

CONSTITUTION

VOLUNTARY ASSISTED DYING SOUTH AUSTRALIA INC (VADSA)

Definitions

“The Act” means the Associations Incorporation Act 1985.

“CBS SA” means Consumer and Business Services South Australia.

“Euthanasia” means the act of inducing a peaceful and dignified death.

“Voluntary Assisted Dying / Voluntary Euthanasia” means a medically assisted death, at the request of a person who has unrelievable and unbearable suffering, at a time of their choosing.

“Special resolution” means a resolution defined in the Act requiring more than a simple majority for passage.

1. Name

The name of the organisation is “Voluntary Assisted Dying South Australia Incorporated” (VADSA).

2. Objects

The objects for which VADSA is established shall be:

To help relieve the distress, helplessness and suffering experienced by South Australians with untreatable, painful or terminal illnesses, and to support their families and carers;

To promote the best end of life care for our citizens, including high quality palliative care, the increased uptake of Advance Care Directives, and voluntary assisted dying / voluntary euthanasia in appropriate circumstances;

To educate and inform the community about end of life choices;

To work for the successful passage through the South Australian Parliament of voluntary assisted dying / voluntary euthanasia legislation that is both safe and workable;

To promote the right of South Australians to die a good death, according to their wishes and beliefs

3. Not-For-Profit

The assets and income of VADSA shall be applied solely to further its objects and no portion shall be distributed directly or indirectly to the members or relations of members of VADSA except as genuine compensation for services rendered or expenses incurred on behalf of the organisation.

4. Membership

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

- (i) subscribes to the aims of the VADSA:
- (ii) has applied in writing to the Committee for membership:
- (iii) has paid the annual subscription.

(b) The Committee shall refer the question of the rejection of an application for membership or the termination of a person's membership to the next General Meeting or Annual General Meeting. Unless a two-thirds majority of those present and voting at the General Meeting or Annual General Meeting are in favour of the rejection of the application or the termination of the person's membership the application shall stand accepted or the membership shall not be terminated as the case may be.

(c) Categories of membership shall be:

- (i) ordinary:
- (ii) life:
- (iii) such other categories as the Committee may from time to time determine.

(d) A register of members shall be kept by a Membership Officer.

5. Subscriptions

(a) The subscription fees for each class of membership shall be such as the members shall determine at the Annual General Meeting.

(b) The subscription fees of each class of membership shall be payable annually at such time as the Committee shall determine.

(c) Any member whose subscription is outstanding for more than six months after the due date for payment shall cease to be a member of VADSA, provided always that the Committee may reinstate such person's membership on such terms as it thinks fit.

6. Resignation and Cancellation of Membership

A member may tender his or her 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.

7. Management

- (a) The affairs of VADSA 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 VADSA and are not by the Associations Incorporation Act 1985 or by this Constitution required to be done by VADSA in general meeting.

- (b) The Committee shall be comprised of:
 - (i) the President:
 - (ii) two Vice Presidents
 - (iii) the Honorary Secretary:
 - (iv) the Honorary Treasurer:
 - (v) up to six other members.

- (c) Committee membership:
 - (i) Committee members shall be elected at each Annual General Meeting and shall hold office until the next Annual General Meeting.
 - (ii) Nominations for the election of Committee members shall be in writing, signed by the nominating members and the nominee, and shall be in the hands of the Honorary Secretary not less than fourteen days before the Annual General Meeting.
 - (iii) In the event that a vacancy on the Committee occurs, the Committee shall have the power to co-opt any member of the Society to be a member of the Committee until the next Annual General Meeting of VADSA.

- (d) Any Committee member may be removed from office by a majority of those financial members present and voting at a General Meeting of VADSA. At least fourteen days notice shall be given to members of a motion to remove a Committee member from office. The meeting which removes a Committee member shall elect a successor.

- (e) A quorum for a meeting of the Committee shall be half the members or three members, whichever is the lesser.

- (f) Committee meetings shall be chaired by the President or another Office Bearer.

- (g) The Committee shall appoint and register a Public Officer as required by the Act.

8. Powers of the Organisation

The Organisation shall have all the powers conferred by Section 25 of the Act.

Public Statements;

The Committee may empower such members of VADSA as it sees fit to make public statements on behalf of the Organisation but such statements shall be consistent with and in the spirit of overall VADSA policy and consistent with any decision of the Organisation or 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.

9. Finance

- (a) The control and management of VADSA's finances shall be vested in the Committee.
- (b) All payments shall be authorized by the Committee.
- (c) The method of operation on bank accounts shall be one to sign.
- (d) The President and the Treasurer shall be sole operators of the electronic bank account.
- (e) The Committee shall appoint an accountant or other suitable person to audit the accounts of VADSA 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.

10. Meetings

- (a) The Annual General Meeting shall be held each year at a date to be determined by the Committee.
- (b) A Special General Meeting of members may be held as determined by the Committee or by written request of one-fifth of the membership or twenty financial members, whichever is the lesser.
- (c) At least twenty-one days notice of the Annual General Meeting or Special General Meeting shall be given by letter or by other form of notice posted or delivered to each member's last known address.
- (d) Other General Meetings of members may be held as determined by the Committee.
- (e) A quorum at an Annual General Meeting or a Special General Meeting or any General Meeting shall be twenty financial members, or one-fifth of the financial members of the Organisation, whichever is the lesser.
- (f) If the quorum for any general meeting is not met, the meeting will conduct its business but any resolutions made will not come into effect until they have been ratified at the next General Meeting.

11. Minutes

(a) Proper minutes of all proceedings of meetings of VADSA and of meetings of the Committee shall be entered within one month after the relevant meeting in minute books kept for that purpose.

(b) The minutes kept pursuant to this rule shall be signed by the chairperson of the meeting at which the proceedings took place or by the chairperson of the next succeeding meeting, after being accepted as an accurate record of the meeting.

(c) Where minutes are entered and signed they shall, until the contrary is proved, be evidence that the meeting was convened and duly held, that all proceedings held at the meeting shall be deemed to have been duly held and that all appointments made at a meeting shall be deemed to be valid.

12. Notices of Motion

(a) A notice of motion for a General Meeting of members shall be in the hands of the Secretary in writing twenty-one days before the 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 General Meeting or Annual General Meeting shall be in the hands of the Secretary, in writing, thirty-five days before the 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.

13. Amendments to the Constitution

This Constitution may be amended by a special resolution at any Special General Meeting or Annual General Meeting of VADSA by a three-quarters vote of members present provided that due notice has been given as set out in Clause 11. The amendment shall be registered with CBS SA within one month of being passed as required by the Act.

14. Dissolution of the Organisation

VADSA may be dissolved by a motion, at a Special General Meeting or Annual General Meeting of the organisation, of which at least twenty-one days notice has been given to financial members. It shall be carried by a three-quarters majority of financial members present and voting, a quorum of one-tenth of financial members of VADSA being present.

15. Distribution of Surplus Property on Cancellation of Incorporation, Winding Up or Loss of Deductible Gift Recipient Endorsement.

In the event of the organisation being dissolved, all assets that remain after such dissolution and the satisfaction of all debts and liabilities shall be transferred to another organisation with similar purposes, which is charitable at law and which has rules prohibiting the distribution of its assets and income to its members.

If the organisation is wound up or its endorsement as a deductible gift recipient is revoked (whichever occurs first), any surplus of the following assets shall be transferred to another organisation with similar objects, which is charitable at law, to which income tax deductible gifts can be made:

- a. gifts of money or property for the principal purpose of the organisation
- b. contributions made in relation to an eligible fundraising event held for the principal purpose of the organisation
- c. money received by the organisation because of such gifts and contributions.

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