



POLICE ASSOCIATION OF SOUTH AUSTRALIA

CONSTITUTION

(Registered 9 July 1926)
These rules came into effect 9 January 2018

POLICE ASSOCIATION OF SOUTH AUSTRALIA

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POLICE ASSOCIATION OF SOUTH AUSTRALIA

CONSTITUTION

1 NAME

The name of this Association shall be "The Police Association of South Australia", hereinafter called "the Association".

2 REGISTERED OFFICE

The Registered Office of the Association shall be at 27 Carrington Street, Adelaide or such other place as the Committee of Management (the Committee) shall determine from time to time and shall be open as determined by the Committee.

3 OBJECTS

The purposes for which the Association is established are as follows :

- 3.1 To promote the interests of the Members of the Police Service of the State of South Australia by all means consistent with these rules and with loyalty to the Government of South Australia.
- 3.2 To afford opportunity for the discussion of matters affecting the Police Service.
- 3.3 To provide for combination of action in matters affecting any Member or Members of the Association.
- 3.4 To consider, and if necessary to endeavour, to obtain redress or for settlement of any grievances or complaints affecting the Police Service.
- 3.5 To have recourse to all means provided by the Industrial Code as amended, or any other Acts of Parliament amending or extending the same, in order to carry into effect the objects of the Association which is Registered under the Industrial Code as amended.
- 3.6 To encourage esprit de corps among Members of the Police Force of South Australia.

4 QUALIFICATION FOR MEMBERSHIP

The Association shall consist of an unlimited number of Members of the Police Force of South Australia and Police Cadets in training in South Australia (any of whom shall be eligible for election as a Member of the Association). This rule shall not apply to:

- 4.0.1 Special Constables other than those to whom the whole or part of the Police Officer's Award applies;

4.0.2 Members on leave without pay other than those engaged by South Australia Police or the Association or who have completed the formalities required by Rule 7.1.4; or

4.0.3 Members who are seconded other than those seconded to South Australia Police or the Association or those who have completed the formalities required by Rule 7.1.4.

4.1 APPLICATION FOR MEMBERSHIP

Applicants for Membership shall sign an application in the form prescribed, by the Committee of Management (hereinafter referred to as “the Committee”) and forward the same to the Secretary. The Secretary shall refer the application to the next meeting of the Committee, and the Committee shall either accept or reject the application. The Secretary shall communicate the decision of the Committee to the applicant.

4.2 LIFE MEMBERSHIP

A Life Member of the Association, being a person not otherwise qualified pursuant to Rule 4 for Membership of the Association, shall not be entitled to stand for office, vote in elections or at any meeting of the Association. The benefits accruing to Members of the Association by virtue of their payment of subscriptions pursuant to Rule 7 do not extend to Life Members.

4.3 APPLICATION FOR MEMBERSHIP OF THE POLICE FEDERATION OF AUSTRALIA

4.3.1 In order to develop and maintain the closest possible relations between the Police Federation of Australia (the Federation) and the Association, the Secretary may make application in the name of the Association on behalf of an eligible Member of the Association for Membership to the Federation.

4.3.2 Upon application for Membership to the Association an applicant may elect not to become a Member of the Federation and the Secretary shall not make that application on their behalf.

4.3.3 The Committee may resolve to remit capitation fees to the Federation on behalf of Members who have become Members of the Federation.

4.4 RETIRED MEMBERS GROUP

4.4.1 The Secretary shall maintain a register to be known as the ‘Retired Members’ Group Register’.

4.4.2 The ‘Retired Members’ Group Register shall contain the names and relevant details of retired Members who have:

4.4.2.1 Completed such application form as may from time to time be required by the Committee.

4.4.2.2 Paid the annual fee as may be prescribed from time to time by the Committee.

4.4.2.3 Had his or her application accepted by the Committee.

4.4.3 The Committee may, in its absolute discretion, from time to time extend or remove privileges and or entitlements to the Retired Members Group as it may see fit.

4.4.4 Members of the Retired Members Group shall not be eligible for election to the Committee or a Delegate of the Association and shall not participate in any ballot or vote of the Association.

4.5 TERMINATION OF MEMBERSHIP

4.5.1 Membership of the Association is terminated:

4.5.1.1 by resignation in accordance with these Rules,

4.5.1.2 by expulsion in accordance with these Rules,

4.5.1.3 by death of the Member,

4.5.1.4 by a Member ceasing to be eligible to become a Member of the Association, in accordance with Rule 4,

4.5.1.5 by a Member revoking or otherwise terminating an authority for the deduction of Association subscriptions, fees or levies from the Member's salary or bank account as the case might be, without first making an alternative arrangement satisfactory to the Committee for the ongoing payment of the Member's subscriptions, fees or levies.

4.5.2 A Member who resigns or has been expelled may rejoin in accordance with the provisions of Rule 4.1.

4.5.3 A Member may resign from Membership of the Association by notice in writing addressed and delivered to the Secretary.

4.5.4 A notice of the resignation from Membership of the Association shall take effect from the day upon which the notice is received by the Association

4.5.5 A notice delivered to the Secretary of the Association shall be taken to have been received by the Association when it was delivered.

4.5.6 A notice of resignation that has been received by the Association shall not be invalid because it was not addressed and delivered in accordance with Rule 4.5.3.

4.5.7 A resignation from Membership of the Association shall be valid even if it is not effected in accordance with this rule if the Member is informed in writing by or on behalf of the Association that the resignation has been accepted.

4.5.8 Any subscriptions, fees or levies payable but not paid by the former Member in relation to a period before the Member's resignation from the Association took

effect may be sued for an recovered in the name of the Association in a court of competent jurisdiction as a debt due to the Association.

4.6 EXPULSION

The Committee may expel any Member (whether financial or otherwise) who is in breach of any of these Rules or is guilty of any conduct which, in the opinion of the Committee, has brought discredit on the Association and its Members provided that:

4.6.1 the Committee shall, before deciding whether to expel any such Member inform the Member of the complaint against that Member; and

4.6.2 call upon the Member to provide an explanation of the Member's conduct together with any other submissions the Member may wish to make in opposition to their expulsion.

5 GOVERNMENT OF THE ASSOCIATION

5.1 COMMITTEE OF MANAGEMENT

5.1.1 The Officers of the Association shall be the President and the Secretary.

5.1.2 Subject to Rule 5.2.1, the Association shall be governed by the Committee.

5.1.3 The President and Secretary shall work in conjunction with and under the general direction of the Committee.

5.1.4 The Secretary shall work under the general direction of the President.

5.1.5 The Committee shall be constituted by:

- 5.1.5.1 President
- 5.1.5.2 Secretary
- 5.1.5.3 Deputy President
- 5.1.5.4 Vice President
- 5.1.5.5 Ordinary Members

5.1.6 All members of the Committee shall have an equal vote at any meeting of the Committee.

5.1.7 Standing Orders at any meeting of the Committee shall be the same as provided in Rule 12.

5.2 THE CONTROL OF THE COMMITTEE OF MANAGEMENT BY THE MEMBERS

5.2.1 The decisions of the Committee shall have full force and effect unless rescinded at a subsequent meeting of the Committee or unless rescinded by a Special Meeting of Members as hereinafter provided, or by the Secretary receiving a notice in writing signed by not less than 2/3rds of Delegates.

5.2.2 Upon the Secretary receiving notice in writing signed by not less than one hundred [100] Members within twenty eight [28] days of the day that the decision

in question was communicated to all Delegates, the Committee shall take no further action on the decision in question until the result of the Special Meeting is known.

5.3 VOTE OF NO CONFIDENCE

- 5.3.1** If a motion of no confidence in the Committee is passed by a majority of Members present and voting thereon at a Special Meeting, that no confidence motion shall not be effective until a ballot is held thereon to enable every Member of the Association to vote on such no confidence motion, such ballot to be held and completed within two months of the passing of such resolution. Until the ballot is held and completed the Committee shall have no power to enter into any contract or disburse any funds of the Association of an extraordinary nature, unless authorised to do so by a majority of Members present and voting at a Special Meeting.
- 5.3.2** If a motion of no confidence in any Member or Members of the Committee is passed by a majority of Members present and voting thereon at a Special Meeting, such no confidence motion shall not be effective until a ballot is held thereon to enable every Member of the Association to vote on such no confidence motion, such ballot to be held and completed within two months of the passing of such resolution. Until the ballot is held and completed, the Member or Members shall not attend meetings of the Committee or participate in the business of the Committee.
- 5.3.3** Upon a vote of no confidence being passed by the Members in a ballot, the Committee or as the case may be a Member or Members who are subjected to the vote of no confidence, shall cease to hold office and the Secretary or a designated person shall call nominations for the number of Committee Members, as the case may be in accordance with these rules.
- 5.3.4** In the event that the vote of no confidence results in the removal from office of a majority of the Committee or all of the Committee, the Officers of the Association shall remain in office and every other Committee Member shall be removed from office. The Officers shall remain in their positions until a new election is completed.
- 5.3.5** The Officers of the Association so acting as provided in Rule 5.3.4 above, shall not have power to enter into any contract or disburse any funds of the Association which is not in the ordinary course of business unless authorised to do so by a majority of Members present and voting at a Special Meeting.

5.4 POWER TO REMOVE MEMBERS OF THE COMMITTEE OF MANAGEMENT

- 5.4.1** A Member of the Committee may be removed from their office or position if they are found to have been guilty of:
- 5.4.1.1 Misappropriation of the funds of the Association; or
 - 5.4.1.2 A substantial breach of the Rules of the Association; or
 - 5.4.1.3 Gross misbehaviour; or
 - 5.4.1.4 Gross neglect of duty.

5.4.2 An allegation reported to the Committee under this Rule shall:

5.4.2.1 be in writing and shall be forwarded to the President or the Secretary who shall notify the person reported of the details as alleged; and

5.4.2.2 if the reported allegation concerns the President and the Secretary then the Deputy President or Vice President shall be so advised.

5.4.3 The person against whom the allegation is made shall be given not less than fourteen (14) days notice in writing of the time and place of the Committee meeting at which the report is to be tabled and considered and shall be invited to attend such meeting and be heard, but shall not be entitled to vote at such meeting.

5.4.4 Subject to the following procedure the Committee, by a simple majority, may in their discretion suspend from office any person reported under this rule pending its determination of the allegation.

5.4.5 A decision to suspend shall be notified to all Delegates of the Association at a meeting of Delegates called as soon as practicable for this purpose and the decision of the Committee must be endorsed by a simple majority of Delegates present before consideration of the removal of the Member from the Committee.

5.4.6 The removal of a Member from the Committee shall not be confirmed until after the result of a secret ballot to be conducted forthwith after the Delegates meeting of all Members of the Association approving the Committee's decision to suspend.

5.4.7 If the majority of Members fail to endorse the suspension by the Committee, the suspension shall be null and void.

5.5 POWER TO REMOVE DELEGATES AND BRANCH OFFICIALS

A Delegate or Branch official of the Association may be removed from their position if they are found to have been guilty of:

5.5.1 Misappropriation of the funds of the Association or,

5.5.2 A substantial breach of the Rules of the Association, or

5.5.3 Gross misbehaviour, or

5.5.4 Gross neglect of duty.

5.5.5 An allegation under this rule must be in writing and forwarded to the President or Secretary who shall notify the Delegate or Branch official of the details as alleged.

5.5.6 The Delegate or Branch official against whom the allegation is made shall be given not less than fourteen (14) days notice in writing of the time and place of the Committee meeting at which the report is to be tabled and considered and shall be invited to attend such meeting and be heard.

5.5.7 The Committee by simple majority may then in its discretion dismiss the Delegate or Branch official from the position they hold.

5.6 ALTERATION OR RESCISSION OF RULES

- 5.6.1** Subject to Rule 5.6.2 upon the Committee giving twenty-eight (28) days prior notice to all Members through their Delegates these Rules may be amended by a majority of Members present at any meeting specially called for such purpose, provided that meeting is constituted by a quorum of a minimum of thirty (30) Members.
- 5.6.2** Rule 1 'Name', Rule 3 'Objects' and Rule 4 'Qualifications for Membership' may only be altered by resolution passed by the Members present at which not less than 1/20th of the total number of Members of the Association shall constitute a quorum or by a plebiscite of all Members of the Association.

6 POWERS AND DUTIES

6.1 COMMITTEE OF MANAGEMENT

The Committee shall have a general power and discretion to:

- 6.1.1** Secure the observance of the Rules of the Association.
- 6.1.2** Safeguard the interests of the Members of the Association.
- 6.1.3** Determine and authorise the payment by the Association the salary and conditions of employment of the President and the Secretary plus salaries and conditions of all other employees.
- 6.1.4** Decide questions upon which the Rules or any agreement are silent or doubtful.
- 6.1.5** Decide questions of differences between the Association and any other organisation, union or association.
- 6.1.6** Enter into negotiations for the making of Agreements and Awards for the conditions of employment of Association Members.
- 6.1.7** Submit to Members a report or progress reports on the work of the Association.
- 6.1.8** To submit industrial matters to the appropriate State or Federal Tribunals, as the case may be, under state and federal industrial relations legislation.
- 6.1.9** Authorise two of its members to sign Awards and Agreements.
- 6.1.10** Determine the number of Delegates and their electorates having due regard to the efficiency, effectiveness, and equality of representation of Members' interests.
- 6.1.11** Determine the powers and duties of Delegates.
- 6.1.12** Convene urgently upon any political or industrial matter that may affect the interests of the Association or its Members and suspend any requirement to notify the Members for that purpose and shall as soon as practicable thereafter convene a Special Meeting if the context so requires.

- 6.1.13** On behalf of the Association give any guarantee or indemnity or guarantee and indemnity for the purposes of indemnifying any financial institution with respect to a direct debit upon an Association account for the Group Life Insurance Scheme premiums or any levies imposed by the Committee to provide funds for the furtherance of any or all of the objects of the Association in accordance with this Constitution.

6.2 DUTIES OF THE PRESIDENT

The President shall

- 6.2.1** Preside at all meetings of the Committee and preserve order so that business may be conducted in due form and with propriety, and upon the minutes being confirmed, shall sign the minutes at the conclusion of the meeting
- 6.2.2** The President shall, subject to the approval of the Committee engage and dismiss such clerical or other assistance as may be necessary for the proper functioning of the Association.
- 6.2.3** The Deputy President shall preside at meetings in the absence of the President.
- 6.2.4** In the absence of the Deputy President, the Vice President shall so preside.
- 6.2.5** In the absence of the President, Deputy President and Vice President the most senior Committee Member present shall preside at a meeting of the Committee.
- 6.2.6** The seniority of Committee Members other than Officers shall be determined as follows:
- 6.2.6.1 The Committee Member having the longest continuous period of service, or
- 6.2.6.2 Where two Committee Members have the same length of continuous service the Committee Member receiving the highest number of votes at the last election (other than an election to fill a casual vacancy), shall have seniority.

6.3 DUTIES OF THE SECRETARY AS A REGISTERED OFFICER

- 6.3.1** The Secretary shall be the registered officer of the Association, and he shall be the person to sue or be sued on behalf of the Association.
- 6.3.2** The Secretary shall give notice to the Members of the Committee of all meetings of the Committee and shall attend whenever possible such meetings and cause Minutes of all proceedings to be taken.
- 6.3.3** The Secretary shall keep a register of the names and addresses of the Officers and Members of the Association. Such register shall be kept at the registered office of the Association and shall be open at any time for inspection by the Industrial Registrar, or any person appointed by the Registrar or by any member of the Association.

- 6.3.4** The Secretary shall prepare and shall furnish to the Industrial Registrar all returns required by or under industrial legislation.
- 6.3.5** The Secretary shall perform or ensure performance of such duties as may be necessary to carry out the objects and Rules of the Association.
- 6.3.6** The Secretary shall receipt all monies received by the Association and deposit same in the name of the Association with its usual bankers or credit union or as may be directed by the Committee.
- 6.3.7** The Secretary shall keep a correct account of all income and expenditure and annually procure and submit to the Committee audited financial statements disclosing the receipts and expenditure of the Association for the previous twelve months ending 30th June.
- 6.3.8** The Secretary shall produce all books, vouchers, or other documents and accounting records, no matter how stored, for inspection at Committee meetings or to the auditor when requested.

6.4 APPOINTMENT AND DUTIES OF TREASURER

The Committee shall elect one of its members to the position of Treasurer. When so requested the Treasurer shall assist the Secretary in the financial administration of the Association's affairs in accordance with the instructions of the Committee.

7 FINANCE AND PROPERTY

7.1 SUBSCRIPTION

7.1.1 The annual subscription shall be:

7.1.1.1 For a Member employed on a full time basis, a sum equal to one per centum of the Salary of a Senior Constable, Increment 1, plus the fee for the Group Life Insurance Scheme.

7.1.1.2 For a Member employed as a Police Cadet, a sum equal to 0.5 per centum of the salary of a Senior Constable, Increment 1, plus the fee for the Group Life Insurance Scheme.

7.1.1.3 For a Member employed on a part time basis a sum pro rata equivalent to those of a full time employed Member adjusted pro rata to the actual regular and ongoing hours of employment, plus the fee for the Group Life Insurance Scheme (eg. a Member who has employed 0.6% full time equivalent shall have an annual subscriptions equivalent to 60% of a full time employed Member);

7.1.1.4 For a Member employed as a Junior Police Cadet, a sum equal to 0.325 per centum of the Salary of a Senior Constable, Increment 1, plus the fee for the Group Life Insurance Scheme.

7.1.1.5 Amounts in Rule 7.1.1 will also be subject to the Goods and Services Tax, at the rate determined for the relevant period.

- 7.1.2** Subject to clauses 7.1.3 to 7.1.5 inclusive, membership of the Association shall automatically include cover under the Group Life Insurance Scheme and Membership to the Police Club.
- 7.1.3** If the Committee resolves to accept the application for membership from:
- 7.1.3.1 a former Member of the Association; or
 - 7.1.3.2 if the Committee resolves to accept an application for membership from a Police Cadet or Police Officer that is received by the Secretary twelve (12) or more calendar months after that Police Cadet or Police Officer's eligibility to first apply; then
 - 7.1.3.3 the Secretary shall not forward the Member's name to the Group Life Insurance Scheme Insurers for a period of twelve (12) months from the date of that resolution ("the qualifying date");
- 7.1.4** Until the qualifying date, the subject Member's annual subscription pursuant to clause 7.1.1 shall not include the subscribed fee for the Group Life Insurance Scheme;
- 7.1.5** On the qualifying date, the Secretary upon receipt from the Member of the fee for the Group Life Insurance Scheme shall then forward the Member's name to the Group Life Insurance Scheme Insurer and the Member shall forthwith receive the benefit of that scheme.
- 7.1.6** Any benefit received by the Association under the Group Life Insurance Scheme shall be paid to the estate of the Member to whom the benefit applied.
- 7.1.7** The Committee may upon application in writing exempt a Member from payment either in whole or in part of any subscription, fee or levy. For the purpose of these rules, such exempt Member shall retain continuity of membership and be deemed financial but shall not, during the period of the exemption, be entitled to nominate for or hold office or participate in any ballot or election in the Police Association, nor to any right or privilege of membership. Group Life Insurance Scheme coverage will only continue upon payment of the appropriate fee by the Member and the terms of the policy.

7.2 LEVIES

If approved by a Special Meeting levies may be imposed by the Committee to provide funds for the furtherance of any or all of the objects of the Association. The quorum of such a Special Meeting shall be thirty [30] members.

7.3 UNFINANCIAL MEMBERS

7.3.1 A Member shall be deemed to be "unfinancial" by the Committee if the Member's subscriptions, fees or levies remain unpaid for a period of ninety (90) days after they first become due.

7.3.2 An unfinancial Member shall not be entitled:

- 7.3.2.1 to any of the rights and privileges of membership;

7.3.2.2 to nominate for or hold any office or participate in any ballot or election in the Association.

7.3.3 The Committee shall have power to proceed in the name of the Association against any Member for recovery of any arrears of subscriptions, fees or levies imposed by the Association and may, without prejudicing the right of recovery, expel the Member, subject to Rule 4.6.

7.4 LIST OF MEMBERS IN ARREARS

7.4.1 The Secretary shall prepare and maintain a current list of unfinancial members and shall submit same to the Committee as part of the general business of each meeting. The Committee may, if satisfied that a member's unfinancial status has been due to financial difficulties, direct that the name of such a Member be removed from the list of unfinancial members and that the relevant provisions of Rule 7.3 dealing with unfinancial membership be suspended.

7.4.2 The Secretary shall remove from the list of unfinancial members the name of any Member upon payment by that Member of all outstanding subscriptions, fees, levies and all costs associated with recovery of the same.

7.5 ASSOCIATION FUNDS

7.5.1 The Association funds shall be held under the control of the Committee consistent with the guidelines for trustee approved investments pursuant to the provisions of the Trustee Act (SA) 1936.

7.5.2 All Association cheques shall be signed by any two (2) of the following officers, the President or Secretary and Member of the Committee or employee of the Association so authorised by the Committee.

7.5.3 All electronic transfers of funds shall be executed by the Secretary (and staff as delegated by the Secretary), in accordance with the security provisions and devices of the relevant financial service provider.

7.5.4 Each Member of the Committee may inspect the accounts and financial records of the Association.

7.6 WELFARE ASSISTANCE

The Committee may in its absolute discretion and on such terms (if any) as it may see fit, give welfare assistance or other financial support to a Member.

7.7 FINANCIAL YEAR - ACCOUNTS AND AUDIT

The Association's financial year shall end on June 30th each year and financial statements shall be presented to the Committee by the Secretary not later than September 30th each year.

7.8 DUTIES OF AUDITORS

The Association shall engage the services of a registered company auditor. It shall be their duty to check all books, accounting records and vouchers used in the financial management of the Association and to submit a report to the Committee.

7.9 ACCESS TO BOOKS OF THE ASSOCIATION

The books of account of the Association shall be kept at the Registered Office of the Association and shall include a register of names and postal addresses of all the Members of the Association and the date upon which each Member became a Member and such books shall be open to inspection by Members of the Association during ordinary office hours.

8 INDEMNITY OF OFFICERS

- 8.1** Every Member of the Committee, Staff, Elected Officials, Branch Officials and every other officer of the Association shall to the full extent permitted by law be indemnified out of the funds of the Association against all losses, charges, damages and expenses incurred by them in or about the discharge or purported discharge of their duties.
- 8.2** The indemnity provided in Clause 8.1 shall not include losses, charges and damages incurred by a Member in the case of any of the conduct set out in Clause 5.4.1.

9 MEETINGS

9.1 ANNUAL GENERAL MEETING OF THE ASSOCIATION

- 9.1.1** The Annual General Meeting of the Association shall be held in October for the following purposes:
- 9.1.1.1 To receive the general report of the business of the Committee.
 - 9.1.1.2 To receive the audited financial statements of the Association.
 - 9.1.1.3 To consider motions by Members, notice of which has been given in writing to the Secretary at least twenty-eight (28) days prior to the date of such Annual General Meeting.
 - 9.1.1.4 To appoint the Association Delegates to SA Unions.
 - 9.1.1.5 To set the remuneration for Delegates to SA Unions.
 - 9.1.1.6 To set the remuneration for the Committee excluding the President and Secretary.
- 9.1.2** The Annual General Meeting of the Association may confer Life Membership upon any Member or former Member of the Association in recognition of long and distinguished service or special service to the Association.

- 9.1.2.1 A motion seeking to confer life Membership upon a Member or former Member must be proposed by way of notice of motion signed by two (2) Members.
- 9.1.2.2 The notice of motion shall be considered by the Committee and it shall be introduced to the Annual General Meeting by its proposers.
- 9.1.2.3 If the majority of the Members present and entitled to vote support the motion, life Membership shall be conferred forthwith.
- 9.1.2.4 Any serving Member of the Police Force of South Australia upon whom life Membership has already been conferred shall continue to retain the rights and benefits of membership.

9.1.3 The quorum at any such meeting shall be twenty (20) Members.

9.2 SPECIAL MEETINGS

- 9.2.1** A Special Meeting of the Members of the Association may be called by any of the following:
 - 9.2.1.1 The Committee.
 - 9.2.1.2 The Secretary on receipt of a requisition in writing stating the object of the desired meeting and signed by not less than one hundred (100) members of the Association.
 - 9.2.1.3 The Secretary on receipt of a requisition in writing stating the object of the Special Meeting and signed by not less than two thirds of the Delegates of the Association.
- 9.2.2** A Special Meeting shall be held at a suitable time and place within twenty-eight (28) days of the receipt of such requisition or decision by the Secretary.
- 9.2.3** Notice of Special Meeting shall be distributed to all Delegates at least three (3) days prior to such meeting by means of an Association Newsletter.
- 9.2.4** No business shall be transacted at a Special Meeting other than that stated in the notice convening the meeting.
- 9.2.5** The Committee shall be bound by any decision taken by a majority of members at a Special Meeting subject to the exclusions provided in Rule 5.2.
- 9.2.6** The quorum for a Special Meeting shall not be less than one tenth of the total number of Members of the Association on the day.

9.3 MEETINGS OF THE COMMITTEE OF MANAGEMENT

- 9.3.1** The Committee shall meet on at least twelve (12) occasions in each calendar year on dates and at times to be agreed by the committee
- 9.3.2** The quorum of any meeting of the Committee shall be seven (7).

9.4 MEETINGS OF DELEGATES

- 9.4.1** Delegates and the Committee shall meet at least once a year and at such other times as determined by the Committee provided that the Secretary shall give twenty-eight days' notice in writing of the date, time and place of holding such a meeting
- 9.4.2** The quorum of Delegates shall be half their elected number plus one (1).
- 9.4.3** The Secretary shall convene a Meeting of Delegates upon a request in writing signed by two-thirds of the Delegates or at the direction of the Committee. Such a meeting shall be held within twenty-eight (28) days of the receipt of the request and the business of the meeting shall be confined to that contained in the request.
- 9.4.4** The President, or alternatively in the absence of the President, the Deputy President or the Vice President, shall chair all meetings of Delegates referred to in this rule and Committee members shall be entitled to attend and participate during the meeting. Committee Members will not have any voting rights at Delegates meetings.
- 9.4.5** All decisions and recommendations made by Delegates pursuant to this rule shall be binding on the Committee and referred to the next Meeting of Committee for attention and a report on progress and any action taken shall be provided to Delegates at a subsequent meeting.
- 9.4.6** The Chairman of the Women's Branch and the Chairman of the Aboriginal and Torres Strait Islander Branch shall be entitled to attend the Meeting of Delegates and may submit motions and amendments to motions for consideration by the Meeting of Delegates but shall have no vote.

10 ELECTIONS

10.1 QUALIFICATIONS FOR ELECTION TO OFFICE

A Member nominating for election to a position within the Association shall at the date of signing the nomination form have complied with their obligations as a Member and this Constitution.

10.2 APPLICATION

- 10.2.1** Each election for a position referred to in Rules 10.2.2.1, 10.2.2.2 and 10.2.2.3, may be conducted with the assistance of an Electoral Commission in accordance with the Rules of the Association.

10.2.2 The Provisions of this Rule shall apply to all elections for the positions of:

- 10.2.2.1 Officers of the Association;
- 10.2.2.2 Ordinary Members of the Committee;
- 10.2.2.3 Delegates.

10.3 TENURE OF OFFICE

10.3.1 All Officers of the Association and ordinary Members of Committee shall be elected by secret postal ballot of all Members of the Association each four (4) years and those elected shall take office from the completion of the election, shall hold office for a period of four (4) years or until a successor thereto has been elected and taken office.

10.3.2 Delegates shall be elected by secret postal ballot of all relevant Work-group Members allocated to a workplace within each branch every two (2) years in accordance with Rule 10.7.

10.4 RETURNING OFFICER

10.4.1 The Committee shall appoint a Returning Officer for the conduct of any elections, ballots or plebiscites as may be necessary to be conducted by the Association. A Returning Officer need not be a Member of the Association.

10.4.2 The Returning Officer so appointed shall have power to appoint such assistants as is deemed necessary provided that such assistants shall at all times be subject to the absolute control and direction of the Returning Officer.

10.5 ELECTORAL ROLL

The Secretary shall maintain an electoral roll which shall be the roll of persons eligible to be nominated as candidates, to nominate candidates and to vote in the election.

10.5.1 The roll for elections referred to in Rules 10.2.2.1 and 10.2.2.2 shall contain the names of all members of the Association.

10.5.2 The roll for elections referred to in Rule 10.2.2.3 shall contain the names of all members allocated to a workplace within each Branch.

10.5.3 Immediately following the close of the roll, the Secretary shall certify its correctness and forward such certified copy to the Returning Officer.

10.6 ELECTION TIMETABLE

The Returning Officer, in consultation with the Secretary, shall establish a timetable for:

- 10.6.1** the close of the roll
- 10.6.2** the opening and closing of nominations

10.6.3 the opening and closing of the ballot.

10.7 CONDUCT OF ELECTIONS

- 10.7.1** All elections for positions mentioned in Rules 10.2.2.1 and 10.2.2.2 shall be completed by the 1st April in the year of the election.
- 10.7.2** All elections for positions mentioned in Rule 10.2.2.3 shall be completed by 31st December in the year prior to the commencement of the elected term.
- 10.7.3** The Returning Officer shall call for nominations by circular to all Members of the Association by distribution of an Association Newsletter and shall issue nomination forms to any Member requesting same. If the Returning Officer supplies an election notice to the Secretary for distribution, it shall be presumed that the Returning Officer has fulfilled all obligations under this sub-clause.
- 10.7.4** Nominations shall be in writing on the nomination form prescribed by the Returning Officer, signed by the nominee and two (2) nominators (who shall be Members of the Association) and shall be delivered to the Returning Officer no later than 5.00 p.m. on the day of close of nominations.
- 10.7.5** Candidates may provide a personal profile of no more than three-hundred (300) words and a photograph for inclusion with their nomination form for distribution with the ballot by the Returning Officer.
- 10.7.6** Nominations may not be withdrawn after the date and time set for the close of nominations.
- 10.7.7** A Member may submit a nomination for one (1) of the Officer, Deputy President and Vice President positions and for a position of an ordinary Member of Committee.
- 10.7.8** If there be fewer nominations than there are vacancies for a position the Returning Officer shall declare the nominated person or persons elected to the position(s).
- 10.7.9** If a Member is declared elected to an Officer, Deputy President or Vice President position and has also nominated for a position of an ordinary Member of Committee the nominated Member will be removed from the ballot for ordinary Member of Committee.
- 10.7.10** If more nominations are received than there are vacancies for a position, the Returning Officer shall have ballot papers printed and delivered, containing the names of the candidates for each position in order determined by lot, indicating the numbers to be elected to each position, the manner in which votes shall be recorded and the date and time of closing of the ballot, shall be subject to Rule 10.7.
- 10.7.11** If there is a ballot for any Officer, Deputy President or Vice President position(s) the Member(s) declared elected shall not be included in any ballot for the position(s) of ordinary Member of the Committee.
- 10.7.12** The Returning Officer shall be responsible for the safe custody of the ballot papers.

10.7.13 The Returning Officer shall obtain from the printer a certificate of the number of ballot papers printed.

10.7.14 The Returning Officer shall mark every ballot paper prior to distribution.

10.7.15 The Returning Officer shall forward by prepaid post or despatch to the home address on the electoral roll, a ballot paper and a pre paid post envelope or a business reply paid envelope addressed to the Returning Officer for the return of the vote to each Member entitled to receive a ballot paper.

10.7.16 In the event of a tie occurring, the result shall be determined by the Returning Officer drawing lots in the presence of the tied candidates.

10.7.17 The Returning Officer shall make a declaration of the result of the election to the Committee and shall submit a full report of the ballot indicating the number of ballots printed, the number distributed, the number on hand and any other relevant matters.

10.8 SCRUTINEERS

Any Candidate may if they so desire appoint a scrutineer to represent them at the ballot count. The Candidate appointing the scrutineer shall, before the closing of nominations, notify the Returning Officer in writing of the name of such Scrutineer, who:

- 10.8.1** shall be entitled to be present throughout the ballot count and may query the inclusion or exclusion of any vote in the count, but the Returning Officer shall have final determination of any votes so queried;
- 10.8.2** shall not be entitled to remove, mark, alter or deface any ballot paper or other document used in connection with the election; and
- 10.8.3** shall not interfere with or attempt to influence any person at the time of the ballot count.

10.9 SCRUTINY

When the ballot box is opened, only those persons whose names appear on the roll and have completed the requirements of Rules 10.11.1 to 10.11.5 shall have the envelopes containing their ballot-papers set aside for inclusion in the count. In performing that task, the Returning Officer shall not attempt to discover how individual electors have voted.

10.10 FORMALITY OF BALLOT PAPERS

10.10.1 A ballot-paper is informal if:

- 10.10.1.1 it is not authenticated by the mark of the Returning Officer;
- 10.10.1.2 it has no vote indicated on it;
- 10.10.1.3 a vote is not cast for as many candidates as there are vacancies to be filled;

10.10.1.4 it has upon it any mark or writing by which the voter can be identified.

10.10.2 A ballot-paper shall not be informal for any other reasons than the reasons specified but shall be given effect to according to the voter's intention so far as that intention is clear.

10.10.3 On any question regarding the validity or formality of a vote, the Returning Officer's decision shall be final.

10.11 SYSTEM OF VOTING

10.11.1 The system of voting in any election conducted pursuant to this rule shall be the first-past-the-post-system.

10.11.2 A voter shall record his/her vote by placing a mark on the ballot paper in the square opposite the name of as many candidates as there are vacancies to be filled.

10.11.3 The marked ballot-paper shall then be placed in the envelope provided, sealed, sent by post or alternately returned through the dispatch system so as to reach the Returning Officer on or before the date and time set for the close of the poll.

10.11.4 The address of the Returning Officer shall be displayed on the front of the envelope, and on the back the electors name and signature.

10.11.5 An elector must complete all sections on the back of the envelope.

10.12 EXTRAORDINARY OR CASUAL VACANCIES FOR COMMITTEE

Where an extraordinary or casual vacancy occurs for a position referred to in Rules 10.2.2.1 and 10.2.2.2:

10.12.1 The Committee shall take immediate action to have such vacancy filled by secret postal ballot of all Members of the Association provided that:

10.12.1.1 Where the unexpired portion of the term of office in which the vacancy occurs does not exceed one (1) year, the Committee may fill such vacancy by appointment of an eligible Member of the Association.

10.12.1.2 Where the unexpired portion of the term of office in which the vacancy occurs exceeds one (1) year, the Committee may fill such vacancy by appointment of an eligible Member of the Association until an election is held, provided that no person so appointed shall hold office for a period exceeding three (3) months.

10.12.2 Such ballot shall be conducted by the Returning Officer appointed pursuant to this rule and the Returning Officer so appointed shall determine the dates for the opening and closing of nominations and the opening and closing of the ballot and shall report the result of the ballot to the following meeting of the Committee.

10.12.3 Any person so elected shall take office from the date of the declaration of the election and shall hold office until the expiration of the term of the person replaced.

10.12.4 In all other aspects, the ballot shall be conducted in accordance with the foregoing provisions of this rule.

10.13 EXTRAORDINARY OR CASUAL VACANCIES FOR DELEGATES

If a casual vacancy of a Delegate's position occurs, irrespective of the remaining term of that Delegate's position, the Committee shall in its discretion appoint a replacement delegate from the relevant Work Place Group for the remainder of that term.

10.14 ELECTION OF OFFICERS AND ORDINARY MEMBERS OF COMMITTEE

On the election or appointment of a Member to the office of Branch President, Branch Secretary, Branch Deputy President, Branch Vice President or Members of Committee (eight (8) positions) in the South Australia Police Branch of the Police Federation of Australia, that Member shall be deemed to respectively hold the position of President, Secretary, Deputy President, Vice President and Ordinary Members of Committee (eight (8) positions) in the Police Association of South Australia until that Member ceases to hold the equivalent office in the South Australia Police Branch of the Police Federation of Australia.

11 REPRESENTATION

11.1 WORK-PLACE REPRESENTATION

11.1.1 The Committee shall assign workplaces with any number of Members of the Association to designated Work-groups and those Work-groups will be assigned to a branch of the Association for the purposes of this Rule.

11.1.2 The Committee shall have the power to form or abolish any Work-group or vary those Members of whom it is composed.

11.1.3 Every Member of the Association shall be allocated to a Work-group.

11.2 BRANCH REPRESENTATION

11.2.1 The Committee may create Branches for the purpose of these Rules as it sees fit.

11.2.2 Each Branch shall consist of such Work-groups as may be determined by the Committee.

11.2.3 The Committee may form or abolish any Branch or vary or alter its composition. If the Committee proposes any step in accordance with this Rule, any Branch affected may, by resolution, refer the matter for consideration to the next Meeting of Delegates.

11.2.4 Each Branch shall meet as required to enable Delegates to carry out their duties.

11.2.5 Any Member of a Branch may attend any meeting of that Branch.

11.2.6 Branch Delegates may choose to elect a chairman or such other office bearers as required to assist in the functions of the Branch.

11.2.7 The Branch Chairman shall be responsible for convening meetings of the Branch and for the orderly conduct of such meetings.

11.3 WOMENS' BRANCH

11.3.1 All women Members of the Association shall in addition be Members of the Womens' Branch.

11.3.2 The business of the Womens' Branch shall be conducted in the same manner as any other Branch, but no Delegates may be elected.

11.3.3 Members will elect a Chairman and other office bearers as required to assist in the functions of the Branch.

11.4 ABORIGINAL AND TORRES STRAIT ISLANDER BRANCH

11.4.1 All Aboriginal and Torres Strait Islander Members of the Association shall in addition be Members of the Aboriginal and Torres Strait Islander Branch.

11.4.2 The business of the Aboriginal and Torres Strait Islander Branch shall be conducted in the same manner as any other Branch, but no Delegates may be elected.

11.4.3 Members will elect a Chairman and other office bearers as required to assist in the functions of the Branch.

11.5 ELECTION OF DELEGATES

11.5.1 Work-groups (excluding the Womens' Branch, Aboriginal and Torres Strait Islander Branch and cadets in training) shall be entitled to representation at Meetings of Delegates on the basis of one (1) delegate per one hundred and fifty (150) Members or part thereof.

11.5.2 A Delegate shall be elected for a term of two (2) years. All positions shall fall vacant on the 1st day of January, on each even Calendar year.

11.5.3 Any Member is entitled to nominate for the position of Delegate and to vote in the Branch to which their workplace has been allocated pursuant to Rule 11.2.

11.5.4 An extraordinary vacancy for the position of Delegate shall be filled at a meeting of the Committee. An extraordinary vacancy shall exist when:

- 11.5.4.1 a Delegate is removed from office; or
- 11.5.4.2 a Delegate dies or resigns from office; or
- 11.5.4.3 a Delegate ceases to be eligible to hold office; or
- 11.5.4.4 a Delegate transfers to another Work-group.

11.6 DUTIES OF DELEGATES AND BRANCHES

11.6.1 Delegates shall represent the Members in their Work-group to the best of their ability and shall keep their branch informed on all matters of importance occurring within their Work-group. It shall also be incumbent on each Delegate to keep the Members in the Work-group informed about the business of the Association.

11.6.2 Delegates shall endeavour to resolve all issues referred to them by Members in their Work-group by discussion with representatives of the employer relevant to their Work-group.

11.6.3 In the event that an issue cannot be resolved by discussion, the Delegate shall refer the matter to the Secretary, together with such other information as is necessary.

11.6.4 A Delegate may appoint as many assistant Delegates as they see fit in order to enable them to carry out their duties under these Rules. The names of such assistant Delegates shall be forwarded to the Secretary and one such assistant Delegate shall act on behalf of the Delegate when they are on leave or not available.

11.6.5 Delegates or Branch Officials except as provided in these Rules shall not commit the Association to a course of action, either formally or informally, and shall not incur any expense or liability on behalf of the Association unless expressly authorised by the Committee.

11.7 SUBMISSION OF MATTERS TO MEETINGS OF DELEGATES

Any Elected Official may submit motions and amendments to motions for consideration by the Meeting of Delegates.

12 STANDING ORDERS

12.1 COMMITTEE OF MANAGEMENT

At any meeting of the Committee, the following shall apply:

12.1.1 Members of Committee shall have an equal vote.

- 12.1.2** The President or person acting in their stead under these Rules shall have the casting vote. The President or person acting in their stead may use a casting vote in any matter where a tied vote has occurred during a Committee meeting.
- 12.1.3** In the event of a tied vote and no casting vote being exercised by the President or person acting in their stead, then the motion is lost.
- 12.1.4** Unless otherwise specified in these rules, a simple majority shall be required for a motion to be carried.
- 12.1.5** Voting shall be by a show of hands unless a motion to the contrary is received and carried.
- 12.1.6** In proposing a motion the mover may only speak on that motion after it has been seconded. The mover of any motion shall have the right of reply at the end of any debate.

12.2 MEETINGS OF DELEGATES

At any meeting of Delegates the following shall apply:

- 12.2.1** Each Delegate shall have one (1) vote.
- 12.2.2** A motion shall be carried by a simple majority.
- 12.2.3** At all Meetings of Delegates there will be an agenda stating order of business and items to be discussed and no other matters other than on the agenda will be discussed or debated unless Rule 12.2.4 applies.
- 12.2.4** Motions from the floor will not be accepted unless the matter to be discussed had arisen in the twenty-eight (28) days prior to the meeting, the circumstances which necessitated the motion was not known before the agenda was formulated and the meeting decides that it should be dealt with.
- 12.2.5** In proposing a motion the mover may only speak on that motion after it has been seconded. The mover of any motion shall have the right of reply at the end of any debate.

12.3 RULES FOR DEBATING

When debating a resolution or motion the following shall apply:

- 12.3.1** If required, there must be alternate speakers on the motion (one (1) for, one (1) against) to ensure a balanced debate. In the event of no speakers wishing to speak in opposition to the last speaker, the mover must have the right of reply and the resolution or motion then be put.
- 12.3.2** No person can speak more than once on any resolution or motion other than to obtain "point of clarification".
- 12.3.3** Any 'Point of Order' raised by a person must be settled by the President before any other debate on the resolution or motion continues.

- 12.3.4** A resolution or motion "that the resolution or motion be put" shall be put to the meeting immediately it has been moved, seconded and without debate.
- 12.3.5** Any other matter pertaining to conduct at meetings shall be settled by reference to *Joske's Law and Procedure at Meetings in Australia* and Committee decision in accordance with the provisions set out in Rule 12.1.4.

13 LEGAL ASSISTANCE

- 13.1** Legal assistance may be provided in accordance with guidelines as promulgated from time to time by the Committee provided application is made by the person concerned before any expenses are incurred. Such legal assistance shall, however, only be provided at the discretion of the Committee.
- 13.2** No Member shall be entitled to make any agreement, contract or arrangement for legal assistance which will bind the Association to defray the expense thereof unless the authority of the Committee in writing has first been obtained.
- 13.3** The Association shall seek recovery of any monies advanced to a Member under this rule to the extent that those funds are recoverable.

14 SEAL

The Common Seal of the Association shall be kept in the custody of the Secretary. Such seal shall not be affixed to any instrument without the authority of the Committee and shall only be affixed by the President or Secretary, who shall subscribe their signatures to the instrument to which the seal is affixed.

15 DISSOLUTION OF THE ASSOCIATION

The Association shall not be dissolved unless eighty-seven per centum (87%) of the total number of Members of the Association vote in a plebiscite in favour of such dissolution. Upon a vote in favour of the dissolution being cast, the Association shall be dissolved and the assets and funds remaining after liabilities have been discharged shall be divided equally among the Members as at the date of dissolution.

16 POWER TO AFFILIATE

- 16.1** The Association may affiliate with any organisation proposed by the Committee to be consistent with the furtherance of the objectives and interests of the Association and its Members.
- 16.2** The exercise of this power shall be subject to ratification by the Annual Meeting of Delegates following the decision of the Committee.

17 INTERPRETATION

In this Constitution:

"Association" means The Police Association of South Australia.

"Branch" means those branches created by the Committee pursuant to Rule 11.

"Committee" means the Committee of Management provided for in Rule 2.

“Constitution” means the Association Constitution.

“Delegate(s)” means a person elected or appointed under these Rules to represent Members of a Work-group.

“Due Notice” means notice given to Members in any of the following ways:

a notice placed on the official Association’s notice board not less than twenty-eight (28) days prior to the meeting;

a notice by means of an Association Newsletter sent to all delegates not less than twenty-eight (28) days prior to the date of the meeting;

a notice published in the public notices section of a daily newspaper circulated within the State of South Australia not less than twenty-eight (28) days prior to the date of the meeting,

“Electoral Commission” means either of the Australian Electoral Commission (AEC) established by the *Commonwealth Electoral Act 1918 (Cth)* or the Office of the Electoral Commissioner (SEO) established under the *Electoral Act 1985*.

“Group Life Insurance Scheme” means a policy of insurance taken out by the Association in the name of the Association upon the life of each Member such policy of insurance to be determined by the Committee from time to time.

“Industrial Code” means the *Fair Work Act 1994*.

“Life Member” means those members appointed pursuant to Rule 9.1.2.

“Life Membership” means those members appointed to being a Life Member pursuant to Rule 9.1.2.

“Member” means a member of the Association who has completed, submitted and had accepted an application in the form prescribed by the Committee of Management and who has paid all subscriptions, fees or levies payable.

“Officer” means either the President or the Secretary.

“Police Cadet” means a person who is appointed as such who is undergoing training at the Police Academy or elsewhere in order to qualify for entry into the Police Force.

“Police Officer’s Award” means a consolidated award of the Industrial Commission of South Australia published pursuant to the provisions of the *Fair Work Act 1994*.

“Police Force” has the same meaning as SA Police in the *Police Act 1998*.

“Police Service” has the same meaning as SA Police in the *Police Act 1998*.

“Registered Office” means 27 Carrington Street, Adelaide SA 5000 or such other place as the Committee of Management shall determine.

“Rules” means the Constitution of the Association.

“Senior Constable” has the same meaning as that in the *Police Officers Award*.

“Special Constable” means a person appointed under Part 9 of the *Police Act 1998* to be a special constable.

“Special Meeting” means a meeting of Members convened pursuant to Rule 9.2.

“Standing Orders” means those rules provided for in Rule 12 as may be amended from time to time.

“Work-group” means those established by the Committee pursuant to Rule 11.1.1.

[End]