

## CONSTITUTION

### RULES AND STATEMENT OF PURPOSE:

## DESIGN AND TECHNOLOGY TEACHERS ASSOCIATION VICTORIA INC.

A0015751G

ABN: 97 315 356 383

Approved: September 11 2019



### 1. *Name, Address and Purposes*

- (1) The name of the incorporated Association is Design and Technology Teachers Association Victoria (in these Rules called "the Association").
- (2) The letters DATTA Vic. shall be the recognised contraction for the name of the Association.
- (3) The Association is a not for profit organisation.
- (4) The registered address for correspondence of the Association shall be C/- Secretary, Level 2, The Dream Factory, 90 Maribyrnong Street, Footscray, VIC, 3011
- (5) The purposes for which the Association is established are:-  
To engage in support activities likely to stimulate and assist Education in general but specifically:-
  - (a) Collaborate with appropriate bodies to develop and promote Technology Education
  - (b) Support Technology teachers in the development and delivery of the Technology curriculum, particularly through the provision of professional learning, teaching resources and student activities.
  - (c) Consult and work in a co-operative manner with the Department of Education and Training, Victorian Curriculum & Assessment Authority & other relevant authorities on matters related to Technology Education
  - (d) Consult and work in a co-operative manner with industry, community and government organisations when required to enhance Technology Education.

### 2. *Definitions*

- (1) In these Rules, unless the contrary intention appears-  
"Act" means the **Associations Incorporation Reform Act 2012 (and its associated Regulations) as amended from time to time**;  
"Committee" means the Committee of management of the Association;  
"financial year" means the year ending on 30 June;  
"General Meeting" means a General Meeting of members convened in accordance with rule 12.  
"member" means a member of the Association;  
"ordinary member of the Committee" means a member of the Committee who is not an Executive Office Holder of the Association under Rule 21;  
"Regulations" means regulations under the Act;  
"relevant documents" has the same meaning as in the Act.  
"Executive" means the elected office holders of the Association under Rule 21.

- (2) In these Rules, a reference to the Secretary of an Association is a reference--
  - (a) if a person holds office under these Rules as Secretary of the Association--to that person; and
  - (b) in any other case, to the public officer (Secretary) of the Association.

### **3. Powers of Association**

- (1) Subject to the Act, the Association has power to do all things incidental or conducive to achieve its purposes.
- (2) Without limiting subrule (1), the Association 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;
  - (g) enter into any other contract it considers necessary or desirable.
- (3) The Association may only exercise its powers and use its income and assets (including any surplus) for its purposes.

### **4. Not For Profit Organisation**

- (1) The Association must not distribute any surplus, income or assets directly or indirectly to its members.
- (2) Subrule (1) does not prevent the Association from paying a member –
  - (a) reimbursement for expenses properly incurred by the member; or
  - (b) for goods or services provided by member – If this is done in good faith on terms no more favourable than if the member was not a member.

### **5. Alteration of the Rules**

These Rules and the statement of purposes of the Association must not be altered except in accordance with the Act.

### **6. Membership Application, Categories and Subscriptions**

- (1) Who is eligible to be a member?  
Any person who supports the purposes of the Association, applies and is approved for membership as provided in these rules is eligible to be a member of the Association.
- (2) Application for membership
  - (1) To apply to become a member of the Association, a person must submit a written application to a committee member stating that the person –
    - (a) wishes to become a member of the Association; and

- (b) supports the purposes of the Association; and
  - (c) agrees to comply with these Rules.
- (2) The application –
  - (a) Must be signed by the applicant; and
  - (b) Must be accompanied by the subscription fee.
- (3) Consideration of application
  - (1) As soon as practicable after an application for membership is received, the Committee must decide by resolution whether to accept or reject the application.
  - (2) The Committee must notify the applicant in writing of its decision as soon as practicable after the decision is made.
  - (3) If the Committee rejects the application, it must return any money accompanying the application to the applicant.
  - (4) No reason need be given for the rejection of an application.
- (4) New membership
  - (1) If an application for membership is approved by the Committee –
    - (a) the resolution to accept the membership must be recorded in the minutes of the committee meeting; and
    - (b) the Secretary must, as soon as practicable, enter the name and address of the new member, and the date of becoming a member, in the register of members.
- (5) Annual subscription fee
  - (1) At each annual general meeting, the Association must determine –
    - (a) the amount of the annual subscription (if any) for the following financial year; and
  - (2) The Association may determine that any new member who joins after the start of a financial year must, for that financial year, pay a fee equal to –
    - (a) the full annual subscription; or
    - (b) a pro rata annual subscription based on the remaining part of the financial year; or
    - (c) a fixed amount determined from time to time by the Association.
  - (3) The rights of a member (including the right to vote) who has not paid the annual subscription by the due date are suspended until the subscription is paid.
- (6) Membership Categories and Subscriptions
  - (1) A person who applies and is approved for membership as provided in these rules is eligible to be a member of the Association on processing of payment of the annual subscription payable under these Rules;

- Individual
- School Membership
- Primary
- P-10
- Secondary
- Tertiary Institution
- Associate: not in paid employment/casual relief teacher/retired/part time (less than 0.5 of full time)

Other Categories of Membership:

(a) Honorary Life Member (Award)

Any person who has distinguished themselves by service to this Association or to Technology Education may be elected an Honorary Life Member of the Association. Honorary Life Members shall be nominated by the Executive and elected at a General Meeting. The election shall be decided by vote of those present having full membership. Such vote shall be decided on the voices unless a show of hands is called for. The chairperson shall forthwith declare the result of the election and the person nominated shall be deemed to be elected. No Subscription shall be required for Honorary Life Members.

(b) Pre-service Teacher Membership

Any person who is undertaking a course of study in Design and Technologies Education shall be entitled to become a Pre-Service Teacher Member. No subscription shall be required for Pre-Service Teacher Members.

(7) General rights of members

(1) A member of the Association who is entitled to vote has the right –

- (a) to receive notice of general meetings and of proposed special resolutions in the manner and time prescribed by these Rules; and
- (b) to submit items of business for consideration at a general meeting; and
- (c) to attend and be heard at general meetings; and
- (d) to vote at a general meeting; and
- (e) to have access to the minutes of general meetings and other documents of the Association as provided under rule 75; and
- (f) the right to serve and become an officer on the Committee
- (g) to inspect the register of members.

(2) A Member is entitled to vote if -

- (a) more than 10 business days have passed since he or she became a member of the Association; and
- (b) the member's membership rights are not suspended for any reason.

(8) Associate members

- (1) Association members of the Association are defined by the membership in Membership Categories (Section 4 (6))

(a) Associate members have the same voting rights as other members.

(9) Rights not transferable

The rights of a member are not transferable and end when membership ceases.

(10) Ceasing membership

- (1) The membership of a person ceases on resignation, expulsion or death.

- (2) If a person ceases to be a member of the Association, the Secretary must, as soon as practicable, enter the date the person ceased to be a member in the register of members.

(11) Resigning as a member

- (1) A member may resign by notice in writing given to the Association.

Note

- (2) A member is taken to have resigned if their annual subscription is more than 12 months in arrears (Section 4.5.3)

(12) Register of Members

- (1) The Secretary 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) if the member is an associate member, a note to that effect;

(v) any other information determined by the Committee; 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.

- (4) A member may make a copy of entries in the register, upon request to the Executive and at the

discretion of the Executive; provided that the member can prove that the information is required for Association business.

- (5) To protect the privacy of members' details, non-members of the Association are not able to inspect the register.

- (13) Forfeiture of Membership is detailed as follows:

All members will be deemed to have lapsed and members resigned if subscriptions become more than three months in arrears.

- (14) Membership fees are detailed as follows:

- (a) An Annual Subscription shall be paid according to each category of membership. The Annual Subscription in each case shall be such sum as may be determined by an Annual General Meeting, or at a Special General Meeting called for that purpose.
- (b) Membership shall be for the period of twelve months to be calculated from January 1<sup>st</sup> each year.

## **7. *Disciplinary action and grievance procedure***

- (1) Grounds for taking disciplinary action

The Association 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; or
- (b) Refuses to support the purposes of the Association; or
- (c) Has engaged in conduct prejudicial to the Association.

- (2) Disciplinary subcommittee

- (1) If the Committee is satisfied that there are sufficient grounds for taking disciplinary action against a member, the Committee 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 Committee members, members of the Association or anyone else; but
- (b) must not be biased against, or in favour of, the member concerned.

- (3) 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 Association proposes to take disciplinary action against the member; and
- (b) stating the grounds for the proposed disciplinary action; and
- (c) specifying the date, place and time of the meeting at which the disciplinary subcommittee intends to consider the disciplinary action (the **disciplinary meeting**); and

- (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 23.
- (2) The notice must be given no earlier than 28 days, and no later than 14 days, before the disciplinary meeting is held.
- (4) Decision of subcommittee
- (1) At the disciplinary meeting, the disciplinary subcommittee must –
    - (a) give the member an opportunity to be heard; and
    - (b) consider any written statement submitted by the member.
  - (2) After complying with subrule (1), the disciplinary subcommittee may –
    - (a) take no further action against the member; or
    - (b) subject to subrule (3) –
      - (i) reprimand the member; or
      - (ii) suspend the membership rights of the member for a specified period; or
      - (iii) expel the member from the Association.
  - (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.
- (5) Appeal Rights
- (1) A person whose membership rights have been suspended or who has been expelled from the Association under rule 22 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 not later than 48 hours after the vote
  - (3) If a person has given notice under subrule (2), a disciplinary appeal meeting must be convened by the Committee as soon as practicable, but in any event not later than 21 days, after the notice is received.

- (4) Notice of the disciplinary appeal meeting must be given to each member of the Association 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; and
    - (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.
- (6) Conduct of disciplinary appeal meeting
  - (1) At a disciplinary appeal meeting –
    - (a) no business other than the question of the appeal may be conducted; and
    - (b) the Committee 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 (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.

#### Grievance procedure

- (7) Application
  - (1) The grievance procedure set out in this Division applies to disputes under these Rules between –
    - (a) a member and another member;
    - (b) a member and the Committee;
    - (c) a member and the Association.
  - (2) A member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed.
- (8) 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.



(9) Appointment of mediator

(1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 26, the parties must within 10 days –

- (a) notify the Committee of the dispute; and
- (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 Committee; or
  - (ii) if the dispute is between a member and the Committee or the Association – a person appointed or employed by the Dispute Settlement Centre of Victoria.

(3) A mediator appointed by the Committee may be a member or former member of the Association 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.

(10) Mediation process

(1) The mediator to the dispute, in conducting the mediation, must –

- (a) give each party every opportunity to be heard; and
- (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.

(11) 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.

**9. Annual General Meetings**

(1) The Committee may determine the date, time and place of the Annual General Meeting of the Association at a date prior to October 31.

- (a) 14 (fourteen) days clear notice of an AGM must be given to all members and associates.
- (b) Notification of an AGM may be given either by mail or in electronic format.

- (2) The notice convening the Annual General Meeting must specify that the meeting is an Annual General Meeting.
- (3) The ordinary business of the Annual General Meeting shall be-
  - (a) to confirm the minutes of the previous Annual General Meeting and of any General Meeting held since that meeting; and
  - (b) to receive from the Committee reports upon the activities of the Association during the last preceding financial year; and
  - (c) to elect the Executive of the Association and the ordinary members of the Committee; and
  - (d) to receive and consider the statement submitted by the Association in accordance with Part 3 (71) of the Act
  - (e) to receive from the Treasurer the audited financial reports during the last preceding financial year.
  - (f) To confirm and vary amounts of the annual subscription or membership fee.
- (4) The Annual General Meeting may conduct any special business of which notice has been given in accordance with these Rules.
- (5) The rules that govern a quorum for the Annual General Meeting will follow the Quorum at General Meeting rules as outlined in Section 13.

**10. *Special General Meetings***

- (1) In addition to the Annual General Meeting, any other General Meetings may be held in the same year.
- (2) All General Meetings other than the Annual General Meeting are Special General Meetings.
- (3) The Committee may, whenever it thinks fit, convene a Special General Meeting of the Association.
- (4) The Committee must, on the request in writing of members representing not less than 5 per cent of the total number of members, convene a Special General Meeting of the Association.
- (5) The request for a Special General Meeting must--
  - (a) state the objects of the meeting and any resolutions to be proposed; and
  - (b) be signed by the members requesting the meeting; and
  - (c) be sent to the address of the Secretary.
- (7) If the Committee does not cause a Special General Meeting to be held within one month after the date on which the request is sent to the address of the Secretary, the members making the request, or any of them, may convene a Special General Meeting to be held not later than 3 months after that date.
- (8) If a Special General Meeting is convened by members in accordance with this rule, it must be convened in the same manner so far as possible as a meeting convened by the Committee and all reasonable expenses incurred in convening the Special General Meeting must be refunded by the Association to the persons incurring the expenses.

- (9) The rules that govern a quorum for the Special General Meeting will follow the Quorum at General Meeting rules as outlined in Section 13.

**11. *Special Business***

All business that is conducted at a Special General Meeting and all business that is conducted at the Annual General Meeting, except for business conducted under the rules as ordinary business of the Annual General Meeting, is deemed to be special business.

**12. *Notice of General Meetings***

- (1) The Secretary of the Association, at least 14 days, or if a special resolution has been proposed at least 21 days, before the date fixed for holding a General Meeting of the Association, must cause to be sent to each member of the Association, a notice stating the place, date and time of the meeting and the nature of the business to be conducted at the meeting.
- (2) If a special resolution is to be proposed, the notice must:
  - (a) state in full the proposed resolution; and
  - (b) state the intention to propose the resolution.
- (3) Notice may be sent--
  - (a) by prepaid post to the address appearing in the register of members; or
  - (b) if the member requests, by facsimile transmission or electronic transmission.
- (4) No business other than that set out in the notice convening the meeting may be conducted at the meeting.
- (5) A member intending to bring any business before a meeting may notify the Secretary in writing, or by electronic transmission, of that business. The Secretary must include that business in the notice calling the next General Meeting.

**13. *Quorum at General Meetings***

- (1) No item of business may be conducted at a General Meeting unless a quorum of members entitled under these Rules to vote is present at the time when the meeting is considering that item.
- (2) Five members personally present (being members entitled under these Rules to vote at a General Meeting) constitute a quorum for the conduct of the business of a General Meeting.
- (3) If, within half an hour after the appointed time for the commencement of a General Meeting, a quorum is not present--
  - (i) in the case of a meeting convened upon the request of members-- the meeting must be dissolved; and
  - (ii) in any other case--the meeting shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairperson at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (4) 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 personally present (being not less than 3) shall be a quorum.

**14. Presiding at General Meetings**

- (1) The President, or in the President's absence, one of the Vice-Presidents, shall preside as Chairperson at each General Meeting of the Association.
- (2) If the President and the Vice-Presidents are absent from a General Meeting, or are unable to preside, the members present must select one of their number to preside as Chairperson.

**15. Adjournment of Meetings**

- (1) The person presiding may, with the consent of a majority of members present at the meeting, adjourn the meeting from time to time and place to place.
- (2) No business may be conducted at an adjourned meeting other than the unfinished business from the meeting that was adjourned.
- (3) If a meeting is adjourned for 14 days or more, notice of the adjourned meeting must be given in accordance with rule 12. (4) Except as provided in sub-rule (3), it is not necessary to give notice of an adjournment or of the business to be conducted at an adjourned meeting.

**16. Voting at General Meetings**

- (1) Upon any question arising at a General Meeting of the Association, the allocation of voting rights will be allocated according to the appropriate membership category (also as outlined in Appendix 3).
  - Individual – 1 member voting right
  - Associate – 1 member voting right
  - Schools and Institutions
  - Primary School – 2 voting rights for the school (determined by the school)
  - Secondary School – 3 voting rights (determined by the school)
  - Tertiary Institution – 1 voting right (determined by the institution)
- (2) All votes must be given personally or by proxy (see appendix 2).
- (3) In the case of an equality of voting on a question, the Chairperson of the meeting is entitled to exercise a second or casting vote.
- (4) A member is entitled to vote at a General Meeting if all moneys due and payable by the member to the Association have been paid, other than the amount of the annual subscription payable in respect of the current financial year.

**17. Poll at General Meetings**

- (1) If at a meeting a poll on any question is demanded by not less than 3 members, it must 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.
- (2) A poll that is demanded on the election of a Chairperson or on a question of an adjournment must be taken immediately and a poll that is demanded on any other question must be taken at such time before the close of the meeting as the Chairperson may direct.

**18. Manner of Determining Whether Resolution Carried**

If a question arising at a General Meeting of the Association is determined on a show of hands-

- (a) a declaration by the Chairperson that a resolution has been-
  - (i) carried; or

- (ii) carried unanimously; or
- (iii) carried by a particular majority; or
- (iv) lost; and

- (b) an entry to that effect in the minute book of the Association-- is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.

**19. Proxies**

- (1) Each member is entitled to appoint another member as a proxy by notice given to the Secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.
- (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) The Committee has approved a form for the appointment of a proxy (Appendix 2), however 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 12 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 Committee 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 Association no later than 24 hours before the commencement of the meeting.

**20. 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 (1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

**21. Committee of Management**

- (1) The affairs of the Association shall be managed by the Committee.
- (2) The Committee
  - (a) shall control and manage the business and affairs of the Association; and
  - (b) may, subject to these Rules, the Act and the 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 General Meetings of the members of the Association; and

- (c) subject to these Rules, the Act and the Regulations, has power to perform all such acts and things as appear to the Committee to be essential for the proper management of the business and affairs of the Association.
- (3) Subject to section 23 of the Act, the Committee shall consist of--
- (a) the Executive Office Holders of the Association; and
  - (b) a minimum of two ordinary members and a maximum of ten ordinary members, each of whom shall be elected at the Annual General Meeting of the Association in each year.
- (4) The Committee shall have the power to:
- (a) manage the affairs of the Association within the terms of the Constitution
  - (b) co-opt members or non-members as required for specific tasks
  - (c) remove from Office any of the Executive Office Holders and appoint another Member in the place of the Executive removed or who has resigned or who has ceased to be a Member of the Association
  - (d) appoint and remove staff
  - (e) appoint working parties for special purposes
  - (f) invite other persons to its meetings, but such persons shall not be entitled to hold any voting rights at the meeting/s.

**22. Executive Office Holders**

- (1) The Executive Office Holders of the Association shall be--
- (a) a President;
  - (b) two Vice-Presidents;
  - (c) a Treasurer; and
  - (d) a Secretary, Minute Secretary
- These officers shall constitute the Executive.
- (2) The provisions of rule 23, so far as they are applicable and with the necessary modifications, apply to and in relation to the election of persons to any of the offices referred to in sub-rule (1).
- (3) Each Executive Office Holder of the Association shall hold office until the Annual General Meeting next following the date of his or her election and is eligible for re-election.
- (4) In the event of a casual vacancy in any office referred to in sub-rule (1), the Committee may appoint one of its members to the vacant office and the member appointed may continue in office up to and including the conclusion of the Annual General Meeting next following the date of the appointment.
- (5) The role of the Executive is detailed as follows:
- (1) President and in the absence of the President, the Vice President:
- Shall be responsible for:
- (a) administration of the Association
  - (b) chairing of the Executive meetings
  - (c) acting as a key person in the communication with other professional bodies

(d) correspondence

(e) planning.

(2) Secretary

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

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

(b) The Secretary must –

(i) maintain the register of members in accordance with rule 18; and

(ii) manage the custody of all financial records, books, documents and securities of the Association; and

(iii) 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

(iv) perform any other duty or function imposed on the Secretary by these Rules.

(c) The Secretary must give to the Registrar notice of his or her appointment within 14 days after the appointment.

(3) Treasurer

(a) The Treasurer must –

(i) receive all moneys paid to or received by the Association and issue receipts for those moneys in the name of the Association; and

(ii) ensure that all moneys received are paid into the account of the Association within 5 working days after receipt; and

(iii) make any payments authorised by the Committee or by a general meeting of the Association from the Association's funds; and

(iv) ensure cheques are signed by at least 2 Committee members.

(b) The Treasurer must –

(i) ensure that the financial records of the Association are kept in accordance with the Act; and

(ii) coordinate the preparation of the financial statements of the Association and their certification by the Committee prior to their submission to the annual general meeting of the Association.

(c) The Treasurer must ensure that at least one other committee member has access to the accounts and financial records of the Association.

- (4) The Executive shall have the powers to recommend to the Committee to:
  - (a) declare a person or institution ineligible for membership if it deems a good cause to exist
  - (b) determine to whom, if any, remuneration of an honorarium shall be paid and shall further determine the sum of such remuneration of honoraria
  - (c) purchase or otherwise acquire property for carrying out the objects of the Association and to sell, exchange or dispose of any property no longer required
  - (d) enter into such agreements as may be necessary for carrying out the objects of the Association
  - (e) engage persons and to pay them salaries if necessary, for services rendered to the Association
  - (f) recommendations can be taken by members of the Association or by the Committee to the Executive with decisions made by Executive as a body.
  - (g) act should the need arise.
- (5) The Executive shall have the power to make recommendations to all members:
  - (a) to hold, take on lease, purchase or otherwise acquire real property and to sell, exchange, mortgage, lease and construct improvements on such property.

**23. *Ordinary Members of the Committee***

- (1) That the maximum number of ordinary members shall not exceed 10.
- (2) Subject to these Rules, each ordinary member of the Committee shall hold office until the Annual General Meeting next after the date of election but is eligible for re-election.
- (3) In the event of a casual vacancy occurring in the office of an ordinary member of the Committee, the Committee may appoint a member of the Association to fill the vacancy and the member appointed shall hold office, subject to these Rules, until the conclusion of the Annual General Meeting next following the date of the appointment.

**24. *Election of Executive Office Holders and Ordinary Committee Members***

- (1) Nominations of candidates for election as Executive Office Holders of the Association or as ordinary members of the Committee must be--
  - (a) made in writing, signed by two members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and
  - (b) delivered to the Secretary of the Association not less than 14 days before the date fixed for the holding of the Annual General Meeting.
- (2) A candidate may only be nominated for one office, or as an ordinary member of the Committee, prior to the Annual General Meeting.
  - (a) The Secretary may also hold the office of Minute Secretary.
- (3) If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated shall be deemed to be elected and further nominations may be received at the Annual General Meeting.



- (4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- (5) If the number of nominations exceeds the number of vacancies to be filled, a ballot must be held.
- (6) The ballot for the election of officers and ordinary members of the Committee must be conducted at the Annual General Meeting in such manner as the Committee may direct.

**25. *Vacancies***

The office of an Executive Office Holder of the Association, or of an ordinary member of the Committee, becomes vacant if the Executive or Committee member—

- (a) ceases to be a member of the Association; or
- (b) becomes an insolvent under administration within the meaning of the Corporations Law; or
- (c) resigns from office by notice in writing given to the Secretary.

**26. *Meetings of the Committee***

- (1) The Committee must meet at least 6 times in each year at such place and such times as the Committee may determine.
- (2) Special meetings of the Committee may be convened by the President or by any 4 members of the Committee.

**27. *Notice of Committee meetings***

- (1) Written notice of each Committee meeting must be given to each member of the Committee at least 2 business days before the date of the meeting.
- (2) Written notice must be given to members of the Committee of any special meeting specifying the general nature of the business to be conducted and no other business may be conducted at such a meeting.

**28. *Quorum for Committee meetings***

- (1) Any 5 members of the Committee constitute a quorum for the conduct of the business of a meeting of the Committee.
- (2) No business may be conducted unless a quorum is present.
- (3) If within half an hour of the time appointed for the meeting a quorum is not present—
  - (a) in the case of a special meeting--the meeting lapses;
  - (b) in any other case--the meeting shall stand adjourned to the same place and the same time and day in the following week.
- (4) The Committee may act notwithstanding any vacancy on the Committee.

**29. *Presiding at Committee meetings***

At meetings of the Committee-

- (a) the President or, in the President's absence, a Vice-President presides; or
- (b) if the President and the Vice-Presidents are absent, or are unable to preside, the members present must choose one of their number to preside.

**30. *Voting at Committee meetings***

- (1) Questions arising at a meeting of the Committee, or at a meeting of any sub-Committee appointed by the Committee, shall be determined on a show of hands or, if a member requests, by a poll taken in such manner as the person presiding at that meeting may determine.
- (2) Each member present at a meeting of the Committee, or at a meeting of 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 person presiding may exercise a second or casting vote.

**31. *Removal of Committee member***

- (1) The Association in General Meeting may, by resolution, remove any member of the Committee before the expiration of the member's term of office and appoint another member in his or her place to hold office until the expiration of the term of the first-mentioned member.
- (2) A member who is the subject of a proposed resolution referred to in sub-rule (1) may make representations in writing to the Secretary or President of the Association (not exceeding a reasonable length) and may request that the representations be provided to the members of the Association.
- (3) The Secretary or the President may give a copy of the representations to each member of the Association or, if they are not so given, the member may require that they be read out at the meeting.
- (4) Members may be removed from the Committee if they do not attend or send an apology for 3 consecutive meetings.

**32. *Conflict of interest***

- (1) A Committee member who has a material personal interest in a matter being considered at a Committee meeting must disclose the nature and extent of that interest to the Committee.
- (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**

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

**33. Minutes of Meetings**

- (1) The Committee 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; and
  - (b) proxy forms given to the Chairperson of the meeting under rule 34(6); and
  - (c) the financial statements submitted to the members in accordance with Part 3 (71) of the Act; and
  - (d) the certificate signed by two Committee members certifying that the financial statements give a true and fair view of the financial position and performance of the Association; and
  - (e) any audited accounts and auditor’s report or report of a review accompanying the financial statement that are required under the Act.

**34. Funds**

- (1) The Treasurer of the Association must oversee-
  - (a) collect and receive all moneys due to the Association and make all payments authorised by the Association; and
  - (b) 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.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by two members of the Committee.
- (3) The funds of the Association shall be derived from conferences, professional learning activities, publications, sponsorship, student forums, annual subscriptions, donations, sponsorship and such other sources as the Committee determines.
- (4) Funds may be invested in Term Deposits at bank/financial institution nominated and accepted at a Committee meeting. The deposit should not exceed 60% of the current funds held.
- (5) A credit card may be obtained for a DATTA Vic employee, through a bank/financial institution nominated and accepted at a Committee meeting, subject to a \$2000 limitation, for the intention of purchasing goods or other requirements for the work of DATTA Vic or for the purchase of travel and accommodation expenses as required for conference speakers. Purchases of more than \$500 shall be upon the prior approval of at least two Executive signatories.

**35. Notice to Members**

Except for the requirement in rule 12, any notice that is required to be given to a member, on behalf of the Association, under these Rules may be given by-

- (a) delivering the notice to the member personally; or

- (b) sending it by prepaid post addressed to the member at that member's address shown in the register of members; or
- (c) electronic or facsimile transmission, if the member's electronic or facsimile details are shown in the register of members. If the membership is a school or institution based membership, notice must be sent to a representative at the school or institution via post, electronic or facsimile transmission.

**36. *Winding up***

In the event of the winding up or the cancellation of the incorporation of the Association, the assets of the Association must be disposed of in accordance with the provisions of the Act.

**37. *Custody and Inspection of Books and Records***

- (1) Except as otherwise provided in these Rules, the Secretary must keep in his or her custody or under his or her control all books, documents and securities of the Association.
- (2) All accounts, books, securities and any other relevant documents of the Association must be available for inspection free of charge by any member upon request, at the discretion of the Executive, provided that the member can prove that the information is required for Association business.
- (3) A member may make a copy of any accounts, books, securities and any other relevant documents of the Association at the discretion of the Executive, provided that the member can prove that the information is required for Association business.

**38. *Accounts and Auditors***

- (1) The funds of the Association shall comprise all subscriptions and any additional funds that may accrue from the activities of the Association.
- (2) All subscriptions, additional funds and donations to general funds of the Association shall be lodged in a bank account or Credit Union in the name of the Association.
- (3) Signatories for the Association account shall be not less than three of the Executive office holders. The account may be operated by signatures of any two of the signatories.
- (4) There shall be a petty cash amount available to the Secretary and members of the Executive, the amount to be decided by resolution of the Executive, but not to exceed \$200
- (5) At the Annual General Meeting auditors shall be appointed for the ensuing year, for the purposes of auditing the Association accounts and statements, and presenting them at the Annual General Meeting.
- (6) The auditor/s shall be non-member/s.
- (7) The financial year of the Association shall be from 1<sup>st</sup> July to the 30<sup>th</sup> June of the following year.
- (8) The Association is registered for accounting purposes for the Goods and Services Tax
- (9) The Association is registered with the Australian Taxation Department
- (10) The Association Australian Business Number is 97 353 363 318

**39. *Regulations and Alterations of Constitution.***

- (1) The Executive shall have power to make regulations as to matters not provided for in this Constitution, and to vary such regulations.
- (2) No motion for changing the Constitution shall be entertained except at the Annual General Meeting or at a Special General Meeting called for that purpose, and such motion shall require it to be supported by the votes of three-fourths (3/4) of the Full Members present and voting. Notice of such motion shall be given to and by the Executive at least one month before the Meeting and the terms of the motion shall be stated in the circular calling the Meeting, to be sent not less than twenty one (21) days before the date of the meeting.

# APPENDIX 1

## APPLICATION FOR MEMBERSHIP OF THE DESIGN AND TECHNOLOGY TEACHERS ASSOCIATION VICTORIA COMMITTEE

ABN: 97 315 356 383

I,..... , of .....  
(name and occupation) (address)

apply to become a member of the Design and Technology Teachers Association Victoria Committee

In the event of my admission as a member of the DATTA Vic Committee, I agree to be bound by the rules of the Association for the time being in force.

.....  
(Signature of Applicant) (Date)

I,..... , a member of the Association,

### DESIGN AND TECHNOLOGY TEACHERS ASSOCIATION VICTORIA

nominate the applicant, who is personally known to me, for membership of the Association Committee.

.....  
(Signature of Proposer) (Date)

I,..... , a member of the Association,

### DESIGN AND TECHNOLOGY TEACHERS ASSOCIATION VICTORIA

second the nomination of the applicant, who is personally known to me, for membership of the Association Committee.

.....  
(Signature of Secunder) (Date)

Application into membership accepted

Application into membership declined

Date: .....

**DATTA Vic Annual General Meeting**

**Nomination Form  
For DATTA Vic Committee and Executive**

Nominations are called for the positions listed below. Please return the completed form by scan & email or post to the address below, with attention: Hannah Lewincamp by 14 days prior to the AGM date.

- President
- Vice President (2)
- Secretary
- Minutes Secretary (can be Secretary)
- Treasurer
- General Committee Members

**Nominee:**

Name .....

Position .....

**Proposer:**

Name .....

School / organisation ..... Signature: .....

**Secunder:**

Name .....

School / organisation ..... Signature: .....

**Nominee Consent**

Name .....

School / organisation ..... Signature: .....

Address .....

Suburb ..... Post Code: .....

Phone Contact - Work ..... Mobile: .....

Email: .....

**FORM OF APPOINTMENT OF PROXY FOR MEETING OF  
DESIGN AND TECHNOLOGY TEACHERS ASSOCIATION VICTORIA**

**ABN: 97 315 356 383**

I,.....  
(name)

of .....  
(address)

being a member of  
**DESIGN AND TECHNOLOGY TEACHERS ASSOCIATION VICTORIA**

appoint .....  
(name of proxy holder)

of .....  
(address of proxy holder)

being a member of that Incorporated Association, as my proxy to:

vote for me on my behalf at the Annual/Special\* General Meeting of the Association  
(insert details of resolution).

OR

I authorise my proxy to vote on my behalf at their discretion in respect of the following resolution (insert details of resolution).

to be held on-  
.....  
(date of meeting)

and at any adjournment of that meeting.

.....  
(Signed) (Date)

\* Delete if not applicable



# APPENDIX 3

## SCHEDULE OF MEMBERSHIP FEES AND VOTING RIGHTS

### DESIGN AND TECHNOLOGY TEACHERS ASSOCIATION VICTORIA

ABN: 97 315 356 383

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<b>Individual</b> – 1 member voting right	\$99.00
<b>Associate:</b> not in paid employment/casual relief teacher/retired/ part-time (not more than 0.5 of full-time loading) CRT/relief teacher – 1 member voting right	\$66.00
<b>Schools and Institutions</b>	
<i>Primary School</i> – 2 voting rights for the school (determined by the school)	\$132.00
<i>P-10 School</i> - 3 voting rights (determined by the school)	\$242.00
<i>Secondary School</i> – 3 voting rights (determined by the school)	\$396.00
<i>Tertiary Institution</i> – 1 voting right (determined by the institution)	\$132.00