

# THE AUSTRALIAN AND NEW ZEALAND FORENSIC SCIENCE SOCIETY INCORPORATED



## RULES OF ASSOCIATION

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## Associations Incorporation Reform Act 2012

### Note

The persons who from time to time are members of the Association are an incorporated association by the name given in Rule 1 of these Rules.

Under section 46 of the **Associations Incorporation Reform Act 2012** (*the Act*), these Rules are taken to constitute the terms of a contract between the Association and its members.

## PART 1 PRELIMINARY

### 1 Name

The name of the incorporated association is The Australian and New Zealand Forensic Science Society Incorporated hereinafter referred to as *the Society*. *The Society* shall be incorporated in the State of Victoria.

### Note

Under section 23 of *the Act*, the name of the Association and its registration number must appear on all its business documents.

### 2 Purposes

The objects of *the Society*, shall be:

- (1) To advance the study and application of forensic sciences.
- (2) To facilitate association of, and collaboration and interchange of information between, persons who are, or have been, occupationally involved in forensic activities or in scientific investigation, or have a legitimate and bona fide interest in forensic sciences.
- (3) As a means to these ends: to organize activities, meetings, lectures, discussions and demonstrations; to publish and circulate written material for the purpose of publicizing the activities and proceedings and projected activities and proceedings of *the Society*; and to adopt any other appropriate means for the advancement of *the Society* and of its objects.
- (4) Particularly; to organize, alone or in collaboration with other bodies, a biennial symposium on the forensic sciences.

### 3 Financial year

The financial year of *the Society* is each period of 12 months ending on 30 June.

### 4 Definitions

In these Rules:

**absolute majority**, of the Executive/Council, means a majority of the Executive/Council members currently holding office and entitled to vote at the time (as distinct from a majority of Executive/Council members present at an Executive/Council meeting);

**associate member** means a member referred to in Subrule 10(5);

**capitation fees** means fees payable pursuant to Rule 12;

**chairperson**, of a general meeting or Council meeting, means the person chairing the meeting as required under Rule 44;

**Code of Professional Practice** means *the Society* Code of Professional Practice as defined by *the Society* under Rule 11;

**the Council** means the ANZFSS Council as defined under Rule 42;

**Council meeting** means a meeting of the Council held in accordance with these Rules;

**Council member** means a member of the Council elected or appointed under Rule 42;

**day** means any period of 24 hours without reference to business hours, weekends or public holidays;

**disciplinary appeal meeting** means a meeting of the members of *the Society* convened under Rule 21;

**disciplinary meeting** means a meeting of the disciplinary subcommittee convened for the purposes of Rule 17;

**disciplinary subcommittee** means a subcommittee appointed under Rule 18;

**financial year** means the 12-month period specified in Rule 3;

**general meeting** means a general meeting of the members of *the Society* convened in accordance with Part 3 and includes the Annual General Meeting, a Special General Meeting and a disciplinary appeal meeting;

**general member** means a member under Subrule 10(3);

**life member** means a member under Subrule 10(1);

**member entitled to vote** means a member who under Rule 36 is entitled to vote at a general meeting;

**professional member** means a professional member under Subrule 10(2);

**special resolution**

In addition to certain matters specified in *the Act*, a special resolution is required:

(a) to remove an Executive member from office; or

(b) to alter these Rules, including changing the name or any of the purposes of *the Society*;

**student member** means a member under Subrule 10(4);

**Symposium** means the biennial 'Australian and New Zealand Forensic Science Society International Symposium on the Forensic Sciences';

**the Act** means the *Associations Incorporation Reform Act 2012* (Vic) and includes any regulations made under that Act;

**the Branch** means the state- or territory-based organisation which furthers the purpose of The Australian and New Zealand Forensic Science Society Incorporated and its members;

**the Society** means The Australia and New Zealand Forensic Science Society Incorporated and its members;

**the Registrar** means the Registrar of Incorporated Associations.

## **PART 2    POWERS OF *THE SOCIETY***

### **5       Powers of *the Society***

- (1) Subject to *the Act*, *the Society* has power to do all things incidental or conducive to achieve its purposes.
- (2) Without limiting Subrule 5(1), *the Society* may:
  - (a) acquire, hold and dispose of real or personal property;
  - (b) open and operate accounts with financial institutions;
  - (c) invest its money in any security in which trust monies may lawfully be invested;
  - (d) raise and borrow money on any terms and in any manner as it thinks fit;
  - (e) secure the repayment of money raised or borrowed, or the payment of a debt or liability;
  - (f) appoint agents to transact business on its behalf; and
  - (g) enter into any other contract it considers necessary or desirable.
- (3) *The Society* may only exercise its powers and use its income and assets (including any surplus) for its purposes.

### **6       Not for profit organisation**

- (1) *The Society* must not distribute any surplus, income or assets directly or indirectly to its members unless it satisfies the purpose of *the Society*.
- (2) Subrule 6(1) does not prevent *the Society* from paying a member:
  - (a) reimbursement for expenses properly incurred by the member; or
  - (b) for goods or services provided by the member,

if this is done in good faith on terms no more favourable than if the member was not a member.

### **Note**

Section 33 of *the Act* provides that an incorporated association must not secure pecuniary profit for its members. Section 4 of *the Act* sets out in more detail the circumstances under which an incorporated association is not taken to secure pecuniary profit for its members.

### **7.       Affiliations**

The Society may become affiliated with or subscribe to other associations or bodies whose objects are similar to, or deemed to be of benefit to, furthering the objects of the Society and, if thought fit, to withdraw or retire from any such association or body as approved by *the Council*.

## **PART 3 MEMBERS, DISCIPLINARY PROCEDURES AND MEETINGS**

### **Division 1 Membership**

#### **8 Minimum number of members**

*The Society* must have at least five General and/or Professional and/or Life Members.

#### **9 Application for membership of *the Society***

To become a General, Student or Associate member of *the Society*, a person must apply to *the Society* and be approved by the relevant Branch or the Executive.

#### **10 Membership categories**

##### **(1) Life Member**

- (a) A General or Professional Member who has made an outstanding and sustained contribution to a *Branch* or *the Society* may be elected as a Life Member. Life Members shall have continuous membership unless that membership is terminated pursuant to Division 2 of Part 3;
- (b) A nomination for a General or Professional Member to be made a Life Member shall be submitted by a *Branch* or the Executive to *the Council* not less than six weeks prior to *the Society* Annual General Meeting. The nomination must be made without the knowledge of the nominee;
- (c) If the nomination is supported by *the Council*, the Executive will then inform the nominee and obtain their written approval for the nomination to be considered at the next scheduled *Society* Annual General Meeting.
- (d) If the member agrees, a proposal is put to the next scheduled *Society* Annual General Meeting that the nominee be elected a Life Member of *the Society*.

##### **(2) Professional Member**

- (a) A General Member who:
  - (i) has been a General Member for a continuous period of at least three years or has made an equivalent professional contribution to a forensic-related field; and
  - (ii) is recognised as a professional in a forensic-related field; and
  - (iii) has a qualification from an accredited tertiary institution or has equivalent relevant forensic experience and formal training; and
  - (iv) has successfully applied for professional membership on the relevant application form.
- (b) After every three financial years of professional membership, a Professional Member shall attest in writing to *the Council* that they continue to meet the requirements of professional membership.

**(3) General Member**

- (a) Has current or previous employment in a forensic discipline or employment in a field related to forensic science; and
- (b) Has a qualification from an accredited tertiary institution or equivalent relevant forensic experience.

**(4) Student Member**

- (a) Is currently enrolled full-time at an accredited tertiary institution; and
- (b) Has an active interest in forensic science.

**(5) Associate Member**

- (a) An individual who is not eligible for the previous categories of membership (Subrules 10(1) to (4)); but
- (b) Has an active interest in forensic science.

**11 Code of Professional Practice**

- (1) *The Society* shall adopt *the Society* Code of Professional Practice.
- (2) All Life, Professional and General Members appearing as expert witnesses will, in addition, comply with the court codes or guides for expert witnesses for the relevant jurisdiction.

**12 Annual membership and capitation fees**

- (1) Membership fees for Professional, General, Associate and Student members are set and administered by *the Council*.
- (2) Capitation fees shall be payable by each Branch to *the Council* for each Professional, General, Associate and Student Member who is financial at the time that the fees are paid.
- (3) No capitation fees shall be payable for Life Members.
- (4) Capitation fees and GST shall be retained by *the Council* from centralised membership payments, with the balance returned to the branches.

**13 General rights of members**

- (1) A member of *the Society* has the right to:
  - (a) receive notice of general meetings and of proposed special resolutions in the manner and time prescribed by these Rules;
  - (b) submit items of business for consideration at a general meeting;
  - (c) attend and be heard at general meetings;
  - (d) have access to the minutes of general meetings and other documents of *the Society* as provided under Rule 75; and
  - (f) inspect the register of members.



- (2) A member is entitled to vote if:
- (a) the member is a member other than an Associate Member;
  - (b) more than ten days have passed since they became a member of *the Society*; and
  - (c) the member's membership rights are not suspended for any reason.

#### **14 Rights not transferable**

The rights of a member are not transferable except in the case of proxy voting (section 31) and these rights end when membership ceases.

#### **15 Register of members**

- (1) The Secretary or delegate must keep and maintain a register of members that includes:
- (a) for each current member:
    - (i) the member's name;
    - (ii) the address for notice last given by the member;
    - (iii) the date of becoming a member;
    - (iv) the category of the member; and
    - (v) any other information determined by *the Council*; and
  - (b) for each former member, the date of ceasing to be a member.
- (2) Any member may, at a reasonable time and free of charge, inspect the register of members.

#### **Note**

Under section 59 of *the Act*, access to the personal information of a person recorded in the Register of Members may be restricted in certain circumstances. Section 58 of *the Act* provides that it is an offence to make improper use of information about a person obtained from the Register of Members.

#### **16 Ceasing membership**

- (1) The membership of a person ceases on failure to pay membership fees by the end of the relevant financial year, or on resignation, expulsion or death.
- (2) Upon cessation of membership the Secretary of *the Society* must, as soon as practicable, enter the date the person ceased to be a member in the register of members.

### **Division 2 Disciplinary action**

#### **17 Grounds for taking disciplinary action**

*The Society* may take disciplinary action against a member in accordance with this Division if it is determined that the member:

- (a) has failed to comply with these Rules;
- (b) refuses to support the purposes of *the Society*;
- (c) has engaged in conduct prejudicial to *the Society*; or
- (d) any other matter of sufficient ethical seriousness as determined by *the Society*.

## **18 Disciplinary subcommittee**

- (1) If *the Council* is satisfied that there are sufficient grounds for taking disciplinary action against a member, *the Council* must appoint a disciplinary subcommittee to hear the matter and determine what action, if any, to take against the member.
- (2) The members of the disciplinary subcommittee:
  - (a) may be *Council* members, members of *the Society* or anyone else; and
  - (b) must not be biased for or against the member concerned.

## **19 Notice to member**

- (1) Before disciplinary action is taken against a member, the Secretary must give written notice to the member:
  - (a) stating that *the Society* proposes to take disciplinary action against the member;
  - (b) stating the grounds for the proposed disciplinary action;
  - (c) specifying the date, place and time of the meeting at which the disciplinary subcommittee intends to consider the disciplinary action (*the disciplinary meeting*);
  - (d) advising the member that he or she may do one or both of the following:
    - (i) attend the disciplinary meeting and address the disciplinary subcommittee at that meeting;
    - (ii) give a written statement to the disciplinary subcommittee at any time before the disciplinary meeting; and
  - (e) setting out the member's appeal rights under Rule 21.
- (2) The notice must be given no earlier than 28 days, and no later than 14 days, before the disciplinary meeting is held.

## **20 Decision of subcommittee**

- (1) At the disciplinary meeting, the disciplinary subcommittee must:
  - (a) give the member an opportunity to be heard; and/or
  - (b) consider any written statement submitted by the member.
- (2) After complying with Subrule 19(1), the disciplinary subcommittee may:
  - (a) take no further action against the member; or
  - (b) subject to Subrule 19(3):
    - (i) reprimand the member;
    - (ii) suspend the membership rights of the member for a specified period; or
    - (iii) expel the member from *the Society*.
- (3) The disciplinary subcommittee may not fine the member.
- (4) The suspension of membership rights or the expulsion of a member by the disciplinary subcommittee under this Rule takes effect immediately after the vote is passed.

## **21 Appeal rights**

- (1) A person whose membership rights have been suspended or who has been expelled from *the Society* under Rule 19 may give notice to the effect that he or she wishes to appeal against the suspension or expulsion.
- (2) The notice must be in writing and given:
  - (a) to the disciplinary subcommittee immediately after the vote to suspend or expel the person is taken; or
  - (b) to the Secretary no later than 48 hours after the vote.
- (3) If a person has given notice under Subrule 21(2), a disciplinary appeal meeting must be convened by *the Council* as soon as practicable, but in any event no later than 21 days after the notice is received.
- (4) Notice of the disciplinary appeal meeting must be given to each member of *the Society* who is entitled to vote as soon as practicable and must:
  - (a) specify the date, time and place of the meeting; and
  - (b) state:
    - (i) the name of the person against whom the disciplinary action has been taken;
    - (ii) the grounds for taking that action; and
    - (iii) that at the disciplinary appeal meeting the members present must vote on whether the decision to suspend or expel the person should be upheld or revoked.
- (5) A person suspended or expelled under Rule 20 has all membership rights suspended immediately unless and until reinstated at a disciplinary appeal meeting convened in accord with Subrule 21(5).

## **22 Conduct of disciplinary appeal meeting**

- (1) At a disciplinary appeal meeting:
  - (a) no business other than the question of the appeal may be conducted;
  - (b) *the Council* must state the grounds for suspending or expelling the member and the reasons for taking that action; and
  - (c) the person whose membership has been suspended or who has been expelled must be given an opportunity to be heard.
- (2) After complying with Subrule 21(1), the members present and entitled to vote at the meeting must vote by secret ballot on the question of whether the decision to suspend or expel the person should be upheld or revoked.
- (3) A member may not vote by proxy at the meeting.
- (4) The decision is upheld if not less than three quarters of the members voting at the meeting vote in favour of the decision.

## **Division 3 Grievance procedure**

### **23 Application**

- (1) The grievance procedure set out in this Division applies to disputes under these Rules between:
  - (a) a member and another member; or
  - (b) a member and *the Council*.

### **24 Parties must attempt to resolve the dispute**

The parties to a dispute must attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.

### **25 Appointment of mediator**

- (1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by Rule 24, the parties must within 10 days:
  - (a) notify *the Council* of the dispute;
  - (b) agree to or request the appointment of a mediator; and
  - (c) attempt in good faith to settle the dispute by mediation.
- (2) The mediator must be:
  - (a) a person chosen by agreement between the parties; or
  - (b) in the absence of agreement:
    - (i) if the dispute is between a member and another member—a person appointed by *the Council*; or
    - (ii) if the dispute is between a member and *the Council* or *the Society*—a person appointed or employed by the Dispute Settlement Centre of Victoria.
- (3) A mediator appointed by *the Council* may be a member or former member of *the Society* but in any case must not be a person who:
  - (a) has a personal interest in the dispute; or
  - (b) is biased in favour of or against any party.

### **26 Mediation process**

- (1) The mediator to the dispute, in conducting the mediation, must:
  - (a) give each party every opportunity to be heard;
  - (b) allow due consideration by all parties of any written statement submitted by any party; and
  - (c) ensure that natural justice is accorded to the parties throughout the mediation process.
- (2) The mediator must not determine the dispute.

## **27 Failure to resolve dispute by mediation**

If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with *the Act* or otherwise at law.

## **Division 4 – Meetings**

### **28 Annual General Meeting**

- (1) *The Council* must convene an Annual General Meeting of *the Society* to be held within five months after the end of each financial year. Where possible, an Annual General Meeting of the Society shall be held concurrently with, and as part of the business of, the Symposium.
- (2) *The Council* may determine the date, time and place of the Annual General Meeting.
- (3) The ordinary business of the Annual General Meeting is as follows:
  - (a) to confirm the minutes of the previous Annual General Meeting and of any special general meeting held since then;
  - (b) to receive and consider:
    - (i) the annual report of the President on the activities of *the Society* during the preceding financial year; and
    - (ii) the financial statements of *the Society* for the preceding financial year submitted by *the Council* in accordance with Part 7 of *the Act*;
  - (c) to elect the members of the Executive as required by these Rules; and
  - (d) to confirm or vary the amounts (if any) of the annual subscription, joining and capitation fees.
- (4) The Annual General Meeting may also conduct any other business of which notice has been given in accordance with these Rules.

### **29 Special General Meeting**

- (1) Any general meeting of *the Society* other than an Annual General Meeting or a disciplinary appeal meeting is a Special General Meeting.
- (2) *The Council* may convene a Special General Meeting whenever it is deemed necessary.
- (3) No business other than that set out in the notice under Rule 31 may be conducted at the meeting.

#### **Note**

General business may be considered at the meeting if it is included as an item for consideration in the notice under Rule 30 and the majority of members at the meeting agree.

### **30 Special General Meeting held at request of members**

- (1) *The Council* must convene a Special General Meeting if a request to do so is made in accordance with Subrule 29(2) by at least 10% of the total number of members.

- (2) A request for a Special General Meeting must:
  - (a) be in writing;
  - (b) state the business to be considered at the meeting and any resolutions to be proposed;
  - (c) include the names and signatures of the members requesting the meeting; and
  - (d) be given to the Secretary.
- (3) If *the Council* does not convene a Special General Meeting within one month after the date on which the request is made, the members making the request (or any of them) may convene the Special General Meeting.
- (4) A Special General Meeting convened by members under Subrule 30(3):
  - (a) must be held within three months after the date on which the original request was made; and
  - (b) may only consider the business stated in that request.
- (5) *The Society* must reimburse all reasonable expenses incurred by the members convening a Special General Meeting under Subrule 30(3).

### **31 Notice of general meetings**

- (1) The Secretary (or, in the case of a Special General Meeting convened under Subrule 30(3), the members convening the meeting) must give to each member of *the Society*:
  - (a) at least 21 days' notice of a general meeting if a special resolution is to be proposed at the meeting; or
  - (b) at least 14 days' notice of a general meeting in any other case.
- (2) The notice must:
  - (a) specify the date, time and place of the meeting;
  - (b) indicate the general nature of each item of business to be considered at the meeting;
  - (c) if a special resolution is to be proposed:
    - (i) state in full the proposed resolution; and
    - (ii) state the intention to propose the resolution as a special resolution; and
  - (d) comply with Subrule 32(5).
- (3) This Rule does not apply to a disciplinary appeal meeting.

#### **Note**

Subrule 20(5) sets out the requirements for notice of a disciplinary appeal meeting.

### **32 Proxies**

- (1) A member may appoint another member as his or her proxy to vote and speak on his or her behalf at a general meeting other than at a disciplinary appeal meeting.
- (2) The appointment of a proxy must be in writing and signed by the member making the appointment.

- (3) The member appointing the proxy may give specific directions as to how the proxy is to vote on his or her behalf, otherwise the proxy may vote on behalf of the member in any matter as he or she sees fit.
- (4) If *the Council* has not approved a form for the appointment of a proxy, the member may use any other form that clearly identifies the person appointed as the member's proxy and that has been signed by the member.
- (5) Notice of a general meeting given to a member under Rule 31 must:
  - (a) state that the member may appoint another member as a proxy for the meeting; and
  - (b) include a copy of any form that *the Council* has approved for the appointment of a proxy.
- (6) A form appointing a proxy must be given to the Chairperson of the meeting before or at the commencement of the meeting.
- (7) A form appointing a proxy sent by post or electronically is of no effect unless it is received by *the Society* no later than 24 hours before the commencement of the meeting.

### **33 Use of technology**

- (1) A member not physically present at a general meeting may be permitted to participate in the meeting by the use of technology that allows that member and the members present at the meeting to clearly and simultaneously communicate with each other.
- (2) For the purposes of this Part, a member participating in a general meeting as permitted under Subrule 31(1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

### **34 Quorum at general meetings**

- (1) No business may be conducted at a general meeting unless a quorum of members is present.
- (2) The quorum for a general meeting is the presence (physically, by proxy or as allowed under Rule 33) of not less than 30 members or 30 percent of the allocated votes which can be cast, whichever is the lesser.
- (3) If a quorum is not present within 30 minutes after the notified commencement time of a general meeting:
  - (a) in the case of a meeting convened by, or at the request of, members under Rule 30, the meeting must be dissolved; or
  - (b) in any other case:
    - (i) the meeting must be adjourned to a date not more than 21 days after the adjournment; and
    - (ii) notice of the date, time and place to which the meeting is adjourned must be given at the meeting and confirmed by written notice given to all members as soon as practicable after the meeting.

**Note**

If a meeting convened by, or at the request of, members is dissolved under Subrule 34(3)(a), the business that was to have been considered at the meeting is taken to have been dealt with. If members wish to have the business reconsidered at another special meeting, the members must make a new request under Rule 30.

- (4) If a quorum is not present within 30 minutes after the time to which a general meeting has been adjourned under Subrule 34(3)(b), the members present at the meeting (if not fewer than three) may proceed with the business of the meeting as if a quorum were present.

**35 Adjournment of general meeting**

- (1) The Chairperson of a general meeting at which a quorum is present may, with the consent of a majority of members present at the meeting, adjourn the meeting to another time at the same place or at another place.
- (2) Without limiting Subrule 35(1), a meeting may be adjourned:
  - (a) if there is insufficient time to deal with the business at hand; or
  - (b) to give the members more time to consider an item of business.
- (3) No business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished when the meeting was adjourned.
- (4) Notice of the adjournment of a meeting under this Rule is not required unless the meeting is adjourned for 14 days or more, in which case notice of the meeting must be given in accordance with Rule 31.

**36 Voting at general meeting**

- (1) On any question arising at a general meeting:
  - (a) subject to Subrule 36(2), Student, General, Professional and Life members shall be entitled to vote at the meeting. Each member who is entitled to vote has one vote;
  - (b) voting shall be by show of hands, unless a division or a ballot is requested by any member;
  - (c) members may vote personally or by proxy;
  - (d) except in the case of a special resolution, the question must be decided on a majority of votes; and
  - (e) the President or Chairperson of the meeting shall not vote except to make the casting vote if the vote is tied.
- (2) If the question is whether or not to confirm the minutes of a previous meeting, only members who were present at that meeting may vote.
- (3) This Rule does not apply to a vote at a disciplinary appeal meeting conducted under Rule 21.

**37 Special resolutions**

A special resolution is passed if not less than three quarters of the members voting at a general meeting (whether in person or by proxy) vote in favour of the resolution.



### **38 Determining whether resolution carried**

- (1) In accordance with Rules 36 and 37, the Chairperson of a general meeting, shall declare that a resolution has been:
  - (a) carried;
  - (b) carried unanimously;
  - (c) carried by a particular majority; or
  - (d) lost,
  - on the basis of a show of hands, a division, a ballot or poll (when requested by three or more members); and
  - an entry to that effect in the minutes of the meeting is conclusive proof of that fact.

### **39 Minutes of general meeting**

- (1) *The Council* must ensure that minutes are taken and kept of each general meeting.
- (2) The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.
- (3) In addition, the minutes of each Annual General Meeting must include:
  - (a) the names of the members attending the meeting;
  - (b) proxy forms given to the Chairperson of the meeting under Subrule 32(6);
  - (c) the financial statements submitted to the members in accordance with Subrule 28(4)(b)(ii);
  - (d) a certificate signed by two *Council* members certifying that the financial statements give a true and fair view of the financial position and performance of *the Society*; and
  - (e) any audited accounts and auditor's report or report of a review accompanying the financial statements that are required under *the Act*.

## **PART 4 - THE COUNCIL**

### **Division 1 - Powers of *the Council***

#### **40 Role and powers**

- (1) The business of *the Society* must be managed by or under the direction of *the Council*.
- (2) *The Council* may exercise all the powers of *the Society* except those powers that these Rules or *the Act* require to be exercised by general meetings of the members of *the Society*.
- (3) *The Council* may:
  - (a) appoint and remove staff; and
  - (b) establish subcommittees consisting of members with terms of reference it considers appropriate. Each subcommittee shall:
    - (i) exist at the pleasure of *the Council*;
    - (ii) be responsible to *the Council*; and
    - (iii) have such powers and duties as determined by *the Council* except the power to appoint subcommittees or alter their terms of reference.

## 41 Delegation

- (1) *The Council* may delegate to a member of *the Council*, a subcommittee or staff, any of its powers and functions other than:
  - (a) this power of delegation; or
  - (b) a duty imposed on *the Council* by *the Act* or any other law.
- (2) The delegation must be in writing and may be subject to the conditions and limitations *the Council* considers appropriate.
- (3) *The Council* may, in writing, revoke a delegation wholly or in part.

## Division 2 Composition of Council and duties of members

### 42 Composition of Council

*The Council* consists of:

- (1) The Executive
  - a. a President (elected);
  - b. a Vice-President (Australia) (elected);
  - c. a Vice-President (New Zealand) (*ex officio*);
  - d. a Secretary (elected);
  - e. a Treasurer (elected); and
  - f. the Immediate Past President (*ex officio*).
- (2) One representative from each *Branch* who is either the President or a member of the *Branch* Executive.
- (3) One representative from each Sub-Committee who is either the Chair or nominated delegate.
- (4) One delegate from each Affiliate Organisation.
- (5) Persons elected or appointed to act in a specified capacity for *the Society*.

### 43 General Duties

- (1) As soon as practicable after being elected or appointed to *the Council*, each *Council* member must become familiar with these Rules and *the Act*.
- (2) *The Council* is collectively responsible for ensuring that *the Society* complies with *the Act* and that individual members of *the Council* comply with these Rules.
- (3) *Council* members must exercise their powers and discharge their duties with reasonable care and diligence.
- (4) *Council* members must exercise their powers and discharge their duties:
  - (a) in good faith in the best interests of *the Society*; and
  - (b) for a proper purpose.
- (5) *Council* members and former *Council* members must not make improper use of:
  - (a) their position; or

- (b) information acquired by virtue of holding their position, so as to gain an advantage for themselves or any other person or to cause detriment to *the Society*.

**Note**

See also Division 3 of Part 6 of *the Act* which sets out the general duties of the office holders of an incorporated association.

- (6) In addition to any duties imposed by these Rules, a *Council* member must perform any other duties imposed from time to time by resolution at a general meeting.

**44 President and Vice-Presidents**

- (1) Subject to Subrule 44(2), the President or, in the President's absence, one of the Vice-Presidents is the Chairperson for any general meetings and for any *Council* meetings.
- (2) If the President and both Vice-Presidents are absent, or are unable to preside, the Chairperson of the meeting must be:
  - (a) in the case of a general meeting, a member elected by the other members present;  
or
  - (b) in the case of a *Council* meeting, a *Council* member elected by the other *Council* members present; and
  - (c) have the casting vote where voting is tied at a meeting but otherwise not vote.

The President shall:

- (a) act as the Chief Executive Officer of *the Society*;
- (b) be the official representative of *the Society* at any function to which *the Society* is invited or requested to be represented;
- (c) manage and direct the day-to-day business of *the Society* and supervise the work of *the Council* and subcommittees of *the Society*; and
- (d) have the casting vote where voting is tied at a meeting but otherwise not vote.

**45 Secretary**

- (1) The Secretary must perform any duty or function required under *the Act* to be performed by the secretary of an incorporated association.

**Example**

Under *the Act*, the secretary of an incorporated association is responsible for lodging documents of the Association with *the Registrar*.

- (2) The Secretary must:
  - (a) maintain the register of members in accordance with Rule 15;
  - (b) subject to *the Act* and these Rules, provide members with access to the register of members, the minutes of general meetings and other books and documents; and
  - (c) perform any other duty or function imposed on the Secretary by these Rules.
- (3) The Secretary must give to *the Registrar* notice of his or her appointment within 14 days after the appointment.

## **46 Treasurer**

- (1) The Treasurer must:
  - (a) receive all moneys paid to or received by *the Society* and issue receipts for those moneys in the name of *the Society*;
  - (b) ensure that all moneys received are paid into the account of *the Society* as soon as practicable after receipt;
  - (c) make any payments authorised by *the Council* or by a general meeting of *the Society* from *the Society's* funds;
  - (d) ensure that *the Society* meets its GST obligations; and
  - (e) ensure cheques are signed by an authorised signatory.
- (2) The Treasurer must:
  - (a) ensure that the financial records of *the Society* are kept in accordance with *the Act*; and
  - (b) coordinate the preparation of the financial statements of *the Society* and their certification by *the Council* prior to their submission to the Annual General Meeting of *the Society*.
- (3) The Treasurer must ensure that at least one other *Council* member has access to the accounts and financial records of *the Society*.

## **Division 3 Election of Executive members and tenure of office**

### **47 Who is eligible to be an Executive member?**

A member is eligible to be elected or appointed as an Executive member if the member:

- (1) has been a member for at least 12 months; and
- (2) is entitled to vote at a general meeting.

#### **Note**

A *Council* member may not hold the office of Secretary if they do not reside in Australia.

### **48 Positions to be declared vacant**

The President, Vice-President (Australia), Secretary and Treasurer shall be elected at Annual General Meetings of the Society held concurrently with the Symposium and shall hold office from the time of election until the next Annual General Meeting which is held concurrently with the Symposium (i.e., approximately two years, see rule 75).

### **49 Nominations**

- (1) Prior to the election of each position, the Chairperson of the meeting must call for nominations to fill that position.
- (2) An eligible member of *the Society* may:
  - (a) nominate himself or herself; or
  - (b) with the member's consent, be nominated by another member.

- (3) A member who is nominated for a position and fails to be elected to that position may be nominated for any other position for which an election is yet to be held.

## **50 Election of Executive**

- (1) At the Annual General Meeting (see Rule 48), separate elections must be held for each of the following positions:
  - (a) President;
  - (b) Vice-President (Australia);
  - (c) Secretary; and
  - (d) Treasurer.
- (2) If only one member is nominated for the position, the Chairperson of the meeting must declare the member elected to the position.
- (3) If more than one member is nominated, a ballot must be held in accordance with Rule 51.
- (4) On his or her election, the new President may take over as Chairperson of the meeting.

## **51 Ballot**

- (1) If a ballot is required for the election for a position, the Chairperson of the meeting must appoint a member to act as returning officer to conduct the ballot.
- (2) The returning officer must not be a member nominated for the position.
- (3) Before the ballot is taken, each candidate may make a short speech in support of his or her election.
- (4) The election must be by secret ballot.
- (5) The returning officer must give a blank piece of paper to:
  - (a) each member present in person; and
  - (b) each proxy appointed by a member.

### **Example**

If a member has been appointed the proxy of five other members, the member must be given six ballot papers – one for the member and one each for the other members.

- (6) If the ballot is for a single position, the voter must indicate on the ballot paper the name of the candidate for whom they wish to vote.
- (7) If the ballot is for more than one position:
  - (a) the voter must indicate on the ballot paper the name of each candidate for whom they wish to vote; and
  - (b) the voter must not indicate the names of more candidates than the number to be elected.
- (8) Ballot papers that do not comply with Subrule 51(7)(b) are not to be counted.

- (9) Each ballot paper on which the name of a candidate has been written counts as one vote for that candidate.
- (10) The returning officer must declare elected the candidate or, in the case of an election for more than one position, the candidates who received the most votes.
- (11) If the returning officer is unable to declare the result of an election under Subrule 51(10) because two or more candidates received the same number of votes, the returning officer must:
  - (a) conduct a further election for the position in accordance with Subrules 51(4) to (10) to decide which of those candidates is to be elected; or
  - (b) with the agreement of those candidates, decide by lot which of them is to be elected.

### **Examples**

The choice of candidate may be decided by the toss of a coin, drawing straws or drawing a name out of a hat.

### **52 Term of office**

- (1) Subject to Subrule 56(3), an Executive member holds office until the positions of the Executive are declared vacant at the next Annual General Meeting, held in conjunction with the Symposium.
- (2) An Executive member may be re-elected.
- (3) A general meeting of *the Society* may:
  - (a) by special resolution remove a *Council* member from office; and
  - (b) elect an eligible member of *the Society* to fill the vacant position in accordance with this Division.
- (4) A member who is the subject of a proposed special resolution under Subrule 52(3)(a) may make representations in writing to the Secretary or President of *the Society* (not exceeding a reasonable length) and may request that the representations be provided to the members of *the Society*.
- (5) The Secretary or the President may give a copy of the representations to each member of *the Society* or, if they are not so given, the member may require that they be read out at the meeting at which the special resolution is to be proposed.

### **53 Vacation of office**

- (1) A *Council* member may resign from *the Council* by written notice addressed to the *Council*.
- (2) A person ceases to be a *Council* member if he or she:
  - (a) ceases to be a member of a *Branch*;
  - (b) fails to attend three consecutive *Council* meetings (other than special or urgent *Council* meetings) without leave of absence under Rule 64; or
  - (c) otherwise ceases to be a *Council* member by operation of section 78 of *the Act*.

## **54 Filling casual vacancies**

- (1) Unless there are two or more vacancies in one calendar month, *the Council* may appoint an eligible member of *the Society* to fill a position on *the Council* that:
  - (a) has become vacant under Rule 53; or
  - (b) was not filled by election at the last Annual General Meeting.
- (2) If the position of Secretary becomes vacant, *the Council* must appoint a member to the position within 14 days after the vacancy arises.
- (3) Rule 53 applies to any *Council* member appointed by *the Council* under Subrules 54(1) or (2).
- (4) *The Council* may continue to act despite any vacancy in its membership.
- (5) If there are three or more vacancies, nominations shall be called for and a ballot held if required. The ballot may be by post to all members or at a General Meeting.

## **Division 4 Meetings of Council**

### **55 Meetings of Council**

- (1) *The Council* must meet at least four times in each year at the dates, times and places determined by *the Council*.
- (2) The date, time and place of the first *Council* meeting must be determined by the members of *the Council* as soon as practicable after the Annual General Meeting of *the Society* at which the members of *the Council* were elected.
- (3) Special *Council* meetings may be convened by the President or by any four members of *the Council*.
- (4) The ANZFSS Council supports a Branch representative to attend the International *Symposium* on the Forensic Sciences when it coincides with any General Meeting of the ANZFSS Council. This representative shall be either the President or Vice President of *the Branch*, or other member as nominated by *the Branch*. *The Society* shall meet additional reasonable expenses including *Symposium* registration, travel and accommodation costs (where not covered by *the Branch*) for the representative. If the representative has been provided financial support for these costs by another body, *the Society* is not obliged to meet these expenses.

### **56 Notice of meetings**

- (1) Notice of each *Council* meeting must be given to each *Council* member no later than five days before the date of the meeting.
- (2) Notice may be given of more than one *Council* meeting at the same time.
- (3) The notice must state the date, time and place of the meeting.
- (4) If a special *Council* meeting is convened, the notice must include the general nature of the business to be conducted.

- (5) The only business that may be conducted at the meeting is the business for which the meeting is convened.

## **57 Urgent meetings**

- (1) In cases of urgency, a meeting can be held without notice being given in accordance with Rule 56 provided that as much notice as practicable is given to each *Council* member by the quickest means practicable. This meeting may be held in person or via electronic means.
- (2) Any resolution made at an urgent meeting must be confirmed by an absolute majority of *the Council* within three days.
- (3) The only business that may be conducted at an urgent meeting is the business for which the meeting is convened.

## **58 Procedure and order of business**

- (1) The procedure to be followed at a meeting of *the Council* must be determined from time to time by *the Council*.
- (2) The order of business may be determined by the members present at the meeting.

## **59 Use of technology**

- (1) A *Council* member who is not physically present at a *Council* meeting may participate in the meeting by the use of technology that allows that *Council* member and *the Council* members present at the meeting to clearly and simultaneously communicate with each other.
- (2) For the purposes of this Part, a *Council* member participating in a *Council* meeting as permitted under Subrule 59(1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

## **60 Quorum**

- (1) No business may be conducted at a *Council* meeting unless a quorum is present.
- (2) The quorum for a *Council* meeting is the presence (in person or as allowed under Rule 59) of an absolute majority of *the Council* members, one of whom must hold office.
- (3) If a quorum is not present within 30 minutes after the notified commencement time of a *Council* meeting:
  - (a) in the case of a special meeting, the meeting lapses; or
  - (b) in any other case, the meeting must be adjourned to a date no later than 14 days after the adjournment and notice of the time, date and place to which the meeting is adjourned must be given in accordance with Rule 55.

## **61 Voting**

- (1) On any question arising at a *Council* meeting, each *Council* member present at the meeting, except the Chairperson, has one vote.



- (2) A motion is carried if a majority of *Council* members present at the meeting vote in favour of the motion.
- (3) Subrule 61(2) does not apply to any motion or question which is required by these Rules to be passed by an absolute majority of *the Council*.
- (4) If votes are divided equally on a question, the Chairperson of the meeting has a casting vote.
- (5) Voting by proxy is not permitted.

## **62 Conflict of interest**

- (1) A *Council* member who has a material personal interest in a matter being considered at a *Council* meeting must disclose the nature and extent of that interest to *the Council*.
- (2) The member:
  - (a) must not be present while the matter is being considered at the meeting; and
  - (b) must not vote on the matter.

### **Note**

Under section 81(3) of *the Act*, if there are insufficient *Council* members to form a quorum because a member who has a material personal interest is disqualified from voting on a matter, a general meeting may be called to deal with the matter.

- (3) This Rule does not apply to a material personal interest that:
  - (a) exists only because the member belongs to a class of persons for whose benefit the Association is established; or
  - (b) the member has in common with all, or a substantial proportion of, the members of the Association.

## **63 Minutes of meeting**

- (1) *The Council* must ensure that minutes are taken and kept of each *Council* meeting.
- (2) The minutes must record the following:
  - (a) the names of the members in attendance at the meeting;
  - (b) the business considered at the meeting;
  - (c) any resolution on which a vote is taken and the result of the vote; and
  - (d) any material personal interest disclosed under Rule 62.

## **64 Leave of absence**

- (1) *The Council* may grant a *Council* member leave of absence from *Council* meetings for a period not exceeding four months.
- (2) *The Council* must not grant leave of absence retrospectively unless it is satisfied that it was not feasible for *the Council* member to seek the leave in advance.

## **PART 5 FINANCIAL MATTERS**

### **65 Source of funds**

The funds of *the Society* may be derived from joining fees, annual subscriptions, donations, fund-raising activities, grants, interest and any other sources approved by *the Council*.

### **66 Management of funds**

- (1) *The Society* must open an account with a financial institution from which all expenditure of *the Society* is made and into which all of *the Society's* revenue is deposited.
- (2) Subject to any restrictions imposed by a general meeting of *the Society*, *the Council* may approve expenditure on behalf of *the Society*.
- (3) *The Council* may authorise the Treasurer to expend funds on behalf of *the Society* (including by electronic funds transfer) up to a specified limit without requiring approval from *the Council* for each item on which the funds are expended.
- (4) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by an authorised signatory except as authorised under Subrule 66(3).
- (5) All funds of *the Society* must be deposited into the financial account of *the Society* as soon as practicable after receipt.
- (6) With the approval of *the Council*, the Treasurer may maintain a cash float provided that all money paid from or paid into the float is accurately recorded at the time of the transaction.

### **67 Financial records**

- (1) *The Society* must keep financial records that:
  - (a) correctly record and explain its transactions, financial position and performance; and
  - (b) enable financial statements to be prepared as required by *the Act*.
- (2) *The Society* must retain the financial records for seven years after the transactions covered by the records are completed.
- (3) The Treasurer must keep in his or her custody, or under his or her control:
  - (a) the financial records for the current financial year; and
  - (b) any other financial records as authorised by *the Council*.

### **68 Financial statements**

- (1) For each financial year, *the Council* must ensure that the requirements under *the Act* relating to the financial statements of *the Society* are met.

- (2) Without limiting Subrule 68(1), those requirements include:
- (a) the preparation of the financial statements;
  - (b) if required, the review or auditing of the financial statements;
  - (c) the certification of the financial statements by *the Council*;
  - (d) the submission of the financial statements to the Annual General Meeting of *the Society*; and
  - (e) the lodgement with *the Registrar* of the financial statements and accompanying reports, certificates, statements and fee.

## **PART 6 GENERAL MATTERS**

### **69 Registered address**

- (1) The registered address of *the Society* is:
- (a) the address determined from time to time by resolution of *the Council*; or
  - (b) if *the Council* has not determined an address to be the registered address, the postal address of the Secretary.

### **70 Notice requirements**

- (1) Any notice required to be given to a member or a *Council* member under these Rules may be given:
- (a) by handing the notice to the member personally;
  - (b) by sending it by post to the member at the address recorded for the member on the register of members; or
  - (c) by email or facsimile transmission.
- (2) Subrule 70(1) does not apply to notice given under Rule 56.
- (3) Any notice required to be given to *the Society* or *the Council* may be given:
- (a) by handing the notice to a member of *the Council*;
  - (b) by sending the notice by post to the registered address;
  - (c) by leaving the notice at the registered address; or
  - (d) if *the Council* determines that it is appropriate in the circumstances:
    - (i) by email to the email address of *the Society* or the Secretary; or
    - (ii) by facsimile transmission to the facsimile number of *the Society*.

### **71 Custody and inspection of books and records**

- (1) Members may on request inspect free of charge and at a reasonable hour:
- (a) the register of members;
  - (b) the minutes of general meetings; and
  - (c) subject to Subrule 71(2), the financial records, books, securities and any other relevant document of *the Society*, including minutes of *Council* meetings.

#### **Note**

See note following Rule 15 for details of access to the register of members.

- (2) *The Council* may refuse to permit a member to inspect records of *the Society* that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of *the Society*.
- (3) *The Council* must on request make copies of these Rules available to members and applicants for membership free of charge.
- (4) Subject to Subrule 71(2), a member may make a copy of any of the other records of *the Society* referred to in this Rule and *the Society* may charge a reasonable fee for provision of a copy of such a record.
- (5) For purposes of this Rule:

**relevant documents** means the records and other documents, however compiled, recorded or stored, that relate to the incorporation and management of *the Society* and includes the following:

- (a) its membership records;
- (b) its financial statements;
- (c) its financial records; and
- (d) records and documents relating to transactions, dealings, business or property of *the Society*.

## **72 Winding up and cancellation**

- (1) *The Society* may be wound up voluntarily by special resolution.
- (2) In the event of the winding up or the cancellation of the incorporation of *the Society*, the surplus assets of *the Society* must not be distributed to any members or former members of *the Society*.
- (3) Subject to *the Act* and any court order made under section 133 of *the Act*, the surplus assets must be given to a body that has similar purposes to *the Society* and which is not carried on for the profit or gain of its individual members.
- (4) The body to which the surplus assets are to be given must be decided by special resolution.

## **73 Alteration of Rules**

These Rules may only be altered, added to or rescinded by special resolution of a general meeting of *the Society*.

### **Note**

Any changes to these Rules do not take effect unless and until it is approved by *the Registrar*.

## **74 Publications**

The official journal of the Australian and New Zealand Forensic Science Society will be the Australian Journal of Forensic Sciences.

## **75 Symposium**

- (1) The Symposium will be held biennially.
- (2) The Symposium shall be organised by a Symposium Organising Committee which will be deemed to be a sub-committee of *the Council*.
- (3) 25% of the Symposium profit, if any, shall be returned to the host *Branch*.
- (4) Any loss shall be borne by the *Society*.
- (5) The Society shall meet the reasonable expenses (including travel and accommodation) of *the Council* to enable them to attend the Symposium and any General Meeting.
- (6) Members of the Society may be entitled to attend the Symposium at a reduced rate.
- (7) The Symposium shall be open to all members, invited guests and international visitors, subject to the approval of the Symposium Organising Committee.

## **78 Patron**

- (1) The Society may elect a person of eminence as Patron, with the prior agreement of this person.
- (2) The election shall be at an Annual General Meeting and patronage shall continue until the next Annual General Meeting. The Patron may be re-elected for an unlimited number of terms.
- (3) Patronage by an individual shall cease with:
  - (a) a resolution at a General Meeting;
  - (b) resignation, in writing, by the Patron; or
  - (c) death of the Patron.