

PUBLIC SERVICE ASSOCIATION OF SOUTH AUSTRALIA INCORPORATED
CONSTITUTION & RULES

as registered on 26 February 1995 and altered 26 Feb 2014 and on 24 February 2015 .

(Alteration to Rules 2(vi), 3(q), 6(u), 23A, 30(h), 39, 48(e), 56(c), 59, 68, 76, 85, 86, 90(p), 90(u.) registered on 26 February 2014

(Alteration to Rule 2, 2(a) added, 2(f) altered on 24 February 2015)

RULE 1. TITLE

The name of the Association shall be "Public Service Association of South Australia Incorporated".

RULE 2. CONSTITUTION

The Association shall consist of an unlimited number of persons who are -

- (a) Employed permanently or temporarily in the Public Service within the meaning of the Public Service Act 2009.*
- (b) Employed by or under any Board, Trust, Commission, Commissioner, Committee, or other public or statutory authority, appointed by the S.A. Government.*
- (c) Employed as Timekeepers, Foremen, or Inspectors in any Department of the Public Service of South Australia.*
- (d) Employed on annual salary in any hospital or institution by or under the control of the S.A. Government.*
- (e) Employed by or appointed to any office of the Association for such period as so employed or appointed who shall be honorary members only.*
- (f) Employed by the Board or Committee of Management of the Australian Red Cross Society S.A. Division, Minda Home Incorporated, Spastic Centres of South Australia Incorporated, Novita Children's Incorporated, Australian Health Practitioner Regulation Agency and any Hospital or Health Centre Incorporated under the S.A. Health Commission Act 2008 as amended and any other Public or Country Community Hospital or Health Centre.*
- (i) Employed as Executive Officers or in administrative, managerial or in a professional capacity by the Foundation for Multi Disciplinary Education in Community Health.*
- (j) Any person who at the time of their retirement is a member or an honorary member of the Association may continue thereafter as an associate member subject to these rules.*
- (k) The General Secretary and Assistant General Secretary elected pursuant to these rules.*

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Provided that the following persons shall not be eligible for membership

- (i) *Salaried Medical Officers other than those Salaried Officers who were members of the Association as at 5th April 1979 and who remain members continuously thereafter.*
- (ii) *Storemen and Packers other than those Storemen and Packers who were members of the Association as at 20th June 1979 and who remain members continuously thereafter.*
- (iii) *Ministerial Press Secretaries provided further that nothing herein before prescribed shall limit in any way the eligibility for membership of the Association of any person or persons falling within the aforesaid description who were members of the Association as at the 23rd day of February 1981 and who remains members continuously thereafter.*
- (iv) *Persons employed by the Minda Incorporated below the level of and including the occupation of charge attendant and persons employed by the Electricity Trust of South Australia in the occupations of caretaker, cleaner, watchman or security officer provided further that nothing hereinbefore prescribed shall limit in any way the eligibility for membership of the Association of any person or persons falling within the aforesaid descriptions who were members of the Association as at the 23rd day of February 1981 and who remain members continuously thereafter.*
- (v) *Employees engaged or usually engaged as electrical fitters , armature winders, electrical mechanics, battery winders, railway technicians, telephone fitters, radio workers, cable joiners, linesmen, arc lamp trimmers, electrical labourers, electric crane attendants, rail welders and their assistants, electrical welders whose work is associated with the work of an electrician, electricians engaged or usually engaged or employed in running and maintaining electric plants dynamo, motor attendants or the like provided further nothing hereinbefore, prescribed shall limit in any way the eligibility for membership of the Association of any person or persons falling within the aforesaid descriptions who were members of the Association as at the 23rd day of February 1981 and who remain members continuously thereafter provided further that nothing herein before, prescribed shall limit in any way, the eligibility for membership of the Association of any person or persons who are employed by or under any Board, Trust (except the Electricity Trust of South Australia or its successor), Commission, Commissioner, Committee or other public or statutory authority in a supervisory capacity.*

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(vi) Nurses Other Than :

- A. *Nurses employed by the following State Government Hospitals:- The Royal Adelaide Hospital, the Queen Elizabeth Hospital, the Flinders Medical Centre, The Modbury Hospital, the Whyalla Hospital, Port Pirie Hospital, Port Augusta Hospital, Port Lincoln Hospital, Mount Gambier Hospital, Wallaroo Hospital, RuaRua Nursing Home.*
- B. *Nurses who are public sector employees within the meaning of the Public Sector Act 2009 and in particular not without limiting the generality thereof, senior mental health nurses.*
- C. *Nurses who are employed pursuant to direct Ministerial appointment (but not persons employed by subordinates of any Minister in respect of whom the Minister's consent only is required) and in particular, but without limiting the generality thereof, nurses employed pursuant to the Public Intoxication Act 1984.*
- D. *Nurses employed in the following psychiatric Hospitals and Institutions, Enfield Hospital, Glenside Hospital, Hillcrest Hospital, Willis House, Palm Lodge, the Psychiatric Day Hospital, Strathmont Hospital, who were members of the Association as at the 17th April 1980 who remain members continuously thereafter.*
- E. *Nurses employed by the Health Commission, any Community Health Centre, the Queen Victoria Hospital, Minda Home, country community hospitals who were members of the Association as at the 17th April 1980 and who remain members continuously thereafter.*
- F. *Enrolled Nurses employed within any Health Unit incorporated under the Health Care Act 2008 as amended.*

Provided that nothing hereinbefore shall exclude from the Association's membership Dental Nurses.

(vii) Persons who are employed or are usually employed in any capacity whether permanent or casual in or in connection with :

- 1. *breweries, malt houses, bottling establishments, distilleries, wine cellars, wineries and spirit stores ;*
 - 2. *aerated water, cordials, cider and ginger beer or other non intoxicating beer factories, and employees retailing to the public*
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any of the products of these factories.

3. *hotels, wine saloons, wine bars, coffee palaces, coffee lounges, tea rooms, soda fountains, milk bars, fruit juice or flavour bars;*
4. *marine stores or yards, cork cutting factories, bottle washing establishments, patent yeast and vinegar factories;*
5. *clubs, restaurants, meeting houses and board and lodging and apartment houses, catering establishments;*
6. *race courses, football grounds, cricket, dog racing, coursing and other sports grounds, industrial canteens, motels and casinos.*

Provided further that nothing hereinbefore prescribed shall limit in any way the eligibility for membership of the Association of any person or persons falling within the aforesaid descriptions who were members of the Association as at the 23rd day of February 1981 and who remain members continuously thereafter provided further that nothing hereinbefore described shall limit in any way the eligibility for membership of the Association of any person or persons who are employed by or under any Board, Trust, Commission, Commissioner, Committee or other public or statutory authority in a supervisory capacity.

- (viii) *Employees below the classification of foreman employed in the Printing and Kindred Industries provided further that nothing hereinbefore prescribed shall limit in any way the eligibility for membership of the Association of any person or persons falling within the aforesaid description who were members of the Association as at the 23rd day of February 1981 and have remained members continuously thereafter provided further that nothing hereinbefore prescribed shall limit in any way the eligibility for membership of the Association of any person or persons who are employed by or under any Board, Trust, Commission, Commissioner, Committee or other public or statutory authorities as planning assistants.*
- (ix) *Excluding persons employed on a weekly or daily basis in the timber industry other than those persons employed in a supervisory capacity (provided that notwithstanding the generality of the foregoing, excluding persons employed as mill hands, saw men, timber graders or the like) provided further that nothing hereinbefore prescribed shall limit in any way the eligibility for membership of the Association of any person or persons falling within the aforesaid descriptions who were members of the Association as at the 23rd day of February 1981 and who remained members continuously thereafter.*

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(x) *Employees engaged or usually engaged in the process trade or business connected with or incidental to the manufacture, assembling or repairing of carriages, carts, wagons, trucks, railway cars, tram cars, motor cars, motor cycles, side cars, aircraft and other vehicles used in air transit and other vehicles or parts thereof and whether in wood and /or metal and/or other material provided further that nothing hereinbefore prescribed shall limit in any way the eligibility for membership of the Association as at the 23rd day of February 1981 and who remain members continuously thereafter provided further that nothing hereinbefore prescribed shall limit in any way the eligibility for membership of the Association of any person or persons who are employed by or under any Board, Trust, Commission, Commissioner, Committee or other public or statutory authority in a supervisory capacity, clerical or administrative capacity.*

(xi) *Daily or weekly paid employees engaged in any of the following industries or callings :*

Agriculture, horticultural, viticultural, construction or maintenance of roads, footpaths, aerodromes, bridges, reservoirs, lochs, drains, dams, weirs, channels, tunnels, school grounds or playgrounds, water and sewerage, land surveying and works and undertakings carried out by or on behalf of any local governing body provided further that nothing hereinbefore prescribed shall limit in any way the eligibility for membership of the Association or any person or persons falling within the aforesaid description who are employed in a supervisory or inspectorial capacity above the classification of ganger and provided further that nothing hereinbefore prescribed shall limit in any way the eligibility for membership of the Association of any person or persons falling within the aforesaid descriptions who were members of the Association as at the 23rd day of February 1981 and who remain members continuously thereafter.

(xii) *persons employed or usually employed or engaged in or in connection with the industries or industrial pursuits of carpenters and joiners or as brick-layers, tuck-pointers or in the trade or calling of a slater, roof tiler, shingler, ridger or cement tiller, fixer of roofing sheets of asbestos, fibre, fibrolite or cement mixtures and accessories, malthoid, sisalkraft or bituminous roofing materials and all accessories made of the same or similar materials provided further that nothing hereinbefore prescribed shall limit in any way the eligibility for membership of the Association of any of or persons falling within the aforesaid descriptions who were members of the Association as at the 23rd day of February 1981 and who remain members continuously thereafter provided further that nothing hereinbefore prescribed shall limit in any way the eligibility for*

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membership of the Association of any person or persons who are employed by or under any Board, Trust, Commission, Commissioner, Committee or other public or statutory authority in a supervisory capacity, clerical or administrative capacity.

- (xiii) *Carpenters and joiners, including ship's carpenters and joiners provided further that nothing hereinbefore prescribed shall limit in any way the eligibility for membership of the Association of any person or persons falling within the aforesaid descriptions who were members of the Association as at the 23rd February 1981 and who remain members continuously thereafter provided further that nothing hereinbefore prescribed shall limit in any way the eligibility for membership of the Association of any person or persons who are employed by or under any Board, Trust, Commission, Commissioner, Committee or other public or statutory authority in a supervisory capacity.*
- (xiv) *Persons employed or engaged in or in connection with the industries of driving and the transport or persons and/or passengers and/or goods, wares, merchandise or any material whatsoever by or on vehicles or animals or by aircraft or by motor steam, oil, electric or other mechanically propelled contrivances, driver assistants and conductors of same and stable work wheresoever performed, all yard and garage cleaning, and other work in connection with driving and transport, including washing, greasing, oiling, cleaning, polishing, tyre fitting and general attendance of horse or mechanically propelled vehicles and mechanical contrivances, loading and unloading onto and/or from any vehicle provided further that nothing hereinbefore prescribed shall limit in anyway the eligibility for membership of the Association of any person or persons who are employed by or under any Board, Trust, Commission, Commissioner, Committee or other public or statutory authority in a supervisory capacity, inspectorial capacity, administrative or clerical capacity, or as a ministerial chauffeur.*
- (xv) *Persons employed as roof plumber drainer, gasfitters, sanitary plumbers, registered drainers, plumber welders mechanical services plumbers, water plumbers or the like provided further that nothing hereinbefore prescribed shall limit in any way the eligibility for membership of the Association of any person or persons who are employed by or under any Board, Trust, Commission, authority in any other classification other than those hereinbefore prescribed or the like.*
- (xvi) **Persons employed in :**
- A. *making and/or repairing the whole or any part of any male or female garment or of any article of wearing apparel whatsoever*
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and the dyeing, cleaning, repairing or pressing or ironing of any such articles ;

- B. making and/or repairing the whole or any part of any description of umbrella ;*
- C. making and/or repairing any description of handkerchiefs, serviettes, pillow slips, pillow shams, sheets and table clothes, towels, quilts, aprons, mosquito nets, bed valances or bed curtains;*
- D. embroidering or otherwise ornamenting any of the abovementioned articles ;*
- E. the industry of a furrier ;*
- F. the making of chenille and the making and/or repairing of articles of all descriptions as are made of chenille ;*

Provided further that nothing hereinbefore prescribed shall limit in any way the eligibility for membership of the Association of any person or persons falling within the aforesaid descriptions who were members of the Association as at the 23rd day of February 1981 and who remain members continuously thereafter provided further that nothing hereinbefore prescribed shall limit in any way the eligibility for membership of the Association of any person or persons who are employed by or under any Board, Trust, commission, Commissioner, Committee or other public or statutory authority in a supervisory capacity provided that nothing hereinbefore prescribed shall limit in any way the eligibility for membership of the Association of any person or persons who are employed by the State Government Clothing Factory above that of Assistant Supervisor.

(xvii) Firefighters, control room operators, probationary firefighters, fire equipment servicemen and hose-room men provided further that nothing hereinbefore prescribed shall limit in any way the eligibility for membership of the Association of any person or persons falling within the aforesaid descriptions who were members of the Association as at the 23rd day of February 1981 and who remain members continuously thereafter provided further that nothing hereinbefore prescribed shall limit in any way the eligibility for membership of the Association of any person or persons who are employed by the Country Fire Board as control room operators, regional officers, clerical and administrative officers or the like.

(xviii) Persons employed at the Australian Mineral Development Laboratory and Electricity Trust of South Australia in a drafting capacity or a technical capacity provided further that nothing hereinbefore prescribed

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shall limit in any way the eligibility for membership of the Association of any person or persons falling within the aforesaid descriptions who were members of the Association as at the 23rd day of February 1981 and who remain members continuously thereafter.

- (xix) (a) *Teachers in Primary, Secondary, Tertiary and Further or other educational institutions.*
- (b) *Pre-school (Kindergarten) teacher aides.*
- (c) *Regional Advisors employed by the Kindergarten Union of South Australia.*

Provided further that nothing hereinbefore prescribed shall limit in any way the eligibility of the membership of the Association of any person or persons falling within the aforesaid description who were members of the Association as at 13th day of February 1981 and who remain members continuously thereafter.

RULE 3. OBJECTS

The objects of the Association shall be :-

- (a) *To represent, act for, provide assistance to and secure preference for members in any matters connected with their callings and their employment.*
- (b) *To encourage and promote membership of the Association.*
- (c) *To promote the status, training, qualifications and advancement of members.*
- (d) *To regulate the conditions under which members of the Association may be employed.*
- (e) *To mediate in regard to, reconcile and settle disputes affecting members.*
- (f) *To establish a newspaper or magazine in the interests of the Association.*
- (g) *To provide legal assistance for members where necessary.*
- (h) *To provide means for combined action in matters affecting members.*
- (i) *To raise, receive, disburse, use and invest funds in carrying out the objects of the Association.*
- (j) *To promote the welfare and social enjoyment of members and establish social and recreational facilities and sports clubs activities.*

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- (k) *To acquire and dispose of, borrow upon and encumber property (real and personal) in pursuing the objects of the Association.*
- (l) *To co-operate with other industrial organisations where deemed advisable.*
- (m) *To affiliate as deemed advisable with any organisation whose objects are not contrary to these objects.*
- (n) *To raise funds otherwise than by levy for charitable purposes and to assist in the attainment of charitable objectives.*
- (o) *To provide opportunities for investment by or financial assistance to members and their families.*
- (p) *The Council may offer financial assistance or other form of assistance to any person (including that person's family) who has ceased to be a members of the Association*
- (q) *To take all necessary steps to assist the Community and Public Sector Union SPSF Group (SA Branch) or its successor. ”*
- (r) *Deleted 23/5/94*
- (s) *Deleted 23/5/94*

RULE 4. COMMITTEE of MANAGEMENT

- (a) *There shall be a Committee of Management to be called "The Council" which shall be the general governing body of the Association.*
- (b) *The Council shall consist of Councillors, the General Secretary and the Assistant General Secretary.*
- (c) *The President, the Vice President and the Treasurer shall be one of the Councillors.*

RULE 5. POWERS and DUTIES of the COUNCIL

The whole management of the business and the control of the Association shall be vested in the Council, which in addition to the powers and authorities by these Rules expressly conferred upon it, may exercise all such powers and do all such acts and things as may be exercised or done by the Association, and are not hereby required to be exercised or done by the Association in General Meeting.

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RULE 6 THE COUNCIL SHALL HAVE POWER

- (a) *To pay charges and expenses incidental to conducting the business of the Association.*
- (b) *To take on, lease or otherwise acquire any books, newspapers, documents and other property necessary for the purposes of the Association.*
- (d) *To employ any persons deemed necessary for carrying out the objects of the Association, and at any time to suspend or discharge any such person, and to fix the remuneration to be paid to such persons.*
- (e) *To invest any monies of the Association in such manner as may be provided in the Constitution and Rules.*
- (f) *From time to time to make, vary, or repeal, any by-laws not inconsistent with these Rules for the regulation of the affairs of the Council, its officers, or employees.*
- (g) *To publish a Journal devoted to promoting the interests of the Public Service Association.*
- (h) *To arrange for elections and ballots under these Rules.*
- (i) *To fine or expel from the Association, or remove from office, any member guilty of improper conduct or disobedience of the Rules or By-Laws.*
- (j) *To call special or general meetings to consider any matter determined by Council.*
- (k) *To consider any grievances or complaints affecting the Public Service or any member of the Association and to use every endeavour to obtain redress.*
- (l) *To impose any levy consistent with the provisions set out elsewhere in these rules.*
- (m) *To demand and collect all levies, subscriptions, fines and dues payable by members and to remit the whole or any part of a member's subscriptions, fines, levies or dues.*
- (n) *To raise funds otherwise than by levy, or to make donations to, or to assist in the attainment of the objectives of other organisations whose aims and objectives are not inconsistent with the Association's, to maximum or \$1,000 and that all such donations be fully detailed in the annual financial statements.*

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- (o) *To appoint Committees and delegates who shall report from time to time to the Council.*
 - (p) *To appoint any person as representative of the Association before any Court, Board, Tribunal or other authority, and to manage and control all actions, proceedings, submissions of industrial dispute and other matters in any Court or proceeding.*
 - (q) *For the purposes of the Association :*
 - (i) *To buy, sell, lease, sub-let or otherwise deal with any property real or personal ;*
 - (ii) *to enter into any contract;*
 - (iii) *to borrow money and mortgage or charge any of the Association's real or personal property as security on the repayment of any money borrowed.*
 - (r) *To determine from time to time the quorums for Special meetings of sections of the membership not being Special General Meetings or Annual General Meetings.*
 - (s) *To suspend with pay the General Secretary or Assistant General Secretary in the event of it being alleged that the General Secretary or the Assistant General Secretary is guilty of misappropriation of the funds of the Association; gross misbehaviour; gross neglect of duties and without limiting the generality of the foregoing if it is alleged the General Secretary or Assistant General Secretary is in substantial breach of the Rules of the Association or if the General Secretary or Assistant General Secretary is pursuant to these Rules no longer eligible to hold the position of General Secretary or Assistant General Secretary.*

Within one month of suspending the General Secretary or Assistant General Secretary, Council must decide whether to recommend to dismiss, recommend to reinstate or recommend to take any other action regarding the allegations about the General Secretary or Assistant General Secretary.

In the event that Council recommends dismissal of the General Secretary or Assistant General Secretary a Special General Meeting shall be called to decide the issue in accordance with the Rules. The General Secretary or Assistant General Secretary will remain suspended on pay until the Special General Meeting decides the issue.
 - (t) *To amend the Association's Rules pursuant to Rule 12A.*
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- (u) *To transfer any asset to the Community and Public Sector Union SPSF Group (SA Branch) or its successor.*

RULE 7. COUNCIL ELECTIONS

Council may by resolution declare that in respect of the next election to be held within the Association the method by which the positions of all Officers, and Council Members of the Association shall be filled shall be specified in this Rule.

Notwithstanding any other provision of these Rules, for so long as such a resolution stands unrescinded :

- (a) *no separate election shall occur for Officers or for members of the Council of the Association but the Officers and the members of the Council of the Association shall be the persons elected to the corresponding positions in the South Australian Branch of the Federal Organisation.*

Such persons shall take office in the Association at the same time as they take office in the South Australian Branch of the Federal Organisation provided that the date upon which they take office in the Association on the first invocation of this rule shall not be earlier than the date upon which the term of office of the existing incumbents expires.

- (b) *Rules 9(a), 10, 10A, 11, 12, 13, 15, 16, 16A,16B 19, 20, 21, 22, 23, 23A, 24, 25 and 26 shall have no application.*
- (c) *where the incumbent of any office has been removed in accordance with Rule 8 Council may appoint another person to perform the duties of the office until such time as the equivalent office within the Federal Organisation is filled by a person not excluded from holding office within the Association by virtue of action taken in accordance with Rule 8.*

RULE 8. CONTROL of the COUNCIL BY MEMBERS

The control of the Council shall be vested in the members of the Association, to be exercised in the following manner :-

Upon receipt by the General Secretary of a requisition in writing signed by not less than one hundred (100) members of the Association, stating that it is desirable that any act of the Council or Executive should be rescinded, or that any member of the Council or Executive should be removed, or that the General Secretary or Assistant General Secretary is guilty in accordance with these Rules of misappropriation of funds of the Association, or a substantial breach of the Rules of the Association, or gross misbehaviour or gross neglect of duties, or that such a person is not eligible to hold the

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office of General Secretary or Assistant General Secretary and should be dismissed, a Special General Meeting shall be called to consider the subject matter of the requisition and to decide whether a ballot of the members of the Association shall be taken on the question raised in the requisition. A majority of the members present and voting at such meeting shall so decide. If as a result of such decision such a ballot is subsequently taken the decision of the majority of the members voting at such ballot shall decide the question on which such ballot is held. Provided that any requisition which states that it is desirable that any act of the Council or Executive shall be rescinded, must be lodged with the General Secretary within ninety (90) days from the time of the doing of such act. A quorum at such meeting shall consist of thirty (30) members.

RULE 9. EXECUTIVE OFFICERS of the COUNCIL

- (a) (i) *There shall be an Executive of nine (9) comprising of a President, five Vice Presidents, a Treasurer, the General Secretary and the Assistant General Secretary.*
- (ii) *The Executive members other than the General Secretary and the Assistant General Secretary shall be elected by and from Council at the first meeting of each new Council.*
- (iii) *The term of office as an Executive Member shall commence immediately upon election and continue thereafter until a new Executive is elected.*
- (iv) *Council when electing the Executive shall firstly elect a President, secondly elect the Vice Presidents and then elect the Treasurer.*
- (v) *In the event of any member of the Executive other than the General Secretary or the Assistant General Secretary retiring or otherwise ceasing to act before the expiration of the full term of office the office of such member shall be filled by election by and from Council.*
- (b) *The quorum for meetings of the Executive shall be a majority of those entitled to attend and vote thereat.*
- (c) *The Executive shall have power, subject to the control of Council, to exercise any of the powers of Council, but shall report every such exercise to the Council at its next ordinary meeting.*

RULE 10. ELECTION OF GENERAL SECRETARY

- (a) (i) *The General Secretary shall be elected from the membership of the Association.*
- (ii) *The General Secretary shall hold office for a period of two (2) years.*

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(iii) *There shall be no restriction on the number of two (2) year terms that may be held by the General Secretary.*

(iv) *The position of General Secretary shall fall vacant at the same time as the expiry of the term of office of the Council. The office shall be filled by election of the membership of the Association by secret postal ballot.*

RULE 10A. ELECTION of the ASSISTANT GENERAL SECRETARY

(a) (i) *The Assistant General Secretary shall be elected from the membership of the Association.*

(ii) *The Assistant General Secretary shall hold office for a period of two (2) years.*

(iii) *There shall be no restriction on the number of two (2) year terms that may be held by the Assistant General Secretary.*

(iv) *The position of the Assistant General Secretary shall be vacant at the same time as the expiry of the term of office of the Council. The office shall be filled by election of the membership of the Association by secret postal ballot.*

RULE 11. ELECTION of the COUNCIL

Councillors shall be elected from the electorates defined in these rules separately by the members allocated to the respective electorates voting in the electorates as defined by these Rules.

RULE 12. ELECTORATES

(a) *The members of the Association shall be allocated to eight electorates to be known as Electorate 1, Electorate 2, Electorate 3, Electorate 4, Electorate 5, Electorate 6, Electorate 7 and Electorate 8 respectively.*

(b) *The electorates referred to in paragraph (a) shall comprise the following:*

ELECTORATE 1 *shall consist of all members employed in or by a University, College of Advanced Education, a Department of Technical and Further Education, a College or Institute of Technical and Further Education or are employed in or by any department, or part of a department or by any employer a resolution of the Council declares to be a higher education body.*

ELECTORATE 2 *shall consist of all members employed in or by a public hospital, private hospital, nursing home, public dental clinic, area health service*

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or community health service or are employed in or by any department, or part of a department or by any employer a resolution of the Council declares to be a health service body.

ELECTORATE 3 shall consist of members employed in schools.

ELECTORATE 4 shall consist of members employed under the Technical Services (SA Government) Interim Award and other members in Public Service classifications declared by the Council to be in Electorate 4.

ELECTORATE 5 shall consist of members employed under the Administrative Services (SA Government) Interim Award and other members in Public Service classifications declared by the Council to be in Electorate 5.

ELECTORATE 6 shall consist of members employed under the Professional Services (SA Government) Interim Award and other members in Public Service classifications declared by the Council to be in Electorate 6.

ELECTORATE 7 shall consist of members employed under the Operational Services (SA Government) Interim Award and other members in Public Service classifications declared by the Council to be in Electorate 7.

ELECTORATE 8 shall consist of Statutory Authority and other members not allocated to another electorate.

Provided that:-

- (i) where under this Rule a member would fall within more than one electorate, then that member will be assigned to the electorate defined first in this rule.
- (ii) where a member is granted leave to take up temporary employment with the Association, then that member will continue to be allocated to the electorate to which the member would have been allocated had the member not taken up temporary employment with the Association.
- (iii) where a member pays subscriptions to the Association by payroll deduction, the employer for the purposes of this Rule shall be the employer forwarding subscriptions to the Association.

Each electorate shall be represented on Council by one Councillor for each 750 members or part thereof as allocated to the electorate at the 31st December in the year preceding the year in which an election is required.

RULE 13. COUNCIL ELECTIONS

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General elections of the Council shall be conducted during the three months preceding the Annual General Meeting for 1980 and the Annual General Meeting in every second year thereafter.

RULE 14 (deleted 10/12/91)

RULE 15. RESIGNATIONS FROM COUNCILLORS, GENERAL SECRETARY and ASSISTANT GENERAL SECRETARY (creating vacancies mid-term)

- (a) *In the event of any member of the Council or the General Secretary or Assistant General Secretary retiring or otherwise ceasing to act before the expiration of the full term of their office the office of such member shall be filled by election in conformity with the rules for a new Council or the General Secretary or the Assistant General Secretary as the case may be save that where the vacancy occurs after the 1st November preceding an election year the vacancy shall be filled by Council selecting one of the nominees instead of conducting an election.*

Where an election is required under this sub-rule it shall be conducted as follows:-

- (i) *On becoming aware that an election is required under this rule Council shall appoint a returning officer in conformity with these rules.*
- (ii) *The election shall be conducted as set out in these rules.*
- (iii) *Councillors or Officers elected under this rule shall take office from the declaration of the poll.*
- (b) *When any member of the Council so retiring or ceasing to act was a member of the Executive the Council shall fill such vacancy on the Executive in the manner prescribed herein for the election of members of the Executive.*
- (c) *Any member elected under this Rule shall hold office only for the unexpired portion of the period of office of the member retiring or otherwise ceasing to act.*
- (d) *In the event of any member of the Executive other than the General Secretary or Assistant General Secretary retiring or otherwise ceasing to act before the expiration of the full term of office the office of such member shall be filled by Council in the manner prescribed herein for the election of members of the Executive.*

RULE 16. ELECTION OF REPLACEMENT COUNCILLORS, GENERAL SECRETARY and ASSISTANT GENERAL SECRETARY

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- (a) *Nominations for elections of the Councillors and the General Secretary and the Assistant General Secretary shall be made in writing signed by at least two financial members entitled to vote in the same electorate as the nominee, and shall bear the written consent of the nominee to accept office if elected. The Council shall fix a date on or before which nominations must be in the hands of the General Secretary, and no nomination shall be received after such date. Such date shall be notified in the issue of the "Public Service Review" or other official organ of the Association for the time being, not less than ten days preceding such date.*
- (b) *The electoral roll shall close at noon on the date fixed by Council for Nominations to open. Such date shall be notified in the same issue of the "Public Service Review" or other official organ of the Association as the notification in sub-rule (a) of this Rule. Members who join after this time will not be eligible to vote in that election.*
- (c) *Prior to the date fixed by the Council pursuant to Clause (a) of this Rule, the Council shall appoint a Returning Officer who shall not be a member of the Council making the appointment, and shall not be a candidate for any position for which the elections are being conducted. The Returning Officer shall conduct the elections of the Councillors in accordance with the principles and the practices applying to the conduct of elections of the Houses of Parliament of South Australia, so far as they are applicable subject to express provisions contained in these Rules.*
- (d) *All nominations received by the General Secretary as provided in Clause (a) of this Rule shall be delivered by them to the Returning Officer forthwith after the date fixed by the Council pursuant to Clause (a) of this Rule and the Returning Officer shall declare the validity or otherwise of each such nomination, and shall determine what ballots shall be conducted and shall furnish to the General Secretary a certificate of their declaration and determination.*
- (e) *Each person nominated for election as any one of the Councillors or the General Secretary or Assistant General Secretary shall, at the date fixed by the Council pursuant to Clause (a) of this Rule, and at all times thereafter during the period of holding the position to which he or she shall have been elected be and continue to be a member of the Association.*
- (f) *Nominations and ballot papers shall be received until noon on the dates set pursuant to this rule. Any nominations or ballot papers received after this time shall not be accepted.*

RULE 16A. NOMINATIONS for the POSITION of GENERAL SECRETARY

- (a) *Members of the Association may nominate concurrently for the position of*
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General Secretary and the position of Councillor.

- (b) *In the event that a Candidate for both the offices of General Secretary and Councillor is successful being elected to both the position of the General Secretary and that of Councillor he/she will assume the position of General Secretary only and the Council position declared vacant and filled in accordance with Rule 15.*
- (c) *Where the Candidate for both offices is only successful in respect of an election to the position of Councillor he/she will assume the position of Councillor only.*

RULE 16B. NOMINATIONS for the POSITION of ASSISTANT GENERAL SECRETARY

- (a) *Members of the Association may nominate concurrently for the position of Assistant General Secretary and the position of Councillor.*
- (b) *In the event that a Candidate for both the offices of Assistant General Secretary and Councillor is successful being elected to both the position of the Assistant General Secretary and that of Councillor he/she will assume the position of Assistant General Secretary only and the Council position declared vacant and filled in accordance with Rule 15.*
- (c) *Where the Candidate for both offices is only successful in respect of an election to the position of Councillor he/she will assume the position of Councillor only.*

RULE 16C NOMINATION for both POSITIONS of GENERAL SECRETARY and ASSISTANT GENERAL SECRETARY

In the event that a member nominates for both General Secretary and Assistant General Secretary only the nomination for General Secretary shall be accepted.

RULE 17. (deleted 10/12/92)

RULE 18. (deleted 10/12/92)

RULE 19. ELECTION PROCESS

Separate voting papers for each electorate and in respect of election of the General Secretary and Assistant General Secretary, with instructions how to vote, details of nominations received and an envelope addressed to the Returning Officer, care of the General Secretary of the Public Service Association, Adelaide, shall be posted or sent to each member. The non-receipt of ballot papers by any member shall not invalidate any election unless the Council declares to the contrary.

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RULE 20. ELECTION PROCESS

Every member after marking their ballot paper shall:

- (a) *Enclose such ballot paper in the envelope referred to in foregoing Rule and securely fasten same.*
- (b) *Sign their name and affix their member number on the outside of such envelope, and*
- (c) *Either deliver or post the packet with postage prepaid to the address printed thereon, so that it will reach the said address on or before the date fixed by the Council.*
- (d) *Each candidate shall be entitled to appoint any member not being a candidate to be a scrutineer to attend at the counting of the ballot papers.*

RULE 21. ELECTION PROCESS

Every election required by these rules shall be conducted by the proportional preferential voting system as defined in the schedule to these rules.

RULE 22. ELECTION PROCESS

- (a) *Voting by Proxy shall not be permitted.*
- (b) *A ballot paper shall be deemed informal if a preference for at least one candidate is not recorded on it.*

RULE 23. ELECTION PROCESS

Any member elected to the Council or to any office of the Council shall, subject to these Rules, be eligible for re-election thereto, at the next succeeding election or any election subsequent thereto.

RULE 23A. DECLARATION of POLL

- (i) *The Returning Officer shall, as soon as practicable after the close of the polls, post the results in the General Secretary, the Assistant General Secretary and Council elections in a prominent position in or about the PSA Building 122 Pirie Street, Adelaide.*
- (ii) *The new Council will take office thirty (30) days after the date of the posting of the results of the ballot, and a meeting of the new Council shall be convened within seven (7) days of their taking office, for the*

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purpose of electing office bearers and other Executive members and discussing any other business deemed urgent. Until the election of the Executive, the outgoing Executive shall act in a “caretaker” role.

- (iii) *The newly elected General Secretary and the Assistant General Secretary shall take office within thirty (30) days of the date of the posting of the results, the date to be determined by mutual agreement with the outgoing General Secretary and the Assistant General Secretary.*

RULE 24. VACANCIES ON COUNCIL (immediately following Election)

In the event of any vacancies on the Council immediately following a general election of the Council such vacancies shall be elected in conformity with the rules for a new Council. A member elected to fill such vacancy shall be elected from the same electorate as they represent, and as defined by these Rules.

RULE 25. OFFICE VACANCY

The office of a member of the Council shall become vacated:-

- (a) *If they cease to be a member of the Association.*
- (b) *If they absent themselves from three consecutive ordinary meetings of the Council without leave of absence. A written apology if accepted by Council will constitute the necessary leave of absence.*
- (c) *If they resign or be removed from office.*

RULE 26. RESIGNATION of COUNCILLOR or OFFICER

A member elected one of the Councillors who is elected to any of the offices of President, Vice-President, Treasurer or Executive member may, by notice in writing delivered to the General Secretary resign from any of the said offices to which they had been elected without resigning or being required to resign from Council, and may continue as one of the Councillors for the unexpired portion of the term of Office as a Councillor, for which they had been elected.

RULE 27. MEETINGS of COUNCIL

The Council shall meet for the transaction of business once each month, and on other occasions as may be decided by the Executive, and at such meetings fourteen shall form a quorum. The conduct and procedure of meetings of the Council shall follow such standing orders as may from time to time be determined by the Council meeting.

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DUTIES OF OFFICES

RULE 28. PRESIDENT

- (a) *The duties of the President shall be to preside at all General Meetings and meetings of the Council or Executive and preserve order thereat, and upon the minutes being confirmed to sign the Minute Book in the presence of the meeting.*
- (b) *They shall enforce the rules and by-laws, and have control of meetings at which they preside, and shall use all necessary power to secure and enforce order and expedition in the conduct of the business and good order of the members thereat.*
- (c) *They shall conduct all meetings in accordance with the standing orders determined pursuant to these Rules.*
- (d) *They shall be ex-officio a member of all committees appointed by the Council.*
- (e) *In all matters of urgency they shall act in conjunction with the General Secretary.*
- (f) *In the event that the General Secretary is unable or not willing to convene a General Meeting Council or Executive and summon members of Council and Executive to such a meeting, the President shall convene and summon accordingly.*
 - (i) *The General Secretary must be notified immediately of all such meetings called by the President.*
 - (ii) *Such meetings must comply with the rules for notifying members.*

RULE 29. VICE PRESIDENTS

The duties of the Vice-Presidents shall be to preside over meetings and perform the duties of President in their absence, and to assist in preserving order.

Should the President and the Vice-Presidents be absent, the members at any meeting shall elect a Chairman from among themselves who shall have the full powers of the President for that meeting.

Council shall assign to a particular Vice President the specific responsibility for representing the interests and needs of country members.

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RULE 30. GENERAL SECRETARY

The General Secretary shall -

- (a) *Be the registered officer of the Association.*
- (b) *Attend all General Meetings and meetings of the Council or Executive.*
- (c) *Attend to and keep a copy of all correspondence.*
- (d) *Keep minutes of all meetings and records of other business transacted by the Association.*
- (e) *Convene all General Meetings and summon members of the Council and Executive to all meetings.*
- (f) *Keep a register of all members of the Association.*
- (g) *Conform to all the requirements of the Association Incorporated Act 1985 or other legislation required to be observed by the Association.*
- (h) *Keep all books and records of the Association and in particular -*
 - (i) *Have the charge and custody of all current receipts of money belonging to the Association and ensure the prompt payment of such monies into the appropriate financial institution account of the Association.*
 - (ii) *Keep a correct account of all monies received and expended.*
 - (iii) *Ensure all payments are made by electronic transfer, cheque or petty cash.*
 - (iv) *Produce any books and records for inspection at all reasonable times when demanded by the Council or Auditors and supply such information to the Treasurer regarding financial matters as the Treasurer may require.*
- (i) *Discharge all such other duties and services as may be assigned to them by the Council or Executive.*
- (j) *Not pay, lend or otherwise appropriate any of the funds of the Association for any cause or purpose whatsoever unless so authorised by the Council.*
- (k) *Not make any disbursement directly out of monies received before being paid into the bank.*

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(l) *Deleted 23/5/94*

RULE 31. ASSISTANT GENERAL SECRETARY

The Assistant General Secretary shall act for and during the absence of the General Secretary.

RULE 31A. ASSISTANT GENERAL SECRETARY - TRANSITION RULE

Deleted 5/1/95

RULE 32. TREASURER

The Treasurer shall furnish to the Council at each ordinary monthly meeting a statement showing the financial position of the Association and such reports as may have been supplied by the Auditors.

RULE 33. ASSOCIATION REPRESENTATIVES

The Council may appoint a member of the Association to act as an Association Representative for such groups of members as it shall determine. All notices affecting the members of the Association in any group for which such a representative has been appointed may be forwarded to such members through their representative.

RULE 34. ASSOCIATION REPRESENTATIVES

Association representatives shall act as agents for the General Secretary in relation to members who form their groups.

RULE 35. ADMISSION OF MEMBERS

All candidates for membership of the Association shall forward or cause to be forwarded to the General Secretary an application on the form provided, signed by such candidate, stating their name and address.

RULE 36. MEMBERSHIP APPLICATION

Upon the receipt by the General Secretary or by the Association Representatives as agents for and on behalf of the General Secretary, of such applications, the persons applying shall, subject to the conditions hereinafter contained, be and be deemed to become members of the Association as from the date of receipt of the said application by the General Secretary, or by the Association Representatives, as agents for and on behalf of the General Secretary, whichever date shall be first.

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RULE 37. MEMBERSHIP APPLICATIONS

The General Secretary shall and is hereby given power to refer any application for membership to the Council for consideration or decision, in which case such person shall not become a member until notified, in writing, by the General Secretary. Where in any case the decision of the Council is against the admission of the person applying, such person shall have the right of appeal to the next General Meeting of the Association, whose decision shall be final. The date of such decision, where favourable to the applicant shall be deemed to be the date of admission to membership.

RULE 38. MEMBERSHIP ROLL

The General Secretary shall, on admitting any person to membership, thereupon enter the name and address of the new member in a roll of membership.

RULE 39. RESIGNATION OF MEMBERS

Any member wishing to discontinue their membership of the Association shall give notice in writing to the General Secretary of their intention to do so, and shall pay all arrears of subscriptions, fines and levies owing by them to the Association up to the time of their ceasing to be a member before their resignation shall be accepted. A person's membership of the Association shall automatically cease upon such person ceasing to be an 'employee' as defined in Section 4 of the Fair Work Act 1994 as amended.

RULE 40. MEMBERSHIP RECORD

Whenever the subscriptions, contributions, levies, fines or liabilities payable by a member or any of them become three months in arrears the Council may resolve that such member shall cease to be a member provided that prior to such resolution the member shall be given one month's notice in writing requiring them to pay to the Association such subscriptions, contributions, levies, fines, fees or other liabilities and provided further that the Council may waive or remit the whole or any part of a member's subscriptions, contributions, levies, fines, fees and other liabilities on the grounds of illness, accident, unemployment or other sufficient reason.

RULE 41. MEMBERSHIP RECORD

Should any member resign or forfeit their membership and subsequently apply for re-admission to the Association, they shall be ineligible for membership until they shall have paid to the Association a sum equal to the subscriptions, contributions, levies, fines, fees or liabilities owing by them at the time of them ceasing to be a member.

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RULE 42. CESSATION OF MEMBERSHIP

Any person who by any means ceases to be a member shall, nevertheless, remain liable for and shall pay to the Association all monies which, at the time of their ceasing to be a member, may be due by them to the Association, and they shall have no claim on any portion whatever of the property or funds of the Association.

RULE 43. OUTSTANDING MEMBERSHIP FEES

Members and persons who have ceased to be members may be sued by the Association for the recovery of subscriptions, contributions, levies, fines, fees or liabilities of any kind due by them.

RULE 44. MISCONDUCT of MEMBERS

Any member charged with fraudulent, dishonest, disgraceful or other conduct deemed to injure the Association or to bring it into discredit may be summoned to appear before the Council, which if dissatisfied with their explanation, may expel them or suspend them for a certain time or inflict such fine not exceeding \$100.00 as may seem to meet the merits of the case; but such decision shall be subject to revision at the next ensuing General Meeting of the Association. A summons specifying the charge, addressed by prepaid letter through the post office seven days prior to the investigation shall be deemed sufficient notice of the charge and should the member not attend, the enquiry shall be proceeded with unless a sufficient excuse for their absence has been received. No member who has been expelled shall be re-admitted without the consent of the Council thereto first had and obtained, and such consent shall be subject to confirmation at the next General Meeting of the Association.

RULE 45. LIFE MEMBERSHIP

- (a) *The Association on the recommendation of the Council may by resolution passed at a General Meeting appoint any member to be a Life Member of the Association in recognition of long, special or outstanding service to the Association and such members shall thereupon become entitled to all the rights, benefits, privileges and conditions of a member without payment of any further subscriptions or levies.*
- (b) *A Life Member shall only be entitled to vote and to hold office in the Association so long as the Life Member remains eligible to be a member as defined in these rules.*
- (c) *A Life Membership may be cancelled for sufficient cause at any subsequent General Meeting.*

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RULE 46. MEMBERSHIP ROLL

A register of the names of officers and members of the Association shall be kept by the General Secretary at the registered office, the same to be open at all convenient times for inspection by the Industrial Registrar or any person appointed by them.

RULE 47. CADETS, STUDENTS, CADETS

- (a) *Upon forwarding to the General Secretary all necessary forms therefore, persons who are engaged as Cadets, students or the like by the S.A. Government or by public or statutory authority in places where there are members under conditions which do not require full-time attendance in the performance of duties may be accepted as cadets or affiliates who shall not be members and shall not be entitled to vote or hold any office in the Association but shall be entitled to such rights, benefits, privileges and conditions as are available to members as the Council may resolve.*
- (b) *Each such cadet or affiliate shall pay such dues as the Council may resolve from time to time but not exceeding an amount equivalent to the minimum rate payable as subscription by a member.*

RULE 48. MEMBERSHIP FEES

- (a) *The subscription payable to the Association by each member shall be:*
 - (i) *0.75 per centum of salary until operation of the next sub-rule.*
 - (ii) *0.85 per centum of salary from the granting of a salary increase in the member's agency via an enterprise bargaining agreement or any other means until the operation of the next sub-rule.*
 - (iii) *0.95 per centum of salary from 1st July 1994, but not before the conditions of invocation of the previous sub-rule are met.*
 - (iv) *Any enterprise bargaining agreement registered in the South Australian Industrial Commission or in the Federal Industrial Commission on or before 24th May 1993 is an enterprise bargaining agreement for the purposes of Rule 48 (a) (i).*

This shall be subject to the maximum rate of subscription being the rate appropriate to the maximum salary prescribed for a member classified at Administrative Services Officer Level 5 (ASO5).

- (b) *Subscriptions shall be payable to the Association in advance, according to the periodic payment thereof as expressly arranged with the General Secretary.*

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Where no such arrangements have been expressly made, subscriptions shall be payable Half Yearly or Yearly in advance.

- (c) *Any member whose subscriptions are at any time six months in arrears shall be deemed unfinancial and shall not be entitled to participate in any ballot or election, or in any activity or fostered activity of the Association provided for members, shall not be entitled to any financial benefits or assistance from the Association, and shall be liable to be sued for the arrears without notice.*
- (d) *Where, by arrangement with the employing or paying authority, an authority for subscriptions to be deducted from salary wages or any monies becoming due may be lodged, members shall upon the written request of the General Secretary lodge an authority for such deductions.*
- (e) *Notwithstanding the generality of the foregoing sub-rule, any member who is employed as a casual employee shall pay an annual fee as set by the Council from time to time. This fee shall be for one year or part thereof and shall be due and payable on the 1st of January each year. Council may set differing fees for different classifications of casuals.*
- (f) *The Council may set a schedule of salary steps to be used to calculate the subscription payable by a member under this rule. This calculation will be based on Association records as to the member's classification and other factors the Council considers relevant notwithstanding that the member's actual salary may be in variance with the deemed salary derived from the schedule.*

RULE 49. ASSOCIATE MEMBERSHIP

- (a) *An associate member shall be a person who is a member at the time of their retirement who makes written application to join as an associate member.*
- (b) *Any member who desires to continue his membership of the Association as an associate member shall forward or cause to be forwarded to the General Secretary all necessary forms therefore, provided that no member shall become an associate member unless and until his application has been received and accepted*
- (c) *The subscription payable to the Association by each associate member shall be at the rate of \$25.00 per annum or part thereof. The subscriptions payable by an associate member shall fall due and be payable on the 1st April each year. No person shall become an associate member until such time as they have paid their subscriptions.*
- (d) *An associate member whose subscriptions are not paid to the Association by the 1st day of July each year shall be deemed to have resigned from the Association*

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and the resignation will be deemed to have taken place on and from the 1st day of July provided that notwithstanding the generality of the foregoing a person who was an associate member of the Association on written application to the Association and on the payment of the whole of the arrears of subscriptions may have their membership reinstated and if the membership is so reinstated it shall be deemed to have been continuous.

- (e) *Notwithstanding the foregoing sub-rules, any person who has paid a minimum of 3 years subscriptions as an associate member shall, on application to the General Secretary, continue in membership without further payment of subscriptions, provided that where such persons wish to receive Association journals, they must apply each year for a journal subscription and pay the appropriate fee as set by Council from time to time.*

RULE 50. FEES PAYABLE TO:

All subscriptions, fees, fines, levies or dues shall be paid by members to the General Secretary.

RULE 51. LEVIES

If, in the opinion of the Council, it is at any time necessary or expedient to augment the funds of the Association, or to provide funds to meet any extraordinary expenditure lawfully incurred, or for any special purpose consistent with the objects of the Association, the Council shall have power to impose a levy or levies upon all or any of the members of the Association. Such levy or levies shall not in any one year in relation to a particular member exceed an amount equal to one year's subscriptions.

RULE 52. LEVIES

Upon the Council's deciding to seek authorisation to impose a levy or levies upon the members of the Association the Council shall notify members by General Brief and by any approved publication of the Association, stating the amount, and upon whom it is proposed to levy, the purpose for which the money is to be applied and the date upon which the payment is due.

RULE 53. NOTICE OF LEVY

The publication of such notice as aforesaid shall be deemed to be sufficient notice to all members of the imposition of any levy, and the Council shall thereupon proceed to collect the levy or levies without further notice.

RULE 54. LEVY RECORDS

The General Secretary shall cause any levy imposed by the Council to be debited to

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each member in the official records and levies so imposed shall be a first charge upon any monies received from any member. Any member whose levies are at any time six months in arrears may be deemed by Council to be unfinancial and if so deemed shall not be entitled to participate in any ballot, election, activity or fostered activity of the Association provided for members; be entitled to any financial benefits or assistance from the Association, and shall be liable to be sued for the arrears without notice.

RULE 55. CONTROL and INVESTMENT of FUNDS

The funds and property of the Association shall be vested in the Council for the time being.

RULE 56. FUNDS MANAGEMENT

Funds of the Association may be invested in pursuance of the power of Council whether at the time in a state of investment or not:

- (a) *In or upon any investment or security for the time being authorised by law for the investment of Trust monies.*
- (b) *In the purchase of any real estate in South Australia or in first mortgage of any such real estate.*
- (c) *In any corporate body registered under the provisions of the Co-operatives Act 1997 of South Australia.”.*
- (d) *In the purchase of any securities or investments in companies other than shares in mining companies and any such investments may from time to time be varied.*

RULE 57. DISBURSEMENT of FUNDS

The current account shall be kept at a bank authorised by the Council, and all cheques, bills, and promissory notes shall be signed and counter signed by persons authorised by the Council from time to time and the General Secretary shall instruct the Bank accordingly.

RULE 58. DISTRIBUTION OF FUNDS

Funds may be expended for all or any of the purposes of the Association by resolution of a majority of the members present at any meeting of the Council.

RULE 59. COMMON SEAL

“The Council shall provide a Common Seal inscribed as required by “The Associations Incorporation Act, 1985” as amended and shall provide for the safe custody thereof.

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There shall be two Sealholders, who shall be the President and General Secretary for the time being in office. The Seal shall not be affixed to any deed, instrument or document except under and by virtue of a resolution of the Council, and in the presence of one member of the Council, who shall attest every instrument or document to which the Seal is affixed, and every such instrument or document shall be signed by one Sealholder in the following form:- “

"THE COMMON SEAL OF THE PUBLIC SERVICE ASSOCIATION OF SOUTH AUSTRALIA INCORPORATED"

was hereto affixed by a Sealholder

.....
Sealholder

Dated:/...../.....

thereof in my presence:

.....
A MEMBER OF THE COUNCIL

Dated:/...../.....

RULE 60. EXECUTION of AGREEMENTS and OTHER DOCUMENTS

Any agreement or other instrument may be made, entered into, executed, or from time to time altered, amended, varied, modified or cancelled by or on behalf of the Association by the Council, and where not required by law to be under seal may be executed by the President and General Secretary.

RULE 61. EXECUTION OF COMMON SEAL

Any instrument required by law to be under Seal may be executed under the Common Seal of the Association.

RULE 62. PROCEEDINGS before COURT or OTHER AUTHORITIES

The Council shall have power to submit any industrial dispute or any thing or matter to any Court, Board, Tribunal or other authority, and may appoint some person or persons to represent the Association in connection with any such dispute or thing or matter.

RULE 63. AUTHORISATION TO REPRESENT ASSOCIATION

The person or persons so appointed may execute any plaint or other document or process necessary, and may represent the Association in any proceedings before the

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Court, Board, Tribunal or other authority, and file or lodge, as any Act or statutory rules prescribe, all process or documents required to be filed or lodged on behalf of the Association.

RULE 64. AUDITORS

- (a) *The Annual General Meeting or Special General Meeting shall appoint a firm of auditors to the office of Auditor.*
- (b) *The Auditor shall hold office subject to the pleasure of the membership.*
- (c) *The Auditor shall not be removed from office except by resolution of the Annual General Meeting or a Special General Meeting called for the purpose.*

RULE 65. AUDIT

Immediately after the expiration of each financial year the accounts of the Association shall be examined, and the correctness of the balance sheet and statement of income and expenditure shall be ascertained and certified by the auditors.

RULE 66 AUDITOR RESPONSIBILITY

The Auditors shall -

- (a) *Have access to and examine all books, papers, deeds, documents and accounts of the Association; may examine any office-bearer or officer of the Association in regard to the accounts, and are hereby authorised to obtain from any bank in which the funds of the Association are deposited or invested a written statement from the bankers as to the balance of the account or accounts. They shall also satisfy themselves as to the number of banking accounts used by the Association.*
- (b) *Furnish a written statement that all documents certified to are in accordance with law and the Rules of the Association, or if unable to certify to the correctness of the statements or any of them placed before them, report to the Council in what respect they are incorrect.*
- (c) *Have power to place before the Council any suggestion they may desire to make concerning the financial affairs of the Association.*
- (d) *Shall, in addition to the annual audit, make such audit as may from time to time be directed by the Council.*

RULE 67. REGISTERED OFFICE

The registered office of the Association shall be at 122 Pirie Street, Adelaide or at such

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other address as may be authorised by the Council. Any alteration of the registered office shall be notified to the Industrial Registrar and other necessary authorities. The hours that the Registered Office shall be open for business shall be at least 8.45 am to 5 pm between Monday to Friday, both days inclusive, excluding Public Holidays or other special occasions.

RULE 68. REPEAL and ALTERATION OF RULES

The Rules of the Association may be amended or repealed and new rules may be adopted at Annual General Meetings or at a Special General Meeting called for the purpose, provided that the notice of any proposed alteration shall be advertised by General Brief (which may be distributed electronically) or by publication in the Public Service Review or a daily newspaper published in Adelaide and shall be given at least 14 days prior; provided further that in the notice of meeting it shall be sufficient to state the general nature of any proposed alteration.”

RULE 69. ANNUAL REPORT

A report by the President and General Secretary of the activities of the Association during the preceding financial year, together with the financial statements, shall be published in the "Public Service Review" and presented at the Annual General Meeting of the Association.

RULE 70. REFERENDUM

The Council or an Annual or Special General Meeting shall have full power to refer any question which, in its opinion is of more than ordinary importance for determination by ballot of all the members.

RULE 71. REFERENDA PROCESS

In the event of a referendum being required under this or any other Rule the Council shall appoint a member to be Returning Officer. The Returning Officer shall forward a ballot paper to each member of the Association. Such ballot paper shall contain full particulars regarding the matter upon which the decision is asked, and shall clearly state the date of the closing of the ballot. The system of distribution and return of ballot papers shall be that employed under these Rules for the election of the Council.

RULE 72. REFERENDA RESULTS

The Returning Officer shall certify to the Council the result of the referendum, which shall be binding upon all members of the Association.

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RULE 73. ANNUAL GENERAL MEETING

The Annual General Meeting of members of the Association shall be held in the month of August in each year.

RULE 74. A.G.M. QUORUM

At any Annual General Meeting thirty (30) members shall form a quorum.

RULE 75. A.G.M. ADJOURNMENT

If, within a quarter of an hour from the time appointed for the meeting a quorum of members be not present, it shall stand adjourned to the same place and the same hour of the fourteenth day thereafter; and at such adjourned meeting the members there present will dispose of all business on the notice paper.

RULE 76. A.G.M. ADJOURNED AGENDA

The Chairperson may, with the consent of the members present, adjourn the meeting from time to time and from place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

RULE 77. A.G.M. AGENDA

- (a) *No business shall be transacted at the Annual General Meeting other than that stated in the notice convening the meeting. Members desirous of having business incorporated in such notice shall give notice in writing to the General Secretary on or before the fifteenth day of March.*
- (b) *The Council shall determine what additional items to include on the Agenda in sufficient time to allow the Agenda to be published at least 14 days prior to the Annual General Meeting as required by these rules.*

RULE 78. SPECIAL GENERAL MEETING

Special General Meetings of members of the Association shall be called -

- (a) *Whenever it is considered necessary by the Council, or*
- (b) *On the receipt by the Council of a requisition in writing stating the objects and signed by not less than one hundred (100) members of the Association; or*
- (c) *In accordance with Rule 8.*

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RULE 79. REQUISITION for SPECIAL GENERAL MEETING

If, after twenty-one days from the receipt of a requisition as provided by the foregoing Rule a Special General Meeting shall not be convened to be held within thirty-five days from the time of the requisition being received by the Council, the requisitionists or any one hundred (100) members may themselves convene the Special General Meeting.

RULE 80. SPECIAL GENERAL MEETING COST

In the event of the meeting being held, the Association shall bear all reasonable cost in connection therewith.

RULE 81. SPECIAL GENERAL MEETING AGENDA

No business shall be transacted at a Special General Meeting other than that stated in the notice convening the meeting.

RULE 82. SPECIAL GENERAL MEETING QUORUM

A quorum for Special General Meetings shall consist of thirty (30) members.

RULE 83. SPECIAL GENERAL MEETING LAPSED

If, within a quarter of an hour from the time appointed for the meeting a quorum of members be not present, the meeting shall lapse and if the meeting has been called other than by the Council the cost thereof shall not be borne by the Association.

RULE 84. SPECIAL GENERAL MEETING RESOLUTION REFERRED TO GENERAL MEMBERSHIP

Any resolutions carried at an Annual or a Special General Meeting may, if the Council so decide, be referred for determination by ballot of all the members of the Association.

RULE 85. SPECIAL GENERAL MEETING ADJOURNMENT

The Chairperson may, with the consent of the members present, adjourn the meeting from time to time and from place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

RULE 86. NOTICE OF MEETINGS

At least fourteen days notice of the date, time and place for the holding of any Annual or Special General Meeting of members of the Association shall be given by General Brief (which may be distributed electronically) or by publication in the Public Service Review

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or in a daily newspaper published in Adelaide.

RULE 87. FINANCIAL YEAR

The financial year shall end on the 30th day of June in each year.

RULE 88. AFFILIATION

The Association may by resolution of the Council affiliate or co-operate in any lawful purpose with any other organisation. Provided that affiliation with any organisation other than an organisation of Crown employees shall not be effected unless and until a resolution in favour thereof has been carried by a majority of the members of the Association present at a General Meeting convened in accordance with these Rules and an affirmative decision of a majority of the members of the Association voting thereon has been obtained by referendum under these Rules.

RULE 89. RECOGNISED OFFICIAL ORGAN

The "Public Service Review" or any other newspaper or magazine established pursuant to Rule 3 hereof in substitution therefore shall be the recognised official organ of the Association and for the publication thereof portion of the members' subscriptions as determined from time to time shall be set aside and shall be included in the annual financial statements of the Association.

RULE 90. INTERPRETATION

In the interpretation of this Constitution and these Rules, except when excluded by the context:-

- (a) *Words importing the singular number only shall include the plural number, and words importing the plural number only shall include the singular number.*
- (b) *Words importing the masculine gender shall include the feminine.*
- (c) *The word "Department" shall have the same meaning as it has in the Public Service Act.*
- (d) *"The Public Service" shall have the same meaning as it has in the Public Service Act.*
- (e) *"The Association" shall mean the Public Service Association of South Australia Incorporated.*
- (f) *The "General Secretary" shall mean the General Secretary of the Association elected for the time being pursuant to these Rules who shall be a member of the*

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Association, a member of the Executive of the Association and a member of Council with full voting rights.

- (g) *"Month" shall mean calendar month.*
- (h) *"Member" means any person who has become a member as provided in these Rules and whose membership has not ceased in accordance with any of the provisions of these Rules unless otherwise stated it does not include "Honorary" or "Associate" member nor does it include "Life Member" unless the Life Member continues to be eligible for membership notwithstanding the conferring of "Life Membership".*
- (i) *"President" means the President appointed under these Rules, or other member acting for or on behalf of such President.*
- (j) *"Section" means a Section of the Public Service as defined in the Public Service Act.*
- (k) *The "Public Service Act" means the Public Service Act of the State of South Australia in force and as amended from time to time, and unless a contrary intention is expressed in these Rules nouns in these Rules shall have the same meaning as are assigned to them in the interpretation of the Public Service Act.*
- (l) *Nil*
- (m) *"Honorary member" means any member as provided in Rule 2 (e) to whom all the rights, benefits, privileges and conditions of membership shall apply excepting an honorary member shall not be entitled to vote and shall not be entitled to hold any office in the Association as provided in these Rules.*
- (n) *"Associate Member" means any member of the Association who, at or after the time of that Member's retirement continues as a member as provided in these Rules to whom all rights, privileges and conditions of membership shall apply, excepting an associate member shall not be entitled to vote in any election and shall not be entitled to hold any office in the Association, as provided in these Rules, nor shall they be regarded as a member when applying for employment within the Association when such employment is only open to registered members of the Association.*
- (o) *"Cadet Member" means any person who is employed or engaged as stated in Clause 2(f) to whom all rights, benefits, privileges and conditions of membership shall apply, excepting a cadet member shall not be entitled to vote in any election and shall not be entitled to hold office in the Association as provided in these Rules.*
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- (p) *"Casual Member" means any person employed under a contract of hire which is of a casual nature and is paying the applicable fee provided for such casual members. Such members shall enjoy all of the rights, benefits and privileges of membership and shall be eligible to be appointed to any office but shall not be entitled to vote and stand for office in any election held under these rules.*
- (q) *"Auditor" means the firm appointed to the office of Auditor as defined in these rules.*
- (r) *"Class Code" means the Classification Code of the S.A. Public Service Board as at 1st January 1985 and where that Code is silent such additional codes as are allocated to it by the General Secretary.*
- (s) *The "Assistant General Secretary" shall mean the Assistant General Secretary of the Association elected for the time being pursuant to these Rules who shall be a member of the Association, a member of the Executive of the Association and a member of Council with full voting rights.*
- (t) *"Registered address" shall mean the address nominated by the member to be their private postal address.*
- (u) *"The Federal Organisation" shall mean the Community and Public Sector Union, an organisation registered under the Fair Work (Registered Organisations) Act 2009.*
- (v) *"Officers" shall mean the President, the Vice-Presidents, the Treasurer, the General Secretary and the Assistant General Secretary of the Association and the "corresponding positions" in the South Australian Branch of the Federal Organisation shall be the Branch President, the Branch Vice-Presidents, the Branch Treasurer, the Branch Secretary and the Branch Assistant Secretary respectively.*

RULE 91. DISSOLUTION OF ASSOCIATION

The Association shall not be dissolved except by a two-thirds majority of the members on the roll.

Continued.....

"THE SCHEDULE"

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THE SCHEDULE

SCHEDULE - PROPORTIONAL REPRESENTATION

In any election conducted in accordance with this Schedule the following provisions shall apply:

1. *A voter shall record their vote for at least the number of candidates to be elected by placing the number "1" and if necessary the numbers "2", "3", "4", and so on consecutively in the squares opposite the names of the candidates in the order of the voter's preference for them.*

A voter may, if the voter so desires, vote for additional candidates by placing further consecutive numbers in the squares opposite their names in the order of their preferences.

2. *At the close of the poll the Returning Officer shall ascertain the total number of first preference votes recorded for each candidate on all ballot papers not rejected by the Returning Officer as informal and the total of all such votes.*

The Returning Officer shall then determine a quota by dividing the total number of first preference votes for all candidates by the number equal to the number of positions to be filled plus one and by increasing the quotient so obtained (disregarding any remainder) by one.

The Returning Officer shall declare elected any candidate who has received a number of first preference votes equal to or greater than the quota so determined.

3. *Unless all vacancies have been filled, the surplus votes above the quota of each elected candidate shall be transferred to the continuing candidates, in proportion to the voters' preferences, as follows:*

- (a) *The Returning Officer shall ascertain in respect of each continuing candidate, the total number of ballot papers of the elected candidate which bear the next available preference for that continuing candidate.*

- (b) *The Returning Officer shall divide the number of elected candidate's surplus votes by the number of first preference votes (excluding any first preference votes indicated on ballot papers which do not bear a next available preference for a continuing candidate) received by the Returning Officer and the resulting fraction shall, for the purposes of this clause, be the transfer value of that candidate's surplus votes.*

- (c) *The Returning Officer shall, by multiplying that total by the transfer value of the elected candidate's surplus votes, determine the number of votes to be transferred from the elected candidate to each continuing candidate.*

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If, as a result of the multiplication, any fraction results, so many of those fractions, taken in the order of their magnitude, beginning with the largest, as are necessary to ensure that the number of votes transferred equals the number of elected candidate's surplus votes shall be reckoned as of the value of unity and the remaining fractions shall be ignored.

4. *If, as a result of the transfer of the surplus votes of candidate elected at any stage of the scrutiny, a continuing candidate has received a number of votes equal to or greater than the quota, that candidate shall be elected.*

Unless all the vacancies have been filled, the surplus votes of the elected candidates shall be transferred to the continuing candidates in accordance with the provisions of clause 3 but, in the application of those provisions, only those ballot papers which have been transferred to the elected candidates from the candidate or candidates elected at the last preceding count shall be taken into consideration.

5. (a) *If, after the transfer of the surplus votes of the elected candidates, no candidate has, or less than the number of candidates required to be elected have, received a number of votes equal to the quota, the candidate who has the fewest votes shall be excluded and the whole of that candidate's ballot papers shall be transferred to the continuing candidates next in order of the voter's available preferences.*

Any votes received by an excluded candidate by transfer of a surplus shall be transferred at their transfer value which they were transferred to that candidate.

- (b) *If thereupon, or as a result of the exclusion of a candidate at any subsequent stage of the scrutiny, a continuing candidate has received a number of votes equal to or greater than the quota, that candidate shall be elected.*
- (c) *If no continuing candidate has then received a number of votes equal to the quota, the process of excluding the candidate with the fewest votes and the transferring of ballot papers containing those votes to the continuing candidates shall be repeated until a continuing candidate has received a number of votes equal to the quota, or in respect of the last vacancy, a majority of the votes remaining in the count, but the process of excluding candidates shall not be repeated after the number of continuing candidates is equal to the number of unfilled vacancies.*
- (d) *A ballot paper that under this clause is, pursuant to the exclusion of a candidate, required to be transferred to a continuing candidate shall be set aside as finally dealt with if it does not indicate a next available preference for a continuing candidate.*

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6. *After all the candidates who have received a number of votes equal to the quota are elected -*
- (a) *where there is one remaining vacancy - the candidate who has received a majority of the votes remaining in the count; or*
 - (b) *where the number of continuing candidates is equal to the number of remaining unfilled vacancies those candidates, shall be elected.*

7. *Where, on the count of the first preference votes, or at the same time at any subsequent stage of the scrutiny, two or more candidates are elected by reason of their having received a number of votes equal to or greater than the quote, any transfer of the surplus votes of those candidates shall be carried out in the order, first of the candidate with the largest surplus, second of the candidate with the next largest surplus and so on.*

In the case of surpluses of equal size the Returning Officer shall determine by lot which shall be first distributed.

8. *Notwithstanding anything contained in this Schedule, a transfer of the surplus votes of an elected candidate shall be deferred (but without affected the order of that transfer) so long as the total number of those surplus votes and any other surplus votes not transferred is less than the difference between the total votes of the two continuing candidates with the fewest votes.*

In any such case, unless all vacancies have been filled, the candidate with the fewest votes shall be first excluded and the ballot papers containing that candidate's votes shall be transferred to the continuing candidates as provided in clause 5.

9. *Where, on any count at which the candidate with the fewest number of votes has to be excluded, two or more candidates have an equal number of votes (that number being fewer than the number of votes that any other candidate has or those candidates being the only continuing candidates) -*
- (a) *such one of those candidates as had the fewest number of votes at the last count at which they did not have an equal number of votes shall be excluded; or*
 - (b) *if they had an equal number of votes at all preceding counts, the Returning Officer shall determine by lot which candidate shall be excluded.*

If after such exclusion there is only one continuing candidate the Returning Officer shall declare that candidate elected.

10. *A ballot paper on which the voter has recorded the required minimum number of votes shall not be treated as informal by reason only that:*
- (a) *the same preference (other than the voter's first preference) has been recorded*
-

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as registered on 26 February 1995 and altered 26 Feb 2014 and on 24 February 2015 .

(Alteration to Rules 2(vi), 3(q), 6(u), 23A, 30(h), 39, 48(e), 56(c), 59, 68, 76, 85, 86, 90(p), 90(u.) registered on 26 February 2014

(Alteration to Rule 2, 2(a) added, 2(f) altered on 24 February 2015)

on the ballot paper for more than one candidate, but the ballot paper shall be treated as if those preferences and any subsequent preferences had not been recorded on the ballot paper, or

(b) there is a break in the order of the voter's preferences, but the ballot paper shall be treated as if any subsequent preferences had not been recorded on the ballot paper.

11. A reference in this Schedule to an exhausted ballot paper is a reference to a ballot paper on which there is not recorded a vote for a continuing candidate.

END