

Amalgamated ASU (SA) State Union

Registered 4 September 2003 being amalgamation of **Australian Services Union (Social and Community Services, SA)** and **Australian Municipal, Administrative, Clerical and Services Union, South Australian Clerical and Administrative Branch** and **South Australian Salaried Lawyers Association** to form **Amalgamated ASU (SA) State Union**.

AMALGAMATED ASU (SA) STATE UNION RULES

PART I - CONSTITUTION

1 - NAME

- (1) The name of the Association shall be “Amalgamated ASU (SA) State Union”.
- (2) The Association incorporates by way of amalgamation the former Australian Services Union (Social and Community Services, SA), Australian Municipal Administrative Clerical and Services Union, South Australian Clerical and Administrative Branch and South Australian Salaried Lawyers Association (“former Associations”).

2- REGISTERED OFFICE

The registered office of the Union shall be situated at 5-9 Rundle Street, Kent Town or such other place as may be determined by the Executive from time to time. The Registrar shall be notified of any change in the registered office.

3 - PROPER OFFICER

The Secretary of the Association shall be the proper officer of the Association and shall have the power and authority to sue on behalf of the Association and/or its members in all Courts and Tribunals.

4 - OBJECTS

The objects of the Association are:-

- (1) To uphold the rights of organised labour, to improve, protect and foster the best interests of its members and to subscribe to and/or co-operate with a policy of improving the cultural and living standards of its members.
- (2) To watch over, improve, foster and protect the interests of its members.
- (3) To obtain and maintain for its members reasonable hours of work and fair wages and industrial conditions;
- (4) To obtain preferential treatment for members in all aspects of their employment;
- (5) To improve the social and economic position of its members;
- (6) To assist members or their families in distress;
- (7) To formulate and carry into operation schemes for the industrial, social, recreational, intellectual and general advancement of members and to make arrangements with persons engaged in any trade, business, or profession for the provision to the members of the Union of any special benefits privileges and advantages, in particular in relation to goods and services;

- (8) To establish and maintain clubs and other recreational facilities and amenities for the benefit of members, and of their families;
- (9) To establish, operate and maintain health services;
- (10) To establish funds for the benefit of members, officers and employees or a particular class or group of members, officers and employees;
- (11) To establish Branches;
- (12) To establish and/or maintain Union and/or labour and trade Union journals newspapers and other publications and radio, television and other electronic broadcasting by any means including but not limited to the purchase of shares in a corporation carrying on such an activity;
- (13) To provide information on industrial, economic, social, legal and political matters affecting members;
- (14) To assist members in enforcing their rights under any law relating to industrial conciliation or arbitration or compensation for illness or injuries or any other Statutory enactment;
- (15) To provide pecuniary, legal and other assistance for securing, protecting and advancing the rights, privileges, benefits, interests and welfare of members and their families and for the conduct of negotiations or any proceedings for the attainment of the objects (including this object) or any one of them of the Union;
- (16) To organise the training and education of members;
- (17) To assist kindred Unions;
- (18) To co-operate, affiliate, federate, amalgamate, merge with or absorb any Association, of employees whether registered or not pursuant to the industrial law of any South Australia;
- (19) To establish a fund for the assistance and support of trade unionists;
- (20) To affiliate to (and pay affiliation fees in respect thereof) and/or assist financially or otherwise any bona fide labour or trade Union organisation Association or representative body or peak council which promotes or protects the cause of labour;
- (21) To establish, maintain and/or assist any body, corporation or association concerned with research into the industrial, economic, social, legal and political matters affecting members and the trade Union movement;
- (22) To provide funds from donations, levies, fines, contributions, fees, interests on capital, and from any other monies from which payments may be made for the purposes of any of these objects;
- (23) To invest funds;
- (24) To support co-operative ventures generally;

- (25) To purchase, take on lease or in exchange, hire or otherwise acquire any real property and in particular any land, buildings, or easements for any purposes relating to the conduct of the Union;
- (26) To borrow or raise or secure the payment of money in such manner as the Union or a branch may think fit, to secure the same, or the repayment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Union or a branch in any way and to redeem or pay off any such securities;
- (27) To sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Union or of a branch;
- (28) To undertake and do all such acts matters and things as may be necessary, incidental or conducive to the attainment of the above objects or any of them;
- (29) To protect the interests of the industry;
- (30) To promote industrial peace by all means of conciliation and arbitration;
- (31) To prevent lockouts between employers and members;
- (32) To secure redress for any grievances to which members or any of them may become subject;
- (33) To prevent, regulate or restrict the employer's actions or claims to dismiss or refuse to employ or reinstate in employment, in all appropriate cases;
- (34) To make donations to bona fide charitable purposes;
- (35) To create and promote equality of opportunity in employment and promotion within employment;
- (36) To act as agent for and on behalf of members or non members in a manner consistent with these objects and the rules and in the interests of members and to do all things necessary and incidental thereto;
- (37) To promote and develop professional social work throughout the Commonwealth;
- (38) To educate and inform public opinion as to the aims and objects of professional social work;
- (39) In particular to initiate and support any action calculated to benefit the employees in professional social work;
- (40) To act as a medium for the expression of professional opinion on any matters relating to the protection or provision of legal services, procedures and rights in relation to employment of members.

5 - ELIGIBILITY *(amended 11/7/2013)*

Part A - SASLA

Any person employed as a lawyer in South Australia is entitled to be a member of the Association, together with such other persons, whether lawyers or not, as have been elected to the council of the Association and who have been admitted as members hereof, save and except that the following persons, excluding only such elected persons as referred to hereinbefore, shall not be eligible for membership of the Association;

- (1) any person who is a principal in a firm of legal practitioners;
- (2) any person who is both an employee and a voting director of a company conducting the practice of a legal practitioner pursuant to the provisions of the Legal Practitioners Act 1981, as amended;
- (3) any person who is or who is held out to be a consultant to a firm of legal practitioners or to a company conducting the practice of a legal practitioner pursuant to the terms of the Legal Practitioners Act 1981, as amended;
- (4) lawyers and legal officers employed permanently or temporarily by the Commissioner for Public Employment pursuant to the Government Management and Employment Act 1985, as amended; and
- (5) lawyers and legal officers employed by or under any Board, Trust, Commission, Commissioner, Committee or other public or statutory authority appointed by the South Australian Government.

Part B - AMACSU (SA) SACA Branch

Without limiting to generality of the foregoing or being limited in any way by the foregoing members by of the Association shall be open to;

- (1) Persons engaged in or about an office. Each member of the branch shall be allocated to a Section. Without limited the generality of the foregoing shall include:
 - any person so engaged
 - (a) in any clerical capacity
 - (b) either wholly or partially in the occupations of shorthand writer, typist, teleprinter operator, addressing machine operator, dictation machine operator, punch card machine operator, cashier, receptionist, messenger and/or telephonist
 - (c) either wholly or partially in calculating whether by ordinary means, or by means of any machine designed to perform or assist in performing clerical work.
 - (d) on invoicing, charging, billing, pricing, scheduling, planning, correspondence, books and accounts, checking or otherwise dealing with records, or in any other clerical capacity whatsoever.
 - (e) as salesman, tracer, draughtsman, or in any similar technical capacity.
 - (f) as secretary, cost accountant, accountant, chief clerk, payroll officer, sales manager, purchasing officer, production control officer, pay clerk, cost clerk, purchasing clerk, sales clerk, statistics clerk, foreperson's clerk, timekeeper or any similar or other designated clerical position.
 - (g) engaged outside an office in any clerical capacity or as a metre reader;
 - (h) engaged as depot superintendent by any Oil Company;
 - (i) engaged as branch manager, sub-branch manager, auctioneer, wool valuer, wool technician, wool cadet or store manager by any Stock and Station Agent;
 - (j) engaged as two-way radio operator in connection with a fleet of motor vehicles;

- (k) engaged as terminal officers, grain officers, senior inspectors or inspectors employed by South Australian Co-Operative Bulk Handling Limited;
- (l) engaged in any combination of the above.

Part C - ASU (SACS, SA)

Without limiting the generality of the foregoing or being in any way limited by the foregoing members of the Association shall be open to any person employed or usually employed for hire or reward on a full time or part time basis in the industry of social welfare work:-

PROVIDED THAT the following persons shall only be eligible for membership where they are employed in or in connection with professional social work: persons who are eligible for membership of the PSA of SA or the SPSF (SA BRANCH) in accordance with their rules as at 19.09.86, and who are employed in the South Australian Public Sector (within the meaning of the Government Management and Employment Act, 1985 or by any board, trust, commission, committee or any other public statutory authority appointed by the SA Government and under the control of the SA Government under the following Acts:

Government Management and Employment Act 1985
 SA Health Commission Act 1967
 SA Housing Trust Act 1963-73
 SA College of Advanced Education Act 1982
 Children Services Act 1984
 Alcohol and Drug Addicts Treatment Board Act 1961-71
 Mental Health Act 1935-74
 Parks Community Centre Act 1981
 or any other Acts which replace or amend them.

Without limiting the generality of the foregoing or being in any way limited by the foregoing membership of the Association shall also be open to persons who have been appointed officers of the Association whether employed in the occupation and industries referred to in rule 5 Eligibility.

Part D - Local Government

Without limiting the generality of the foregoing or being in any way limited by the foregoing the Union shall also consist of an unlimited number of bona fide employees who are employed in local government whether by a council or council subsidiary as defined by the Local Government Act 1999, or any successor Act, or by any trust, board, commission, corporation or similar body under the Local Government Act 1999, or any successor Act, in any of the following or combination of the following capacities:

- Clerical
- Administrative
- Professional
- Managerial
- Community service
- Recreational
- Regulatory
- Childcare
- Environmental, or
- Technical (including overseers, foremen and other supervisory officers)

and with the exception of childcare their duties involve a preponderance of clerical and/or administrative and / or enforcement and / or office based work and/or the majority of their work is supervisory in nature.

Provided that employees engaged on new construction work in connection with services that have not passed to the council, board, corporation, authority or other entities identified in this part of the rule, which on completion of such construction work are responsible for the provision and maintenance of those services shall not be eligible to be members of the Union.

Part E - Business Equipment

Without limiting the generality of the foregoing or being in any way limited by the foregoing, the Union shall also consist of an unlimited number of bona fide employees who are employed wholly or partly in the servicing, repairing, maintaining, structurally altering and/or assembling business equipment, excluding typewriters excepting persons employed in or in connection with the manufacture of photographic supplies and materials and employees in photographic establishments and excepting persons who are eligible for membership of the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union under rules 1A, 1B, 1C, 1F and / or 1I and excepting persons who are eligible to members of the Electrical Trades Union of Australia, South Australian Branch. Without limiting the generality of the foregoing, the term ‘business equipment’ shall be deemed to include, inter alia, cash registers, accounting machines, adding machines, calculators, computers and peripheral equipment.

Part F - Shipping Industry

Without limiting the generality of the foregoing or being in any way limited by the foregoing, the Union shall also consist of an unlimited number of bona fide employees who are employed on the weekly or salaried staff of any shipping company, ship owner, shipping agency, non-vessel operating container carrier (NVOCC), ship charter, ship broker, shipping and/or chartering agency, non-vessel operating container carrier (NVOCC) agency, cargo consolidator, shipping conference, classification society, marine consultant or service organisation, travel agency (any business which is involved in wholesale and/or retail selling of travel, together with ancillary functions), or shipping department or travel department of an employer with other business interests and who are not eligible for membership in any existing registered organisation limiting its membership solely to those employed in the shipping or travel industry.

Part G - Health Insurance

Without limiting the generality of the foregoing or being in any way limited by the foregoing, the Union shall also consist of an unlimited number of bona fide employees who are employed in the business of health insurance, with the exception of those persons engaged by Medicare Australia, Commonwealth Bank Health Society, or Reserve Bank Health Society.

Part H - Energy

Without limiting the generality of the foregoing or being in any way limited by the foregoing, the Union shall also consist of an unlimited number of bona fide employees who are employed in administrative, clerical, technical, engineering, scientific, professional, supervisory, managerial and operational classes of work of the following employers:

ETSA Corporation;

ETSA Power Pty Ltd;

ETSA Utilities Pty Ltd;

Transmission Lessor Corporation (trading as Electranet SA);

SA Generation Corporation;

Optima Energy Pty Ltd;

Flinders Power Pty Ltd;

Synergen Pty Ltd;

Terra Gas Trader Pty Ltd;

hereinafter referred to in this part as the “publicly owned employers”;

Or any subsidiary or joint venture of the publicly-owned employers;

Or any successor, assignee or transmittee of the business or part of the business of the publicly-owned employers where immediate or not;

Or any subsidiary or joint venture of any successor, assignee or transmittee of the business or part of the business of the publicly-owned employers whether immediate or not;

Or any employers defined in Section 24(14) of the Electricity Corporations (Restructuring and Disposal) Act 1999 as follows:

"Employers are related for the purposes of this Section if-

- a) One takes over or otherwise acquires the business or part of the business of the other; or
- b) They are related bodies corporate within the meaning of the Corporations Law; or
- c) A series of relationships can be traced between them under paragraph (a) or (b)";

Or any other employer that under contract lease or outsourcing arrangement undertakes works, operations, functions or services undertaken previously by the publicly-owned employers or undertaken previously by any successor, assignee or transmittee of the business or part of the business of the publicly-owned employers whether immediate or not.

Provided that, where such employees are employed by a publicly-owned employer which subsequently becomes privately controlled through a sale or lease, or any subsidiary or joint venture of the publicly-owned employers, or any successor, assignee or transmittee of the business or part of the business of the publicly-owned employers, whether immediate or not, or any subsidiary or joint venture of any successor, assignee or transmittee of the business or part of the business of the publicly-owned employers whether immediate or not, or any employers defined in Section 24(14) of the Electricity Corporations (Restructuring and Disposal) Act 1999, or any other employer that under contract lease or outsourcing arrangement undertakes works, operations, functions or services undertaken previously by the publicly-owned employers or undertaken previously by any successor, assignee or transmittee of the business or part of the business of the publicly-owned employers whether immediate or not, such employees will not be eligible to be members of the Union under this part, unless the subsidiary or joint venture, successor, assignee, transmittee or employer is performing a substantial part of the same activity in or in connection with the South Australian Electricity industry, as work performed by the publicly-owned employers prior to becoming privately controlled through a sale or lease and the employees are performing some or all of the activities which were undertaken by the publicly-owned employers;

and provided further that employees eligible to be members of the Electrical Trades Union of Australia (South Australian Branch) pursuant to its Eligibility Rules as at 1 October 2000, and/or employees of electrical and communication contractors who are employed and/or classified as general skilled workers as defined in the ETSA (Wages) Award 1990, or who perform line tree clearance work, or employees whose employment requires electrical skills as a requirement for their work and who perform electronic trades work, electronic communication work, electrical trades work, electrical trades assistants work, electrical fitting work, electrical mechanic work, electrical/electronic cable jointing work, power line trade skilled work, mechanical trades work, electrical meter repair work, or who also co-ordinate work teams as an ancillary function to their performance of any of the above primary work shall not be eligible to be members of the Union; and provided further that under this part employees eligible to be members of the Automotive, Food, Metals, Engineering, Printing & Kindred Industries Union of Australia (the AMWU) and who are performing mechanical and fabrication trades person or trade assistant's work shall not be eligible to be members of the Union.

Part 1 - Contractors

Without limiting the generality of the foregoing, or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

Part J – NRM Boards

Without limiting the generality of the foregoing, or being limited thereby, employees of Animal Plant Control Boards, NRM Boards or their successors in any of the following capacities:

- Clerical
- Administrative
- Professional
- Managerial
- Regulatory
- Environmental, or
- Technical (including overseers, foremen and other supervisory officers)

Part K - Officers of the Union

Without limiting the generality of the foregoing, or being limited thereby, all persons who have been appointed officers of the Union whether employed in any part of this Rule or not, shall be eligible for membership of the Union.

Provided that nothing in Parts D, E, F, G, H, I, J or K of this rule entitles the Association to enrol as a member any person employed by or on behalf of the State of South Australia.

For the purposes of this exclusionary proviso 'the State of South Australia' includes:

- (a) the Crown in right of the State of South Australia (the Crown);
- (b) a Minister of the Crown (a Minister);
- (c) an administrative unit in the South Australian Public Service (an administrative unit);
- (d) a chief executive of an administrative unit;
- (e) any other agency or instrumentality of the Crown; and
- (f) a body corporate (but not including any Council or other body corporate established pursuant to the Local Government Act 1999)
 - (i) comprised of persons, or with a governing body comprised of persons, a majority of whom are appointed by the South Australia Governor, a Minister or any agency or instrumentality of the Crown; or
 - (ii) subject to control or direction by a Minister.

6 - SEAL

The common seal of the Association shall be kept in the custody of the Secretary. The seal shall not be affixed to any instrument without the authority of the Executive, and when so affixed shall be accompanied by the signatures of the President and one of the Vice Presidents and the Secretary.

7 - ADMISSION TO MEMBERSHIP

- (1) An applicant for admission shall:
1. Make an application in writing to the Secretary that includes the applicant's residential address and the name of their employer; or
 2. Make an application by telephone that includes advice to the Union of the applicant's residential address and the name of their employer; or
 3. Make an application by electronic means that includes advice to the Union of the applicant's residential address and the name of their employer.

The application for membership shall be considered by the Secretary when received, and unless referred by the Secretary to the next meeting of the Executive, the applicant shall be, and be deemed to be, a member of the Union from the date of receipt of the application by the Union or the Secretary.

- (2) An application for membership referred by the Secretary to the Executive shall be considered by the Executive which may accept, reject or defer the application. If accepted the applicant shall be and be deemed to be a member in accordance with paragraph (1) herein. If rejected the applicant shall be deemed never to have been a member of the organization.
- (3) The Secretary shall report all applications for membership to the next ordinary meeting of the Executive.
- (4) An applicant whose application for membership has been rejected or deferred may appeal to the Council.
- (5) The Secretary shall keep or cause to be kept a copy of all applications for membership. Where an application was received by telephone or electronic means, the Secretary shall cause to be kept a record of the application.
- (6) Each applicant for membership whose application is accepted shall be entitled to receive free of charge a copy of the Rules of the Association and if a further copy is required a member may obtain the copy on application to the Secretary and on payment of a sum not exceeding two dollars.
- (7) The Secretary shall inform applicants for membership, in writing, of:-
- (a) the financial obligations arising from membership; and
 - (b) the circumstances, and the manner, in which a member may resign from the Association.
- (8) An application for membership of the Association from a person who previously has resigned from or been expelled from the Association may be referred by the Secretary to the Executive and the Executive upon considering the application may accept or reject the application. If the application is accepted the Executive may determine that re-admittance to membership shall be conditional upon the payment of any monies owing by the applicant to the Association. Provided that acceptance of a person as a member shall not be invalidated by non disclosure of any previous resignation or expulsion.

- (9) No error, omission, or want of form in connection with any application for membership under this rule shall invalidate membership.

8 - REGISTER OF MEMBERS

The given name and surname, occupation, and residential address of every member shall be kept in a Register of Members. Every member changing his or her residence shall inform the Secretary of such change within four weeks thereof. The Register of Members shall show the details of the financial status of each member of his or her membership, and shall be made available by the Association for inspection by such persons as are authorized by the Registrar, at such times as are appointed by the Registrar at the office of the Association.

9 - PURGING THE REGISTER *(amended 30/1/2015)*

- (1) The Secretary shall from time to time as directed by the Executive strike off the Register of Members the names of all members who satisfy the following criteria;
- (a) All members owing subscriptions fines or levies for a period of 52 weeks or more, provided that members so struck off shall not be free from liability for arrears due.
- (b) Notwithstanding anything in these rules, if the Executive is satisfied that a member has ceased to be eligible under the rules of the Association to be a member of the Association, by reason of ceasing to work in the industry or industries specified in Rule 5 or otherwise, such person shall cease to be a member of the Association. Where such persons owe money to the Association they shall be liable to pay immediately all subscriptions, levies and fines due and owing to the Association, and, in default of payment, may be sued for any outstanding amounts.
- (2) The Secretary shall give a member fourteen days' notice in writing to the member's last address shown on the Register of Members of an intention in relation to Rule 9(1)(a) to strike the name off the Register before the member is struck off pursuant to Rule 9(1)(a) . The secretary shall give a member written notice of their cessation of membership pursuant to Rule 9(1)(a) within 14 days of the members' name being struck off pursuant to Rule 9(1)(b). If the member provides evidence within 21 days of that notice being given that satisfies Executive that the member has not ceased to be eligible, the member's membership shall be restored with no break in membership.
- (3) Any member whose name has been so removed from the Register shall thereupon cease to be a member of the Association or to have any of the rights or privileges of membership.
- (4) Any such person shall be liable to pay all such contributions, subscriptions, dues, fines or levies and any other monies due to the Association up to the date of the removal of the member's name from the Register.

10 - CLEARANCES

- (1) The Executive may grant a clearance to any financial member who ceases to be eligible for membership as defined in Rule 5 and requests a clearance to another Association.

- (2) Every application for clearance shall be in writing addressed to the Secretary and shall set forth the reasons for the application.
- (3) Where any member improperly obtains a clearance or makes any false statement to an officer of the Association in connection with a clearance, such clearance may be revoked, and such member fined a sum not exceeding \$4.00.

11 - RESIGNATIONS

- (1) A member may resign membership of the Association by written notice addressed and delivered to the Secretary.
- (2) A notice of resignation takes effect :
 - (a) where the member ceases to be eligible for membership of the Association:
 - (i) on the day on which the notice is received; or
 - (ii) on the day specified in the notice, which is a day not-earlier than the day when the member ceases to be eligible to become a member,whichever is the later, or
 - (b) in any other case:
 - (i) at the end of 3 months after the notice has been received by the Association; or
 - (ii) on the day specified in the notice;whichever is the later.
- (3) Notice of resignation shall be addressed to the Secretary and delivered to that officer.
- (4) Any member resigning shall be liable for the payment of all subscriptions, fines and levies owing to the Association under these Rules at the date of leaving, and such monies may be sued for and recovered in the name of the Association.
- (5) Any subscription paid by a member in respect of a period beyond the end of the quarter in which the member's notice of resignation expires shall be remitted to the member if so requested and a member who pays annual subscription by instalments shall not be liable to pay any instalment for any period after the end of the quarter in which the member's notice of resignation expires and a member who resigns where the member ceased to be eligible to become a member of the Association as hereinbefore mentioned shall be entitled to the same remission.
- (6) A notice delivered to the Secretary shall be taken to have been received by the Association when it was delivered.
- (7) A notice of resignation that has been received by the Association is not invalid because it was not addressed and delivered to the Secretary.

- (8) A resignation from membership of the Association is valid, even if not affected in accordance with the sub-clauses of this Rule, if the member is informed in writing by or on behalf of the Association, that the resignation has been accepted.
- (9) A member on leaving the Association after compliance with this Rule shall be entitled, on written application to the Secretary, to a clearance certificate in the prescribed form.

12 - MEMBERSHIP RIGHTS

It shall be a term of membership in the Association that a member shall not be discriminated against in any way by reason of sex, marital status, race, impairment, or by reason of holding any lawful religious or political belief, provided that this provision shall not operate to reduce any rights under Federal or State legislation.

PART II GOVERNMENT

13 – EXECUTIVE *(amended 30/1/2015)*

- (1) The Highest authority of the Association shall be the Executive, which shall be the Committee of Management of the Association.
- (2) The Executive shall consist of the President, Four Vice Presidents, the Secretary and the Assistant Secretary (“Executive Members”).
- (3) All Executive members other than the President shall have full rights of participation at all meetings.
- (4) All Officers and Executive members shall hold office for two years (except for the Secretary and Assistant Secretary – see rules 15(3)(a) and 15(4)(a) respectively) or until their successors are elected and assume office pursuant to these Rules
- (5) Provided all Executive members are notified to attend, any (4) shall form a quorum.

14 - POWERS AND DUTIES OF THE EXECUTIVE *(amended 30/1/2015)*

The Association Executive shall have power to do all things necessary to achieve the objects of the Association and without limiting the generality of that power shall have the power.

- (1) shall be responsible for organising the Association,
- (2) may appoint office representatives of the Association and may dispense with the service of any representative,
- (3) shall be responsible for establishing office committees,
- (4) shall deal with correspondence received by the Association,
- (5) shall deal with applications for membership,
- (6) shall deal with resignations and clearances,

- (7) shall authorise expenditure by the Association,
- (8) shall attempt to settle any dispute arising between an employer and a member or members of the Association,
- (9) in the event of an emergency it shall decide all questions affecting the welfare of the Association,
- (10) if the office of Secretary or Assistant Secretary becomes vacant, Executive may appoint an Acting Secretary or Assistant Secretary, to act in that office until the vacancy is filled,
- (11) shall repeal, alter or add to the Rules of the Association.

15 - OFFICERS *(amended 30/1/2015)*

(1) **PRESIDENT**

The President shall:

- (a) Preside at all meetings of the Association. preserve order and administer impartiality, the rules of the Association and except in the case of elections possess a casting vote only.
- (b) Be ex-officio a member of all committees elected by the Association.
- (c) Be consulted in all matters of urgency and shall give directions on all such matters, subject to title control of the Executive.

(2) **VICE PRESIDENTS**

In the absence of the President or if that officer is vacant a Vice President elected by the Executive Members present shall preside at each meeting and shall possess all the powers and authority of the President.

The Vice Presidents shall carry out the duties of each other during the absence of either one of them or if either vacant.

(3) **SECRETARY**

The Secretary shall:

- (a) Be elected in accordance with Part V and shall hold office for a term of four years, or until a successor is elected, or until resignation, or removal from office in accordance with the rules; give or receive one month's notice in the case of resignation; receive such salary and allowances as may be decided upon from time to time by the Executive.
- (b) Attend all meetings of the Executive and keep correct minutes of the proceedings.
- (c) Be subject to the control and carry out the instructions of the Executive.

- (d) Be responsible for the proper carrying on of the Association and shall act as general supervisor for and on behalf of the Association.
- (e) Personally, or by deputy, collect all Association dues, fines, or levies from members, and where necessary shall institute proceedings for recovery thereof.
- (f) Investigate all complaints from members.
- (g) Be the officer to sue and prosecute or be sued or prosecuted on behalf of the Association.
- (h) Receive and bank all moneys collected by and on behalf of the Association.
- (i) Keep a correct account of all receipts and expenditure and submit a monthly statement to the Executive.
- (j) Submit to the Executive not later than March in each year a duly audited Income and Expenditure account' of the Association for the year ended on 31st December preceding and a Balance Sheet at such date.
- (k) Deliver up all books, papers, etc. belonging to the Association if called upon to do so by the Executive.
- (l) Subject to the directions and control of the Executive, have charge of all organising undertaken on behalf of the Association and shall direct the activities of any organiser who may be appointed.
- (m) Be the Treasurer of the Association.
- (n) Keep a register of members showing their date of admission, full names, postal addresses and names of their employers.
- (o) Send out notices of all meetings of the Association and the Executive.

(4) **ASSISTANT SECRETARY**

- (a) The Assistant Secretary shall be elected in accordance with Part V and shall hold office for a term of four years or until resignation or removal from office in manner provided by this rule. The Assistant Secretary shall give or receive one month's notice in the case of resignation.
- (b) The Assistant Secretary shall be subject to the supervision and direction of the Secretary and shall assist the Secretary in the discharge of his/her duties. In the absence from duty of the Secretary, the Assistant Secretary shall carry out all the functions and duties of the Secretary and possess all the powers and authority of the Secretary.
- (c) The Assistant Secretary shall receive such salary and allowances as may be decided upon from time to time by the Executive.

PART III - DISCIPLINE

16 - REMOVAL OF OFFICERS *(amended 30/1/2015)*

In the case of the holders of the offices of:

President, Vice President, Secretary, Assistant Secretary:-

- (1) At a meeting of Executive to which the holder of any of the above offices has been summoned in writing by direction of Executive to show cause why they should not be dealt with in accordance with this rule the Executive may:
 - (a) remove that officer from any office if they have ceased according to the rules to be eligible to hold such office, or
 - (b) deal with that officer in accordance with the sub-rules of this Rule if the officer has been found guilty by the Executive of:
 - (i) misappropriation of funds of the Association,
 - (ii) a substantial breach of the rules of the Association,
 - (iii) gross misbehavior in relation to his or her office, or
 - (iv) gross neglect of duty in the conduct of his or her office.

The summons to show cause shall:

 - (c) state the allegation together with the particulars thereof;
 - (d) disclose the evidence on which the allegation is based;
 - (e) be signed by the Secretary or the President;
 - (f) state the time, date and place at which the officer is to show cause;
 - (g) be delivered personally to the officer concerned (or posted by registered mail to the officer's last known address) at least 21 days before the meeting at which the matter is to be determined;
 - (h) have attached to it a copy of this rule.
- (2) Should any officer against whom an allegation is made fail to appear at the hearing and fail to provide a satisfactory explanation for their non attendance, the Executive may proceed with the hearing of the allegation in their absence provided it is first satisfied that notice of the hearing in accordance with this rule has been served on them
- (3) The evidence relating to the alleged offence should be heard by the Executive and the officer concerned shall be heard in his or her defense personally and/or in writing.
- (4) If in the opinion of the Executive the officer is guilty of the alleged offence, it may:-

- (a) reprimand the officer;
 - (b) suspend the officer for a period not exceeding three (3) months;
 - (c) dismiss the officer from office; or
 - (d) expel the officer from the Association.
- (5) The Secretary, or where appropriate the President, shall promptly inform the officer by registered letter of the decision of the Executive. The decision of the Executive shall become effective immediately after it is made.
- (6) If the Executive suspends any officer from office pursuant to this rule it shall forthwith appoint a member of the Association eligible to perform the duties of that office for the duration of the suspension.
- (7) Any officer expelled by the Executive pursuant to this rule shall not be re-admitted to membership except by a vote of the Executive.
- (8) No officer suspended under this rule shall attend any meeting of the Association unless requested to do so by the relevant meeting.
- (9) An officer suspended or removed from office or expelled from the Association pursuant to this rule shall have a right of appeal to a General Meeting of the Association provided that the officer lodges a written appeal within twenty-eight (28) days of the decision against which the appeal is made. The members of the Executive shall not participate in the hearing and determination of any appeal to the General Meeting.

17 - MISCONDUCT - MEMBERS

- (1) Any member may charge any other member with;
- (a) contravening or failing to observe any of these rules for breach of which no penalty is prescribed by the particular rules; or
 - (b) knowingly contravening or failing to observe any lawful direction or resolution of any Executive or body constituted by or pursuant to these rules; or
 - (c) knowingly contravening or failing to observe any lawful and reasonable direction given by any officer of the Association or Association thereof-, or
 - (d) any dereliction of any duty imposed on a member by these rules; or
 - (e) misappropriation or misapplication of any of the funds or property of the Association; or
 - (f) divulging the Association's correspondence or business to persons not entitled to know the same; or
 - (g) making false statements or giving false information in relation to the affairs of the Association; or

- (h) wilfully misrepresenting the affairs of the Association; or
 - (i) conniving at any of the foregoing offences being committed by any other person; or
 - (j) abusive or disorderly conduct at any meeting held under the rules of the Association or in any office of the Association or towards any officer or employee of the Association acting in the course of duties.
- (2) Action under sub-rule (1) hereof shall be commenced by complaint in writing signed by the complainant and lodged with the Secretary and shall specify the matter or manner charged.
 - (3) The Secretary shall summon a member charged before the Executive and such member shall receive from the Secretary at least fourteen days before the meeting of the Executive notice of the complaint (including the matter or matters charged) and notice of the date, time and place of such meeting. The complainant and the member charged shall be entitled to be present at such meeting and to be heard.
 - (4) If the Executive finds a member guilty of any offence mentioned in sub-rule (1) hereof it may do one or more of the following:
 - (a) Impose no penalty.
 - (b) Impose a censure.
 - (c) Fine such member any sum not exceeding fifteen dollars.
 - (d) Suspend from membership or deprive the person of any right or benefit of membership for any specified period or until the happening of any specified event or until the performance of any specified act Suspension from membership shall deprive a member of benefits of membership but shall not relieve them of the obligations of membership and shall not exceed six months for any one offence. If the specified event has not occurred or the specified act has not been done at the expiration of six months from the date of suspension, the suspension shall then lapse.
 - (e) Expel such member from the Association: Provided that action under paragraph (4) hereof shall be taken only on a complaint made -
 - (i) by an Executive on its own motion; or
 - (ii) in writing signed by the complainant lodged with the Secretary to which the member complained against is attached, specifying the matter or matters charged, and requesting that the member be expelled.

PART IV - FUNDS

18 - CONTRIBUTIONS

- (1) Subscriptions shall be annual for the period from the first day of January to the last day of December in each year.
- (2) The amount of subscriptions payable by members shall be determined by the Executive from time to time.

19 - LEVIES

The Executive may from time to time strike a levy or levies on all members of the Association.

20 - UNFINANCIAL MEMBERS

- (1) An unfinancial member shall not be entitled to any of the rights and privileges of membership including the right to hold or continue to hold office or to participate in any ballot of members of the Association or to vote or speak at any meeting of the Association. It shall not be necessary to serve an unfinancial member with any notice of meeting. Provided that where a person holding an office ceases to be a financial member of the Association, in the case of a office, the Secretary (or where the Secretary ceases to be a financial member), the President shall notify such person in writing that unless they become financial within twenty eight (28) days of the receipt of such notice in writing such person shall cease to hold the office upon the expiration of the said period of notice.
- (2) An unfinancial member who, within a period of 30 days, fails to comply with a written demand forwarded to the member's address on the member's register, for payment of arrears, may be sued by the Secretary for recovery of such arrears. A member may give a reason or reasons why the subscriptions, fines or levies have not been paid, and thereupon the Executive may, at its discretion, extend the time of payment for such period as it deems fit. This extension of time does not render the member financial.
- (3) In the event of loss of employment making the payment of dues burdensome to any member, such member may, if he or she so desires, inform the Secretary in writing of such loss of employment, and the fees of the member may be suspended by the Executive as from the date of notification of his or her unemployment. Where the unemployment is for part of a contribution term the fees may be proportionately reduced. The member shall, however, on obtaining new employment inform the Secretary and such suspension shall cease.

21 - FUNDS AND DISBURSEMENTS

- (1) Payments shall be authorized as follows:
 - (a) By the Executive, the Secretary or the Assistant Secretary within limits decided by the Executive from time to time for ordinary management expenses or expenditure incurred implementing decisions of the Executive.
 - (b) By the Executive for expenditure of a capital nature in excess of \$2,000.00.
- (2) The Executive may invest any funds held for the time being by the Association in authorized trustee investments.
- (3) All cheques for total withdrawal of moneys from the bank shall be signed by either the President, Deputy President or Vice-President and countersigned by either the Secretary or Assistant Secretary and shall bear the seal of the Association.

22 - LOANS, GRANTS AND DONATIONS

No loan, grant or donation of an amount exceeding \$2,000.00 shall be made by the Association unless the Executive -

- (1) has satisfied itself:-
 - (a) that the making of such loan, grant or donation would be in accordance with these rules, and
 - (b) in relation to a loan, that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment are satisfactory, and
- (2) has approved the making of the loan, grant or donation.

23 - RECOVERY OF FUNDS

The Secretary shall have power to proceed in the name of the Association for the, recovery of any subscriptions, fines and/or levies in arrears, and may be instructed by the Executive to take the necessary action for the recovery of such arrears.

24 – AUDITOR *(amended 30/1/2015)*

- (1) An Auditor, who shall be a registered company auditor within the meaning of the *Fair Work Act 1994*, shall be appointed by the Executive to audit financial records and/or statements of account twice each year. The Auditor shall certify the Income and Expenditure Account and the Balance Sheet for the year ended 31 December of each year, and the Statement of Receipts and Payments for the six months ended 30 June each year.

Such Auditor shall not be a member of the Association, and shall:

- (a) Audit the books and see that same are correctly kept.
 - (b) Have full and free access to all books, vouchers and documents belonging to the Association.
 - (c) Make a report of each audit to the Executive and the Balance Sheet.
- (2) The Auditor shall be deemed to have vacated the position upon death, or becoming of unsound mind, or on receipt by the Executive of notice in writing of a signed resignation; and the Executive may terminate the services of the Auditor at any time by a resolution passed by an absolute majority of the members of the Executive at a meeting thereof.

PART V - ELECTIONS

24A – DUAL PURPOSE ELECTIONS *(amended 30/1/2015)*

- (1) Subject to this rule, persons elected to the positions in the SANT Branch of the Australian Municipal, Administrative, Clerical and Services Union set out immediately hereunder (or who fill a

casual vacancy in any such position) are elected to the corresponding positions in the Amalgamated ASU (SA) State Union set out hereunder.

SANT Branch Position	Corresponding Amalgamated ASU (SA) State Union position
Branch President (1)	President
Branch Vice Presidents (4)	Vice Presidents (4)
Branch Secretary	Secretary
Branch Assistant Secretary	Assistant Secretary

(2) Within 30 days of the result of a SANT Branch election for all or any of the SANT Branch positions set out above being declared pursuant to Rule 41 of the rules of the Australian Municipal, Administrative, Clerical and Services Union, a plebiscite may be requested pursuant to Rule 31(1) of these rules to decide whether an election pursuant to these rules will be held, instead of positions being filled pursuant to Rule 24A(1).

25 - RETURNING OFFICER *(amended 30/1/2015)*

- (1) The Returning Officer shall not be the holder of any office in, or an employee of, the Association.
- (2) In the event of a Returning Officer being unable to discharge the duties of the office, or becoming a candidate in any election under these rules, the Executive shall terminate the appointment, and appoint a replacement for the balance of the term set out in subclause (1) hereof.
- (3) If there is a plebiscite in favour of an election pursuant to these Rules pursuant to Rule 31(9) instead of positions being filled pursuant to Rule 24A(1), the he Returning Officer shall be responsible for the conduct of all elections for Offices set out in Rule 13 except where any election for Offices must be conducted by the Australian Electoral Commission or State Electoral Office as prescribed by the Fair Work Act 1994.
- (4) Plebiscites conducted pursuant to Rule 31, in which the members of the Association are eligible to vote, will be conducted by the Association Returning Officer appointed by the Association.

26 - ELIGIBILITY OF CANDIDATES *(amended 30/1/2015)*

- (1) Only members of the Association who are financial at the date on which nominations close, and have been continuously financial for twelve months immediately preceding that date, shall be eligible to be nominated for any Office within the Association. For the purposes of this Sub-Rule financial membership of the Federated Clerks Association of Australia shall be counted in the calculation of any period of membership.

27 - NOMINATION OF CANDIDATES *(amended 30/1/2015)*

- (1) If there is a plebiscite in favour of an election pursuant to these Rules pursuant to Rule 31(9) instead of positions being filled pursuant to Rule 24A(1), the Returning Officer shall call for nominations within 30 days of that plebiscite being declared, by placing advertisements in at least one major Adelaide daily newspaper, and such regional newspapers circulating in areas where eligible members may reside, as is reasonable in the opinion of the Returning Officer,

as well as causing advertisements to be placed on any website operated by or for the Association (whether operated by or for the Association alone, or by or for other entities and the Association onsofar as requiring same is within the Association's power).

- (2) All advertisements calling for nominations shall specify the dates, times, places and postal addresses for the receipt of nominations by the Returning Officer.
- (3) Nominations shall close 14 days after they are called, but shall not close in the period 20 December through 10 February of any year. If the 14 day period concludes in the period 20 December through 10 February of any year, nominations shall close on 11 February or the next business day thereafter if 11 February in the relevant year is a Saturday, Sunday or public holiday
- (4) All candidates must be nominated by two members of the Association who are financial members to and by the end of the month preceding the calling of nominations, and for one year before the end of the month preceding the calling of nominations with the candidate's consent in writing.

28 - PROCEDURE AT ELECTIONS *(amended 30/1/2015)*

- (1) If there is a plebiscite in favour of an election pursuant to these Rules pursuant to Rule 31(9) instead of positions being filled pursuant to Rule 24A(1), where the number of candidates exceeds the number of offices to be filled by election, a secret postal ballot of financial members shall be held of all financial members of the Association in which a ballot is necessary.
- (2) The ballot shall open no later than four weeks after the close of nominations, and no earlier than two weeks after the close of nominations and shall close 21 days thereafter.
- (3) The procedures to be followed in all elections held pursuant to this rule shall be as follows:
 - (a) In the conduct of any election, the Returning Officer upon finding a nomination to be defective shall, before rejecting the nomination, notify the member concerned of the defect and, where it is practicable to do so, give the member the opportunity of remedying the defect within a period of not less than seven (7) days after being notified.
 - (b) If a member is nominated for more than one full time office in any one election, such member must, within seven days after the close of nominations, advise the Returning Officer, in writing, which one of such full time offices the member wishes to stand for, and withdraw any nomination or nominations for the other full time office or offices for which the said member was nominated, failing which, the Returning Officer shall reject all nominations for full time positions submitted for that member. A member who holds or nominates for a full time office in the SANT Branch of the Australian Municipal, Administrative, Clerical and Services Union is not, for that reason, disqualified from nomination for or holding a full time office in the Association.
 - (c) If a member is nominated for more than one office within the Association, such member must, within seven days (7) after the close of nominations, advise the Returning Officer in writing which one of such positions the member wishes to stand for, and withdraw any nomination or nominations for the other offices for which the said member was nominated, failing which, the Returning Officer shall reject all the nominations for offices referred to in this sub - rule for that member.

- (d) Upon lodging a nomination, or at any time thereafter up to the declaration of the result of the election, each candidate may appoint by notice in writing to the Returning Officer or Deputy Returning Officer as the case may be, a scrutineer for any and each place at which the election is conducted.

Scrutineers so appointed, may be present and scrutinize every act performed or directed by the Returning Officer, Deputy Returning Officer or their agents in connection with the election.

The Returning Officer shall notify all scrutineers of the dates, times and place at which it is proposed to take each step in any election.

- (e) If at the close of nominations only the required number of nominations have been received for any offices the members no for such offices shall be declared elected, and the Returning Officer shall proceed to conduct a ballot in accordance with these rules for any offices for which more than the required number of nominations was received.

Provided however that the Returning Officer may allow a member to withdraw a nomination for any office for which such member was a candidate, in writing, within seven (7) days of the close of nominations, in which case, if there is then only the required number of nominations remaining, those candidates shall be declared.

- (f) If there is a plebiscite in favour of an election pursuant to these Rules pursuant to Rule 31(9) instead of positions being filled pursuant to Rule 24A(1), for the purpose of such an election, the books of the Association shall be deemed to have closed on the last day of the month immediately preceding the date of calling of nominations, and only members shown in the records of the Association on that date as financial shall be eligible to vote in the election, and to have a ballot paper forwarded to them.

The Secretary shall, when required by the Returning Officer, or no later than thirty days after the close of nominations provide to the Returning Officer a certified list of members eligible to vote, showing the name all current addresses appearing in the Association records in respect of each eligible member.

- (g) To safeguard against irregularity the Returning Officer shall ensure that all ballot papers are printed on security paper of the same weight and colour and that the printing is of the same colour. The Returning Officer shall take all steps reasonable and necessary to certify the number of ballot papers printed, to secure the ballot papers prior to dispatch, to secure surplus ballot papers and ballot papers returned unclaimed, and to ensure that no additional ballot papers are printed without the written authorization of the Returning Officer. The Returning Officer shall ensure that all envelopes in which ballot papers are sent to and returned by members are of such a type and weight that the secrecy of the ballot is preserved..

The Returning Officer shall make such arrangements with Australia Post as will for the despatch by post, and the return by prepaid post of ballot papers, ensure that no unauthorized person has access to the ballot papers.

- (h) The Returning Officer shall prepare and forward or cause to be forwarded by prepaid post to each member entitled to vote a ballot paper together with an envelope in which the ballot paper is to be sealed and a prepaid, return addressed, counterfoil envelope in which the ballot paper, in the sealed envelope, shall be returned by the member voting

without expense to the member. Provision shall be made on the counterfoil envelope for a number and for the name and signature of the member to be recorded.

Each ballot paper shall bear the initials of the Returning Officer, or a facsimile of those initials but shall not bear any mark that would disclose the identity of the member voting.

To ensure the secrecy of the ballot the Returning Officer shall set aside or cause to be set aside the counterfoil envelope before the envelope in which the ballot paper is sealed is opened and shall have an instruction to this effect printed on the counterfoil envelope.

The ballot paper shall be posted to each eligible member at the address shown on the certified list or list provided by the Association Secretary in accordance with subclause (f) hereof.

Any eligible member who will be unable to receive a ballot paper at the residential or postal address appearing in the Association records may lodge a request with the Returning Officer for an absent vote together with an address where such member can receive communications and if any member has done so the Returning Officer shall not declare the result of the ballot until such member has been given reasonable opportunity to vote.

- (i) The Returning Officer shall arrange for the collection and counting of the Ballot papers in the presence of the scrutineers present at the appointed time and place.

If any ballot paper is challenged during the counting of the ballot papers the Returning Officer shall cause that ballot paper to be set aside and whether or not the votes recorded on that ballot paper are admitted to the ballot, shall ensure that it is kept separately from the ballot papers not challenged.

- (j) Each voter shall be entitled to cast as many votes as there are candidates to be elected, by placing an X next to the name of a candidate or candidates, and the candidate or candidates securing the highest number of votes shall be declared elected.
- (k) In the event of a tie and there being a candidate who, at the date of nominating, holds the office in question, that candidate shall be declared elected by the Returning Officer. If there is no such candidate then, in the event of there being a tie, the result of the ballot shall be determined by lot by the Returning Officer.

29 - CASUAL VACANCIES *(amended 30/1/2015)*

- (1) A casual vacancy shall occur in any office within the Association, where the holder of an office dies, resigns, is removed from office, or ceases to hold office, in accordance with the Rules, other than by virtue of the expiry of their term of office.
- (2) Where a casual vacancy occurs in any office elected by the whole of the membership (including pursuant to Rule 24A(1)) the person elected or appointed to fill a casual vacancy in the corresponding position in the SANT Branch of the Australian Municipal, Administrative, Clerical and Services Union shall be appointed to fill the casual vacancy in the office of the Association. Rule 24A(2) applies to such an appointment. If there is a Rule 24A(2) and Rule 31 plebiscite about such an appointment and the outcome is to conduct a process under these rules rather than let that appointment stand, Rules 29(3)

and (4) apply and do not otherwise apply.

(3) Where a casual vacancy occurs on any office elected by the whole of the membership and the unexpired portion of the term of the office is more than:-

- (a) 12 months; or
- (b) three quarters of the term of the office,

whichever is the greater, the Secretary shall immediately report such vacancy to the Executive and shall notify the Returning Officer. Upon being so notified the Returning Officer shall conduct an election to fill the vacancy in accordance with these Rules. The Returning Officer shall call for nominations within 21 days of being notified of the vacancy and time intervals shall run from that date as though it was the first Wednesday in March as mentioned in Rule 27(1) of these Rules .

(4) If there is a casual vacancy and Rule 29(2) does not apply, Executive may appoint a member to Executive to fill that vacancy.

(5) Any member who fills a casual vacancy in accordance with the provisions of this rule shall hold office only until his or her successor, declared elected in the next ordinary election as required by the rules hereof, for the office in question assumes office. At such next or election any member who was so elected to fill an extraordinary vacancy in the office, if otherwise qualified, shall be eligible to be a candidate.

30 - ASSUMPTION AND TENURE OF OFFICE *(amended 30/1/2015)*

(1) If positions are filled pursuant to Rule 24A(1), the persons elected to the Amalgamated ASU (SA) State Unions position set out in Rule 24A(1) assume office 40 days after they assume office in the corresponding Australian Municipal, Administrative, Clerical and Services Union SANT Branch position as set out in Rule 24A(1).

(2) If there is a plebiscite in favour of an election pursuant to these rules pursuant to Rule 31(9) instead of positions being filled pursuant to Rule 24(1), the Returning Officer shall declare the results of the election:-

- (a) where the number of candidates for all offices to be elected in the same election, do not exceed the number of offices to be filled, fourteen days after the close of nominations.
- (b) where a ballot is necessary for all or some of the offices to be elected in the same election seven days, after the close of the ballot.

(3) If there is a plebiscite in favour of an election pursuant to these rules pursuant to Rule 31(9) instead of positions being filled pursuant to Rule 24(1), candidates elected to any office shall assume office upon the declaration of the ballot by the Returning Officer and shall remain in office until their successors assume office.

(4) Provided that where an election has been conducted in accordance with these Rules and no successor has been duly elected the Returning Officer shall immediately conduct a further election as though a casual vacancy existed.

- (5) Provided further that where an election is held for a number of positions on a collective body and there are fewer nominations received than offices to be filled, the term of office of any previous holder of such office, who has not been nominated in the said election, shall cease on the date of the declaration of the election by the Returning Officer.

PART VI - GENERAL

31 – PLEBISCITE *(amended 30/1/2015)*

- (1) A plebiscite may be requested:
- (a) of the whole or part of the membership of the Association by the Executive; or
 - (b) of the whole of the membership of the Association by a petition signed by ten per cent (10%) of the financial membership of the Association.
- (2) Where a plebiscite is to be held of the Association only the financial members attached to the Association shall be entitled to vote.
- (3) Where a plebiscite is held of the members of the Association the decision shall, subject to these rules, be binding on the Association and all members attached to the Association, provided that at least one third of the financial members of the Association eligible to vote in the plebiscite have cast their vote.
- (4) In any plebiscite held pursuant to this rule the Executive may place on the ballot paper other questions, in addition to the questions contained in the request for the plebiscite, which other questions may relate to the same matters as the questions contained in the request or to other matters. The Executive may determine how the questions are to be phrased but shall not phrase the question so as to alter or destroy the substance thereof.
- (5) Where a request for a plebiscite is received the Secretary shall immediately advise the Returning Officer who shall direct the conduct of a plebiscite and take all necessary steps to ensure the secrecy of the ballot.
- (6) The Returning Officer shall declare the result of the ballot in writing to the Secretary.
- (7) Nothing contained in this rule prevents the conduct of the ballot by the Australian Electoral Commission.
- (8) Following the declaration of the ballot the Executive shall take such steps as are reasonable and necessary to implement the result of the ballot.
- (9) If a plebiscite is requested pursuant to Rule 31(1) and Rule 24A(2):
- (a) An election pursuant to these rules will be held, instead of positions being filled pursuant to Rule 24A(1), if;
 - (b) 20% of financial members who vote and who are entitled to vote support an election pursuant to these rules being held, instead of positions being filled pursuant to Rule 24A(1) (notwithstanding Rule 31(3)).

32 - AMENDMENT OF RULES

The Executive may add to, alter, amend or rescind these rules by decision made at a meeting of the Executive provided that notice of motion of the proposal shall have been given at a previous meeting of the Executive.

33 - GENERAL MEETINGS

- (1) General meetings of the Association shall be held when determined by the Executive. At least 7 days notice of such meeting shall be given in manner determined by the Executive.
 - (a) The business of such meeting shall be confined to
 - (i) Reading with a view to confirmation all minutes of general meetings which have not been previously confirmed.
 - (ii) Dealing with such matters as are referred by the Executive.
 - (iii) Dealing with such notices of motion as any member may have given to the Secretary in writing at least 14 days prior to the meeting and of which notice has been given in the notice calling the meeting.
 - (b) A motion to suspend standing orders to consider any notice of motion given pursuant to subclause (1) (a) (iii) of this rule shall not be entertained before 9 p.m.
 - (c) The quorum at such meetings shall be 25.
 - (d) Such meetings shall finish not later than 10.15 p.m.
 - (e) Only financial members shall be entitled to attend general meetings.

34 - SPECIAL MEETINGS *(amended 30/1/2015)*

- (1) A special meeting of the Association shall be held when directed by a majority vote of the Executive or upon requisition signed by 150 financial members of the Association.
- (2) It shall be held in Adelaide.
- (3) Only financial members shall be entitled to attend.
- (4) It shall be convened by:
 - (a) Notice published in “the Advertiser”; and
 - (b) Notice published on the Association’s website.

Such notice shall be given at least five clear days before the meeting.

The business of such special meetings shall be confined to the items specified in the notice convening the meeting.

- (5) A special meeting shall be held within 21 days from the date of the decision of the Executive to hold such meeting or in the case of a requisition signed by 150 financial members within 21 days from the date of the receipt of such requisition.
- (6) One hundred members shall form a quorum.

35 - STANDING ORDERS AND RULES OF DEBATE

The order of business at meetings of the Association shall be:

- (a) Apologies
- (b) Minutes
- (c) Executive Reports (where appropriate)
- (d) Financial Reports (where appropriate)
- (e) Notices of Motion
- (f) Business.

The Rules of Debate at meetings of the Association shall be:

- (1) Any member desiring to propose a motion or an amendment or to discuss any matters under consideration, must address the Chairperson.

The right of speaking on any subject shall belong to the member who first addresses the Chairperson. No member shall speak more than once to a motion or amendment without the consent of the meeting. Any member proposing or seconding a motion shall for the purpose of the debate be held to have spoken, but a seconder may reserve the right to speak later. When two or more members seek the right to speak together the Chairperson shall call upon the member who, in the chair's opinion, first addressed the chair. The mover of the original motion shall have the right of reply. No further discussion shall be allowed after the mover has replied.

- (2) All business shall proceed by way of motion which must be affirmative in character. All motions and amendments shall be placed in writing when directed by the Chairperson.
- (3) No member, when speaking, shall be interrupted unless called to order, when that member shall sit down, and the member calling to order shall be heard in support of this point; the Chairperson may at that stage decide the point or hear further discussion, but such point shall be decided before the debate is resumed.
- (4) A motion may be superseded at any time by another motion:-

"That it be discharged from the agenda paper", or
"That the next business be proceeded with",

being resolved in the affirmative. Such superseding motion shall be put without debate.

- (5) Any motion or first amendment not seconded shall not be further debated but shall lapse.
- (6) The question having been proposed may be amended by leaving out, substituting or adding words. Any number of amendments may be proposed and discussed simultaneously with the original motion. Amendments shall be put to the vote in the order in which they are

received. When amendments have been put and lost the original motion shall then be put to the meeting.

- (7) No amendment shall be received by the Chairperson which is a direct negative to a motion, or which does not preserve the substance of such motion.
- (8) Immediately the debate on any question is concluded the Chairperson shall put the question to the meeting in a distinct and audible manner. The question being put, shall be resolved in the affirmative or negative by voting, which shall be on the voices, unless the Chairperson or a member present calls for a show of hands; in the event of three or more members present so demanding the vote shall be taken on a division. No member shall enter or leave the meeting while a division is being taken. In the event of the voting on any question being equal the Chairperson shall declare the motion lost.
- (9) No member shall speak on any motion after the same has been put by the Chairperson.
- (10) When the Chairperson rises during a debate, the member then speaking or proposing to speak shall sit down, so that the Chairperson shall be heard without interruption.
- (11) It shall be competent for a majority of members present at the meeting by resolution to suspend so much of the Standing Orders as may be necessary to achieve some purpose specified in the resolution, such as to introduce some matter which is not in the programme of business, or to vary the order of business to give priority to some particular matter.
- (12) No member shall be allowed more than five minutes to speak to a motion unless with the concurrence of the meeting. The time of discussion to be limited to sixty minutes for each question unless extended by resolution.
- (13) Any member dissatisfied with the Chairperson's ruling may move a motion of dissent in the following terms:-

"That the Chairperson's ruling be dissented from." In such case only the mover shall be permitted to speak, except the Chairperson who may state reasons for the ruling given. The motion shall thereupon be put to the meeting by the Vice-Chairperson, without further discussion, in the following form:- "The motion is that the Chairperson's ruling be upheld."
- (14) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks, no member arises to speak on the other side, the motion or amendments shall be put to the meeting after the mover has replied.
- (15) Any member who has not spoken on the business before the Chair shall have the right to move "That the question be now put" at any time during the course of the debate.
- (16) A motion for the adjournment of any business or of any meeting may be proposed without discussion at any time during such meeting, and shall at once be put to the meeting by the Chairperson. Such adjournment shall follow if carried by a vote of the members present.
- (17) When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not in any way be abrogated unless with the consent of the meeting.

- (18) Any motion agreed to or negatived cannot again be discussed unless one month's clear notice of the proposed recommittal be given.
- (19) A report containing a recommendation may be discussed on a motion being moved for its adoption, which, upon being carried, will signify the will of the meeting thereon. If the report contains no recommendation it shall be competent for a member to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.
- (20)
- (a) The meeting may at any time by resolution agreed to by a majority of the members present, resolve itself into a Committee.
 - (b) The Rules governing the business of the meeting shall be observed when in Committee.
- (21) The rules of debate in this rule shall apply to all meetings of the Association.

36 - REPRESENTATIVES

- (1) A majority of members employed in any area of membership or part thereof may with the approval of the Executive appoint from amongst their number a person or persons to act as Steward or Stewards, or Workplace Representative/s and advice of such appointment shall be given to the Secretary and approved by the Executive. Failing such appointment, the Executive shall have the power to appoint a Steward or Stewards, or Workplace Representative or Workplace Representatives and the Executive may at any time terminate the appointment of the Steward or Workplace Representative who fails to comply with the rules of the Association or with a direction of the Executive. Stewards or Workplace Representatives shall have such rights and duties as may from time to time be determined by the Executive.
- (2) Any representative failing to discharge his or her duties in a satisfactory manner may be removed from such position, and dealt with as the Executive may decide. Any representative withholding moneys collected by him or her on behalf of the Association may be proceeded against and dealt with in such manner as the Executive decides. The duties of a representative shall be as follows:-
- (a) To secure new members in the establishment in which they are representatives.
 - (b) To collect all moneys due to the Association, and to pay same on demand, to the Secretary, or to other authorized person at the office of the Association.
 - (c) To report in writing to the Secretary all grievances of the members and infringements of these rules.
 - (d) They shall be held responsible to the Association for any deficiencies in moneys collected by them, and shall be authorized to give receipts for all moneys collected by them.
 - (e) They shall report to the Secretary regularly or upon request of the Executive.
 - (f) Upon written demand of the Secretary, and at least once in each contribution term, they shall return all books of account and receipt books and pay all monies received by them to the Association office.

- (3) Executive may approve the establishment of a Liaison Committee of members. A Liaison Committee shall be a committee of members in the same occupation or a group of related occupations the purpose of which is to provide advice to the Executive with respect to matters affecting that occupation or group of occupations. In establishing such a Liaison Committee the Executive shall determine:
- (a) The composition of the committee;
 - (b) How often the committee shall meet.

A Liaison Committee shall be responsible to and subject to the control of the Executive.

37 - INDUSTRIAL AGREEMENTS

Industrial agreements made by the Association shall be signed on behalf of the Association by the Secretary.

38 - AFFILIATION

The Association may be affiliated with any other Association society or organization having similar objects to the objects of the Association.

39- AMALGAMATION

- (1) The Association shall not amalgamate with other organizations until an affirmative vote for amalgamation shall have been first obtained by ballot sent to all members of the Association and provided further that a two-thirds (2/3rds) majority of votes cast shall be in favour of the proposed amalgamation.
- (2) A ballot shall be deemed to have been sent to a member if sent by pre-paid post to the member's address as appearing in the Register of Members.

40 - AMENDMENT TO RULES

No motion to repeal, alter or add to any of the Rules of the Association shall be made except at an Executive meeting of the Association. A member who seeks amendments of the Rules shall forward to the Secretary at least twenty-eight (28) days before such Executive Meeting written notice specifying the member's intention to propose a resolution for repeal or alteration of or addition to the Rules, and giving particulars thereof, and the Secretary shall issue notice to all members at least fourteen (14) days before the Executive Meeting. No repeal or alteration of or addition to the Rules shall be made unless decided upon by the majority of members of the Executive entitled to vote.

41 - INSPECTION OF BOOKS

Any financial member of the Association may inspect the books and documents and other property of the Association at any reasonable time and upon seven (7) days' notice to the Secretary. Such inspection shall take place in the Association's office in the presence of the Secretary and one other

member of Executive. No books or documents shall be removed from the Association's office without the authority of the Executive.

42 - DISPUTES BETWEEN ASSOCIATIONS AND MEMBERS

- (1) Where a member is in dispute with the Association over any matter he or she may address the grievance in writing to the Secretary who shall determine the matter in consultation with the member concerned.
- (2) Should the matter not be able to be resolved pursuant to paragraph (1) above the Secretary shall refer it to the Executive who shall receive any written submission which the member and any other affected member may make or in its discretion the Executive may hear the member in person on such terms as may decide Executive shall then determine the matter.
- (3) The member shall have a right to appeal to the Annual General Meeting at which the member shall have no more than 10 minutes to address the meeting to address the grievance following a report which shall be given by the Secretary or another member of the Executive to be determined by the Executive.

43 - TRANSITIONAL RULE

Notwithstanding anything contained in these rules the following shall apply on and from the date of registration of the Association as an amalgamated association pursuant to Section 129 of the Industrial and Employee Relations Act 1994 (SA) ("amalgamation day"):

- (1) All members, whether financial or otherwise, of the former Associations and all persons treated as members by the former Associations shall be and be deemed to be members of the Association;
- (2) All those persons who were members of the former Associations:-
 - (a) In the case of the Australian Services Union (Social and Community Services, SA);
 - (b) In the case of the Australian Municipal Administrative Clerical and Services Union, South Australian Clerical and Administrative Branch; and-
 - (c) In the case of the South Australian Salaried Lawyers Association -
 shall be and be deemed to be members of the Association unless:-
 - (i) They had prior to the registration of the Association resigned membership in accordance with the rules of the respective former Association; or
 - (ii) Having received from the Secretary notification of their membership of the Association, they notify the Secretary in writing that they do not wish to be a member of the Association.
- (3) At a time within three (3) months from amalgamation day, the Secretary shall notify all persons who may be affected by the provisions of sub-rules (1) and (2) of this Rule that they are to be treated as members of the Association unless they notify the Secretary that they do not wish to be so treated.

- (4) All assets, including funds, property and rights whatsoever of the former Associations shall be and be deemed to be vested in the Association on and from amalgamation day.
- (5) For a period of six months immediately following amalgamation day, the Executive shall be empowered to deal in any way with any of the assets, including funds, property and rights, of the former Associations, by resolution and action in accordance with these rules, provided further that the Executive may authorize the Secretary to execute documents in the names of any of the former Associations and using the seals of the former Associations as if the same amounted to a valid exercise of the power of the Association in relation to its own property.
- (6) Members of the Association shall be deemed to have financial status and membership continuity which includes the financial status and membership continuity which they held in the former Associations immediately prior to amalgamation day.
- (7) In this transitional rule, any reference to a member of a former Association shall include a reference to a person whose membership or purported membership was invalid or may have been invalidated for any reason other than ineligibility pursuant to the eligibility rules of the respective former Association, but who was treated by the former Association as a valid member.
- (8) For the purposes of this rule and for all purposes connected with the association, the membership, office holdings, officers' decisions and acts of the former Associations shall be and be deemed to be valid and effectual throughout the period of registration of the former Associations.
- (9) The amalgamation of the former Associations is and is deemed by force of this rule to have been entered into and undertaken validly for all purposes by valid action of the former Associations. Should any defect in the amalgamation be revealed at any time after amalgamation day, which is not validated for all purposes by force of this rule, then the amalgamation shall be and be treated as validly effected between those remaining parties from amongst the former Associations whose actions or decisions did not involve or include such defect.
- (10) The Executive shall consist of nine (9) persons. These persons shall be the persons nominated by resolution of each of the former Associations at the meeting at which those former Associations resolved to amalgamate to form the Association. The former Association shall be entitled to the following:-
 - (a) In the case of the Australian Services Association (Social and Community Services, SA) - two (2) nominees;
 - (b) In the case of the Australian Municipal Administrative Clerical and Services Union, South Australian Clerical and Administrative Branch - five (5) nominees; and
 - (c) In the case of the South Australian Salaried Lawyers Association - two (2) nominees.

The Executive so formed shall at the first meeting elect from amongst their number, the Officers of the Association for the period of four years until the elections provided for in these rules.

- (11) At the first meeting of the Executive a list of members of the Association, including all those persons referred to in sub-rules (1) and (2) of this Rule shall be and be deemed to be members of the Association.
- (12) Not later than seven days following amalgamation day, the Executive shall meet and the following business will be considered and determined upon by Executive:
- a. Election of officers;
 - b. Confirmation of membership;
 - c. Establishment of a membership register and records of the Association, including the minute book and books of account;
 - d. Determination of any question relating to membership, admission to membership and staff of the Association;
 - e. Collection, organization and accounting of all assets including funds and property of the Association vested in it pursuant to the amalgamation.
- m) The Officers of the Association elected at the first meeting of Executive shall and shall be deemed to hold the offices specified and shall hold such offices for a period of not more than four years from amalgamation day by which time an election for such offices shall be called and conducted by the returning officer in accordance with these Rules. Such Officers shall hold office until their successors are elected.

43A *Operation of Rule 24A in the event of changes to SANT Branch of the Australian Municipal, Administrative, Clerical and Services Union* (amended 30/1/2015)

1. If the SANT Branch of the Australian Municipal, Administrative, Clerical and Services Union:
 - (a) amalgamates or joins with (in any way and howsoever described) any other Branch of the Australian Municipal, Administrative, Clerical and Services Union: and/or
 - (b) the electorate for the purpose of elections for positions in the Branch or any varied or amended version of the Branch is changed so as to allow persons who do not reside and/or work in South Australia or the Northern Territory to vote in such elections:

then
 - (c) positions in the Association shall not be elected pursuant to Rule 24A(1) herein; and
 - (d) persons shall be elected to positions in the Association as if a plebiscite pursuant to Rules 24A(2) and 31 had been held and that plebiscite decided that an election pursuant to these rules will be held, instead of positions being filled pursuant to Rule 24A(1); and
 - (e) for the purposes of Rule 27(1), the Returning Officer shall call for nominations on the first Wednesday in March in the next calendar year after any rule change to the rules of the Australian Municipal, Administrative, Clerical and Services Union which has the effect or effects mentioned in Rule 43A(1)(a) and/or (b) herein: and

- (i) for the positions of Secretary and Assistant Secretary, on the first Wednesday in March every four years thereafter; and
- (ii) for all other elected positions, on the first Wednesday in March every two years thereafter.

44 - DISSOLUTION.

- (6) The Association may be dissolved when the three quarters (3/4) majority of its members voting by ballot so decide.
- (7) The funds and property of the Association after payment of liability shall be distributed equally among its members financial at the time of dissolution but if the moneys remaining are less than FIVE HUNDRED DOLLARS (\$500) then those moneys shall be paid to a charitable organization determined by the Executive or upon failure of the Executive to so decide by the Secretary.