

The Albinism Fellowship of Australia

THE CONSTITUTION

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1. PRELIMINARY

1.1. PREAMBLE

The Albinism Fellowship of Australia - AFA is a national non-profit association established in 2006. The fellowship is run by volunteers who all have been personally touched by Albinism in some way. The AFA's key purpose is to provide support education and fellowship to those with albinism, parents of children with albinism, their families, friends and relevant professionals.

Albinism is a rare genetic condition affecting about 1000 Australians (1 in 17,000). It is caused by a lack of pigmentation (melanin). This results in some degree of visual impairment, as well as some degree of paleness of the skin and hair. Oculocutaneous albinism affects the eyes, hair and skin. Ocular albinism only affects the eyes.

If you would like more information about albinism or the AFA, please visit our website www.albinsinuatralia.org or phone 1300 22 16 19.

1.2. DEFINITIONS

1. "Act", "By-Laws" and "Regulations" means any rules made by the Executive Committee in accordance with Constitution, regulations in accordance of the Associations Incorporation Act (of NSW) 1984. References to the Act refer to this legislation, which is administered by the Office of Fair Trading NSW.
2. "Committee" means the Executive Committee.
3. "Executive Committee" means:
 - a) the committee of people who make the executive decisions about AFA in accordance with this Constitution; and
 - b) the Committee formed under Clause 14.
4. "albinism", in relation to a person means: a person with albinism is a person with a visual impairment with or without fair skin and hair, due to lack of melanin who has been medically diagnosed as having albinism.
5. "family" consist of more than one individual, al living in one household, and includes, but is not limited to
6. spouse of partner.
7. parent.
8. legal guardian.
 - a) grandparent.
 - b) children.
9. "year" means from the first day of July in any given year until the thirtieth (30) day of June in the following year.

1.3. TYPES OF ALBINISM

Recent research has used analysis of DNA, the chemical that encodes genetic information, to arrive at a more precise classification system for albinism. Four forms of OCA are now recognized – OCA1, OCA2, OCA3 and OCA4; some are further divided into subtypes.

- Oculocutaneous albinism type 1 (OCA1 or tyrosinase-related albinism) results from a genetic defect in an enzyme called tyrosinase (hence 'ty' above). This enzyme helps the body to change the amino acid tyrosine into

pigment. (An amino acid is a “building block” of protein.) There are two subtypes of OCA1: In OCA1A, the enzyme is inactive and no melanin is produced, leading to white hair and very light skin. In OCA1B, the enzyme is minimally active and a small amount of melanin is produced, leading to hair that may darken to blonde, yellow/orange or even light brown, as well as slightly more pigment in the skin.

- Oculocutaneous albinism type 2 (OCA2 or P gene albinism) results from a genetic defect in the P protein that helps the tyrosinase enzyme to function. Individuals with OCA2 make a minimal amount of melanin pigment and can have hair colour ranging from very light blonde to brown.
- Oculocutaneous albinism type 3 (OCA3) is rarely described and results from a genetic defect in TYRP1, a protein related to tyrosinase. Individuals with OCA3 can have substantial pigment.
- Oculocutaneous albinism type 4 (OCA4) results from a genetic defect in the SLC45A2 protein that helps the tyrosinase enzyme to function. Individuals with OCA4 make a minimal amount of melanin pigment similar to persons with OCA2.
- Hermansky-Pudlak Syndrome – Researchers have also identified several other genes that result in albinism with other features. One group of these includes at least eight genes leading to Hermansky-Pudlak Syndrome (HPS). In addition to albinism, HPS is associated with bleeding problems and bruising. Some forms are also associated with lung and bowel disease. HPS is a less common form of albinism but should be suspected if a person with albinism shows unusual bruising or bleeding.

(Source:

http://www.albinism.org/publications/what_is_albinism.html)

2. MEMBERSHIP

2.1. MEMBERSHIP QUALIFICATIONS

The categories of membership of the AFA

1. Individual - A person with Albinism or someone who supports the Objectives of the Association.
2. Family – This is a membership consisting of more than one individual, all living in one household. This may or may not include a person with albinism. The family supports the Objectives of the Association
3. Individual Professional - An Individual from an Association that supports the Objectives of the Association.
4. Unwaged (no income apart from Government benefits)
5. Lifetime – entitles the applicant to individual membership for the duration of the life of the individual who originally made the application.
6. Organisational (can copy newsletter and distribute to staff)

Within each membership category (apart from Organisational and unwaged), two subcategories exist:

1. “Hard copy” (receive newsletters through the postal system) and

2. "PDF" (receive newsletters via E-mail in PDF format). Hard copy memberships will have a premium placed on their annual membership fees reflecting the additional cost associated with this format.

Membership is open to people from around the world and is not limited to Australian residents.

2.2. NOMINATION FOR MEMBERSHIP

Complete the AFA membership or renewal of membership application form. The Executive Committee has the option to determine whether to approve or to reject the application.

2.3. CESSATION OF MEMBERSHIP

The Executive Committee will have the power, by resolution, to terminate any membership of a member.

A person ceases to be a member of the association if the person

1. dies, or
2. resigns membership, or
3. is expelled from the association.

If any membership application is refused by the Executive Committee, the applicant may appeal by formally requesting the matter be placed on the agenda for the next meeting of the General Meeting of members.

A person who ceases to be a member, for any reason, will not have any claim, monetary or otherwise upon the AFA of its funds or assets.

2.4. MEMBERSHIP ENTITLEMENTS

Membership entitlements are not transferable. Membership entitlements are a right, a privilege or obligation which a person has, being a member of the association

1. is not capable of being transferred or transmitted to another person, and
2. terminates on cessation of the person's membership.

2.5. RESIGNATION OF MEMBERSHIP

A member of the association who has paid all outstanding amounts may resign from membership of the AFA. The Secretary will make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

2.6. REGISTER OF MEMBERS

The AFA must establish and maintain a register of members of the association specifying the name and address of each person who is a member of the association together with the date on which the person became a member. The Register is open for inspection (with respect to any Privacy requirements) by any member of the association upon request.

A member of the association may obtain a copy of any part of the register on payment of a fee of \$2 for each page copied or some other amount is determined by the Executive Committee.

2.7. MEMBERSHIP FEES AND SUBSCRIPTIONS

Membership is yearly from July to June in any calendar year. Membership Fees will be reviewed and recommended by the Executive Committee and then passed by a resolution of members during the Annual General Meeting.

The Executive Committee will send a notice of fees now due to each member. If (90) ninety days after the due date of the, the Treasurer has not received payment of the membership fees of a particular member, then that person will cease to be a member. The Secretary will remove them from the register of financial members as soon as reasonable possible. Members will be advised of any other fees or subscriptions.

2.8. MEMBERSHIP LIABILITIES

The liability of a member of the association to contribute towards the payment of the debts and liabilities of the association or the costs, charges and expenses of the winding up of the association is limited to the amount.

2.9. RESOLUTION OF INTERNAL DISPUTES

Members are free to discuss their concerns and lodge complaints without prejudice. Members are welcome to involve another individual as an advocate at any point in the process.

Executive Committee will undertake to ensure that the treatment of complaints and concerns will be handled In Confidence, each party will be treated with dignity and respect and given high priority for resolution and remediation.

If the Member remains dissatisfied with the Executive Committee's response, the other avenues open to the Member to seek resolution of the issues, such as Advocacy Agencies or the Citizens Advice Bureau mediation service. The Executive Committee may also choose to use an external mediator and will bear costs involved, to a specified amount. The Executive Committee will not however, pay for any legal costs.

2.10. DISCIPLINING OF MEMBERS

The Executive Committee will Discipline any member who has persistently and wilfully acted in a manner that is un-becoming or if a member is guilty of conduct which, in the opinion of the Executive Committee, is prejudicial to the interests of the Albinism Fellowship of Australia.

2.11. RIGHT OF APPEAL OF A DISCIPLINED MEMBER

If any membership is refused or terminated by the Executive Committee, the applicant may appeal by formally requesting the matter be placed on the agenda for the next meeting of the General Meeting of members.

The Executive Committee will inform the member in writing of the motion to terminate their membership before any resolution is passed. The notice will give the reasons stated for the motion to terminate membership and allow the affected member to respond to allegations before the motion is put to the vote.

The Executive Committee will then notify any member of the termination of their membership as soon as possible after the resolution is passed.

Any member whose membership is terminated within (14) fourteen days of notification being made by the Executive Committee, may appeal by requesting that the item be placed on the Agenda for the next meeting of the General Meeting of members to be held to hear and determine the appeal.

Where a resolution to terminate membership of a particular member, and either the right to appeal is not taken or on appeal the decision of the Executive Committee is upheld, the Secretary will remove that member's name from the Register of members.

3. THE COMMITTEE

3.1. POWERS OF THE COMMITTEE

The Executive Committee will control and manage the business and affairs of Albinism Fellowship of Australia. The Executive Committee of the AFA is empowered to perform the proper management of the business including the power to appoint, employ, dismiss or suspend staff, contractors and volunteers when necessary and to determine appropriate remuneration of staff.

The AFA Executive Committee from time to time may establish sub committees to carry out certain functions and powers of the Executive Committee (for example, state representatives subcommittee). Each sub committee will also include one member who is a member of the Executive Committee.

The property and income of AFA will be applied exclusively to the promotion of its objects and no part may be applied or transferred directly or indirectly to profit to a member unless for goods or services rendered.

3.2. CONSTITUTION AND MEMBERSHIP

The Executive Committee is to consist of

1. the office-bearers of the association
2. up to eight general committee members

to be elected at the Annual General Meeting of the association under rule 15.

The office-bearers of the association are to be

1. the president
2. the vice-president
3. the treasurer
4. the secretary

Each Executive Committee member is to hold office until the conclusion of the Annual General Meeting following the date of the member's election but is eligible for re-election.

Each committee member, if he or she so chooses, may be elected for duration of 2 years without the need for re-election after 1 year. The outgoing president will be offered a non-elected position on the General Committee for a period of one year.

If there is to be an election for the Executive Committee in the same year as an election for the President, the election for the President is held first.

In the event of a casual vacancy occurring in the membership of the Executive Committee, the committee may appoint a member of the association to fill the vacancy until the conclusion of the next Annual General Meeting.

3.3. ELECTION OF COMMITTEE MEMBERS

Nominations of candidates for election as office-bearers \or as general committee members of the Executive Committee must be supported by a Seconder other than the Nominee. Nominees must declare any known Conflict of Interest. Nominations must be delivered to the secretary of the AFA at least (7) seven days before the date of the Annual General Meeting. If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated are taken to be elected and further nominations are to be received at the annual general meeting. If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies.

If the number of nominations received exceeds the number of vacancies to be filled a ballot will be held. The ballot for the election of office-bearers and ordinary members of the committee is to be conducted at the Annual General Meeting. Ballot papers will be sent to each person who is a full member of the AFA as at 30 June.

3.4. SECRETARY

It is the duty of the secretary to keep minutes of

1. all appointments of office-bearers and
2. members of the Executive Committee.
3. the names of members of the Executive Committee present at meetings.
4. all proceedings at committee meetings and general meetings.

Minutes of proceedings at a meeting must be signed by the chairperson of the meeting.

3.5. TREASURER

It is the duty of the treasurer of the association to ensure:

1. that all money due to the association is collected and received and that all payments authorised by the association are made.

2. that correct records and accounts are kept showing the financial affairs of the association, including full details of all receipts and expenditure connected with the activities of the association.

3.6. CASUAL VACANCIES

A casual vacancy in the office of a member of the Executive Committee occurs if the member

1. ceases to be a member of the association.
2. becomes an insolvent under administration within the meaning of the Corporations Act 2001 of the Commonwealth.
3. resigns office by notice in writing.
4. is removed from office under rule 19.
5. is absent without the consent of the Executive Committee period of 6 months.

In the event of a casual vacancy occurring in the membership of the Executive Committee, the committee will appoint a member of the association to fill the vacancy within two weeks of that casual vacancy occurring, until the conclusion of the next Annual General Meeting.

In the event of resignation of an office bearer, the office bearer who resigned will ensure that all tasks and duties for which they were responsible are completed and handed over to the designated replacement within four weeks of resignation.

3.7. REMOVAL OF A COMMITTEE MEMBER

The AFA at a General Meeting may by resolution remove any member of the Executive Committee

3.8. MEETINGS AND QUORUM

The Executive Committee must meet at least three times in each period of 12 months at such place and time as the committee may determine. Notice must be given to each member of the Executive Committee. Additional meetings of the committee may be convened by the President or by any member of the Executive Committee.

Quorum of Executive Committee meetings is five members of the Executive Committee including two office bearers for the transaction of the business of a meeting of the Executive Committee. No business is to be transacted by the Executive Committee unless a quorum is present within half an hour of the time appointed for the meeting. If not, the meeting is to be adjourned to the same time the following week.

If the President and the Vice-President are absent or unwilling to chair the meeting then the meeting will be re-scheduled to another date and time.

3.9. DELEGATION BY SUB-COMMITTEE

Sub-committees may meet and adjourn when needed. Each sub-committee will also include one member who is a member of the Executive Committee. Any member of a sub-committee must declare any known Conflict of Interest.

3.10. VOTING AND DECISIONS

Questions arising at a meeting or of any Sub Committee are to be determined by a majority of the votes of members present at the meeting. Voting Members must have current valid membership at the time of the meeting. Voting may be by voices, by secret ballot, by electronic format – such as email, postal voting or by poll where the President or members consider this appropriate. In the event of an equality of votes on any question the person presiding has the casting vote.

4. GENERAL MEETINGS

4.1. ANNUAL GENERAL MEETINGS – HOLDING OF

The AFA will convene an Annual General Meeting of its members each financial year.

On the year that the AFA Conference is being held, the Annual General Meeting will be held at the location of the Conference. Provision for meetings to be held in two or more locations with the members communicating with each other by any technological means that gives them a reasonable opportunity to participate and vote are to be made.

4.2. ANNUAL GENERAL MEETINGS – CALLING AND BUSINESS OF

The AFA will convene an Annual General Meeting of its members. The Executive Committee will give notice of the Annual General Meeting at least (21) twenty one days before the date it is to be held. Notices of meetings to be given by email where a member chooses to accept this form of notice.

The annual general meeting must:

1. Receive and adopt the minutes of the previous annual meeting.
2. Receive and adopt annual reports from the President and Treasurer and other reports from the Executive Committee.
3. Elect the President and the Executive Committee members where needed.
4. Appoint an Auditor.
5. Review the membership fee.
6. Appointment of Patron or Life Member(s).

4.3. SPECIAL GENERAL MEETINGS - CALLING OF

The Executive Committee may convene a Special General Meeting of the Albinism Fellowship of Australia. Members may also convene a Special General Meeting, the request must be signed by (15) fifteen full members of the Albinism Fellowship of Australia stating the purpose for so doing, a Special General Meeting will be called by contacting all members giving notice of not less than (7) seven nor more than (21) twenty one days specifying the purpose for which the meeting is being called.

A requisition of members for a Special General Meeting

1. must state the purpose or purposes of the meeting.
2. must be signed by the members making the requisition.

3. must be lodged with the secretary.
4. may consist of several documents in a similar form each signed by one or more of the members making the requisition.

If the committee fails to convene a Special General Meeting to be held within (1) one month after the date on which a requisition of members lodged with the secretary, any one or more of the members who made the requisition may convene a Special General Meeting to be held not later than (3) three months after that date.

The Special General Meeting will be conducted in the same manner as General Meetings are convened by the Executive Committee.

4.4. NOTICE

If the nature of the business proposed to be dealt with at a General Meeting requires a Special Resolution, the secretary will give notice (21) twenty one days before the date for holding of the General Meeting with the propose of the resolution.

Notices of meetings to be given by email where a member chooses to accept this form of notice. No business other than that specified in the notice convening a General Meeting is to be transacted at the meeting except in the case of an Annual General Meeting. A member desiring to bring any business before a General Meeting may give notice in writing of the business to the Secretary which will be included with the notice calling the next General Meeting.

4.5. PROCEDURE

No item of business is to be transacted at a General Meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.

Quorum at the Annual General Meeting, General Meetings of members and Special Meeting of members is ten financial members present within fifteen minutes of the notified starting time.

If within half an hour after the appointed time for the quorum is not present the meeting will be adjourned to the same day and time in the following week, unless another place is specified at the time which will be communicated to the members.

4.6. PRESIDING MEMBER

If the President and the Vice-President are absent or unwilling to chair the meeting one of the remaining members of the Executive Committee may preside. In the event of an equality of votes on any question the person presiding has the casting vote.

4.7. ADJOURNMENT

If within half an hour after the appointed time for the quorum is not present the meeting will be adjourned to the same day and time in the following week, unless another place is specified at the time which will be communicated to the members.

No business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting which the adjournment took place. If a general meeting is adjourned for (14) fourteen days or more, the secretary will give notice of the adjourned meeting to members.

4.8. MAKING OF DECISIONS

The Executive Committee of the AFA is empowered to perform the proper management of the business of the AFA. Decisions that need to be made during General Meetings, Special General Meeting and Annual General Meetings will be made by the members by voting.

Voting may be by voices, by secret ballot, by electronic format – such as email, postal voting or by poll where the President or members consider this appropriate. Voting Members must have current valid membership at the time of the meeting.

4.9. SPECIAL RESOLUTION

Special Resolutions of the AFA require support from at least three-quarters of the votes cast by members of the association present in person, or by proxy at a General Meeting. If possible written notice of (21) twenty one days before the date for holding of the General Meeting with the propose of the resolution. Voting may be by voices, by secret ballot, by electronic format – such as email, postal voting or by poll where the President or members consider this appropriate.

4.10. VOTING

Each category of membership has the following voting rights

- Members can vote or move or second motions.
- Individual members will have one vote per member.
- Family members will have two votes per family unit.
- Associational members will have no voting rights.
- Young Adult members do not have the right to vote until they are eighteen years.

All members have the right to attend and speak at

1. General Meeting of members.
2. Special Meetings of members.
3. The Annual General Meeting.

Voting may be by voices, by secret ballot, by electronic format – such as email, postal voting or by poll where the President or members consider this appropriate. Voting Members must have current valid membership at the time of the meeting. Provision for meetings to be held in two or more locations are to be made, with the members communicating with each other by any technological means that gives them a reasonable opportunity to participate and vote.

Postal voting forms may be sent out on request at least (30) thirty days prior to the meeting and must be received by the secretary no later than (7) seven days prior to the meeting.

4.11. APPOINTMENT OF PROXIES

The President has the discretion to accept or decline Proxies for any meeting. Each full member of the Albinism Fellowship of Australia will be permitted to carry no more than two proxy votes at a meeting. Signed authorisation of the person(s) for whom proxy votes are carried out must be presented to the Secretary prior to the meeting.

The proxy authorisation must contain

1. Name of person for whom the proxy is to be carried out.
2. Name of person who is to carry out the proxy votes.
3. The nature of the vote or votes.
4. All members involved in the Proxy must be current financial members.

5. MISCELLANEOUS

5.1. INSURANCE

The association may effect and maintain insurance.

5.2. FUNDS – SOURCE

The Funds of the association are to be derived from entrance fees and annual subscriptions of members, donations and subject to any resolution passed by the association in a General Meeting or other sources the Executive Committee determines. All money received must be deposited as soon as practicable and without deduction to the credit of the AFA's bank account. The association must issue an appropriate receipt.

5.3. FUNDS – MANAGEMENT

The Australian Business Number (ABN) of the Albinism Fellowship of Australia Incorporated is: 49 872 118 800.

GST status: Not currently registered for GST

Deductible Gift Recipient: The Albinism Fellowship of Australia is entitled to receive tax deductible gifts.

The funds of the AFA are to be used in pursuance of the objects of the association in a manner as the Executive Committee determines.

All cheques, promissory notes and other negotiable instruments will be signed by two members of the Executive Committee or employees of the association authorised to do so by the Executive Committee.

5.4. ALTERATION OF THE OBJECTS AND RULES AND CONSTITUTION

The statement of objects and these rules and constitution may be altered, rescinded or added to only by a special resolution. Special Resolutions of the AFA require support from at least three-quarters of the votes cast by members of the association present in person, or by proxy at a General Meeting. If possible written notice of (21) twenty one days before the date for holding of the General Meeting with the propose of the resolution.

Voting may be by voices, by secret ballot, by electronic format – such as email, postal voting or by poll where the President or members consider this appropriate.

5.5. PUBLIC OFFICER

The public officer will reside within NSW and be at least 18 years of age. It is a non-elected position, appointed by the executive committee. The public officer will be a person other than the President of the association. The public officer shall be deemed to have vacated the office if the public officer:

1. Dies
2. Resigns from the position of public officer
3. Is removed from office by way of a resolution passed at a General Meeting of the members
4. Becomes bankrupt
5. Becomes a patient under the Mental Health Act, or
6. Ceases to be a resident of New South Wales.

The position of public officer must not remain vacant for more than 14 days. Within 14 days of a vacancy occurring, the committee must notify the Registry of Co-operatives and Associations of the vacancy and appoint a new public officer. The new public officer is also required to give notice of his or her appointment to the Registry within 14 days of the appointment.

It is the duty of the public officer to:

1. Give notice of their change of address within 14 days to the NSW Office of Fair Trading
2. Keep a register of the committee members at their residential address
3. Lodge an annual statement to the NSW Office of Fair Trading within one month of the annual general meeting
4. The public officer must apply to the NSW Office of Fair Trading for approval of a change of name within one month after the passing of a special resolution to change the association's name
5. After the passing of a special resolution altering the statement of objects or rules, the public officer must lodge a Notice of alteration of objects or rules to the NSW Office of Fair Trading.
6. The public officer has an obligation to bring all documents addressed to the association to the attention of the committee as soon as practicable. This obligation continues for a period of 12 months after a person has ceased to be the public officer of the association.

If the public officer is not a member of the executive committee, they will be invited to attend committee meetings if they so choose.

5.6. COMMON SEAL

The Common Seal will be used when appropriate.

The Common Seal of the association must be kept in the custody of the public officer. The common seal must not be affixed to any instrument except by the authority of the Executive Committee and the affixing of the common seal must be attested by the signatures either of two members of the committee or of one member of the committee and of the public officer or secretary.

5.7. CUSTODY OF BOOKS

Except as otherwise provided by these rules, the treasurer must keep in his or her custody or under his or her control all records, books and other documents relating to the association.

5.8. INSPECTION OF BOOKS

The records, books and other documents of the association must be open to inspection, free of charge (with respect to any Privacy requirements) by members of the association at any reasonable hour.

5.9. SERVICE OF NOTICES

A notice may be served on or given to a person

1. by delivering it to the person personally.
2. by sending it by pre-paid post to the address of the person.
3. by sending it by electronic or facsimile transmission to an address specified by the person for giving or serving the notice.

The Notice is taken unless the contrary is proved to have been given or served.

5.10. DISSOLUTION CLAUSE

In the event of the association being dissolved, the amount that remains after such dissolution and the satisfaction of all debts and liabilities will be transferred to another association with similar purposes which is not carried on for the profit or gain of its individual members.

5.11. NON-PROFIT CLAUSE

The assets and income of the association will be applied solely in furtherance of its above mentioned objectives and no portion will be distributed directly or indirectly to the members of the association except as bona fide compensation for services rendered or expenses incurred on behalf of the association.

5.12. PATRONS

The Albinism Fellowship of Australia may at an Annual General Meeting, elect one or more patrons.

5.13. WORKING WITH CHILDREN

All Executive Committee members, employees, contractors and volunteers must meet the requirements of the state based Working with Children provisions. This may require that Executive Committee members, employees, contractors and volunteers provide a Police Clearance or any other requirements.

Last Update 14 June 2008

Last Update 9 October 2011 – AGM

Last update 26 October 2014 – after AGM