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**CONSTITUTION AND RULES OF THE AMBULANCE  
EMPLOYEES ASSOCIATION OF SOUTH AUSTRALIA**

**PART 1 - THE ASSOCIATION**

**1. Name**

The name of the Association shall be "The Ambulance Employees Association of South Australia"

**2. Registered Office**

The registered office of the Association shall be at 1 Hindmarsh Place, Hindmarsh SA 5007, or such other place as may from time to time be determined by the State Council.

**3. Definitions**

In these Rules, unless the context otherwise indicates or requires:

- (1) "Ambulance employee" means a person engaged in or about or in connection with ambulance work or work ancillary thereto in the State of South Australia.
- (2) "The Association" means the Ambulance Employees Association of South Australia.
- (3) "Council" means the State Council of the Association.
- (4) "Election Cycle" means the period in a year in which general elections are held, commencing with the calling of nominations for State Council and Shop Steward positions and concluding with the expiration of the term of office.
- (5) "Electorate" means in respect of State Council positions those sections established pursuant to the provisions of sub-rules 14 (2) (a) to (o) and in respect of shop stewards means those positions established pursuant to the provisions of sub-rules 21 (1) and (2).
- (6) Every word in the masculine gender shall be construed as including the feminine gender and vice versa.
- (7) Every word in the singular number shall be construed as including the plural number and vice versa.
- (8) "Financial member" means a member who has paid all subscriptions and levies payable by them to the Association.
- (9) "Member" means a member of the Association.
- (10) "South Australia" means the state of South Australia.
- (11) "Officers of the Council" mean the President, the four Executive Officers and the General Secretary
- (12) "ordinary member of Council" means a person elected to a position on the State Council pursuant to the provisions of sub-rules 14 (2) (a) to (o).

**4. The Industry**

The industry in and in connection with which the Association is formed is the occupation or calling of ambulance work carried on in South Australia and including work engaged in connection with or ancillary to such ambulance work.

## 5. Objects

The objects of the Association are:

- (1) To uphold the rights and to improve, protect, and foster the interests of members.
- (2) To formulate and carry into operation schemes for the industrial, social intellectual and general advancement of members.
- (3) To preserve to members the rights of submission to arbitration of claims in relation to wages and conditions of employment.
- (4) To assist by affiliation or by co-operation or otherwise, kindred organisations in upholding and advancing the rights, privileges and welfare of ambulance employees.
- (5) To maintain a publication to promote the objects of the Association.
- (6) To afford opportunity to discuss matters affecting the welfare, rights and interests of members.
- (7) To act as a medium for the expression of professional opinion on any matters relating to employment in ambulance services in South Australia.
- (8) To elect officers and to employ employees for the furtherance of the objects of the Association and to remunerate such officers and employees by salaries, wages, honoraria and other emoluments, including contributions to and financing of superannuation schemes or retirement funds for the benefit of such officers and employees, and to enter into such agreements as may be necessary for the carrying out of this purpose.
- (9) To take steps under the laws to advance or protect the rights of members in connection with their employment collectively or individually.

## PART 2 – MEMBERSHIP

### 6. Eligibility

Any person employed as an ambulance employee in South Australia is entitled to be a member of the Association, together with such other persons whether employees engaged in the industry or not, as have been elected officers of the Association, and who have been admitted as members hereof.

### 7. Application for Membership

- (a) Each application for membership shall be made on an approved form, and shall be lodged with the General Secretary of the Association for admission.
- (b) The General Secretary shall refer all applications for membership to the Council who shall admit the applicant as a member.

### 8. Register of Members

- (1) A register of the names and addresses of the officers and members of the Association shall be kept in the registered office of the Association. Any member changing their address shall inform the General Secretary of such change within four weeks.
- (2) The register of members shall clearly identify:
  - (a) in respect of State Council elections the electorates in which they are employed pursuant to sub-rules 14 (2) (a) to (o); and
  - (b) in respect of Shop Steward elections the electorates in which they are employed pursuant to sub-rules 21 (1) and (2).

## 9. Subscriptions

- (1) Subscriptions shall be annual for the period from the 1st day of July to the last day of June each year.
- (2) Prior to the end of May each year the Council shall review and set the annual subscription for the forthcoming financial year.
- (3) The annual subscription shall be payable by the end of April, except in cases where there exists an arrangement between the Association and the employer, whereby such members' subscriptions are deducted from salary.
- (4) A member joining the Association during the year shall pay only a pro rata subscription for the unexpired portion for that year.
- (5) The Council may remit the subscription in whole or in part, for such time as it decides, of any member unable to pay because of financial difficulty or illness.
- (6) A member who is not "financial" shall not be entitled to any benefit of the Association except at the direction of the State Council and shall be liable to have their name removed from the register if unfinancial for more than six months.

## 10. Resignation of Membership

- (1) A member may resign membership of the Association by notice in writing and delivered to the General Secretary if:
  - (a) The Notice is given not less than three months before the resignation is to take effect, and all subscriptions levies and other dues are paid to the date on which the resignation is to take effect;
  - (b) No person shall discontinue membership during the currency of any dispute or other proceedings in which the Association is concerned before an Industrial Tribunal; and
  - (c) No resignation shall be accepted by the General Secretary unless it is a valid notice pursuant to this rule.
- (2) Termination of membership shall be effected when a member ceases to be employed in or in connection with the industry of ambulance work.

## 11. Expulsion and Suspension

- (1) Any member charged with fraudulent or illegal conduct or with failure to comply with these rules or with conduct unbecoming of a member of the Association which conduct might have the tendency to bring the Association into ill repute may be summoned to appear before the State Council. Any member so charged shall have the right to speak in their own defence and to call witnesses on their behalf. If found guilty of the charge the Council may expel them or suspend them for a certain time or inflict such fine or other penalty as may seem just, but such penalty as is imposed shall be subject to review at the next ensuing General Meeting of the Association.
- (2) A notice specifying the charge addressed by pre-paid registered letter to the address of the member appearing in the books of the Association through the Post Office fourteen (14) days prior to the investigation shall be deemed sufficient notice of the charge. No member who has been expelled shall be re-admitted without the consent of the State Council thereto first had and obtained, and such consent shall be subject to confirmation at the next General Meeting of the Association.

## **12. Control of Association by Members**

- (1) Final control of the Association in relation to all matters shall rest with the decision of the financial members of the Association in a plebiscite conducted under these rules and every such decision shall bind;
  - (a) The State Council;
  - (b) The Executive Committee; and
  - (c) All members of the Union.
- (2) All powers conferred by these rules are conferred subject to this rule but nothing in this or any other rule shall empower the decision of a plebiscite to affect or alter a declaration by the Returning Officer of the result of an election of plebiscite.

## **13. Life Membership**

- (1) The Council may confer life membership on any member who has at least ten years continuous service as a member of the Council or as a Shop Steward and who has given outstanding and meritorious service to the Association. A life member still working in the industry of the Association shall have all the rights and duties of a member of the Association, provided that life members shall not be required to pay subscriptions or levies required by these rules.
- (2) The Council may confer honorary membership on any person who has given outstanding and meritorious service to the Association. An honorary member shall not have the rights and duties afforded to an ordinary member of the Association.
- (3) The council may cancel any such life or honorary membership.

## **PART 3 – GOVERNMENT**

### **14. State Council**

The Council shall consist of:

- (1) Officer positions comprised of the President, four Executive Officers and the General Secretary; and
- (2) One representative from each of the following sections;
  - (a) Section 1. North West Region, incorporating Ceduna, Coober Pedy, Port Augusta, Port Lincoln, Port Pirie, Wallaroo and Whyalla stations;
  - (b) Section 2. Adelaide Hills Region, incorporating Barossa, Fleurieu, Gawler, Mount Barker, Murray Bridge, Stirling Woodside and Victor Harbor stations;
  - (c) Section 3. Riverland Region, incorporating Barmera, Berri, Loxton, Renmark and Waikerie stations;
  - (d) Section 4. South East Region, incorporating Millicent, Mount Gambier and Naracoorte stations;
  - (e) Section 5. Southern Metro Region, incorporating Aldinga, Marion, Mitcham, McLaren Vale, Noarlunga and O'Halloran Hill stations;
  - (f) Section 6. Western Metro Region, incorporating Ashford, Brooklyn Park, Camden Park, Fulham and Port Adelaide stations;
  - (g) Section 7. Northern Metro Region, incorporating Playford, Redwood Park and Salisbury stations;
  - (h) Section 8. Eastern Metro Region, incorporating Campbelltown, Parkside and Prospect stations;

- (i) Section 9. Statewide Operational Specialists, incorporating Extended Care Paramedics, Special Operation Teams and Clinical Support Officers;
  - (j) Section 10. Operational Leadership, incorporating Team Leaders, Clinical Team Leaders, Area Clinical Team Leaders, Regional Team Leaders, Operational Managers and State Duty Managers;
  - (k) Section 11. Emergency Operations Centre, incorporating Emergency Operations Centre employees;
  - (l) Section 12. Emergency Support Services, incorporating Emergency Support Services employees.
  - (m) Section 13. Patient Transport Services, incorporating Patient Transport Service employees;
  - (n) Section 14. Administration, incorporating Administration employees;
  - (o) Section 15. Support Services, incorporating Support Services employees.
- (3) Of the Officer positions all members of the Association shall be eligible to nominate for and vote in any election for such positions.
- (4) Of the sections set out in sub-rules (2) (a) – (o) hereof, a member shall only be eligible to nominate for a position on the Council and to vote in such election in the section in which they are currently employed.
- (5) A member of the Council elected to represent a particular section who ceases to be employed in that section shall no longer be eligible to represent those members employed in such electorate, thereby creating an extraordinary vacancy. Upon such vacancy occurring, the Council shall resolve the matter pursuant to rule 42 Extraordinary Vacancies.
- (6) When the Council considers that the structure and composition of the respective sections are failing to meet the representative needs of the membership, it may recommend the creation of new sections or the merging of existing sections subject to the following;
- (a) Any proposal to create new sections or to merge existing sections shall be subject to a rule change pursuant to rule 35 Amendment to Rules; and
  - (b) That the creation of a new section or the merging of existing sections shall only occur with effect from the commencement of an election cycle.

## 15. Powers and Duties of the State Council

Subject to the control of the members of the Association in General Meeting the State Council shall have the power:

- (1) To take on lease or otherwise obtain any office or building for the purposes of the Association, including all matters thereto such as borrowing funds or mortgaging property.
- (2) To purchase hire or otherwise acquire any books, newspapers, documents, and other property necessary for the carrying out of the objects of the Association and dispose of them as may be deemed desirable in the interests of the Association.
- (3) To appoint any employee of the Association and at any time to suspend or discharge that employee and to fix the remuneration (if any) to be paid for their services.
- (4) To investigate complaints and grievances and take such action as required by these rules or as may be otherwise deemed necessary in the interests of a member or members of the Association.
- (5) To invest, or place at fixed deposit with such bank as the Council may from time to time determine, any monies of the Association not immediately required for the purposes thereof, in such manner as it may think fit, and to vary or realise such investments.

- (6) To determine and direct the policy of the Association in all matters affecting the interests of the members.
- (7) To submit to appropriate industrial tribunals claims or applications in accordance with the legislation in force for the time being and to take such other action under such legislation as it thinks fit, and subject to the provisions of appropriate industrial legislation to make, vary or rescind industrial agreements on behalf of the Association.
- (8) To impose levies on the members of the Association.
- (9) To borrow or raise money for the purposes of the Association and if the Council thinks fit, to give security for any such borrowing or raising of money over all or any part of the assets of the Association.
- (10) To direct the Returning Officer to conduct a plebiscite of the financial members of the Association upon any matter whatsoever.
- (11) To appoint delegates or representatives of the Association to any body, organisation or association.
- (12) To do any and all things incidental to the above stated powers.

## 16. Powers and Duties of President

The President shall:

- (1) Wherever practicable attend at all General Meetings of the Association and at all meetings of the Executive Committee and the Council.
- (2) Preside as Chair of all meetings of the Association and of the Council at which such Officer is present.
- (3) Advise the Secretary as the occasion may require.
- (4) Be ex-officio a member of all delegations.
- (5) In an emergency take any action that may be deemed necessary to conserve the interests of the Association provided that notification of any action shall be made to members of the Council forthwith.

## 17. Powers and Duties of the General Secretary

The General Secretary shall:

- (1) Wherever practicable attend at all General Meetings of the Association and at all meetings of the Executive Committee and the Council.
- (2) Be the chief executive officer of the Association.
- (3) Be ex-officio a member of all Sub-Committees of the Council and of all delegations.
- (4) Keep a register of members showing their full names and postal addresses.
- (5) Attend and record the minutes of the proceedings of General Meetings of the Association and of the Council.
- (6) Send out notices of all meetings of the Association and of the Council.
- (7) Conduct and keep a record of all correspondence on behalf of the Association.
- (8) Carry out the directions of a General Meeting of the Association and the Council.
- (9) Convene in accordance with these rules General Meetings of the Association.
- (10) In the event that the Association is incorporated pursuant to the Associations Incorporation Act be public officer of the Association.
- (11) In an emergency take any action that may be deemed to be necessary to conserve the interests of the Association provided that notification of any action shall be made to the members of the Council forthwith.
- (12) Receive all monies due to the Association and give receipts for the same.
- (13) Receive and be assiduous in the collection of subscriptions collected.
- (14) Pay all accounts of the Association and obtain receipts thereof.

- (15) Prepare a budget of proposed income and expenditure for each ensuing financial year. The budget shall be presented to a meeting of the Council for endorsement prior to the end of May in each year.
- (16) Keep separate and distinct accounts of the Association.
- (17) Furnish the auditors with a correct account of the yearly monetary transactions and produce all bank vouchers and documents therewith so as to enable the auditors report to be presented to a meeting of the Council or a General Meeting of the Association as the case may be, pursuant to Rule 30 Financial Reports.
- (18) Make all payments (other than petty cash not exceeding \$500) by cheque or by verifiable electronic funds transfer.
- (19) Furnish to the Council at each meeting a statement showing the financial position of the Association in accordance with the budget.
- (20) Hand over all books, papers, etc. belonging to the Association within 48 hours of being directed to do so.
- (21) Pay all monies received on behalf of the Association in to the bank account of the Association within 48 hours of receipt.

#### 18. Powers and Duties of Executive Officers

The Executive Officers shall:

- (1) Wherever practicable attend all meetings of the Executive Committee and the Council;
- (2) In the absence of the President from a meeting one of the Executive Officers shall be selected to act as Chair for such meeting. Such selection shall occur following consultation between those Executive Officers present at such meeting. Where the Executive Officers are unable to agree then the matter will be resolved by casting lots.
- (3) Where the President or General Secretary is to be absent for an extended period of time an Executive Officer shall be appointed by the Council to cover such period of absence.
- (4) Perform such administrative duties as may be directed from time to time by the Council.

#### 19. Meetings of the State Council

- (1) Meetings of the Council shall be held at such times and places as the General Secretary or the President directs and in any event at least once per quarter. Provided however, if the General Secretary receives a request from not less than 25 per centum of members of Council the General Secretary shall within fourteen (14) days convene a meetings of the Council.
- (2) The General Secretary shall cause notice to be given to the officers and members of the Council of the time and place fixed for each meeting of the Council. At least three (3) clear days notice of such meetings shall be given. At any meeting of the Council a simple majority of the total number of members forming the Council shall form a quorum for the purposes of the meeting.

## 20. General Meetings

- (1) The Council may, wherever it thinks fit, convene a special general meeting and shall do so:
  - (a) Upon a requisition to do so being made to it in writing by not less than 5% of the membership of the Association, which shall express the purpose for which it is requested the meeting be called.
  - (b) Upon receipt of such requisition, or upon the passage of such resolution, as the case may be, the Council shall forthwith proceed to convene a special general meeting which shall be held within twenty eight (28) days of the receipt of the requisition.
- (2) The business of a special general meeting shall be set out in a circular accompanying the notice convening the meeting. No business shall be dealt with at a special general meeting except for that which it was specifically convened to consider.
- (3) The quorum for a special general meeting shall be 5% of the membership of the Association, provided that where this number exceeds fifty, then fifty members shall constitute a quorum.

## 21. Shop Stewards

- (1) The Council shall determine the electorate for the election of Shop Stewards, which meet the representative needs of the membership based on existing ambulance stations and work groups. The establishment of such electorates shall only occur with effect from the commencement of an election cycle.
- (2) Notwithstanding the provisions of sub-rule (1) hereof, where a new ambulance station or work group is created during an election cycle the Council may determine that in order to meet the representative needs of those members assigned to the new ambulance station or work groups, that a new electorate will be established with immediate effect.
- (3) Of the various electorates referred to in sub-rules (1) and (2) hereof, a member shall only be eligible to nominate for a position as Shop Steward and to vote in such election in the electorate in which they are currently employed.
- (4) A Shop Steward elected to a particular electorate who ceases to be employed in that electorate shall no longer be eligible to represent those members employed in such electorate, thereby creating an extraordinary vacancy. Upon such vacancy occurring, the Council shall resolve the matter pursuant to rule 42 Extraordinary Vacancies.
- (5) In the event of an extraordinary vacancy to the position of Shop Steward, other than the circumstances set in sub-rule (4) hereof, the Council shall resolve the matter pursuant to rule 42 Extraordinary Vacancies.
- (6) A member of the Council shall be entitled to hold concurrently the position of Shop Steward.

## 22. Powers and Duties of Shop Stewards

The powers and duties of Shop Stewards shall be to:

- (1) Carry out the directions of a General Meeting; and
- (2) Carry out the directions of a Council Meeting

## 23. Standing Orders for Meetings

At the hour appointed for the commencement of meetings the President shall declare the meeting open and the following shall be the order of the business:

- (1) Reading and adoption of the minutes of the last meeting.
- (2) Reports (if any) of delegated and auditors and business arising therefrom.
- (3) Reports (if any) of the State Council and any business arising therefrom.
- (4) General business.
- (5) A member may state any urgent business, which in their opinion should be discussed by the Association without delay and on such statement the President shall grant leave to the meeting to decide without discussion whether the business should be then and there dealt with.
- (6) Any member wishing to speak should rise and address the President respectfully. No member shall be allowed to interrupt the speaker by any expression except addressed by the President, in explanation, or to a point of order, and no member shall be allowed to speak before the first has sat down. The privilege of speaking belongs to them who first attract the President's eye in the action of rising.
- (7) No member shall speak more than once on any motion or amendment without permission of the President, except the movers of any motion and amendment, who will be called upon to reply by the President, after the debate has closed, first to the amendment and then to the motion, no member shall speak to the question after the reply.
- (8) All questions not otherwise provided for herein shall be determined by simple majority of those present and voting.
- (9) The President shall act with strict impartiality but shall be entitled to vote on any question.
- (10) The President shall call any speaker to the question, explain the laws and rules as to the points or order, but if any disputes arise the vote of the meeting is to be taken.
- (11) If any member interrupts the business of the Association the President shall call them to order. If they interrupt a second time they may be requested to withdraw from the meeting.
- (12) If within half an hour of the time appointed for a General Meeting a quorum is not present the meeting will be adjourned to a date, time and place to be fixed by the Council, and if at such adjourned meeting a quorum is not present it shall be dissolved.
- (13) When the Association business has concluded the President shall declare the meeting closed.

## 24. Removal from Office

- (1) The Council may remove from office any Officer or member of the State Council to which the person concerned has been summoned in writing signed by the General Secretary or President to show cause why they should not be so removed. No such person shall be removed from office unless they have been guilty of misappropriation of the funds of the Association, a substantial breach of the Rules of the Association or gross misbehaviour or gross neglect of duty or has ceased, according to these Rules, to be eligible to hold office.
- (2) A person summoned to show cause pursuant to sub-rule (1) hereof shall be given at least fourteen (14) days notice of the time and place of the meeting of the State Council to which they are summoned. The notice summoning such person shall also specify the ground or grounds upon which it is proposed to consider their removal. Should the person against whom an allegation is made fail to appear at the hearing or fails to

provide a satisfactory explanation for such non attendance, the Council may proceed with the hearing if it is first satisfied that the notice of the hearing in accordance with this sub-rule has been properly served.

- (3) A person removed from office in accordance with this rule shall have the right of appeal to a special General Meeting of the Association called specifically for that purpose in accordance with the provisions of the Rules for the calling of Special General Meetings or alternatively at the next ensuing General Meeting.

## 25. Resignation of Officers

Any member of the Council or a Shop Steward may resign their membership of the Council or as a Shop Steward by writing under their hand addressed and forwarded to the Council. Any such resignation shall take effect from the date of its acceptance by the Council.

## 26. Executive Committee

- (1) There shall be an Executive Committee comprising the President, 4 Executive Officers and the General Secretary.
- (2) The Executive Committee shall, subject to the direction of the Council in accordance with these rules, carry out the duties delegated by Council.
- (3) The quorum for an Executive Committee meeting shall be a simple majority provided however, that all members of the Executive Committee who could attend shall be given reasonable notice of any Executive Committee meeting.
- (4) Between Council meetings the General Secretary, or in that Officers absence the President, may refer matters for decision by the Executive Committee which decisions shall be subject to ratification at the next Council meeting.

## PART 4 - FINANCE

### 27. Association Funds

- (1) Association funds shall be:
  - (a) Subscriptions received by the Association from its members.
  - (b) Levies as imposed by Council.
  - (c) Interest on investments.
  - (d) Monies received by the Association from any other source.
- (2) The Council shall nominate the bank/Credit Union through which its financial matters are contracted.
- (3) The Council shall control and administer the funds of the Association and cheques drawn on the Association account or transacted by verifiable electronic funds transfer shall be signed or authorised as the case may be by the General Secretary and any one of the President or any other person so empowered by the Council.
- (4) The expenses connected with the general management of the Association shall be defrayed as far as possible from the annual subscriptions.
- (5) Monies raised by levy pursuant to sub-rule 15 (8) shall be used for the purpose of the levy only, provided that the Council may resolve that any unused portion may be applied for the general purpose of the Association.

## **28. Financial Year**

The financial year of the Association shall commence on the 1st day of July in every year and shall end on the 30th day of June next following.

## **29. Audit**

- (1) There shall be a registered company auditor within the meaning of the Companies (S.A.) Code1982 appointed annually by the Council who shall audit the Association accounts.
- (2) All books and accounts and other financial documents shall be duly presented for audit after the expiration of each financial year to the Association's auditor.

## **30. Financial Reports**

- (1) The Council must cause within the period of 6 months starting at the end of the financial year:
  - (2) The audited balance sheet and statements of receipts and expenditure of the Association to be presented to a general meeting of the members of the Association, or
    - (a) The audited balance sheet and statements of receipts and expenditure of the Association to be presented to a meeting of the Council, provided that members will be given access to the said reports through the Associations website and by posting to each station and worksite.
    - (b) Provided that, upon receipt by the General Secretary of a request signed by not less than 5% of the membership of the Association calling for a general meeting for the purpose of considering the audited balance sheet and statements of receipts and expenditure made in respect of the Association, the General Secretary shall convene such a meeting as soon as is practicable.

# **PART 5 – INDUSTRIAL AND LEGAL MATTER**

## **31. Industrial Agreements**

Industrial Agreements and any other documents shall be executed on behalf of the Association by the General Secretary.

## **32. Seal**

The Common Seal of the Association shall be kept by the General Secretary. The Seal of the Association shall only be fixed to any document or instrument pursuant to a resolution of the Council and in the presence of the General Secretary and at least two other members of the Council. The Council shall have power to strike a medallion to be issued to all members which shall be of such kind, style and composition as the Council may determine.

## **33. Legal Advice**

The Council may appoint a solicitor or solicitors and /or industrial advisor to act for the Association.

#### **34. Affiliation**

The Association may be affiliated with any other Association, Society, or Organisation having similar objects or in part similar to the objects of the Association.

#### **35. Amendment to Rules**

No motion to repeal, alter or add to any of the rules of the Association shall be made except at a General Meeting of the Association. A member who seeks amendment of the Rules shall forward to the General Secretary at least twenty-one (21) days before such General Meeting written notice specifying their intention to propose a resolution for repeal or alteration of or addition to the rules, and giving particulars thereof, and the General Secretary shall issue notices to all the members at least fourteen (14) days before the General Meeting. No repeal or alteration of or addition to the rules shall be made unless decided upon by three-fifths (3/5) majority of members present and voting at such meeting.

#### **36. Dissolution**

- (1) The Association shall not be dissolved except at a General Meeting of the Association convened for that purpose.
- (2) A resolution dissolving the Association shall not be declared to be carried unless three-quarters (3/4) of the number of financial members of the Association present at the meeting vote in favour of the resolution.
- (3) If the Association is dissolved the property of the Association shall be realized and the monies remaining after all liabilities of the Association have been discharged shall be divided equally amongst the members who are financial at the date of dissolution.

### **PART 6 – ELECTION OF STATE COUNCILLORS AND OFFICERS**

#### **37. Qualifications for Office and Nomination**

- (1) A candidate for the Council or a position of Shop Steward shall as at the closing date of nominations be a financial member of the Association or a life member of the Association still employed in the industry.
- (2) Nominations shall be in writing and signed by two other members of the Association.

#### **38. Elections**

- (1) All elections and plebiscites shall be by secret postal ballot conducted by the Returning Officer, or where requested by the Council the Electoral Commission of South Australia. Elections for all offices in the Association shall be by a direct voting system.
- (2) The roll of voters for any election to be conducted pursuant to this rule shall be closed 14 days before the day on which nominations are opened.
- (3) Only those persons who are financial members of the Association on the day that the roll of voters is closed shall be eligible to participate in elections for offices in the Association.
- (4) In respect of the positions to be filled on the Council the roll of voters shall clearly identify which of the members of the Association are employed in each of the electorates established pursuant to the provisions of sub-rules 14 (2) (a) to (o).

- (5) In respect of the Shop Steward positions the roll of voters shall clearly identify which of the members of the Association are employed in each of the electorates established pursuant to the provisions of sub-rules 21 (1) and (2).
- (6) In the years in which General Elections are held the following timetable will apply:
  - (a) The date for the opening of nominations shall be no later than the first weekday occurring on or after 1 August;
  - (b) The time on which nomination close shall be 5pm on the first week day occurring on or after 21 August;
  - (c) The time on which nomination may no longer be withdrawn shall be the first weekday occurring on or after 2 September;
  - (d) The date for the posting of ballot papers shall be the first weekday occurring on or after 9 September; and
  - (e) The time on which the ballot closes shall be 5 pm on the first weekday occurring on or after 30 September.
- (7) Ballot papers shall set out the names of the candidates for an election of the respective officers and electorates.
- (8) In a plebiscite the Returning Officer shall formulate the matter or matters the subject of the plebiscite in the form of proposals as proposed or decision which has been made under these rules. Ballot papers for a plebiscite shall set out each proposal or decision to be determined and shall provide for satisfactory wording which will accurately reflect the intention of the plebiscite.
- (9) In an election the Returning Officer shall issue instructions as follows;
  - (a) Enclosed is a ballot paper/s for an election in the Ambulance Employees Association of South Australia. To vote for a candidate in an office or an electorate you should place the figure '1' opposite your candidate of first choice and give preference votes for the remaining candidates by placing figures 2, 3, 4, etc opposite their names so as to indicate your order of preference for them. Failure to so indicate the order of your preference will not render invalid your vote for the candidate(s) of your choice. However if the candidate(s) who you do vote for are eliminated at an early stage of the count then your vote will not have the same force and effect as a voter who has expressed the order of their preference for all candidates. After voting you should place the ballot paper(s) in the stamped, addressed envelope provided and post it so it will reach the private box to which it is addressed by (set out the time and date on which the ballot closes)
- (10) In a plebiscite the Returning Officer shall issue instructions to the following effect:
  - (a) Enclosed is a ballot paper for a plebiscite in the Ambulance Employees Association of South Australia. To vote in favour of a proposal or decision you should place an 'X' opposite the word 'yes'. To vote against a proposal or decision you should place an 'X' opposite the work 'No'. After voting you should place the ballot paper in the stamped addressed envelope provided and post it so it will reach the private box to which it is addressed by (set out the time and date on which the ballot closes).
- (11) Ballot papers will be deemed spoiled which:
  - (a) Show more candidates marked as voted for than permitted.
  - (b) Are defaced or mutilated so as to prevent the intention of the voter being ascertained.
- (12) The vote of a member shall not be informal:
  - (a) Only on account of the voter having indicated a preference for fewer than the number of candidates to be elected.
  - (b) Only on account of the voter having used a mark other than that decided upon to indicate their preference.

- (13) (a) A candidate in any election may if they so desire appoint a scrutineer who is a financial member of the Association to represent them at the ballot. The candidate shall prior to the commencement of the ballot notify the Returning Officer in writing of the name of such scrutineer.
- (b) A scrutineer shall be entitled to be present throughout the ballot and may query the inclusion or exclusion of any vote in the count, however the Returning Officer shall have final determination of any vote so queried.
- (c) A scrutineer shall not be entitled to remove, mark, alter or deface any ballot paper or other document used in connection with the election.
- (d) Ballot papers shall not be opened except in the presence of the scrutineers unless they shall fail to attend after proper notice in writing has been given by the Returning Officer of the time and date of the closing of the ballot.
- (e) In a plebiscite conducted by the Returning Officer the council shall appoint 2 scrutineers who shall with necessary modifications have the same powers and duties as in an election.
- (14) The ballot papers in an election shall be counted in accordance with the following provisions;
- (a) The Returning Officer shall count the ballot papers in the presence and subject to the inspection of such scrutineers who choose to be present and of no other person.
- (b) The Returning Officer shall arrange the ballot papers by placing in a separate bundle all those on which a first preference is indicated for the same candidate, omitting informal ballot papers.
- (c) Where there is one person to be elected to an office or electorate:
- (i) The Returning Officer shall count the first preference votes given for each candidate respectively;
- (ii) The candidate who has received the greatest number of first preference votes if that number constitutes an absolute majority of first preference votes shall be declared elected;
- (iii) If no candidate has an absolute majority of first preference votes the Returning Officer shall –
- (1) Treat the candidate who has obtained the fewest first preference votes as a defeated candidate and such of the ballot papers counted to such defeated candidate as indicates the voters next preference shall be distributed amongst the non-defeated candidates next in order of the voters preference. After such distribution the number of voters given to each non defeated candidate shall again be counted;
- (2) If no candidate then has an absolute majority of votes the process of treating the candidate who has the fewest votes as defeated and distributing such of that candidates ballot papers as indicate the voters next preference amongst the non-defeated candidates next in order of the voters preference shall be repeated and the voters recounted after every such redistribution until one candidate has obtained an absolute majority of votes and such candidate shall be declared elected.
- (iv) If on the final count two or more candidates have received an equal number of votes the Returning Officer shall determine which of the candidates is elected by declaring the candidate who currently holds the office or electorate being contested to be elected. Should no candidate hold the office or electorate being contested the Returning Officer shall determine the result by casting lots.
- (d) Where there is more than one person to be elected to an office or an electorate:

- (i) The Returning Officer shall count all first preference votes cast for each candidate and any candidate who has received an absolute majority of first preference votes shall be declared elected.
  - (ii) If no candidate has received an absolute majority of first preference votes the Returning Officer shall proceed to eliminate candidates and distribute preference votes as provided in paragraph (14) (c) (iii) (1) above until a candidate has an absolute majority of votes and is declared elected;
  - (iii) To determine the next successful candidate the Returning officer shall allocate the second preference votes of the candidate who has been elected, to each of the other candidates in accord with the voters preference including to the candidates eliminated pursuant to paragraph (14) c (iii) (1) above;
  - (iv) A candidate who then has an absolute majority of votes shall be declared elected but if no candidate then has an absolute majority of votes the count shall proceed as provided in paragraph (14) c (iii) (1) above until one candidate has received an absolute majority of votes and is elected;
  - (v) Any remaining vacancies shall be filled one by one in the manner provided above and any candidate receiving an absolute majority shall be declared elected. Provided that where the second preference votes of an elected candidate are given to another elected candidate the Returning Officer shall allocate the third preference vote of the first mentioned elected candidate to other candidates in accordance with the voter's third preference. This proviso applies equally where second and succeeding preference votes are given to two or more elected candidates;
  - (vi) If on the final count two or more candidates have received an equal number of votes and one of them has to be elected or excluded, the Returning Officer shall determine which of the candidates is elected by declaring the candidate who currently holds the office being contested to be elected. Should none of the candidates hold the office being contested the Returning Officer shall determine the result by casting lots.
- (e) The Returning Officer shall make and keep a record of:
- (i) The total number of votes counted;
  - (ii) The number of ballot papers rejected as informal;
  - (iii) The number of first preference votes given for each candidate;
  - (iv) In relation to each distribution of the ballot papers of a defeated candidate:
    1. The number of ballot papers which did not show the voters next preferences; and
    2. The number of votes of each candidate after the distribution.
  - (v) The number of ballot papers issued; and
  - (vi) The number of ballot papers returned.
- This record shall be signed by the Returning Officer and by such of the scrutineers as are present and consent to sign it.
- (15) The counting of ballot papers in a plebiscite shall with necessary modifications be carried out in accordance with the provision of sub-rule 14 hereof. In the event of an equality of votes on any question or decision the question shall be deemed to have failed.

38A. The 2015 Rule

- (1) The first election of State Council and Shop Stewards pursuant to the rules of the Association as amended in 2015 shall with necessary modification be conducted in accordance with the provisions of rule 38, subject to the following timetable:
- (a) the date for the opening of nominations shall be no later than the final weekday occurring on or after 1 October 2015;
  - (b) the time on which nominations close shall be 5pm on the first weekday occurring on or after 21 October 2015;
  - (c) the date on which nominations may no longer be withdrawn shall be the first weekday occurring on or after 2 November 2015;
  - (d) the date for the posting of ballot papers shall be the first weekday occurring on or after 9 October 2015; and
  - (e) the time on which the ballot closes shall be 5pm on the first weekday occurring on or after 30 November 2015.

39. Term of Office

All Shop Stewards and members of Council shall hold office for a term of three (3) years and be eligible for re-election.

40. Returning Officer

- (1) A Returning Officer shall be appointed by the Council for any election in accordance with these Rules. Such Returning Officer shall not be a candidate for any election or the subject of any plebiscite conducted by them, nor shall they be the holder of any office or an employee of the Association.
- (2) In conducting elections, the Returning Officer shall:
  - (a) Call for nominations and check all nominations received to see that they comply with the requirements of the rules and reject any that do not so comply, provided that before rejecting a nomination the Returning Officer shall notify the person concerned of the defect, and where it is practicable to do so, give such person the opportunity of remedying the defect within seven (7) days of being so notified.
  - (b) If there be no more nominations then there are vacancies for the positions, declare the nominated person or persons elected to the position.
  - (c) Where more nominations are received than there are vacancies to be filled:
    - (i) By ballot, decide the order in which the candidates' names shall appear on the ballot paper.
    - (ii) Where appropriate have ballot papers printed.
    - (iii) Ensure that such ballot papers indicate:
      1. The number to be elected;
      2. The manner in which votes shall be recorded;
      3. The date and time for closing of the ballot.
  - (d) Be responsible for the safe custody of ballot papers.
  - (e) Obtain from the printer a certificate of the number of ballot papers printed.
  - (f) Initial every ballot paper prior to its distribution.
  - (g) Not later than twenty-one (21) days before the ballot is to be held, send to each member at their residential address, as set out on the voters roll, a notice setting out the Returning Officers instructions in respect to the allocation of votes

- (h) In the name of the Association rent a private post office box before the commencement of the ballot and shall personally keep the key and shall not allow the box to be opened during the ballot.
- (i) Hold the ballot box containing unopened all envelopes received up to the hour appointed for the closing of the ballot.
- (j) at the time fixed for the closing of the ballot, open the ballot box in the presence of the scrutineers and count all the votes cast.
- (k) Declare the result of the election and submit a full report of the ballot indicating the number of ballot papers printed, the number distributed, and the number on hand and any other relevant matters to the Council.

#### 41. Plebiscite

- (1) Upon receipt of a request for a plebiscite the Council shall appoint a member of the Association as Returning Officer who shall conduct the plebiscite in accordance with the provisions of rule 38.
- (2) Any plebiscite under this rule upon any matter shall be conducted by the Returning Officer who shall fix all proper and necessary dates for the conduct of the ballot.
- (3) All financial members of the Association shall be entitled to vote in a plebiscite.
- (4) A plebiscite upon any matter which may be held under this rule shall be conducted by the Returning Officer upon receiving a written request for such a plebiscite signed by at least one-tenth of the financial members of the Association or a request arising from a general meeting.
- (5) The Returning Officer shall conduct a plebiscite upon any matter if directed to do so by the Council.
- (6) The Returning Officer shall decide all questions which are relevant to determine the result of the plebiscite and the Returning Officers declaration of the result shall be final. The Returning Officer shall declare the result of the plebiscite by posting to the General Secretary, all ambulance stations and work sites a declaration signed by such Returning Officer.
- (7) If a majority of members voting, vote in favour of the motion, the motion shall be carried and shall have the effect of a decision of a general meeting. In the event of an equality of votes on the motion, the motion shall be deemed to have failed.

#### 42. Extraordinary Vacancies

- (1) In this rule the 'next election date' means the first weekday occurring on or after the 1<sup>st</sup> May of a year in which an election for such position would be held in accordance with the provisions of these rules.
- (2) If for any reason the position of any of the Officers of the Council provided for by sub-rule 14 (1) becomes vacant during the election cycle such vacancy shall be filled as follows:
  - (a) Where the vacancy occurs within twenty seven (27) calendar months of the next election date, Council may appoint one of its members to fill such vacancy for the balance of the unexpired term, provided however that no person shall hold more than one of the Officer positions and there shall always be twenty-one members of Council.
  - (b) Where the vacancy occurs more than twenty seven (27) calendar months prior to the next election date the Returning Officer shall with necessary modification conduct an election to fill such vacancy in accordance with the provisions of these rules.

- (c) Where the vacancy occurs within three (3) calendar months of the next election date the Council may resolve that the vacancy shall not be filled.
- (3) If for any reason the position of an ordinary member of Council provided for by sub-rules 14 (2) (a) to (o) becomes vacant during the election cycle such vacancy shall be filled as follows:
  - (a) Where the vacancy occurs within twenty seven (27) calendar months of the next election date Council shall offer the balance of the unexpired term to the candidate in the previous election having the next highest number of votes in the relevant election. In the event the candidate is either no longer eligible or declines the position the Council shall offer the position to the candidate having the next highest number of votes and so on. In the event that the vacancy is not filled in the manner set out in this sub-rule, Council shall appoint any eligible member to fill the vacancy.
  - (b) Where the vacancy occurs more than twenty seven (27) calendar months prior to the next election date the Returning Officer shall with necessary modification conduct an election to fill such vacancy in accordance with the provisions of these rules.
  - (c) Where the vacancy occurs within three (3) calendar months of the next election date the Council may resolve that the vacancy shall not be filled.
- (4) If for any reason the position of a shop steward provided for by sub-rules 21 (1) and (2) becomes vacant during the election cycle such vacancy shall be filled as follows;
  - (a) Where the vacancy occurs within twenty seven (27) calendar months of the next election date Council shall offer the balance of the unexpired term to the candidate in the previous election having the next highest number of votes in the relevant election. In the event the candidate is no longer eligible or declines, the Council shall offer the position to the candidate having the next highest number of votes and so on. In the event that the vacancy is not filled in the manner set out in this sub-rule, Council shall appoint any eligible member to fill the vacancy.
  - (b) Where the vacancy occurs more than twenty seven (27) calendar months prior to the next election date the Returning Officer shall with necessary modification conduct an election to fill such vacancy in accordance with the provision of these rules.
  - (c) Where the vacancy occurs within three (3) calendar months of the next election date the Council may resolve that the vacancy shall not be filed.

#### 43. Dispute Between Association and Members

- (1) Where a member is in dispute with the Association over any matter they may address the grievance in writing to the General Secretary who shall determine the matter in consultation with the member concerned.
- (2) Should the matter not be resolved pursuant to sub-rule (1) hereof the General Secretary shall refer it to a meeting of the Council who shall receive any written submission which the member and any other affected member may make or in its discretion the Council may hear the member in person on such terms as they may decide. The Council shall then determine the matter.
- (3) Should the matter remain unresolved pursuant to the sub-rule (2) hereof, the member shall have a right of appeal to the next General Meeting at which time the member will be given an opportunity to address the grievance following a report which shall be given by the General Secretary or another member of the Council as may be determined by the Council. The General Meeting shall then determine the matter.