

ABN: 31 609 150 895 | ARBN: 161 021 325

The Australian and New Zealand Forensic Science Society Incorporated

RULES OF ASSOCIATION

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Associations Incorporation Reform Act 2012

Note

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

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

Part 1 PRELIMINARY

1 Name

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

Note

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

2 Purposes

The objects of *the Society*, shall be:

2(1) To advance the study and application of forensic sciences.

2(2) To facilitate association of, and collaboration and interchange of information between, persons who are, or have been, occupationally involved in forensic activities or in scientific investigation or have a legitimate and bona fide interest in forensic sciences.

2(3) As a means to these ends: to organise activities, meetings, lectures, discussions and demonstrations; to publish and circulate written material for the purpose of publicising the activities and proceedings and projected activities and proceedings of the Society; and to adopt any other appropriate means for the advancement of the Society and of its objects.

2(4) Particularly; to organise, alone or in collaboration with other bodies, a symposium on the forensic sciences.

3 Financial year

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

4 Definitions

In these Rules:

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

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

capitation fees mean fees payable pursuant to Rule 12;

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

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

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

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

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

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

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

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

disciplinary subcommittee means a subcommittee appointed under Rule 18;

the Executive means the ANZFSS Executive as elected under Rule 48 and 50;

Executive meeting means a meeting of the Executive held in accordance with these Rules; financial year means the 12-month period specified in Rule 3;

general meeting means a general meeting of the members of the Society convened in

accordance with Part 3 and includes the Annual General Meeting, a Special General Meeting and a disciplinary appeal meeting;

general member means a member under Subrule 10(3); life member means a member under Subrule 10(1);

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

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

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

a) to remove an Executive member from office; or
b) to alter these Rules, including changing the name or any of the purposes of the Society;

staff means person(s) formally employed by the Society (remunerated or not) to execute a specific undertaking at the direction of the Executive/the Council.

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

Symposium means the ‘Australian and New Zealand Forensic Science Society International Symposium on the Forensic Sciences’;

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

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

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

the Registrar means the Registrar of Incorporated Associations.

Part 2 POWERS OF ***THE SOCIETY***

5 Powers of the Society

5(1) Subject to the Act, the Society has power to do all things incidental or conducive to achieve its purposes.

5(2) Without limiting Subrule 5(1), the Society may:

a) acquire, hold and dispose of real or personal property;

b) open and operate accounts with financial institutions;

c) invest its money in any security in which trust monies may lawfully be invested;

d) raise and borrow money on any terms and in any manner as it thinks fit;

e) secure the repayment of money raised or borrowed, or the payment of a debt or liability;

f) appoint agents to transact business on its behalf; and

g) enter into any other contract it considers necessary or desirable.

5(3) The Society may only exercise its powers and use its income and assets (including any surplus) for its purposes.

6 Not for profit organisation

6(1) The Society must not distribute any surplus, income, or assets directly or indirectly to its members unless it satisfies the purpose of the Society.

6(2) Subrule 6(1) does not prevent the Society from paying a member:

a) reimbursement for expenses properly incurred by the member; or

b) for goods or services provided by the member,if this is done in good faith on terms no more favourable than if the member was not a member.

Note

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

7 Affiliations

The Society may become affiliated with or subscribe to other associations or bodies whose objects are similar to, or deemed to be of benefit to, furthering the objects of the Society

and, if thought fit, to withdraw or retire from any such association or body as approved by *the Council*.

Part 3 MEMBERS, DISCIPLINARY PROCEDURES AND MEETINGS

Division 1 Membership

8 Minimum number of members

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

9 Application for membership of *the Society*

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

10 Membership categories

10(1) Life Member

a) A General or Professional Member who has made an outstanding and sustained contribution to a *Branch* or *the Society* may be elected as a Life Member. Life Members shall have continuous membership unless that membership is terminated pursuant to Division 2 of Part 3;

b) A nomination for a General or Professional Member to be made a Life Member shall be submitted by a *Branch* or the Executive to *the Council* not less than six weeks prior to *the Society* Annual General Meeting. The nomination must be made without the knowledge of the nominee;

c) If the nomination is supported by *the Council*, a proposal is put to the next scheduled *Society* Annual General Meeting that the nominee be elected a Life Member of *the Society*.

10(2) Professional Member

a) A General Member who:

i. has been a General Member for a continuous period of at least three years or has made an equivalent professional contribution to a forensic-related field; and
ii. is recognised as a professional in a forensic-related field; and
iii. has a qualification from an accredited tertiary institution or has equivalent
iv. relevant forensic experience and formal training; and has successfully applied for professional membership on the relevant application form.

b) After every three financial years of professional membership, a Professional Member shall apply for renewal in writing (including by electronic means) to the Council, and using the appropriate record of CPD form, must demonstrate that they continue to meet the requirements of professional membership.

c) If renewal of Professional membership is not sought or substantiated, the member may be invited to continue as a General member.

10(3) General Member

a) Has current or previous employment in a forensic discipline or employment in a field related to forensic science; and

b) Has a qualification from an accredited tertiary institution or equivalent relevant
forensic experience.

10(4) Student Member

a) Is currently enrolled full-time at an accredited tertiary institution; and

b) Has an active interest in forensic science.

10(5) Associate Member

a) An individual who is not eligible for the previous categories of membership (Subrules 10(1) to (4)); but

b) Has an active interest in forensic science.

11 Code of Professional Practice

11(1) *The Society* shall adopt *the Society* Code of Professional Practice.

11(2) All Life, Professional and General Members appearing as expert witnesses will, in addition, comply with the court codes or guides for expert witnesses for the relevant jurisdiction.

12 Annual membership and capitation fees

12(1) Membership fees for Professional, General, Associate and Student members are set and administered by *the Council*.

12(2) Capitation fees shall be payable by each Branch to *the Council* for each Professional, General, Associate and Student Member who is financial at the time that the fees are paid.

12(3) No capitation fees shall be payable for Life Members.

12(4) Capitation fees and GST shall be retained by *the Council* from centralised membership payments, with the balance returned to the branches.

13 General rights of members

13(1) A member of *the Society* has the right to:

a) receive notice of general meetings and of proposed special resolutions in the manner and time prescribed by these Rules;

b) submit items of business for consideration at a general meeting;

c) attend and be heard at general meetings;

d) have access to the minutes of general meetings and other documents of *the Society* as provided under Rule 71; and

e) inspect the register of members.

13(2) A member is entitled to vote if:

a) the member is a member other than an Associate Member;

b) more than ten days have passed since they became a member of *the Society*; and

c) the member's membership rights are not suspended for any reason.

14 Rights not transferable

The rights of a member are not transferable except in the case of proxy voting (Rule 32) and these rights end when membership ceases.

15 Register of members

15(1) The Secretariat or delegate must keep and maintain a register of members that includes:

a) for each current member:
   i. the member's name;
   ii. the address for notice last given by the member;
   iii. the date of becoming a member;
   iv. the category of the member; and
   v. any other information determined by *the Council*; and

b) for each former member, the date of ceasing to be a member.

15(2) Any member may, at a reasonable time and free of charge, inspect the register of members.

Note

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

16 Ceasing membership

16(1) The membership of a person ceases on failure to pay membership fees by the end of the relevant financial year, or on resignation, expulsion, or death.

16(2) Upon cessation of membership the Secretary of *the Society* must, as soon as practicable, enter the date the person ceased to be a member in the register of members.

Division 2 Disciplinary action

17 Grounds for taking disciplinary action

17(1) *The Society* may take disciplinary action against a member in accordance with this Division if it is determined that the member:

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

18 Disciplinary subcommittee

18(1) If *the Council* is satisfied that there are sufficient grounds for taking disciplinary action against a member, *the Council* must appoint a disciplinary subcommittee to hear the matter and determine what action, if any, to take against the member.

18(2) The disciplinary subcommittee must consist of at least five members, and the members of the sub-committee:

a) may be *Council* members, members of *the Society* or anyone else; and

b) must not be biased for or against the member concerned.

19 Notice to member

19(1) Before disciplinary action is taken against a member, the Secretary must give written notice to the member:

a) stating that *the Society* proposes to take disciplinary action against the member;

b) stating the grounds for the proposed disciplinary action;

c) specifying the date, location and time of the meeting at which the disciplinary subcommittee intends to consider the disciplinary action (the *disciplinary meeting*);

d) advising the member that they may do one or both of the following:

i. attend the disciplinary meeting and address the disciplinary subcommittee at that meeting;

ii. give a written statement to the disciplinary subcommittee at any time before the disciplinary meeting; and setting out the member's appeal rights under Rule 21.

e) The notice must be given no earlier than 28 days, and no later than 14 days, before the disciplinary meeting is held.

20 Decision of subcommittee

20(1) At the disciplinary meeting, the disciplinary subcommittee must:

a) give the member an opportunity to be heard; and/or

b) consider any written statement submitted by the member.

20(2) After complying with Subrule 20(1), the disciplinary subcommittee may:

a) take no further action against the member; or

b) subject to Subrule 20(3):

i. reprimand the member;
ii. suspend the membership rights of the member for a specified period; or
iii. expel the member from *the Society*.

20(3) The disciplinary subcommittee may not fine the member.

20(4) The suspension of membership rights or the expulsion of a member by the disciplinary subcommittee under this Rule takes effect immediately after the vote is passed.

21 Appeal rights

21(1) A person whose membership rights have been suspended or who has been expelled from *the Society* under Rule 20 may give notice to the effect that they wish~~es~~ to appeal against the suspension or expulsion.

21(2) The notice must be in writing (including by electronic means) and given:

a) to the disciplinary subcommittee immediately after the vote to suspend or expel the person is taken; or

b) to the Secretary no later than 48 hours after the vote.

21(3) If a person has given notice under Subrule 21(2), a disciplinary appeal meeting must be convened by *the Council* as soon as practicable, but in any event no later than 21 days after the notice is received.

21(4) Notice of the disciplinary appeal meeting must be given to each member of *the Society* who is entitled to vote as soon as practicable and must specify the type (virtual, in-person or combination), date, time and location of the meeting; and state:

a) the name of the person against whom the disciplinary action has been taken;

b) the grounds for taking that action;

c) and that at the disciplinary appeal meeting the members present must vote on whether the decision to suspend or expel the person should be upheld or revoked.

21(5) A person suspended or expelled under Rule 20 has all membership rights suspended immediately unless and until reinstated at a disciplinary appeal meeting convened in accord with Subrule 21(3) and Rule 22.

22 Conduct of disciplinary appeal meeting

22(1) At a disciplinary appeal meeting:

a) no business other than the question of the appeal may be conducted;

b) *the Council* must state the grounds for suspending or expelling the member and the reasons for taking that action; and

c) the person whose membership has been suspended or who has been expelled must be given an opportunity to be heard.

22(2) After complying with Subrule 22(1), the members present and entitled to vote at the meeting must vote by secret ballot on the question of whether the decision to suspend or expel the person should be upheld or revoked.

22(3) A member may not vote by proxy at the meeting.

22(4) The decision is upheld if not less than three quarters of the members voting at the meeting vote in favour of the decision.

Division 3 Grievance procedure

23 Application

23(1) The grievance procedure set out in this Division applies to disputes under these Rules between:

a) a member and another member; or

b) a member and *the Council*.

24 Parties must attempt to resolve the dispute

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

25 Appointment of mediator

25(1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by Rule 24, the parties must within 10 days:

a) notify *the Council* of the dispute;

b) agree to or request the appointment of a mediator; and

c) attempt in good faith to settle the dispute by mediation.

25(2) The mediator must be:

a) a person chosen by agreement between the parties; or

b) in the absence of agreement:

i. if the dispute is between a member and another member—a person appointed by *the Council*; or

ii. if the dispute is between a member and *the Council* or *the Society*—a person appointed or employed by the Dispute Settlement Centre of Victoria.

c) A mediator appointed by *the Council* may be a member or former member of *the Society* but in any case, must not be a person who:

i. has a personal interest in the dispute; or

ii. is biased in favour of or against any party.

26 Mediation process

26(1) The mediator to the dispute, in conducting the mediation, must:

a) give each party every opportunity to be heard;

b) allow due consideration by all parties of any written statement submitted by any party; and

c) ensure that natural justice is accorded to the parties throughout the mediation process.

26(2) The mediator must not determine the dispute.

27 Failure to resolve dispute by mediation

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

Division 4 Meetings

28 Annual General Meeting

28(1) *The Council* must convene an Annual General Meeting of *the Society* to be held within eight months after the end of each financial year. Where possible, an Annual General Meeting of the Society shall be held concurrently with, and as part of the business of, the Symposium.

28(2) *The Council* may determine the type (virtual, in-person or combination), date, time and location of the Annual General Meeting.

28(3) The ordinary business of the Annual General Meeting is as follows:

a) to confirm the minutes of the previous Annual General Meeting and of any special general meeting held since then;

b) to receive and consider:

i. the annual report of the President on the activities of *the Society* during the preceding financial year; and

ii. the financial statements of *the Society* for the preceding financial year submitted by *the Council* in accordance with Part 7 of *the Act*;

c) to elect the members of the Executive as required by these Rules; and to confirm or vary the amounts (if any) of the annual subscription, joining and capitation fees.

28(4) The Annual General Meeting may also conduct any other business of which notice has been given in accordance with these Rules.

29 Special General Meeting

29(1) *The Council* may convene a General Meeting whenever it is deemed necessary.

29(2) No business other than that set out in the notice under Rule 31 may be conducted at the meeting.

Note

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

30 Special General Meeting held at request of members

30(1) *The Council* must convene a Special General Meeting if a request to do so is made in accordance with Subrule 30(2) by at least 10% of the total number of members.

30(2) A request for a Special General Meeting must:

a) be in writing (including by electronic means);

b) state the business to be considered at the meeting and any resolutions to be proposed;

c) include the names and signatures (including electronic signatures) of the members requesting the meeting; and

d) be given to the Secretary.

30(3) If *the Council* does not convene a Special General Meeting within one month after the date on which the request is made, the members making the request (or any of them) may convene the Special General Meeting.

30(4) A Special General Meeting convened by members under Subrule 30(3):

a) must be held within three months after the date on which the original request was made; and

b) may only consider the business stated in that request.

30(5) *The Society* must reimburse all reasonable expenses incurred by the members convening a General Meeting under Subrule 30(3).

31 Notice of General Meetings

31(1) The Secretary (or, in the case of a Special General Meeting convened under Subrule 30(3), the members convening the meeting) must give to each member of *the Society*:

a) at least 21 days' notice of a General Meeting if a special resolution is to be proposed at the meeting; or

b) at least 14 days' notice of a General Meeting in any other case.

31(2) The notice must:

a) specify the type (virtual, in-person or combination), date, time and location of the meeting;

b) indicate the general nature of each item of business to be considered at the meeting;

c) if a special resolution is to be proposed:

i. state in full the proposed resolution; and

ii. state the intention to propose the resolution as a special resolution; and

d) comply with Subrule 32(5).

31(3) This Rule does not apply to a disciplinary appeal meeting.

Note

Subrule Division 221(1) sets out the requirements for notice of a disciplinary appeal meeting.

32 Proxies

32(1) A member may appoint another member as their proxy to vote and speak on their behalf at a general meeting other than at a disciplinary appeal meeting.

32(2) The appointment of a proxy must be in writing (including by electronic means) and signed by the member making the appointment.

32(3) The member appointing the proxy may give specific directions as to how the proxy is to vote on their behalf, otherwise the proxy may vote on behalf of the member in any matter as they see fit.

32(4) If *the Council* has not approved a form for the appointment of a proxy, the member may use any other form that clearly identifies the person appointed as the member's proxy and that has been signed by the member.

32(5) Notice of a General Meeting given to a member under Rule 31 must:

a) state that the member may appoint another member as a proxy for the meeting; and

b) include a copy of any form that *the Council* has approved for the appointment of a proxy.

32(6) A form appointing a proxy must be given to the Chairperson of the meeting before or at the commencement of the meeting.

32(7) A form appointing a proxy sent by post or electronically is of no effect unless it is received by *the Society* no later than 24 hours before the commencement of the meeting.

33 Use of technology

33(1) A member not physically present at any meeting may be permitted to participate in the meeting by the use of technology that allows that member and the members present at the meeting to clearly and simultaneously communicate with each other.

33(2) For the purposes of this Part, a member participating in a meeting as permitted under Subrule 33(1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

34 Quorum

34(1) No business may be conducted at a meeting unless a quorum of members is present.

34(2) The quorum for a meeting is the presence (physically, by proxy or as allowed under Rule 33) of not less than 30 members or 30 percent of the allocated votes which can be cast, whichever is the lesser.

34(3) If a quorum is not present within 30 minutes after the notified commencement time of a meeting:

a) in the case of a meeting convened by, or at the request of, members under Rule 30, the meeting must be dissolved; or

b) in any other case:

i. the meeting must be adjourned to a date not more than 21 days after the adjournment; and

ii. notice of the type (virtual, in-person or combination), date, time and location to which the meeting is adjourned must be given at the meeting and confirmed by written notice given to all members as soon as practicable after the meeting.

Note

If a meeting convened by, or at the request of, members is dissolved under Subrule 34(3)(a), the business that was to have been considered at the meeting is taken to

have been dealt with. If members wish to have the business reconsidered at another special meeting, the members must make a new request under Rule 30.

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

35 Adjournment

35(1) The Chairperson of a meeting at which a quorum is present may, with the consent of a majority of members present at the meeting, adjourn the meeting to another time at the same location ~~place~~ or at another location.

35(2) Without limiting Subrule 35(1), a meeting may be adjourned:

a) if there is insufficient time to deal with the business at hand; or

b) to give the members more time to consider an item of business.

35(3) No business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished when the meeting was adjourned.

35(4) Notice of the adjournment of a meeting under this Rule is not required unless the meeting is adjourned for 14 days or more, in which case notice of the meeting must be given in accordance with Rule 31.

36 Voting

36(1) On any question arising at a general meeting:

a) subject to Subrule 36(2), Student, General, Professional and Life members shall be entitled to vote at the meeting. Each member who is entitled to vote has one vote;

b) voting shall be by show of hands or the functional equivalent of a show of hands by means of electronic, telephonic or other communication facility, unless a division or a ballot is requested by any member;

c) members may vote personally, electronically or by proxy;

d) except in the case of a special resolution, the question must be decided on a majority of votes; and

e) the President or Chairperson of the meeting shall not vote except to make the casting vote if the vote is tied.

36(2) If the question is whether or not to confirm the minutes of a previous meeting, only members who were present at that meeting may vote.

36(3) This Rule does not apply to a vote at a disciplinary appeal meeting conducted under Rule Division 221.

36(4) This Rule does not apply to a vote on a special resolution such as changes to the Rules of Association.

37 Special resolutions

37(1) Special resolutions must be voted on using an online voting system.

37(2) Members shall be notified by email of the special resolution and allowed a period of 28 days in which to vote on the resolution.

37(3) A special resolution is passed if not less than three quarters of the members voting, vote in favour of the resolution.

38 Determining whether resolution carried

In accordance with Rules 36 and 37, the Chairperson of a general meeting, shall declare that a resolution has been:

a) carried;
b) carried unanimously;
c) carried by a particular majority; or
d) lost,

• on the basis of a show of hands, a division, a ballot or poll (when requested by three or more members); and

• an entry to that effect in the minutes of the meeting is conclusive proof of that fact.

39 Minutes

39(1) *The Council* must ensure that minutes are taken and kept of each meeting.

39(2) The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.

39(3) In addition, the minutes of each Annual General Meeting must include:

a) the names of the members attending the meeting;
b) proxy forms given to the Chairperson of the meeting under Subrule 32(6);
c) the financial statements submitted to the members in accordance with Subrule 28(3)(28(3)b)28(3)b)ii);

d) a motion by two *Council* members certifying that the financial statements give a true and fair view of the financial position and performance of *the Society*; and

e) any audited accounts and auditor's report or report of a review accompanying the financial statements that are required under *the Act*.

Part 4 THE COUNCIL

Division 1 Powers of *the Council*

40 Role and powers

40(1) The business of *the Society* must be managed by or under the direction of *the Council*.

40(2) *The Council* may exercise all the powers of *the Society* except those powers that these Rules or *the Act* require to be exercised by general meetings of the members of *the Society*.

40(3) The Council may:

a) appoint and remove *staff*; and

b) establish subcommittees consisting of members with terms of reference it considers appropriate. Each subcommittee shall:

i. exist at the pleasure of the Council;

ii. be responsible to the Council; and

iii. have such powers and duties as determined by the Council except the power to appoint subcommittees or alter their terms of reference.

41 Delegation

41(1) *The Council* may delegate to a member of *the Council*, a subcommittee or *staff*, any of its powers and functions other than:

a) this power of delegation; or

b) a duty imposed on *the Council* by *the Act* or any other law.

41(2) The delegation must be in writing (including by electronic means) and may be subject to the conditions and limitations *the Council* considers appropriate.

41(3) *The Council* may, in writing(including by electronic means), revoke a delegation wholly or in part.

Division 2 Composition of Council and duties of members

42 Composition of Council

42(1) *The Council* consists of:

a) the Executive
   i. a President (elected);
   ii. a President Elect[1] (elected);
   iii. a Vice-President (Australia) (elected);
   iv. a Vice-President (New Zealand) (*ex officio*);
   v. a Secretary (elected);
   vi. a Treasurer (elected);
   vii. a Web Officer (ex officio);
   viii. the Immediate Past President (*ex officio*), and
   ix. an Executive Secretary[2] (ex officio)

b) one representative from each *Branch* who is either the President or a member of the *Branch* Executive.

c) one representative from each Sub-Committee who is either the Chair or nominated delegate.

d) one delegate from each Affiliate Organisation.

e) persons elected or appointed to act in a specified capacity for *the Society*.

[1] The President Elect may hold a current position in Council via a different Executive or Council role.
[2] The Executive Secretary will only exist when the Secretary position is held by a member from New Zealand. The Executive can be the Vice-President Australia, or a co-opted member, either of whom must physically reside in Australia. This position exists only to satisfy the State of Victoria's Act of Incorporation.

43 General Duties

43(1) As soon as practicable after being elected or appointed to *the Council*, each *Council* member must become familiar with these Rules and *the Act*.

43(2) *The Council* is collectively responsible for ensuring that *the Society* complies with *the Act* and that individual members of *the Council* comply with these Rules.

43(3) *Council* members must exercise their powers and discharge their duties with reasonable care and diligence.

43(4) *Council* members must exercise their powers and discharge their duties:

a) in good faith in the best interests of *the Society*; and

b) for a proper purpose.

43(5) *Council* members and former *Council* members must not make improper use of:

a) their position; or

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

Note

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

43(6) In addition to any duties imposed by these Rules, a *Council* member must perform any other duties imposed from time to time by resolution at a general meeting.

44 President and Vice-Presidents

44(1) Subject to Subrule 44(2), the President or, in the President's absence, one of the Vice-Presidents or the President Elect[3] is the Chairperson for any general meetings and for any *Council* meetings. The Vice-Presidents take precedence over the President Elect in these instances.

44(2) If the President, both Vice-Presidents, and the President Elect are absent, or are unable to preside, the Chairperson of the meeting must be:

a) in the case of a general meeting, a member elected by the other members present; or

b) in the case of a *Council* meeting, a *Council* member elected by the other *Council* members present; and

c) have the casting vote where voting is tied at a meeting but otherwise not vote.

44(3) The President shall:

a) act as the Chief Executive Officer of *the Society*;

b) be the official representative of *the Society* at any function to which *the Society* is invited or requested to be represented;

c) manage and direct the day-to-day business of *the Society* and supervise the work of *the Council* and subcommittees of *the Society*; and

d) have the casting vote where voting is tied at a meeting but otherwise not vote.

45 Secretary

45(1) The Secretary must perform any duty or function required under *the Act* to be performed by the secretary of an incorporated association.

Example

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

[3] If the President Elect is not a current member of the Executive.

45(2) The Secretariat must:

a) maintain the register of members in accordance with Rule Part 3Division 115;

b) subject to *the Act* and these Rules, provide members with access to the register of members, the minutes of meetings and other books and documents; and

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

45(3) The Secretary must give to *the Registrar* notice of their appointment within 14 days after the appointment.

46 Treasurer

46(1) The Treasurer must:

a) receive all moneys paid to or received by *the Society* and issue receipts for those moneys in the name of *the Society*;

b) ensure that all moneys received are paid into the account of *the Society* as soon as practicable after receipt;

c) make any payments authorised by *the Council* or by a general meeting of *the Society* from *the Society*'s funds;

d) ensure that *the Society* meets its GST obligations; and

e) ensure cheques are signed by an authorised signatory.

f) ensure that the financial records of *the Society* are kept in accordance with *the Act*; and

g) coordinate the preparation of the financial statements of *the Society* and certification by *the Council* prior to their submission to the Annual General Meeting of *the Society*.

46(2) The Treasurer must ensure that at least one other *Council* member has access to the accounts and financial records of *the Society*.

47 Web Officer

47(1) The Web Officer must:

a) act as liaison between ANZFSS and Natiive;

b) carry out monthly maintenance to ensure updates, including security updates, are installed.

c) respond to all correspondence received through the web support email;

d) provide technical support and training to branches relating to content and functionality;

e) connect with branches to ensure content is updated regularly;

f) monitor content to ensure it is line with the ANZFSS Diversity and Inclusion policy;

Division 3 Election of Executive members and tenure of office

48 Eligibility for Executive

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

a) has been a member for at least 12 months; and
b) is entitled to vote at a general meeting; and
c) has been a member of the Executive at the branch level; and
d) is in employment—this may include self-employment—in a field related to forensic science.

49 Positions to be declared vacant

49(1) The President Elect shall be elected through an online voting system, with the final result announced at the next Annual General Meeting of the Society (held in an odd year). The President Elect will assume the office of President at the end of the subsequent Annual General Meeting (held in an even year) and shall hold that office for approximately two years.

49(2) The Vice-President (Australia), Secretary, Treasurer and Website Manager shall be elected through an online voting system, with the final results announced at the next Annual General Meeting of the Society (held in an even year) and shall hold office for approximately two years.

50 Nominations

50(1) At least 49 days prior to the election of each position, the Secretary must call for nominations via email to fill that position, allowing for a 21 day nomination period and a voting period of at least 28 days. The nomination period shall be no longer than 21 days.

50(2) An eligible member of *the Society* may:

a) nominate themselves; or
b) with the member's consent, be nominated by another member.

50(3) In the event that no nominations are received the position may be filled in accordance with Rule 54.

51 Election of Executive

51(1) Separate elections (as defined in Rule 49) must be held for each of the following positions:

a) President Elect;
b) Vice-President (Australia);
c) Secretary;
d) Treasurer; and
e) Web Officer.

51(2) If only one member is nominated for the position, the online election process must declare that the member will be elected to the position when the election results are announced.

51(3) If more than one member is nominated, an online ballot must be held in accordance with Rule 49.

52 Online Ballot

52(1) If an online ballot is required for the election for a position, the Executive must commence an online election process.

52(2) The online election process shall allow voting for a period of at least 28 days, and preferably fewer than 31 days.

52(3) The returning officer will normally be the Vice-President (New Zealand) unless that member is nominated for a position.

52(4) The returning officer must not be a member nominated for the position.

52(5) The ballot should include: a brief biography of each candidate, a photograph of each candidate, and a statement in support of their election.

52(6) The election must be by secret ballot. In the online context, this means that electors should not be privy to any information that indicates the votes of others. Equally, the candidates will have no recourse to the voting records of the members.

52(7) If the ballot is for a single position, the voter must be able to indicate on the ballot form the name of the candidate for whom they wish to vote.

52(8) If the ballot is for more than one position:

a) the voter must be able to indicate on the ballot form the name of each candidate for whom they wish to vote; and

b) the voter must not be able to indicate the names of more candidates than the number to be elected.

52(9) Each ballot form on which the name of a candidate has been selected counts as one vote for that candidate.

52(10) The returning officer must declare elected the candidate or, in the case of an election for more than one position, the candidates who received the most votes.

52(11) If the returning officer is unable to declare the result of an election under Subrule 52(10) because two or more candidates received the same number of votes, the returning officer must:

a) conduct a further election for the position in accordance with Subrules 52(6) to 52(10) to decide which of those candidates is to be elected; or

b) with the agreement of those candidates, decide by lot which of them is to be elected.

Examples

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

53 Term of office

53(1) Subject to Subrule 53(2), an Executive member holds office until the positions of the Executive, except the President Elect and the Immediate Past President, are declared vacant after approximately two years. The President Elect position is declared vacant approximately one year after President Elect becomes the President. The inexactness of the term arises because Annual General Meetings are held approximately, but not exactly two years apart. The Immediate Past President shall serve a term of one year past the assumption of the President's role by the President Elect.

53(2) An Executive member may be re-elected.

53(3) A general meeting of *the Society* may:

a) by special resolution remove a *Council* member from office; and

b) elect an eligible member of *the Society* to fill the vacant position in accordance with this Division.

53(4) A member who is the subject of a proposed special resolution under Subrule 53(3)a) may make representations in writing (including by electronic means) to the Secretary or President of *the Society* (not exceeding a reasonable length) and may request that the representations be provided to the members of *the Society*.

53(5) The Secretary or the President may give a copy of the representations to each member of *the Society* or, if they are not so given, the member may require that they be read out at the meeting at which the special resolution is to be proposed.

54 Vacation of office

54(1) A *Council* member may resign from *the Council* by written notice addressed to the *Council*.

54(2) A person ceases to be a *Council* member if they:

a) ceases to be a member of a *Branch*;

b) fails to attend three consecutive *Council* meetings (other than Special or urgent *Council* meetings) without leave of absence under Rule 64; or

c) otherwise ceases to be a *Council* member by operation of section 78 of *the Act*.

55 Filling casual vacancies

55(1) Unless there are two or more vacancies in one calendar month, *the Council* may appoint an eligible member of *the Society* to fill a position on *the Council* that:

a) has become vacant under Rule 54; or

b) was not filled by election at the last Annual General Meeting.

55(2) If the position of Secretary becomes vacant, *the Council* must appoint a member to the position within 14 days after the vacancy arises.

55(3) Rule 53 applies to any *Council* member appointed by *the Council* under Subrules 54(1) or 54(2).

55(4) *The Council* may continue to act despite any vacancy in its membership.

55(5) If there are three or more vacancies, nominations shall be called for and a ballot held if required. The ballot may be by post to all members, by use of technology, or at a General Meeting.

Division 4 Meetings of Executive & Council[4]

56 Meetings of Executive & Council

56(1) The Executive (separately) and the Council must each meet at least four times in each year at the dates, times and location determined by the Executive and the Council respectively. The Executive should meet up to 30 days prior to the date of each Council meeting.

56(2) The type (virtual, in-person or combination), date, time, and location of the first meeting of a newly elected Executive must be determined by the members of *the Executive* as soon as practicable after the Annual General Meeting of *the Society* at which the members of *the Executive* take office.

56(3) Special *Council* meetings may be convened by the President or by any four members of *the Council*.

56(4) The ANZFSS *Council* supports a Branch representative to attend the Annual General Meeting of the Society. This representative shall be either the President or Vice President of *the Branch,* or other member as nominated by *the Branch. The Society* shall provide, if required, a return economy airfare and one night's accommodation at a rate agreed by *the Council.* Where the meeting coincides with the International *Symposium* on the Forensic Sciences, the *Council* may agree to additional expenses (refer to Rule Part 676(4)).

57 Notice of meetings

57(1) Notice of each *Executive* and *Council* meeting must be given to each member no later than five days before the date of the meeting.

57(2) Notice may be given of more than one meeting at the same time.

57(3) The notice must state the type (virtual, in-person or combination), date, time, and location of the meeting.

57(4) If a Special *Council* meeting is convened, the notice must include the general nature of the business to be conducted.

57(5) The only business that may be conducted at the meeting is the business for which the meeting is convened.

58 Urgent meetings

58(1) In cases of urgency, a meeting can be held without notice being given in accordance with Rule 57 provided that as much notice as practicable is given to each *Executive* or *Council* member by the quickest means practicable. This meeting may be held in person or by the use of technology.

58(2) Any resolution made at an urgent meeting must be confirmed by an absolute majority of *the Executive* or *Council* within three days.

58(3) The only business that may be conducted at an urgent meeting is the business for which the meeting is convened.

58(4) Procedure and order of business

a) The procedure to be followed at a meeting of *the Executive* or *Council* must be determined from time to time by *the Council*.

b) The order of business may be determined by the members present at the meeting.

[4] For the purpose of this Division, member refers to a member of the *Executive* or *Council* (as per Rule 42) unless otherwise defined.

59 Use of technology

59(1) A member who is not physically present at an *Executive* or *Council* meeting may participate in the meeting by the use of technology that allows that member and the other members present at the meeting to clearly and simultaneously communicate with each other.

59(2) For the purposes of this Part, a member participating in a meeting as permitted under Subrule 59(1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

60 Quorum

60(1) No business may be conducted at an *Executive* or *Council* meeting unless a quorum is present.

60(2)

60(3) The quorum for an *Executive* or *Council* meeting is the presence (in person or as allowed under Rule 59) of an absolute majority of *the Executive* or *Council* members; in the case of *Council*, one of whom must hold office.

60(4) If a quorum is not present within 30 minutes after the notified commencement time of a *Council* meeting:

a) in the case of a special meeting, the meeting lapses; or

b) in any other case, the meeting must be adjourned to a date no later than 14 days after the adjournment and notice of the type (virtual, in-person or combination), time, date, and location to which the meeting is adjourned must be given in accordance with Rule 56.

61 Voting

61(1) On any question arising at an *Executive* or *Council* meeting, each member present at the meeting, except the Chairperson, has one vote. The exception is the President Elect if this person is not otherwise a member of the Executive or Council.

61(2) A motion is carried if a majority of members present at the meeting vote in favour of the motion.

61(3) Subrule 61(2) does not apply to any motion or question which is required by these Rules to be passed by an absolute majority of *the Executive* or *Council*.

61(4) If votes are divided equally on a question, the Chairperson of the meeting has a casting vote.

61(5) Voting by proxy is not permitted.

62 Conflict of interest

62(1) An *Executive* or *Council* member who has a material personal interest in a matter being considered at an *Executive* or *Council* meeting respectively must disclose the nature and extent of that interest to the meeting.

62(2) The member:

a) must not be present while the matter is being considered at the meeting; and

b) must not vote on the matter.

Note

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

62(3) This Rule does not apply to a material personal interest that:

a) exists only because the member belongs to a class of persons for whose benefit the Association is established; or

b) the member has in common with all, or a substantial proportion of, the members of the Association.

63 Minutes of meeting

63(1) *The Executive* and *Council* must ensure that minutes are taken and kept of each Executive and Council meeting, respectively.

63(2) The minutes must record the following:

a) the names of the members in attendance at the meeting;

b) the business considered at the meeting;

c) any resolution on which a vote is taken and the result of the vote; and

d) any material personal interest disclosed under Rule 62.

64 Leave of absence

64(1) *The Council* may grant a *Council* member leave of absence from *Council* meetings for a period not exceeding four months.

64(2) *The Council* must not grant leave of absence retrospectively unless it is satisfied that it was not feasible for *the Council* member to seek the leave in advance.

Part 5 FINANCIAL MATTERS

65 Source of funds

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

66 Management of funds

66(1) *The Society* must open an account with a financial institution from which all expenditure of *the Society* is made and into which all *the Society*'s revenue is deposited.

66(2) Subject to any restrictions imposed by a general meeting of *the Society*, *the Council* may approve expenditure on behalf of *the Society*.

66(3) *The Council* may authorise the Treasurer to expend funds on behalf of *the Society* (including by electronic funds transfer) up to a specified limit without requiring approval from *the Council* for each item on which the funds are expended.

66(4) All cheques, drafts, bills of exchange, promissory notes, and other negotiable instruments must be signed by an authorised signatory except as authorised under Subrule 66(3).

66(5) All funds of *the Society* must be deposited into the financial account of *the Society* as soon as practicable after receipt.

66(6) With the approval of *the Council*, the Treasurer may maintain a cash float provided that all money paid from or paid into the float is accurately recorded at the time of the transaction.

67 Financial records

67(1) *The Society* must keep financial records that:

a) correctly record and explain its transactions, financial position, and performance; and

b) enable financial statements to be prepared as required by *the Act*.

67(2) *The Society* must retain the financial records for seven years after the transactions covered by the records are completed.

67(3) The Treasurer must keep in their custody, or under their control:

a) the financial records for the current financial year; and

b) any other financial records as authorised by *the Council*.

68 Financial statements

68(1) For each financial year, *the Council* must ensure that the requirements under *the Act* relating to the financial statements of *the Society* are met.

68(2) Without limiting Subrule 68(1), those requirements include:

a) the preparation of the financial statements;

b) if required, the review or auditing of the financial statements;

c) the certification of the financial statements by *the Council*;

d) the submission of the financial statements to the Annual General Meeting of *the Society*; and

e) the lodgement with *the Registrar* of the financial statements and accompanying reports, certificates, statements, and fees.

Part 6 GENERAL MATTERS

69 Registered address

The registered address of the Society is:

a) the address determined from time to time by resolution of *the Council*; or

b) if *the Council* has not determined an address to be the registered address, the postal address of the Secretary.

70 Notice requirements

70(1) Any notice required to be given to a member or a *Council* member under these Rules may be given:

a) by handing the notice to the member personally; or

b) by sending it by email or electronic means; or

c) by sending it by post to the member at the address recorded for the member on the register of members;

70(2) Subrule 70(1) does not apply to notice given under Rule Part 4Division 457.

70(3) Any notice required to be given to *the Society* or *the Council* may be given:

a) by handing the notice to a member of *the Council*; or

b) by sending it by email or electronic means to the email address of the Society;

c) by sending the notice by post to the registered address; or

d) by leaving the notice at the registered address.

71 Custody and inspection of books and records

71(1) Members may on request inspect free of charge and at a reasonable hour:

a) the register of members;

b) the minutes of general meetings; and

c) subject to Subrule 71(2), the financial records, books, securities and any other relevant document of *the Society*, including minutes of *Council* meetings.

Note

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

71(2) *The Council* may refuse to permit a member to inspect records of *the Society* that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of *the Society*.

71(3) *The Council* must on request make these Rules available to members and applicants for membership free of charge.

71(4) Subject to Subrule 71(2), a member may make a copy of any of the other records of *the Society* referred to in this Rule and *the Society* may charge a reasonable fee for provision of a copy of such a record.

71(5) For purposes of this Rule:
relevant documents means records and other documents, however compiled,

recorded or stored, that relate to the incorporation and management of *the Society* and includes the following:

a) its membership records;

b) its financial statements;

c) its financial records; and

d) records and documents relating to transactions, dealings, business, or property of *the Society*.

72 Winding up and cancellation

72(1) *The Society* may be wound up voluntarily by special resolution.

72(2) In the event of the winding up or the cancellation of the incorporation of *the Society*, the surplus assets of *the Society* must not be distributed to any members or former members of *the Society*.

72(3) Subject to *the Act* and any court order made under Section 133 of *the Act*, the surplus assets must be given to a body that has similar purposes to *the Society* and which is not carried on for the profit or gain of its individual members.

72(4) The body to which the surplus assets are to be given must be decided by special resolution.

73 Suspension of a Branch

73(1) *A Branch,* which does not elect an Executive which at least consists of a President, Vice-President, Secretary and Treasurer within 6 months of those positions being declared vacant can be declared suspended by a simple majority vote of *the Council*.

73(2) In the event of suspension, the suspended *Branch* will cease to have voting rights in *the Council* until such point as *the Branch* elects an Executive.

73(3) A suspended *Branch* may continue its business under its own Rules of Association, or *Branch* rules but may not claim affiliation to *the Society* for any purpose other than electing an Executive.

73(4) Resumption of full membership of *Council* will occur after a simple majority vote of the Council.

73(5) Members of a suspended *Branch* will retain their membership of *the Society* for the remainder of their twelve month membership if they transfer their membership to another *Branch* of *the Society*, for example, the International Branch.

74 Alteration of Rules

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

Note

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

75 Publications

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

76 Symposium

76(1) The *Symposium* shall be organised by a Symposium Organising Committee which will be deemed to be a sub-committee of *the Council*.

76(2) 25% of the *Symposium* surplus if any, shall be returned to the host *Branch* and 75% to the remainder of *the Society*, the latter to be managed by *the Executive*.

76(3) Any loss shall be borne by *the Society*.

76(4) *The Society* shall meet the reasonable expenses (including travel and accommodation) of *the Council* to enable them to attend the *Symposium* and any General Meeting held in conjunction with the Symposium (see Subrule 56(4)). There is an expectation that *Council* members will seek their own funding for expenses including *Symposium* registration and accommodation costs, but *the Society* may, upon application to *the Council*, assist with reasonable expenses if not otherwise provided. If a *Council* member has been provided financial support for these costs by another body, *the Society* is not obliged to meet these expenses for that member.

76(5) Members of *the Society* may be entitled to attend the *Symposium* at a reduced rate.

76(6) The *Symposium* shall be open to all members, invited guests and international visitors, subject to the approval of the Symposium Organising Committee.

77 Patron

77(1) *The Society* may elect a person of eminence as Patron, with the prior agreement of this person.

77(2) The election shall be at an Annual General Meeting and patronage shall continue until the next Annual General Meeting. The Patron may be re-elected for an unlimited number of terms.

77(3) Patronage by an individual shall cease with:

a) a resolution at a General Meeting;

b) resignation, in writing(including by electronic means), by the Patron; or

c) death of the Patron.