State or Territory Committee

Terms of Reference

of

AUSTRALIAN COUNCIL FOR PRIVATE EDUCATION AND TRAINING
ACN 054 953 758

Adopted
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These procedures provide general operating guidelines in accordance with corporate governance policy.
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ACPET State and/or Territory committee status and delegated authority

An ACPET State or Territory committee is a sub-committee of the ACPET Board and is established under the ACPET Constitution and By-Laws, as follows:

1. Committee objective

1.1 The Board may establish, in accordance with Constitution clause 18.1, from time to time establish Committees upon such terms as the Board may determine.

1.2 Delegation of powers:
The Board may from time to time delegate any of its powers and duties to a committee, except the power to delegate.

1.3 State or Territory committee:
The Board may appoint a State or Territory committee provided that at all times the State or Territory has a financial member. The State or Territory committee will be chaired by the Director of the Board representing that State or Territory unless otherwise determined by the Board. The Chair of ACPET resident in that State or Territory shall be ex-officio a member of any such State or Territory committee.

1.4 Board reporting:
The Director sitting on a Committee (or such other person appointed by the Board should the nominated Director be unable to so act) will report the activities of the committee to the Board.

1.5 Conduct of committees:
A committee will be structured and will conduct itself as per the policies and procedures and guidelines developed and reviewed from time to time by the Board for the conduct and good management of committees.

1.6 Government committees:
A State or Territory committee will be delegated to appoint members to any State or Territory government committee or any other committee involved with education and training in their State or Territory to do all things necessary for the benefit of the members in that State or Territory.

1.7 Grants:
A State or Territory committee will have authority to negotiate grants from any authority relating to education and training in their State or Territory. Any such will be advised to the ACPET Board.

1.8 Conferences and seminars:
A State or Territory committee may propose to the Board that a State or Territory conference be held. The Board shall determine whether such conference is approved.
1.9 Representation:
The Board upon receiving a recommendation from a State or Territory committee may also from time to time approve in writing any representation of the Council at a State or Territory level, in public or in private by a member or individual representing a member in accordance with Constitution clause 18.5.

2. The appointment and role of the State or Territory committee

2.1 Each State or Territory committee is a sub-committee of the ACPET Board and as such the ACPET Board will review the operation of, and call for expressions of interest from ACPET member organisations to nominate individuals to become members of any State or Territory committee annually. In the event that there are more nominations than committee member positions available on any State or Territory committee the ACPET Board shall appoint members to ensure committee membership is representative to membership of that state or territory.

2.2 In line with the objectives and strategic plan of the Board, the role of a State or Territory committees will be to:

2.2.1. Provide ACPET representation at forums at a State or Territory level,
2.2.2. Develop and provide advice on policy matters for consideration by the Board,
2.2.3. Advocate on behalf of ACPET members at State or Territory level,
2.2.4. Determine the needs of ACPET members and provide advice on the development of ACPET services to meet these needs,
2.2.5. Promote ACPET and its members at a State or Territory level, and
2.2.6. Provide a formal report to the ACPET Board following each meeting.

2.3 Any policy or procedure developed by a State or Territory committee is to be submitted to the ACPET Board for ratification. This process will circumvent a situation where the policies and/or procedures of a State and or Territory Committee is in conflict with those of the ACPET Board.

3. Committee structure
Each State or Territory committee can determine the structure that best suits its purposes and the time constraints etc of the committee members. The State or Territory committee shall be chaired by the Director representing that state or territory unless otherwise determined by the Board. The Chair of the State or Territory committee may, at any time, recommend to the Board the appointment or removal of a member of the State or Territory committee.
Any member desiring to resign from the committee shall give written notice to that effect addressed to the Chair. If, in the opinion of the Board, a committee member ceases to meet the criteria for ACPET membership as prescribed by the By-laws, the member will no longer be eligible for committee membership. A State or Territory committee may consider the formation of special interest groups that specialise in the development of policy and member services for particular special interest groups among the ACPET membership. A special interest group will be chaired by a member of the State or Territory committee and report to the State or Territory committee at each meeting.

4. Proceedings of the State or Territory committee

4.1 Subject to 4.2, not less than seven days notice shall be given to every member of the State or Territory committee of any meeting thereof specifying the time, place and general nature of the business of such meeting, but where the chairperson considers an emergency exists he/she may take such steps as he/she considers necessary to notify members of the State or Territory committee of the proposed meeting notwithstanding that seven days notice shall not be given.

4.2 A member of the State or Territory committee shall be entitled to receive all notices pursuant to the proceedings of the State or Territory committee and such notices shall be forwarded to the committee members address as recorded by the State or Territory committee for this purpose. All committee members upon appointment to the State or Territory committee are required to provide within seven days of the appointment the details required for service of notices, namely:

4.2.1. The address at which notices are to be served,
4.2.2. The business address and business telephone number of the committee member,
4.2.3. The facsimile telephone number of the committee member at which notices pursuant to the proceedings of the State or Territory Committee may be served, and
4.2.4. The email address of the committee member at which notices pursuant to the proceedings of the State or Territory Committee may be served.

4.3 A quorum for the meeting of the State or Territory committee should be half the members plus one, one of whom shall be the Chair.

4.4 At every meeting of the State or Territory committee the Chair shall preside as the Chairperson or in the event of his/her absence, or if there is no chairperson or if he/she is not present within 15 minutes of the time appointed for the holding of the meeting or is unwilling to act, the committee members of the State or Territory committee, provided they constitute a quorum, may elect one of their number as chairperson of the meeting.

4.5 A resolution in writing signed by all the members of the State or Territory committee for the time being and entitled to receive notice of a meeting thereof shall be as valid and effectual as if it had been passed at a meeting of the State or Territory committee duly convened and held. Any such resolution may consist of several documents in like form, either original or by facsimile transmission each signed by one or more members of the State or Territory committee.
4.6 For the purposes of these policy and procedures, a meeting of the State or Territory committee shall mean:

4.6.1. A meeting of the State or Territory committee members assembled in person on the same day at the same place, or

4.6.2. The State or Territory committee members communicating with each other by any technological means whereby they are able simultaneously to hear each other and participate in discussion notwithstanding they are not physically present in the same place.

4.7 Any notice to be given to a member of the State or Territory committee pursuant to these policy and procedures shall be validly given if forwarded by post to the address for service referred to in 4.2.2 hereof, or of forwarded by facsimile transmission to facsimile telephone number referred to in 4.2.3 hereof, or if forwarded by email to the email address referred to in 4.2.4 hereof.

4.8 All members of the State or Territory committee shall observe strict confidentiality in respect of all matters which come before the State or Territory committee for consideration and shall not, without the consent of the State or Territory committee, communicate to any other person details of any matters discussed at a meeting of the State or Territory committee, except where required by the law to do so.

5. Financial Administration

5.1 The following principles to underpin the financial operations of State and Territory committees have been approved by the ACPET Board:

5.1.1. The ACPET Board may allocate a funded total budget for each operating State or Territory office each financial year,

5.1.2. The State or Territory Executive Officer, under delegation from the CEO, will determine expenditure within budgeted allocation,

5.1.3. All payments will be made through a central account maintained by ACPET, with payment requests and supporting documents to be forwarded to ACPET once approved at state or territory level, and

5.1.4. ACPET will be responsible for ensuring that state or territory offices have appropriate resources such as petty cash to function effectively.