

THE PASTORAL CARE COUNCIL
of the ACT
(Australian Capital Territory)

CONSTITUTION

Approved 26/6/08

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PART 1 Preliminary

Mission Statement

Seeking the provision of pastoral care, at accredited standards, in various institutional and community facilities in the ACT.

Pastoral Care Definition

Pastoral care is the offering of emotional support and spiritual care to people in the community, by assisting them to connect with their own inner and community resources.

The Pastoral Care Council of the ACT is a peak body that represents a cross-section of the pastoral care providers (including representation from religious and spiritual organisations) and pastoral carers, together with representation from bodies concerned with pastoral care, as well as appropriate representation by ACT government agencies or departments. Hereafter this body is referred to as 'The Council'.

The Pastoral Care Board is the executive arm of The Council. Hereafter this body is referred to as 'The Board'.

Responsibilities of The Council

The Council through The Board will have the following responsibilities:

1) To provide a network to enhance the provision of pastoral care in the ACT

- a. Offering the various stakeholders an opportunity to participate in a process defining the role of pastoral care within care systems (such as: health, education, correction).
- b. Accommodate and encourage the contribution of spiritual and religious care by the various faith traditions that is supportive and relevant to pastoral care.

2) To provide advocacy and support for pastoral care opportunities

- a. Assessing the scope of the provision of pastoral care.
- b. Encouraging organisations to undertake the provision of pastoral care, to the standards set by The Board.
- c. Developing mechanisms for appropriate advocacy and support for pastoral care and chaplaincy services and all who provide pastoral care.
- d. Developing public awareness of the need for, and benefits of, pastoral care.
- e. Identifying and encouraging research into issues relating to pastoral care.

3) To establish standards for pastoral care provision

- a. Developing a simple language description of pastoral care and its benefits.
- b. Developing guidelines for the oversight and support of pastoral carers.
- c. Recognising and providing standards for various levels of competency for accredited pastoral carers.
- d. Seeking the adoption of these standards by all providers of pastoral care in the ACT.

- e. Seeking the affiliation of providers of pastoral care with The Council.

4) To administer any provision of pastoral care undertaken by the Board.

- a. Administer the provision of such pastoral care as may become the responsibility of The Council.

5) To accredit and register pastoral carers

- a. To develop criteria for assessing appropriate levels of competence for pastoral carers.
- b. To accredit pastoral carers who have demonstrated an appropriate level of competence.
- c. To maintain a register of accredited pastoral carers in the ACT.
- d. To monitor and endorse the practice of pastoral care providers.

6) To develop training (including in-service training)

- a. To provide advocacy for the development of training by educational institutions in accordance with national standards.
- b. To require Clinical Pastoral Education programs to be an essential part of training for pastoral carers.
- c. To develop a theoretical base for pastoral care that enables multi-faith training programs and practice to be a generic part of pastoral care in the community.
- d. To promote ongoing training programs and seminars.
- e. To monitor and endorse the practice of pastoral care education providers.

7) To ensure provision of support networks, mentoring, ongoing supervision

- a. To require pastoral carers to participate in approved mentoring and/or supervision.
- b. To ensure the development of a network of trained providers for mentoring and supervision.

8) To organise conferences and retreats

- a. To encourage the provision of conferences and retreats.

9) To liaise with other caring modalities

- a. To maintain dialogue with peak organisations representing other caring modalities.

10) To seek financial support to maintain the provision of pastoral care

- a. To ensure adequate funding for the operation of The Council and Board.
- b. To lobby for ongoing and new funding for the provision of pastoral care in the community.

11) To develop ethical and legal standards for the provision of pastoral care

- a. To ensure appropriate insurance cover for the members of the Council and Board undertaking work for The Council and Board.
- b. To advise pastoral carers and providers on the necessity of having appropriate insurance cover.
- c. To establish guidelines for issues such as privacy and boundaries for pastoral carers and pastoral care providers.

Definitions

In these rules:

Note A: Definition applies except so far as the contrary intention appears (see Legislation Act, s 155).

- a. **financial year** means the year ending on 30 June.
- b. **member** means a member organisation, however described, of The Council.
- c. **representative** means a person appointed by a member organisation.
- d. **Board member** means a representative of The Board.
- e. **Secretary** means the person holding office under these rules as Secretary of The Council or, if no such person holds that office, The Public Officer of The Association.
- f. **Pastoral Carers:** Persons who provide pastoral care to individuals or groups.
- g. **Pastoral Care Providers:** Organisations responsible for provision of pastoral care.
- h. **the Act** means the *Associations Incorporation Act 1991*.
- i. **the regulation** means the *Associations Incorporation Regulation 1991*.

Application of Legislation Act 2001

The *Legislation Act 2001* applies to these rules in the same way as it would if they were an instrument made under the Act.

PART 2 The Council

1. Mandate

- 1.1. The Council in accordance with its stated responsibilities (in Part 1) will, through its regular and specially convened meetings, establish and maintain its organisation, and will advise on the policies and directions set by the Board.

2. Membership

- 2.1. The members of The Council will represent pastoral care providers and pastoral carers This will include representation from spiritual and religious organisations and representation from bodies concerned with pastoral care, as well as appropriate representation by ACT government agencies or departments, who have accepted the Constitution of The Council, satisfied the criteria for membership and subsequently been admitted to membership.

3. Criteria for Membership

- 3.1. An organisation or group who may have membership on The Council either as:
 - 3.1.1. **CATEGORY A :**
Religious and spiritual organisations; or
 - 3.1.2. **CATEGORY B :**
Organisations providing pastoral care or with concern for pastoral care, and ACT government agencies or departments.
This includes organisations that may be sponsored by religious organisations already represented on The Council.
- 3.2. Organisations will satisfy the following criteria:
 - 3.2.1. Organisations will ordinarily have a definite form of governance, including a responsible central body or association.
 - 3.2.2. Organisations will be committed to providing representatives capable of participating fully in the work of The Council and The Board and its sub committees. Full participation will mean attendance at the AGM and other meetings of the Council and will include a willingness to be involved in the work of The Board and its sub committees.
- 3.3. In addition to criteria in (3.2), the criteria of a religious or spiritual organisation is that:

- 3.3.1. It will ordinarily have a basis of association as a religious or spiritual organisation, such as a constitution or statement of belief
 - 3.3.2. It will give evidence of autonomy, stability and historical continuity as a religious or spiritual organisation in the ACT.
 - 3.3.3. Its rites and rituals will generally be open to attendance by persons from the community-at-large.
 - 3.3.4. It will demonstrate a spirit of cooperation with, and respect for the convictions of other religious and spiritual organisations.
- 3.4. The ACT Churches Council will be considered a member organisation under Category A.

4. Process for an Organisation's Membership

- 4.1. An organisation may seek, or be invited by The Board to seek, membership on The Council. The process for attaining membership on The Council will be as follows:
 - 4.1.1. The authorities of the organisation seeking membership on The Council will forward a letter of application for membership to the Chair of The Board.
 - 4.1.2. The Board will assess the membership application according to the criteria and make appropriate recommendations to The Council in regard to the application.
- 4.2. The decision regarding acceptance of the applicant organisation for membership will be made on the basis of a majority vote of the members of the Council present at the meeting of Council which considers the application.
- 4.3. If the application is approved, the organisation will nominate a representative for approval by The Council.
- 4.4. The Council may terminate the membership of an organisation, or request the nomination of a different representative for the organisation only after due process of consideration of any appeal by that organisation under section 38.

5. Representatives on Council

- 5.1. Number of representatives for Category A:
Religious or spiritual organisations under Category A will have appropriate representation, proportional to their population in the Australian Census. Each religious or spiritual organisation will be

entitled to one representative per 10% (or part thereof) of the population; with an additional representative for each additional 10% (or part thereof) of the population.

- 5.2. The ACT Churches Council will be considered a member organisation under Category A with one representative.
- 5.3. **Category B** organisations will each have one representative.

6. Appointment process for Representatives:

- 6.1. Each organisation will nominate their representative through a letter of nomination to the Chair of The Board. The Chair will confirm the receipt of the letter of nomination and will contact the representative to arrange for appropriate orientation.
- 6.2. Alternate Representatives: In the absence of the representative of an organisation, an alternate representative may be appointed by the organisation take his or her place, with voice and vote.
- 6.3. Criteria for Representative: The basis for the selection and nomination of the organisation's representative will include the following criteria:
- 6.3.1. The representative will have access to, and be in regular contact with, the authorities of the organisation.
- 6.3.2. The representative will be committed to regular attendance at meetings of the Council and, if elected, at the meetings of The Board.
- 6.4. Term of Office: Each representative will be nominated by their organisation for a renewable term of up to three years.
- 6.5. Resignation and Replacement of Representative: The representative of an organisation who wishes to resign from The Council may do so with the approval of his or her organisation. The organisation will communicate a decision to replace their representative to The Council by letter to The Chair of The Board.

7. Members' liabilities

- 7.1. The liability of a member organisation 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 relation to membership of The Council as required by section (7).

PART 3 The Board

8. Mandate and Accountability

8.1. The Board will:

- 8.1.1. Administer the responsibilities of The Council, including the development and implementation of policy, as advised by The Council.
- 8.1.2. Communicate its business to The Council at the AGM and other meetings of The Council, and after Board meetings.
- 8.1.3. Support The Council.

9. Powers of Board

- 9.1. The Board, subject to the Act, the regulation, these rules, and to any resolution passed by The Council in General Meeting or Special General Meeting —
 - 9.1.1. Controls and manages the affairs of the Council;
 - 9.1.2. Exercises all functions that may be exercised by The Council other than those functions that are required by these rules to be exercised by The Council in General Meeting or Special General Meeting;
 - 9.1.3. Has the power to perform all acts and do all things that appear to The Board to be necessary or desirable for the proper management of the affairs of The Council.

10. Membership of The Board

- 10.1. Membership of The Board will consist of 9 Council representatives who are elected by the Council at its Annual General Meeting; (consisting ordinarily of 3 office bearers and 6 ordinary members)
- 10.2. Election will normally be for a term of three years and is renewable once. Membership will have a rotation of three members elected each year.
- 10.3. Each member of The Board holds office, subject to these rules, but may be eligible for re-election.
- 10.4. A person remunerated by The Board may be an ex officio member with voice but no vote.

11. Election of Board members

- 11.1. Nominations of candidates for election of Board members will be made in writing, by a member of Council, to the Secretary not less

than 14 days before the date fixed for the Annual General Meeting at which the election is to take place.

- 11.2. If insufficient nominations are received to fill all vacancies on The Board, the candidates nominated are taken to be elected and further nominations may be invited at the Annual General Meeting.
- 11.3. If insufficient further nominations are received, any vacant positions remaining on The Board are taken to be vacancies.
- 11.4. If the number of nominations received is equal to the number of vacancies to be filled, the people nominated are taken to be elected.
- 11.5. If the number of nominations received exceeds the number of vacancies to be filled, a ballot must be held.

12. Termination of membership of Board

- 12.1. If an elected member of The Board resigns, the position will be considered vacant.
- 12.2. If an elected member of The Board has not been present at three consecutive meetings of The Board, The Chair will consult with the member and, if necessary, with the authorities of the organisation.
 - 12.2.1. If a commitment to regular attendance by the organisation representative is not forthcoming, the Board may consider that position on The Board to be vacant.
- 12.3. The Council in General Meeting or Special General Meeting may by resolution, remove any member of The Board from the office of member of The Board before the end of the member's term of office.

13. Vacancies

- 13.1. If there is a vacancy in the membership of The Board, The Board may appoint a member of The Council to fill the vacancy and the member so appointed holds office, subject to these rules, until the next Annual General Meeting.

14. Officers

- 14.1. The Board will elect the Office Bearers.
- 14.2. The officers of The Board will ordinarily be The Chair, Secretary and Treasurer.
- 14.3. A person is not eligible to simultaneously hold more than one position on The Board.

15. Secretary

- 15.1. The Secretary must keep minutes of —
 - 15.1.1. all elections and appointments of office-bearers and ordinary Board members; and
 - 15.1.2. the names of members of The Board present at a Board meeting or a General Meeting or Special General Meeting; and
 - 15.1.3. all proceedings at Board meetings and General Meeting or Special General Meetings.
- 15.2. The Secretary of The Board must, as soon as practicable after being appointed as Secretary, notify The Council of his or her address.

16. Treasurer

- 16.1. The Treasurer of The Board must —
 - 16.1.1. ensure collection and receipt all amounts owing to The Council and that all payments authorised by The Board on behalf of The Council are made; and
 - 16.1.2. ensure correct accounts and books showing the financial affairs of The Council with full details of all receipts and expenditure connected with the activities of The Council.

17. Public Officer.

- 17.1. The Board, shall at the first meeting each year after the annual General Meeting appoint a Public Officer in accordance with the requirements of the Act.

18. Board meetings

- 18.1. **Meetings:** The Board will normally meet at least 6 times per annum and more often if required.
- 18.2. Additional meetings of The Board may be called by any member of The Board.
- 18.3. Oral or written **notice** of a meeting of The Board must be given by the Secretary to each member of The Board at least 48 hours (or any other period that may be unanimously agreed on by the members of The Board) before the time appointed for the holding of the meeting.
- 18.4. Notice of a meeting given under subsection (.3) must specify the general nature of the business to be transacted at the meeting and no business other than that business may be transacted at the meeting, except business that The Board members present at the meeting unanimously agree to treat as urgent business.

- 18.5. At meetings of The Board The Chair or, in the absence of the Chair, one of the remaining members of The Board may be chosen by the members present to preside.
- 18.6. Minutes of proceedings at a meeting must be signed by the person presiding at the meeting or by the person presiding at the next succeeding meeting.
- 18.7. **Quorum:** The Chair plus 3 members of The Board, or, in the absence of The Chair, four members of The Board constitute a quorum for the transaction of the business of a meeting of The Board.
- 18.8. No business may be transacted by The Board unless a quorum is present and, if within half an hour after the time appointed for the meeting a quorum is not present, the meeting stands adjourned to the same place and at the same hour of the same day in the following week.
- 18.9. If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the meeting, the meeting is dissolved.

19. Voting and decisions

- 19.1. Decisions may be made by consensus or on the basis of a majority vote.
- 19.2. Each member present at a meeting of The Board or of any subcommittee appointed by The Board (including the person presiding at the meeting) is entitled to one vote but, if the votes on any question are equal, the person presiding may exercise a second or casting vote.
- 19.3. Subject to the quorum (section 18.7), The Board may act despite any vacancy on The Board.
- 19.4. Any act or thing done or suffered, or purporting to have been done or suffered, by The Board or by a subcommittee appointed by The Board, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of The Board or subcommittee.

20. Sub Committees of The Board

- 20.1. Sub committees will be established by The Board from time to time as required.
- 20.2. **Membership:** Committee members may include members from The Board, The Council and the community-at-large.

- 20.3. **Appointment Process:** The Chair and members of subcommittees will be appointed by The Board.
- 20.4. **Mandate and Accountability:**
- 20.4.1. The terms of reference of a subcommittee will be decided by The Board.
- 20.4.2. The subcommittees will report on a regular basis to The Board.
- 20.4.3. A subcommittee may meet and adjourn as it considers appropriate.

21. Delegation by Board

- 21.1. The Board may, in writing, delegate to one or more subcommittees the exercise of functions of The Board that are specified in the instrument, other than—
- 21.1.1. this power of delegation; and
- 21.1.2. a function that is a function imposed on The Board by the Act, by any other Territory law, or by resolution of The Council in General Meeting or Special General Meeting.
- 21.2. A function, the exercise of which has been delegated to a subcommittee under this section may, while the delegation remains unrevoked, be exercised from time to time by the subcommittee in accordance with the terms of the delegation.
- 21.3. A delegation under this section may be made subject to any conditions or limitations about the exercise of any function, or about time or circumstances, that may be specified in the instrument of delegation.
- 21.4. Despite any delegation under this section, The Board may continue to exercise any function delegated.
- 21.5. Any act or thing done or suffered by a subcommittee acting in the exercise of a delegation under this section has the same force and effect as it would have if it had been done or suffered by The Board.
- 21.6. The Board may, in writing, revoke wholly or in part any delegation under this section.

PART 4 Council Meetings

22. Meetings of The Council

- 22.1. The Council will meet when deemed necessary but at least twice a year, at the decision of The Board and at the request of at least one third of the members of The Council.

23. Annual General Meetings—holding of

- 23.1. After the first Annual General Meeting of The Council, The Board must, within 5 months after the end of each financial year of The Council, call an Annual General Meeting of its members. The financial year of The Council shall be from the First day of July in a year to the Thirtieth day of June in the subsequent year.
- 23.2. The Council must hold its first Annual General Meeting—
- 23.2.1. within 18 months after its incorporation under the Act; and
- 23.2.2. within 5 months after the end of the first financial year of The Council.
- 23.2.3. Subsections (1) and (2) have effect subject to the powers of the Registrar-General under the Act, section 120 in relation to extensions of time.

24. Annual General Meetings -calling of and business

- 24.1. The Annual General Meeting of The Council must, subject to the Act, be called on the date and at the place and time that The Board considers appropriate.
- 24.2. In addition to any other business that may be transacted at an Annual General Meeting, the business of an Annual General Meeting is—
- 24.2.1. to confirm the minutes of the last Annual General Meeting and of any General Meeting or Special General Meeting held since that meeting; and
- 24.2.2. to receive from The Board reports on the activities of The Council during the last financial year; and
- 24.2.3. to elect members of The Board, including office-bearers and
- 24.2.4. to elect a Chair of The Council, and
- 24.2.5. to receive and consider the statement of accounts and the reports that are required to be submitted to members under the Act, section 73 (1).
- 24.3. An Annual General Meeting must be specified as such in the notice calling it in accordance with section (24).

24.4. An Annual General Meeting must be conducted in accordance with the provisions of this part.

25. General Meeting or Special General Meetings—calling of

- 25.1. The Board may, whenever it considers appropriate, call a general meeting of The Council.
- 25.2. The Board must, on the requisition in writing of not less than five per cent of the total number of Council Members, call a Special General Meeting of The Council.
- 25.3. A requisition of members for a Special General Meeting—
- 25.3.1. must state the purpose or purposes of the meeting; and
 - 25.3.2. must be signed by the members making the requisition; and
 - 25.3.3. must be lodged with the Secretary; and
 - 25.3.4. may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- 25.4. If The Board fails to call a Special General Meeting within one month after the date when a requisition of members for the meeting is lodged with the Secretary, any one or more of the members who made the requisition may call a Special General Meeting to be held not later than three months after that date.
- 25.5. A Special General Meeting called by a member or members mentioned in subsection (4) must be called as nearly as is practicable in the same manner as General Meeting are called by The Board.

26. Notice of business

- 26.1. Except if the nature of the business proposed to be dealt with at a General Meeting or Special General Meeting requires a special resolution of The Council, the Secretary must, at least 14 days before the date fixed for the holding of the General Meeting or Special General Meeting, the Secretary must send, to the address nominated by the member a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting. The address nominated may be a physical or electronic address.
- 26.2. If the nature of the business proposed to be dealt with at a General Meeting or Special General Meeting requires a special resolution of The Council, the Secretary must, at least 21 days before the date fixed for the holding of the General Meeting or Special General Meeting, send notice to each member in the way provided in subsection (1) specifying, in addition to the matter

required under that subsection, the intention to propose the resolution as a special resolution.

- 26.3. No business other than that specified in the notice calling a General Meeting or Special General Meeting may be transacted at the meeting except, for an Annual General Meeting, business that may be transacted under subsection (24.2).
- 26.4. A member desiring to bring any business before a General Meeting or Special General Meeting may give written notice of that business to the Secretary who must include that business in the next notice calling a General Meeting or Special General Meeting given after receipt of the notice from the member.

**27. General meetings and Special General Meetings
— procedure and quorum**

- 27.1. Rules of procedure for the Council may be developed by The Board and approved by The Council.
- 27.2. **Quorum:** One third of the members of The Council, present and eligible to vote constitute a quorum for the transaction of the business of a General Meeting or Special General Meeting.
- 27.3. No item of business may be transacted at a General Meeting or Special General Meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.
- 27.4. If within 30 minutes after the appointed time for the start of a General Meeting or Special General Meeting a quorum is not present, the meeting (if called on the requisition of members) is dissolved and in any other case stands adjourned to the same day in the following week at the same time and (unless another place is specified at the time of adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- 27.5. If at the adjourned meeting a quorum is not present within 30 minutes after the time appointed for the start of the meeting, the members present (being not less than 3) constitute a quorum.

28. Presiding member

- 28.1. The Council Chair presides at each General Meeting or Special General Meeting of The Council.
- 28.2. In the absence of The Council Chair, a person may be delegated by The Chair or one of the remaining members of The Council may be chosen by the members present, to preside.

29. Adjournment

- 29.1. The person presiding at a General Meeting or Special 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 may be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- 29.2. If a General Meeting or Special General Meeting is adjourned for 14 days or more, the Secretary must give written or oral notice of the adjourned meeting to each member of The Council stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- 29.3. Except as provided in subsections (1) and (2), notice of an adjournment of a General Meeting or Special General Meeting or of the business to be transacted at an adjourned meeting is not required to be given.

30. Voting and decisions

- 30.1. Decisions may be made by consensus or on the basis of a majority vote.
- 30.2. Each representative on The Council will have one vote. In the event of a tied vote, The Chair may cast a deciding vote.
- 30.3. If a question arising at a General Meeting or Special General Meeting of The Council is to be decided by a majority vote it will be with a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the person presiding that a resolution 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 the Council, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- 30.4. At a General Meeting or Special General Meeting of The Council, a poll may be demanded by the person presiding or by not less than 3 members present in person at the meeting.
- 30.5. If the poll is demanded at a General Meeting or Special General Meeting, the poll must be taken—
 - 30.5.1. immediately if the poll relates to the election of the person to preside at the meeting or to the question of an adjournment; or
 - 30.5.2. in any other case—in the way and at the time before the close of the meeting that the person presiding directs, and the

resolution of the poll on the matter is taken to be the resolution of the meeting on that matter.

PART 5 Miscellaneous

31. Funds management

- 31.1. All money received by The Council must be deposited as soon as practicable and without deduction to the credit of The Council's bank account.
- 31.2. The Council must, as soon as practicable after receiving any money, issue an appropriate receipt.
- 31.3. Subject to any resolution passed by The Council in General Meeting or Special General Meeting, the funds of The Council must be used for the objects of The Council in the way that The Board decides.
- 31.4. All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 members of The Board or employees of The Council, being members of The Board or employees authorised to do so by The Board.

32. Alteration of objects and rules

- 32.1. Proposed amendments to the Constitution will be circulated to The Council by The Board a minimum of two months prior to a meeting of The Council for approval.
- 32.2. Neither the objects of The Council mentioned in the Act, section 29 nor these rules may be altered except in accordance with the Act.
- 32.3. The Board may develop guidelines not inconsistent with the Articles of Council/Constitution

33. Common seal

- 33.1. The common seal of The Council must be kept in the custody of the Secretary.
- 33.2. The common seal must not be attached to any instrument except by the authority of The Board and the attaching of the common seal must be attested by the signatures either of two members of The Board or of one member of The Board and of the Secretary.

34. Custody of books

- 34.1. Subject to the Act, the regulation and these rules, the Secretary must keep in his or her custody or under his or her control all records, books, and other documents relating to The Council.

35. Inspection of books

- 35.1. The records, books and other documents of The Council must be open to inspection at a place in the ACT, free of charge, by a member of The Council at any reasonable hour.

36. Service of notice

- 36.1. For these rules, a notice may be served by or on behalf of The Council on any member either personally, by post or electronically to the nominated address of the member as shown in the register of members.
- 36.2. If a document is sent to a person by properly addressing, prepaying and posting, or by forwarding electronically to the person a letter containing the document, the document is taken for these rules, unless the contrary is proved, to have been served on the person at the time when the letter would have been received in the ordinary course of postage or transmission.

37. Surplus property

- 37.1. At the first general meeting of The Council, The Council must pass a special resolution nominating—
- 37.1.1. another association for the Act, section 92 (1) (a); or
- 37.1.2. a fund, authority or institution for the Act, section 92 (1) (b);
- in which it is to vest its surplus property in the event of the dissolution or winding up of The Council.
- 37.2. An association nominated under subsection (1) (a) must fulfil the requirements specified in the Act, section 92 (2).

38. Right of appeal of termination the membership of an organisation

- 38.1. If The Council passes a resolution terminating the membership of an organisation under section 4 (3), the Secretary must, as soon as practicable, serve a written notice to that organisation —
- 38.1.1. setting out the resolution of The Council and the grounds on which it is based; and stating that the organisation may address The Board at a meeting to be held not earlier than

fourteen days and not later than twenty eight days after service of the notice; and

- 38.1.2. stating the date, place and time of that meeting; and informing the organisation that the organisation may do either or both of the following:
 - 38.1.2.1. submit, before the date of that meeting written representations relating to the resolution,
 - 38.1.2.2. attend and speak at that meeting.
- 38.2. Subject to the Act, section 50, at a meeting of the Board, The Board must —
 - 38.2.1. give to the member organisation mentioned in the action of section (4.4) an opportunity to make oral representations; and
 - 38.2.2. give due consideration to any written representations submitted to The Board by that organisation at or before the meeting; and
 - 38.2.3. by resolution decide whether to confirm or to seek reconsideration of the resolution of The Council made under section (4.4).
- 38.3. No business other than the question of the appeal may be transacted; and The Board and the member must be given the opportunity to:
 - 38.3.1. make representations in relation to the appeal orally or in writing, or both; and
 - 38.3.2. the members present must vote on the question of whether the resolution made under subsection 4 (3) should be confirmed or revoked.
- 38.4. If the meeting passes a special resolution in favour of the confirmation of the resolution made under subsection 4 (3), that resolution of The Council is confirmed.
- 38.5. If the meeting passes a special resolution in questioning the resolution of termination made under section subsection 4 (3), then the Board will make recommendation to The Council for reconsideration, at a special meeting of The Council, called according to procedure in subsection (26.2), at which the Council will consider whether the resolution made under subsection 4 (3) should be confirmed or revoked.

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