

SNAICC Statement of Purposes and Rules
(SNAICC CONSTITUTION as re-endorsed at 2005 AGM)

1. Name

The name of the Association shall be Secretariat of National Aboriginal and Islander Child Care Incorporated otherwise known as SNAICC Inc and herein after called "the Association".

2. Statement of Purpose and Objectives

2.1 Statement of Purpose

The purpose of the association is to provide a strong voice for Aboriginal and Torres Strait Islander children and families through a national body which represents Aboriginal and Torres Strait Islander family and children's services and promotes the rights, needs and aspirations of Aboriginal and Torres Strait Islander children and families.

2.2 Objectives

The objectives of the association shall be to:

- 2.2.1. Advocate for the cultural, emotional, social, spiritual, physical and economic needs of Aboriginal and Torres Strait Islander children.
- 2.2.2. Pursue Indigenous community based and controlled responses to the welfare and support needs of Aboriginal and Torres Strait Islander children and families.
- 2.2.3. Promote the early childhood development needs of Aboriginal and Torres Strait Islander children.
- 2.2.4. Work towards the elimination of all forms of poverty and confront injustice which impacts upon the lives of Aboriginal and Torres Strait Islander children.
- 2.2.5. Support public awareness and understanding of the historical and contemporary practices whereby Aboriginal and Torres Strait Islander children have been forcibly removed from their families and the ongoing consequences of these practices.
- 2.2.6. Encourage, support and assist member organisations and Indigenous communities to develop independent and sustainable responses to the needs of Aboriginal and Torres Strait Islander children and families.
- 2.2.7. Collaborate with other Indigenous peoples, governments, non government agencies, the corporate sector, international organisations and others in pursuing the rights of Aboriginal and Torres Strait Islander children.

- 2.2.8. Advocate for the right of all Aboriginal and Torres Strait Islander children to grow up in a community free from the harmful effects of violence, child abuse and child neglect.
- 2.2.9. Support the development of policy positions on issues affecting Aboriginal and Torres Strait Islander children and promote Indigenous perspectives on such issues to governments, other relevant bodies and the broader community.
- 2.2.10 Highlight and seek recognition of the positive contribution Aboriginal and Torres Strait Islander children and young people make to their communities and the nation.

3. MEMBERSHIP

- 3.1 Full Member organisations may include;

(a) State and Territory members - any Aboriginal and Torres Strait Islander community based and controlled organisation which operates as the state or territory wide peak body for Aboriginal and Torres Strait Islander child and family welfare services in their particular state or territory; or as a recognised lead agency for child and family welfare service provision in their particular state or territory.

(b) Local Aboriginal and Torres Strait Islander childcare services – any Commonwealth funded local Aboriginal and/or Torres Strait Islander services; involved in the provision of childcare and the day-to-day care, development and education of Aboriginal or Torres Strait Islander children or, the provision of support, training, assistance or resources to such services;

(c) Local Aboriginal and Torres Strait Islander early learning and preschool services – any State or Territory funded Aboriginal and/or Torres Strait Islander community based and controlled services, involved in the provision of preschool education, early learning or kindergarten programs for Aboriginal or Torres Strait Islander children, or the provision of support, training, assistance or resources to such services;

(d) Local Aboriginal and Torres Strait Islander child and family welfare services - any local Aboriginal and/or Torres Strait Islander community based and controlled services a main purpose of which is to provide child and family welfare services for their local community such as alternative care services, support for children leaving care, recruitment and training of foster carers, placement and support for children in need of out-of-home care, family crisis and support, advocacy in relation to child welfare, family reunification and link up, parenting information and programs, early intervention, family counselling and family support;

- 3.1.1 There shall be no limit on the total number of full member organisations and full members shall be entitled to vote at all general meetings of the association.
- 3.1.2 Organisations may only be a full member under one category of full membership at any particular time.
- 3.1.3 Admission to a particular category of membership shall be at the discretion of the SNAICC annual general meeting or a general meeting convened for the purpose of considering membership applications.

- 3.2 Affiliate organisations shall be any other community based or controlled agency service or organisation which has agreed to accept the above objects. Affiliate organisations shall be unlimited in number, and shall not be entitled to vote.
- 3.3 Applications for acceptance as a member organisation or as an affiliate must be in writing in any form approved from time to time by the Association and lodged with the Secretariat employed by the Association (hereinafter called 'the Secretariat'), must be accompanied by a copy of the constitution of the applicant stating its aims and objectives and must be endorsed by the State Forum, if any, of member organisations and affiliates in the State or Territory of origin of the applicant (hereinafter called 'the State Forum'). Applications which are accepted as member organisations or affiliates at the next General Meeting of the Association shall be entered in the Register of Members and Affiliates of the Association maintained by the Secretariat. The Register shall show the full name address and date of appearance of each member organisation and affiliate and shall be available for inspection by member organisations and affiliates.
- 3.4 There shall be no entrance fee payable for membership of the association and the SNAICC National executive shall have the power to determine the annual membership fee payable by member organisations and affiliates for membership.
- 3.5 Member organisations that have not paid their membership fees for the current financial year by the Annual General Meeting held in that financial year shall not be entitled to vote or stand for election at general meetings of the association.

4. TERMINATION AND SUSPENSION OF MEMBERSHIP

- 4.1 A member organisation or affiliate may by notice in writing to the Secretariat or National Chairperson of the Association withdraw from membership or affiliation with the Association. The Secretariat will within 14 days cause it to be commonly known among member organisations and affiliates that the member organisation or affiliate has withdrawn and is no longer associated with the Association in any manner.
- 4.2.1 The National Executive may, either on its own motion or on the recommendation of a State Forum, resolve to suspend a member organisation or affiliate, provided that such resolution will take effect only in accordance with the procedures laid down in the following sections of this clause.
- 4.2.2 Where the National Executive passes a resolution under 4.2.1, the Secretariat will cause to be served on the Member organisation or affiliate a notice stating:
- 4.2.2.1 The resolution and the grounds on which it was based.
- 4.2.2.2 The date, place and time of a meeting of the National Executive at which the member organisation or affiliate may do one or more of the following:
- (a) Attend;
 - (b) Address the meeting;

- (c) Lodge a written statement seeking the revocation of the resolution;
- (d) Give notice, which shall be lodged with the Secretariat not less than 24 hours before the date of the meeting and notified by the Secretariat to the National Executive, that it wishes to appeal to the Association in General Meeting against the resolution.

4.2.3 At such National Executive meeting, the National Executive shall:

- (a) Give to the member organisation or affiliate an opportunity to be heard;
- (b) Give due consideration to any written statement lodged by the member organisation or affiliate; and
- (c) Resolve whether to confirm or to revoke the resolution. If a notice of appeal has been lodged under 4.2.2.2 (d) then a resolution to confirm will take effect only in accordance with the procedures laid down in the following sections of this clause.

4.2.4 Where a notice of appeal is lodged under 4.2.2.2 (d) and the resolution is confirmed by the National Executive under 4.2.3 (c), the National Executive shall convene a General Meeting of the Association to be held within 3 months of receipt of the notice and at such General Meeting:

- (a) The National Executive may place before the Meeting details of the grounds for the resolution and the reason for passing it; and
- (b) The member organisation or affiliate shall be given the opportunity to be heard; and
- (c) The member organisations shall vote in person or by proxy by secret ballot to confirm or revoke the resolution for suspension. A vote to confirm the resolution must be carried by 75% of the member organisations present and voting, and in any other case the resolution shall be revoked.

5. MANAGEMENT

5.1 The affairs and business of the Association shall be managed by a National Executive which may exercise all the powers of the Association other than those powers and functions which are required by this constitution to be exercised by a General Meeting, and which may perform all acts and things which appear to it be essential for the proper management of the affairs of the Association.

5.2 Endorsed representatives on the National Executive

The National Executive shall include the following positions;

- 5.2 (a) one representative nominated by each of the State and Territory members referred to in Rule 3.1(a)
- 5.2 (b) one member or endorsed representative of member organisations referred to in Rule 3.1(b) from each state or territory elected by that category of member organisation in that state or territory.
- 5.2 (c) two endorsed representatives of member organisations referred to in either Rule 3.1(c)

elected by that category of member organisation - Local Aboriginal and Torres Strait Islander Early learning and Preschool Services

5.2 (d) two endorsed representatives of member organisations referred to in Rule 3.1(d) elected by that category of member organisation – Local Aboriginal and Torres Strait Islander Child and Family Welfare Services)

5.2.1 To determine the endorsed representatives referred to in 5.2 (b), 5.2 (c) and 5.2 (d) nominations shall be called for from amongst the eligible full member organisations and a ballot conducted by postal vote in accordance with procedures approved by the National Executive.

5.2.2 Endorsed representatives on the National Executive shall hold office until the second Annual General Meeting held after their election.

5.3 Co-opted representatives on the National Executive

5.3.1 The National Executive may co-opt up to three additional representatives from full member organisations to the National Executive who shall have the same rights and responsibilities as other National Executive members.

5.3.2 Co-opted members of the National Executive shall hold office until the next Annual General Meeting but may be co-opted for subsequent terms.

5.3.3 In selecting coopted representatives the National Executive may consider the need to ensure the interests of Torres Strait Islander communities, remote Aboriginal communities and Aboriginal and Torres Strait Islander young people are represented.

5.4 The Office Bearers of the Association shall be the Chairperson, Secretary, Treasurer and two Deputy Chairpersons who shall be elected annually by the Executive from its members at an Executive meeting held following the Annual General Meeting.

One Deputy Chairperson will be chosen from Executive members elected from membership category 3.1 (a) and the other from membership category 3.1(b)

Vacancies arising in the Office Bearers may be filled by the Executive from its members for the unexpired remainder of the term.

5.5 The quorum for National Executive meetings shall be that number being the first whole number greater than one half of the current members of the National Executive, and no business shall be conducted in the absence of a quorum.

5.6 The National Chairperson or 10 other members of the National Executive shall have power to require the Secretariat call a meeting of the National Executive.

5.7 Notice of meetings shall be given at the previous National Executive meeting or by seven days written notice distributed to all National Executive members or in an emergency by

such other notice as shall be ratified by the National Executive. Such notice shall state the general nature of the business of the meeting.

- 5.8 An Office Bearer or ordinary member of the National Executive shall cease to hold such office upon:-
 - 5.8.1 Resignation in writing given to the Secretariat;
 - 5.8.2 Ceasing to be a member or the endorsed representative of a member organisation of the Association;
 - 5.8.3 Being dismissed at a meeting or telephone conference by a motion carried by a majority of all the members from the category which that person represents in a state or territory. A motion to dismiss a representative is not carried unless:
 - (a) the member subject to the dismissal motion has an opportunity to be present, speak and to submit for circulation by the Secretariat not more than five pages of material to all members eligible to vote, and
 - (b) all members eligible to vote have been notified;
 - 5.8.4 Becoming insolvent under administration within the meaning of the Companies Code.
- 5.9 If a person ceases to be member of the National Executive other than at the end of that person's term of office, the vacancy shall be filled by another person from the same agency from which the person came.
 - 5.9.1 If the vacancy arose because the agency which that person represented ceased to exist or to be eligible for membership of the association, the vacancy shall be filled by vote of the members of that category in that state or territory.
- 5.10 The National Executive may function validly notwithstanding any vacancies so long as its number is not reduced below the quorum.
- 5.11 The National Executive 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 Executive and who shall report to the National Executive.
- 5.12 A meeting of the National Executive, or of a subcommittee or of members of a category in a state or territory may be held by teleconference. The provisions in these rules for meetings shall apply except that the members shall not be required to be in the same room, as long as all members involved can hear and be heard by all the other members present.
- 5.13 Notice to a member organisation or a member of the National Executive may be given by fax or email if the member organisation or National Executive member has provided such an address to the Secretariat.
- 5.14 The National Executive shall appoint a Public Officer who shall notify the Corporate 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 Executive.

6. GENERAL MEETINGS

- 6.1 The Annual General Meeting shall be held at least once in each calendar year and not more than five months after the close of the financial year which shall be June 30th unless altered at an Annual General Meeting.
- 6.2 The business of the Annual General Meeting shall be:-
 - 6.2.1 To confirm the minutes of the preceding Annual General Meeting and any subsequent General Meeting;
 - 6.2.2 To receive the Chairperson's report for the previous financial year;
 - 6.2.3 To receive from the National Executive a financial report, the audited financial statements for the previous financial year and the statement submitted by the Association in accordance with section 30(3) of the Associations Incorporation Act 1981 (Victoria) (hereinafter called 'the Act');
 - 6.2.4 To confirm the members of the National Executive;
 - 6.2.5 To conduct any other business placed on the agenda before the commencement of the meeting by the National Executive or pursuant to Clause
- 6.3 A Special General Meeting may be called by the Secretariat on the direction of the National Executive specifying the business to be conducted at the meeting. A Special General Meeting shall be called where more than 15 months would otherwise elapse between Annual General Meetings in order to comply with the Act.
 - 6.3.1 A Special General Meeting shall be called by the Secretariat on the requisition in writing of not less than three fourths (75%) of the membership of the Association within three months of receipt of such requisition. The requisition shall consist of one or more documents in like form signed or endorsed by member organisations and shall state the nature of the business to be conducted at the meeting. If no such meeting is called then one or more member organisations may convene a valid Special General Meeting to be held not later than three months after that date. Such meeting shall be convened in the same manner so far as is possible as a meeting convened by the Secretariat and all reasonable expenses incurred in convening it shall be refunded by the Association.
- 6.4 Written notice of not less than 30 days of all General Meetings shall be sent by post to all member organisations and affiliates and such notice shall state the general nature of the business of the meeting.
- 6.5 Any member organisation which wishes to bring a matter before a General Meeting of the Association shall give written notice of the nature of the business to the Secretariat, and such business shall be included in the notice of business of the next General Meeting.

- 6.6 A quorum at any General Meeting shall be 15 full member organisations or half plus one (50% + 1) of the number of full member organizations, whichever is least, and no item of business shall be conducted in the absence of a quorum.

7. VOTING

- 7.1 Member organisations shall each be entitled to one vote at any General Meeting at which they are present. Voting shall be by the authorised representative of a member organisation or by a proxy with a written authority submitted to the chairperson of the meeting.
- 7.2 Voting at any meeting shall be by show of hands. A declaration by the Chairperson entered in the Minutes of the meeting to the effect that a resolution has been carried or lost unanimously or by a particular majority shall be evidence of the fact without proof of the numbers or names of those voting; except that a poll may be demanded by the Chairperson or the show of hands. A poll on the election of a chairperson or on the adjournment of the meeting shall be taken forthwith. Any other poll shall be taken at such time before the close of the meeting and in such manner as the Chairperson may direct.
- 7.3 The authorised representative of an affiliate may speak but not vote.
- 7.4 The members present at a meeting of the National Executive, a sub committee, or a General Meeting may permit any other person to be present at the meeting and to speak, but not vote.

8. CHAIRPERSON

- 8.1 The Chairperson shall require the Common Seal to be kept by the Secretariat. The Common Seal shall be affixed only by resolution of the National Executive or of a General Meeting and in the presence of two National Executive members including at least one Office Bearer.
- 8.2 The Chairperson shall chair National Executive 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.
- 8.3 The Chairperson together with the Secretariat shall prepare the agenda for National Executive and General Meetings.
- 8.4 The Chairperson at any General Meeting shall not have a personal deliberative vote but shall have a casting vote if votes are equal. The Chairperson at any meeting of the National Executive or of a sub-committee shall have a personal deliberative vote and shall in addition have a casting vote if votes are equal.
- 8.5 The Chairperson of a meeting shall encourage full balanced participation by all members

and shall decide on matters of order.

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

9. TREASURER

- 9.1 The Treasurer shall ensure that all monies received are paid into an account authorised by the National Executive in the name of the Association. Funds shall be derived from any source approved by the National Executive. Payments shall be as petty cash or by cheque signed by two authorised signatories of whom there shall be no more than five appointed by the National Executive. Major or unusual expenditures shall be authorised in advance by the National Executive.
- 9.2 The Treasurer shall ensure that records are kept in the custody or control of the Secretariat of all receipts and payments and other financial transactions. Such records shall be available for inspection by any member organisation.
- 9.3 The Treasurer shall ensure that financial budgets and statements are prepared by the Secretariat and shall submit a report on the finances to each National Executive Meeting.
- 9.4 The Treasurer shall present audited financial statements to the Annual General Meeting.
- 9.5 The Treasurer shall ensure that audited financial statements are submitted to comply with the requirements of funding bodies and of the Act.

10. SECRETARY - Custody of Records

- 10.1 Except as otherwise provided in these rules, the Secretary shall ensure that records are kept in the custody or control of the Secretariat including; all books, documents and securities of the Association, the constitution and policies, record 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.
- 10.2 All accounts, books, securities and any other relevant documents of the Association must be available for inspection free of charge by any member upon request
- 10.3 The Secretary shall ensure that the Secretariat gives such notices as are required by the provisions of this constitution.
- 10.4 The Secretary shall ensure that the Secretariat keeps minutes of the Meetings of the Association and records of persons attending such Meetings.
- 10.5 A member may make a copy of any accounts, books, securities and any other relevant documents of the Association.

11. AMENDMENT OF CONSTITUTION & RULES

- 11.1 This constitution may be repealed or amended by resolution of three-fourths of members present and voting at a General Meeting of which not less than 30 days written notice including notice of the proposed repeal or amendment has been distributed to all members.
- 11.2 Rules for the proper administration of meetings or business may be made, repealed or amended by a General Meeting or by a National Executive Meeting subject to subsequent disallowance at a General Meeting, provided that not less than 30 days written notice including notice of the proposed new rule, repeal or amendment has been distributed to all members.

12. LIABILITY, PROPERTY AND DISSOLUTION

- 12.1 Persons who by authority accept or incur any pecuniary liability on behalf of the Association shall be held indemnified against any personal loss in respect of such liability.
- 12.2 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.
- 12.3 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:-
 - 12.3.1 Such other body shall also prohibit the distribution of income and property to the members to the extent stated herein;
 - 12.3.2 If the Association shall have been approved pursuant to Section 78(1) of the Income Tax Assessment Act then such other body shall also be so approved; and
 - 12.3.3 The Association shall not be dissolved except by approval of not less than three-fourths (75%) of the members present and voting at a meeting called for that purpose of which not less than three calendar months written notice including notice of the proposed dissolution has been distributed to all members.

Rule 13. Grievance procedure – disputes and mediation

- 13.1 The grievance procedure set out in this rule applies to disputes under these Rules between-
 - (a) a member and another member; or
 - (b) a member and the Association.
- 13.2 The parties to the dispute must meet and discuss the matter in dispute, and, if possible,

resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.

13.3 If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.

13.4 The mediator must be-

- (a) a person chosen by agreement between the parties; or
- (b) in the absence of agreement-
 - (i) in the case of a dispute between a member and another member, a person appointed by the committee of the Association; or
 - (ii) in the case of a dispute between a member and the Association, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).

13.5 A member of the Association can be a mediator.

13.6 The mediator cannot be a member who is a party to the dispute.

13.7 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

13.8 The mediator, in conducting the mediation, must--

- (a) give the parties to the mediation process every opportunity to be heard; and
- (b) allow due consideration by all parties of any written statement submitted by any party; and
- (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.

13.9 The mediator must not determine the dispute.

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