



# Constitution

Australian Institute of TechnicalChefs.

2015.

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## Rules for the **Australian Institute of Technical Chefs**

**NOTE** *The persons who from time to time are members of the Association are an incorporated association by the name given in rule 1 of these Rules*

*Under section 46 of the Associations Incorporation Reform Act 2012, these Rules are taken to constitute the terms of a contract between the Association and its members.*

### **PART 1—PRELIMINARY**

#### **1 NAME**

The name of the incorporated association is the

**“Australian Institute of TechnicalChefs.** (In these rules called "the Association").

**NOTE** *Under section 23 of the Act, the name of the association and its registration number shall appear on all its business documents.*

#### **2 PURPOSES**

The purposes of the association are —

The Australian Institute of Technical Chefs, is a not for profit association of technically skilled commercial cookery practitioners who are dedicated to promoting and improving professional standards in commercial cookery to reflect: integrity, honesty, ethical behaviour and fundamental principles and practices.

The institute accomplishes this mission by providing a platform where commercial cookery practitioners who meet the Institutes conditions, standards, and qualities shall be registered with the Australian Institute of TechnicalChefs as a TechnicalChef.

The Association aims to cooperate with existing professional chef’s organisations and other stakeholders, liaise with government on training issues, promote the definition of a TechnicalChef, and work towards investigating the potential of legally protecting the title TechnicalChef.

#### **3 FINANCIAL YEAR**

The financial year of the Association is each period of 12 months ending on 30th June

#### 4 DEFINITIONS

In these Rules—

**Absolute majority, of the Committee,** means a majority of the committee members currently holding office and entitled to vote at the time (as distinct from a majority of committee members present at a committee meeting);

**Associate member** means a member referred to in rule 14(1);

**Chairperson, of a general meeting or committee meeting,** means the person chairing the meeting as required under rule 46;

**Committee** means the Committee having management of the business of the Association;

**Committee meeting** means a meeting of the Committee held in accordance with these Rules;

**Committee member** means a member of the Committee elected or appointed under Division 3 of Part 5;

**Disciplinary appeal meeting** means a meeting of the members of the Association convened under rule 23(3);

**Disciplinary meeting** means a meeting of the Committee convened for the purposes of rule 22;

**Disciplinary subcommittee** means the subcommittee appointed under rule 20;

**Financial year** means the 12 month period specified in rule 3;

**General meeting** means a general meeting of the members of the Association convened in accordance with Part 4 and includes an annual general meeting, a special general meeting and a disciplinary appeal meeting;

**Member** means a member of the Association;

**Member entitled to vote** means a member who under rule 13(2) is entitled to vote at a general meeting;

**Special resolution** means a resolution that requires not less than three-quarters of the members voting at a general meeting, whether in person or by proxy, to vote in favour of the resolution;

**The Act** means the Associations Incorporation Reform Act 2012 and includes any regulations made under that Act;

**The Registrar** means the Registrar of Incorporated Associations.

## **PART 2—POWERS OF ASSOCIATION**

### **5 POWERS OF ASSOCIATION**

- (1) Subject to the Act, the Association has power to do all things incidental or conducive to achieve its purposes.
- (2) Without limiting subrule (1), the Association may—
  - (a) acquire, hold and dispose of real or personal property;
  - (b) open and operate accounts with financial institutions;
  - (c) invest its money in any security in which trust monies may lawfully be invested;
  - (d) raise and borrow money on any terms and in any manner as it thinks fit;
  - (e) secure the repayment of money raised or borrowed, or the payment of a debt or liability;
  - (f) appoint agents to transact business on its behalf;
  - (g) enter into any other contract it considers necessary or desirable.
- (3) The Association may only exercise its powers and use its income and assets (including any surplus) for its purposes.

### **6 NOT FOR PROFIT ORGANISATION**

- (1) The Association shall not distribute any surplus, income, or assets directly or indirectly to its members.
- (2) Subrule (1) does not prevent the Association from paying a member—
  - (a) reimbursement for expenses properly incurred by the member; or
  - (b) for goods or services provided by the member—  
if this is done in good faith on terms no more favourable than if the member was not a member.

**NOTE** *Section 33 of the Act provides that an incorporated association shall not secure pecuniary profit for its members. Section 4 of the Act sets out in more detail the circumstances under which an incorporated association is not taken to secure pecuniary profit for its members.*

## **PART 3—MEMBERS, DISCIPLINARY PROCEDURES AND GRIEVANCES**

### **DIVISION 1—MEMBERSHIP**

#### **7 MINIMUM NUMBER OF MEMBERS**

- (1) The Association shall have at least 5 members.

#### **8 WHO IS ELIGIBLE TO BE A MEMBER**

- (1) Membership of the Institute shall be open commercial cookery practitioners and those with careers emanated from a background career as a commercial cookery practitioner, who shall show they fulfil the entry requirements for membership.

**ENTRY REQUIREMENTS FOR MEMBERSHIP:** Assessed by the Australian Institute of Technical Chefs (A.I.T.C)

**(a) Culinary Skills**

Assessed by the length of time in foundation skills training and development in a commercial kitchen;  
(A minimum of three years or 6000 hours in a commercial kitchen)

**(b) Attitude (character and fitness)**

Assessed by the independent opinion of three industry referees, which may be boosted by additional evidence of participation in career or self-development activities

**(c) Culinary Knowledge**

Assessed by A.I.T.C approved technical culinary qualifications (Minimum 1000 technical education credit points (equated to a level of culinary knowledge that would normally be required by a certificate 1V in commercial cookery (or equivalent culinary qualifications or courses)

**(d) Experience**

Assessed by a combined foundation skills training and development time and maturing experience (A combined minimum of six years, or 12,000 hours experience in a commercial kitchen)

**(e) Obligations**

Agreement to adhere to the Culinary Codes of Practice and show a minimum of fifty (50) points of professional development points during their initial two and thereafter every five years of registration. (1 point nominally equates to 2 hours of extra culinary activities that influences and stimulates professional development).

**(e) Subject to subrule 2 and subrule 5,** membership shall also be available to commercial cookery practitioners who have nine years experience in a commercial kitchen (A minimum of three years or 18,000 hours in a commercial kitchen) and successfully pass A.I.T.C practical and theoretical examinations in culinary knowledge and skill tests.

(2) Members who move overseas may continue with their membership.

(3) Members who reside outside Australia shall fulfil all the Institute conditions of membership.

**9 APPLICATION FOR MEMBERSHIP**

- (1) To apply to become a member of the Association, a person shall submit a written or digital application to a committee member stating that the person—
- (a) wishes to become a member of the Association; and
  - (b) supports the purposes of the Association; and
  - (c) agrees to comply with these Rules.
- (2) The application—
- (a) shall be signed or digitally accepted by the applicant; and
  - (b) accompanied by the joining fee.

**NOTE** *The joining fee is the fee determined by the Association under rule 12(3).*

**10 CONSIDERATION OF APPLICATION**

- (1) As soon as practicable after an application for membership is received, the Committee shall decide by resolution whether to accept or reject the application.
- (2) The Committee shall notify the applicant in writing of its decision as soon as practicable after the decision is made.

- (3) If the Committee rejects the application, it shall return any money accompanying the application to the applicant.
- (4) No reason need be given for the rejection of an application.

## **11 NEW MEMBERSHIP**

- (1) If an application for membership is approved by the Committee—
  - (a) the resolution to accept the membership shall be recorded in the minutes of the committee meeting; and
  - (b) the Secretary shall, as soon as practicable, enter the name and address of the new member, and the date of becoming a member, in the register of members.
- (2) A person becomes a member of the Association and, subject to rule 13(2), is entitled to exercise his or her rights of membership from the date, whichever is the later, on which—
  - (a) the Committee approves the person's membership; or
  - (b) the person pays the joining fee.

## **12 ANNUAL SUBSCRIPTION AND FEE ON JOINING**

- (1) At each annual general meeting, the Association shall determine—
  - (a) the amount of the annual subscription for the following financial year; and
  - (b) the date for payment of the annual subscription.
- (2) The Association may determine that a lower annual subscription is payable by associate members.
- (3) The Association may determine that any new member who joins after the start of a financial year shall, for that financial year, pay a fee equal to—
  - (a) a pro rata annual subscription based on the remaining part of the financial year;
- (4) The rights of a member (including the right to vote) who has not paid the annual subscription by the due date are suspended until the subscription is paid.

## **13 GENERAL RIGHTS OF MEMBERS**

- (1) A member of the Association who is entitled to vote has the right—
  - (a) to receive notice of general meetings and of proposed special resolutions in the manner and time prescribed by these Rules; and
  - (b) to submit items of business for consideration at a general meeting; and
  - (c) to attend and be heard at general meetings; and
  - (d) to vote at a general meeting; and
  - (e) to have access to the minutes of general meetings and other documents of the Association as provided under rule 75; and
  - (f) to inspect the register of members.
- (2) A member is entitled to vote if—
  - (a) the member is a member other than an associate member; and
  - (b) more than 10 business days have passed since he or she became a member of the Association; and
  - (c) the member's membership rights are not suspended for any reason.

## **14 ASSOCIATE MEMBERS**

- (1) Associate members of the Association include—
  - (a) any other category of member as determined by special resolution at a general meeting.
- (2) An associate member shall not vote but may have other rights as determined by the Committee or by resolution at a general meeting.



**15 RIGHTS NOT TRANSFERABLE**

- (1) The rights of a member are not transferable and end when membership ceases.

**16 CEASING MEMBERSHIP**

- (1) The membership of a person ceases on resignation, expulsion or death.
- (2) If a person ceases to be a member of the Association, the Secretary shall, as soon as practicable, enter the date the person ceased to be a member in the register of members.

**17 RESIGNING AS A MEMBER**

- (1) A member may resign by notice in writing given to the Association.

**NOTE** *Rule 74(3) sets out how notice may be given to the association. It includes by post, digitally or by handing the notice to a member of the committee.*

- (2) A member is taken to have resigned if—
  - (a) the member's annual subscription is more than 3 months in arrears; or the member has not, within 1 month after receiving a request, confirmed in writing that he or she wishes to remain a member.

**18 REGISTER OF MEMBERS**

- (1) The Secretary shall keep and maintain a register of members that includes—
  - (a) for each current member—
    - (i) the member's name;
    - (ii) the address for notice last given by the member;
    - (iii) the date of becoming a member;
    - (iv) if the member is an associate member, a note to that effect;
    - (v) any other information determined by the Committee; and
  - (b) for each former member, the date of ceasing to be a member.
- (2) Any member may, at a reasonable time and free of charge, inspect the register of members.

**NOTE** *Under section 59 of the Act, access to the personal information of a person recorded in the register of members may be restricted in certain circumstances. Section 58 of the Act provides that it is an offence to make improper use of information about a person obtained from the Register of Members.*

**DIVISION 2—DISCIPLINARY ACTION**

**19 GROUNDS FOR TAKING DISCIPLINARY ACTION**

- (1) The Association may take disciplinary action against a member in accordance with this Division if it is determined that the member—
  - (a) has failed to comply with these Rules; or
  - (b) refuses to support the purposes of the Association; or
  - (c) has engaged in conduct prejudicial to the Association.

**20 DISCIPLINARY SUBCOMMITTEE**

- (1) If the Committee is satisfied that there are sufficient grounds for taking disciplinary action against a member, the Committee shall appoint a disciplinary subcommittee to hear the matter and determine what action, if any, to take against the member.
- (2) The members of the disciplinary subcommittee—

- (a) may be Committee members, members of the Association or anyone else; but
- (b) shall not be biased against, or in favour of, the member concerned.

## **21 NOTICE TO MEMBER**

- (1) Before disciplinary action is taken against a member, the Secretary shall give written notice to the member—
  - (a) stating that the Association proposes to take disciplinary action against the member; and
  - (b) stating the grounds for the proposed disciplinary action; and
  - (c) specifying the date, place and time of the meeting at which the disciplinary subcommittee intends to consider the disciplinary action (the disciplinary meeting); and
  - (d) advising the member that he or she may do one or both of the following—
    - (i) attend the disciplinary meeting and address the disciplinary subcommittee at that meeting;
    - (ii) give a written statement to the disciplinary subcommittee at any time before the disciplinary meeting; and
  - (e) setting out the member's appeal rights under rule 23.
- (2) The notice shall be given no earlier than 28 days, and no later than 14 days, before the disciplinary meeting is held.

## **22 DECISION OF SUBCOMMITTEE**

- (1) At the disciplinary meeting, the disciplinary subcommittee shall—
  - (a) give the member an opportunity to be heard; and
  - (b) consider any written statement submitted by the member.
- (2) After complying with subrule (1), the disciplinary subcommittee may—
  - (a) take no further action against the member; or
  - (b) subject to subrule (3)—
    - (i) reprimand the member; or
    - (ii) suspend the membership rights of the member for a specified period; or
    - (iii) expel the member from the Association.
- (3) The disciplinary subcommittee may not fine the member.
- (4) The suspension of membership rights or the expulsion of a member by the disciplinary subcommittee under this rule takes effect immediately after the vote is passed.

## **23 APPEAL RIGHTS**

- (1) A person whose membership rights have been suspended or who has been expelled from the Association under rule 22 may give notice to the effect that he or she wishes to appeal against the suspension or expulsion.
- (2) The notice shall be in writing and given—
  - (a) to the disciplinary subcommittee immediately after the vote to suspend or expel the person is taken; or
  - (b) to the Secretary not later than 48 hours after the vote.
- (3) If a person has given notice under subrule (2), a disciplinary appeal meeting shall be convened by the Committee as soon as practicable, but in any event not later than 21 days, after the notice is received.
- (4) Notice of the disciplinary appeal meeting shall be given to each member of the Association who is entitled to vote as soon as practicable and shall—
  - (a) specify the date, time and place of the meeting; and
  - (b) state—
    - (i) the name of the person against whom the disciplinary action has been taken; and
    - (ii) the grounds for taking that action; and
    - (iii) that at the disciplinary appeal meeting the members present shall vote on whether the decision to suspend or expel the person should be upheld or revoked.

**24 CONDUCT OF DISCIPLINARY APPEAL MEETING**

- (1) At a disciplinary appeal meeting—
  - (a) no business other than the question of the appeal may be conducted; and
  - (b) the Committee shall state the grounds for suspending or expelling the member and the reasons for taking that action; and
  - (c) the person whose membership has been suspended or who has been expelled shall be given an opportunity to be heard.
- (2) After complying with subrule (1), the members present and entitled to vote at the meeting shall vote by secret ballot on the question of whether the decision to suspend or expel the person should be upheld or revoked.
- (3) A member may not vote by proxy at the meeting.
- (4) The decision is upheld if not less than three quarters of the members voting at the meeting vote in favour of the decision.

**DIVISION 3—GRIEVANCE PROCEDURE**

**25 APPLICATION**

- (1) The grievance procedure set out in this Division applies to disputes under these Rules between—
  - (a) a member and another member;
  - (b) a member and the Committee;
  - (c) a member and the Association.
- (2) A member shall not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed.

**26 PARTIES SHALL ATTEMPT TO RESOLVE THE DISPUTE**

- (1) The parties to a dispute shall attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.

**27 APPOINTMENT OF MEDIATOR**

- (1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 26, the parties shall within 10 days—
  - (a) notify the Committee of the dispute; and
  - (b) agree to or request the appointment of a mediator; and
  - (c) attempt in good faith to settle the dispute by mediation.
- (2) The mediator shall be—
  - (a) a person chosen by agreement between the parties; or
  - (b) in the absence of agreement—
    - (i) if the dispute is between a member and another member—a person appointed by the Committee; or
    - (ii) if the dispute is between a member and the Committee or the Association—a person appointed or employed by the Dispute Settlement Centre of Victoria.
- (3) A mediator appointed by the Committee may be a member or former member of the Association but in any case shall not be a person who—
  - (a) has a personal interest in the dispute; or
  - (b) is biased in favour of or against any party.

**28 MEDIATION PROCESS**

- (1) The mediator to the dispute, in conducting the mediation, shall—
  - (a) give each party every opportunity to be heard; and
  - (b) allow due consideration by all parties of any written statement submitted by any party; and

- (c) ensure that natural justice is accorded to the parties throughout the mediation process.
- (2) The mediator shall not determine the dispute.

**29 FAILURE TO RESOLVE DISPUTE BY MEDIATION**

- (1) If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

**PART 4—GENERAL MEETINGS OF THE ASSOCIATION**

**30 ANNUAL GENERAL MEETINGS**

- (1) The Committee shall convene an annual general meeting of the Association to be held within 5 months after the end of each financial year.
- (2) Despite subrule (1), the Association may hold its first annual general meeting at any time within 18 months after its incorporation.
- (3) The Committee may determine the date, time and place of the annual general meeting.
- (4) The ordinary business of the annual general meeting is as follows—
  - (a) to confirm the minutes of the previous annual general meeting and of any special general meeting held since then;
  - (b) to receive and consider—
    - (i) the annual report of the Committee on the activities of the Association during the preceding financial year; and
    - (ii) the financial statements of the Association for the preceding financial year submitted by the Committee in accordance with Part 7 of the Act;
  - (c) to elect the members of the Committee;
  - (d) to confirm or vary the amounts (if any) of the annual subscription and joining fee.
- (5) The annual general meeting may also conduct any other business of which notice has been given in accordance with these Rules.

**31 SPECIAL GENERAL MEETINGS**

- (1) Any general meeting of the Association, other than an annual general meeting or a disciplinary appeal meeting, is a special general meeting.
- (2) The Committee may convene a special general meeting whenever it thinks fit.
- (3) No business other than that set out in the notice under rule 33 may be conducted at the meeting.

**NOTE** *General business may be considered at the meeting if it is included as an item for consideration in the notice under rule 33 and the majority of members at the meeting agree.*

**32 SPECIAL GENERAL MEETING HELD AT REQUEST OF MEMBERS**

- (1) The Committee shall convene a special general meeting if a request to do so is made in accordance with subrule (2) by at least 10% of the total number of members.
- (2) A request for a special general meeting shall—
  - (a) be in writing; and
  - (b) state the business to be considered at the meeting and any resolutions to be proposed; and
  - (c) include the names and signatures of the members requesting the meeting; and
  - (d) be given to the Secretary.
- (3) If the Committee does not convene a special general meeting within one month after the date on which the request is made, the members making the request (or any of them) may convene the special general meeting.
- (4) A special general meeting convened by members under subrule (3)—
  - (a) shall be held within 3 months after the date on which the original request was made; and
  - (b) may only consider the business stated in that request.

- (5) The Association shall reimburse all reasonable expenses incurred by the members convening a special general meeting under subrule (3).

### **33 NOTICE OF GENERAL MEETINGS**

- (1) The Secretary (or, in the case of a special general meeting convened under rule 32(3), the members convening the meeting) shall give to each member of the Association—
  - (a) at least 21 days' notice of a general meeting if a special resolution is to be proposed at the meeting; or
  - (b) at least 14 days' notice of a general meeting in any other case.
- (2) The notice shall—
  - (a) specify the date, time and place of the meeting; and
  - (b) indicate the general nature of each item of business to be considered at the meeting; and
  - (c) if a special resolution is to be proposed—
    - (i) state in full the proposed resolution; and
    - (ii) state the intention to propose the resolution as a special resolution; and
  - (d) comply with rule 34(5).
- (3) This rule does not apply to a disciplinary appeal meeting.

**NOTE** *Rule 23(4) sets out the requirements for notice of a disciplinary appeal meeting.*

### **34 PROXIES**

- (1) A member may appoint another member as his or her proxy to vote and speak on his or her behalf at a general meeting other than at a disciplinary appeal meeting.
- (2) The appointment of a proxy shall be in writing and signed by the member making the appointment.
- (3) The member appointing the proxy may give specific directions as to how the proxy is to vote on his or her behalf, otherwise the proxy may vote on behalf of the member in any matter as he or she sees fit.
- (4) If the Committee has approved a form for the appointment of a proxy, the member may use any other form that clearly identifies the person appointed as the member's proxy and that has been signed by the member.
- (5) Notice of a general meeting given to a member under rule 33 shall—
  - (a) state that the member may appoint another member as a proxy for the meeting; and
  - (b) include a copy of any form that the Committee has approved for the appointment of a proxy.
- (6) A form appointing a proxy shall be given to the Chairperson of the meeting before or at the commencement of the meeting.
- (7) A form appointing a proxy sent by post or electronically is of no effect unless it is received by the Association no later than 24 hours before the commencement of the meeting.

### **35 USE OF TECHNOLOGY**

- (1) A member not physically present at a general meeting may be permitted to participate in the meeting by the use of technology that allows that member and the members present at the meeting to clearly and simultaneously communicate with each other.
- (2) For the purposes of this Part, a member participating in a general meeting as permitted under subrule (1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

### **36 QUORUM AT GENERAL MEETINGS**

- (1) No business may be conducted at a general meeting unless a quorum of members is present.
- (2) The quorum for a general meeting is the presence (physically, by proxy or as allowed under rule 35) of 10% of the members entitled to vote.
- (3) If a quorum is not present within 30 minutes after the notified commencement time of a general meeting—

- (a) in the case of a meeting convened by, or at the request of, members under rule 32—the meeting shall be dissolved;

**NOTE** *If a meeting convened by, or at the request of, members is dissolved under this subrule, the business that was to have been considered at the meeting is taken to have been dealt with. If members wish to have the business reconsidered at another special meeting, the members shall make a new request under rule 32.*

- (b) in any other case—
  - (i) the meeting shall be adjourned to a date not more than 21 days after the adjournment; and
  - (ii) notice of the date, time and place to which the meeting is adjourned shall be given at the meeting and confirmed by written notice given to all members as soon as practicable after the meeting.
- (4) If a quorum is not present within 30 minutes after the time to which a general meeting has been adjourned under subrule (3)(b), the members present at the meeting (if not fewer than 3) may proceed with the business of the meeting as if a quorum were present.

### **37 ADJOURNMENT OF GENERAL MEETING**

- (1) The Chairperson of a general meeting at which a quorum is present may, with the consent of a majority of members present at the meeting, adjourn the meeting to another time at the same place or at another place.
- (2) Without limiting subrule (1), a meeting may be adjourned—
  - (a) if there is insufficient time to deal with the business at hand; or
  - (b) to give the members more time to consider an item of business.

#### **Example**

*The members may wish to have more time to examine the financial statements submitted by the Committee at an annual general meeting.*

- (3) No business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished when the meeting was adjourned.
- (4) Notice of the adjournment of a meeting under this rule is not required unless the meeting is adjourned for 14 days or more, in which case notice of the meeting shall be given in accordance with rule 33.

### **38 VOTING AT GENERAL MEETING**

- (1) On any question arising at a general meeting—
  - (a) subject to subrule (3), each member who is entitled to vote has one vote; and
  - (b) members may vote personally or by proxy; and
  - (c) except in the case of a special resolution, the question shall be decided on a majority of votes.
- (2) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.
- (3) If the question is whether or not to confirm the minutes of a previous meeting, only members who were present at that meeting may vote.
- (4) This rule does not apply to a vote at a disciplinary appeal meeting conducted under rule 24.

### **39 SPECIAL RESOLUTIONS**

- (1) A special resolution is passed if not less than three quarters of the members voting at a general meeting (whether in person or by proxy) vote in favour of the resolution.

**NOTE** *In addition to certain matters specified in the Act, a special resolution is required—*

- (a) to remove a committee member from office ;
- (b) to alter these Rules, including changing the name or any of the purposes of the Association.

#### **40 DETERMINING WHETHER RESOLUTION CARRIED**

- (1) Subject to subsection (2), the Chairperson of a general meeting may, on the basis of a show of hands, declare that a resolution has been—
  - (a) carried; or
  - (b) carried unanimously; or
  - (c) carried by a particular majority; or
  - (d) lost—and an entry to that effect in the minutes of the meeting is conclusive proof of that fact.
- (2) If a poll (where votes are cast in writing) is demanded by three or more members on any question—
  - (a) the poll shall be taken at the meeting in the manner determined by the Chairperson of the meeting; and
  - (b) the Chairperson shall declare the result of the resolution on the basis of the poll.
- (3) A poll demanded on the election of the Chairperson or on a question of an adjournment shall be taken immediately.
- (4) A poll demanded on any other question shall be taken before the close of the meeting at a time determined by the Chairperson.

#### **41 MINUTES OF GENERAL MEETING**

- (1) The Committee shall ensure that minutes are taken and kept of each general meeting.
- (2) The minutes shall record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.
- (3) In addition, the minutes of each annual general meeting shall include—
  - (a) the names of the members attending the meeting; and
  - (b) proxy forms given to the Chairperson of the meeting under rule 34(6); and
  - (c) the financial statements submitted to the members in accordance with rule 30(4)(b)(ii); and
  - (d) the certificate signed by two committee members certifying that the financial statements give a true and fair view of the financial position and performance of the Association; and
  - (e) any audited accounts and auditor's report or report of a review accompanying the financial statements that are required under the Act.

### **PART 5—COMMITTEE**

#### **DIVISION 1—POWERS OF COMMITTEE**

#### **42 ROLE AND POWERS**

- (1) The business of the Association shall be managed by or under the direction of a Committee.
- (2) The Committee may exercise all the powers of the Association except those powers that these Rules or the Act require to be exercised by general meetings of the members of the Association.
- (3) The Committee may—
  - (a) appoint and remove staff;
  - (b) establish subcommittees consisting of members with terms of reference it considers appropriate.

#### **43 DELEGATION**

- (1) The Committee may delegate to a member of the Committee, a subcommittee or staff, any of its powers and functions other than—
  - (a) this power of delegation; or
  - (b) a duty imposed on the Committee by the Act or any other law.
- (2) The delegation shall be in writing and may be subject to the conditions and limitations the Committee considers appropriate.
- (3) The Committee may, in writing, revoke a delegation wholly or in part.

## DIVISION 2—COMPOSITION OF COMMITTEE AND DUTIES OF MEMBERS

### 44 COMPOSITION OF COMMITTEE

The Committee consists of—

- (a) a President; and
- (b) a Vice-President; and
- (c) a Secretary; and
- (d) a Treasurer; and
- (e) ordinary members elected under rule 53.

### 45 GENERAL DUTIES

- (1) As soon as practicable after being elected or appointed to the Committee, each committee member shall become familiar with these Rules and the Act.
- (2) The Committee is collectively responsible for ensuring that the Association complies with the Act and that individual members of the Committee comply with these Rules.
- (3) Committee members shall exercise their powers and discharge their duties with reasonable care and diligence.
- (4) Committee members shall exercise their powers and discharge their duties—
  - (a) in good faith in the best interests of the Association; and
  - (b) for a proper purpose.
- (5) Committee members and former committee members shall not make improper use of—
  - (a) their position; or
  - (b) information acquired by virtue of holding their position—so as to gain an advantage for themselves or any other person or to cause detriment to the Association.

**NOTE** See also Division 3 of Part 6 of the Act which sets out the general duties of the office holders of an incorporated association.

- (6) In addition to any duties imposed by these Rules, a committee member shall perform any other duties imposed from time to time by resolution at a general meeting.

### 46 PRESIDENT AND VICE-PRESIDENT

- (1) Subject to subrule (2), the President or, in the President's absence, the Vice-President is the Chairperson for any general meetings and for any committee meetings.
- (2) If the President and the Vice-President are both absent, or are unable to preside, the Chairperson of the meeting shall be—
  - (a) in the case of a general meeting—a member elected by the other members present; or
  - (b) in the case of a committee meeting—a committee member elected by the other committee members present.

### 47 SECRETARY

- (1) The Secretary shall perform any duty or function required under the Act to be performed by the secretary of an incorporated association.

#### Example

Under the Act, the secretary of an incorporated association is responsible for lodging documents of the association with the Registrar.

- (2) The Secretary shall—
  - (a) maintain the register of members in accordance with rule 18; and
  - (b) keep custody of the common seal (if any) of the Association and, except for the financial records referred to in rule 70(3), all books, documents and securities of the Association in accordance with rules 72 and 75; and



- (c) subject to the Act and these Rules, provide members with access to the register of members, the minutes of general meetings and other books and documents; and
  - (d) perform any other duty or function imposed on the Secretary by these Rules.
- (3) The Secretary shall give to the Registrar notice of his or her appointment within 14 days after the appointment.

**48 TREASURER**

- (1) The Treasurer shall—
- (a) receive all moneys paid to or received by the Association and issue receipts for those moneys in the name of the Association; and
  - (b) ensure that all moneys received are paid into the account of the Association within 5 working days after receipt; and
  - (c) make any payments authorised by the Committee or by a general meeting of the Association from the Association's funds; and
  - (d) ensure cheques are signed by at least 2 committee members.
- (2) The Treasurer shall—
- (a) ensure that the financial records of the Association are kept in accordance with the Act; and
  - (b) coordinate the preparation of the financial statements of the Association and their certification by the Committee prior to their submission to the annual general meeting of the Association.
- (3) The Treasurer shall ensure that at least one other committee member has access to the accounts and financial records of the Association.

**DIVISION 3—ELECTION OF COMMITTEE MEMBERS AND TENURE OF OFFICE**

**49 WHO IS ELIGIBLE TO BE A COMMITTEE MEMBER**

- (1) A member is eligible to be elected or appointed as a committee member if the member—
- (a) is 18 years or over; and
  - (b) is entitled to vote at a general meeting.

**50 POSITIONS TO BE DECLARED VACANT**

- (1) This rule applies to—
- (a) the first annual general meeting of the Association after its incorporation; or
  - (b) any subsequent annual general meeting of the Association, after the annual report and financial statements of the Association have been received.
- (2) The Chairperson of the meeting shall declare all positions on the Committee vacant and hold elections for those positions in accordance with rules 51 to 54.

**51 NOMINATIONS**

- (1) Prior to the election of each position, the Chairperson of the meeting shall call for nominations to fill that position.
- (2) An eligible member of the Association may—
- (a) nominate himself or herself; or
  - (b) with the member's consent, be nominated by another member.
- (3) A member who is nominated for a position and fails to be elected to that position may be nominated for any other position for which an election is yet to be held.

**52 ELECTION OF PRESIDENT ETC.**

- (1) At the annual general meeting, separate elections shall be held for each of the following positions—
  - (a) President;
  - (b) Vice-President;
  - (c) Secretary;
  - (d) Treasurer.
- (2) If only one member is nominated for the position, the Chairperson of the meeting shall declare the member elected to the position.
- (3) If more than one member is nominated, a ballot shall be held in accordance with rule 54.
- (4) On his or her election, the new President may take over as Chairperson of the meeting.

**53 ELECTION OF ORDINARY MEMBERS**

- (1) The annual general meeting shall by resolution decide the number of ordinary members of the Committee (if any) it wishes to hold office for the next year.
- (2) A single election may be held to fill all of those positions.
- (3) If the number of members nominated for the position of ordinary committee member is less than or equal to the number to be elected, the Chairperson of the meeting shall declare each of those members to be elected to the position.
- (4) If the number of members nominated exceeds the number to be elected, a ballot shall be held in accordance with rule 54.

**54 BALLOT**

- (1) If a ballot is required for the election for a position, the Chairperson of the meeting shall appoint a member to act as returning officer to conduct the ballot.
- (2) The returning officer shall not be a member nominated for the position.
- (3) Before the ballot is taken, each candidate may make a short speech in support of his or her election.
- (4) The election shall be by secret ballot.
- (5) The returning officer shall give a blank piece of paper to—
  - (a) each member present in person; and
  - (b) each proxy appointed by a member.

**Example**

If a member has been appointed the proxy of 5 other members, the member shall be given 6 ballot papers—one for the member and one each for the other members.

- (6) If the ballot is for a single position, the voter shall write on the ballot paper the name of the candidate for whom they wish to vote.
- (7) If the ballot is for more than one position—
  - (a) the voter shall write on the ballot paper the name of each candidate for whom they wish to vote;
  - (b) the voter shall not write the names of more candidates than the number to be elected.
- (8) Ballot papers that do not comply with subrule (7)(b) are not to be counted.
- (9) Each ballot paper on which the name of a candidate has been written counts as one vote for that candidate.
- (10) The returning officer shall declare elected the candidate or, in the case of an election for more than one position, the candidates who received the most votes.
- (11) If the returning officer is unable to declare the result of an election under subrule (10) because 2 or more candidates received the same number of votes, the returning officer shall—
  - (a) conduct a further election for the position in accordance with subrules (4) to (10) to decide which of those candidates is to be elected; or
  - (b) with the agreement of those candidates, decide by lot which of them is to be elected.

## Examples

The choice of candidate may be decided by the toss of a coin, drawing straws or drawing a name out of a hat.

### 55 Term of office

- (1) Subject to subrule (3) and rule 56, a committee member holds office for two years and declared vacant at the annual general meeting.
- (2) A committee member may be re-elected.
- (3) A general meeting of the Association may—
  - (a) by special resolution remove a committee member from office; and
  - (b) elect an eligible member of the Association to fill the vacant position in accordance with this Division.
- (4) A member who is the subject of a proposed special resolution under subrule (3)(a) may make representations in writing to the Secretary or President of the Association (not exceeding a reasonable length) and may request that the representations be provided to the members of the Association.
- (5) The Secretary or the President may give a copy of the representations to each member of the Association or, if they are not so given, the member may require that they be read out at the meeting at which the special resolution is to be proposed.

### 56 VACATION OF OFFICE

- (1) A committee member may resign from the Committee by written notice addressed to the Committee.
- (2) A person ceases to be a committee member if he or she—
  - (a) ceases to be a member of the Association; or
  - (b) fails to attend 3 consecutive committee meetings (other than special or urgent committee meetings) without leave of absence under rule 67; or
  - (c) otherwise ceases to be a committee member by operation of section 78 of the Act.

**NOTE** *A Committee member may not hold the office of secretary if they do not reside in Australia.*

### 57 FILLING CASUAL VACANCIES

- (1) The Committee may appoint an eligible member of the Association to fill a position on the Committee that—
  - (a) has become vacant under rule 56; or
  - (b) was not filled by election at the last annual general meeting.
- (2) If the position of Secretary becomes vacant, the Committee shall appoint a member to the position within 14 days after the vacancy arises.
- (3) Rule 55 applies to any committee member appointed by the Committee under subrule (1) or (2).
- (4) The Committee may continue to act despite any vacancy in its membership.

## DIVISION 4—MEETINGS OF COMMITTEE

### 58 MEETINGS OF COMMITTEE

- (1) The Committee shall meet at least 4 times in each year at the dates, times and places determined by the Committee.
- (2) The date, time and place of the first committee meeting shall be determined by the members of the Committee as soon as practicable after the annual general meeting of the Association at which the members of the Committee were elected.
- (3) Special committee meetings may be convened by the President or by any 4 members of the Committee.

### 59 NOTICE OF MEETINGS

- (1) Notice of each committee meeting shall be given to each committee member no later than 7 days before the date of the meeting.
- (2) Notice may be given of more than one committee meeting at the same time.
- (3) The notice shall state the date, time and place of the meeting.
- (4) If a special committee meeting is convened, the notice shall include the general nature of the business to be conducted.
- (5) The only business that may be conducted at the meeting is the business for which the meeting is convened.

**60 URGENT MEETINGS**

- (1) In cases of urgency, a meeting can be held without notice being given in accordance with rule 59 provided that as much notice as practicable is given to each committee member by the quickest means practicable.
- (2) Any resolution made at the meeting shall be passed by an absolute majority of the Committee.
- (3) The only business that may be conducted at an urgent meeting is the business for which the meeting is convened.

**61 PROCEDURE AND ORDER OF BUSINESS**

- (1) The procedure to be followed at a meeting of a Committee shall be determined from time to time by the Committee.
- (2) The order of business may be determined by the members present at the meeting.

**62 USE OF TECHNOLOGY**

- (1) A committee member who is not physically present at a committee meeting may participate in the meeting by the use of technology that allows that committee member and the committee members present at the meeting to clearly and simultaneously communicate with each other.
- (2) For the purposes of this Part, a committee member participating in a committee meeting as permitted under subrule (1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

**63 QUORUM**

- (1) No business may be conducted at a Committee meeting unless a quorum is present.
- (2) The quorum for a committee meeting is the presence (in person or as allowed under rule 62) of a majority of the committee members holding office.
- (3) If a quorum is not present within 30 minutes after the notified commencement time of a committee meeting—
  - (a) in the case of a special meeting—the meeting lapses;
  - (b) in any other case—the meeting shall be adjourned to a date no later than 14 days after the adjournment and notice of the time, date and place to which the meeting is adjourned shall be given in accordance with rule 59.

**64 VOTING**

- (1) On any question arising at a committee meeting, each committee member present at the meeting has one vote.
- (2) A motion is carried if a majority of committee members present at the meeting vote in favour of the motion.
- (3) Subrule (2) does not apply to any motion or question which is required by these Rules to be passed by an absolute majority of the Committee.
- (4) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.
- (5) Voting by proxy is not permitted.

## **65 CONFLICT OF INTEREST**

- (1) A committee member who has a material personal interest in a matter being considered at a committee meeting shall disclose the nature and extent of that interest to the Committee.
- (2) The member—
  - (a) shall not be present while the matter is being considered at the meeting; and
  - (b) shall not vote on the matter.

**NOTE** *Under section 81(3) of the Act, if there are insufficient committee members to form a quorum because a member who has a material personal interest is disqualified from voting on a matter, a general meeting may be called to deal with the matter.*

- (3) This rule does not apply to a material personal interest—
  - (a) that exists only because the member belongs to a class of persons for whose benefit the Association is established; or
  - (b) that the member has in common with all, or a substantial proportion of, the members of the Association.

## **66 MINUTES OF MEETING**

- (1) The Committee shall ensure that minutes are taken and kept of each committee meeting.
- (2) The minutes shall record the following—
  - (a) the names of the members in attendance at the meeting;
  - (b) the business considered at the meeting;
  - (c) any resolution on which a vote is taken and the result of the vote;
  - (d) any material personal interest disclosed under rule 65.

## **67 LEAVE OF ABSENCE**

- (1) The Committee may grant a committee member leave of absence from committee meetings for a period not exceeding 3 months.
- (2) The Committee shall not grant leave of absence retrospectively unless it is satisfied that it was not feasible for the committee member to seek the leave in advance.

## **PART 6—FINANCIAL MATTERS**

### **68 SOURCE OF FUNDS**

- (1) The funds of the Association may be derived from joining fees, annual subscriptions, donations, fund-raising activities, grants, interest and any other sources approved by the Committee.

### **69 MANAGEMENT OF FUNDS**

- (1) The Association shall open an account with a financial institution from which all expenditure of the Association is made and into which all of the Association's revenue is deposited.
- (2) Subject to any restrictions imposed by a general meeting of the Association, the Committee may approve expenditure on behalf of the Association.
- (3) The Committee may authorise the Treasurer to expend funds on behalf of the Association (including by electronic funds transfer) up to a specified limit without requiring approval from the Committee for each item on which the funds are expended.
- (4) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by 2 committee members.
- (5) All funds of the Association shall be deposited into the financial account of the Association no later than 5 working days after receipt.

- (6) With the approval of the Committee, the Treasurer may maintain a cash float provided that all money paid from or paid into the float is accurately recorded at the time of the transaction.

**70 FINANCIAL RECORDS**

- (1) The Association shall keep financial records that—
- (a) correctly record and explain its transactions, financial position and performance; and
  - (b) enable financial statements to be prepared as required by the Act.
- (2) The Association shall retain the financial records for 7 years after the transactions covered by the records are completed.
- (3) The Treasurer shall keep in his or her custody, or under his or her control—
- (a) the financial records for the current financial year; and
  - (b) any other financial records as authorised by the Committee.

**71 FINANCIAL STATEMENTS**

- (1) For each financial year, the Committee shall ensure that the requirements under the Act relating to the financial statements of the Association are met.
- (2) Without limiting subrule (1), those requirements include—
- (a) the preparation of the financial statements;
  - (b) if required, the review or auditing of the financial statements;
  - (c) the certification of the financial statements by the Committee;
  - (d) the submission of the financial statements to the annual general meeting of the Association;
  - (e) the lodgement with the Registrar of the financial statements and accompanying reports, certificates, statements and fee.

**PART 7—GENERAL MATTERS**

**72 REGISTERED ADDRESS**

- (1) The registered address of the Association is—
- (a) the address determined from time to time by resolution of the Committee; or
  - (b) if the Committee has not determined an address to be the registered address—the postal address of the Secretary.

**73 NOTICE REQUIREMENTS**

- (1) Any notice required to be given to a member or a committee member under these Rules may be given—
- (a) by handing the notice to the member personally; or
  - (b) by sending it by post to the member at the address recorded for the member on the register of members; or
  - (c) by email or facsimile transmission.
- (2) Subrule (1) does not apply to notice given under rule 60.
- (3) Any notice required to be given to the Association or the Committee may be given—
- (a) by handing the notice to a member of the Committee; or
  - (b) by sending the notice by post to the registered address; or
  - (c) by leaving the notice at the registered address; or
  - (d) if the Committee determines that it is appropriate in the circumstances—
    - (i) by email to the email address of the Association or the Secretary; or
    - (ii) by facsimile transmission to the facsimile number of the Association.

**74 CUSTODY AND INSPECTION OF BOOKS AND RECORDS**

- (1) Members may on request inspect free of charge—

- (a) the register of members;
- (b) the minutes of general meetings;
- (c) subject to subrule (2), the financial records, books, securities and any other relevant document of the Association, including minutes of Committee meetings.

**NOTE** See note following rule 18 for details of access to the register of members.

- (2) The Committee may refuse to permit a member to inspect records of the Association that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the Association.
- (3) The Committee shall on request make copies of these rules available to members and applicants for membership free of charge.
- (4) Subject to subrule (2), a member may make a copy of any of the other records of the Association referred to in this rule and the Association may charge a reasonable fee for provision of a copy of such a record.
- (5) For purposes of this rule—
  - relevant documents means the records and other documents, however compiled, recorded or stored, that relate to the incorporation and management of the Association and includes the following—
    - (a) its membership records;
    - (b) its financial statements;
    - (c) its financial records;
    - (d) records and documents relating to transactions, dealings, business or property of the Association.

## **75 WINDING UP AND CANCELLATION**

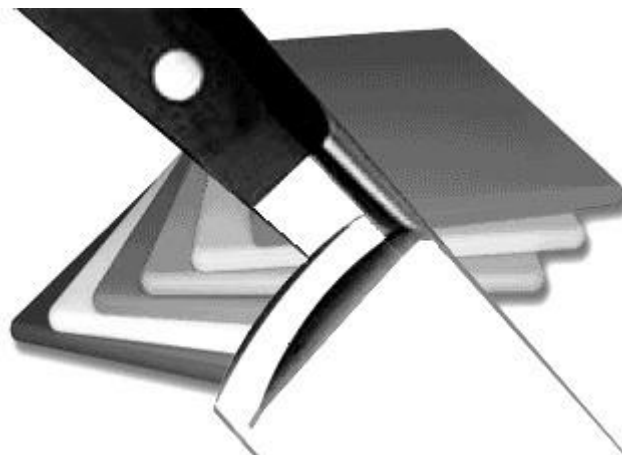
- (1) The Association may be wound up voluntarily by special resolution.
- (2) In the event of the winding up or the cancellation of the incorporation of the Association, the surplus assets of the Association shall not be distributed to any members or former members of the Association.
- (3) Subject to the Act and any court order made under section 133 of the Act, the surplus assets shall be given to a body that has similar purposes to the Association and which is not carried on for the profit or gain of its individual members.
- (4) The body to which the surplus assets are to be given shall be decided by special resolution.

## **76 Alteration of Rules**

*These Rules may only be altered by special resolution of a general meeting of the Association.*

**NOTE** *An alteration of these Rules does not take effect unless or until it is approved by the Registrar. If these Rules (other than rule 1, 2 or 3) are altered, the Association is taken to have adopted its own rules, not the model rules.*

19 August 2015



# By – Laws

## Australian Institute of TechnicalChefs

2015

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## 1. REFERENCES IN THESE BY-LAWS

1. All references to the "Association" in the Constitution refers and applies to the "Australian Institute of Technical Chefs"
2. All references to the "Committee" in the Constitution refers and applies to the "Council of the Australian Institute of Technical Chefs"
3. All references to associate members" in the Constitution refers and applies to "Non Active member and Paraprofessional -TechnicalChefs"
4. All references to A.I.T.C in the by-Laws refer to the "Australian Institute of Technical Chefs".
5. All reference to "digitally" in the Constitution means by email or electronic transmission.
6. Registrar in the by-laws means the council member with membership responsibilities.

## 2. MEMBERSHIP:

1. There shall be two categories of full members.
  - a) Affiliate Member
  - b) Full Member.
    - a. "Affiliates" are members who are in their first two years of membership.
    - b. " Full Member" are those who have than two years as members.
2. Both are members of A.I.T.C and subject to the rules of association and both enjoy the full benefits of the rules of the A.I.T.C Constitution.
3. A member whose membership has ceased may reapply, however shall be required to repay the joining fee at the time.

## 3. COUNCIL APPROVED MEMBER RANKS

1. Founding Member - First 50 approved members
2. **TechnicalChef** - Affiliate Member - First two years of membership of the Institute
3. **TechnicalChef** - Full Member - More than two years registered as a **TechnicalChef**
4. **Based on documented continuous service as a professional chef (In their original application to be a *TechnicalChef*), FULL members will be acknowledged in the register with ranks as follows:**
5. **Senior TechnicalChef** - 15 years plus (Industry experience as a chef)
6. **Principal TechnicalChef** - 25 years plus (Industry experience as a chef)
7. **Elders of Institute of TechnicalChefs** - 35 years plus (Industry experience as a chef)

## 3. PERSONAL INFORMATION

Personal information and records of members made available to the public and A.I.T.C members (other than to council for Institute business and unless otherwise required by law is restricted to:

1. Name of member
2. Registered number of member
3. Date approved as a member
4. City in which member first registered
5. Current membership status and rank of member
6. Records and personal information may not be given, sold to anyone, or used by anyone for any other purpose other than to establish eligibility for membership of the Institute.

#### **4. SELF-DEVELOPMENT**

1. Members are required to achieve and show a minimum of fifty- (50) points of professional development points during their initial two years o membership and thereafter every five years for re registration.
2. A.I.T.C council shall set precedence, however as a general rule, one point nominally equate to two hours of extra culinary professional development activities.

#### **5. ASSOCIATE MEMBERSHIP**

1. There shall be two categories of associate members
  - A. Non- Active members
    - a) Non- Active membership may be conferred by the council of the institute upon a member, because of retirement, illness or other reasonable reason.
    - b) Non- active members are not be required to pay membership subscriptions, and are not eligible to hold office or entitled to vote, however enjoy all other privileges of membership.
    - c) Non- Active members who have been full members when applying for Non-active status will be permitted to display the A.I.T.C logo.
  - B. Paraprofessional –TechnicalChef
    - a) Paraprofessional -TechnicalChef are applicants who do not fulfill the conditions for membership, however, have requested to be recorded, and mentored as a potential future member until they achieve the conditions for membership.
    - b) Paraprofessional –TechnicalChef are required to pay the joining fee until such time as fully qualified
    - c) Paraprofessionals are not be required to pay membership subscriptions, are not eligible to hold office, entitled to vote, or use the A.I.T.C logo.
    - d) A paraprofessional must be achieved the conditions for TechnicalChef membership within four calendar years of registering .

#### **6. DISCIPLINARY ACTION**

1. Should a member of the Institute not comply with the Constitution or by-Laws rules of the

A.I.T.C or act in a manner considered injurious or prejudicial to the ideals or interests of the Institute, their membership may be terminated in accordance with the process set out in the constitution of A.I.T.C

2. Prior to disciplinary action, the committee shall warn the member that they risk disciplinary action.

## 7. INTERNET MEETINGS

1. Committee meetings, notices of any meetings, and other council business may be conducted with the use of technology and shall be consistent with the rules 58 and 62 of the Constitution.

## 8. COMPOSITION OF THE COUNCIL (DIRECTORS)

The council shall consist of nine members with the title and role of:

1. **President**
2. **Vice President**
3. **Secretary**
4. **Treasurer**

With responsibilities as defined by the act. And, unless otherwise changed by resolution by the council Five Ordinary members (General Managers) as defined in the Constitution rule 44,

5. **Ordinance** - all things associated with discipline procedures / disputes/ due process/ liaison with stakeholders'
6. **Innovation** - all things associated with branding and long-term aim to protect the name "TechnicalChef"
7. **Registrar** - all things associated with applications, approvals, recruitment and membership
8. **Marketing** / all things associated with promotion and media
9. **Benefactors**/ all things associated with sponsors, grants, and educational definitions

Terms of office:

1. The term of office for a council member is two years
2. The council member may stand for election again

## 9. APPOINTMENTS

1. The council may appoint representatives from each state in Australia to be ambassadors and additional ordinary members to council to fulfill the purpose of the Institute.
2. Specialists and Experts from within the commercial cookery sector or outside the discipline of commercial cookery may be seconded as advisors to A.I.T.C

- a) Experts and ambassadors who have been previously approved as A.I.T.C members are not members.

#### **10. COMMITTEE MEETING:**

1. Committee Meeting Agenda: Unless otherwise amended by the president, the meeting agenda will follow: Present – apologies – Confirmation of previous minutes - Matters arising from the Minutes Correspondence in Correspondence out - President Report \_ Treasurer Financial Report - Registrar report and applications to be considered - Reports by each portfolio - Special items for consideration - General Business- Next meeting date, time, venue or online.

#### **11. A.I.T.C LOGO**

1. Logo/trademarks shall be registered as trademarks of the institute.
2. Unless agreed by council in special circumstances only affiliate and full members of the Institute of TechnicalChefs may only use the trademark logo.
3. The TechnicalChef trademark may not be used for any commercial purposes without the written approval of the Institute.
4. The council shall not enter into any contract that involves the use of the TechnicalChef name or logo without the prior written consent of the council of TechnicalChef.

#### **12. REGISTERED ADDRESS**

1. The current registered address is:

#### **13. RULES AND CONDITIONS FOR ALL ASSESSMENT CATEGORIES:**

1. Applicants are required to fulfill all five conditions independently to become a member of the institute.
2. Applicants must apply with a fully completed official application for membership.
3. Applicants must be able to verify all information on the application form.
4. Applicants are required to include a self-addressed envelope to accompany any requested documents.
5. A.I.T.C has the right to contact, telephone, email employers, institutes and referees to verify information on an applicant form.
6. A.I.T.C will require CERTIFIED copies of documents for verification purposes.
7. A.I.T.C will not be held responsible for loss or damage for documents sent for verification purposes.
8. A.I.T.C equates 2000 hours of fulltime employment as one-year fulltime employment.
9. A.I.T.C has the right to reject an application without giving reason.
10. A.I.T.C has the right to reject any private or government registered training qualification without giving reason.
11. All assessment will be consistent with VETASSESS determinations or other approved recognition services.

12. All overseas culinary foundation training shall be considered (but not necessarily approved) by A.I.T.C

#### **14. RULES AND CONDITIONS - SKILLS**

1. Applicants must verify their foundation training in commercial cookery, defined by the Australian Institute of Technical Chefs as “Skills”.
2. A.I.T.C requires a member to show a minimum of three years (notionally 6000 hours) foundation training in a commercial kitchen as an apprentice cook, trainee, assistant, or commis. Or
3. Appropriate full time culinary training shall be recognised by A.I.T.C as foundation skills and development.
  - a) One year fulltime training at a culinary school recognised as one-year foundation skills training and development.
  - b) Two years fulltime training at a culinary school recognised as 2 years foundation skills training and development.
  - c) Three years fulltime training at a culinary school recognised as 3 years foundation skills training and development.
4. The maximum number of employers during foundation training three. (A Group Training Company is considered one employer).
5. Applicants who do not have foundation training will have the right to request a practical test at the next available opportunity as determined by A.I.T.C; provided they fulfil all the other conditions for membership.
6. There will be an additional cost equal to the cost of delivery of the test to the applicant.
7. A.I.T.C reserves the right to request documents to show the foundation training claimed.

#### **15 RULES AND CONDITIONS – ATTITUDE**

1. Applicants will be required to provide three independent industry referees, to show character and fitness to be a member of the A.I.T.C, (defined by the Australian Institute of Technical Chefs as “Attitude”). Including being, courteous, enthusiastic, ethical, flexible, passionate, positive, reliable, trustworthy, self- disciplined and must have integrity at all times.
2. The Institute of TechnicalChefs requires a member to provide the names, title and contact details of three industry referees.
3. Applicants who are unable to provide three referees will have the right to request a panel interview at the next available opportunity as determined by ITC; provided they fulfil all the other requirements. (There will be an additional cost to the applicant).
4. Applicants may appeal a decision based on references (Referees or their comments will not be identified. Only that they are rejected based on all the information of character and fitness.
5. Applicants who appeal will need to appear before a panel committee at the next available opportunity as determined by A.I.T.C There will be an additional cost to the applicant.
6. The institute reserves the right to approve character and fitness based on evidence of historical commitment to the industry
7. The institute may request evidence of involvement in career development

## **16. RULES AND CONDITIONS – KNOWLEDGE**

1. Applicants must verify the level their technical culinary knowledge, defined by the Australian Institute of Technical Chefs as “Knowledge”.
2. The Institutes of Technical Chefs deems that culinary qualifications will be assigned culinary credit points.
3. A Technical Chef requires proof of a minimum of 1000 culinary credit points or approximately 1000 hours of face-to-face technical culinary arts training.
4. A credit point stands generally for the actual amount of hours / contact to gain a culinary qualification.
5. One credit point deemed as approximately one hour of face-to-face culinary study.
6. Certificates at level III awarded pre 2008 is equated by A.I.T.C as 1000 culinary credit points.
7. Certificates at level III awarded post 2008 is equated by A.I.T.C as 500 culinary credit points
8. The Institute (A.I.T.C) is unable to approve a foundation certificate III as sufficient rigor for a Technical Chef post 2008.
9. Additional credit points maybe claimed with evidence of private culinary studies.
10. An applicant has the right to claim private culinary studies or short culinary courses of more than 20 hours in duration.
11. All qualifications and private culinary studies programs must be verifiable.
12. An applicant with only a certificate III or equivalent will have the right to request to be theory tested at the next available opportunity as determined by A.I.T.C There will be an additional cost to the applicant.
13. An applicant with less than certificate III or formal commercial cookery qualifications will have the right to request to be theory tested at the next available opportunity as determined by A.I.T.C. provided they are able to document 9 years (18,000 hours) commercial cookery experience). There will be an additional cost to the applicant.
14. Certificate IV is acceptable entry requirement of the institute.

The Institute of Technical Chefs shall equate:

1. Certificate III in Commercial Cookery as 500 Credit Points
2. Certificate III in Asian Cookery as 500 Credit Points
3. Certificate IV in Commercial Cookery as 1000 Credit Points
4. Certificate IV in Asian Cookery as 500 Credit points
5. Other culinary qualifications shall be assessed on their technical culinary rigor

## **17. RULES AND CONDITIONS – EXPERIENCE**

1. Applicants shall verify the level of their practical hands on commercial culinary experience, defined by the Australian Institute of Technical Chefs as “Experience”.
2. In considering various experiences, the council shall notionally require a total 6 years of practical cookery experience in a commercial kitchen or in an approved commercial cookery environment.
3. Practical hands - on experience required:
  - a) No formal training requires minimum of 6 years in a kitchen ( Mandatory A.I.T.C

- Practical and Theory Examination)
- b) 1 Year full-time culinary studies requires 5 years practical experience in a commercial kitchen
  - c) 2 Year full-time culinary studies requires 4 years practical experience in a commercial kitchen
  - d) 3 Year fulltime culinary studies requires 3 years practical experience in a commercial kitchen
  - e) 1 Year Trainee requires 5 years practical experience in a commercial kitchen
  - f) 2 Year Trainee requires 4 years practical experience in a commercial kitchen
  - g) 3 year apprentice requires 3 years practical experience in a commercial kitchen
  - h) 4 years apprentice requires 2 years practical experience in a commercial kitchen
4. Overseas culinary experience shall be considered (but not necessarily approved) by A.I.T.C
  5. Applications may be received from recently qualified cooks/chefs who do not have the maturity time to be a TechnicalChef may be approved to be registered and ranked as “paraprofessional” chef
    - a) Paraprofessional Chefs do not pay membership fees.
    - b) Paraprofessional Chefs pay only the joining fee.
    - c) Registration of a paraprofessional chef as an affiliate shall be become automatic provided all other conditions of membership have been met and thereafter only membership fees apply.
    - d) Paraprofessional TechnicalChefs do not have the right to use the logo, nor are members or TechnicalChefs until qualifying as an affiliate.

## **18. RULES AND CONDITIONS - OBLIGATIONS**

1. Applicants must agree to adhere to the Australian Culinary Codes of Practice
2. A TechnicalChef is required to achieve a minimum of fifty (50) points of self development points during their initial two and thereafter every five years of registration.
3. Precedence will be set by the A.I.T.C council. However as a general rule, 1 points shall nominally equate to 2 hours of extra culinary activities.
4. Activities shall be defined as involvements that influences and stimulate personal and/or professional development and external to day to day occupational role.
5. Gaining these points may be achieved through memberships, networking, culinary pursuits, formal education and training or social development and more.
6. Unique activities submitted to council for consideration must include a description, reason for approval and approximate hours involved in the activity.
7. Approved activities will be must be individually beneficial, culinary specific, have a measureable outcome, linked to a time-period, relevant to the responsibility of a chef and complement the A.I.T.C mission, vision, and goals.
8. Activities and programs may be submitted by Institutes, organisations and associations for ITC official approval.
9. A personal dairy of involvement is highly recommended and a record will be required prior to re-registration. The following list is not inclusive.
10. Points will be allocated and identified on the website for :

Attending:

- a) Culinary social events
- b) Culinary Judge
- c) Membership chef's association .(ACF- LTB- Academie. C F)
- d) Subscriptions to industry magazines

Competitor in culinary competitions:

- a) Local
- b) National
- c) International

Contributions:

- a) Advisory roles
- b) Authorships
- c) Consultancy roles within Hospitality
- d) Membership culinary committee

Enrolled in:

- a) Cookery Advanced Certificate.
- b) Hospitality related Diploma.
- c) Hospitality related Degree.

Attending:

- a) Short industry related courses/programs.
- b) Professional/Personal Development workshops/programs.
- c) Industry related Master classes/Workshops.
- d) Culinary excursions.

Involvement in:

- a) social media (identifying the member chef).
- b) Media reviews (identifying the member chef).
- c) On Linked in – Facebook.
- d) Published articles.

## **19. MEMBERSHIP FEES**

The fees for membership of the Institute will be based on a full “registration period”.

The inaugural fee is set at \$50 for the first two years of registration.

This will be reviewed (as permitted by constitution) at the first annual general meeting.

August 25 2015