

CONSTITUTION
DYING WITH DIGNITY (ACT) INC
(as amended 11 April 2019)

1. NAME

The name of the association is “Dying with Dignity (ACT) Incorporated”, referred to hereafter as “the association”.

2. AIMS

Preamble

We assert that our bodies belong to us as individuals and that we have the right to determine the circumstances of our dying & death as we have in the rest of our lives. We expect our community to support our wishes and provide the facilities required to enable us to have the death of our choice.

Aims

1. To work with the ACT community to create the legal environment in which all adult ACT & region residents can die with dignity at a time and place of their choice with the degree of assistance that they determine is appropriate.
2. To promote the concept of an elective death as an alternative to concepts of suicide or voluntary euthanasia and to encourage support for elective death on Medicare.
3. To promote the idea that those who want to shorten their lives should be able to have a peaceful death.
4. To encourage the use of medication that would provide people with a peaceful, pain free, quick death.
5. To educate the community about the role and work of medical professionals & carers for the dying and to work for their legal protection if they assist a person who has made a reasoned choice to die.
6. To encourage & educate people about dying and death so that they will be fully informed about what will happen to them when they die and to encourage participation in courses which allow people to celebrate their lives, to grieve the loss of their lives and to think positively about death.
7. To support and encourage other like-minded organizations in Australia and internationally to create a legal environment in which people can die with dignity at a time and place of their choice with the degree of assistance that they determine is appropriate.
8. To promote the addition of a right in Human Rights law to a peaceful, pain free, quick death at the time and place of the individual’s choice with the degree of assistance that s/he determines is appropriate.

3. NOT FOR PROFIT STATUS

The assets and income of Dying With Dignity ACT Inc. shall be applied solely in furtherance of the above-mentioned aims and no portion shall be distributed directly or indirectly to the members of the association except as bona fide compensation for services rendered or expenses incurred on behalf of the association.

4. MEMBERSHIP

(a) Membership of the association shall be open to any person of or above the age of eighteen years who:

- (i) subscribes to the aims of the association,
- (ii) has applied in writing to the Committee for membership, and
- (iii) has paid the annual subscription or the Life Membership subscription fee.

- (b) The Committee shall, upon request by a person, refer any question of the rejection of an application for membership to the next General Meeting. Unless a two-thirds majority of those present and voting at the General Meeting are in favour of the rejection of the application for membership the application shall be accepted. The person concerned may attend and speak at that Meeting.
- (c) Categories of membership shall be:
 - (i) ordinary,
 - (ii) life, and
 - (iii) such other categories as the Committee may from time to time determine.
- (d) The responsibility of members to contribute towards paying any liabilities of the association shall be limited to the amount of the current annual subscription.

5. DISCIPLINING MEMBERS

PART I Action

- (a) If the committee believes that a member:-
 - (i) has persistently refused or neglected to comply with a provision of the rules, or
 - (ii) has persistently and wilfully acted in a manner prejudicial to the interests of the association, the committee may, by resolution, either:-
 - (iii) expel the member from DWD ACT Inc., or
 - (iv) suspend the member from the rights and privileges of membership for a specified period.
- (b) A resolution of the committee under subsection (a) is of no effect unless the committee, at a meeting held not earlier than 14 and not later than 28 days after the service on the member of a notice under subsection (c), confirms the resolution in accordance with section (d).
- (c) If the committee passes a resolution under subsection (a), the secretary must, as soon as practicable, serve a written notice on the member –
 - (i) setting out the resolution of the committee and the grounds on which it is based, and
 - (ii) stating that the member may address the committee at a meeting to be held not earlier than 14 and not later than 28 days after the service of the notice, and
 - (iii) stating the date, place and time of that meeting, and
 - (iv) informing the member that the member may do either or both of the following:-
 - a) attend and speak at that meeting;
 - b) submit to the committee at or before the date of that meeting written representations relating to the resolution.
- (d) Subject to the Act section 50, at a meeting of the committee mentioned in subsection (b), the committee must:-
 - (i) give to the member mentioned in subsection (a) an opportunity to make oral representations, and
 - (ii) give due consideration to any written representations submitted to the committee by that member at or before the meeting, and
 - (iii) by resolution decide whether to confirm or revoke the resolution of the committee made under subsection (a)
- (e) If the committee confirms a resolution under subsection (d), the secretary must within 7 days inform the member in writing of that confirmation and of the member's right of appeal as set out below under PART II.

- (f) A resolution confirmed by the committee under subsection (d) does not take effect –
 - (i) until the end of the period within which the member is entitled to appeal against the resolution if the member does not exercise the right of appeal within that period, or
 - (ii) if within that period the member exercises the right of appeal - unless and until the association confirms the resolution in accordance with PART II (d).

PART II Right of Appeal

- (a) A member may appeal to the association in general meeting against a resolution of the committee that is confirmed under section PART I (d) within 7 days after the resolution is served on the member by lodging with the secretary a notice to that effect.
- (b) On receipt of a notice under subsection (a) the secretary must notify the committee which must call a general meeting of the association to be held within 21 days after the date when the secretary received the notice or as soon as possible after that date.
- (c) Subject to the Act, section 50, at a general meeting of the association called under subsection (b) –
 - (i) no business other than the question of the appeal may be transacted, and
 - (ii) the committee and the member must be given the opportunity to make representations in relation to the appeal orally or in writing or both; and
 - (iii) the members present must vote by secret ballot on the question of whether the resolution made under PART I (d) should be confirmed or revoked.
- (d) If the meeting passes a special resolution in favour of the confirmation of the resolution made under PART I (d), that resolution is confirmed.

6. SUBSCRIPTIONS

- (a) The subscription fees for each class of membership shall be determined by resolution of the Committee, and shall take effect from the following financial year.
- (b) The subscription fees of each class of membership shall be payable annually on 1 January or at such other time as the Committee shall determine from time to time.
- (c) Any member whose subscription is outstanding for more than two months after the due date for payment shall be un-financial and cease to be a member, but may be reinstated upon payment of the fees for that calendar year.

7. RESIGNATION AND CANCELLATION OF MEMBERSHIP

A member of the association may tender their resignation to the Committee in writing at any time but the Committee shall not be obliged to repay any subscription or portion of a subscription received from that member.

8. MANAGEMENT

- (a) The affairs of the association shall be managed and controlled exclusively by a Committee which, in addition to any powers and authorities conferred by this Constitution, may exercise all such powers and do all such things as are within the aims of the association and are not by the Associations Incorporation Act 1991 or by this Constitution required to be done by the association in General Meeting.
- (b) The Committee shall be comprised of the:
 - (i) President,
 - (ii) Secretary,
 - (iii) Treasurer, and up to six other members.

- (c)
 - (i) Committee members shall be elected at each Annual General Meeting and shall hold office until the next Annual General Meeting.
 - (ii) A financial member of the association may submit a nomination, either in writing or by email, for election to the Committee. The nomination must be received prior to the start of the Annual General Meeting by the Secretary or in the Secretary's absence by the person chairing the meeting. Outgoing Committee members shall be eligible for re-election.
 - (iii) In the event of a vacancy on the Committee, the Committee shall have the power to co-opt any member of the association to be a member of the Committee until the next Annual General Meeting.
- (d) Any Committee member may be removed from office by a majority of those financial members present and voting at a General Meeting of the association. At least fourteen days' notice shall be given to members of a motion to remove a Committee member from office. The Committee member concerned may attend and speak at that Meeting. The Meeting which removes a Committee member may elect a successor.
- (e) Meetings of the Committee shall be chaired by the President, or in the absence of the President by a Committee member chosen by the Committee. Decisions of the Committee shall be made by majority vote. A quorum for a meeting of the Committee shall be three Committee members.

9. PUBLIC STATEMENTS

The Committee may empower such members of the association as it sees fit to make public statements on behalf of the association but such statements shall be consistent with and in the spirit of overall association policy and consistent with any decision of the association or the Committee if a relevant decision has been made. If a public statement is made without prior approval by the Committee it shall subsequently be reported to the Committee for ratification.

10. FINANCE

- (a) The financial year of the association begins on the 1st January and ends on 31st December.
- (b) The funds of the association must be derived from entrance fees, subscriptions of members, donations and, subject to any resolution passed by the association in general meeting and subject to section 114 of the Act, any other sources that the committee decides.
- (c) The control and management of the association's finances shall be vested in the Committee.
- (d) Cheques and other negotiable instruments shall be signed and countersigned by any two of the President, the Secretary, and the Treasurer.
- (e) The Committee shall appoint an accountant or other suitable person to audit the accounts of the association annually.
- (f) The Treasurer shall present at each Annual General Meeting a financial statement covering transactions made during the last financial year together with the auditor's report.

- (g) The income and property of the association shall be applied solely towards the promotion of the Aims of the association and no portion thereof shall be paid or transferred directly or indirectly by way of dividend bonus or otherwise howsoever by way of profit to any person, provided that nothing herein contained shall prevent the payment in good faith of remuneration to any officer or member of the association for any service rendered to the association.

11. GENERAL MEETINGS

- (a) The Annual General Meeting shall be held in March or April each year or as soon as possible thereafter.
- (b) A General Meeting of members may be held as determined by the Committee, or by written request of one-fifth of the membership, or thirty financial members, of the association whichever is the lesser.
- (c) Notice of a General Meeting shall be given by notice posted or delivered (either by hand or by electronic means) to each member's last known address.
- (d) Other General Meetings of members may be held as determined by the Committee, provided that there are two such meetings apart from the Annual General Meeting each year. At least fourteen days' notice of each Meeting shall be posted or delivered (either by hand or by electronic means) to each member's last known address.
- (e) A quorum at any General Meeting shall be one-tenth of the financial members of the association.
- (f) General Meetings shall be chaired by the President or in the absence of the President by another member of the association chosen by the Meeting. Decisions shall be made by a majority of those financial members present, provided that any financial member may appoint another financial member as their proxy to vote on their behalf.
- (g) A financial member wishing to appoint another member as their proxy for a general meeting shall notify the Secretary in writing of the name of the person to whom they give their proxy. Such notification is to be received by the Secretary at least twenty-four hours prior to the meeting.
- (h) At the commencement of a general meeting, the Secretary shall table a schedule of those members who have nominated a proxy, together with the name of the person to whom the proxy has been given. The schedule shall be signed by the Secretary to certify that the respective members are financial, and shall be incorporated into the minutes of the meeting.

12. MINUTES

- (a) Proper minutes of all proceedings of meetings of the association and meetings of the Committee shall be entered within one month after the relevant meeting in minute books kept for purpose.
- (b) When minutes are accepted as an accurate record at the next succeeding meeting, they shall, until the contrary is proved, be evidence that the meeting was convened and duly held, that all proceedings at the meeting were duly held, and that all appointments made at a meeting were valid.

13. NOTICE OF MOTION FOR GENERAL MEETINGS

- (a) Subject to clauses 13(b) and 13(c), a notice of motion shall be in the hands of the Secretary in writing fourteen days before the general meeting at which the motion is to be proposed; such notice shall be circulated to members at least seven days prior to the meeting.

- (b) A notice of motion for a Special Resolution shall be in the hands of the Secretary in writing twenty-eight days before the general meeting at which the motion is to be proposed; such notice shall be circulated to members at least twenty-one days prior to the meeting.
- (c) A notice of motion for the Annual General Meeting shall be in the hands of the Secretary in writing twenty-eight days before the meeting at which the motion is to be proposed and shall be circulated to members at least twenty-one days prior to the meeting.

14. AMENDMENTS TO THE CONSTITUTION

This Constitution may be amended at any General Meeting of which at least 21 days notice has been given to members, accompanied by notice of intention to propose the amendment as a Special Resolution, provided the resolution is passed by at least three quarters of the votes cast by members voting at the meeting.

15. DISSOLUTION OF ASSOCIATION

The association may be dissolved by a special resolution, of which at least twenty-one days' notice has been given to financial members, carried by three-quarters of the financial members present and voting, a quorum of one-tenth of financial members of the association being present, at a General Meeting or Annual General Meeting of the association. If upon the dissolution or winding up of the association there remains after the satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid to or distributed among members of the association but shall be distributed to another association or other societies having a similar object, the constitution(s) of which shall prohibit the distribution of income and property to members, or failing such distribution, then to a bona-fide charitable body or bodies.

16. MISCELLANEOUS

- (a) The common seal of the association must;
 - (i) be kept in the custody of the Secretary or President.
 - (ii) not be attached to any instrument except by the authority of the Committee and the attaching of the common seal must be attested by the signatures of the Secretary or President and another member of the Committee.
- (b) All books, documents and securities of the association shall be held in the custody of the Secretary, President or Treasurer.
- (c) Any member of the association may inspect the membership register, financial records and minutes of meetings of the association upon giving the Secretary reasonable notice of a wish to do so. No form of record of the membership register may be taken away. A member, other than a Committee member acting in the exercise of their duties shall not be permitted to inspect any document containing personal details of other members.
- (d) The membership register shall contain the name and address of each member, the date the person became a member, and shall specify whether or not the person is a Life Member.

17. SPECIAL RESOLUTIONS

A resolution of an incorporated association is taken to be a Special Resolution if -

- (a) it is passed at a general meeting of the association, being a meeting of which at least 21 days notice, accompanied by notice of intention to propose the resolution as a special resolution, has been given to the members of the association; and

- (b) it is passed by at least $\frac{3}{4}$ of the votes of those members of the association who, being entitled to vote, vote in person or, if the rules of the association permit voting by proxy, vote by proxy at the meeting.