



Psychotherapy & Counselling
Federation of Australia

**BY-LAWS
OF THE
PSYCHOTHERAPY AND COUNSELLING
FEDERATION OF AUSTRALIA
INCORPORATED**

January 2021

Definitions

The following definitions are reproduced from the PACFA Constitution as an aid to interpretation of these By-laws.

- “Aboriginal and Torres Strait Islander” means a person who identifies as being of Aboriginal or Torres Strait Islander background
- “Branch” means a Division of PACFA Members which may be established in relation to Members in a particular geographic area.
- “CATSIHP” means the College of Aboriginal and Torres Strait Islander Healing Practices
- “College” means a Division of PACFA Members which may be established in relation to Members from a particular therapy modality or other shared professional interest.
- “Division” means a PACFA Branch or PACFA College and includes Sub-divisions of PACFA Colleges.
- “Eligible Member” means a natural person eligible to one vote each on the Member Congress by virtue of being:
- (a) an Individual Member of PACFA who meets the PACFA Training Standards or whose training is deemed equivalent to the PACFA Training Standards;
 - (b) a MA Member who meets the PACFA Training Standards and who is entitled to vote by virtue of being a member of a Member Association or whose training is deemed equivalent to the PACFA Training Standards;
 - (c) a Board Member; or
 - (d) a Chair of a Standing Committee.
- “Interest Group” means an informal group of Members of PACFA, MA members, and other interested professionals, who come together to explore aspects of practice and to provide networking and support opportunities.
- “Per Capita Fee” means a fee based on the number of Members of a Member Association that meet the PACFA Training Standards.
- “Membership Fee” means the annual membership fee payable by Members.
- “Sub-Division” means a sub-set of a College which operates autonomously from the parent College.
- “Training Standards” means the training standards approved by the Board from time to time.

1. Bridging Membership or Registration

1.1 When a Member Association ceases to be a Member of PACFA, current Members of that association on the PACFA Register (Registrants) may request bridging membership of PACFA or bridging registration. Such a request will be approved where the Registrant is taking steps to apply

for membership of PACFA as an Individual Member or membership with another PACFA Member Association. Bridging membership or registration will continue for six months. Bridging Registrants must notify PACFA within 14 days of becoming a member of another Member Association. The bridging membership or registration may be extended at the discretion of the Board.

1.2 Where a Registrant has been granted Bridging Registration, they may transfer to individual PACFA membership in the appropriate PACFA membership category. To transfer to PACFA membership, Registrants are required to complete the prescribed Transfer Application Form and pay the relevant transfer fee and annual membership fee. Membership fees are pro-rata for a six-month period if applying to transfer between January and June.

2. PACFA Membership Categories

2.1 Individual membership categories:

- (a) Clinical member – includes practitioners and Educators in clinical practice;
- (b) Provisional member – includes practitioners and Educators in clinical practice;
- (c) Academic member – For practitioners and Educators who belong to the Australian College of Counselling and Psychotherapy Educators and who principally identify as counselling, psychotherapy or Aboriginal and Torres Strait Island Healing Practitioner educators and /or researchers or who are leaders in the counselling, psychotherapy or Aboriginal and Torres Strait Island Healing Practitioner education sector;
- (d) Student member;
- (e) Affiliate member; and
- (f) Life member;

2.2 Organisational membership categories:

- (a) Member Association; and
- (b) Affiliated Organisation.

2.3 The Australian College of Counselling and Psychotherapy Educators shall have the following membership categories for its members.

- (a) Academic member – For applicants who meet the requirements for Academic membership of the College. They may be Academic, Clinical or Provisional Members of PACFA. There are two training pathways: those who meet the PACFA Training Standards and those who meet the College’s alternate training pathway for researchers and leaders in the counselling and psychotherapy education field.

3. Membership Applications

3.1 Organisations wishing to join PACFA as Member Associations must apply for membership in writing using the prescribed form, must supply such supporting documentation as PACFA may request, and must pay the prescribed application fee to PACFA.

3.2 All Member Associations either applying for membership of PACFA or for the purposes of retaining membership of PACFA must have at least twenty (20) members. Existing Member Associations of PACFA who do not meet this requirement will have five years from 6 February

2012, after receipt of a letter from the Secretary, to meet the membership requirement. If, after five years, the Member Association cannot meet the Membership requirement of 20 members they will cease to be a member of PACFA until this requirement can be met. Exceptions may be allowed at the discretion of the Board for small Member Associations that can demonstrate continuing engagement with PACFA and rigorous standards which align with PACFA's standards.

3.3 Individuals wishing to join PACFA as an Individual Member must apply for membership in writing using the prescribed form, and must supply such supporting documentation as PACFA may request, and must pay the prescribed application fee to the Association.

3.4 Organisations wishing to join PACFA as Affiliated Organisations must apply for membership in writing using the prescribed form and must pay the prescribed application fee to PACFA

4. Membership Fees

4.1 Members will pay the Membership Fees, application fees, Levies or other fees set by the Board in the PACFA Fee Schedule which will be published on the PACFA website.

4.2 Membership fees payable by Individual Members and Affiliated Organisations and per capita fees paid by Member Associations may be increased annually at least in line with the Consumer Price Index ("CPI") as at 31 December in the previous year or as determined by the Board.

4.3 The Per Capita fees payable by Member Association are calculated as follows:

4.3.1 A per capita fee is payable every Financial Year for each member of the Member Association who meets the PACFA Training Standards as at 31 March in the previous Financial Year.

4.3.2 The total Per Capita Fees payable is the annual amount of the Per Capita Fee multiplied by the number of members of the Member Association who meet the requirements detailed in clause 4.3.1 of the By-laws. The Per Capita fees are capped at of 225 Member Association members for whom a Per Capita Fee is payable.

4.3.3 Per Capita Fees are indexed on 1 July each year based on the CPI as at 31 December in the previous year.

4.4 Each Member Association must promptly provide the Board with all information about that Member Association and its members as reasonably requested by the Board for the purposes of the Board calculating or reviewing the Per Capita Fees.

4.5 Membership fees for members of the College of Aboriginal & Torres Strait Islander Healing Practices (CATSHIP) shall be waived for the period 1 July 2020 to 30 June 2022 if that member:

(a) is an Aboriginal or Torres Strait Islander;

(b) would not normally require PACFA membership due to their membership of another profession; and

(c) was invited to join PACFA in order to sit on the CATSIHP Leadership Group;

so long as that member continues to sit on the CATSIHP Leadership Group.

These arrangements will be reviewed by March 2022.

5. Registration

5.1 There will be two registration categories:

- (a) Clinical; and
- (b) Provisional.

5.2 Registrants who meet the requirements for additional registrations over and above the registration categories in clause 5.1 will have their additional registrations display on the PACFA Register. There are three types of additional registrations:

5.2.1 Mental Health Practitioner;

5.2.2 Accredited Supervisor; and

5.2.3 Specialist registration by a PACFA College, as approved by the Council, provided that registration is restricted to those College members who meet the entrance requirements for Clinical membership of the College or such other senior practising membership categories as defined by the College.

5.2.4 Pursuant to clause 5.2.3, the following accreditations will be introduced to members who meet the accreditation requirements established by the relevant PACFA Colleges:

- (a) Accredited Psychotherapist – College of Psychotherapy
- (b) Accredited Relationship Counsellor - Australian College of Relationship Counsellors
- (c) Aboriginal & Torres Strait Islander Healing Practitioner - CATSIHP

6. PACFA Divisions

6.1 A Member Association or a group of at least 20 Individual Members may apply to Council on the prescribed form to form a College or a College Sub-division.

6.2 The criteria for establishing a College or a College Sub-division are as follows:

6.2.1 The College's or College Sub-division's admission standards are equal to or higher than PACFA's Training Standards.

6.2.2 There is an evidence-base to support the College's or College Sub-division's modality or other area of shared professional interest.

6.2.3 Members of the College or College Sub-division are in good standing with the profession and have established links within PACFA.

6.2.4 The Convenor of a College or College Sub-division Leadership Group must be a member from the highest level of membership of the College or College Sub-division. Members of the Leadership Group may be from any membership category of the College or College Sub-division as long as the majority is from the practicing categories.

6.2.5 The application explains how the College's or College Sub-division's membership numbers are sufficient to be viable and effective as a College or College Sub-division and identifies opportunities for membership growth.

6.2.6 The College's or College Sub-division's purpose and activities align with PACFA's constitutional objectives and the College or College Sub-division is not established as an alumni association for a single training program.

6.2.7 The College or College Sub-division has an annual plan of activities.

6.2.8 There are resources available to support the new College's or College Sub-division's planned activities.

6.3 The Leadership Group of a Branch or a group of at least 20 members of a Branch in a particular State or Territory may apply to Council on the prescribed form to establish an additional Branch for that state or territory.

6.4 The criteria for establishing a Branch are as follows:

6.4.1 The application explains how there are sufficient Individual Members in the State or Territory for it to be viable for more than one Branch to operate in that state or territory.

6.4.2 There is a Leadership Group of members who will be responsible for the running of the new Branch.

6.4.3 The Branch's purpose and activities align with PACFA's constitutional objects and the Branch is not established as an alumni association for a single training program The New Branch has an annual plan of activities.

6.4.4 There are sufficient resources available to support the new Branch's planned activities.

6.4.5 All PACFA members living in that State or Territory are accepted as eligible to join the Branch.

6.5 Leadership Groups of PACFA Divisions (Branches and Colleges)

6.5.1 Subject to clause 6.5.6 which provides for an exception for the College of Aboriginal and Torres Strait Islander Healing Practices (CATSIHP), each Division or Sub-division shall have a Leadership Group consisting of at least four and a maximum of eight members from amongst the members of the Division or Sub-division.

6.5.2 Each Leadership Group will have a Convenor, a Deputy-Convenor and ordinary members.

6.5.3 To be eligible to serve on a Leadership Group, it is a requirement to:

- (a) be of good standing in the counselling and psychotherapy profession;
- (b) be an Eligible Member with voting rights, as defined in the PACFA Constitution, and be a member of the PACFA Division concerned.
- (c) have no conflicts of interest that would prevent them from impartially fulfilling the their Leadership Group role;

6.5.4 There are specific requirements to serve as the Convenor of a Leadership Group:

- (a) To be eligible to serve as the Convenor of a Leadership Group of a Branch, it is a requirement to be an individual PACFA member.
- (b) To be eligible to serve as the Convenor of the Leadership Group of the College of Psychotherapy, it is a requirement to be either an individual PACFA member or a member of a PACFA Member Association that has reached formal agreement with PACFA to participate in the College.

(c) to be eligible to serve as the Convenor or the Deputy Convenor of CATSIHP, it is a requirement to be an Aboriginal or Torres Strait Islander who is an individual PACFA member or a member of a PACFA Member Association.

(c) To be eligible to serve as the Convenor of a Leadership Group of any other PACFA College or College Sub-Division, it is a requirement to be an individual PACFA member or a member of a PACFA Member Association.

6.5.5 The composition of the Leadership Group for the Australian College of Counselling and Psychotherapy Educators must be made up of a majority of members from a membership category that requires members to meet the PACFA Training Standards.

6.5.6 To ensure cultural safety and genuine representation of the Aboriginal and Torres Strait Islander community, the CATSIHP Leadership Group will have a maximum of 12 members with the majority of those members being Aboriginal or Torres Strait Islander. Two of the members can be drawn from outside the PACFA membership as “critical friends” until such a time that an alternative membership pathway is developed that enables Aboriginal and Torres Strait Islander Healers and Practitioners to join PACFA.

6.5.7 The position of Convenor of CATSIHP includes automatic appointment to the PACFA Board as the Aboriginal and Torres Strait Islander Representative.

(a) The Convenor of CATSIHP will hold the legal responsibilities of the Aboriginal and Torres Strait Islander Representative on the PACFA Board as a Director of PACFA.

(b) To ensure cultural safety and genuine representation of the Aboriginal and Torres Strait Islander community, the responsibilities of the Convenor of CATSIHP as a member of the Board will be shared by the Deputy Convenor of CATSIHP.

6.5.8 The positions of Convenor for the College of Psychotherapy and for the College of Counselling will be automatically filled as follows:

(a) The person elected to the Board as Psychotherapy Representative will be Convenor of the College of Psychotherapy; and

(b) The person elected to the Board as Counselling Representative will be Convenor of College of Counselling.

6.5.9 The Leadership Group may initially be appointed by the PACFA Board at the time of establishment of the Division or Sub-division, after which members of the Leadership Group will be elected for a term of two years by the members of the Division or Sub-division.

6.5.10 Elections for Leadership Groups will take place every two years in June.

6.5.11 Elections will be conducted in the same manner in which Board Members are elected pursuant to clause 24 of the PACFA Constitution, with all changes as required for the procedures to apply to the election of the Leadership Group by members of the Division or Sub-division.

6.5.12 Elections for the Leadership Groups of Divisions and Sub-divisions will take place using electronic voting.

6.5.13 The Secretary of the Association will, at least twenty-one (21) days before the date fixed for holding elections for the Leadership Group of a Division or Sub-Division, send an email notice to each Eligible Member, as defined in the PACFA Constitution, who is eligible

to vote in the election. The notice will be sent to the address appearing in the Register of Members and will provide details of the electronic voting process for the election.

- (a) Only Eligible Members who belong to a particular Division or Sub-division are eligible to vote at elections for the Leadership Group of that Division or Sub-Division and to nominate to be a member of the Leadership Group. Nominees must be of good standing within the counselling and psychotherapy profession.
- (b) A quorum for Eligible Members participating in the election will be 10 Eligible Members of the Division or Sub-division. Where the Division or Sub-division has less than forty members, the quorum will be six members.
- (c) Where there is only one candidate for a position on the Leadership Group, that candidate will be elected unopposed.
- (d) When voting for the Leadership Group of Division or Sub-Division, members are to consider:
 - Whether they meet the eligibility criteria in clause 6.5.3 above;
 - the capacity of the nominee to be a member of the Leadership Group, taking into account their leadership skills and experience, their seniority in the counselling and psychotherapy profession and their availability to undertake the role;
 - whether there is sufficient representation of the diversity of psychotherapy and counselling; and
 - whether there is appropriate geographic representation (if applicable).
- (e) The PACFA Secretary will conduct the ballot using an electronic voting system. Each Eligible Member will cast their vote using the electronic voting system and the PACFA Office staff member acting as scrutineer will count the votes and certify the result in writing to the PACFA Secretary. The results of Leadership Group elections will be announced either via email to the members of the Division or Sub-division, or during a Member Meeting as appropriate.
- (f) In any case in which an equal number of votes is cast, there will be a re-vote until a clear result is achieved.

6.5.14 In the event of a casual vacancy on the Leadership Group of a Division or Sub-Division, the Leadership Group or the PACFA Board may identify a suitable Eligible Member who meets the criteria for Leadership Group membership to be a member of the Leadership Group, which appointment must be approved by the PACFA CEO and existing members of that Leadership Group. Prospective Leadership members are required to submit a CV for the CEO to consider their suitability. The person so appointed may continue as a Member of the Leadership Group until the next election takes place for the Leadership Group for the Division or Sub-Division.

6.6 Leadership Groups of Divisions are responsible for:

6.6.1 Planning continuing professional development activities;

6.6.2 Preparing an annual plan of activities using the standard template or other suitable format;

6.6.3 Preparing an annual budget for the planned activities and liaising with the PACFA Office in relation to the budget allocation;

6.6.4 Accountability for budget expenditure;

6.6.5 Leadership Groups of Divisions may also, within the parameters set by the Board:

- (a) Sponsor and foster research;
- (b) Promote the work and professional identity of members who meet the College's admission standards;
- (c) Produce newsletters, website resources and other member communications;
- (d) Provide opportunities for networking and peer support;
- (e) Produce journals and other professional resources.

6.6.6 Leadership Groups of Colleges and College Sub-divisions are responsible for developing and maintaining practice standards and guidelines over and above those established by the Association (if applicable).

7. PACFA Interest Groups

7.1 A group of at least 10 Individual Members may apply to the Board on the prescribed form to establish an Interest Group.

7.2 The criteria for establishing an Interest Group are as follows:

7.2.1 There is an evidence-base to support the Interest Group's modality or other area of shared professional interest.

7.2.2 Members of the Leadership Group of the Interest Group are in good standing with the profession and have established links within PACFA.

7.2.3 The Interest Group's purpose and activities align with PACFA's constitutional objectives.

7.2.4 The Interest Group has an annual plan of activities.

7.2.5 Minimal PACFA resources are required to support the new Interest Group's planned activities.

7.2.6 Any proposed advocacy activities must be in coordination with the PACFA Office.

7.3 Leadership Groups of Interest Groups

7.3.1 Each PACFA Interest Group shall have a Leadership Group consisting of at least three Individual Members. Leadership Groups for Interest Groups may determine their own membership, subject to the approval of the PACFA Board.

7.3.2 Leadership Groups of Interest Groups are responsible for planning and implementing the activities of the Interest Groups, such as networking, professional development and resource development.

7.4 Discontinuation of Interest Groups

7.4.1 Where an Interest Group is inactive for a period of 2 years, the Interest Group will be discontinued.

7.4.2 Any members who expressed interest in the Interest Group will be advised of the intention to discontinue the Interest Group and given a period of 3 months to reactivate the Interest Group by forming a Leadership Group.

8. Appointment of PACFA Council Delegates

8.1 Each member of the Council who is a Delegate of a Member Association or Division or Sub-division must be formally nominated as a Delegate of a current Member Association, Division or Sub-division using the form set out in Appendix 1 to the Constitution, as varied from time to time.

9. PACFA Committees

9.1 Nomination to PACFA Committees

9.1.1 Each Standing Committee established by the PACFA Council or the PACFA Board will have a Chair who is selected by the PACFA Board pursuant to clause 23 of the Constitution and who serves for a term of two years. Committee Chairs may serve for a maximum of 12 years in accordance with the clause 21.5 of the Constitution.

9.1.2 Subject to clauses 9.1.3, 9.1.4 and 9.1.5, Only Eligible Members who are PACFA Clinical or Academic Members, or who have an equivalent membership with a PACFA Member Association, are eligible to nominate to be a Chair or Member of a PACFA Standing Committee. Nominees must be of good standing within the counselling and psychotherapy profession.

9.1.3 Where a Committee includes Academic members of PACFA there must always a majority of Committee members who are PACFA Members or PACFA Member Association Members who meet the PACFA Training Standards.

9.1.4 With the approval of the Board, Committees may co-opt external members who are not Individual Members of PACFA or MA Members where the specialist expertise of external committee members is required. External members must be of good standing within their profession or organisation.

9.1.5 External membership of PACFA Committees is reserved for people who are not eligible to join PACFA or a PACFA Member Association. Nominees for Committee membership who are eligible to join PACFA or a PACFA Member Association are required to take up membership within 3 months of joining a PACFA Committee.

9.1.6 There should be no more than two external committee members and there should always be a majority of Committee members who are Individual Members or MA Members. The exception to this requirement is the Education Program Accreditation Committee (EPAC) which may have more than two external members, as long as they still have a majority of members who are Individual Members of PACFA or MA Members.

9.1.7 In accordance with clause 31.5 of the Constitution the Committee or the PACFA Board may identify a suitable candidate to be a member of the Committee, which appointment must be approved by the PACFA Board. Prospective Committee members are required to submit a CV for the Board to consider their suitability. Committee members will be appointed for an initial term of up to two years to align with the appointment date of other Committee members. Thereafter the provisions in clause 9.1.7 apply.

9.1.8 Committee members are re-appointed as a group every two years following the review process. Committee members may serve up to a maximum of six two year terms.

9.2 Conduct of Committee business

9.2.1 Where an ethical complaint or investigation is brought against a Committee member, that member is required to stand down from the Committee until the complaint or investigation is concluded.

9.2.2 Committee Chairs and Committee members declare any conflicts of interest in relation to Committee business and are required to stand down from participation in meetings where there is a conflict of interest.

9.3 The following Standing Committees have been established by the Council:

9.3.1 Research Committee;

9.3.2 Professional Standards Committee;

9.3.3 Education Program Accreditation Committee;

9.3.4 Ethics Committee; and

9.3.5 Governance Committee.

9.4 The following ad hoc Committees have been established by the Board:

9.4.1 Conference Committee;

9.4.2 Psychotherapy Working Party

9.4.3 Course Accreditation Review Sub-Committee.

10. Member Congress

10.1 Electronic Postal Ballots

10.3.1 Where under clause 18.1 of the Constitution the President has called for a Postal Ballot for the Board Elections, the Postal Ballot will be conducted via electronic poll.

10.3.2 The Operation Manager will act as returning officer and another member of the PACFA staff will act as scrutineer for the electronic poll.

10.3.3 In accordance with the timelines for Postal Voting set out in clause 18 of the Constitution, the Returning Officer will:

- i) send out the electronic ballot paper including statements from each candidate (if provided) via email to each Eligible Member for which PACFA has a current email address.
- ii) request each Member Association to send an email to all members of the Association who are Eligible Members requesting them to register with PACFA via email for the electronic poll. Electronic ballot papers will be sent directly via email to any Eligible Member belonging to a Member Association who registers for the electronic poll within the prescribed timeline. Eligible members will be given 2 weeks to respond to the invitation to register for the electronic poll.

iii) nominate a day being not less than 28 clear days from the date of sending out the ballot papers for the closure of the electronic poll (“Last Receipt Date”).

10.3.4 Each Eligible Member entitled to vote will return the electronic ballot paper to the returning officer using the electronic voting system if they wish to record a vote.

10.3.5 The returning officer will retain the electronic ballots unopened until 12pm on the day of the Last Receipt Date and will then open the electronic votes in the presence of the scrutineer whose duty it will be to assist and to check the electronic count.

10.3.6 No electronic ballot paper will be counted by the returning officer which is:

- i) received after the Last Receipt Date;
- ii) where the Membership Fee or any other amount payable by the Eligible Member to PACFA is overdue and unpaid on the Late Receipt Date.

11. PACFA Board

11.1 Eligibility to nominate to the PACFA Board

Subject to clause 22.1 of the PACFA constitution, to nominate or re-nominate to the PACFA Board, nominees must be:

- i) an Individual Member of PACFA who meets the PACFA Training Standards or whose training is equivalent to the PACFA Training Standards; or
- ii) MA Member who meets the PACFA Training Standards and who is entitled to vote by virtue of being a member of a Member Association or whose training is equivalent to the PACFA Training Standards.

11.2 The role of the CEO on the Board

11.2.1 In accordance with the PACFA Constitution the PACFA CEO has an ex-officio position on the PACFA Board:

21.2.12 the PACFA CEO (ex-officio), being the person appointed by the Board from time to time as the chief executive officer of the Association for such tenure and on terms as approved by the Board.

This by-law sets out the tenure and terms of that position.

11.2.2 Until such time as a majority of the Board determines otherwise:

- i) A 30min in camera session of non-executive directors will be scheduled on the agenda of each Board meeting.
- ii) The CEO will attend the Board meeting subsequent to the in camera session
- iii) The CEO does not have voting rights on any item or issue that is the responsibility of the PACFA Board to determine.
- iv) The CEO may be invited by the PACFA President or their representative in absentia to cast a deciding vote in the event that votes on any agendered or non-agendered item or issue are tied.

- v) The CEO is responsible for providing clear and comprehensive information relevant to the governance responsibilities of the PACFA Board members in a timely manner in advance of each Board meeting.
- vi) The CEO is invited to share their views and provide their best advice on any item or issue that is being deliberated by the Board at any time during and/or between Board meetings.