



**Mental
Health
Council**
OF TASMANIA

Mental Health Council of Tasmania

MEMBERSHIP RULES

*A document outlining the rules and operating guidelines for membership of the
Mental Health Council of Tasmania*

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Part I – Preliminary

1 Introduction

- 1.1 This document outlines the rules and operating guidelines for membership of the Mental Health Council of Tasmania Incorporated (MHCT).
- 1.2 The document should be read in conjunction with the MHCT Constitution.
- 1.3 Where any conflict occurs between the two documents, the Constitution has precedence.

2 Definitions

- 2.1 In this document, unless a contrary intention appears:
 - ‘Associate member’ means an Associate member as defined in the Constitution.
 - ‘Board’ means the Board of the MHCT established under *Clause 8* of the Constitution.
 - ‘Delegate’ means a person delegated by their organisation’s members bringing the views of the organisation’s constituency or perspective.
 - ‘Member’ means a member organisation, or an individual member as defined in the Constitution.
 - ‘Member organisation’ means a member organisation as defined in the Constitution.
 - ‘MHCT’ means the Mental Health Council of Tasmania Incorporated (Inc).
 - ‘Secretary’ means the person holding the Office of Secretary as defined in the Constitution.
 - 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.

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 defined in the Constitution.

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Part II - Membership

5 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, each of which is defined in the Constitution:
- Organisations which are non-government and not-for-profit associations, groups, or organised networks.
 - Individuals committed to and able to contribute to the purpose and objectives of the MHCT.
 - Life members.
 - Associate members.

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 writing in a form to be determined by the Board from time to time, and
 - shall be lodged with the Secretary of the MHCT or such other person identified in the application form.
- 6.2 As soon as is practicable after receiving an application for membership, the Secretary shall ensure that the application is referred to a meeting of the Board which shall determine whether to approve or to reject the application. The Board may request additional information from applicants prior to any determination.
- 6.3 Where the Board determines to approve an application for membership, the Secretary shall as soon as practicable after that determination ensure that the applicant is advised of that approval.
- 6.4 The Secretary shall ensure, on payment by the applicant of the amounts referred to in *Clause 11* and following approval of an applicant's application for membership that the applicant's name, address and other prescribed particulars are entered in a register of members and, upon the information being so entered, the applicant shall become a member of the MHCT.

7 Membership Entitlements are not Transferable

- 7.1 A right or obligation which an organisation or individual has by reason of being a member of the MHCT:

- is not capable of being transferred or transmitted to another organisation or individual, and
- terminates upon cessation of the organisation's or individual's membership.

7.2 The rights and obligations arising from participation in the MHCT are summarised in the tables below:

Rights	Member	Associate Member
Receive due notice of, attend, and speak at all general meetings of members.	✓	✓
Move motions at general meetings of members.	✓	x
Vote on all matters before general meetings of members	✓	x
Appoint a proxy to exercise a vote on their behalf at general meetings of members.	✓	x
Nominate for election to the Board of Directors.	✓	✓
Vote in elections for the Board of Directors.	✓	x
Receive timely and accurate information about the activities of MHCT.	✓	✓
Receive timely and accurate information about developments in the Tasmanian and national mental health sectors.	✓	✓
With other members, petition for the convening of a special general meeting of members.	✓	x
Appeal, at a general meeting of members, a disciplinary decision taken by the Board.	✓	✓

Table 1: Rights of Members of the MHCT

Obligations	Member	Associate Member
Adhere to the Constitution and its provisions.	✓	✓
Support the objectives of MHCT.	✓	✓
Act in ways that do not damage the reputation of MHCT.	✓	✓
Attend general meetings of members and other MHCT meetings where the ideas and expertise of members/subscribers are valued.	✓	✓
Take all reasonable steps to be informed prior to exercising rights to vote on matters impacting on MHCT.	✓	x
Respect the rights of other members.	✓	✓

Obligations	Member	Associate Member
Respect privacy and confidentiality in all matters arising from contacts with other members, and with paid and volunteer staff working with MHCT.	✓	✓

Table 2: Obligations of Members of the MHCT

8 Replacement of Delegates of Organisation Members

- 8.1 A delegate represents the interests of the member organisation in general meetings or ballots conducted by MHCT, but not at Board meetings. A member organisation may advise the MHCT that its delegate is no longer able to represent the interests of the member.
- 8.2 If a member organisation proposes to advise the MHCT that a delegate is no longer able to represent its interests, the member:
- shall do so by notifying the secretary in writing, and
 - shall nominate, in writing, an alternative delegate to fulfil the role of the delegate as soon as possible.
- 8.3 Where the Board is of the opinion that a delegate has persistently refused or neglected to comply with its duties as a delegate or has persistently acted in a manner prejudicial to the interests of the member organisation or the MHCT, the Board may notify the member organisation in writing of the delegate's act, omission or neglect and may request that the member change their delegate.
- 8.4 Where, following a request from the Board per *Clause 8.3*, a member refuses to change their delegate and the delegate continues to neglect to comply with its duties as a delegate or continues to act in a manner prejudicial to the interests of the member organisation or the MHCT, the Board may take disciplinary action against the member pursuant to *Clause 13*.

9 Cessation of Organisation Membership

- 9.1 An organisation or individual member ceases to be a member of the MHCT if:
- in the case of an organisation member, the organisation is wound up
 - the member resigns from membership of the MHCT
 - the member is expelled from the MHCT
 - the member fails to renew membership of the MHCT
 - the member ceases to meet membership eligibility listed in *Clause 5.2*, or
 - in the case of an individual member, the member dies.

10 Resignation of Membership

- 10.1 A member may resign from membership of the MHCT by first giving notice, in writing to the Secretary, of the member's intention to resign and, upon the expiration of the period of notice, the member ceases to be a member.

11 Fees and Subscriptions

- 11.1 The annual membership fees of the MHCT shall be as determined by the Board from time to time and may charge *pro rata* fees and / or exempt any member or all members from paying fees.

12 Members' Liabilities

- 12.1 The liability of a member organisation to contribute towards the payment of the debts and liabilities of the MHCT or the costs, charges and expenses of the winding up of the MHCT is limited to the amount, if any, unpaid by the member in respect of membership of the MHCT as required by *Clause 11*.

13 Disciplining of Members

- 13.1 Where the Board is of the opinion that a member:
- has persistently refused or neglected to comply with a provision of these rules, or
 - has acted in a manner prejudicial to the interests of the MHCT; the Board may, by resolution:
 - expel the member from the MHCT, or
 - suspend the member from such rights and privileges of membership of the MHCT as the Board may determine for a specified period.
- 13.2 A resolution of the MHCT under *Sub-clause 13.1* is of no effect unless the Board, at a meeting held not earlier than 14 days and not later than 28 days after service on the member of a notice under *Sub-clause 13.1*, confirms the resolution in accordance with this clause.
- 13.3 Where the MHCT passes a resolution under *Sub-clause 13.1*, the Secretary shall, as soon as practicable, cause a notice in writing to be served on the member:
- setting out the resolution of the Board and the grounds on which it is based
 - stating that the member may address the Board at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice
 - stating the date, place and time of that meeting, and
 - informing the member that the member may do either or both of the following:
 - attend and speak at that meeting,
 - submit to the Board at or prior to the date of that meeting written representations relating to the resolution.

- 13.4 Subject to the *Associations Incorporation Act 1964*, at a meeting of the Board mentioned in *Sub-clause 13.2*, the Board shall:
- give to the member mentioned in *Sub-clause 13.1* an opportunity to make representation
 - give due consideration to any written representations submitted to the Board by that member at or prior to the meeting, and
 - by resolution determine whether to confirm or to revoke the resolution of the Board made under *Sub-clause 13.1*.
- 13.5 Where the MHCT confirms a resolution under *Sub-clause 13.4*, the Secretary shall, within seven days after that confirmation, by notice in writing inform the member of that confirmation and of the member's right of appeal under *Clause 14*.
- 13.6 A resolution confirmed by the Board under *Sub-clause 13.4* does not take effect:
- until the expiration of the period within which the member is entitled to appeal against the resolution where the member does not exercise the right of appeal within that period, or
 - where within that period the member exercises the right of appeal, unless and until the MHCT confirms the resolution in accordance with *Sub-clause 14.4*.

14 Right of Appeal of Disciplined Member

- 14.1 A member may appeal to the MHCT in general meeting against a resolution of the Board which is confirmed under *Sub-clause 13.4*, within seven days after notice of the resolution is served on the member, by lodging with the Secretary a notice to that effect.
- 14.2 Upon receipt of a notice under *Sub-clause 14.1*, the Secretary shall notify the MHCT which shall convene a general meeting of the MHCT to be held within 21 days after the date on which the Secretary received the notice or as soon as possible after that date.
- 14.3 Subject to the *Associations Incorporation Act 1964*, at a general meeting of the MHCT convened under *Sub-clause 14.2*:
- no business other than the question of the appeal shall be transacted
 - the Board and the member shall be given the opportunity to make representations in relation to the appeal orally or in writing or both, and
 - the members present shall vote by secret ballot on the question of whether the resolution made under *Sub-clause 13.4* should be confirmed, revoked or amended to apply a conditional outcome.
- 14.4 If the meeting passes a special resolution in favour of the confirmation of the resolution made under *Sub-clause 13.4*, that resolution is confirmed.

This version approved by
the Board of the MHCT
dated ____ / ____ / ____.

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