5 teacher to trainee ratio, will be indicated.
- 3.6 The Head of Training will provide trainees with a contract of training. The Head of Training will provide AUSTAT with a blank copy of that document.

4. ADVERTISING

- 4.1 Advertising will meet the criteria set down in the AUSTAT Code of Professional Conduct

5. RELATIONSHIP BETWEEN SCHOOL AND AUSTAT

- 5.1 The Head of Training agrees to abide by the AUSTAT Constitution, Bye-Laws, and Professional Code of Conduct.
- 5.2 Provide AUSTAT with accurate and timely information regarding major changes to the Training Course system, timetable, or staffing profile, and relocation of the Training Course, financial difficulties and any changes in student numbers.

- 5.3 The Training Course will provide each trainee with an AUSTAT student membership kit. The kits will be provided to the Head of Training free of charge by AUSTAT.
- 5.4 Where a dispute arises between AUSTAT and the Head of Training that appears very difficult to resolve, mediation through an external mediator will be sought.

6. AUDITS

- 6.1 AUSTAT may, from time to time, conduct an audit of the Training Course. The audit will look at compliance with the AUSTAT Constitution, Bye-Laws and Codes in its scope. Where an audit is required by AUSTAT, AUSTAT will bear all costs.
- 6.2 A person appointed by AUSTAT Council, or the TCSC, to conduct an audit of a Training Course shall:
 - a) have ten years experience as an accredited Alexander Technique teacher or commercial experience as an auditor;
 - b) hold Certificate IV in Training and Assessment, or its equivalent;
 - c) be able to demonstrate an understanding of the auditing process and its outcomes;
 - d) not be a Head or Main Assistant of a Training Course in potential competition with the Head of the Training Course being audited.
- 6.3 A person appointed by AUSTAT Council or the TCSC to conduct an audit of a Training Course is to present their findings as a written report to both the TCSC and the Training Course.
- 6.4 Where a Training Course Audit reveals issues that may affect accreditation, the TCSC and AUSTAT Council will take steps to resolve the issues in consultation with the Head of Training. A poor performance in an audit will not result in automatic withdrawal of accreditation. Where possible, the role of the TCSC and AUSTAT Council is to support Training Courses and encourage improvement.
- 6.5 Training Course Audit documents are to be circulated only to TCSC members, AUSTAT Council Chair, and to the Head of the Training Course.
- 6.6 The Head of the Training Course has the right to appeal against a decision made by AUSTAT. The Head of a Training Course shall lodge an appeal against a decision made by AUSTAT with the Secretary. AUSTAT Council must make a decision on the appeal within 28 days. The grounds for the decision must be recorded as part of the appeal answer to the Head of Training.
- 6.7 AUSTAT Council may not use withdrawal of accreditation as a disciplinary procedure against a Head of Training. Accreditation is granted or withdrawn solely on a Head of Training demonstrating adherence to the criteria set down in this and any other Bye-Law established by a vote of AUSTAT members.
- 6.8 Disciplinary action against a Head of Training is to be pursued, where necessary, under Part 6 of the AUSTAT Constitution.

7. WITHDRAWAL OF ACCREDITATION

- 7.1 (i) The TCSC may recommend withdrawal of AUSTAT Accreditation where it is felt a Training Course will not meet or attempt to meet criteria set down in this Bye-Law, the AUSTAT Constitution, the AUSTAT and Head of Training Accreditation Agreement and any other Bye-Laws that may be established by a vote of AUSTAT members according to AUSTAT Rule 56.
- (ii) The TSCS may recommend withdrawal of accreditation, where it can be demonstrated, by argument and evidence, that the Training School may bring AUSTAT into disrepute.
- 7.2 Notice of Recommendation to Withdraw Accreditation will be made to Council and sent to the Head of Training affected by the notice.
- 7.3 The Head of Training will have 28 days to "show cause" why the Training Course run by the Head of Training should not have accreditation withdrawn.
- 7.4 At a time to be announced to the Head of Training and any other stakeholders, AUSTAT Council will vote on this matter. No other business will be dealt with at this meeting of Council.
- 7.5 The vote to withdraw accreditation must be passed by Special Resolution of Council.
- 7.6 Withdrawal of Accreditation will be for a period of no longer than one year. After this time period has elapsed, the Head of Training may seek to be re-accredited under Part 5 and 5A of the AUSTAT Constitution.

Bye Law 2 - Continuing Professional Development Stream

1. To satisfy the AUSTAT requirement for Health Care Provider recognition, a teacher member must nominate themselves; and participate in the Continuing Professional Development program prescribed by the Society.
2. AUSTAT Council will determine a schedule of approved CPD activities at its Council Meetings. This schedule will be evaluated and reviewed in an ongoing basis.
3. It is the teacher member's responsibility to keep accurate and up-to-date records of their Continuing Professional Development activities and to provide these to Council on request.
4. The schedule of approved activities may be altered by a majority vote of Council.
5. Council or a standing committee appointed by Council will administer the Continuing Professional Development Program.

Appendix-Proxy Forms

Annual General Meeting XXTH DAY THE XX OF 20XX

FORM of APPOINTMENT of PROXY

I
(full name in block letters)

of:

being a financial Teacher Member of AUSTAT,

HEREBY APPOINT:

Name:
(full name in block letters)

of:

being a financial Teacher Member of AUSTAT, as my proxy to vote for me on my behalf at the Annual General Meeting of the Association to be held on the: XXTH day of XX, 20XX and at any adjournment of that meeting.

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

Motion 1:

.....

(repeat if more than one motion)

.....
(signature of Teacher Member appointing proxy)

.....
(Date)

* to be inserted if desired.

Notes:

1. The Teacher Member appointing the proxy may: either direct the proxy how to vote on specific resolutions as detailed or give a general discretion to the proxy to exercise his/her voting rights
2. A proxy vote may not be given to a person unless that person is a Financial Teacher Member of AUSTAT.
3. Please mail proxy forms to reach: The Secretary of AUSTAT POBox 716 DARLINGHURST NSW 2010
by: No later than Friday XXXXXXXX
4. Proxies may also be faxed up to Saturday XXXXX to: The Secretary Fax:
5. No member, other than the Chairperson, may hold more than five (5) proxies.