

CONSTITUTION
OF THE
AUSTRALIAN
KINESIOLOGY
ASSOCIATION INC.

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CONTENTS

- 1** Name
- 2** Objects
- 3** Branches
- 4** Membership
- 5** Functions
- 6** Management
- 7** Powers
- 8** General Meetings
- 9** Voting
- 10** Chairperson
- 11** Treasurer
- 12** Secretary
- 13** Employees
- 14** Amendment of Constitution & Rules
- 15** Liability, Property and Dissolution

AKA Inc Founded 1986, Incorporated 1996, Constitution revised 1999.

1.. NAME

The name of the Association shall be Australian Kinesiology Association Inc hereinafter called "the Association".

2. OBJECTS

The objects of the Association shall be:-

- ..2.1 To promote and support Kinesiology.
- ..2.2 To establish standards for Kinesiology practice and training, and to work for their implementation through self-regulation.
- ..2.3 To operate on a non-parochial, non-sectarian basis for the good of all members.
- ..2.4 To do all such other things as may be incidental to the attainment of such objects.

3. BRANCHES

- ..3.1. The Association may endorse as branches bodies formed in States and Territories relating to Kinesiology. Endorsed branches may be separately incorporated bodies, unincorporated independent bodies or bodies which legally constitute sub-committees of the Association.
- ..3.2. Conditions for maintaining endorsed branch status shall be included in the Bylaws of the Association.

4. MEMBERSHIP

- ..4.1 Members shall be persons who have applied in writing for membership of the Association and for whom the fee as set out in the Bylaws has been paid to the Association, provided that:
 - - The Association may endorse as members of the Association persons who have been accepted as members of branches;
 - - Where an application has been made direct to the Association and has been accepted, the member will also become a member of the branch designated on the member's application form, and the branch may decide on any appropriate category of branch membership;
 - - Where an application has been made direct to the Association and the branch designated by the Association refuses to accept the applicant as a member, the Association may either designate another branch or may rescind the acceptance of the applicant as a member of the Association;
 - - a person who has been suspended as a member by the Association shall not be

As Approved at the AKA Annual General Meeting 3rd September 1999

entitled to exercise the rights of membership.

..4.2 Membership of the Association may be divided by the Association into classes.

.... 4.2.1. Professional members registered on the national register maintained by the Association shall be entitled to vote at any General Meeting of the Association and to be members of the National Committee of the Association.

.... 4.2.2. The Association may make Bylaws which restrict the rights of members who are not registered as professional members on the national register, to the intent that control of the Association will be maintained by professional members who are registered on the national register.

....

.... 4.2.3. Members who are not registered as professional members on the national register but who practice Kinesiology or any other form of healing shall not represent themselves as members of the Association in any way which in the opinion of the Association might lead another person to assume that they are registered as professional members on the national register.

..4.3 Membership may be suspended by not less than two-thirds majority vote at a National Committee on the grounds that their continuing participation as a member is not in the best interests of the Association in achieving its objects. In considering such suspension, the National Committee will comply with the Rules of Natural Justice and ethical standards, and in particular will inform the member of the objections against them, will permit the member to respond in person or in writing, and will give the member's response a fair hearing.

.... 4.3.1 Any suspended member within 3 months of being notified of the suspension may on not less than 2 weeks' written notice to the National Committee require the suspension to be reconsidered at one subsequent General Meeting, which shall be held within 3 months of such notice.

.... 4.3.2 The Association shall not be required to accept the renewal of membership of a suspended member when renewal next falls due.

..4.4 Membership shall cease on:

.... 4.4.1 Resignation in writing delivered to the premises of the Association;

.... 4.4.2 Non renewal of membership within two months of expiry.

5. FUNCTIONS

The principal functions of the Association shall be the promotion of Kinesiology and of the interests of Kinesiology practitioners, students and trainers, the maintenance of a Kinesiology practitioner register, the oversight of complaints, and support for the quality assessment of courses in Kinesiology.

..5.1. Promotion

- The Association may promote Kinesiology and the interests of Kinesiology practitioners through
- 5.1.1. Lobbying for health funding benefits, benefits for trainers and students, and any other benefits.
- 5.1.2. Advertising and participating in promotion or joint promotion.
- 5.1.3. Any other promotional method agreed by the National Committee.

..5.2. Professional Member Register

- 5.2.1. The Association shall maintain a register of professional members who satisfy its requirements for registration, based on membership, qualifications, experience, and/or examination as laid down by the Association from time to time.
- 5.2.2. The Association will remove from the register the names of professional members who no longer satisfy its requirements for registration or against whom a complaint has resulted in a determination that the professional member should no longer being registered.

..5.3. Complaints

- 5.3.1. Where a complaint is made against a registered professional member which relate to a breach of ethical standards, practising competence, or other fitness to practice, and it appears that the complaint has substance which should be investigated, such complaint should be dealt with at first instance at branch level. The professional member who is the subject of complaint must be told the substance of the complaint, must be provided with an opportunity to answer the complaint either in person or in writing, and a decision must be made as to whether the complaint should result in the professional member no longer being registered.
- 5.3.2. The substance of any complaint and the findings at branch level must be reported by the branch to the Association, and the branch must provide any other information relating to the complaint requested by the Association.
- 5.3.3. An appeal against the determination at branch level or against a failure to make a determination may be made to the Association in writing posted or delivered within 3 months by the complainant or the practitioner or a person acting on behalf of the Association.
- 5.3.4. Where the determination at branch level is that the professional member should no longer be registered and no appeal is made, or where on appeal a determination is made or upheld that the professional member should no longer be registered, the name of the professional member will be removed from the register.

..5.4. Quality assessment of courses

- 5.4.1. The Association may undertake, participate in or support quality assessment of courses leading to accreditation under the National Training Framework or any other government accreditation or quality system or under any industry based accreditation or quality system or under a system instituted by the Association.
- 5.4.2. The Association may undertake, participate in or support:
 - - the development of competency standards or other standards relating to the theory or practice of Kinesiology and related disciplines,
 - - the development of relevant standards for instructors, trainers or training providers,
 - - the accreditation of trainers or assessors, or
 - - other processes incidental to the teaching or regulation of Kinesiology.

6. MANAGEMENT

- ..6.1 Management shall be vested in the National Committee comprising one person elected as a National Committee member by every endorsed branch of the Association together with one additional person elected by each endorsed branch which has more than 75 members, and one additional person elected by the endorsed branch for each 75 members in excess of 150 members.
- ..6.2 The Offices of the Association shall be those of the Chairperson, Secretary and Treasurer. One person may hold more than one office.
- ..6.3 Offices shall be filled as follows:
 - 6.3.1 The Chairperson shall be elected by the National Committee from the National Committee members immediately prior to the Annual General Meeting.
 - 6.3.2 The Secretary and the Treasurer shall be elected by National Committee from the National Committee members immediately prior to the Annual General Meeting. Alternatively at the option of the National Committee another member or members of the Association may be appointed to fill the offices of Secretary and Treasurer, and shall then become a member of the National Committee.
 - 6.3.3 Any Office not so filled shall be put to election at the Annual General Meeting.
- ..6.4 Office Bearers shall hold their office for a term of 2 years. The term of other National Committee members shall be 1 year.
- ..6.5 The National Committee shall meet as often as may be required to conduct the business
As Approved at the AKA Annual General Meeting 3rd September 1999

- of the Association and not less than 4 times each calendar year.
- ..6.6 A meeting of the National Committee may be constituted by linking together a quorum of National Committee members by telephone or the internet or other audio/visual means.
- ..6.7 The quorum shall be 60% of the National Committee members.
- ..6.8 The Chairperson or four other members of the National Committee shall have power to call a meeting of the National Committee.
- ..6.9 Notice of meetings shall be given at the previous National Committee meeting or by 14 days' written notice distributed to all National Committee members or in an emergency by such other notice as shall be ratified by the National Committee.
- ..6.10 An Office Bearer or member of the National Committee shall cease to hold such office upon:-
- 6.10.1 Resignation in writing;
 - 6.10.2 Suspension as a member of the Association;
 - 6.10.3 Absence for three successive National Committee meetings without explanation acceptable to the National Committee.
 - 6.10.4 A 60% majority vote of the Association at a General Meeting that the position will be declared vacant because the duties of the position have not been performed in a proper and acceptable manner PROVIDED THAT notice of motion to declare the position vacant has been given to the members, and that the person the subject of the motion shall be provided with an opportunity to speak on the motion.
- ..6.11 Vacancies unfilled or arising in the Office Bearers or other National Committee Members may be filled by the National Committee by co-opting members for the unexpired remainder of the term.
- ..6.12 The National Committee may function validly notwithstanding any vacancies so long as its number is not reduced below the quorum.
- ..6.13 The National Committee may appoint sub-committees of members and non-members for specific purposes who shall meet as they see fit or as directed by the National Committee and who shall report to the National Committee.
- ..6.14 The National Committee may appoint an Executive who shall meet to ensure that day-to-day business delegated by the National Committee is carried out and who shall report to the subsequent National Committee meeting.
- ..6.15 The National Committee shall appoint a Public Officer who shall notify the Corporate
- As Approved at the AKA Annual General Meeting 3rd September 1999

Affairs Commission of such appointment and who shall file such other returns and notices as shall be required by law. The Public Officer shall hold office until another person is appointed to the position by the National Committee.

- ..6.16 National Committee members shall upon election or nomination become members in their own right. They must express the views and interests of their branch, and may express the views of any other organisation of which they are a member, but must vote in the interests of the Association and to carry out its objects.
- ..6.17 National Committee members must not vote in any decision in which they or a close associate have a financial interest and must not use their position to obtain any financial or other advantage for themselves or for a close associate.
- ..6.18 No Office Bearer shall hold the same office for more than 3 successive terms, provided that on the recommendation of the National Committee on the basis that no other suitable office bearer is available, the Annual General Meeting may re-elect an Office Bearer for additional terms.

7. POWERS

- ..7.1 The powers of the Association shall be the powers contained in the ASSOCIATIONS INCORPORATION ACT and without limiting those powers the Association shall be entitled to hold real or personal property, open and operate bank accounts, invest in trustee securities, and enter into any necessary or desirable contract including a contract of employment.
- ..7.2 The National Committee shall be entitled to exercise the full powers of the Association, and without limiting those powers shall have the management and control of the funds and other property of the Association, provided that the Association must obtain the approval of a General Meeting before borrowing money or securing any payment by charging the property of the Association.

8. GENERAL MEETINGS

- ..8.1 The Annual General Meeting shall be held at least once in each calendar year and not more than four months after the close of the financial year. The Annual General Meeting shall where possible be held to coincide with any other conference or meeting which will assist convenient attendance by members.
- ..8.2 The business of the Annual General Meeting shall be:-

- 8.2.1 To confirm the minutes of the preceding Annual General Meeting;

- 8.2.2 To receive the Chairperson's report for the previous financial year;

As Approved at the AKA Annual General Meeting 3rd September 1999

- 8.2.3 To receive the Treasurer's report and the audited financial statements for the previous financial year, together with the financial budget for the current financial year;
- 8.2.4. To receive information regarding the performance of each of the principal functions of the Association as listed in section 5.
- 8.2.5. To receive information regarding the proposed plan of the Association for the future implementation of its objects.
- 8.2.6 To announce the National Committee Members elected in accordance with clause 6.1;
- 8.2.7 To conduct any other business placed on the agenda before the commencement of the meeting.
- ..8.3 A Special General Meeting shall be called by the Secretary within 28 days of receipt of a directive of the National Committee or a written request of 3 National Committee members or 6 members specifying the business to be conducted at the meeting.
- ..8.4 Decisions of the members on an issue may be taken by a poll conducted by each branch of its members, who may vote in person or by post as decided by the branch. Each branch must pass to the Association the total number of votes of its members, and the issue will be decided by the total vote of the members of all branches.
- ..8.5 Written notice of not less than 28 days of all General Meetings shall be distributed to all the branches of the Association who shall distribute it to their members.
- ..8.6 A quorum at any General Meeting shall be 8 members or two-thirds of the members whichever is less, provided that where any decision is made on a matter of substance on which more members than are present should be consulted then the General Meeting, the National Committee or a written request of 20 members delivered within 21 days of the General Meeting may require the matter to be put to the members as a poll in accordance with clause 8.4.
- ..8.7. The Association will ensure that a person attends the Annual General Meeting who is able to provide information to the members regarding the performance of each of the principal functions of the Association as listed in section 5.
- ..8.8 If at any General Meeting there is no quorum within 30 minutes of the time appointed for the meeting then a majority of members present may decide to adjourn the meeting for a period not exceeding 14 days. The quorum for such adjourned meeting shall be reduced to 5 failing which the meeting will lapse altogether.

9. VOTING

..9.1 Voting shall be by show of hands except that:

.... 9.1.1 Any contested election at an Annual General Meeting or otherwise shall be by secret ballot;

.... 9.1.2 A National Committee meeting held by telephone or the internet or other audio/visual means may decide on any appropriate voting method;

.... 9.1.3 The Bylaws may provide for proxy votes;

.... 9.1.4 The meeting may require any other vote to be by secret ballot.

....
..9.2 Persons with special interests or knowledge relevant to the Association may be invited to attend any meeting and to speak at the discretion of the Chairperson but such persons may not vote.

10. CHAIRPERSON

10.1 The Chairperson shall ensure the safekeeping of the Common Seal which shall be affixed only by resolution of the National Committee or of a General Meeting and in the presence of two National Committee members including at least one Office Bearer.

10.2 The Chairperson shall chair Executive, National Committee and General meetings except that in the absence of the Chairperson or at the request of the Chairperson or of a majority of a meeting another member may be elected as chairperson for that meeting.

10.3 The chairperson at any meeting shall have a personal deliberative vote but shall not have a casting vote.

10.4 The Chairperson together with the Secretary shall prepare the agenda for National Committee and General Meetings.

10.5 The chairperson of a meeting shall encourage full balanced participation by all members and shall decide on matters of order.

10.6 The Chairperson shall act as Spokesperson unless an alternative Spokesperson has been appointed by the National Committee or a General Meeting. The Spokesperson shall make statements in accordance with previously agreed policy, or in an emergency following consultation with at least 2 members of the National Committee.

As Approved at the AKA Annual General Meeting 3rd September 1999

11. TREASURER

- 11.1 The Treasurer shall ensure that all monies received are paid into an account authorised by the National Committee in the name of the Association. Payments shall be as petty cash or by cheque signed by 2 authorised signatories of whom there shall be no more than 5 appointed by the National Committee. Major or unusual expenditures shall be authorised in advance by the National Committee or a General Meeting.
- 11.2 The Treasurer shall ensure that records are kept of all receipts and payments and other financial transactions. Such records shall be available for inspection by any member.
- 11.3 The Treasurer shall ensure that financial budgets and statements are prepared and shall submit a report on the finances to each National Committee Meeting.
- 11.4 The Treasurer shall ensure that annual Financial Statements comprising either an account of receipts and payments and a statement of assets and liabilities or an account of income and expenditure and a balance sheet shall be prepared following the end of the Association's financial year, which shall commence on 1st July and end on 30th June unless altered at a General Meeting.
- 11.5 The Treasurer shall ensure that the annual Financial Statements are audited before presentation to the Annual General Meeting by an independent auditor who shall be a qualified accountant appointed by the National Committee, provided that where the auditor is changed the Treasurer shall so inform the Annual General Meeting in the Treasurer's Report.

12. SECRETARY

- 12.1 The Secretary shall ensure that notice of meetings is given in accordance with the provisions of this constitution.
- 12.2 The Secretary shall ensure that records are kept of the Association including the constitution and policies, records of members, a register of minutes of meetings and of notices, a file of correspondence, and records of submissions or reports made by or on behalf of the Association.
- 12.3 In the absence of the Secretary or at the request of the Secretary or of a majority of the meeting another member shall be elected as minutes secretary.

13. EMPLOYEES

- 13.1 An employee of the Association may be but need not be a member of the Association or any sub-committee.
- 13.2 A person performing paid work for the Association on a regular substantial basis shall not take part in decisions relating to paid work and shall remain absent from deliberations relating to any worker if so requested by a majority of the National Committee.

14. AMENDMENT OF CONSTITUTION & RULES

- 14.1 This constitution may be repealed or amended by resolution of three-fourths of those members who vote in a poll conducted in accordance with clause 8.4 or at a General Meeting of which not less than 28 days' written notice including notice of the proposed repeal or amendment has been distributed to all members, subject to the provisions of clause 8.6.
- 14.2 Rules for the proper administration of meetings or business may be made, repealed or amended by a National Committee Meeting subject to subsequent disallowance in a poll conducted in accordance with clause 8.4 or at a General Meeting, provided that not less than 14 days' written notice including notice of the proposed new rule, repeal or amendment has been distributed to all members.

15. LIABILITY, PROPERTY AND DISSOLUTION

- 15.1 Persons who with the authority of the National Committee incur any debt or other liability on behalf of the Association shall have such liability met by the Association so that they incur no personal loss.
 - 15.2 The income property and funds of the Association shall be used solely towards the promotion of the objects and shall not be paid or transferred to any members or relatives of members provided that nothing herein shall prevent any payment in good faith to any person in return for services actually rendered or to any person in furtherance of the objects of the Association and without undue preference.
 - 15.3 On dissolution all property remaining after payment of all legal liabilities shall be transferred to such other body formed for promoting similar objects or for charitable objects as shall be approved by the Association provided that:-
 - 15.3.1 Such other body shall also prohibit the distribution of income and property to the members to the extent stated herein;
 - 15.3.2 If the Association shall have been approved pursuant to Division 30 of the Income Tax Assessment Act then such other body shall also be so approved; and
 - 15.3.3 The Association shall not be dissolved except by approval of not less than three-fourths of the members present and voting at a meeting called for that purpose of which not less than one calendar month's written notice including notice of the proposed dissolution has been distributed to all members.
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The by-laws would be added here at the end of the Rules ie. Separate from the Rules

The By-laws of the association are the agenda items and motions voted into effect by the National Committee