

Special Resolution 1: Miscellaneous Amendments

That miscellaneous clauses in Sections 2, 3, 4, 5, and 11 (and others) of the AUSIT Constitution be amended as shown in the table that forms part of Special Resolution 1.

For your information: main changes proposed

- More comprehensive statement of the 'Character' of AUSIT.
- Updating a number of definitions and of references to legislation

Section / Clause	Proposed amendments	Original text with amendments	Explanation	Text after amendment
2 [Character]	<ul style="list-style-type: none"> • Delete the words 'is the representative body for interpreters and translators in Australia and ...' and in their place <u>insert</u> the words 'shall be a not-for-profit professional body representing interpreters and translators in Australia, incorporated in the Australian Capital Territory under the Act and Regulation. It shall be ...' 	<p>The Institute is the representative body for interpreters and translators in Australia and shall be <u>a not-for-profit professional body representing interpreters and translators in Australia, incorporated in the Australian Capital Territory under the Act and Regulation. It shall be</u> non-sectarian and shall not be affiliated with or pledge support to any political party.</p>	<ul style="list-style-type: none"> • The description of the 'character' of AUSIT needs to include the following notions: <ul style="list-style-type: none"> + its not-for-profit status, + its professional characteristic, and + the basis and jurisdiction of its incorporation. 	<p>The Institute shall be a not-for-profit professional body representing interpreters and translators in Australia, incorporated in the Australian Capital Territory under the Act and Regulation. It shall be non-sectarian and shall not be affiliated with or pledge support to any political party.</p>
3.1 [Definitions]	<ul style="list-style-type: none"> • After the definition of 'Branch Committee' <u>insert</u> the following definition: "'By-law' means a rule established or amended in accordance with Clause 8.4." • After the definition of 'Code of Ethics' <u>insert</u> the following definition: "'Complete term' in relation to an office-bearer means the period, not being more than 15 months, between the time when a member is elected or re-elected to an office in accordance with Clause 9.2 and the next Annual General Meeting". 		<ul style="list-style-type: none"> • As a frequently used term, 'By-law' should be defined. • Clarifies potential confusion as to what constitutes a 'term' of office. 	

Section / Clause	Proposed amendments	Original text with amendments	Explanation	Text after amendment
	<ul style="list-style-type: none"> After the definition of 'month' <u>insert</u> the following two definitions: "'NAATI' means the National Accreditation Authority for Translators and Interpreters." "'NAATI credential' means certification, accreditation or recognition awarded by NAATI." In the definition of 'National Council' <u>insert</u> before 'means' the words "or 'Council'" and after 'Institute' <u>insert</u> "as set out in Section 9." <u>Delete</u> in toto the definition of 'Section Committee'. In its place <u>insert</u> the following two definitions: "'Register of Members' shall include any electronic database held by the Institute or by any person or company engaged by the Institute to provide administrative services to it" "'signed' in any context where a request or resolution is required to be signed shall include a valid email or equivalent electronic communication from a person indicating assent to the request or resolution." At the end of the definitions of 'the Act' and of 'the Regulation' <u>insert</u> the words "as amended." 	<p>'National Council' or 'Council' means the governing body of the Institute <u>as set out in Section 9</u>.</p> <p>'the Act' means the Associations Incorporation Act 1991 of the Australian Capital Territory, <u>as amended</u>.</p> <p>'the Regulation' means the</p>	<ul style="list-style-type: none"> Defining both 'NAATI' and 'NAATI credential' simplifies subsequent references. Enables both 'National Council' and 'Council' to be used subsequently, and cross-refers to the relevant section. References to Section Committees are to be deleted throughout. The term 'Register ...' needs to be defined so as to include information held electronically, to align it with current practice. The term 'signed' also needs to be defined to align it with the realities of modern communications; and forms of electronic communication other than email need to be included. Without these words, this definition will restrict these references to the original versions of the Act and Regulations. 	<p>'National Council' or 'Council' means the governing body of the Institute as set out in Section 9.</p> <p>'the Act' means the Associations Incorporation Act 1991 of the Australian Capital Territory, as amended.</p> <p>'the Regulation' means the</p>

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	<ul style="list-style-type: none"> In the definition of 'written' <u>delete</u> the words "in any references to the term 'written'" and <u>insert</u> in its place the words "and 'in writing'" and after the word 'email' insert the words 'or equivalent electronic communication'. 	<p>Associations Incorporation Regulation 1991 of the Australian Capital Territory, <u>as amended</u>.</p> <p>'written' in any references to the term 'written' and 'in writing' shall include communication by email <u>or equivalent electronic communication</u>.</p>	<ul style="list-style-type: none"> Rectifies a slightly illogical way of expressing the meaning and expands the definition to include another common phrase, as well as allowing for forms of electronic communication other than email. 	<p>Associations Incorporation Regulation 1991 of the Australian Capital Territory, <u>as amended</u>.</p> <p>'written' and 'in writing' shall include communication by email or equivalent electronic communication.</p>
4.1(h) [Objects]	<ul style="list-style-type: none"> <u>Delete</u> all words between 'To liaise with' and 'of interpreters ...' and in their place <u>insert</u> the words 'NAATI in the testing, certification and recognition' 	<p>To liaise with the National Accreditation Authority for Translators and Interpreters (NAATI) in the recognition, accreditation and testing <u>NAATI in the testing, certification and recognition</u> of of interpreters and translators.</p>	<ul style="list-style-type: none"> Because 'NAATI' has been defined, only the abbreviation needs to be used; and 'certification' instead of 'accreditation' acknowledges the current system. 	<p>To liaise with NAATI in the testing, certification and recognition of interpreters and translators.</p>
4.2 [Powers under other Acts]	<ul style="list-style-type: none"> <u>Delete</u> the words 'Associations Incorporation Ordinance 1953, as amended,' and in their place <u>insert</u> the word 'Act'. <u>Delete</u> the words 'Companies Ordinance 1962' and in their place <u>insert</u> the words 'Corporations Act 2001'. 	<p>... all the powers conferred by the Associations Incorporation Ordinance 1953, as amended, <u>the Act</u> be deemed to have the same powers as are conferred upon a company incorporated under the Companies Ordinance 1962 <u>Corporations Act 2001</u>, as amended</p>	<ul style="list-style-type: none"> Both of these refer to superseded legislation, and 'the Act' has already been defined. 	<p>... all the powers conferred by the Act, be deemed to have the same powers as are conferred upon a company incorporated under the Corporations Act 2001, as amended, ...</p>
5.1 [Code of Ethics]	<ul style="list-style-type: none"> <u>Delete</u> the words 'in the by-laws' and in their place <u>insert</u> the words 'on its website'. 	<p>The Institute shall maintain and publish in the by-laws on its <u>website</u> a written Code of Ethics.</p>	<ul style="list-style-type: none"> Recognises the current realities of how to make available a document of this type, especially to the general public. 	<p>The Institute shall maintain and publish on its website a written Code of Ethics.</p>

Section / Clause	Proposed amendments	Original text with amendments	Explanation	Text after amendment
11.3 [Funds – Source]	<ul style="list-style-type: none"> In sub-clause (b), <u>delete</u> the words 'a bank or banks or other financial' and in their place <u>insert</u> the words 'an authorised deposit-taking institution or'. At the end of sub-clause (b), <u>delete</u> the words 'including its Branches or Sections'. 	All moneys received by the Institute must be deposited as soon as practicable and without deduction to the credit of an account or accounts with a bank or banks or other financial <u>an authorised deposit-taking institution or</u> institutions approved by the National Council, to be kept in the name of the Institute, including its Branches or Sections .	<ul style="list-style-type: none"> Updates the generic description to the current terminology. All AUSIT accounts are now held at national level. 	All moneys received by the Institute must be deposited as soon as practicable and without deduction to the credit of an account or accounts with an authorised deposit-taking institution or institutions approved by the National Council, to be kept in the name of the Institute.
11.4 [Funds – Management]	<ul style="list-style-type: none"> In sub-clause (b), after 'signed', <u>insert</u> the words 'and any electronic payments authorised.' <u>Delete</u> in toto sub-clause (3), dealing with Branch and Section accounts. 	All cheques, drafts, bills of exchange and other negotiable instruments must be signed, <u>and any electronic payments authorised</u> , by the National Treasurer and the National Secretary ...	<ul style="list-style-type: none"> Recognises the current reality of how AUSIT makes payments. No longer required – all AUSIT accounts are now held at national level. 	All cheques, drafts, bills of exchange and other negotiable instruments must be signed, and any electronic payments authorised, by the National Treasurer and the National Secretary ...
11.8 [Service of Notices]	<ul style="list-style-type: none"> In sub-paragraph (a), after the word 'email' <u>insert</u> the words 'or equivalent electronic communication'. In sub-paragraph (b), after the word 'email' <u>insert</u> the words 'or equivalent electronic'. 	... communication with members of the Institute shall be by email <u>or equivalent electronic communication</u> sending it to the email <u>or equivalent electronic</u> address ...	<ul style="list-style-type: none"> [See explanation in 3.1] 	... communication with members of the Institute shall be by email or equivalent electronic communication sending it to the email or equivalent electronic address ...
11.11 [Affiliation]	<ul style="list-style-type: none"> After the words 'shall not grant' <u>insert</u> the words 'to an affiliate'. 	The National Council shall not grant <u>to an affiliate</u> any rights or privileges which ...	<ul style="list-style-type: none"> Clarifies an indeterminate reference. 	The National Council shall not grant to an affiliate any rights or privileges which ...
[Throughout]	<ul style="list-style-type: none"> <u>Delete</u>, wherever occurring, references to 'Sections' when not proposed for deletion in other SRs. 	—	<ul style="list-style-type: none"> As indicated in General Background, the concept of Professional Sections is proposed for deletion. 	—