



**Mental  
Health  
Council**  
OF TASMANIA

Mental Health Council of Tasmania

# **CONSTITUTION**

*A document outlining the Establishment, Purpose, Guiding Principles and Rules of the Mental Health Council of Tasmania*

Version 2.4  
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# Part I – Preliminary

## 1 Introduction

- 1.1 This document forms the Constitution of the Mental Health Council of Tasmania Incorporated (MHCT).
- 1.2 For the purposes of reference to the *Associations Incorporation Act 1964* (Tas), any references to the 'Association' means the MHCT.

## 2 Definitions

- 2.1 In this document, unless a contrary intention appears:
  - 'Associate member' means all individual and organisational members that do not qualify as a member under other MHCT membership categories.
  - 'Board' means the Board of the MHCT established under *Clause 8*.
  - 'Carer' means a person whose life is affected by virtue of a close relationship and voluntary caring role with a consumer.
  - 'Chairperson' means the person holding the office of Chairperson under these rules and includes an acting Chairperson and any person appointed by the Board to perform all or any of the duties of the Chairperson.
  - 'Consumer' means a person who is currently using, who has used, or who may use again in the future, a mental health service.
  - 'Delegate' means a person delegated by their organisation's members bringing the views of the organisation's constituency or perspective.
  - 'Executive Committee' means the Committee established under *Clause 11*.
  - 'Financial year' means the year ending on 30 June annually.
  - 'Member' means a member organisation, or an individual member, of the MHCT established under *Clause 5*.
  - 'Member organisation' means a community based, not-for-profit, non-government organisation that serves the needs of primary consumers of mental health services and/or carers of a person with a mental illness or mental health disorder or has a stated mission or objectives significantly concerned with mental health; and is approved by the Board as a member pursuant to *Clause 5*.
  - 'Mental health service' means any intervention, support or representation that seeks to promote mental wellbeing and/or support the needs of those impacted by a mental illness, disorder, or other mental health concern.
  - 'MHCT' means the Mental Health Council of Tasmania Incorporated (Inc).

- 'Ordinary Board Member' means a member of the Board who is not an Office Bearer of the Board as referred to in *Sub-clause 11.3*.
- 'Secretary' means the person holding the Office of Secretary and includes an acting Secretary and any person appointed by the Board to perform all or any of the duties of the Secretary.
- 'Treasurer' means the person holding the Office of Treasurer and includes an acting Treasurer and any person appointed by the Board to perform all or any of the duties of the Treasurer.
- the 'Act' means the *Associations Incorporation Act 1964 (Tas)*.
- the 'Regulations' means the *Associations Incorporation Regulations 2017 (Tas)*.

2.2 In these rules, a reference to a function includes a reference to a power, authority and duty; and a reference to the exercise of a function includes, where the function is a power, authority or duty, a reference to the exercise of the power or authority or the performance of the duty.

2.3 The provisions of the *Acts Interpretation Act 1931* apply to and in respect of these rules in the same manner as those provisions would so apply if these rules were an instrument made under the Act.

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## Part II – Purpose and Objectives

### 3 Purpose

3.1 The MHCT is the peak Tasmanian organisation representing the non-government mental health sector in Tasmania at a state and national level.

### 4 Objectives

4.1 The objectives of the MHCT are to:

- provide advice on mental health and suicide prevention matters, either on request or on its own initiative, to Governments and, in particular, relevant Commonwealth and State Ministers and relevant stakeholders
- propose, monitor and analyse the development and prioritising of Commonwealth and State mental health and suicide prevention policies
- promote and provide a means of maximising consumer, carer and community participation and empowerment in mental health policy, planning and decision making
- represent the constituency of the MHCT
- facilitate strong relationships, co-operation and co-ordination between consumers, carers, non-government service providers and other relevant bodies within the mental health sector
- stimulate interest, provide information and undertake action which is in the best interests of, and contributes to, the mental health and wellbeing of Tasmanians, and
- where appropriate, auspice services that promote evidence-based approaches and strengthen data, research and evaluation.

## Part III – Membership

### 5 Categories of Membership

- 5.1 The Board has the power to determine the membership category that applies to applicants for membership.
- 5.2 Membership of the MHCT is available in the following categories:
- **Organisations** which are non-government and not-for-profit associations, groups, or organised networks (incorporated or not) that:
    - have a stated mission or objectives significantly concerned with mental health, and/or
    - serve the needs of primary consumers of mental health services and/or carers of a person with a mental illness, disorder or other mental health issue.
  - **Individuals** committed to and able to contribute to the purpose and objectives of the MHCT and who are not employed by government departments or agencies whose principal function is the provision of mental health services, the funding of non-government mental health organisations, or the development of government policy relating to mental health issues.
  - **Life** members are individuals acknowledged by MHCT to have rendered outstanding service to MHCT and/or the non-government mental health sector over a long period of time.
  - **Associate** membership is available to individuals and organisations who are committed to and able to contribute to the purpose and objectives of MHCT and that do not qualify as a member under previous categories.

### 6 Application for Membership to the MHCT

- 6.1 Application of an organisation or individual for membership or associate membership of the MHCT shall be in accordance with the form and process defined within the 'Mental Health Council of Tasmania – Membership Rules'.

### 7 Membership Rules and Obligations

- 7.1 The rules governing membership of the MHCT, including entitlements, obligations, fees and subscriptions are outlined in the document 'Mental Health Council of Tasmania – Membership Rules'.

## Part IV – The Board

### 8 Roles and Responsibilities of the Board

8.1 The Board, subject to the Act, the Regulations, the Terms of Reference, and to any resolution passed by the MHCT in general meeting:

- shall control and manage the affairs of the MHCT
- may exercise all such functions as may be exercised by the MHCT other than those functions that are required by these rules to be exercised by the MHCT in general meeting, and
- has power to perform all such acts and do all such things as appear to the Board to be necessary or desirable for the proper management of the affairs of the MHCT.

### 9 Constitution and Membership

9.1 The MHCT Board shall comprise up to nine members, including up to five Board members elected by the MHCT membership and up to four Board members appointed by the Board.

9.2 The process for appointment, including the election process, terms of office and the management of vacancies are outlined in the Board's Terms of Reference.

### 10 Board Meetings

10.1 The Board shall meet at least four times in each calendar year, either by teleconference or in person, at such place and time as the Board may determine.

10.2 Meetings of the Board, including establishment of a quorum, sub-committees and voting are governed by the Board's Terms of Reference.

## Part V – Executive Committee and Office Bearers of MHCT

### 11 The Executive Committee

- 11.1 The Executive Committee shall be responsible for the administration of the affairs of the MHCT subject to the direction of the Board.
- 11.2 The Executive Committee of the MHCT shall comprise the Office Bearers of the MHCT.
- 11.3 The Office Bearers of the MHCT shall be appointed from the Board and are as follows:
- Chairperson
  - Deputy Chairperson
  - Secretary, and
  - Treasurer.
- 11.4 The nomination, election, roles and responsibilities of office bearers are governed by the Board's Terms of Reference.

### 12 Auditor

- 12.1 At each Annual General Meeting of the MHCT, the members present are to appoint a person as the auditor of the MHCT.
- 12.2 The roles and responsibilities of the auditor are governed by the Board's Terms of Reference.

### 13 Public Officer

- 13.1 The Board, in accordance with the Act, must appoint a Public Officer. The Public Officer will be the most senior staff member of the MHCT, unless otherwise decided by the Board.
- 13.2 If the position of public officer becomes vacant, the Board must appoint another member or employee in their place.
- 13.3 The public officer must notify the Tasmanian Commissioner for Corporate Affairs of their appointment and residential address within 28 days of that appointment, in the approved form.



## Part VI – Meetings

### 14 Annual General Meetings

- 14.1 The MHCT shall, at least once in each calendar year and within the period of five months after the expiration of each financial year of the MHCT, convene an Annual General Meeting (AGM) of its members.
- 14.2 An AGM shall be conducted in accordance with the provisions of the MHCT Operating Guidelines.

### 15 General Meetings

- 15.1 The Board may, whenever it thinks fit, convene a General Meeting of the MHCT.
- 15.2 A General Meeting shall be conducted in accordance with the provisions of the MHCT Operating Guidelines.

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## **Part VII – Administration**

### **16 Alteration of Objects and Rules**

- 16.1 This Constitution may only be repealed or amended by resolution of three quarters of Members voting, in person or by proxy, at a General Meeting of which not less than 21 days written notice including notice of the proposed repeal or amendment has been made available to all members.

### **17 Common Seal**

- 17.1 The common seal of the MHCT shall be kept in the custody of its most senior staff member.
- 17.2 The common seal shall not be affixed to any instrument except by the authority of the Board and the affixing of the common seal shall be attested by the signatures of two members of the Board.

### **18 Custody of Books**

- 18.1 Subject to the Act, the Regulations and these rules, the Treasurer shall ensure that all records, books, and other documents relating to the financial affairs of the MHCT (and other documents or records as determined by the Board) are kept safely and in a manner that allows access only to authorised persons.

### **19 Inspection of Books**

- 19.1 A member wishing to inspect the records, books and other documents of the MHCT must give a notice in writing of their wish to do so to the MHCT.
- 19.2 The MHCT will then make its records, books and other documents for inspection at the place in Tasmania, free of charge during normal business hours. This information will be released to a member organisation subject to privacy legislation and confidentiality protocols.
- 19.3 The member who has given notice, may inspect the records, books and other documents of the MHCT no earlier than seven days after that member has given notice to the MHCT.
- 19.4 A member of the Board or their delegate must be present during the inspection and the time for the inspection is always subject to the availability of the member of the Board or their delegate.

### **20 Service Of Notice**

- 20.1 For the purpose of these rules, a notice may be served by or on behalf of the MHCT upon any member either personally or by sending it by post or electronically to the member at the members address shown in the register of members.
- 20.2 Where a document is sent to a person by properly addressing, prepaying and posting to the person a letter containing the document, the document shall, unless the contrary is proved,

be deemed for the purposes of these rules to have been served on the person at the time at which the letter would have been delivered in the ordinary course of post.

- 20.3 If an organisation approves the serving of notice by electronic means that is deemed to be sufficient under this Part. If there is a failure to receive electronically then *Clause 20.2* applies.
- 20.4 Where electronic means are utilised for the service of notices, MHCT shall endeavour to obtain electronic read receipts or delivery receipts.

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This version approved by the membership  
via Special Resolution at the General Meeting  
dated \_\_\_\_ / \_\_\_\_ / \_\_\_\_.

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