

# **Malta Association for the Counselling Profession (MACP) Statute**

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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'<sup>1</sup>

**Council** means the Council of the Counselling Profession in Malta<sup>2</sup> 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

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

<sup>2</sup> <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 Malta<sup>3</sup>;
- 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 logo<sup>4</sup> 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.

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<sup>3</sup> [https://www.legislationline.org/download/id/5658/file/Malta\\_employment\\_industrial\\_relations\\_act\\_2002\\_en.pdf](https://www.legislationline.org/download/id/5658/file/Malta_employment_industrial_relations_act_2002_en.pdf)

<sup>4</sup> 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. The Association shall be capable of entering into contracts; acquiring, holding, and disposing of property, movable, and immovable, by any title; of borrowing money and granting security, also by means of hypothecs and privileges on its assets; of suing or being sued; and of carrying out all such things and enter 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 mainly<sup>5</sup> 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.
- 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.

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<sup>5</sup> Refer to Article 4

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#### **Article 4. Aims and Objectives of The Association**

4.1 The aims of The Association shall be:

- i. To recognize the profession on its own merit;
- ii. To act as a professional body representative of the Counselling Profession;
- iii. To act as a representative of and a voice for Counsellors involved in the practice of counselling;
- iv. To represent and collaborate with those involved in the professional formation of counsellors;
- v. To promote good relations between counsellors and clients through awareness and education;
- vi. To be a voice of wellbeing for communities where counsellors practice;
- vii. To strengthen good relations with other kindred professions;
- viii. To encourage the advancement of counselling as a professional service and to maximize its benefits to those accessing this same service;
- ix. To establish and maintain a common standard of regulation for the profession;
- x. To mediate as an official representative with local and international entities
- xi. To consider and deal with any professional concerns that may arise;
- xii. To collaborate with the Council for the Counselling Profession (CCP) in setting and establishing an ethical standard for the counselling profession;
- xiii. To advance the professional practice and encourage research and development in the field of counselling;
- xiv. To support the publishing of research papers;
- xv. To co-operate with educational bodies;
- xvi. To co-operate with other organizations locally and internationally;
- xvii. To support the practice of its members as responsive to cultures in Malta; and
- xviii. 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 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.

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- 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, within the limits of the purposes and objectives provided in 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 thirteen (13) 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 thirteen (13) tiers of membership levels of The Association are the following:
- |                                |                              |
|--------------------------------|------------------------------|
| i. Fellow members              | viii. Associate members      |
| ii. Senior members             | ix. Student members          |
| iii. Senior Practicing Members | x. Foundation members        |
| iv. Approved members           | xi. Retired members          |
| v. Approved Practicing members | xii. Lifetime members        |
| vi. Counsellor Educator        | xiii. Association-membership |
| vii. Affiliate members         |                              |

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- (i) **Fellow members: The Association reserves** the category of Fellow Members exclusively for individuals who have made an outstanding contribution to the Counselling Profession in Malta. Not more than one fellow member is considered 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, which privilege may be revoked as The Assembly deems fit, as per Articles 8.1 and 8.3
  - c) The Association shall present a chronologically numbered certificate to each Fellow Member that acknowledges their Fellowship.
  - d) Nominated Fellow Members, who do not make it to become Fellow Members, may be nominated again in subsequent years.
  - e) Written nominations for outstanding contribution in the field of Counselling should reach the Executive Council, by no 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 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.

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(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 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 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:**

- 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) **Counsellor-Educator**

- a) Doctorate and Master's in kindred professions recognized by the official Maltese body for the recognition of qualifications;
- b) Working as a counsellor-educator in an institute of Higher Education recognized by the official Maltese body for the recognition of qualifications;

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- c) is a Maltese citizen, or is otherwise permitted to work in Malta under any law; and
- d) is of good conduct.

**(vii) Affiliate Members:**

- a) Doctorate and Master's 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.

**(viii) 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.

**(ix) 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.

**(x) 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.

**(xi) Retired Members.**

- a) Non-practicing warranted counsellors.

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**(xii) Lifetime Members:**

- a) a past president will be considered by the Executive Council for lifetime membership, which privilege maybe revoked as The Assembly deems fit, as per Articles 8.1 and 8.3.

**(xiii) 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.

5.2 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/EC<sup>6</sup>.

**Article 6. Membership Fees.**

The calendar year (from January to December) shall be regarded as the membership year.

6.1 New members paying on or after October 1<sup>st</sup> of the year should have a first one-term membership of 15 months, i.e. up till December of the following year.

6.2 Members shall be given a three (3) month period to settle membership fees (January 1<sup>st</sup> to March 31<sup>st</sup>)

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<sup>6</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32005L0036>

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- 6.3 Annual Membership fees shall 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. Participate and take an active interest in the work of The Association and in the development of the Counselling Profession and Practice;
- ii. Contribute to discussions about the development and good practice of counselling;
- iii. Be a voice for the wellbeing of clients and the community;
- iv. Act in a manner which is loyal to The Association's purposes and aims; and
- v. Not taint or jeopardise the reputation and interests of The Association;
- vi. Pay the membership fee on time;
- vii. Respect the provisions of this Statute;
- viii. Respect, abide, and adhere to the ethical codes of the counselling profession and other acts/rules of The Association;
- ix. Adhere to The Association's definition of counselling;
- x. Sign any declaration of eligibility for membership; and
- xi. Be subject to The Association's Complaint Procedure.

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- 7.3 Every practicing warrant holder shall be covered by an indemnity insurance against any liability which the warrant holder may incur for compensation in respect of loss or damage to any person as a result of any negligent act, error or omission committed by the warrant holder; as well as against any claim in respect of any loss or damage brought about or contributed by a criminal or malicious act or omission of any of their employees; provided that warrant holders who opt not to avail themselves of such indemnity insurance, or fail to do so, shall for all legal intents and purposes, be deemed to be held solely responsible for such decision or failure, and the Association shall for no reason whatsoever be held liable or responsible for such default on the part of warrant holders.
- 7.4 Members shall provide personal data necessary for the running of The Association. The Association shall honour the need-to-know principle, as outlined by the European Union's Regulation (EU) 2016/679 (General Data Protection Regulation-GDPR)<sup>7</sup>.

## **Article 8. Cessation of Membership.**

- 8.1 Membership in The Association, including fellow and lifetime membership, 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 Statute;

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<sup>7</sup> <https://gdpr-info.eu/>

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- 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.

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.

8.7 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, in writing.

8.8 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;

8.9 The motion of suspension may be withdrawn at the Regular Executive Council Meeting or changed to expulsion from The Association.

8.10 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).

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- 8.11 Expelled members may re-apply for membership to the Secretary. To be re-considered by the Executive Council, they must be proposed and seconded by two (2) members of The Association.
- 8.12 Any member of The Association whose warrant has been revoked by the CCP, or who may be under investigation for potential misconduct, may seek support from The Association. After due consideration of the case, the Association shall assist the member morally and may legally 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.
- 8.13 The suspension of a member of The Association is only effective if approved by a minimum of 75 % of the Executive Council.

#### **Article 9. Amendments to The Statute.**

Amendments to The Statute shall only be adopted if agreed upon by at least two-thirds (2/3) majority of The Assembly present during General Meetings.

#### **Article 10. The Boards of The Association Executive Council**

- 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 profile noted in Article 10.3 below. However, should the elected Executive Council deem it necessary to have more than one (1) vice-president, the Executive Council may have up to two (2) vice-presidents. In such situations, the maximum number of Executive Council members shall remain eleven (11).

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10.3: The Executive Council shall be:

- i. The President
- ii. Vice-President (or two, as per Article 10.2 above)
- iii. The Secretary
- iv. The Vice-Secretary
- v. The Treasurer
- vi. The Vice-Treasurer
- vii. The Public Relations Officer
- viii. A maximum of four (4) appointed paid-up members as detailed in Article 12.13, in accordance with Article 12.8.

10.4 **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 warranted counsellors, and where the Committee is composed of more than the prescribed minimum, fifty per cent (50%) of the members of the Ethics Committee shall be warranted counsellors. The persons on the Ethics Committee may or may not be members of the Executive Council but must be fully-paid-up members of The Association.

10.5 The Executive Council may choose to set up **Sub-Committees** to help it in the running of The Association in the best interest of the profession, the community, and the clients it serves. Sub-committee members may join Executive Council meetings as necessary and when invited by the Executive Council. They shall, however, not vote during Executive Council meeting. Sub-committee members attending Executive Council meeting shall abide by this Statute's Confidentiality Article (Article 16).

## Article 11. Duration and Powers of the Executive Council

11.1 The Executive Council of The Association shall be elected for a period of three (3) years.

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- 11.2 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.
- 11.3 Legal representation of The Association shall vest in the President, the Secretary and the Treasurer.
- 11.4 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.
- 11.5 The Members, for the duration of their Executive Council tenure, may act notwithstanding any vacancy in their constitution.
- 11.6 The Executive Council is authorised to consult and seek the advice of any Member of The Association with the aim of improving the welfare or condition of both its members and The Association itself.
- 11.7 The Executive Council is authorised to appoint other roles on the Executive Council so long as it does not exceed eleven (11) Executive Council members, as per article 10.2.
- 11.8 The Executive Council is authorised to appoint External Advisory Committees to support it in its role.
- 11.9 Subject to the provision of this Statute, the Executive Council shall be vested with full executive powers.
- 11.10 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 Articles 3 and 4, The Association and as would have been discussed and approved during Executive Council meetings.

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- 11.11 Urgent ad hoc decisions may be taken either verbally, virtually, 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.
- 11.12 Financial decisions may only be taken by the Executive Council.
- 11.13 In line with Article 4 (1) (a) (ii) of the 2015 Act for the Counselling Profession: “two persons who exercise the counselling profession, and who have attained the full warrant from the Council. One of such members shall be appointed from the public sector whilst the other member is to represent that Association which comprises the largest number of Counsellors in Malta and Gozo” (p.4) , the MACP CCP representative must be a member of the elected Executive Council. Should this representative resign from the MACP Executive Council they shall not remain on the CCP and will be replaced by another elected Executive Council member with immediate effect.

## **Article 12. Terms of Office of the President and Vice-President**

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

## **Article 13. Elections of the Executive Council.**

- 13.1 When the three(3)-year term of an Executive Council is completed, a general election is held during the AGM, to elect seven (7) Executive Council Member. This General Election shall always be held irrespective of the number of candidates contesting for the role.
- 13.2 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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- 13.3 Members may only be eligible to contest an election if they are fully paid-up members as explained in article 13.2.
- 13.4 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.
- 13.5 All paid-up members of the outgoing Executive Council are eligible for re-election.
- 13.6 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), eighty percent (80%) being qualified/warranted counsellors.
- 13.7 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, no later than fifteen (15) days from the date of the dissolution of the previous Executive Council, in other words during the first meeting of the Executive Council.
- 13.8 The newly elected Executive Council shall meet no later than fifteen (15) days from the date of the dissolution of the previous Executive Council.
- 13.9 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 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 there is a quorum of the newly elected Executive Council.

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Public Relations Officer

- 13.10 During the first meeting of the newly elected Executive Council, members of the outgoing Executive Council are to remain present Executive for any matters arising out of the minutes of their last meeting, in order to ensure a smooth and informed transition between the outgoing Executive Council and the newly Elected Executive Council.
- 13.11 The secretary of the outgoing Executive Council must also present the minutes of the last AGM/EGMs 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.
- 13.12 The outgoing Executive Council members are ethically and responsibly bound to provide a sufficient handover to the incoming executive members over a series of meeting as deemed necessary.
- 13.13 The Executive Council has the power to appoint a maximum of four (4) paid-up members as deemed necessary. The appointed paid-up members are full members of the Executive Council with full obligations and voting rights, in accordance with this Statute.
- 13.14 The Executive Council is vested with the right to appoint local and/or international consultants to sit on the Executive 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 Executive 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 19 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 period.

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## **Article 14. Vacancies and Resignations from the Executive Council**

- 14.1 Members of the Executive Council who do not attend for 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.
- 14.2 Whenever, for any reason whatsoever, the post of President becomes vacant, the Vice-president shall automatically become the Acting President.
- 14.3 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.
- 14.4 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.
- 14.5 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 12.13.

## **Article 15. Management and Administration**

- 15.1 In line with the 2007 Voluntary Organization Act (Chapter 492),<sup>8</sup> the formal Administrative year shall be the calendar year (January to December).

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<sup>8</sup> <https://maltacvs.org/wp-content/uploads/2017/10/VO-Act-Chapt4921.pdf>

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- 15.2 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.
- 15.3 Resolutions of the Executive Council shall be adopted by a simple majority vote of the number of Executive Council Members present, provided there is a quorum.
- 15.4 The Executive Council shall have the authority to invite to partake in its meetings, any number of paid-up members on any particular issue. This is in order to enable it to have a better understanding of the issue under review. Invitees do not enjoy the right to vote.
- 15.5 The Executive Council is authorised to institute legal proceedings before any court or tribunal.
- 15.6 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.
- 15.7 If there is no quorum for three (3) consecutive Executive Council meetings per annum, an AGM will be called for a new election to replace non-attending members.
- 15.8 The President and the Secretary and prepare the agenda of Executive Council meeting.

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- 15.9 The Secretary shall circulate the agenda for Executive Council Meetings to the members of the Executive Council at least five (5) days prior to the date appointed for the meeting.
- 15.10 The President shall read the agenda at the start of the Executive Council Meeting. All items thereon shall take precedence over other business.
- 15.10 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.
- 15.11 The Secretary shall forward the minutes of the previous Executive Meeting five (5) days prior to the Executive Meeting.
- 15.12 Approval of minutes shall always be the first item on the agenda within the remit of Article 14.10 above.
- 15.13 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 15.10 above.
- 15.14 The third item of Executive Council meetings shall be the reporting of correspondence, within the remit of Article 15.10 above.

## **Article 16. Confidentiality Policy and Executive Council Members**

- 16.1 The Association adopts 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

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disclosed at the Executive Council meetings, in the best interest of The Association, counsellors and the clients they serve.

16.2 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.

16.3 At its discretion, the Executive Council shall issue communiques to its members to update them on issues on The Association and the counselling profession.

16.4 Definitions of Confidentiality:

- 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.

16.5 Principles of Confidentiality:

- 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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Public Relations Officer



- 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 shared is done so with accuracy and in the relevant context.

16.6 Guidelines for Addressing Confidentiality:

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, 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) 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 shared with a limited number of people in order 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.

16.7 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-CouncilPresident, with the

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understanding that the 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 is 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.

#### 16.8 Executive Council Members' must pledge and breach of confidentiality

- i. A breach of confidentiality is a ground for immediate dismissal from the Executive Council and/or The Association.
- 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 Executive Council members breach confidentiality.
- 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 that makes confidentiality, balance of power, and boundaries so much more important and sacred.

### **Article 17. Annual (AGM) and Extraordinary (EGM) General Meetings**

17.1 For Annual and Extraordinary Meetings the President, in consultation with The Executive Council, may nominate a fully paid-up member to chair General Meetings. Such a chair may also be an Executive Council Member. Therefore, for this article only (Article 17), reference to the "President" may also mean the Chair of General Meetings. The nominated Chair shall be notified and provided with the final agenda at least (1) one week before the date of the Meeting.

17.2 Every calendar year, the Executive Council shall convene an AGM to execute the following business:

- i. Reading and adoption of the minutes of the previous AGMs/EGMs;
- ii. Reading and adoption of the Annual Report;

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- 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;
- vi. Election of the new Executive Council as per Article 10.2.1; and
- vii. Membership Fees, as per Article 6.4.

17.3 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.

17.4 Non-receipt of such notice does not invalidate the Meeting as long as notice is served.

17.5 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 General Meeting where the motions will be discussed. Such motions shall then be circulated with the agenda.

17.6 The agenda for AGMs, together with the draft minutes of the previous general meeting/s, 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.

17.7 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 is waived in urgent cases subject to a two-thirds (2/3) majority approval of the Executive Council.

17.8 Non-receipt of notice does not invalidate the EGM as long as notice has been served.

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- 17.9 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 period is waived in urgent cases subject to a two-thirds (2/3) majority approval of the Executive Council.
- 17.10 The agenda of an EGM, together with any not-yet-circulated minutes of any previous General Meeting/s, shall be circulated to the members fifteen (15) days before the General Meeting. This period is waived in urgent cases and subject to the approval of a two-thirds (2/3) majority of the Executive Council.
- 17.11 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 (2/3) majority vote of the number of paid-up members present at the meeting.
- 17.12 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.
- 17.13 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.
- 17.14 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.

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- ii. The Executive Council shall convene such EGMs at the earliest date possible, but not before twenty-one (21) and no 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.
- 17.15 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.
- 17.15 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.
- 17.16 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 first prove:
- 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.
- 17.17 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.

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- 17.18 New members who enrol on the day of the AGM will not have voting rights, but can participate in the AGM/EGM.
- 17.19 The Quorum for AGMs and EGMs shall be fifty per cent (50%) of the paid-up members. If there is no quorum, the number of Members present at the Meeting shall be The Assembly and the meeting shall start after thirty (30) minutes.
- 17.20 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.
- 17.21 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 18 Subscriptions, Finances, and Accounts**

- 18.1 Applications for membership shall not be considered unless accompanied by the membership-subscription fee;
- 18.2 The membership-subscription fee shall be payable yearly in advance and shall fall due as determined by The Assembly;
- 18.3 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;

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- 18.4 Any Member who resigns or forfeits their membership shall on rejoining be liable to pay a readmission fee equivalent to one year's subscription;
- 18.5 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;
- 18.6 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.
- 18.7 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.
- 18.8 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.
- 18.9 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)<sup>910</sup>.

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<sup>9</sup> <https://legislation.mt/eli/sl/492.2/mlt/pdf>;

<sup>10</sup> <https://legislation.mt/eli/sl/492.2/mlt/pdf>;

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18.10 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 19. Legal and Financial Consultancy**

19.1 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;

19.2 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 20. Consultants to The Association**

20.1 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.

20.2 Consultants' Duties include:

- 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. Guiding The Association through any process for the benefit of the organisation and its members; and
- iv. Communicating concerns to the Executive Council.

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

- i. Overall Guidance
- ii. Information gathering
- iii. Training
- iv. Competencies
- v. Evaluation
- vi. Advice
- vii. Problem-Solving
- viii. Research
- ix. Ethics
- x. Trade-Unionism

20.4 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.

20.5 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 21. Breach of Privilege and Removal from the Executive Council**

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

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- 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;
- iii. Criticize abusively any member of the Executive Council.

21.2 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 Articles 3 and 4, in each instance, the Executive Council may recommend to The Assembly during a general meeting for these members' removal from office and possibly from The Association (Article 8), as The Assembly deems fit.

21.3 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 Assembly at a General Meeting.

## **Article 22. Expenses for the Executive Council**

22.1 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.

22.2 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 23. Donation to the Community**

23. 1 The Executive Council shall allocate 5% (five percent) of the annual profit of The Association, not less than a one hundred euro (100.00€) and not exceeding five hundred euro (500.00€), as donation to the local and/or global community;

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23.2 This donation is to be used for counselling services with vulnerable populations.

## **Article 24. 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, after exhausting all debts and liabilities, will be distributed to other voluntary organisations having a similar purpose to that of The Association, as discussed during the AGM/EGM by The Assembly present.

## **Article 25. Duties of the Executive Council Officers**

### **25.1 The President**

- i. Shall chair 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. As one (1) of the three legal representatives of The Association, shall be one (1) of three (3) who can sign cheques or any withdrawal forms. The other two (2) signatories shall be the Secretary and the Treasurer.
- iii. Shall prepare the Agendas for Executive Council and General Meetings, in conjunction with the Secretary (Article 25.3.iv);
- 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.

### **25.2 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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Public Relations Officer

### 25.3 The Secretary

- i. As one (1) of the three legal representatives of The Association, shall be one (1) of the three (3) signatories who can sign cheques or any withdrawal forms. The other two (2) signatories shall be the President and the Treasurer.
- ii. Shall inform all members of any resolutions and policies passed by the Executive Council or during General Meetings;
- iii. Shall receive and reply to all correspondence as resolved by the Executive Council or, in urgent cases, in consultation with the President;
- iv. Shall present and minute all correspondence received and entered into, at the following meeting of the Executive Council;
- v. Shall prepare, in conjunction with the President, the Agenda for Executive Council Meetings and General Meetings (Article 25.1.iii);
- vi. Shall take and keep the Minutes of the proceedings of the Executive Council and General Meetings;
- vii. Shall prepare the Agenda, the Annual Administrative Report and all other necessary documents for the General Meeting;
- viii. Shall keep a register/data base of all the members of The Association. The register/database shall include necessary personal data with the permission of each member based on a need-to-know basis, as outlined by the European Union's Regulation (EU) 2016/679 (General Data Protection Regulation-GDPR)<sup>11</sup>. This register/database shall be kept in a password-protected format. Members' membership forms shall also be kept in a secure file, European Union's Regulation (EU) 2016/679 (General Data Protection Regulation-GDPR).<sup>12</sup>
- ix. Shall keep a record of the posting of notices sent to the members;
- x. Shall ensure the safekeeping of all The Association's documentation, and hand over such documentation to the new Secretary, on termination of role;

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<sup>11</sup> <https://gdpr-info.eu/>

<sup>12</sup> <https://gdpr-info.eu/>

Josef Mizzi  
MACP President

Estela Rama  
MACP Secretary

Nicolette Camilleri  
MACP Treasurer

William Hayman  
MACP Vice-President

Maud Muscat  
MACP Vice-Secretary

Ruth Falzon  
MACP Vice-Treasurer

Russell Attard  
Public Relations Officer

- xi. 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;
- xii. Shall prepare the minutes for AGMs and EGMs.

#### **25.4 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.

#### **25.5 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 the Secretary;
- 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.

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Public Relations Officer

## **25.6 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.

## **25.7 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; and
- iv. Shall keep records of press releases, articles and any other communication issued by The Association or concerning The Association.

## **25.8 Executive Council Members**

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

## **25.9 The Ethics Committee**

- i. As nominated by the Executive Council, shall be responsible for developing and proposing ongoing issue regarding codes of ethics of the counselling profession to then be discussed with the CCP;
- ii. Shall address problems in the area of counselling ethics;
- iii. Shall act as the body which receives and processes investigates and decides upon any complaints lodged against members of The Association, within the context that CCP processes ethical and professional misconduct; and
- iv. To advise the Executive Council on issues which The Association should alert the CCP about.

## **25.10 Sub-Committees**

- i. The Executive Council may delegate any of its powers to sub-committees consisting of Executive Council members or of such other persons as the Executive Council deems fit.

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- ii. Any sub-committee so formed shall, in the exercise of the powers so delegated, conform to any regulations imposed on it by the Executive Council; and
- iii. Sub-committees shall keep proper minutes and send them to the Secretary of The Association.

## Article 26 The Administrators of The Association

The Administrators of The Association change every three (3) years in line with the term of The Association's Executive Council. The administrators of the 2022-2025 Executive Council and their responsibilities are:

Role	Title, Surname and Name		Address	ID#	Nationality
PRESIDENT	Mr	Mizzi Josef	Flat 5a, 'Soleil Court', Triq Il-Barjola, Il-Gudja, GDJ2020	0216183M	Maltese
SECRETARY	Ms	Rama Estela	Flat 7, 41, Mandalay, Triq San Ġużepp, Il-Mellieħa, MLH1353	432312L	Maltese
TREASURER	Ms	Camilleri Nicolette	8, Triq is-Seneskalk, In-Naxxar NXR1235	0171570M	Maltese
MEMBER	Mr	William Hayman	65 L-Għarix Triq Margaret A. Murray In-Naxxar NXR4036	0041986M	Maltese
VICE-SECRETARY	Ms	Maud Muscat	56, Noisette, Trq E.B. Vella, Il-Mosta MST3155	0467247M	Maltese
VICE-TREASURER	Prof.	Falzon Ruth	5, Sqaq #1, Triq San Ġakbu, Is-Siġġiewi, SĠW1610	323661M	Maltese
PRO	Mr	Attard Russell	18, Grazzja, Triq Mons. Mikiel Azzopardi, Is-Siġġiewi, SĠW 2010	249190M	Maltese

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