

TASMANIAN ART TEACHERS' ASSOCIATION

# CONSTITUTION

(Comprising the Statement of Purposes and the Rules)  
(May 2016 update)

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## 1. Name of Association

The name of the association is as follows:

# TASMANIAN ART TEACHERS' ASSOCIATION

## 2. Interpretation

In these rules, unless the context otherwise requires-

“accounting records” has the same meaning as in the Act;

“Act” means the Associations Incorporation Act 1964;

“annual general meeting” means an annual general meeting of the Association held under rule 11;

“Association” means the association referred to in rule 1;

“association” has the same meaning in the Act;

“art education” means any activities related to the teaching and learning of the visual arts;

“art teacher” means any person engaged in the delivery of Visual Art Education;

“auditor” means the person appointed as the auditor of the Association under rules 7 & 8;

“authorised deposit taking institution” means a body corporate that is an authorised deposit taking institution for the purposes of the *Banking Act 1959* of the Commonwealth;

“basic objects of the Association” means the objects and purposes of the Association as stated in an application under section 7 of the Act for the incorporation of the Association;

“council” means the committee of management referred to in rule 21;

“financial year has the same meaning as defined in the Act

“general meeting” means-

a) an annual general meeting; or

b) a special general meeting; something to the effect

“ officer of the Association” means a person elected as an officer of the Association at an annual general meeting or appointed as an officer of the Association at an annual general meeting or appointed as an officer of the Association under rule 24;

“ordinary business of an annual general meeting” means the business specified under rule 11;

“ordinary council member” means a member of the council other than the officer of the Association;

“special council meeting” means a meeting of the council that is convened under rule 24 by the president or any 4 of the members of the council.

“special general meeting” means a meeting of the Association, other than an annual general meeting of the Association, convened under rule 10;

“special resolution” has the same meaning as in the Act.

“TATA” means Tasmanian Art Teachers’ Association or Tasmanian Art Teachers’ Association Inc.

### **3. Association’s office**

The Association office will be housed at the University of Tasmania in Hobart and/or Launceston, or an institution as such nominated by the Council of any year.

This address is at present  
Tasmanian Art Teachers’ Association  
C/o Faculty of Education  
University of Tasmania  
Dr. Abbey MacDonald  
Locked Bag 1307, Launceston  
Tasmania 7250, Australia

### **4. Objects and Purposes of the Association**

The purpose of the Association is to advance Art Education in the State of Tasmania.

The objectives for which TATA was established are:

- (1) To represent Members within the state, national and international Art Education communities.
- (2) To promote cooperation between, and undertake liaison with, similar associations, nationally and internationally and other associations of members of the Art Education Sector.
- (3) To support and promote intellectual freedom, critical and higher order thinking and best practice in learning and teaching within Art Education.
- (4) To encourage and promote all facets of Art Education, providing a state and national focus for all such activity in Tasmania and the wider Australian Art Education community.
- (5) To provide state forums and opportunities for the exchange of ideas for all stakeholders working in Tasmania on all aspects of Art Education, and to provide advice and assistance for all such people.
- (6) To produce publications and other materials as deemed appropriate by Council or by Executive resolution.
- (7) To actively encourage research and investigation in Art Education and provide a forum for exhibitions, presentation of papers and their publication.
- (8) To conduct state and regional conferences for Tasmanian Art Education as deemed appropriate by Council or Executive resolution.
- (9) To provide consultative services on such aspects of Art Education as deemed appropriate by Council or by Executive resolution.
- (10) To critically consider, originate, promote, advocate for and support the implementation of reforms and improvements in laws and government policies affecting Art Education in the tertiary and school sectors.

## **5. Membership of the Association**

### **(1) Classes of Membership**

The classes of membership are;

**(a) Individual membership**- is open to any person who in the opinion of the executive is:

- (i) an art educator in the tertiary or school sector;
- (ii) any person directly or indirectly involved with Art Education;

**(c) Honorary Life Membership:**

(i) The Council may by two-thirds Resolution bestow the privilege of Honorary Life Membership upon any person who in the opinion of the Council has made a significant contribution to art education in Tasmania.

(ii) Honorary Life Members are entitled to all the privileges of Membership including the right to vote but shall be exempt from the payment of the annual subscription.

(iii) Honorary Life Members are entitled to receive the minutes of Council meetings.

(iv) Honorary Life Members are not eligible to stand for or hold any office of TATA.

**(2) Admission**

(a) A person becomes a Member on payment of the annual subscription, payable under these Rules and the entry of that person's name in the Register by the Membership Officer.

(b) An application of a person for Membership shall be applied for via the online membership subscription portal (attached to the TATA website), or as otherwise prescribed by the Council from time to time.

(c) On becoming a Member, the person will be issued with a membership number.

(d) Upon an application not being approved by the duly designated person or committee, the Council, shall, with as little delay as possible:

(i) notify the person in writing that they are not approved for Membership; and

(ii) refund to such person any annual subscription already paid.

(iii) A right, privilege or obligation of a person by reason of their Membership:

(a) is not capable of being transferred or transmitted to another person; and

(b) terminates upon the cessation of their Membership, whether by death, resignation or otherwise.

### **(3) International Members**

International Members have only such benefits as:

- (1) the Act requires; and
- (2) the Council determines from time to time, which may include the benefit to receive journals, articles, leaflets produced by TATA.

### **(4) International Fellows**

- (a) The Council may by Two-thirds Resolution bestow the privilege of International Fellow on any person who in the opinion of the Council is a distinguished art educator or artist resident outside Australia.
- (b) The Council may from time to time bestow on, or revoke from, an eligible person, the status of International Fellow.
- (c) International Fellows are not Members, and therefore are not entitled to any of the privileges of Membership.
- (d) International Fellows have only such benefits as the Council determines from time to time, which may include the benefit to receive journals, articles and leaflets produced by TATA
- (e) International Fellows will be encouraged to contribute to TATA publications and presentations.

### **(5) Register**

The Membership Officer shall keep and maintain the Register in which shall be entered the full name, address, phone contacts, email addresses, date of entry and membership number of the name of each Member and the Register shall be available for inspection by Members at the Office during normal business hours.

The Register may be maintained in any manner or form as the Membership Officer sees fit, so long as it is readily convertible to written or printed form.

All persons may treat the Register as complete and accurate, and in good faith, based on the completeness and accuracy of the Register shall be rendered ineffective, void or voidable by any subsequently discovered omission from, or inaccuracy in, the Register.

The membership officer shall send out renewal membership forms (a membership drive) every year in late May.

### **(6) Resignation of Members**

- (a) A Member may resign by giving written notice to the Executive.
- (b) A resignation is effective upon receipt of the notice by the Executive.
- (c) After the receipt of a notice, the Membership Officer shall as soon as possible after the next Council meeting, make in the Register,

an entry recording the date on which the Member from whom the notice was received, ceased to be a Member.

### **(7) Termination of Membership**

- (a) A Member's membership of TATA terminates:
  - (i) upon non-payment of subscriptions;
  - (ii) if the Member is expelled pursuant to these Rules; or
  - (iii) if the Member dies, the association ceases to exist.
- (b) Upon the termination of Membership, the Membership Officer shall record this fact and the date of termination in the Register.
- (c) Should a Member fail to renew Membership after the later of two months from the due date and the mailing of two reminder notices, such Membership will terminate and the Membership Officer shall record this fact in the Register.
- (d) The Council may restore any person whose name has been so removed to his or her former status in TATA on such terms and conditions as the Council thinks fit.

### **6 Banking and finance**

- (1) The Treasurer shall maintain the accounting and other financial records which TATA is required to keep by law.
- (2) The Treasurer must cause to be collected and received all monies due to TATA and ensure all payments are authorised by TATA.
- (3) Such records shall be retained for not less than seven years after the completion of the transaction to which they respectively relate.
- (4) Members may inspect Relevant Documents of TATA, but subject to the Act, the Council may from time to time impose restrictions as to the time at which and manner in which a Member may inspect Relevant Documents of TATA.
- (5) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by two members of the Executive.

- (6) The Treasurer shall prepare or cause to be prepared, financial reports in accordance with the law.
- (7) Every financial report referred to in rule 8(iv) must be accompanied by statement signed by the Chair and Treasurer stating that the details in the report are a true representation of the affairs of TATA.
- (8) Investment of funds of TATA may only be invested in one or more of the following ways:
  - (a) with a trading bank or savings bank operating under Commonwealth legislation;
  - (b) with a State bank;
  - (c) with a money market corporation;
  - (d) in a cash management trust;
  - (e) with a credit union; or
  - (f) with a building society.
  - (g) any two persons (whether or not Councillors) acting pursuant to a power conferred by the Council from time to time have authority to transmit funds in the name of TATA.

## **7 Auditor**

The Council does not require the appointment of an auditor if the revenue from membership is under \$25,000.

If the association revenue is over \$25,000 an auditor will be appointed

### **(1) Remuneration of auditor**

The remuneration of the auditor shall be determined from time to time by the Council.

### **(2) Qualifications of auditor**

The auditor shall be a member of the Institute of Chartered Accountants in Australia or the Australian Society of Certified Practising Accountants or the national Institute of Accountants

## **8 Audit of accounts**

The auditor shall examine the accounts and records of TATA not less than once in each Financial Year and the auditor shall attend upon relevant Councillors for such purposes and on such occasions as are

arranged with the Council and such Councillors. The audit program shall be drawn up by the auditor and in the preparation of the program shall have regard to modern practice and the auditing standards issues from time to time by registered the Auditing and Assuring Standards Board.

(1) Access by auditor

The auditor shall have access to the books and accounts of TATA at all times and shall make such report to the Council as the auditor considers necessary.

(2) Report by auditor

The auditor shall make a report to the Members at each Annual General Meeting on every relevant financial report before each Annual General Meeting during the term of office of the auditor and shall state in the report whether in his or her opinion:

- (a) the balance sheet or equivalent (with notes thereto) and statement of income and expenditure or equivalent are properly drawn up so as to give a true and fair view of the state of TATA's financial affairs for the relevant Financial Year (or other date appropriate to the period covered by such balance sheet and statement) and of the financial results of its services for the period ended on that date;
- (b) the accounting and other records examined by the auditor have been properly maintained; and
- (c) the financial statements are in accordance with the Australian accounting standards issued from time to time by the Australian Accounting Standard Board.

(3) Attendance at General Meetings

The auditor may attend and make a report direct to the Members in a General Meeting of any matter coming within the scope of the auditor's duties.

## **9 The Annual Meeting of Council**

The Annual Meeting of Council for the year past shall be held prior to December of that year.

## **10 Special General Meetings**

(1) Terminology

All General Meetings other than the Annual General Meeting shall be called Special General Meetings.

(2) The Executive convening a Special General Meeting

The Executive may, whenever it thinks fit, convene a Special General Meeting:

(3) Members requisitioning a Special General Meeting

(a) The Council shall, on the requisition in writing of a minimum of 5 Members entitled to vote, convene a Special General Meeting.

(b) The requisition for a Special General Meeting

must:

(1) state the objects of the meeting;

(2) be signed by the Members making the requisition; and

(3) be addressed to the Secretary at the Office.

(c) The Special General Meeting must be held within three months of the date on which the requisition is received at the Office, but if it is not, the Members requisitioning it may convene the Special General Meeting themselves, and recover all reasonable costs in doing so from TATA.

(d) If a Special General Meeting is convened by Members it must be convened in the same manner, as nearly as possible, as that in which Special General Meetings are ordinarily convened by the Council.

(e) Any notice convening a Special General Meeting will be notified in writing to all Members.

## 11 Notices of general meetings

(1) The Council must, at least 10 days (or, if a Special Resolution has been proposed, at least 21 days) before the date fixed for holding a General Meeting, cause to be emailed to:

(a) each Individual Member;

- (b) the auditor of TATA, at his, her or its address appearing in the Register or otherwise known by TATA, a notice stating the place, date and time of the General Meeting and the nature of the business to be transacted at the General Meeting.
- (2) No business except that set out in the notice convening the General Meeting may be transacted at the General Meeting.
- (3) A member intending to bring any business before any meeting may notify in writing or by electronic transmission the Secretary of that business. The Secretary must include that business in the notice calling the next General Meeting.

## **12 Business and quorum at general meetings.**

- (1) No item of business shall be transacted at a General Meeting (except the election of a Chair and the adjournment of the meeting) unless a quorum of Members entitled under these Rules to vote is present during the time when the meeting is considering that item.
- (2) A quorum shall consist of at least one Executive member plus at least half the council.
- (3) If within 30 minutes from the time appointed for the commencement of a General Meeting, a quorum is not present, the meeting,
  - (a) if convened upon the requisition of Members shall be dissolved; and
  - (b) in any other case it shall stand adjourned to a mutually agreed time and place within 30 days. If at such adjourned meeting a quorum is not present the meeting shall be dissolved.

## **13 Chairperson at general meetings.**

- (1) The President, or in his or her absence, either Vice-President shall preside as Chair at each General Meeting.
- (2) If the President or either Vice Presidents are not present or unwilling to act as the Chair, the Members present shall elect one of their number to act as Chair for that meeting.

#### **14 Adjournment of general meetings**

- (1) The Chair of a General Meeting at which a quorum is present may, with the consent of the meeting, adjourn the General Meeting to a later date.
- (2) No business shall be transacted at an adjourned meeting other than the unfinished business from the meeting that was adjourned.
- (3) If a General Meeting is adjourned a notice of the adjourned meeting shall be given.

#### **15 Determination of Question arising at general meeting**

- (1) A question arising at a general meeting of the Association is to be determined on a show of hands.
- (2) A declaration by the chairperson that a resolution has, on show of hands, been lost or carried, or carried unanimously or carried by a particular majority, together with an entry to that effect in the minute book of the Association, is evidence of the fact unless a poll is demanded on or before that declaration.

#### **16 Voting**

- (1) Only Members in the Individual Membership and Honorary Life Membership are entitled to vote at a General Meeting. Each such Member is entitled to 1 vote.
- (2) A resolution proposed and seconded at a General Meeting must first be determined on a show of hands.
- (3) Unless before or on the declaration of the show of hands a poll is demanded:
  - (a) a declaration by the Chair that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost; and
  - (b) an entry to that effect in the minutes of TATA, is conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.

- (4) All votes must be given personally or by proxy. (Voting may also occur by electronic means such as email when authorised by Council at the meeting immediately prior to the matter being voted upon).
- (5) Where the votes on a question are equal, the Chair of the meeting may exercise a second or casting vote.

### **17 Taking of poll**

(1) If at a General Meeting a poll (a confirmation of the vote) on any question is demanded by at least 4 Members:

- (a) it must be taken at that meeting in the manner the Chair directs; and
- (b) the resolution of the poll must be treated as a resolution of the meeting on that question.

(2) A poll that is demanded:

- (a) on the election of the Chair or on a question of an adjournment,
- (b) must be taken immediately; and
- (c) on any other question, must be taken at the time the Chair directs.

(3) Proxies

- (a) Each Member is entitled to appoint another Member as his or her proxy by notice given to the Secretary not later than one business day before the time of the General Meeting for which the proxy is appointed.
- (b) The notice appointing the proxy must be in the form as specified in Annexure A or such other form approved by the Council or Executive at any time. If required by the Member appointing, direction of the proxy vote shall also be indicated on this form.
- (c) Prior to the counting of votes, the Chair will declare the number of proxy votes received.

### **18 When poll to be taken**

A poll that is demanded:

- (1) on the election of the Chair or on a question of an adjournment, must be taken immediately; and
- (2) on any other question, must be taken at the time the Chair directs.

**19 Affairs of Association to be managed by a Council.**

- (1) The Council is the governing body of TATA and:
  - (a) shall control and manage the business and affairs of TATA;
  - (b) may, subject to these Rules, the Regulations and the Act, exercise all such powers and functions as may be exercised by TATA other than those powers and functions that are required by these Rules to be exercised by General Meetings of the Members; and
  - (c) subject to these Rules, the Regulations and the Act, has power to perform all such acts as appear to the Council to be necessary to the proper management of the business and affairs of TATA.
- (2) The Council shall meet a minimum of six times from Annual General Meeting to Annual General Meeting at such times and places as the Council shall determine.
- (3) The Council shall ensure TATA takes out public liability and product liability and directors and officer's liability insurance policies, on terms the Council thinks fit.

## 20 Officers of the Association

Council shall consist of the following executive members:

- President
- Two State Vice Presidents
- Honorary Treasurer
- Honorary Secretary
- Public Officer (can be performed by another Executive member)

## 21 Constitution of the Council.

(1) The council consists of –

- (a) officers of the Association; and
- (b) 8 other members elected at the annual general meeting.

(2) Of the 8 ordinary council members elected at the annual general meeting, those 8 are to hold office until the next biannual general meeting, after which time 4 ordinary council member positions must come up for election. Ordinary council members in those 4 positions up for election are eligible and welcome to renominate for re-election.

(3) If a casual vacancy occurs in the office of ordinary council member, the council may appoint a member of the Association to fill the vacancy until the next annual general meeting after the appointment.

(1) Elections will be held for Council annually, with 4 of the body of 8 ordinary council members coming up for election every year on an ongoing rotating basis. This means that every year 4 of the 8 election council members come up for election, with the remaining 4 coming up for election the following year, and so on.

(2) In the circumstance that no nominations for Executive are received by the due date and the current Executive has held office for two consecutive terms, the current Executive can renominate for a further term of office (two consecutive years).

- (3) Vice President/s shall be selected biannually from and by the delegates present at the Annual General Meeting.
- (4) Nominations for Council officers shall be received in writing by the Honorary Secretary no later than 24 hours prior to the Annual General Meeting.
- (5) Nomination and election
  - (a) Nominations of candidates for election to Council must be:
    - (i) in the online nomination portal/form within the TATA webpage, or any other form approved by the Council at any time;
    - (ii) accompanied by the written consent of the affiliates, whose names will be included in the nomination. This must be delivered to the Secretary not less than 10 days prior to the relevant Annual General Meeting.
  - (b) A candidate for election to Council must be a financial Member at the time of the nomination and at the time of the election.
  - (c) Only Individual Members are eligible for nomination and election to Council.

### **23 Vacancy of office on Council**

The office of a Councillor (and Executive Member if that Councillor is an Executive Member) becomes vacant if the person:

- (1) resigns as a Councillor by written notice to the Council;
- (2) fails to attend 3 consecutive meetings of the Council without leave of the Council (whether given before or after that absence) and is removed from office by resolution of the Council;
- (3) or ceases to be a Member of the Association.

- (4) Casual vacancies  
The Council has the power at any time and from time to time to appoint any Individual Member who is a financial Member at that time, to fill a casual vacancy on the Council. The term of office of a casual vacancy will be until the completion of the next Annual General Meeting.

### **24 Meetings of the Council**

- (1) General procedure

The Council is to meet at least 6 times per year at any place and time the Council determines. The Council may meet in person, teleconference or video conference for the dispatch of business.

- (2) Non-scheduled Council meetings
  - (a) A non-scheduled Council meeting may be convened by the President or by any four Councillors.
    - (i) The president shall give notice to all Councillors of any non-scheduled Council meeting specifying the general nature of business to be transacted.
    - (ii) A non-scheduled Council meeting may deal with any business.
- (3) Quorum
  - (a) Any six Councillors constitute a quorum for transacting the business of a Council meeting.
  - (b) No business may be transacted at a Council meeting unless a quorum is present.
  - (c) If within 15 minutes of the time appointed for a Council meeting a quorum is not present, the Chair may adjourn the meeting to a later date.

### (3) Chair

- (a) The President shall be entitled to Chair a meeting of the Council.
- (b) If the President is not present within 30 minutes after the time appointed for the meeting, a Vice-President shall be entitled to take the Chair.

## **25 Disclosure of interests**

- (1) If a member of the council has a direct or indirect pecuniary interest in a matter being considered, or about to be considered by the council, the member is to disclose the nature of the interest to the committee as soon as practicable after the relevant facts come to the member's knowledge.
- (2) If the council votes on a matter in which a member has a direct or indirect pecuniary interest, that vote is not to be counted.

## **26 Working Party**

- (1) A working party may be formed from time to time and when necessary dissolved when their task is completed.
- (2) The Council may delegate authorities, powers and duties to a working party or other groups if required.
- (3) Each working party will function under the responsibility of a Councillor who will then make it his or her duty to report to Council the activities of that working party
- (4) No working party or person(s) shall produce any material for TATA, unless that material is produced under the name of TATA and approved by Council.

## **27 Executive**

The Council's Executive shall consist of

1. the President
2. two Vice-Presidents
3. the Secretary
4. the Treasurer and
5. the Public Officer

each of whom shall be elected biannually from amongst the Councillors at the first meeting of the Council following an Annual General Meeting. No Councillor may hold more than one position on the Executive, except for the position of Public Officer.

### **(1) Functions of the Executive**

The Executive:

- (a) shall discuss, plan and evolve strategic directions of TATA in consultation with the Council. Proposals will be brought to the Council for discussion and consideration; and
- (b) has the responsibility to make recommendations to the Council concerning essential matters for the proper management of the business and affairs of TATA.

### **(2) Frequency of meetings**

The Executive shall meet a minimum of four times each year at such places and such times as the Executive may determine.

### **(3) Quorum**

The quorum for an Executive meeting shall be four Executive Members present in person, by teleconference, or video conference.

(4) Casual vacancies on the Executive

The Council has the power at any time and from time to time to appoint any Councillor to fill a casual vacancy on the Executive (including the President) who is not already an Executive Member.

(5) Appointment of acting Secretary, acting Treasurer

The Council may from time to time appoint any financial Member to be an acting Secretary or acting Treasurer to fulfil some or all of the duties of these offices.

(6) The Executive Officer

(a) The Executive Officer is appointed by the Council on such terms as the Council sees fit.

(b) If the Executive Officer is a Member, the Executive Officer is not entitled to vote at a Council or General Meeting in that capacity.

(c) The Executive Officer may delegate all or any of the Executive Officer's powers or duties under these Rules, subject only to applicable TATA Regulations.

(d) The Executive Officer is responsible for providing support to the Council.

## 28 Annual Subscription

- (1) The Executive on behalf of Council may from time to time determine, in respect of any class of Membership other than Honorary Life Membership and International Fellows, that subscriptions shall be payable as annual subscriptions or as other types of subscriptions so payable, and the date from which the subscription become payable.
- (2) The Executive on behalf of Council may determine a different subscription for different categories of persons within any class of Membership and if so determined shall define such different categories of persons within the class of Membership from time to time.
- (3) Unless the Executive on behalf of Council generally or in any specific case determines otherwise, annual subscriptions are payable in advance on March 15<sup>th</sup> each year.
- (4) A Member is to be regarded as a financial Member of TATA from the time the Member pays all monies due to TATA, or any other earlier time as determined by the Executive on behalf of Council.

## 29 Service of notices and requisitions

- (1) A notice may be served by or on behalf of a TATA member by
  - (a) delivering it personally;
  - (b) posting it by prepaid post;
  - (c) facsimile; or
  - (d) electronic transmission

to the Member at his or her address shown in the Register or the address, facsimile number or electronic address supplied by the Member for giving notices.

- (2) Where a notice is:
  - (a) posted, it is regarded as given to the person at the time at which it would have been delivered in the ordinary course of post;
  - (b) faxed, it is regarded as given to the person at the time it is sent provided the sender's fax machine does not produce a message indicating that it was not sent in its entirety;
  - (c) sent by electronic means, it is regarded as given to the person at the time it is sent provided the sender's machine does not produce a message indicating that it was not sent in its entirety; and

- (3) No:
  - (a) General Meeting, meeting of the Council, meeting of the Executive or meeting of a Working Party;
  - (b) act, proceeding or business of any such meeting; or
  - (c) proceeding, matter, thing or circumstance unrelated to a meeting, is or will be rendered voidable or invalid merely because of:
  - (d) the failure of any person to receive notice; or
  - (e) any other procedural irregularity.

### **30 Expulsion of members**

The Council may by resolution:

- (a) suspend a Member from Membership for a period of time; or
- (b) expel a Member from TATA,

if the Council is of the opinion that the Member:

- (a) has wilfully refused or neglected to comply with these Rules; or
- (b) has been guilty of conduct prejudicial to the interests of TATA.

### **31 Appeal against expulsion**

For the purposes of giving notice in accordance with rule 30, the Secretary must, as soon as practicable, give to the Members a written notice:

- (1) setting out the resolution of the Council and the grounds on which it is based;
- (2) stating that the Member, or his, her or its representative, may address the Council at the meeting to be held pursuant to rule 30;
- (3) stating the date, time and place of that meeting; and informing the Member that he, she or it may do one or more of the following:
  - (a) attend the meeting;
  - (b) give to the Council before the date of that meeting a written statement seeking the revocation of the resolution; and
  - (c) informing the Member that, if at that meeting, the Council confirms the resolution, he, she or it may not later than 48 hours after that meeting, give the Executive Officer, a notice to the effect that he, she or it wishes to appeal to TATA in General Meeting against the resolution.
  - (d) At a meeting of the Council to confirm or revoke a resolution passed under rule 30, the Council must:
    - (i) give the Member, or his, her or its representative, opportunity to be heard; and

(ii) give due consideration to any written statement submitted by the Member; and

(iii) Shall determine by resolution whether to confirm or to revoke the resolution.

(e) If at the meeting of the Council, the Council confirms the resolution, the Member may, not later than 48 hours after that meeting, give the Secretary a notice to the effect that he, she or it wishes to appeal to TATA in General Meeting against the resolution.

(f) If the Secretary receives a notice under rule 30, he, she or it must notify the Council and the Council must convene a General Meeting of TATA to be held within 21 days after the date on which the Executive Officer received the notice.

(g) At a General Meeting of TATA convened under rule 30:

(i) no business other than the question of the appeal may be conducted;

(ii) the Council may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution;

(iii) the Member, or his, her or its representative must be given an opportunity to be heard; and

(iv) the Members present must vote by secret ballot on the question whether the resolution should be confirmed or revoked.

(h) A resolution is confirmed if, at the General Meeting, not less than two thirds of the Members present and voting vote in favour of the resolution. In any other case, the resolution is revoked.

## 32 Disputes and mediation

(1) A dispute is any disagreement under these Rules between:

(a) a Member and another Member; or

(b) a Member and TATA.

(2) Dispute and mediation procedure

(a) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after

the dispute comes to the attention of all of the parties to the dispute.

- (b) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within a further 10 days, hold a meeting in the presence of a mediator.
- (c) The mediator must be:
  - (i) A person chosen by agreement between the parties.

In the absence of agreement:

- (i) in the case of a dispute between a Member and another Member, a person appointed by the Council; or
- (ii) in the case of a dispute between a Member and TATA, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Tasmania (Department of Justice).
- (iii) A Member can be a mediator
- (iv) The mediator cannot be a party to the dispute
- (v) The parties to the dispute must, in good faith, attempt to settle the dispute in the mediation
- (d) The mediator, in conducting the mediation, must:

be heard;

- (i) give the parties to the mediation process every opportunity to
- (ii) allow due consideration by all parties of any written statement submitted by any party; and
- (iii) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.

- (e) The mediator must not determine the dispute.

(f) If the mediation process does not result in the dispute being

resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

## Annexure A – Proxy form

### TASMANIAN ART TEACHERS' ASSOCIATION

#### PROXY FORM

I, \_\_\_\_\_ (name) TATA

Number: \_\_\_\_\_

of

\_\_\_\_\_ (address)

being a member of TASMANIAN ART TEACHERS' ASSOCIATION hereby appoint the chairperson of the meeting; or \_\_\_\_\_ (name of proxy, if not the chairperson) TATA Number: \_\_\_\_\_

of \_\_\_\_\_ (address of proxy, if not the chairperson)

as my proxy to vote for me on my behalf at the General Meeting of the Members of TATA to be held at [ \_\_\_\_\_ time] on [ \_\_\_\_\_ date] and at any adjournment of that meeting.

My proxy is directed to vote for me on my behalf in accordance with the directions below, or if no directions have been given, as he or she sees fit.

#### VOTING DIRECTIONS:

#### PROXIES:

All Individual and Concession Members entitled to vote at the General Meeting are entitled to appoint a proxy to attend and vote instead of the Member. Members are entitled to appoint only 1 proxy. If 2 or more proxies from the same Member are presented in respect of the meeting, the last valid proxy received by the Executive Officer shall be valid.

To be valid a Member appointing a **proxy** must ensure that:

- the proxy is a Member; and
- that a signed copy of the notice of proxy is given to the Executive Officer no later than one business day before the time for the General Meeting.

\_\_\_\_\_  
Members Signature

\_\_\_\_\_  
Date

