



Australian Council for Health, Physical Education and Recreation

**CONSTITUTION**

and

**BY-LAWS**

**The Australian Council for Health, Physical Education and Recreation, Inc.**

September 2009

## 1. NAME

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The name of the Incorporated Association is AUSTRALIAN COUNCIL FOR HEALTH, PHYSICAL EDUCATION AND RECREATION INCORPORATED (ACHPER Inc.) (referred to as 'ACHPER' and as 'ACHPER National').

## 2. DEFINITIONS

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**'The Act'** means the *South Australian Associations Incorporation Act 1985*, as amended.

**'Areas of focus'** means the areas of health, education, physical education, recreation, sport, dance, community fitness and movement sciences as referred to in Clause 4.1 of this Constitution.

**'Appointed Board member'** means a Board Member appointed under Clause 8.11.4 of this Constitution.

**'Board'** means the National Board consisting of the Board Members under Clause 8.1 of this Constitution.

**'Board Members'** means elected and appointed Members.

**'Branches'** means the Branches referred to in Clause 6.1 of this Constitution.

**'By-laws'** means the By-laws annexed to this Constitution and any amendments and additions made to the By-laws.

**'Commission'** means the South Australian Corporate Affairs Commission.

**'Elected Board member'** means individual elected under Clause 8.11 of this Constitution.

**'Kindred Organisation'** means an organisation or association with aims consistent with the vision, mission and objectives of ACHPER.

**'National Advisor'** means a person appointed by the National Board with the purpose of acting as outlined in Clause 2 of the By-laws.

**'National Conference'** means the conference that is held and may also be known as the ACHPER National Conference, the ACHPER International and National Conference and referred to in Clause 17 of this Constitution.

**'National General Meeting'** means the meeting held within four months of the end of the year to deal with annual reporting as outlined in this Constitution.

**'National Representative Forum'** means a group comprising the National Board and a representative of each ACHPER Branch convened at least once per year at the National General Meeting

**'National Reference Groups'** means the national groups for the areas of focus as referred to in Clause 2 of the By-Laws.

**'National Liaison Person'** means a person appointed by the National Board with the purpose of liaising between ACHPER National and kindred organisations in Australia

and overseas.

**'Ordinary resolution'** means the resolution adopted by the Board requiring a simple majority.

**'Representatives of Branches'** means a representative from each Branch, who is appointed or elected to represent that Branch at the National General Meeting.

**'Special resolution'** means the resolution adopted by the Board requiring two thirds majority.

### **3. VISION AND MISSION**

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- 3.1 The vision of ACHPER is to promote active and healthy living for all Australians through education and professional practice.
- 3.2 The mission of ACHPER is to provide programs and services for members, which will support the continuing development of their knowledge, skills and professional practice, in the field of health, physical education and recreation. Through this core business, ACHPER will serve allied areas of practice to enhance active and healthy living for all Australians.

### **4. OBJECTIVES**

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The objectives of ACHPER are:

- 4.1 To encourage and campaign for a high standard of professional preparation and conduct in the areas of focus (health education, physical education, recreation, sport, dance, community fitness and movement sciences);
- 4.2 To further the areas of focus by such means as conferences, seminars, discussion groups, training courses, granting awards and promoting and sponsoring special interest groups;
- 4.3 To further research and disseminate knowledge concerning the areas of focus;
- 4.4 To formulate policies on related contemporary issues;
- 4.5 To foster the development of positive attitudes and practices related to physical activity, health and well being in the individual, the community and professional and social organisations;
- 4.6 To co-operate with Kindred Organisations;
- 4.7 To undertake any other courses of action that are consistent with these objectives.

### **5. POWERS**

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ACHPER will have all the powers conferred by Section 25 of the Act, with the exception of any modifications and exclusions specified in this Constitution.

## **6. BRANCHES (member organisations)**

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### **6.1 Recognition of Branches**

The National Board, by Ordinary Resolution may approve one organisation from each State and Territory to be a recognised Branch.

6.1.1 At the date of approval of this Constitution the following bodies are

Branches of ACHPER for the purposes of this Constitution:

ACHPER (Australian Capital Territory) Inc.

ACHPER (New South Wales) Inc.

ACHPER (Northern Territory) Inc.

ACHPER (Queensland) Inc.

ACHPER (South Australia) Inc.

ACHPER (Tasmania) Inc.

ACHPER (Victoria) Inc.

ACHPER (Western Australia) Inc.

### **6.2 Responsibilities of Recognised Branches**

Each recognised Branch will:-

- 6.2.1 Create objectives, policies, a Constitution and By-laws that are consistent with the objectives, policies, Constitution and By-laws of ACHPER National;
- 6.2.2 Resolve by Ordinary Resolution to become a Branch and adopt the provisions in the Schedule to this Constitution;
- 6.2.3 Agree to be bound by this Constitution, the By-laws and the policies determined by the National Board;
- 6.2.4 Meet regularly and pursue policies to the satisfaction of the National Board;
- 6.2.5 Maintain an effective liaison with the National Board;
- 6.2.6 Not act in any way prejudicial to the rights or welfare of other Branches or the National body;
- 6.2.7 Initiate and pursue such projects as required by the National Board to the satisfaction of the National Board;
- 6.2.8 Be incorporated in its particular State or Territory;
- 6.2.9 Elect or appoint delegates to represent it at National General Meetings, the National Representative Forum and other meetings in accordance with this Constitution.

### **6.3 Expulsion of Branches**

The National Board of ACHPER National may resolve by Special Resolution that a Branch has contravened the intention and objectives of this Constitution, By-laws,

policies or resolutions of ACHPER. In making such a resolution, ACHPER National may:-

- 6.3.1 Suspend voting rights of the Branch at the General Meeting or any other meeting as prescribed in this Constitution or By-laws;
- 6.3.2 Suspend services to Members of that Branch;
- 6.3.3 Commence legal proceedings to enforce compliance with the Constitution, By-laws, policies or resolutions of ACHPER, provided that at least two months' notice in writing is given to that Branch of the intention of the National Board to commence proceedings;
- 6.3.4 Dissolve or wind up that Branch, provided that at least four months' notice in writing of that intention is given to the Branch, and take such steps (including steps in the name of the Branch) to effect that dissolution or winding up;
- 6.3.5 Recover financial compensation from the Branch for costs directly or indirectly attributed to the contravention.
  - 6.3.5.1 Any financial compensation will be a charge on the assets of the Branch.
- 6.3.6 In the event of the Branch being dissolved or wound up, take steps to convene in that State or Territory a special General Meeting of Members of the Branch being dissolved or wound up and other interested parties for the purpose of forming a new Branch;
- 6.3.7 Take action to prevent a dissolved or wound up Branch using the name 'ACHPER' or any variation of the name, and from representing itself as in any way part of or associated with ACHPER.

#### **6.4 Temporary suspension of a Branch**

Where the National Board is informed by a Branch which is unable to maintain a committee structure or provide appropriate services to members, the National Board may:-

- 6.4.1 Suspend formal operations of the Branch;
- 6.4.2 Approach the most appropriate geographical Branch to provide membership services for the members of the suspended Branch;
- 6.4.3 Continue working with members of the 'former' Branch to reinstate formal operations of the Branch;
- 6.4.4 If 6.4.2 applies, fees for members (new and renewing) would be paid to the Branch which provides such services.

#### **6.5 Trade Mark**

- 6.5.1 The Trade Mark 'ACHPER' is owned by ACHPER National.

- 6.5.2 ACHPER authorises the Branches to use the trade mark to further the objectives of ACHPER.
- 6.5.3 ACHPER does not authorise use of the Trade Mark for any arrangement or activity, or by a person or body other than a Branch, unless the use is in accordance with By-law 15 that regulates its use.

## **7. MEMBERSHIP**

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### **7.1 Composition of ACHPER**

The Members of the organisation will consist of:-

- a) The Branches which, subject to this Constitution, will be represented by their delegates who have the right to attend, debate and vote at General Meetings for and on behalf of the Branches;
- b) Individual Members who, subject to this Constitution, have NO right to attend, debate or vote at National General Meetings: See By-law 9.1 for individual member categories;
- c) Life Members who, subject to this Constitution, may attend and debate, but NOT vote at, National General Meetings;
- d) Any new categories of Members, created in accordance with Clause 7.3.

### **7.2 Categories of Membership**

7.2.1 The categories of membership are:-

7.2.1.1 Full Member

7.2.1.2 Graduate

7.2.1.3 Student

7.2.1.4 Joint

7.2.1.5 Non Working/Retired

7.2.1.6 Affiliate

7.2.1.6.1 Corporations, organisations and associations which support the Vision, Mission and Objectives of ACHPER and whose employees are generally not eligible for individual membership of ACHPER may apply to be affiliated as Corporate Organisations.

7.2.1.6.2 Schools and other institutions are not eligible for membership unless they are an incorporated body.

7.2.1.7 National Board may at any time decide to trial and/or introduce additional categories of membership.

### **7.3 Creation of New Categories**

7.3.1 ACHPER in a National General Meeting may:-

- a) Create a new category of Members with any rights, privileges and obligations as are deemed applicable.
- b) Create a new category of Members which effectively alters the rights, privileges or obligations of an existing category of Members.

7.3.2 ACHPER National may use its discretion to grant voting rights to a new category of membership.

#### **7.4 Membership Fees**

7.4.1 Membership Fees payable by each member are determined by Special Resolution of the National Board, will be in such categories, payable in such manner and will cover such period as is provided in By-laws 9 & 10.

7.4.2 Each membership fee will be divided between ACHPER (National) and the respective Branch in the proportion provided in By-law 9.2. Changes to the proportion of each membership fee to ACHPER (National) and Branches must be decided by Special Resolution.

7.4.3 Members are not required to pay a joining fee upon admission to ACHPER.

7.4.4 Life members and Patrons are not required to pay membership fees.

#### **7.5 Period of Membership**

7.5.1 The period of membership will be twelve months and subject to renewal annually according to By-law 10.1.

7.5.2 Re-admission to Membership

7.5.2.1 Lapsed members may be readmitted to ACHPER according to By-law 10.3.

7.5.3 Suspension of Membership

7.5.3.1 A member may request suspension of membership at any time subject to By-law 10.4.

#### **7.6 Eligibility for Membership**

7.6.1 The following persons will be eligible to be Full Members of a Branch of ACHPER:-

7.6.1.1 Graduates from tertiary institutions with qualifications in education, health, physical education, recreation, sport, dance, fitness, medicine, physiotherapy, human movement or any area acceptable to the Executive Committee of a Branch.

7.6.1.2 Holders of a Grade 1 Fitness Leader Award from the Australian Fitness Accreditation Council or a recognised equivalent award;

- 7.6.1.3 Holders of a Level 2 Coaching Award from the Australian Coaching Council or a recognised equivalent award;
- 7.6.1.4 Holders of a TAFE Certificate III and IV for Health, Fitness, Sport or Recreation.
- 7.6.1.5 Persons who are or were employed in one or more of the areas of focus acceptable to the Executive Committee of the relevant Branch.
- 7.6.1.6 Persons holding membership in a Branch of ACHPER at the date of approval of this Constitution.
- 7.6.2 Subject to Clause 7.7.3, the following persons will be eligible to be student Members of a Branch of ACHPER:-
  - 7.6.2.1 Currently enrolled students in post secondary institutions in education, health, physical education, recreation, sport, dance, fitness, medicine, physiotherapy, human movement or any area acceptable to the Executive Committee of a Branch.
  - 7.6.2.2 Student Members are not eligible to vote or hold office.
- 7.6.3 Subject to Clause 7.7.3, the following persons will be eligible to be Joint Members of a Branch of ACHPER:
  - 7.6.3.1 Married Couples
  - 7.6.3.2 Couples who are co-habiting. People who are house sharing are not eligible for the Joint category.
- 7.6.4 Subject to Clause 7.7.3, the following persons will be eligible to be Non-working Members of a Branch of ACHPER.
  - 7.6.4.1 Unemployed persons.
  - 7.6.4.2 Retired Persons.
  - 7.6.4.3 Persons employed for less than 2.5 days per week.
- 7.6.5 Subject to Clause 7.7.3, the following persons will be eligible to be Graduate Members of a Branch of ACHPER.
  - 7.6.5.1 Persons in their first year after graduation.
  - 7.6.5.2 Persons in their second year after graduation.

## **7.7 Application for Membership**

- 7.7.1 Application for membership of the Branch in the State or Territory where the applicant resides or is employed will be made in writing or by electronic means.
- 7.7.2 Where no Branch exists in the State or Territory in which an applicant resides or works then application may be made for membership of a Branch in an adjacent State or Territory.
- 7.7.3 The discretion to admit an applicant to membership is jointly exercised

between the National Office and Branch in the State or Territory where the applicant resides.

## **7.8 Resignation of members**

- 7.8.1 A member may resign membership in writing to the Branch to which the member belongs or to the National Membership Coordinator.
- 7.8.2 No refund of membership fees will be payable.

## **7.9 Expulsion of individual members**

- 7.9.1 A member who is convicted of an offence involving dishonesty or any other felony or who breaches any of the provisions of this Constitution or the Constitution of the Branch to which he or she belongs will be liable to be expelled from membership of the Branch.
- 7.9.2 A member, the subject of a proposition for expulsion, will be afforded an opportunity by the Executive Committee of the relevant Branch to be heard before a decision is made by the Committee.

## **8. GOVERNANCE**

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Subject to this Constitution the Council will be governed by the National Board.

### **8.1 Composition of National Board**

The National Board must comprise the following elected and appointed Members:-

- a) The elected National President of the Board;
- b) TWO elected National Vice-Presidents of the Board;
- c) THREE elected Board Members of the Board;
- d) A maximum THREE appointed Board Members; and
- e) The appointed National Executive Director (ex-officio).

### **8.2 Powers of the National Board**

Without limiting the general authority conferred by this Constitution, the National Board:-

- 8.2.1 Is responsible for the management of the affairs of ACHPER;
- 8.2.2 Will initiate action necessary to;
  - a) Further the vision, mission and objectives of ACHPER;
  - b) Represent the interests of Members;
  - c) Promote ACHPER as the leading professional association for Health and Physical Education;
  - (d) Convene the National Representative Forum at least once per year at the

National General Meeting.

### **8.3 National Board Meetings**

8.3.1 The National Board will meet at least 6 times per year, in accordance with By-Law 12.1.

### **8.4 Agenda items for National Board Meetings**

8.4.1 Agenda items will be submitted to the National Executive Director no later than TWO (2) WEEKS prior to the meeting.

8.4.2 The National Executive Director will prepare and forward the Agenda and papers to National Board Members no later than ONE WEEK prior to that Meeting.

### **8.5 Chairperson for Board Meetings**

8.5.1 The National President will preside at all meetings of the National Board.

8.5.2 In the National President's absence, the members of the National Board who are present will select a Vice-President to act as Chairperson.

8.5.3 In the absence of a Vice-President, the Members who are present will elect an acting Chairperson from the Members present at the meeting.

### **8.6 Voting at National Board Meetings**

8.6.1 An Ordinary Resolution put to the vote at a National Board Meeting is deemed to be carried if supported by a simple majority of National Board Members who are entitled to vote and who are present in person or by proxy.

8.6.2 Voting is by show of hands or voices.

### **8.7 Extraordinary Board Meetings**

8.7.1 An Extraordinary National Board Meeting may be held to transact business when requisitioned in writing by at least THREE National Board members.

8.7.2 The requisition must state the purpose of the meeting.

8.7.3 The requisition must be lodged with the National Executive Director.

8.7.4 The National Executive Director must, within FOURTEEN days of receiving the requisition, give at least ONE MONTH'S notice in writing of the date, time, place and purpose of such meeting to each National Board Member.

### **8.8 Quorum**

8.8.1 A quorum consists of a simple majority of Board Members attending in person, by proxy or by telephone/video conference, who have the right to

vote.

- 8.8.2 No business will be transacted at any National Board Meeting without a quorum present at the time when the meeting proceeds to business.

### **8.9 Telephone or video attendance**

- 8.9.1 If unable to attend a National Board Meeting, a Member of the National Board may attend all or part of a meeting by telephone or video conference, and may vote.
- 8.9.2 If the National Board arranges to conduct a meeting by way of telephone or video conference, at least SEVEN days notice will be given to each Member.
- 8.9.3. If a quorum is achieved, a decision made by the Members of the National Board is regarded as a decision of the National Board.

### **8.10 Sub-Committees**

- 8.10.1 The National Board may, as required, appoint an advisory sub-committee, with powers and responsibilities that the National Board decides upon.
- 8.10.2 The National Board may terminate an advisory sub-committee, or its powers and responsibilities.

### **8.11 Election of Board Members**

Elected Board Members will consist of the President, TWO Vice-Presidents and THREE elected Board Members.

#### **8.11.1 Nominations for elected Board Member**

8.11.1.1 The National Executive Director will, SIXTY days prior to the National General Meeting, call for nominations in writing for the offices of elected Board Members.

8.11.1.2 All Branches must be notified of the call for nominations.

8.11.1.3 A nominee must be an individual member.

8.11.1.4 Nominations for elected Board Members must be:

a) In writing

b) On the prescribed form (if any) provided for that purpose and

c) Certified by the nominee expressing his or her willingness to accept the position for which she or he is nominated.

8.11.1.5 Nominations must be received by the National Executive Director at least FORTY FIVE days prior to the National General Meeting.

8.11.1.6 Nominees may not be an Office Bearer, employee, contractor

or hold any office for profit within National or a Branch.

### **8.11.2 Term of Office**

8.11.2.1 The term of office for elected Board Members will be THREE (3) years.

8.11.2.2 For each three year interval:

- a) The President and one Board Member will be elected in one year;
- b) One general Board Member and one Vice President in a second year; and
- c) One general Board Member and one Vice President elected in the third year.

8.11.2.3 No person who has served 2 consecutive full terms is eligible for election or appointment as a Board Member until the next National General Meeting following the date of conclusion of his or her most recent term as a Board Member.

### **8.11.3 Voting**

8.11.3.1 Voting will be by secret ballot.

8.11.3.2 If the number of nominations exceeds the number of vacancies to be filled, a secret ballot will be taken in such a usual and proper manner as the chair directs.

8.11.3.3 The voting will be conducted by the preferential method, the procedure for which is detailed in By-law 20.

8.11.3.4 Upon election National Board Members will cease to be regarded as representing a Branch on the National Board.

### **8.11.4 Appointed Board Members**

8.11.4.1 The Elected Board Members may appoint a maximum of THREE Appointed Board Members as permitted by clauses 8.11.5 and 8.11.6.

### **8.11.5 Qualifications for Appointed Board Member**

8.11.5.1 An appointed Board Member may have specific skills in commerce, finance, law or business or such other skills that complement the Board composition.

8.11.5.2 An appointed Board Member is not required to be a member of ACHPER.

8.11.5.3 An appointed Board Member may not be an office bearer,

employee, contractor or hold office for profit within ACHPER National or a Branch.

#### **8.11.6 Term of Appointment**

8.11.6.1 An appointed Board Member may be appointed for a term of ONE year.

8.11.6.2 The term of appointment will commence SIX weeks after the National General Meeting and will cease SIX weeks after the conclusion of the next National General Meeting.

8.11.6.3 An appointed Board Member may be appointed for a further term of ONE year, with a maximum of THREE consecutive appointments of ONE year.

#### **8.12 Expulsion of Board Members**

8.12.1 A Board Member's tenure may be terminated by Special Resolution of a majority of the Board if the said Board Member has:

- a) breached the provisions of this Constitution.
- b) been found to be dishonest in dealing with matters of the organisation.
- c) deemed by the Board to have failed in his or her responsibility to contribute to good governance.

#### **8.13 Vacancies of Board Members**

8.13.1 In addition to the circumstances (if any) in which the office of Board Member becomes vacant by virtue of the Act, the office of a Board Member becomes vacant if the Board Member:

- a) dies;
- b) becomes bankrupt or makes any arrangement or compositing with her or his creditors generally;
- c) becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health;
- d) resigns her or his office in writing to ACHPER National ;
- e) excluding the National Executive Director, holds any office of employment of ACHPER National,
- f) without the prior consent or later ratification of the Members in Board Meeting holds any office for profit within ACHPER National or a Branch.
- g) is directly or indirectly interested in any contract or proposed contract with ACHPER National and fails to declare the nature of her or his interest;
- h) is removed from office in accordance with the Act; or

- i) would otherwise be prohibited from being a Board member of a corporation under the Act or is disqualified for office under the Act.

### **8.13.2 Casual Vacancy:**

8.13.2.1 Any Elected Board member casual vacancy will be filled by the Board until the next National General Meeting of ACHPER.

8.13.2.2 If the term of the Elected Board Member has not expired, the National Representative Forum will fill the vacancy by election at the National General Meeting for the remainder of the Board Member's term.

8.13.2.3 Any appointed Board Member casual vacancy may be filled by the remaining Board Members from among appropriately qualified persons, for the remainder of the Board Members term.

### **8.13.3 Remaining Board Members may act**

In the event of a casual vacancy or vacancies in the office of a Board Member, the remaining Board Members may act. If the number of remaining Board Members does not constitute a quorum, the Members may act only to increase the number of Board Members to achieve a quorum.

### **8.14 Meetings of the Board**

8.14.1 The Board will meet a minimum of SIX times per calendar year to conduct business.

8.14.2 Subject to the powers of the Board found in this Constitution, the Board may adjourn and otherwise regulate its meetings as it thinks fit.

8.14.3 The National Executive Director will, after the request of three Board Members, convene a meeting of the Board within THIRTY days of receiving the request.

### **8.14.4 Decisions of the Board**

8.14.4.1 Subject to this Constitution, decisions will be made by a majority of votes.

8.14.4.2 All Board Members have one vote on any question.

8.14.4.3 Where the Members votes are equal, the chairperson has a casting vote.

### **8.14.5 Decisions not made in Board Meeting**

8.14.5.1 A resolution not made in a Board Meeting has the same effect as that made at a Board Meeting, provided the following requirements are met:

- 1) All Board Members must receive notice of the proposed resolution.
- 2) A resolution will have been passed if the majority of the Board signs or agrees to the resolution in writing, or by facsimile, electronic mail or other communication.
- 3) Any such resolution may consist of several documents in like form each signed by one or more of the Board Members.

#### **8.14.6 Board Members not present**

8.14.6.1 Where one or more of the Board Members is not physically present at the meeting, a meeting of the Board may be held provided that:

- a) All participants are able to communicate with each other effectively, simultaneously and instantaneously whether by means of telephone or other form of communication.
- b) Notice of the meeting is given to all of the Board Members in accordance with the usual procedures and such notice states that Board Members are not required to be present.
- c) In the event that effective communication is interrupted and a quorum is no longer reached, and none of such Board Members are present at the place where the meeting is deemed by virtue of the further provisions of this Rule to be held, then the meeting will be suspended until condition a quorum is reached. If such condition is not satisfied within 15 minutes from the interruption the meeting will be deemed to have terminated.
- d) Where a meeting is held by telephone, video conference or by electronic means there will be a record of:
  - Who convened the meeting; and
  - Who participated in the meeting.

#### **8.14.7 Validity of Board Decisions**

8.14.7.1 A procedural defect in a decision made by the Board does not invalidate the decision.

#### **8.14.8 General Disclosure**

8.14.8.1 A general notice that a Board Member is a member of any specified firm or company is to be sufficient declaration as regards such Board Members and any said transactions. After such general notice it is not necessary for Board Members to give a special notice relating to any particular transaction with that firm or company.

#### **8.14.9 Board Members' Interests**

8.14.9.1 A Board Member is disqualified by holding any place of profit or position of employment in ACHPER, any Member Organisation or in any company or incorporated association in which the Company is a shareholder or otherwise interested or from contracting with the Company either as vendor, purchaser or otherwise except with an expressed resolution of approval of the Board. Any such contract or any contract or arrangement entered into by or on behalf of the Company in which any Board Member is in any way interested will be voided for such reason.

#### **8.14.10 Conflict of Interest**

8.14.10.1 Board Members must declare any conflict of interest in writing to the President at the time of their appointment and at any time when there is a change to the original disclosure.

A Board member must declare her or his interest in any:

- (a) contractual matter;
- (b) selection matter;
- (c) disciplinary matter;
- (d) other financial matter; or
- (e) representative interests,

in which a conflict of interest arises or may arise.

8.14.10.2 Unless otherwise determined by the Board, a Board Member must absent him or herself from discussions of such matter.

8.14.10.3 A Board Member is not entitled to vote in respect of such matter, and any attempt to vote is not counted.

8.14.10.4 In the event of any uncertainty as to when a member must absent him or herself, the issue will be immediately determined by vote of the Board or if not possible, the matter will be adjourned or deferred.

#### **8.14.11 Disclosure of Interests**

8.14.11.1 The nature of the interest of such Board Member must be declared by the Board Member at the meeting at which the matter is first taken into consideration, or at the first meeting after the Member acquires the interest.

8.14.11.2 All disclosures must be recorded in the Board minutes.

#### **8.14.12 Board Power to Manage**

8.14.12.1 Subject to the Act, this Constitution, the By-laws and any directive of the Board, the National Executive Director has power to perform all such

things as appear necessary or desirable for the proper management and administration of ACHPER.

8.14.12.2 The National Executive Director will be appointed by the Board for the term and on the conditions as the Board thinks fit.

8.14.12.3 The National Executive Director must not be a Board Member but is entitled to attend and participate in debates at all meetings of the Board.

#### **8.14.13 Remuneration of Board Members**

8.14.13.1 The Board Members are not entitled to remuneration.

8.14.13.2 ACHPER may pay Board Members reasonable travelling and other expenses incurred in attending:

- a) Board Meetings; and
- b) any other meeting in connection with ACHPER's business.

#### **8.15 National Representative Forum**

8.15.1 The National Representative Forum means a forum comprising the National Board and a representative from each ACHPER Branch convened at least once per year at the National General Meeting to:

- a) receive reports;
- b) consider strategic direction;
- c) provide strategic advice;
- d) elect National Board members in accordance with election By-laws;
- e) appoint auditors;
- f) vote on amendments to the constitution and By-laws
- g) consider and recommend membership fee and subscription changes

8.15.2 Agenda items for this Forum will be sent to the Board and Branches SIX weeks prior to the meeting.

8.15.3 Forum papers will be sent FOUR weeks prior to the meeting.

8.15.4 National President or their nominee will chair the meeting

8.15.5 Forum members are bound by Conflict of interest clause 8.14.10

8.15.6 All Forum members have the right to vote

8.15.7 The National Representative Forum Chairperson holds the casting vote

### **9. FINANCE, ACCOUNTS AND REPORTS**

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#### **9.1 Financial Year**

9.1.1 The financial year of ACHPER commences on the 1st January of each year and ends on the 31st December of each year.

## **9.2 Auditor**

- 9.2.1 A registered company auditor or a firm of registered company auditors will be appointed by the National Board and will be the auditor until a successor is appointed.

## **9.3 Reports**

- 9.3.1 Each financial year the National Board will prepare:
- 1) an Annual Report; and
  - 2) a financial statement to be properly audited and signed by the auditor.
- 9.3.2 The Annual Report and financial statement will be made available to the National Board within FOUR months of the end of the financial year or at a time that the National Board directs.
- 9.3.3 The Annual Report and financial statement will be circulated to the Branches within FOUR months of the end of the financial year.
- 9.3.4 The Annual report will be considered at a National General Meeting held within four months of the end of the financial year.

## **9.4 Income**

- 9.4.1 Any employee or volunteer may be remunerated by ACHPER for services rendered to ACHPER.
- 9.4.2 Other than this, income and property of ACHPER will be applied only toward the promotion of the vision, mission and objectives of ACHPER.

## **9.5 Inspection of Books and Accounts**

- 9.5.1 The National Board may request the financial records, books of account and membership lists of any Branch and any committees or subcommittees.
- 9.5.2 The request must be in writing and with FOUR weeks notice.

## **9.6 Borrowing Powers**

- 9.6.1 Subject to this Clause ACHPER may borrow money from financial institutions upon the terms and conditions as the National Board sees fit and may secure the repayment by charging the property of ACHPER.

## **10. SEAL**

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- 10.1 ACHPER will have a common seal upon which its corporate name will appear

in legible characters.

- 10.2 The common seal will be kept in the custody of the Public Officer or any other person as the National Board may decide.
- 10.3 The common seal will not be affixed to any instrument without the authority of any two National Board Members.
- 10.4 The affixing of the seal to an instrument must be signed by any two National Board Members or other persons as appointed by the National Board for that purpose.

## **11. STYLE**

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- 11.1 ACHPER will declare a style to incorporate the logo, identifying letters and words and the trademark into the forms of presentation that it uses in accordance with the By-Law 19.

## **12. BY-LAWS**

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- 12.1 The National Board may at any time make By-laws.
- 12.2 Where a By-law is inconsistent with this Constitution, the Constitution will prevail to the extent of the inconsistency.

## **13. AMENDMENTS TO THIS CONSTITUTION**

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- 13.1 Any amendments to this Constitution may occur by special resolution at a National General Meeting, provided that:-
  - 13.1.1 The amendment is first proposed by a Board Member and the proposed SIX weeks prior to a National General Meeting at which it is proposed to be considered; and
  - 13.1.2 At least FOUR weeks notice in writing of the proposed amendment is given by the National Executive Director prior to a National General Meeting at which it is proposed to be considered.

## **14. AMENDMENTS TO BY-LAWS**

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- 14.1 Any of the provisions of the By-laws may be rescinded, altered or added to ('amended') by ordinary resolution at a National General Meeting provided that:-
  - 14.1.1 The amendment is first proposed by a Board Member and the proposed

SIX weeks prior to a National General Meeting at which it is proposed to be considered; and

- 14.1.2 At least FOUR weeks notice in writing of the proposed amendment is given by the National Executive Director prior to a National General Meeting at which it is proposed to be considered.

## **15. WINDING UP**

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- 15.1 ACHPER may be dissolved by special resolution passed at an Extraordinary National Board Meeting called for the sole purpose of considering the dissolution.
- 15.2 AT least EIGHT weeks notice must be given to Members of the National Board.
- 15.3 The National Board will proceed to realise the property of ACHPER and if, after the discharge of all liabilities surplus assets remain, the same will not be paid to or distributed among Members of ACHPER but will be distributed to a Kindred Organisation.
- 15.4 Decisions as to distributing surplus assets will be by ordinary resolution.

## **16 AWARDS**

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The National Board may confer the following Awards upon Members of a Branch of ACHPER and non-members, based upon the criteria in By-law 13.

### **16.1 Life Membership**

- 16.1.1 The recommendations by the National Awards Subcommittee for Life Membership will be voted upon as a Special Resolution at a National Board Meeting.
- 16.1.2 No membership fee will be payable by Life Members.
- 16.1.3 Life Members will retain their status as Members of a Branch of ACHPER.
- 16.1.4 All branch voting rights will be retained and all services accorded to Life Members will be conferred.

### **16.2 Fellow of ACHPER**

- 16.2.1 The recommendations for Fellowship will be voted upon as an Ordinary Resolution at the National Board Meeting.
- 16.2.2 To have voting rights and receive member services, a Fellow must be

a financial member of a Branch.

### **16.3 National Honour Award**

16.3.1 The recommendations for the National Honour Award will be voted upon as an Ordinary Resolution at the National Board Meeting.

16.3.2 This award carries no membership or voting rights.

### **16.4 National Service Award**

16.4.1 The recommendations by the National Honour Awards Subcommittee for National Service Award will be voted upon as an Ordinary Resolution at the National Board Meeting.

16.4.2 This award carries no membership or voting rights.

### **16.5 Student Research Award**

The National Board may institute and conduct Student Research Awards furthering the vision, mission and objectives of ACHPER as referred to in By-law 17.

## **17 NATIONAL CONFERENCES**

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17.1 The National Board will be responsible for the coordination of National Conferences at times and places deemed appropriate by the National Board (see By-law 12).

## **18 PUBLIC OFFICER**

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18.1 There will be a Public Officer who will be appointed by the National Board and who will hold office for such period as the National Board decides from time to time.

## **19 OTHER NATIONAL POSITIONS**

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19.1 The Board will appoint from time to time persons to liaise on its behalf with other Australian and International organisations for a period of time as determined by the Board.

## **BY - LAWS**

### **1. ESTABLISHMENT OF NATIONAL POLICIES OF ACHPER**

#### **1.1 General**

1.1.1 Policies are philosophically based statements of professional intent. They give a framework for operation and decision making within ACHPER.

1.1.2 Policies must reflect the considered opinion of the membership of ACHPER.

1.1.3 Policies relate to ACHPER activities and do not necessarily bind Members in their individual spheres of work.

#### **1.2 Policy Formulation**

1.2.1 Draft policies may be suggested or formulated by any Member of a Branch of ACHPER or any group within ACHPER. Draft policies may be submitted to a Branch or the National Board for consideration.

1.2.2 The National Board may draft policies or ask office holders or individuals to draft policies for submission to Members and Branches for consideration.

#### **1.3 Approval of Policies**

1.3.1 Draft policy and position statements that have been agreed to by the National Board, will be circulated as for consideration by Branches, National Reference Groups, Committee's and Members.

1.3.2 The Board will be responsible for appointing individuals to be responsible for the collation of responses to policy and position statements appropriate to their area of expertise and the preparation of a final draft for consideration and approval by the National Board.

### **2. NATIONAL REFERENCE GROUPS**

2.1 The Board may appoint National Advisors and/or Reference/Working Groups which will be convened by an appointed National Advisor or a Board Member. National Reference Groups may also include Branch Representatives from the respective areas of interest.

### **3. NATIONAL SPECIAL INTEREST GROUPS**

3.1 National Special Interest Groups may be formed from time to time subject to the approval of the National Board.

3.2 The National Board will determine terms of reference for each National Special Interest Group formed.

3.3 The National Board will appoint a convenor for each National Special Interest

Group formed.

- 3.4 The existence of a National Special Interest Group will not preclude Branches from establishing local special interest groups.

#### **4. OTHER NATIONAL POSITIONS**

- 4.1 Nominations for National Liaison Person positions will be called for by a National Executive Director, with such nominations being submitted by Branches to the National Board no later than SIX weeks preceding a National Board Meeting.
- 4.2 Where a nomination for a National Liaison Person is not received six weeks before the National Board Meeting, or where no nomination received by that date is supported by an ordinary resolution of the National Board, nominations may be received from members of the National Board at the National Board Meeting.
- 4.3 Where a vacancy occurs between National Board Meetings, the National Board will appoint an interim National Liaison Person to fill that vacancy.
- 4.4 National Liaison Persons for Australian and International kindred organisations will be:
- 4.4.1 selected from any one of the following
    - 4.4.1.1 National Board Members
    - 4.4.1.2 Member of a Branch specifically requested by the National Board to represent it
    - 4.4.1.3 Member of a Branch who is already a member of the kindred organisation
  - 4.4.2 eligible for membership of the kindred organisation with which they are to liaise on ACHPER's behalf.
  - 4.4.3 responsible for the payment of their individual membership fee to the kindred organisation unless membership is only provided to organisations in which case ACHPER will be responsible for the membership fee.
  - 4.4.4 the sole representative of ACHPER to the kindred organisation unless multiple National Liaison Persons are specifically requested by the kindred organisation.
- 4.5 The length of appointment will be:
- 4.5.1 determined by ACHPER at the time of appointment taking account of the need for continuity of representation of ACHPER and the operations of the kindred organisation.
  - 4.5.2 terminated with one month's notification if
    - 4.5.2.1 the kindred organisation ceases to exist or its objectives change and bring it into conflict with ACHPER's Vision, Mission and Objectives.

- 4.5.2.2 the National Liaison Person ceases to be a member of the kindred organisation.
- 4.6 ACHPER will be responsible for all reasonable expenses, if finances permit, including travel, accommodation, meals and registration fees where incurred by the National Liaison Person acting officially on behalf of ACHPER.
- 4.7 National Liaison Persons are responsible to the National Board for:
- 4.7.1 developing and maintaining frequent contact with the governing body of the kindred organisation;
  - 4.7.2 reporting in writing to each National Board Meeting on the policies and activities of the kindred organisation;
  - 4.7.3 providing advice and recommendations to the National Board as to any input ACHPER should have concerning the policies and activities of the kindred organisation;
  - 4.7.4 financial statements for costs incurred representing ACHPER to kindred organisations, if funding was provided by ACHPER National.

## **5. NATIONAL PROJECT STEERING COMMITTEES**

- 5.1 From time to time ACHPER will undertake national and international projects and where appropriate they will be overseen by a steering committee appointed by the National Board.

## **6. ACHPER (NATIONAL) POSITIONS**

- 6.1 All part-time and full-time salaried positions of ACHPER will be subject to individual contracts. Each contract will include salary, conditions and employment details as determined by the National Executive Director. The salaried positions will include National Manager positions and clerical and support positions.
- 6.2 The salary and conditions of the salaried positions will be determined and reviewed from time to time by the National Executive Director.
- 6.3 The National Office Manager positions may include:-
- 6.3.1 National Finance Manager;
  - 6.3.3 National Publishing Manager;
  - 6.3.4 National Book Sales Manager.
  - 6.3.5 National Membership Coordinator
- 6.4 The National Executive Director, where resources are available, determines salary, conditions and employment details for positions on a casual basis to accomplish such tasks that are, from time to time, required.

## **7. ACHPER (NATIONAL) EMPLOYEES**

- 7.1 The National Board will employ the National Executive Director. The position will be appointed by the National Board following recommendation from a sub-committee appointed by the National Board.
- 7.2 The National Executive Director will be empowered to appoint persons to salaried positions and to positions on a casual basis.
- 7.3 The work of the salaried officers will be reviewed on an annual basis, or more frequently as determined by the National Executive Director.
- 7.4 The employment of the salaried officers may be terminated by the National Executive Director subject to any conditions in the employment contract.
- 7.5 The salaried officers will be responsible to the National Board through the National Executive Director.
- 7.6 A list of all employees of ACHPER and their salary costs will be presented to the National Board when requested.

## **8. AFFILIATIONS**

- 8.1 Corporations, organisations and associations which support the Vision, Mission and Objectives of ACHPER may apply to be affiliates of ACHPER.
  - 8.1.1 An application for affiliation by a national body will be made to the National Board.
  - 8.1.2 An application for affiliation by a non-national body will be made through the State or Territory in which that body is incorporated or conducts its principal business.
- 8.2 Each Affiliate will be entitled to:
  - Quote affiliation with ACHPER.
  - Discounts on ACHPER products and services, as determined from time to time.
  - Discounts on ACHPER endorsements (subject to acceptance of product/service).
  - Reasonable advice, consultation and support.
- 8.2.1 No voting rights or eligibility to hold office will be attached to Affiliation.
- 8.3 **Withdrawal of Affiliates**

Withdrawal from Affiliation may be performed at any time. No refund of fees will be payable.
- 8.4 **Termination of Affiliation**

The National Board may, upon giving one month's notice, resolve by ordinary resolution to terminate affiliation. No refund of fees will be payable.

## 8.5 Affiliation Fees

Affiliation fees will be paid annually from the date of commencement of the Affiliation and will be determined by special resolution of the National Board from time to time.

8.5.1 Each Affiliation fee will be divided between ACHPER (National) and the Branch or Branches to which the body is affiliated.

## 9. MEMBERSHIP FEES

9.1 Membership fees will be billed annually from the date of commencement of membership and will be determined by special resolution of the National Board from time to time. For the purpose of determining fees, of membership will be as follows:-

- Full Member;
- Graduate;
- Student;
- Joint;
- Non-Working/Retired;
- Affiliate.

Such new categories of Membership, refer to Clause 7.3 of this Constitution.

9.1.1 From time to time special offers may be made to Full members allowing payment of five or ten years in advance.

9.2 Each membership fee will be divided equally between ACHPER (National) and the Branch to which the Member belongs.

9.2.1 ACHPER (National) will deduct an administration fee as determined by the Board from each Branch share before forwarding the Branch payment to Branches.

9.3 Each Member will receive the ACHPER Healthy Lifestyles Journal or the Active & Healthy Magazine, the Healthy Lifestyles Bookshop Catalogue, State Branch Newsletters and Professional Development Program Books and other benefits as negotiated by National and Branches.

## 10. MEMBERSHIP PERIOD

10.1 The period of membership will be twelve months and subject to renewal annually provided that:

- A Member will be deemed unfinancial if such fees as are due are not paid.

10.2 An unfinancial Member will lose membership benefits and publications as of that date.

10.3 Re-admission to Membership

10.3.1 A person who seeks re-admission within six weeks of becoming may be re-admitted without loss of continuity of membership, benefits and publications.

10.3.2 A person who seeks re-admission after six weeks and prior to 12 months of being unfinancial may be re-admitted with new renewal date and without being subject to the new member process (see Clause 7 of this Constitution). These members are considered to have continuous membership.

10.3.2.1 Continuous membership as in 10.3.2 does not mean continuity of benefits and publications unless the member requests that the renewal date is not changed.

10.3.3 A person who seeks re-admission after twelve months of being unfinancial is subject to the new member process (see Clause 7 of this Constitution) with total loss of previous privilege and continuity of membership services.

#### 10.4 Suspension of Membership

A member may request suspension of membership for a period of up to two years, without loss of continuity of membership. Supply of benefits and publications will be suspended for the period.

### **11. MACHPER AND FACHPER**

11.1 A financial Member of a Branch may include the letters MACHPER after his or her name.

11.2 A person who has been awarded a Fellowship may include the letters FACHPER after his or her name.

### **12. SCHEDULE OF MEETINGS AND CONFERENCES**

12.1 The National Board will meet at least 6 times per year, with at least one meeting (the National General Meeting) held before the end of April.

12.1.1 In the year of a National Conference a meeting of the National Board will be held in conjunction with the Conference if appropriate.

#### 12.2 Conferences

12.2.1 The National Conference is conducted by the National Board through the Branch of the State or Territory in which the conference is to be held.

12.2.2 Subject to 12.2.1 the National Conference may be held in conjunction with the conference of an Australian or International kindred organisation.

12.2.3 A Branch may nominate to host the National Conference and submit a written plan for the conference to a National Board Meeting held at least two

calendar years prior to the Conference.

12.2.4 The written plan will include:

12.2.4.1 proposed dates and venues

12.2.4.2 proposed program

12.2.4.3 proposed keynote speakers

12.2.4.4 draft budget

12.2.4.5 proposed promotional activities

12.2.5 A protocol for the conduct of each National Conference will be approved by National Board for each National Conference.

12.2.6 Profits and losses made by a Conference will be equally shared by ACHPER National and the Branch which hosts the Conference and both ACHPER National and the Branch will be entitled to charge for services provided for the organisation of the conference.

12.2.6.1 As far as practicable, services such as printing and publications will use ACHPER's own resources.

12.2.7 A full conference report including financial statement will be presented to the National Board by the Branch hosting the Conference within SIX months of the completion of the Conference.

### **13. AWARDS**

#### **13.1 Life Member**

13.1.1 Life Membership of ACHPER may be awarded to Members or former Members of a Branch, who have given outstanding and distinguished service to ACHPER and to one or more of the areas of focus.

13.1.2 Nominations on the appropriate pro-forma will be accompanied by a detailed account of the nominee's outstanding service and submitted to the National Executive Director not later than 6 weeks prior to the nominated National Board Meeting.

13.1.2.1 In a conference year nominations will be submitted as specified in 13.1.2 but not later than 10 weeks prior to the nominated National Board Meeting.

13.1.3 The qualifications for a candidate for Life Membership are:-

- the candidate will have had at least fifteen (15) years as a full Member of ACHPER;
- the candidate will have distinguished, meritorious and special service as a mature leader in one or more of the areas of focus at both State and National level;
- the candidate will have made a significant contribution to the Vision, Mission

and Objectives of ACHPER.

## 13.2 Fellow of ACHPER

13.2.1 Fellow of ACHPER may be awarded to Members of a Branch who are regarded as having made a significant contribution to the Vision, Mission and Objectives of ACHPER.

13.2.2 Nomination on the appropriate pro-forma for the Award of Fellow will be accompanied by a brief statement of the nominee's contribution to the Vision, Mission and Objectives of ACHPER and submitted to the National Executive Director not later than 6 weeks prior to the nominated National Board Meeting.

13.2.2.1 In a conference year nominations will be submitted as specified in 13.2.2 but not later than 10 weeks prior to the nominated National Board meeting.

13.2.3 The Award of Fellow does not necessarily require an extended period of involvement such as in the requirement for a Life Membership of ACHPER. The Fellow Award allows for a specific contribution over a shorter time to be rewarded. To be eligible a nominee must have been a member for a minimum of five (5) consecutive years. It also provides for an outstanding individual contribution to the Vision, Mission and Objectives of ACHPER and provides an opportunity for ACHPER to acknowledge the significant events and involvement of Members in one or more of the areas of focus.

13.2.4 Qualification for a candidate for Fellow:-

Candidates will have demonstrated outstanding contributions to the furtherance of ACHPER's Vision, Mission and Objectives such that:-

- they are acknowledged by colleagues and co-workers as outstanding in their personal contribution, not merely by way of their position;
- contributions have been of such nature that they have occasioned or noticeably contributed to:-
  - substantial professional growth;
  - improvements in an important institution;
  - an increased body of knowledge in a Health Education, Physical Education, Recreation, Sport, Dance, Community Fitness or Movement Science discipline;
  - positive changes in Health Education, Physical Education, Recreation, Sport, Dance, Community Fitness or Movement Sciences attitudes and practices in the community.

## 13.3 National Honour Award

13.3.1 The National Honour Award may be awarded to members or non

members of a Branch, who have made significant contributions to one or more of the areas of focus, or to the conduct of ACHPER.

13.3.2 The award may be awarded to individuals who may:-

- deliver a significant national address;
- conduct nationwide workshops;
- assist in the well-being of ACHPER.

13.3.3 Executive Officers of Kindred Overseas Organisations may also qualify for this type of award.

13.3.4 Nomination for National Honour Awards will be accompanied by a brief statement of the nominee's contribution to the Vision, Mission and Objectives of ACHPER and submitted to the National Executive Director not later than 6 weeks prior to the designated National Board Meeting.

13.3.4.1 In a conference year nominations will be submitted as specified in 13.3.4 but not later than 10 weeks prior to the designated National Board Meeting.

#### 13.4 National Awards Sub-Committee

13.4.1 Nominations for the Awards of Life Member, Fellow and National Honour Award will be submitted on the appropriate pro-forma and reviewed by an Awards Sub-Committee appointed by the National Board.

13.4.2 The Awards Sub-Committee will review all nominations with the view to maintaining a National consistency for each Award.

13.4.3 The Awards Sub-Committee will make recommendations to the National Board based on decisions reached by a two thirds majority of the sub-committee.

13.4.4 The Awards Sub-Committee will comprise a National Board Member as chairperson and one Member from each Branch, each of whom will be a Life Member or a Fellow, nominated by Branches and appointed for two year terms at the first National Board Meeting held in each odd year.

13.4.5 Exceptional circumstances: the Awards Committee may elect to recommend to the National Board acceptance of a nomination when exceptional circumstances arise ie when an individual is unable to meet all of the criteria due to work related conflicts of interest.

#### 13.5 Branch Awards

Where a Branch proposes to institute a system of Branch Awards, it will submit details of the system for the approval of the National Board which will ensure that such Branch Awards are compatible with the National Awards.

#### 13.6 National Service Award

13.6.1 May be awarded to employees of ACHPER at both State and National level who have given meritorious service over an extended period of time.

13.6.2 Nominations may be submitted by Branches for Branch employees and by National Board for National employees and submitted to the National Board for inclusion in the Agenda at that meeting.

## **14. PUBLICATIONS**

14.1 Publications of ACHPER will be:-

14.1.1 The ACHPER Journal.

14.1.2 The ACHPER Magazine.

14.1.3 Catalogues promoting ACHPER Healthy Lifestyles Bookshop and Resources published.

14.1.4 Any other regular publication deemed necessary by the National Board.

14.2 Editors of the Magazine and the Journal

14.2.1 Editors will be members of ACHPER.

14.2.2 Expressions of Interest for Editors will be called six weeks prior to a designated National Board Meeting (biannual).

14.2.3 Editors will be reimbursed for expenses incurred up to a limit, determined by the National Board.

14.2.4 Editors will be appointed for three years. A contract outlining editorial duties will be enacted between ACHPER and each editor.

14.2.5 Where a vacancy occurs between elections (appointments) and nominations at a Board Meeting are not received the National Board may approach a suitable individual whose appointment will then be ratified by the Board.

14.3 Editorial Committee

14.3.1 An Editorial Committee will be appointed to the ACHPER Journal to support the Editor.

14.3.2 The Editor shall submit names for the Editorial Committee for ratification by the Board six weeks prior to the designated National Board Meeting.

14.4 Other Publications

ACHPER may tender for and publish journals and books as agreed by the National Board.

## **15. TRADE MARK**

15.1 Branches may use the trade mark 'ACHPER' in a commercial venture by the

Branch in conjunction with a person or body not being a Branch and may authorise the use of the trade mark by any person or body other than the Branch.

- 15.2 Any such use will first be the subject of a formal agreement negotiated by the Branch with the other person or body in accordance with guidelines set by the National Board.
- 15.3 The formal agreement referred to in clause 15.2 will be made by the National Board on behalf of ACHPER (National) and will be under the common seal of ACHPER.
- 15.4 ACHPER (National) will be entitled to receive or retain (as the case may be) an amount of 1% of the gross income of the venture in addition to the percentage of gross income received by the Branch as a result of the use of the trade mark.

## **16. SMALL BRANCH DEVELOPMENT GRANT**

- 16.1 The National Board will determine from time to time the minimum level of infrastructure required to maintain a Branch presence in each State and Territory.
- 16.2 The National Board will provide the financial support to maintain the minimum level of infrastructure as stated above, National finances permitting.

## **17. ACHPER STUDENT RESEARCH AWARDS**

- 17.1.1 An Award committee may be established and chaired by a person nominated by the National Board.
- 17.2 Student Research Awards may be conducted in conjunction with National Conferences.
  - 17.2.1 Student Research Award committee to include a representative of the National Conference organisers and tertiary personnel who represent at least 2 different areas of focus.
  - 17.2.2 Awards committee to prepare and submit judging criteria to the National Board at least twelve months prior to a National Conference.
  - 17.2.3 Award committee to prepare timeline for information and nomination forms in conjunction with National Conference organisers.
  - 17.2.4 Student Research Award judging panel will comprise National President (or nominee) and two researchers from differing focus areas at attendance at the conference. These judges are to be invited by the National Board Member in consultation with the Student Research Award committee.
  - 17.2.5 Student Research Award judging panel to meet with the National

Board Member prior to the event to confirm the judging process and criteria.

17.2.6 Nomination forms to be submitted to the National Office by the time set by the Awards committee. All nominees to be sent copy of judging criteria with acknowledgement and acceptance of their abstract.

17.2.7 Entries for the Student Research Award should consist of a poster and verbal presentation by the student.

17.2.7.1 Entrants may nominate to either make the verbal presentation at a time designated in the Conference program or to submit a video discussing the contents of the poster.

17.2.7.2 The poster and video must be received by the National Office at least 2 weeks prior to the Opening Ceremony of the Conference.

17.2.7.3 Only entries fulfilling both requirements (poster and verbal/video presentation) will be eligible for the Award.

17.2.7.4 Academic supervisors of student research may attend the presentation, but will not participate unless invited to do so by the Judging Panel.

17.2.8 Awards to be announced at a suitable event in the ACHPER National calendar. In the case of the Student Research Awards this should be determined in consultation with the Conference organising committee.

## **18. COLOURS**

18.1 The ACHPER corporate colours are Reflex Blue and Warm Red.

18.2 These are always to be used for the membership application form.

18.3 Variations in hue for different publications may be allowed.

## **19. STYLE**

19.1 The ACHPER Logo cannot be altered, but can be used to fit a design (i.e. either to the left or right of the ACHPER word) or in any way that is appropriate.

19.2 The ACHPER Word style should be as shown below – the variations of shading depend on the colours used.

19.3 Where possible the Word and Logo should be in the ACHPER colours (By-law 18.1), or black.



Australian Council for Health, Physical Education and Recreation

## **20. ELECTION PROCEDURE BY-LAW**

This Election Procedure By-law sets out the voting process to be followed in relation to the election of Board Members under Clause 8.11 of the Australian Council for Health, Physical Education and Recreation Inc Constitution.

### **20.1 Nominations equal vacancies or insufficient nominations**

20.1.1 If the number of nominations received for the Board is equal to the number of vacancies to be filled or if there are insufficient nominations received to fill all vacancies on the Board, then those nominated will only be elected if they are elected by the majority of the National General Meeting by secret ballot in accordance with Clause 8.11.3 of the Constitution.

20.1.2 Ballot papers will be prepared for each nominee. The ballot paper will include two boxes, being YES and NO. The Member Organisations will be required to mark one box on the ballot paper, indicating whether they agree to the election of the nominee. The nominee will be elected if the majority of Members Representative Forum mark the YES box.

20.1.3 If the nominees are not elected or if there are vacancies to be filled, the position will be deemed to be a casual vacancy and filled by the Board in accordance with Clause 8.13.2 of the ACHPER Constitution.

### **20.2 Nominations exceed vacancies**

20.2.1 If the number of nominations exceeds the number of vacancies to be filled, a secret ballot will be taken and the voting will be conducted by the preferential method set out in Clause 8.11.3 of the ACHPER Constitution.

20.2.2 Election of one position from two nominees:

1. Ballot papers listing in random order (determined by lot) [or alphabetical order] the two nominees will be distributed and each member of the National Representative Forum will rank the two nominees by placing the number "1" next to the most preferred nominee, "2" next to the less preferred nominee.

2. Any ballot paper on which a preference is duplicated or missed will be declared an “informal vote” and will be disregarded.
3. If either nominee has received a majority of first preferences cast, then that person is duly elected.
4. If both nominees have received an equal number of first preferences the election of the nominees will be determined by lot.

#### 20.2.3 Election of one position from three or more nominees:

1. Ballot papers listing in random order (determined by lot) [or alphabetical order] all nominees will be distributed and each member of the National Representative Forum will rank nominees by placing the number “1” next to the most preferred nominee, “2” next to the second preference and so on.
2. Any ballot paper on which a preference is duplicated or missed will be declared an “informal vote” and will be disregarded.
3. If a nominee has received a majority of the first preference votes, that person is duly elected.
4. If no nominee has received a majority of the first preference votes, then the nominee who received the least first preference votes is eliminated from the election and the National Representative Forum votes are distributed amongst the remaining nominees according to the second preferences shown.
5. If a nominee now has received a majority of votes cast, that nominee is duly elected. If no nominee has received a majority of the votes cast, the process continues with the nominee who has received the lowest number of votes being eliminated at each stage and the National Representative Forum votes distributed according to the next preference shown until a nominee has received a majority of votes.

5. In distributing preferences, votes which would normally be distributed to a nominee who has already been eliminated are distributed to the next available preference marked.
6. If at any stage of a count a choice must be made between eliminating two or more nominees each having equal scores at that stage, the nominee who had the lower number of votes at the last preceding stage of the count at which their respective scores were different will be eliminated.
7. Where both nominees have an identical number of votes at each stage of the voting process, the elimination of the nominees will be determined by lot.

#### 20.2.4 Election for two or more positions from three or more nominees:

1. Ballot papers listing in random order (determined by lot) [or alphabetical order] all nominees will be distributed and each National Representative Forum will rank nominees by placing the number “1” next to the most preferred nominee, “2” next to the second preference and so on.
2. Any ballot paper on which a preference is duplicated or missed will be declared an “informal vote” and will be disregarded.
3. If a nominee has received a majority of the first preference votes, that person is duly elected.
4. If no nominee is in that position, elimination of nominees is carried out until one nominee obtains a majority of votes and becomes the “first elected nominee”.
5. The count is then restarted using all ballot papers including those for nominees eliminated during the previous count. Votes for the first elected nominee are then distributed according to the National Representative Forum’s next preference.
6. If a nominee has received a majority of the votes at this stage, that person is duly elected and becomes the “second elected nominee”. If no nominee is in that position, elimination of

nominees is carried out until one nominee obtains a majority of votes and becomes the “second elected nominee”.

7. The process of restarting the count and redistributing the votes of all elected nominees followed by elimination of nominees is repeated in order to elect a “third elected nominee”, “fourth elected nominee” and so on.
8. If at any stage during this process the number of remaining nominees is equal to the number of vacancies to be filled, the remaining nominees will be elected provided the procedure in Clause 1 of this By-law is followed.

## **21. ELECTED Board Member QUALIFICATION BY- LAW**

This Elected Board member Qualification By-law sets out the qualifications which nominees for Elected Board member positions on the ACHPER National Board should meet under Rule (a) of the ACHPER National Constitution.

21.1 Nominees for Elected Board member positions should demonstrate knowledge, skills and commitment in most of the following areas:

1. Knowledge of the purpose and role of ACHPER.
2. Previous experience in organisational work from either private business or community activities. This experience may have been gained as a committee member or board member.
3. Demonstrated ability to understand a wide scope of community issues, including requirements and objectives of governing not for profit bodies.
4. Management or administration skills, including an understanding of financial management knowledge, of the Corporations Act (Cth) 2001 and common law obligations in relation to corporate governance and Board member duties and responsibilities.
5. Professional or commercial background in any of the following areas of expertise (eg, finance, marketing, law or research) or other areas that can benefit ACHPER.
6. Excellent communication skills.

7. Ability to demonstrate achievements or contribution in previous roles (either professional or community context).
8. Ability to work and communicate effectively within the group and with external parties.
9. Understanding of strategic planning processes and ability to implement developed procedures.
10. Commitment to the role and the ability to devote sufficient time and energy to the position.

It is required that nominees for Elected Board Member positions submit a resume outlining their experience and suitability for the position of Elected Board Member.