

Constitution

Oncology Social Work Australia New Zealand Inc.

ABN 25 332 146 091

An Incorporated Association

**This Constitution has been prepared in consultation with Slater and Gordon Lawyers
(ABN 93 097 297 400).**

Constitution - Oncology Social Work Australia New Zealand Inc.

TABLE OF CONTENTS

1. DEFINITIONS AND INTERPRETATION.....5
1.1 Definitions5
1.2 Interpretation6

2. OBJECTS.....7

3. POWERS AND ACTIVITIES.....7

4. MEMBERSHIP.....7
4.1 Membership qualifications7
4.2 Membership categories.....8
4.3 Membership application.....8
4.5 Membership Fees.....8
4.6 Membership entitlements not transferable9
4.7 Cessation of membership.....9

5. REGISTER OF MEMBERS.....9
5.1 Maintenance of the Register of Members.....9
5.2 Contents of the Register of Members.....9

6. MEMBERS' LIABILITIES.....10

7. DISCIPLINING OF MEMBERS.....10
7.1 Procedure for disciplining Members, Associate Members and Trainee Members.....10
7.2 Right of appeal of a disciplined Member, Associate Member and Trainee Member...10

8. INTERNAL DISPUTES.....11
8.1 Grievance Procedure.....11
8.2 Mediation.....11

9. THE COMMITTEE.....12
9.1 Composition and membership of the Committee.....12
9.2 Functions and powers of the Committee12
9.3 Terms of office of Committee Members.....12
9.4 Vacancy in the office of a Committee Member.....13
9.5 Filling of casual vacancies occurring on the Committee.....13
9.6 Quorum and procedure at Committee meetings.....13
9.7 Delegation to a sub-committee 14
9.8 Validity of acts by the Committee.....14

10. EXECUTIVE15
10.1 Role of the Executive.....15
10.2 Power of the Executive15
10.3 Appointment of Executive15
10.4 President.....15
10.5 President-Elect.....15
10.6 Secretary.....15
10.7 Treasurer.....16

11. REGISTER OF COMMITTEE MEMBERS.....	16
11.1 Maintenance of the Register of Committee Members.....	16
11.2 Contents of the Register of Committee Members.....	16
12. MEETINGS OF THE COMMITTEE.....	17
12.1 Notice.....	17
12.2 How Committee meetings are to be held	17
12.3 Voting rights	17
12.4 Resolutions of the Committee.....	17
13. ANNUAL GENERAL MEETINGS.....	18
13.1 Annual general meeting –calling of and business at.....	18
14. GENERAL MEETINGS.....	19
14.1 Calling a general meeting.....	19
14.2 Notice.....	19
14.3 Adjourning a general meeting.....	19
14.4 Procedure and quorum at general meetings.....	20
14.5 Chair.....	20
14.6 Making of decisions at a general meeting.....	20
14.7 Special resolutions.....	21
14.8 Voting.....	21
15. PRACTICE FIELDS.....	21
15.1 Definition of Practice Fields.....	21
15.2 Types of fields.....	21
15.3 Winding up of a Practice Field Special Interest Group	21
15.4 Practice Field Leaders.....	21
16. OSWANZ REPRESENTATIVE.....	22
16.1 Role of OSWANZ Representative	22
16.2 Review.....	22
16.3 Additional OSWANZ Representative positions	22
17. REGIONAL GROUPS.....	23
17.1 Role of Regional Groups	23
17.2 Election of Regional Delegates.....	23
17.3 Autonomy of Regional Groups.....	23
17.4 Financial responsibility of Regional Groups.....	23
17.5 Planning conferences.....	23
17.6 Reporting Requirements.....	23
17.7 Relationship with Regional Groups	24
18. PUBLIC OFFICER.....	24
18.1 Appointment and removal.....	24
18.2 Notification requirements	24
19. PATRON.....	24
19.1 Appointment and removal.....	24
20. EMPLOYEES AND ADVISORS.....	25
20.1 Appointment and removal	25
21. FUNDS OF THE ASSOCIATION.....	25

21.1 Source of funds.....	25
21.2 Income and property.....	25
21.3 Management of funds	25
21.4 Establishment and management of a bank account.....	25
21.5 Receipts for gifts.....	26
21.6 Use of funds.....	26
21.7 Accountant.....	26
21.8 Accounting records.....	26
21.9 Annual statement of accounts.....	26
21.10 Annual returns.....	27
21.11 Winding up of the Association.....	27
21.12 Insurance.....	27
22. ASSOCIATION AFFILIATING WITH OTHER ORGANISATIONS.....	27
23. SERVICE OF NOTICES.....	27
24. RECORDS.....	28
24.1 Custody of records.....	28
24.2 Inspection of records.....	28
25. FINANCIAL YEAR.....	28
26. AMENDMENT OF CONSTITUTION.....	28
APPENDIX	
SCHEDULE 1 – NOMINATION FORM	29

1. DEFINITIONS AND INTERPRETATION

1.1 Definitions

In this Constitution:

Act means the *Associations Incorporation Act 2009 (NSW)*.

Associate Member means a person who is:

- (i) a qualified social worker in a country other than Australia or New Zealand with an interest in the field of oncology OR,
- (ii) Aboriginal, Torres Strait Islander, Maori and Pacific Health Workers with an interest in the field of Oncology OR
- (iii) Academia with an interest in the field of Oncology OR
- (iv) a person entered in the Register of Members as an Associate Member.

Association means Oncology Social Work Australia New Zealand Inc.

Commissioner means the Commissioner of the Office for Fair Trading.

Committee means the governing body of the Association as constituted under the Constitution from time to time.

Committee Member means a Member who is appointed a member of the Committee.

Constitution means the constitution of the Association as amended and in force from time to time.

Director-General means the Commissioner for Fair Trading, Department of Commerce and if there is no such position in the Department, the Director-General of the Department of Commerce.

Executive means the President, President-Elect, Secretary and Treasurer of the Association.

General Meeting means a General Meeting of the Association other than an Annual General Meeting

Insurance means primary liability insurance, protector liability insurance and personal accident insurance.

Member means a person who is a qualified practising social worker eligible for membership of the Australian Association of Social Workers (AASW) or Social Work Registration Board (SWRB), New Zealand and has an interest in the field of oncology and is entered into the Register of Members as a member of the Association.

Membership Fee means the annual fee payable by Members and Associate Members to the Association.

OSWANZ Representative means a Member who is appointed by the OSWANZ Committee to represent the Association's interests externally.

Practice Field means a group that is focused on a specified area which relate to the objects of the Association.

President means the President-Elect appointed as such in accordance with clause 9.3(b).

President-Elect means a Member elected as such in accordance with clause 9.3(c).

Public Officer means a person appointed as such under the Act and may be the Secretary.

Region means a state or territory in Australia or New Zealand.

Register of Members means the register listing each person who is a Member, Associate Member or Trainee Member of the Association, which the Association maintains in accordance with the Act.

Regulations mean the *Associations Incorporation Regulation 2010 (NSW)*.

Secretary means a Member elected as such under this Constitution, or if no such person holds that office, the public officer of the Association.

Regional Delegate means a Member elected to represent an Australian State Group or New Zealand on the Committee.

Regional Group means an Australian state based or New Zealand branch of the Association described in Clause 18.

Trainee Member means a Member who is studying to be a social worker or a student in training in the health industry who has an interest in the field of Oncology.

Treasurer means a Member elected as such under clause 9.3 (a)

1.2 Interpretation

In this Constitution:

- (a) the word “person” includes a natural person, a firm, a body corporate, an unincorporated Association and an authority;
- (b) the singular includes the plural and vice versa;
- (c) words denoting a gender includes all genders;
- (d) where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings;
- (e) a reference to a clause is a reference to one of the clauses in this Constitution;
- (f) a reference to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them;
- (g) a reference to Australian dollars, dollars, A\$ or \$ is a reference to the lawful currency of Australia;
- (h) if a period of time dates from a given day or the day of an act or event, it is to be calculated exclusive of that day;
- (i) a day is to be interpreted as the period of time commencing at midnight and ending 24 hours later.
- (j) the words “include”, “including”, “for example” or “such as” are not used as, nor are they to be interpreted as, words of limitation, and, when introducing an example, do not limit the meaning of the words to which the example relates to that example or examples of a similar kind;
- (k) if an act under this clause is to be done by a party on or by a given day is done after 5:00 pm on that day, it is taken to be done on the next day;

(l) the provisions of the Interpretation Act 1987 (NSW) apply to and in respect of these clauses in the same manner as those provisions would so apply if these clauses were an instrument made under the Act; and

(m) this Constitution replaces the rules adopted at the time of incorporation.

1.3 Headings

Headings are inserted for convenience and do not affect the interpretation of this Constitution.

2. OBJECTS

The primary object of the Association is to maintain and enhance an ethical professional organisation for a membership actively engaged in providing best practice evidence informed psychosocial cancer care for patients, their families and friends; and, leadership in advocating for social justice on their behalf.

3. POWERS AND ACTIVITIES

(a) The Association has powers to do such things to further the objects in the Constitution, including to:

- (i) increase the profile of the Association and advocate for the Association's practice and clients where appropriate;
- (ii) acknowledge its own professional contribution to cancer care and maintain professional excellence;
- (iii) encourage discourse between oncology social workers at the individual, state and international levels; and
- (iv) be a central point for education, knowledge and resource dissemination relating to oncology social work in Australia and New Zealand.

(b) The Association will aim to further the objects in the Constitution by engaging, without limitation, in any one (1) or more of the following activities:

- (i) facilitating communication and dialogue about the psychosocial care of those living with cancer and their significant others with consumers, the community and other service providers involved in cancer care;
- (ii) advocate and assist in the development of policy that meets the psychosocial needs of those being treated with cancer;
- (iii) promote research and program initiatives that progress the care of all those effected by cancer;
- (iv) further educate for the benefit of those who have been diagnosed, treated and survived a form of cancer;
- (v) continue to expand oncology social work practice through the exchange of information;
- (vi) network oncology social workers internationally and share as a group of professionals through activities and the development of social networks internationally;
- (vii) facilitate opportunities to develop formal and informal professional networks with other oncology social workers which will offer mentorship and the availability of peer review; and
- (viii) offer opportunities for ongoing professional education at the national and international level through the provision of seminars, conferences, internet communication and international exchanges.

4. MEMBERSHIP

4.1 Membership qualifications

A person is qualified to be a Member if:

- (a) The person is eligible for membership of the Australian Association of Social Workers (AASW) or the Social Work Registration Board (SWRB), Aotearoa New Zealand Association of Social Workers (ANZASW); and has an interest in the field of oncology and;
- (i) has applied for membership as prescribed in clause 4.3; and
 - (ii) has been approved for membership by the OSWANZ Committee
- (b) the person has not ceased to be a Member at any time.

4.2 Membership categories

(a) Members: a Member who is a qualified practising social worker eligible for membership of the Australian Association of Social Workers (AASW) or Social Work Registration Board (SWRB), New Zealand and has an interest in the field of oncology.

(b) Associate Members:

- (i) a qualified social worker in a country other than Australia or New Zealand with an interest in the field of oncology OR,
- (ii) Aboriginal, Torres Strait Islander, Maori and Pacific Health Workers with an interest in the field of Oncology OR
- (iii) Academia with an interest in the field of Oncology.

(c) Trainee (Student) Members: persons who are studying an AASW or ANZASW Accredited Social Work program by an education provider that provides a graduate with eligibility for membership of the AASW or SWRB.

4.3 Membership application

(a) An application by a person for membership of the Association:

- (i) must be made in writing (including by email or other electronic means, if the committee so determines) in the form determined by the committee, and
- (ii) must be lodged (including by electronic means, if the Committee so determines):
 - (a) with the Secretary; or
 - (b) by completing the on-line application; or
 - (c) as otherwise prescribed by the Committee.

(b) As soon as practicable after receiving an application for membership, the Secretary must refer the application to the Committee, which is to determine whether to approve or to reject the application via inclusion of the name of the new member on the OSWANZ Committee agenda for ratification by the Committee.

(c) As soon as practicable after the Committee makes that determination, the Secretary must:

- (i) notify the applicant in writing (including by email or other electronic means, if the committee so determines) that the committee approved or rejected the application (whichever is applicable), and
- (ii) if the Committee approved the application, request the applicant to pay (within the period of 28 days after receipt by the applicant of the notification) the sum payable under this constitution by a member as entrance fee and annual subscription.

(d) The Secretary must enter or cause to be entered the applicant's name in the register of members and, on the name being so entered, the applicant becomes a member of the Association.

4.5 Membership Fees

(a) Members shall pay the Membership Fees and any other fees prescribed in the Constitution.

- (b) Membership Fees are calculated according to membership categories with:
 - (i) Full Members paying the full rate payable;
 - (ii) Associate Members paying less than Full Members; and
 - (iii) Trainee Members paying less than the Associate Members.
- (c) The Committee may at any time alter, suspend or waive payment of the Membership fee in favour of any Member or category of members.
- (d) Membership Fees will be set by the Committee and reviewed from time to time by the Committee.
- (e) Membership Fees shall fall due on the member's anniversary date.

4.6 Membership entitlements not transferable

A right, privilege or obligation which a person has by reason of being a Member:

- (a) is not capable of being transferred or transmitted to another person; and
- (b) terminates on cessation of the person's membership.

4.7 Cessation of Membership

(a) Resignation

A Member who has paid all amounts payable by the Member to the Association may resign from membership of the Association by giving the Secretary written notice of at least one (1) month (or such other period as the Committee may determine) of the Member's intention to resign and will cease to be a Member on the expiration of the period of notice.

(b) Ceasing membership

- (i) A person ceases to be a Member if the person:
 - (a) resigns membership in accordance with rule 3.1(a);
 - (b) is expelled from the Association; or
 - (c) fails to pay their Membership Fee within three (3) months of the due date;
 - (d) dies.
- (ii) Where a Member ceases to hold membership, the Secretary must make an appropriate entry in the Register of Members recording the date on which the Member ceased to be a Member.

5. REGISTER OF MEMBERS

5.1 Maintenance of the Register of Members

- (a) The Secretary must maintain the Register of Members.
- (b) The Register of Members must be kept in New South Wales at the principal place of administration of the Association and must be made available for inspection by any Member, at all reasonable hours and free of charge.
- (c) If a member requests that any information contained on the register about the member (other than the member's name) not be available for inspection then that information must not be made available for inspection.
- (d) A member must not use information about a person obtained from the register to contact or send material to the person, other than for:
 - (i) the purposes of sending the person a newsletter, a notice in respect of a meeting or other event relating to the association or other material relating to the association, or
 - (ii) any other purpose necessary to comply with a requirement of the Act or the Regulation.

5.2 Contents of the Register of Members

The Register of Members must contain:

- (a) the name and address of each Member;
- (b) the date on which the person became a Member;
- (c) category of membership;
- (d) the date of cessation of membership; and
- (e) the date of any change to the category of membership.

6. MEMBERS' LIABILITIES

- (a) A Member has no liability as a Member except as set out in this clause.
- (b) The amount a Member is liable to contribute towards the payment of:
 - (i) any debts and liabilities of the Association; or
 - (ii) the costs, charges and expenses of the winding up of the Association is limited to the value of any Membership Fees owing to the Association by the Member.

7. DISCIPLINING OF MEMBERS

7.1 Procedure for disciplining Members, Associate Members and Trainee Members

- (a) If a complaint is made to the Committee by any person that a Member, Associate Member or Trainee Member has:
 - (i) persistently refused or neglected to comply with the Constitution; or
 - (ii) persistently and wilfully acted in a manner prejudicial to the interests of the Association, the Committee is to:
 - (iii) serve notice of the complaint on the Member, Associate Member or Trainee Member concerned; and
 - (iv) give the Member, Associate Member or Trainee Member at least fourteen (14) days from the date of service of the notice to make submissions to the Committee in response to the complaint.
- (b) The Committee may, by ordinary resolution, fine, suspend or expel the Member, Associate Member or Trainee Member from membership of the Association if, after considering the complaint and any submissions made in connection with the complaint, it resolves that the facts alleged in the complaint have been proved.
- (c) If the Committee fines, suspends or expels a Member, Associate Member or Trainee Member, the Secretary must, within seven (7) days after the action is taken, cause written notice to be given to the Member, Associate Member or Trainee Member describing:
 - (i) the action to be taken;
 - (ii) the reasons given by the Committee for that action; and
 - (iii) the Member, Associate Member or Trainee Member's right of appeal under clause 7.2.
- (d) Any fine, suspension or expulsion will not take effect:
 - (i) until the expiration of the period within which the Member, Associate Member or Trainee Member is entitled to appeal against the resolution concerned; or
 - (ii) if within the period in which the Member, Associate Member or Trainee Member is entitled to appeal against the resolution concerned, the Member, Associate Member or Trainee Member exercises the right of appeal, unless and until the Association confirms the resolution under clause 7.2(e), whichever is the later.

7.2 Right of appeal of a disciplined Member, Associate Member or Trainee Member

(a) A Member, Associate Member or Trainee Member may appeal against a resolution of the Committee made under clause 7.1(b), within seven (7) days after notice of the resolution is served on the Member, Associate Member or Trainee Member, by lodging with the Secretary a notice to that effect.

(b) The notice may, but need not, be accompanied by a statement of the grounds on which the Member, Associate Member or Trainee Member intends to rely for the purposes of the appeal.

(c) On receipt of a notice from a Member, Associate Member or Trainee Member under clause 7.2(a), the Secretary must notify the Committee which is to convene a General Meeting of the Association to be held within twenty-eight (28) days after the date on which the Secretary received the notice.

(d) At a General Meeting of the Association convened under clause 7.2(c):

- (i) no business other than the question of the appeal is to be transacted; and
- (ii) the Committee and the Member, Associate Member or Trainee Member must be given the opportunity to state their respective cases orally or in writing, or both, and the Members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.

(e) If at the General Meeting, the Association passes a special resolution based on a simple majority of votes cast by members of the Association present in favour of the confirmation of the resolution, the resolution is confirmed.

8. INTERNAL DISPUTES

8.1 Grievance Procedures

(a) The grievance procedure set out in this clause 8 applies to disputes between:

- (i) a Member, Associate Member or Trainee Member and another Member, Associate Member or Trainee Member; or
- (ii) a Member, Associate Member or Trainee Member and the Association, and each are referred to as an 'internal dispute' for the purposes of this Constitution.

(b) Within fourteen (14) days of an internal dispute arising, the parties to the dispute must meet and attempt to resolve the dispute.

(c) If the parties are unable to resolve the dispute at the meeting, or a party fails to attend that meeting, then, within ten (10) days, mediation must be held. The mediator is to be appointed in accordance with the clause 8 (d).

8.2 Mediation

(a) Choice of mediator

(i) If mediation is required to resolve an internal dispute, the mediator must be:

- (a) a person chosen by agreement between the parties; or
- (b) in the absence of agreement:

A. in the case of a dispute between a Member and another Member, a person appointed by the Committee; or

B. in the case of a dispute between a Member and the Association, a person who is a mediator appointed or employed by a community justice centre in accordance with the *Community Justices Centres Act 1983 (NSW)*.

(ii) A Member can be a mediator.

(b) Conduct of mediation

(i) The mediator, in conducting the mediation, must:

- (a) give all parties to the mediation process 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 to the dispute throughout the mediation process.
- (ii) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (d) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute within the Act or otherwise at law.

9. THE COMMITTEE

9.1 Composition and membership of the Committee

- (a) The Committee is to consist of the following personnel:
 - (i) the office holders comprising the Executive;
 - (ii) Regional Delegates;
 - (iii) Practice Field Leaders; and
 - (iv) one or more OSWANZ members approved by the Committee.
- (b) Subject to clause 9.1(c), there are to be between seven (7) and twenty-four (24) Committee Members.
- (c) The Executive may resolve to change the number of Committee Members.
- (d) At a Committee meeting:
 - (i) each Committee Member is entitled to one (1) vote;
 - (ii) an individual holding more than one position on the Committee is only entitled to one (1) vote; and
 - (iii) the Committee Member presiding as chair has a casting vote.

9.2 Functions and powers of the Committee

- (a) The role of the Committee is to govern and manage the affairs of the Association.
- (b) Subject to the Act, the Regulations, this Constitution and to any resolution passed by the Association, the Committee:
 - (i) is to control and manage the affairs of the Association;
 - (ii) may exercise all such functions as may be exercised by the Association, other than those functions that are required to be exercised at a General Meeting of Members; and
 - (iii) has power to perform all such acts and do all such things as appear to the Committee to be necessary or desirable for the proper management of the affairs of the Association.

9.3 Terms of office of Committee Members

- (a) The Treasurer and the Secretary are to hold office until the conclusion of the second annual general meeting following the date of their election and are eligible for re-election at that annual general meeting and at subsequent annual general meetings.
- (b) The President-Elect is, subject to this Constitution, to hold office until the conclusion of the second annual general meeting following the date of the current President's appointment, and then shall occupy the newly vacant position of the President.
- (c) The election of a new President-Elect is to occur at the annual general meeting referred to in clause 9.3(b), following the appointment of the President.
- (d) OSWANZ members, as appointed by the OSWANZ Committee, will be appointed for a two (2) year term, and are eligible for re-election at that Annual General Meeting and at subsequent Annual General Meetings.

(e) Regional Delegates will be selected by the OSWANZ members from the region they represent in Australia or New Zealand and appointed by the OSWANZ Committee for a two (2) year term and shall be eligible for re-election, in accordance with the process prescribed in the Guidelines.

(f) The Practice Field Leaders and the OSWANZ Representatives are to be elected by a vote of the Full Members at the Annual General Meeting.

9.4 Vacancy in the office of a Committee Member

(a) Vacancies on the Committee are to be filled in accordance with the Constitution and the Act.

(b) Where there are insufficient nominations to fill vacancies on the Committee:

- (i) the candidates nominated are taken to be elected and further nominations are to be received at that annual general meeting;
- (ii) if insufficient further nominations are received, any vacant positions remaining on the Committee are taken to be casual vacancies; and
- (iii) if the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.

(c) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.

(d) The Association in a General Meeting may by resolution:

- (i) remove any Committee Member from office before the expiration of the Committee Member's term of office; and
- (ii) appoint another person to hold office until the expiration of the term of office of the Committee Member so removed.

(e) For the purposes of the Constitution, a casual vacancy in the office of a Committee Member occurs if the Committee Member:

- (i) ceases to be a Member of the Association;
- (ii) becomes an insolvent under administration within the meaning of the Corporations Act 2001 (Cth);
- (iii) resigns from office by notice in writing given to the Secretary;
- (iv) is removed from office under clause 9.4(a);
- (v) becomes a mentally incapacitated person; or
- (vi) is absent without the consent of the Committee from all meetings of the Committee held during a period of six (6) months; or
- (vii) dies.

9.5 Filling of casual vacancies occurring on the Committee

(a) In the event of a casual vacancy in the position of President, the President-Elect will fill the vacancy and shall hold office until the conclusion of the Annual General Meeting next following the date of the appointment.

(b) In the event of a casual vacancy in the positions of President-Elect, Treasurer or Secretary, the Committee may appoint a Member to fill the vacancy and the Member so appointed shall hold office, subject to this Constitution, until the conclusion of the Annual General Meeting next following the date of the appointment.

(c) The Committee in a General Meeting may by ordinary resolution appoint a Member to fill a casual vacancy in the positions Regional Delegates or OSWANZ members. The appointed Member shall hold office, subject to this Constitution, until the conclusion of the Annual General Meeting next following the date of the appointment.

9.6 Quorum and procedure at Committee meetings

(a) The Committee must meet at least three (3) times in each twelve (12) month period at such a place and time and by such means as the Committee determines.

(b) Additional meetings of the Committee may be convened by any Committee Member.

(c) Five (5) Committee Members, including at least two (2) members of the Executive, constitute a quorum at a meeting of the Committee.

(d) No business is to be transacted by the Committee unless a quorum is present and if, within 30 minutes of the time appointed for the meeting, a quorum is not present, the meeting can stand adjourned to the same place and at the same hour of the same day in the following week.

(e) If at the adjourned meeting a quorum is not present within 30 minutes of the time appointed for the meeting, the meeting is to be dissolved.

(f) At a meeting of the Committee:

(i) the President or, if the President is absent or unwilling to act, the President- Elect, is to preside as chair, or

(ii) if the President and the President-Elect are absent or unwilling to act, such one of the remaining Members of the Committee as may be chosen by the Members present at the meeting, is to preside as chair.

9.7 Delegation to a sub-committee

(a) The Committee may appoint a sub-committee to consist of Committee Members.

(b) A sub-committee may meet and adjourn, as it thinks proper.

(c) The Committee may, by written instrument, delegate to one or more subcommittees the exercise of such of the functions of the Committee as are specified in the instrument, other than:

(i) this power of delegation, and

(ii) a function which is a duty imposed on the Committee by the Act or by any other law.

(d) A function, the exercise of which has been delegated to a sub-committee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.

(e) A delegation may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.

(f) Despite any delegation under this rule, the Committee may continue to exercise any function delegated.

(g) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done or suffered by the Committee.

(h) The Committee may, by instrument in writing, revoke wholly or in part any delegation under this rule.

9.8 Validity of acts by the Committee

(a) The Committee may act despite any vacancy on the Committee.

(b) Any act or thing done or suffered, or purporting to have been done or suffered, by the Committee or by a sub-committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any Committee Member or sub-committee member.

10. EXECUTIVE

10.1 Role of the Executive

The role of the Executive is to manage the daily administration of the Association.

10.2 Power of the Executive

(a) The Executive has the power to co-opt Members into the Committee or Executive from time to time for specific projects and purposes.

(b) A Member that has been co-opted into the Committee or Executive may attend Committee or Executive meetings upon invitation by the President or Secretary but may not vote at Committee or Executive meetings (as applicable).

10.3 Appointment of Executive

(a) Pursuant to clause 10.3(c), office holders within the Executive are to be elected at the annual general meeting by a majority of Full Members present or by the exercise of proxy votes.

(b) Where a majority of the office holders comprising the Executive so decide, the positions of Secretary and Treasurer may be a combined position.

(c) Nominations for election as an office holder within the Executive must be:

(i) made by nominees and nominators who have been Full Members for at least six (6) months prior to nomination;

(ii) made using the nomination form in schedule 1, signed by two (2) Full Members and accompanied by the written consent of the candidate (which may be endorsed on the nomination form); and

(iii) delivered to the Secretary at least seven (7) days before the date fixed for the holding of the annual general meeting at which the election is to take place.

(d) In the event of the positions of Secretary and Treasurer being combined, the Committee may appoint at their discretion, for a maximum period of twelve (12) months, an assistant to the combined position.

10.4 President

The role of the President of the Association is to:

(a) chair meetings of the Committee;

(b) distribute information to other Committee members as appropriate;

(c) provide vision and leadership for the Association;

(d) represent the Association and its interests;

(e) make sure the rules in the Constitution are followed;

(f) make sure other legal responsibilities of the Association are met; and

(g) be a spokesperson for the Association.

10.5 President-Elect

The role of the President-Elect is to:

(a) support the President in all appropriate tasks; and

(b) act in the place of the President in the President's absence.

10.6 Secretary

(a) The Secretary shall, as soon as practicable after being appointed as Secretary, notify the Association of their address.

(b) The role of the Secretary is to:

(i) prepare the agenda of the Association, including teleconferences;

(ii) keep minutes of:

A. all elections and appointments of office-bearers and members of the Committee;

- B. the names of members of the Committee present at a Committee meeting or a general meeting; and
- C. all proceedings at Committee meetings and general meetings, annual general meetings and annual general meetings and teleconferences;
- (iii) keep a record of all motions, including:
 - A. date of the motion;
 - B. date to vote by; and
 - C. numbers of affirmative voters, negative voters, abstainers and non-replies;
- (iv) coordinate submissions for funding;
- (v) ensure that the Committee develops proper written policies and procedures for the Association and that these are maintained; and
- (vi) be a spokesperson for the Association when needed.

(c) The minutes taken by the Secretary are to be entered as a record of the meeting or teleconference and any required amendments are to be tabled and recorded when passed at the next meeting or teleconference.

10.7 Treasurer

The role of the Treasurer is to:

- (a) collect and receive all monies due to the Association and make all payments authorised by the Association;
- (b) keep correct accounts and records showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association;
- (c) make sure proper financial management systems are in place and are followed;
- (d) prepare a budget at the start of each financial year and present it to the Committee;
- (e) ensure spending is in line with the budget;
- (f) ensure that accurate bi-annual financial reports are prepared and that the Committee understands them and deals with any financial issues;
- (g) ensure that financial reports required by any funding bodies are prepared and sent when required;
- (h) ensure that the financial records are maintained each year and that end of financial year reports are produced within the timeframe specified in the Constitution;
- (i) assist with submissions for funding.

11. REGISTER OF COMMITTEE MEMBERS

11.1 Maintenance of the Register of Committee Members

The Register of Committee Members must be kept in New South Wales:

- (a) at the main premises of the Association; or
- (b) if the Association has no premises, at the Association's official address; and
- (c) must be made available for inspection by any person, at all reasonable hours and free of charge.

11.2 Contents of the Register of Committee Members

The Register of Committee Members must contain the following in relation to each Committee Member:

- (a) name, and residential address;

- (b) the date of taking office; and
- (c) the date of vacating office; and such information must be updated within one month of any change taking place.

12. MEETINGS OF THE COMMITTEE

12.1 Notice

The Secretary is to give oral or written notice of the meeting of the Committee to each Committee Member at least 48 hours (or such other period as may be unanimously agreed on by the Committee Members) before the time appointed for the holding of the meeting, where such notice specifies the general nature of the business to be transacted at the meeting.

12.2 How Committee meetings are to be held

The Committee may meet in person, by telephone, teleconferencing or by other means of communication (including e-mail) by which all persons participating in the meeting are able to communicate and be heard or observed by all participants.

12.3 Voting rights

(a) Subject to clause 10.3 (b), each Committee Member present at a meeting of the Committee or a sub-committee, including the Member presiding at the meeting, is entitled to one (1) vote.

(b) A person who holds more than one position on the Committee or subcommittee will only be entitled to one (1) vote.

12.4 Resolutions of the Committee

(a) Questions arising at a Committee meeting are to be determined by a majority of the votes passed by the Committee Members.

(b) Questions arising at a meeting of a sub-committee are to be determined by a majority of the votes of the members of that sub-committee.

(c) A resolution in writing signed by all Committee Members being entitled to receive notice of a meeting of the Committee shall be valid and effectual as if it had been passed at a meeting of the Committee duly convened and held.

(d) A resolution may be signed in counter-part.

(e) Besides nominations to the Committee, a facsimile transmission, email or other document produced by mechanical or electronic means, under the name of the Committee Member is deemed to be a document in writing signed by that Member.

(f) The results of all motions, including numbers of affirmative, negative, abstainers and non-replies should be recorded and noted with the minutes for the subsequent Executive Meeting or General Meeting for ratifying.

(g) If a motion is passed using e-mail, a recording of these motions should be prepared and tabled by the Secretary, and should include the:

- (i) date of the motion;
- (ii) motion;
- (iii) closure date for reply; and
- (iv) comments, if appropriate.

(h) The record taken by the Secretary of all postal or e-mail votes is to be included in the next Committee meeting for ratification and should be available for members to view at any reasonable occasion.

(i) If a Committee Member to whom a proposed resolution referred to in clause 7.1(a) of the Constitution relates, makes representations in writing to the Secretary or President requesting that the representation be notified to the Members of the Association, the Secretary or the President may send a copy of the representations to each Member of the Association.

13. ANNUAL GENERAL MEETING

13.1 Annual General Meetings - calling of and business at

(a) The annual general meeting of the association is, subject to the Act, to be convened on the date and at the place and time that the committee thinks fit.

(b) In addition to any other business which may be transacted at an Annual General Meeting, the business of an Annual General Meeting is to include the following:

- (i) to confirm the minutes of the last preceding Annual General Meeting and of any General Meeting held since that meeting,
- (ii) to receive from the Committee reports on the activities of the Association during the last preceding financial year,
- (iii) to elect office-bearers of the Association and ordinary Committee members,
- (iv) to receive and consider any financial statement or report required to be submitted to members under the Act.

(c) An Annual General Meeting must be specified as that type of meeting in the notice convening it.

14. GENERAL MEETINGS

14.1 Calling a General Meeting

(a) There are to be no prescribed time intervals between General Meetings.

(b) The Committee is to convene a General Meeting of the Association:

- (i) whenever the Committee thinks fit; or
- (ii) on the written request of not less than 20% of the total number of Full Members.

(c) A request by the Members for a general meeting made in accordance with the Constitution must:

- (i) must be in writing, and
- (ii) must state the purpose or purposes of the meeting, and
- (iii) must be signed by the Full Members making the requisition, and
- (iv) must be lodged with the Secretary, and
- (v) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.

(d) If the Committee fails to convene a General Meeting to be held within one (1) month after the date on which a requisition of Members for the meeting is lodged with the Secretary, any one (1) or more of the Members who made the requisition may convene a General Meeting to be held no later than three (3) months after the date of the request.

14.2 Notice

(a) Except if the nature of the business proposed to be dealt with at a General Meeting requires a special resolution of the Association, the Secretary must, at least 14 days before the date fixed for the holding of the General Meeting, give a notice to each member specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.

(b) If the nature of the business proposed to be dealt with at a General Meeting requires a special resolution of the Association, the Secretary must, at least 21 days before the date fixed for the holding of the General Meeting, cause notice to be given to each member specifying, in addition to the matter required under subclause (1), the intention to propose the resolution as a special resolution.

Note. A special resolution must be passed in accordance with section 39 of the Act.

(c) No business other than that specified in the notice convening a General Meeting is to be transacted at the meeting except, in the case of an Annual General Meeting, business which may be transacted under clause 13 (b).

(d) A member desiring to bring any business before a General Meeting may give notice in writing of that business to the Secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

14.3 Adjourning a General Meeting

(a) The presiding member of a General Meeting may, with the consent of the majority of Members present, adjourn the meeting or any business, motion, question, resolution, debate or discussion being considered or remaining to be considered by the meeting, to either a later time at the same meeting or to an adjourned meeting at any time and place fixed by the chair at the time of the adjournment.

(b) Where a general meeting is adjourned for fourteen (14) days or more, the Secretary shall give written or oral notice of the adjourned meeting to each Member stating the place, date and time of the meeting and the business to be transacted at the meeting.

14.4 Procedure and quorum at general meetings

(a) A General Meeting may be held at two (2) or more venues using such technology as determined by the Executive.

(b) No item of business may be transacted at a General Meeting unless a quorum is present when the meeting proceeds to consider that business.

(c) Five (5) Members present in person constitute a quorum for the transaction of the business at a General Meeting.

(d) If within thirty (30) minutes after the appointed time for a General Meeting a quorum is not present, the meeting:

(i) if convened by or at the request of the Members, is dissolved; and

(ii) otherwise, stands adjourned to the same day in the next week and at the same time and place(s), unless another place is specified at the time of adjournment by the person presiding at the meeting or communicated by written notice to Members given at least the day before the day appointed for the adjourned meeting.

(e) If at the adjourned meeting a quorum is not present within 30 minutes of the time appointed for the meeting, the meeting is to be dissolved.

14.5 Chair

(a) The President, or in the absence or the unwillingness to act of the President then the President-Elect, is to preside as chair at a General Meeting.

(b) If the President and the President-Elect are absent or unwilling to act as chair of a General Meeting, the Members present shall appoint a Member to preside at the meeting.

14.6 Making of decisions at a General Meeting

(a) A question arising at a General Meeting of the Association is to be determined by:

- (i) a show of hands or any appropriate corresponding method that the committee may determine, or
- (ii) if on the motion of the chairperson or if 5 or more members present at the meeting decide that the question should be determined by a written ballot—a written ballot.

(b) If the question is to be determined by a show of hands, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the Association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.

(3) Subclause (b) applies to a method determined by the committee under subclause (1) (a) in the same way as it applies to a show of hands.

(4) If the question is to be determined by a written ballot, the ballot is to be conducted in accordance with the directions of the chairperson.

14.7 Special resolutions

A special resolution is passed where:

- (i) at least 75% of the Members who attend the general meeting and who are entitled to vote, vote in favour of the resolution; or
- (ii) as otherwise prescribed under the Act.

14.8 Voting

- (a) On any question arising at a General Meeting of the association a member has one vote only.
- (b) In the case of an equality of votes on a question at a General Meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
- (c) A member is not entitled to vote at any General Meeting of the association unless all money due and payable by the member to the association has been paid.
- (d) A member is not entitled to vote at any General Meeting of the association if the member is under 18 years of age.

15. PRACTICE FIELDS

15.1 Definition of Practice Fields

Practice Field Groups consist of Members, Associate Members and other social workers with an interest in a specific field of practice for people impacted by cancer.

15.2 Types of fields

The Practice Fields are to be separate groups described as, but not limited to:

- (a) Research;
- (b) Rural;
- (c) Education;
- (d) Paediatric oncology;
- (e) Adolescents & young adults;
- (f) Palliative care;
- (g) the Aged and Cancer;
- (h) Radiation Oncology;
- (i) Lung Cancer;
- (j) Head and Neck Cancer;
- (k) Brain Tumours;
- (l) Gynaecological Cancer;
- (m) Prostate Cancer;
- (n) Breast Cancer; and
- (o) any other group as determined by the Executive.

15.3 Winding up of a Practice Field Group

In the event of a Practice Field Group being wound up or dissolved, all assets held by that Group shall be handed over to the Committee.

15.4 Practice Field Leaders

Role statement: these roles exist to enable OSWANZ to have social workers, with recognised specialist knowledge in a field of oncology or practice area, to function as a point of contact and reference for that field. These social workers will self-nominate for the role and be approved by the National Executive Committee. These are 2 year terms.

(a) Role expectations:

- (i) Be the contact person for OSWANZ members and external organisations.
- (ii) Develop a network of other social workers in that practice.
- (iii) Be available to provide an opinion or to review a document or request.
- (iv) Network with relevant organisations and other key stakeholders.
- (v) Take leadership over areas of expert practice.
- (vi) Disseminate relevant information to the membership.
- (vii) Undertake innovative projects, participate in concept development.
- (viii) Maintain current expert knowledge and can approach OSWANZ for support for their local professional development

(b) Practice Field Leaders Reporting and Communication Expectations:

- (i) OSWANZ Secretary will send Practice Field Leaders monthly OSWANZ meeting agenda and minutes.
- (ii) Practice Field Leaders can participate in the monthly meetings and can submit items for the agenda
- (iii) Practice Field Leaders will communicate updates and issues to the Executive Committee by sending information to the monthly meetings via the Secretary; however, can contact the OSWANZ President at any time.
- (iv) Practice Field Leaders are expected to attend the AGM and submit a report to the OSWANZ Secretary prior to the Annual General Meeting for the minutes.

(v) Practice Field Leaders will participate in a mid-year teleconference - shared between the President, President Elect and Past President. This will occur 6 months from the Annual General Meeting and there will also be a meeting at the conference between the Practice Leaders and the OSWANZ President.

16. OSWANZ REPRESENTATIVE

16.1 Role of OSWANZ Representative

The role of the OSWANZ Representative is to:

- (a) represent the Association on key stakeholder groups as recommended by the committee, such as:
- (i) the Clinical Oncological Society of Australia (COSA) Council;
 - (ii) the Scientific Advisory Committee of the Psycho-Oncology Co-operative Research Group (PoCoG); and
 - (iii) the Psycho-oncology Group of COSA
- (b) act on the Association's behalf in maintaining communication with the OSWANZ Committee.

16.2 Review

The incumbent/s of the OSWANZ representative roles will be reviewed every two years.

16.3 Additional OSWANZ Representative positions

Subject to clause 12.4, the Committee may resolve to establish additional positions on the Committee, which are similar to the OSWANZ Representative.

17. REGIONAL GROUPS

17.1 Role of Regional Groups

The role of the Regional Groups is to:

- (i) provide an independent focus for oncology social workers within a geographical area;
- (ii) promote inter-institutional co-operation, collegiality, networking and sharing of Australian and New Zealand interests; and
- (iii) offer a forum for the sharing of initiatives, concerns and information.

17.2 Election of Regional Delegates

- (a) Each Group will select a representative to the Committee, who will be the Regional Delegate and will have voting rights at meetings of the Committee.
- (b) Each Regional Group may determine how to select their Delegates.

17.3 Autonomy of Regional Groups

Provided that they act in accordance with the Act and the Constitution, each Regional Group may:

- (i) develop its own guidelines;
- (ii) develop its own management structure;
- (iii) make its own annual strategic plans; and
- (iv) manage its own professional development and education activities.

17.4 Financial responsibility of Regional Groups

- (a) Groups may raise revenue for OSWANZ by charging a fee for attendance at seminars and workshops.
- (b) If a Group requires finances to undertake an activity, it must discuss the matter with the OSWANZ Treasurer, who will raise the issue with the OSWANZ Committee. The Committee may then decide to grant funds to the Group to fund the activity.

(c) In the event of a Group winding up or being dissolved, all assets held by the Group shall be handed over to the Committee.

17.5 Planning conferences

(a) If a Regional Group hosts the OSWANZ Conference and establishes a committee to plan and organise the conference, all members of this committee must be Full Members.

(b) The OSWANZ Committee may recommend procedures for the management of the conference run by the Regional Group or other groups within the Association.

(c) Financial reports must be provided by a Regional Group planning any conference, in the format and by the time specified by the Committee.

(d) The Regional Group is accountable to the OSWANZ Committee.

17.6 Reporting Requirements

(a) Groups are encouraged to report regularly on their activities to Members in their region and to the Committee.

(b) Groups are to provide a written report that will be tabled at the OSWANZ Annual General Meeting and will be included in the Association's annual report to its membership and also to the NSW Office of the Department of Fair Trading. The report will normally include:

- (i) a list of Committee members and office-bearers;
- (ii) a brief account of the region annual general meeting;
- (iii) an account of activities organised and run by the branch or interest group since the last report;
- (iv) an indication of the size of membership;
- (v) the name and e-mail address of the person who writes the report.

17.7 Relationship with Regional Groups

(a) The relationship between Regional Groups and the OSWANZ Committee is to be based on mutual respect and cooperation in all respects.

(b) The Association shall, in consultation with the Regional Groups, develop policies and strategies for the better functioning of the Regional Groups keeping in mind the principal of unity.

(c) All Regional Groups are encouraged to work within the Guidelines and any framework and directions agreed with by the Committee.

18. PUBLIC OFFICER

18.1 Appointment and removal

(a) The Committee must appoint a Public Officer in accordance with the NSW Fair Trading Act.

(b) The Committee may at any time remove the Public Officer and appoint a new public officer, provided the person is 18 years of age or older and is ordinarily resident in New South Wales.

(c) The Public Officer shall be deemed to have vacated their position in the following circumstances:

- (i) death;
- (ii) resignation;
- (iii) removal by the Committee;
- (iv) bankruptcy or financial insolvency;
- (v) mental illness; or
- (vi) residency outside New South Wales.

(d) When a vacancy occurs in the position of Public Officer the Committee shall within fourteen (14) days notify the Office of Fair Trading using the prescribed form and appoint a new Public Officer.

18.2 Notification requirements

(a) The Public Officer is required to notify the Office of Fair Trading using the prescribed form in the following circumstances:

- (i) within 28 days after taking office as the Public Officer; and
- (ii) within 28 days of a change in the address of the Public Officer.

(b) The Public Officer must lodge the financial documents with the Director- General in accordance with Part 5 of the Act.

(c) The Public Officer may be an office bearer, a Committee member or any other person regarded as suitable for the position by the Committee.

19. PATRON

20.1 Appointment and removal

(a) The Association may appoint a Patron recommended by the Committee and approved at the annual general meeting or a general meeting called for that purpose.

(b) The Patron shall continue as Patron for so long as he or she agrees to do so or until removed by the Executive.

20. EMPLOYEES AND ADVISORS

20.1 Appointment and removal

(a) The Committee may appoint such officers as employees at such salaries for such periods and on such terms as it deems fit and may subject to conditions of the employment of such officers or employees dispense with their services or reappoint them or appoint other officers or employees as it thinks fit.

(b) The Committee may appoint one or more advisors, including but not limited to lawyers, accountants and web designers. The advisors shall act in an advisory capacity only and shall conform to any regulation imposed by the Committee.

21. FUNDS OF THE ASSOCIATION

21.1 Sources of funds

The funds of the Association are to be derived from entrance fees received from conference attendees, Membership Fees, donations and, subject to any resolution passed by the Association in General Meetings, such other sources as the Committee determines.

21.2 Income and property

The Association is to be a non- profit organisation and none of its income, property, profit or financial surplus shall be paid to the Members or the Committee except as provided in this Constitution.

21.3 Management of funds

(a) Subject to any resolution passed in a General Meeting, the funds of the Association are to be used in pursuance of the objects of the Association, in such manner as the Committee determines and may be:

- (i) invested; or
- (ii) given to a Regional Delegate or Practice Field Leader.

(b) The Association may receive grants and other monies and may deposit and expend these according to terms laid down by the donor and acceptable to the Committee.

(c) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by the Treasurer and one (1) Committee Member or employee of the Association, who is authorised to do so by the Committee.

(d) As soon as practicable after the Association receives any money:

- (i) the money must be deposited without deduction to the credit of the Association's bank account; and
- (ii) an appropriate receipt must be issued.

(e) Subject to this Constitution, the income of the Association shall not be paid or transferred, directly or indirectly, by way of dividend, bonus or otherwise by way of profit to any Member.

(f) Committee Members are entitled to be reimbursed out of the funds of the Association for their reasonable expenses incurred when engaged in the affairs of the Association.

21.4 Establishment and operation of a Bank Account

(a) The Association must establish and maintain a bank account.

(b) The Association must record and account for monies received.

(c) The Treasurer must be at least one of the signatories of the Association's bank account.

(d) The Committee may authorise the use of electronic banking for the Association's bank accounts.

(e) The Association's bank account and any future bank accounts the Association may establish must be administered by the Treasurer and at least one (1) other Committee member.

(f) The account must also include records of all donations/sponsorship made to the Association for which the donor is entitled to a tax deduction under the *Income Tax Assessment Act 1997 (Cth)*.

(g) Any donations, sponsorships or grants received are to be used in pursuance of the objects of the Association.

(h) The Executive may authorise the establishment of an account to contain petty cash and may authorise a member of the Executive to sign or endorse any negotiable instrument required relating to that account.

21.5 Receipts for gifts

Receipts issued for gifts must contain:

- (i) the number of the receipt;
- (ii) the date the donation was received;
- (iii) the name and Australian Business Number of the Association;
- (iv) the name of the donor;
- (v) the amount of the gift; and
- (vi) the signature of the Treasurer or person authorised to act on behalf of the Association.

21.6 Use of funds

(a) The Committee shall recommend procedures for the management of branch finances, and will require the production of financial reports at times determined by the Committee.

(b) Neither the Association nor the Committee will be responsible for the financial commitments of any Member or groups of Members unless prior approval of the commitment was been given by the Committee.

21.7 Accountant

The Committee shall appoint an external accountant to prepare the formal accounts of the Association at the end of each financial year. The accounts are not audited unless required by the Committee or the Commissioner of the NSW Department of Fair Trading.

21.8 Accounting records

(a) The Association must keep and maintain accounting records that record and explain the Association's transactions and true financial position.

(b) The accounting records must be sufficient to allow for the preparation of a statement of the Association's accounts for its financial year and for the auditing of these statements.

(c) The Association must retain its accounting records for at least seven (7) years after the transactions to which they relate were completed.

21.9 Annual statement of accounts

(a) The Association must prepare a statement of accounts before its Annual General Meeting.

(b) The statement must give a true and fair account of:

- (i) the income and expenditure of the Association during its most recently ended financial year, and of its assets and liabilities at the end of that financial year; and
- (ii) any mortgages, charges and other securities affecting Association property at the end of the financial year.

(c) The Treasurer must ensure that the annual statement of accounts is prepared and audited at least fourteen (14) days before the Association's Annual General Meeting.

21.10 Annual returns

(a) In accordance with the Act, the Association must lodge with the NSW Department of Fair Trading:

- (i) an annual return;
- (ii) a statement of the Association's accounts;
- (iii) a copy of the accountant's report for those accounts, and
- (iv) the Form "Annual Statement of Particulars by Association" to be signed by two current members of the Committee and the Public Officer.

(b) The annual returns must be lodged with the Commissioner within six (6) months of the end of the most recently ended financial year and be accompanied with the prescribed fee.

21.11 Winding up of the Association

(a) The Association may, subject to the Act, Constitution and these Guidelines, be wound up voluntarily by the Members pursuant to a special resolution at a general meeting.

(b) Any property of the Association remaining after satisfaction of the debts and liabilities of the Association and payment of the costs, charges and expenses of the winding up of the Association shall be surplus property of the Association.

(c) Upon the winding up or dissolution of the Association, any surplus property shall not be paid to or distributed amongst the Members but shall be given or transferred to some other association, body, fund, authority or institution:

- (i) having objects similar to the objects of the Association; and
- (ii) which has charitable status under the *Income Tax Assessment Act 1936 (Cth)*.

21.12 Insurance

The Association shall effect and maintain Insurance covering the Association, its employees and volunteers.

22. ASSOCIATION AFFILIATING WITH OTHER ORGANISATIONS

(a) If the Committee or Committee Members want the Association to be affiliated with other associations or organisations:

- (i) a submission must be provided to the Secretary; and
- (ii) that submission must then be circulated, discussed and voted upon by the Committee.

(b) If the submission is accepted:

- (i) the Secretary must inform Members of the proposal to affiliate; and
- (ii) a written request to affiliate is to be forwarded to the secretary of the organisation or Association referred to in rule10(a).

23. SERVICE OF NOTICES

(a) For the purpose of the Constitution, a notice may be served on or given to a person:

- (i) by delivering it to the person personally,
- (ii) by sending it by pre-paid post to the address of the person, or
- (iii) by sending it by facsimile transmission or alternate form of electronic transmission, including email, to an address specified by the person for giving or serving the notice.

(b) For the purpose of this Constitution, a notice is taken, unless the contrary is proved, to have been given or served:

- (i) in the case of a notice given or served personally, on the date on which it is received by the addressee,
- (ii) in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
- (iii) in the case of a notice sent by facsimile transmission or some other form of electronic transmission, including email, on the date it was sent, or if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

24. RECORDS

24.1 Custody of records

Except as otherwise provided by this Constitution or the Act or Regulations:

- (i) the Secretary has a duty to keep minutes of Committee meetings and General Meetings and affairs of the Association
- (ii) the Treasurer has a duty to ensure that correct records and accounts are kept showing the financial affairs of the Association, including full details of all receipts and expenditure connected with the activities of the Association.

24.2 Inspection of records

The books and documents of the Association must be open to inspection, free of charge, by a Member at any reasonable hour.

25. FINANCIAL YEAR

The financial year of the Association is from 1 July to 30 June each year.

26. AMENDMENT OF CONSTITUTION

The Association may by special resolution passed at a General Meeting:

- (i) add to, alter, amend or repeal this Constitution, or any provision of it; or
- (ii) change the Association's name or objects; and
- (iii) must notify the Director-General of such amendments, in accordance with the Act.

APPENDIX

SCHEDULE 1 – NOMINATION FORM

Oncology Social Work Australia New Zealand Inc. ABN 25 332 146 091

We nominate the following Member as a candidate for election to the position of:

Nominator

Name:

Address:

Date:

Signature:

I agree to be nominated as a candidate and if elected will undertake the duties of the position.

Date:

This form must be returned to the Secretary/Treasurer: _____
by the following time/date: _____ which is the closing date for
nominations to be received.

Secretary confirms the financial status:

Position Secretary

Signature:

Date:

Appointee

Nominator 1:

Nominator 2

NOTE: According to the OSWANZ Inc. Constitution the following:

Election of Members

- (a) Any nominations received after the stipulated closure date will not be considered.
- (b) Both nominators must have been a Member for at least six (6) months.
- (c) The completed form shall be delivered to the Secretary at least seven (7) days before the date fixed for the Annual General Meeting.

Annual Election (Year)

Name of candidate:

Address:

Agreement of candidate:

Signature of candidate: