

# **The Federation of Chinese Scholars in Australia**



## **CONSTITUTION**

## **The Constitution of the Federation of Chinese Scholars in Australia**

### **Article 1 Name and Registration**

- 1 The name of the Federation is the Federation of Chinese Scholars Australia (or FOCSA).
- 2 The Federation is registered with ACT Registrar-General's Office.

### **Article 2 Objectives**

- 3 Objectives of the Federation are
  - 3.1 To promote scientific and technological advances, and promote self-development of Chinese Australian scholars, including, but not limited to, scientists, engineers, experts, and specialists, across all disciplines;
  - 3.2 To foster exchanges and cooperation in science, technology, education and culture among Chinese Australian scholars, among Chinese professional associations or organizations in Australia, between Chinese professional associations and relevant Australian and/or Chinese institutions as well as some international Chinese professional organizations; and
  - 3.3 To encourage Chinese Australians or their affiliated professional associations to make contributions toward the progress in science and technology, and the economical development both in Australia and China.
- 4 The Federation is mainly concerned with, and largely involved in academic and professional activities and functions so as to
  - 4.1 Publicise achievements made by Chinese Australian scholars to increase the awareness of Chinese scholars in the Australian society;
  - 4.2 Strengthen links among Chinese Australian scholars, and promote professional and academic communications and networking among themselves;
  - 4.3 Provide information and opportunities, if any, for members of the Federation for their personal, academic and professional development; and
  - 4.4 Promote cooperation and exchanges in various fields of research and development between Chinese scholars and Chinese Australian scholars and those from different institutions.

### **Article 3 Property**

- 5 The Federation is a non-governmental, non-religious and not-for-profit organisation for Chinese Australian scholars and/or professionals.

### **Article 4 Membership and subscriptions**

- 6 There will be two types of memberships: ordinary membership and associate membership. Ordinary membership includes both group and individual ones.
  - 6.1 Group thereby refers to Professional Association, Society, Club, Body Corporate, or the alike, which conduct and carry on similar missions or activities.
- 7 Ordinary group memberships of the Federation are open to those groups that are regional and/or specialised Chinese professional associations defined in Clause 6.1, which are registered in Australia or its State or Territory. Once accepted as a group member of the Federation, the individual members of that group are automatically admitted as individual members of the Federation.

- 8 Ordinary individual memberships of the Federation are open to individuals who are Chinese scholars with a doctoral degree or with equivalent academic qualifications and who recognise the Constitution of the Federation
- 9 Individual members are eligible to apply for life memberships of the Federation upon the completion of a full year membership.
- 10 Procedures for admitting group memberships into the Federation are:
  - 10.1 Interested groups defined in Clause 6.1 which wish to become group memberships must lodge their written applications with the Council of the Federation, together with a copy of the Charter, or Rules, or Constitution of the group;
  - 10.2 The Council of the Federation will then consider each application at a Council meeting and make the final decision on whether the application is accepted or not;
  - 10.3 Once accepted, the group or its representative needs to fill in the registration forms for group memberships with a full list of members of the group submitted;
  - 10.4 The Secretariat will issue membership certificate (or card) to the group and its individual members.
- 11 Procedures of admitting individual members into the Federation are as follows:
  - 11.1 Interested persons who wish to become individual members need to
    - (a) apply for membership to either the Executive Committee of the Federation or a Professional Committee within the Federation in writing; and
    - (b) be nominated and/or seconded by a current member of the Federation;
  - 11.2 The Executive Committee of the Federation or the Professional Committee will then consider the application(s) and make the decision on whether an application is acceptable.
  - 11.3 Once accepted, the applicant needs to fill in a registration form and at the same time, pay individual membership dues to the Secretariat of the Federation;
  - 11.4 The Secretariat will issue a membership certificate to the admitted member accordingly.
- 12 Rights of ordinary members of the Federation
  - 12.1 Each ordinary member present in person or by proxy has the rights to vote and to be elected in any election.
  - 12.2 Ordinary members are entitled to attending various activities or functions of the Federation or its specialised committees, which may be organised from time to time, upon presenting his or her membership card.
  - 12.3 Ordinary members have the privilege of receiving or enjoying services to be provided by the Federation or its Committees.
  - 12.4 Ordinary members are entitled to making proposals or suggestions to the Federation and undertaking relevant supervision roles in the Federation.
  - 12.5 Ordinary members are entitled to withdrawing freely from the Federation. The membership fee once paid is, however, not refundable or transferable.
- 13 Obligations of ordinary members of the Federation
  - 13.1 Ordinary members of the Federation must abide by the decisions and resolutions made by the Council of the Federation.
  - 13.2 Ordinary members of the Federation must maintain and protect the legal entitlements including rights and benefits of the Federation.
  - 13.3 Ordinary members of the Federation should proactively recommend potential members who meet the admission requirements of the Federation to join the Federation.

- 13.4 Ordinary group members of the Federation should actively and enthusiastically provide assistance to the Executive Committee of the Federation.
- 13.5 Ordinary members of the Federation must pay the full annual membership fee by the due date set by the Federation.
- 14 A person/member ceases to be a member of the Federation should one of the following situations arise when he or she
  - 14.1 Withdraws from the membership with an application in writing to the Secretariat of the Federation;
  - 14.2 Owes the Federation his or her individual membership dues for over two years without intention or effort to arrange payment;
  - 14.3 Is expelled from the Federation following a resolution made by the Council of the Federation due to misconducts or actions against the Constitution of the Federation that are deemed to have caused serious damage to the general interests of the members of the Federation.
- 15 Relevant professional organisations and their members, and individuals who are closely associated with the Federation in terms of linkages and cooperation, may become the associate members of the FOCSA. Associate members are entitled to benefits as determined by the Council when participating in activities organised or run by the FOCSA.
- 16 Honorary membership
  - 16.1 Those Chinese and/or Chinese Australian scholars, distinguished in any field of R&D and/or management, and who recognise the Constitution of the Federation may be invited to become honorary members of the Federation.
  - 16.2 Honorary membership is decided by the Council of the Federation following oral and/or written nominations by ordinary members. A certificate will be issued to those persons who have been invited as honorary members of the Federation.
  - 16.3 The term of honorary membership is normally for a duration of two years, and the appointment can be renewed pending recommendations from the Council.
  - 16.4 Honorary members are not required to pay any subscriptions to the Federation.
  - 16.5 An honorary membership may be cancelled by the decision of the Council on the basis of misconduct or damage of members' interests as deemed by the Council.
- 17 Subscriptions
  - 17.1 The annual subscription (dues) payable by the two types of memberships, i.e. group membership and individual membership, will be determined by the Council.
  - 17.2 Individual members ought to pay their membership dues by the end of the current fiscal year (30 June) for the subsequent 12 months' membership.
  - 17.3 Any membership fees paid by those whose memberships are terminated in accordance with Clause 14 will not be refunded or transferred.

#### **Article 5 Governance Structure**

- 18 The Federation is governed by the Council with the Executive Committee as its standing governing body. The Executive Committee conducts its governance through the Secretariat and Professional Committees.

#### **Article 6 The Council and the Executive Committee**

- 19 The Council is the highest decision making body of the Federation.

- 20 The Council composes of representatives of both group and individual memberships.
- 20.1 Up to two Council members can be drawn from a group of the Federation, upon the nomination of the group member;
- 20.2 The number of Council members drawn from individual members is determined in principle as follows:
  - 20.2.1 One, if the total number of individual members is less than 20; or
  - 20.2.2 Two, if the total number of individual members is between 20 and 40; or
  - 20.2.3 Three, if the total number of individual members is 40 or more.
- 20.3 Only ordinary members are eligible to be elected as members of the Council.
- 20.4 Each council member serves for a two-year term. A member of the Council may remain on the Council for one more term if elected so by the general membership.
- 21 Any resolutions made by the Council are deemed as passed with simple majority support of those present at the meeting. Each member of the Council has one vote.
- 22 On occasions when a member of the Council is unable to attend he/she may appoint another person who is a member of the federation, to be the proxy of the Council member, to attend and vote on his or her behalf.
- 23 An annual Council meeting must be convened. Special meetings may be convened by the Council if such a special meeting is proposed and demanded by over one third of its members. The venue where a Council meeting is to be held from time to time is decided by the Executive Committee. A member of the Council, with the minutes of the meeting recorded, chairs such a meeting. The minutes keeper may be appointed by Chairperson of the meeting. The minutes of the meeting must be signed by the Chairperson, the keeper, and two other members present at the meeting.
- 24 Duties of the Council are:
  - 24.1 To elect and/or remove members of the Executive Committee (President, Vice President(s), Secretary-general and/or Treasurer if any);
  - 24.2 To deal with and accept applications made by potential members;
  - 24.3 To decide on appointment(s) of honorary members;
  - 24.4 To decide on appointment of honorary President of the Federation;
  - 24.5 To oversee the establishment of Professional Committees;
  - 24.6 To consider and decide on the appointments of Chairs of each Professional Committee;
  - 24.7 To oversee the various professional committees and other committees of the Federation in their undertakings;
  - 24.8 To assess and approve the annual report of the Executive Committee;
  - 24.9 To examine and approve the financial report of the Treasurer for the financial year, where the financial year is the year ending on June 30;
  - 24.10 To formulate the strategic and operational plans including financial plans;
  - 24.11 To set the amount of membership subscriptions payable;
  - 24.12 To revise and/or amend the Constitutions if necessary; and
  - 24.13 To deal with and decide on other affairs or issues of significance or importance if any.
- 25 Members of the Executive Committee are those elected among members of the Council. The Executive Committee consists of one President, six Vice Presidents including one standing Vice President, one Secretary-General and one Treasurer, who will lead the Federation's work. The term that a member of the Executive Committee should usually serve is two years. A member can remain in the office

if elected again, but he/she is expected not to serve in the office for more than two terms, as a general rule.

- 26 On occasions when the President and the standing Vice president of the Executive Committee are both unable to perform their normal duties, members of the Executive Committee must nominate one Vice President to be the acting President.
- 27 Rights and duties of the Executive Committee
  - 27.1 To undertake the work of the Secretariat;
  - 27.2 To assess and admit individual members into the Federation;
  - 27.3 To implement the annual operational plan;
  - 27.4 To oversee and coordinate the work of the Federation's committees
  - 27.5 To deal with other matters arising.
- 28 Rights and duties of President are:
  - 28.1 To convene and preside meetings of the Executive Committee and the Council
  - 28.2 To make an annual report;
  - 28.3 To nominate Directors of Professional Committees for decisions on appointments by the Council;
  - 28.4 To recommend the appointment of Deputy Secretary-general of the Secretariat, members and Secretary of professional Committees.
- 29 Rights and duties of Vice President(s) are:
  - 29.1 To assist President in leading and managing the Federation;
  - 29.2 To be the acting President to perform duties of the President on occasions when the President is unable to perform his/her normal duties, and when this has been decided and agreed upon by the Executive Committee.
- 30 Rights and duties of Secretary-general are:
  - 30.1 To be in charge of the work of the Secretariat and to manage and implement annual operational plan;
  - 30.2 To assist the President in coordinating the work and undertakings of each Professional Committee;
  - 30.3 To nominate Deputy Secretary-general of the Secretariat;
  - 30.4 To be responsible for the registration of memberships; and
  - 30.5 To deal with other routine matters.
- 31 Rights and duties of Treasurer are:
  - 31.1 To be in charge of and responsible for the management of financial affairs of the Federation;
  - 31.2 To submit an annual financial report to the Council.

#### **Article 7      Honorary President**

- 32 Those persons, distinguished or notable, in their fields or professions – natural science, social science or arts, can be appointed as honorary president of the Federation. This is aimed at better carrying out the work of the Federation. Appointment of honorary president is generally made for a period of two years per term, but can be renewed if necessary. Such an appointment is decided by the Council

#### **Article 8      Secretariat**

- 33 The Secretariat is the executive body assisting the work of the Executive Committee of the Federation, being responsible for accomplishing tasks assigned by the Executive Committee. The Secretariat is led by and responsible for the Executive Committee of the Federation.

- 34 The Secretariat is composed of one Secretary-General and two or three Deputy Secretaries-Generals.
- 35 The Secretary-General is nominated among members of the Council and elected and appointed by the Council.
- 36 The Deputy Secretaries-general are appointed by the President following nominations by the Secretary-General.

**Article 9 Professional Committees**

- 37 Each Professional Committee, overseen by the Executive Committee of the Federation, is responsible for and in charge of various academic activities of general and specific interests of its members or the general public.
- 38 Each Professional Committee consists of one Director, several committee members and one Secretary.
- 39 Directors of those Professional Committees are nominated by the President and appointed by the Council.
- 40 Committee members and Secretaries of Professional Committees are appointed by the President following nominations by the Director of the Committee, with the roles of Secretaries to be concurrently held by Committee members.
- 41 Each Professional Committee is charged to assess and decide on applications lodged by individuals, which need to be registered with the Secretariat.

**Article 10 Financial management**

- 42 Operating expenses of the Federation are covered by subscriptions paid by group and individual members, donations and/or other incomes gained or acquired lawfully.
- 43 The Federation will not and will never pursue private ends, nor will it pursue private economic benefits as its aims.
- 44 Financial issues of the Federation is dealt with and managed, principally and accountably, by the Treasurer in accordance with relevant Federal laws and regulations of Australia.

**Article 11 Amendments of Constitutions**

- 45 Any amendments, alterations or changes to the Constitution must be given with a minimal 21-day notice, passed by the Council by voting. Amendments to the Constitution may then come into effect by a three-quarters affirmative votes of the total member by those present or represented by proxy at the Council meeting.

**Article 12 Dissolution of Federation**

- 46 A motion to dissolve the Federation can be made by the Council in office if and only if the Federation has either duly accomplished its missions, or voluntarily separated or incorporated, due to various reasons, which result in the necessity to reach the dissolution of the Federation.
- 47 A special meeting will be convened by the Council to discuss the motion of dissolving the Federation given a minimal 21-day notice. It is required that at least three-quarters of the members of the Council must be present at such a special meeting and the motion of dissolving the Federation will be passed only if an over three-quarters affirmative votes of the members present or represented by proxy at the meeting is reached.
- 48 If upon the winding up or dissolution of the Federation there remains after satisfaction of all its debts and liabilities any property whatsoever, the same must

not be paid to or distributed among the members, or former members. The surplus assets must be given or transferred to another association incorporated or another organisation under the Act which has similar objectives and which is not carried out for the purposes of profit or gain to its individual members, and which association or organisation shall be determined by resolution of the members.

**Article 13    Appendix**

49 The Constitution was passed unanimously by votes of the Council members, on the 10<sup>th</sup> day of December 2004. The Constitution thus came into effect from this date.

50 Explanations of the Constitution rest with the Council of the Federation.