

Malta Association for the Counselling Profession (MACP)

Statute

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Josef Mizzi
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The Statute of the Malta Association for the Counselling Profession

Definitions

The Association means the Malta Association for the Counselling Profession (MACP)

The Assembly means the paid-up members of The Association present during The Association's general meetings

The Counselling Profession Act means the Counselling Profession Act chapter 538 of the laws of Malta; 'the Act'¹

Council means the Council of the Counselling Profession in Malta² as established by article 4 of Chapter 538 of the Laws of Malta

Statute means this Statute as may be amended from time to time in terms hereof;

Members means the different tiers of membership as defined hereof;

Profession means the counselling profession;

Code of Ethics means The Association's Code of Ethics as approved by The Association

Executive Council means an elected body from the paid up members with executive functions on behalf of The Assembly

¹ <https://legislation.mt/eli/cap/538/eng/pdf>

² <https://family.gov.mt/ccp/Pages/default.aspx>

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Article 1. General - Name, Logo and Address

- 1.1 The Association is a Professional Association;
- 1.2 The Association is registered as a Trade Union in terms of Chapter 452 of the Laws of Malta¹;
- 1.3 The Association was founded in January 2002 for an indefinite period;
- 1.4 The name of the Trade Union and Professional Association shall be “Malta Association for the Counselling Profession” which may be shortened to “MACP”.
- 1.5 The logo² of The Association shall be as per the below:



1.6 The registered and principal office of the Association shall be located at, ‘The Malta Federation of Professional Associations, 127, The Professional Centre, Sliema Road. Gzira GZR1633’.

¹ https://www.legislationline.org/download/id/5658/file/Malta_employment_industrial_relations_act_2002_en.pdf

² The original MACP statute (2002-2020) was designed by Nikolai Mifsud.

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Article 2. Character of The Association

- 2.1 The Association is an autonomous, independent, non-governmental, non-profit and non-political organisation. The Association shall be a public-benefit organisation set up in terms of the Laws of Malta, with a distinct legal personality and subject to the provisions of this Statute. It shall be capable of entering into contracts, of acquiring, holding and disposing of property, movable, and immovable, by any title; borrowing money and granting security also by means of hypothecs and privileges on its assets; suing or of being sued; and of doing all such things and entering into such obligations and transactions as are incidental and/or conducive to its proper functions.

Article 3. Purposes of The Association.

- 3.1 The Association shall consist mainly¹ of counsellors and regulate relations between Members of The Association and employers or employers' associations.
- 3.2 The Association is to regulate, protect and improve the conditions under which Members, and those eligible for membership are employed.
- 3.3 The Association is to promote the development and advancement of the theory, practice, education and research and scientific study in counselling.

¹ Refer to Article 4

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- 3.4 The Association commits itself to equality of opportunity and to its fight against any form of discrimination on grounds of race, colour, nationality, religion, age, ethnic origin, gender, appearance, sexual orientation and disability.

Article 4. Aims and Objectives of The Association

4.1 The aims of the Association shall be:

- (a) To recognize the profession on its own merit;
- (b) To establish and maintain a common standard of regulation for the profession;
- (c) To mediate as an official representative with state bodies, foreign organisations and other entities;
- (d) To consider and deal with any professional concerns that may arise;
- (e) To assist in setting and establishing an ethical standard for the counselling profession;
- (f) To advance the professional practice and encourage research and development in the field of counselling;
- (g) To support the publishing of research papers;
- (h) To co-operate with educational bodies;

To co-operate with other organizations locally and internationally;

- (i) To formulate, update, maintain and monitor the practice of its members and the application of the ethical and professional guidelines of the counselling profession, as consonant with and responsive to the Maltese culture;
- (j) To safeguard the profession.

4.2 The Executive Council shall operate within the parameters of the Statute. Anything not provided in this article, as well as the interpretation of the Statute, shall be vested in and resolved upon by the Executive

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Council. A resolution at a General Meeting, adopted by a two-thirds majority vote of the number of paid-up members present, shall amend or rescind any such decision and/or interpretation.

- 4.3 To acquire and dispose of any property and to invest the assets of the Association in accordance with the provisions of the Statute.
- 4.4 Other aims that are ancillary to the afore-mentioned aims.
- 4.5 To enable The Association to fulfil its purposes and objectives, it is empowered, without limitation, but subject to the provisions of this Statute: to receive endowments, contributions, grants, donations (of goods and of services) and financial assistance of whatever kind including shares in a commercial organisation for purposes of income and capital gain without in any way conducting any commercial activity as well as to administer, distribute and apply same in whole or in part in accordance with the established purposes and rules of The Association.

Article 5. Membership

- 5.1 The Association shall consist of twelve (12) tiers of membership levels. Members choose to join The Association to represent their professional interests, to contribute towards their professional wellbeing and to serve as a trade union for its members. Membership fees are in terms of Article 6 of this Statute. The twelve (12) tiers of membership levels of The Association are the following:
 - i. Fellow members
 - ii. Senior members
 - iii. Senior Practicing Members
 - iv. Approved members

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- V. Approved Practicing members
- vi. Affiliate members
- vii. Associate members
- viii. Student members
- ix. Foundation members
- X. Retired members
- xi. Lifetime members
- xii. Association-membership

- (i) **Fellow members:** The category of Fellow Members is reserved exclusively for individuals who have made an outstanding contribution to the Counselling Profession in Malta. Not more than one fellow member is admitted per annum. In this context "outstanding" shall mean that the individual through superior efforts, leadership and vision has contributed to either taking the counselling profession forward or left a lasting and tangible impact on the profession.
- a) Individuals nominated and accepted as Fellow Members can be both members and non- members of the Association.
 - b) Fellow Members automatically become Life Members of the Association. Three or more Fellow Members shall be known as the College of Fellows of The Association.
 - c) Each Fellow Member is presented with a certificate that acknowledges their Fellowship. Each certificate is numbered chronologically.
 - d) Nominated Fellow Members who do not make it to become Fellow Members may be nominated again in subsequent years.

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- e) Written nominations for outstanding contribution in the field of Counselling should reach the Executive Council by not later than fifteen (15) days before the AGM. Such nomination should include a profile of the nominee and reasons for their nomination.
 - f) Any paid-up member of the Association is empowered to nominate persons for their outstanding contribution in the field of Counselling to the Executive Council.
 - g) Serving members of the Executive Council cannot be nominated for Fellowship because of any possible conflict of interest that may arise.
- (ii) **Senior Members.**
- (a) Qualified counsellors with a Doctorate or Master in Counselling, or an equivalent thereof, as recognized by the the official Maltese body for the recognition of qualifications;
 - (b) is a Maltese citizen, or is otherwise permitted to work in Malta under any law; and
 - (c) is of good conduct.
- (iii) **Senior Practicing Members:**
- (a) Qualified practicing counsellors with a Doctorate, or Master in Counselling, or an equivalent, as recognized by the official Maltese body for the recognition of qualifications; and who are in possession of a valid professional warrant issued by the Council for the Counselling Profession (shortened as CCP);
 - (b) is a Maltese citizen, or is otherwise permitted to work in Malta under any law; and
 - (c) is of good conduct.
- (iv) **Approved members:**
- (a) Qualified counsellors who have a recognized diploma in counselling recognized by the the official Maltese body for the recognition of qualifications at Level 7;
 - (b) is a Maltese citizen, or is otherwise permitted to work in Malta under any law; and
 - (c) is of good conduct.
- (v) **Approved Practicing members:**

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- (a) Qualified practicing counsellors who have a recognized diploma in counselling recognized by the official Maltese body for the recognition of qualifications at Level 7; and who are in possession of a valid professional warrant issued by the CCP;
 - (b) is a Maltese citizen, or is otherwise permitted to work in Malta under any law; and
 - (c) is of good conduct.
- (vi) **Affiliate members:**
- (a) Doctorate and Masters in kindred professions recognized by the official Maltese body for the recognition of qualifications ;
 - (b) is a Maltese citizen, or is otherwise permitted to work in Malta under any law; and
 - (c) is of good conduct.
- (vii) **Associate members:**
- (a) First degree approved by the official Maltese body for the recognition of qualifications, in kindred professions; and
 - (b) is of good conduct.
- (viii) **Student members:**
- (a) Students who are registered for an under/post graduate degree in a kindred area/profession or students who are reading a Master’s qualification in counselling recognized by the official Maltese body for the recognition of qualifications; and
 - (b) is of good conduct.
- (ix) **Foundation members:**
- (a) Individuals who are not counsellors and do not possess a first degree, but whose work requires the use of helping skills; and
 - (b) is of good conduct.
- (x) **Retired members.**

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(a) shall be composed of non-practising members.

(xi) **Lifetime members:**

(a) a past president will be considered by the Executive Council for lifetime membership.

(xii) **Association-Membership:** Associations, organisations and companies which:

(a) are engaged in the caring professions, and;

(b) meet the criteria set out in Article 3 and Article 6 of this statute, may request to become members. The Association has the right to refuse membership of such associations/organisations/companies. Association-members shall have no voting rights and cannot contest for election to the Association's Executive Council.

(c) Any person within or outside the European Union and the European Economic Area (EU/EEA) who wants to qualify to become approved, approved practicing, senior or senior practicing members of the Association must present the warrant of counsellor awarded by the Maltese Government according to the European Commission Directive 2005/36/EC¹.

Article 6. Membership Fees.

a) The membership fees are due annually and shall be as follows:

i.	Fellow members	by nomination
ii.	Senior members	€35.00
iii.	Senior Practicing members	€35.00
iv.	Approved members	€35.00
v.	Approved Practicing members	€35.00
vi.	Affiliate members	€30.00

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32005L0036>

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vii.	Associate members	€20.00
viii.	Student members	€15.00
ix.	Foundation members	€15.00
x.	Retired members	€10.00
xi.	Lifetime (Past presidents)	No Fee
xii.	Association-Membership	€70.00/€40.00 students' associations.

- b) The calendar year (from January to December) shall be regarded as the membership year.
- c) New members paying on or after October 1st of the year should have a first one-term membership of 15 months, i.e. up till December of the following year.
- d) Members shall be given a three (3) month period to settle membership fees (January 1st to March 31st). Rate of membership fees should be discussed, amended and/or ratified during the Annual or Extraordinary General Meetings (AGM or EGM).

Article 7. Rights and Obligations of the Members of The Association.

7.1 A member has the right to:

- i. participate in the work of The Association;
- ii. vote;
- iii. be informed about the works of the Association;
- iv. stand for elections for the Executive Council of the Association.

7.2 A member is expected to:

- i. act in a manner which is loyal to The Associations's purposes and aims and which does not taint or jeopardise the reputation and interests of the Association;

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- ii. pay the membership fee on time;
- iii. respect the provisions of this Statute
- iv. respect and adhere to the ethical codes of the counselling profession and other acts/rules of the Association;
- v. Adhere to The Association's definition of counselling;
- vi. sign any declaration of eligibility for membership;
- vii. be subject to the Association's Complaint Procedure.

Article 8. Cessation of Membership.

8.1 Membership in the Association may cease by reason of, voluntary resignation, recurring failure to pay membership fee, expulsion (in case of infringement of the articles of this Statute), member's death; or upon the termination or dissolution of the Association.

8.2 A person may cease to be a Member of the Association by informing the Secretary with a letter in writing.

8.3 Disciplinary action may be instituted by the Executive Council, or any body appointed by the same Executive Council, against a member for any of the following reasons:

- i. A breach of The Association's Code of Ethics;
- ii. The misuse of the premises or equipment belonging to the Association;
- iii. Failure to pay within one (1) year from when membership fee is due, following two (2) reminders in writing;
- iv. In case of suspension due to nonpayment in terms of Section 8.1 above;
- v. The failure to abide with or in case of a clear violation of the provisions of the Statute;
- vi. When the members' actions either run counter or are prejudicial to the aims, objectives, policies and directives of the Association, or when they may be deemed to be detrimental to the interests of the Association.

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- 8.4 In the event of any of the scenarios contemplated in Article 8.3, the Secretary of The Association is tasked with reporting the facts to the Executive Council and submitting their recommendations made after due consultation with the member being considered for expulsion.
- 8.5 The Executive Council may take the appropriate action it may deem fit following the Secretary's report.
- 8.6 The member facing an expulsion decision may appeal to the Secretary of the Executive Council the decision of the same Executive Council within sixty (60) days following the communication in writing (virtual or actual) of thereof. The appeal must be addressed to the Secretary who will submit it to the Executive Council along with their recommendations on the merits of the appeal. Pending the appeal, the rights and obligations of the member concerned are suspended.
- 8.6.1 Persons who voluntarily end their membership may register afresh as members if they desire as per Articles 8.6.3, 8.6.4, 8.6.5. Such a request must be done in writing.
- 8.6.2 If a motion of suspension of membership is upheld by a two-thirds (2/3) majority of the Executive Council, suspended members shall lose all rights of representation and voting;
- 8.6.3 The motion of suspension may be withdrawn at the Regular Executive Council Meeting or changed to expulsion from the Association.
- 8.6.4 If membership-termination was due to ethical misconduct, members may reapply if they present verification of their warrant according to the Counselling Profession Act (Act V of 2015).
- 8.6.5 Expelled members may re-apply for membership to the Secretary. In order that they may be re-considered by the Executive Council, their name must be proposed and seconded by two (2) members of the Association.
- 8.6.6 Any member of The Association whose warrant has been revoked by the Council for the Counselling Profession, or who may be under investigation for potential misconduct, may seek support from The Association. After due consideration of the case, The Association reserves the right to seek legal advice, to accept or not accept to support such member. In case of the affirmative, The Association will

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assist the member towards finding support with regard to the warrant situation and provide the member with a one-time initial consultation with a legal professional identified by The Association.

8.6.7 The suspension of a member of The Association is only effective if approved by a minimum of 80% of the Executive Council.

Article 9. Amendments to the Statute.

9.1 Amendments to the Statute shall only be adopted if agreed upon by at least a vote of a two-thirds (2/3) majority of the paid-up Members present during General Meetings: the Assembly.

9.2 All other decisions shall be valid if approved by two-thirds vote of the paid-up Members present during General Meetings: the Assembly.

Article 10. The Boards of The Association, the Powers of the Executive Council and Terms of Office

10. 1 The Assembly is composed of the members present at the AGM or EGM.

10.2 The Executive Council is composed of a minimum of seven (7) and a maximum of eleven (11) members and unless otherwise decided by a vote requiring a two thirds (2/3) majority, during an AGM, shall have the following profile:

- 1) The President
- 2) The Vice-President
- 3) The Secretary
- 4) The Vice-Secretary
- 5) The Treasurer
- 6) The Vice-Treasurer

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- 7) The Public Relations Officer
- 8) A maximum of four (4) appointed paid-up members as detailed in Article 12.13 in accordance with Article 12.8.

- 10.2.1 The Executive Council of the Association shall be elected for a period of two (2) years.
- 10.2.2 The business of The Association shall be managed by the Executive Council which may pay all such expenses, preliminary and incidental to the promotion, formation, establishment and registration of The Association as they deem fit.
- 10.2.3 Legal representation of The Association shall vest in the President, the Secretary and the Treasurer.
- 10.2.4 No regulation made by The Association in a General Meeting shall invalidate any prior act of the Executive Council which would have been valid if such regulation had not been made.
- 10.2.5 The Members, for the duration of their Executive Council tenure, may act notwithstanding any vacancy in their constitution.
- 10, 2.6 The Executive Council is authorised to consult and seek the advice of any Associate Member of The Association with the aim of improving the welfare or condition of both its members and The Association itself.
- 10.2.7 The Executive Council is authorised to appoint an External Advisory Committees to support it in its role.
- 10.2.8 Subject to the provision of this Statute, the Executive Council shall be vested with full executive powers.
- 10.2.9 A delegation of two (2) persons of the Executive Council, chosen by the President, or the President's substitute, shall be sufficient to transact any business of the Association in accordance with the 'Aims and Objectives of the Association' and as would have been discussed and approved during Executive Council meetings.

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10.2.10 Urgent ad hoc decisions may be taken either verbally or by written approval of the simple majority of the Executive Council. Said decisions must be clearly recorded and discussed in an in depth manner at the following Executive Council meeting.

10. 2.11 Financial decisions may only be taken by the Executive Council.

10.3 The Ethics Committee shall be composed of a minimum of three (3) persons appointed by the Executive Council. Two (2) out of the three (3) persons must be practitioners in the field of Counselling, and where the Committee is composed of more than the prescribed minimum, fifty per cent (50%) of the members of the Committee have to be practitioners in the field of Counselling. The persons on the Ethics Committee may or may not be members of the Executive Council but must be ; members of the Association.

Article 11. Term of Office

The President and Vice- President can hold office for up to three (3) consecutive terms, each term is of two (2) years, unless the Executive Council decides by unanimous consent to extend by another term.

Article 12. Elections of the Executive Council.

12.1 At every alternate year, a general election is held at the AGM (held in the first quarter of the calendar year) during which seven (7) Executive Council Member are elected. This General Election shall always be held irrespective of the number of candidates contesting for the role.

12.2 Only those fully paid-up members who have been members for at least three (3) months of the year when the AGM's/EGM's are held are able to propose or second candidates and vote.

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12.3 Members may only be eligible to contest an election if they are fully paid-up members as explained in article 12.2.

12.4 Nominations for the Executive Council are to be made in writing to the Secretary, at least seven (7) days before the day when the AGM is held, stating the proposer and seconder for such nominations. If there are less than seven (7) nominations, the seven (7) day deadline will not apply and paid-up members would be so notified. Paid-up members can then send nominations up to the start of the AGM.

12.5 All paid-up members of the outgoing Executive Council are eligible for re-election.

12.6 Paid-up members who are not qualified counsellors (associate or affiliate members) could be elected on the council. The representative ratio between qualified and non-qualified counsellors must be eighty (80) to twenty (20), 80 percent (eighty) being qualified counsellors (fellow, senior or approved members).

12.7 The President, Vice-President, Secretary, Vice-Secretary, Treasurer, Vice-Treasurer and Public Relations Officer shall be appointed from and by the Executive Council Members elected, not later than fifteen (15) days from the date of the dissolution of the previous Council, in other words during the first meeting of the Executive Council.

12.8 The newly elected Executive Council shall meet not later than fifteen (15) days from the date of the dissolution of the previous Executive Council.

12.9 During the first meeting of the newly elected Executive Council, at least a quorum from the outgoing Executive Council must be present in order to address the minutes of the last Executive Council meeting

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before the elections. If a quorum of the outgoing Executive Council is not possible, the reading, amendments, approval and matters arising should still proceed, provided that there is a quorum of the newly elected Executive Council.

12.10 Members of the outgoing Executive Council are to remain present during the first meeting of the newly elected Executive Council for the reading and approval of the minutes of the last Executive Council meeting of the outgoing Executive Council, and for any matters arising thereof, in order to ensure a smooth and informed transition between the outgoing Executive Council and the newly Elected Executive Council.

12.11 The secretary of the outgoing Executive Council must also present the minutes of the last AGM/EGM's to the newly elected Executive Council during their first Executive Council meeting after the AGM/EGMs. Members from both the outgoing and from the newly elected Executive Council must be present during the reading of the draft minutes of the AGM which would then be approved at the next AGM/EGM.

12.12 The Executive Council shall be vested with the power of appointing a maximum of four (4) paid-up members as deemed necessary. The appointed paid-up members will be considered full members of the Executive Council with full obligations and voting rights, in accordance with Article 12.8.

12.13 The Executive Council shall be vested with the right to appoint local and/or international consultants to sit on the council. The Ethics Committee, or any other sub-committee, to enhance the discussion and to give their expert advice especially when specific themes are tackled. Consultants shall attend council meetings on the specific invitation of the President, upon approval from the majority of the Executive Council members. Consultants shall not have the right to vote when attending Executive Council meetings. Article 18 explains the terms of reference of a consultant to The Association. Such terms of reference should be included in the contract given to consultants to The Association and should include a specific time frame.

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Article 13. Vacancies and Resignations from the Executive Council

- 13.1 Members of the Executive Council who do not attend for more than three (3) consecutive Executive Council Meetings without any verbal or a written justification found to be acceptable by the Executive Council, shall be deemed to have resigned from the Executive Council.
- 13.2 Whenever, for any reason whatsoever, the post of President becomes vacant, the Vice-president shall automatically become also acting President.
- 13.3 Whenever, for any reason whatsoever, the post of Secretary becomes vacant, the Vice Secretary shall automatically become acting Secretary. If this is not possible the Treasurer will take the role of acting Secretary, until the Executive Council appoints another Secretary.
- 13.4 Whenever, for any reason whatsoever, the post of Treasurer becomes vacant, the Vice-Treasurer shall automatically become acting Treasurer. If this is not possible, the Secretary will take the role of acting Treasurer until the Executive Council appoints another Treasurer.
- 13.5 Vacancies of Executive Council Members shall be filled by runner-up candidates who have polled the next higher number of votes in a General Election, through a casual election if no such candidate exists, or by appointing, in accordance with article 12.12.

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Article 14. Management and Administration

14.1 The Administrative year shall be between the holding of one Annual General Meeting to the next Annual General Meeting.

14.2 The Executive Council shall be convened:

- i. Not less than once every three (3) months;
- ii. At the written or verbal request of not less than three (3) of the Executive Council Members;
- iii. At the discretion of the President; and
- iv. At the request, written or verbal, of any six (6) paid-up members.

14.3 Resolutions of the Executive Council shall be adopted by a simple majority vote of the number of Executive Council Members present, provided that there is a quorum.

14.4 The Executive Council shall have the authority to invite to partake in its meetings, any number of paid-up members on any particular issue and this in order to enable it to have a better understanding of the issue under review. Invitees do not enjoy the right to vote.

14.5 The Executive Council is authorized to institute legal proceedings before any court or tribunal.

14.6 The quorum for Executive Council Meetings shall be of fifty per cent (50%) plus one (1) of the elected and appointed members of the Executive Council. If there is no quorum, the number of Members present at the Executive Meeting will hold the meeting but indicate that all decisions taken will be approved or otherwise, and ratified at the next Executive Council meeting.

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- 14.7 If there is no quorum for three (3) consecutive Executive Council meetings per annum, an AGM shall be called for a new election to replace non-attending members.
- 14.8 The agenda for Executive Council Meetings shall be circulated to the members of the Executive Council at least five (5) days prior to the date appointed for the meeting.
- 14.9 The agenda shall be read by the President at the start of the Executive Council Meeting. All items thereon shall take precedence over other business.
- 14.10 In matters of urgency, the President may accept a motion for the suspension of the agenda. No suspension shall take place except by a majority vote of the Executive Council.
- 14.11 The Secretary shall forward the minutes of the previous Executive Meeting five (5) days prior to the Executive Meeting.
- 14.12 Approval of minutes shall always be the first item on the agenda within the remit of Article 14.10 above.
- 14.13 Minutes shall be discussed and approved during the Executive Meeting and signed by the President and the Secretary. The members shall then be at liberty to ask any questions with regard to 'Matters to report and Matters arising out of the Minutes', which would be the second item of the Agenda within the remit of Article 14.10 above.
- 14.14 The third item of Executive Council meetings shall be the reporting of correspondence, within the remit of Article 14.10 above.

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Article 15. Confidentiality Policy and Executive Council Members

15.1 In the best interest of The Association, The Association chooses to adopt a confidentiality policy for the purposes of protecting the rights and interests of the Executive Council in their position of trust, and for safeguarding the confidentiality of the information disclosed at the Executive Council meetings

15.2 In its position of trust the Executive Council is to strike a balance between openness and transparency and the ability to maintain information not intended to be public as confidential.

15.3. Definitions:

- i. Confidentiality policy: principles and guidelines for what kind of information may be shared and to what extent; and what information is to be kept private;
- ii. Private Information: Information that is not to be shared outside of the Executive Council;
- iii. Public Information: Information that may be shared without restriction;
- iv. Qualified Information: Information that can be shared beyond the Executive Council but only within the restrictions determined by the nature of sensitivity, such as information that is need-to-know or time-sensitive information;
- v. Entrusted group: Persons designated to receive information including public, private, and sensitive information;
- vi. Sharing: communicating information to others by any means including spoken, written means or `via electronic media.

15.4 Principles:

- i. Benevolence: The basic principle of judgment and action with respect to information shared and acquired as an Executive Council member is to cause no harm to, and to promote the wellbeing of individuals, the Association and the profession;

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- ii. Trust: Judgment and action in sharing or withholding information is guided by the necessity of validating trust and confidence in the Executive Council by members, guests and the public;
- iii. Liberty: Executive Council members, guests, and members of the Association can expect to share information and opinion candidly;
- iv. Rights: The rights of members of the Association and the public to be relevantly informed of issues considered by the Executive Council shall be honoured;
- v. Truth: Information that is shared is done so with accuracy and in the relevant context.

15.5 Guidelines:

The Executive Council members should distinguish between the different types of information that become available to the Executive Council members either during Executive Council meetings or when they act on behalf of the Executive Council or as a member of the Executive Council. The Executive Council relies on the experience and expertise of its members to identify and specify the type of information – public, private or qualified:

- i. Public Information is characterized by its availability outside the Executive Council meetings;
- ii. Private Information is generally anything else (with some exceptions) that is discussed during Executive Council meetings. Discussions among members and guests in Executive Council meetings are candid and may test the grounds of controversial issues. The contents of those discussions are presumed to be private information especially with respect to who said what;
- iii. Qualified Information may, in some cases, be identified where sharing with a limited number of people is needed to move an issue forward. The fact that the Executive Council has considered an issue (without details of the discussion) may often fall into this category.

Normally, the President will provide leadership on the profile of the information, but not to the exclusion of input from the rest of the Executive Council. When Executive Council members have a question about specifying the nature of information, they should refer to the Executive Council President with the understanding that the

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Executive Council as a body can alter an initial designation. Particularly with qualified information, the Executive Council must be deliberate about defining how and when such information will be shared. If an item needs to be shared on a need-to-know basis, the group/person with which it must be shared should be specified.

15.6 Executive Council Members' pledge and breach of confidentiality

- i. A breach of confidentiality is a ground for immediate dismissal from the Executive Council.
- ii. Confidentiality needs to be respected even after Executive Council Members are no longer Executive Council members. The Executive Council reserves the right to resort to legal measures if such confidentiality is breached.
- iii. The Association appreciates that Malta is a small-island community which often leads to dual relationships and interplay of power. The Association cautions that it is this very context which makes confidentiality, balance of power and boundaries so much more important and sacred.

Article 16. Annual (AGM) and Extraordinary (EGM) General Meetings

16.1 There shall be convened in the first quarter of the calendar year an AGM to execute the following business:

- i. Reading and adoption of the minutes of the previous AGM/EGM;
- ii. Reading and adoption of the President's and the Secretary's report/s;
- iii. Reading and adoption of the Annual Financial Statements prepared by the treasurer;
- iv. Consideration of motions submitted by the Members and by the Executive Council;
- v. Consideration of amendments to the Statute submitted by the Members and by the Executive Council;
and
- vi. Election of the new Executive Council every alternate year as per Article 10.2.1

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16.2 Notice of the AGM date specifying agenda, proposals, and motions to be passed at the meeting should be given at least twenty eight (28) days prior to such day.

16.3 Non receipt of such notice does not invalidate the Meeting as long as notice has been served

16.4 Paid-up members are to send a notice of their Motions to the Secretary in writing at least twenty one (21) days before the date set for the Meeting where the motions will be discussed. Such motions shall then be circulated with the agenda.

16.5 The agenda for AGMs shall be circulated to all members of the Association at least fifteen (15) days before the date set for the meeting. The agenda must include items for discussion and/or approval.

16.6 EGMs

16.6.1 Notice of the EGM should be given at least twenty-eight (28) days prior to such meeting to all the members of the Association, with details on proposals and motions. The twenty-eight (28) day period may be waived in urgent cases subject to a two-thirds majority approval of the Executive Council.

16.7 Non receipt of notice does not invalidate the Meeting as long as notice has been served

16.8 Notice of motions for an EGM should be sent to the Secretary in writing, at least twenty one (21) days before the date set for the Meeting where the motions are to be discussed. The motions should be placed on the agenda. This time period may be waived in urgent cases subject to a two-thirds majority approval of the Executive Council.

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16.9 The agenda of an EGM should be circulated to the members fifteen (15) days before the General Meeting. This period may be waived in urgent cases and subject to the approval of a two-thirds (2/3) majority of the Executive Council.

16.10 If during AGMs and EGMs there are urgent matters the President may accept a motion to suspend the agenda. No suspension of the agenda shall take place except by a two thirds majority (2/3) vote of the number of paid-up members present at the meeting.

16.11 AGMs shall have the authority to confirm, amend or rescind any resolution adopted by the Executive Council or by any Extraordinary General Meeting (EGM), or by any other AGM.

16.12 General meetings shall be convened:

- i. By virtue of the provisions of the Statute;
- ii. At the written request of not less than six (6) paid-up members;
- iii. At the discretion of the Executive Council.

16.13 Whenever EGMs are requested

- i. Those requesting the EGM shall state in writing the nature of the business they wish to bring forth and discuss before the EGM.
- ii. The Executive Council shall convene such EGMs at the earliest date possible, but not before twenty-one (21) and not later than twenty-eight (28) days from the date of receipt of such a request, unless circumstances decree otherwise.
- iii. Notification to members shall be as per Article 16.6.

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16.14 Unless otherwise provided in the provision of the Statute, motions shall be adopted by a simple majority vote of the number of paid-up members present at the meeting.

16.15 The first proposition on any particular subject shall be known as the 'Original motion' and all succeeding propositions on that subject shall be called 'amendments'. Save for those moved by the Executive Council, every motion or amendment to any motion must be moved and seconded by paid-up members actually present at AGMs/EGMS, before these motions or amendments can be discussed.

16.16 A point of order may be raised if rules appear to have been broken and must be resolved before business continues. The point of order may be brought up by any member of the Assembly and calls upon the President of the Association to make a ruling. The President may rule on the point of order or submit it to the judgment of the Assembly. The President or the Assembly may either accept (sustained point of order) or refuse (overruled point of order) the point of order. Members speaking on a Point of Order must seek to prove first:

- i. That the speaker is digressing from the subject of the motion; or
- ii. That the speaker is infringing on any of the provisions of the Standing Orders; or
- iii. That there is an infringement of any of the provisions of the Articles of the Statute.

16.17 AGMs/EGMs are public events and open to both members and non-members. Only paid-up members may vote during AGMs/EGMs. Members may renew their membership before the AGM/EGM and be able to vote only if their membership is fully paid up.

16.18 New members who enrol on the day of the AGM will not have voting rights, but can participate in the AGM/EGM.

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16.19 The Assembly amends, approves and ratifies minutes of AGMs and EGMs at the first instance it meets after the minutes of the specific meeting, or during the next AGM meeting.

16.20 The secretary of the Association shall:

- (i) Prepare the minutes of General meetings
- (ii) Present the minutes of General meetings at the first Executive Council Meeting held after the General meeting in order to ensure appropriate preparation of minutes to present to the Assembly at its next general meeting.

Article 17 Subscriptions, Finances, and Accounts

17.1 Applications for membership shall not be considered unless accompanied by the membership-subscription fee;

17.2 The membership-subscription fee shall be payable yearly in advance and shall fall due as determined by The Assembly;

17.3 If the membership-subscription falls due and a Member has not yet paid the previous year's membership-subscription, they shall not be entitled to vote in the next General Meeting;

17.4 Any Member who resigns or forfeits their membership shall on rejoining be liable to pay a readmission fee equivalent to one year's subscription;

17.5 The assets of The Association shall also be collected from voluntary contributions, donations or grants by Members, benefactors, the State, any other institution, and from training, conferences and fundraising activities;

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17.6 The assets of The Association shall be deposited in bank accounts of a reputable local bank in the name of The Association and the authorised joint signatories for operating such accounts shall be the President, the Secretary and the Treasurer. The signature of the Treasurer and one other signature (President or Secretary) will suffice.

17.7 The Treasurer shall keep such proper books of accounts as will enable them to present at every General Meeting of The Association, or at any other time if required (on reasonable notice to them) by the Executive Council an accurate report and statement concerning the finances of The Association.

17.8 The annual accounts of The Association are to be drawn up for a financial period commencing on 1st January and ending on 31st December of each year.

17.9 The Association shall establish and maintain a satisfactory system of control of its accounting records, its cash holdings and all of its receipts and remittances, in line with the regulations of the Subsidiary Legislation 492.02 Voluntary Organisations (Annual Returns and Annual Accounts)¹.

17.10 The Association shall, at the request of any member having an interest in the assets of the Association, supply them with a copy of its most recent audited accounts upon the payment of a fee as may be prescribed from time to time by the Executive Council.

Article 18. Legal and Financial Consultancy

18.1 At the request of the Association, the Executive Council is authorized to seek the services of a legal consultant to act in the interest of the Association and its members;

¹ <https://legislation.mt/eli/sl/492.2/mlt/pdf>;

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18.2 At the request of the Association, the Executive Council is authorized to seek the services of a warranted or licensed financial professional in the interest of the Association and its Members.

Article 19. Consultants to the Association

19.1 The primary role of consultants to the Association is to assist the Association and its Executive Council with certain areas that fall with the particular consultant's expertise. While a consultant may act as an educator, a catalyst for deeper change, a resource, or a facilitator, the leadership of the process remains totally within the Association, its Assembly and its Executive Council.

19.2 Consultants' Duties can comprise of:

- i Providing their expertise on a given matter by giving their feedback in the form of recommendations and propositions.
- ii Providing direct feedback about operational performance, functional governance, ethics (both professional and academic).
- iii When the need arises, to guide the association through any process for the benefit of the organisation and its members.
- iv To communicate concerns to the Executive Council.

19.3 Categories of work for Consultants to the Association;

Consultants may be asked to contribute to the following non-exhaustive list of categories of work:

- i. Overall Guidance
- ii. Information gathering
- iii. Training

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- iv. Competencies
- v. Evaluation
- vi. Advice
- vii. Problem-Solving
- viii. Research
- ix. Ethics
- x. Trade-Unionism

19.4 Remuneration for Consultants to the Association

Consultants will not be remunerated. However the Executive Council may decide to ask a Consultant to complete particular work against payment when this is deemed necessary.

19.5 Contracts for Consultants to the Association

Before engaging in any work for the Executive Council, a contract will be signed between the Consultant and the President of the Association. Such a contract will include but is not limited to:

- (i) the terms stipulated in this article, and
- (ii) a definite timeframe.

The consultants' contract may be renewed as deemed necessary from time to time by the Executive Council.

Article 20. Breach of Privilege and Removal from the Executive Council

20.1 It shall be a breach of Privilege for any Member of the Executive Council to:-

- i. Divulge to any person outside of the Executive Council the proceedings of the meetings of the Executive Council;
- ii. Represent the Association unless so authorized;

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iii. Criticize abusively any member of the Executive Council.

20.2 Whenever the Executive Council has evidence that members of the Executive Council are neglecting or abusing their duties or acting subversively to the interest of the Association as noted in Article 24, in each instance, the Executive Council may recommend to an Assembly during a general meeting for these members' removal from office and possibly from the Association as the Assembly deems fit.

20.3 A resolution proposing the removal from office of any Executive Council Member shall be adopted by a two-thirds (2/3) majority secret vote of the number of paid-up members present at a General Meeting.

Article 21. Expenses for the Executive Council

21.1 The Executive Council is allocated an annual 1000 (thousand) Euro towards the participation of the Executive Council Members in international fora for the enhancement of the counselling profession. This annual allocation, or any part thereof, can be carried over from one year to the next. Expenses over 1000 (thousand) Euro may be carried over from one year to the next as decided by the Executive Council.

21.2 Representatives are required to submit a formal written report, the necessary receipts and a write-up for the newsletter and/or social media of the Association, where applicable.

Article 22. Donation to the Community

22.1 The Executive Council shall allocate 5% (five percent) of the annual profit of The Association, not less than a one hundred (100) euro and not exceeding five hundred (500) euro, as donation to the local and/or global community;

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22.2 This donation is to be used for counselling services with vulnerable populations,

Article 23. Dissolution of The Association

Should the Association dissolve for any reason, this decision will be taken during an AGM or an EGM, with two-thirds (2/3) majority vote. All assets pertaining to the Association will be distributed to the agreed upon charity/charities as discussed during the AGM/EGM by members present.

Article 24. Duties of the Executive Council Officers

24.1 The President

- i Chairs all Executive Council and General Meetings and ensures that the Statute and the Code of Ethics are observed by the members of the Association;
- ii Will be one (1) of three (3) signatories on financial documents;
- iii In conjunction with the Secretary, shall prepare the Agendas for Executive Council and General meetings;
- iv When possible, shall lead all delegations representing the Association and shall be vested with judicial representation;
- v Shall have a casting vote at any meeting, in case of a tie.

24.2 The Vice President

- i Shall share and help with the duties of the President;
- ii Shall act on behalf of President, in the President's absence.

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24.3 The Secretary

- i Shall inform all members of any resolutions and policies passed by the Executive Council or during general meetings;
- ii Shall receive and reply to all correspondence as resolved by the Executive Council or in urgent cases, in consultation with the President;
- iii Shall present and minute all correspondence received and entered into, at the following meeting of the Executive Council;
- iv Shall prepare, in conjunction with the President, the Agenda for Executive Council Meetings and General Meetings;
- v Shall take and keep the Minutes of the proceedings of the Executive Council and General Meetings;
- vi Shall prepare the Agenda, the Annual Administrative Report and all other necessary documents for the General Meeting;
- vii Shall keep a register of all the members of the Association, with their postal address, email, as shall be indicated by each Member;
- viii Shall keep a record of the posting of notices sent to the members;
- ix Shall ensure the safekeeping of all the Association's documentation, and hand over such documentation to the new Secretary, on termination of role;
- x Shall, together with the treasurer prepare the necessary required documents for presentation to the Commissioner for Voluntary Organizations every year, as requested by the Commissioner;
- xi Shall prepare the minutes for AGMs and EGMs.
- xii Shall maintain a register of members of the Association, which shall be kept at the registered office of the Association. Such register will include particulars as the Association's Executive Council (EC) shall determine from time to time.

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24.4 Vice-Secretary

- i Shall share and help with the duties of the secretary;
- ii Shall act on behalf of the secretary, in the secretary's absence.

24.5 Treasurer

- i Shall administer the assets of the Association, in particular as resolved by the Executive Council, by General Meetings and in accordance with the provisions of the Statute;
- ii Shall be responsible for the Association's assets held in the Bank/s;
- iii Shall be one (1) of two (2) signatories on cheques or any withdrawal forms. The other two (2) signatories shall be the President and any other Executive Council Member as appointed by the Executive Council;
- iv Shall be allowed to keep a small amount of cash as authorized by the Executive Council, to cover petty expenses;
- v Shall prepare a Statement of Affairs at the end of each financial year and an income and expenditure account. Both of which are approved and signed by the Executive Council;
- vi Shall collect the membership fee and issue shortly thereafter official receipts;
- vii Shall, in conjunction with the Secretary, keep the statutory records of all paid-up members and non-paid-up members;
- viii Shall ensure the safekeeping of all documents and registers in the Treasurer's care, and hand these over to the new Treasurer upon termination, within the shortest time possible;
- ix Shall, together with the Secretary, prepare the necessary required documents for presentation to the Commissioner for Voluntary Organizations every year, as requested by the Commissioner.

24.6 Vice-Treasurer

- i Shall share and help with the duties of the treasurer;
- ii Shall act on behalf of the treasurer, in the treasurer's absence.

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MACP Vice-Treasurer

Charissa Boffa
MACP Public Relations' Officer

Karen Decelis
MACP Vice-Public Relations' Officer

24.7 Public Relations Officer

- i Shall take care of all public relations matters;
- ii Shall be responsible for any newsletters to all members;
- iii Shall be in charge of all communication with the media and other promotional activities;
- iv Shall keep records of press releases, articles and any other communication issued by the Association or concerning the Association.

24.8 Executive Council Members

- i Shall attend all Executive Council meetings and General Meetings;
- ii Shall take on such duties and responsibilities as the Executive Council may assign to them from time to time.

24.9 The Ethics Committee

- i As nominated by the Executive Council, shall be responsible for developing and proposing codes of ethics of the counselling profession;
- ii Shall deal with all the problems in the area of counselling ethics;
- iii Shall act as the body which receives, investigates and decides upon any complaints lodged against members of the Association.

Article 25 The Administrators of The Association

The Administrators of The Association change every two years in line with the term of The Association's Executive Council. The administrators of the 2020-2022 Executive Council and their responsibilities are:

Ryan Portelli
MACP President

Joseph Carmel Pellicano
MACP Vice President

Deborah Keleta (née Attard)
MACP Secretary

Ruth Falzon
MACP Vice-Secretary

Marianna Micallef-Grimaud
MACP Treasurer

Josef Mizzi
MACP Vice-Treasurer

Charissa Boffa
MACP Public Relations' Officer

Karen Decelis
MACP Vice-Public Relations' Officer

Role	Title, Surname and Name		Address	ID#	Nationality
PRESIDENT	Mr	Portelli Ryan	276 Flat 7 Rue D'Argens, Il-Gżira, GŻR1635	033887M	Maltese
VICE-PRESIDENT	Mr	Pellicano Joseph Carmel	P/H 5, Hommejr Court Triq Santa Margherita, Is-Sigġiewi SĠW2150	0329986M	Maltese
SECRETARY	Ms	Attard Deborah	10, Triq Strejnu, Iż-Żejtun Żtn 2908	0002585G	Maltese
VICE-SECRETARY	Dr	Falzon Ruth	5, Sqaq #1, Triq San Ġakbu, Is- Sigġiewi SĠW1610	323661M	Maltese
TREASURER	Ms	Micallef-Grimaud Marianna	2, Alley 4, Triq Ebona Ħaż-Żebbuġ ŻBG3350	139866M	Maltese
VICE-TREASURER	Mr	Mizzi Josef	Flat 5a, Soleil Court, Triq Il-Barjola, Il-Gudja GDJ2020	0216183M	Maltese
PRO	Ms	Boffa Charisse	58, Casa Santa Rita Triq Ant. Schembri, Ħat-Attard ATD1421	0278687M	Maltese
VICE-PRO	Ms	Decelis Karen	20, Le Soleil, Triq L Casolani B'Kara BKR 4538	0121092M	Maltese

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