

CONSTITUTION OF



CHRISTIAN COUNSELLORS ASSOCIATION OF AUSTRALIA (SA) INC.

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INTRODUCTION

Christian Counsellors Association of Australia (SA) Inc. is a Member Association of Christian Counsellors Association of Australia Inc., and subject to decisions made by that Association's Committee of Management so long as such decisions are not in contravention of this Constitution or legislation as passed from time to time by State or Federal Parliament.

1. NAME

The name of the Incorporated Association is "Christian Counsellors Association of Australia (SA) Inc." (in these Rules called "the Association").

2. DEFINITIONS

2.1 In these rules, unless the contrary intention appears:-

"Committee" means the Committee of management of the Association

"Financial Year" means each and every year ending on 30 June

"General Meeting" means a general meeting of members convened in accordance with Clause 7

"Member" means a member of the Association at any level

"Public Officer" means the Public Officer as defined in the Act

"The Act" means the Associations Incorporation Act 1985

"The Regulations" means Regulations under the Act

"National Association" means Christian Counsellors Association of Australia Inc.

2.2 Words or expressions contained in this Constitution shall be interpreted in accordance with the Acts Interpretation Act 1915 and any subsequent Act which amends or replaces that Act.

3. PURPOSE OF THE ASSOCIATION

The objects of the Association are:

- 3.1 To act as an umbrella association for Christians who are involved in counselling;
- 3.2 to strive for the integration of relevant knowledge from all available sources;
- 3.3 to advance Christian approaches to counselling;
- 3.4 to provide peer group support for Christians involved in counselling;
- 3.5 to offer professional support, supervision and professional development for members of the Association;
- 3.6 to collect, evaluate and disseminate information on relevant human and other resources;
- 3.7 to formulate standards of practice and accreditation;
- 3.8 to conduct workshops and seminars for members of the Association and the general public;

- 3.9 to consult and co-operate with other bodies of like aims;
- 3.10 to apply for incorporation under the Associations Incorporations Act;
- 3.11 to do all such other things that may be necessary and desirable for the accomplishment of the foregoing aims.

4. POWERS OF THE ASSOCIATION

For the purpose of carrying out its objects, the Association may, subject to the Act and its rules–

- 4.1 acquire, hold, deal with, and dispose of, any real or personal property; and
- 4.2 administer any property on trust; and
- 4.3 open and operate ADI accounts; and
- 4.4 invest its moneys:
 - 4.4.1 in any security in which trust monies may, by Act of Parliament, be invested; or
 - 4.4.2 in any other manner authorised by the rules of the Association; and
- 4.5 borrow money upon such terms and conditions as the Association thinks fit; and
- 4.6 give such security for the discharge of liabilities incurred by the Association as its members think fit; and
- 4.7 appoint agents to transact any business of the Association on its behalf; and
- 4.8 enter into any other contract it considers necessary or desirable.

5. MEMBERSHIP

5.1 Rules for membership:

Only those persons who have been approved for membership by the Association’s Committee of Management of the Association in accordance with the following rules shall be members of the Association.

Only those persons who have fulfilled all the training requirements established by the National Association for the level of Graduate Member or Clinical Member, or such nomenclature current at the time of application for the equivalent level of membership shall be permitted to apply for membership.

Only persons who are admitted as Graduate Members or Clinical Members are permitted to make reference to their membership of the Christian Counsellors Association of Australia Inc., or Christian Counsellors Association of Australia (SA) Inc. in any manner which may be deemed to infer a professional standing as a counsellor. Any such reference shall be in the manner approved by the National Association.

Other persons may be admitted as Associates of the Association by application in accordance with these rules, however, such members shall not refer to their association with Christian Counsellors Association of Australia Inc., or Christian Counsellors Association of Australia (SA) Inc. in any manner which may be deemed to infer a professional standing as a counsellor.

5.2 Application for Membership:

- 5.2.1 Applications for membership of the Association must be made either in writing or electronically using the application form available from the National Association web site or by request from the Association Secretary; and must be sent to the Secretary of the Association at the postal address on the application form, with payment of the application fee as set out on the application form.
- 5.2.2 The Committee &/or Membership Sub-Committee may admit to membership any person who meets the criteria for membership established by the National Association (as amended from time to time), and who accepts the Constitution and Rules of Association and pays the current Application fee.
- 5.2.3 If the Committee &/or Membership Sub-Committee determines to approve an application for membership, the Secretary must notify the applicant of that approval as soon as practicable and request that he or she pay within 28 days of receipt of notification, the sum payable as an annual subscription fee.
- 5.2.4 A certificate of membership for Clinical Member or Graduate Member only shall be forwarded to the person on receipt of the said payment.
- 5.2.5 Upon receipt of application fee as referred to in 5.2.3 and within the period referred to in the clause, the Committee shall enter the applicant's name in the register of members and, on the name being so entered, the applicant becomes a member of the Association.,
- 5.2.6 The Committee &/or Membership Sub-Committee may refuse any application for membership and shall not be required to give reasons for such refusal.

5.3 Subscriptions

- 5.3.1 The application fee shall be that established by the National Association and shall be paid when application for Membership is made.
- 5.3.2 The annual subscription fee shall be that which is set by the National Association and current as at 30 June of each year and must be paid on invoice.

5.4 Resignation/expulsion from membership

- 5.4.1 Cessation of Membership shall be as follows:
 - 5.4.1.1 A Member ceases to be a Member of the Association if their membership is cancelled, withdrawn, or they are expelled in accordance with the Rules of the Association, or through failure to pay the annual fee as determined by the National Committee, from time to time, or resignation is received in writing by the Secretary.
 - 5.4.1.2 On cessation of membership, whether by cancellation, expulsion, withdrawal or resignation, the individual shall not directly or indirectly hold him/herself out to be associated with the Association and must not use the name "Christian Counsellors Association of Australia Inc.", or CCAA or any nomenclature which may be confused with the Association, in any document or promotion.
- 5.4.2 Subject to these rules, the Committee may by resolution-

- 5.4.2.1 expel or suspend a Member from the Association; or
- 5.4.2.2 warn a Member that he or she may be expelled if he or she continues to act in the specified manner of which the Committee disapproves; if it is of the opinion that the member:
 - 5.4.2.2.1 has refused or neglected to comply with these Rules or the by-laws of the Committee; or
 - 5.4.2.2.2 has been guilty of conduct unbecoming a member or prejudicial to the interests of the Association; or
 - 5.4.2.2.3 has breached the ethical guidelines of the Association and is deemed unfit for membership of the Association.
- 5.4.3 If the Committee passes a resolution under sub-clause 5.4.2, the Secretary shall, as soon as practical, cause to be served on the Member a notice in writing:
 - 5.4.3.1 setting out the resolution of the Committee and the grounds upon which it is based;
 - 5.4.3.2 stating that the Member may appeal in writing to the Committee within 28 days after service of the notice;
 - 5.4.3.3 the Committee shall make determination regarding the appeal;
 - 5.4.3.4 the decision of the Committee is final.
- 5.4.4 At the next meeting of the Committee, the Committee:
 - 5.4.4.1 shall give due consideration to any written statement submitted by the Member;
 - 5.4.4.2 shall by resolution determine whether to confirm or revoke the resolution.
- 5.4.5 On expulsion or if a Member withdraws, all monies paid to the Association by the Member shall remain the property of the Association.
- 5.4.6 If a Member wishes to withdraw from the Association he or she must notify the Secretary. On receipt of such notification, the Secretary shall remove the name from the Register of Members and notify the Committee at the next scheduled meeting.

5.5 Register of Members

The Secretary shall keep and maintain a register of members in which is entered the name, contact address and date of joining of each Member and his or her registration shall be available for inspection by a Member upon request.

6 THE COMMITTEE

6.1 Powers and Duties

- 6.1.1 The Committee shall control and manage the business affairs of the Association.
 - 6.1.1.1 The Committee may, subject to these Rules, the Act and Regulations, exercise all such powers and functions as may be exercised by the Association other than those powers and functions that are required by these Rules to be exercised by the Association in a General Meeting; and

- 6.1.1.2 subject to these Rules, the Act and Regulations, the Committee has power to perform all such activities and procedures as appear it deems to be essential for the proper management of the business and affairs of the Association.
- 6.1.2 The Committee may establish by-laws that shall not be inconsistent with these Rules, or the Rules of the National Association, for the better management of the affairs of the Association including but not limited to:
 - 6.1.2.1 the qualifications and requirements for levels of membership including such educational and practical qualifications as the Committee may deem appropriate;
 - 6.1.2.2 the establishment and regulation of any Board or sub-committee of the Association or any disciplinary or complaints body of the Association;
 - 6.1.2.3 the establishment and administration of a Code of Ethics for observation by Members;
 - 6.1.2.4 the regulation of procedures for the hearing of complaints against Members with regards to the due observance of the ethical standards, reputation and the objectives of the Association and to prescribe forms of penalty which the Committee deem appropriate; and
 - 6.1.2.5 the establishment and administration of guidelines and standards of supervision for Christian counselling to be observed by members practising counselling.

6.2 Appointment

- 6.2.1 The Committee shall comprise of a President, a Vice-President, a Treasurer and a Secretary (to be known as Office Bearers), and up to 8 other Members.
- 6.2.2 The Committee shall consist of no more than 12 Members and no less than five Members appointed by the Annual General Meeting following nomination in such form as is acceptable to the Members.
- 6.2.3 Each Committee Member shall hold office from the conclusion of the Annual General Meeting of the Association at which he or she is appointed until the conclusion of the second Annual General Meeting after taking office or until such appointment is revoked or the person resigns from the Committee.
- 6.2.4 Any casual vacancy may be filled by nomination by the Committee. Such a position shall be held until the next Annual General Meeting, at which time the nominee may be renominated and appointed for a two year term.

6.3 Proceedings of the Committee

- 6.3.1 The Committee shall meet at least four times in each year at such place and such times as the Committee may determine.
- 6.3.2 Special meetings of the Committee may be convened by the President on behalf of the Committee.
- 6.3.3 A meeting of the Committee may be held as a telephone, email or video conference and the procedure for such meetings is the same as for a normal Committee meeting except that it is not necessary for the participating members to be present in the same room.

- 6.3.4 If a draft resolution is circulated in writing to all Committee members and is signed by not less than three quarters of the Committee such resolution shall be deemed a valid and effectual resolution as if it had been passed at a meeting of the Committee duly convened and held. Such resolution may consist of several documents in like form each signed by one or more committee members.
- 6.3.5 The quorum at a meeting of the Committee shall not be less than four persons **or** fifty percent of the number of Committee Members, whichever is greater.
- 6.3.6 No business shall be transacted unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present the meeting shall stand adjourned to a place and times as determined by those in attendance, unless the meeting was a special meeting in which case it lapses.
- 6.3.7 At the meetings of the Committee, the President shall preside; or
 - 6.3.7.1 if the President is absent, the Vice-President shall preside; or if the Vice-President is also absent, the Committee shall elect one of their number to preside.
 - 6.3.7.2 Each Committee member at a meeting of the Committee or any Sub-Committee appointed by the Committee (including the person presiding at the meeting) is entitled to one vote and, in the event of an equality of votes on any question, the matter shall be deferred for reconsideration at a later meeting.
 - 6.3.7.3 Should such later meeting also result in an equality of votes on the same question, the vote shall be determined by the casting vote of the President or in the absence of the President, the Chairperson of the meeting.
- 6.3.8 Written notice of each Committee meeting shall be served on each Committee Member by delivering it to the Committee Member or by sending it by email or by pre-paid post addressed to him or her at his or her usual or last known place or abode at least three business days before the date of the meeting.
- 6.3.9 The Committee may delegate any of its powers to such Sub-Committees consisting of Committee Members and such other persons whether or not such persons are Members as it thinks fit and shall appoint a Chairperson to chair the meeting of the Sub-Committee. Any such Sub-Committee so formed shall in the exercise of the power so delegated conform to any rules which may be imposed on it by the Committee.
- 6.3.10 A sub-committee may meet and adjourn as it thinks proper.

6.4 Disqualification of Committee Members

For the purpose of these Rules, a Committee Member's position shall become vacant if he or she ceases to be a Member of the Association by virtue of:

- 6.4.1 failing to meet the criteria for membership established by the National Association (Clause 5.2.2) or if he or she ceases to be registered; or
- 6.4.2 becoming an insolvent under administration within the meaning of the Corporations Law; or
- 6.4.3 resigns from office by notice in writing given to the Secretary; or
- 6.4.4 being found to be in breach of the Association's code of ethics as a result of an official complaint being held.

7 GENERAL MEETINGS

7.1 Annual General Meetings

- 7.1.1 The Association shall in each calendar year convene an annual general meeting.
- 7.1.2 The Annual General Meeting shall be held on such date as the Committee determines, but where possible, in consensus with the Membership.
- 7.1.3 The Annual General Meeting shall be specified as such in the notice convening it.
- 7.1.4 The ordinary business of the Annual General Meeting shall be:
 - 7.1.4.1 to confirm the minutes of the last preceding Annual General Meeting and of any General Meeting held since that meeting;
 - 7.1.4.2 to receive from the Committee reports upon the transactions of the Association during the preceding financial year;
 - 7.1.4.3 to elect Committee members and officers of the Association; and
 - 7.1.4.4 to supply information relative to formal questions that may be raised by any Member in writing at least seven (7) days prior to the date of the Annual General Meeting.
- 7.1.5 The Annual General Meeting may transact special business providing notice has been given in writing to the Secretary no later than one calendar month prior to the meeting and signed by two members.
- 7.1.6 The Annual General Meeting shall be in addition to any other general meetings that may be held.

7.2 Special General Meetings

- 7.2.1 All general meetings other than the Annual General Meeting shall be called Special General Meetings.
- 7.2.2 The Committee may, whenever it thinks fit, convene a Special General Meeting of the Association and where, but for this sub-clause, more than fifteen months would elapse between Annual General Meetings, shall convene a Special General Meeting before the expiration of that period.
- 7.2.3 The Committee shall convene a Special General Meeting of the Association:
 - 7.2.3.1 where two thirds of the Committee agree to such a Special General Meeting, or
 - 7.2.3.2 where a meeting is petitioned in writing by at least one third of the membership, or
 - 7.2.3.3 where more than fifteen months would elapse between Annual General Meetings.
- 7.2.4 The motion for a Special General Meeting shall state the purpose of the meeting.
- 7.2.5 Such a Special General Meeting shall be held within two months from the date on which the decision to convene it was made.

7.3 Notice of Meetings

- 7.3.1 The Secretary of the Association shall, at least 14 days before the date fixed for holding a General Meeting of the Association, cause to be sent to each Member by per-paid post,

email, or in the Association's newsletter, a notice stating the place, date and time of the meeting and the nature of business to be transacted at the meeting.

7.3.2 No business other than that set out in the notice convening the meeting shall be transacted at the meeting.

7.3.3 A Member desiring to bring any business before a meeting shall give to the Secretary written notice of such business in writing at least one calendar month prior to the meeting. The Secretary shall include that business in the notice calling the next general meeting after the receipt of the notice.

7.4 Proceedings of Meetings

7.4.1 All business that is transacted at a Special General Meeting and all business that is transacted at the Annual General Meeting, with the exception of that specially referred to in these Rules as being the ordinary business of the Annual General Meeting, shall be deemed to be special business.

7.4.2 No items of business shall be transacted at a General Meeting unless a quorum of Members entitled under these Rules to vote is present during the time when the meeting is considering that item. Any substantiated Proxy or postal vote received in writing prior to the meeting shall be considered part of the quorum.

7.4.3 The quorum at a General Meeting shall be eight Members present in person.

7.4.4 If within half an hour after the appointed time for the commencement of a General Meeting, a quorum is not present, the meeting shall be adjourned to the same day in the next week at the same time and the same place (unless another place is specified by the Chairperson at the time of the adjournment) and if at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the Members present (being not less than 3) shall be a quorum.

7.4.5 The President shall preside as Chairperson at each General Meeting of the Association, but if the President is absent from a General Meeting, then:

7.4.5.1 the Vice-President shall preside; or

7.4.5.2 if the Vice-President also is absent the Committee members present shall elect one of their number to preside as Chairperson at the meeting.

7.4.6 The Chairperson of a General Meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

7.4.7 Where a meeting is adjourned for fourteen days or more, a like notice of an adjournment or of the business to be transacted at an adjourned meeting must be given to the members.

7.4.8 Except as provided in clause 7.4.7 & 7.4.8, it is not necessary to give notice of an adjournment to the members of the business to be transacted at an adjourned meeting.

7.5 Voting at Meetings

- 7.5.1 A question arising at a General Meeting of the Association shall be determined on a secret ballot or a show of hands and unless, before or on the declaration of a secret ballot or the show of hands, a poll is demanded.
- 7.5.2 Following a declaration by the Chairperson that a resolution has, by the results of a secret ballot or on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, an entry to that effect shall be made in the Minute Book of the Association substantiated and shall be evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.
- 7.5.3 Each member shall have one vote only on any matter arising at a General Meeting of the Association.
- 7.5.4 All votes shall be given personally or by substantiated proxy or postal vote.
- 7.5.5 In the case of an equality of voting on a given matter, the Chairperson of the meeting is entitled to exercise a second or casting vote.

7.6 Poll at Meetings

- 7.6.1 If a meeting a poll on any question is demanded by not less than two Members, it shall be taken at that meeting in such manner as the Chairperson may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
- 7.6.2 A poll is demanded on the election of a Chairperson or on a question of an adjournment shall be taken forthwith and a poll that is demanded on any question shall be taken at such time before the close of the meeting as the Chairperson may direct.

7.7 Special and ordinary resolutions

- 7.7.1 Special resolution refers to a resolution as prescribed by the Act passed at a duly convened meeting of the members of the Association if
 - 7.7.1.1 at least 21 days written notice specifying the intention to propose the resolution has been given to all members of the Association, and
 - 7.7.1.2 it is passed at a meeting referred to in this paragraph by a majority of not less than three-quarters of such members of the Association , as being entitled to do so, vote in person or, where proxies are allowed, by proxy, at the meeting.
- 7.7.2 Ordinary resolution refers to any resolution not required by the Act to be a special resolution if
 - 7.7.2.1 it is passed at a meeting referred to in this paragraph by a majority of not less than three-quarters of such members of the Association , as being entitled to do so, vote in person or, where proxies are allowed, by proxy, at the meeting.

8 MINUTES

The secretary of the Association shall keep minutes of the resolutions and proceedings of each General Meeting and each Committee Meeting in books provided for that purpose together with a record of the names of persons present.

9 DISPUTE RESOLUTION

- 9.1 The grievance procedure set out in this Clause applies under these Rules between a Member and another Member; or a Member and the Association.
- 9.1.1 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 the parties.
- 9.1.2 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 10 days, hold a meeting in the presence of a mediator.
- 9.1.3 The mediator must be:
- 9.1.3.1 a person chosen in agreement between parties; or
- 9.1.3.2 in the absence of agreement and in the case of a dispute between a Member and another Member, a person appointed by the Committee; or
- 9.1.3.3 in the case of a dispute between a Member and the Association, a person who is appointed by the National Association.
- 9.1.4 The mediator cannot be a member of the Association that is a party to the dispute.
- 9.1.5 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- 9.1.6 The mediator, in conducting the mediation, must:
- 9.1.6.1 give the parties to the mediation process every opportunity to be heard; and
- 9.1.6.2 allow due consideration by all parties of any written statement submitted by any party; and
- 9.1.6.3 ensure that natural justice is accorded to the parties of the dispute throughout the mediation process.
- 9.1.7 The mediator must not determine the dispute.
- 9.2 If the mediation process does not result in the dispute being resolved, the National Association shall be requested to appoint three suitable Arbiters, at least two of whom shall have no membership of the Association. The decision of the Arbiters shall be final. Notwithstanding, this procedure is not intended to deny any party the right to resolve the dispute otherwise at law.

10 FINANCIAL REPORTING

10.1 Funds

- 10.1.1 The funds of the Association shall be derived from:
- 10.1.1.1 Application fees as determined by the National Association;
- 10.1.1.2 Annual subscriptions payable by each Member the amount of which shall be determined by the National Association from time to time; and
- 10.1.1.3 Donations, seminar fees, product sales, and any other legitimate sources as the Committee determines.

- 10.1.2 The Committee shall appoint a suitable independent person in accordance with the requirements of the Association Incorporations Act to assess the financial records at the end of the financial year.
- 10.1.3 The Treasurer of the Association:
 - 10.1.3.1 shall collect and receive all moneys due to the Association and make all payments authorised by the Association; and
 - 10.1.3.2 shall keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association.
- 10.1.4 All cheques, drafts, bills of exchange, promissory notes, and other negotiable instruments shall be signed by two signatories to the Bank Account. Where transactions are made by Internet Banking, such transactions shall be approved by two signatories to the Bank Account.

10.2 Financial Year

The first financial year of the Association shall be the period ending on the next 30 June following incorporation, and thereafter a period of 12 months commencing on 1 July and ending 30 June of each year.

10.3 Account to be kept

- 10.3.1 The Association shall keep and retain accounting records as are necessary to correctly record and explain the financial transactions and financial position of the Association in accordance with the Act.
- 10.3.2 The accounts of the Association shall be available for inspection and copy by any Member of the Association upon request.

11 PROHIBITION AGAINST SECURING PROFITS FOR MEMBERS

The Association shall not make any distribution to its members, whether in money, property or in any other way, of any assets belonging to the Association. This does not prevent the payment in good faith of remuneration of any officers or servants of the Association for any services actually rendered.

12 WINDING UP OR CANCELLATION

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

13 APPLICATION OF SURPLUS ASSETS

If, upon the winding up or of the cancellation of the incorporation of the Association, there remains any property after satisfaction of all its debits and liabilities, such property must be given to the National Association or if the National Association is wound up, transferred to some other institution or institutions having objectives similar in whole or in part to the objectives of the Association, and which prohibits the distribution of any surplus to at least the

same extent as is required by these rules. The institution or institutions must be nominated by special resolution of the Members at the time of winding up.

14 RULES

- 14.1 This Constitution and its Purposes may only be altered or rescinded or additional rules made by a decision of an Annual General Meeting or a Special General Meeting called for such a purpose. Notice of any proposed alteration to this Constitution or the Association Purposes shall be conveyed in writing from the Committee to each Member of the Association at least twenty one days (21) prior to the meeting at which such alterations shall be considered.
- 14.2 The notice shall state the date, time and place of such meeting and be either delivered personally to the Members, posted to their last known address, or sent by email.
- 14.3 The proposed alteration may only be placed before a meeting of the Members if the Committee decides unanimously to do so.
- 14.4 Any alteration to this Constitution or Association objectives must be passed by a special resolution at a properly convened meeting of the Members of the Association, who vote in person or by proxy at the meeting or by postal vote, with no less than seventy-five percent of the Members voting in favour of the resolution.
- 14.5 All alterations must be made in accordance with the Act, being submitted to the Registrar or the Public Officer, within 28 days of the special resolution made by the Members, and do not come into effect until approved by the Registrar.
- 14.6 A notice may be served by or on behalf of the Association upon any Member personally; or by sending it by post to the Member at the address shown in the Register of Members; or by sending it by facsimile or electronic mail if the Member has notified an address applicable to that system.