

**THE SOUTH AUSTRALIAN FINANCIAL COUNSELLORS' ASSOCIATION
INCORPORATED**

**RULES OF THE ASSOCIATION
(As amended on 29th March 2006)**

1. NAME

The name of the Association shall be "The South Australian Financial Counsellors Association Incorporated" hereinafter referred to as "SAFCA".

2. INTERPRETATION

Financial Counsellor:

A financial counsellor predominantly assists consumer debtors to manage the consequences of debt and advocates and/or negotiates on behalf of consumers through one or more of the following:

- direct casework,
- group or class advocacy,
- community development and education,
- social action and reform.

A financial counsellor must carry out the above activities free of any conflict of interest and must work, paid or unpaid for a financial counselling agency as defined below:

Financial Counselling Agency:

A financial counselling agency is a service which:

- Offers full and independent financial counselling services to its clients. Financial counsellors employed by the agency have adequate skills and knowledge to provide the service.
- Offers these services free of fees, charges or remuneration directly or indirectly, and
- Complies with the model described by the Australian Securities and Investments Commission.

3. PURPOSES

The purposes of SAFCA are:

3.1 To provide a support network for financial counsellors by:

- a. lobbying for the provision of adequate and autonomously funded financial counselling services;
- b. promoting on-going recognition of the role of financial counselling;
- c. providing a forum for particular issues to be raised by members for action by SAFCA at its discretion;
- d. ensuring services standards of service are consistent with the policies as laid down by SAFCA.

3.2 To further establish financial counselling as a skilled occupation by:

- a. setting and monitoring accreditation levels of financial counsellors;
- b. maintaining an influence on the development of training for intending and practising financial counsellors through regular consultation with appropriate training organisations.

- c. requiring on-going professional development for members

3.3 To provide a focus and stimulus for change in the areas of:

- a. consumer law; including realistic protection for consumer debtors.
- b. consumer education and information.

3.4 To encourage a philosophy of financial counselling practice by:

- a. enabling clients to gain social and economic control of their lives
- b. providing information and advice which is independent of any economic consideration of the agency or worker
- c. developing consumer advocacy as an integral component of case management procedure.

4. MEMBERSHIP

There are two classes of membership: Members and Associate Members. There is a special category of Affiliated Organisation for agencies wishing to be formally affiliated with SAFCA.

A Member and an Associate member cannot work for an organisation that charges fees for budgeting, financial counselling, or debt management.

4.1 Member

- A Member must work in a paid or voluntary capacity as a financial counsellor for a financial counselling agency as described above.
- A Member must have completed at least the equivalent of a Diploma in Community Services (Financial Counselling) and have at least 12 months full time equivalent supervised work experience as a financial counsellor.
- A Member must be free from conflict of interest.

4.2 Associate Member

- A person who has worked as a financial counsellor or budget counsellor for payment or voluntarily in a not-for profit organisation but who is not currently working in that capacity,
- A person who has worked in a not for profit community organisation and demonstrated involvement and interest in the field of social welfare/human services or consumer legal issues for at least three of the five years prior to application.
- A person studying a Diploma in Community Services (Financial Counselling) in a program with a Registered Training Organisation.
- A person who works in a paid or voluntary capacity for a financial counselling agency as described above and who has not completed all the requirements for membership.
- An Associate Member must be free from conflict of interest and must not work for an organisation that charges a fee for budgeting or financial counselling.
- An Associate Member who is voted onto the Executive Committee will have a vote on that Committee.
- An Associate Member does not have a vote at general meetings.

4.3 Affiliated Organisation

A not for profit community service organisation that has a financial counselling service, as described above, and that employs financial counsellors who are eligible for membership of SAFCA may apply for Affiliation with SAFCA.

5. APPLICATION FOR MEMBERSHIP

Any person may apply for membership in writing in the form prescribed by the Executive Committee and on payment of the application fee.

5.1 Acceptance of Application

Membership applications shall be considered by the membership committee which shall make recommendation regarding eligibility to the Executive Committee. The Executive Committee shall have the final decision on eligibility.

5.2 Fees

All fees will be determined annually by the Executive Committee.
There will be a one-off application fee and a yearly membership fee.
All new applicants will be asked to pay the application fee.
There will be a tiered structure of fees for Members and Associate Members.

5.3 Resignation

Members may resign from SAFCA by giving notice in writing, by email or by non-payment of membership fees within two months after being given notice by mail, email or personal delivery that such fees are overdue.

5.4 Removal

The Executive Committee may suspend or expel any member of SAFCA:

- a. Who breaches any rule or by-law of SAFCA; or
- b. Who, in the opinion of the Executive Committee, acts in a manner which is contrary to the interests of SAFCA; or
- c. Who no longer complies with the membership requirements of SAFCA

The member shall be informed of the allegation and invited to present a written or verbal explanation to the Executive Committee meeting at which the matter is to be considered.

6. MEETINGS

6.1 General Meetings

Meetings of all members may be called:

- a. By the request of the president of SAFCA
- b. By the resolution of the Executive Committee;
- c. By the request of not less than five (5) members of SAFCA

Such a general meeting shall be held not less than fourteen (14) days or more than one month after the request or resolution is made. In the case of a request by members, the members may convene the general meeting if a meeting has not been held within the required time.

6.2 Repeal

Any repeal or amendment of the Rules shall be business of which notice must be given for an annual general meeting or a general meeting and must be carried as a special resolution. No such repeal or amendment shall have effect until it has been lodged with the Commission in accordance with the Act.

6.3 Special Resolutions

Motions for special resolutions must be lodged twenty-one (21) days prior to an annual general meeting, or be contained in the request for a general meeting and shall be included in the notice of the meeting sent to members. A special resolution must be carried by not less than 75% of the voting members present in person or by proxy. It shall be the responsibility of the Secretary of SAFCA to receive and act on such resolutions and requests.

6.4 Notice of Meeting

Fourteen (14) days notice in writing of every general meeting shall be given to every member at the address appearing in the register of members or at the email address of the member stating the time and place of such a meeting.

6.5 Omission of Notice

Non-receipt of notice of a meeting by a member shall not invalidate any proceedings or resolutions at any meeting of SAFCA or any Committee hereof.

6.6 Chairperson of Meetings

The president of SAFCA shall preside at general meetings. In his/her absence or if unwilling to chair the meeting, a chairperson may be appointed for that meeting.

6.7 Adjournment

Members present at a meeting may agree to adjourn any meeting from time to time but no business shall be transacted at any adjourned meeting other than business left unfinished at the meeting from which the adjournment took place.

6.8 Voting

Resolutions other than special resolutions shall be carried by a simple majority of voting members present and proxies. In the case of an equality of votes the Chairperson shall have a second or casting vote.

6.9 Division

At any general meeting a declaration by the Chairperson that a resolution has been carried or not shall be sufficient evidence of members voting intentions unless three (3) members call for a poll. When a poll is taken the number of votes for and against the resolution shall be recorded.

6.10 Proxies

Every member shall be entitled to one vote at every general meeting and may appoint any other member by proxy which shall be deposited with the Secretary at least twenty-four (24) hours before the time of the meeting in respect of which the proxy is appointed. The instrument appointing the proxy must be in the form prescribed by the Executive Committee or in a similar or common form.

6.11 Quorum at General Meetings

At all general meetings ten (10) members or two thirds of the membership whichever is less shall constitute a quorum. If within thirty minutes from the time appointed for the commencement of the meeting a quorum is not present the meeting if convened by request of members shall be dissolved or if not so convened shall stand adjourned to the same day in the next week at the same time and place or at such a time and place as is notified to members not less than forty-eight (48) hours prior to the meeting and at such adjourned meeting those present will form a quorum for all purposes.

6.12 Minutes

Minutes of the proceedings of every general meeting shall be kept in a minute book which shall be available for inspection by members upon request, provided that sufficient time shall be given to the Minutes Secretary to produce the minute book at a time convenient to both parties.

6.13 Annual General Meeting

The Annual General Meeting of SAFCA shall be held each year not more than five (5) months after the end of the financial year of SAFCA which shall be 30 June.

6.14 Order of Business

The following shall be the order of business at every annual general meeting:

- a. Confirmation of the general minutes of the last annual general meeting and of any general meeting or meetings held since the last annual general meeting.
- b. Receipt and consideration of the financial statement
- c. Receipt and consideration of the report of the Executive Committee
- d. Election of Executive Committee
- e. Any other business of which the required notice has been given by members or committees
- f. Appointment of an auditor

7. EXECUTIVE COMMITTEE

7.1 The Executive Committee Membership and Terms of Office

The Executive Committee of SAFCA shall have a minimum of seven (7) members and the power to co-opt two additional members.

Only two Associate Members shall be members of the Executive Committee at any one time.

Elections for membership of the Executive Committee will take place by postal ballot. Those so elected will be declared at the Annual General Meeting.

Members and Associate Members shall be elected to the Executive Committee for a two year period. A person may stand for election for a second two year period at the expiration of the first two years, after which at least one year must elapse before that person can stand again for election.

The Executive Committee shall have the authority to co-opt a representative from rural/remote South Australia to the committee if one is not declared elected at the Annual General Meeting.

The Executive Committee may elect further office bearers as it shall so decide.

The State Liaison Officer/State Representative to AFCCRA shall be appointed an ex officio member of the Executive Committee if not already elected to that committee.

7.1.1 Office Bearers

The President, shall be elected for one year by vote at the Annual General Meeting of SAFCA. The president can stand for re-election the following year if they are elected to the Executive Committee for that period.

The Secretary and the Treasurer shall be elected by the Executive Committee from its members at an executive meeting held within four (4) weeks following the Annual General Meeting.

7.2 Election of Executive Committee

7.2.1 All elections for membership of the Executive Committee shall be conducted by postal ballot.

7.2.2 Not less than six weeks before the Annual General Meeting, the Secretary shall cause a notice to be placed in the official SAFCA publication, or by separate mailing to all SAFCA members, and associate members calling for nominations from SAFCA members for membership of the Executive Committee and the President within the two weeks following.

7.2.3 Not less than two weeks before the Annual General Meeting, the Secretary shall cause a postal ballot to take place of all SAFCA members for election of candidates, nominated in accordance with clause 7.2.2, to the Executive committee and position of President. No such postal ballot will be required if the number of vacancies on the Executive Committee is equal to or exceeds the number of nominees.

7.2.4 The President shall be elected by vote of the members at the Annual General Meeting.

7.2.4.i Each individual member under clause 4.1 has one vote.

7.2.2.ii Only two Associate members can be on the Executive committee at any one time.

7.3 Management

The affairs of SAFCA shall be managed by the Executive Committee who shall constitute the Committee of Management and who may exercise all powers of SAFCA which are not by these rules required to be exercised by SAFCA in general meeting subject nevertheless to these rules.

7.4 Powers of the Executive Committee

The Executive Committee may delegate (subject to such conditions as they think fit) any of their powers to subcommittees consisting of such members of the Executive Committee and other members of SAFCA co-opted for that purpose as the Committee may determine and make such regulations as to the proceedings of such sub-committees as thought desirable; and may at its discretion appoint and revoke the appointment of subcommittees consisting of members of SAFCA and delegate to them such powers as it may wish:

- a. To enter into any lease or tenancy of premises in which activities of SAFCA may be carried on;
- b. To start and defend all legal proceedings by or on behalf of SAFCA;
- c. To provide the necessary insurance and comply with provisions for Workcover;
- d. To borrow raise or secure the payments of money and to sell and dispose of the assets of SAFCA;
- e. To appoint and dismiss employees of SAFCA.

7.5 Vacation of Office

The office of President, Secretary, Treasurer or other office or ordinary member of the Executive Committee shall be vacated if the person filling it:

- a. Ceases to be a member of SAFCA;
- b. Is removed from office under rule 7.7
- c. Becomes bankrupt or assigns his estate in pursuance of any Act relating to bankruptcy or insolvency for the time being in force;
- d. Resigns the office by notice in writing to the Secretary;
- e. Becomes of unsound mind or a person whose estate is liable to be dealt with in any way under the law relating to intellectual capacity;
- f. Is absent for three successive committee meetings without explanation acceptable to the Executive Committee.

7.6 Casual Vacancies

Any casual vacancy occurring in the Executive Committee may be filled by the Committee by co-option of a member. Any person so co-opted shall hold office until the expiration of the term of the original appointee.

7.7 Removal of Executive Committee members

SAFCA in general meeting may by resolution remove any committee member before the expiration of his/her term of office.

- a. A member removed under this Rule may, by notice in writing given to the Secretary within one calendar month from the date thereof, appeal against such a decision at another general meeting.
- b. Such notice shall state the grounds of appeal and such appeal shall be heard at a general meeting to be held no later than one month from the giving of such notice to the Secretary.
- c. On hearing of any such appeal the member who feels aggrieved shall be afforded a full opportunity of being heard.
- d. Until the hearing of any such appeal the decision of the Executive Committee shall have full force and effect.

7.8 Meetings of the Executive Committee

- a. The Executive Committee shall meet together as often as is determined by the Rules of SAFCA or as agreed to by members of the Committee.
- b. A quorum shall be four (4).
- c. At every meeting of the Committee the President shall preside and in the absence of the President the members shall choose one of their members to be Chairperson of the meeting.
- d. Questions arising at any meeting shall be decided by a majority of votes and in the case of an equality of votes the Chairperson shall have a second or casting vote.
- e. The President or any two Committee members may at any time summon a meeting of the Committee.
- f. The Executive Committee may delegate authority.

8. PRESIDENT

The president shall:

- a. Keep the Common Seal which shall be affixed only by resolution of the Executive Committee or of a general meeting and in the presence of two Executive Committee members including at least one office bearer;
- b. Have a personal deliberative vote and a casting vote at any meeting;
- c. Chair Executive Committee and general meetings except that in the absence of the President or at the request of the President or of a majority of the meeting another member may be elected as chairperson for that meeting – the Chairperson shall encourage full balanced participation in meetings by all members and shall decide on matters of order;
- d. Together with the Secretary prepare the agenda for executive, committee and general meetings;
- e. Act as spokesperson unless an alternative spokesperson has been appointed by the Executive Committee. The Spokesperson shall make statements in accordance with at least two (2) members of the Executive Committee.

9. SECRETARY

The Secretary shall:

- a. Keep full and correct minutes of all resolutions and proceedings of every general meeting and of all Committee meetings in books provided for that purpose, together with a record of all the names of persons present at all meetings;
- b. Keep a register of all members setting forth their names and addresses;
- c. Attend to all correspondence;
- d. Perform such other duties as the Committee may prescribe;
- e. Delegate such duties as agreed to by the Executive Committee.

10. FINANCIAL RECORDS

10.1 Treasurer

The Treasurer shall:

- a. Collect and receive all monies due to SAFCA and make all payments authorised by the Executive Committee;
- b. Keep correct accounts and books showing the financial affairs of SAFCA with full details of all receipts and payments and make such books and accounts available at all meetings or as required by the Committee;
- c. Prepare financial statements as required by the Associations Incorporations Act;
- d. Delegate such duties as agreed to by the Executive Committee.

10.2 Signatories

All cheques, transfers or orders in writing concerning the funds of SAFCA shall be signed by two (2) of its members authorised by the Executive Committee, and a list of all such payments, transfers or orders shall be tabled at the next ordinary Committee meeting.

10.3 Keeping of documents

All securities and records, registers and other documents of value, except those in use, shall be held at the address of the Public Officer or at such other safe place as the Executive Committee shall decide.

10.4 Right of inspection

Members of SAFCA shall, on giving reasonable notice, be able to inspect books of account or registers.

11. PUBLIC OFFICER

The Executive Committee shall appoint a Public Officer who shall file such returns and notices of the Association as required by law.

12. COMMON SEAL

The Common Seal of SAFCA shall be kept in the custody of the President of SAFCA and shall be affixed to a document only by resolution of the Executive Committee. Any two (2) members of the Executive Committee shall sign and countersign every document to which the seal is affixed and the Secretary shall keep a record of all documents so sealed.

13. WINDING UP AND DISPOSITION OF ASSETS

If upon winding up or dissolution of SAFCA there remains, after satisfaction of all its debts and liabilities, any assets whatsoever, the same shall, subject to any trusts affecting those

assets, be transferred to some other institution or institutions having objectives similar to the objectives of SAFCA and whose constitution or rules prohibit the distribution of its assets among its members, such institution or institutions to be determined by the members of SAFCA or in default thereof the Commissioner of Corporate Affairs.

14. AMEMDMENT OF CONSTITUTION AND RULES

This Constitution may be repealed or amended by resolution of two thirds of the members of the Executive Committee together with two thirds of persons present and voting at the general meeting of which notice including notice of the proposed repeal or amendment has been given in accordance with this constitution.

The Executive Committee may make, repeal or amend Rules for the proper administration of meetings or business provided that such rules, repeals of persons present and voting at a general meeting and provided that such rules, repeals or amendments shall be declared at the subsequent general meeting.

15. CURRENT MEMBERS

Persons who are current, paid up Members at 28th March 2006 be given until 30th July 2006 to pay their membership fees for the year 1st July 2006 to 30th June 2007, to renew their membership. Members who are currently accredited by SAFCA on 28th March 2006 will be eligible for Membership status under the new rules. To retain their membership they will then have a 7 year period from 28th March 2006 until 28th March 2013 to gain the relevant qualification as prescribed in these Rules. Members who have Ordinary Membership status at 28th March 2006 will be eligible for Associate Membership status under the new rules.

Current members who do not complete the membership application form and pay the appropriate fee by 30th July 2006 will cease to be members of SAFCA and will have to apply on the New Member Application Form.