

Constitution for

**Association of
Science Education Technicians – NSW Inc**

To be known as

ASET – NSW INC

June 2015

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Part A - Preliminary

1. Definitions

1.1 The name of the Incorporated Association is "**Association of Science Education Technicians - NSW Incorporated**", referred to herein as the "Association".

1.2 In this constitution:

committee means the committee of management of the Association;

financial year means the year ending on 30th June

ordinary committee member means a member of the committee who is not an office-bearer of the association.

general meeting means a general meeting of members convened in accordance Clause 23

secretary means:

(a) the person holding office under this constitution as secretary of the association, or

(b) if no such person holds that office - the public officer of the association.

special general meeting means a general meeting of the association other than an annual general meeting.

the Act means the **Associations Incorporation Act 2009**.

the Regulation means the **Associations Incorporation Regulation 2010**.

1.3 Objects

The mission of ASET-NSW Inc is to promote the profession of Science Education Technicians in science departments of educational institutions in NSW.

In order to achieve our mission, we will:

(a) support members in their professional needs

(b) facilitate Training, Education and Development.

(c) assist in communicating ideas and information.

(d) be a voice for our members' professional interests

1.4 The Association shall have the powers conferred by section 25 of the Act.

Part B - Membership

2. Membership Generally

A person is eligible to be a member of the association if:

- (a) the person is working as laboratory personnel in science education
- (b) the person is an individual
- (c) the person has paid any membership fees in accordance with clause 8
- (d) the person has been approved by the Committee

3. Application for Membership

3.1 Application of a person for membership of the association must:

- (a) be made in writing in the form set out in Appendix 1 to this constitution, and
- (b) must be lodged with the Secretary of the association with payment of fees due as per Clause 8

3.2 The Committee shall have the discretion to accept or reject a membership application in accordance with due process

3.3 The Secretary must, on acceptance by the committee and on payment made by the applicant of the amount referred to in sub clause 3.1(b), enter the applicant's name in the register of members where the applicant becomes a member of the association.

4. Cessation of Membership

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

- (a) dies, or
- (b) resigns membership, or
- (c) is expelled from the association, or
- (d) fails to pay the annual membership fee under clause 8.4 within 3 months after the fee is due.

5. Membership Entitlements Not Transferable

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

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

6. Resignation of Membership

A member may resign from membership of the Association by giving written notice to the secretary or public officer of the Association. Any member resigning shall be liable for any outstanding subscriptions which shall be recovered as a debt due to the Association.

7. Register of Members

A register of members must be kept in NSW and contain:

- (a) the name of each member;
- (b) the name of the school(s) at which they work;
- (c) the address of the school(s) at which they work;
- (d) an email address (when provided);
- (e) the date on which each member was admitted to the association;
- (f) if applicable, the date of, and reason(s) for, termination of membership;
- (g) other information as appropriate.

8. Fees and Subscriptions

- 8.1** The member must pay an annual subscription fee.
- 8.2** The membership fees shall be set annually at the discretion of the committee.
- 8.3** Fees are payable annually, at the beginning of each calendar year, (ie. 1 January)
- 8.4** Any member whose subscription is outstanding for more than three months after the due date for payment shall cease to be a member of the Association, provided always that the Committee may reinstate such a person's membership on such terms as it thinks fit.

9. Members' Liabilities

The liability of a member of the association to contribute towards the payment of the debts and liabilities of the association or the costs, charges and expenses of the winding up of the association is limited to the amount, if any, unpaid by the member in respect of membership of the association as required by clause 8.

10. Resolution of Disputes

- 10.1** A dispute between a member and another member (in their capacity as members) of the association, or a dispute between a member or members and the association, are to be referred to a community justice centre for mediation under the *Community Justice Centres Act 1983*.
- 10.2** If a dispute is not resolved by mediation within 3 months of the referral to a community justice centre, the dispute is to be referred to arbitration.
- 10.3** The *Commercial Arbitration Act 1984* applies to any such dispute referred to arbitration.

11. Disciplining of Members

- 11.1** A complaint may be made to the committee by any person that a member of the association:
 - (a) has refused or neglected to comply with a provision or provisions of this constitution, or
 - (b) has wilfully acted in a manner prejudicial to the interests of the association.
- 11.2** The committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.
- 11.3** If the committee decides to deal with the complaint, the committee:

- (a) must cause notice of the complaint to be served on the member concerned;
- (b) must give the member at least 14 days from the time the notice is served within which to make submissions to the committee in connection with the complaint;
- (c) must take into consideration any submissions made by the member in connection with the complaint.

11.4 The committee may, by resolution, expel the member from the association or suspend the member from membership of the association if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved and the expulsion or suspension is warranted in the circumstances.

11.5 If the committee expels or suspends a member, the secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the committee for having taken that action and of the member's right of appeal under clause 12.

11.6 The expulsion or suspension does not take effect:

- (a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or
- (b) if within that period the member exercises the right of appeal, unless and until the association confirms the resolution under clause 12, whichever is the later.

12. Right of Appeal of Disciplined Member

12.1 A member may appeal to the association in general meeting against a resolution of the committee under clause 19, within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.

12.2 The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.

12.3 On receipt of a notice from a member under subclause (1), the secretary must notify the committee which is to convene a general meeting of the association to be held within 28 days after the date on which the secretary received the notice.

12.4 At a general meeting of the association convened under subclause (3):

- (a) no business other than the question of the appeal is to be transacted, and
- (b) the committee and the member must be given the opportunity to state their respective cases orally or in writing, or both, and
- (c) the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.

12.5 The appeal is to be determined by a simple majority of votes cast by members of the association, in attendance

Part C - The Committee

13. Powers of the Committee

Subject to the Act, the Regulation and this constitution and to any resolution passed by the association in general meeting, the committee:

- (a) is to control and manage the affairs of the association, and
- (b) may exercise all such functions as may be exercised by the association, other than those functions that are required by this constitution to be exercised by a general meeting of members of the association, and
- (c) has power to perform all such acts and do all such things as appear to the committee to be necessary or desirable for the proper management of the affairs of the association.

14. Composition and Membership of Committee

14.1 The maximum number of committee members is 8, consisting of:

- (a) 6 elected committee members elected by the members at the annual general meeting in accordance with clause 15 and
- (b) Up to 2 committee members who may be appointed in accordance with rule 14.2

14.2 The elected committee members may appoint up to 2 additional persons as committee members to serve on the committee at any one time, where appropriate skill, experience, knowledge or education sector is sought.

- (a) An appointed committee member will hold office for a term determined by the elected committee members not exceeding 2 years from date of appointment
- (b) An appointed member must be a member of the Association

Elected committee members will hold office for a term of approximately 2 years commencing from the end of that annual general meeting until the end of the following annual general meeting

14.4 At each annual general meeting, one half of the elected committee or if their number is not even, then the lower number nearest half, will retire

14.5 The elected committee members to retire at each general meeting are

- (a) Those who have been in office longest since their last election
- (b) Those appointed to fill a casual vacancy for another committee member elected 3 years earlier.

14.6 Elected and Appointed committee members may not serve more than ten successive years except by special resolution of the Association in an Annual General Meeting

15. Election of Committee Members

15.1 Nominations of candidates for election as committee members

- (a) must be made in writing, accompanied by the written consent of the candidate which may be endorsed on the form of the nomination;
- (b) must be received by the secretary of the association at least 7 days before the date fixed for the holding of the annual general meeting at which the election is to take place.

- 15.2** If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated are taken to be elected and further nominations are to be received at the annual general meeting.
- 15.3** If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies.
- 15.4** If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
- 15.5** If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.
- 15.6** The ballot for the election of committee members is to be conducted at the annual general meeting by a process of nomination, acceptance, seconding and voting by a show of hands, with the Chairperson having the casting vote, in the event of a tie
- 15.7** A person nominated as a candidate for election as a committee member of the Association must be a member of the Association

Office bearers

- 16.1** The office-bearers of the association are as follows:
- (a) Chairperson
 - (b) Vice-Chairperson
 - (c) Treasurer
 - (d) Secretary
- 16.2** The position of office bearers will be appointed at the first committee meeting held after the annual general meeting or at any time a vacancy occurs
- 16.3** Subject to this Constitution, office bearers will hold their position until the first committee meeting after the annual general meeting in the following year or until they cease to be a committee member
- 16.4** A committee member may hold up to 2 offices (other than both the Chairperson and Vice-Chairperson offices).
- 16.5** Any member of the committee, living in NSW, can be appointed as the Public Officer.

17. Secretary

- 17.1** The secretary of the association must, as soon as practicable after being appointed as secretary, lodge notice with the association of his or her address.
- 17.2** It is the duty of the secretary to keep minutes of:
- (a) all appointments of office-bearers and members of the committee;
 - (b) the names of members of the committee present at a committee meeting or a general meeting;
 - (c) all proceedings at committee meetings and general meetings.
- 17.3** Minutes of proceedings at a meeting must be signed by the Chairperson of the meeting or by the Chairperson of the next succeeding meeting.

18. Treasurer

It is the duty of the treasurer of the association to ensure:

- (a) that all money due to the association is collected and received and that all payments authorised by the association are made;
- (b) that correct books and accounts are kept showing the financial affairs of the association, including full details of all receipts and expenditure connected with the activities of the association.

19. Casual Vacancies

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 is to fill a vacancy of an elected committee member will hold office for the remainder of the term of that vacancy

20. Removal of Committee Members

- 20.1** The association in general meeting may by resolution remove any member of the committee 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.
- 20.2** If a member of the committee to whom a proposed resolution referred to in subclause (1) 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 the association, the secretary or the Chairperson may send a copy of the representations to each member of the association or, if the representations 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.

21. Committee Meetings and Quorum

- 21.1** The committee must meet at least 3 times in each period of 12 months at such place and time as the committee may determine.
- 21.2** Additional meetings of the committee may be convened by the Chairperson or by any member of the committee.
- 21.3** Oral or written notice of a meeting of the committee must be given by the secretary to each member of the committee at least 48 hours (or such other period as may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting.
- 21.4** Notice of a meeting given under subclause (3) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the committee members present at the meeting unanimously agree to treat as urgent business.
- 21.5** Any 4 members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.
- 21.6** No business is to be transacted by the committee 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 is to stand adjourned to the same place and at the same hour of the same day in the following week.
- 21.7** If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved. Discussion of issues may continue but no decisions can be made. Recommendations can be carried over to the next scheduled committee meeting for decision.
- 21.8** At a meeting of the committee:
- (a) The Chairperson or, in the Chairperson's absence, the Vice-Chairperson is to preside, or
 - (b) If the Chairperson and the Vice-Chairperson are absent or unwilling to act, such one of the remaining members of the committee as may be chosen by the members present at the meeting is to preside.

22. Delegation by Committee to Sub-Committee

The committee shall have the power, from time to time, to authorise the establishment of sub-groups which may meet as they see fit and conduct other activities of the Association.

- 22.1 The committee may direct the sub-groups in their activities and may specify
 - (a) The person/persons who shall be the Coordinator(s)
 - (b) The name that shall be used by any sub-group.
 - (c) The activities to be undertaken.
 - (d) The person(s) who shall be the Representative(s) of the sub- Group at Committee meetings must be a financial member of the Association
- 22.2 No sub-group shall correspond or otherwise make representation or statements on behalf of the Association without prior approval of the Committee.
- 22.3 The approved Representative of any sub-groups shall be entitled to attend Committee meetings. They shall not have any voting rights by reason only of their position as a Representative of a sub-group.

23. Voting and Decisions

- 23.1 Questions arising at a meeting of the committee or of any sub-committee appointed by the committee are to be determined by a majority of the votes of members of the committee or sub-committee present at the meeting.
- 23.2 Each member present at a meeting of the committee or of any sub-committee appointed by the committee (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- 23.3 Subject to clause 20.5 the committee may act despite any vacancy on the committee.
- 23.4 Any act or thing done or suffered, or purporting to have been done or suffered, by the committee or by a sub-committee appointed by the committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or sub-committee.
- 23.5 On any question arising at a general meeting of the Association, a Member has one (1) vote only.
- 23.6 All votes must be given personally or by proxy but no Member may hold more than five (5) proxies.
- 23.7 Postal votes can be mailed to: **The Public Officer** - address as indicated on website
- 23.8 In the case of an equality of votes on a question at any meeting, the Chairperson of the meeting is entitled to exercise a second or casting vote.
- 23.9 A Member or proxy is not entitled to vote at any general meeting of the Association unless all money due and payable by the Member or proxy to the Association has been paid, other than the amount of the annual subscription payable in respect of the then current year.

Part D - General Meetings of Members

24. Calling Of and Business At General Meetings

- 24.1** The committee shall call a special general meeting of the Association at any time, and shall call an Annual General Meeting in Accordance with the Act.
- 24.2** The first Annual General Meeting shall be held within 18 months after the incorporation of the Association, and therefore within 5 months after the end of its financial year.
- 24.3** Every requisition for a special general meeting shall be signed by the members making the same and shall state the purpose of the meeting.
- 24.4** The erasable expenses of convening and conducting a general meeting shall be borne by the Association.
- 24.5** At least 21 days notice of any General Meeting shall be given to members. The notice shall set out where and when the meeting will be held, and particulars of the nature and order of the business to be transacted at the meeting. In case of an Annual General Meeting, the order of the business at the meeting shall be consideration of the accounts and reports of the committee and the auditors, the appointment of auditors and committee members if required, any other business requiring consideration of the Association in general meeting.
- 24.6** Where any special resolution is to be proposed, notice of the meeting and the proposed special resolution shall be given 21 days prior to the date of that meeting.
- 24.7** A notice may be given by the Association, to any member, by serving the member with the notice personally, by mail or by any other electronic means to the address appearing in the register of members.
- 24.8** Where notice is sent out by post, email or other electronic means, service of the notice shall be deemed to be effected if it is properly addressed and sent.

25. Proceedings at General Meetings

- 25.1** A minimum of 6 members, being at least 4 committee members and 2 non-committee members must be present personally, in order to constitute a quorum at any general meeting.
- 25.2** If within thirty (30) minutes after the time appointed for the meeting a quorum of members is not present, a meeting shall be convened upon requisition of members is to be dissolved and adjourned to the same day in the following week, at the same time and place (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated to members before the day to which the meeting is adjourned).
- 25.3** If the Chairperson of the committee is not present, in his/her absence, then the Vice-Chairperson of the committee shall run proceedings. If the Chairperson and

Vice-Chairperson are both absent then one of the committee members chosen at the meeting shall preside as the Chairperson for that particular meeting.

25.4 When a meeting is adjourned for 30 days or more, notice of the adjourned meeting shall be given as if that meeting were an original meeting of members.

25.5 At any general meeting, a resolution put to a vote shall be decided on a show of hands, and a declaration by the Chairperson of the meeting that a resolution has been carried or lost, shall, unless a poll is demanded, be conclusive evidence of the fact, without proof of the number or proportions of the votes recorded in favour of, or against, the resolution.

25.6 If a recount is called for by the Chairperson of the meeting or by three (3) or more members present, a new vote will be taken by a show of hands and a recount of all votes will be recorded in favour of or against.

25.7 In the case of a special resolution, a minimum of three quarters of eligible members will be required to vote either personally or by proxy at the meeting.

26. Proxies for General Meetings

26.1 Each Member is to be entitled to appoint another Member as proxy by notice given in respect of which the proxy is appointed.

26.2 The notice appointing the proxy is to be completed as per Appendix 2 of this Constitution.

26.3 The Chairperson may be appointed as proxy on behalf of the member.

PART E - Miscellaneous

27. Insurance

The Association will effect and maintain insurance.

28. Funds - Source

28.1 The funds of the association are to be derived from entrance fees and annual subscriptions of members, donations and, subject to any resolution passed by the association in general meeting, such other sources as the committee determines.

28.2 All money received by the association must be deposited as soon as practicable and without deduction to the credit of the association's bank or other authorised deposit-taking institution account.

28.3 The association must, as soon as practicable after receiving any money, issue an appropriate receipt.

29. Funds - Management

29.1 Subject to any resolution passed by the association in general meeting, the funds of the association are to be used in pursuance of the objects of the association in such manner as the committee determines.

29.2 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 members of the committee or employees of the association, being members or employees authorised to do so by the committee.

30. Change of Name, Objects and Constitution

An application to the Director-General for registration of a change in the Association's name, objects or constitution in accordance with Section 10 of the Act is to be made by the public officer or a committee member.

31. Custody of Books etc

Except as otherwise provided by this constitution, the public officer must keep in his/her custody or under his/her control, all records, books and other documents relating to the association.

32. Inspection of Books etc

The following documents must be open to inspection, free of charge, by a member of the association at any reasonable hour:

- (a) Records, books and other financial documents of the association;
- (b) This constitution;
- (c) Minutes of all committee meetings and general meetings of the association.

33. Service of Notices

33.1 For the purpose of this constitution, a notice may be served on or given to a person:

- (a) By delivering it to the person personally, or
- (b) By sending it by pre-paid post to the address of the person, or
- (c) By sending it by some other form of electronic transmission to an address specified by the person for giving or serving the notice.

33.2 For the purpose of this constitution, a notice is taken, unless the contrary is proved, to have been given or served:

- (a) In the case of a notice given or served personally, on the date on which it is received by the addressee, and
- (b) In the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
- (c) In the case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent or, if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

34. Winding Up

The Association may be wound up in the manner provided for in the Act.

35. Applications of Surplus Assets

If after winding up of the Association there remains surplus assets as defined in the Act, such surplus assets shall be given to a nominated organisation.

36. Not for Profit

The assets and income of the association shall be applied solely in furtherance of its above-mentioned objects and no portion shall be distributed directly or indirectly to the members of the association except as bona fide compensation for services rendered or expenses incurred on behalf of the association.

Transitional rules

1. At the adoption of this Constitution, the committee members including the office bearers shall continue and shall be deemed elected committee members.
2. At the first annual general meeting following the adoption of this Constitution and in accordance with rules 14 and 15 of this Constitution elections must be held for 3 of the elected committee positions.
 - a. The committee members to retire at that first annual general meeting following the adoption of this Constitution shall be (unless they otherwise agree among themselves) be determined by lot;
 - b. At the second annual general meeting following the adoption of this Constitution, the remaining committee members shall retire.
3. Any continuous period that a committee member serves prior to the commencement of this Constitution shall not count in determining term limits in accordance with rule 14.6.
4. When the committee members whose term limits are subject to clause 3 of this schedule are no longer in office, then this schedule shall no longer have a purpose and will be removed from the Constitution.