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CONSTITUTION

2007



THE AUSTRALIAN MEDICAL
ACUPUNCTURE COLLEGE

CONSTITUTION OF THE AUSTRALIAN MEDICAL ACUPUNCTURE COLLEGE



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TABLE OF CONTENTS

1.	CHARACTER.....	2
2.	OBJECTS OF THE COLLEGE	2
3.	MEMBERSHIP CATEGORIES.....	2
4.	MEMBERSHIP QUALIFICATIONS.....	2
5.	MEMBERSHIP RIGHTS.....	3
6.	MEMBERSHIP APPLICATION	4
7.	STATE BRANCHES.....	5
8.	OFFICERS OF THE COLLEGE	5
9.	OFFICERS OF THE BRANCHES	6
10.	POWERS OF THE FEDERAL COMMITTEE	6
11.	POWERS OF STATE COMMITTEE.....	6
12.	PROCEEDINGS OF THE FEDERAL COMMITTEE.....	6
13.	SUB-COMMITTEES	7
14.	EXAMINATION PANEL	7
15.	ETHICS COMMITTEE	7
16.	REPRESENTATIVES IN ORGANISATIONS OUTSIDE THE COLLEGE.....	8
16	PROCEEDINGS OF THE BRANCHES.....	8
17	VACANCY OF OFFICE.....	8
18	TERMINATION AND DISCIPLINE OF MEMBERSHIP.....	8
19	CONVENING A GENERAL MEETING.....	9
20	NOTICE OF GENERAL MEETINGS.....	9
21	PROCEEDINGS AT GENERAL MEETINGS OF COLLEGE	9
22	VOTING AT A MEETING OF COLLEGE	10
23	GENERAL MEETINGS OF BRANCHES	10
24	ANNUAL SUBSCRIPTIONS	10
25	CONFLICT OF INTEREST.....	10
26	FINANCE.....	10
27	AMENDMENTS.....	11
28	NOTICES.....	11
29	DISSOLUTION	11
30	INDEMNITY	11

1. CHARACTER

- 1.1. The College's name is 'The Australian Medical Acupuncture College'.
- 1.2. The College is a public company limited by guarantee.
- 1.3. The College excludes the replaceable rules in the *Corporations Law* (which means that rules which may otherwise be implied by the *Corporations Law* are excluded from this constitution)
- 1.4.
 - (a) The College must apply its income and property to the promotion of its objects only.
 - (b) The College must not transfer its income or property to any person who is or has been a member of the College except as:
 - (i) remuneration paid in good faith for services rendered to the College; or
 - (ii) reimbursement for expenses incurred by a member in pursuance of his or her duties of office for the College.
- 1.5. The member's liability is limited.
- 1.6. If the College is wound up, each person who was a member of the College in the year prior to the commencement of the winding up must contribute such sum as is necessary but not exceeding \$100 to:
 - (a) the debts and liabilities of the College contracted before he or she ceases to be a member;
 - (b) the costs of the winding up of the College; and
 - (c) the adjustment of the rights of the contributories.
- 1.7. The Federal Committee is the board for the purposes of the *Corporations Law*.

2. OBJECTS OF THE COLLEGE

- 2.1. The objects for which the College is established are:
 - (a) to promote the value and use of medical acupuncture in Australia;
 - (b) to advance the scientific study and research of medical acupuncture in Australia;
 - (c) to promote high standards of professional practice and ethics in the use of medical acupuncture through training and continuing education;
 - (d) to promote the dissemination of knowledge about medical acupuncture throughout the medical profession and the general community; and
 - (e) to promote, maintain, protect and advance the general and social interests of the members of the College by representing their views to persons who influence the practice of medical acupuncture in Australia.

3. MEMBERSHIP CATEGORIES

- 3.1. The College has 6 classes of members:
 - (a) fellows;
 - (b) full members;
 - (c) associate members;
 - (d) honorary fellows;
 - (e) student members;
 - (f) overseas fellows;
 - (g) overseas members; and
 - (h) overseas associate members.

4. MEMBERSHIP QUALIFICATIONS

- 4.1. To apply for membership of the College as an associate member, a person must:
 - (a) be registered to practise medicine or dentistry in Australia; and

- (b) have commenced a course of training in medical acupuncture approved by the College.
- 4.2. To apply for membership of the College as a student member, a person must be enrolled in an undergraduate course in medicine or dentistry in Australia.
- 4.3. To apply for membership of the College as an overseas associate member, a person must:-
- (a) be registered to practise medicine or dentistry in their country of residence; and
- (b) have commenced a course of training in medical acupuncture approved by the College.
- 4.4. An overseas associate member may apply to become an overseas member after:
- (a) being a financial member of the College for 2 consecutive years, provided he or she remains registered to practise medicine or dentistry in his or her country of residence; and
- (b) completing at least 50 hours of training in medical acupuncture accredited by the College.
- 4.5. An overseas member becomes an overseas fellow after he or she has passed the fellowship examination referred to in clause 14.1.
- 4.6. An associate member may apply to become a full member after:
- (a) being a financial member of the College for 2 consecutive years, provided he or she remains registered to practise medicine or dentistry in Australia; and
- (b) completing at least 50 hours of training in medical acupuncture approved by the College.
- 4.7. A full member becomes a fellow after he or she has passed the fellowship examination referred to in clause 14.1.
- 4.8. The Federal Committee may appoint a person to be an honorary fellow and withdraw that appointment.
- 4.9. The Federal Committee may appoint a member to be a life member and withdraw that appointment"

5. MEMBERSHIP RIGHTS

- 5.1. A fellow may:
- (a) represent that he or she is a fellow of the College, including using the acronym FAMAC;
- (b) vote at a general meeting of the College;
- (c) be an office bearer of the College;
- (d) receive material published by the College;
- (e) notwithstanding the requirements of clauses 4.1, 6.1 and 18.1(c), with the unanimous approval of the Federal Committee, a Fellow may retain full membership rights after retirement as a registered medical practitioner.
- 5.2. A full member may:
- (a) represent that he or she is a full member of the College;
- (b) vote at a general meeting of the College;
- (c) be an office bearer of a State Branch, except State President; and
- (d) receive material published by the College.
- 5.3. An associate member may:
- (a) represent that he or she is an associate member of the College;
- (b) vote at a general meeting of the College, except on resolutions which amend this constitution; and
- (c) receive material published by the College.
- 5.4. An honorary fellow may:
- (a) represent that he or she is an honorary fellow of the College;
- (b) attend a general meeting of the College, but not vote; and
- (c) receive material published by the College.
- 5.5. A student member may:
- (a) represent that he or she is a student member of the College;
- (b) attend a general meeting of the College, but not vote; and
- (c) receive material published by the College.
- 5.6. An overseas fellow may:
- (a) represent that he or she is an overseas fellow of the College, including using the acronym FAMAC (overseas);
- (b) vote at a general meeting of the College; and

- (c) receive material published by the College.
- 5.7. An overseas member may:
 - (a) represent that he or she is an overseas member of the College;
 - (b) attend a general meeting of the College, but not vote; and
 - (c) receive material published by the College.
- 5.8. An overseas associate member may:
 - (a) represent that he or she is an overseas associate member of the College;
 - (b) attend a general meeting of the College; and
 - (c) receive material published by the College.

6. MEMBERSHIP APPLICATION

- 6.1. To become a full member of the College, an associate member must provide to the Federal Secretary:
 - (a) proof of completion of at least 50 hours of training in medical acupuncture approved by the College;
 - (b) proof of membership of the College as an associate member for 2 consecutive years to the date of application; and
 - (c) that he or she remains registered to practise medicine or dentistry in Australia.
- 6.2. To apply for associate membership of the College, a person must provide to the Federal Secretary:
 - (a) a completed form of membership;
 - (b) proof of the person's registration to practise medicine or dentistry in Australia;
 - (c) such sum as is determined by the Federal Committee for membership applications.
- 6.3. To apply for student membership of the College, a person must provide to the Federal Secretary:
 - (a) a completed form of membership;
 - (b) proof of enrolment in an undergraduate degree in medicine or dentistry;
 - (c) such sum as is determined by the Federal Committee for membership applications.
- 6.4. To become an overseas member of the College, an overseas associate member must provide to the Federal Secretary:
 - (a) proof of completion of at least 50 hours of training in medical acupuncture accredited by the College;
 - (b) proof of membership of the College as an overseas associate member for 2 consecutive years to the date of application; and
 - (c) that he or she remains registered to practise medicine or dentistry in the country of his or her residence.
- 6.5. To apply for overseas associate membership of the College, a person must provide to the Federal Secretary:-
 - (a) a completed form of membership;
 - (b) proof of the person's registration to practise medicine or dentistry in their country of residence;
 - (c) proof of commencement of training in medical acupuncture accredited by the College;
 - (d) such sum as is determined by the Federal Committee for membership application.
- 6.6. Within 21 days of receiving an application for membership which satisfies the requirements of that paragraph, the Federal Secretary must:
 - (a) admit the applicant to membership of the College; or
 - (b) refer the application for membership to the Federal Committee for determination at its next meeting.
- 6.7. When an application for membership is referred to the Federal Committee, it may:
 - (a) admit the person to membership of the College; or
 - (b) refuse to admit the person to membership of the College without giving any reasons.
- 6.8. If a person is admitted to membership of the College, the Federal Secretary must notify that person accordingly.
- 6.9. If a person is refused membership of the College, the Federal Secretary must notify the person accordingly and refund any fee paid to the College for the purposes of the application.

7. STATE BRANCHES

- 7.1. The members resident in each state and territory shall constitute a branch. For the purpose of this clause only:
- (a) members resident in Tasmania are deemed to be resident in Victoria;
 - (b) members resident in the Northern Territory are deemed to be resident in South Australia;
 - (c) members resident in the Australian Capital Territory are deemed to be resident in New South Wales; and
 - (d) overseas fellows, overseas members, overseas associate members shall not be members of any state branch.

8. OFFICERS OF THE COLLEGE

- 8.1. The members must at every annual general meeting of the members of the College (as distinct from the State Branches) elect from the fellows officer bearers consisting of:
- (a) Federal President;
 - (b) Federal Vice President;
 - (c) Honorary Federal Secretary;
 - (d) Honorary Federal Treasurer;
 - (e) Nominations for these positions must be given to the Federal Secretary no later than 4 weeks before the date of the Federal Annual General Meeting.
- 8.2. No fellow shall be eligible to hold the office of Federal President for more than 2 consecutive years, except with the permission of the Federal Committee, and then to the maximum of 4 consecutive years only.
- 8.3. The Federal Committee shall consist of:
- (a) Federal President (who shall act as Chair);
 - (b) Federal Vice President;
 - (c) Honorary Federal Secretary;
 - (d) Honorary Federal Treasurer;
 - (e) Immediate Past Federal President;
 - (f) 1 representative from each branch;
 - (g) Chair of Examination Panel;
 - (h) Chair of Education;
 - (i) Chair of Research;
 - (j) Chair of Ethics Committee; and
 - (k) Chair of Accreditation Committee.
- 8.4. The State President of each branch shall, while holding that office, be that branch's representative provided that the State Committee of her or his branch may, whenever necessary, appoint a substitute to act in place of that State President.
- 8.5. A member may concurrently hold more than one appointment under clause 8.3 except as in clause 8.9.
- 8.6. A full member, an associate member, a student member, an honorary fellow or an overseas fellow, an overseas member, an overseas associate member is not eligible to hold office on the Federal Committee.
- 8.7. The members must at the annual general meeting of the members of the College (as distinct from the State Branches) elect from the fellows:
- (a) Chair of Accreditation;
 - (b) Chair of Education;
 - (c) Chair of Research.
- 8.8. The appointment to a Chair in clause 8.7 is for 2 years. At the end of 2 years the member must resign but may be eligible for re-election. The Chair of Examination Panel is covered in clause 14.2(b), and the Chair of Ethics is covered in clause 15.2.
- 8.9. A member may hold only one appointment as Chair under clause 8.3.

9. OFFICERS OF THE BRANCHES

- 9.1. The members of each branch shall at every annual general meeting of that branch elect from their members office bearers consisting of:
- (a) State President;
 - (b) Honorary State Secretary; and
 - (c) Honorary State Treasurer.
- 9.2. Each branch shall have a State Committee consisting of:
- (a) State President;
 - (b) Immediate Past State President;
 - (c) Honorary State Secretary;
 - (d) Honorary State Treasurer;
 - (e) such other members as may be determined from time to time by the State Committee.
- 9.3. A full member is not eligible to be State President.
- 9.4. An associate member, student member, an honorary fellow or an overseas fellow, an overseas member, an overseas associate member is not eligible to hold office on the State Committee.

10. POWERS OF THE FEDERAL COMMITTEE

- 10.1. The business of the College is to be managed by or under the direction of the Federal Committee.
- 10.2. The Federal Committee may exercise all the powers of the College except any powers that the *Corporations Law* or this constitution requires the College to exercise in a general meeting.
- 10.3. The Federal Committee may make by-laws consistent with this Constitution for the better management of the affairs of the College.
- 10.4. Without limiting the generality of this clause, the Federal Committee must:
- (a) promote the objects of the College;
 - (b) conduct the affairs of the College in accordance with this constitution and the by-laws of the College;
 - (c) supervise and co-ordinate the activities of the branches;
 - (d) control the finances of the College; and
 - (e) cause proper accounting and other records to be kept and distribute financial statements as required by law.

11. POWERS OF STATE COMMITTEE

- 11.1. The State Committee of each branch must:
- (a) promote the objects of the College under the direction of the Federal Committee;
 - (b) conduct the affairs of its branch in accordance with this constitution and the by-laws of the College and the direction of the Federal Committee;
 - (c) provide reports to the Federal Committee in such manner as it directs.

12. PROCEEDINGS OF THE FEDERAL COMMITTEE

- 12.1. The Federal Committee may meet and discharge its functions as it sees fit, but it must meet on at least 1 occasion each calendar year.
- 12.2. With the other Federal Committee members' approval, a Federal Committee member may appoint in writing an alternate to exercise some or all of the Federal Committee's powers for a specified period.
- 12.3. The Federal Committee shall meet:
- (a) at such other times and for such purposes as the Federal President may determine; or

- (b) as requested by requisition in writing to the Federal Secretary by any 3 Federal Committee members.
- 12.4. At least 7 Federal Committee members must be present during a meeting of the Federal Committee.
- 12.5. The Federal Committee's resolutions must be passed by a majority of the votes cast.
- 12.6. The Federal Committee may pass a resolution (without holding a meeting) by its members signing a document containing a statement that they are in favour of the resolution set out in the document.
- 12.7. The Federal Secretary shall:
 - (a) give due notice of Federal Committee meetings;
 - (b) keep the minutes of all Federal Committee meetings;
 - (c) conduct all correspondence; and
 - (d) prepare an annual report for the annual general meeting.
- 12.8. The Honorary Federal Treasurer must:
 - (a) collect all moneys due to the College; and
 - (b) keep proper accounts of all moneys received and expended by the Federal Committee.
- 12.9. The Federal Committee's conduct is not invalid by reason of a defect in the appointment of one of its members of which the Federal Committee is unaware.

13. SUB-COMMITTEES

- 13.1. The Federal Committee may delegate any of their powers (with the exception of the power of delegation) to a sub-committee of its members.
- 13.2. Each sub-committee must, in the exercise of the powers so delegated:
 - (a) meet and adjourn as it thinks proper;
 - (b) conform to any by-laws that may be imposed on it by the Federal Committee; and
 - (c) unless authorised otherwise, shall act in an advisory capacity to the Federal Committee.

14. EXAMINATION PANEL

- 14.1. The Federal Committee must constitute a sub-committee of at least 3 members known as the examination panel to be responsible for the conduct of the fellowship examination.
- 14.2. Unless otherwise resolved by the Federal Committee:
 - (a) the Federal Committee may appoint a person to the examination panel if the person has been a fellow for 5 consecutive years and has remained a financial member of the College;
 - (b) the members of the examination panel shall appoint a person to act as the head of the panel for such period not exceeding 3 consecutive years as the members of the panel determine; or
 - (c) the Federal Committee may remove a person appointed to the panel.

15. ETHICS COMMITTEE

- 15.1. Unless otherwise resolved by the Federal Committee, the Chair of the Ethics Committee (appointed under clause 16), Federal President, Federal Vice-President and the State Presidents constitute an ethics committee.
- 15.2. The Federal Vice-President shall be the Chair of Ethics.

16. REPRESENTATIVES IN ORGANISATIONS OUTSIDE THE COLLEGE

- 16.1. The Federal Committee may appoint members to represent the College in organisations outside the College. Each appointment is to be reviewed every 2 years.

17. PROCEEDINGS OF THE BRANCHES

- 17.1. The State Branches may meet and adjourn as they see fit.
- 17.2. The State Secretary shall:
- (a) give due notice of State Committee meetings;
 - (b) keep the minutes of all State Committee meetings;
 - (c) conduct all correspondence of the State Committee; and
 - (d) prepare an annual report to the Federal Committee.
- 17.3. The Honorary State Treasurers shall be custodian of all moneys allocated to their branches by the Federal Committee or otherwise received for the purposes of an event promoted by their branches in accordance with the directions of the Federal Committee.

18. VACANCY OF OFFICE

- 18.1. A person ceases to hold office if he or she:
- (a) becomes bankrupt or makes an arrangement or composition with creditors generally;
 - (b) becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health;
 - (c) ceases to be a member of the College; or
 - (d) resigns that office by notice in writing given to the Federal Secretary.
- 18.2. If the Federal President vacates office, the Federal Vice President shall assume the office of Federal President until the next annual general meeting. If the Federal Vice President is unable to or declines to accept that office, then the Immediate Past Federal President shall assume that office. If the Immediate Past Federal President is unable to or declines to accept that office, the Federal Committee shall appoint one of its members to be Federal President.
- 18.3. The Federal Committee may appoint a member to fill a vacancy on the Federal Committee.

19. TERMINATION AND DISCIPLINE OF MEMBERSHIP

- 19.1. A member may resign from the College by giving notice in writing to the Federal Secretary.
- 19.2. A fellow whose subscription remains unpaid for 12 months ceases to be a member of the College but may, in the discretion of the Federal Secretary, be reinstated to membership on payment of arrears of subscriptions.
- 19.3. A full member, associate member, student member or overseas member whose subscription remains unpaid for 6 months ceases to be member of the College but may, in the discretion of the Federal Secretary, be reinstated to membership on payment of arrears of subscriptions.
- 19.4. The Federal Committee may terminate the membership of a member who:
- (a) has engaged in conduct which is prejudicial to the College;
 - (b) has ceased to qualify for membership of the College;
 - (c) has failed to observe proper standards of professional care, skill or competence; or
 - (d) has not observed the College's Code of Ethics.

- 19.5. A student member ceases to be a member upon conferral of his or her undergraduate degree in medicine or dentistry, whichever is the case (although a person who ceases to be a student member upon conferral of his or her undergraduate degree may apply for associate membership of the College, provided he or she satisfies the conditions in clause 6.2).
- 19.6. An overseas associate member, an overseas member, or an overseas fellow upon his or her taking residence in Australia, if he or she meets the requirements of clause 4.1, or 4.3, or 4.5, may apply for membership of the College as an associate member, of a full member, or a fellow.
- 19.7. The Federal Committee may censure a member who:
- (a) has engaged in conduct which is prejudicial to the College;
 - (b) has failed to observe proper standards of professional care, skill or competence; or
 - (c) has not observed the College's Code of Ethics.
- 19.8. The Federal Committee is not required to give any reasons if it censures a member or terminates a person's membership.
- 19.9. If the Federal Committee censures a member or terminates a person's membership, the Federal Secretary must notify the member accordingly.

20. NOTICE OF GENERAL MEETINGS

- 20.1. The Federal Committee must convene an annual general meeting of the College in each calendar year (all other general meetings shall be called extra-ordinary general meetings).
- 20.2. The Federal Committee must call and arrange to hold a general meeting when requested by members in accordance with the *Corporations Law*.

21. NOTICE OF GENERAL MEETINGS

- 21.1. The Federal Secretary must give at least 3 weeks notice of a general meeting and at least 6 weeks notice of an annual general meeting (exclusive of the day on which the notice is served or deemed to be served but inclusive of the day on which notice is given) specifying:-
- (a) the place and time of the meeting;
 - (b) the business of the meeting, including notice of any resolution to be put to members; and
 - (c) the procedure for voting by proxy.
- 21.2. The members must not deal with any business at a general meeting which is not specified in the notice convening the meeting.

22. PROCEEDINGS AT GENERAL MEETINGS OF COLLEGE

- 22.1. The members in a general meeting cannot conduct any business unless 12 persons entitled to vote are present at the time when the meeting proceeds to business.
- 22.2. If within 30 minutes from the time appointed for a general meeting 12 persons entitled to vote are not present:
- (a) the meeting must be dissolved if it was convened upon the requisition of members;
 - (b) otherwise it must be adjourned as the Federal Committee may determine and if, at the adjourned meeting 12 persons entitled to vote are not present within 30 minutes from the time appointed for the meeting, the persons present shall be a quorum.
- 22.3. The Federal President shall be the chair of every general meeting of the College, but if the Federal President is not present or is unwilling to act as chair, the Federal Vice President shall be the chair, but if the Federal Vice President is not present or is unwilling to act as chair, then the members present shall elect a person to be the chair of the meeting.
- 22.4. The members may adjourn a general meeting as they think fit but must not at any adjourned meeting deal with business other than business left unfinished.

- 22.5. Unless invited to do so by a Chair of a general meeting, non-members and non-financial members are not permitted to attend a general meeting.

23. VOTING AT A MEETING OF COLLEGE

- 23.1. The members in a general meeting may decide a resolution on a show of hands unless a poll is (before the result of the show of hands is apparent) demanded by the chair of the meeting or by at least 3 members present in person or by proxy.
- 23.2. The members cannot demand a poll on the election of a chair or the adjournment of a meeting.
- 23.3. A member is not entitled to vote in any general meeting if his or her annual subscription is in arrears.
- 23.4. Unless a poll is conducted, the chair of the meeting may declare that a resolution has been carried or carried by a particular majority, or lost.
- 23.5. If a poll is conducted, the chair may direct the manner of the poll and the result of the poll shall be the resolution of the meeting.
- 23.6. Each member present in person shall on a show of hands have 1 vote and every member present or by proxy shall on a poll have 1 vote.
- 23.7. A member's proxy:
- (a) must be in writing signed by the member giving the proxy;
 - (b) confers authority to demand or join in demanding a poll;
 - (c) may be directed to vote in favour of or against any proposed resolutions but otherwise the proxy may vote as the proxy thinks fit;
 - (d) must be delivered to the Federal Secretary 7 days before the meeting to which the proxy relates; and
 - (e) may only be given in favour of another member.

24. GENERAL MEETINGS OF BRANCHES

- 24.1. The members of each branch must hold an annual general meeting every year.
- 24.2. Each branch may meet on other occasions to deal with any business, to receive scientific papers, to hold clinical discussions, and for such other purposes as its State Committee thinks proper.

25. ANNUAL SUBSCRIPTIONS

- 25.1. The Federal Committee must determine the amount of the fee for the annual subscriptions.
- 25.2. Honorary fellows are not liable to annual subscriptions.

26. CONFLICT OF INTEREST

- 26.1. An office bearer must disclose any conflict of interest in any present or potential contract or arrangement with the College.

27. FINANCE

- 27.1. The Honorary Federal Treasurer shall open accounts in the name of the College at a bank or other financial institution chosen by the Federal Committee and the Federal Committee must procure all funds

paid to the College to be deposited into that account and pay all duly authorised disbursements from that account.

- 27.2. The Federal Committee must allocate funds each year to each branch for its use.
- 27.3. The Honorary State Treasurer must open accounts in the name of the College at a bank chosen by the Federal Committee and must report all income and expenditure to and from that account to the Honorary Federal Treasurer at intervals determined by the Honorary Treasurer.
- 27.4. The Federal Committee shall procure an audit of the accounts of the College each financial year and report to the results of each audit to the next annual general meeting of the College.

28. AMENDMENTS

- 28.1. Subject to the law, the Constitution of the College may be altered, changed or amended by a resolution passed by a majority of 75% of votes cast at a general meeting of the College.

29. NOTICES

- 29.1. The Federal Committee may give a member notice of a meeting by sending it by post to the address in the register of members (service of the notice is deemed to be effected on the day after its posting).
- 29.2. A general meeting of members is not invalidated by reason of the inadvertent failure to give notice to a member or person.

30. DISSOLUTION

- 30.1. If after the winding up of the College there is any remaining property, it must be given or transferred to:
 - (a) a body having objects similar to the objects of the College which prohibits the distribution of its income and property among its members; or
 - (b) a charitable body.

31. INDEMNITY

- 31.1. The College must indemnify an officer bearer against any liability incurred in defending any proceedings relating to the execution of his or her duties with the College in which a judgment or verdict is given in his or her favour.
- 31.2. The College may in its absolute discretion indemnify any office bearer against any liability incurred in defending any proceedings relating to the execution of his or her duties with the College provided it is lawful to do so and it is consistent with the College's objectives.