

## **CONSTITUTION OF THE AUSTRALIAN CHESS FEDERATION INCORPORATED**

### 1. Name and Definitions

a. The name of the incorporated association is "Australian Chess Federation Incorporated".

b. In this the Constitution of the Australian Chess Federation Incorporated, and in all By-Laws and resolutions of the Federation unless inconsistent with the context, words importing the masculine shall include the feminine, the singular shall include the plural and vice-versa, and the following abbreviations and definitions shall apply:

i. "the Act" shall mean the Australian Capital Territory Associations Incorporation Act 1991;

ii. "Regulations" shall mean Associations Incorporation Regulations made under the Act;

iii. "Federation" and "ACF" shall mean "Australian Chess Federation Incorporated";

iv. "FIDE" shall mean "Federation Internationale Des Echecs";

v. "writing" and "written" shall include electronic mail telegrams, telexes, facsimile copies and extracts of minutes.

vi. "ACF Financial year" shall mean the 12-month period from 1 September in a given year to 31 August of the following year.

vii. "State" includes an Australian Territory.

c. For the purpose of incorporation:

i. the constitution of the Federation is the objects together with the rules of the incorporated association.

ii. the Executive of the Federation is the committee of the incorporated association;

iii. the Annual National Conference of the Federation is the annual general meeting of the incorporated association;

iv. those persons who are eligible to vote at an annual National Conference of the Federation are the members of the incorporated association.

## 2. Statement of Purposes

a. The purposes of the Federation are:

- i. to foster and control the game of chess throughout Australia;
- ii. to represent the chess players of Australia in all chess matters;
- iii. to conduct or authorise the conduct of Australian chess championships and other chess competitions for individuals and teams representing affiliated State Associations;
- iv. to encourage excellence in the playing of chess, the promotion of chess and sportsmanship generally by the awarding of national titles and the presentation of awards;
- v. to provide a forum for the discussion and resolution of questions relating to the playing and administration of chess in Australia;
- vi. to co-operate with other organisations whose purposes and interests are in accord with those of the Federation;
- vii. to maintain a national rating system to enable comparison of the chess playing abilities of Australian chess players;
- viii. to provide through the promotion of chess an activity whereby leisure time may be used in a manner conducive to peaceful coexistence and enhanced quality of life; and
- ix. generally to do all such things as the Federation may deem appropriate to achieve the above purposes or any of them.

b. The Federation shall not be carried on for the purpose of trading or securing pecuniary profit to its members.

## 3. Affiliated State Associations, Associated Bodies & Honorary Life Members

a. The Federation shall consist of State Associations, Associated Bodies and Honorary Life Members.

b. State Associations shall be those state chess associations which are recognised by the Federation as most representative of the chess players in their state and which have met all requirements of affiliation stated or implied in this Constitution and the By-Laws and resolutions of the Federation.

c. The Federation may grant the status of Associated Body to an organisation which:

- i. represents regions of Australia or its territories that are not represented by a State Association;
- ii. represents part of the region of a State Association, but only with the consent of such State Association; or
- iii. represents special aspects of chess.

d.

- i. the Federation may admit any person as an Honorary Life Member such honour being conferred for outstanding service to chess.
- ii. a person shall become an Honorary Life Member of the Federation if a recommendation to that effect is made by a two-thirds majority at a Council meeting and a motion to accept that recommendation is passed at the next following National Conference by the majority required under Clause 10 (e) (iii); annulment of life membership shall require the same procedure.

#### 4. Affiliation Benefits, Disaffiliation and Disciplining of Members

a. Subject to the payment of appropriate fees and compliance with such eligibility, selection and other requirements as may apply in respect of a particular benefit, entitlement or right, the Federation shall endeavour to provide the following privileges for affiliated State Associations and persons nominated by them:

- i. the right to be represented and to vote at Council meetings and National Conferences of the Federation and to vote on special motions as defined in this Constitution;
- ii. the right to participate in activities conducted by or on behalf of the Federation or in activities conducted by others for which nomination, endorsement or approval of the Federation is a requirement, including:
  - national championships,
  - international competitions for individuals and teams,

- such other activities as the Federation may from time to time conduct, control, authorise or participate in;

- iii. the right to conduct national and international activities on behalf of the Federation;

- iv. the right to have results of competitions incorporated in Federation and FIDE ratings systems;

- v. the right to be nominated for and receive titles and awards bestowed by the Federation or for which nomination, endorsement or approval by the Federation is a requirement;

- vi. such other privileges as the Federation may from time to time agree to endeavour to provide for affiliated State Associations and persons nominated by them.

b. A State Association may be disaffiliated if it no longer fulfils Clause 3b.

An Associated Body may be disaffiliated if it no longer fulfils Clause 3c.

c. A State Association or Associated Body may be disaffiliated if it has not paid a lawful fee or levy within three months after the fee or levy was due and the Council has been satisfied that reasonable steps have been taken to ensure that those concerned have been adequately notified.

d. Where the Council is of the opinion that a member of the Federation has persistently refused or neglected to comply with the provisions of the constitution or has persistently and wilfully acted in a manner prejudicial to the interests of the Federation, the Council may by resolution recommend to the State Association represented by that person that disciplinary action be taken. Whether or not such a recommendation is accepted and all related matters including the way (if any) in which the member may appeal and make representations shall be at the discretion of that State Association.

## 5. Council and Executive

a. Subject to paragraph b, the Council shall consist of delegates appointed by the State Associations together with an executive committee comprising the President, Deputy President, two Vice Presidents, Secretary and Treasurer. All members of the Council shall have one vote. Executive members may be appointed as State Association delegates but shall only be entitled to one vote.

b.

- i. For the purposes of this paragraph the Immediate Past President is the person who, last before the current President, was elected President by a National Conference and who held office as President for at least 12 months of the term for which he was elected

- ii. The immediate Past President shall be a member of the Council for a period of 12 months commencing on the date on which he ceased to be President.
  - iii. The Immediate past President shall have no vote.
- c. Each State Association may appoint one Council delegate and may dismiss him and replace him at any time. The appointment or dismissal of a Council delegate shall be of no effect until the President or Secretary of the Federation has received written advice of it from the State Association concerned.
- d. The Council functions in the following ways:
  - i. as the recorder of the wishes of State Associations in special motions as defined in Clause 6a;
  - ii. as an agenda committee to prepare motions to deal with matters to be referred to National Conferences as defined in sub-clause 6b;
  - iii. as a management committee to manage the affairs of the Federation in accordance with its Constitution, By-Laws and resolutions.
- e. The Council shall have power to amend and confirm by a two-thirds majority the draft minutes of a preceding National Conference.
- f. Each member of the executive committee shall, subject to this constitution, hold office until it is declared vacant or is filled by another person in consequence of elections at the next Annual National Conference in an odd-numbered year.
- g. For the purposes of this constitution, a vacancy in the office of a member of the executive committee occurs if the person dies, resigns from office, is removed from office pursuant to sub-clause 6a.iii, becomes insolvent under administration within the meaning of the Corporation Law, suffers from mental incapacity, or is disqualified from office under sub-section 63a of the Act.
- h. In the event of a vacancy in the membership of the executive committee, the Council may appoint a person who need not be a member of the Federation to fill the vacancy and the person so appointed shall hold office, subject to this constitution, until it becomes vacant or is filled as described in clause 5f.

## 6. Classification of Motions

- a. Special motions are motions to:
  - i. alter annual affiliation fees or make special levies;
  - ii. deal with any matter which the Council wishes to be treated as special, except for matters listed in sub-clause 6b;

iii. declare vacant the position of any Executive member or other office-bearer of the Federation.

Votes by State Associations on motions described in Clause 6a must be conveyed in writing to the President or Secretary of the Federation and tabled at the next meeting of the Council.

b. Matters to be referred to a National Conference are motions to:

i. change the constitution;

ii. wind up the Federation;

iii. disaffiliate a State Association;

iv. grant or annul life membership;

v. deal with those matters which Clause 10 indicates are the purposes of a National Conference;

vi. deal with any other matter a State Association or the Council wishes dealt with at the Conference; and,

vii. deal with any matter which the Act or the Regulations require dealt with at a National Conference.

c. On motions referred to in Clause 6a, a State Association may cast up to as many votes as its representatives would be entitled to cast if such a motion were put to a National Conference and the number of votes required to pass such a motion and the number of different State Associations required to cast them shall be the same as if the motion were put to a fully attended National Conference.

d. Notwithstanding sub-clause 6b and clause 10, the Council may recommend to all affiliated State Associations that a specific alteration to the Constitution be ratified. If within 56 days each affiliated State Association informs the Federation of the names of those it would send as representatives to a special National Conference called to consider such alteration, and if each such State Association submits as many names of proposed representatives as it is permitted to nominate under sub-clause 10j and if all such representatives notify the Federation in writing that they approve of the proposed alteration, it shall be deemed to have been passed unanimously at a special National Conference held in Canberra on the 56th day after the Council made its recommendation and such conference shall be deemed to have been attended by all the nominated representatives.

## 7. Council Meetings

a. The Council shall meet at least four times per year with an interval of not more than four months between meetings.

Meetings may be 'in person', 'phone hook ups' or 'internet based'. At least one meeting per year must be an 'in person' meeting. A meeting may be convened by the Secretary or President or by any three delegates.

b. Council meetings shall be chaired by the President or in his absence the Deputy President; in the absence of both, the delegates shall appoint a chairman. The Chairman shall not have a casting vote.

c. Unless otherwise indicated in this Constitution, a simple majority shall carry any motion the Council is empowered by this Constitution to vote on.

d. Any six individual members of Council shall form a quorum. No business shall be transacted by the Council unless a quorum is present, and if, within one hour of the time appointed for the meeting, a quorum is not present the meeting shall stand adjourned, to be resumed within fourteen days at a date and time to be determined by the President. If at the adjourned meeting a quorum is not present within an hour of the time appointed for the meeting the President may dissolve or reconvene the meeting as he sees fit.

e. Unless otherwise resolved by Council in respect to a particular meeting, draft minutes of each Council meeting or a report on significant business transacted at the meeting shall be sent to at least every affiliated State Association and affiliated Associated body..

f. Before a meeting is closed, the date of the next meeting shall be agreed to or the matter referred to the Executive.

g. Notwithstanding anything written elsewhere in this Constitution or any decision of Council, the date, time and place for the first Council meeting following the election (or re- election or appointment) of a person to the office of President of the Federation shall be determined by the newly-elected President.

h. In the absence of exceptional circumstances, oral or written notice of a meeting of the Council shall be given to each member of the Council at least 48 hours (or such other period as may be unanimously agreed upon by the members of the Council) before the time appointed for the holding of the meeting.

i. Notice of a meeting given under sub-clause 7h shall specify the general nature of the business to be transacted and no other business shall be considered unless a majority of members of the Council present agree to do so.

j. Despite paragraphs a. to i., inclusive, a motion may, at any time other than at a meeting referred to in paragraph a., be proposed and seconded and the matter may be debated and voted upon by electronic mail, subject to the directions of the President as to procedures for the debate and the time by which the votes are to be cast, as if it were a motion proposed in such a meeting.

## 8. Office-bearers

a. Office-bearers other than members of the Executive and the Auditor shall be appointed by the Council and may be dismissed by the Council at any time.

b. Office-bearers other than members of the Executive and the Auditor shall retire at the Council meeting next following 30th June each year but may be re-elected.

### c. President

Function: The President is the chief executive officer of the ACF.

Duties:

- i. To chair Council meetings;
- ii. To submit an annual report to Council and to the National Conference;
- iii. To act as spokesman for the ACF;
- iv. To ensure that the activities of the ACF are in accordance with the Constitution and By-Laws;
- v. To ensure that the office-bearers carry out their duties;
- vi. To make decisions on matters of urgency that arise between Council meetings, after consultation with as many Councillors as is reasonable in the circumstances;
- vii. To abide by and carry out instructions of the

### Federation. d. Deputy President

Function: The Deputy President shall function as the President of the Federation whenever the President is absent and at other times as the President may require.



Duties:

- i. In the absence of the President, to carry out all such duties as are normally those of the President;
- ii. To assist the President in the performance of his duties in whatever way the President may reasonably require;
- iii. To carry out such other duties as the Federation may from time to time agree are the duties of Deputy President.

da. Vice President

Function: A Vice President's function is to assist the President and to act as prescribed by the Council.

Duties:

- i. A Vice President shall assist the President at such times and in such matters in the performance of his duties as he may reasonably require.
- ii. A Vice President shall perform such other duties as the ACF Council from time to time agrees are to be duties of that Vice President.

e. Secretary

Function: The Secretary is responsible for the effective administration of the ACF.

Duties:

- i. To arrange meetings and to prepare agendas, supporting papers and draft minutes;
- ii. To ensure that adequate notice of Council meetings is given to all members of the Council;
- iii. To be responsible for all correspondence other than correspondence specifically delegated to other office-bearers;
- iv. To keep an up to date register of all life members and affiliates of the ACF;
- v. To maintain liaison with State Associations and Associated Bodies;
- vi. To co-ordinate the activities of the ACF, its Council and office-bearers;

vii. To ensure that a copy of the confirmed minutes of each National Conference are distributed to each State Association and that a copy is available on request to any person who was eligible to attend;

viii. To abide by and carry out instructions of the Federation.

f. Treasurer

Function: The Treasurer is responsible to Council for the finances of the ACF.

Duties:

i. To submit a proposed budget for the forthcoming ACF Financial year to each Annual National Conference;

ii. To submit a financial report to each ordinary meeting of Council;

iii. To submit a financial report on the preceding ACF Financial year to the National Conference next following the start of each new ACF financial year;

iv. To present an audited statement of assets and liabilities and an audited financial statement in respect of the previous ACF financial year together with the Auditor's report to each National Conference;

v. To receive and bank all income of the ACF and to pay or reimburse all expenses of the ACF and its office-bearers, as approved by Council;

vi. To keep a record of all receipts and expenditure and maintain proper books and records of the financial transactions of the Federation;

vii. To abide by and carry out the instructions of the Federation.

g. Public Officer

The Council shall appoint a person resident in the Australian Capital Territory to be the Public Officer of the Federation for the purposes of the Australian Capital Territory Associations Incorporation Act 1991 and shall, within 14 days of that office becoming vacant, appoint a person resident in that Territory to fill that vacancy.

9. Communications

a. Votes on motions described in Clause 6a must be mailed, electronically mailed, faxed or delivered personally to the secretary unless, for the purposes of a particular motion, another office-bearer or address is agreed upon and notified to all State Associations.

b. If a State Association is not told when its vote or opinion on any matter is required, it has the right to assume that the votes will be counted on the 56th day after all State Associations were advised of the motion. The final count of votes must not be held earlier if any outstanding vote could affect the fate of the motion.

c. A motion under Clause 6a.ii must be sent to all State Associations for their vote, whether the Council approves it or not. The Council may propose amendments and may give advice.

#### 10. Annual and Special National Conferences of the Federation

a. Once in each year the Council shall appoint a person to convene a meeting or series of meetings to be known as the Annual National Conference of the Federation. The Annual National Conference shall, subject to the Act, be convened on such date and at such place and time as the Council thinks fit and shall be specified as such in the notice convening it.

b. The purposes of the Annual National Conference shall be:

- i. to amend if necessary and confirm the unconfirmed minutes of any previous National Conference;
- ii. to deal with any Motion on Notice of which notice has been given in accordance with Clause 10d;
- iii. to make recommendations to the Federation on any matters of which such notice has not been given;
- iv. in each alternate year, to elect members of the Executive of the Federation;
- v. to appoint an Auditor who shall not be the Public Officer or a member of the Federation, the Council or the Executive;
- vi. to consider and if thought fit approve a proposed budget for the following ACF financial year;
- vii. to consider and if thought fit adopt a statement of assets and liabilities and a financial statement in respect of the previous ACF financial year; and
- viii. to consider any Council recommendations to grant honorary life membership.

c. In years when elections are due to be held at the next Annual National Conference, nominations for President, Deputy President, two Vice Presidents, Secretary and Treasurer shall be called for by the Council 120 days prior to the scheduled start of the Conference.

d. Written notice of a National Conference shall be sent to each State Association and to others as the Council deems appropriate so as to be received in the normal course of transmission not less than 56 days before the start of the Conference and shall include:

- i. the date, time and place for the start of the Conference;
- ii. the date on which it is expected the Conference will end;
- iii. the exact wording of each Motion on Notice to be dealt with at the Conference;
- iv. the names of all known candidates for election as President, Deputy President, a Vice President, Secretary and Treasurer; and
- v. such other information as the convenor or Council may see fit to include on the notice.

da. Written notice of any proposed amendment of a motion of which notice is given under clause 10.d.iii. shall be sent to each State Association and to others as the Council deems appropriate so as to be received in the normal course of transmission not less than 35 days before the start of the Conference.

e. Notwithstanding anything elsewhere in this constitution, a National Conference shall have power to carry any motion or amendment as may be thought desirable in the interests of chess in Australia provided that:

- i. notice of it was given in accordance with Clause 10d;
- ii. it is supported during the Conference by a majority of those who vote on it including one or more representatives from each of three or more State Associations;
- iii. in the case of a motion to disaffiliate a State Association or to grant or annul life membership, such motion is supported during the Conference by:
  - two-thirds or more of those who vote on it including one or more representatives from each of three or more State Associations, and,
  - more than half of the participants in the Conference who are eligible to vote;
- iv. in the case of a motion to alter the constitution or the name of the Federation or to wind up the Federation or to do any other thing which the Act requires done by a special resolution, a motion to make such a special resolution shall be passed only if supported at a National Conference by:

- at least three-quarters of those who vote on it including one or more representatives from each of three or more State Associations; and
- more than half of the participants in the Conference who are eligible to vote. f.

A motion carried at a National Conference shall not be capable of rescission except:

- i. by the same or a subsequent Conference; or
- ii. if the Council agrees unanimously that a change in circumstances sufficient to justify rescission of a decision of the Conference has occurred, in which case the Council shall deal with the matter in a manner as consistent as is practicable with the spirit of the decision of the Conference and the matter shall be noted by the Secretary for consideration at the next Conference; or
- iii. by special motion in accordance with Clause 6, provided that the rescission motion is supported by at least two thirds of the total number of votes cast, including at least one vote from each of three affiliated State Associations.

g. Motions and amendments of which notice has not been given in accordance with Clause 10d or Clause 10.da shall not be dealt with at a National Conference unless:

- i. they are of a purely procedural nature; or
- ii. they are motions to amend and/or confirm minutes; or
- iii. they are motions to receive and/or adopt reports; or
- iv. they are motions to change proposed amounts of income and/or expenditure for items listed in the proposed budget or to adopt the proposed budget; or
- v. they are expressed in the form of recommendations to the Council.

h. The right to attend and be heard at a National Conference shall be limited to:

- i. representatives of State Associations as defined in Clause 3b who have been authorised in accordance with Clause 10i;
- ii. members of the Council;
- iii. Federation office-bearers as defined by the Council;
- iv. Honorary Life Members of the Federation;
- v. representatives of Associated Bodies as defined in Clause 3c; and

vi. such persons as the President, the Executive, the Council or the Conference may care to invite.

i. A person shall be authorised to represent a State Association at a National Conference if written advice to that effect from a person the Federation recognises as authorised to appoint representatives of the State Association concerned is received by the convenor of the Conference not less than seven days before the date on which the Conference is scheduled to start.

j. The number of persons a State Association may appoint to represent it at a National Conference shall be based on the total population of the state according to the most recent federal government statistic recognised by the Council and shall be one representative per million or part thereof.

k. In the event of a State Association having authorised more representatives than the number to which it is entitled without having indicated an order of preference, the convenor shall determine which of those representatives shall be accepted as the representatives of the State Association concerned.

l. Voting on any motion or amendment at a National Conference shall be conducted in accordance with the following:

i. the right to vote shall be limited to authorised representatives of State Associations as defined in Clause 10i whose eighteenth birthday is on or before the last day on which votes on the motion concerned are accepted for counting;

ii. in the event of a State Association being represented by fewer than the maximum number of representatives to which it is entitled, one representative of that Association may cast one additional vote on each question;

iii. if a State Association is represented by fewer than the maximum number of representatives to which it is entitled and that Association has not notified the Federation of the name of the representative authorised by it to cast an additional vote in accordance with clause 10.l.ii, the convenor shall determine which of the representatives of that Association shall be entitled to cast such additional vote;

iv. voting by proxy, shall not be permitted; with the consent of the Convenor, persons eligible to participate in the Conference may do so by telephone or similar electronic means;

v. unless otherwise resolved by the Conference, voting shall be by such means as the chairman considers appropriate in the circumstances;

vi. in the case of an equality of voting the matter shall be resolved so as to preserve the status quo;

vii. a person's right to vote shall not change because he is the chairman.

m. At the start of each session of the Conference, the convenor shall conduct an election of chairman.

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i. The quorum for the Conference shall be half of the total number of representatives all State Associations may appoint, whether or not such a number has been appointed. At least half this quorum must be present in person.

ii. No item of business shall be transacted at a National Conference unless a quorum of members entitled under this constitution to vote is present during the time the conference is considering that item.

iii. If within 24 hours after the appointed time for the commencement of a National Conference a quorum is not present, the conference if convened upon the requisition of members shall be dissolved and in any other case shall stand adjourned to the following day at the same time and (unless another place is specified at the time of the adjournment by the convenor of the conference or communicated by written notice to members given before the day to which the conference is adjourned) at the same place.

iv. If at the adjourned conference a quorum is not present within one hour after the time appointed for the commencement of the conference, the members present (being not less than seven including at least one representative appointed by each of four affiliated State Associations) shall constitute a quorum.

o. The election of President of the Federation shall be conducted in accordance with the following:

i. subject to Clause 10.o.iii, candidates shall be limited to persons who have advised the Federation in writing of their willingness to serve as President, such advice having been received by the Federation not less than ninety days before the date on which the Annual National Conference at which elections are due is scheduled to start;

ii. if on the ninetieth day before the date on which the conference is due to start there is but one candidate, that candidate shall be deemed to be the President-elect and no election of President shall be held at the Conference;

iii. if on the ninetieth day before the date on which the Conference is due to start there are no candidates, or if the Council so decides because of uncertainty concerning the date for the start of the Conference, nominations shall be received up to the time the election is due to be held;

iv. if at the time the election is due to be held there are no candidates, the matter shall be referred to the Council and the Council shall have power to take whatever

action it deems necessary to fill the vacancy until the next election is due to be held;

v. for the purposes of the election of the President, the Conference shall first elect a person who is not a candidate for President to act as Returning Officer;

vi. the Returning Officer shall be the sole authority as to the validity of votes and the counting of them;

vii. each candidate for President may appoint one scrutineer whose only function shall be to draw the attention of the Returning Officer to any possible error in the counting of votes;

viii. voting to elect the President shall be by secret ballot, but the number of votes cast in respect of each candidate shall be reported to the Conference;

ix. ballot papers shall show candidates' names in an order determined by lot;

x. preferential voting shall be used;

xi. in the case of an equality of votes, the President shall be chosen by lot from among the tied candidates;

xii. a person who is elected as President, or is deemed elected in accordance with Clause 10. o. ii., shall take office at the conclusion of the National Conference at which the person was elected or in respect of which the person was deemed elected.

p. The election for the office of Deputy President, two Vice Presidents, Secretary and Treasurer shall be conducted in accordance with the provisions governing the election of the President, including clause 10.o.iv., except that nominations for those offices shall be received up to the time the election to fill each office is due to be held.

q. The responsibilities of the convenor of a National Conference shall be:

i. to ensure that notice of the Conference, details of any Motions on Notice submitted in time for inclusion on the agenda for the Conference and the names of all known candidates for election as President, Deputy President, a Vice President, Secretary and Treasurer are distributed to all State Associations and others in accordance with Clause 10c;

ii. to confirm the validity of the credentials of all persons purporting to represent State Associations by contacting the President, and/or Secretary immediately prior to the start of the Conference;



- iii. to conduct at the start of each session of the Conference an election of chairman;
- iv. to ensure that a quorum is present throughout each session of the Conference;
- v. to ensure that no vote is cast by a person who is ineligible to vote;
- vi. to maintain the following records during the Conference and to forward them to the Secretary at the end of the Conference:
  - a register of names of all persons State Associations have authorised to represent them at the Conference and all related letters of authority;
  - a list of the names and addresses of all persons in attendance during each session of the Conference;
  - draft minutes of the proceedings of the Conference;
  - copies of all reports and other papers presented at or relevant to significant business transacted at the Conference;
- vii. to carry out such other duties in connection with the Conference as the Council and the Conference may reasonably require.

r.

- i. The Council may, whenever it thinks fit, convene a Special National Conference of the Federation.
- ii. The Council shall, on the requisition in writing of not less than 50 per cent of the total number of members of the Federation, convene a Special National Conference of the Federation.
- iii. A requisition for a Special National Conference
  - shall state the purpose or purposes of the conference,
  - shall be signed by the members making the requisition,
  - shall be lodged with the President or Secretary, and
  - may consist of several documents in a similar form, each signed by one or more of the members making the requisition.

iv. If the Council fails to convene a Special National Conference within one month after the date on which a requisition for such a conference is lodged with the President or Secretary, any one or more of the requisitionists may convene a Special National Conference to be held not later than three months after that date.

v. A Special National Conference convened by a member or members referred to in sub-clause 10.r.iv shall be convened as nearly as is practicable to the same manner as the Annual National Conference is convened and any member who thereby incurs expense is entitled to be reimbursed by the Federation for any reasonable expense so incurred.

vi. No business other than that specified in the notice convening a National Conference shall be transacted at the conference except, in the case of an Annual National Conference, business which may be transacted pursuant to clause 10b.

## 11. Finance

a. All moneys received by the Federation must be paid into an account in the name of the Federation at a bank and branch approved by the Council.

b. All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by two persons approved by the Council, one of whom must be the President, Deputy President, Secretary or Treasurer.

c. An audited financial statement must be presented to the Council as soon as possible after the end of each ACF financial year ending 31 August and must be sent out with the Council minutes.

d. The Council may decide the bank where the funds of the Federation are to be held.

e. The Common Seal of the Federation shall be kept in the custody of the Treasurer of the Federation.

f. The Common Seal of the Federation shall not be affixed to any instrument except by the authority of the Council or a National Conference.

g. The affixing of the Common Seal of the Federation shall be attested by the signatures of any two of the President, Secretary and Treasurer.

h. In the absence or at the request of the President, the Deputy President may act in place of the President as a signatory for cheques or to attest the affixing of the Common Seal.

i. The Federation may invest any funds in any investment from time to time sanctioned by law for the investment of trust funds.

j. Where it is agreed that a levy be imposed on State Associations, each State Association shall pay a percentage of the total amount to be raised. For each State Association, the percentage shall be calculated using the most recently published federal government state population statistics recognised by the Council and shall be the same percentage of the total population of the states of all State Associations as the population of the state of the State Association concerned comprises.

k. No entrance fee, subscription or similar charge is payable by members of the Federation, as defined in clause 1c of this constitution, in respect of their membership of the Federation.

l. The funds of the Federation shall be derived from affiliation fees, levies, grants, donations, sponsorships, fees paid by participants in activities conducted by the Federation and, subject to any resolution passed by the Council and subject to section 114 of the Act, such other sources as the Council determines.

m. Subject to this constitution and any resolution passed by the Federation at a National Conference, the funds of the Federation shall be used in pursuance of the objects of the Federation in such manner as the Council determines.

n. Except for the financial books and records maintained by the Treasurer and subject to the Act, the Regulations, this Constitution and resolutions of Council, the Secretary shall keep in his custody or under his control all records, books, securities, and other documents relating to the Federation.

o. The records, books, securities and other documents of the Federation shall be open to inspection at a place to be determined from time to time by the Council free of charge to any member of the Federation at any reasonable hour.

p. An officer or member of the Federation shall not be taken, only because of being a member or officer, to be liable to contribute to the payment of any debts or other liabilities incurred by the Federation or to the costs, charges or expenses incurred in the course of winding up the Federation.

## 12. Conflicts of Interest

The following requirements apply to participants in decisions to be made by or on behalf of the Federation.

a. Each participant shall take reasonable steps to ensure that all other participants are aware of a possible conflict of interest that he might have and/or which other participants might consider significant.

b. Where a decision is to be made concerning the significance or otherwise of a possible conflict of interest, the following shall apply:

i. the person whose interest and its significance (if any) is the subject of the question shall refrain from voting on that question; and,

ii. if two thirds or more of those who vote recognise that the person concerned has a significant conflict of interest in a particular matter, that person shall refrain from voting on that matter and shall be subject to the will of the meeting concerning their entitlement to participate in discussion of that matter.

### 13. Winding Up of the Federation

In the event of the winding up of the Federation, the surplus property of the Federation shall, subject to any trust affecting that property or any part of it, vest in an association which:

- a. has objects substantially similar to those of the Federation;
- b. is not carried on for the object of trading or securing pecuniary gain for its members;
- c. has provision in its rules requiring its property to be distributed upon dissolution to another association which has objects substantially similar to those of the dissolved association and is not carried on for the object of trading or securing pecuniary gain for its members; and
- d. is nominated for the purpose by a resolution of a National Conference of the Federation.

(Includes amendments up to and including 2018 ACF National Conference)