

Rules

Australian Academy of Forensic Sciences Inc

GADENS LAWYERS

T +61 9931 4915
F +61 9931 4888
Ref CXC 2645475 DQS

Contents

1. Defined meanings1

2. Objects of the Academy1

3. Members Liability1

4. Members2

5. Register of Members6

6. Meetings6

7. Council9

8. Proceedings of the Council.....11

9. Committees.....12

10. Chapters.....13

11. Funds14

12. Research Fund15

13. Winding Up16

14. Alteration of Objects or Rules16

15. Minutes.....17

16. Copy of Constitution17

17. Common seal17

18. Custody of books.....17

19. Inspection of books17

20. Service of notices17

21. Debt and Bank Accounts18

22. Definitions and interpretation.....18

Rules

Australian Academy of Forensic Sciences Inc (Academy)

1. Defined meanings

Words used in this document and the rules of interpretation that apply are set out and explained in the definitions and interpretation rule at the end of this document.

2. Objects of the Academy

2.1 Objects

The Objects for which the Academy is established and continued are:

- (a) to encourage the study, improve the practice, and advance the knowledge of the forensic sciences;
- (b) to establish and maintain an Education and Research Fund for the purposes of the Objects;
- (c) to hold meetings;
- (d) to publish such material as is calculated to further the Objects; and
- (e) to generally do all things as may be calculated to widen, improve and develop the education and knowledge both of those actively concerned in the pursuit of the forensic sciences and of the public.

3. Members Liability

3.1 Limited liability

The liability of the Members is limited.

3.2 Extent of liability

Every Member of the Academy undertakes to contribute to the property of the Academy in the event of the Academy being wound up while he or she is a Member (or within one year after he or she ceases to be a Member), for payment of the debts and liabilities of the Academy (contracted before he or she ceased to be a Member) and of the costs, charges and expenses of winding up and for the adjustment of the rights of the contributories among themselves such an amount as is unpaid in respect of that Member's Annual Subscription.

4. Members

4.1 Becoming a Member

The Members of the Academy shall be such natural persons of professional standing, special knowledge and integrity who have contributed or are likely to contribute to the advancement and practice of the forensic sciences.

4.2 Persons eligible as Members

- (a) Members of the Academy shall consist of:
 - (i) those persons admitted to and continuing in membership in accordance with these rules;
 - (ii) Honorary Life Members; and
 - (iii) Corresponding Members

4.3 Honorary Life Members

- (a) Honorary Life Members shall be such persons, as elected by the Council from time to time, who:
 - (i) have made exceptional and meritorious contribution to the Objects of the Academy; or
 - (ii) have made exceptional and meritorious contribution to the field of forensic sciences generally; or
 - (iii) the Council deem for some other sufficient reason should be made an Honorary Life Member.
- (b) Honorary life members shall be entitled to exercise all the rights and privileges and shall be subject to all the responsibilities of Members of the Academy.
- (c) An Honorary Life Member is not required to pay the Annual subscription fee of the Academy, as required in rule 4.7.

4.4 Corresponding Members

- (a) Corresponding members shall be distinguished persons who are unable to attend the meetings of the Academy by reason of:
 - (i) being a resident of a country other than Australia;
 - (ii) physical infirmity; or
 - (iii) in the opinion of the Council, any other sufficient reason preventing that person from attending the meetings of the Academy
- (b) Corresponding members shall be entitled to receive the journals and such other papers and documents as are intended for distribution among the Members but shall not be

eligible to vote at any meetings of the Academy, to hold office or serve upon any Council.

4.5 Admission as a Member

Admission as a Member of the Academy shall be by invitation only in accordance with the procedure set out in rule 4.6.

4.6 Invitation of Membership

- (a) Any Member of the Academy may submit to the Council the name of any person whom he or she considers eligible for Membership.
- (b) All names of persons submitted in accordance with sub-rule (a) are to be considered by the Council.
- (c) The Council may, in its absolute discretion, decide the persons to whom it will make an Invitation of Membership.
- (d) Upon determining a person should be invited as a Member (**Invitee**), the Secretary-General of the Academy must promptly send the person an Invitation of Membership requesting:
 - (i) the Invitee's Entrance Fee (if any); and
 - (ii) the Invitee's first Annual Subscription.
- (e) An Invitee will be made a Member of the Academy when he or she pays to the Academy the Entrance Fee (if any) and the first Annual Subscription.
- (f) If the Invitee fails to pay the Entrance Fee (if any) and the first Annual Subscription within 3 months of receiving the Invitation of Membership, the invitation to become a Member of the Academy is automatically withdrawn.

4.7 Annual Subscription

- (a) Every Member shall upon invitation to become a Member and thereafter on the first day of August of each year, or on such date at the Council may determine, pay an Annual Subscription equal to an amount as the Council may determine from time to time.
- (b) A smaller Annual Subscription may be determined by the Council for Members who live more than 100 kilometres from a Capital City in which the Academy or a Chapter of the Academy regularly meets.
- (c) If a Member has not paid his or her Annual Subscription within six months of the date when it falls due in any year the Member may be suspended from Membership by resolution of the Council.
- (d) A member so suspended may be reinstated by the Council upon payment of all dues or on such other terms as the Council may decide.

- (e) If any such Annual Subscription shall remain unpaid for a period of two years from the date when it falls due the Council may remove the name of the Member from the Register of Members.

4.8 Cessation of Membership

- (a) A person ceases to be a Member of the Academy if the person:
 - (i) dies, or
 - (ii) resigns as a Member, or
 - (iii) is removed as a member pursuant to Rule 4.7(e), or
 - (iv) as resolved by the Council (but subject to the provision of Rules 4.10(d) and (e) and 4.11) is no longer a fit and proper person to be a Member of the Academy and is expelled from the Academy,
- (b) Upon a Member ceasing to be a Member of the Academy, his or her name is to be removed from the Register of Members.

4.9 Resignation

At any time, a Member, by written notice to the Council, may resign his or her Membership with effect from a specified date occurring not less than 1 month after service of the notice.

4.10 Disciplining of members

- (a) A complaint may be made to the Council by any person that a Member of the Academy:
 - (i) has persistently refused or neglected to comply with a provision or provisions of these rules, or
 - (ii) has acted in a manner prejudicial to the interests of the Academy.
- (b) On receiving such a complaint, the Council:
 - (i) must cause notice of the complaint to be served on the Member concerned; and
 - (ii) must give the Member at least 21 days from the time the notice is served within which to make submissions to the Council in connection with the complaint; and
 - (iii) must take into consideration any submissions made by the Member in connection with the complaint.
- (c) The Council, by resolution, may expel the member from the Academy or suspend the Member from Membership if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied the facts alleged in the complaint have been proved and justify such expulsion or suspension.

- (d) If the Council expels or suspends a Member, the Secretary-General must, within 7 days after the decision is taken, cause written notice to be given to the Member of the action taken, of the reasons given by the Council for having made that decision and of the Member's right of appeal under rule 4.11.
- (e) The expulsion or suspension does not take effect:
 - (i) until the expiration of the period within which the Member is entitled to appeal against the resolution concerned, or
 - (ii) if within that period the Member exercises the right of appeal, unless and until the Academy confirms the resolution under 4.11(d), whichever is the later.

4.11 Right of appeal of disciplined member

- (a) A Member may appeal to the Academy in general meeting against a resolution of the Council under rule 4.10, within 7 days after notice of the resolution is served on the member, by lodging with the Secretary-General a notice to that effect.
- (b) The notice may, but need not, be accompanied by a statement of the grounds on which the Member intends to rely for the purposes of the appeal.
- (c) On receipt of a notice from a Member under rule (a), the Secretary-General must notify the Council which is to convene a general meeting of the Academy to be held within 3 months after the date on which the Secretary-General received the notice.
- (d) At a general meeting of the Academy convened under rule (c):
 - (i) the Member's appeal is to be determined, and
 - (ii) the Council and the Member must be given the opportunity to state their respective cases orally or in writing, or both, and
 - (iii) the Members present are to vote by secret ballot on the question of whether the resolution should be revoked.
- (e) Unless at the general meeting the Academy passes a special resolution by which the resolution of Council is revoked, the resolution of Council is confirmed.

4.12 Disputes amongst Members

Disputes amongst Members (in their capacity as Members), and between Members and the Academy arising out of or in connection with the Academy are (unless the relevant persons agree otherwise) to be referred to mediation administered by the Institute of Arbitrators and Mediators Australia in accordance with its Mediation and Conciliation Rules in force from time to time and before any recourse to litigation.

5. Register of Members

5.1 Register of Members must be kept

- (a) The Treasurer must establish and maintain a Register of Members of the Academy specifying the name and address of each person who is a Member together with the date on which the person became a Member.
- (b) The Register of Members must be kept at the principal place of administration of the Academy and must be open for inspection, free of charge, by any Member at any reasonable hour upon reasonable notice.
- (c) A Member may obtain a copy of any part of the Register on payment of a fee of \$5.00 for each page copied or, for some other amount as agreed by the Council.

6. Meetings

6.1 Annual General Meeting

An annual general meeting of the Academy must be held each year and within 6 months after the expiration of each financial year, at a time determined by the Council.

6.2 Business of an Annual General Meeting

- (a) The business of an annual general meeting is to deliver to Members a true and fair view of:
 - (i) the income and expenditure of the Academy during its last financial year;
 - (ii) the assets and liabilities of the Academy at the end of the last financial year;
 - (iii) the mortgages, charges and other securities of any description affecting any part of the property of association at the end of its last financial year;
 - (iv) in respect of each trust which the association is a trustee during the last financial year, being a period in whole or part of that year:
 - (A) the income and expenditure of the trust during that period;
 - (B) the assets and liabilities of the trust during that period; and
 - (C) the mortgages, charges and other securities of any description affecting any part of the property of association at the end of its last financial year.
- (b) The business of the Annual General Meeting is to include the election of such office bearers as may be required under these Rules.
- (c) Any Member shall be entitled to raise any matter of general business for discussion at the Annual General Meeting.

6.3 Convening a general meeting

- (a) A general meeting of the Academy may be convened by three Officers.
- (b) The Secretary-General must convene a general meeting if a requisition signed by not less than 25 Members is delivered to the Secretary-General.

6.4 Conferences

The Council may arrange such conferences, plenary sessions and other gatherings as it thinks fit.

6.5 Notice of Meeting

At least 21 days' notice shall be given of any meeting of the Academy and of the business to be transacted at that meeting.

6.6 Quorum

The quorum for any general meeting of the Academy shall be 25 Members.

6.7 Adjournment

- (a) if within half an hour after the appointed time for commencement of a meeting, a quorum is not present, the meeting shall stand adjourned to such time and place as the Chairman may direct; and
- (b) if at the adjourned meeting a quorum is not present within half an hour after the appointed time for commencement the Members present shall be a quorum.

6.8 Chairman

The President (or in his or her absence, his or her nominee) of the Academy is to preside over the proceedings of the Academy.

6.9 Guests

Guests may be admitted to any meeting, conference, plenary session or other gathering unless the Council directs to the contrary.

6.10 Proxy voting by Members

A Member may appoint another Member as his or her proxy to attend and vote at any meeting at which that Member is entitled to attend and vote. To be valid, a proxy appointment must be in writing and in the form provided in schedule 1 of these Rules and delivered to the place nominated by the Council in the notice of meeting (or, if no place is nominated, the Registered Office) at least 48 hours before the scheduled commencement of the meeting. A proxy appointment may be delivered by facsimile transmission, by mail, or by email to the address identified by the notice of meeting.

6.11 Entitlement to vote

Subject to these Rules and the terms any Membership, each person who is present at a general meeting may vote if he or she is a Member or proxy of a Member.

6.12 Number of votes

Each Member who, under the preceding rule, is entitled to vote has:

- (a) on a show of hands (or on the voices) only 1 vote; and
- (b) on a poll, 1 vote in respect of that member and 1 vote for each proxy held by that Member.

6.13 Voting restrictions

If permitted or contemplated by the Act or these Rules, the Council may direct that particular persons (whether specified by name or description) do not cast a vote on particular business of a meeting. In relation to that business, votes cast by the prohibited persons are to be disregarded.

6.14 Method of voting

Every resolution or special resolution put to a vote at a general meeting (except where there is an election of Council by ballot) must be determined by the voices or a show of hands (as determined by the chairman of the meeting) unless a poll is properly demanded either before or on the declaration of the result of the voices or the show of hands.

6.15 Demand for poll

A demand for a poll under the preceding rule may be made by:

- (a) the chairman of the meeting; or
- (b) any person present having the right to vote at the meeting.

6.16 Declaring result of vote on show of hands

In respect of any general meeting (unless a poll is so demanded):

- (a) a declaration by the chairman of the meeting that a resolution has been carried, or carried by a particular majority, or lost, or has not been carried by a particular majority; and
- (b) an entry made in the book containing the minutes of proceedings of the Academy,

is conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against such resolution.

6.17 Conduct of poll

A demand for a poll may be withdrawn. If a poll is duly demanded (and the demand not withdrawn) it must be taken in such manner and at such time (either at once or after an interval or adjournment or otherwise) as the chairman of the meeting directs. The result of the poll is the resolution of the meeting at which the poll was demanded. The vote is to be taken of those present together with any proxy appointments. A poll demanded on the election of a chairman or on any question of adjournment must be taken at the meeting and without an adjournment. The demand for a poll does not prevent the continuance of the meeting for the transaction of any business other than the question on which a poll has been demanded.

6.18 Casting vote of Chairman

If, on a show of hands or on a poll, the votes are equal, the Chairman of the meeting has a casting vote in addition to the deliberative vote, if any, of the Chairman.

6.19 Objections

No objection may be made to the validity of any vote except at the meeting or adjourned meeting or poll at which such vote is tendered. Every vote allowed at any such meeting or poll is treated as valid. In recording votes the latest copy of the Register held in the Registered Office must be adopted and acted on as the voting roll.

6.20 Ruling on votes

The chairman of the meeting is the sole judge of the validity of every vote tendered at the meeting and the determination of the chairman is final and conclusive.

7. Council

7.1 Officers of the Academy

The Academy shall have the following Officers:

- (i) the President;
- (ii) two Vice-Presidents;
- (iii) the Secretary-General; and
- (iv) the Treasurer.

7.2 Additional Officers

The Council may appoint the following Additional Officers:

- (a) an Assistant Secretary-General;
- (b) an Assistant Treasurer.

7.3 Council

The Council shall consist of the following:

- (i) the Officers;
- (ii) any Additional Officers;
- (iii) the Immediate Past President;
- (iv) not more than 6 Members of the Academy, as determined by the Members at the annual general meeting;
- (v) if agreed by the Officers from time to time, the Chairman of any Chapter as established in accordance with rule 10; and

- (vi) if not otherwise a member of Council, the Editor of any journal or other publication appointed by the Council under Rule 8.1(d).

7.4 Persons eligible as an Officer

Subject to rule 4.4(b), only a person who is a Member is eligible to be a Council Member.

7.5 Election of Officers and Additional Officers

- (a) Each Officer shall hold office until the second Annual General Meeting after his or her election;
- (b) Each Additional Officer shall hold office until the Annual General Meeting next following his or her appointment;
- (c) No person shall be elected to the office of President or Vice-President for more than two consecutive terms in respect of each of such office held.

7.6 Election of Council Members

- (a) The Council Members, as stated at rule 7.3(iv), shall be elected at the annual general meeting for a term of 2 years. Each Annual General Meeting is to elect 3 Council Members to hold office in accordance with the rules.
- (b) At the first Annual General Meeting after the coming into operation of these Rules, 6 Council members are to be elected. The 3 with the highest vote are to hold office until the second Annual General Meeting after their election with these terms to be filled thereafter pursuant to Rule 7.6(a). The remaining 3 elected council members are to hold office until the next Annual General Meeting with these terms to be filled thereafter pursuant to Rule 7.6(a).

7.7 Nomination of Council Members

A candidate for election as an Officer or other Council Member shall be proposed and seconded in writing, and the written nomination with the candidate's consent, shall at least 7 days before the Annual General Meeting, be delivered to an address determined by the Council and notified in the notice of the Annual General Meeting.

7.8 Oral Nominations

An oral nomination for any position of Officer or other Council Member may be made at the annual general meeting if no valid written nomination was received for that position 7 days prior to the annual general meeting.

7.9 Vacancy

- (a) The Council may from time to time appoint any person to a position of Council Member if that position is for the time being vacant.
- (b) Any Officer, Additional Officer or other Council Member shall be deemed to have vacated the office if he or she:
 - (i) ceases to be a member;

- (ii) is suspended from membership;
 - (iii) resigns from office;
 - (iv) is removed from office;
 - (v) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit; or
 - (vi) becomes a temporary patient for more than 21 days, a continued treatment patient, a protected person or an incapable person within the meaning of the *Mental Health Act 1958* or a person under detention under Part 7 of that Act.
- (c) Where a position of Officer becomes vacant, the relevant vacancy is to be filled at the next Annual General Meeting with the term of office of that position to commence from that date;
 - (d) Where a position of Officer becomes vacant, the Council may appoint any member of Council to act in that office until the position is filled pursuant to rule 7.9(c);
 - (e) The Council may from time to time appoint any person to a position of Council Member if that position is for the time being vacant;
 - (f) Any person appointed as a Council Member pursuant to rule 7.9(e) will hold office until the expiry of the term of office that person was appointed to fill.

7.10 Re-election

Subject to rule 7.5(c) any Officer, Additional Officer or Council Member shall be eligible for re-election.

8. Proceedings of the Council

8.1 Meetings

- (a) The Council may meet for the dispatch of business, adjourn and otherwise regulate its meeting as it thinks fit.
- (b) The Secretary-General on the request of the President must convene a meeting of the Council.
- (c) A Council meeting may be called or held using any technology consented to by each Officer, Additional Officer and Council Member. The consent may be a standing one. An Officer, Additional Officer or Council Member may only withdraw consent within a reasonable time before the meeting.
- (d) The Council may appoint from time to time any member to be Editor of any journal or other publication published by or on behalf of the Academy in furtherance of its objects.

8.2 Quorum

The quorum for any meeting of the Council is 3 Officers and 2 Council Members with Additional Officers being treated as Council Members for the purposes of this rule.

8.3 Chairman

- (a) The President is to be Chairman of the Council and preside over any meetings of the Council or the Academy;
- (b) If the Chairman (or any Officer appointed by the Chairman as nominee in the absence of the Chairman) is not present at a meeting of the Council within 20 minutes of its planned commencement, the Council is to choose an Officer to preside over the meeting.

8.4 Voting at Council Meetings

At any meeting of the Council each member shall have one vote.

8.5 Casting Vote

The President or in the absence of the President the person chosen by the Council present to act in the place of the President shall have a casting vote.

9. Committees

9.1 Establishment of a Committee

The Council, from time to time, may establish one or more Committees, consisting of one or more persons, for such period as it thinks fit.

9.2 Powers of a Committee

- (a) The Council may delegate or refer to the Committee any of its functions or powers as it thinks fit.
- (b) The powers of such a Committee shall terminate at the expiry of the period of its establishment or on the cancellation of its powers by the Council, whichever occurs first.

9.3 Members of a Committee

A member of a Committee must be a Member but need not be a Council Member,

9.4 Voting by a Committee

Questions arising at a Committee meeting must be decided by a majority of votes of the Committee members present.

9.5 Notice of meeting of a Committee

Notice of each meeting of a Committee must be given to each Committee member as least 7 business days before the meeting or at another time determined by resolution of that Committee.

9.6 Meetings of a Committee

Except as provided in a direction of the Council, the provisions of the Constitution govern the meetings and proceedings of a Committee, in so far as they are applicable, as if the meetings of the Committee were meetings of the Council.

10. Chapters

10.1 Establishment of a Chapter

- (a) A Chapter of the Academy may be formed in any State or Territory of Australia if the Council considers it appropriate to do so.
- (b) For the purpose of establishing a Chapter, the Council may appoint a person, whether a member of the Academy or not, to act as Convenor with such powers and duties as the Council shall determine and may approve of the formation of an executive committee to organise the formation of a Chapter.

10.2 Members of a Chapter

- (a) A Chapter shall comprise all Members who are ordinarily resident in the State or Territory in which the Chapter is established. Any Member not ordinarily resident in that State or Territory may attend a meeting of the Chapter in that State or Territory but shall not be entitled to vote for the election of office bearers of that Chapter.

10.3 Election of a Chairman and Secretary

- (a) Each Chapter shall elect annually a chairman and a Secretary of the Chapter and may if it so decides elect other persons who, with the chairman and Secretary, shall form the Council of the Chapter.
- (b) All persons so elected shall hold office until the next succeeding annual election. Upon the establishment of a Chapter, the Council shall appoint the first Chairman and the first Secretary of the Chapter who shall hold office until the first elections for such offices are held.

10.4 Powers of Chapter

- (a) Subject to any directions given by the Council, the chairman and the Secretary and other members (if any) of the council of a Chapter shall be responsible to the Council for the due administration of the affairs of the Chapter.
- (b) The officers of the Chapter shall have such other functions, powers, duties and responsibilities as the Council shall, from time to time, determine.
- (c) Without limiting sub-rules (a) and (b), the Secretary of the chapter shall be responsible for the collection of the Annual Subscriptions payable by the Members of the Chapter and forward the subscriptions so collected to the Council.
- (d) The Council may, from time to time, authorise the Secretary of a Chapter to retain from the Annuals Subscriptions collected such amount (whether expressed in money terms or as a percentage of the subscriptions collected or otherwise) as the Council

determines and any amount retained shall be available to meet the proper and reasonable expenses of the Chapter.

10.5 Duty to report

The Chairman and the Secretary of a Chapter shall, from time to time as required by the Council, but in any event at least once in each period of twelve months, report in writing to the Council upon the affairs, including the financial affairs of the Chapter:

10.6 Annual General Meeting of Chapter

The Chapter shall, in each period of twelve months on a date determined by the Chairman and of which due notice has been given to the members of the Chapter and to the Council, hold an annual general meeting of the members of the Chapter at which reports shall be made to the members upon the affairs, including the financial affairs, of the Chapter and at which time elections for the office bearers and other members if any of the Council of the Chapter shall be held.

10.7 Meetings of Chapter

The chairman may call such other meetings of the members of the Chapter as he or she thinks fit, and may arrange such conferences, plenary sessions and other gatherings as he or she thinks fit.

10.8 Vacancy of Chairman or Secretary

Upon the occurring of any casual vacancy in the office of Chairman or Secretary of a Chapter the members of the Chapter may appoint a person to hold such vacant office until the holding of the next succeeding annual election for that office.

11. Funds

11.1 Source of Funds

- (a) The funds of the Academy are to be derived from Entrance fees (if any) and Annual Subscriptions of Members, donations and, subject to any resolution passed by the Academy in general meeting, such other sources as the Council determines.
- (b) All money received by the Academy must be deposited as soon as practicable and without deduction to the credit of one of the Academy's bank accounts.

11.2 Application of Funds

Subject to any resolution passed by the Academy, the profits (if any) or other funds and the property of the Academy, however derived, must be applied solely towards the promotions of the Objects of the Academy, as set out in rule 2.1, in such manner as the Council determines.

11.3 No dividends, bonus or profit to be paid to Members

No part of those profits or that income or property may be paid or transferred, directly or indirectly by way of dividend, bonus or otherwise, to the Members.

11.4 Payments in good faith

Nothing in rule 11.3 prevents the payment in good faith to an Officer, Additional Officer, Council Member or Member, or to a firm of which that person is a partner of:

- (a) a reasonable and proper remuneration for any services actually rendered by them to the Academy for goods supplied in the ordinary course of business;
- (b) interest on money borrowed from any Member for any of the purposes of the Academy (provided the interest rate does not exceed the rate charged by the Academy's bank on similar borrowings); or
- (c) rent for premises let by any Member to the Academy.

11.5 Remuneration payments

No remuneration or other benefit may be paid or given by the Academy to any Officer, Additional Officer or Council Member except:

- (a) for the reimbursement of out-of-pocket expenses incurred on reasonable commercial terms in carrying out the duties of an Officer, Additional Officer or Council Member;
- (b) for any service rendered to the Academy in a professional or technical capacity, where the terms of service are on reasonable commercial terms and have been previously approved by a resolution of the Council; or
- (c) as an employee of the Academy, where the terms of employment are on reasonable commercial terms and have been previously approved by a resolution of the Council.

11.6 Management of Funds

All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any two Officers authorised to do so by the Council.

12. Research Fund

12.1 Academy to maintain a Education and Research Fund

The Academy must maintain an Education and Research Fund, in accordance with this rule, so long as it seeks or has obtained endorsement as a Deductible Gift Recipient (**DGR**) from the Australian Tax Office, or the Academy is named as a DGR in ITAA97.

12.2 Rules applying to the Education and Research Fund

The following rules apply to the Education and Research Fund established and maintained by the Academy:

- (i) The Academy must maintain sufficient documents to provide evidence of the Education and Research Fund's purpose and operation;
- (ii) The Academy must maintain a separate bank account for the Education and Research Fund;
- (iii) The following must be credited to the Education and Research Fund:

- (A) all gifts of money to the Academy for the Objects of the Academy;
and
- (B) all money received by the Academy because of those gifts.
- (iv) No other money may be credited to the Education and Research Fund;
- (v) The Academy must use any gifts or money of the kind referred to in this rule for the Objects of the Academy.

12.3 Winding up the Education and Research Fund

- (a) Notwithstanding rule 13, if the Education and Research Fund is wound up or the Academy ceases to be a DGR for any reason, any surplus assets of the Education and Research Fund remaining after the payment of liabilities attributable to it must be transferred to a fund, authority or institution to which income deductible gifts can be made and its constituent documents prohibit the distribution of income.
- (b) For avoidance of doubt, if the Education and Research Fund operated by the Academy is wound up but the Academy remains a DGR and operates any other research fund in accordance with rule 13, any surplus assets of the Education and Research Fund that is being wound up may be transferred to any other education or research fund operated by the Academy.

13. Winding Up

13.1 Excess property on winding up

If on the:

- (a) winding up or dissolution of the Academy; or
- (b) the revocation of the Academy's endorsement under Subdivision 30-BA of the ITAA,
and after the satisfaction of all its debts and liabilities, any surplus property remains, that property must be given or transferred to another institution or institutions in Australia:
- (c) having objects similar to the Objects of the Academy and which is endorsed as a deductible gift recipient under Subdivision 30-BA of the ITAA; and
- (d) whose rules or constitution prohibit the distribution of its or their income and property among its or their members to an extent at least as great as is imposed on the Academy under these rules.

such institution or institutions to be determined by Members at or before the time of dissolution or, failing such a determination, by a judge who has or acquires jurisdiction in the matter.

14. Alteration of Objects or Rules

The statement of Objects and these rules may be altered, rescinded, or added to only by a special resolution at any regularly convened annual, or general meeting of the Academy

provided notice of each proposed amendment shall have been despatched to the last known address of each Member at least 21 days prior to the meeting the Academy.

15. Minutes

The Secretary-General-General must receive all minutes of meetings in evidence without any further proof that the matters and things recorded by or appearing in such minutes actually took place or happened at a meeting duly called and held.

16. Copy of Constitution

A copy of these Rules shall be made available to each new Member, Officer, Additional Officer or other Council Member on his or her joining, election or appointment.

17. Common seal

17.1 The common seal of the Academy must be kept in the custody of the Secretary-General.

17.2 The common seal must not be affixed to any instrument except by the authority of the Council and the affixing of the common seal must be attested by the signatures two Officers, one of whom is the President or the Secretary-General.

18. Custody of books

Except as otherwise provided by these rules, the Secretary-General and Treasurer must keep in their custody or under their control all records, books and other documents relating to the Academy.

19. Inspection of books

The records, books and other documents of the Academy must be open to inspection, free of charge, by a member of the Academy at any reasonable hour upon reasonable notice.

20. Service of notices

20.1 For the purpose of these rules, a notice may be served on or given to a person:

- (a) by delivering it to the person personally, or
- (b) by sending it by pre-paid post to the address of the person, or
- (c) by sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or serving the notice.

20.2 For the purpose of these rules, a notice is taken, unless the contrary is proved, to have been given or served:

- (a) in the case of a notice given or served personally, on the date on which it is received by the addressee, and

- (b) in the case of a notice sent by pre-paid post, at 5pm on the date 2 business days after it was posted, and
- (c) in the case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent, or if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

21. Debt and Bank Accounts

21.1 Debt

No financial obligation or debt shall be incurred on behalf of the Academy without the approval of the Council.

21.2 Bank Accounts

The Academy shall operate the following bank accounts:

- (a) 'Australian Academy of Forensic Sciences Inc general account';
- (b) 'Australian Academy of Forensic Sciences Inc Education and Research Fund account'
- (c) and any other account which the Council may authorise to be operated.

22. Definitions and interpretation

22.1 Definitions

In the construction of these Rules, unless the contrary intention appears:

Academy means the Australian Academy of Forensic Sciences Inc;

Act means the Associations Incorporation Act 1984;

Additional Officers means a Member appointed to a position in set out in rule 7.2;

Annual General meeting means a meeting of Members duly called and constituted in accordance with these Rules and any adjourned holding of it;

Annual Subscription means the amount owed by a Member to the Academy each year as set out in rule 4.7;

Capital City means the city which is the capital city of an Australian state or territory;

Chapter means the bodies established under rule 10;

Corresponding Member means a Member as defined in rule 4.4;

Council means the Council established under rule 7;

Council Member means a person elected or appointed to the Council in accordance with these rules;

Deductible Gift Recipient means a "deductible gift recipient" within the meaning of section 30-227 of the ITAA 97.

Education and Research Fund means the *Australian Academy of Forensic Sciences Oscar Schmalzbach Education and Research Fund* (or any such fund by whatever name the Council may determine from time to time) which is maintained for the purposes of the Objects of the Academy;

Entrance Fee means the amount, as determined by the Council from time to time, which is to be paid by a Member upon being admitted as a Member by the Council;

ITAA means the *Income Tax Assessment Act 1997* (Cth);

Honorary Life Member means a Member as defined in rule 4.3;

Invitation for Membership means the invitation to be sent by the Council, in accordance with rule 4.6, to each person who invited by the Council to become a Member;

Member means any person entered in the Register as a member for the time being of the Academy;

Membership means membership of the Academy;

Objects means the objects set out in rule 2.1;

Officer means a Member elected or appointed to a position set out in these rules;

President means the person holding office under these rules as President of the Academy;

Register means the Register of Members as set out in rule 5;

Secretary-General means and includes:

- (a) the person elected or appointed as Secretary-General of the Academy in accordance with these rules; and
- (b) if no other person holds the office of the public officer of the Academy, the public officer of the Academy;

Special Resolution means a resolution carried by three-quarters of those members present and voting in person or by proxy.

Treasurer means a person elected or appointed as treasurer of the Academy in accordance with these rules;

Vice-President means a person elected or appointed as a Vice President in accordance with these rules.

22.2 Interpretation

- (a) In the construction of this Constitution:
 - (i) headings are disregarded;

- (ii) words importing persons exclude partnerships, academies, corporations, companies unincorporated and incorporated whether by Act of Parliament or otherwise;
 - (iii) singular includes plural and vice versa and words importing one gender include the other gender;
 - (iv) except for the definitions in the preceding rule, an expression has, in a provision of this Constitution that deals with a matter dealt with by a particular provision of the Act, the same meaning as in that provision of the Act.
 - (v) all references to statutory provisions are construed as references to any statutory modification or re-enactment for the time being in force.
- (b) In these rules:
- (i) a reference to a function includes a reference to a power, authority and duty, and
 - (ii) a reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty.
- (c) The provisions of the *Interpretation Act 1987* apply to and in respect of these rules in the same manner as those provisions would so apply if these rules were an instrument made under the Act.

Schedule 1- Proxy form

AUSTRALIAN ACADEMY OF FORENSIC SCIENCES INC.

ABN 47 065 786 940

ANNUAL GENERAL MEETING *[insert year]*

[place of meeting and address]

[day, date and time]

FORM OF PROXY

Being a financial member of the Australian Academy of Forensic Sciences Inc.,

I wish to exercise my proxy vote at the Annual General Meeting as follows:

- (1) I authorise the Chairman to exercise my vote on my behalf, or
- (2) I nominate _____ (being a financial member) to exercise my vote on my behalf.

.....

Signature

.....

Name

.....

Address

NOTE: If you desire to exercise a proxy vote please return this form to

[address to be inserted] not later than [time, day and date to be inserted]