



**Welcome Pack**  
**New Associate Members**

# Contents

<b>1. About ANZATA</b>	<b>2</b>
<b>2. The structure of ANZATA</b>	<b>4</b>
<b>3. What membership gives you</b>	<b>5</b>
Professional recognition	5
Advocacy	5
Professional support and protection	5
‘Find an Arts Therapist’ directory	6
ANZJAT	6
ANZATA News	7
Annual ANZATA Conferences/Symposia	7
Interactive ANZATA Forum on the website	8
Resources	8
<b>4. Ethics</b>	<b>9</b>
Standards of Professional Practice and Code of Ethics of ANZATA	9
Procedures for Handling Complaints of Violations of the Ethical Standards for Arts Therapists	15
<b>5. Constitution</b>	<b>21</b>
<b>6. Membership renewals</b>	<b>36</b>
When and how to renew	36

# 1. About ANZATA

## Our mission

*ANZATA recognises the potential of all art forms to enrich and enhance our lives. Our mission is to attend to ethical standards of training and of professional practice, and to advocate for the profession of arts therapy in Australia, New Zealand and Singapore as well as in the wider Asia/Pacific region.*

ANZATA recognises, acknowledges and respects the ancestors, elders and families of all Indigenous peoples of the lands on which we stand and practice.

## What is ANZATA

The Australian and New Zealand Arts Therapy Association (ANZATA) is the professional body that represents arts therapists in Australia, New Zealand and Singapore. It is a member-run self-regulating organisation that seeks to advocate for the profession and to ensure that the training and practice of professional members is in accordance with the highest international standards. It encourages continuing professional development of members by supporting regional groups, hosting regular conferences and symposia, and publishing an annual peer reviewed journal: the Australian and New Zealand Journal of Arts Therapy (ANZJAT). Arts therapy is still an emerging profession in our member countries, and the association strives to raise its profile, advocating and lobbying for increasing recognition, as well as forging connections and links with other disciplines, and other countries.

## Aims and objectives of ANZATA

- To promote the therapeutic use of the arts for the improvement of human well-being.
- To maintain the criteria for training arts therapists in Australia, New Zealand and Singapore to international standards.
- To promote the standards of practice and ethical responsibility in arts therapy and to ensure these are maintained.
- To offer support to arts therapy professionals and others interested in this field, by providing information on research, employment, standards, education and publications as well as resources for advocacy and promotion of the profession.
- To provide continuing professional development opportunities for those engaged in arts therapy through the means of conferences, symposia and workshops and the support of regional groups.
- To uphold an audit procedure of continuing professional development to ensure that members are competent and fit to practise.
- To encourage research in arts therapy.
- To provide information about arts therapy services, practices and training opportunities to the public and other mental health professionals.

- To encourage the development of new regional groups and support their ongoing activities.
- To publish a monthly newsletter.
- To publish a peer-reviewed professional journal, *ANZJAT (The Australian and New Zealand Journal of Arts Therapy)*, annually.
- To hold a conference every two years and a symposium at least every other year.
- To hold an AGM annually.

## The history of ANZATA

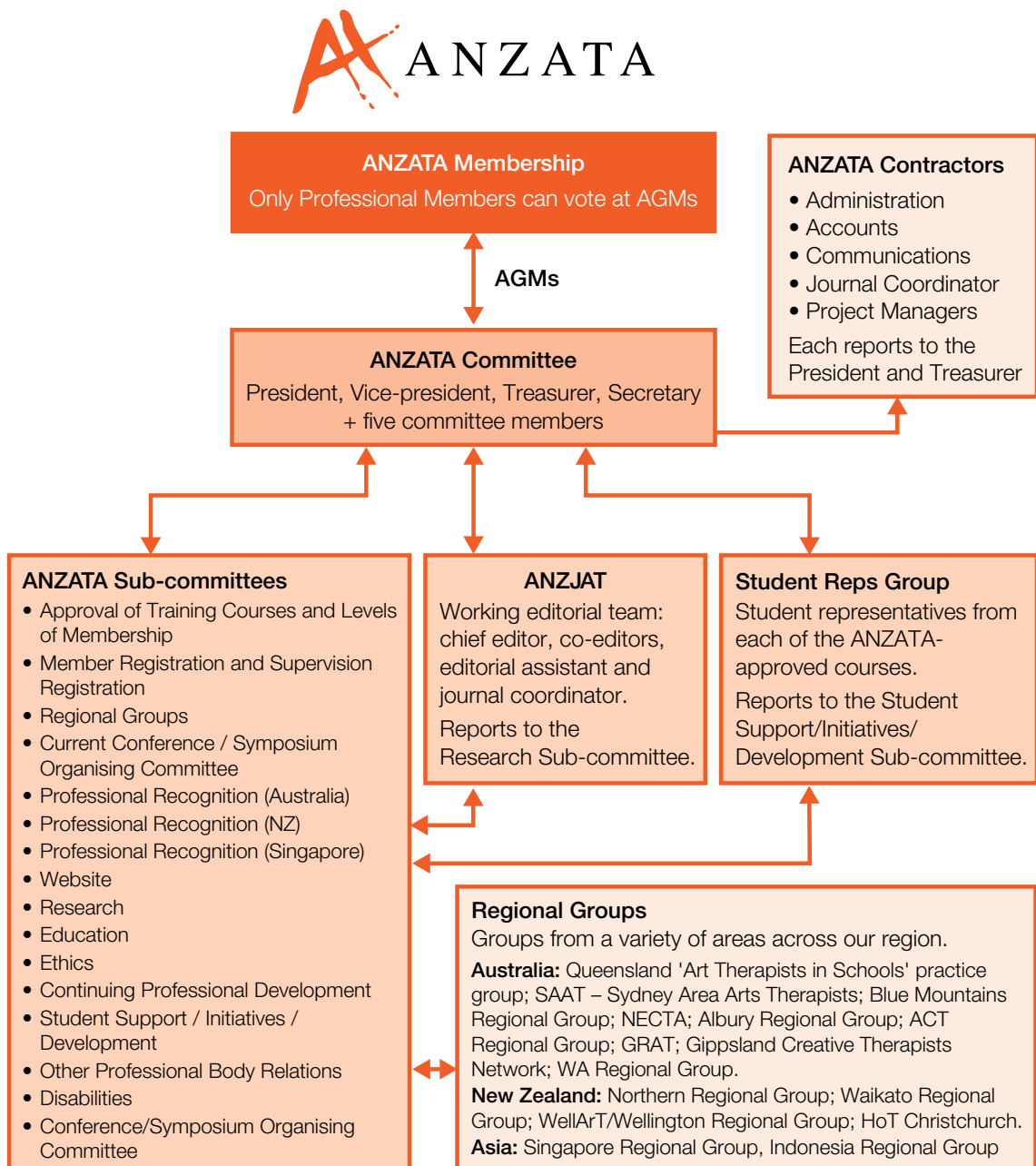
- 1987** The Australian National Art Therapy Association Inc. (ANATA) was founded as a non-profit incorporated association.
- 1990s onwards** Programmes at postgraduate level in art therapy, drama therapy and arts therapy have been developed in Australia, New Zealand and Singapore.
- 2006** ANATA became ANZATA (Australian and New Zealand Art Therapy Association), affiliating with New Zealand.
- 2006** ANZJAT (The Australian and New Zealand Journal of Art Therapy) first published.
- 2007** The Australian government wage award was granted to the profession, and the profession was included in the Australian and New Zealand Standard Classification of Occupations (ANZCO).
- 2009** ANZATA professional membership was opened to graduates of LASALLE College in Singapore.
- 2011** An 's' was added to 'art' in ANZATA's and ANZJAT's title to reflect the many creative modalities that members utilise.
- 2015** ANZATA professional membership was opened to graduates of University of Hong Kong.
- 2016** ANZATA became an Affiliated Organisation of PACFA.
- 2017** ANZATA voted to restructure as a company limited by guarantee.
- 2018** ANZATA transitions to a company limited by guarantee.

For more information about ANZATA please go to the website: [www.anzata.org/about/](http://www.anzata.org/about/)

## 2. The structure of ANZATA

ANZATA is a member-run organisation. Each year at the AGM, the professional members elect a Committee comprised of nine members. Office holders can only hold any position for a maximum of three years.

There are a fourteen Sub-committees at present and any member is welcome to join. By volunteering to be part of a sub-committee, you can contribute to the ongoing running and health of your Association.



## 3. What ANZATA membership gives you

### Professional recognition

ANZATA professional members can use the AThR post-nominal title which signifies the completion of an approved Master's Degree with a minimum of 750 clinical hours of training. Other health professions recognise ANZATA registration as the highest professional standard for arts therapists in Australia, New Zealand and Singapore. The post-nominal title can be used on all promotional material by professional members. A professional member of ANZATA works under a code of ethics that addresses issues of safe practice for their clients which is mandatory in most employment situations.

### Advocacy

ANZATA advocates for the arts therapy profession on behalf of all members. Members can reap the advantages that ANZATA has gained, such as being able to register as a provider with health funds that accept ANZATA members. In addition, NSW members of ANZATA are now eligible to receive the State Remuneration Award. The New Zealand Accident Compensation Corporation has recognised ANZATA as a professional body for funded therapy.

### Professional support and protection

ANZATA provides a constitution, a code of ethics, a complaints procedure, continuing professional development guidelines and access to professional indemnity insurance schemes. The Code of Ethics and the ANZATA Ethics sub-committee also provide guidelines and support for the practicing arts therapist if any complaints are lodged. Professional members are required to comply with Continuing Professional Development guidelines in line with other health professions.

ANZATA members can assist with peer supervision rurally and in the city. In Victoria, for example, GRAT, one of ANZATA's regional groups, allows its members to attend via skype.

### Regional groups

ANZATA supports its members to develop and maintain regional support groups for the purposes of continuing professional development and networking. There are currently fourteen regional groups across four states/territories of Australia, throughout New Zealand and in Singapore and Indonesia. You can find the nearest regional group to you by visiting the ANZATA website – [www.anzata.org/RG-About](http://www.anzata.org/RG-About)

## **‘Find an Arts Therapist’ directory**

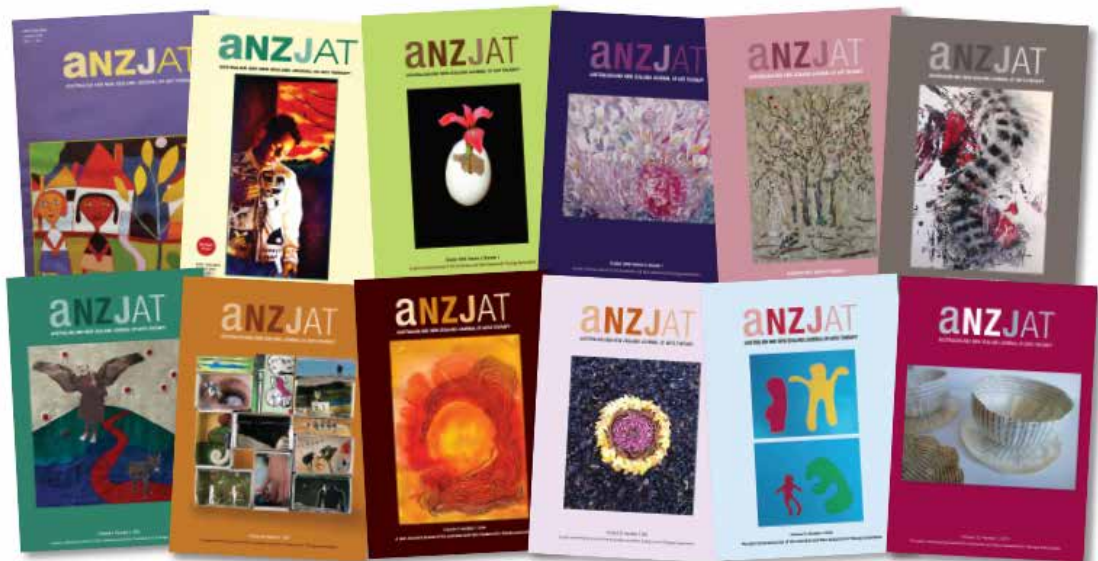
Professional members get a free listing in the ‘Find a Therapist’ directory on the ANZATA website. Your entry is searchable by therapist name, location, modality, type of therapy, client group and reasons for seeking therapy. ANZATA’s ‘Find a Therapist’ directory is an important tool for arts therapists in our region. It gives them a free online presence that is fully searchable by potential clients and professionals alike but also allows for connections to be made between like-minded arts therapists in their community by location and by area of speciality. Please visit [www.anzata.org/Find-a-Therapist](http://www.anzata.org/Find-a-Therapist)

## **ANZJAT**

*The Australian and New Zealand Journal of Arts Therapy (ANZJAT)* is the annual peer-reviewed arts therapy academic journal containing latest culturally and geographically relevant research. The journal provides a lively forum for academic research and practice-based papers with a focus on reflexivity and innovation in the field. It sets out to offer a useful resource for professionals and trainees, and to contribute to a broader knowledge and understanding of the arts therapies. *ANZJAT* creates opportunities and encouragement for new and established authors within Australia, New Zealand, Singapore and internationally to publish their work. The journal promotes a diversity of modalities, philosophical orientations, voices and genres.

Members are sent a hard copy edition each year after its launch at the ANZATA conference/symposium and can access the complete articles of the current and back issues (to 2008) of *ANZJAT* through the ANZATA website, free of charge.

If you are interested in submitting an article or become a peer reviewer, there is a wealth of resources to help you with the process in the *ANZJAT* Submission Manual (which includes the *ANZJAT* Style Guide, a style template and referencing guides), and the *ANZJAT* Peer Review Manual. These can all be found on the ANZATA website – [www.anzata.org/ANZJAT-Landing/](http://www.anzata.org/ANZJAT-Landing/)



## Where it's AT: ANZATA's monthly update

The ANZATA newsletter, *Where it's AT: ANZATA's monthly update*, comes out monthly and includes information about the association as well as arts therapy news from our regions and internationally. There are also regular reports from our many regional groups, and information about employment opportunities, courses, workshops, conferences and the like. Advertising in *ANZATA News* and on the ANZATA website is free for members.

## Annual ANZATA Conferences/Symposia

ANZATA holds regular events including either a conference or a symposium every year in centres around our regions, attracting a high calibre of keynote speakers and presenters in a variety of modalities. We encourage our international guests to also present master classes along side these events.



In recent years ANZATA has hosted the following events:

- 2011 Brisbane Conference with dramatherapist David Read Johnson as keynote.
- 2012 Birds of a Feather event in Melbourne bringing together a wide cross section of the arts therapy community and organisations in Australasia.
- 2013 Sydney Conference and Auckland Symposium with Shaun McNiff as keynote.
- 2014 Singapore Symposium with Lynn Kapitan as keynote.
- 2015 Adelaide Conference with Sue Jennings and Lynn Kapitan as keynotes.
- 2016 Christchurch Symposium with Rainbow Ho as keynote.
- 2017 Melbourne Conference with Ellen Levine, Stephen Levine, and Robert Landy as keynotes.

As an ANZATA member, you are entitled to generous discounts, receive attendance and presenter certificates and your participation counts towards your Continuing Professional Development.



## Interactive ANZATA forum on the website

The ANZATA Forum gives members, between conferences and symposia, the opportunity to stay in touch and discuss important issues about the Association and arts therapy in general. ANZATA Annual General Meetings are held at conferences or symposia so, due to the scale of our region, not all members will be able to attend. This forum is particularly important before an AGM when topics and motions can be discussed and debated by the whole ANZATA community prior to the actual meeting and voting. To visit the forum please go to [www.anzata.org/ANZATA-Forum](http://www.anzata.org/ANZATA-Forum)

## Resources on the website

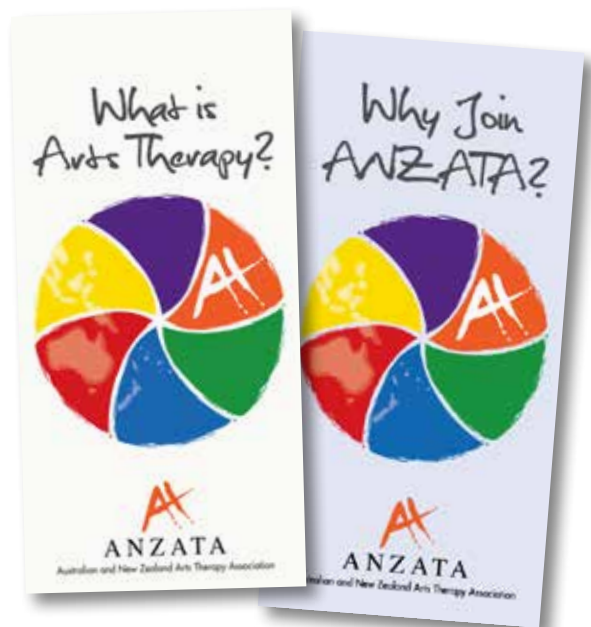
A wide range of resources is available to ANZATA members to help you publicise and advocate for the profession. The following resources can be downloaded by members from the ANZATA website and you can request printed brochures to be posted to you:

**ANZATA brochures** – ‘What is Arts Therapy?’ and ‘Why Join?’

**Powerpoint presentations** – ‘Arts Therapy Presentation’; ‘Arts Therapy in Schools Presentation’; ‘Why Join ANZATA’ and ‘CPD Presentation’

You can view these resources by logging in as a member and visiting:

Member resources – [www.anzata.org/Member-Resources](http://www.anzata.org/Member-Resources)



## 4. Ethics

### Procedures regarding the Ethical Standards for Arts Therapists

By accepting membership in the Australian and New Zealand Arts Therapy Association, Inc. (ANZATA), each member is bound to abide by the ANZATA Ethical Standards for Therapists. It is the ethical responsibility of each member to safeguard the standards of ethical practice and to see that violations of the Ethical Standards are addressed. Members of the Association are required to cooperate with ANZATA and, in particular, with the Ethics Committee by responding to inquiries promptly and completely.

### Standards of Professional Practice and Code of Ethics of ANZATA

#### Preamble

ANZATA Code of Ethics articulates and promotes the ethical principles and sets specific standard to guide both arts therapists and members of the public to a clear understanding and expectation of what is considered ethical professional conduct by arts therapists.

Codes of professional associations should be reviewed regularly to ensure they remain relevant and functional in the face of the evolution of the relevant associations and changes in its environment. Since its inception, these codes have been reviewed and this current Code has been developed in light of the Memorandum of Understanding (MOU) signed between ANZATA and ACATA at the Annual General Meeting in Singapore in October 2014.

The Code is built on three general ethical principles:

- A. Professional responsibility
- B. Confidentiality
- C. Responsibility to arts therapy colleagues

Arts therapists are committed to the absolute welfare of their clients and to the preservation of their human rights and privileges. This document is based upon that commitment. The following ethical principles serve as a guideline for the professional conduct of arts therapists, to ensure propriety and integrity towards a high standard of arts therapy practice. This Code affirms the ardent pursuit of professionally responsible actions and the appraisal of ethical issues and their implications, so that arts therapists provide services that are ethically sound and therefore in the best interest of our clients. ANZATA recognises the ability of all art forms to enrich and enhance our lives. The mission of ANZATA is to lead the profession of arts therapy in Australasia and South-East Asia. The Association attends to ethical standards of professional regulation and registration. ANZATA has a category of professional membership for individuals who have completed an equivalent Masters degree in any arts modality, which complies with the training standards of ANZATA.

## **Purpose of the Code of Ethics**

The purpose of the Code is:

1. To establish minimum standards of ethical practice for all ANZATA Members;
2. To identify the value, principles and responsibilities of all Members;
3. To promote a professional level of competence and accountability in the field of arts therapy;
3. To provide a guideline for clients, employers and professionals of what constitutes ANZATA ethical practice;
3. To outline the complaints procedure regarding unethical conduct of a member.

Ethical practice encumbers all areas including clinical or therapeutic practice, research, teaching, supervision, publication and any other professional undertakings. The Code is an evolving document that is intended to reflect professional and community values about the practice of arts therapy. Each general principle is accompanied by an explanatory statement that assists arts therapists and other to understand how the principle is enacted in the form of specific standards of professional conduct.

The ethical standards derived from each general principle provide the minimum expectation with regard to arts therapists' professional conduct, and conduct in their capacity as Members of ANZATA. It is recommended that the Code of Ethics be read in collaboration with all other ANZATA documents and resources to achieve an overall insight to all areas of professional practice (see website – [www.anzata.org](http://www.anzata.org) – for a full list of documents).

## **Definitions and Acronyms**

1. Arts therapy refers to creative modalities used by trained therapists and may include visual art, clay work, dance or movement, music, narrative or story telling, drama/ psychodrama, creative writing, poetry and sandplay therapies.
2. Arts therapist refers to an individual who provides any arts therapy based services in various roles including clinical practice/private practice, educator, supervisor and researcher or as a provider or manager of any of these services.
3. Client refers to individual, couples, families, groups or communities as a recipient of an arts therapy service
4. Code refers to this 2015 Code as amended from time to time and includes the definitions and interpretation, the application of the Code all general principles and the ethical standards
5. Conduct refers to any act or omission
  - a) by arts therapists that others may reasonably consider to be an arts therapy service
  - b) outside their practice of arts therapy with casts doubt on their competence and ability to practise as arts therapists
  - c) outside their practice of arts therapy which harms public trust in the discipline or the profession of arts therapy
  - d) in their capacity as Members of the Association as applicable in the circumstances.

6. Conflict of interest refers to any situation where a member may be in (or potentially be in) a position of being involved in a decision or action where they may not be perceived to be able to put the client's well-being first.
7. Informed consent refers to verbal and written permission given by an individual in full knowledge of the possible risks and benefits. Informed consent is sought from a minor or adult unable to give consent. Consent can only be given by a parent or authorised guardian on behalf of a minor or adult unable to give consent themselves. A person giving informed consent has a right to withdraw consent at any time.
8. Member refers to any member of the Association
9. Multiple relationships occur when an arts therapist giving a therapeutic service to a client, also is or has been
  - a) in a non-professional relationship with the same client;
  - b) in a different professional relationship with the same client;
  - c) in a non-professional relationship with an associated party; or
  - d) a recipient of a service provided by the same client.
10. Peoples are defined as distinct human groups with their own social and cultural structures who are linked by a common identity, common customs and collective interests.
11. Professional relationship refers to the relationship between the arts therapist and the client, which involves the delivery of an arts therapy service.
12. The Process refers to the processes involved in the provision and delivery of an arts therapy service to a client. The process includes but is not limited to: the quality of the arts therapy relationship, the setting and the materials utilised.
13. Supervisor refers to professional arts therapy or counselling supervision (as distinct from line management).

## **Acronyms**

ANZATA – Australian and New Zealand Arts Therapy Association

### ***Principle I: Professional Responsibility***

1. Arts therapists are expected to support and further the goals of the profession by acting with integrity in maintaining the highest standards of arts therapy practice.
2. Arts therapists shall seek to be informed about the significance of respecting, understanding and the meanings of indigenous cultures in their work. This includes the meaning and implications of the Treaty of Waitangi and the principles of protection, participation and partnership with Maori people of New Zealand. In Australia arts therapists recognise the unique position of Aboriginal people in Australian culture and history. Arts therapists recognise that Aboriginal people are the original Custodians of the Land.
3. Arts therapists recognise and respect cultural differences and diversity among people, and oppose discrimination and oppressive behaviour.
4. Arts therapists will abide by the ethical standards of their professional association in all work settings, whether employed by government/ non-government agencies or self-employed.
5. Arts therapists abide by the laws of the society in which they practice.

6. Arts therapists will only provide assessment, treatment and professional advice for which they are formally qualified, as recognised by their level of professional memberships and registrations.
7. Arts therapists will present themselves as arts therapy professionals, and will never misrepresent their credentials in education, experience, affiliations or advertising.
8. Arts therapists shall not exploit their clients financially. They are required to be honest, straightforward and accountable in all financial matters and to keep accurate records concerning their clients and other professionals.
9. Arts therapists are responsible for setting and maintaining appropriate professional boundaries. This includes avoiding any situations that compromise a sense of objectivity, and/or presents a conflict of interests. They must not engage in dual relationships (e.g. personal or business relationships with clients).
10. Arts therapists are prohibited from exploiting clients, past or present, in a financial, sexual, emotional or any other way.
11. Arts therapists contribute to promoting arts therapy to the professional community of related health workers and to the general public, acting to expand arts therapy opportunities for all appropriate client populations.
12. When an arts therapist offers arts therapy workshops, presentations, growth groups etc., they must make it clear to participants whether the activity is has a therapeutic or educational intention. They must ensure the well-being of the participants by providing therapeutic assistance if needed during or following the art therapy experience.
13. When it is apparent that the arts therapist is unable to be of professional help to a client, the arts therapist should not start treatment or should terminate treatment if it has already begun, while offering help in seeking satisfactory alternative services for the client.
14. Arts therapists end treatment in a responsible manner when, the therapist and client agree that the client has gained as much as possible, and /or that the treatment goals have been achieved and that termination of arts therapy is a logical extension of the therapeutic process.
15. Arts therapists must guard against fostering a dependent relationship with clients and are clear at the outset about therapeutic aims and the duration of the therapy.
16. It is an expectation that arts therapists have regular supervision and use such supervision to develop arts therapy skills, monitor performance and provide accountability for practice. Where possible, supervision should be from an experienced professional arts therapist.
17. Arts therapists will seek counsel from their supervisors, colleagues, and experts in a particular therapeutic area, to serve the best interests of their clients.
18. Arts therapists are obligated to maintain continuing professional education, which includes seminars/ conferences/ reading/teaching etc. To continue to relate to all aspects of being an arts therapist including the need to maintain a personal creative practice (see Continuing Professional Development (CPD) on the website – [www.anzata.org](http://www.anzata.org)).

19. Arts therapists must engage in appropriate information and advertising activities, which enable the public to make informed choices in relation to professional services.
20. Arts therapists who advertise their services should limit advertising to a statement of name, address, qualifications and type of therapy offered and such statements should be descriptive and not evaluative.
21. Arts therapists must accurately represent their professional competence, education, training and experience ensuring that all advertisements and publications, whether in directories, business cards, newspapers or conveyed through any medium accurately convey services so that clients can make an informed decision about therapy.
22. Arts therapists must not mislead the public about their identity or status.
23. Arts therapists must not mislead or deceive the public in any use any professional identification, including qualifications and experience and must correct, whenever possible, false, misleading or inaccurate information and representations made by others concerning qualifications and services.
24. Arts therapists must only represent themselves as specialising within a specific area of arts therapy if they have undertaken further education, training, or experience which would enable them to practice in that speciality area.
25. Arts therapists must follow the ANZATA guidelines on use of the Association logo.

***Principle II: Confidentiality***

Arts therapists have a primary responsibility to respect and honour client confidentiality and to safeguard all written, taped and visual information gained during the course of therapy.

1. In both individual and group therapy, and prior to the commencement of arts therapy, arts therapists are obliged to inform clients of their right to confidentiality.
2. All information obtained during the course of treatment, be it verbal, written, taped or visual is shared only with the arts therapist's supervisor and where necessary, with the appropriate professionals concerned with the client's case.
3. Arts therapists must obtain each and every client's written permission before any verbal, written, taped or visual information is shared, outside of that mentioned in Point 2. When permission has been given by the client, the arts therapist must remove all identifying information, ensure that content revealed is accurate and unbiased and directly relates to the client's therapeutic relationship with the therapist.
4. The arts therapist takes the necessary precautions to protect the confidences of clients who are minors, or other clients who are unable to give voluntary informed consent, due to impairments which might limit comprehension or communication.
5. Arts therapists may breach confidentiality without client consent when mandated by law, or when the client's mental and emotional state clearly indicates an immediate danger to the client and/or others. In such cases, the arts therapist must act in accordance with the law, while at all times respecting the client's dignity.
6. Arts therapists must keep adequate records (notes, artwork/photos) for a minimum of seven years following the date of last contact. Records regarding children should be kept until the child attains the age of 25. The keeping of ANZATA records is to be for seven years. All client material, whether written, art, audio or other, must be kept in a secure location until disposed of appropriately, ensuring ongoing confidentiality at every stage of the process.

7. In order to preserve the integrity of the professional field, arts therapists should inform the Association of persons using the title of arts therapist, who are either unqualified and/or unregistered with an Arts Therapy Association, so that an ethics sub-committee member can contact the person and discuss the Association's concerns and options for training and/or membership.
8. Arts therapists have a responsibility to ensure that imagery created during the period of therapy be safeguarded. No photographs or exhibitions of client artwork are to be represented and no images of client's or client artwork are to be posted on social network sites unless written and verbal informed consent has been obtained from the client concerned or, if under 18, their parent/carer/guardian. In addition, this requirement also applies to students and trainees who may need examples of case studies for education or supervision purposes.

***Principle III: Responsibility to Arts Therapy Colleagues***

1. Arts therapists are respectful in their regard for colleagues, both within and outside the arts therapy profession.
2. Arts therapists cooperate with and support other arts therapy colleagues. They are committed to the development of arts therapy practice and issues which arise for arts therapists as a professional group.
3. When deemed appropriate, arts therapists will refer clients to other therapeutic services, which may better suit the client's needs.
4. Arts therapists do not offer professional services to individuals receiving arts therapy from another arts therapist unless agreed by all parties.
5. In conducting research, arts therapists officially acknowledge all colleagues/ administrators and other professionals who have contributed to their research efforts. Before embarking on research in an agency, organisation or institution, arts therapists provide adequate information about the research and obtain formal permission from the appropriate authorities.
6. If an arts therapist becomes aware of an ethical violation by an arts therapy colleague, an attempt to informally resolve the issue should be considered first. The ANZATA Ethics and Standards of Practice Sub-Committee should be notified if:
  - a) an arts therapist does not wish to make an informal approach him/herself; or
  - b) the ethical violation cannot be resolved informally; or
  - c) the ethical violation is of a serious nature.
7. If there is a formal complaint made to ANZATA regarding the professional practice of an arts therapist, the formal complaint will be presented to The Ethics and Standards Sub-Committee of ANZATA. This sub-committee will follow the 'Procedures Regarding The Ethical Standards for Arts Therapists' document. Arts therapists found to be in serious violation of the Code of Ethics may be subject to expulsion from the Association.

# Procedures for Handling Complaints of Violations of the Ethical Standards for Arts Therapists

## 1. Initiation of Complaints

- 1.1 The Ethics Committee of the Association shall recognise and accept written complaints from both Members and non-Members of the Association asserting violations of the Ethical Standards.
- 1.2 All complaints must be in writing.
- 1.3 All complaints must be signed by the complainant (“Complainant”) and accompanied by the Complainant’s address. In addition, the Ethics Committee will only act on the basis of a complaint that specifically names the person alleged to have been affected by the accused Member’s or membership applicant’s (“Accused”) conduct and only if the affected person agrees to be identified to the Accused.
- 1.4 Any Member who knows of a violation of the Ethical Standards should bring this to the attention of the Ethics Committee in the form of a written complaint.
- 1.5 Anonymous or oral complaints will not be recognised as a basis for action or investigation.
- 1.6 The Ethics Committee may proceed on its own initiative when it has been presented with sufficient facts which, if proven, would constitute a violation of the Ethical Standards. For example, the Ethics Committee may proceed based on information received from another professional organisation or a government authority. If the Ethics Committee decides to proceed on its own initiative it shall prepare a written statement concerning allegations of a violation or violations of the Ethical Standards.
- 1.7 The Ethics Committee may determine, at its sole discretion, that a complaint cannot be acted upon since the delay in reporting the allegation to the Ethics Committee has impaired the Ethics Committee’s ability to render a fair determination.

## 2. Initial Action by the Ethics Chair

Upon receipt of a complaint, the Ethics Committee shall determine whether the person about whom the complaint has been made is a Member or applicant (“Applicant”) for membership in the Association.

- 2.1 If the person is not a Member or Applicant, the Ethics Committee shall so inform the Complainant in writing and shall explain that the Association has no authority to proceed against the person.
- 2.2 If the person is an Applicant, and the Applicant wishes to proceed with his application for membership, the subsequent provisions of these procedures shall apply.
- 2.3 If the person is a Member or an Applicant, the Ethics Committee shall send a letter to the Complainant acknowledging receipt of the complaint and informing the Complainant that the person complained against is a Member, or an Applicant.

## 3. Preliminary Determination by the Ethics Committee

- 3.1 The Ethics Committee (with the advice of legal counsel for the Association if required by the Ethics Committee), shall review the complaint and determine whether the complaint warrants further action or whether the matter shall be closed without further action. In the event that the Ethics Committee determines that the complaint



shall be closed without further action the Complainant shall be notified of such decision and the reason for such decision. To aid in making such determination, the Ethics Committee may request a written response to the letter of complaint from the Accused, consult with other preliminary investigators and/or legal advisors as may be appropriate, and/or request additional information from the Complainant.

- 3.2 If the Ethics Committee requests a written response from the Accused to aid in making the determination referred to in paragraph 3.1 above, or if the Ethics Committee determines that the complaint warrants further action by the Ethics Committee, the Ethics Committee shall request the Complainant's permission for disclosure of his/her name and all written or other matter or evidence provided by the Complainant. The Ethics Committee shall request that the Complainant agree in writing to waive confidentiality and/or therapist/patient privilege available to him/her so that the Ethics Committee may obtain information from the Accused and others. A waiver of Confidentiality Form setting forth these issues shall be mailed to the Complainant for signature before proceeding further.
- 3.3 If the Complainant refuses permission for the disclosure of his/her name on any of the written matter or evidence provided by the Complainant, or if the Complainant refuses to sign a waiver of confidentiality and/or therapist/patient privilege, the Ethics Committee, with the advice of legal counsel if requested by the Ethics Committee, may do any one or more of the following:
  - (a) close the matter and notify the Complainant;
  - (b) decide that an attempt may be made to resolve the case by agreement;
  - (c) decide whether the Ethics Committee may proceed with the complaint as an investigation on the Ethics Committee's own initiative; or
  - (d) refer the matter to the Committee of Management for hearing.
- 3.4 All correspondence to the Complainant or to the Accused shall be marked, "Confidential" or "Personal and Confidential".

#### **4. Attempt to Resolve by Agreement**

After the preliminary determination by the Ethics Committee referred to in Section 3 above, the Ethics Committee may attempt to resolve the case by mutual agreement with the Accused. While resolution by mutual agreement is favoured, the Ethics Committee is not required to attempt such a settlement or to obtain the content of the Complainant to any settlement.

- 4.1 In making such a settlement, the Ethics Committee may require the Accused to agree to any one or more of the following:
  - (a) cease and desist;
  - (b) accept censure;
  - (c) be placed on probation and/or rehabilitation;
  - (d) receive supervision, education and/or therapy;
  - (e) discontinue his/her application for membership;
  - (f) terminate membership in the Association; or
  - (g) to comply with any other action which the Ethics Committee deems appropriate.

The Ethics Committee may, at its discretion, impose more stringent requirements for agreement upon Members or Applicants previously found to be in violation of the Ethical Standards, or any other professional or state code of professional conduct.

- 4.2 Any agreement disposing of a complaint shall be in writing detailing the facts upon which it is based, the terms of the settlement and the manner in which it is to be implemented and/or supervised.
- 4.3 The agreement shall be implemented and/or supervised by the Ethics Committee and/or any Member of the Association so designated in the agreement.
- 4.4 The agreement shall become final when signed by the Accused and a member of the Ethics Committee or at any other time designated in the agreement. The agreement shall be placed in a sealed envelope and signed across the seal by a member of the Ethics Committee. The envelope shall be filed in the National Office Ethics file, indexed by the name of the Accused. Only a current member of the Ethics Committee from time to time may unseal the envelope when or if new allegations against the Member are made. A summary form listing only the Member's name, date of ethics determination and action shall be placed in the membership or application file of the Accused to refer investigators to the Ethics file when or if new allegations are made against the Accused.
- 4.5 If the Ethics Committee does not reach settlement by mutual agreement, it will take other action as set out in Section 3.3 as is in its discretion appropriate.

## **5. Investigation by Ethics Committee or Designees**

- 5.1 When the Ethics Committee has determined that the complaint warrants further investigation by the Ethics Committee, it shall ensure that copies of the complaint and any supporting documentation/evidence and any written response from the Accused are in the possession of all members of the Ethics Committee.
- 5.2 The Ethics Committee shall cause an investigation of the complaint to take place. This investigation may be carried out by one or more members of the Ethics Committee. Consultation with legal counsel may be taken if desired.
- 5.3 It is considered a conflict of interest if a member of the Ethics Committee is personally involved with either the Complainant or the Accused and such member shall not review or participate in the case. Such member shall be excused from the investigation and/or any proceedings or decisions on the case.
- 5.4 The Ethics Committee, in consultation with legal counsel, if it so desires, shall prepare and send a letter to the Accused, prior to the investigation commencing, specifying the Ethical Standards which may have been violated by the Accused. The letter shall contain a request that the Accused cooperate with the Ethics Committee in their efforts to obtain a full understanding of the circumstances which led to the allegation(s), and to provide a written statement responding to the allegation(s) made by the Complainant.
- 5.5 The Accused shall be sent a copy of the Procedures Regarding the Ethical Standards for Arts Therapists, when first contacted by the Ethics Committee.
- 5.6 Investigations may be conducted by corresponding and/or interviewing the parties involved in the dispute. Interviews may be conducted in person or by telephone.

- 5.7 During the investigative stage of the proceedings, the Accused shall have the right to consult with legal counsel and shall have the right to have benefit of legal counsel for any investigatory meeting or interview.
- 5.8 If an Accused fails to maintain membership in the Association at any stage of the investigations of the complaint, the Ethics Committee, at its discretion, may continue its investigation and proceedings if the Accused was a Member at the time of the alleged conduct. If inability to pay dues is cited as a reason for voluntary resignation by an Accused under ethics investigation, the Ethics Committee may suspend dues obligations until the investigation is completed.
- 5.9 After the investigation is completed, a full report shall be made to the Ethics Committee detailing the findings and recommendations.
- 5.10 The Ethics Committee, after receiving the report of the investigation, may take such action as is authorised in Section 3.3 of these procedures.

## **6. Procedures for Hearings**

A hearing pursuant to Section 9(1) and (2), or 5(3), of the Constitution, or pursuant to the abovementioned sections of these Procedures, shall be conducted as follows.

- 6.1 A hearing in person or via telephone conference shall be scheduled to take place by the Committee of Management, but a member of the Ethics committee, and any member of the Committee of Management who is personally involved with either the Complainant or the Accused, shall not comprise part of the Committee of Management for the purpose of the hearing.
- 6.2 The Complainant and Accused shall be notified promptly of the hearing date, time and place. Each party shall bear its own costs of attendance at the hearing.
- 6.3 At least thirty (30) days before the hearing, the Committee of Management shall furnish the Accused and the Complainant with copies of all documents and the names of witnesses who will appear in support of the charges.
- 6.4 The Committee of Management shall conduct the hearing and shall have the right to:
- (a) confer with and/or have legal counsel for the Association present;
  - (b) receive testimony of witnesses and evidence to support or represent the charge;
  - (c) examine witnesses who appear for either party; and
  - (d) contact third parties who may have knowledge of pertinent facts.
- 6.5 The Complainant and/or a representative of the Ethics Committee (if it should see fit) and the Accused shall each have the right to:
- (a) be present and be heard at the hearing;
  - (b) be represented by legal counsel;
  - (c) present witnesses and evidence;
  - (d) cross-examine witnesses against him/her and appear on his/her own behalf;
  - (e) make opening and closing statements; and
  - (f) submit written representations and memoranda supporting his/her position.
- 6.6 All evidence which is considered relevant and reliable, as determined by the Committee of Management, shall be admissible. The formal rules of evidence shall not apply. The weight of all evidence and credibility of testimony shall be judged solely by the Committee of Management.

- 6.7 A tape recording of the hearing shall be made if requested by either party or the Committee of Management. If a party makes the request, he/she shall pay the expense of recording the hearing and shall be entitled to a copy of such recording.
- 6.8 The Complainant (or if there is no Complainant, then the representative of the Ethics committee) shall have the burden of proving the charges by preponderance of the evidence.
- 6.9 The Committee of Management shall issue its decision in writing within thirty (30) days after the hearing.
- 6.10 The decision shall state in writing:
- (a) the Committee of Management's findings of fact;
  - (b) whether a violation of the Ethical Standards was found and, if so, the Ethical Standards violated;
  - (c) the Committee of Management's decision; and
  - (d) an outline of the Committee of Management's reasons for its findings and decision.
    - (i) If no violation of the Ethical Standards is found, the Committee of management shall order the complaint dismissed.
    - (ii) If one or more violations of the Ethical Standards are found, the Committee of Management shall order any action to be taken, including an order to cease and desist, censure, therapy, probation, rehabilitation, supervision, education, suspension of membership or expulsion, reject an application for membership, or any other action which the Committee of Management deems appropriate. The decision shall also specify the manner and timing in which the action is to be implemented and/or supervised.
- 6.11 A copy shall be provided to the Complainant, the Accused, and the Ethics Committee.
- 6.12
- (a) Pursuant to the provisions of the Constitution, Sections 9(4) and 9(5), a decision by the Committee of Management to expel a member may be appealed to the Association in general meeting.
  - (b) Pursuant to the provisions of the Constitution, Sections 5(4) and 5(5), a decision by the Committee of Management to reject an application for membership may be appealed to the Association in general meeting.

## **7. Records and Disclosure of Information**

The permanent files of the Ethics Committee shall be maintained in the National Office of the Association.

- 7.1 All information obtained by the Ethics Committee, and all proceedings of the Ethics Committee, shall be confidential except as follows:
- (a) Information may be disclosed by those investigating the complaint to the extent reasonably necessary to pursue a thorough investigation.
  - (b) The Ethics Committee may, at its discretion and with the approval of the President of the Management Committee, authorise the publication of settlements by mutual agreement without disclosing the name of the Complainant or the Accused.
  - (c) In situations in which an accused Member resigns from ANZATA and a notification

by the Ethics Committee that it has received a complaint, and a violation of the Ethical Standards is subsequently proven, any publication may include the fact of the accused Member's resignation.

- 7.2 Whenever there is a finding made that a Member has violated the Ethical Standards and disciplinary action is ordered, the Ethics Committee or its designee is authorised to disclose the ethics violation and disciplinary action to the membership of the Association and any actions affecting membership status. Publication may also be made of other sanctions at the discretion of the Ethics Committee. Publication will be made in the Newsletter/ Journal of ANZATA and will include the Member's full name, any earned degree, geographical location and the violation of the section of the Ethical Standards proven.
- 7.3 Whenever the Committee of Management finds that a Member is not guilty of the Ethical Standards violations charged, that fact shall be disclosed to the membership of the Association only upon the written request of the Accused.
- 7.4 The Ethics Committee may inform government authorities and other professional organisations of any disciplinary action taken against a Member for violating the Ethical Standards.

# 5. ANZATA's Constitution

## The Constitution of the Australian and New Zealand Arts Therapy Association Incorporated

### 1. NAME OF ASSOCIATION

The name of the Association is Australian and New Zealand Arts Therapy Association Incorporated.

### 2. DEFINITIONS

In these rules, unless the contrary intention appears –

“Committee meeting” means meeting referred to in rule 17.1;

“Committee member” means person referred to in a paragraph (a), (b), (c), (d), or (e) of rule 10.1;

“financial year” has the meaning given by section 3.1 of the Act, a reference in that section to:

(a) “an incorporated association” or “the association” being construed as a reference to the Association; and

(b) “the committee” being construed as a reference to the Committee;

“general meeting” means meeting convened under rule 18.1;

“member” means member of the Association;

“committee member” means a member of the Committee of Management;

“voting member” means a member who holds either Honorary Life Membership referred to in Clause 5.1(a) or Professional Membership referred to in Clause 5.1(b).

“ordinary resolution” means resolution other than a special resolution;

“special resolution” has the meaning given by Rule 24 of the Act;

“the Act” means the Association referred to in Rule 1;

“the President” means:

(c) “in relation to the proceedings at a Committee meeting or general meeting, the person presiding at the Committee meeting or general meeting in accordance with Rule 12; or

(d) otherwise than in relation to the proceedings referred to in paragraph (a), the person referred to in rule 10.1(a) or, if that person is unable to perform his or her functions, the Vice-President;

“the Committee” means the Committee of Management of the Association referred to in rule 11.1;

“the Secretary” means the Secretary referred to in rule 11.1(c);

“the Treasurer” means the Treasurer referred to in rule 11.1(d)

(Due to changes in the administration of the ANZATA, The Administrative Staff, with consultation with the Committee of Management have taken over many of the roles and responsibilities of Secretary and Treasurer mentioned in this document.

“the Vice-President” means the Vice-President referred to in rule 11.1(b).

### **3. OBJECTS OF ASSOCIATION**

3.1 The objectives of the Association are –

- (a) The progressive development of the therapeutic use of the arts toward rehabilitation and the improvement of human welfare;
- (b) To promote the development of standards of practice and ethical responsibility in arts therapy and to ensure that these are maintained;
- (c) To provide opportunities for the exchange of information and ideas concerning the therapeutic use of the arts for practicing arts therapists and arts therapy students;
- (d) The development of professional training opportunities and the establishment of criteria for training arts therapists in Australia, New Zealand and Singapore to international standards;
- (e) To improve the effectiveness of those engaged in arts therapy through the means of conferences and workshops;
- (f) To provide information about arts therapy services, practices and training opportunities to the public and other mental health professionals;
- (g) To encourage research in arts therapy;
- (h) To establish a register of arts therapists and to grant registration for those individuals who meet the required standards;
- (i) To encourage the development of regional groups;
- (j) To take any action which the management committee in its sole discretion deems advisable for the furtherance of the preceding objects which the Association alone may from time to time see fit in its absolute discretion to adapt in accordance with the procedure laid down in these rules.

3.2 The property and income of the Association shall be applied solely towards the promotion of the objects of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members, except in good faith in the promotion of those objects.

3.3 New Zealand ANZATA members shall seek to be informed about the meaning and implications of the Treaty of Waitangi in their work. The association shall understand principles of protection, participation and partnership and with Maori. ANZATA recognises Australian Aboriginal people to be the original Custodians of the Land and acknowledges the unique position of Aboriginal people in Australian culture and history.

### **4. POWERS OF ASSOCIATION**

The powers conferred on the Association by Rule 13 of the Act are subject to the following additions, exclusions or modifications –

- (a) The Association may take over the funds and other assets and the liabilities of the present unincorporated association known as the Australian and New Zealand Arts Therapy Association;

- (b) The Association may subscribe to, become a member of and co-operate with any other association, club or organisation, whether incorporated or not, whose objects are altogether or in part similar to those of the Association provided that the Association shall not subscribe to or support with its funds any club, association or organisation which does not prohibit the distribution of its income and property among its members to an extent at least as great as that imposed on the Association under or by virtue of sub rule 3.2;
- (c) The Association may enter into any arrangement with any Government or Authority incidental or conducive to the attainment of the objects and the exercise of the powers of the association, obtain from any such Government or Authority any rights, privileges and concessions which the Association may think it desirable to obtain and carry out, exercise and comply with any such arrangements, rights, privileges and concessions.

## **5. QUALIFICATIONS FOR MEMBERSHIP OF ASSOCIATION**

- 5.1 Membership of the association is open to persons in the following categories –
- (a) Honorary Life Membership is open to those Professional members whom the committee nominates to have rendered some distinguished service in furthering one or all official publications, be eligible to vote, hold office and serve on committees. The membership shall be voted on by the membership at an AGM. Honorary Life members shall be exempt from payment of annual dues;
  - (b) Professional membership is open to those persons who have completed professional training in arts therapy or equivalent as recognised by the Committee in line with Options 1-6 (see sub rule 5.3) of professional membership criteria and who are or have been engaged in the therapeutic use of the arts. Professional members have the right to vote, to hold office, to participate in all activities of the Association and to receive all official publications;
  - (c) Associate membership is open to persons in other creative or expressive therapies and those in other branches of mental health interested in the therapeutic use of art who wish to support the purposes and objectives of the Association. Associate membership is open to full-time students officially enrolled in educational institutions who are interested in the therapeutic use of art. Such members shall have the right to attend the meetings of the Association and to receive all official publications but they shall not have the right to vote or hold office;
  - (d) Trainee membership is open to full-time or part-time arts therapy students officially enrolled in ANZATA-approved education institutions who are in their final year of training in the therapeutic use of art. Trainee members shall be entitled to attend meetings of the Association, participate in special programs and to receive all official publications but they shall not have right to vote or hold office;
  - (e) Student membership is open to full-time or part-time students officially enrolled in ANZATA-approved education institutions training in the therapeutic use of



art. Student members shall be entitled to attend meetings of the Association, participate in special programs and to receive all official publications but they shall not have the right to vote or hold office;

- (f) Provisional membership is open to graduates who have trained in other arts modalities (eg drama therapy, dance/movement therapy) with an equivalent Graduate Diploma (Level 8 in Australian Qualification Framework or equivalent) that complies with the training standards of ANZATA. This application is to be supported by the completion of a one year provisional registration program supervised by a professional member of ANZATA and reviewed by a designated sub-committee. Such members shall have the right to attend the meetings of the Association and to receive all official publications but they shall not have the right to vote or hold office;
- (g) Contributing membership is open to individuals, organisations, institutions or foundations which contribute annually to the Association. Contributing members shall be entitled to receive all official publications of the association and to attend meetings, but shall not have the right to vote or hold office.
  - (i) Where a member is a body corporate it may appoint in writing a natural person, whether or not he or she is a member, to represent it at a particular meeting or at a particular meeting or at all general meetings.
  - (ii) An appointment made under this rule shall be so made by a resolution of the board or other governing body of the body corporate concerned.
    - (a) which resolution is authenticated under the common seal of that body corporate; and
    - (b) a copy of which resolution is lodged with the Secretary.
  - (iii) A person appointed under sub rule 5.2 to represent a member which is a body corporate shall be deemed for all purposes to be a representative of that member until either that appointment is revoked by the body corporate or, in the case of an appointment in respect of a particular general meeting, until the conclusion of that general meeting.

5.2 A person who wishes to become a member shall apply through Application forms available on the ANZATA website to be processed by Administration in consultation with the Committee of Management.

- (a) signed by that person; and
- (b) in such form as the Committee from time to time directs.

5.3 The Administrative Staff with assistance from the Professional Registration Sub-committee shall consider all applications which need to be assessed under Option 1-6 which offers professional membership under the following guidelines:

ANZATA represents all arts psychotherapies and has a category of professional membership for individuals who have completed an equivalent Masters degree in an art modality which complies with the training standards of ANZATA. Any applicant for Professional Registration must have qualifications that comply with the training standards of ANZATA or complies with Options 1-6 below:

### **Option 1**

Australian, New Zealand and Singapore Masters Graduates in Art or Arts Therapy from the following Universities: Edith Cowan University WA; La Trobe University VIC; University of Western Sydney NSW; University of Queensland or Whitecliffe College of Arts and Design, New Zealand; LASALLE College of Arts, Singapore.

### **Option 2**

Graduates from a course that is approved by the American Art Therapy Association (AATA), British Association of Art Therapists (BAAT) or the Canadian Art Therapy Association (CAAT) that reflects the ANZATA training standard.

### **Option 3**

Those who hold an overseas equivalent qualification recognised by the Art Therapy Association in that country, active members of BAAT, CATA, AATA are granted membership.

### **Option 4**

Graduates of any Masters level creative arts therapy programme that can demonstrate that they have worked in the field for a minimum of five years under supervision. This application is to be supported by two ANZATA professional members as referees and reviewed by a designated sub committee to ascertain if the level of professional knowledge and practice complies with ANZATA standards.

### **Option 5**

Graduates who have trained in other arts modalities (eg dramatherapy dance/ movement therapy) with an equivalent Masters degree that complies with the training standards of ANZATA. This application is to be supported by two ANZATA professional members as referees and reviewed by a designated sub committee.

### **Option 6 (Affiliate)**

Individuals who hold an MA or recognised accredited higher education qualification. This category of membership is only available to those who can demonstrate their contribution to the field of Arts Therapy and have specific training and education that supports their application. Applicants need referee support from two ANZATA members and need to be approved by a designated ANZATA sub-committee. Such members may not hold office but may vote, serve on sub- committees, and are eligible to participate in all other activities and receive all publications.

- 5.4 A person whose application for membership has been rejected may within one month of receiving written notification thereof lodge with the Secretary written notice of his or her intention to appeal against the decision of the Committee.
- 5.5 Upon receipt of a notification of intention to appeal against rejection of membership the committee of management will review the appeal and notify the member of the outcome.

## **6. REGISTER OF MEMBERS OF ASSOCIATION**

- 6.1 The Administrative Staff shall on behalf of the Association keep and maintain the register of members in accordance with rule 27 of the Act and that register shall be so kept and maintained at his or her place of residence.

- 6.2 The Administrative Staff shall cause the name of a person who dies or ceases to be a member under sub rules 7.3, 8.1 or 9 to be deleted from the register of members referred to in sub rule 6.1.

## **7. SUBSCRIPTIONS OF MEMBERS OF ASSOCIATION**

- 7.1 The Committee shall from time to time at a general meeting determine the amount of subscription to be paid by each member.
- 7.2 Each member shall pay to the Administration, annually by 28 February or such other day as the Committee from time to time determines , the amount of the subscription determined under sub rule 7.1.
- 7.3 Subject to sub rule 7.4, a member whose subscription is not paid within two months after the relevant date fixed by or under sub clause (2) ceases on the expiry of that period to be a member, and therefore can not unless the Committee decides otherwise. If a professional member ceases to be a financial member they lose the right to use the post-nominals and to claim to be registered with ANZATA.
- 7.4 A member is a financial member for the purposes of these rules if his or her subscription is paid on or before the relevant date fixed by or under sub rule 7.2 or within three months thereafter.

## **8. CONTINUING PROFESSIONAL DEVELOPMENT POLICY**

- 8.1 ANZATA's definition of Continuing Professional Development is:  
"A range of professional learning engagements through which arts therapists (AThR) maintain and develop their careers. This process is to ensure that they retain their capacity to practice safely, effectively and legally."
- 8.2 Members are informed through the Continuing Professional Development Policy found on the ANZATA website in regards to current requirements for ongoing training and supervision.
- 8.3 Members are required to keep a record of their Continuing Professional Development activities and submit it each year on renewal of membership.
- 8.4 Each year ANZATA will audit five to ten percent of members. Those selected for auditing will be instructed by the Continuing Professional Development Sub-committee as to what is required.
- 8.5 Members can request an exemption from the audit and this will be granted if there is sufficient cause.
- 8.6 If a member selected for audit fails to respond to the request and does not apply for an extension or an exemption, their membership may be suspended.

## **9. RESIGNATION OF MEMBERS OF ASSOCIATION**

- 9.1 A member who delivers notice in writing of his or her resignation from the Association to the Secretary or another Committee member cease on that delivery to be a member.
- 9.2 A person who ceases to be a member under sub rule 9.1 remains liable to pay to the Association the amount of any subscription due and payable by that person to the Association but unpaid at the date of that cessation.

## **10. EXPLUSION OF MEMBERS OF ASSOCIATION**

- 10.1 (a) Applicants for professional membership and those renewing their membership are required to make a declaration regarding any criminal convictions, or any disciplinary or legal investigations or charges, past or pending. A positive response to any of these questions will be forwarded confidentially to the ethics sub-committee to follow up with the applicant/member.
- (b) That membership of the Association may be denied or terminated in respect of any member who is convicted of a crime, which has a bearing on their fitness to practice. The ethics sub-committee will make recommendations about whether the conviction has a bearing on fitness to practice.
- 10.2 If the Committee considers that a member should be expelled from membership of the Association because of his or her conduct detrimental to the interests of the Association, the Committee shall communicate, in writing, to the member –
- (a) notice of the proposed expulsion and of the time, date and place of the Committee meeting at which the question of that expulsion will be decided; and
- (b) particulars of that conduct, not less than 30 days before the date of the Committee meeting referred to in paragraph (a).
- 10.3 At the Committee meeting referred to in a notice communicated under sub rule 10.2, the Committee may, having afforded the member concerned a reasonable opportunity to be heard by, or to make representations in writing to, the Committee, expel or decline to expel that member from membership of the Association and shall, forthwith after deciding whether or not so to expel that member, communicate that decision in writing to that member.
- 10.4 Subject to sub rule 10.6, a member who is expelled under sub rule 10.3 from membership of the Association ceases to be a member 14 days after the day on which the decision so to expel him or her is communicated to him or her under sub rule 10.2.
- 10.5 A member who is expelled under sub rule 10.3 from membership of the Association shall, if he or she wishes to appeal against that expulsion, give notice to the Secretary of his or her intention to do so within the period of 14 days referred to in sub rule 10.4.
- 10.6 When notice is given under sub rule 10.5;
- (a) the Association in a general meeting may, after having afforded the member who gave that notice a reasonable opportunity to be heard by or to make representations in writing to, the Association in the general meeting, confirm or set aside the decision of the Committee to expel that member; and
- (b) the member who gave that notice does not cease to be a member unless and until the decision of the Committee to expel him or her is confirmed under this sub rule.

## 11. COMMITTEE OF MANAGEMENT

11.1 The affairs of the Association shall be managed exclusively by a Committee of Management consisting of –

- (a) a President;
- (b) a Vice-President;
- (c) a Secretary;
- (d) a Treasurer; and
- (e) not less than two nor more than four other persons, all of whom shall be members of the Association elected to membership of that Committee at an annual general meeting or appointed under sub rule 11.9.

11.2 At the commencement of the first annual general meeting to be held after the incorporation of the Association under the Act –

- (a) if the Committee consists of an even number of members, half of that number, which half, or
- (b) if the Committee consists of an odd number of members, the integral number of members nearest to, and exceeding, half of that odd number, the members comprised in which integral number, shall be chosen by ballot, shall cease to be Committee members, but shall be eligible for re-election to membership of the Committee.

11.3 At the commencement of each successive annual general meeting after the annual general meeting referred to in sub rule 11.2, those four Committee members shall cease to be Committee members, but shall be eligible for re-election to membership of the Committee.

- (a) That the President, Vice-President, Treasurer and Secretary (committee of management) have fixed terms of a maximum of four years service, and that all other committee members have a maximum of three years service as an ordinary committee member. They are eligible to be elected into the Committee of Management after that.

- (b) The ideal committee is as representative as possible in terms of region and modality.

In order for the committee to have the capacity to appoint an extra member to join between AGMs in order to create maximum representation and succession planning.

The committee has the capacity to appoint an extra member to join. A member appointed under this sub rule shall:

- (i) hold office until the commencement of; and
- (ii) be eligible for election to membership of the Committee at the next following annual general meeting.

11.4 Subject to sub rule 11.5, a person is not eligible for election to membership of the Committee unless a member has nominated that person for election by delivering notice in writing of that nomination, signed by –

- (a) the nominator; and
  - (b) the nominee to signify his or her will to stand for election, to the Secretary not less than 28 days before the day on which the annual general meeting concerned is to be held.
- 11.5 Sub rules 11.4 and 11.7 does not apply to or in relation to a person who is eligible for re-election under sub rule 11.2 or 11.3.
- 11.6 A person who is eligible for election or re-election under this rule may at the annual general meeting concerned –
- (a) propose or second himself or herself for election or re-election; and
  - (b) vote for himself or herself
- 11.7 The Secretary shall ensure that notice of all persons seeking election to membership of the Committee is given to all voting members when notice is given to members of the calling of the annual general meeting at which that election is to be held.
- 11.8 If the number of persons nominated for election to membership of the Committee does not exceed the number of Vacancies in that membership to be filled –
- (a) the Secretary shall report accordingly to; and
  - (b) the President shall declare those persons to be duly elected as members of the Committee at the annual general meeting concerned.
- 11.9 When a casual vacancy within the meaning of rule 15 occurs in the membership of the Committee –
- (a) the Committee may appoint a member to fill that vacancy; and
  - (b) a member appointed under this sub rule shall:
    - (i) hold office until the commencement of; and
    - (ii) be eligible for election to membership of the Committee at the next following annual general meeting.

## **12. PRESIDENT**

- 12.1 Subject to this rule, the President shall preside at all general meetings and Committee meetings.
- 12.2 In the event of the absence from –
- (a) a general meeting of:
    - (i) the President, the Vice-President; or
    - (ii) both the President and the Vice-President, a member elected by the other members present at the general meeting; or
  - (b) a Committee meeting of:
    - (i) the President, the Vice-President; or
    - (ii) both the President and the Vice-President, a committee member elected by the other Committee members present, shall preside at the general meeting or Committee meeting, as the case requires.

### **13. VICE-PRESIDENT**

The Vice-President shall assist the President as requested and in the President's absence or inability to serve, he/she shall resume the role of President.

### **14. SECRETARY**

The Secretary shall –

- (a) co-ordinate the correspondence of the Association;
- (b) keep full and correct minutes of the proceedings of the Committee and of the Association;
- (c) comply on behalf of the Association with:
  - (i) Section 27 of the Act in respect of the register of members of the Association
  - (ii) section 28 of the Act in respect of the rules of the Association; and
  - (iii) section 29 of the Act in respect of the record of the officeholders, and any trustees, of the Association;
- (d) have custody of all books, documents, records and registers of the Association including those referred to in paragraph (c), other than those required by Rule 14 to be kept and maintained by, or in the custody of the Treasurer; and
- (e) perform such other duties as are imposed by these rules on the Secretary.

Note: The duties of the Secretary can be performed by the Administrative Staff if requested.

### **15. TREASURER**

The Treasurer shall –

- (a) be responsible for the receipt of all moneys paid to or received by the Treasurer on behalf of the Association and shall issue receipts for those moneys in the name of the Association;
- (b) pay all moneys referred to in paragraph (a) into such account or accounts of the Association as the Committee may from time to time direct;
- (c) make payments from the funds of the Association with the authority of a general meeting or of the Committee and in so doing ensure that all cheques are signed by two committee members other than himself or herself;
- (d) comply on behalf of the Association with sections 25 and 26 of the Act in respect of the accounting records of the Association;
- (e) whenever directed to do so by the President, submit to the Committee a report, balance sheet or financial statement in accordance with that direction;
- (f) have custody of all securities, books and documents of a financial nature and accounting records of the Association, including those referred to in paragraphs 15(d) and (e); and
- (g) perform such other duties as are imposed by these rules on the Treasurer.

Note: The duties of the Treasurer can be performed by the Administrative Staff if requested.

## **16. CASUAL VACANCIES IN MEMBERSHIP OF COMMITTEE**

A casual vacancy occurs in the office of a Committee member and that office becomes vacant if the Committee member –

- (a) dies;
- (b) resigns by notice in writing delivered to the President or, if the Committee member is the President, to the Vice-president;
- (c) is convicted of an offence under the Act;
- (d) is permanently incapacitated by mental or physical ill-health;
- (e) is absent from more than:
  - (i) three consecutive Committee meetings; or
  - (ii) three committee meetings in the same financial year, of which he or she has received notice without tendering an apology to the person presiding at each of these Committee meetings; or
- (f) ceases to be a member of the Association.

## **17. PROCEEDINGS OF COMMITTEE**

17.1 The Committee shall meet together for the dispatch of business not less than three times a year and the President may at any time convene a meeting of the Committee. One of these meetings may be a telephone conference.

17.2 Each Committee member has a deliberative vote.

17.3 A question arising at a Committee shall be decided by a majority of votes, but, if there is an equality of votes, the person presiding at the Committee meeting shall have a casting vote in addition to his or her deliberative vote.

17.4 At a Committee meeting half the number of Committee members constitute a quorum

17.5 Subject to these rules, the procedure and order of business to be followed at a Committee meeting shall be determined by the Committee members present at the Committee meeting.

17.6 A Committee member having any direct or indirect pecuniary interest referred to in section 21 or 22 of the Act shall comply with that section.

## **18. GENERAL MEETINGS**

18.1 The Committee –

- (a) may at any time convene a special general meeting;
- (b) shall convene annual general meetings within the time limits provided for the holding of annual general meetings by section 23 of the Act; and
- (c) shall, within 30 days of –
  - (i) receiving a request in writing to do so from not less than a quarter (25%) of members, convene a special general meeting for the purpose specified in that request; or



- (ii) the Secretary receiving a notice under rule 10.4, convene a special general meeting for the purpose of dealing with the appeal to which that notice relates.

18.2 The members making a request referred to in sub rule 18.1 (c) (i) shall;-

- (a) state in that request the purpose for which the special general meeting concerned is required; and
- (b) sign that request.

18.3 If a special general meeting is not convened within the relevant period of 30 days referred to –

- (a) in sub rule 18.1 (c) (i), the members who made the request concerned may themselves convene a special general meeting as if they were the Committee; or
- (b) in sub rule 18.1 (c) (ii), the member who gave the notice concerned may convene a special general meeting as if he or she were the Committee.

18.4 When a special general meeting is convened under sub rule 18.3 (a) or (b) –

- (a) the Committee shall ensure that the members or member convening the special general meeting are supplied free of charge with particulars of all members; and
- (b) the Association shall pay the reasonable expenses of convening and holding the special general meeting.

18.5 Subject to sub rule 18.8 the Secretary shall give to all members not less than 14 days notice of a general meeting and of any motions to be moved at the general meeting.

18.6 A notice given under sub rule 18.5 shall specify –

- (a) when and where the general meeting concerned is to be held; and
- (b) particulars of the business to be transacted at the general meeting concerned and of the order in which that business is to be transacted.

18.7 In the case of an annual general meeting, the order in which business is to be transacted is –

- (a) first, the consideration of the accounts and reports of the Committee;
- (b) second, any other business requiring consideration by the association in a general meeting, and
- (c) third, the election of Committee members to replace outgoing Committee members.

18.8 The Secretary shall give to all members not less than 21 days notice of a general meeting at which a special resolution is to be proposed and of any other motions to be moved at that general meeting.

18.9 The Secretary may give a notice under sub rule 18.5 or 18.8 by –

- (a) serving it on a member personally, or
- (b) sending it by post to a member at the address of the member appearing in the register of members kept and maintained under section 27 of the Act.
- (c) Email to member's email address or if no email by post. This email will have a receipt facility.

18.10 When a notice is sent by post under sub rule 18.9 (b), sending of the notice shall be deemed to be properly effected if the notice is sufficiently addressed and posted to the member concerned by ordinary prepaid mail.

## **19. QUORUM IN PROCEEDINGS AT GENERAL MEETINGS**

19.1 At any general meeting a quorum shall be constituted if either 10 voting members or one quarter (25%) of the voting members are present in person or by proxy.

19.2 If within 30 minutes after the time specified for the holding of a general meeting in a notice given under rule 17.5 or 17.8 –

(a) as a result of a request or notice referred to in rule 17.1 (c) or as a result of action taken under rule 17.3 a quorum is not present, the general meeting lapses; or

(b) otherwise than as a result of a request, notice or action referred to in paragraph (a), the general meeting stands adjourned to the same time on the same day in the following week and to the same venue.

19.3 If within 30 minutes of the time appointed by sub rule 19.2 (b) for the resumption of an adjourned general meeting a quorum is not present, the members who are present in person or by proxy may nevertheless proceed with the business of that general meeting as if a quorum were present.

19.4 The President may, with the consent of a general meeting at which a quorum is present, and shall, if so directed by such a general meeting, adjourn that general meeting from time to time and from place to place.

19.5 There shall not be transacted at an adjourned general meeting any business other than business left unfinished or on the agenda at the time when the general meeting was adjourned.

19.6 When a general meeting is adjourned for a period of 30 days or more, the Secretary shall give notice under rule 16 of the adjourned general meeting as if that general meeting was a fresh general meeting.

19.7 At a general meeting –

(a) an ordinary resolution put to the vote shall be decided by a majority of votes cast on a show of hands; and

(b) a special resolution put to the vote shall be decided in accordance with section 24 of the Act.

19.8 A declaration by the President at a general meeting that a resolution at that meeting has been passed as an ordinary resolution shall thereafter by evidence of the fact, unless, during the general meeting at which the resolution is submitted, a poll is demanded in accordance with sub rule 9.

19.9 At a general meeting, a poll may be demanded by the President at the general meeting or by three or more members present in person or by proxy and, if so demanded, shall be taken in such manner as the President directs.

19.10 If a poll is demanded and taken under sub rule 19.9 in respect of an ordinary resolution, declaration by the president of the result of the poll is evidence of the matter so declared

19.11 A poll demanded under sub rule 19.9 on the election of a person to preside over a general meeting or on the question of an adjournment shall be taken forthwith on that demand being made.

## **20. MINUTES OF MEETINGS OF ASSOCIATION**

20.1 The secretary shall cause proper minutes of all proceedings of all general meetings and Committee meetings to be taken and then to be entered within 30 days after the holding of each general meeting or committee meeting, as the case requires, in a minute book kept for that purpose.

20.2 The President shall ensure that the minutes taken of a general meeting or Committee meeting under sub rule 20.1 are checked and signed as correct by the President of the general meeting or Committee meeting, as the case requires.

20.3 When minutes have been entered and signed as correct under this rule, they shall, until the contrary is proved, be evidence that –

- (a) the general meeting or Committee meeting to which they relate (in this sub rule called “the meeting”) was duly convened and held;
- (b) all proceedings recorded as having taken place at the meeting did in fact take place thereat; and
- (c) all appointments or elections purporting to have been made at the meeting have been validly made.

## **21. VOTING RIGHTS OF MEMBERS OF ASSOCIATION**

Subject to these rules, and in particular, Rule 22, each member present in person or by proxy at a general meeting is entitled to a deliberative vote.

## **22. PROXIES OF MEMBERS OF ASSOCIATION**

A voting member (in this rule called “the appointing member”) may appoint in writing another member who is a natural person to be the proxy of the appointing member and to attend, and vote on behalf of the appointing member, at any general meeting.

## **23. RULES OF ASSOCIATION**

23.1 The association may alter or rescind these rules, or make rules additional to these rules, in accordance with the procedure set out in rules 18, 19 and 20 of the Act.

23.2 These rules bind every member and the association to the same extent as if every member and the Association had signed and sealed these rules and agreed to be bound by all their provisions.

## **24. COMMON SEAL OF ASSOCIATION**

24.1 The Association shall have a common seal on which its corporate name shall appear in legible characters.

24.2 The common seal of the Association shall not be used without the express authority of the committee and every use of that common seal shall be recorded in the minute book referred to in Rule 19.

24.3 The affixing of the common seal of the Association shall be witnessed by any two, of the President, the Secretary and the Treasurer.

24.4 The common seal of the Association shall be kept in the custody of the Secretary or of such other person as the Committee from time to time decides.

#### **25. INSPECTION OF RECORDS ETC OF ASSOCIATION**

A member may at any reasonable time inspect without charge the books, documents, records and securities of the Association.

#### **26. DISTRIBUTION OF SURPLUS PROPERTY ON WINDING UP OF ASSOCIATION**

If, on the winding up of the Association, any property of the Association remains after satisfaction of the debts and liabilities of the Association and the costs, charges and expenses of that winding up, that property shall be distributed –

- (a) to another incorporated association having objects similar to those of the Association; or
- (b) for charitable purposes, which incorporated association or purposes, as the case requires shall be determined by resolution of the members when authorising and directing the Committee under section 33(3) of the Act to prepare a distribution plan for the distribution of the surplus property of the Association.

## 6. ANZATA renewals

ANZATA is transitioning to a new structure. You will receive information about transferring your membership to the new association and ongoing renewal policy.